

Course Unit	General Theory of Civil Law		Field of study	Law	
Bachelor in	Law for Solicitors		School	School of Public Management, Communication and Tourism	
Academic Year	2023/2024	Year of study	1	Level	1-1
Type	Semestral	Semester	2	ECTS credits	6.0
Workload (hours)		162	Contact hours	T - TP 60 PL - TC - S - E - OT 20 O -	
Code: 9242-317-1205-00-23					

T - Lectures; TP - Lectures and problem-solving; PL - Problem-solving, project or laboratory; TC - Fieldwork; S - Seminar; E - Placement; OT - Tutorial; O - Other

Name(s) of lecturer(s) César Manuel Ferreira Pires

Learning outcomes and competences

At the end of the course unit the learner is expected to be able to:

1. By the end of the curricular unit, students should be able to understand the relationship between common private law and special private law.
2. Students should be able to develop analytical skills, identifying the main general and normative principles applicable in civil law.
3. Understand the structuring of the private legal relationship: the person as the center of a legal sphere, the object of the relationship, in particular the general theory of legal facts.
4. Determine the essential and accidental elements of the legal relationship, the vicissitudes of the formation and formulation of the will, and the legal invalidations that may apply.

Prerequisites

Before the course unit the learner is expected to be able to:
Not applicable.

Course contents

1. Civil law: Concept; Sources; Fundamental principles.
2. General theory of subjects: natural persons and legal persons;
3. General theory of the object: general considerations; property and assets;
4. General theory of the legal fact:
 - 4.1. Legal facts in general: concepts and classifications; formation, modification and termination of legal relationships;
 - 4.2. Legal transactions and legal facts: concepts, classifications and essential and accidental elements;
 - 4.3. Invalidity of legal transactions.

Course contents (extended version)

1. Civil Law: Concept; Sources of Portuguese Civil Law; Fundamental principles
2. General theory of the parties in a legal relationship
 - Natural persons: Personality; Personality Rights; Capacity; Incapacities; Domicile and Absence
 - Legal Entities: Characteristics; Types; Constitution; Capacity; Liability; Termination
3. General theory of the object of the legal relationship
 - General
 - Object of the legal relationship.
 - Possible objects of legal relationships.
 - Property and Assets
 - Legal concept of property.
 - Classifications of property.
4. General theory of the legal fact
 - Legal Facts in General
 - Concepts and classifications
 - Concept of legal fact.
 - Classifications of legal facts.
 - Constitution, Modification, and Termination of Legal Relationships
 - Concept and form of the acquisition of rights. Original acquisition and derivative acquisition.
 - The importance of the distinction between derivative acquisition and original acquisition.
 - Exceptions to the derivative acquisition rule
 - Modification of rights.
 - Termination of rights.
 - Legal Transaction and Simple Legal Act
 - Concept, elements, and classifications
 - Essential and accidental elements of the legal transaction
 - Invalidity of legal transactions

Recommended reading

1. MOTA PINTO, C.A. (2020), Teoria Geral do Direito Civil. Gestlegal. ISBN: 9789898951533
2. PAIS DE VASCONCELOS, P. (2023), Teoria Geral do Direito Civil. Almedina. ISBN: 9789724081847
3. MIRANDA BARBOSA, M. (2022), Lições de Teoria Geral do Direito Civil. Gestlegal, ISBN: 9789898951939

Teaching and learning methods

Teaching in theoretical classes for the main frameworks and in-depth study of the most relevant issues, and in practical classes for application and experimentation with the theoretical frameworks and legislation.

Assessment methods

1. Final Written Exam - 100% - (Regular, Student Worker) (Final, Supplementary, Special)
2. Students on international mobility programmes - (Regular, Student Worker) (Final, Supplementary, Special)
 - Presentations - 100% (written work with a minimum of 20 pages)
3. Final evaluation - (Regular, Student Worker) (Final)
 - Intermediate Written Test - 50% (Alternatively, students can take an oral mid-term exam)
 - Intermediate Oral Test - 50% (Alternatively, students can take a written mid-term exam)
 - Final Written Exam - 50% (Final exam to be taken at the time set for the regular written exam.)

Language of instruction

Portuguese, with additional English support for foreign students.

Electronic validation

César Manuel Ferreira Pires	Susana Isabel Pinto Ferreira dos Santos Gil	Susana Isabel Pinto Ferreira dos Santos Gil	Luisa Margarida Barata Lopes
15-03-2024	19-03-2024	19-03-2024	26-03-2024

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