



FACULDADE DE DIREITO
Universidade de Lisboa

Curricular Unit Sheet

Course – Bachelor in Law

1. Curricular Unit Name:

Administrative Law I

2. Complementary Information:

Duration: Semester ☒ Annual ☐

Work hours: 160

Credits ECTS: 6

3. Responsible Academic staff and respective workload in the curricular unit:

Vasco Pereira da Silva (2 hours per week)

4. Other academic staff and respective workloads in the curricular unit:

Beatriz Garcia (2 hours per week)

5. Learning outcomes of the curricular unit:

- Identify and explain the reasons for the existence of Administrative Law;
- Map out the way in which the relationship between citizens and the Administration has changed from the early days to nowadays;
- Distinguish the two models of administration (french and anglo-saxon);
- Explain the main features of nowadays' Administrative Law – comparative, global and european;
- Identify the legal implications and challenges of digitalization for Public Administration;
- Relate and distinguish the different modalities of administrative organization in Portugal;
- Compare the Portuguese model of Administration with other European countries' systems;
- Explain the classic administrative powers in Portugal (hierarchy, superintendence and supervision).

6. Syllabus:

1. "Psychopathology of Everyday Life" of Administrative Law

1. The "*difficult childhood*" and the modern traumas of Administrative Law. Public Administration and Administrative Law in the Liberal State, in the Welfare State and in the Post-Social State;
2. National, European and Global administrative law;
3. Administrative systems: their history and evolution;
4. Public Administration, Administrative Function and Administrative Law.

2. "All Different, All Equal" - Individuals as Subjects of normative Administrative Relations

1. Individuals as subjects of law;
2. From "servants" to "subjects": the recognition of the subjective rights of individuals towards the Public Administration;
3. Subjective rights according to the theory of the "norm of protection". Critique of the negationist and dualist conceptions regarding the subjective positions of individuals;
4. Fundamental rights and the extension of subjective rights in multilateral relations.

3. Characterization of the Portuguese Public Administration and comparative analysis with others systems

1. Portuguese administrative organization. The modalities of Public Administration;
2. Direct public administration;
3. Indirect public administration;
4. Public administration in private form;
5. Autonomous public administration;
6. Independent public administration.



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4. Public subjects of Administrative Legal Relations

1. Legal persons, administrative bodies, and services. Public subjects in Administrative Law;
2. From the classic dogma of the "impermeability" of the State to the recognition of legal relations within the Public Administration;
3. Inter-organic and intersubjective administrative relations:
 - i. Hierarchy;
 - ii. Delegation of powers;
 - iii. Superintendence;
 - iv. Supervision.

7. Demonstration of the syllabus coherence with the curricular unit's objectives:

- Acquire basic knowledge on the historical origins of Administrative Law;
- Develop knowledge of the rules that govern the organization of the Administration in Portugal;
- Perform a critical analysis of the problems arising from the Portuguese legal system;
- Compare the features and challenges that arise from the Portuguese Administration to other countries' experiences;
- Gain interpretation skills of key normative texts, legal doctrine and case law;
- Learn how to think critically and gain oral and written expression skills.

8. Teaching methodologies (including evaluation):

Debates, oral presentations, analysis of case law, analysis of doctrine

9. Evaluation:

30% written research paper; 50% oral presentation of the paper; 20 % participation in classes.

10: Demonstration of the coherence between the teaching methodologies and the learning outcomes:

The teaching methodology enables students to acquire and consolidate theoretical and practical knowledge about the most fundamental aspects of Administrative Law from a Portuguese perspective and, when relevant, from the comparison with other legal systems.

11: Main Bibliography:

- COLAÇO ANTUNES, *A Ciência Jurídica Administrativa*, Almedina, Coimbra, 2017;
- DIOGO FREITAS DO AMARAL, *Curso de Direito Administrativo*, Volume I, 4ª edição, Almedina, Coimbra, 2018;
- FRANCISCO PAES MARQUES, *As Relações Jurídicas Multipolares – Contributo para a sua Compreensão Substantiva*, Almedina, Coimbra, 2011;
- JOÃO CAUPERS / VERA EIRÓ, *Introdução ao Direito Administrativo*, 12ª edição, Âncora, Lisboa, 2016;
- JOSÉ CARLOS VIEIRA DE ANDRADE, *Lições de Direito Administrativo*, 5ª ed., Universidade de Coimbra, Coimbra, 2018;
- MARIA JOÃO ESTORNINHO, *Curso de Direito dos Contratos Públicos – Por uma Contratação Pública Sustentável*, Almedina, Coimbra, 2012; *A Fuga para o Direito Privado* (2.ª reimp.), Almedina, Coimbra, 2009; *Requiem pelo Contrato Administrativo*, Almedina, Coimbra, 1990.
- MÁRIO AROSO DE ALMEIDA, *Teoria Geral do Direito Administrativo – O Novo Regime do Código de Procedimento Administrativo*, Almedina, Coimbra, 6ª edição, 2020;
- PAULO OTERO, *Manual de Direito Administrativo*, Volume I, Almedina, Coimbra, 2015;
- SÉRVULO CORREIA / FRANCISCO PAES MARQUES, *Noções de Direito Administrativo*, Volume I, 2.ª ed., Almedina, Coimbra, 2021;
- VASCO PEREIRA DA SILVA, «New Challenges in European Administrative Law», in BERND H. OPPERMAN, «International Legal Studies II – by European Scholars of the ELPIS Network», Universitätsverlag Halle-Wittenberg, Halle an der Saale, 2013, páginas 155 e segs.; «Para un Derecho Administrativo Sin Fronteras», in «Revista de Derecho Constitucional Europeo», Año 11, nº 30, julio-diciembre de 2018; «Festrede von Prof. Dr. Dr h.c. (Hannover) Vasco Pereira da Silva, anlässlich der Verleihung der Ehrendoktorwürde der Juristischen Fakultät der LUH am 2. November 2018», in HILMAR FENGE/CLAAS FRIEDRICH GERMELMANN/ BERND H. OPPERMAN/ VASCO PEREIRA DA SILVA (Ed.), «International Legal Studies IV», Universitätsverlag Halle Wittenberg, Halle in der Saale, 2019, p. 232-253; «The Impact of Administrative Law without Frontiers on Portuguese Administrative Law», in



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HILMAR FENGE/CLAAS FRIEDRICH GERMELMANN/ BERND H. OPPERMANN/ VASCO PEREIRA DA SILVA (Ed.), «International Legal Studies IV», Universitätsverlag Halle Wittenberg, Halle in der Saale, 2019, pp. 175-197; «El Principio de legalid Sin Fronteras», in «Revista de Derecho Constitucional Europeo», Ano 16, nº 31, enero-junio de 2019; «The New World of Information and New Technologies in Constitutional and Administrative Law», in BUCK-HEEB / OPPERMANN, «Automatisierte Systeme», Beck, München, 2022, p. 425 e ss.

12: Remarks:

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