

## Why the political system of Macao does not implement the “separation of powers”?

Zhang Xiaoming

(pp.457)

*In this article, the writer explains about the foundation of the political structure of the MSAR designed by the Basic Law is a new political system, which is based on the specific characteristics: the powers and functions of the Chief Executive and simultaneously intensive and extensive.*

## Brief History and Current Status of Arbitration and Enforcement Awards in the MSAR: An overview of the singular and paradigmatic role of the Region as a solid bridge between China and Portuguese Speaking Countries

Cândida da Silva Antunes Pires

(pp.471)

*Macau SAR is a territory with an area of around 30 square kilometers and its population is estimated to be of 549.500 inhabitants, distributed by various national communities with the largest one the Chinese. This diversity of cultures and personal status is a very unique characteristic of MSAR, a real “melting pot” without parallel worldwide.*

*The history of its political evolution is reflected in laws that have been enforced. Before 20 December 1999, it was the Portuguese Law with some shifts and adaptations that was enforced here. However, there was also a locally enacted normative set representing a significant part of Macao legislation. Nowadays, with the Basic Law as the fundamental Law, all the legislation of the MSAR is locally enacted.*

*In this paper, the author reports in brief the history and the present situation of Arbitration in the MSAR, focusing on the issue of mutual enforcement of arbitral awards between MAINLAND CHINA-MSAR-HKSAR and each of the Portuguese Speaking Countries. The author emphasized the irreplaceable role of Macao as a significant bridge of connection and approach among them, thus justifying effective schemes of judiciary cooperation, maxims on the said field of mutual recognition of arbitral awards.*

## The Characteristics and Contents of the Contract of Government Procurement.

Tang Tatweng

(pp.499)

*An essential component of the government's procurement process to obtain supply of goods and render of services, or implementation of works, is to establish contracts with suppliers or constructors for assuring the relevant rights and duties of parties. The form and content for establishing contracts of government procurement relate directly to, and are to be decided by, its attribution. Its subsequent execution corresponds to the legal area to which its attribution belongs. Hence, by analysing the attribution and the forms of presentation of contracts of government procurement, and studying the establishment, the modification and extinction of contracts of government procurement, as well as the explanation of the legal contents of contract of government procurement, this article will enable the entity responsible for procurement to execute precisely and correctly necessary details in the cycle of procurement. In this way it can facilitate the establishment of contract of government procurement compatible with the practical needs.*

## On Payment without Work under Labor Relation Law: A Comparative Study on German Labor Law

Ye Zaixing

(pp.535)

*As a special service contract, labor contract differs from other bilateral contracts since it involves different social factors. This uniqueness is particularly evident in the Labor Law under special circumstances which employees can be paid without working. However, proceeding from the Labor Law itself and other relevant legislations in Macao, the provision of "payment without work" is not only insufficient in helping building the SAR into a welfare society featured by social solidarity, but also incompatible with the Macao Civil Code. This is even more evident when it is compared with the corresponding regulations in Germany.*

## Legal Aid System in Mainland China

Wei Hong

(pp.563)

*Mainland's legal aid system has made considerable achievements. Meantime, due to the narrow type of recipients, limited range of aid issues, and shortage of aid funds, there is still a large gap between current supply of legal aid and the practical needs of society. In order to change such situation, the following aspects needs to be done: to establish the idea of protection of equal rights of vulnerable groups in litigation, to innovate the system from expanding the recipient types, to broaden the aid issues, to adjust the roles distribution of aid lawyers, to expand the number of aid team, to ensure aid funds; as well as to reshape the way of reshape the way of trial.*

## Relief of Rights and Legal Aid for Chinese Civil Servants

Ren Jin

(pp.575)

*The relief of rights for Chinese civil servants has been established according to Civil Servants Law since 2005. It includes complaints, charges, accepting an apology and compensation. But Chinese civil servants shall not seek judicial relief for personnel dispute. Legal aid for civil servants is of significance, but this system has basically not been implemented. Therefore to be in line with China's basic political system and personnel management principles of civil servants, it is necessary to improve the procedures of relief of rights for civil servants, to expand the scope of complaints, and to establish the legal aid for civil servants.*

## Legal Aid to Civilians in Taiwan

Li Yiguang

(pp.583)

*According to the International Covenant on Civil and Political Rights Article 14, all persons shall be treated equal before the courts and tribunals. In order to enjoy equal rights to a fair and public hearing by an independent and impartial tribunal, people should also entitled to the sound assistance of legal information. In order to protect the legal right of its citizen, Taiwan enacted the Legal Information Assistance Law in Jan 7th 2004. According to*

*this law, Taiwan has founded the Legal Aid Foundation to assist its people to claim their legal right.*

## **The Legislative Aid System of Public Service in Taiwan**

Wang Aiyun

(pp.595)

*The first principle of Administration Law is the Rule of Law. The public servants who violate the rule of law should be accountable for civil, criminal and administrative charges. Sometimes the public servants in Taiwan are troubled by these legal charges even without negligence, which will affect the performance of public service in Taiwan. In order to encourage the public servants to perform their duty better, Taiwan enacted the act of Legal Aid of Public Servant. There are 23 articles in this act, which forms the basis for legal assistance to the public servants in Taiwan.*

## **Pessanha and the Legal System**

Celina Veiga de Oliveira

(pp.605)

*The Portuguese symbolist poet Camilo Pessanha lived in Macao between 1894 and 1926. He was a graduate jurist from the University of Coimbra, a keen observer of Macao and China's legal reality and an admirer of the Chinese Penal Code. His consideration of this code was based, using his own words, in "its rigorous capacity of observation and high spirit of justice and goodness, one of the most prodigious monuments of knowledge that History has given to us".*

*However, the law's application in China during the last decades of the Cheng dynasty didn't conform to this spirit of justice and Pessanha described the judgments and torture of the condemned in a cinematographic way. The article also refers "The Code of uses and costumes of the Chinese people in Macao" and "The Chinese Private Court of Macao", which contribute to the understanding of the law's application by the Portuguese authorities to the Chinese population.*