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## Pre-requisite Requirements

### **Bachelor of Law in Chinese Language (Evening) (For Students Admitted, Resumed, or Transferred to FLL from Academic Year 2022/2023 onwards)**

#### **LAWS1000/LAWS1001 INTRODUCTION TO LAW (THEORY & LEGAL PRACTICE)**

Title I. Concept of Law. Chapter I. Law as part of the social order. One. Law and other normative orders. 2nd. Religious Order. 3rd. Moral Order. 4th. Tract Social Order. Title II. I. Purpose of Law. Chapter I. Justice and security. Title III. Structure of Law. Chapter I. Rule of law. Title IV. Sources of law. Chapter I. Sources voluntary and non-voluntary sources. Title V. Legal interpretation. Chapter I. Modalities. One. Elements of interpretation. 2nd. Results interpretation. Chapter II. Integration of gaps. One. Analogy. 2nd. Creating ad hoc standard.

**Pre-requisite:** None

#### **LAWS1003/LAWS1004 CONSTITUTIONAL LAW (THEORY & LEGAL PRACTICE)**

Title I. General notions of constitutionalism. Chapter I. The constitution of the political and legal status. One. The autonomy of the political field. 2nd. the state as a political form of modernity. 3rd. The crisis of the state: globalization and regionalism. Chapter II. Constitutionality of the interconstitutionality. One. The normative-hierarchical scheme of the constitution of the state supervisor. 2nd. The interconstitutionality binding state supervised. 3rd. Democracy and the rule of law. Chapter III. Constitutional right compared. One. The Portuguese constitutional experience. 2nd. The Chinese constitutional experience. 3rd. The evolution of autonomous status to Macau.

**Pre-requisite:** None

#### **LAWS1002 LEGAL HISTORY**

Part 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 Macau. 1.1 Introduction. 1.2 Specificity and sources of



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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 Macau. 1.3.4. Judicial organization of Macau  
Part 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.

**Pre-requisite:** None

#### **LAWS1005/LAWS1006 MACAO BASIC LAW (THEORY & LEGAL PRACTICE)**

Title I. The Basic Law of the Macao SAR. Chapter I. The characterization of the MSAR. One. The MSAR as political region. 2nd. The scope of the SAR's autonomy. 3rd. The political system of the MSAR. Chapter II. The fundamentals of the Basic Law. One. Theories about the fundamentals of the Basic Law. 2nd. The art. 31° of CRPC and its dual function. 3rd. The Luso-Chinese joint statement. Chapter III. The legal nature of the Basic Law. One. The conceptions about the legal nature of the Basic Law. 2nd. The Basic Law as an ordinary law. 3rd. The Basic Law as statutory law. 4th. The Basic Law as the law of value enhanced. 5th. The Basic Law as constitutional law materially. Chapter IV. The Guarantee of the Basic Law. One. The interpretation of the Basic Law. 2nd. Ensuring superior force of the Basic Law. 3rd. The limits of review of the Basic Law.

**Pre-requisite:** LAWS1003 Constitutional Law, LAWS1004 Constitutional Law (Legal Practice)

#### **LAWS1007/LAWS1008 PUBLIC INTERNATIONAL LAW (THEORY & LEGAL PRACTICE)**

One. Concept and nature of public international law. 2nd. Relations between International Law and Domestic Law. 3rd. Sources of public international law: treaties and custom. 4th. Subjects of Public International Law. 5th. The state: elements of the



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state, the state recognition, state succession, rights and duties of the State. 6th. International Organizations: definition and types. The United Nations. 7th. Law of diplomatic and consular relations. 8th. The peaceful resolution of international conflicts. 9th. Individuals in Public International Law. 10th. Application of International Law in Macau.

**Pre-requisite:** None

### **LAWS2000/LAWS2001 GENERAL THEORY OF CIVIL LAW I (THEORY & LEGAL PRACTICE)**

Title I. Introduction. One. General notions of civil law. 2nd. Preliminaries. Title II. General theory of civil law. Chapter I. Sources of civil law. Chapter II. Fundamental principles of civil law. Title III. General theory of civil legal relationship. Chapter I. General theory of the subject of the legal relationship. One. General notions. 2nd. Individuals. 3rd. Legal persons. Chapter II. General theory of the subject of the legal relationship. One. General notions. 2nd. Things and heritage.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice)

### **LAWS2004/2005 ADMINISTRATIVE LAW I (THEORY & LEGAL PRACTICE)**

Title I - Public administration 1. Public administration. Concept and senses of the term. 2nd. Historical evolution of the concept of public administration. 3rd. Public administration in the face of other functions Estado. 4th. Systems administration: comparison between continental-European system and the British system. Title II. The administrative organization. One. The structure of public administration in general. 2nd. Type of organic inter-functional relationships: hierarchy, supervision and guardianship; delegation of powers. 3rd. The administrative organization of the MSAR. Title III. The public administration and law. One. The government and private law. 2nd. The public administration and administrative law: the principle of legality. 3rd. Linking and discretion: the problem of administrative discretion. 4th. Sources of administrative law: in particular, administrative regulations.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice), LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice)



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### **LAWS4000/LAWS4001 FAMILY LAW (THEORY & LEGAL PRACTICE)**

Chapter I Introduction. One. Legal notion of family. 2nd. Constitutional principles. 3rd. Sources of family law. 4th. Characters of family law and family law. Chapter II Family relationships. One. The Kinship. Parenthood. Establishment of motherhood. Establishment of paternity. Assisted procreation. Medically assisted procreation. Effects of affiliation. The custodial parent. 2nd. The affinity. 3rd. The adoption. Constitution and effects. 4th. Marriage. Concept, marriage systems, characters act as wedding and as a state. Chapter III. Marriage. One. Constitution of the marriage relationship: marriage as an act. Civil marriage. Substantive requirements. Consent. Capacity. Formalities. Invalidity of a marriage. Putative marriage. 2nd. Effects of marriage: marriage as a state. 2.1. Personal effects. 2.2. Balance sheet effects. General principles and supplementary property regime. 3rd. Modifications of the marriage relationship. Judicial separation of property. Legal separation of people and goods. 4th. Dissolution of the marriage relationship. 4.1. Death and the presumed death. 4.2. Divorce. Divorce by consent. Procedure. Nature. Contested divorce. Causes of contested divorce. Chapter IV. The de facto union. Notion of de facto legally relevant.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice), LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice)

### **LAWS2002/LAWS2003 GENERAL THEORY OF CIVIL LAW II (THEORY & LEGAL PRACTICE)**

Title I. General theory of civil legal relationship (cont.). Chapter I. General theory of legal fact. One. The legal facts in general: concepts and classifications; acquisition, modification and termination of legal relations; legal business and simple legal act. 2nd. The business declaration: general notions; interpretation and integration of legal business; divergence between will and declaration; vices of will; legal representation in business. 3rd. The object of negotiation. 4th. Accidental elements of legal transactions. 5th. Ineffectiveness and invalidity of legal businesses: general notions; invalidities; reduction and conversion of legal transactions.

**Pre-requisite:** LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice), LAWS2000 General Theory of Civil Law I, LAWS2001 General Theory of Civil Law I (Legal Practice)



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### **LAWS2012 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.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice)

### **LAWS3000/LAWS3001 OBLIGATION LAW I (THEORY & LEGAL PRACTICE)**

Chapter I. Introduction. One. Law of obligations and the importance of its study. 2nd. Reference to comparative law. 3rd. Fundamental Principles of the Civil Law and the Law of Obligations. 4th. General notions. Obligation in the strict sense. Provision. The issue of bonds is not autonomous. Obligational complex relationship. Function of duty and interest of the lender. 5th. Credit claims and property rights. The effect of external obligations. 6th. Ordering principles of the Law of Obligations. Private autonomy and freedom of contract. Good faith. No unjust enrichment. Chapter II Sources of obligations. One. Contracts. Contractual relationships in fact. 2.1. Promissory contract. 2.2. Pact preference. 2.3. Exception of non-compliance. Termination of the contract. 3rd. Business unilateral. 4th. Business management. 5th. Unjust enrichment. 6th. Liability. 6.1. Contractual liability and tort. 6.2. Liability for unlawful acts. Assumptions regime and the obligation to indemnify. The function of civil liability. 6.3. Responsibility for risk. Responsibility of the principal. Liability of legal persons for acts of public private management. Liability for damage caused by animals. Liability coming from damage caused by earth movement of vehicles. Liability for damage caused by installation of electricity or gas. 6.4. Liability for acts lawful. 6.5. Compulsory insurance of civil liability. 6.6. Compulsory insurance of motor vehicle liability. 6.7. Limits of liability and the right to compensation.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice), LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice)



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## **LAWS2006/LAWS2007 ADMINISTRATIVE LAW II (THEORY & LEGAL PRACTICE)**

Title I. The administrative activity. One. General notions of legal facts in administrative law, in particular the administrative offense. 2nd. The administrative activity. Title II. The regulatory activity. One. Concept, function and foundation of administrative regulations. 2nd. Administrative regulations in the face of the law: the issue of the admissibility of independent regulations. 3rd. The regulatory procedure. Title III. The administrative act. One. Concept and meaning. 2nd. Typology. 3rd. The instrumental acts. 4th. The administrative procedure. 5th. Legal force and effectiveness of administrative measures: feasibility, executability and enforceability. 6th. The structure of the administrative act: the subject, the object and order. 7th. The vices of the administrative act. Types of invalidity. Title IV. The administrative contract. One. Getting Acquainted: a consensus between the government and authority. 2nd. Legal system: the formation, content and principles governing the life of the contracts. The invalidity of administrative contracts.

**Pre-requisite:** LAWS2004 Administrative Law I, LAWS2005 Administrative Law I (Legal Practice)

## **LAWS4002/LAWS4003 PATRIMONIAL FAMILY AND SUCCESSION LAW (THEORY & LEGAL PRACTICE)**

Title I of the Family Law Asset. Chapter I. Introduction. Balance sheet effects of kinship, affinity, adoption. Chapter II. Effects of the marriage. One. Property regime of marriage. Conventions marriage. Description of property regimes. Separation. Communion general. Communion acquired. Participation in acquired. Administration of marital property. Marital illegitimacy. Liability for debts of the spouses. 2 Term property relationships. Chapter III. Food. Title II of the Succession Law. Chapter I Introduction. Legal notion of succession. Constitutional principles and sources. The inheritance systems. Characters the law of succession and inheritance. Chapter II Succession in general. One. Death as the assumption of succession. 2nd. The various species of inheritance. 3rd. Heir and legatee. 4th. Opening of succession. 5th. Vocation, designation, purpose and content of the vocation of succession. Assumptions of vocation. Prevalence of designating succession. Existence of the call. Capacity succession, indignity and disinheritance. Modes vocation. Vocation indirect. Right of representation. Direct replacement. Right to increase. 6th. Estate in abeyance. 7th. Acquisition succession. Acceptance and rejection. 8th. Petition heritage. 9th. Sale of



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inheritance. 10th. Administration of the estate. 11th. Charges of inheritance and settlement. 12th. Sharing heritage. Chapter III. Succession in particular. One. Intestate succession. 2nd. Succession legitimize. 3rd. Inheritance. 4th. Succession contract. Sharing in life.

**Pre-requisite:** LAWS4000 Family Law, LAWS4001 Family Law (Legal Practice)

### **LAWS3002/LAWS3003 OBLIGATION LAW II (THEORY & LEGAL PRACTICE)**

Chapter I. Rules obligations. One. Obligations regarding the bond: natural and civil. 2nd. Obligations regarding the subject: joint and several obligations. 3rd. Obligations regarding the subject. Pecuniary obligations, interest and damages. Chapter II. Transmission obligations. One. Credit assignment. Subrogation. 2nd. Transmission singular debt. 3rd. Assignment of the lease. Chapter III. Guarantee general obligations. One. Scope. 2nd. Meios conservation warranty sheet. Declaration of nullity. Subrogation of the creditor to the debtor. Challenge pauliana. Arrest. Chapter IV Special guarantees of obligations. One. General information about the personal and real guarantees. 2nd. Bail. 3rd. Collateral. 4th. The provision of security. Chapter V compliance and non compliance. One. Fulfillment. Compliance and the principle of good faith. Rule of punctuality. Who can and who can be a benefit. Place and time of delivery. Imputation and proof of compliance. 2nd. Breach. Impossibility of compliance and delay not attributable to the debtor. Lack of compliance and delay attributable to the debtor. 3rd. Defective performance. 4th. Fixing contractual rights of the creditor. Penalty. 5th. Realization of coercive provision. Action compliance, enforcement and implementation for specific equivalent. 6th. Transfer of assets to creditors. 7th. Mora creditor. Chapter VI Causes of extinguishing obligations beyond compliance. Chapter VII contracts in particular. One. Typical and atypical contracts. 2nd. Mixed contracts and related contracts. 3rd. Typical contracts regulated by the Civil Code. 4th. Gambling and betting. General arrangements and special arrangements of the game and bet.

**Pre-requisite:** LAWS2000 General Theory of Civil Law I, LAWS2001 General Theory of Civil Law I (Legal Practice), LAWS3000 Obligation Law I, LAWS3001 Obligation Law I (Legal Practice)

### **LAWS3004/3005 LABOUR LAW (THEORY & LEGAL PRACTICE)**

Title I. Historical development of labor law. Chapter I. Labor Law: concept, purpose



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and importance. Chapter II. Sources of Labor Law. Title II. Employment contract. Chapter I. Concept, elements and legal characteristics of the employment contract. Title III. Formation of employment. Chapter I. Subjects. One. Worker. 2nd. Employer. 3rd. Rights and duties. Chapter II. Types of employment contracts. One. Contract of indefinite duration. 2nd. Employment contract for a fixed term and indefinite. Chapter III. Probationary Period. Chapter IV. Contract of employment of minors. Title IV. Working time. Chapter I. Normal working hours. One. Exemption of time. 2nd. Overtime. 3rd. Night work. 4th. Shift work. Chapter II. Periods of rest. One. Weekly rest. 2nd. Statutory holidays. 3rd. Vacations. 4th. Fools. 5th. Maternity leave. Title V. Retribution. Chapter I. Terms of retribution. One. Retribution right. 2nd. Variable remuneration. 3rd. Calculation of retribution. 4th. Compensation and discounts in return. Title VI. Termination of the employment relationship. Chapter I. Forms of termination. One. Repeal. 2nd. Resolution. 3rd. Forfeiture. 4th. Complaint. Title VII. Legal Regime of hiring non-resident workers. Title VIII. Social Security regime.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice), LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice)

### **LAWS3014/LAWS3015 PROPERTY LAW (THEORY & LEGAL PRACTICE)**

Introduction (evolution of systems domain). I. Real sense of entitlement. II. Features of property rights. III. Property right. Property in communion. Ownership. Horizontal property. IV. Real Rights Limited. Usufruct. Right of use and habitation. Right royal timeshare. Surface rights. Emphyteusis established before the new Civil Code of Macau. Property rights arising from grant of state land in Macau: useful domain resulting from concession tenure; property resulting concession buildings for lease. Summary of the law of property acquisition and provision of security. V. Possession. Notion. Possession and mere possession. Rights in terms of which one can possess. Things that can be held. Capacity for possession. Character of possession. Forms of acquisition of ownership. Trusteeship possessory: Rights that are effect of possession; possessory actions. Adverse possession.

**Pre-requisite:** LAWS2002 General Theory of Civil Law II, LAWS2003 General Theory of Civil Law II (Legal Practice)





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### **LAWS3006/LAWS3007 COMMERCIAL LAW I (THEORY & LEGAL PRACTICE)**

Title I. The exercise of commercial enterprise in general. Chapter I. One. Introduction to Commercial Law. 2nd. The commercial law as law "around" business. Chapter II. Company and entrepreneur. One. Commercial enterprises and acts of commerce. Chapter III. Commercial entrepreneurs. One. Commercial capacity, impediments and incompatibilities. 2nd. Legitimacy. 3rd. Obligations of commercial entrepreneurs. 3.1. Firm. 3.2. Bookkeeping. 3.3. Commercial register. 3.4. Accountability. Chapter IV. Representation in the performance of the company. One. Managers. 2nd. Auxiliary of the entrepreneur. Chapter V. Responsibility for the operation of the enterprise. One. Responsibility for debts incurred in the performance of the company. 2nd. Product liability. Chapter VI. The trading company as business object. One. Right about the company and property rights of the company. 2nd. Business on the trading company. 2.1. sale of the company. 2.2. leasing company. 3rd. Usufruct of the company. 4th. Pledge on the company. Chapter VII. Of distinctive commercial signs. One. Firm (remission). 2nd. Name and emblem. 3rd. Brand. Chapter VIII. The discipline of competition. One. Competition in general. 2nd. Of unfair competition. Title II. Securities. Chapter I. Of securities in general. Chapter II. The bill of exchange. One. General obligation of the exchange both characters. 2nd. Requirements of the letter. 2.1. Essential requirements. 2.2. Requirements not essential. 3rd. Bill conduct. 3.1. Booty. 3.2. Endorsement. 3.3. Accept. 3.4. Aval. 3.5. Maturity. 3.6. Shares of return.

**Pre-requisite:** LAWS2002 General Theory of Civil Law II, LAWS2003 General Theory of Civil Law II (Legal Practice)

### **LAWS3010/LAWS3011 CRIMINAL LAW I (THEORY & LEGAL PRACTICE)**

Title I. General considerations. Chapter I. Criminal law in the formal sense. One. Concept. Chapter II. The Joint Science of Criminal Law. Chapter III. The general principles of criminal law. Chapter IV. Role of Criminal Law in the legal system - the issues surrounding the concept of crime material. One. The well-criminal legal. Chapter V. The ends of sentences and security measures. Chapter VI. Limits of the Criminal Law. One. Confrontation with other branches of law. Chapter VII. The principle of legality - function, fundamentals and their consequences. One. Interpretation and integration of criminal law. 2nd. The scope of application of the criminal law - criminal law enforcement in time and space. Title II. The general doctrine of the crime. Chapter I. Introduction. 1. The elements of the offense. 2nd. Classification of crimes. Chapter II.



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The type incriminating. One. The type of illicit purpose and result of the conduct charged. 2nd. The type of illicit subjective. 3rd. The intent and its elements. 4th. The problem of error. 5th. Neglect.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice), LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice)

### **LAWS3008/LAWS3009 COMMERCIAL LAW II (THEORY & LEGAL PRACTICE)**

Title I. Commercial companies in general. Chapter I. Notion of society figures and the like. 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. The shares. Chapter IV. Capital and social capital, profits and losses. Chapter V. Bodies. One. Management and representation. 2nd. General meeting. 2.1. Corporate resolutions. 2.2. Ineffectiveness of corporate resolutions. 2.2.1. Deliberations ineffective. 2.2.2. Void resolutions. 2.2.3. Deliberations nullable. 2.2.4. Deliberations nonexistent? 3rd. Council tax and auditor. 4th. Company secretary. 5th. Liability of company officers. Title III. Modification of the statutes. Chapter I. Amendments to the statutes. One. General. 2nd. Increase and reduction of share capital. 3rd. Changing the subject. Chapter II. Merger and demerger of companies. Chapter III. Transforming societies. Title IV. Extinction of society. Chapter I. Dissolution of commercial companies. Chapter II. Settlement of commercial companies.

**Pre-requisite:** LAWS3006 Commercial Law I, LAWS3007 Commercial Law I (Legal Practice)

### **LAWS3012/LAWS3013 CRIMINAL LAW II (THEORY & LEGAL PRACTICE)**

Title I. Continuation of the general doctrine of the crime. Chapter I. The type justifier. One. The causes of exclusion of unlawfulness. Chapter II. The type of fault. One. Definition of legal criminal guilt. 2nd. Guilt intentional and negligent fault. 3rd. Nonimputability based on age and mental disorder. 4th. Exclusions from guilt. Chapter III. The criminality. Chapter IV. The omission - general notions. Chapter V. The attempt. Chapter VI. The Reimbursement - authoring and sharing.

Title II. The legal consequences of crime. Chapter I. The Feathers. One. Preliminaries. 2nd. A custodial sentence or imprisonment. 3rd. The monetary penalty or a fine. 4th.



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The alternative penalties. 5th. The accessory penalties. Chapter II. The Determination of penalty. One. The system of determining the sentence. 2nd. The degree of penalty. 3rd. Special cases of the penalty. Brief reference.

**Pre-requisite:** LAWS3010 Criminal Law I, LAWS3011 Criminal Law I (Legal Practice)

### **LAWS3016/LAWS3017 ADMINISTRATIVE LAW III (THEORY & LEGAL PRACTICE)**

Title I. Introduction. One. The administrative justice. 2nd. Principle of separation of powers. 3rd. Major historical models of administrative justice. 4th. Models objective and subjectivists. Title II. Evolution of litigation Macau. One. The jurisdiction in matters of administrative litigation. The administrative court. The courts of appeal. 2nd. The judicial organization of Macau. Title III. Means contentious. Chapter I. The appeals. One. Concept and nature. 2nd. General principles. 3rd. Appeal ability of the administrative act. 4th. Inadmissibility. 5th. Legitimacy of the parties. 6th. Conduct of proceedings before the courts. Chapter II. The special litigation. One. Challenge standards. 2nd. Litigation election. 3rd. Administrative Offences. Chapter III. Administrative actions. One. Actions on administrative contracts. 2nd. Civil liability. 3rd. Shares subpoena. Actions to practice act lawfully due. 4th. Actions for the recognition of a right or legitimate interest. Chapter IV. The precautionary remedies. One. Application for suspension of judicial effectiveness of administrative acts. 2nd. Subpoena for behavior. 3rd. Request for early production of proof. 4th. Unspecified precautionary measures. Title IV. Judgments. One. The effects of the administrative judgments. Title V. The legal proceedings. One. The right to appeal the administrative process. 2nd. Procedural legal regime. Title VI. The executive process. One. The executive process to provide facts or things. 2nd. The executive process for payment of a certain amount. 3rd. Safeguards against wrongful nonperformance. Title VII. The arbitration. One. Scope. 2nd. Appeal of the arbitration award. 3rd. Arbitration centers.

**Pre-requisite:** LAWS2006 Administrative Law II, LAWS2007 Administrative Law II (Legal Practice)

### **LAWS3018/LAWS3019 CIVIL PROCEDURAL LAW I (THEORY & LEGAL PRACTICE)**

Title I. Introduction. One. Process and procedural law. 2nd. Jurisdiction and judicial functions. 3rd. General outline of the exercise of civil jurisdiction. 4th. Ordinary courts



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and special courts. 5th. Jurisdiction and permanent arbitral jurisdiction. Title II. Action. One. The legal action. 2nd. Rating statutory actions. 3rd. Classification according to the criterion of purpose. 4th. Classification according to the criterion of form. 5th. Precautionary procedures. Title III. The civil procedural law. One. Concept and legal nature. 2nd. Theoretical and practical importance. 3rd. Interpretation and integration of the rules of civil procedure. 4th. Application in time and space. Title IV. Sources of civil procedural law and related matters. One. Historical evolution. 2nd. Special Reference to Macau. Title V. Theory regarding procedural or instance. Chapter I. Structure of procedural legal relationship. One. Parties. 1.1 Inadmissibility relating to the parties. 1.2. Judicial personality. 1.3. Judicial capacity. 1.4. Legitimacy singular and plural legitimacy. 1.5. Mandatory legal representation. 1.6. Procedural interest. 2nd. The tribunal. 2.1. The judicial organization. 2.2. Competence, on the premise procedural court. 2.3. Criteria for distribution of competence. 3rd. The object of the procedural relationship. 3.1. Applications: concept and species. 3.2. The question to ask: concept and species. Title VI. The forms of the process. One. Common process and special processes. 2nd. Common process ordinary and common process summary. 3rd. Process particular concerning small claims.

**Pre-requisite:** LAWS2000 General Theory of Civil Law I, LAWS2001 General Theory of Civil Law I (Legal Practice), LAWS3000 Obligation Law I, LAWS3001 Obligation Law I (Legal Practice)

#### **LAWS4006/LAWS4007 PRIVATE INTERNATIONAL LAW (THEORY & LEGAL PRACTICE)**

Title I. One. Introduction. 2nd. Method. 3rd. Structuring principles and values worthy of consideration. 4th. Function of the conflict rules. 5th. Structure of the conflict rules. 6th. Qualification. 7th. Reference. 8th. Acquired rights. 9th. Public order. 10. Circumvention of the law. Title II. One. Personal law. 2nd. Individuals. 3rd. Legal persons. 4th. Right of foreigners. 5th. Legal business. 6th. Obligations. 7th. Real rights. 8th. Family. 9th. Succession.

**Pre-requisite:** LAWS2002 General Theory of Civil Law II, LAWS2003 General Theory of Civil Law II (Legal Practice), LAWS4002 Patrimonial Family Law and Succession Law, LAWS4003 Patrimonial Family Law and Succession Law (Legal Practice)



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### **LAWS4004/LAWS4005 COMMERCIAL LAW III (THEORY & LEGAL PRACTICE)**

Title I. Commercial contracts in general. Chapter I. Introduction. Chapter II. General theory of trade agreements. One. Physiognomy of modern commercial contract: the problem of general contractual clauses. 2nd. Special arrangements for commercial obligations. 3rd. Prescription mercantile obligations. 4th. Classification of commercial contracts. Title II. Study of some mercantile contracts in particular. Chapter I. Contract of sale. Chapter II. Contract for sale. Chapter III. Supply contract. Chapter IV. Commission contract and contract shipping. Chapter V. Distribution contracts. One. Agency. 2nd. Commercial concession. 3rd. Franchise. 4th. Mediation. Chapter VI. Advertising contracts. One. Contract Advertising. 2nd. Contract broadcast advertising. 3rd. Contract advertising creation. 4th. Contract advertising sponsorship. Chapter VII. Contract of Carriage. Chapter VIII. Deposit agreement in general stores. Chapter IX. Contract hosting. Chapter X. Contract checking account. Chapter XI. Contract reporting. Chapter XII. Banking contracts. One. Deposit. 2nd. Car safety box 3. Opening credit. 4th. Bank advance. 5th. Bank account. 6th. Bank discount. 7th. Factoring contract. 8th. Leasing. Chapter XIII. Guarantee contracts. One. Commercial pledge. 2nd. Chattel mortgage. 3rd. Floating charge. 4th. Independent guarantee. Chapter XIV. Insurance contract.

**Pre-requisite:** LAWS3008 Commercial Law II, LAWS3009 Commercial Law II (Legal Practice)

### **LAWS4008/LAWS4009 CRIMINAL PROCEDURAL LAW (THEORY & LEGAL PRACTICE)**

Chapter I. Understanding Introductions. 1. Meaning and function of criminal procedural law. 2nd. Location of criminal procedural law in the legal system. 3rd. The conformation of the legal and constitutional criminal procedure and its structure. 4th. The criminal procedural law and its application. Chapter II. General Principles Of Criminal Procedure. One. Principles relating to the promotion procedure. 2nd. Principles relating to the further procedure. 3rd. Principles relating to the test. 4th. Principles on the way. Chapter III. The subjects Procedure. One. The Court. 2nd. The prosecutor and the criminal police. 3rd. The defendant and his counsel. 4th. The victim and the victim. Chapter IV. Procedural means. One. Means of obtaining evidence. 2nd. Precautionary and police. 3rd. Coercive measures. 4th. Assurance measures sheet.



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Chapter V. The Conduct of Criminal Procedure. One. The shapes of the criminal proceedings and proceedings before them. 2nd. Resources.

**Pre-requisite:** LAWS3012 Criminal Law II, LAWS3013 Criminal Law II (Legal Practice)

### **LAWS4011/LAWS4012 CIVIL PROCEDURAL LAW II (THEORY & LEGAL PRACTICE)**

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.

**Pre-requisite:** LAWS2002 General Theory of Civil Law II, LAWS2003 General Theory of Civil Law II (Legal Practice), LAWS3002 Obligation Law II, LAWS3003 Obligation Law II (Legal Practice), LAWS3018 Civil Procedural Law I, LAWS3019 Civil Procedural Law I (Legal Practice)

### **LAWS4013/LAWS4014 CIVIL PROCEDURAL LAW III (THEORY & LEGAL PRACTICE)**

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



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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 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.

**Pre-requisite:** LAWS4011 Civil Procedural Law II, LAWS4012 Civil Procedural Law II (Legal Practice)

#### **LAWS4010 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.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice), LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice)

#### **LAWS4016 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



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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.

**Pre-requisite:** None

**LAWS4034/LAWS4035 LEGAL CONSEQUENCES OF CRIME (THEORY & LEGAL PRACTICE)**

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 Macao 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 Macao. 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.

**Pre-requisite:** LAWS3012 Criminal Law II, LAWS3013 Criminal Law II (Legal Practice)

**ELECTIVE COURSES:**

**LAWS1016 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.

**Pre-requisite:** LAWS2006 Administrative Law II, LAWS2007 Administrative Law II (Legal Practice)

**LAWS1017 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





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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 kinds of tax.

**Pre-requisite:** LAWS2006 Administrative Law II, LAWS2007 Administrative Law II (Legal Practice)

### **LAWS1018 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.

**Pre-requisite:** LAWS2002 General Theory of Civil Law II, LAWS2003 General Theory of Civil Law II (Legal Practice), LAWS4002 Patrimonial Family Law and Succession Law, LAWS4003 Patrimonial Family Law and Succession Law (Legal Practice)

### **LAWS1019 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.

**Pre-requisite:** LAWS2006 Administrative Law II, LAWS2007 Administrative Law II (Legal Practice)

### **LAWS1020 REGISTRY AND NOTARY LAW**



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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.

**Pre-requisite:** LAWS3002 Obligation Law II, LAWS3003 Obligation Law II (Legal Practice), LAWS3014 Property Law, LAWS3015 Property Law (Legal Practice)

#### **LAWS1021 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).

**Pre-requisite:** None

#### **LAWS1022 SPECIAL 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.

**Pre-requisite:** LAWS3012 Criminal Law II, LAWS3013 Criminal Law II (Legal Practice)

#### **LAWS1023 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. -



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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.

**Pre-requisite:** LAWS3018 Civil Procedural Law I, LAWS3019 Civil Procedural Law I (Legal Practice)

### **LAWS1024 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.

**Pre-requisite:** LAWS1000 Introduction to Law, LAWS1001 Introduction to Law (Legal Practice), LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice)

### **LAWS1025 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 nationality. 2.8. European Law. 2.9. The



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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.

**Pre-requisite:** None

#### **LAWS1026 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.

**Pre-requisite:** LAWS3012 Criminal Law II, LAWS3013 Criminal Law II (Legal Practice), LAWS3014 Property Law, LAWS3015 Property Law (Legal Practice), LAWS3016 Administrative Law III, LAWS3017 Administrative Law III (Legal Practice), LAWS3018 Civil Procedural Law I, LAWS3019 Civil Procedural Law I (Legal Practice)

#### **LAWS1027 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 Macau.

**Pre-requisite:** LAWS2000 General Theory of Civil Law I, LAWS2001 General Theory of Civil Law I (Legal Practice)

#### **LAWS1028 LEGAL HISTORY OF MACAU**

The course mainly addresses the historical evolution of political system of Macau. 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



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Timor and Solor (1844-1895). Part III: The political system of Macau as a single overseas province (1896-1975): The Period of Granting Autonomy of Colony (1896-1930), the 1995' Statute of Macau Province and 1963 and 1972 Political and Administrative Statute of Macau Province. Part IV: The political system before and after the transition of power (1976-2005).

**Pre-requisite:** LAWS1002 Legal History, LAWS1005 Macao Basic Law, LAWS1006 Macao Basic Law (Legal Practice)

### **LAWS1030 LEGAL PHILOSOPHY**

Many philosophical issues arise in connection with how we solve legal questions. This course introduces students to these issues and encourages critical thinking about them. Several questions are explored. 1) What is law and legal system? What are the types of law? 2) What is obligation or right? 3) What is the relationship between law, morality, authority, and politics? 4) How to interpret law? 5) What is, and how to realize, the rule of law? 6) Is there an obligation to obey the law? How can law give us reasons? 7) Is there an essential difference between legal reasoning and reasoning about politics, policies, or justice? 8) What is justice? 9) What is the role of judges? 10) What justifies criminalizing various acts and administering punishment?

Throughout the course, special attention will be paid to the answers given to the above questions by major figures in the field of philosophy and law, such as Confucius, Mencius, Han Fei, Plato, Aristotle, Aquinas, Hobbes, Rousseau, Hume, Bentham, Austin, Hart, Dworkin, etc. on the one hand, and to the connections between philosophy and legal practice, especially statute and case law.

**Pre-requisite:** None