UNIVERSIDADE LUSÍADA
LISBOA

Course Unit Program
Elective I - Theory of Criminal Law

Academic Year 2023/2024

1. Organic Unit

Faculty of Law

2. Course

SECURITY POLICIES

3. Cycle

1st

4. Course Unit

Elective I - Theory of Criminal Law (L7037)

5. Scientific Area

6. Curricular Year

1st

7. Type of Curricular Unit / Semester

2nd Semester

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8. Class type and workload (work time)

Theoretical classes:	
Practical classes:	
Theoretical-Practical Classes	30,00
Tutorial Guidance:	20,00

9. ECTS Credits

6,00

10. Scientific Area Coordinator

11. Regent

Profª. Drª MARIA DA CONCEIÇÃO SANTANA VALDAGUA

12. Assistants

13. Teaching Language

Portuguese

14. General Objectives

To promote and encourage the development of the student's research, analysis, reflection, critical thinking, decision and presentation skills, as well as their ability to apply the acquired knowledge in practice and also their sense of ethics and material justice.

15. Specific Objectives

To enable students to obtain theoretical and practical knowledge that will enable them to:
(a) understand the principles, concepts and fundamental institutes of the general theory of criminal law;
b) understand and critically evaluate the doctrinaire and jurisprudential positions on the various institutes and problems of the theory of criminal law
c) carry out a scientific analysis and a reasoned practical resolution of concrete cases within the framework of the Portuguese constitutional-pena

16. Skills to be acquired

Be able to identify and formulate the specific criminal-law problems raised based on specific cases.
Know how to find, interpret, and use the framework of relevant principles and norms in the resolution of concrete cases.

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17. Teaching Methodology

Teaching will focus on the problematization, discussion and reasoned resolution of concrete cases, preferably collected through the use of databases of jurisprudence of higher courts available on the Internet.

18. Course Unit Program

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PART I
INTRODUCTION TO CRIMINAL LAW

I. Basic concepts

1. The concept of criminal law
1.1 Criminal law in the strict sense and criminal law in the broad sense. The criminal sciences.
1.2 General and special parts of criminal law
1.3 Nuclear criminal law and complementary or secondary criminal law
2. The location of criminal law in the legal system
2.1. Criminal Law as a branch of Public Law
2.2 Autonomy and dependence of criminal law in relation to other branches of law

II. Foundations and functions of the State's criminal intervention

1. The concept of crime
1.1 The formal concept of crime
1.2 The material concept of crime and the functions of criminal law
1.3 The theory of the legal interest
1.4 "Deserving of punishment" and "need for punishment" and the subsidiary nature of criminal intervention.
2. The concept of penalty
2.1. The purposes of penalties
2.2. The problem in current Portuguese Criminal Law

III. Limits to the criminal intervention of the State: the principles of guarantee with criminal incidence

1. The principle of subsidiarity and the nature of criminal law as the last "ratio" for the defense of society.
2. The principle of guilt
3. The principle of proportionality
4. The principle of the criminal law of "fact"
5. The principles of tolerance and humanity
6. The principle of legality

PART II
THEORY OF CRIMINAL LAW

I. A brief history of Portuguese criminal law

II. The sources of Portuguese criminal law

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1. The law: the constitutional principle of the reservation of law ("nullum crimen, nulla poena sine lege scripta").
2. The role of custom, jurisprudence and doctrine.

III. The interpretation of criminal law

1. The interpretation of criminal law in the context of the general theory of interpretation.
2. The limits of interpretation and the problem of analogy ("nullum crimen, nulla poena sine lege stricta").
3. The limits of interpretation and the requirements of certainty and precision of the criminal law ("nullum crimen, nulla poena sine lege certa").

IV. Temporal scope of the criminal law

1. The principle of non-retroactivity of criminal law ("nullum crimen, nulla poena sine lege previa") and the retroactive application of the most favorable criminal law.
2. The question of temporary and emergency criminal laws (art. 2 no. 3 of the Criminal Code).
3. The determination of the time of the commission of the act (Art. 3 of the Code of Criminal Procedure).

V. The spatial scope of the criminal law

VI. Personal scope of criminal law

PART III
Theory of crime or theory of responsibility. Main concepts
1. Actus rea
2. Mens rea
3. Wrongdoing
3. Culpability
4. Punishment
5. Unity and plurality of Offences

19. Assessment Methods

The elements of assessment will be those laid down in the Assessment Regulations of the Lusíada University. In particular, it will be considered the oral intervention of students and the completion of two written tests.

20. Didactic Resources

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Constitution of the Portuguese Republic,
Penal Code,
Other separate laws on criminal matters,
Manuals and other doctrinal texts,
Criminal jurisprudence,
Powerpoint,
Internet.

21. Sustainability Objectives

General Objectives
1 - Ensure equal opportunities in education, including for people in vulnerable situations.
Specific Objectives
Legal area: To contribute to responsible, inclusive, participative, and representative decision making at all levels.

Economic area: To raise awareness of the need to protect workers' rights and to promote safe and secure work environments for all.

Environmental area: Calling for valuable resource management.

22. Keywords

Criminal Law,
Goals of criminal sanctions
Crime,
Kinds of penalty

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23. Main Bibliography

Author(s):	DIAS, Jorge de Figueiredo		
Title:	Direito Penal. Parte Geral. Tomo I. Questões fundamentais da doutrina geral do crime.		
Edition:	3a.	Year:	2019
Local:	Coimbra		
Publisher:	Gestlegal		

Author(s):	CARVALHO, Taipa de		
Title:	Direito Penal, Parte Geral		
Edition:	3a.	Year:	2016
Local:	Porto		
Publisher:	Universidade Católica Editora		

Author(s):	Palma, Maria Fernanda		
Title:	Direito Penal, Conceito material de crime, princípios e fundamentos		
Edition:	2ª, 1a. reimpress	Year:	2017
Local:	Lisboa		
Publisher:	AAFDL		

24. Complementary Bibliography

Author(s):	ROXIN/GRECO		
Title:	Strafrecht - Allgemeine Teil, Bd.I, (trad. cast. da 2ª ed., Derecho Penal - Parte General, t		
Edition:	5ª	Year:	2020
Local:	München		
Publisher:	Beck		

Author(s):	STRATENWERT, Günther		
Title:	Strafrecht , AT: Die Straftat, (trad. cast., da 4ª ed., Derecho Penal, Parte General, 1, ed. Thomson		
Edition:	4ª	Year:	2000
Local:	Bern		
Publisher:	Carl Heymanns		

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Título / Title	Course Unit Program 'OPÇÃO I - TEORIA DA LEI PENAL': Academic Year 2023/2024
Autor / Author	Profª. Drª MARIA DA CONCEIÇÃO SANTANA VALDAGUA
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