

Level of qualification:

First cycle (EQF level 6) - Bachelor

Study cycle:

Legal Services

Course Unit: 9242502 – Constitutional Law

Year 1

Semester 1

ISCED Code: 380

ECTS: 7,0

Type of Course Unit: Compulsory Delivery Mode: Face-to-face

Language of Instruction: Portuguese

COURSE COORDINATOR: Emílio Kafft Kosta

HOURS OF WORK

TOTAL HOURS	Contact Hours								Hours in autonomous work
	Theory	Theory and practice	Practical and laboratory work	Field work	Seminar	Internship	Tutorial guidance	Other	
175		60	30						85

Prerequisites (if applicable): Not applicable

LEARNING OUTCOMES (knowledge, skills and competence)

It is intended that the student, at the end of the u.c.,:

1. Study of the science of constitutional law, emphasizing the systematic nuclei related to the theory of the State of the Constitution. Also provide elements for a global understanding of the concepts of the organ, functions and activity of the State.
2. Fundamental rights, in their multiple manifestations; concept; normative-constitutional regime; more pertinent hermeneutic and integrative proposals (always taking into account the Portuguese constitutional order, the international legal order, as well as the philosophical perspective).
3. Constitutional Families

CONTENTS

Introduction: Notion and nature of the State.

Part I - Introduction or an incursion into the political-constitutional dimension. Chap. I - Theory of the State. Chap. II - Historical Types of State; Forms of State; Political and Constitutional Regimes; Systems of Government; Electoral systems; Party system.

Part II - Theory of the Constitution: Chap. I - Constitution as a juridical phenomenon. § 1. Meanings of Constitution; § 2. Constitutional vicissitudes: 1. Constituent power; 2. Modifications of the Constitution: Constitutional revision and frontier figures; constitutional rigidity and flexibility; § 3. Structure of the constitutional norm. § 4. Interpretation, integration, and application of constitutional norms. § 5. Guarantee of constitution and unconstitutionality.

Chap. II - General and Portuguese d) Main principles and their scope;

e) The civil procedural process and the inventory process;

f) Practical knowledge of the succession process; and

g) The online inventory procedure.

DEMONSTRATION OF THE CONTENTS COHERENCE WITH THE COURSE UNIT'S LEARNING OUTCOMES

The student must: understand the notion of State; forms of State and Government; Government systems; have clear ideas about the organs, functions and activities of the State, the notion of Constitution; master the core CRP standards; capture the structure of the constitutional norm; master the interpretation, integration and application of the constitutional rule; Understand the dynamics of creating and modifying the Constitution; Understand the ins and outs of the Constitution's guarantee; Have a clear notion of fundamental rights and the tools aimed at their protection; know the comparison of constitutional system.

TEACHING METHODOLOGIES

The teaching and learning platform will consist of theoretical-practical classes divided into two parts: the first part of each class will be a theoretical exposition of the lesson; the 2nd part, in practical exercises (practical hypotheses, analysis of judicial decisions and debates) and resolution of doubts raised by students.

The above interaction will be optimised by the Moodle platform and other similar instruments. The Oral Calls will, from time to time, be used, with the aim of predisposing the student to a systematic and permanent study, in order to be able to make the student follow the materials step by step. The face-to-face classes will mainly be devoted to the discussion of topics and exercises. In the distance version, there will be weekly synchronous sessions between the teacher and the students.

DEMONSTRATION OF THE COHERENCE BETWEEN THE TEACHING METHODOLOGIES AND THE LEARNING OUTCOMES

The demonstration of the coherence between the learning objectives and the proposed methodology is rooted in the constant inquiry by the students about the relevance of the theoretical postulates, in the confrontation between the norms and practical hypotheses, sharpening their critical spirit and the ability to decide, autonomously, the cases under analysis..

EVALUATION METHODS

There are three different evaluation periods: (i) Continuous Evaluation; (ii) Evaluation by Final Exam; and (iii) Time of Appeal.

1) Continuous evaluation: it is comprised by written evaluation, work in the classroom and one oral exam. The sum of these elements of evaluation will result in a score that is susceptible to appeal or improvement during the Time of Appeal. The grade of the oral test is eliminatory.

2) Final Exam: it is comprised by a written test (50%) and an oral exam (50%). The written test and the oral exam does not depend on previous performance in any of the elements mentioned above. The grade obtained in this phase is subject to appeal or improvement in the Time of Appeal. The grade of the oral test is final.

3) Time of Appeal: it is comprised by one oral exam which represents 100% of the grade. Students are allowed to sit the Time of Appeal exam regardless of being subject to any previous evaluation.

MAIN BIBLIOGRAPHY

ALEXANDRINO, J. Melo – Lições de Direito Constitucional, I, II. Lisboa: AAFDL, 2017 e 2028.

CANOTILHO, J. J. Gomes - Direito Constitucional e Teoria da Constituição. Coimbra: Almedina, 2003.

CUNHA, Paulo Ferreira da - Direito Constitucional Geral. Lisboa: Quid Juris, 2006.

KOSTA, E. KAFFT - Estado de Direito – O Paradigma Zero. Coimbra: Almedina, 2007.

KOSTA, E. KAFFT - Sistemas de Governo na Lusofonia – Zonas e Relações de Poder. reimp. Lisboa: AAFDL Editora, 2019.

GOUVEIA, Jorge Bacelar – Manual de Direito Constitucional, I., 6.ª ed. Coimbra: Coimbra Editora, 2016.

MIRANDA, Jorge / KOSTA, E. KAFFT – As Constituições dos Estados de Língua Portuguesa – Uma Visão Comparativa. Curitiba/Lisboa: Juruá, 2013.

MIRANDA, Jorge - Manual de Direito Constitucional, I, Coimbra: Coimbra Editora/W. Kluwer, 2011; Id., Manual..., II, Coimbra ed., 2013; Id., Manual..., IV, 9.ª ed, Coimbra ed./W. Kluwer, 2012; Id., Manual..., V, Coimbra ed./W. Kluwer, 2010; Id., Manual..., VI, Coimbra ed., 2012.

Year of implementation: 2021/2022 | Date of approval by the Technical-Scientific Board: