

Level of qualification:

First cycle (EQF level 6) - Bachelor

Study cycle:

Legal Services

Course Unit: **9242515 –
Penal Code and Administrative Offenses**

Year 2

Semester 3

ISCED Code: 380

ECTS: 6,0

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

Language of Instruction: Portuguese

COURSE COORDINATOR: Nuno Caetano Lopes de Barros Poiaras

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	
150	-	45	30	-	-	-	0	-	75

Prerequisites (if applicable):

LEARNING OUTCOMES (knowledge, skills and competence)

At the end of the course unit the student must master the following skills:

1. Understand the guiding principles of Criminal and Administrative Law of constitutional and ordinary matrix
2. Master the fundamental concepts of Criminal Law, Criminal Procedure and Administrative Offenses
3. Understand the systematization and the subsidiary relationship of CP, CPP and RGCO
4. Being able to typify and identify the nature and holder of the right to complain about a legal type of crime
5. Master the basic elements about the following universes: procedural subjects, means of evidence, means of obtaining evidence, enforcement measures and the stages of criminal proceedings
6. Know how to distinguish RGCO, as a sanctioning regime from that stipulated in Criminal Law, as well as procedural differences without forgetting that these are subsidiary regimes.
7. To master the administrative proceeding, in particular the substantive and formal aspects of the complaint and the impugnation.

CONTENTS

1. The Constitutional and Legal Principles of Criminal Law, Criminal Procedural and administrative offenses
2. The concept of crime, deceit, negligence, authorship, complicity and causes of exclusion from illegality
3. The legal consequences of crime: penalties, security measures and legal cumulation
4. Special Criminal Law: the catalog of legal types of crime
5. The procedural subjects, procedural position, rights and duties
6. Means of proof and means of obtaining evidence
7. Coercion and equity guarantee measures
8. The forms and stages of criminal proceedings
9. Scope, principles and duration of administrative offenses
10. The structure of the RGCO and the competence of the administrative authorities to impose the fine
12. The phases of the administrative offense process: claim and challenge of the fine

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

This course unit has the general objective of demonstrating to the students the sanctionary regimes enforced by the State and the coercion forms of enforcement with the implementation of sanctions and security measures.

The simulation of practical cases in class are an asset to students, that will enable them to be better prepared in the future to solve their cases as professionals, using the adequate rules to the situation in hand (law interpretation).

This way and at the end of this CU the students should have the general and specific knowledge of the sanctionary law, distinguishing between Penal and Infringements, being also able as solicitors to solve real situations. They should also distinguish between their respective Procedural laws, regarding the due process, chain of evidence, its legal value, impeachments and appeals.

TEACHING METHODOLOGIES

Two models are used:

- a) Theoretical sessions of the programmatic contents by the teacher that encourages the students to participate, asking questions and demonstrating comprehension of the subjects
- b) Practical sessions where the teacher assumes a tutorial posture guiding the students through the analysis of practical and jurisprudence situations, stimulating the oral skills of the students

Regarding e-learning, the Moodle platform will be used, where the students will find all the information and contents of the CU, as well as all the apprenticeship activities allowing the interaction between teacher and student through several forums.

The assessment of the CU consists in the completion of papers, practical case and participation in class that adds to 50% of the final grade and a final test that adds the remaining 50%. On the appeal dates: Written Exam or Oral Exam

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

1. The Constitutional and Legal Principles of Criminal Law, Criminal Procedural and Administrative Law - objective 1
2. The concept of crime, deceit, negligence, authorship, complicity and causes of exclusion from wrongdoing - objective 2
3. The legal consequences of crime: penalties, security measures and legal cumulation - objectives 2, 4
4. Special Criminal Law: the catalog of legal types of crime - objectives 3, 4
5. The procedural subjects, procedural position, rights and duties - objectives 2, 4, 5
6. Means of evidence and means of obtaining evidence - objective 5
7. Coercion and equity guarantee measures - objective 5
8. The forms and stages of criminal proceedings - objective 5
9. Scope, principles and duration of administrative offenses - objectives 1, 2, 6, 7
10. The RGCO structure - objectives 3, 6
11. The powers of the administrative authorities to impose the fine - Objective 6
12. The phases of the administrative offense process: claim and challenge of the fine - objectives 6 and 7

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

DIAS, Augusto Silva (2018), *Direito das Contraordenações*, Coimbra: Almedina

MENDES, Paulo Sousa (2018), *Lições de Direito Processual Penal*, Coimbra: Almedina

PALMA, Maria Fernanda (2020), *Direito Penal - Parte Geral. A teoria geral da infração como teoria da decisão penal*, 5.^a edição, Lisboa: AAFDL Editora

POIARES, Nuno (2020), "O crime de violência doméstica: ato reiterado ou não, eis a questão", *Revista Eletrónica do Curso de Direito da UFSM, Santa Maria, RS, volume 15, n.º 1, e42646, ISSN 1981-3694*

POIARES, Nuno e DIAS, Eurico (2019). “Igreja Católica e Direito Criminal: uma abordagem sociológica ao Código Penal Português (1886)”, Rever - Revista de Estudos da Religião, pp. 311-329, v. 19, n.º 3, UCP e PUC São Paulo

POIARES, Nuno (2018), As profissões (para)jurídicas em Portugal, 2.ª edição, Porto: Fronteira do Caos Editores

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