Course title	Asian Law				
Responsible person to enter grades	KAWASHIMA Fujio、Jeff Leong、Yun Zhao			開講区分	単位数
				2nd semester	2.0
Numbering Code		Day・Period, etc.	Other(対面)	Timetable Slot Code	3J381

Lesson topic

The course consists of two separate parts taught by Mr. Jeff Leong, Senior Partner of Jeff Leong, Poon & Wong (JLPW) in Malaysia and Prof. Yun Zhao of the University of Hong Kong.

[Part 1: Mr. Jeff Leong]
In part 1, Mr. Jeff Leong, Senior Partner of Jeff Leong, Poon & Wong (JLPW) of Malaysia, will explore an overview of the common law legal systems of Malaysia and Singapore, the two dynamic member countries of the Association of South East Asian Nations (ASEAN) and how law interacts with foreign direct investments and cross business transactions in the fast-growing ASEAN region.

[Part 2: Prof. Yun Zhao]
The legal systems of Mainland China and Hong Kong are explained by a professor of law from the University of Hong Kong. The dispute resolution system including both litigation and other ADR systems, which are especially important for China-related international business is discussed with the up-to-date information.

Lesson target

[Part 1: Mr. Jeff Leong]
The participants will get an overview of Malaysia and Singapore legal systems, and the basic skills required in international and cross border transactions and investments in support of Japanese and other foreign investors doing business in the ASEAN region. This course is useful for Japanese lawyers and in-house counsels handling cross border investments and M&As for Japanese companies.

[Part 2: Prof Yun Zhao]
The participants will get a sound and basic understanding of legal systems and dispute resolution mechanisms concerning international business in East Asia, which is especially important for working as in-house counsels of Japan-based MNEs as well as business law practitioners in Japan in their future.

Syllabus and plan

[Part 1: Mr. Jeff Leong] : Nov 9-12
1. Legal system of Malaysia 1
2. Legal system of Malaysia 2
3. Legal system of Singapore 1
4. Legal system of Singapore 2
5. Cross-border Business Law Issues 1
6. Cross-border Business Law Issues 2
7. Case studies for Cross-border transactions in Asia 1
8. Case studies for Cross-border transactions in Asia 2

[Part 2: Prof Yun Zhao] : Nov 18-20
1. Legal System of Mainland China
2. Legal System of Hong Kong SAR
3. Legal Culture of China and Chinese lawyers
4. Dispute Resolution Systems in Mainland China
5. Dispute Resolution Systems in Hong Kong
6. Recent Development of International Arbitration in China
7. The Relationship between these two systems from a viewpoint of International Business

The topics and schedule may be adjusted depending on the progress.

Evaluation method

Active participation in class: 50%
Final essay for Part 1 and Part 2 each: 50%

Each lecturer will give details on final essay such as a topic and the number of words.

Evaluation baseline

Final essay should be completed with appropriate research questions, hypotheses, logical arguments, evidence based on the discussion in the course. References are also required.

Notice (include info. on related class)

[Part 1: Mr. Jeff Leong]
N/A

[Part 2: Prof Yun Zhao]
This course is recommended for students who wish to know about the legal systems of Mainland China and Hong Kong in relation to dispute resolution.

Review and preparation

Preparation: Read the materials before each lecture.
Review: Read the materials again and develop better understanding of the topics covered during the course.

Kobe University requires 45 hours of study from students to award one credit, including both in-class instructions as well as study outside classes. Students are required to prepare for each class and complete the review after each class, depending on the respective class goals.

Office hour・Contact information

Contact details and office hours will be announced during the first class of each part.

Message for student

N/A

Improvemenets in Teaching

N/A

Text

Part 1

Malaysian Legal System

1. Shuaib, Farid Suffian (2001), An Introduction to Malaysian Legal System, MHR Creative, Kuala Lumpur, 1-14
2. Hamzah, Wan Arfah and Bulan, Ramy (1993), An Introduction to the Malaysian Legal System, Kuala Lumpur: Fajar Bakti, 10-21
3. Ibrahim, Ahmed and Joned, Ahilemah (1995), The Malaysian Legal System, Second Edition, Dewan Bahasa and Pustaka, Kuala Lumpur 91-97, 143-172, 98-105, 28-43, 81-90 and 137-139
4. Hamzah, Wan Arfah and Bulan, Ramy (1993), An Introduction to the Malaysian Legal System, Kuala Lumpur: Fajar Bakti, 25-41
5. Ibrahim, Ahmed and Joned, Ahilemah (1995), The Malaysian Legal System, Second Edition, Dewan Bahasa and Pustaka, Kuala Lumpur 43-82
6. Hamzah, Wan Arfah and Bulan, Ramy (1993), An Introduction to the Malaysian Legal System, Kuala Lumpur: Fajar Bakti, 43-65

Singapore Legal System

13. Leonard CH Goh, “Sources of Law”, Chapter 2, Legal Systems In ASEAN - Singapore, Asean Law Association, 1-7 (http://www.aseanlawassociation.org/legal-sing.html)
14. Andrew BL Phang, “The Reception of English Law” in Kevin YL Tan(ed), Essays in Singapore Legal History (Singapore: Singapore Academy of Law & Marshall-Cavendish, 2005) 7-26.
15. Kevin YL Tan, “A Short Legal and Constitutional History of Singapore” in Kevin YL Tan(ed), Essays in Singapore Legal History (Singapore: Singapore Academy of Law & Marshall-Cavendish, 2005) 27-72
16. Wendy ML Chang, “Historical Overview”, Chapter 1, Legal Systems In ASEAN - Singapore, Asean Law Association, 1-8 (http://www.aseanlawassociation.org/legal-sing.html)

Part 2

Please refer to the information below.

Dispute Resolution in the People’s Republic of China / Zhiqiong June Wang and Jianfu Chen : Brill/Nijhoff ,2019

Reference Material

Part 1

Malaysian Legal System

20. “Malaysian Legal System: An Introduction” By Prof Emeritus Shad Saleem Faruqi https://www.umlawreview.com/lex-in-breve/malaysian-legal-system-an-introduction

21. “Malaysia: An Overview of the Legal Framework for Foreign Direct Investment” By Arumugam Rajenthran https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.201.364&rep=rep1&type=pdf

22. “THE RULE OF LAW AND LEGAL PLURALISM IN MALAYSIA” By Constance Chevallier-Govers https://icrjournal.org/index.php/icr/article/view/682/668

23. Asmida bt Ahmad, Fork Yow Leong & Paul Linus Andrews (2010) “Tracing the Development of the Legal System”, Legal System in ASEAN- Malaysia, Asean Law Association, 1-19 (http://www.aseanlawassociation.org/legal-malaysia.html)

24. Ashgar Ali Ali Mohamed, “Recent Decisions Offending Stare Decisis In Malaysia” [2008] 3 MLJ xcvii (Malayan Law Journal Articles)

25. Ashgar Ali Ali Mohamed, “Rationale For Departing From Stare Decisis: A Review Of Re HJ Khalid Abdullah; Ex P Danaharta Urus Sdn Bhd [2008] 2 CLJ 326” [2008] 6 MLJ cxxv (Malayan Law Journal Articles)

Singapore Legal System

26. GW Bartholomew, “The Sources and Literature of Singapore Law” in GW Bartholomew (ed), Malaya Law Review Legal Essays in Memoriam Bashir Ahmad Mallal (Singapore: Malaya Law review, 19

27. Tan Cheng Han, “Challenges to Legal Education in a Changing Landscape - A Singapore Perspective” (2003) 7 Singapore Journal of International & Comparative Law 545 - 578.

28. Report of The Committee To Develop The Singapore Legal Sector, September 2007

Part 2

Please refer to the information below.

China and International Commercial Dispute Resolution / Qiao Liu and Wenhua Shan (Eds.) : Brill/Nijhoff ,2015 ,ISBN:

Classroom Language

English

Keywords

Part 1: Cross-border transactions, FDI and M&A, ASEAN, Exchange student (Special auditing student), A Faculty with Professional Experience

Part 2: Legal system, Dispute resolution, Arbitration, Belt and Road Initiative, Exchange student (Special auditing