



Course Syllabus Template

Department/Faculty: Law School
Graduate Program: Political and Economic Law
Degree <input checked="" type="checkbox"/> Academic Master's <input type="checkbox"/> Doctorate (PhD) <input type="checkbox"/> Professional Master's
Course Name Parliamentary and Electoral Law
Professor(s) Dr. Cláudio Lembo – Dr. Monica Herman S. Caggiano
Office hours: 48 class hours
Course Overview The course aims to focus on the democratic map of the Parliament, viewed as the popular representation locus. The courses analyses: Electoral Law. The right to vote. The citizen voter. Two Representatives. Scrutiny Techniques Electoral Systems. The Party within the Structure of Representation. Electoral Litigation. The meaning of parliamentary law and its position in legal universe. The Parliamentary Statute. The structure of parliaments. The Functions of Parliament. Legislative function of Parliament.



Topics outline

1. Electoral Law

Concept. Sources. Object. The connection with Political and Constitutional Law. Evolution. Regime. Constitution of the Electoral Laws. Principles of Electoral Law. Brazilian Electoral Law. Legislation in force.

2. The right to vote

The voter. Suitability. The organization of suffrage. Techniques for restricting the right to vote. Techniques for weighing the suffrage in its active pole. Comparative evolution chart. Enlistment and its effects. From Freedom of Vow - compulsory voting / optional voting; vote public / secret ballot. The pressure on voters. The sincerity of the vote. The authenticity of the election result.

2.1. Two Representatives.

The elected. The principle of political representation and its evolution. Two Candidates. Ineligibility. Sources of ineligibility. Legal treatment. Party Applications / Independent Candidatures.

3. Scrutiny Techniques

National elections x regional elections. Territorialization of the vote. Electoral geometry and representation of minorities with Gerrymandering. Direct scrutiny. Indirect Scrutiny. System of Lists. Blocked lists / linked vote. The District Vote.



4. Electoral Systems

The importance of Electoral Systems. Elections and Legitimacy. Role and Importance of Elections. Majority Systems. The Proportional Systems. The Mixed Electoral Systems. O Double German Vote.

What is the best system?

5. The Party within the Framework of Political Representation Political participation, representation and decision.

Political Representation. The Political Party. Lobbies, parties and political decisions.

The State of Crisis of Political Parties. Degeneration two matches.

6. The Electoral Litigation Of the electoral crimes.

The Electoral Justice.

The procedural regime.

7. The meaning of Parliamentary Law and its position in the legal universe Concept.

Object.

Its meaning and its mission: the viability of the design of democracy representative.

The linkage with Public Law and Constitutional Law.

The problem of name.

The relationship with the other branches of Law.

Constitutional Principles of Law Parliamentary.

8. The Statute of the Parliamentary

The table of incompatibilities. The immunities. The duties. The parliamentary decorum. Penalties disciplinary measures.

9. The structure of parliaments

The organization and administration of Parliament. The autonomy of the Assemblies. The Benches.

The Parliamentary Committees. The meetings.

10. The Functions of Parliament

Distinction between Assembly and Parliament. Parliament's original functions. Functions of the Parliament in the contemporary state. Parliament's budgetary and financial powers.

Parliament's political control function.

11. The legislative function of Parliament

11.1. The limits of Parliament's legislative role

The rule of law; the referendum; the popular initiative; the provisional measure. The Law Initiative. Right of Initiative. The decline of Parliament's initiative.

11.2. From the process of drafting laws

Legislative parliamentary production. The role of Commissions. The queries and information extra-parliaments. The Order of the day. The Amendments. Voting techniques. The Quorum. Most qualified. The leadership vote.



Universidade Presbiteriana

Mackenzie

Programa de Pós-Graduação em Direito Político e Econômico

Letter Grade Assignment

Grade A (Excellent) - Grade points between 9 and 10

Grade B (Good) - Grade points between 8 and 8.9

Grade C (Satisfactory) - Grade points between 7 and 7.9

Grade D (Unsatisfactory) - Grade points between 0 and 6.9

Methodology: Classes, Seminars and Research Laboratory.



Texts, Materials, and supplies

AGESTA, Luis Sanches, Principios de Teoría Política, Madrid, Ed. Nacional, 1983

AMELLER, Michel, Parlements, 12a ed., Paris, PUF, 1966.

BARACHO, José Alfredo, A Teoria Geral do Direito Eleitoral e seus Reflexos no Direito Eleitoral Brasileiro, in Estudos Eleitorais, TSE n. 1, jan/abr 1997, p. 23.

BARRON, Jerome e DIENES, C. Thomas, Constitutional Law, West Publishing Co. St. Paul, Minn., 1987.

BURDEAU, George, HANON, Francis e TROPER, Michel, Manuel - Droit constitutionnel, Paris. Librairie Générale de Droit et de Jurisprudence, 22a. ed. , 1991. BLACK JR., Charles L., Impeachment, New Haven, Yale University Press, 1974.

BOBBIO, Norberto, Direito e Estado no pensamento de Emanuel Kant, São Paulo, Ed. Mandarim, 2000.

....., Dicionário de Política, Trad. Carmen C. Varrialle, Caetano Lo Monaco, J. Ferreira, Luiz G. Pinto Cacais e Renzo Dini, 2a. ed. Brasília, Ed. Universidade de Brasília, 1986.

BORJA, Rodrigo, Derecho Político y Constitucional, México, Fondo de CulturaEconómico, 1991.

CAGGIANO, Monica Herman Salem , Sistemas Eleitorais x Representação Política, Brasília, Ed. Senado Federal, 1990.

....., Finanças Partidárias, Brasília, 1983, Senado Federal.

....., Oposição na Política, S. Paulo, Angelotti, 1995.

.....Poder Constituinte Derivado. As Balizas de sua Atuação, in Reflexões em Direito Político e Econômico, organizadora Mônica Herman S. Caggiano, São Paulo, ed. Mackenzie, 2002.

....., O Cidadão Eleitor. O Voto e o Papel que desempenha no Quadro Brasileiro, in As Vertentes do Direito Constitucional Contemporâneo, coordenador Ives Gandra da Silva Martins, Estudos em homenagem a Manoel Gonçalves Ferreira Filho, Rio de Janeiro, América Jurídica, 2002.

....., Eleições 2002. O Financiamento das Campanhas Eleitorais e seu Controle, in Revista Direito Mackenzie, ano 3, n. 1, 2002, p. 87.

....., “Legalidade, Legitimidade e Corrupção em Campanhas Eleitorais”, in Cadernos Liberais, São Paulo, CEPS, Série Alfabética.

....., Direito Parlamentar e Direito Eleitoral, Barueri, Manole, 2004.

....., A Emergência do Poder Judiciário como Contraponto ao bloco monocolor Legislativo/Executivo, in Os 20 Anos da Constituição da República Federativa do Brasil, Coordenação de Alexandre de Moraes, São Paulo, Atlas, 2009.

....., Democracia X Constitucionalismo. Um navio à deriva?, in Revista Brasileira de Filosofia, ano 60, volume 237, julho dezembro / 2011, p. 125.

....., Coordenadora, Direito Eleitoral em debate, São Paulo, Saraiva, 2013.

....., Corrupção e Financiamento das Campanhas Eleitorais, in O Regime Democrático e a Questão da Corrupção Política, São Paulo, Atlas, 2004.

....., A E. Democracia. O Exercício da Cidadania na era digital, in Sustentabilidade Ambiental e os novos desafios na ERA DIGITAL, Estudos em homenagem a Benedito Guimarães Aguiar Neto, Coordenação Ana Flávia Messa, Nuncio Theophilo Neto e Roque Theophilo Junior, São Paulo, Saraiva, p. 490. DENQUIN, Jean-Marie, Les Droits Politiques, Paris, Montchrestien, 1996.



DUVERGER, Maurice, *Institutions Politiques et Droit Constitutionnel*, Paris, PUF, 1971.
.....*Le Système Politique Français*, Paris, PUF, março de 1990.
.....*Os Partidos Políticos*, Rio de Janeiro, Zahar Ed., 1970. FERREIRA FILHO, Manoel Gonçalves, *Do Processo Legislativo*, São Paulo, Saraiva, 2001.
....., *Curso de Direito Constitucional*, São Paulo, Saraiva, 1999.
....., *Comentários à Constituição Brasileira de 1988*, São Paulo, Saraiva, 2000. FINER, S.E., *Política de Adversários y Reforma Electoral*, Trad. de S. Aguayo Quesada. Marisol Loaeza, Luis M. Pena e Blanca T. Ramirez., México, Fondo de Cultura Económica, 1980. FONTES, José, *Do Controlo Parlamentar da Administração Pública*, Lisboa, Portugal, Ed. Cosmos, 1999.

FRIEDRICH, Carl J., *La Filosofia del Derecho*, México, Fondo de Cultura Económica, 1997.
....., *Gobierno Constitucional Y Democracia*, Madrid, Espanha, Instituto de Estudios Políticos, 1975. GREENBERG, Ellen, *The House and Senate, explained*, New York-London, W.W. Norton & Company, 1996. HABERLE, Peter, *Pluralismo y Constitución*, Madrid, Tecnos, 2008. HAURIOU, André, GICQUEL, Jean, GÉLARD, Patrice, *Droit Constitutionnel et Institutions Politiques*, Paris, Montchrestien, 1975.
HOLMES, Stephen e SUNSTEIN, Cass R., *El Costo de los Derechos. Por qué la libertad depende de los impuestos*. Buenos Aires: Siglo XXI, 2011.