
Masterclass Certificate in Portuguese for Legal Professionals

Legal Terminology in Portuguese

Legal Terminology Glossary

Ação

Related Terms: Ação Civil Pública, Ação Penal, Ação Rescisória

Ação, in legal terms, refers to a lawsuit or legal action brought before a court. It is the formal process of seeking a judicial remedy for a legal dispute. For example, "A ação de divórcio foi movida pelo marido." (The divorce action was filed by the husband).

Audiência

Related Terms: Audiência de Instrução e Julgamento, Audiência Preliminar, Audiência de Conciliação

Audiência is a legal proceeding where parties involved in a case appear before a judge to present evidence, arguments, or reach a settlement. It is an essential part of the judicial process. For example, "A audiência foi marcada para o dia 10 de março." (The hearing was scheduled for March 10).

Advogado

Related Terms: Advogado de Defesa, Advogado de Acusação, Advogado Pro Bono

Advogado is a lawyer or legal counsel who represents clients in legal matters, provides legal advice, and advocates on their behalf in court. In Brazil, lawyers must be registered with the Brazilian Bar Association (Ordem dos Advogados do Brasil - OAB) to practice law. For example, "O advogado do réu apresentou uma petição ao tribunal." (The defendant's lawyer filed a petition with the court).

Causa de Pedir

Related Terms: Pedido, Fundamentação, Elementos da Causa de Pedir

Causa de Pedir refers to the legal grounds or reasons for a lawsuit. It includes the facts and legal arguments supporting a party's claim or defense in court. For example, "A causa de pedir da ação de indenização foi a negligência da empresa."

Contrato

Related Terms: Contrato de Trabalho, Contrato de Locação, Contrato de Compra e Venda

Contrato is a legally binding agreement between two or more parties that outlines the terms and conditions of their relationship or transaction. It can be written or verbal, but written contracts are generally preferred for clarity and enforceability. For example, "O contrato de prestação de serviços foi assinado pelas partes."

Dano Moral

Related Terms: Dano Material, Dano Estético, Indenização por Dano Moral

Dano Moral refers to non-physical harm or injury suffered by an individual, such as emotional distress, reputational damage, or psychological trauma. In legal terms, it can lead to a claim for compensation or damages. For example, "A vítima recebeu uma indenização por dano moral após o acidente de trânsito."

Escrivão

Related Terms: Cartório, Atos Cartorários, Escrivão Judicial

Escrivão is a court clerk or official responsible for recording judicial proceedings, issuing legal documents, and maintaining court records. They play a crucial role in the administration of justice and ensure the proper documentation of legal actions. For example, "O escrivão lavrou a ata da audiência de instrução."

Fórum

Related Terms: Tribunal, Juízo, Vara

Fórum refers to a courthouse or judicial building where legal proceedings take place, including trials, hearings, and other court activities. It is the physical location where justice is administered and disputes are resolved through the legal system. For example, "O julgamento foi realizado no fórum da comarca."

Habeas Corpus

Related Terms: Prisão Preventiva, Liberdade Provisória, Prisão Temporária

Habeas Corpus is a legal writ or remedy that protects individuals from unlawful detention or imprisonment. It is used to challenge the legality of someone's confinement and seek their release from custody. For example, "O advogado impetrou um habeas corpus em favor do cliente preso."

Indeferir

Related Terms: Deferir, Pedido, Decisão Judicial

Indeferir means to deny or reject a request, motion, or petition in a legal context. It is when a judge or court refuses to grant the relief sought by a party due to legal reasons or lack of merit. For example, "O juiz indeferiu o pedido de liminar por falta de fundamentação."

Jurisprudência

Related Terms: Súmula, Precedente, Tribunal de Justiça

Jurisprudência refers to the body of legal principles, rules, and precedents established by court decisions over time. It serves as a guide for interpreting the law and resolving similar cases consistently. For example, "A jurisprudência dominante reconhece o direito à indenização por danos morais."

Litispêndência

Related Terms: Coisa Julgada, Conexão, Continência

Litispêndência occurs when two or more lawsuits involve the same parties, facts, and legal issues, creating a conflict of jurisdiction or duplication of legal proceedings. It is a ground for dismissal or consolidation of cases to avoid contradictory judgments. For example, "O juiz reconheceu a litispêndência e extinguiu uma das ações."

Ministério Público

Related Terms: Promotor de Justiça, Procuradoria-Geral, Ação Civil Pública

Ministério Público is a public prosecutor's office responsible for representing the state, upholding the rule of law, and protecting public interests in legal matters. It plays a vital role in criminal prosecutions, civil actions, and safeguarding the rights of citizens. For example, "O Ministério Público denunciou o acusado por crime de corrupção."

Notificação

Related Terms: Intimação, Aviso, Comunicação

Notificação is a formal communication or notice sent to inform someone of their legal rights, obligations, or actions required in a legal proceeding. It serves as a means of official notification and ensures due process in legal matters. For example, "A notificação foi enviada pelo oficial de justiça ao réu."

Ônus da Prova

Related Terms: Prova Testemunhal, Prova Documental, Inversão do Ônus da Prova

Ônus da Prova refers to the burden of proof in a legal case, indicating which party is responsible for presenting evidence to support their claims or defenses. It is a fundamental principle of justice that guides the allocation of evidentiary responsibilities. For example, "O autor tem o ônus da prova de demonstrar a culpa do réu."

Perícia

Related Terms: Perito, Laudo Pericial, Exame Técnico

Perícia is a forensic examination or expert analysis conducted to gather evidence, assess damages, or clarify technical issues in a legal dispute. It provides specialized knowledge and professional opinions to assist the court in reaching a decision. For example, "A perícia médica confirmou a incapacidade do trabalhador para exercer suas funções."

Querelante

Related Terms: Querelado, Querela, Ação Penal Privada

Querelante is the complainant or plaintiff in a criminal case who initiates legal action by filing a criminal complaint (queixa-crime) against the accused party. They have the right to bring charges and seek justice for the alleged offense. For example, "O querelante compareceu à audiência para depor contra o réu."

Recurso

Related Terms: Recurso de Apelação, Recurso Especial, Recurso Extraordinário

Recurso is a legal remedy or appeal filed by a party dissatisfied with a court decision seeking a review or reversal of the ruling. It allows parties to challenge errors of law or fact and request a higher court to reconsider the case. For example, "O recurso foi interposto pela parte vencida para questionar a sentença."

Substabelecimento

Related Terms: Procuração, Mandato, Advogado Substabelecido

Substabelecimento is the act of transferring or delegating legal representation or power of attorney from one attorney to another. It allows a lawyer to authorize another lawyer to act on their behalf in a legal matter. For example, "O substabelecimento foi realizado para que o advogado pudesse representar o cliente em audiência."

Tribunal

Related Terms: Supremo Tribunal Federal, Tribunal de Justiça, Tribunal Regional Federal

Tribunal is a court of law or appellate body that hears and decides legal disputes, reviews lower court decisions, and administers justice at a regional or national level. It plays a crucial role in the judicial system and upholding the rule of law. For example, "O tribunal decidiu por unanimidade manter a condenação do"

réu."

Usufruto

Related Terms: Propriedade, Direitos Reais, Usufrutuário

Usufruto is a legal right or interest in property that allows someone (usufrutuário) to use, enjoy, or derive benefits from a property owned by another person (nu-proprietary). It involves the temporary enjoyment of property without ownership. For example, "A mãe concedeu o usufruto da casa ao filho enquanto estiver viva."

Valores Mobiliários

Related Terms: Bolsa de Valores, Mercado de Capitais, Comissão de Valores Mobiliários

Valores Mobiliários refer to securities or financial instruments traded in capital markets, such as stocks, bonds, options, or derivatives. They represent ownership interests or debt obligations issued by corporations or governments for investment purposes. For example, "A negociação de valores mobiliários está sujeita à regulação da CVM."

Xerocópia

Related Terms: Autenticidade, Documento, Cópia Simples

Xerocópia is a photocopy or reproduction of a document made using a photocopier machine or scanner. It is a commonly used method to duplicate legal papers, contracts, evidence, or records for official purposes. For example, "Anexei uma xerocópia do contrato assinado ao processo judicial."

Zoneamento

Related Terms: Plano Diretor, Uso do Solo, Lei de Parcelamento do Solo

Zoneamento is the process of dividing land or urban areas into zones or districts with specific regulations, restrictions, or permitted uses for development, construction, or environmental protection. It aims to manage urban growth and ensure orderly land use planning. For example, "O zoneamento determina que aquela área seja destinada a uso residencial."

A

Acusação

- Related Terms: Denúncia, Queixa
- Explanation: A formal accusation or charge of a crime made against a person in a court of law.

B

Busca e Apreensão

- Related Terms: Mandado de Busca e Apreensão, Apreensão
- Explanation: A legal procedure in which the authorities search a person's property and seize any evidence relevant to a criminal investigation.

Benefício da Justiça Gratuita

- Related Terms: Assistência Judiciária Gratuita, Justiça Gratuita
- Explanation: A legal provision that allows individuals who cannot afford legal representation to receive it

free of charge.

C

Contrato de Locação

- Related Terms: Contrato de Aluguel, Locação de Imóvel
- Explanation: A legal agreement between a landlord and a tenant that outlines the terms and conditions of renting a property.

Crimes contra a Pessoa

- Related Terms: Homicídio, Lesão Corporal
- Explanation: Offenses that involve harm or injury to an individual, such as murder or assault.

D

Denúncia

- Related Terms: Acusação, Queixa
- Explanation: A formal criminal charge made by a prosecutor against a defendant, accusing them of committing a crime.

Direito Penal

- Related Terms: Código Penal, Leis Penais
- Explanation: The branch of law that deals with criminal offenses and their punishment.

E

Embargos de Declaração

- Related Terms: Recurso de Embargos, Decisão Judicial
- Explanation: A legal motion filed by a party to request clarification or correction of a judicial decision.

Execução de Sentença

- Related Terms: Cumprimento de Sentença, Mandado de Execução
- Explanation: The process of enforcing a court judgment or order against a party who has failed to comply with it voluntarily.

F

Foro Competente

- Related Terms: Competência Territorial, Foro de Eleição
- Explanation: The court or jurisdiction that has the authority to hear a particular legal case based on factors such as the location of the parties or the subject matter of the dispute.

Fraude Processual

- Related Terms: Obstrução da Justiça, Falsidade Ideológica
- Explanation: The act of intentionally misleading or deceiving the court or other parties in a legal proceeding.

G

Guarda Compartilhada

- Related Terms: Guarda Compartilhada, Guarda Unilateral
- Explanation: A custody arrangement in which both parents share the responsibility for making decisions about their child's upbringing and welfare.

H

Habeas Corpus

- Related Terms: Liberdade de Locomoção, Prisão Arbitrária
- Explanation: A legal writ used to challenge the legality of a person's detention or imprisonment.

I

Inquérito Policial

- Related Terms: Investigação Criminal, Delegacia de Polícia
- Explanation: The official investigation conducted by the police to gather evidence of a crime and identify potential suspects.

Intimação

- Related Terms: Notificação, Citação
- Explanation: A formal notice or summons issued by a court to inform a party of a legal proceeding or require their presence at a hearing.

J

Juizado Especial

- Related Terms: Juizado de Pequenas Causas, Justiça Itinerante
- Explanation: A special court or tribunal that handles small claims, minor offenses, and other legal matters in a simplified and expedited manner.

Jurisprudência

- Related Terms: Precedente Judicial, Súmula
- Explanation: The collective body of judicial decisions and legal principles that serve as a guide for interpreting and applying the law.

L

Litigância de Má-Fé

- Related Terms: Abuso do Direito de Petição, Dolo Processual
- Explanation: The act of engaging in legal proceedings with the intent to deceive or manipulate the court or other parties.

Lei de Execução Penal

- Related Terms: Execução da Pena, Sistema Prisional

- Explanation: The body of laws and regulations that govern the administration and enforcement of criminal sentences and the operation of correctional facilities.

M

Medida Cautelar

- Related Terms: Prisão Preventiva, Sequestro de Bens
- Explanation: A temporary legal remedy or procedure used to preserve evidence, protect rights, or prevent harm pending the resolution of a legal dispute.

Ministério Público

- Related Terms: Promotor de Justiça, Procuradoria
- Explanation: The public prosecutor's office or agency responsible for representing the interests of the state or the public in criminal proceedings.

N

Notificação Extrajudicial

- Related Terms: Aviso Extrajudicial, Carta de Aviso
- Explanation: A written notice or communication sent by one party to another outside of formal legal proceedings to inform them of an issue or request action.

O

Ônus da Prova

- Related Terms: Prova Testemunhal, Prova Documental
- Explanation: The legal burden or obligation of a party to prove the truth of a disputed fact or allegation in a legal proceeding.

Ordem Judicial

- Related Terms: Decisão Judicial, Mandado de Prisão
- Explanation: A formal command or directive issued by a court or judge requiring a party to take a specific action or refrain from doing something.

P

Perdão Judicial

- Related Terms: Indulto, Anistia
- Explanation: The legal forgiveness or pardon granted by a court or authority that absolves a person of criminal liability for an offense.

Princípio da Legalidade

- Related Terms: Princípio da Reserva Legal, Princípio da Anterioridade
- Explanation: A fundamental legal principle that requires all government actions to be authorized by law and prohibits arbitrary or discretionary exercise of power.

Q

Queixa Crime

- Related Terms: Denúncia, Acusação
- Explanation: A formal complaint or accusation of a crime made by a private individual against another person.

R

Recurso de Apelação

- Related Terms: Recurso de Agravo, Recurso Especial
- Explanation: A legal remedy or procedure used to challenge or appeal a lower court's decision to a higher court for review and reconsideration.

Regime Semiaberto

- Related Terms: Regime Fechado, Regime Aberto
- Explanation: A type of prison or detention arrangement that allows inmates to spend part of their sentence in a correctional facility and part of it outside under certain conditions.

S

Segredo de Justiça

- Related Terms: Sigilo Processual, Cláusula de Confidencialidade
- Explanation: The requirement or order imposed by a court to keep certain information or proceedings confidential and out of the public domain.

Substituição da Pena

- Related Terms: Pena Alternativa, Prestação de Serviços à Comunidade
- Explanation: The legal provision that allows a court to replace a criminal sentence with a less severe punishment or alternative form of punishment.

T

Tribunal de Justiça

- Related Terms: Supremo Tribunal Federal, Tribunal Regional Federal
- Explanation: A high-level judicial body or court that has the authority to hear and decide appeals, review legal disputes, and interpret the law at the state or federal level.

Testamento

- Related Terms: Herança, Sucessão
- Explanation: A legal document in which a person specifies how they want their property and assets to be distributed after their death.

U

Usufruto

- Related Terms: Direito Real, Propriedade
- Explanation: The legal right to use and enjoy another person's property or assets for a specified period without owning it outright.

União Estável

- Related Terms: Casamento, Convivência Marital
- Explanation: A domestic partnership or relationship recognized by law that grants certain rights and benefits to unmarried couples who live together in a committed relationship.

V

Vício de Consentimento

- Related Terms: Erro, Coação
- Explanation: A defect or flaw in the consent given by a party to a contract or legal agreement, such as mistake, fraud, or duress, that may render the contract void or unenforceable.

Vigência da Lei

- Related Terms: Retroatividade, Irretroatividade
- Explanation: The period during which a law or legal provision is in effect and applies to conduct or events occurring within that time frame.

This glossary of Legal Terminology in Portuguese provides a comprehensive overview of key terms and concepts commonly used in the legal field. From criminal law to civil procedures, these terms cover a wide range of topics relevant to legal professionals in Portugal. By understanding and mastering these terms, students of the Masterclass Certificate in Portuguese for Legal Professionals can enhance their knowledge and skills in the field of law and effectively communicate with clients, colleagues, and the court.