

## LAWS40043 Land, Race and Law in South East Asia

<b>Credit Points:</b>	12.50
<b>Level:</b>	4 (Undergraduate)
<b>Dates &amp; Locations:</b>	This subject is not offered in 2012.
<b>Time Commitment:</b>	Contact Hours: Includes one 2-hour lecture per week. Total Time Commitment: Estimated total time commitment of 120 +/- 24 hours.
<b>Prerequisites:</b>	Legal Method and Reasoning; Principles of Public Law; Torts; Legal Theory or in each case their equivalents.
<b>Corequisites:</b>	None.
<b>Recommended Background Knowledge:</b>	None.
<b>Non Allowed Subjects:</b>	None.
<b>Core Participation Requirements:</b>	For the purposes of considering requests for Reasonable Adjustments under the Disability Standards for Education (Cwth 2005), and Students Experiencing Academic Disadvantage Policy, academic requirements for this subject are articulated in the Subject Description, Subject Objectives, Generic Skills, and Assessment Requirements of this entry. The University is dedicated to providing support to those with special requirements. Further details on the disability support scheme can be found at the Disability Liaison Unit website: <a href="http://www.services.unimelb.edu.au/disability/">http://www.services.unimelb.edu.au/disability/</a> .
<b>Contact:</b>	Melbourne Law School Student Centre Email: <a href="mailto:law-studentcentre@unimelb.edu.au">law-studentcentre@unimelb.edu.au</a> ( <a href="mailto:law-studentcentre@unimelb.edu.au">mailto:law-studentcentre@unimelb.edu.au</a> ) Tel: +61 3 8344 4475
<b>Subject Overview:</b>	<p>Indigenous and traditional communities in Southeast Asia face constant challenges in dealing with the western-derived common and civil law legal system inherited from colonialism. The subject looks at how modern plural systems deal with indigenous land rights, ethnic conflict and syaria (Islamic law) in our region.</p> <p>The first half of the subject introduces students to the basic structure and operation of the Indonesian, East Timor and Malaysian legal systems and their legal inheritances from traditional customary law (or adat), Islamic traditions and from the West. It also introduces students to Islamic jurisprudence and basic concepts of traditional customary law. The second part of the subject examines the practical operation and interaction of Islamic law, traditional customary law and western-derived systems by focusing on specific areas of law and current problems, including religious violence, racial discrimination and terrorism and Asian history.</p> <p>Note: The essay in this subject is regarded as a substantial piece of legal writing.</p>
<b>Objectives:</b>	<p>On completion of this subject, students should:</p> <ul style="list-style-type: none"> <li>- Have developed understandings of: <ul style="list-style-type: none"> <li># The structure and operation of selected plural legal systems within Southeast Asia;</li> <li># Some theoretical perspectives on legal plurality, its critiques and its form comparatively within Southeast Asia;</li> <li># Some regulatory approaches to traditional laws (especially Islamic law) and issues of legal regulation of ethnicity and race and land rights within selected states in Southeast Asia.</li> </ul> </li> <li>- Be able to draw on these understandings to: <ul style="list-style-type: none"> <li># Describe and analyse the functioning of legal pluralism (especially Islamic law and traditional customary law) with a focus on race, religion and land in Southeast Asia;</li> <li># Critique the assumptions infusing and operation of legal pluralism and identity in Southeast Asia.</li> </ul> </li> </ul>
<b>Assessment:</b>	Either a research assignment of 5,000 words, 100% OR a final examination of three hours, 100%.

<b>Prescribed Texts:</b>	Printed materials will be available from the Melbourne Law School.
<b>Breadth Options:</b>	This subject is not available as a breadth subject.
<b>Fees Information:</b>	Subject EFTSL, Level, Discipline & Census Date, <a href="http://enrolment.unimelb.edu.au/fees">http://enrolment.unimelb.edu.au/fees</a>
<b>Generic Skills:</b>	<p>On completion of the subject, students should have developed the following generic skills:</p> <ul style="list-style-type: none"> <li># Attitudes towards knowledge that include valuing truth, openness to new ideas and ethics associated with knowledge creation and usage;</li> <li># The capacity for close reading and analysis of a range of sources;</li> <li># The capacity for critical and independent thought and reflection;</li> <li># The capacity to solve problems, including through the collection and evaluation of information;</li> <li># The capacity to communicate, both orally and in writing;</li> <li># The capacity to plan and manage time;</li> <li># Intercultural sensitivity and understanding.</li> </ul> <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"> <li># Legal analysis and problem-solving, including an ability to: <ul style="list-style-type: none"> <li>- Critically analyse legal rules with reference to fundamental principles;</li> </ul> </li> <li># Legal research skills, including an ability to: <ul style="list-style-type: none"> <li>- Find foreign case law;</li> <li>- Find foreign statutes and subordinate legislation;</li> <li>- Identify the version of statutory provisions in force at a particular date.</li> </ul> </li> <li># Legal writing skills, including an ability to: <ul style="list-style-type: none"> <li>- Use foreign case law, where available and in English, as part of legal analysis;</li> <li>- Use statutes, where available and in English, as part of legal analysis.</li> </ul> </li> <li># Identify and summarise legal principles;</li> <li># Identify and summarise fundamental principles;</li> <li># Use proper referencing and citation;</li> <li># Present an appropriately structured and supported complex legal argument, including the use of materials arising in foreign jurisdictions;</li> <li># Have developed oral communication skills in participating in classroom problem solving and discussion;</li> <li># 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.</li> </ul>