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## Course Description

### **Bachelor of Law Programme (Conducted in Chinese and Portuguese) (Admitted in Academic Year 2017/2018)**

#### **LAWS110/LAWS151 GENERAL THEORY OF CIVIL LAW I**

Title I. Introduction. 1. General concepts of civil law. 2. Preliminaries.

Title II. General theory of the civil juridical order. Chapter I. Sources of civil law. Chapter II. Fundamental principles of civil law.

Title III – General theory of the civil juridical relationship. Chapter I. General theory of the individuals of the juridical relationship. 1. General concepts. 2. Natural persons. 3. Legal persons. Chapter II. General theory of the object of the juridical relationship. 1. General concepts. 2. Things and patrimony.

#### **LAWS112/LAWS150 INTRODUCTION TO LAW**

Title I. The concept of Law. Chapter I. The Law as part of the whole social order. 1. The Law and other normative orders. 2. The religion. 3. The ethic. 4. The social behavior.

Title II. The aims or values of the Law. Chapter I. Justice and security.

Title III. The structure of the Law. Chapter I. The rule of Law.

Title IV. Sources of Law. Chapter I. voluntary sources of Law and non-voluntary sources of Law.

Title V. Interpretation of the Law. Chapter I. Types of interpretation. 1. Elements of interpretation. 2. Results of the interpretation. Chapter II. Integration of the gaps in the Law. 1. Analogy. 2. Creation of a ad hoc rule.

#### **LAWS113 LEGAL HISTORY**

Title I. Chapter I. Legal thoughts in traditional Chinese society. 1. Divine Law 2. Patriarchal law 3. Confucianism. 4. Legalism. Chapter II. Legal and political thoughts in Modern China. Chapter III. 1. Legal History of Macao. 1.1 Introduction. 1.2 Specificity and sources of law of overseas Portuguese territories. 1.3 Law and justice. 1.3.1. Portuguese law and local laws, scope of application. 1.3.2 Indigenous law and the mixed relations. 1.3.3 Legal pluralism and mixed jurisdiction in Macao. 1.3.4. Judicial organization of Macao.

Title II. Chapter I. Introduction. 1. Social history of law. Chapter II. The formation of the Common Law. 1. The Roman Law. Sources: (Corpus Iuris Civilis). General Characteristics of the Praetor's Law. The evolution of Roman law until the imperial constitutions. vulgarrecht. 2. Legal pluralism. The role of legal thought in the formation and evolution of the common law. The glossators, commentators, mos gallicus iura docendi, usus modernus pandectarum and naturalists. Chapter III. Philosophy of Law. 1. Legal positivism, legal, historical, sociological and conceptual. 2. Pure theory of law and the right alternative use.

#### **LAWS114/LAWS153 CONSTITUTIONAL LAW**

Title I. General notions of Constitutionalism. Chapter I. Constitution as legal statute of politics. 1. The autonomy of public sphere. 2. State as a political form of modernity. 3. The crisis of State:



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regionalism and globalization. Chapter II. From Constitutionality to Inter-constitutionality. 1. The hierarchical and normative scheme of the constitution of the supervising state. 2. The binding inter-constitutionality of the supervised State. 3. Democracy and rule of law. Chapter III. Comparative Constitutional Law. 1. The Portuguese constitutional experience. 2. The Chinese constitutional experience. 3. The evolution of Macao autonomic status.

#### **LAWS115/LAWS154 MACAO BASIC LAW**

Title I. The Basic Law of the SARM. Chapter I. Characterizing the SARM. 1. SARM as a political region. 2. Scope of autonomy of SARM. 3. SARM's political system. Chapter II. Purposes of Basic Law. 1. Theories on the purposes of Basic Law. 2. Art. 31 of the CPRC and its double task. 3. Luso-Chinese joint-declaration. Chapter III. Legal nature of the Basic Law. 1. Ideas on the legal nature of the Basic Law. 2. Basic Law as an ordinary legal norm. 3. Basic Law as statutory legal norm. 4. Basic Law as a reinforced legal norm. 5. Basic Law as a material constitutional legal norm. Chapter IV. Guaranty of the Basic Law. 1. Interpretation of the Basic law. 2. Guaranty of the reinforced value of the Basic Law. 3. Limits to revision of the Basic Law.

#### **LAWS116/LAWS155 PUBLIC INTERNATIONAL LAW**

1. Concept and nature of Public International Law. 2. Relationship between International and Domestic Law. 3. Sources of Public International Law: treaties and customary norms. 4. International Legal Personality. 5. The State: elements of the State, the recognition of State, succession of states, rights and duties of the State. 6. International Organizations: definition and types. The United Nations. 7. Diplomatic and Consular relations Law. 8. The pacific resolution of the international conflicts. 9. Individuals in Public International Law. 10. Application of Public International Law to Macao.

#### **LAWS120/LAWS152 GENERAL THEORY OF CIVIL LAW II**

Title I. General theory of the civil juridical relationship (cont.). Chapter I. General theory of the juridical fact. 1. About juridical facts in general: concepts and classifications; acquisition, modification and extinction of juridical relationships; juridical transaction and simple juridical act. 2. Transactional declaration: general concepts; interpretation and integration of juridical transactions; divergence between the intention and the declaration; defects of the intention; representation in juridical transactions. 3. Transactional object. 4. Accidental elements of juridical transactions. 5. Ineffectiveness and invalidity of juridical transactions: general concepts; invalidities; reduction and conversion of juridical transactions.

#### **LAWS130 ENHANCEMENT LEARNING ACTIVITIES**

Apart from regular legal courses, students are encouraged to participate in other activities, such as attending seminars, participating in competitions, sharing and discussing legal problems with one another.

#### **LAWS161 PUBLIC ECONOMICS**

The meaning of Public Economy - Financial Activity of State: Expenses, Revenues and Budget. Economic Activity of State: Characterization of Public Economic activity and the Enterprise activity of State - Public Revenues - Public Expenses - Public Budget - Financial Policy problems.



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### **LAWS162 TAX LAW**

Introduction.

I. Tax Law. Historical background. Theory of taxation. Taxes and other contributions. Administrative taxation procedure. Classification of taxes. Definition of Taxes. Tax law and other fields of law. Constitutional Law. Administrative Law. Commercial law. Private Law. Criminal Law. International Law.

II. Tax Jurisdiction. Sources of tax law. General principles of law. International and interregional tax law agreements. Customary law. Jurisprudence. Doctrine. Interpretation of tax laws. Integration of tax laws. Application of tax laws in time and space. Double taxation. Tax avoidance and tax evasion. International exchange of tax information.

III. Legal relation. Nature. Parties. Tax obligation. Tax duties and warranties. Execution procedure.

IV. Taxation in Macao. Evolution. Taxation on income. Taxation of property. Taxation of services. Stamp duty. Special Gaming Tax. Other taxes.

### **LAWS163 COMPARATIVE LEGAL SYSTEMS**

Title I. Introduction. 1. The concept of comparative law and its neighbouring disciplines. 2. The history of comparative law. 3. The function and aims of comparative law. 4. The method of comparative law. 5. Legal formants. 6. Comparative law as a science. 7. The grouping of the legal systems into families.

Title II. Legal traditions of the world. 1. Civil Law: a) History. b) Structure. c) Sources. d) The French and German experiences of Codification. e) The diffusion of the respective patterns. 2. Common Law. 2.1. The English Law: a) History. b) Structure. c) Sources. 2.2. The American Law: a) History. b) Structure. c) Sources. 3. Far East Law. 3.1. Chinese Law. 3.2. Japanese Law. 4. Religious Law. 4.1. Islamic law. 4.2. Hindu Law. 5. African law.

Title III. Introduction to European Union Law.

### **LAWS164 ENVIRONMENTAL LAW**

This course covers the environmental values and policies, history of environmental law, the principles and framework of environmental regulations, the use of risk assessment techniques in environmental law, the regulatory tools of environmental law, and the enforcement and dispute settlement mechanisms and international responsibilities. Special topics like water pollution, air pollution, cross-border movement of hazardous wastes and other local, regional and global environmental problems.

### **LAWS165 REGISTRY AND NOTARY LAW**

I. Concept: 1. the structure and function of registry and notary agencies of Macao SAR. 2. The similar organs and functional difference. 3. The common perspectives of public administration with private interest: Prevention of conflict as an indispensable contribution in administration of justice.

II. The statute law of registry and notary: 1. Organic law. 2. Law codes. 3. Separate legislation.

III. Law of civil registry. 1. Concept and scope. 2. Theory and practice. 3. Principle of information.

IV. Law of Registry of House. 1. Concept and scale 2. Theory and practice. 3. Principle of information. 4. Commercial registry and registry of automobiles, ships and airplanes.

V. Notary Law. 1. Concept and scope. 2. Theory and practice. 3. Principle of information.



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### **LAWS166 FORENSIC MEDICINE**

Forensic Medicine (concept, organization). Corporal offenses. Forensic sexology. Medical reports and certificates. Sudden natural death. Identification. Violent death. Injury and death from physical agents. Wounding. Asphyxia. Immersion and drowning. Sexual offenses. Abortion and Pregnancy. Infant deaths. Poisoning and drugs. Alcohol abuse. Forensic Psychiatry. Labor Forensic Medicine. Medical ethic, responsibility and negligence. Transplantation of organs and tissues practice of observations (autopsy, medico-legal examinations).

### **LAWS167 ESPECIAL PART OF CRIMINAL LAW**

1. Crimes against life; 2. Crimes against property; 3. Crimes against peace and humanity; 4. Crimes against public order; 5. Crimes against Original Region; 6. Casino Crime; 7. Crimes against economic order.

### **LAWS168 JURIDICIAL PRACTICE**

Part I. 1. Administration of justice: Generality. 2. Organs exercising jurisdictional function. 3. Classification of courts. 4. Hierarchy of courts. 5. Principle regulating administration of justice 6. The relevant statute laws. 6.1. The Basic Law of Macao SAR. 6.2. The Basic Law of Judicial Organization. 6.3. Civil Procedural Code.

Part II. - Litigation Practice. 1. The judicial protection in Macao SAR. 2. Legal profession. 3. Judicial mandate. 4. The organs and entities with specific function of this area. 5. The relevant statute laws. 5.1. The Basic Law of Macao SAR. 5.2. The Basic Law of Judicial Organization. 5.3. The statute of lawyers and the relevant moral and disciplinary regulations.

### **LAWS169 GENERAL THEORY OF CHINESE LAW**

Part I. - 1. The characteristics of legal system of ancient China. 2. PRC Constitution Political and Economical fundamental principles settled by the Constitution, The State Organs of PRC, Rights and Duties of Chinese citizens. 3. PRC Criminal Law: range of application of criminal law, Conception and constitution of crime, Penalties, Measure of Penalties, the Special Provisions of Criminal Law. 4. Criminal Procedure in PRC: jurisdiction, evidences, mandatory injunctions. The Accusation, 1st and 2nd stages procedures, Execution. 5. PRC Administrative: Administrative institutions, administrative act, the Law of civil servants. Hierarchy Claims and Administrative Procedure.

Part II. - 1. Civil Law of PRC: general principles of Civil Law, the parties of the civil juridical relationship, civil juridical acts, the right of property, contracts, civil liability. 2. The marriage and successions law: marriage regimens, divorce regimens and procedures, blood relations and affinity, inheritance, legal succession, testate succession. 3. Company Law general regimen and types of companies, limited companies, partnership associations and business corporations. 4. PRC Foreign Economy Law: Joint venture enterprises, foreign enterprises, the law of joint administration of companies, PRC use of land law, Tax law related to foreign companies.

### **LAWS170 GENERAL THEORY OF PORTUGUESE LAW**

I - Juridical Systems.

II - Portuguese juridical system. 2.1. Evolution and Characterization. 2.2. Constitutional Law and Administrative Law 2.3. Criminal Law and Procedure 2.4. Evolution of Civil Law and Civil Procedural law. 2.5. Commercial Law 2.6. Economic Law. 2.7. The Private International Law, the



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nationality. 2.8. European Law. 2.9. The law and the environment, urban construction law, the consumer, the telecommunications, the computing and biotechnic, and other new challenges. 2.10. The foreigners in Portuguese Law. 2.11. The Statute of the former Portuguese colonies in Africa (PALOPs) and the Statute of its citizens. 2.12. The Statute of the Portuguese citizens born in Macao and Macao residents. 2.11. Tendencies of the evolution of Portuguese Law.

III - 3.1. The Portuguese Law and the Law of Macao. 3.2. The autonomization of the Legal System of Macao and the principle of the maintenance basically unchanged of the existing juridical order of Macao. 3.3. The experience of transition in Macao.

IV - Observing the evolution of the Portuguese Legal System and other systems with a common matrix.

### **LAWS171 PORTUGUESE LEGAL LANGUAGE**

Legal language: Basic legal concepts. Legal logic. Judicial syllogism. Critique of legal language. Analysis of court decision. Fundamental legal documents legal procedure. Legal translations. Legislations. Legislative process and formalities.

### **LAWS172 INTRODUCTION TO ALTERNATIVE DISPUTE RESOLUTION**

This course will provide in-depth introduction to the alternative dispute resolution, including arbitration and mediation, and its linkage and connection with court adjudication. It will cover the law and practice of ADR in both civil law and common law jurisdictions, with a focus on its application in Macao.

### **LAWS173 LEGAL HISTORY OF MACAO**

The course mainly addresses the historical evolution of political system of Macao. Part I: The political system of the Period of Internal Autonomy of Portuguese Residents (1557-1843). Part II: The political system of the period of overseas province including Timor and Solor (1844-1895). Part III: The political system of Macao as a single overseas province (1896-1975): The Period of Granting Autonomy of Colony (1896-1930), the 1995' Statute of Macao Province and 1963 and 1972 Political and Administrative Statue of Macao Province. Part IV: The political system before and after the transition of power (1976-2005).

### **LAWS210/LAWS250 OBLIGATION LAW I**

Chapter I. Introduction. 2. Obligation law and the importance of its study. 2. Reference to Comparative Law. 3. Guiding principles of Civil Law and Obligation Law. 4. General notions. Obligation stricto sensu. Performance of the obligation. The problem of non-autonomous obligations. Complex "obligational" relation. Function of the obligation and the interests of the creditor. 5. Credit rights and property rights. The external effect of obligations. 6. Guiding Principles of Obligation Law. Principle of individual autonomy and contractual freedom. Principle of good faith. Principle of the unjust enrichment.

Chapter II. Sources of obligations. 1. Contracts. Contractual relations. 2.1. Promissory contract. 2.2. Preference pact. 2.3. Exception of non-performance. Termination of the contract. 3. Unilateral transactions. 4. Management of alien affairs. 5. Unjust enrichment. 6. Civil Liability. 6.1. Contractual and non contractual liability. 6.2. Liability for unlawful actions. Requirements and regime of the obligation on compensation. The function of civil liability. 6.3. Objective Liability. Liability of the committer. Liability of public legal persons by acts of private management. Liability



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for damages caused by animals. Liability for damages caused by terrestrial circulation vehicles. Liability for damages caused by electrical energy or gas installations. 6.4. Liability for legal actions. 6.5. Mandatory civil liability insurance. 6.6. Mandatory automobile civil liability insurance. 6.7. Limitations to the liability and the right to compensation.

### **LAWS211/LAWS253 ADMINISTRATIVE LAW I**

I. Public administration 1. Public Administration. Concept and different meanings. 2. Historical evolution. 3. Public Administration and the other State functions 4. Administrative systems: comparison between the continental-European system and the British system.

II. Administrative organization 1. The structure of the public administration 2. Types of inter-organic relations: hierarchy, superintendence and supervision; delegation of powers 3. The Administrative organization of the SARM.

III. The administration and the Law 1. Public Administration and private law 2. Public administration and administrative law: the principle of legality of Administration. 3. Activity bound by the law and discretionary activity: the administrative discretionary activity. 4. Sources of administrative law: in special, the administrative Regulations.

### **LAWS212/LAWS255 FAMILY LAW**

Chapter I. Introduction. 1. Legal notion of family. 2. Constitutional principles. 3. Sources of Family Law. 4. Features of family law and of family rights.

Chapter II Family relations. 1. Relatives. Affiliation relationship. Establishment of mother-child relationship. Establishment of father-child relationship. Assisted procreation. Medical assisted procreation. Effects of the affiliation. Parental responsibility. 2. In-laws. 3. Adoption. Constitution and effects. 4. Marriage. Concept, Matrimonial regimes, features of the marriage as an act and as a status.

Chapter III. Marriage. 1. Constitution of the matrimonial relation: marriage as an act. Civil marriage. Requirements. Consent. Capacity. Formalities. Invalid marriage. Putative marriage. 2. Effects of marriage: marriage as a status. 2.1. Personal effects. 2.2. Patrimonial effects. General principles and suppletive regime of the matrimonial goods. 3. Modification of the matrimonial relations. Judicial separation of goods. Judicial separation of persons and goods. 4. Termination of the matrimonial relation. 4.1. Death and presumed death. 4.2. Divorce. Divorce by mutual consent. Process. Nature. Litigious divorce. Causes of litigious divorce.

Chapter IV *De facto* union. Notion of legally relevant *de facto* union.

### **LAWS214/LAWS252 LABOUR LAW**

Title I. Labour Law: concept, object and importance. Chapter I. Historical evolution of Labour Law. Chapter II. Sources of Labour Law.

Title II. The labour contract. Chapter I. Concept, elements and legal characteristics of the labour contract.

Title III. The formation of the labour contract. Chapter I. Parts of the labour contract. 1. Employee. 2. Employer. 3. Rights and duties. Chapter II. Types of employment contracts. 1. Indefinite duration period. 2. Fixed term and non-fixed term. Chapter III. Probationary period. Chapter IV. Employment of minors.

Title IV. Working time. Chapter I. Normal working hours. 1. Exemption for the working time schedule. 2. Overtime work. 3. Night work. 4. Shift work. Chapter II. Periods of rest. 1. Weekly



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rest. 2. Holidays. 3. Annual leave. 4. Absences. 5. Maternity leave.

Title V. Salary. Chapter I. Types of salary. 1. Basic remuneration. 2. Variable remuneration. 3. Calculation of the retribution. 4. Compensation and deductions on salary.

Title VI. Termination of the labour relation. Chapter I. Forms of termination. 1. Revocation. 2. Resolution. 3. Rescission. 4. Expiry.

Title VII. Labour relations with non-residents workers. Title VIII. Social Security.

### **LAWS215 ECONOMICS**

1. Offer and demand. 2. Consumers and Producers decisions. 3. The structure of the Market. 4. The National Income Accounting and the determination of the national income theory. 5. Financial and Monetary Policies. 6. Inflation and Unemployment. 7. Economic System and Development of Regional Economy.

### **LAWS220/LAWS251 OBLIGATION LAW II**

Chapter I. Modalities of obligations. 1. Obligations in relation to their binding: the natural and civil obligations. 2. Obligations in relation to the individuals: conjoint and jointly liable obligations. 3. Obligations in relation to the object. Pecuniary, interest and compensation obligations.

Chapter II Transfer of obligations. 1. Transfer of credit. Sub-rogation. 2. Individual transfer of debts. 3. Cession of the contractual position.

Chapter III General security of obligations. 1. Scope. 2. Protection of patrimonial guarantees. Void contracts. Sub-rogation of the creditor to the debtor. *Actio pauliana*. Seizure of assets.

Chapter IV. Special security of obligations. 1. Personal and real securities. 2. Bail. 3. Real securities. 4. Bond.

Chapter V. Performance and non performance of obligations. 1. Performance. Performance and principle of good faith. Timeliness of obligations. Who can perform and to whom can the obligation be performed. Place and deadline of the performance. Allocation and evidence of performance. 2. Non performance. Impossibility and delay not imputable to the debtor. Impossibility and delay imputable to the debtor. 3. Defective performance. 4. Contractual regulation of the rights of the creditor. Penalty clause. 5. Forced execution of the credit. Action to enforce the performance, specific performance, performance by equivalent. 6. Cession of assets to the creditors. 7. Delay of the creditor.

Chapter VI. Causes of extinction of obligations besides the performance.

Chapter VII. Special contracts. 1. Contracts regulated and not regulated in the law. 2. Mixed contracts and contracts related. 3. Contracts regulated in the Civil Code. 4. Gaming and betting. General and special features of gaming and betting.

### **LAWS221/LAWS254 ADMINISTRATIVE LAW II**

I. The Administrative Activity. 1. General notions: legal facts in administrative law; in special the administrative illicit 2. Administrative activity.

II. The regulatory power. 1. Notion, function and grounds for the administrative regulations 2. The administrative regulations and the law: admissibility of the independent regulations. 3. The regulatory procedure.

III. Administrative act 1. Notion and meaning 2. Typology 3. Instrumental acts. 4. The administrative procedure. 5. Effectiveness and legal strength of the administrative act: the possibility of execution by Administration of it own acts. 6. The structure of the administrative act:



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the subject, the object and the declaration. 7. The defects of the administrative act. Types of invalidity.

IV. The administrative contract 1. General notions: the public administration, consensus and authority. 2. Legal regime: formation, content and principles relating to the “life” of the administrative contracts. Invalidity of administrative contracts.

### **LAWS222/LAWS256 PATRIMONIAL FAMILY LAW AND SUCCESSION LAW**

Title I. Patrimonial Family Law. Chapter I Introduction. Patrimonial effects of relatives, in-laws and adoption. Chapter II Patrimonial effects of marriage. 1. Regime of the matrimonial goods. Nuptial agreements. Description of the legal regimes of goods. Separation. General community of property. Community of acquired property. Participation in acquired property. Administration of the goods of the couple. Matrimonial illegitimacies. Liability for the debts of the spouse. 2. Termination of the patrimonial relations. Chapter III Alimony.

Title II. Succession Law. Chapter I Introduction. Legal notion of succession. Constitutional principles and sources. Succession systems. Features of the succession law and of the succession rights. Chapter II Succession in general. 1. Death as a prerequisite to succession. 2. Several types of succession by death. 3. Heir and legatee. 4. Opening of succession. 5. Succession “calling”, succession “appointment”, content and object of the succession “calling”. Prerequisites of succession “calling”. Prevalence of the succession “appointment”. Existence of the “called” person. Succession capacity, indignity and disinheritance. Modes of “calling”. Indirect “calling”. Right to representation. Direct substitution. Right of accretion. 6. Vacant succession. 7. Succession acquisition. Acceptance and refusal of the inheritance. 8. Request of the inheritance. 9. Transfer of the inheritance. 10. Administration of the inheritance. 11. Charges for the inheritance and its liquidation. 12 Partition of the inheritance. Chapter III Successions in special. 1. Legal succession. 2. Legal mandatory succession. 3. Testate succession. 4. Contractual succession. Partition in life.

### **LAWS310/LAWS351 COMMERCIAL LAW I**

Title I. The exercise of commercial entrepreneurs in general. Chapter I. 1. Introduction to Commercial Law. 2. The commercial law as the law “around” the business. Chapter II. Commercial enterprise and Commercial entrepreneurs. 1. Commercial entrepreneurs and acts of commerce. Chapter III. Commercial entrepreneurs. 1. Commercial capacity, Impediments and incompatibilities. 2. Legitimacy. 3. Obligations of commercial entrepreneurs. 3.1. Firm. 3.2. Commercial bookkeeping. 3.3. Commercial register. 3.4. Render accounts. Chapter IV. Representation in the performance of an enterprise. 1. Managers. 2. Assistants of an entrepreneur. Chapter V. Liability for the exercise of an commercial enterprise. 1. Liability for debts contracted in the exercise of an enterprise. 2. Liability for defective products. Chapter VI. A commercial enterprise as an object of business. 1. The right over the enterprise and the rights on the assets of the enterprise. 2. The commercial enterprise as object of contracts. 2.1. The transfer of the commercial enterprise. 2.2. Lease of commercial enterprise. 3. Usufruct of commercial enterprise. 4. Pledge of commercial enterprise. Chapter VII. Trade distinctive signs. 1. Firm (remission). 2. Name and emblem. 3. Trademark. Chapter VIII. Competition legal discipline. 1. Competition in general. 2. Unfair competition.

Title II. Negotiable instruments. Chapter I. Negotiable instrument in general. Chapter II. Bill of exchange. 1. Typical notes of the obligation incorporated in a negotiable instrument. 2. Requisites of the bill of exchange. 2.1. Essential requisites. 2.2. Non essential requisites. 3. Legal institutes of





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the Bill of Exchange. 3.1. Drawing. 3.2. Endorsement. 3.3. Acceptance. 3.4. “Aval”. 3.5. Types of maturity. 3.6. Recourse.

### **LAWS311/LAWS353 CRIMINAL LAW I**

Title I. General Considerations. Chap. I. Criminal Law in a formal perspective. 1. Concept. Chap. II. The whole Criminal Law Science. Chap. III. Criminal Law main principles. Chap. IV. The role of the Criminal Law in the legal system – the question of the material concept of crime. 1. The criminal legal property. Chap. V. The aim of the penalties and the security measures. Chap. VI. Criminal Law limits. 1. Comparison to the other Law fields. Chap. VII. The principle of the legality – role, reasons and consequences. 1. Criminal Law interpretation and integration. 2. Criminal Law validity – application of the Criminal Law depending on time and space factors.

Title II. The General Theory of the Criminal Infraction. Chap. I. Introduction. 1. Constitutive elements of the crime. 2. Classification of the crimes. Chap. II. The so-called ‘incriminatory type’. 1. The illicit type in an objective perspective and the attribution of the result to the behave. 2. The illicit type in a subjective perspective. 3. The intention and its elements. 4. The problem of the mistake. 5. The negligence.

### **LAWS312/LAWS350 PROPERTY LAW**

Introduction (evolution of the systems of real property rights). I – Notion of real property right. II. Characteristics of the real property rights. III. The real property rights. Community property. Joint ownership. Horizontal ownership. IV. Limited real property rights. The usufruct. The use and habitation rights. Timesharing right. Superficial right. Emphyteusis constituted before the new Civil Code of Macao. Real property rights resulting from concession of government land in Macao: granted dominium utile; ownership of buildings on leased land. Abstract on real property rights for acquisition and for real security. V. Possession. Definition. Possession and mere detention. Rights that can be possessed. Things that can be possessed. Capacity for possess. Characteristics of possession. Acquisition of possession. The protection of the possession: Rights resulting from the possession; Legal actions to defend the possession. Usucapio (the adverse possession).

### **LAWS313/LAWS355 ADMINISTRATIVE LAW III**

I. Introduction. 1. Administrative justice. 2. Separation of powers. 3. Main historical models of administrative justice. 4. Subjective and objective models.

II. Evolution of the judicial review in Macao. 1. Jurisdictional competence within the judicial review in Macao. The administrative Court. Appeal Courts. Judicial organization in Macao.

III. Mechanisms of Judicial review. 1. Judicial review. 1.1 Concept and nature. 1.2 General principles. 1.3 Administrative acts that can be judicially reviewed. 1.4 Procedural requirements 1.5 Standing of the parties 1.6 Proceeding. 2. Special judicial remedies 2.1 Judicial review of norms 2.2 Electoral litigation 2.3 Administrative infractions 3. Administrative Actions 3.1 Judicial action on administrative contracts 3.2 Judicial action on torts liability 3.3 Injunction. Judicial action to compel the practice of an administrative act 3.4 Judicial action for the protection of rights and lawful interests. 4. Interim Measures. 4.1 Suspension of the effects of an administrative decision. 4.2 Provisory injunction. 4.3 Production of endangered evidence. 4.4 Other interim measures.

IV. Judicial Decisions 1. Legal effects of the judicial decisions

V. Judicial appeals 1. Right to appeal 2. Legal regime.

VI. Execution of judicial decisions. 1. Execution for the delivery of an asset or performance in kind.



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2. Execution for payment of an amount 3. Guarantees against illegitimate non execution.  
VII. Arbitration 1. Arbit. 2. Appeal of arbitration. 3. Arbitration centers.

### **LAWS314/LAWS356 CIVIL PROCEDURAL LAW I**

I. Introduction. Procedure and Procedural Law. Jurisdiction and jurisdictional function. General frame of the action in civil jurisdiction.

II. The action. The right to a legal action. Legal classification of the actions: according to their goal, according to their form. Interlocutory injunctions.

III. Civil Procedure Law. Concept. Features. Importance. Interpretation and integration of its norms. Application in time. Application in space.

IV. Sources of the Portuguese Civil Procedure Law and close Disciplines. Historical evolution. Special mention of Macao.

V. Theory of the Procedural Relationship. The instance as a procedural relationship. The structure of procedural relationship. The parties. Procedural requisites concerning the parties. Judiciary personality. Judiciary capacity. Legitimization. Compulsive representation by an attorney at law. The procedural interest. The court. The judicial organization. Jurisdiction and competence. The object of the procedural relation. The claim and the cause of action.

VI. The process forms. Common process and special processes. Ordinary and summary common process. Special process of small claims.

### **LAWS320/LAWS352 COMMERCIAL LAW II**

Title I. Commercial companies in general. Chapter I. Notion of commercial company and related figures. Chapter II. Brief historical reference. Chapter III. Types of commercial companies.

Title II. Constitution and functioning of commercial companies. Chapter I. Constitution of commercial companies. Chapter II. Legal personality and capacity of commercial companies. Chapter III. On the shares. Chapter IV. Capital and legal capital, profits and losses. Chapter V. Company organs. 1. Administration. 2. General Meeting. 2.1. Company resolutions. 2.2. Ineffectiveness of company resolutions. 2.2.1. Resolutions ineffective. 2.2.2. Void resolutions. 2.2.3. Voidable resolutions. 2.2.4. Nonexistent resolutions? 3. Supervisory Board and single supervisor. 4. The company secretary. 5. The liability of members of company organs.

Title III. Amendment of the articles of association. Chapter I. Amendments to the articles of association. 1. Generalities. 2. Increase or reduction of the company capital. 3. Modification of the company object. Chapter II. Mergers and divisions of companies. Chapter III. Transformation of companies.

Title IV. Extinction of commercial companies. Chapter I. Winding up of commercial companies. Chapter II. Liquidation of commercial companies

### **LAWS321/LAWS354 CRIMINAL LAW II**

Title I. Continuation of the General Theory of the Criminal Infraction. Chap. I. The so-called 'justifying type'. 1. The causes of exclusion of the illicit. Chap. II. The so-called 'type of fault'. 1. Definition of the criminal fault. 2. Intentional and negligent fault. 3. Non-imputability due to the age or to a mental health disorder. 4. The causes of exclusion of the fault. Chap. III. Punishment. Chap. IV. Omission – general notions. Chap. V. Attempt. Chap. VI. Participation in the crime - perpetration and complicity.

Title II. Legal consequences of the crime. Chap. I. Penalties. 1. Preliminary remarks. 2.



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Imprisonment – or the penalty that restricts the freedom . 3. Fine – or the penalty that restricts the property. 4. Alternative penalties. 5. Accessory penalties. Chap. II. Determination of the penalty. 1. The system of determination of the penalty. 2. The concrete penalty measure. 3. Special cases of determination of the penalty. Brief approach.

### **LAWS410/LAWS451 COMMERCIAL LAW III**

Title I. Commercial contracts in general. Chapter I. Introduction. Chapter II. General theory of Commercial contracts. 1. Physiognomy of the modern commercial contract: the problem of standard contractual clauses. 2. Special legal regime of commercial obligations. 3. Prescription of commercial obligations. 4. Classification of commercial contracts.

Title II. Study of some Commercial contracts in particular. Chapter I. Contract of sale. Chapter II. Contract for sale or return. Chapter III. Supply contract. Chapter IV. Commission contract and forwarding contract. Chapter V. Distribution contracts. 1. Agency contact. 2. Commercial concession contract. 3. Franchising. 4. Brokerage contact. Chapter VI. Advertising contracts. 1. Contract Advertising. 2. Advertising diffusion contract. 3. Advertising creation contract. 4. Advertising sponsorship contract. Chapter VII. Carriage contract. Chapter VIII. Deposit in general warehouses. Chapter IX. Lodging contract. Chapter X. Current account contract. Chapter XI. Securities lending contract (reporte). Chapter XII. Banking contracts. 1. Bank deposit. 2. Rental of safe deposit boxes 3. Opening credit. 4. Bank advance. 5. Current Bank account. 6. Bank discount. 7. Factoring contract. 8. Leasing. Chapter XIII. Guarantee contracts. 1. Commercial pledge. 2. Fiduciary transfer guarantee. 3. Floating charge. 4. Independent guarantee. Chapter XIV. Insurance contract.

### **LAWS411/LAWS450 PRIVATE INTERNATIONAL LAW**

Title I. 1. Introduction. 2. Method. 3. General principles and regulation values. 4. Function of the conflict rule. 5. Structure of the conflict rule. 6. Classification 7. Renvoi (remission/transmission). 8. Vested rights. 9. General clause of public policy ("ordre public"). 10. The "fraus legis".

Title II. 1. Personal law. 2. Natural persons. 3. Juridical persons. 4. Law on foreigners. 5. Legal business. 6. Obligations. 7. Real property rights. 8. Family. 9. Succession.

### **LAWS412/LAWS452 CRIMINAL PROCEDURAL LAW**

I. General Notions. 1. Function and meaning of the criminal law procedure. 2. Criminal law procedure within the legal system. 3. The juristic and constitutional compliance of the criminal procedure and its structure. 4. The application of the criminal procedure law.

II. General Principles of Criminal Procedure Law. 1. Principles relating to the initial stage of the procedure. 2. Principles relating to the continuation of the procedure. 3. Principles relating to evidence. 4. Principles relating to the form of the procedure.

III. The Agents of the Criminal Procedure. 1. Court. 2. Public prosecutor and criminal police bodies. 3. The defendant and the defendant's lawyer. 4. The victim and injured party.

IV. Procedural measures 1. Means to obtain evidence. 2. Safeguard and Police measures. 3. Coercive Measures 4. Measures of patrimonial guarantee.

V. Stages of the Criminal Procedure. 1. The forms of criminal procedure and their respective procedure. 2. Appeals.

Pre-requisite: May be considered within FLL Pedagogic Regulations



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### **LAWS413 POLITICAL SCIENCE**

Chapter I - Object, method, scope and objectives of political science. Chapter II - Review of politics over centuries. Chapter III - The forms and systems of modern governments. Chapter IV - Systems of some particular governments. Chapter V - Forms and system of Macao government.

### **LAWS414/LAWS453 CIVIL PROCEDURAL LAW II**

Title I. Theory of pleadings. One. Concept of pleading. 2nd. Form. 3rd. Time. 4th. Place. 5th. Subjects. 6th. Purposes. 7th. Pathology of pleadings.

Title II. Dynamics of procedural relationship. One. Start the instance and its development. 2nd. Modifications of the instance. 3rd. Suspension and termination of proceedings. 4th. No need to adjudicate. 5th. The incidents of the proceedings.

Title III. Formalism of ordinary declarative process and its phases. Chapter I. Articulated. One. Initial petition. 2nd. Order injunction. 3rd. Quote. 4th. Challenge: challenge for defense and for defense exception. 5th. Counterclaim. 6th. Reply and rejoinder. 7th. Articulated supervening. Chapter II. Sanitation and preparation process. One. Pre-Order exonerating. 2nd. Selection of the facts. 3rd. Curative act. Chapter III. Instruction process. One. The evidence in general. 2nd. Right evidential material and formal evidentiary law. 3rd. The burden of proof and rules. 4th. Principles that govern the production of evidence in court. 5th. Evidence. Chapter IV. Discussion and judgment. One. The final hearing. 2nd. The final sentence. 3rd. Effects of sentence. 3.1. The res judicata and its species. 3.2. Subjective and objective limits of res judicata. 3.3. Other effects of final judgment.

Title IV. Formalism of common abstract declarative process. One. Differences regime regarding how common ordinary. 2nd. Deadlines.

Title V. Process particular concerning small claims. One. Competence. 2nd. Specialties of conduct.

### **LAWS416 RESEARCH AND INTERNSHIP**

This course can help students to understand the basic elements of learning and applying to the law: standardization; sociality; logicity; definability; finality; sense of justice. This course introduces students to the basic skills of public speaking and debate. It examines the functions, elements, types and roles of public speaking. Through lectures and practices, students learn essential skills in writing, speaking and debating that engage a public audience. In addition to the coursework, students have to choose to look for a relevant workplace to perform 100 hours of internship or to attend 10 court trials and prepare a report for any 5 out of the 10 court trials attended to fulfill the internship requirement.

### **LAWS420/LAWS454 CIVIL PROCEDURAL LAW III**

Title I. General theory of executive action. One. Concept and objectives. 2nd. Rate cool.

Title II. Inadmissibility of executive action. One. Specific assumptions. 1.1. Assumption formal and substantive requirements. 1.2. The enforceable legal nature and historical evolution. 1.3. Rating enforceable. 1.4. Consequences of lack of enforcement or its unenforceability. 1.5. Sure, liquidity and enforceability of the obligation. 2nd. General inadmissibility of executive action. 2.1. The jurisdiction of the court. 2.2. The formal legitimacy. 2.3. The mandatory legal representation.

Title III. Forms of executive process. One. Common process and special processes. 2nd. Legal Regime of different species and forms of execution.

Title IV. Process executive for payment of a certain amount and its phases. Chapter I. Ordinary



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form. One. Articulated. 1.1. Initial application. 1.2. Order injunction. 1.3. Quote of the run. 1.4. The attached opposition's run. 2nd. The attachment. 2.1. Definition and purpose. 2.2. Opposition to attachment. 3rd. Contest creditors. 3.1. Complaint and checking credits. 3.2. Processing. 4th. Payment and its modalities. 5th. Right of redemption. 6th. Term of the executive process. 7th. Renewal of execution extinct. Chapter II. Summary form of the implementation process for the payment of a certain amount.

Title V. Implementation process to deliver right thing. One. Forms common and ordinary common summary. 2nd. Conduct.

Title VI. Implementation process to provide that. One. The fact that positive and negative. 2nd. Forms common and ordinary common summary.

### **PTSB115 ORAL COMPREHENSION AND PRODUCTION SKILLS I**

A course designed for the development of appropriate and accurate pronunciation of the Portuguese sounds, involving their training and practice. Students will actively work on the recognition and production of oral texts through simulation of different communication contexts and other role play activities.

Pre-requisite: None

### **PTSB116 WRITTEN COMPREHENSION AND PRODUCTION SKILLS I**

Practical introduction to Portuguese concerning elements of all language skills and selection of cultural topics. The course will give particular interest to the use and comprehension of basic Portuguese structures and lexicon in context.

Pre-requisite: None

### **PTSB125 ORAL COMPREHENSION AND PRODUCTION SKILLS II**

This course will reinforce and further develop the students skills in the recognition and production of the sounds of Portuguese learned during the first semester. Students will produce short dialogues on everyday topics, draft different communication situations and perform it in the class. It is expected that students may be able to discuss actuality themes, that they are familiar with, developing their vocabulary and a more accurate pronunciation.

Pre-requisite: PTSB115

### **PTSB126 WRITTEN COMPREHENSION AND PRODUCTION SKILLS II**

A practical more advanced course involving the comprehension and use of basic structures and lexicon of Portuguese. Students work with exercises and activities involving the use of structures and lexicon in context.

Pre-requisite: PTSB116

### **PTSB215 ORAL COMPREHENSION AND PRODUCTION SKILLS III**

The course is designed to develop an intermediate language level training and practice in accurate pronunciation and production of oral texts. From students it is expected a good fluency and knowledge of vocabulary increasing their capacity of self-correction of production and pronunciation. The course will also involve the study and comprehension of short videos of contemporary life and culture in Portuguese-speaking countries.

Pre-requisite: PTSB125



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**PTSB216 WRITTEN COMPREHENSION AND PRODUCTION SKILLS III**

An introduction to the structuring and writing of different types of texts (letters – private or business – memoranda and basic essays). Students are expected to use Regular and Irregular verbs and learn the Subjunctive mode. They will work with exercises and activities involving the use of structures in context and write different types of texts for presentation and discussion.

Pre-requisite: PTSB126

**PTSB225 ORAL COMPREHENSION AND PRODUCTION SKILLS IV**

Continuation of content and themes of *Oral Comprehension and Production Skills III*. Development of fluency, pronunciation and comprehension of oral texts. Students are expected to have fluency and communicative competence through the study of video (discussion of films, news items and interviews), simulation of situations and improvisation of dialogues.

Pre-requisite: PTSB215

**PTSB226 WRITTEN COMPREHENSION AND PRODUCTION SKILLS IV**

A detailed revision of the use of structures learned by students during the previous three semesters and the reinforcement of new structures. Students are expected to write essays on different topics, to practice summary and abstract writing

Pre-requisite: PTSB216

**PTSB412 ADVANCED COMPREHENSION AND PRODUCTION SKILLS I**

Language Laboratory practice in comprehension of real-life audio and video texts in different varieties of Portuguese, focusing on areas of current affairs, diplomacy, legal language, and business. Transcription and oral and written report of audio and video texts. Advanced production through simulation activities.

Pre-requisite: PTSB321

**PTSB422 ADVANCED COMPREHENSION AND PRODUCTION SKILLS II**

Language Laboratory practice in comprehension of real-life audio and video texts in different varieties of Portuguese, focusing on areas of current affairs, diplomacy, legal language, and business in the context of the Portuguese-speaking world. Transcription and oral and written summary report. Advanced production through simulation activities.

Pre-requisite: PTSB412