

Level of qualification:

First cycle (EQF level 6) - Bachelor

Study cycle:

Legal Services

Course Unit: 9242509 – General theory of civil law

Year 1

Semester 2

ISCED Code: 380

ECTS: 7,0

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

Language of Instruction: Portuguese

COURSE COORDINATOR: Marinez Oliveira Xavier

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				0		85

Prerequisites (if applicable): N/a

LEARNING OUTCOMES (knowledge, skills and competence)

It is intended that the student, at the end of the U.C., has the following theoretical and technical skills:

1. Domain of knowledge:

- Understand the main foundations and institutes of civil law in the Portuguese legal system;
- To know the main concepts present in Portuguese private law; and
- Discriminate between the various institutes present in the general part of the Portuguese Civil Code.

2. Domain of know-how:

- Identify and distinguish between the various concepts, principles and institutes of private law in the Portuguese legal system;
- Describe and locate in the Civil Code the different rules applicable to legal transactions; and
- Develop appropriate responses to the resolution of practical cases taken from life in society, within the scope of business conducted by the private sector.

CONTENTS

I. Introduction to Private Law:

- Fundamentals of the D.P.
- Constitutionalization of Private Law;
- The legal situation and legal relationship: notion and modalities;
- Subjective law: origin, notion and modalities.

II. Private Law Institutes:

- Institutes in Private Law: framework and notion;
- Guiding principles;
- Abuse of Law;
- Private property

III. People and things:

1. Personality and its tutelage;
 2. Individuals and legal entities;
 3. Associations, societies and foundations;
 4. Legal capacity and legitimacy;
 5. Domicile, residence and headquarters;
 6. Things as the object of the legal relationship: identification and classification; and
 7. Personal and real rights.
- IV. The Legal Business:
1. The legal act, fact and business: notion and distinction;
 2. The Will and the Law, general aspects;
 - 3 The declaration of will;
 4. The production of legal effects: and
 5. The protection of expectations in private law

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

This curricular unit aims to provide students with theoretical knowledge about the main Portuguese private law institutes. The practical component of this curricular unit will consist in the production and presentation in class of individual or group works that aim at the main themes addressed in the curricular plan.

The interconnection between the syllabus and the educational objectives takes place as follows:

- I - I. Introduction to Private Law - Objective 1, points a) and b).
- II. Private Law Institutes - Objective 1, points b) and c); and Objective 2, points a) and c).
- III. People and things - Objective 1, points b); and Objective 2, points a) and c).
- IV. The Legal Business - Objective 1, points b) and c); and Objective 2, points a), b) and c)..

TEACHING METHODOLOGIES

Lectures, individual or group presentations and analysis of case law and research articles, as well as guided study, using ICT.

Materials, informations and other content will be made available on the course Moodle platform, which will also be used for the interaction between lecturer and students.

Classes will be devoted to the discussion of connected topics, as well as the resolution of problems and the drafting and analysis of documents related to business organisations and patents.

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

This course will follow a methodology centered in learning promoted by the practical application relevant knowledge, through the resolution of problems and practical cases, with the support of the new technologies - Objective 1.

The drafting of documents, as well as the resolution of practical cases is designed to prepare students to be able to discuss problems and solve practical cases - Objective 2.

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

1. Teoria Geral do Direito Civil (4ª Ed.), de António Pinto Monteiro, Paulo Mota Pinto e Carlos Alberto da Mota Pinto, edição: Coimbra, Coimbra Editora, 2020;

2. Estudos de Teoria Geral do Direito Civil, de Ana Mafalda Castanheira Neves de Miranda Barbosa, edição: Parede, Principia, 2017;
3. Teoria Geral do Direito Civil (reimpressão da 8.ª Ed.), de Pedro Pais de Vasconcelos, edição: Coimbra, Almedina, 2018;
4. Teoria Geral do Direito Civil, de Orlando de Carvalho, edição: Coimbra, Coimbra Editora, 2012;
5. Teoria Geral do Direito Civil (6.ª Ed.), de Luís A. Carvalho Fernandes, edição: Lisboa, Universidade Católica, 2012;
6. Teoria Geral do Direito Civil I, de Rabindranath Capelo de Sousa, edição: Coimbra, Coimbra Editora, 2003;
7. Teoria Geral do Direito Civil - Casos Práticos (Com dez casos modelo resolvidos) de Fernando Torrão, edição: Coimbra, Almedina, 2014

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