

730-358 Law and Society In South East Asia

Credit Points:	12.50
Level:	4 (Undergraduate)
Dates & Locations:	This subject is not offered in 2009.
Time Commitment:	Contact Hours: One 2-hour lecture per week Total Time Commitment: 120 +/- 24 hours
Prerequisites:	Principles of Public Law; Legal Method and Reasoning or in each case their equivalents.
Corequisites:	None
Recommended Background Knowledge:	None
Non Allowed Subjects:	None
Core Participation Requirements:	<p><p>For the purposes of considering request for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Student Support and Engagement Policy, academic requirements for this subject are articulated in the Subject Overview, Learning Outcomes, Assessment and Generic Skills sections of this entry.</p> <p>It is University policy to take all reasonable steps to minimise the impact of disability upon academic study, and reasonable adjustments will be made to enhance a student's participation in the University's programs. Students who feel their disability may impact on meeting the requirements of this subject are encouraged to discuss this matter with a Faculty Student Adviser and Student Equity and Disability Support: http://services.unimelb.edu.au/disability</p></p>
Subject Overview:	<p>This subject examines very different Southeast Asian legal systems selected from Indonesia, Malaysia, East Timor, the Philippines, Singapore and Vietnam. It aims to provide students with practical insights into the operation of law in Southeast Asia in diverse social and political settings. In each case, examination of political, social and historical background leads to study of the legal system and the role of the courts and lawyers and then focuses on specific case studies including a selection from human rights, the constitution and the role of the state, ethnicity, gender issues, land rights, religion and religious laws, the role of ideology in law and judicial and extra-judicial approaches to dispute resolution.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing.</p>
Objectives:	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> • have developed understandings of <ul style="list-style-type: none"> - the structure and operation of selected governments within Southeast Asia - some theoretical perspectives on rule of law, its critiques and its form comparatively within Southeast Asia - some theoretical approaches to legal borrowing and legal reform within selected states in Southeast Asia • be able to draw on these understandings to • find, state and apply the rules and principles of 'public law' in Southeast Asia - critique the assumptions infusing and operation of the principles of 'public law' in Southeast Asia.
Assessment:	Either a research assignment of 5000-6000 words, 100% (due during the examination period) or a final examination of three hours, 100%.
Prescribed Texts:	Printed materials will be issued by Melbourne Law School. The following may be useful: Poh Ling Tan, Asian Legal Systems. Butterworths, 1997 John Gillespie and Pip Nicholson (eds) Socialism and Legal Change: The Dynamics of Vietnamese Renewal and Chinese Reform, Asia Pacific Press, 2005
Recommended Texts:	
Breadth Options:	This subject is not available as a breadth subject.

Fees Information:	Subject EFTSL, Level, Discipline & Census Date, http://enrolment.unimelb.edu.au/fees
Generic Skills:	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> • attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage • the capacity for close reading and analysis of a range of sources • the capacity for critical and independent thought and reflection • the capacity to solve problems, including through the collection and evaluation of information • the capacity to communicate, both orally and in writing • the capacity to plan and manage time • the capacity to participate as a member of a team • intercultural sensitivity and understanding <p>In addition, on completion of the subject, students should have developed the following skills specific to the discipline of law:</p> <ul style="list-style-type: none"> • legal analysis and problem-solving, including an ability to: <ul style="list-style-type: none"> - critically analyse legal rules with reference to fundamental principles • legal research skills, including an ability to: <ul style="list-style-type: none"> - find foreign case law - find foreign statutes and subordinate legislation - identify the version of statutory provisions in force at a particular date • legal writing skills, including an ability to: <ul style="list-style-type: none"> - use foreign case law, where available and in English, as part of legal analysis - use statutes, where available and in English, as part of legal analysis - identify and summarise legal principles - identify and summarise fundamental principles - use proper referencing and citation - present an appropriately structured and supported complex legal argument, including the use of materials arising in foreign jurisdictions • have enhanced general cognitive skills in relation to reading and comprehending legal materials; logical analysis and reasoning; legal research and writing; application of legal principles to factual situations; identifying relevant factual information; identifying and considering options to resolve legal problems; and drawing on the knowledge of other disciplines to understand and resolve legal issues.