



Akademik Eğitim ve Sosyal Bilimler Dergisi (AJESS Journal)

Portuguese Constitutional Law, Semi-Presidential Governance, and Public Administration Reform

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Abstract

This research paper provides an in-depth critical evaluation of the Portuguese legal system, focusing on its semi-presidential constitutional model, administrative reform, and judicial review mechanisms. Analyzing the 1976 Constitution of the Portuguese Republic (Constituio da Repblica Portuguesa), the role of the Constitutional Court (Tribunal Constitucional), and executive interplay between the President and Prime Minister, this paper explores contemporary administrative law evolution. Additionally, it examines Portugal's integration within European Union regulatory law and its strategic legal cooperation with Lusophone legal jurisdictions across the CPLP.

1. Introduction:

Portuguese Legal Foundations and the Coimbra Legal Tradition

The Portuguese legal tradition is anchored in Roman law roots, Continental European civil traditions, and the historic academic legacy of the Faculty of Law at the University of Coimbra (Faculdade de Direito da Universidade de Coimbra) and the University of Lisbon. Since the democratic transition of 1974-1976, Portuguese legal scholarship has significantly contributed to constitutional doctrine, administrative justice, and fundamental rights jurisprudence.

The Constitution of the Portuguese Republic (CRP) of 1976 established a pioneering democratic legal order that balances fundamental social rights, rule of law guarantees, and institutional checks and balances.

This paper examines modern Portuguese legal research, analyzing semi-presidentialism, constitutional adjudication, administrative procedure codes, and European legal harmony.

2. Semi-Presidential Executive Dualism and Constitutional Balance

Portugal's constitutional structure features a semi-presidential regime characterized by institutional dualism between the directly elected President of the Republic and the Government led by the Prime Minister.

Legal scholars at Coimbra and Lisbon extensively analyze presidential veto powers (political veto and constitutional veto), dissolution of the Assembly of the Republic (Assembleia da Repblica), and emergency constitutional prerogatives under Articles 133 and 134 of the CRP.

This research highlights how executive dualism fosters democratic stability, political accountability, and constitutional equilibrium in Portuguese public governance.

3. Constitutional Review and the Jurisprudence of the Tribunal Constitucional

The Constitutional Court of Portugal (Tribunal Constitucional) plays a central role in guaranteeing constitutional supremacy through prior review (fiscalizao preventiva), concrete review (fiscalizao concreta), and abstract review (fiscalizao abstracta sucessiva).

Portuguese constitutional scholars analyze landmark rulings on fundamental rights protection, social security guarantees, property rights, and procedural fairness under Article 204 and Article 278 of the CRP.

The court's jurisprudence reflects a sophisticated synthesis of European fundamental rights standards and national constitutional traditions.

4. Administrative Procedure Reform and Public Sector Governance

Modernization of the Portuguese administrative state is governed by the Code of Administrative Procedure (C3digo do Procedimento Administrativo - CPA) and administrative court jurisdiction reform (C3digo de Processo nos Tribunais Administrativos - CPTA).

Administrative law researchers analyze public service digitalization ('SIMPLEX' administrative simplification programs), electronic public procurement standards, and judicial remedies against administrative inaction.

These reforms ensure transparency, efficiency, and procedural protections for citizens interacting with state institutions and local authorities (Autarquias Locais).

5. European Integration, Constitutional Identity, and Lusophone Cooperation

Portugal's integration into the European Union under Article 8 of the CRP creates a dynamic interplay between national constitutional autonomy and EU legal supremacy.

Concurrently, Portugal maintains a strategic legal role within the Community of Portuguese Language Countries (CPLP), fostering comparative law dialogue with Brazil, Angola, Mozambique, and other Lusophone nations.

Portuguese jurists lead comparative research on legislative harmonization, judicial cooperation, and legal education across the Portuguese-speaking world.

6. Conclusion: The Portuguese Paradigm in Contemporary Civil Law Systems

The Portuguese legal system illustrates a resilient, modern civil law architecture that effectively combines rigorous constitutional protection, executive accountability, and administrative innovation.

By integrating semi-presidential balance, active constitutional adjudication, digital administrative procedure, and transnational Lusophone cooperation, Portuguese legal scholarship remains vital to international public law.

Ultimately, the Portuguese legal paradigm demonstrates how democratic constitutionalism, social rights guarantees, and judicial independence sustain institutional stability in a rapidly evolving global landscape.

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