

Master and Postgraduate of Law in Chinese Language

Course Description

(Applicable to students admitted from 2013/2014 intake)

Common Course

Research Methodology and Legal Writing Seminar

The course on research methodology and legal writing will cover multiple aspects related to the training and improvement of research skills including their successful presentation in different formats used by the academic world. It notably focuses on the role of methodology in connection with the need for a balanced choice between general academic research standards and particular needs related to the topic chosen by the researcher, furthermore, the course offers insights in how to successfully draft an excellent research proposal, how to structure a presentation both orally and in writing, different citation and writing styles, the use of legal database and many more pertinent issues.

Constitutional Law

Theories and current status of contemporary theories of constitutional law; development of basic principles, content and of the functions of constitutional law; comparative studies on the principles, forms, characteristics, content and functions of political systems of the states; comparative studies on the principles, content, procedures and methods of the systems of election; comparative studies on the content, characteristics and development of the systems of human rights; comparative studies on the organization, formation, functions and powers (legislative power and supervisory power) of the system of legislation and the procedure of legislation; comparative studies on the organization, formation, functions and powers (efficiency and legitimacy), principles of operation of the administrative system and the development of political power; comparative studies on the organization, characteristics, independence and functions of the judicial system; comparative studies on the constitutional safeguards, constitutional construction and examination of violation of the constitution.

Administrative Law

I. Historical evolution of administrative law: France, Germany, Portugal and China. II. Sources of administrative law in Macau. III. Principles of administrative law and their new development. IV. Administrative organizations in Macau. V. Administrative act, classification of administrative acts, determinative nature of administrative act and its force of

enforcement. VI. Administrative procedure: analyses of the Code of Administrative Procedure of Macau. VII. Effectiveness of administrative act and errors in administrative act. VIII. Discussion on the legal system of civil servants in Macau. X. Administrative litigation: analyses of the Code of Administrative Litigation of Macau.

Theory of Criminal Law

I. Historical evolution of criminal law theories in the Continental Legal Family. II. Development and improvement of basic principles of the criminal law. III. Theories and schools of the constituent elements of crime. IV. Theories and laws on inchoate crime. V. Theories and laws on joint crime. VI. Theories and laws on justifications. VII. Evolution, functions and purposes of punishment. VIII. Classification and laws of punishment. IX. Theories and laws on the application of punishment. X. Theories and laws on the execution of punishment. XI. Theories and laws on the system of the specific part of the criminal law.

International Business Law

This course provides a broad introduction to the concept, scope and regulatory issues related to the conduct of international business law in the globalized world of today. Taking into account the increasing economic interdependence between national economies and the emergence of multinational companies (MNCs), the course focused on the emergence of a third, i.e. transnational, legal order aspects of both public and private (international) law.

Comparative Property Law

This course compares the distinctive property law in different legal systems. It contains introduction of property rights in general, internal principles, external principles, characteristics of real property rights, possession systems, special real property rights (*ius in rem*) (definitive order of dominance), real property rights of use and so on.

Comparative Contract Law

This course compares contract law in different countries and areas. It discusses mainly: general principles, formation, vitiating factors, exemption clauses, performance, discharge, breach, remedies and so on.

Special Courses for Group I

Criminal Procedure Law

Provisions in the Code of Criminal Procedure of Macau and theories of criminal procedure, models of criminal procedure, international human rights standards in criminal procedure, the power of investigation and its limits, systems of public prosecution and various models fair trial principles, the rights and responsibilities of the accused person, defense and legal aid, the system of evidence and exclusion of evidence, the rights and status of the victim, international mutual assistance in criminal matters, relevant trends and development in China and other jurisdictions, and other important topics.

Hong Kong and Macau Basic Law

Survey on theory of “One Country and Two Systems” and the Basic Law. Analysis the new issues arising from the practice. Subjects for discussion include relations between Government and the Special Administration regions, political, social, economic and cultural system and the relevant legal system.

Administrative Procedure Law

Part 1: Concept of administrative review (appeal), comparison of systems of administrative review in Mainland China, Hong Kong, Taiwan and Macau, instance of administrative review, the scope of administrative review, organs handing administrative review, and analysis of Code of Macau Administrative Procedure.

Part 2: Concept of administrative litigation, relations between administrative review and administrative litigation, jurisdiction of judicial organs, scope of administrative litigation, adjudication procedure, and remedy mechanism to verdict in administrative litigation.

Comparative Criminal Law

This course focuses on the different system of criminal law, especially the differences between the continental law system and Anglo-American Legal System. It contains their different historical development, concepts and special legal systems.

Special Courses for Group II

Comparative Civil Procedure Law

This course compares the different system of civil procedure law in different countries and areas. It includes the introduction of civil procedure Law, general frame of the action in civil jurisdiction, the right to a legal action, legal classification of the actions, concepts and features, interpretation and integration. Application in time and in space, theory and structure of procedural relation, the procedural act, dynamics of the procedural Relation, formalities of the Ordinary Declaratory Process and so on.

Comparative Commercial Organization Law

This course focuses on different legal regulation concerning the private companies and public companies in distinctive countries and areas and discusses the major trends of in commercial organization law. All major issues of this course will be covered, including fundamental concepts (types of companies; limited liability; capital maintenance), the creation of companies, the capital, the shares, the organs of companies, the rights and obligations of shareholders, and the dissolution and liquidation of companies.

International Arbitration

This course addresses arbitration as an alternative means to resolve international commercial disputes, and introduce some important organizations involved in the international arbitration, as well as their arbitration procedure issues, respectively.

Hot Issues in Environmental Law

In light of the growing global concern for a sustainable development, this course covers the central laws and international bodies concerning the protection of the environment. As a cross-sectional problem the protection of the environment poses a multidisciplinary challenge of both local and global relevance. Therefore, this course discusses several urgent environmental problems, such as climate change, exhausting of nature resources, pollution of the air, water and the sea, and identifies the relevant legal responses to them and critically connects them to the global institutional framework set since the adoption of the United Nations Charter.

Energy and Investment Law

This course will present the role of energy law in the wider context of a society and the search for alternative energy resources, such as eolian(wind), solar, geothermal and hydrogen, cold fusion and other still to be invented energy resources. This course will also discuss the investment in the area of energy and relative legal issues.

Elective Courses

Comparative Economic Law

This course compares different economic legal systems of variable countries and regions. It includes: I. definition, objects and general principles of economic law in main legal systems. II. Legal research on economical administration, organization and market. III. Improvement in foreign related investment law, importation of specialized professionals and investment, comparisons of rules on tourism and entertainment, research on legal issues in house construction and mortgage, financial loans, auditing and inspection, industrial and commercial trade, system of taxation, natural resources, requisition of asset and other special legal topics and so on.

Interregional Criminal Law

This course content includes: Transnational organized crime, emerging crimes and terrorism; International Criminal Law and International Humanitarian Law; International Criminal Jurisdictions and International Criminal Proceedings, Interstate Cooperation on Criminal Matters; and the Relationship between International Criminal Law and National Legislation.

Macau Criminal Law

This course presents the general criminal legal system and special criminal legal system in Macau. It includes, special provisions of Criminal Law: Introduction to general theory of Special provisions, crimes against Macau SAR and crimes against state, alternative subject, Special part of Criminal Law, Criminology and so on.

Public Prosecution System of Macau

This course presents the public prosecution system in Macau, such as its concepts, historical development, status, constitution, responsibility and liability of prosecutors, procedural issues and so on.

Public Prosecution System of Europe

This course presents the public prosecution system in Europe, such as its concepts, historical development, status, constitution, responsibility and liability of prosecutors, procedural issues and so on.

Judicial System of Hong Kong

This course addresses the judicial system in Hong Kong, it includes basic legal concepts and principles in Hong Kong's law, such as the sources of law in Hong Kong, the rule of law, and the related regulations and systems in specific legal departments.

Public Prosecution System of Taiwan

This course presents the public prosecution system in Taiwan, such as its concepts, historical development, status, constitution, responsibility and liability of prosecutors, procedural issues and so on.

Public Prosecution System of Mainland

This course presents the public prosecution system in Mainland, such as its concepts, historical development, status, constitution, responsibility and liability of prosecutors, procedural issues and so on.

Public Prosecution System of Korea

This course presents the public prosecution system in Korea, such as its concepts, historical development, status, constitution, responsibility and liability of prosecutors, procedural issues and so on.

Public Prosecution System of Japan

This course presents the public prosecution system in Japan, such as its concepts, historical development, status, constitution, responsibility and liability of prosecutors, procedural issues and so on.

Issues of Special Administrative Region and Public International Law

I. History of international law and theories of international law; historical evolution of international law; compilation of international law; theoretical schools of international law. II. Theories on the law of treaties and international treaties. III. Theories on the subjects in international law; theories and practice of recognition and succession in international law. IV. Issues in international law on Macau. China's Sovereignty and Macao Special Administrative Region. The differences between treaties signed by central government and Macao. The status of Macao SAR in international organizations. V. International human rights law; development of international human rights law; influence of international human rights law on traditional international law. VI. New development in contemporary law of the sea. VII. Territorial air and the law of outer space. VIII. Diplomatic law and consular law. IX. Law on international organizations: the role of the United Nations, issues in amending the Charter of the United Nations, China and the United Nations and other international organizations. X. Resolution of international disputes, analyses of judgment on cases by the United Nations International Court.

Economic and Trade Law of Europe

General Theories of Regional Economic Integration, Custom Unions of the EU, Free Movement of Persons within the EU, Freedom of Establishment and Services in the EU, European Monetary Union, Common Competition Rules of the EU, the EU Competences in Its External Economic and Trade Cooperation, Anti-Dumping and countervailing Rules of the EU, Safeguard Measures of the EU, Economic and Trade Relations between the EU and China as well as Macau.

Hot Issues in Intellectual Property Law

Characteristics of Intellectual Property Law, namely, intangibility, exclusivity, territorial, and time limits of rights, and the concept of copying. Afterwards, the course will focus on the rules of patents, trade marks and copyright.

Hot Issues in International Private Law

I. General theories of private international law (definitions, scope, origins, nature and history of private international law: subject of private international law, status of aliens in civil and commercial law, etc.). II. Conflict law (conflict of laws, rules of conflict law and application, applicable law and its determination: status and capacity of persons, act in law, agent, limitation, relationship of real right, relationship of intellectual property right, relationship of

obligation, family relationship, relationship of succession and application of relevant laws). III. International unified substantial private law (general introduction to international unified substantial private law, international sale of goods, international cargo transportation, international insurance, international payment, international guarantee, international protection of intellectual property rights). IV. Resolution of international civil and commercial disputes (definitions of international civil and commercial disputes, ADR, international civil and commercial conciliation, international civil and commercial mediation, international commercial arbitration and international civil litigation).

Public Policy Analysis

This course aims at developing critical understanding of public policy, especially in the context of social justice. It will focus on the introduction and examination of policy analysis frameworks and decision theories. Examples will be drawn from China, Macau, and Hong Kong to demonstrate the process of policy analysis.

Science of Administration: Theory and Practice

This course is designed to introduce and review major development in the field of public administration, to acquaint students with the constitutional and legal basis of administration in public agencies, and to review the significance of ethical and legal accountability in the public sector. Specific topics include the structure of the public sector, classification of governments, organization of government, public policy-making, financial and personnel administration, and the relationship between administrators and the public.

Criminology and Criminal Justice

This course is to familiarize students with the major issues in the field of criminology, i.e., various approaches to criminology, concepts of crime and law, theories of crime causation, types of crime, and the criminal justice system. In other words, we are studying the what, why and how of crime and justice. The course is characterized by class discussions, presentations, mini-lectures, guest lectures, field trips, videos, and a major research project.

Law and Economics

Headed by scholars from the University of Chicago, economists have moved into the areas of political science, sociology, and law since 1960 and have made important contributions to these disciplines. For his work in the area of political science, James Buchanan has been

awarded the Nobel Prize, similarly for Becker for his work in sociology and for Case for his work in law. While economists have created and accumulated significant intellectual assets in these fields, they have produced the most important impact in the area of law. Law and Economics is now a well-established and thriving field of scholarship; there are now about a dozen professional journals devoted to this field. The proposed intensive course will discuss law and economics systematically and the inquiry will follow two parallel lines: one is to examine the analytical framework of economics and how it reaches the neighboring fields. The other is to illustrate how the economic approach can be fruitfully employed to study Civil Law. It is expected that enrolled students will attend all sessions and learn first-hand how the two different areas of economics and law can be connected, meaningfully and intellectually interestingly.