



UNSW Course Outline

LAWS8135 Chinese Legal System (SJTU) - 2024

Published on the 22 May 2024

General Course Information

Course Code : LAWS8135

Year : 2024

Term : Term 2

Teaching Period : T2C

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Private and Commercial Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : See School

Campus : Sydney

Study Level : Postgraduate

Units of Credit : 6

Useful Links

[Handbook Class Timetable](#)

Course Details & Outcomes

Course Description

This is a two-week intensive course held in Shanghai each year. It provides an introduction into the legal system of the People's Republic of China with particular reference to modern developments in commercial law and other important legal areas. China opened up its economy

to market forces only in the late 1970s. When it did so, law and the legal system lost the pariah status they had been given during the Proletarian Cultural Revolution. The course examines the role law plays in modern China by reference to its historical antecedents. It looks at particular areas of development not only for their own sake but also as indicators of the changing role of law in Chinese society. Areas which are the subject of particular attention include: the elements and institutions of Chinese legal system; the role of law in Chinese society from the perspectives of legal history and philosophy; contract law; intellectual property law; foreign investment law; corporate and securities law; foreign trade law and mediation, arbitration and civil enforcement procedures.

In addition to classroom teaching, there will be field trips to Chinese legal institutions including a Chinese court, Shanghai International Arbitration Centre and a Chinese law firm.

Main Topics

- Constitutional law
- Contract law
- Intellectual property law
- Financial law
- Foreign investment law
- Corporate and securities law
- Foreign trade law
- Mediation, arbitration and civil enforcement procedures
- Law and development
- Human rights and labour law

Course Learning Outcomes

| Course Learning Outcomes |
|--|
| CLO1 : Demonstrate effective oral communication and collaboration through class discussions of the complexity of the broader Chinese legal environment in a scholarly and insightful manner (PLOs 1a, 3a & 3b) |
| CLO2 : Examine and engage in critical analysis of the workings of aspects of Chinese commercial law through an extended research essay and plan (PLOs 1a, 1b, 2a, 2b & 4) |
| CLO3 : Demonstrate effective written communication skills by articulating Chinese legal concepts clearly, persuasively and appropriately in an extended research essay and plan (PLOs 1a, 1b, 2a, 2b & 4) |
| CLO4 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 3a & 3b) |

| Course Learning Outcomes | Assessment Item |
|--|---|
| CLO1 : Demonstrate effective oral communication and collaboration through class discussions of the complexity of the broader Chinese legal environment in a scholarly and insightful manner (PLOs 1a, 3a & 3b) | • Class Participation |
| CLO2 : Examine and engage in critical analysis of the workings of aspects of Chinese commercial law through an extended research essay and plan (PLOs 1a, 1b, 2a, 2b & 4) | • Research Essay Plan • Research Essay |
| CLO3 : Demonstrate effective written communication skills by articulating Chinese legal concepts clearly, persuasively and appropriately in an extended research essay and plan (PLOs 1a, 1b, 2a, 2b & 4) | • Research Essay Plan • Research Essay |
| CLO4 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 3a & 3b) | • Class Participation |

Learning and Teaching Technologies

Moodle - Learning Management System

Assessments

Assessment Structure

| Assessment Item | Weight | Relevant Dates |
|--|--------|----------------|
| Class Participation Assessment Format: Individual | 20% | |
| Research Essay Plan Assessment Format: Individual | 10% | |
| Research Essay Assessment Format: Individual | 70% | |

Assessment Details

Class Participation

Assessment Overview

This assessment requires you to prepare for and actively engage in class-based and online activities.

Course Learning Outcomes

- CLO1 : Demonstrate effective oral communication and collaboration through class discussions of the complexity of the broader Chinese legal environment in a scholarly and insightful manner (PLOs 1a, 3a & 3b)

- CLO4 : Demonstrate effective oral communication skills by discussing and debating course concepts in a scholarly, reflective and respectful manner (PLOs 3a & 3b)

Research Essay Plan

Assessment Overview

This assessment requires you to write a plan for a research essay.

Course Learning Outcomes

- CLO2 : Examine and engage in critical analysis of the workings of aspects of Chinese commercial law through an extended research essay and plan (PLOs 1a, 1b, 2a, 2b & 4)
- CLO3 : Demonstrate effective written communication skills by articulating Chinese legal concepts clearly, persuasively and appropriately in an extended research essay and plan (PLOs 1a, 1b, 2a, 2b & 4)

Research Essay

Assessment Overview

This assessment requires you to write a research essay.

Course Learning Outcomes

- CLO2 : Examine and engage in critical analysis of the workings of aspects of Chinese commercial law through an extended research essay and plan (PLOs 1a, 1b, 2a, 2b & 4)
- CLO3 : Demonstrate effective written communication skills by articulating Chinese legal concepts clearly, persuasively and appropriately in an extended research essay and plan (PLOs 1a, 1b, 2a, 2b & 4)

General Assessment Information

Grading Basis

Standard

Course Schedule

Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure and Student Information** located in the Other Useful Information tab in the Academic Information field.

Please be advised there will be no classes on public holidays. If your class falls on a public holiday, alternative arrangements will be made by the course convenor to make up the missed class.

Staff Details

| Position | Name | Email | Location | Phone | Availability | Equitable Learning Services Contact | Primary Contact |
|----------|----------------|-------|----------|-------|--------------|-------------------------------------|-----------------|
| | Xiaochuan Weng | | | | | Yes | Yes |

Other Useful Information

Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).

UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

Submission of Assessment Tasks

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

Special consideration

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

Feedback

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up,

then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

Faculty-specific Information

Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.