

# **Master of Law in Legal Translation**

## **Course Description**

### **LLTS701      METHODOLOGY OF LEGAL RESEARCH**

This subject will concentrate on developing the skills required to produce work of higher level research. Specifically, the course is aimed to deepen the analytical skills by writing and implementing a research methodology to legal problems, while observing ethical norms.

### **LLTS702      MACAU LAW**

This course is concerned with a general knowledge of Macau Law, the basic principles, general theory and the core vocabulary of both substantive law and procedural law. The course examines legal methods and terminology. Students will understand better the importance of law in contemporary society along with the accurate translation of legal terminology.

### **LLTS703      LEGAL TRANSLATION**

Historical evolution of the existence of one bilingual juridical system in Macao. Brief reference to the other bilingual juridical system. Approaches to the most important statutes relating to legal bilingualism. Juridical translation in Macao – experience and perspectives. Practical approach of juridical translation and bilingual production.

### **LLTS711      CONSTITUTIONAL 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.

## **LLTS712 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. Comp participation. Perpetration and accomplicity. Chap.V – Cumulation of offenses. Legal accumulation. Real accumulation. Cumulative crime.

## **LLTS713 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.

## **LLTS714 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.

## **LLTS715 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 person's 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.

## **LLTS716 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 Debts 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. Fulfillment and Unfulfilment of Obligations. 7.1. Fulfillment. 7.2. Unfulfilment. Impossibility of fulfillment and default not concerning to the debtor. Unfulfilment and default attributable to the debtor. 7.3. Defective fulfillment. 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 fulfillment. IX. Contracts. Typical and No typical contracts. Mixed contracts and contracts in coalition Enumeration and concise characterization of typical contracts ruled by Civil Code. Game and Bet.

## **LLTS717      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.

## **LLTS718      FAMILY AND SUCCESSION LAW**

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.

#### **LLTS719      COMMERCIAL LAW**

Introduction to commercial law, Merchants: commercial capacity, obligations, liability of married couple assets for commercial debts. The firm, Completion 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.

#### **MTRS150      CHINESE/PORTUGUESE TRANSLATION**

This course involves the practice and critical discussion of translation from Chinese to Portuguese in a range of topic areas, in order to develop recognition of translation problems specific to this direction of translation, to develop strategies for dealing with them, and to construct data-bases relating to the lexicon and structure involved. Students will work alone, in pairs and in small groups.

#### **MTRS151      PORTUGUESE/CHINESE TRANSLATION**

This course involves the practice and critical discussion of translation from Portuguese to Chinese in a range of topic areas, in order to develop recognition of translation problems specific to this direction of translation, to develop strategies for dealing with them, and to construct data-bases relating to the lexicon and structure involved. Students will work alone, in pairs and in small groups.

**MTRS152 INTERPRETING I CHINESE/PORTUGUESE**

This course will concentrate on basic interpreting skills as a basis for more advanced interpreting training. It will cover skills such as note taking, memory span improvement, sight translation and the basics of consecutive interpreting. Students will undertake practical training in the language laboratory.

Pre-requisite: Permission of the Coordinator of the Programme

**MTRS153 INTERPRETING II CHINESE/PORTUGUESE**

This course will work further with sight interpreting and consecutive interpreting, while advancing to simultaneous interpreting. The student will be exposed to a wide range of topic areas, including business, socio-political topics, and advances in science and technology. Students will undertake practical training in the language laboratory.

**MTRS108 HISTORY, CULTURE AND TRANSLATION**

This general introduction to the history of translation focuses on the long relationship between Chinese language and the Western European languages, and considers other translation traditions where relevant. The first part of the course examines the works, activities, and roles of important translators in history, with special reference to Macao's pivotal role in the history of translation. The second part of the course will look at the role of translation in the dissemination of knowledge, culture, law and trade.

Pre-requisite: Permission of the Coordinator of the Programme

**MTRS119 TRANSLATION OF LEGAL TEXTS**

This course is concerned with the translation of legal documents within the context of Macau Law, covering a wide range of document types, including informational documents, common legal documents, and specialized and technical documents such as, for example, contracts, and legal forms. Particular attention will be paid to translation problems associated with the legal text, including legal equivalence, terminology, register, structural layout.