

## Course-list of Chinese Law LL.M Program

Semester	Curriculum	Type	Credits	Study Hours
Fall	Introduction to China	Core	3	48
	Chinese Language	Core	2	32
	Chinese Law and Legal Culture	Core	3	48
	Chinese Company Law and Financial Law	Core	3	48
	Chinese Criminal Law & Chinese Criminal Procedure Law	Core	3	48
	Comparative Criminal Law	Elective	2	32
	Chinese Intellectual Property Law	Elective	2	32
	Cybersecurity and Cybercrime	Elective	2	32
Spring	Chinese Civil Law & Chinese Civil Procedure Law	Core	3	48
	International Commercial Dispute Resolution in China	Elective	2	32
	Chinese Constitutional Law & Administrative Law	Elective	2	32
	Cyber Law: Chinese and International law	Elective	2	32
	Special Issues of International Crimes and International Criminal Law	Elective	2	32
	Theories and Practices of International Law in Contemporary China	Elective	2	32
	Criminal Cases and Practice	Elective	2	32
	Environment law	Elective	2	32

*\*This reference table is provided for information only, please note that some variations may apply depending on the host faculty.*

## **Brief Introduction to the Courses:**

### **Introduction to 3-credit Courses:**

#### **1.Introduction to China** (48 hours, 3 credits)

This course is designed to introduce overall situation of China to students, assisting them in acquiring some basic and necessary information about Chinese economy, politics, culture and society. The professor in charge of this course and the guest speakers will exchange their ideas regarding some widely discussed issues in contemporary China with the students. The content of this course includes the following eleven aspects of China: 1) quick facts; 2) territory and administrative divisions; 3) geographic features and climate; 4) population and family plan; 5) history and civilization; 6) political system; 7) nationalities and religion; 8) foreign policy and policies towards Hong Kong, Macao and Taiwan; 9) reform and opening to the outside world; 10) tourist information; 11) Beijing, Beijing Normal University, Law School and College for Criminal Law Science. By means of learning this course, students may have developed a broad view of the importance of Chinese issues in legal circle and became increasingly enthusiastic in doing this program. In order to meet the needs of the general audience, some topics may be general. In the meanwhile, several selected topics may also be involved for giving rise to debates amongst students and deepening the interest of students in academic research on Chinese issues.

#### **2.Chinese Law and Legal Culture** (48 hours, 3 credits)

The course is for the basic understanding of law and legal culture in China, and can be considered as the prerequisite course for almost every course on this program. Chinese law has the same structure and system with almost any other established system in this world, but has individual and distinctive legal cultures. The different attitude towards the law underlines the significance of understanding the culture back up it. The course consists of these sections: 1) general introduction to Chinese law and legal Culture; 2) structure and system of law in China; 3) constitutional law; 4) administrative law; 5)

criminal law and criminal procedure law; 6) civil law and civil procedure law; 7) corporation law; 8) intellectual property law; 9) international Law; 10) judicial system and court organization; 11) legal profession and education in China; 12) Chinese legal history in ancient times; 13) Chinese legal history in modern times; 14) China legal culture; 15) legal culture confliction.

### **3. Company Law and Financial Law (48 hours, 3 credits)**

Business law is intended to be a basic course for students interested in careers in a corporate lawyer or representing a corporation. From this course, students will gain knowledge about China's legal system in the field of business and have a good command of practicing China's business law. This course will introduce the main aspects of China's business law, including the following aspects: 1) China's business legal framework: introduction; 2) China's enterprise legal framework; 3) China's foreign investment law; 4) China's company law; 5) China's financial legal framework; 6) China's bank law; 7) China's negotiable instruments law; 8) China's securities law; 9) China's insurance law; 10) China's trust law; 11) China's legal system of financial derivatives; 12) China's securities investment fund law.

This course will also cover the comparison between Chinese and Western business legal framework, which will give the students wider vision about business law and clearer understanding about Chinese legal system. Moreover, professors with full experience in practicing China's business law will attend and make the class vividly with analyzing Chinese legal cases. In order to assist the students in gaining empirical mapping of Chinese business law practice, local professionals in this field may participate as guest speakers in this course.

### **4. Chinese Criminal Law & Criminal Procedure Law (48 hours, 3 credits)**

This course will provide an overview of and criminal process in contemporary China with the goal of developing students' understanding of how Chinese criminal law reacts to the crime in contemporary China, and how criminal procedure law is organized and functions.

The content of criminal law will cover selected topics, which includes, but not limited to the following 9 aspects: 1) formation and development of Chinese criminal law; 2) relation between the content of criminal law and the current situation in China; 3) scope of application of criminal law; 4) basic methods to judge the crime; 5) punishment and sentencing system in China; 6) specific crimes; 7) infringement of personal rights in the specific criminal acts; 8) infringement of property right in the special criminal acts. Whereas this course will demonstrate the Chinese characteristics of norms and values of criminal law, the similarities between Chinese and western criminal justice will be also indicated. In order to assist the students in gaining empirical mapping of Chinese criminal justice, several local professionals in this field may participate as guest speakers in this course.

The content of criminal procedure law includes, but not limited to the following fourteenth aspects: 1) general introduction to criminal justice system; 2) theory of criminal procedural conduct; 3) organisation of criminal justice agencies; 4) filing a case and investigation; 5) compulsory measures; 6) prosecution system; 7) lay participation; 8) appeals and reopening of criminal proceedings; 10) criminal procedure law reform; 11) internal performance indicators and quotas for criminal justice agencies; 12) the rules of criminal evidence; 13) juvenile delinquency and justice; 14) victim-offender-reconciliation and restorative justice. Whereas this course will demonstrate the Chinese characteristics of norms and values of criminal procedure, the similarities between Chinese and western criminal justice will be also indicated. In order to assist the students in gaining empirical mapping of Chinese criminal justice, several local professionals in this field may participate as guest speakers in this course.

#### **5. Chinese Civil Law & Chinese Civil Procedure Law (48 hours, 3 credits)**

This course will provide a general introduction of civil law and civil procedure law theory and practice in contemporary China aiming to present the students a comprehensive picture of how civil law stipulates, functions and implements. The teaching will be given by lectures, divided into a series of specific topics, and case studies. Topics of Civil Law

include, but not limited to the following aspects: 1) general introduction to china civil law system; 2) natural person and legal persons; 3) civil juristic acts and agency; 4) property law; 5) contract law; 6) tort law; 7) marriage law; 8) law of inheritance; 9) law of adoption. By studying and discussing the above mentioned topics, students will understand the fundamental norms and values of china civil law.

Topics of Civil Procedure Law include, but not limited to the following aspects: 1) general introduction to Chinese civil procedure law system; 2) the basic system and the parties; 3) jurisdiction; 4) procedure of first instance; 5) procedure of second instance and retrial procedure; 6) litigation mediation procedure; 7) trial supervision procedure; 8) Non litigation procedure; 9) enforcement procedure & procedure of cases involving foreign element.

Presentations by students themselves may be requested during the lectures. Comparative analysis between china civil law and relevant legal system in students' own states will be encouraged. If possible, local judges and lawyers may participate as guest speakers in this course.

### **Introduction to 2-credit Courses:**

#### **1. Chinese Constitutional Law & Administrative Law (32 hours, 2 credits)**

This course introduces the basic theory of Chinese constitutional law and administrative law, aiming to let students understand more about Chinese Constitutional law system, and the status, role and current situation of Chinese constitutional law and administrative law in China, as well as an overview of administrative dispute resolution system in contemporary China. The content of this course includes, but not limited to the following topics: 1) general introduction to Chinese constitutional Law; 2) fundamental rights and duties of citizens ; 3) structural form of state political power ; 4) structure of the state ; 5) general introduction to Chinese administrative Law; 6)fundamental theory of administrative behavior; 7) administrative rulemaking; 8) administrative decision-making;

9) administrative review; 10) judicial review, including jurisdiction, the preclusion, standing, principle of ripeness and exhaustion, judicial review of questions of law and questions of act, etc; 11) the role of the letters and visits system in administrative dispute resolution. Whereas the similarities and differences between Chinese and American system will also be indicated in this course. In order to assist the students in gaining empirical administrative theories in China, several local professionals in this field may participate as guest speakers in this course.

## **2. Cyber Law: Chinese and International Law** (32 hours, 2 credits)

The course introduces the key law and regulations concerning e-commerce and related issues. It intends to provide a wide-angle view of the Chinese regulatory system for digital economy and ICT industry. Students in this course will be able to work on projects that promote innovation and distributive justice through the reform of information policies both internationally and in China. These laws, regulations, and policies shape the delivery of telecommunications access, education, and culture in China and world. Students will supplement their projects with theoretical readings, practical discussions and research papers.

## **3. Chinese Intellectual Property Law** (32 hours, 2 credits)

The course provides analytical studies of intellectual property law system and particularly addresses the specific legal subjects, i.e. patent, trademark, copyright and international law. The course covers the basic concepts, principles and legal norms in each area. Although the course will be focusing on domestic intellectual property laws, it does not prejudice its international and comparative prospective.

## **4. Special Issues of International Crimes and International Criminal Law** (32 hours, 2 credits)

This course will provide an introduction to international crimes and international criminal law. As an optional selective course, this course will broaden the students' horizons of criminal study, help students seize the trends of international crimes in modern society

and understand how the international community deals with the crimes. The teaching will be given mainly by lectures and supplemented by students' presentation and case studies. The content of this course includes, but not limited to the following aspects: 1) introduction to international criminal law; 2) sources of international criminal law; 3) fundamental principles of international criminal law; 4) core international crimes; 5) international criminal judicial institutes; 6) serious transnational crimes; 7) universal jurisdiction; 8) judicial assistance in criminal matters. Whereas this course will demonstrate the norms and practices of criminal justice at international level, the implementation of international criminal law in china will also be referred when it is necessary. In order to assist the students in gaining empirical mapping of international criminal justice, a moot court competition of international criminal law may be adopted in this course.

**5. Theories and Practices of International Law in Contemporary China** (32 hours, 2 credits)

This course will provide basic knowledge of international law, especially theories and practices in contemporary China. The course will cover several selected topics in public international law, private international law and international economic law, and the content of this course includes the following aspects: 1) legal sources of international law; 2) territorial disputes between China and neighbouring countries; 3) China and the International Court of Justice; 4) recent developments in Chinese private international law; 5) applicable rules to foreign related marriages and successions; 6) applicable rules to foreign related contracts ; 7) jurisdiction of courts in international civil litigation; 8) international civil procedure; 9) international commercial arbitration; 10)China and the WTO, etc. The students are expected to have an intimate knowledge of the essential theories of international law in China and comprehend the relevant practices of Chinese courts and arbitration committees via the lectures.

**6. Criminal Cases and Legal Practice** (32hours, 2 credits)

This course, by introducing around 20 famous criminal cases in China in recent years, will provide an overview of the basic techniques for legal practice concerning the criminal

cases in China, with the goal of developing students' understanding of how Chinese criminal system functions, as well as the basic skills of lawyers in handling criminal cases. The course will cover selected topics in both substantive criminal law. The content of this course includes, but not limited to the skills of the following aspects of criminal cases: 1) the skills of lawyers in handling murder cases; 2) the skills of lawyers in handling cases of taking bribes ; 3) the skills of lawyers in handling capital cases ; 4) the skills of lawyers in handling rape cases ; 5) the skills of lawyers in handling drug cases ; 6) the skills of lawyers in handling theft cases ; 7) the skills of lawyers in handling cases of minors ; 8) the skills of lawyers in handling cases of corporate crimes ; 9) the skills of lawyers in handling cases of organized crimes. In order to assist the students in gaining empirical mapping of Chinese legal practice, several local professionals in this field, including experienced lawyers and senior prosecutors, may participate as guest speakers in this course.

#### **7. Comparative Criminal Law (32 hours, 2 credits)**

This course will make analysis and comparison between the central European Criminal Law and the common local criminal law, with the goal of developing students' understanding of how it is organized and functions. The course will cover selected topics in substantive criminal law, criminal procedure law, the law of criminal evidence, the law on extradition, international human rights law and anti-terrorism justice policy. The content of this course includes, but not limited to the following twelve aspects: 1) sources of criminal law; 2) Basic principles of the criminal law; 3) criminal constitution theory; 4) criminal pattern; 5) Theory of punishment; 6) Comparative studies on principle and system of sentencing; 7) Comparative studies on theory of crimes; 8) Comparative studies on miscarriages of justice; 9) Comparative studies on right relief; 10) Comparative studies on human rights. In order to assist the students in gaining empirical mapping of Comparative Criminal Law, local professionals in this field may participate into this course as guest speakers.

#### **8. International Commercial Dispute Resolution in China (32 hours, 2 credits)**



This course, centering on case studies, is designed to introduce China's international commercial dispute resolution mechanism and analyze related key legal issues. The main focus will be set on China's current judicial practice in this area. This course includes three sections: Conflict of Laws, mainly discussing the application of law in the area of contracts, torts and property; International Civil Procedure, mainly discussing international civil litigation jurisdiction and the recognition and enforcement of foreign judgment; International Commercial Arbitration, discussing international commercial arbitration agreement, the application of law in international commercial arbitration, judicial supervision over international commercial arbitration and the recognition and enforcement of foreign arbitral awards. After this course students should get basic knowledge about China's legislation and judicial practice in the area of international commercial disputes. Students are also required to master the basic method of analyzing international commercial cases in the context of Chinese law.

**9. Environment Law** (32 hours, 2 credits)

Environment Law is a course that systematically explains the general theory and general system of Environmental Protection Laws and policies. It is an emerging interdisciplinary discipline of Law. It covers not only Law disciplines such as Jurisprudence, Constitution Law, Administrative Law, Civil Law, Criminal Law and International Law, but also environmental science and other natural science disciplines. Through the study of this course, you can have a comprehensive understanding of the basic theory and fundamental institutions of China's Environmental protection laws, and the concrete rules of China's pollution prevention and control Laws and the nature conservation Laws.