

LAWS70415 Drugs and the Death Penalty in Asia

Credit Points:	12.5												
Level:	7 (Graduate/Postgraduate)												
Dates & Locations:	2016, Parkville This subject commences in the following study period/s: March, Parkville - Taught on campus. This subject has a quota of 30 students. Please refer to the Melbourne Law Masters website for further information about the management of subject quotas and waitlists.												
Time Commitment:	Contact Hours: 24-26 hours Total Time Commitment: 136-150 hours The pre-teaching period commences four weeks before the subject commencement date. From this time, students are expected to access and review the Reading Guide that will be available from the LMS subject page and the subject materials provided by the subject coordinator, which will be available from Melbourne Law School. Refer to the Reading Guide for confirmation of which resources need to be read and what other preparation is required before the teaching period commences.												
Prerequisites:	<p>Melbourne Law Masters Students: None</p> <p>JD Students: Successful completion of all the below subjects:</p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Study Period Commencement:</th> <th>Credit Points:</th> </tr> </thead> <tbody> <tr> <td>LAWS50023 Legal Method and Reasoning</td> <td>February</td> <td>12.5</td> </tr> <tr> <td>LAWS50028 Constitutional Law</td> <td>Semester 2</td> <td>12.5</td> </tr> <tr> <td>LAWS50034 Criminal Law and Procedure</td> <td>Semester 2</td> <td>12.5</td> </tr> </tbody> </table>	Subject	Study Period Commencement:	Credit Points:	LAWS50023 Legal Method and Reasoning	February	12.5	LAWS50028 Constitutional Law	Semester 2	12.5	LAWS50034 Criminal Law and Procedure	Semester 2	12.5
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LAWS50023 Legal Method and Reasoning	February	12.5											
LAWS50028 Constitutional Law	Semester 2	12.5											
LAWS50034 Criminal Law and Procedure	Semester 2	12.5											
Corequisites:	None												
Recommended Background Knowledge:	Applicants without legal qualifications should note that subjects are offered in the discipline of law at an advanced graduate level. While every effort will be made to meet the needs of students trained in other fields, concessions will not be made in the general level of instruction or assessment. Most subjects assume the knowledge usually acquired in a degree in law (LLB, JD or equivalent). Applicants should note that admission to some subjects in the Melbourne Law Masters will be dependent upon the individual applicant's educational background and professional experience.												
Non Allowed Subjects:	None												
Core Participation Requirements:	The Melbourne Law Masters welcomes applications from students with disabilities. The inherent academic requirements for study in the Melbourne Law Masters are: The ability to attend a minimum of 75% of classes and actively engage in the analysis and critique of complex materials and debate; The ability to read, analyse and comprehend complex written legal materials and complex interdisciplinary materials; The ability to clearly and independently communicate in writing a knowledge and application of legal principles and interdisciplinary materials and to critically evaluate these; The ability to clearly and independently communicate orally a knowledge and application of legal principles and interdisciplinary materials and critically evaluate these; The ability to work independently and as a part of a group; The ability to present orally and in writing legal analysis to a professional standard. Students who feel their disability will inhibit them from meeting these inherent academic requirements are encouraged to contact Student Equity and Disability Support.												
Coordinator:	Prof Pip Nicholson												
Contact:	<p>Lecturers</p> <p>Professor Pip Nicholson (http://www.law.unimelb.edu.au/staff/Pip%20Nicholson) (Coordinator)</p> <p>Professor Tim Lindsey (http://www.law.unimelb.edu.au/staff/Tim%20Lindsey)</p> <p>Email: law-masters@unimelb.edu.au (mailto:law-masters@unimelb.edu.au)</p>												

	Phone: +61 3 8344 6190 Website: www.law.unimelb.edu.au/masters (http://www.law.unimelb.edu.au/masters)
Subject Overview:	<p>Throughout Asia the treatment of drug offences varies, although many countries retain the death penalty. Students will be asked to critically evaluate drug law, criminal procedure law and penalties in Asian jurisdictions selected from (but not limited to) China, India, Indonesia, Singapore and Vietnam.</p> <p>The subject's approach is explicitly socio-legal. Students will interrogate regional primary sources and then investigate how the laws operate in practice, drawing upon identified practice and current research. There will be a strong emphasis on case studies of important judicial decisions from the countries selected. This subject is also comparative, asking students to incorporate and defend a comparative approach to their analysis.</p> <p>The first part of the subject will be an introduction to relevant international regimes and the national regulatory and institutional frameworks for drugs law in each of the countries selected. The second part of the subject will comprise a series of studies of significant and/or high-profile case studies from the countries selected, in which the practical application of the regimes examined in the first half are investigated. A comparative approach will be applied throughout.</p> <p>Principal topics include:</p> <ul style="list-style-type: none"> # Key approaches to socio-legal comparative legal studies in the 21st century # Diverse approaches within Asia to the regulation of drugs, through detailed and nuanced examination of the relevant criminal and procedure laws, taking into account different legal systems, social, political and cultural traditions, structures and practices # The role played by different legal institutions in the regulation of drugs offences regionally, including courts, police, prosecutors, defence lawyers, NGOs etc. # The contribution made to the regulation of drugs and drugs-related offences by international regulatory frameworks # The impacts of non-legal networks and institutions on the development, implementation and review of drugs laws in the region # Divergent attitudes to the death penalty # Drugs-law-related reforms arising from the comparisons # The possibilities for convergence or harmonisation of drugs law in Asia.
Learning Outcomes:	<p>For each of the jurisdictions canvassed in this subject, successfully completing students will have:</p> <ul style="list-style-type: none"> # An advanced and integrated understanding of the drugs laws, criminal procedure laws and penalties for drug offences # An advanced and integrated understanding of the legal institutions (courts, police, prosecutors and counsel) involved in the development and enforcement of drugs laws, including an acute appreciation of the context and policy debates relevant to drugs law reform # An advanced and integrated understanding of the operation of the death penalty in the relevant jurisdictions # The capacity to critically examine, analyse, interpret and assess the law practice gap in drugs-related legal practice in the relevant jurisdictions # The oral skills to participate in nuanced seminar discussions regarding current and emerging issues in comparative drugs law, such as the rules of evidence, criminal procedure laws, availability of counsel, the relevance of corruption, and the role of international regulation # Have an advanced and detailed understanding of the challenges for drugs law reform; # Have the cognitive and technical skills to research autonomously to produce advanced comparative socio-legal scholarship relating to the technical areas of drugs law and practice and its reform # Have the communication skills to clearly articulate and argue a thesis relying on complex material relevant to comparative socio-legal studies and drugs-law related research.
Assessment:	<p>Take-home examination (5,000-6,000 words as specified in the subject reading guide) (100%) (29 April - 2 May) or 10,000 word research paper (100%) (15 June) on a topic approved by the subject coordinator A minimum of 75% attendance is a hurdle requirement.</p>
Prescribed Texts:	<p>Specialist printed materials will be made available free of charge from the Melbourne Law School prior to the pre-teaching period.</p>

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
Links to further information:	www.law.unimelb.edu.au/subject/LAWS70415/2016
Related Course(s):	Graduate Diploma in Asian Law Graduate Diploma in Government Law Graduate Diploma in Legal Studies Juris Doctor Master of Commercial Law Master of Laws Master of Public and International Law