

Course Profile

Course Name: Chinese Criminal and Criminal Procedure Law

Course Code: X190670

Course Credits: 3

Course Category: Required Elective

Terms Offered:

Fall 1-11 week

Spring _____

Summer_____

Course Pre/Co-requisites: none

Textbook: own materials

Instructor: Weiping SUN and CHEN Keqian

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Instructor:

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Course Description:

This course introduces the student to the Chinese system of criminal justice. The first half of the course examines the process of criminal cases in the Chinese criminal justice system, from first appearance to appeal, including various institutions, such as withdrawal

system and the rules of evidence. Additionally, contemporary issues that challenge the current criminal justice system are also addressed. The pedagogy of the course is designed to develop problem solving and analytical skills. Moreover, the comparative element provides students to know not only Chinese law but also other civil law in EU and common law in USA.

The second half discusses the philosophical and historical development of the Chinese criminal law, elements and classifications of crime, as well as criminal responsibility. Additionally, contemporary issues that challenge the current criminal justice system are addressed. The pedagogy of the course is designed to develop problem solving and analytical skills. Moreover, the comparative element provides students to know not only Chinese law but also other civil law in EU and common law in USA.

Grading Policy:

For the part "Criminal Procedure Law", students will be evaluated based on active participation (35%) and final Exam (65%), while for the part "Criminal Law", students will be evaluated based on active participation (40%) and final Exam (60%).

Syllabus:

Part 1

1. History and development of criminal procedure law.
2. Basic principles in criminal procedure.
3. Institutions and rules of jurisdiction
4. Compulsory measures and evidence rules
5. Pre-trial investigation and prosecution
6. General trial procedure and special procedures

Part 2

1. Introduction: Historical sketch, jurisdiction and sources of criminal law
2. Liability Requirements: Constitutive elements of a crime
3. Justification: Self-defense and necessity
4. Inchoate Crime: Preparation, attempt and discontinuation
5. Joint Crime: Conspiracy and complicity
6. Sanctions
7. Special part: Homicide, Sex offenses, Theft, bribery and dangerous driving
8. Chinese Economic Crimes