



**SINGAPORE INSTITUTE OF LEGAL EDUCATION
2024 PART B COURSE**

Module:	Contemporary Legal Knowledge and Practice
Subject:	Comparative Laws
Co-Principal Examiners:	Gitta Satryani , Partner, Herbert Smith Freehills LLP Warathorn Wongsawangsi , Partner, Herbert Smith Freehills Thailand Debby Sulaiman , Partner, Hiswara Bunjamin & Tandjung Reshma Nair , Senior Associate, Herbert Smith Freehills LLP

Synopsis

Many countries belonging to the Association of Southeast Asian Nations (ASEAN) adopt the civil law legal traditions, including two of ASEAN's largest economies: Indonesia and Thailand. Consequently, a Singapore lawyer will inevitably encounter civil law concepts as they have been adopted and applied in these countries.

This course aims to highlight some of the differences in key concepts and approaches between civil and common law traditions (using Indonesia and Thailand as examples of civil law jurisdictions) by using a fact pattern to draw out these points.

Learning objectives

1. To gain a general understanding of major features of civil law traditions and differences in certain key concepts.
2. To explore a practical application of how a similar issue would be approached from common law and civil law legal system.

Learning competencies

1. Ability to appreciate differing perspectives about sources and structures of a legal system from common law and civil law points of view.
2. Ability to "solve" a legal question from common law and civil law points of view.

Learning plan and materials

No	Content	Learning Material	Relevant period
1.	Introduction to civil law and the civil code	<ul style="list-style-type: none">• Introducing civil law to common law lawyers, civil law in ASEAN• Understanding the civil code	Duration: 30:02
2.	Contract law – selected principles	<ul style="list-style-type: none">• Contract formation and interpretation• The doctrine of good faith and discharge of contract (performance, breach, termination, remedies)	Duration: 40:42
3.	Contact Session 1 (2 hours)	In preparation for Contact Session I, candidates should: <ul style="list-style-type: none">• review the fact pattern and be ready to discuss the questions;• review ALL learning materials for SN 1 and 2	Thursday, 26 September 2024, 6 to 8 PM



No	Content	Learning Material	Relevant period
4.	Delict / "non-contractual" claims	<ul style="list-style-type: none">Non-contractual claims in Indonesian lawNon-contractual claims in Thai law	Duration: 11:08
5.	Civil litigation in civil law jurisdictions – selected principles <ul style="list-style-type: none">Basis of jurisdiction (absolute v. relative competence)<i>Ex aequo et bono</i> as a remedyDiscovery / document productionLegal professional privilege	<ul style="list-style-type: none">Basis of jurisdiction – Indonesian and Thai LawEx Aequo et Bono as a RemedyDiscovery / Document ProductionOverview of civil jurisdictions	Duration: 29:09
6.	Contact Session II (2 hours)	In preparation for Contact Session II, candidates should: <ul style="list-style-type: none">review the fact pattern and be ready to discuss the questions;review ALL learning materials for SN 4 and 5.	Thursday, 14 November 2024, 5 to 7 PM
7.	Exams	-	2 - 20 December 2024

Additional materials:

1. Fact pattern (to be used in Contact Sessions I and II)
2. Indonesian Civil Code: https://www.academia.edu/29817835/Trilingual_Indonesian_Civil_Code (free download)
3. Thailand Civil and Commercial Code: <https://library.siam-legal.com/thai-civil-and-commercial-code/>
4. Introduction to Indonesian contract law: <https://www.aseanlawassociation.org/wp-content/uploads/2019/11/ALA-INDO-legal-system-Part-6.pdf> (pp. 146-155)
5. The Roles of Good Faith and Good Commercial Practice in Interpreting a Contract in Thailand, Munin Pongsapan (available online)
6. Herbert Smith Freehills Asia Pacific Guide to Legal Professional Privilege (Thailand and Indonesia Chapters)