

# Course Description

## Bachelor of Law in Chinese Language Program

(Admitted between 2007/2008 and 2010/2011)

### **BLCL101/LCCL101 INTRODUCTION TO LAW**

Chapter I - The concept of Law. 1. The social nature of Man. 2. The social and natural order. 3. The Law as part of the whole social order. 4. Comparison between the Law and other normative orders: the religion, the ethic and social behavior. 5. The aims or values of Law. 6. The Law as rule and the law as power: objective and subjective law. Chapter II - The Fields of Law. 1. Comparison between Public and Private Law. Criteria. 2. The division of the Public Law. 3. The underdivision of Private Law. 4. The new juridical subjects. 5. Helpful subjects for the Science of Law. Chapter III - The Rule of Law. 1. Characteristics. 2. Structure. 3. Classification. 4. The Codification and legislative techniques. Chapter IV - Protection of Law and protection of rights. 1. Introduction: the State organization for sanctioning and the protection of Law. 2. Means of juridical protection. 3. Administrative protection and citizens protection. 4. Judicial protection. Chapter V - Sources of Law. 1. Definition. Several senses of the expression. 2. The sources of Law in technical sense: the law, uses, jurisprudence and doctrine. 3. The value of the several sources of Law in Macau legal system. Chapter VI - Interpretation of laws. 1. Definition. 2. Types of interpretation: authentical and doctrinal interpretation. 3. The method of interpretation of laws. 4. Elements of interpretation. 5. The results of the interpretation. 6. Integration of law. 7. Finding and solve the gaps. 8. Legal system. Chapter VII - The application of laws in time. 1. The problem. 2. The non retroactive application of laws theory. 3. The expression of the non retroactive principle in the Civil Code. 4. The theory of past fact. Insufficiency. 5. The law of contracts. 6. Law of terms. 7. Interpretative laws. 8. Confirmative laws.

### **BLCL102/LCCL102 LEGAL HISTORY**

1. The imaginarieness of the society and the power in the traditional societies. 1.1. The corroborative conception of the society. 1.2. The individualistic paradigm. 2. The formation of common law. 2. 1. Factors of unification of European law. 2.2. The result: a pluralistic juridical order. 2.3. The unification through the "scientificization". The schools of medieval juridical tradition. 2.4. The juridical speech of the European common law. 3. The crisis of the 16th Century and the following methodological orientations. 3.1. The advent of a new normative reality. 3.2. The internal development of the juridical knowledge system. 3.3. Juridical Schools in the end of Middle Age and in Modern Age. 4. The 16th and 17th Centuries juridical schools: **jusnaturalism**, jusrationalism, individualism and contractualism. 4.1. The jusnaturalisms. 4.2. Some jusnaturalistic schools. 4.3. The juridical practice. 4.4. Rationalist law and its repercussions. 4.5. The evolution of the sources of Law in Portugal. 5. The law in the contemporary epoch. 5.1. The political environment. 5.2. The great themes of methodological inspiration. 5.3. The classic schools of the 19th Century. 5.4. The anti-conceptualists an anti-formalists schools. Naturalism and organism. 5.5. The critical schools. 5.6. The anti-legalists schools. 6. Panorama of the history of Chinese juridical thought. 6.1. Introduction. 6.2. The classic Chinese thought over the law and society. 6.3. Law and political thought in the contemporary epoch. 7. Panorama of the juridical and institutional history of Macau. 7.1. Introduction. 7.2. The Portuguese empire. 7.3. The politic and administrative architecture of an oceanic empire. 7.4. Law and justice.

### **BLCL103/LCCL103 CONSTITUTIONAL LAW AND THE BASIC LAW**

PART I GENERAL CHARACTERIZATION OF CONSTITUTIONAL LAW. Chapter I - The Constitution in the pre-modern political and juridical scene. Chapter II - The Constitution in the modern political and juridical scene. Chapter III - The Constitution as fundamental juridical statute of the State - Political Community. Chapter IV - The Constituent Power. Chapter V - The Constitution as source of law. Chapter VI - Liberalism and democracy. PART II - The Basic Law of Macau SAR. Chapter I - One country and two systems. Chapter II. Relationship between the Central authorities and Macau SAR. Chapter III. Fundamental rights and duties of the residents. Chapter IV. Political structure. Chapter V. Economy system Chapter VI. External affairs. Chapter VII. The interpretation and amendment of the Basic Law. Chapter VIII. The protection of the constitution and the control acts of power.

#### **BLCL104/LCCL104 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.

#### **BLCL105/LCCL105 ECONOMY**

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.

#### **BLCL106/LCCL106 PUBLIC ECONOMY**

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.

#### **BLCL107/LCCL107 CHINESE LANGUAGE COMPOSITION**

Composition practice and analysis of narrative literary form, composition practice and analysis of illustrative literary form, civil composition practice and analysis of argumentation literary form, commercial contract, Administrative and Judicial instruments presently used.

#### **BLCL108/LCCL108 PORTUGUESE LANGUAGE I**

Functional contents: those demanded by several situations of communication in different thematic areas such as Identification, Public Services, Social Relationships, the Weather, areas where the student will have, for example, to identify himself (or ask for identification), introduce himself (or introduce someone), invite, excuse, inform (or get informed), approve, disapprove, ask permission or give permission, express attitude, feelings... The grammatical contents will depend on the studied linguistic achievements. The use of the most frequent verbal sentences such as to be, to stay and to have. The occurrence of verbal sentences with prepositions (to live in, to like to, to go to...). The expression of opinions in situations that the use of sentences with the indicative is necessary. The expression in the future time. The pronouns and the numerals necessary to the communication. Direct and indirect speech Understanding/systematization of some different data in Portuguese/Chinese. All the items shall be accomplished together with activities, namely those that will give the student the opportunity to distinguish the phonetical traces of Portuguese language.

#### **BLCL109 PRACTICAL ENGLISH I: INTERACTION AND STUDY SKILLS I & II**

The purposes of these courses are two-fold:

- i) to enhance learner confidence and fluency when using English for interactive and communicative purposes;
- ii) to improve upon study skills/strategies and critical thinking skills needed for successful academic work at the university level.

Students will be provided with ample opportunities to develop speaking, listening, reading and study skills while also enhancing their knowledge of English vocabulary, grammar and writing. Coursework is likely to include pair- and small-group discussions, seminars, projects, team-building activities, and multi-media use (in addition to traditional classroom activities). When possible, content- and theme-based materials will be utilized, especially for students enrolling in the same section from the same faculty.

#### **BLCL201/LCCL201 GENERAL THEORY OF CIVIL LAW**

Introduction. The general theory of the juridical relations: its meaning and limitations. 1. The civil juridical relation (the statics and the dynamics of the juridical relation): Notion of juridical relation: functional notion ("concept of interest") and structural notion ("concept of precept"). Study of the juridical relation as a structural precept, the statics: core of the juridical relation: a) the rights in a broad meaning. Types: The rights in a proper meaning and the rights to establish, a change or terminate a legal relationship. Close concept: Legal faculties (primary and secondary) and legally protected expectations. Classes and types of rights. b) the legal duty and the submission. The external elements: parties, object,

fact and warranty. Species, classes and types of juridical relations. Combinations of juridical relations (the patrimony theory). The Dynamics: main happenings in the life of a juridical relation: establishment and acquisition (primary and secondary), change and determination. Accidental happenings. 2. Persons. I - natural persons personality, subjectivity and legal capacity. Beginning of legal personality. Termination of legal personality. The protection of the personality. Legal capacity: Limitation on capacity (general and accidental) and the close concepts (illegitimacy). II - legal persons: Notion, elements, kinds, capacity, liability and termination. 3. The things. 4. The fact. Fact, act, and "negócio jurídico". Elements of the "negócio jurídico". Types of "negócio jurídico". The declaration of will. The interception of will. The interpretation. The perfection. The divergences and the vices of the will. The object. The representation of will, The accessory clauses. Integration, reduction and conversion of the "negócio jurídico". Invalidities.

#### **BLCL202/LCCL202 ADMINISTRATIVE LAW I**

Chap. I - Public administration 1. Public Administration. Concept and different meanings. 2. Historical evolution. 3. Administrative systems: comparison between the continental-European system and the British system. Chap. II - The administration and the Law 1. The principle of legality of Administration. Primacy of law and reservation for the Parliament (Legislative Power) the regulation of the principal matters (historical and modern meanings). 2. "Binding" (to the content of acts fixed by law) and "Discretionary" (cases that the legislator gives Administration the power to fix the content of its own acts). 3. The sources of Administrative Law: in special, the administrative Regulations Chap. III - The Administrative Activity 1. The dispositive facts. Typology (in special, torts). 2. Administrative act. Concept and meaning. Typology. 3. Instrumental acts. 4. The administrative procedure. 5. Effectiveness and legal strength of the administrative act: the possibility of execution by Administration of its own acts. 6. The structure of administrative act: the subject, the object and the statute. 7. The defects of the administrative act. Types of invalidity. Chap. IV - The administrative justice. 1. Definition and scope of the administrative justice. 2. The problem of the administrative justice models. 3. The system of administrative justice in Macau. 4. Material and functional limits of the administrative justice. 5. The organs of the administrative justice. 6. The means to access to the administrative courts. 7. The processual requirements. 8. The tramitation of the administrative judicial processes. 9. The general principles of the administrative judicial process. 10. The judicial decisions and its effects.

#### **BLCL203/LCCL203 CRIMINAL LAW**

Part I - General considerations. Chap. I. Nature of Criminal Law. 1. Scope, function and limits of Criminal Law. 2. The aim of the penalties. Penalties and security measures 3. Evolution of Criminal Law. Chap. II - The criminal law and its application 4. Sources of Criminal Law 5. The application of Criminal Law 6. Validity of Criminal Law. Part II - General Theory of Criminal Infraction. Introduction: the constitutive elements of crime 7. Classification of the crimes 8. The general theory of crime 9. Type of offenses. Chap. I - The Types of criminal offenses 10. The elements of the "type" 11. The objective attribution of the result to the behave 12. The criminal omissive behaviors. Chap. II - Type of justifications. 13. General principles 14. The singular justifying types. Chap. III - The type of guilty 15. The problem of guilt in Criminal Law 16. The malice type. The problem of the mistake 17. The negligence type 18. Obstacles to guilty. Non imputability, non exigibility. The non responsible lack of knowledge of the offense. Chap. IV - Special configurations of the crime 19. Attempt and frustration. "Iter criminis". The resistance 20. Comparticipation. Perpetration and accomplicity. Chap. V - Cumulation of offenses. Legal accumulation. Real accumulation. Cumulative crime.

#### **BLCL204/LCCL204 TAX LAW**

Part II - Tax Law - Chapter I - Introduction to Tax Law. 1. Tax Law: range, nature and relations with other fields of the Law, 2. The tax: definition and close juridical acts, classification of taxes, 3. The taxation technique and the phases of the evaluation of taxes. Chapter II. The tax law rules. 1. Sources of Tax Law: concept, hierarchy and codification; 2. Interpretation and integration of tax law rules; 3. The application of the tax law rules in time and space. Chapter III. Juridical theory of tax. 1. Taxation act: nature, taxation juridical relation and tax duty; 2. The subjects of the taxation juridical relation; 3. Object, fact and warranties in the taxation juridical relation. Chapter IV. The taxation system of Macau: reference to the different kind of taxes.

#### **BLCL205/LCCL205 COMPARATIVE LEGAL SYSTEMS**

Introduction: 1. The concept of comparative law and its neighboring disciplines; 2. The history of comparative law; 3. The function and aims of comparative law; 4. The method of comparative law; 5.

Comparative law as a science; 6. The grouping of the legal systems into families. Part I - Macrocomparison 1 . The continental family: a) History; b) Structure; c) Sources; d) The French and German legal systems; Portuguese Legal System. 2. The Common-law family: 2.1. The English law: a) History; b) Structure; c) Sources. 2.2. The American law: a) History; b) Structure; c) Sources. 3. The Socialist legal system. 4. Far East legal system, Chinese legal system, Japanese legal system. Part II. Microcomparison.

### **BLCL206/LCCL206 PUBLIC INTERNATIONAL LAW**

1 . Conception and nature of Public International Law. 2. Sources of Public International Law: Treaties and customs. 3. The State: Elements of the State, the Recognition of State, Succession of states, Rights and Duties of the State. 4. International Organizations: definition and types. The UN. 5. The individuals in Public International Law: nationality and juridical statute of the foreigners. 6. Diplomatic and Consular relations Law. 7. The pacific resolution of the international conflicts: political resolution and juridical resolution of the international conflicts. 8. Problems of Public International Law about Macau. 8.1. The Sino-Portuguese Joint Declaration, 8.2. The capacity of Macau's Special Administrative Region in matters related with external affairs, according to the Basic Law of MSAR.

### **BLCL208/LCCL208 PORTUGUESE LANGUAGE II**

To consolidate and extend the contents studied in the 1st year. The priority is written or oral communication in any daily situation, within the limits of this basic level of communication. Functional contents are those that will allow the student to participate in oral conversations about several matters such as: professions and jobs, travel, hygiene and health. For consolidation, some written to develop shall be indicated, for example, the Curriculum Vitae, an agenda. take notes for a future report, description of situations, the route of a trip... Grammatical contents will be in straight articulation with the functional and thematic contents. Different uses of the subjunctive shall be given, namely those depending of verbal sentences that express will, forbidness, doubt, hypothesis, suggestion, ask and claim. The use and right placing of the adjective and the adverb. Sentences that express punctual value (to finish) or continuing value (keep going). The use of gerund. Type of questioning sentences. Study of the construction of press news.

### **BLCL209 PRACTICAL ENGLISH 2: DEVELOPMENTAL I & II**

Intermediate-level students meet three hours a week to expand and improve upon English language skills developed in ENGL150/151. An effort will be made to conduct needs analyses and work with learners to identify individual language learning needs and the types of language tasks expected in their academic work. When possible, content- or theme-based approaches will be used to link English language improvement to other coursework. Language teaching and learning will focus on cognitive-academic language proficiency as well as the improvement of basic interpersonal skills in English.

### **BLCL301/LCCL301 OBLIGATION LAW**

I. Introduction. The Obligation. The Rendering. Complex Obligational Relationship. The role of Obligation. Obligations and rights in rem. Systematic principles of Contracts Law. the principle of private autonomy; the principle of good faith, the principle of non unjust enrichment. II. Sources of obligations. Contracts. Unilateral acts. "Negotiorium Gestio". Unjust enrichment. Civil liability. Contractual responsibility. Extracontractual responsibility: torts, risk activities liability and responsibility for lawful acts. III. Kind of obligations. About the lien: natural and civil obligations. About the parties: conjunctive obligations and joint and several obligations. About the object. IV. Transmission of Obligations. Credit and Debits transmission. Credits assignment. Subrogation. Single transmission of debts. Assignment of contractual position. V. General Security of Obligations. Means for the maintenance of Patrimonial Security. Nullity declaration. Creditor subrogation over the debtor. "Pauliana" Opposition. Attachment. VI. Special Security of Obligations. Personal and Real securities. Bonds. Guaranty. VII. Fulfilment and Unfulfilment of Obligations. 7.1. Fulfilment. 7.2. Unfulfilment. Impossibility of fulfilment and default not concerning to the debtor. Unfulfilment and default attributable to the debtor. 7.3. Defective fulfilment. 7.4. Contractual set of creditor rights. 7.5. Coercive means for realization of rendering. 7.6. Property assignment. 7.7. Creditor default. VIII. Causes of extinguishment of Obligations besides fulfilment. IX. Contracts. Typical and No typical contracts. Mixed contracts and contracts in coalition Enumeration and concise characterisation of typical contracts ruled by Civil Code. Game and Bet.

### **BLCL302/LCCL302 ADMINISTRATIVE LAW II**

Administrative Judiciary. I - The Principle of Separation of Powers. II - Delimitation of the concept of administrative judiciary or the administrative contentious proceeding. III - Administrative juridical relations that produce external effects as the object of the administrative contentious proceeding. IV - The established administrative judiciary system. V - The organization of administrative judiciary system - The models (in Macau and in Portugal). VI - The means for judicial protection of citizens before Public Administration. VII - Conditions for suing. VII I - Judicial process-regarding principles. IX - The contentious remedy for voidance of administrative acts (proceeding, decision and effects of decision). X - The suspension of the effects of the acts. XI - The judicial procedure for recognition of rights or legitimate interests.

### **BLCL303/LCCL303 COMMERCIAL LAW I**

Introduction to commercial law, Merchants: commercial capacity, obligations, liability of married couple assets for commercial debts. The firm, Competition law; Unfair competition law. Commercial paper. Kinds of Negotiable Instruments. The legal regimen of the Bill of Exchange. The draw. The accept. The endorsement. The aval. Liability of the subscribers.

### **BLCL304/LCCL304 CRIMINAL LAW AND CRIMINAL PROCEDURAL LAW**

Part I. Legal consequences of the crime. 1. The legal consequences of the crime and the criminal penalty. 2. The reaction to crime of the criminal law in force in Macau in the context of the criminal policy models. 3. Preliminary penalties, a) Primary penalties and secondary penalties. b) The substitution penalties in the system in force in Macau. 4. The imprisonment penalty and the fine. 5. The general theories on the determination of the penalty. 6. Steps on the determination of the penalty. a) Mitigation circumstances and aggravity circumstances. b) The criterium of the article 84 of the criminal code. c) Judicial determination of the penalty. Part II - Criminal Procedure. 1 . Meaning and the aim of the criminal procedure law. 2. Place of the criminal procedure law in the legal system. 3. The application of the criminal procedure law. 4. General principles of the criminal procedure. 5. Injunctions. 6. Evidence in the criminal procedure. 7. The forms of the criminal procedure. 8. The inquiry. 9. The instruction. 10. The trial. 11. The appeals in the criminal procedure.

### **BLCL305/LCCL305 PROPERTY LAW**

Introduction. I - The real property rights in general: Definition - structural and functional perspective. Constitutive principles of "ius in rem" -1. Internal principles. External principles. Characteristics of real property rights. The great manners to order the ways of dominance. Types of "ius in rem". II - Possession (provisional order of dominance) Definition of possession. The greatest problems of possession. Possession systems. The system of Macau. Possession with cause and formal possession. Possession and mere detention. Rights that can be possessed. Things that can be possessed. Capacity for possess. Characteristics of possession. Acquisition of possession. Effects of possession a) The protection of the possession (the means for defend the possession). b) The adverse possession (usucapio). III - In special, real property rights (ius in rem) (definitive order of dominance). Real property rights of use - Property. Joint ownership. "horizontal" ownership - The usufruct - The use - Superficial right - Real servitudes.

### **BLCL306/LCCL306 FAMILY AND SUCCESSION LAW**

I. Introduction. Legal conception of Family and Succession and the succession phenomenon. Family and Succession Law. Sources and constitutional principles. Characteristics of Family and Succession Law and characteristics of family and succession rights. II. Family relations. 2.1 . Blood relations. Filiation. Filiation set. Maternity and Paternity set. 2.2. Affinity. 2.3. Adoption. 2.4. The marriage. Matrimonial systems. 2.5. Union in fact. III. The matrimonial relationship. 3.1 . Constitution: the marriage as an act. 3.1.1. Civil marriage. 3.1.2. Catholic marriage. 3.2. Effects of marriage: the marriage as a "status". 3.2. 1 . Personal effects. 3.2.2. Patrimonial effects. Marriage property systems. The administration of marriage property. Illegitimate acts. Liability for debts of the spouses. 3.2.3 Termination of the relationship. Distribution of community property. 3.3. Alterations in matrimonial status. Judicial separation of property and judicial separation of spouses and property. 3.4. Marriage termination. Causes of dissolution of Civil and Catholic marriage. The death. The divorce. IV. The succession. The death as a presupposition of the succession. Introduction to the different kind of succession. Heir and Legatee. Opening of Succession. Descent Calling. Descent Designation. Content of descent calling. Object of descent calling. Presuppositions of descent calling. Forms of descent calling. Indirect calling: right of representation,

straight substitution, right of accretion. Vacant succession. Descent Acquisition. Inheritance acceptance. Inheritance rejection. Inheritance petition. Inheritance disposal. Inheritance charges. Inheritance distribution. V. Kinds of Succession. 5.1 . Legal succession. 5.2. Legitimate succession. 5.3. Testate succession. 5.4. Contractual succession.

### **BLCL307/LCCL307 LABOUR LAW**

1 . Formation of Labor Law. 2. Labor Law: conception, object, terms and importance. 3. Range of Labor Law. 4. Sources of Labor Law. 5. The contract between employer and employee: conception, elements and legal characteristics. Comparison with similar contracts. 6. The formation of the contract: material and formal requirements. 7. Rights and duties of employee and employer. 8. The salary. 9. Duration of Labor and periods for rest. 10. Alteration and suspension of the contract. 11 . Termination of contract. 12. Collective labor law.

### **BLCL308/LCCL308 PORTUGUESE LANGUAGE III**

The functional contents shall give priority to thematic fields already studied by the students in any of Law subjects. There shall be numbered some acts of speech such as: asking information about facts (answer a request for information), probable or unlikely, to comment and resume (orally and written) texts in specific thematic fields. Grammatical contents will depend on the selected contents. The use of idiomatic expressions and settled sentences. The study of vocabulary of some erudition and the study of some Latin words more often used in the juridical speech. Polissemy. Words with a special meaning in the specific professional area of the student. Emphatic sentences. Placing of "cliticos" (systematization). The placement of articles: presence/absence. The use of massive names. Special uses of infinitive. Cohesion and coherence in the speech formation.

### **BLCL309/LCCL309 CIVIL PROCEDURE LAW I**

I. Introduction, Procedure and Processual Law. Jurisdiction and jurisdictional function. General frame of the action in civil jurisdiction. Civil Procedure Law. 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. Application in time. Application in space. IV. Sources of the Portuguese Civil Procedure Law and close Disciplines. Historical evolution. V. Theory of the Procedural Relation. The instance as a procedural relation. The structure of procedural relation. 1. The subjects. 1.1 The parties. Procedural requisites concerning the parties. Judiciary personality. Judiciary capacity. Legitimization. Compulsive representation by an attorney at law. Special mention to Macau. The procedural interest. 1.2. The court. The judicial organization. Jurisdiction. 2. The object. The claim and the cause of action. VI. The procedural act. Concept. Form. Time. Place. Parties. Goal. Pathology. VII. Dynamics of the procedural Relation. The bringing of a suit. Development of the instance. Modifications. Suspension and interruption. Conclusion. Incidents. VII 1. Formalities of the Ordinary Declaratory Process. Phases. 1. Articulated pleading. Declaration. "In limine" Order. Service of process. The Answer: Defensive-answer. Counterclaim-answer. The Replication. The Rejoinder. Supervening articulated pleadings. 2. Healing and Abridgement. Preparatory hearing. Curative decision. Specification and Questionnaire. 3. The instruction. The evidences in general. Material probative law. Formal probative law. The burden of proof. Fundamental principles. Means of proof. 4. Trial. Final hearing. 5. Final decision. "Res judicata". IX. Formalities of the Summary Declaratory Process X. Judicial Organization of Macau. Comparative perspective.

### **BLCL401/LCCL401 PRIVATE INTERNATIONAL LAW**

I - 1. On the dogmatic object of Private International Law structure (types of) private international relations. 2. The debate on method: comparison between the American methodological perspective on PIL and the classical European approach. 3. General interests or regulation values. 4. General theory of the conflict rule and determination of its functional limits 4.0. Structure and function of the conflict rule in PIL, 4.1. Classification 4.2. Renvoi (remission/transmission). 4.3. The principle of 'vested rights', 5. The eviction of foreign law: the undetermined general clause of public policy ("ordre public"). 6. The "fraus legis" in Private International Law, Recognition of foreign sentences. II - 1. The specific relevance of personal law in Private international Law. 2. The historical evolution of Private International Law and the progressive autonomy of the problems on the determination of personal law. 3. General interests of PIL and its projection on the conflict of laws concerning personal matters: the protection of the principle of unity in this area. 4. The relevance of the developing comparative analysis on the matter. 5. Marriage in PIL: the distinct importance of the contractual dimension and of the institutional one. 6. Divorce and

separation by law in PIL. 7. Legitimacy, legitimization and adoption and determination of the structure of family relations by those means constituted. 8. Succession law in PIL.

#### **BLCL402/LCCL431 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.

#### **BLCL403/LCCL403 COMMERCIAL LAW II**

I - Company law. Nature and types of company. Company formation. The memorandum of association. The articles of association. Capital stock and dividends. Membership: rights and liabilities of stockholders. General meetings. Directors. The management of the company. The dissolution of a company. II - Introduction to the commercial contracts. The problem of standard contracts. Special regimen of commercial contracts. Distribution contracts (Agency. Franchising), Publicity contracts, Carriage, Deposit in a warehouse, Banking contracts, Guarantees contracts. Insurance contract.

#### **BLCL404/LCCL433 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 Procedure law. 2.5. Commercial Law 2.6. Economic Law. 2.7. The Private International Law, the 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 Macau and Macau residents. 2.11. Tendencies of the evolution of Portuguese Law. III - 3.1. The Portuguese Law and the Law of Macau. 3.2. The autonomization of the Legal System of Macau and the principle of the maintenance basically unchanged of the existing juridical order of Macau. 3.3. The experience of transition in Macau. IV - Observing the evolution of the Portuguese Legal System and other systems with a common matrix.

#### **BLCL405/LCCL432 PORTUGUESE/CHINESE 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.

#### **BLCL406/LCCL409 CIVIL PROCEDURE LAW II**

Executory action. I. General Theory of the executory action. Concept and goals. The legal classification. II. Procedural requisites of the executory action. 1. Specific requisites. Formal and substantial requisites. The executory document. Legal nature. Historical evolution. Classification Consequences of the lack of executory document or of its non-executarieness. Certainty and exigibility of the debt: The liquidated debt. 2. General requisites of the executory action. International and internal jurisdiction. Formal legitimization. Compulsive representation by and attorney at the Law. III. Forms of the executive process. Legal form of the different species and forms of execution. IV. The phases of the executive process. 1. Ordinary executive process for the payment of a right amount. Phases: Articulates. Initially pleading. "in limine" decision. Service of process. Opposition. Attachment: definition, object, cases of withdrawing from execution and forced sale. Opposition to the attachment. Finding. Concurrence of creditor claims. Reclamation and verification of claims. Proceeding. Payment. Forms of payment. Termination of the execution. Voidance and renovation of the executory action. 2. Summary executive process for the

payment of a right amount. 3. Common executive process for delivery of determined thing. Ordinary and summary processes. 4. Common executive process for rendering a certain fact positive or negative. Ordinary and summary processes.

#### **BLCL407/LCCL422 RESEARCH PROJECT**

Seminar on research and of research skill. Access to sources and new method of research. Project of research in one of law courses specially of optional courses for the purpose of profounding of the knowledge. Research on other law subjects can also be accepted.

#### **BLCL408/LCCL408 SOCIAL SECURITY LAW**

Chapter I - Law of Social Security: 1. Characteristics of Law of Social Security, 2. Sources of Law of Social Security, 3. Historical Evolution of Law of Social Security. 4. Law for Social Security. 4.1. Concept, 4.2. Basic concept, 4.3. Nature of law for Social Security, 4.4. Comparison with the similar norms, 4.5. Social Security Law itself and laws derived from social security. Chapter III - The legal relations of social security: 1. The general legal relations of social security, 2. Binding legal relations. 3. Legal relation of taxation, Legal relation of fulfilment. Chapter IV - The Institutions of Social Security, 1. The institutions of social security, 2. The general characteristics of institution of social security, 3. Functions of institutions of social security, 4. Nature of institutions of social security. Chapter V - Regime of Social Security: A. The legal regime of social security, 1. The general regime of social security, 2. The general regime of employees, 3. The general regime of independent workers, 4. Voluntary or facultative regime, B. complementary regime of social security: 1. The general complementary regimes, 2. The complementary regimes within the law of social providence, 3. The complementary regimes within law of social security, 4. Other complementary regimes.

#### **BLCL409/LCCL406 LEGAL THEORY**

Introduction. Part I - Legal Anthropology Part II - Legal Sociology: 1. Introduction to legal pluralism, 2. The legal transfers, 3. The previous experiences of Portuguese Law, Spanish law, Dutch Law and English Law in Asia. 4. The Macau case. Part III - Theory of Law. Theory of law as a critique of law. The problem of law. Theory of law and fundamental subjects of legal thoughts.

#### **BLCL410/LCCL410 INTELLECTUAL PROPERTY LAW**

Introduction, Justification, Remedies, Protection for Industrial Property: The Patent, Patentable inventions, Infringement, Validity, and Revocation, Breach of Confidence. Protection for form and Appearance Copyright and Copyright Works, Subsistence of Copyright, Infringement and Exploitation of Copyright, Moral Rights, Design Rights. Protection of Image and Commercial Reputation: Passing Off. Registered Trade Marks.

#### **BLCL411/LCCL411 REGISTRY AND NOTARY LAW**

I. Concept: 1. The structure and function of registry and notary agencies of Macau 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.

#### **BLCL412/LCCL412 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 Macau 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 Macau SAR. 5.2. The Basic Law of Judicial Organization. 5.3. The statute of lawyers and the relevant moral and disciplinary regulations.

#### **BLCL413/LCCL434 SCIENCE OF CRIMINAL LAW**

1 - Special provisions of Criminal Law: Introduction to general theory of Special provisions. Crimes

against person. Crimes against honour. Crimes against property. Crimes against peace and human. Crimes against life of society. Crimes against Macau SAR and crimes against state. II - Alternative subject, Special part of Criminal Law. Criminology.

#### **BLCL414/LCCL414 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).

#### **BLCL415/LCCL415 ADMINISTRATIVE ORGANIZATION AND PUBLIC FUNCTION**

Part I - Administrative organization 1. Introduction. 2. General theory of administrative organization. 3. Types of administrative organizations. 4. Macau SAR administrative organization. Part II - Public Function. 1. Introduction. 2. Legal relation of public functionaries. 3. Access to public function. 4. Category of workers of public administration. 5. Disciplinary system of public function.

#### **BLCL416/LCCL416 REGIONAL ECONOMIC RELATIONS**

I World economic trends 1 - Globalization ``versus`` Regionalization 2 - The emergence of economic blocs II from national to regional - Regional economic relations: some theoretical concepts III South East Asia Area. 1 - The Economy of Japan 1.1 - Characterisation of Japanese Economy 1.2 - Perspectives of development 1.3 - Relations with surrounding economies 2 - Newly Industrialized economies and regional relations 2.1 - The Economy of South Korea: characterization and perspectives of development 2.2 - The Economy of Singapore characterization and perspectives of development 2.3 -The Economy of Taiwan: characterization and perspectives of development 2.4 - The Economy of Hong Kong characterization and perspectives of development 3 - The economy of PRC 3.1 - The open-door policy: Coastal Cities and Special Economic Zones 3.2 - Special Economic Zones of Zhuhai and Shenzen 4 - The Economy of Macau 4.1 - Characterization, 4.2 - Relationships and integration in the geographic zone, 4.3 - Perspectives of development

#### **BLCL417/LCCL417 LEGAL SYSTEM OF HONG KONG**

Chapter I - Political System. Chapter II - Judicial System. Chapter III - Law of Contract. Chapter IV - Law of Torts. Chapter V - Law of Property. Chapter VI - Family Law .Chapter VII - Company Law. Chapter VIII - Criminal and Procedural Law.

#### **BLCL418/LCCL418 EUROPEAN UNION LAW**

1. The history of European Union. 1.1. The European Communities: European Coal and Steel Community (ECSC), European Economic Community (EEC) and European Atomic Energy Community (EURATOM). 1.2. The European Common Market: The Free Movement of Goods, the Free Movement of Workers, the Free Movement of Establishment and the Free Movement of Capital. 2. Objectives of European Union. 3. The institutions of the Communities: The Commission, the Council, the Council of Ministers, the European Parliament. the Court of Justice, the Court of Auditors, the Economic and Social Committee and the Committee of the Regions, the European Ombudsman, the European Investment Bank and the Central Bank. 4. European Union Law: the sources and the judicial control. 5. Citizens rights. 6. The EU and the Rest of the World, in particular the External Trade Policies with China and RAEM.

#### **BLCL419/LCCL419 MARITIME LAW AND AIR LAW**

Part I. Maritime Law - Chapter I: Various Ocean Areas: internal water, territorial sea, exclusive economic zone, continental shelf, high sea. Chapter II: Ships. Chapter III: Ships crew. Chapter IV: Marine transportation. Chapter V: Marine salvage. Chapter VI: Collision at sea. Chapter VII: General average. Chapter VIII: Marine damage. Chapter IX: Marine Insurance. Part II. Air Law - Chapter I: Legal status of airspace. Chapter II: International Civil Aviation Organization and the Air Navigation Regulations. Chapter III: Aircraft financing and leasing. Chapter IV: Liability in carriage by air. Chapter V. Security of International civil aviation. Chapter VI: Macau civil aviation system.

#### **BLCL420/LCCL420 INTERNATIONAL HUMANITARIAN LAW**

1. The concept of International Humanitarian Law. Human Rights and International Rights Humanitarian

Law, distinguishing criteria. 2. Historical development and legal basis of IHL. 3. The Geneva Conventions of 1949 and the additional Protocols of 1977. 3.1. Scope of application: the situation of international armed conflict and the internal armed conflict. 3.2. Persons protected: the wounded, sick and shipwrecked members of armed forces, the prisoners of war and the civilian population. 4. Action taken by the International Committee of the Red Cross in IHL. 5. The applicability of international instruments on IHL in China and Macau.

#### **BLCL421/LCCL421 INTERNATIONAL COMMERCIAL LAW**

UN Convention on Contracts for the International Sale of Goods, The Unidroit Principles of International Commercial Contracts, International Commercial Trade Terms - INCOTERMS 1990, Carriage of Goods by Land and Air, Financing Exports: Letters of Credit, General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO), International Commercial Arbitration, Extraterritorial Control of Business.

#### **BLCL422/LCCL407 LAW OF CONTRACT**

Introduction: The nature and function of contract law, The formation of a contract: The offer and acceptance; Contents of a contract; Unfair contracts; Vitiating factors; Discharge of a contract; Remedies for breach of contract; Nominate contracts: Sale of goods; Lease; lending; agency; deposit; building; gambling and betting.

#### **BLCL423 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.

#### **BLCL424 ADVANCED ENGLISH**

An advanced course in the use of oral and written English. Spoken and written materials will help develop facility and accuracy in comprehension, speaking and writing. Legal and commercial English is added properly.