

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester B 2017/18

Part I Course Overview

Course Title: Legal Systems in South East Asia

Course Code: LW6131C

Course Duration: One semester

Credit Units: 3

Level: P6

Medium of Instruction: Predominantly Chinese (Putonghua)

Medium of Assessment: Chinese

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) Nil

Exclusive Courses:
(Course Code and Title) Nil

Part II Course Details

1. Abstract

This course aims to compare the laws in some selected legal systems in South East Asia (including but not restricted to Japan, Thailand, Vietnam, Laos, Cambodia, Indonesia, Malaysia, Singapore, Taiwan and China). It will also compare and contrast the common and civil law systems as practiced by selected jurisdictions in the region.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Identify, analyse and critically explain the work of laws in selected legal systems in South East Asia and to have increased understanding of at least two of them in detail.		√	√	
2.	Compare and contrast the operation of civil law systems with common law systems in selected South East Asian jurisdictions.		√	√	√
3.	Apply the knowledge in further research and/or professionally			√	√
		100%			

A1: *Attitude*

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: *Ability*

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.

A3: *Accomplishments*

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.			Hours/week (if applicable)
		1	2	3	
Lecture/seminar	Lectures/seminars, short presentations and discussions by students	√	√	√	3

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.			Weighting	Remarks
	1	2	3		
Continuous Assessment: 50%					
Coursework	√	√	√	50%	
Examination: 50% (duration: 3 hours)					
				100%	

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Coursework	Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
Examination	Demonstration of understanding of concepts, principles, and theories. Demonstration of ability to identify legal issues. Application of knowledge to specific legal problems, to discuss questions, and to comment on legal phenomenon. Application of legal writing and research skills. Demonstration of ability to engage in argument-based analysis based on critical thinking. Demonstration of aptitude for formulating innovative solutions to designated fact-based questions.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information (more details can be provided separately in the teaching plan)

1. Syllabus

1.1 Keyword Syllabus

(An indication of the key topics of the course.)

Civil law; common law; socialist law; constitutional law; criminal law; corporate law; economic law; foreign investment law; organic law; custom; court structure; civil and criminal procedure; law enforcement; legal profession.

1.2 Detailed Syllabus

1. Basic Information and Major Legal Institutions
2. Statutes and Regulations on Chaebol (multi-national companies based in South Korea)
3. Corporate Law: Protection of Shareholders
4. Securities Regulation, Challenges for Korea's Securities Market
5. Japanese Legal System
6. Constitutional Law in Taiwan
7. Legal Philosophy
8. Comparative Study of the Legal System in PRC and Taiwan

2. Reading List

2.1 Recommended Readings

(Additional references for students to learn to expand their knowledge about the subject.)

1. Hiroshi Oda, Japanese Law, 2nd ed., (Oxford: Oxford University Press, 1999)
2. Haig Oghigian, ed., The Law of Commerce in Japan: a Collection of Essays, (New York: Prentice Hall, 1993)
3. Elliot J Hahn, Japanese Business Law and the Legal System, (New Point: Quorum Books, 1984)
4. Hideho Tanaka, The Japanese Legal System: Introductory Cases and Materials, (Tokyo: University of Tokyo Press, 1976)
5. Yoshiyuki Noda, Introduction to Japanese Law, (Tokyo: University of Tokyo Press, 1978)
6. Merrill Dean, The Japanese Legal System, 2nd ed., (London: Cavendish, 2002)
7. Dai Kyu Yoon, Law and Political Authority in South Korea, (Seoul: Kyungnam University Press, 1990)
8. Chin Kim, Korean Law Study Guide, 2nd ed., (San Diego: Cross-cultural Associates, 1995)
9. Chan-Jin Kim, ed., Business Laws in Korea, 2nd ed., (Seoul: Panmun, 1988)

Supplementary Reading

1. Arthur Taylor, Law in Japan: the Legal System in a Changing Society, (Cambridge: Harvard University Press, 1963)
2. John Owen Haley, Authority Without Power: Law and the Japanese Paradox, (New York: Oxford University Press, 1991)
3. John Owen Haley, Law and Society in Contemporary Japan: American Perspective, (Iowa: Hunt, 1988)
4. Frank K. Upham, Law and Social Change in Postwar Japan, (Cambridge: Harvard University Press, 1987)
5. Hans H. Baerwald, Japan's Parliament: an Introduction, (London: Cambridge University Press, 1974)
6. Percy R. Luney Jr./Kazuyuki Takahashi, eds., Japanese Constitutional Law, Tokyo: University of Tokyo Press, 1993)