

# Macao Polytechnic University

## Faculty of Applied Sciences

### Bachelor of Social Sciences in Sino-Lusophone Trade Relations

#### Module Outline

Academic Year 2022/2023 Semester 1<sup>st</sup>

<b>Learning Module</b>	Constitution and Basic Law		<b>Class Code</b>	LLAW1110	
<b>Pre-requisite(s)</b>	Nil				
<b>Medium of Instruction</b>	English			<b>Credit</b>	2
<b>Lecture Hours</b>	30 hrs	<b>Lab/Practice Hours</b>	0 hrs	<b>Total Hours</b>	30 hrs
<b>Instructor</b>	Yolanda Leong		<b>E-mail</b>	YolandaLeong@mpu.edu.mo	
<b>Office</b>	Rm 358, Pearl Jubilee Bldg, MPU Taipa Campus		<b>Telephone</b>	8399 8702	

#### **Description**

This module introduces the general principles, the state system, the state organs, and the fundamental rights and duties of citizens stated in the *Constitution of the People's Republic of China* (the Chinese Constitution). It also covers the formulation of the “One Country, Two Systems” policy and the *Basic Law of the Macao Special Administrative Region of the People's Republic of China* (the Macao Basic Law) and such sections in the Macao Basic Law as the relationship between the Central Government and the Macao Special Administrative Region (SAR), the political structure of the Macao SAR, and the fundamental rights of Macao residents. The module is aimed at assisting the students to establish a correct understanding about the Chinese Constitution and the Macao Basic Law, and to identify the basic concept of the legal protection of people's rights and freedoms.

#### **Learning Outcomes**

Upon the completion of this module, students are expected to be able to:

1. distinguish and generalize the basic concept of law and the legal thinking logic; (ET2P)
2. identify and summarize the basic content and general principles of the Chinese Constitution; distinguish and explain the political system of the People's Republic of China (PRC); name the state organ and state their functions; and identify the meaning of fundamental rights of the

- people; (ET2P)
3. identify and summarize the basic content of the Macao Basic Law; examine the relationship of the Chinese Constitution and the Macao Basic Law, and that of the Central Government and the SAR; (ET3P)
  4. distinguish and explain the political structure of the Macao SAR; apply the implication of the Chinese Constitution and the Macao Basic Law to the fundamental rights and freedoms of the Macao residents and to the economic, cultural and social affairs of the Macao SAR; (ET3P)
  5. state the content of the interpretation and amendment of the Macao Basic Law. (ET2P)

## **Content**

1. Introduction (4 hours)
  - 1.1 Concept of law and legal study in general
    - Identifying the definition of law
    - Classifying the different political systems, government systems and legal systems
  - 1.2 Concept and functions of constitution
    - Identifying the concept of constitution and its role in a country
    - Describing the formation and amendment of a constitution
    - Defining the characteristics and functions of a constitution
2. *The Constitution of the People's Republic of China* (8 hours)
  - 2.1 The development of the constitutions in China
    - Outlining the history of the constitutional development of China
  - 2.2 The main principles of the Chinese Constitution
    - Illustrating the four main principles of the Chinese Constitution
    - Comprehending the People's Congress System and comparing it with other systems
  - 2.3 The fundamental rights and obligations of the People in the PRC
    - Understanding the concept of rights, basic rights and fundamental rights
    - Analyzing the fundamental rights stated in the Chinese Constitution
    - Inferring the unity of rights and obligations
  - 2.4 The state institutions and national symbols of the PRC
    - Identifying the various state institutions, their functions and relations
    - Memorizing the national symbols
- 3 The Principle of "One Country, Two Systems" (3 hours)
  - 3.1 The origin and basic contents of the "One Country, Two Systems" principle
    - Outlining the history of the "Macao Question" and its solution
    - Identifying the appearance of the "One Country, Two systems" principle
  - 3.2 The relationship between the Chinese Constitution and the Macao Basic Law
    - Analyzing the legal basis of the "One Country, Two Systems" principle in the Chinese Constitution
    - Identifying the institutionalization of the "One Country, Two Systems" principle

through the Macao Basic Law

4. The *Basic Law of the Macao Special Administrative Region of the PRC* (12 hours)
  - 4.1 The main principles of the Macao Basic Law
    - Identifying the three main principles embedded in the Macao Basic Law
  - 4.2 The relationship between the Central Authorities and the Macao SAR
    - Identifying the nature and characteristics of the relationship
    - Analyzing the power distribution between the Central Authorities and the Macao SAR
  - 4.3 The fundamental rights and duties of the residents of the Macao SAR
    - Classifying the different concepts of citizens and residents
    - Analyzing the fundamental rights stated in the Macao Basic Law
  - 4.4 The political structure in the Macao SAR
    - Identifying the role and qualifications of the Chief Executive
    - Analyzing the dual status of the Chief Executive and the executive-led model
    - Outlining the features and functions of the executive authorities, legislature and judiciary in the Macao SAR
    - Illustrating the relationship between the executive authorities and legislature and the independence of the judiciary
  - 4.5 The economy, culture and social affairs of the Macao SAR
    - Analyzing the features of independent finances of the Macao SAR
    - Identifying the Macao SAR Government's responsibility in formulating policies on culture and social affairs
  - 4.6 The interpretation and amendment of the Macao Basic Law
    - Identifying the subjects and processes of interpreting and amending the Macao Basic Law

### **Teaching Method**

Lectures, videos, case study and group discussion.

### **Attendance**

Attendance requirements are governed by the “*Academic Regulations Governing Bachelor’s Degree Programmes*” of Macao Polytechnic University.

## Assessment

This learning module is graded on a 100 point scale, with 100 being the highest possible score and 50 being the passing score.

Item	Description	AHEP3 LO	Percentage
1. Assignment	Home-based assignment	ET2P, ET3P	25%
2. Test	Knowledge assessment	ET2P, ET3P	25%
3. Examination	2-hour written examination	ET2P, ET3P	50%
<b>Total Percentage:</b>			<b>100%</b>

Students with a score of less than 35 in the final examination must take the re-sit examination even if the overall score for the learning module is 50 or above. Students with a score of less than 35 in the overall grade are not allowed to take the re-sit examination.

## Teaching Materials

### Textbooks

1. Li, L. N. & Xu C. (eds.) (2020). *Explaining the Macao Basic Law*. Macao: “One Country, Two Systems” Research Centre of Macao Polytechnic Institute. [李莉娜、許昌主編：《澳門基本法解讀》，澳門：澳門理工學院“一國兩制”研究中心，2020年。]
2. Xu, C. & Hu, J. (2018). *Constitution (the Sixth Edition)*. Beijing: Renmin University of China Press. [許崇德、胡錦光：《憲法》(第六版)，北京：中國人民大學出版社，2018年。]

### Legal documents

1. *Constitution of the People’s Republic of China*  
Chinese version: [http://www.gov.cn/guoqing/2018-03/22/content\\_5276318.htm](http://www.gov.cn/guoqing/2018-03/22/content_5276318.htm)  
English version: [http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node\\_2825.htm](http://www.npc.gov.cn/zgrdw/englishnpc/Constitution/node_2825.htm)
2. *Basic Law of the Macao Special Administrative Region of the People’s Republic of China*  
Chinese version: [https://bo.io.gov.mo/bo/i/1999/leibasica/index\\_cn.asp](https://bo.io.gov.mo/bo/i/1999/leibasica/index_cn.asp)  
Portuguese version: <https://bo.io.gov.mo/bo/i/1999/leibasica/index.asp>  
English version (web archive unofficial version):  
[https://web.archive.org/web/20010320024207/http://www.imprensa.macao.gov.mo/bo/i/1999/leibasica/index\\_uk.asp](https://web.archive.org/web/20010320024207/http://www.imprensa.macao.gov.mo/bo/i/1999/leibasica/index_uk.asp)

### Reference books

1. Bodenheimer, E. (1962). *Jurisprudence: the Philosophy and Method of the Law*. Harvard: Harvard University Press.
2. Dicey, A. V. (1979). *An Introduction to the Study of the Law of the Constitution*. London: Palgrave Macmillan UK.
3. Jeong, W. C. & Jeong, S. L. (2004). “One Country, Two Systems” and the Macao SAR. Macao: Centre for Macau Studies, University of Macau.
4. Jeong, W. C. (ed.) (2011-2014). *Academic Journal of “One Country, Two Systems” (Volume*

- I-IV*), Macao: One Country Two Systems Research Center, Macao Polytechnic Institute.
5. Lok, W. K. (2012). *A New Study on the Basic Law of Macau Special Administrative Region*, Beijing/Macao: Social Sciences Academic Press (China)/Macao Foundation. [駱偉建：《澳門特別行政區基本法新論》，北京/澳門：社會科學文獻出版社/澳門基金會，2012年。]
  6. Sandel, M. J. (2009). *Justice: What's the Right Thing to Do?* London: Penguin Books.
  7. Story, J. (1833). *Commentaries on the Constitution of the United States (In Three Volumes)*. Boston/Cambridge: Hilliard, Gray, and Company/Brown, Shattuck, and Co.
  8. Zhou, Y. (2016). *Constitution (the Fourth Edition)*. Beijing: Higher Education Press. [周業中：《憲法》(第四版)，北京：高等教育學出版社，2016年。]