

CONSTITUTIONAL LAW II – PROGRAM

2024-2025

Regência: Luís Pereira Coutinho, Turma C

Colaboradores: Ricardo Branco, Pedro Delgado Alves, Diogo Calado, Maria do Rosário Rebordão

Erasmus: Maria do Rosário Rebordão

I

1. Fundamental principles of constitutional law: general aspects;
2. Principle of the rule of law;
3. Democratic principle;
4. Principle of the social state.

II

5. Introduction: Legislative acts and their judicial control;
6. Legislative acts;
 - 6.1. General theory;
 - 6.2. Legislative acts and separation of powers;
 - 6.3. Laws of the Assembly of the Republic;
 - 6.4. Executive laws of Government;
 - 6.5. Regional legislative decrees;
 - 6.6. Reinforced laws.
7. Systems for judicial review of the constitutionality of legislative acts
 - 7.1. General theory;
 - 7.2. Historical and comparative analysis;
 - 7.3. The Portuguese constitutionality review system;
 - 7.4. Constitutionality review procedures;
 - 7.5. Decisions of unconstitutionality and their effects.
8. Material parameters in judicial review of the constitutionality of legislative acts;
 - 8.1. The ‘material Constitution’ in the second post-war period
 - 8.2. Models of Constitutionalism: Kelsenian constitutionalism vs. constitutionalism of fear;

8.3. Princípios constitucionais materiais e normas constitucionais de controle de atos legislativos; Material constitutional principles and constitutional rules for the control of legislative acts;

- i. Principle of the dignity of the human person: the formula of the object and the minimum of existence
- ii. Principle of equality: prohibition of arbitrariness and new formula;
- iii. Principle of the rule of law: proportionality and its stages; protection of trust.