

FUNDAMENTAL NOTION OF THE LAW

Degree in Finance

Code: 16601

Main Scientific Area: Private Law

Lecturer: Sara Maria Pires Leite da Silva

Language of Instruction: Portuguese

Regime: S1

Contact Hours: 60h Total Workload: 108h

ECTS: 6,0

Objectives

1. The Curricular Unit aims to provide students with basic knowledge in the field of Law, sensitizing them to the understanding of the concept and fundamental characteristics of the legal order, so it may become a support to the acquisition of more specific skills in later Curricular Units also of a legal nature.
2. To this extent, a theoretical and practical approach will be adopted to the several issues, with special emphasis on the recognition of the different species of legal rules, the sources of Law, the mastery of legal methodology and the characterization of the legal relationship.

Learning Outcomes

- Learn the importance of Law as a vital dimension of life in society;
- Identify and apply the fundamental concepts of Law, such as the notion of legal rule, subjective and objective law;
- Identify the sources of Law and characterize the legal system;
- Distinguish the various branches of Public Law and Private Law;
- Identify, understand and apply the legal methodology;
- Understand the structure of the legal relationship and identify its elements;
- Apply the knowledge acquired in the resolution of concrete cases.

Course Contents

I. Concept and fundamental problems of Law

- The social nature of man;
- The legal order and other normative orders (brief approach);

- Characteristics of the legal order;

- Legal protection (brief approach).

II. Legal rules and sources of law

- The legal rule;

- Sources of Law;

- The validity of the rules;

- Hierarchy of sources and rules.

III. Legal methodology

- Interpretation of legal rules;

- Integration of gaps;

- Application of laws in time and space.

IV. The legal relationship

- The subjects;

- The object;

- The legal fact;

- The guarantee (some introductory notes).

Recommended Bibliography

BATALHÃO, Carlos José, Direito – Noções Fundamentais, 3.^a ed., Porto Editora, 2022

GONÇALVES FERREIRA, José António; GARCIA PEREIRA, António; FALCÃO, David, Introdução ao Direito, 5.^a ed., Almedina, 2022

JUSTO, A. Santos, Introdução ao Estudo do Direito, 14.^a ed., Petrony Editora, 2023

LEITÃO MARQUES, Maria Manuel, Manual de Introdução ao Direito - Saber Direito para entender o Mercado, 4.^a ed., Almedina, 2022

Learning and Teaching Methods

The programmatic contents, divided into four chapters, which start from general concepts to more specific issues,

provide students with basic knowledge in the scope of Law, making it possible for them to understand the concept and the fundamental characteristics of the legal order, preparing them to, in later contacts with Curricular Units of legal nature, hold all the specific competences of interpretation, analysis and resolution of legal issues.

Thus, the programmatic contents included in Chapter I, allow corresponding to the central objective of the Curricular Unit identified in 1 of the Objectives.

The contents included in Chapter II, III and IV promote the achievement of the objective identified in 2 of the Objectives.

It is intended, at the end of the approach to the various chapters, to endow students with the necessary skills to understand the practical cases and their rapid and effective resolution.

At the end of the semester students will have acquired the necessary knowledge to interpret and apply a large part of the civil legislation.

Assessment Methods

The assessment methodology for the degree in Finance will be as follows:

1. To students enrolled in all the Curricular Units (CU) of the 1st year, for the first time:

Final Classification CU = 85% Assessment CU + 15% Project, in Continuous Assessment and 1st semester Examination Period (the grade of the Project to be considered is that obtained in continuous assessment).

Final Classification CU = 100% Assessment CU, in the Special and Exceptional Period of Examination and Grade Improvement.

Validity of the Project: Continuous assessment and 1st semester Examination Period of the academic year in which it was performed.

Assessment of UC (50h): 85%

Mini-Test - corresponding to 25% of the final classification, within the scope of the UC assessment (No minimum score will be required in the Mini-Test as a requirement for access to the Final Test)

Test - corresponding to 75% of the final classification, within the scope of the UC assessment (a minimum grade of 8 values will be required)

The dates for carrying out the continuous assessment elements will be communicated in due course by the Course Director.

Exam Season - Written global final exam (100% of the final classification in relation to the assessment corresponding to the UC)

Grade Improvement - Written global final exam (100% of final grade)

Oral tests will not be carried out at any of the assessment moments.

Project (10h): 15% - The project is mandatory, as well as the attendance to Skills classes and the classes (from 03.01.2024 to 13.01.2024). Groups must be formed by 14.10.2023.

2. For Students who are not enrolled in all 1st year CU, for the first time, the Evaluation Methodology referred in point 1 applies. However, instead of the project, these students must do a substitute work. These students must communicate to the teacher of the CU, until 14.10.2023, that they will perform the substitute work, so the teacher can define the groups and the topic of the work. In the absence of communication, it is assumed that the student does not intend to do the substitute work, being automatically failed in the continuous assessment.

3. For students with student-worker status issued by the academic services the Evaluation Methodology referred in point 1 applies. However, these students may choose to do the project or the substitute work. The option must be communicated until 14.10.2023 to the teacher of the CU. In the absence of communication, it is assumed that the student does not intend to do the project/substitute work, being automatically failed in the continuous assessment.

4. For students that do not do the project/substitute work, the following rules apply:

- Continuous Assessment: the student has missed an element of assessment and thus the Final Classification CU= Failed;

- 1st semester Examination Period: zero is considered in the component of the evaluation concerning the project/substitute work, so Final Classification CU = 85% Assessment CU.