

# 广东外语外贸大学法学专业课程 中文教学大纲

# 《法理学》课程教学大纲

**课程编码：**FX20320

**课程性质：**大类课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**无

**教学目的与要求：**

使学生对法律、法学、法理学的基本概念、范畴及其他思想、理论有一个较好的理解，并对法律关系、法律体系、法律渊源、法律的制定和实施等基本知识实现全面的认识。另外，还应提出一些理论争议问题供学生探讨学习。

**教学方式：**讲授法、讨论法、案例教学法等

**使用教材：**张文显主编：《法理学》（第四版），高等教育出版社、北京大学出版社 2011 年版

**参考书目：**

1. 本书编写组：《法理学》，人民出版社、高等教育出版社 2010 年版。
2. 沈宗灵 主编：《法理学》（第四版），北京大学出版社，2014 年版。
3. 付子堂 主编：《法理学初阶》，法律出版社，2009 年版。
4. 孙国华 朱景文 主编：《法理学》（第四版），中国人民大学出版社 2015 年版。
5. 徐显明主编：《法理学教程》，中国政法大学出版社 2007 年版；
6. 沈宗灵著：《现代西方法理学》，北京大学出版社 1992 年版。

**授课内容：**

法学的起源、发展和本质和现象；法的价值和法的精神；法律文化、法律意识、法制、权利等基本法学范畴的意义和所包含的内容；法律关系的意义和它所包含的内容；法的制定、法的实施、法的效力、法的解释、违法责任、法律监督等一系列概念和范畴的含义。法与秩序、法与自由、法与效率、法与正义、法与公平、人权。法与经济、政治、文化。法与法治国家，等等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《宪法》课程教学大纲

**课程编码：**FX20210

**课程性质：**大类课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**无

**教学目的与要求：**

通过教学让学生了解和掌握我国宪法的概念、历史、基本原则，熟悉我国的国家性质、国家形式、公民的基本权利和义务、选举制度、政党制度等，了解宪法在我国法律体系中的地位 and 作用，树立宪法至上的法制观念。

**教学方式：**讲授法、讨论法、案例教学法等

**使用教材：**朱最新、杨桦主编：《宪法学》，中国人民大学出版社出版 2014 年。

**参考书目：**

- 1、周叶中主编：《宪法》（第二版），北京大学出版社、高等教育出版社 2005 年联合出版。
- 2、张千帆主编：《宪法学》（第三版），法律出版社 2015 年出版。
- 3、李忠著：《宪法监督论》，社会科学文献出版社 1999 年出版。
- 4、罗豪才著：《资本主义国家的宪法和政治制度》，北京大学出版社 1997 年出版。
- 5、胡锦光 编著：《宪法学》（第三版），人民出版社 2013 年出版。

**授课内容：**

- 1、宪法基本理论：宪法的概念、宪法的历史发展、宪法的制定、宪法的基本原则、宪法形式与宪法结构、宪法规范、宪法关系、宪法的价值与作用、宪法观念与宪法文化、宪法与宪政。
- 2、宪法基本制度：国家性质、国家形式、公民的基本权利和义务、选举制度、政党制度。
- 3、宪法实施：宪法实施概述、宪法实施的条件、宪法实施过程、宪法解释、宪法修改、宪法实施评价与违宪审查、宪法秩序。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《中国法制史》课程教学大纲

**课程编码：**FX20190

**课程性质：**大类课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**A

**教学目的与要求：**

通过教学让学生了解中国历史上不同时期的法律制度，掌握中国法律制度发展的历史脉络和基本规律，认识中国历史上的发达法律文化，激发爱国主义情怀，立志投身于法制现代化的建设。

**教学方式：**讲授法、讨论法、案例教学法等

**使用教材：**

叶孝信主编：《中国法制史》，复旦大学出版社 2008 年出版。

**参考书目：**

- 1、袁兆春主编：《中国法制史》，中国科学出版社 2008 年出版。
- 2、张中秋著：《中西法律文化比较研究》，南京大学出版社 2000 年出版。
- 3、范忠信著：《中国法律传统的基本精神》，山东人民出版社 2001 年出版。
- 4、张晋藩主编：《中国法制史》，中国政法大学出版社 2011 年出版。
- 5、何勤华著：《中国法学史》（上、下），法律出版社 2000 年版。
- 6、曾宪义、赵晓耕主编《中国法制史》（第四版），中国人民大学出版社 2013 年版

**授课内容：**

中国法律制度发展的历史脉络；奴隶社会时期的中国法律制度；封建社会时期的中国法律制度；半殖民地半封建社会的中国法律制度；中国新民主主义革命时期民主政权的法律制度。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《民法总论》课程教学大纲

**课程编号：**FX20220

**课程性质：**大类课程

**教学时数：**周学时 3，总学时 48

**学 分：**3

**先修课程：**A

**教学目的与要求：**

本课程是法学专业本科生的学科基础必修课程。本课程的教学目的主要在于通过讲授、讨论与案例分析，使学生掌握民法总论的基本知识、基本理论和基本制度，理解民法的重要地位和作用，增强民法意识和权利意识，并能综合运用对实际案例的分析，提高利用民法总论的知识和理论分析、判断和解决民事法律问题的能力，以便为学习后续课程奠定基础。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**《民法》（普通高等教育“十一五”国家级规划教材，第六版），王利明主编，中国人民大学出版社 2015 年版。

**参考书目：**

## （一）教材类

1. 《民法》（第五版），魏振瀛主编，北京大学出版社、高等教育出版社 2013 年版。
2. 《民法原论》（第四版），马俊驹、余延满著，法律出版社 2010 年版。
3. 《债法总论》，方志平、李淑明著，北京大学出版社 2007 年版。
4. 《民法总论》，易军等著，北京大学出版社 2008 年版。
5. 《民法》（第四版），元照法律研究室编，北京大学出版社 2015 年版。

## （二）论著类

1. 《民法总论》，史尚宽著，中国政法大学出版社 2000 年版。
2. 《民法学说与判例研究》（系列丛书），王泽鉴著，中国政法大学出版社 1998 年版。
3. 《民法总论》，龙卫球，中国法制出版社 2002 年版。
4. 《民法总论》，史尚宽著，中国政法大学出版社，2000 年版。

5. 《民法要义》，梅仲协著，中国政法大学出版社，2000 年版。
6. 《中国民法总论》，胡长清著，中国政法大学出版社，2000 年版。

### **（三）国外法学文著**

1. 《民法体系的演变与形成》，艾伦·沃森著，李静冰等译，中国政治大学出版社 1992 年版。
2. 《德国民法总论》，迪特尔·梅迪库斯，邵建东译，法律出版社 2000 年版。
3. 《罗马法教科书》，彼德罗·彭梵得，中国政治大学出版社，1992 年版。

### **授课内容：**

民法作为调整平等主体间财产关系和人身关系的法律，深深根植于社会经济生活，民法总论则是对民事活动和民事规范中具有共性的问题加以全面阐述，如民法基本原则、民法解释、民事法律关系、民事法律行为、代理和诉讼时效等，它是学习物权法、债权法、知识产权法等的基础。本课程主要介绍民法的调整对象、性质、任务、作用及其基本原则、民事权利主体、民事权利客体、民事法律行为、代理、诉讼时效与期限等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《民法分论》课程教学大纲

**课程编号：**FX20230

**课程性质：**大类课程

**教学时数：**周学时 3；总学时 48

**学分：**3

**先修课程：**A

**教学目的与要求：**

本课程旨在向学生介绍民法各具体民事权利制度以及对其个性分别进行科学抽象而总结出的各民事权利制度的理论。通过理论分析和案例演示，使学生掌握民法分论的内容并善于将其和实际相联系。本课程要求学生阅读相关论著，收集案例，完成学期小论文。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**《民法》（普通高等教育“十一五”国家级规划教材，第六版），王利明主编，中国人民大学出版社 2015 年版。

**参考书目：**

- （1）《物权法研究》（第三版，上、下），王利明著，中国人民大学出版社 2013 年版
- （2）《物权法专论》，高福平著，北京大学出版社 2007 年版。
- （3）《债法总则研究》杨立新主编，中国政法大学出版社 2006 年版。
- （4）《法律思维与民法实例》，王泽鉴著，中国政法大学出版社 2001 年版。
- （5）《债法总则研究》王利明著，中国人民大学出版社 2015 年版

**授课内容：**

## （一）理论课

本课程理论课内容主要由物权法理论、债权法理论组成，每部分主要介绍其体系结构、基本理论和主要问题的法律规定，如他物权的总体规定、债权法的一般理论等等。

## （二）实践课

本课程实践课内容主要由物权法、债权法基本理论、主要制度、法律规定在法律实践中的运用，如物权法中的所有权、用益物权、担保物权制度和相关法律法规的运用；债权法中

的债权移转、消灭等制度和相关法律规定的运用等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《刑法总论》课程教学大纲

**课程编码：**FX 20330

**课程性质：**大类课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**A

**教学目的与要求：**

通过讲解犯罪、刑事责任和刑罚的一般原理原则以及参与法庭旁听、案例讨论等方法，让学生们掌握我国刑法中认定犯罪、确定责任和适用刑罚所必须遵守的共同的规则。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《刑法学》（第五版）赵秉志主编，北京大学出版社、高等教育出版社 2013 年联合出版。

**参考书目：**

- 1、《刑法新教程》，赵秉志主编，中国人民大学出版社 2001 年版；
- 2、《刑法学》（上、下），张明楷著，法律出版社 2011 年版；
- 3、《犯罪通论》马克昌主编，武汉大学出版社出版 1991 年版；
- 4、《刑法适用总论》（上下卷）（第 2 版），陈兴良主编，中国人民大学出版社 2006 年版。
- 5、《刑法学》高铭暄、马克昌主编（第六版），北京大学出版社 2014 年版。

**授课内容：**

大约用 36 课时的时间教师讲授犯罪论，其中重点讲述犯罪构成理论、正当行为、犯罪的停止形态、共同犯罪以及罪数等刑法学中的基础和核心问题。剩余 12 课时用于学生实践，主要包括旁听法庭审理以及课堂案例讨论。

**考核方式：**闭卷考试和实践考查。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。



# 《刑法分论》课程教学大纲

**课程编码：**FX 20250

**课程性质：**大类课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**A

**教学目的与要求：**

采用教师讲解和参与法庭旁听以及课堂案例讨论等形式，使得学生能够掌握犯罪、刑事责任以及刑罚的一般规定以及具体应用。并要求学生用他们所学到的刑法学一般理论解决具体的犯罪的法律适用问题。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《刑法学》（第五版）高铭暄主编，北京大学出版社、高等教育出版社 2013 年联合出版。

**参考书目：**

- 1、《刑法新教程》，赵秉志主编，中国人民大学出版社 2001 年版；
- 2、《刑法学》（上、下），张明楷著，法律出版社 2003 年版；
- 3、《犯罪通论》马克昌主编，武汉大学出版社出版 1991 年版；
- 4、《刑法适用总论》（上下卷）（第 2 版），陈兴良主编，中国人民大学出版社 2006 年版。
- 5、《刑法学》高铭暄、马克昌主编（第六版），北京大学出版社 2014 年版。

**授课内容：**

大约用 36 课时的时间教师讲授刑罚的一般原理，包括静态的刑罚体系和动态的量刑和行刑。此外，还要讲解包括危害公共安全罪、侵犯公民人身权利、民主权利罪、破坏社会主义市场经济秩序罪、贪污罪等重点罪名的构成特征。剩余 12 课时用于学生实践，主要包括

旁听法庭审理以及课堂案例讨论。

**考核方式：**闭卷考试和实践考查。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《经济法》课程教学大纲

**课程编码：**FX30830

**课程性质：**专业课程

**教学时数：**周学时：3 课时 总学时：48 课时

**学 分：**3

**先修课程：**A

**教学目的与要求：**

使学生确立经济法“社会本位、实质正义”的学科理念，理解并能运用经济法的基本原则；使学生对经济法律法规能全面理解和掌握，并能够运用经济法理论分析和解决具体法律问题。使法学专业本科学生牢固树立经济法的学科理念，掌握经济法基本理论的精髓及核心内容，并学会将经济法基本理论用于具体实践。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

杨紫烜主编：《经济法》（第五版），北京大学出版社 2014 年 5 月 1 日版。

**参考书目：**

1. 赵威主编：《经济法》（第五版），中国人民大学出版社 2014 年版。
2. 史际春主编：《经济法》（第三版），中国人民大学出版社 2015 年版。
3. 刘文华主编：《经济法》（第四版），中国人民大学出版社 2012 年版。
4. 元照法律研究室编：《经济法学》，北京大学出版社 2015 年版。

**授课内容：**

1. 经济法总论（8 学时）：经济法的产生和发展；经济法的概念、地位、体系和渊源、经济法的制定和实施。

2. 经济组织法（12 学时）：经济法主体的一般原理、国家经济管理主体、企业、特殊企业形态。

3. 市场管理法（18 学时）：一般原理、竞争法律制度、消费者权益保护法、产品质量法、特别交易监管法律制度。

4. 宏观调控法（10 学时）：一般原理、计划和统计法律制度、产业法律制度，投资法、国有资产管理法、自然资源管理法律制定、财政法、税收法、金融法、价格法。

**考试方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《商法》教学大纲

**课程编码：**FX30840

**课程性质：**专业课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**A

**教学目的与要求：**

通过商法学的学习，使学生掌握商法的基础理论，如商法的调整对象、商法主体的内涵与外延，商行为的内涵与外延等。同时使学生掌握公司法、证券法、破产法、票据法、保险法等法律的理论知识。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**《商法》（第四版），范健、王建文主编，法律出版社 2012 年版。

**参考书目：**

1. 《商法总论》，赵中孚主编，中国人民大学出版社 2007 年版。
2. 《商法》，徐学鹿主编，中国人民大学出版社 2015 年版。
3. 《商法》，赵万一主编，中国人民大学出版社 2013 年版。
4. 《商法通论》，赵中孚主编，中国人民大学出版社 2013 年版

**授课内容：**

第一编 总论：商法概述、商主体、商行为、商事登记、商号、商事帐簿。

第二编 公司法：公司与公司法概述、公司的分类、公司的设立、公司的资本制度、股份与股票、股东与股权、公司的治理结构、公司的合并与解散。

第三编 证券法：基本问题、证券市场主体法律制度、证券发行与承销法律制度、证券上市及交易法律制度、证券投资基金法律制度。

第四编 破产法：概述、破产程序法、破产实体法。

第五编 票据法：概述、汇票、本票、支票。

第六编 保险法。概述、保险合同、财产保险、人身保险、保险业。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《劳动法与社会保障法》教学大纲

**课程编码：**FX20340

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**选修课程：**A

**教学目的与要求：**

通过对劳动法与社会保障法的学习，使学生掌握劳动和社会保障法的一系列理论问题，掌握劳动就业法、劳动合同法、工会法、劳动保护法、社会保障法、劳动争议处理法、劳动监察法等法律规定。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**关怀、林嘉主编，《劳动法》（第四版），中国人民大学出版社 2012 年版。

**参考书目：**

与劳动法与社会保障法有关的书籍

1. 《劳动法》，关怀主编，中国人民大学出版社 2008 年版。
2. 《劳动法与社会保障法》，郭捷主编，中国政法大学出版社 2012 年版。
3. 《劳动法案例分析》（第二版），黎建飞主编，中国人民大学出版社 2010 年版。
4. 《劳动法与社会保障法实用教程》，岳宗福主编，中国法制出版社 2014 年版

**授课内容：**

劳动法概述、劳动法律关系、劳动主体、劳动合同、集体合同、职工民主管理、工作时间、和休息休假、工资、劳动保护、劳动就业、职业培训、社会保险、职业福利、劳动争议处理、劳动监督、法律责任。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《行政法与行政诉讼法》课程教学大纲

**课程编号：**FX30860

**课程性质：**专业课程

**教学时数：**周学时 4；总学时 64（其中实践学时 16）

**学分：**4

**先修课程：**A

**教学目的与要求：**

开设本课程，旨在按照理论与实践相结合的原则，通过对行政法学与行政诉讼法学理论及实际应用的教授，使学生系统掌握我国行政法学与行政诉讼法学的基本理论、基本知识、基本精神和各种具体法律制度与规则，学会运用行政法与行政诉讼法学科的理论并根据行政实体法、行政程序法及行政诉讼法的具体规定，分析和解决实际问题。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《行政法与行政诉讼法》（第二版），石佑启 主编，中国人民大学出版社，2012 年 7 月第二版。该教材为“21 世纪中国高校法学系列教材”

**参考书目：**

1. 罗豪才主编《行政法学》，中国政法大学出版社1999年修订版
2. 陈新民《中国行政法原理》，中国政法大学出版社2002年
3. 应松年主编《行政法与行政诉讼法学》，法律出版社2004年
4. 胡锦涛、莫于川《行政法与行政诉讼法概论》，中国人民大学出版社2009年
5. 杨解君《行政法与行政诉讼法》，清华大学出版社2009年
6. 胡建淼《行政法学》，法律出版社2010年第3版

7. 叶必丰《行政法与行政诉讼法》（第3版），中国人民大学出版社2011年
8. 姜明安主编《行政法与行政诉讼法》，北京大学出版社、高等教育出版社2011年第4版

**授课内容：**

行政法基本原则、行政法律关系主体、行政行为、行政复议、行政程序、行政诉讼基本原则、行政诉讼法律关系主体、行政诉讼受理与管辖、证据规则、审判程序、行政诉讼的判决、裁定与决定。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《民事诉讼法》课程教学大纲

**课程编码：**FX31000

**课程性质：**专业课程

**教学时数：**周学时 3 学时，总学时 48 学时（其中实践 16 学时）

**学分：**3 学分

**先修课程：**B

**教学目的与要求：**

本课程要求学生了解和学习民事诉讼法的基本理论、基本知识和基本技能，提高程序法意识，增强法制观念；熟悉各种民事诉讼法规范，以及各个程序之间的联系，提高运用程序规范进行诉讼，处理民事纠纷的能力；提高运用诉讼机制，维护经济秩序、社会秩序。要求学生掌握民事诉讼、民事诉讼法律关系、民事诉讼法的概念，以及我国民事诉讼法的性质、任务和效力范围，掌握民事诉讼法的基本原则、基本制度和民事诉讼的普通程序、特殊程序、执行程序 and 涉外民事诉讼程序。同时了解了解：要一般性的了解民事诉讼法的各项具体法律制度的内容，了解民事诉讼理论的新课题，民事诉讼立法的新发展和民事审判实践中的新问题。可以灵活运用民事诉讼法专业知识解决民事诉讼程序中的实际问题，养成独立思考的习惯，培养学生发现、分析和解决民事诉讼实际问题的能力。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

江伟主编：《民事诉讼法》（第六版），高等教育出版社、北京大学出版社 2013 年版。

江伟主编：《民事诉讼法》（第四版），高等教育出版社、北京大学出版社 2012 年版。

**参考书目：**

- 1、赵钢、占善刚、刘学在：《民事诉讼法学》，武汉大学出版社 2010 年版（第二版）
- 2、占善刚、刘显鹏著：《证据法论》，武汉大学出版社，2009 年出版。

3、沈达明：《比较民事诉讼法初论》，中信出版社 1991 年出版。

**授课内容：**

（一）理论课

民事诉讼的基本原理、原则；民事诉讼中的诉与诉权；民事诉讼的主管与管辖；民事诉讼当事人；民事诉讼证据、证明；民事诉讼程序：诉讼保障程序、第一审普通程序、简易程序、第二审程序；非诉讼程序：特别程序、督促程序、公示催告程序、破产程序、执行程序。

（二）实践课

民事诉讼法的基本原理、主要制度及其相关法律规定在法律实践中的运用。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。



# 《刑事诉讼法》课程教学大纲

**课程编码：**FX31010

**课程性质：**专业课程

**教学时数：**周学时 3 ，总学时 48 （其中实践学时 16 ）

**学分：**3

**先修课程：**B

**教学目的与要求：**

作为程序性法律，刑事诉讼法具有很强的实践性。教学中必须坚持理论与实践相结合，培养学生解决实际问题的能力。要求学生通过对本课程的学习，掌握刑事诉讼法学的基本知识和原理，熟悉刑事诉讼程序，为今后从事法律工作打下基础。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《刑事诉讼法》（第五版），陈光中主编，北京大学出版社、高等教育出版社，2013 年出版。

**参考书目：**

- 1、洪浩著：《刑事诉讼法学》，武汉大学出版社 2010 年版。
- 2、徐静村主编：《刑事诉讼法学》，法律出版社 2005 年版（第三版）。
- 3、陈光中、徐静村主编：《刑事诉讼法学》，中国政法大学出版社 2010 年版（第四版）。
- 4、樊崇义主编：《刑事诉讼法学》，中国政法大学出版社 2009 年版。
- 5、王以真主编：《外国刑事诉讼法学》，北京大学出版社 1990 年出版。
- 6、陈光忠主编：《中华人民共和国刑事诉讼法再修改专家建议稿与论证》，法制出版社 2006 年出版。

**授课内容：**

刑事诉讼的基本理论、原理、原则（8 学时）；刑事诉讼的历史发展；主要介绍三种刑

事诉讼模式：弹劾式、纠问式、混合式，以及中国刑事诉讼的历史进程、主要特征（4 学时）；立案、管辖、证据、回避的基本理论以及法律规范（16 学时）；第一审程序、第二审程序、再审程序、死刑复核程序、涉外刑事诉讼程序、未成年人犯罪刑事诉讼程序（20 学时）；执行程序，包含执行主体、对象、程序以及执行的变更。（6 学时）

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《国际法》课程教学大纲

**课程编码：**FX30080

**课程性质：**专业课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**A

**教学目的与要求：**

通过本课程的学习，理解和掌握国际法的概念、特征、作用和基本原则。掌握国际法与国内法的关系、国际法的主体、国家领土、条约法、了解国际组织法和联合国、国际人权法、和平解决国际争端、战争法等内容。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

周忠海主编：《国际法》（第二版），中国人民大学出版社，2013 年 7 月版

邵沙平主编：《国际法》（第二版），中国人民大学出版社，2010 年 4 月版；

梁西原著主编，曾令良改编主编：《国际法》（第三版），武汉大学出版社 2011 年版

**参考书目：**

1、J.G.Starke: An Introduction to International law, 8thRd. Butterworth & Co., 1977;

2、詹宁斯、瓦茨修订，王铁崖等译：《奥本海国际法》第九版，中国大百科全书出版社，1995 年。

3、李斐南、陈致中主编：《国际法案例选》，法律出版社，1986；

4、王铁崖主编：《国际法》，法律出版社，1995；

5、周鲠生著：《国际法大纲》，中国方正出版社 2004 年版。

**授课内容：**

国际法的概念与特征、国际法与国内法的关系、国际法的渊源、国际法效力的根据、国际法的基本原则与国际强行法、国际法的主体、国家领土、海洋法、空间法、国际法上的居民和外国人的待遇、外交和领事关系法、国际环境法、国际经济法、条约法、国际组织法和联合国、国际人权法、和平解决国际争端、战争法规、各章节相关案例教学。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《国际经济法》课程教学大纲

**课程编码：**FX30070

**课程性质：**专业课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**B

**教学目的与要求：**

通过本课程的学习，理解和掌握国际经济法的概念、作用和基本原则。了解国际贸易法、国际投资法、国际金融法和国际税法等法律制度。了解国际争端的解决方式及不同之处。了解国际经济法的现状和发展及我国相关的法律规定。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

余劲松、吴志攀主编《国际经济法》(第三版)，北京大学出版社、高等教育出版社 2009 年版。

**参考书目：**

陈安主编：《国际经济法》第三版，北京大学出版社，2004 年 11 月 3 版

韩立余主编：《国际经济法学原理与案例教程》，中国人民大学出版社 2006 年版

汤树梅主编：《国际经济法案例分析》，中国人民大学出版社 2006 年版

赵秀文著：《国际商事仲裁及其适用法律研究》，北京大学出版社，2003 年版

[英]施米托夫著：《国际贸易法文选》，中国大百科全书出版社 1993 年版

有关国际经济法、国际贸易法、国际投资法、国际金融法和国际税法的文章

**授课内容：**

国际经济法概述、国际经济法的主体、国际货物买卖法、国际货物运输与保险、国际技术贸易法、国际服务贸易法、国际投资法律制度、国际投资的法律形式、资本输入与外国

投资法、资本输出外国投资法、国际金融法律制度、国际金融法概述、国际商业银行贷款、项目贷款和债券发行、国际税法概述、税收管辖权与所得税制度、避免双重征税、国际经济争议解决法律制度概述、国际商事仲裁和 WTO 争端解决机制。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《国际私法》课程教学大纲

**课程编码：**FX30090

**课程性质：**专业课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**B

**教学目的与要求：**

通过本课程的学习，理解和掌握国际私法的概念、作用和基本原则、国际私法的调整对象和方法；国际私法的渊源；冲突规范，准据法、国际私法的主体；涉外物权的法律适用；涉外知识产权、合同和国际经济技术合作合同的法律适用；了解涉外婚姻家庭和继承的法律适用。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**张潇剑主编：《国际私法论》（第二版），北京大学出版社 2008 年版

**参考书目：**

1. 章尚锦主编：《国际私法》（第五版），中国人民大学出版社，2014；
2. 赵相林主编：《国际私法》（第四版），中国政法大学出版社 2014；
3. 李双元主编：《国际私法学》（第二版），北京大学出版社 2011；
4. 黄进主编：《国际私法》（第二版），法律出版社，2005；

**授课内容：**

国际私法的调整对象和方法；国际私法的渊源；国际私法的历史；冲突规范，准据法的确定，冲突规范适用中的几种制度；国际私法的主体；涉外物权的法律适用；涉外知识产权的法律适用；涉外合同之债的法律适用；国际贸易合同的法律适用；国际经济技术合作合同的法律适用；涉外侵权行为之债的法律适用；涉外婚姻家庭的法律适用；涉外继承的法律适

用。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《知识产权法》课程教学大纲

**课程编号：**FX30990

**课程性质：**专业课程

**教学时数：**周学时 3，总学时 48

**学 分：**3

**先修课程：**B

**教学目的和要求：**

要求学生通过本课程的学习,掌握知识产权的基本理论、我国知识产权法的具体规定(专利法、商标法、著作权法)以及知识产权的国际保护等主要内容,并能灵活运用这些知识去解决实际法律问题,为今后从事与知识产权有关的法律工作打下基础。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《知识产权法》(第五版),刘春田主编,中国人民大学出版社,2014 年版。

**参考教材：**

1. 《知识产权法概要》,(美)阿瑟·R·米勒,迈克尔·H·戴维斯著,周林等译,中国社会科学出版社,1998 年版。
2. 《市场竞争中的知识产权》,(日)富田彻男著,廖正衡等译,商务印书馆,2000 年版
3. 《知识产权法论》,金春阳著,清华大学出版社,2010 年版。
4. 《知识产权法》(第五版),吴汉东著,法律出版社,2014 年版。
5. 《知识产权法》,张平主编,北京大学出版社,2015 年版。
6. 《知识产权法》,李明德主编,法律出版社,2014 年版。

**授课内容**

- 1、知识产权的概念与特点、知识产权各部门法之间的关系、中国知识产权保护现状；
- 2、专利法概述、专利法的内容（专利权的主体与客体、取得与消灭、专利权人的权利与义务、专利权的限制等）、专利侵权与诉讼；
- 3、商标法概述、商标法的内容（商标权的主体与客体、取得与灭失、使用与管理等）、驰名商标及其保护商标权的保护；
- 4、著作权概述、著作权主体、客体、著作权内容、邻接权、著作权的限制、著作权的保护等；
- 5、知识产权的国际保护、我国参加的知识产权国际公约（《伯尔尼公约》、《世界版权公约》、《巴黎公约》、《与贸易有关的知识产权协议》等）。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《环境法与资源保护法》课程教学大纲

**课程编码：**FX20350

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

通过本课程的学习，了解人与环境的关系，理解和掌握环境法与资源保护法的原则和制度，自然环境保护和污染防治法律规范，国际环境法与资源保护法的形成与发展，国际环境法原则。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

韩德培主编：《环境保护法》（第七版），法律出版社 2015 年版。

**参考书目：**

1. 国家环境保护总局政策法规司编：《中华人民共和国环境保护法律汇编》，《中国缔结和签署的国际环境条约集》；
2. 李耀芳：《国际环境法缘起》，中山大学出版社；
3. 亚历山大基斯：《国际环境法》，法律出版社。

**授课内容：**

人与环境的关系，环境法原理，环境法与资源保护法原则和制度，环境诉讼与环境法律责任，自然环境保护和污染防治法律规范，国际环境法的形成与发展，国际环境法原则，国际环境问题与国际与资源保护法律规范，贸易与环境法律问题。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《法律逻辑》课程教学大纲

**课程编码：**FX30100

**课程性质：**专业课程

**教学时数：**周学时 2 ， 总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程旨在向学生系统介绍形式逻辑的基本理论与技能。通过示范讲解和课堂讨论，训练学生自觉在法律学习、实践中理解、应用普通逻辑基础知识的能力。本课程要求学生完成适量课后作业，熟练运用逻辑知识进行书面论证和口头辩论。

**教学方式：**演绎式教学、讲授法、讨论法、案例教学法

**使用教材：**

雍琦著《法律逻辑学》，法律出版社，2013 年出版。

**参考书目：**

- 1、雍琦、金承光、姚荣茂著：《法律适用中的逻辑》，中国政法大学出版社 2002 年版。
- 2、[美]史蒂文·J·伯顿著，张志铭，解兴权译：《法律和法律推理导论》，中国政法大学出版社 1999 年版。
- 3、陈金钊、熊明辉主编，《法律逻辑学》（第二版），中国人民大学出版社 2015 年版
- 4、郝建设主编：《法律逻辑学》，中国民主法制出版社，2013 年出版。

**授课内容：**

本课程全面介绍普通逻辑基本原理，并在此知识框架下对法律概念、法律命题、法律推理、侦察假设、法庭论辩论证等法学专业领域的逻辑问题通过实例分析着重讲解。为学生进一步学习法学专业知识提供必要的逻辑工具。该课程为一学期教授完毕课程。1-2 周介绍引论，3-5 周介绍法律概念，4-12 周介绍法律命题及法律推理，13-16 周介绍法律论证。



**考核方式：** 闭卷考试。

**成绩分布：** 闭卷考试成绩占 40%、平时成绩占 60%。

# 《外国法制史（英）》课程教学大纲

Foreign Legal History (Eng.)

Course Code: FX 30120

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits:2

Prerequisites: B

## 1. Course Description

This course is to introduce students to a new realm of cultural diversity in law. We will examine the world's two major legal traditions, so the comparing will only involve common law and civil law traditions. We will also examine these two legal traditions as they exist in European, Latin American and East Asian countries, we will focus on some certain legal systems, infrastructure, and traditions and some specific countries, such as France, Germany, Britain and Canada.

On the completion of this course, I hope my students will have some degree of understanding of and the familiarity with the following aspects of the legal systems: historical background, sources of law, judicial system, distinguishing legal institutions, the nature and role of legal actors, etc.

## 2. Course Requirement

Students are expected to attend class regularly and to take part in class discussion and group exercises.

## 3. Material

Course material will consist of the textbook Mary A. Glyndon, Michael W. Gordon, Paolo G. Garrozza Comparative Legal Traditions, 2<sup>nd</sup> Edition, WEST GROUP, and other materials from other sources.

#### 4. Course Grade

##### a. Class Participation: 40%

Class participation is essential to learning. We will learn from the materials assigned. Class participation will count for 20 percent of your course grade (twenty percent on attendance; five on preparedness when called upon; fifteen percent on amount of participation in class discussion)

Attendance is mandatory. You are allowed 2 absences for the semester.

##### b. Take-home Assignment: 20%

You are required to do one assignment; it will account 20 percent of your final grade.

##### c. In-class Assignment: 40%

We will have a final in-class assignment at the end of the semester that will account for 40 percent of your final grade.

#### 5. Office Hours

I want to make myself as available to you as possible. You can talk to me after class or schedule appointments. If you feel lost, or have doubts that cannot be solved during class, please do not hesitate to come and see me.

#### Syllabus

##### 1. Introduction to the comparative study of law

- a. Major legal traditions
- b. Common Law vs. Civil Law
- c. Methods of comparative law

##### 2. Western legal traditions

- a. History
- b. Culture
- c. Distribution

##### 3. The structure of legal systems

##### 4. Legal education and the legal profession

##### 5. Judicial review

- 6. The judicial process
  - a. The sources of law
  - b. Judicial decisions
  - c. Scholarly doctrine
  - d. The interpretation of the law

## 《海商法》课程教学大纲

**课程编码：**FX30150

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

通过本课程的学习，了解海商法的概念、性质和发展历史，了解船舶的法律性质以及船舶所有权、船舶抵押权、船舶留置权、船舶优先权；了解船长与船员；船舶管理与海上航运管理；理解和掌握海上货物运输合同和海上保险。了解海上事故与处理；海上油污损害责任；海难救助；共同海损以及海事诉讼程序等等。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

司玉琢主编：《海商法》（第三版），法律出版社 2012 年版

贾林青主编：《海商法》（第四版），中国人民大学出版社 2013 年版

**参考书目：**

1. 张湘兰主编《海商法》，武汉大学出版社，2014 年版
2. 司玉琢等编：《海商法详论》，大连海事大学出版社；
3. 付旭梅主编：《中华人民共和国海商法诠释》，人民法院出版社。
4. 傅廷中著：《海商法论》，法律出版社 2007 年版。
5. 张念宏著：《海商法理论与实务》，中国法制出版社 2013 年版
6. 杨良宜著：《海上货物保险》，法律出版社，2010 年版。

**授课内容：**

海商法的概念、性质、发展历史以及中国《海商法》；船舶的法律性质以及船舶所有权、

船舶抵押权、船舶留置权、船舶优先权；船长与船员；船舶管理与海上航运管理；海上货物运输合同、航次租船合同、定期租船合同、光船租赁合同；海上旅客运输合同；海上拖航合同；海上事故与处理；海上油污损害责任；海难救助；共同海损；海上保险以及海事诉讼程序等等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《美国法概要（英）》课程教学大纲

**课程编码：**FX 30170

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

The goal of learning the course is to know the History and Origin of American Law, the American Judicial System, the Constitution, the Lawyers, Family Relations, Personal Property, Contracts, Consumer Protection, Labor Law, Tort Law, Criminal Justice, etc.

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

1. Understanding of the United States, Cherry Holm Manson;
2. Government in America, Scott Foresman;
3. Government by the People, Prentice Hall;
4. The Challenge of Democracy, Houghton Mifflin; and Materials from internet.

**参考书目：**

Introduction to the law of the United States David S. Clark, 2<sup>nd</sup> ed, 中信出版社 2003。

**授课内容：**

The History and Origin of American Law, The Judicial System, The Constitution, Lawyers, Family Relations, Personal Property, Contracts, Consumer Protection, Labor Law, Tort Law, Criminal Justice, etc.

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《金融法》课程教学大纲

**课程编码：**FX30180

**课程性质：**专业课程

**教学时数：**周学时 2 学时，总学时 32 学时

**学分：**2 分

**先修课程：**B

**教学目的与要求：**

通过本门课程的学习，要求学生能够熟悉金融法学的基本原理、金融法的基本制度和相关的业务基础知识；熟悉我国主要金融法律的内容，了解相关领域国外立法状况；学会应用所讲授的知识，分析案例和解决实际问题。金融法以课堂授课为主，在理论教学同时，以案例分析的方法，分析和研讨典型案例，让学生掌握一定的实践操作知识、方法和手段，辅以思考题和作业的完成，使学生既有理论分析能力又有案例分析能力的综合性能力。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

陶广峰主编：《金融法》，中国人民大学出版社，2012 年出版。

**参考书目：**

1. 《金融法苑》北京大学金融法研究中心编 中国金融出版社；
2. 《金融法典型案例解析（第二辑）》北京大学金融法研究中心·金融法案例丛书；
3. 《金融法概论》吴志攀主编 北京大学出版社
4. 《金融监管法律问题研究——以银行法为中心的分析》黎四奇著 法律出版社
5. 《金融法律实务前沿》张德荣主编 法律出版社
6. 朱大旗编著《金融法》，中国人民大学出版社，2007。

**授课内容：**

1. 金融法概述 2. 金融监管法 3. 银行法 4. 非银行金融机构法； 5. 金融信托法
6. 融资租赁法

考核方式：闭卷考试。

成绩分布： 闭卷考试成绩占 40%、平时成绩占 60%。

## 《房地产法》课程教学大纲

课程编号：FX30190

课程性质：专业课程

教学时数：周学时 2          总学时 32

学分：2

先修课程：B

教学目的与要求：

本课程旨在讲授房地产法的基本原理和法律问题、房地产开发用地等法律制度，使学生系统地、准确地理解和掌握房地产法的基本原理、具体法律制度及其相应的规范，并能够在实践中运用，分析和处理房地产的各种实务问题。

教学方式：讲授法、讨论法、案例教学法等。

使用教材：

《房地产法》（第四版），周珂，中国人民大学出版社 2012 年版。

参考书目：

- 1、金俭著：《房地产法研究》，科学出版社 2012 年版。
- 2、陈小君等著：《农村土地法律制度研究》，中国政法大学出版社 2012 年版。
- 3、荆月新著：《城市土地立法研究》，中国检察出版社 2006 年版。
- 4、符启林著：《房地产法》（第四版），法律出版社 2009 年版。

授课内容：

房地产法概述；房地产法律关系；土地征用法律关系；土地使用权出让；房地产开发；房地产转让；房屋租赁；房地产抵押；物业管理法律制度；房地产权属登记；房地产市场管理制度等。

考核方式：考查。

**成绩分布：**考查成绩占 40%、平时成绩占 60%。

## 《国家赔偿法》课程教学大纲

**课程编号：**FX30300

**课程性质：**专业课程

**教学时数：**周学时 2；总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

《国家赔偿法》的教学总要求是使学生在理解和掌握国家赔偿基本理论与具体制度的基础上，形成国家赔偿责任意识与自身权利保护意识，并能灵活运用所学知识进行法律社会实践或进行初步的法学理论研究。该课程的具体教学要求分为以下三个层次：（1）通过教学，使学生掌握国家赔偿法律规范所确立的关于国家赔偿的归责原则与构成要件、赔偿范围、赔偿请求人与赔偿义务机关、赔偿程序、赔偿标准与方式、赔偿费用管理和国家追偿等具体国家赔偿法律制度以及对应的法学理论问题；（2）在此基础上，使学生形成关于国家赔偿的性质、存在基础、产生与发展规律及与前项各具体制度相关的法学理论知识体系；（3）进一步使学生形成国家赔偿责任意识与自我权利保护意识，并自觉投身社会法律实践或进行国家赔偿法学理论研究。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**石佑启刘嗣元朱最新：《国家赔偿法新论》，武汉大学出版社 2010 年出版。

**参考书目：**

1. 姚天冲主编：《国家赔偿法律制度专论》，东北大学出版社 2005 年出版。
2. 高家伟著：《国家赔偿法》，商务印书馆 2004 年出版。
3. 马怀德、高辰年著：《国家赔偿法的发展及完善探索》，中国政法大学出版社 2000 年出版。
4. 张步洪著：《国家赔偿法判解与应用》，中国法制出版社 2000 年出版。

5. 马怀德主编：《国家赔偿法》，中国政法大学出版社 2003 年出版。

**授课内容：**

国家赔偿法的概念、渊源、特点、作用、地位和性质，国家赔偿法律关系，国家赔偿的归责原则和构成要件，国家赔偿的主体、范围和程序，国家赔偿的方式、标准和费用，行政赔偿、司法赔偿的概念、特征、归责原则和构成要件等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《行政处罚法》课程教学大纲

**课程编号：**FX30280

**课程性质：**专业课程

**教学时数：**周学时 2 ，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

行政处罚法是行政执法的重要依据。教学目的和要求是，使学生了解行政处罚法的基本知识、基本概念，掌握行政处罚法的基本原理，能够运用行政处罚法的概念、知识和原理分析行政案例，培养和树立依法行政，依法办案的观念。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

关保英编著：《行政处罚法新论》，中国政法大学出版社 2007 年出版。

**参考书目：**

- 1、李岳德著：《中华人民共和国行政处罚释义》，中国法制出版社 2006 年出版。
- 2、曹康泰李岳德著：《行政处罚法教材》，中国法制出版社 2011 年出版。
- 3、崔卓兰著：《行政处罚法学》，吉林大学出版社 1998 年出版。
- 4、崔卓兰杨平著：《行政处罚法学》，北京大学出版社 2005 年出版。

**授课内容：**

行政处罚概述、行政处罚主体、行政处罚的种类和设定、行政处罚的管辖和适用、行政处罚的决定程序、行政处罚的执行、法律责任。



**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《合同法》课程教学大纲

**课程编号：**FX30440

**课程性质：**专业课程

**教学时数：**周学时 2          总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程以讲授合同的基本原理和基本制度为核心内容，讲求理论性和应用性的结合，既注重理论知识的系统性、全面性，又注重合同法具体制度及其实际应用的讲解，使学生系统地、准确地理解和掌握合同的基本原理、具体法律制度及其相应的规范，并能够在实践中灵活地运用，分析和处理合同的各种实务问题。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

合同法（第二版），崔建远著，北京大学出版社 2012 年版。

**参考书目：**

1. 《合同法》（第三版），王利明主编，中国人民大学出版社 2009 年版。
2. 《合同法》，王卫国主编，北京师范大学出版社 2010 年版。
3. 《合同法学》，韩世远著，法律出版社 2010 年版。
4. 《合同法》，崔建远著，法律出版社 2003 年版。

**授课内容：**

合同法的基本原则；合同成立与合同生效要件；缔约过失责任；格式条款的适用和限制；合同的效力，包括合同无效制度，可变更、可撤销合同制度，效力待定合同制度；合同的解除

及其法律后果；合同终止；预期违约与根本违约制度；违约责任的责任形式；违约责任与侵权责任的竞合；合同的解释；买卖合同；租赁合同；融资租赁合同；承揽合同；建设工程合同等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《亲属法》课程教学大纲

**课程编码：**FX31020

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

### 教学目的与要求：

本课程旨在使学生了解亲属法的历史发展，把握亲属法的概念、调整对象、基本原则和亲属法领域里的各项具体制度。通过介绍亲属法领域的最新学术动态、讨论亲属法理论领域和实践领域中的热点问题和重点问题，对学生进行研究方法和思维能力的训练，以提高学生独立学习的能力。

**教学方式：**讲授法、讨论法、案例教学法等。

### 使用教材：

马忆南著，《婚姻家庭继承法学》（第三版），北京大学出版社 2014 年版。

### 参考书目：

1. 卓冬青，《婚姻家庭法》（第四版），中山大学出版社 2012 年版。
2. 巫昌桢，《中国婚姻法》，中国政法大学出版社 2007 年版
3. 史尚宽，《亲属法论》，中国政法大学出版社 2000 年版

### 授课内容：

绪论（1 周）；亲属与亲属法概述（2 周）；结婚法（3 周）；夫妻关系法（3 周）；离婚法

(4 周); 扶养法 (2 周); 收养法 (2 周); 监护法 (1 周)。

**考核方式:** 闭卷考试。

**成绩分布:** 闭卷考试成绩占 40%、平时成绩占 60%。

## 《国际商法》课程教学大纲

**课程编码:** FX30450

**课程性质:** 专业课程

**教学时数:** 周学时 2, 总学时 32

**学分:** 2

**先修课程:** B

**教学目的与要求:** 通过本课程的学习, 理解和掌握国际贸易统一法, 了解西方国家在商事领域的重要法律以及国际公约、惯例的有关规定, 对相关问题进行分析, 培养和提高学生的解决实际问题的能力。

**教学方式:** 讲授法、讨论法、案例教学法等。

**使用教材:** 吴兴光主编:《国际商法》(第二版), 中山大学出版社, 2008

**参考书目:**

沈四宝主编,《国际商法》, 对外经济贸易大学出版社 2010 年版。

钱晓英主编,《国际商法》, 清华大学出版社 2011 年版。

Richard Schaffer and the others: International Business law and Its Environment (4<sup>th</sup> edition), West publishing Company, 1999.

张玉卿等编著:《国际货物买卖统一法: 联合国国际货物销售合同公约释义》, 中国商务出版社 2009 。

**授课内容:**

本课程以国际贸易统一法为主线, 结合中国的涉外经济立法, 介绍西方国家在商事领域的重要法律以及国际公约、惯例的有关规定, 包括合同法、买卖法、产品责任法、代理法、

票据法、商事组织法、贸易管制法以及国际商事仲裁与诉讼等内容。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《侵权责任法》课程教学大纲

**课程编号：**FX31470

**课程性质：**专业课程

**教学时数：**周学时 2；总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程旨在向学生详细介绍侵权法的基本理论。通过理论讲解和案例分析，使学生对现行侵权立法与侵权责任作全面准确地理解，并能将之运用于实际。本课程要求学生掌握最新立法动向，阅读相关著述，并准备案例。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**杨立新著，《侵权责任法》，北京大学出版社 2014 年版。

**参考书目：**

1. 《侵权责任法》（第三版），张新宝著，中国人民大学出版社 2013 年版。
2. 《侵权责任法重大疑难问题研究》，刘士国等著，中国法制出版社 2009 年版。
3. 《中华人民共和国侵权责任法立法争点、立法例及经典案例》，高圣平主编，北京大学出版社 2010 年版。

**授课内容：**

本课程采取理论分析、案例讨论、实例观摩等方式组织教学，主要内容包括侵权行为与侵权行为法、侵权行为的概念、侵权民事责任、侵权行为法概述、侵权行为法的功能、侵权行为法的归责原则、侵权责任的构成要件、抗辩事由、承担侵权民事责任的方式、责任竞合、

侵权行为形态、侵权行为形态的概念和特征、一般侵权行为、侵害财产、侵害人身权、共同过错、混合过错、特殊侵权责任、国家机关及其工作人员职务侵权第十四章法定代理人、法人及其工作人员和雇用人的侵权责任、产品侵权、高度危险作业和环境污染致害责任、地面施工、建筑物及其他地上物和动物致害责任、医疗事故和交通事故责任、损害赔偿概述、财产损害赔偿、人身伤害赔偿、精神损害赔偿、附带的损害赔偿。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《司法文书》课程教学大纲

**课程编码：**FX40040

**课程性质：**专业课程

**教学时数：**周学时 2 节，总学时 32 节

**学分：**2

**先修课程：**B

**教学目的与要求：**

使学生对司法文书的概念、性质、格式和写作手法有一个较好的认识和理解；提供实际案例供学生分析，通过分析锻炼学生运用所学法律知识的能力；将分析获得的认识和成果写成要求的法律文书，以锻炼其专业写作能力。

**教学方式：**实践式教学

**使用教材：**

陈卫东编著：《司法文书写作》，中国人民大学出版社 2013 年版。

**参考书目：**

1. 胡江晚主编：《中国司法文书教程》，中国法制出版社 2007 年出版。
2. 郭天武主编：《司法文书写作》，中国法制出版社 2011 年出版
3. 马庆林 谢立新著：《英美司法文书写作》，中国人民大学出版社 2010 年版

**授课内容：**

讲授司法文书的概念、特点和作用。掌握制作司法文书的指导思想和基本要求，为学习和掌握本门课程内容打下基础；司法文书的制作要求；公安机关的侦查预审文书、检察机关的检

察文书的写作；人民法院的刑事、民事及行政裁判文书、律师业务文书以及公证法律文书的写作；诉状、笔录的写作。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《模拟法庭》课程教学大纲

**课程编码：**FX40050

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程为实践课程，通过本课程的学习和培训，使学生基本能够对实践中的司法案例进行分析，并解决问题。

**教学方式：**训练等。

**教材：**

陈学权编著，《模拟法庭实验教程》（第二版）高等教育出版社 2012 年版

**参考书目：**

刘晓霞主编，《模拟法庭》，科学出版社，2015 年版

王伟主编：《模拟法庭演练》，浙江大学出版社 2012 年版

**授课内容：**

民法及民事诉讼法，民商事案件审判，刑法及刑事诉讼法，刑事案件审判、行政法及行政诉讼法，行政诉讼案件审判。

**考核方式：**考查

**成绩分布：**考查成绩占 40%、平时成绩占 60%。

## 《物证技术学》课程教学大纲

**课程编码：**FX31480

**课程性质：**专业课程

**教学时数：**周学时 3，总学时 48

**学分：**3

**先修课程：**B

**教学目的与要求：**

通过本门课的教学，使学生较全面、系统地掌握物证技术法的基本概念、基本理论和各项证据制度所包含的具体内容，熟悉与证据相关的法律条文及相关司法解释，培养和提高学生运用证据法学知识分析和解决问题的能力，具有一定的证据学理论研究素养，以便在将来能够比较好地适应司法实践工作和有关理论研究的需要。

**教学方式：**讲授法、讨论法、案例教学法、实验教学法等。

**使用教材：**

徐立根主编：《物证技术学》（第四版），中国人民大学出版社，2011 年版

**参考书目：**

何家弘著：《证据法学》（第五版），法律出版社 2013 年版。

李学军著：《物证论——从物证技术学层面及诉讼法学的视角》，中国人民大学出版社，2011 年版

许爱东主编：《物证技术学》，法律出版社，2012 年版。

**授课内容：**

本课程的教学内容主要有：

理解基本概念，掌握证明责任的标准，熟练学会运用证据规则，学会搜集证据，掌握证据分类，了解举证责任的分配，学会分析案例，进行案例教学，贴近实践教学，掌握综合运用证据法学理论、运用相关知识分析案例的能力。

**考核方式：**考查。

**成绩分布：**考查成绩占 40%、平时成绩占 60%。

## 《比较宪法》课程教学大纲

**课程编号：**FX30220

**课程性质：**专业课程

**教学时数：**周学时 2；总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

开设本课程，旨在使学生了解国外宪法的历史及相关的政治制度，对宪法的基本原则、公民基本权利、宪法的实施问题有总体的认识；理解中外对宪法概念的不同理解，宪法基本原则所涵盖的意义，公民基本权利的重要性，宪法实施中宪法解释所发挥的重要作用；掌握上述这些问题的具体实施，对中国相关问题的借鉴。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

王世杰 钱端升著：《比较宪法》，商务印书馆 2010 年版；

**参考书目：**

1. 秦前红主编：《新宪法学》，武汉大学出版社 2009 年版(第二版)
2. 张千帆等著：《比较宪法——案例与评析》，中国人民大学出版社 2011 年版
3. 龚瑞祥主编：《比较宪法与行政法》，法律出版社 2012 年版
4. 韩大元主编：《外国宪法》，中国人民大学出版社 2013 年版
5. 杉原太雄著，吕昶等译：《宪法的历史——比较宪法学新论》，社会科学文献出版社 2000



年版。

**授课内容：**

比较世界法国、德国、美国等主要国家宪法的历史发展、基本原则、公民基本权利、宪法实施以及具体政治制度，探寻宪法发展的规律，指导各国的宪政改革。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《仲裁法》课程教学大纲

**课程编号：**FX30270

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

结合《中华人民共和国民事诉讼法》，从仲裁与诉讼的关系、仲裁与市场经济的关系，探讨仲裁的起源、发展、我国的仲裁制度的演变及其实践历程、目前我国的仲裁制度及其仲裁现状。通过本门课程的教学，使学生对仲裁、仲裁法、仲裁法学有一个大概的了解，能够系统掌握我国的仲裁立法和仲裁实践，能够了解我国仲裁制度的演变历程，能够对外仲裁法进行简单的比较。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

江伟主编：《仲裁法》（第二版），人民出版社 2012 年出版。

**参考书目：**

1. 马德才主编：《仲裁法》，厦门大学出版社 2014 年版
2. 朱宣烨主编：《仲裁法实务精要与案例指引》，中国法制出版社 2015 年版
3. 范愉著：《非诉讼程序（ADR）教程》（第二版），中国人民大学出版社 2012 年版

4. 张斌生著：《仲裁法新论》，厦门大学出版社 2010 年版。
- 5.《中国商事调解理论与实务》，中国国际贸易促进委员会/中国国际商会调解中心组织编写，清华大学出版社 2013 年版

**授课内容：**

仲裁制度概述、仲裁制度的产生和发展、仲裁法的基本原则和基本制度、仲裁机构与仲裁协会、仲裁协议、证据、期间与送达、仲裁费用、仲裁参加人、仲裁的申请与受理、保全制度、仲裁庭、仲裁审理、仲裁裁决、涉外仲裁。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《票据法》课程教学大纲

**课程编号：**FX31490

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

《票据法》是为培养适应社会主义市场经济需要的、应用型的法律人才而设置的选修课程，它属于民商法领域的一个重要学科，具有公法与私法交融、国内法与国际法交融、伦理性与技术性交融、任意性与强制性交融的特点。开设本课程的目的在于使学生系统掌握了解票据法律制度的核心和主干内容；结合民商法基本理论和域外证券法有关规定，具体分析我国票据法，使学生对票据法内容有充分了解和把握；引导学生就票据法立法及实践中的若干重大理论问题，作出有针对性的初步探讨。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

刘心稳著，《票据法》，中国政法大学出版社，2010 年版；

**参考书目：**

1. 范健主编，《商法》，高等教育出版社，2012 年 8 月版
2. 董安生主编，《票据法》（第三版），中国人民大学出版社，2009 版；

3. 于永芹主编,《票据法案例教程》,北京大学出版社,2010年版。

**授课内容:**

本课程内容丰富,以票据法理论体系为线索,以《中华人民共和国票据法》和相关法律法规为基本依据,对票据法的基本理论、基本制度和基本规则等问题进行了系统阐述,通过本课程的学习,可以使学生掌握票据法的一般原理、票据法律关系、票据当事人的权利、票据行为、票据的瑕疵、票据的丧失、票据抗辩以及汇票、本票、支票等相关内容,增强驾驭票据这一重要的经济交流工具的能力,从而不仅可以使学生进一步完善自己的法学体系,也为其今后从事票据业务活动产生积极的作用。

**考核方式:** 闭卷考试。

**成绩分布:** 闭卷考试成绩占 40%、平时成绩占 60%。

## 《外国民商法》课程教学大纲

**课程编号:** FX30500

**课程性质:** 专业课程

**教学时数:** 周学时 2 总学时 32

**学分:** 2

**先修课程:** B

**教学目的与要求:**

外国民商法是以他国的民商法制度为研究对象的法律学科,本课程要求学生在学外国民商法时,重点体会外国学者们在认识分析法律现象时所持理念,在制定法律时所采用的立法技巧,他国法律制度与我国法律制度的差异及优劣,培养学生借鉴他国先进法律理念与先进制度,分析、思考、处理问题的能力。

**教学方式:** 讲授法、讨论法、案例教学法等。

**使用教材:**

林嘉主编《外国民商法》(第三版),中国人民大学出版社 2011 版。

**参考书目:**

1. 谢怀栻著:《外国民商法精要》(第三版)法律出版社 2014 年版。
2. 任先行、周林彬著:《比较商法导论》,北京大学出版社 2002 年版。
3. 尹田著,《法国物权法》,法律出版社 2009 年版。

4. [日]田山辉明著,《物权法》,法律出版社 2001 年版。
5. [德]迪特尔·梅迪库斯著《德国民法总论》,,法律出版社 2004 年版。
6. [德]卡尔·拉伦茨著,《德国民法通论》上、下,法律出版社 2004 年版。
7. 何勤华等主编,《外国民商法导论》,复旦大学出版社 2006 年版。

**授课内容:**

外国民商法的产生和来源;外国民商法的发展;法国、德国、日本、美国等国家的民事主体、物权法、信托法、合同法、侵权行为法等民事法律制度;商法总论、公司法、票据法、保险法等商事法律制度。

**考核方式:** 考查。

**成绩分布:** 考查成绩占 40%、平时成绩占 60%。

## 《犯罪学》课程教学大纲

**课程编码:** FX30320

**课程性质:** 专业课程

**教学时数:** 周学时 2 , 总学时 32

**学分:** 2

**先修课程:** B

**教学目的与要求:**

本课程成旨在令学生系统掌握犯罪学的基本理论,尤其是犯罪学的方法论。通过示范讲解和课堂讨论,训练学生理解、应用犯罪学基础知识分析犯罪现象的能力,并初步了解社会学、文化学、人类学、心理学等交叉学科的常识。本课程要求学生密切关注现实社会中犯罪现象的演变,全面、客观、灵活地对犯罪现象进行分析。

**教学方式:** 讲授法、讨论法、案例教学法等。

**使用教材:**

张远煌主编:《犯罪学》(第三版),中国人民大学出版社 2015 年版

**参考书目:**

1. 辛科主编:《犯罪学》,法律出版社 2015 年版
2. 李明琪主编:《西方犯罪学概论》,中国人民公安大学出版社 2010 年版
- 2、吴宗宪著:《西方犯罪学》,法律出版社 2006 年版

3、邦格著，吴宗宪译：《犯罪学导论》，中国人民公安大学出版社 2009 年版

4、王祖清主编：《犯罪学》，中国政法大学出版社 2005 年出版。

**授课内容：**

本课程结合我国现实的犯罪问题，全面介绍犯罪学的内容，重点揭示犯罪产生的根源、原因、条件及相关因素，据此探讨预测、预防、矫治、控制犯罪的防控系统工程。该课程为学期课程。1-2 周介绍引论，3-6 周介绍犯罪现象论，7-10 周介绍犯罪原因论，11-14 周犯罪预防论，15-18 周犯罪类型论。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《保险法》课程教学大纲

**课程编号：**FX30420

**课程性质：**专业课程

**教学时数：**周学时 2          总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程以讲授保险法的基本原理和基本制度为核心内容，讲求理论性和应用性的结合，既注重理论知识的系统性、全面性，又注重保险法具体制度及其实际应用的讲解，使学生系统地、准确地理解和掌握保险法的基本原理、具体法律制度及其相应的规范，并能够在实践中运用，分析和处理保险的各种实务问题。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

常敏著《保险法学》，法律出版社 2012 年版

**参考书目：**

1. 《保险法学》，任自力主编，清华大学出版社 2010 年版
2. 《保险法》，覃有土主编，北京大学出版社 2010 年版
3. 《保险法案例教程》（第二版），史卫进编著，北京大学出版社 2010 年版

4. 《保险学》，孙祁祥主编，北京大学出版社 2009 年版

5. 《保险法新论》，韩长印等主编，中国政法大学出版社 2010 年版。

**授课内容：**

保险与保险法概述；保险合同概述，订立和生效，履行，变更和终止；财产保险合同概述，财产损失保险合同，责任保险合同，信用保险与保证保险合同，海上保险合同，再保险合同；人身保险合同概述，人寿保险合同，意外伤害保险合同，健康保险合同；保险业监管法等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《继承法》课程教学大纲

**课程编码：**FX31500

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程旨在使学生了解继承法的历史发展，把握继承法的概念、调整对象、基本原则和继承法领域里的各项具体制度。通过介绍继承法领域的最新学术动态、讨论继承法理论领域和实践领域中的热点问题和重点问题，对学生进行研究方法和思维能力的训练，以提高学生独立学习的能力。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《婚姻家庭继承法学》（第三版），马忆南著，北京大学出版社 2014 年版

**参考书目：**

1. 巫昌祯主编：《婚姻与继承法学》，中国政法大学出版社 2011 年版

2. 陈苇主编：《婚姻家庭继承法案例教程》，群众出版社 2010 年版
3. 王歌雅主编：《婚姻家庭继承法学》，中国人民大学出版社 2013 年版
4. 蒋月、何丽新主编：《婚姻家庭与继承法》（第四版），厦门大学出版社 2013 年版

**授课内容：**

通过本课程的学习，使学生能够掌握有关继承的理论知识，掌握继承、继承人、遗嘱继承与法定继承、遗产与遗产的处理、遗赠以及有关继承的特殊制度，并通过大量的案例分析与讨论，使学生基本具备处理一般继承问题的实务能力。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《刑事侦查学》课程教学大纲

**课程编码：**FX31510

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

通过教学使学生了解《刑事侦查学》的学科体系内容了解和掌握刑事犯罪和刑事侦查工作机制以及刑事侦查学的研究内容、对象、基本原理以及发展史；明确刑事侦查学与刑事侦查工作的关系；准确理解刑事侦查措施的内容和适用范围；熟练掌握侦查机巧。

**教学方式：**讲授法、讨论法、相关影视、案例教学法等。

**使用教材：**

王传道主编：《刑事侦查学》（第四版），中国政法大学出版社 2013 年版

**参考书目：**

1. （美）桑托斯著，金诚、郑滋槐译：《犯罪分析与犯罪制图》，人民出版社 2014 年版
2. 杨正鸣、倪铁主编：《侦查学原理》，复旦大学出版社 2013 年版
3. 诸葛文主编：《FBI 破案术》，中国法制出版社 2014 年版

4. 切萨雷著，黄风译：《论犯罪与刑罚》，北京大学出版社 2008 年版

**授课内容：**

本课程分为四个部分，第一章刑事侦查学概论，包括刑事侦查的任务和原则，刑事侦查的体系、对象和侦查史；第二章介绍刑事侦查措施，包括询问、搜查、扣押以及讯问等；第三章包含刑事技术的内容的类型，包括刑事照相、痕迹勘验和文书检验等；第四章：典型案例的侦查，包括杀人、抢劫强奸和诈骗等案件的侦查方法。

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《立法学》课程教学大纲

**课程编码：**FX31520

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

良好和完善的立法系统是建设社会主义法治国家的重要保障，这就决定了这门课程兼具理论与实践的双重特点，所以无论是理论和实践中，都要高度重视立法和立法学。

**教学方式：**讲授法、讨论法等。

**使用教材：**

曾粤兴主编：《立法学》，清华大学出版社 2014 年版

**参考书目：**

1. 曾宪义、王利明主编：《立法学》，中国人民大学出版社 2009 年版

2. （丹）哈孔森主编：《立法者的科学》，浙江大学出版社 2009 年版

3. 周旺生著：《立法学教程》，北京大学出版社 2006 年版

**授课内容：**



本课程分为十章介绍，第一章介绍立法法的产生和发展；第二章着重介绍法与立法，掌握立法的本质、功能和特征，立法与立宪之间的争议；第三章：立法的指导思想与原则；第四章：立法主体，了解立法主体的含义，立法机关中的议员和议会委员、行政机关和司法机关的立法地位；第五章：立法权，有关立法权的一些基本定义，划分立法权的意义；第六章：立法，包括立法准备，立法程序立法技术和立法结构等几个部分；第七章：立法监督与完善。

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《英美司法制度》课程教学大纲

**课程编码：**FX31530

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程主要介绍英国、美国法律制度的基本情况，旨在使学生了解英美国家法律的概况和特点，继而了解普通法系国家的法律概况和特点，同时掌握法律英语的特有语法、于晖，并了解法律英语的语篇和体裁，掌握法律英语文章的阅读技巧。鉴于普通法不同于大陆法，法律源于判例，法官判决书也有所不同，让学生们了解法律文书的结构、语言特征，以及相关的阅读技巧，有利于学生法律英语学习。

**教学方式：**讲授法、讨论法、相关影视、案例教学法等。

**使用教材：**

1. 齐树洁主编：《美国私法制度》，厦门大学出版社 2010 年版
2. 齐树洁主编：《英国司法制度》，厦门大学出版社 2008 年版

**参考书目：**

1. 高凌云主编：《英美法案例分析与法律写作》，上海人民出版社 2005 年版
2. 马跃编著：《美国刑事司法制度》，中国政法大学出版社 2004 年版
3. 齐树洁主编：《美国民事司法制度》，厦门大学出版社 2011 年版

**授课内容：**

课程分为两部分，英国法律制度和美国法律制度。在第一个部分，主要介绍英国作为普通法系的渊源其法律的总特征，包括普通法和衡平法的起源和发展，了解英国宪法的特征，法律分类、法律渊源，英国法院体系，陪审团制度以及英国的法律职业等；第二部分，美国法律制度，介绍美国法的普通法和衡平法，美国的法院系统，司法审查制度、美国的陪审团制度，美国独特的法学教育与法律职业情况。

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《国际刑法》课程教学大纲

**课程编码：** FX30310

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

国际刑法学是几个不同法律学科的混合体，其内容具有复杂性。教师立足于国际刑法的著名学者所著教科书，并且结合国际法庭审理的国际犯罪案例，力求学生了解国际刑法所解决的问题及其运行机制。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

黄风等著：《国际刑法学》，人大出版社 2007 年出版。

**参考书目：**

1. 《国际刑法与国际犯罪专题探索》，赵秉志著，中国人民公安大学出版社 2003 年版。
2. 《国际刑法新论》，林欣，李琼英著，中国人民公安大学出版社 2005 年版。
3. [美]M. 谢里夫·巴西尼奥著：《国际刑法导论》，赵秉志，王文华等译，法律出版社 2006

年版。

4. 《国际刑法原理》，维勒著，王世洲译，商务印书馆 2009 年版

**授课内容：**

国际刑法的性质、渊源和特点、国际刑法的历史、国际刑法的一般原则、（罪刑法定原则、个人刑事责任原则、刑事责任年龄、不论官方职位、指挥官和其他上级的责任、灭绝种族罪、反人类罪、战争罪和侵略罪不适用任何时效）、排除国际刑事责任的情况、国际犯罪的主体与国际法的主体一。国际犯罪行为、刑事管辖权概说、国际法承认的、根据国内法行使的刑事管辖权、国际海洋法中的刑事管辖权、对港口内外国商船上犯罪的刑事管辖权、对盟国驻军人员犯罪的刑事管辖权、一罪两诉或一罪二罚问题、刑罚、核心罪行与对它们的管辖权、以条约为根据的罪行与对它们的管辖权、司法制度与国际司法协助。

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《西方法哲学》课程教学大纲

**课程编号：**FX30210

**课程性质：**专业课程

**教学时数：**周学时 2；总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**开设本课程，旨在使学生了解西方法哲学的演变过程，并科学地理解和把握 20 世纪以来西方法学的重大理论热点，如法的模式、法与道德、法的效力、权利与人权、表达自由法治等，从而能够有效地借鉴和吸收西方法律文化中的合理因素，为我所有。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

严存生著：《西方法哲学问题史研究》，中国法制出版社 2013 年版

沈宗灵：《西方法理学》，北京大学出版社，2004。

**参考书目：**

1. 谷春德主编：《西方法律思想史》，中国人民大学出版社 2014 年版；
2. 魏胜强主编：《西方法律思想史》，北京大学出版社 2014 年版；

3. 王哲著：《西方政治法律学说史》，北京大学出版社 2001 年版。

4. 王守昌主编：《西方政治哲学》，中国言实出版社 2014 年版

**授课内容：**

学习西方法学对法的模式、法与道德、法的效力、权利与人权、表达自由法治等热点问题的探讨。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《经济刑法》课程教学大纲

**课程编码：**FX31540

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程结合经济学和侦查学两门学科，介绍了经济犯罪案件的侦查的基本理论以及具体经济案件的侦查方法。还结合经济学的基础知识重点介绍经济犯罪常用方法。

**教学方式：**讲授法、讨论法、相关影视、案例教学法等。

**使用教材：**

戴蓬主编：《经济犯罪侦查卷》，中国法制出版社 2011 年版

**参考书目：**

1. 何正泉著《当代中国学术文库-经济犯罪侦查要论》，北京希望电子出版社 2013 年版

2. 《公安机关办理经济犯罪案件相关法律适用问题批复汇编 2015 年版》，公安大学出版社 2015 年版

3. 杨正鸣 倪铁主编《侦查学》复旦大学出版社 2013 年版

**授课内容：**

本课程包括两部分：总论部分介绍经济犯罪和经济犯罪案件侦查的一些基本问题；分论部分将介绍生产、销售伪劣商品犯罪案件的侦查；走私犯罪案件的侦查；妨碍对公司企业的管理秩序犯罪案件的侦查；破坏金融管理秩序犯罪案件的侦破；金融案件的侦查，涉税案件的侦查，侵犯知识产权案件的侦查，扰乱市场秩序案件等个案侦查，并结合具体案件介绍一些贸易、金融税收等经济学知识。

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《反不正当竞争法》教学大纲

**课程编号：**FX31040

**课程性质：**专业课程

**教学时数：**周学时 2          总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程以竞争法的基本理论为基础。本课程以中国现行法为出发点，通过比较和借鉴美国、欧共体、德国以及其他国家和地区的立法和司法实践，对竞争法包括反不正当竞争法和反垄断法进行了系统阐述。学生可以在加强理论知识的基础上，加深对制度的理解和提高对实际问题的分析判断能力，从而较为深入系统地掌握市场竞争法的精髓。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**《竞争法学》，倪振峰等著，复旦大学出版社 2011 年版

**参考书目：**

1. 《中外反不正当竞争法经典案例》，韩赤风等著，知识产权出版社 2010 年版
2. 《反不正当竞争法比较研究》，吕来明等著，知识产权出版社 2014 年版

3. 《反不正当竞争法的创新性实用》，孔祥俊著，中国法制出版社 2014 年版
4. 《竞争法》徐孟洲，孟雁北 著，2008 年 12 月/中国人民大学出版社

**授课内容：**

1. 竞争法基础理论：竞争法的概念、立法宗旨、立法模式、竞争法的地位。
2. 反不正当竞争法：各国立法概况、反不正当竞争法与相邻法的关系、我国反不正当竞争法基本内容、假冒行为、商业贿赂、虚假广告、侵犯商业秘密、商业诋毁
3. 反垄断法：基本概念、横向限制竞争协议（卡特尔）、纵向限制竞争协议、反垄断执法机构及其程序

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《影视传播与法律文化》课程教学大纲

**课程编码：**FX31550

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**本课程结合影视传播与法律文化两部分，介绍了影视作品中涉及的法律文化问题；讲授有关法律文化方面概念、形成背景；传统法律文化和现代法律文化众不同观念冲突，提出法律文化冲突时的解决方法，法律文化现代化的途径。

**教学方式：**讲授法、讨论法、相关影视、案例教学法等。

**使用教材：**

刘作祥著《法律文化理论》商务印书馆 1999 年版

**参考书目：**

1. 彭博著《英美法概论法律文化与法律传统》北京大学出版社 2011 年版
2. 沈咏德主编《法律文化》（第一集），法律出版社 2011 年版
3. 武树臣著《中国法律文化大写意》，北京大学出版社 2011 年版

**授课内容：**本课程包括五个部分：第一部分：法律文化导论，一个宏观的法律新思维；第二部分：法律文化的解释与结构；第三部分：法律文化的基本特征和类型；第四部分：法律文化冲突；第六部分：法律文化现代化

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《证据法》课程教学大纲

**课程编码：**FX30200

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

通过本课程的学习，使学生比较全面、系统的掌握证据学的基本概念，基本理论和各项证据制度所包含的具体内容，熟悉与证据相关的法律条文以及司法解释，培养学生运用证据学知识分析和解决问题的能力，提高学生证据学理论研究素养，以便更好的适应以后的学习和工作。

**教学方式：**讲授法、讨论法、相关影视、案例教学法等。

**使用教材：**

何家弘刘品新著：《证据法学》（第五版），法律出版社 2013 年版

**参考书目：**

1. 樊崇义主编：《证据法学》（第五版），法律出版社 2012 年版
2. 程瑞华著：《刑事证据法学》（第二版），北京大学出版社 2014 年版
3. 房保国 陈宏均主编：《证据法学研修案例》中国政法大学出版社 2013 年版

**授课内容：**

课程分为六个部分介绍，第一章：证据学概述，了解和掌握征集学的基本概念；第二章：证明责任，三张不同的诉讼法对不同证据的要求；第三章：证据规则，运用相关的证据证明案件事实，排除非法证据；第四章：证据搜集和保全；第五章：证据分类，证据分类对各种证据的运用的意义以及证据种类关系；第六章：举证责任，各种不同诉讼举证责任的不同和责任倒置的规定。

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《专业经典阅读》课程教学大纲

**课程编码：**FX31420

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程是让学生阅读中外法学名著，通过对名著的阅读，能够对法学的魅力有更深入地发现，加深对法学知识的理解和思考，为今后的职业生涯打下坚定的专业思想和理论基础。

**教学方式：**讨论法等。

**教材：**自选

**参考书目：**

郭道晖著：《法理学精义》，湖南人民出版社 2005 年 11 月版

【法】孟德斯鸠著《论法的精神》，张雁深译，商务印书馆 2002 年。

【美】罗纳德·德沃金：《法律帝国》，李常青译，中国大百科全书出版社，1996 年。



【美】罗纳德·德沃金：《认真对待权利》，信春鹰、吴玉章译，中国大百科全书出版社，1998年。

【美】本杰明·卡多佐：《司法过程的性质》，苏力译，商务印书馆1998年。

【英】边沁：《政府片论》，沈叔平等译，商务印书馆1995年

【美】富勒著《法律的道德性》，郑戈译，商务印书馆2005年

1. 《民法体系的演变与形成》，艾伦·沃森著，李静冰等译，中国政法大学出版社1992年版。

2. 《德国民法总论》，迪特尔·梅迪库斯，邵建东译，法律出版社2000年版。

3. 《罗马法教科书》，彼德罗·彭梵得，中国政法大学出版社，1992年版。

史尚宽：《民法总论》，中国政法大学出版社2000年版；

王泽鉴：《民法总则》，中国政法大学出版社2001年版；

[德]迪特尔·梅迪库斯：《德国民法总论》，法律出版社2000年版；

[德]卡尔·拉伦茨：《德国民法通论》（上、下），法律出版社2003年版；

[德]鲍尔/施蒂尔纳：《德国物权法》（下册），申卫星、王洪亮译，法律出版社2006年版。

史尚宽：《债法总论》，中国政法大学出版社2000年版；

史尚宽：《债法各论》，中国政法大学出版社2000年版；

[德]海因·克茨：《欧洲合同法》，法律出版社2001年版；

2[德]K·茨威格特，H·克茨：《比较法总论》，法律出版社2003年版；

[美]孟罗·斯密：《欧陆法律发达史》，中国政法大学出版社1999年版；

[英]梅因：《古代法》，商务印书馆1997年版；

黄茂荣：《法学方法与现代民法》，中国政法大学出版社2001年版；

王泽鉴：《民法学说与判例研究》（1—8册），中国政法大学出版社1997年版。

陈瑞华：《刑事审判原理》，北京大学出版社1997年出版。

（意大利）贝卡利亚：《论犯罪与刑罚》，中国法制出版社。

黄学贤：《行政法学名著导读》，中国政法大学出版社2006年出版。

授课内容：

在6个学期中，由教师指导阅读法理、宪法、民法、刑法、行政法等专业的经典著作。

**考核方式：**考查

**成绩分布：**考查成绩占40%、平时成绩占60%。

# 《国际民事诉讼与国际商事仲裁法》课程教学大纲

**课程编码：**FX30360

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**通过本课程的学习，了解国际民事诉讼法的概念和特征；理解和掌握外国人的民事诉讼地位、国际民事案件的管辖权、国际司法协助、主要的常设国际商事仲裁机构、国际商事仲裁协议、国际商事仲裁程序和国际商事仲裁裁决的承认与执行。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**李旺主编：《国际民事诉讼法》（第二版），清华大学出版社 2011 年

**参考书目：**

1、林忠著：《中国商事争端解决》，法律出版社。

- 2、 李双元、谢石松著：《国际民事诉讼法概论》，武汉大学出版社；
- 3、 郭寿康、赵秀文主编：《国际经济贸易仲裁法》，中国法制出版社；
- 4、 赵秀文主编：《国际经济贸易仲裁法教学参考资料》，中国法制出版社；
- 5、 谢石松著：《国际民商事纠纷的法律解决程序》，广东人民出版社；
- 6、 陈治东著：《国际商事仲裁法》，法律出版社。

**授课内容：**

国际民事诉讼法概述；外国人的民事诉讼地位；国际民事案件的管辖权；国际司法协助；国际商事仲裁概述；国际上主要的常设国际商事仲裁机构；国际商事仲裁协议；国际商事仲裁程序；国际商事仲裁裁决的承认与执行。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

## 《国际反倾销法与反补贴法》课程教学大纲

**课程编码：**FX30400

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**通过本课程的学习，理解和掌握反倾销法概述、WTO 反倾销法、发达国家反倾销法、发展中国家反倾销法、中国反倾销立法与实践、反倾销法程序规则、反规避。理解和掌握反补贴的概念、特征，WTO 对补贴的规定、各国的法律规定和做法，中国的相关规定和做法。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**自编

**参考书目：**

- 1、 彭文革、徐文芳：《倾销与反倾销法论》，武汉大学出版社；
- 2、 杨坚：《国际反倾销法律案例与对策》，南开大学出版社。

**授课内容：**

反倾销法概述、WTO 反倾销法、发达国家反倾销法、发展中国家反倾销法、中国反倾销立法与实践、反倾销法程序规则、反规避。反补贴的概念、特征，WTO 对补贴的规定、各国的法律规定和做法，中国的相关规定和做法。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际投资法》（英）课程教学大纲

**课程编码：**FX31030

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**通过本课程的学习，理解和掌握国际投资和国际投资法的概念、作用和基本原则。了解国际投资的主体。理解和掌握国际投资的企业形式、资本输入国的外国投资法、资本输出国的海外投资法制、国际投资的国际法制、WTO 与国际投资、国有化及补偿的理论与实践以及国际投资争议的解决。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**孙南申著：《国际投资法》，中国人民大学出版社，2008 年 5 月版

**参考书目：**

- 1、 苏号朋、朱家贤：《国际投资法律实务与典型案例评析》，经济管理出版社；
- 2、 范虹剑编著：《国际投资法导读》，法律出版社；
- 3、 曾华群、陈安撰：《国际投资法》，法律出版社；
- 4、 WTO 的《与贸易有关的投资措施协议》（TRIMS）（中、英文本）；
- 5、 刘笋著：《WTO 法律规则体系对国际投资法的影响》，中国法制出版社。

**授课内容：**

**主要内容：**

- 1、 国际投资及国际投资法概述
- 2、 国际投资法的主体：自然人、法人、跨国公司、国家与国际组织；
- 3、 国际投资的企业形式：合资经营企业、合作经营企业、外资企业、企业形成的方式；
- 4、 国际合作开发与建设：石油资源国际合作开发概述）国际合作开发的基本模式、特许协议的法律问题、中外合作开采海洋石油资源、外商投资成片开发土地、BOT 的法律问题；
- 5、 资本输入国的外国投资法：外资进入的条件、企业经营活动条件与管理、对外资的保护与鼓励；
- 6、 资本输出国的海外投资法制：海外投资的鼓励与管理、海外投资保障制度、中国对境外投资的管理与保护；

- 7、 国际投资的国际法制：双边投资条约、多边投资担保机构公约、联合国跨国公司行为守则、世界银行外资待遇指南；
- 8、 WTO 与国际投资：《与贸易有关的投资措施》的概念、意义、内容、缺陷；
- 9、 国有化及补偿的理论与实践；
- 10、 国际投资争议的解决。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际商法》（英）课程教学大纲

**课程编码：**FX31050

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

通过英语讲述国际商法，有利于读者掌握用英语表达国际商法内容的正确方法。具体要求理解和掌握国际贸易统一法，了解西方国家在商事领域的重要法律以及国际公约、惯例的有关规定等内容。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《国际商法》（English），张学森主编，复旦大学出版社 2010

《国际商法》（第二版）（Eenglish），姜作利主编，法律出版社 2006.4

**参考书目：**

吴兴光主编：《国际商法》（第二版），中山大学出版社，2008

姜作利著：《国际商法》（英文版）（第二版），法律出版社 2006.4

（美）奥古斯特，（美）迈耶等著，高瑛玮译，《国际商法》，机械工业出版社 2010 年版。

**授课内容：**

国际商法的概念、国际商法的历史发展、国际商事组织，国际贸易术语，两大法系的相关规定，国际商法与中国。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《WTO 法概论》课程教学大纲

**课程编码：**FX30320

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**通过本课程的学习，了解 WTO 的由来，WTO 与 GATT 的关系。理解和掌握 WTO 的宗旨与基本原则、WTO 的组织机构及其职能、决策程序；理解和掌握 WTO 的贸易政策审议机制和贸易争端解决机制。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**吴兴光主编：《世界贸易组织法概论》，中国对外经济贸易出版社，2003 年版  
贺小勇等著：《WTO 法专题研究》，北京大学出版社，2010 年。

**参考书目：**

- 1、 曾令良著：《世界贸易组织法》，武汉大学出版社；
- 2、 曹建明，贺小勇著：《世界贸易组织》，法律出版社；
- 3、 世界贸易组织秘书处编：《乌拉圭回合协议导读》，法律出版社；
- 4、 对外贸易经济合作部国际经贸关系司译：《世界贸易组织乌拉圭回合多边贸易谈判结果法律文本》，法律出版社；
- 5、 对外贸易经济合作部国际经贸关系司译：《中国加入世界贸易组织法律文件》，法律出版社。

**授课内容：**

- 1、 WTO 的由来，WTO 与 GATT 的关系；
- 2、 WTO 的宗旨与基本原则；
- 3、 WTO 的组织机构及其职能、决策程序；
- 4、 WTO 的贸易政策审议机制和贸易争端解决机制；
- 5、 WTO 的货物贸易规则；
- 6、 WTO 的服务贸易规则；
- 7、 WTO 的知识产权贸易规则。
- 8、 WTO 与中国的历史联系、现状与未来。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。



# 《国际金融法》课程教学大纲

**课程编码：**FX30340

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**通过本课程的学习，了解国际货币法律制度及国际货币兑换中的法律问题，理解国际证券发行与流通的法律问题，理解和掌握国际借贷的定义、特征及借贷协议的基本条款及其作用，了解国际项目贷款、政府和国际金融机构贷款中的法律问题，掌握国际融资担保中的法律问题。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**李仁真：《国际金融法》（第三版），武汉大学出版社，2012 年

**参考书目：**

邓瑞平主编：《国际金融法》，重庆大学出版社，2004 年版

韩龙等著：《国际金融法要论》，人民出版社，2008 年。

刘丰名著：《国际金融法》，中国政法大学出版社 2007 年。

王贵国主编：《国际货币金融法》（第三版），法律出版社 2007 年版。

董世忠主编：《国际金融法》，法律出版社 1994 年版。

吴志攀主编：《国际金融法》，法律出版社 1999 年版。

**授课内容：**

国际货币法律制度；国际货币兑换中的法律问题；国际证券发行与流通；国际借贷；国际借贷协议的基本条款；国际商业银行贷款；国际项目贷款、政府和国际金融机构贷款；国际融资担保；国际贷款管制。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际税法》课程教学大纲

**课程编码：**FX30350

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**通过本课程的学习，了解国际税法的概念、历史和基本原则。理解和掌握税收管辖权的内容，理解和掌握国际税收协定等基本问题，并对国际避税，国际重复收税等问题进行研究。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**刘隆亨主编：国际税法(第二版)，法律出版社，2007 年

刘剑文主编：国际税法(第二版)，北京大学出版社，2004 年 4 月 2 版

**参考书目：**

罗晓林、谭楚玲：《国际税法》，中山大学出版社，1995 年；

**授课内容：**

国际税法的概念、历史和基本原则，税收管辖权、国际双重征税规则、国际税收协定、国际逃税与避税，国际重复收税、国际税收协调、中国涉外税法、电子商务与国际税法等问题。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《欧盟法概论》课程教学大纲

**课程编码：**FX30410

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**通过本课程的学习，了解欧盟的产生和性质，了解欧盟法的构成和基本特征。了解欧盟宪法条约、欧盟公司法和其他法律的基本概论，并了解和掌握欧盟法律与欧盟成员国法律之间的关系。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**王维达编著：《欧洲联盟法》，格致出版社，上海人民出版社 2009 年版。

**参考书目：**

1. 袁发强主编：《欧盟法》，武汉大学出版社 2003 年版
2. 刘卫翔主编：《欧洲联盟国际私法》，法律出版社 2001 年版
3. 刘俊海主编：《欧盟公司法指令全译》，法律出版社 2000 年版
4. 张智勇主编：《欧盟货币金融法律制度研究》，法律出版社 2006 年版

**授课内容：**

欧盟的概念和历史发展。欧盟法的构成和性质。欧盟法的基本特征。欧盟宪法条约。欧盟的法律体系。欧盟人权法。欧盟公司法。欧盟贸易法。欧盟反倾销法。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《破产法》课程教学大纲

**课程编号：**FX30490

**课程性质：**专业课程

**教学时数：**周学时 2；总学时 32

**先修课程：**B

**课程目的与要求：**

本课程的教学目的是使学生了解和掌握破产法的基本概念、基本知识、基本理论，熟悉破产法的有关法律、法规，训练学生运用破产法知识解决现实问题的能力。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《破产法》（第三版），王欣新主编，中国人民大学出版社 2011 年版。

**参考书目：**

1. 《破产法》，范健、王建文著，法律出版社 2009 年版。
2. 《破产法论》，陈计男著，三民出版社 1992 年版。
3. 《破产法》（第二版），齐树杰主编，厦门大学出版社 2009 年版。
4. 《比较破产法初论》，沈达明，对外贸易教育出版社 1993 年版。

**授课内容：**

破产法概述；破产申请与受理制度；破产管理人制度；破产财团与破产财产制度；破产费用和共益债权；债权人会议制度；破产重整与和解制度；破产清算制度；破产法律责任制度。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《法律方法论》课程教学大纲

课程编码: FX31570

课程性质: 专业课程

教学时数: 周学时 2, 总学时 32

学分: 2

先修课程: B

## 教学目的与要求:

训练学生发现问题、分析问题和解决问题的能力, 培养学生的法律兴趣、规则意识和司法能力, 形成和谐有序的校园文化环境; 拓宽学生的知识面, 扩大其观察问题的视野, 丰富其分析法律问题的方法, 加深其对法律问题的认识, 激发其对法学的相关社会科学的学习热情和兴趣。

**教学方式:** 讲授法、讨论法、案例教学法等。

**使用教材:** 陈金钊 著:《法律方法论》, 北京大学出版社, 2013 年 3 月版

## 参考书目:

- 1、刘治斌著:《法律方法论》, 山东人民出版社, 2007 年 7 月版。
- 2、白建军著:《法律实证研究方法》, 北京大学出版社, 2008 年 7 月版。
- 3、葛洪义主编:《法律方法与法律思维(第 8 辑)》, 法律出版社, 2012 年 10 月版。
- 4、沈志先, 黄祥青, 刘言浩 编:《法律方法论》, 法律出版社, 2012 年 2 月版。

## 授课内容:

导言 法律方法与法律人

通过本章学习, 要求学生重点掌握法律人和法律方法的基本定义, 了解法律人和法律方法的功能和作用, 领会法律方法的基本任务。

### 第一章认识法律方法

通过教学, 要求学生重点掌握法律方法的发生及其体系, 掌握法律方法的功能, 了解各部门的法律方法及其专属功能, 以形成整体的法律方法体系。

### 第二章法律判断形成的过程

通过本章内容的学习, 要求学生重点掌握法律判断的形成过程, 了解法律人分析、处理案件的机制和过程等基本内容, 了解我国司法运作的基本机理。

### 第三章小前提的建构及方法(

通过本章内容的学习, 要求学生重点掌握建构法律判断小前提的过程及方法, 了解小前提建构的大体机理和具体方法。

#### 第四章大前提的建构及方法（一）——有法律规定的情形

通过本章的学习，使学生着重理解有法律规定情形下法律判断之大前提建构的过程及方法，了解大前提建构的基本机理。

#### 第五章大前提的建构及方法（二）——无法律规定的情形

本章要求学生重点掌握无法律规定情形下法律判断之大前提建构的过程及方法，了解大前提建构的基本机制。

#### 第六章法律原则、一般条款和不确定概念的适用方法

通过本章的学习，要求学生重点掌握法律原则、一般条款和不确定概念的定义、类型及关系，初步领会上述诸不确定概念之间的关系及其在法官判案中的作用。

#### 第七章作出法律结论的方法

通过本章内容的学习，要求学生着重掌握法官进行法律演绎的台前幕后，了解法律结论作出的最后过程及法律方法的大致体系。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际人权法》课程教学大纲

**课程编码：**FX31580

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

## **教学目的与要求：**

设置本课程的主要目的有两个方面：第一，使学生进一步增强人权意识，在法学的框架下掌握人权、建立维护权利的观念；第二，使学生对于人权的操作机制有一个基本的认识，在知识和规范的层面上了解国际人权规范及其实施。通过本课程的学习，要求学生了解人权法学的产生和发展的状况，熟悉国际人权保护机制，掌握人权的基本原理，并能运用人权一般原理分析和解决我国实际生活中发生的有关人权问题。树立人权意识。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**[美]伯根索尔等著；黎作恒译：《国际人权法精要》，法律出版社，2010 年 12 月版。

## **参考书目：**

- 1、杨成铭：《人权法学》，北京：中国方正出版社，2011 年版。
- 2、克莱尔·奥维、罗宾·怀特：《欧洲人权法原则与判例》，北京：北京大学出版社，2013 年版。
- 3、A·艾德、C·克洛斯、A·罗萨斯：《经济、社会和文化权利教程》，成都：四川出版集团、四川人民出版社，2011 年版。
- 4、曼弗雷德·诺瓦克：《民权公约评注（上下）》，北京：生活·读书·新知三联书店，2011 年版。

## **授课内容：**

### 第一部分人权一般原理

理解什么是人权，引导学生形成人权观念，树立人的尊严和价值。通过学习，能运用人权的概念分析和批判各种人权观，对现实生活中涉及人权的问题阐述自己的观。通过对人权产生和发展的历史考察，深刻理解现代人权的含义。要求学生掌握三代人权的基本理论，形成全面的人权观。认识人权的多种属性，进一步理解人权的含义。要求对人权的价值位阶和权利冲突有所认识，并能具体分析和解决实际生活中的人权位阶和权利冲突问题。

## 第二部分国际人权公约和我国法律规定的人权内容

理解国际社会关于生存权的含义，正确认识中国政府在生存权问题上的观念，并能以之分析和解决中国现实生活中出现的“生存权”问题。自由权是被西方世界公认的人权，甚至被认为是唯一的人权，当然也是容易引起争议的人权。通过对自由权的学习，理解西方的人权观，确切认识自由权的应有之义，并能运用自由权的相关理论，分析现实案例和事例。认识平等权作为基本人权的重要意义，理解平等权的真正含义，并能运用平等权的基本原理分析现实生活中出现的诸如身份、地域、性别等“歧视”或“特权”问题。理解劳动权的概念，对劳动权的各种子权利及其相互关系有较深的认识。根据国际劳工标准和我国法律规定分析中国的劳动权问题。认识社会保障作为人权的意义，理解社会保障权的含义，掌握中国社会保障权的基本内容。理解什么是受教育权，受教育权包括哪些具体子权利。运用受教育权的基本知识分析中国出现的教育公平问题。理解人道权的含义及其被确立为人权的意义，比较人道权与其他人权的异同，深刻认识残疾人权利、灾民权利和罪犯权利的法律依据、内容及保障途径。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。



# 《法律诊所》课程教学大纲

**课程编码：**FX31560

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

## **教学目的与要求：**

法律诊所课程是一门实践性很强的课程。法律诊所实践训练意在为同学们提供较长时间稳定的实践方式，让同学们直接与当事人交流甚至受理有关案件，并在适时下直接处理有关案件的法律问题，甚至作为代理人保护弱者权益诉诸法庭，是典型的实践操作，对提高学生的法律应用能力大有帮助。通过实践环节要求学生在一定程度上掌握法律实务的技能，如：司法文书写作、摘要和辩论、起草法律文书、诉讼技巧、法庭辩护、事实调查、为客户提供咨询的技巧、集团代表、谈判、调解和其他争议解决办法等。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**许身健著：《法律诊所》，中国人民大学出版社，2014 年 2 月版

## **参考书目：**

1. (波兰)波兰法律诊所基金会著：《法律诊所理念·组织与方法》，北京大学出版社；2014 年 2 月版。
2. 章武生编著：《模拟法律诊所实验教程》，法律出版社，2013 年 3 月版。
3. 张荣丽编著：《诊所法律教育教学案例》，中国政法大学出版社，2010 年 10 月版。。
4. 李傲等著：《法律诊所实训教程》，武汉大学出版社，2010 年 1 月版。

## **授课内容：**

第一章诊所入门〔引例〕法律诊所与教学方法改革

第二章会见〔引例〕望闻问切

第三章法律职业道德〔引例〕法律职业道德教育现状

第四章法律咨询〔引例〕北京律师提供法律咨询

第五章法律写作〔引例〕移尸图害案

第六章事实调查〔引例〕余祥林案

第七章法律检索〔引例〕法律检索技能

第八章法律论辩〔引例〕法律论辩简史

第九章谈判〔引例〕石头汤的故事

第十章调解〔引例〕艳照引发的劳动纠纷

第十一章诉讼〔引例〕学至于行而止矣

**考核方式：**考查。

**成绩分布：**考查成绩占 40%、平时成绩占 60%。

# 《著作权法》课程教学大纲

**课程编码：**FX30890

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

从著作权法基本知识入手，结合法律条文和典型案例的系统学习，使学生对著作权法有全面的了解。加深理论的实践应用性，在现实中思考理论的发展方向，开阔学生的视野，使其适应不断发展的现社会的需要。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

冯晓青《著作权法》，法律出版社，2010 年版

**参考书目：**

- 1、[德]M. 雷炳德著，张恩民译《著作权法》，法律出版社，2005 年版
- 2、[西班牙]德利娅·利普希克《著作权与邻接权》，中国对外翻译出版公司，2000 年版
- 3、王迁著《著作权法学》，北京大学出版社，2007 年版
- 4、李雨峰著《著作权法》，厦门大学出版社，2006 年版
- 5、汤宗舜著《著作权法原理》，知识产权出版社，2005 年版

**授课内容：**

教学大纲（章节目录）：

第一章著作权法的一般原理第二章著作权的主体

第三章著作权的客体第四章著作权的内容

第五章邻接权第六章著作权的限制

第七章著作权的利第八章著作权的管理

第九章著作权的法律保护

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《商标法》课程教学大纲

**课程编码：**FX30900

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**从商标法基本知识入手，结合法律条文和典型案例的系统学习，使学生对商标法有全面的了解。加深理论的实践应用性，在现实中思考理论的发展方向，开阔学生的视野，使其适应不断发展的现实社会的需要。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**杜颖著《商标法》（第二版），北京大学出版社，2014 年版

**参考书目：**

- 1、刘明江著《商标权效力及其限制研究》，2010 年版
- 2、邓宏光著《商标法的理论基础》，2008 年版
- 3、胡开忠著《商标法学教程》，2008 年版
- 4、张序九著《商标法教程》，法律出版社，1997 年版
- 5、郑成思著《知识产权论》，法律出版社，1998 年版

**授课内容：**

第一章 商标法的趣旨

第二章 获得注册商标权的要件

第三章 获得注册商标权的手续

第四章 注册商标权的内容及其限制

第五章 侵害注册商标权的效果

第六章 注册商标权的经济利用

第七章 反不正当竞争法对商标权益的保护

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《专利法》课程教学大纲

**课程编码：**FX30910

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

专利法是知识产权法的重要组成部分。本课程通过对专利法的理论与实务的相关研究，使学生掌握国内外专利保护的基本概况、专利法的相关理论和实务中应当注意的问题。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

冯晓青、刘友华著，《专利法》，法律出版社 2010 年版

**参考书目：**

尹新天著，《中国专利法详解》，知识产权出版社 2012 年版

范长军著，《德国专利法研究》，科学出版社 2010 年版

尹新天著，《专利权的保护》，知识产权出版社 2005 年版

**授课内容：**

第一章 概述

第二章 专利发展史

第三章 专利保护的理论探讨

第四章 专利保护的客体

第五章 专利权的主体

第六章 专利保护的条件

第七章 专利权的内容

第八章 专利权的限制

第九章 专利权的保护

第十章 专利的国际保护

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《商标与专利实务》课程教学大纲

**课程编码：**FX30930

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

教学的最终目的是使学生能够应用到实践当中，通过本课程，使学生获得学以致用能力，熟练掌握商标、专利的理论并运用到实践当中。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**自编教材

**参考书目：**

中国社会科学院著《专利法、商标法修改专题研究》，知识产权出版社 2009 年版

张耕、蒙洪勇编，《知识产权法实务教程》，中国人民大学出版社 2012 年版

高山行著，《知识产权理论与实务》，西安交通大学出版社 2008 年版

希比著，何群译，《国际知识产权简明教程》，经济科学出版社 2006 年版

**授课内容：**

第一讲：导论

第二讲：专利申请实务

第三讲：专利纠纷的解决

第四讲：商标申请实务

第五讲：商标纠纷的解决

第六讲：专利与商标国际许可证贸易实例分析

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际知识产权公约》课程教学大纲

**课程编码：**FX30920

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

国际条约是知识产权国际保护的主要法律依据。本课程通过对国际知识产权公约的介绍与研究，使学生掌握知识产权国际保护的基本概况、重要性及相关实务。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

吴汉东著，《知识产权国际保护制度研究》，知识产权出版社 2007 年版

**参考书目：**

董新凯著，《知识产权国际保护》，知识产权出版社 2010 年版

刘筠筠、熊英著，《知识产权国际保护基本制度研究》，知识产权出版社 2012 年版

希比著，何群译，《国际知识产权简明教程》，经济科学出版社 2006 年版

**授课内容：**

- 一、知识产权国际公约概述
- 二、《保护工业产权巴黎公约》
- 三、主要商标国际条约
- 四、主要著作权（版权）国际条约
- 五、主要专利国际保护条约

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《商业秘密保护法》课程教学大纲

**课程编码：**FX30940

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

商业秘密保护是知识产权保护的重要一部分，本课程通过对商业秘密保护法体系的系统讲解与研究，使学生掌握商业秘密保护的重要性，增强相关实务能力。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

张耕著，《商业秘密法》（第二版），厦门大学出版社 2012 年版

**参考书目：**

齐爱民著，《商业秘密保护法体系化判解研究》，武汉大学出版社 2008 年版

张玉瑞著，《商业秘密法学》，中国法制出版社 1999 年版

倪才龙著，《商业秘密保护法》，上海大学出版社 2005 年版

戴永盛著，《商业秘密法比较研究》，华东师范大学出版社 2005 年版

**授课内容：**

第一章商业秘密的界定

第二章商业秘密法的理论基础

第三章商业秘密保护立法的演变

第四章商业秘密权

第五章商业秘密合同

第六章商业秘密的管理

第七章人才流动与商业秘密保护

第八章侵犯商业秘密的认定

第九章侵犯商业秘密的法律救济

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。



# 《计算机软件保护法》课程教学大纲

**课程编码：**FX30960

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程通过介绍计算机技术知识产权法律问题，启发同学对国内外的研究成果和案例进行分析，结合我国产业发展政策研讨国家和产业发展战略。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

应明、孙彦著，《计算机软件的知识产权保护》，知识产权出版社 2009 年版。

**参考书目：**

曹伟著，《计算机软件版权保护的反思与超越》，法律出版社 2010 年版；

刘尚志著，《电子商务与计算机软件之专利保护：发展、分析、创新与策略》，中国政法大学出版社 2004 年版；

曾一昕等编著，《知识产权保护制度的经济学分析——软件知识产权精要》，中国社会科学出版社 2008 年版；

潘国雄著，《软件与版权》，三联书店（香港）有限公司，1996 年 6 月第一版。

**授课内容：**

第一章 计算机软件的知识产权保护问题

第二章 计算机软件版权的法律保护基础

第三章 计算机程序发明专利的法律保护基础

第四章 计算机软件商业秘密的法律保护基础

第五章 计算机软件研发中的知识产权保护

第六章 计算机软件产品流通与权利转移中的知识产权保护

第七章 计算机软件使用中的知识产权保护

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《企业知识产权战略》课程教学大纲

**课程编码：**FX31100

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

企业知识产权保护关系企业的发展与命脉，本课程通过系统的讲解与研究，使学生了解保护企业知识产权的重要性，激励学生的企业知识产权创新战略意识。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

《企业知识产权战略理论与实践探索》，李培林著，知识产权出版社 2010 年版

**参考书目：**

张民元著，《企业知识产权战略指引》，知识产权出版社 2010 年版

安雪梅著，《企业知识产权战略管理》，人民出版社 2010 年版

孙赫著，《知识产权保护与企业创新》，上海三联书店 2009 年

**授课内容：**

第一章概述

第二章企业知识产权战略研究文献回顾与评述

第三章企业知识产权战略环境分析与定位

第四章企业知识产权战略实施分析框架

第五章企业知识产权战略实施的关键活动

第六章企业知识产权战略实施的支持体系

第七章企业知识产权战略实施的案例研究

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《公务员法》课程教学大纲

**课程编号：**FX30260

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

《公务员法》课程的开设是为了让本科学生从法律制度层面掌握我国国家公务员的分类管理制度、素质保障制度、激励制度、监控制度和权利保障制度，了解我国国家公务员法律制度理论研究的前沿问题。学生通过对本课程的学习，可以为将来从事国家机关工作，社会人事管理工作，特别是从事国家公务员管理工作打下必要的法制理论基础。

**教学方式：**讨论式教学

**使用教材：**

应松年著：《公务员法》，法律出版社 2010 年出版。

**参考书目：**

- 1、张柏林：《中华人民共和国公务员法释义》，中国人事出版社 2012 年出版。
- 2、徐银华、石佑启、杨勇萍著：《公务员法新论》（第二版），北京大学出版社 2014 年出版。
- 3、胡光宝、张春生主编：《〈中华人民共和国公务员法〉释解》，群众出版社 2005 年出版。

**教学内容：**

《公务员法》课程共分为公务员法的基本理论及公务员的分类管理制度、激励制度、监控制度、素质保障制度、权利保障制度等六大理论板块，主要进行公务员的职位与级别设置、录用条件与程序、职务任免与升降、考核奖励与惩戒、培训与交流、辞职退休、工资福利与权利义务保障等基本法律制度的介绍。在教学中将以《中华人民共和国公务员法》为依据，结合公务法律理论，辅之以适当的案例，使学生更能做到理论联系实际。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际技术转让法》课程教学大纲

**课程编码:** FX30380

**课程性质:** 专业课程

**教学时数:** 周学时 2, 总学时 32

**学分:** 2

**先修课程:** B

**教学目的与要求:** 通过本课程的学习,了解国际技术转让法的概念及历史发展,理解和掌握国际技术转让的主要形式许可证贸易的内容和种类,其他不同贸易方式的内容及特点,技术转让过程中知识产权的国际保护,理解和掌握我国关于国际技术转让的法律规定。

**教学方式:** 讲授法、讨论法、案例教学法等。

**使用教材:** 王传丽主编:《国际技术贸易法》,中国政法大学出版社,2004年11月版

**参考书目:**

- 1、《国际经济法》,余劲松、吴志攀主编,北京大学出版社、高等教育出版社出版,2014年第四版;
- 2、《国际技术贸易实务》,曹宪志、王德素著,法律出版社,1989年版;
- 3、《知识产权法详论》,张平著,北京大学出版社,1994年版。

**授课内容:**

国际技术转让法的概念及历史发展,国际技术转让的主要形式许可证贸易的内容和种类,其他不同贸易方式的内容及特点,技术转让过程中知识产权的国际保护,我国关于国际技术转让的法律规定等。

**考核方式:** 闭卷考试。

**成绩分布:** 闭卷考试成绩占 40%、平时成绩占 60%。

# 《物权法》课程教学大纲

**课程编号：**FX31590

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

物权法课程的开设，是为了适应我国改革开放和市场经济、法制建设及法学教育改革的实际，开设此课程的任务主要是培养新世纪高质量法律人才的目标。该课程坚持理论联系实际的原则，以理论阐述与我国经济体制改革的实践和司法审判工作结合起来，突出科学的实用性。本课程旨在向学生介绍物权制度，明确物权的概念及性质，物权的取得方式，物权变动原因，物权行为概念，明确我国物权立法对于物权变动规制模式的选择及对物权行为无因性的态度，掌握物权变动的公示与公信原则，明确物权消灭的原因等内容。通过理论分析和案例演示，使学生掌握物权法的内容并善于将其和实际相联系。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**王利明著，《物权法》，中国人民大学出版社 2015 年版。

**参考书目：**

- (1) 王利明著，《物权法研究》（第三版，上、下），中国人民大学出版社 2013 年版
- (2) 高福平著，《物权法专论》，北京大学出版社 2007 年版。
- (2) 王泽鉴著，《法律思维与民法实例》，中国政法大学出版社 2001 年版。

**授课内容：**

## （一）理论课

本课程理论课内容主要由物权法理论组成，每部分主要介绍其体系结构、基本理论和主要问题的法律规定，如他物权的总体规定等等。

## （二）实践课

本课程实践课内容主要由物权法基本理论、主要制度、法律规定在法律实践中的运用，如物权法中的所有权、用益物权、担保物权制度和相关法律法规的运用等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际投资法》课程教学大纲

**课程编码：**FX30390

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**通过本课程的学习，理解和掌握国际投资和国际投资法的概念、作用和基本原则。了解国际投资的主体。理解和掌握国际投资的企业形式、资本输入国的外国投资法、资本输出国的海外投资法制、国际投资的国际法制、WTO 与国际投资、国有化及补偿的理论与实践以及国际投资争议的解决。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**孙南申著：《国际投资法》，中国人民大学出版社，2008 年 5 月版

**参考书目：**

- 6、 苏号朋、朱家贤：《国际投资法律实务与典型案例评析》，经济管理出版社；
- 7、 范虹剑编著：《国际投资法导读》，法律出版社；
- 8、 曾华群、陈安撰：《国际投资法》，法律出版社；
- 9、 WTO 的《与贸易有关的投资措施协议》（TRIMS）（中、英文本）；
- 10、 刘笋著：《WTO 法律规则体系对国际投资法的影响》，中国法制出版社。

**授课内容：**

主要内容：

- 11、 国际投资及国际投资法概述
- 12、 国际投资法的主体：自然人、法人、跨国公司、国家与国际组织；
- 13、 国际投资的企业形式：合资经营企业、合作经营企业、外资企业、企业形成的方式；
- 14、 国际合作开发与建设：石油资源国际合作开发概述）国际合作开发的基本模式、特许协议的法律问题、中外合作开采海洋石油资源、外商投资成片开发土地、BOT 的法律问题；
- 15、 资本输入国的外国投资法：外资进入的条件、企业经营活动条件与管理、对外资的保护与鼓励；
- 16、 资本输出国的海外投资法制：海外投资的鼓励与管理、海外投资保障制度、中国对境外投资的管理与保护；

- 17、 国际投资的国际法制：双边投资条约、多边投资担保机构公约、联合国跨国公司行为守则、世界银行外资待遇指南；
- 18、 WTO 与国际投资：《与贸易有关的投资措施》的概念、意义、内容、缺陷；
- 19、 国有化及补偿的理论与实践；
- 20、 国际投资争议的解决。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《税法》课程教学大纲

**课程编号：**FX30480

**课程性质：**专业课程

**教学时数：**周学时 2；总学时 32

**学分：**2

**先修课程：**B

**课程目的与要求：**

本课程的教学目的是使学生了解了解财政税收法在经济法中的地位，注意财政税收法与其他经济法律制度的联系与区别；掌握税法的基本理论、基本知识、基本技能，熟悉税法的有关法律、法规，训练学生运用税法知识解决现实问题的能力。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

刘剑文主编，《财政税收法》（第六版），法律出版社 2014 年版。

**参考书目：**

1. 《税法学》（第四版），刘剑文主编，北京大学出版社 2010 年版。
2. 《中国税法概论》（第 4 版），刘隆亨著，北京大学出版社 2003 年版。
3. 《财税法学》（第 4 版），张守文著，中国人民大学出版社 2014 年版。

**授课内容：**

税法主要介绍预算法基本理论，预算的机关、种类及管理；财政法基本理论、财政管理体制法；税收基本理论，税法概述，流转税法，所得税法，资源税法，财产及行为税法，征收管理法等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。



# 《公司法》课程教学大纲

**课程编码：**FX31070

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

《公司法》是从法律的角度研究公司如何设立、如何组织和管理、如何规范运行的课程。该课程以讲授公司法的基本概念、基本知识、基本原理和基本制度为核心内容，讲求理论性和应用性的结合，既注重理论知识的系统性、全面性，又注重公司法具体制度及其实际问题。通过本课程学习，要求学生比较系统地理解和掌握公司法的基本原理、具体法律制度及其相应的规范，并能够在实践中灵活地运用，分析和处理有关公司实务问题。

**教学方式：**讲授法、讨论法、案例教学法等。

**教材：**

范健、王建文著：《公司法》（第三版 2014 年修订），法律出版社，2011 年版

**参考书目：**

刘俊海著《现代公司法》（第二版），法律出版社，2011 年版

赵旭东主编：《公司法实例与法理》，法律出版社，2007 年版。

叶林主编：《公司法原理与案例教程》，中国人民大学出版社，2010 年版。

**授课内容：**

主要包括公司的类型、公司的设立、公司的名称和住所、公司登记制度、公司章程、公司的人格制度、公司的资本制度、股东及其权利与义务、股东的出资与股份、公司治理结构、公司债、公司的解散和清算等。

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《英美合同法》课程教学大纲

**课程编号：**FX31600

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**

**教学目的与要求：**

开设本课程目的在于使学生通过学习英美合同法，了解英美合同法律制度，学习外国先进的立法经验，同时弥补我国合同立法的不足，为我国的合同立法和实践提供必要的借鉴，从而使我国最终能建立起一套既符合中国国情，又能与国际接轨的先进的合同法体系。

**使用教材：**

马特等著，《英美合同法导论》，对外经济贸易大学出版社，2009 年版；

**参考书目：**

- 1、潘华仿著《英美法论》中国政法大学出版社，1998 年版
- 2、高尔森著《英美合同法纲要》南开大学出版社，1984 年版
- 3、江平著《西方国家民商法概要》，法律出版社，1984 年版

**授课内容：**

通过该课程的学习，要求学生掌握英美法关于合同的分类，合同的要约和承诺，违约及其救济等方面的内容。教学内容包括：合同的概念及其要件，合同的分类，合同的原因和代价，合同的订立，意思表示瑕疵，为第三人利益订立的合同，违约及其救济等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《英美侵权行为法》课程教学大纲

**课程编号：**FX31610

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

侵权行为法在英美法系中占有主要的地位，是其重要的组成部分，对这一领域的研究具有现实的意义，以原告的角度说是为其受到伤害提供补偿，从被告的角度说，是为保护其行动的自由。本课程旨在向学生详细介绍英美侵权法的基本理论。通过理论讲解和案例分析，使学生对英美国家侵权立法与侵权责任作全面准确地理解，并能将之运用于实际，为我国的立法和实践提供必要的借鉴。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

徐爱国著，《英美侵权行为法学》，北京大学出版社 2004 年版。

**参考书目：**

- 1、王军：《侵权行为法比较研究》，法律出版社 2006 年版
- 3、冯·巴尔著，张新宝、焦美华译，：《欧洲比较侵权行为法》，法律出版社 2004 年版
- 3、文森特·R.约翰逊著，赵秀文（译）：《美国侵权法》，中国人民大学出版社 2004 年版

**授课内容：**

本课程采取理论分析、案例讨论、实例观摩等方式组织教学，主要内容包括：侵权行为的性质、不法侵害、起诉人和被起诉人、严格责任、名誉损害、商业侵权行为、侵权行为法保护的其他利益、转承责任和诉讼当事人、救济和诉讼时效等内容。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《律师法》课程教学大纲

**课程编号：**FX31620

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**B

**教学目的与要求：**

本课程的教学目的旨在使学生了解我国律师制度的性质、发展及现状，掌握我国律师的性质、任务、权利义务和各项主要业务，以及在实际运用中适用法律及律师业务的基本方法。通过本课程的教学，要求学生了解律师制度的产生与发展；明确律师的性质、地位和任务；掌握律师的权利、义务、执业原则、职业道德和执业纪律以及律师资格与执业的关系；掌握律师的工作机构和管理体制；明确律师的法律援助制度；学会运用律师法的有关规定，分析和解决实际问题。掌握律师的各项主要业务，学会在实际运用中适用法律及律师业务。课程的特点是实践性强，与实体法、程序法部门衔接紧密。因此教学过程中应力求讲清律师的权利和义务，律师在不同的诉讼过程中、不同的诉讼阶段中应采取的工作技巧和方法，并提供案例分析、法律事务文书样本，加深学生对本门课程的理解。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

；陈卫东主编，《中国律师学》（第四版），中国人民大学出版社出版 2014 年版

**参考书目：**

1. 朱立恒、彭海清主编，《律师法教程》，中国公安大学出版社 2008 年版
2. 王建东、罗思荣主编，《律师学：制度与实务》，浙江大学出版社 2008 年版

**授课内容：**

本课程内容丰富，授课内容具体包括：律师制度的产生和发展、律师的性质、地位和任务、律师的权利与义务、律师执业原则、律师的素质和技能、律师资格与律师执业、律师职业道德和执业纪律、律师事务所、律师管理、律师的业务及收费、法律援助、律师的刑事辩护、刑事诉讼中的律师代理、律师的民事诉讼代理、律师的行政诉讼代理、律师非诉讼业务等。

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《知识产权实务》课程教学大纲

课程编码：FX31880

课程性质：专业课程

教学时数：周学时 2，总学时 32

学分：2

先修课程：B

教学目的与要求：

教学的最终目的是使学生能够应用到实践当中，通过本课程，使学生获得学以致用能力，熟练掌握著作权、商标权、专利权的理论并运用到实践当中。

教学方式：讲授法、讨论法、案例教学法等。

使用教材：自编教材

参考书目：

张耕、蒙洪勇编，《知识产权法实务教程》，中国人民大学出版社 2012 年版；

中国社会科学院著《专利法、商标法修改专题研究》，知识产权出版社 2009 年版；

高山行著，《知识产权理论与实务》，西安交通大学出版社 2008 年版；

希比著，何群译，《国际知识产权简明教程》，经济科学出版社 2006 年版。

授课内容：

第一讲：导论

第二讲：专利申请实务

第三讲：专利纠纷的解决

第四讲：商标申请实务

第五讲：商标纠纷的解决

第六讲：著作权纠纷的解决

第七讲：专利与商标国际许可证贸易实例分析

考核方式：闭卷考试。

成绩分布：闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际知识产权法》课程教学大纲

课程编码：FX31870

课程性质：专业课程

教学时数：周学时 2，总学时 32

学分：2

先修课程：B

国际条约是知识产权国际保护的主要法律依据，外国知识产权法的学习则是进行制度比较和制度借鉴的基础。本课程通过对国际知识产权公约和外国知识产权制度的介绍与研究，使学生掌握知识产权国际保护的基本概况、重要性及相关实务。

教学方式：讲授法、讨论法、案例教学法等。

使用教材：

吴汉东著，《知识产权国际保护制度研究》，知识产权出版社 2007 年版；

参考书目：

董新凯著，《知识产权国际保护》，知识产权出版社 2010 年版；

刘筠筠、熊英著，《知识产权国际保护基本制度研究》，知识产权出版社 2012 年版；

[美]罗伯特·P·墨杰斯，彼特·S·迈乃尔等著，《新技术时代的知识产权法》，齐筠，张清等译，中国政法大学出版社，2003 年版；

授课内容：

- 一、知识产权国际公约概述
- 二、主要的著作权（版权）国际条约
- 三、主要的商标国际条约
- 四、主要的专利国际保护条约
- 五、英美法系知识产权制度概览
- 六、大陆法系知识产权制度概览

考核方式：闭卷考试。

成绩分布：闭卷考试成绩占 40%、平时成绩占 60%。

# 《工业产权法》课程教学大纲

课程编码：FX31890

课程性质：专业课程

教学时数：周学时 2，总学时 32

学分：2

先修课程：B

教学目的与要求：从工业产权法基本知识入手，结合法律条文和典型案例的系统学习，使学生对工业产权法有全面的了解。加深理论的实践应用性，在现实中思考理论的发展方向，开阔学生的视野，使其适应不断发展的现实社会的需要。

教学方式：讲授法、讨论法、案例教学法等。

使用教材：曲三强著《现代工业产权法》，北京大学出版社，2012 年版；

参考书目：

王太平著《商标法》，北京大学出版社，2015 年版；

杜颖著《商标法》（第二版），北京大学出版社，2014 年版；

冯晓青、刘友华著，《专利法》，法律出版社 2010 年版；

尹新天著，《中国专利法详解》，知识产权出版社 2012 年版；

尹新天著，《专利权的保护》，知识产权出版社 2005 年版；

授课内容：

一、工业产权法概述

二、专利制度的理论基础和制度发展

三、商标制度的理论基础和制度发展

四、商业标识制度的理论基础和制度发展

五、竞争法与工业产权

考核方式：闭卷考试。

成绩分布：闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际环境法》课程教学大纲

**课程编码：**FX31910

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**

**教学目的与要求：**

通过国际环境法学的学习，使学生掌握国际环境法的基础理论，如国际环境问题的原则、规则和制度。本书通过对国际环境法基本理论内容和国际环境法具体领域以及环境与贸易、环境与军事等知识的系统分析，呈献国际环境法学人完整而详尽的国际环境法学科体系。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**林灿铃、吴汶燕主编：《国际环境法》，科学出版社 2019 年版。

**参考书目：**

1. [法]亚历山大·基斯著：《国际环境法》，张若思编译，法律出版社 2000 年版。
2. 王曦编著：《国际环境法（第二版）》，法律出版社 2005 年版。

**授课内容：**

第一部分 国际环境法的性质和基本原则

第一章 国际环境法的目的和性质

第二章 国际环境法的产生与发展

第三章 国际环境法的渊源

第四章 国际环境法的基本原则和概念

第五章 环境法的特殊法律手段

第六章 国际环境法中的国际组织

第二部分 保护环境部门的国际环境法

第七章 海洋环境保护

第八章 淡水的保护

第九章 大气和气候的保护

第十章 土壤和森林的保护

第十一章 生物的保护



### 第三部分 控制危险物质和活动的国际环境法

#### 第十二章 有毒或危险物质

#### 第十三章 有毒或危险废物

#### 第十四章 核活动与核材料

#### 第十五章 重大技术风险

#### 第十六章 军事活动与武装冲突

### 第四部分 国际环境法的实施

#### 第十七章 国际环境法的实施机制

#### 第十八章 国际责任与环境损害赔偿

### 第五部分 国际贸易与环境

#### 第十九章 生物多样性和某些物质的国际贸易制度

#### 第二十章 自由贸易与环境保护

**考核方式：**闭卷考试。

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《国际组织法》课程教学大纲

**课程编码：**FX31900

**课程性质：**专业课程

**教学时数：**周学时：2 课时 总学时：32 课时

**学 分：**2

**先修课程：**A

**教学目的与要求：**

系统介绍和研究国际组织法的有关理论、条约、制度和问题。主要内容包括国际组织的形成、发展和现状、国际组织的类型和形态、国际组织的功能和作用、国际组织的经费与预算、国际组织法的基本性质、国际联盟的结构和历史意义、联合国成立的背景、联合国的宗旨和原则、联合国的会员国、联合国的组织结构和职权、联合国的安理会表决程序、联合国安理会的改革、联合国和区域组织的法律地位等。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**

梁西著：《国际组织法(总论)》（修订第五版），武汉大学出版社 2002 年版。

**参考书目：**

1. 葛勇平编著：《国际组织法》，知识产权出版社 2018 年版。
2. 陈喜峰：《国际组织宪政论》，法律出版社 2016 年版。
3. 饶戈平著：《国际组织与国际法实施机制的发展》，北京大学出版社 2013 年版。
4. 饶戈平著：《全球化进程中的国际组织》，北京大学出版社 2005 年版。

**授课内容：**

1. 绪论（8 学时）：国际组织的法理学分析；国际组织的法律地位、国际组织法的渊源与体系、国际法与国际组织的交互影响。

2. 国际组织的类型与一般形态（12 学时）：国际组织的功能与作用、中国与国际组织、国际联盟的结构和历史意义。

3. 联合国（18 学时）：联合国的宗旨、联合国的组织结构、联合国与国际社会、其他机关的活动程序。

4. 区域性国际组织及其法律制度（10 学时）：区域组织的法律地位、亚洲与太平洋的区域组织、专门性国际组织的兴起与现代专门机构，现代国际组织体系中的专门机构

**考试方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%、平时成绩占 60%。

# 《证券法》课程教学大纲

**课程编码：**FX30980

**课程性质：**专业课程

**教学时数：**周学时 2 课时    总学时：32 课时

**学分：**2

**教学目的和要求：**

使学生正确掌握证券法律制度的核心内容，结合民商法基本理论和域外证券法有关规定，具体分析我国证券法，使学生对证券法的内容有充分而了解和把握，引导学生就证券法立法及实现中的若干重大理论问题，进行初步研究。

证券法以证券发行和交易为核心，讨论与之相关的证券发行制度、证券交易制度、信息披露制度、上市公司收购、行业监管及自律制度、法律责任等制度进行讲解。

**教学方法：**讲授法、讨论法、案例教学法

**使用教材：**叶林主编 《证券法》（第四版） 中国人民大学出版社 2013 年版

**参考书目：**1、《证券法》，朱锦清主编 北京大学出版社

2、《商法学》，范健主编 法律出版社

3、《证券法学》，刘黎明主编 北京大学出版社

4、《证券法原理》，董安生主编 北京大学出版社

**授课内容：**本课程简要而全面的介绍证券法的基本概念、理论、基本原则和只读及相关基础知识，重点是证券市场的监管制度、证券发行制度、证券交易制度、上市公司的收购制度和证券登记结算制度及证券法律责任。

**考核方式：**闭卷考试

**成绩分布：**闭卷考试成绩占 40%。平时成绩占 60%

# 《法律职业伦理》课程教学大纲

**课程编码:** FX31970

**课程性质:** 专业课程

**教学时数:** 周学时 2 课时 总学时: 32 课时

**学分:** 2

**教学目的和要求:**

《法律职业伦理》是为适应国家要求,高职院校法学专业开设法律职业伦理课程的需要,对法律职业道德与相关职业法律进行全面、系统地阐述。通过对《法律职业伦理》的学习,提高学生熟习和运用法律条文的能力,有助于司法考试;提高法律专业学生和其他读者的法律职业道德素养,培养他们职业道德的思辨能力,使他们在职业生涯中树立崇高的理想,具备良好的职业操守,提高司法的水平。

法律职业伦理概述;法官职业道德;检察官职业道德;律师职业道德;公证员职业道德。

《法律职业伦理》的特点:结合司法考试大纲,围绕法律条文、法规、道德规范来重点阐释各职业法律与职业道德,适用性很强;每章并配有相关参考资料,以便加深理解,时代性很强;每章附有相应的单元测试,及时巩固、运用所学知识,实践性强;最后,附有相关法律、法规、法律职业道德规范,学习方便。

**教学方法:** 讲授法、讨论法、案例教学法

**使用教材:** 郭哲主编 《法律职业伦理教程》高等教育出版社 2018 年版

**参考书目:**

1、孙玲主编 《法律职业伦理道德》 上海交通大学出版社 2008 年版

2、许身健主编 《法律职业伦理案例教程》 北京大学出版社 2015 年版

附录 1 中华人民共和国法官法

附录 2 中华人民共和国法官职业道德基本准则

附录 3 最高人民法院关于严格执行公开审判制度的若干规定

附录 4 人民法院审判纪律处分办法(试行)

附录 5 最高人民法院关于审判人员严格执行回避制度的若干规定

附录 6 中华人民共和国检察官法

附录 7 检察官职业道德规范

附录 8 人民检察院错案责任追究条例(试行)

附录 9 关于在全国检察机关实行“检务公开”的决定

附录 10 关于最高人民法院机关实行《廉洁从检十项纪律》的决定

附录 11 中华人民共和国律师法(2007 修订)

附录 12 律师职业道德和执业纪律规范

附录 13 中华人民共和国公证法

附录 14 公证员职业道德基本准则

附录 15 公证员执业管理办法

附录 16 中华人民共和国公证暂行条例

附录 17 公证投诉处理办法(试行)

## **授课内容:**

### 第一章 法律职业道德概述

#### 第一节 道德概述

#### 第二节 职业与职业道德概述

#### 第三节 司法制度与法律职业道德概述

### 第二章 法官职业道德

#### 第一节 法官职业道德概述

#### 第二节 《中华人民共和国法官法》

#### 第三节 《中华人民共和国法官职业道德基本准则》

### 第三章 检察官职业道德

#### 第一节 《中华人民共和国检察官法》

#### 第二节 《检察官职业道德规范》

### 第四章 律师职业道德

#### 第一节 律师制度历史沿革与改革

#### 第二节 《律师法》

#### 第三节 《律师职业道德与执业纪律规范》

### 第五章 公证制度与公证员职业道德

#### 第一节 公证制度(《公证法》)

#### 第二节 公证的分类及其业务

#### 第三节 公证员的职业道德、执业纪律和法律责任

## **考核方式:** 闭卷考试

**成绩分布:** 闭卷考试成绩占 40%。平时成绩占 60%

# 《监察法》课程教学大纲

课程编码: FX31950

课程性质: 专业课程

教学时数: 周学时: 2 课时 总学时 32 课时

学分: 2

先修课程: A

教学目的与要求:

通过对《监察法》的教学,使学生了解和掌握监察法明确规定的国家监察工作的一系列重大问题,如监察机关的产生和定位、监察范围和管辖、监察权限、监察程序、反腐败国际合作、对监察机关和监察人员的监督等基本内容,并对纪委监委机构设置、派驻纪检监察机构、调查权处置权的行使、与司法执法机关的衔接配合、对监察机关及人员的监督制约等具体工作相关问题有所知晓。

教学方式: 讲授法、讨论法、案例教学法等

使用教材:《〈中华人民共和国监察法〉释义》中央纪委法规室 编写方正出版 2018 年

参考书目: 1、《〈中华人民共和国监察法〉学习问答》中央纪委法规室 编写方正出版社 2018 年

2、《〈中华人民共和国监察法〉相关法规指引》本书编写组 编方正出版社 2018 年

3、《监察委员会 12 项调查措施运用指南》 中央纪委法规室 编写方正出版社 2018 年

授课内容:

第一章 监察法的宗旨和原则

第二章 监察机关及其职责

第三章 监察范围和管辖

第四章 监察权限

第五章 监察程序

第六章 反腐败国际合作

第七章 对监察机关和监察人员的监督

第八章 法律责任

考试方式: 试卷、论文等考核

成绩分布: 期末成绩占 40%, 平时成绩占 60%。

# 《法官法》课程教学大纲

课程编码：FX31940

课程性质：专业课程

教学时数：周学时：2 课时 总学时 32 课时

学分：2

先修课程：A

教学目的与要求：

通过对《法官法》的教学，使学生了解和掌握法官法对法官必须具备的政治素质和业务素质作出了明确规定，了解和掌握法官法对法官的职责、义务和权利、法官的条件、任免、回避、法官等级、考核、培训、奖惩、工资保险福利、辞职辞退、退休、申诉控告、法官考评委员会等作出的具体规定。

教学方式：讲授法、讨论法、案例教学法、模拟法庭等

使用教材：《〈中华人民共和国法官法〉释义》（最新版）

参考书目：《〈中华人民共和国法官法〉释义》全国人民代表大会常务委员会法制工作委员会

授课内容：

第一章 法官法的宗旨和基本原则

第二章 法官的职责、义务和权利

第三章 法官的条件和遴选

第四章 法官的任免

第五章 法官的管理

第六章 法官的考核、奖励和惩戒

第七章 法官的职业保障

考试方式：试卷、论文等考核

成绩分布：期末成绩占 40%，平时成绩占 60%。



# 《检察官法》课程教学大纲

课程编码：FX31920

课程性质：专业课程

教学时数：周学时：2 课时 总学时 32 课时

学分：2

先修课程：A

教学目的与要求：

通过对《检察官法》的教学，使学生了解和掌握检察官法对检察官必须具备的政治素质和业务素质作出了明确规定，了解和掌握检察官法对检察官的职责、义务和权利、检察官的条件、任免、回避、检察官等级、考核、培训、奖惩、工资保险福利、辞职辞退、退休、申诉控告、检察官考评委员会等作出的具体规定。

教学方式：讲授法、讨论法、案例教学法、模拟法庭等

使用教材：《〈中华人民共和国检察官法〉释义》（最新版）

参考书目：《〈中华人民共和国法官法〉释义》全国人民代表大会常务委员会法制工作委员

授课内容：

第一章 检察官法的宗旨和基本原则

第二章 检察官的职责、义务和权利

第三章 检察官的条件和遴选

第四章 检察官的任免

第五章 检察官的管理

第六章 检察官的考核、奖励和惩戒

第七章 检察官的职业保障

考试方式：试卷、论文等考核

成绩分布：期末成绩占 40%，平时成绩占 60%。

# 《监狱法》课程教学大纲

课程编码: FX31930

课程性质: 专业课程

教学时数: 周学时: 2 课时 总学时 32 课时

学分: 2

先修课程: A

教学目的与要求:

通过《监狱法》的教学,使学生了解和掌握监狱立法和监狱行刑的有关原理、原则、制度和方法,了解和掌握有关监狱的狱政管理、对罪犯的教育改造、对未成年犯的教育改造等方面的法律制度。

教学方式: 讲授法、讨论法、案例教学法、参观监狱等

使用教材: 杨殿升主编《监狱法学》北京大学出版社 2008 年

参考书目: 1、《中华人民共和国监狱法》

2、《〈中华人民共和国监狱法〉释义》

3、《中国监狱史》 王志亮著 广西师范大学出版社 2009 年

授课内容:

第一章 监狱法的宗旨和基本原则

第二章 监 狱

第三章 刑罚的执行

第一节 收 监

第二节 对罪犯提出的申诉、控告、检举的处理

第三节 监外执行

第四节 减刑、假释

第五节 释放和安置

第四章 狱政管理

第一节 分押分管

第二节 警 戒

第三节 戒具和武器的使用

第四节 通信、会见

第五节 生活、卫生

第六节 奖 惩

第七节 对罪犯服刑期间犯罪的处理

第五章 对罪犯的教育改造

第六章 对未成年犯的教育改造

考试方式：试卷、论文等考核

成绩分布：期末成绩占 40%，平时成绩占 60%。

# 《法律批判思维》课程教学大纲

**课程编码：**FX31960

**课程性质：**专业课程

**教学时数：**周学时 2，总学时 32

**学分：**2

**先修课程：**A

**教学目的与要求：**

对接法律实践需求,通过批判性思维能力和创新思维能力训练工具和方法对法学专业素材进行科学分析,培养学生以法律论证能力为核心的批判思维能力,熟练应用法律论证的实操技术,养成法律批判思维习惯。

**教学方式：**讲授法、讨论法、案例教学法等。

**使用教材：**熊明辉主编：《批判思维导论》，西安电子科技大学出版社 2017 年版。

**参考书目：**

1. 武宏志，周建武著，《批判性思维——论证逻辑视角》，中国人民大学出版社 2010 年版
2. [以]霍尔维茨著，陈锐译，《法律与逻辑：法律论证的批判说明》，中国政法大学出版社 2015 年版。
3. [加]沃尔顿著，梁庆寅、熊明辉等译，《法律论证与证据》，中国政法大学出版社 2010 年版。
4. [荷]菲特丽丝著，武宏志、武晓蓓译，《法律论辩导论：司法裁决辩护理论之概览》，中国政法大学出版社 2018 年版。

**授课内容：**

1. 基础原理：批判思维理论；法律定义；语害的识别
2. 法律推理：法律规范中的条件关系；法律推理的基本型式
3. 法律论证：法律论证的识别、分析与评价；法律论证建构；说服策略
4. 应用训练：真与可接受；谬误的识别；价值考量；认知偏差；创新方法

**考核方式：**开卷考试。

**成绩分布：**开卷考试成绩占 40%、平时成绩占 60%。

# 英文教学大纲

# Syllabus for Jurisprudence

**Course Code:** FX20320

**Course Category:** Main categories for courses

**Class Hours:** 3 per week, 48 in total

**Course Credits:** 3

**Prerequisites:** A

**Objectives and Requirements:**

The aim of learning Legal Philosophy (Jurisprudence) is to make the students know the essential concepts and scope of law, law science and legal philosophy (jurisprudence), to know the legal relationships, the legal systems and the sources of laws, to know the legislation and the enforcement of laws. The students will also discuss some frontier issues of laws.

Teaching methods: Teaching, discussing or case analyzing

**Textbook(s):**

Legal Philosophy (4<sup>th</sup> Edition), by Zhang Wenxian, Peking University Press & Higher Education Press, 2011

**References:**

1. Legal Philosophy, By the Editors of the book, People's Press & Higher Education Press, 2010.
2. Legal Philosophy (4<sup>th</sup> Edition), By Shen Zongling, Peking University Press, 2014.
3. Basics of Legal Philosophy, by Fu Zitang, Law Press, 2009.
4. Legal Philosophy (4<sup>th</sup> Edition), By Sun Guohua, Zhu Jinwen, Chinese People University Press, 2015.
5. Legal Philosophy, by Xu Xianming, China Politics and Law University Press, 2007.
6. Modern Western Jurisprudence, by Shen Zongling, Peking University Press, 1992.

**Contents:** The origin, history and nature of law and law science, the value and spirit of law, the law culture, the ideology of law, the legal system and rules of law; the legal relationships, the legal systems and the sources of laws, the legislation, the enforcement and validity of laws; the interpretation of laws, default of laws, the supervision of laws; law and order, law and freedom; law and justice, law and efficiency; the law and human rights; law and economy, law and politics, law and culture, law and the rule of law of China.

**Assessment:** Final test and discussion

**Grading:** Final test 40%, discussion 60%

# Syllabus for Constitutional Law

Course Code: FX20210

**Course Category:** Main categories for courses

**Class Hours:** 3 per week, 48 in total

**Course Credits:** 3

**Prerequisites:** A

## **Objectives and Requirements:**

The goal of this course is to make the students have a better understanding of the concept, history, principle of Constitutional Law and the Constitution of China, to know the nature and form of China, the essential rights and duties for a citizen, the election institution and the party systems, and to know the role the constitution plays in the legal system of China, and have the sense of the superior of constitution.

Teaching methods: Teaching, discussing or case analyzing

**Textbook(s):** Constitutional Law, by Zhu Zuixing, Yang Hua, Chinese People's University Press, 2014.

## **References:**

The Constitutional Law 2<sup>nd</sup> Edition, by Zhou Yezhong, Peking University Press & Higher Education Press, 2005

The Constitutional Law (3<sup>rd</sup> Edition), by Zhang Qianfan, Law Press, 2015

On the Supervision of Constitutional Law, by Li Zhong, Social Science Press

The Constitution and Political System of the Capitalist Countries, by Luo Haocai, Peking University Press. 1997.

The Constitutional Law (3<sup>rd</sup> Edition), by Hu Jingguang, Chinese People's University Press, 2013.

## **Contents:**

1. Basic Theories of Constitutional Law:: the concept, history, legislation, principle, the form and structure, the rules, the constitutional relation, the value and role, the ideology and culture of Constitutional Law, constitution and constitutional government;

2. Basic systems of Constitutional Law: nature and form of a country, the essential rights and duties for a citizen, the electoral system and the political party systems.

3. The enforcement of Constitution: introduction, the conditions, process, interpretation, revision, evaluation, and review of constitutional law, and the constitutional order.

**Assessment:** Final test

**Grading:** Final test 40%, Regular grade 60%.



# Syllabus for History of Chinese Legal System

Course Code: FX20190

Course Category: Main categories for courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: A

Objectives and Requirements:

This course is to let the students know the different legal systems in the history of China, to understand the series and patterns of the History of Chinese Legal System, to know the developed culture in Chinese history, and Inspire the patriotism of the students, and make them to be determined to devote themselves to the construction of legal system modernization of China.

Teaching methods: Teaching, discussing or case analyzing

Textbook(s): History of Chinese Legal System, by Ye Xiaosin, Fudan University Press, 2008.

References:

History of Chinese Legal System, by Yuan Zaochun, China Science Press, 2008

A Comparison on the Legal Cultures between China and the West, by Zhang Zhongqiu, Nanjing University Press, 2000.

The Spirit of the Chinese Legal Tradition, by Fan Zhongxin, Shandong People's Press, 2001.

History of Chinese Legal System, by Zhang Jinfan, China Politics and Law University Press, 2011.

History of Chinese Law Science, ( 1<sup>st</sup> , 2<sup>nd</sup>), by He Qinghua, Law Press, 2000.

History of Chinese Legal System (4th Edition), by Zeng Xianyi and Zhao Xiao Geng, Chinese People's University Press, 2013.

Contents:

The development of Chinese Legal System; The Chinese Legal System in the slavery society;

The Chinese Legal System in the feudal society; The Chinese Legal System in the semi- feudal and semi-colonial society; The Chinese Legal System in the new democratic revolutionary period..

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for General Principles of Civil Law

**Course Code:** FX20220

**Course Category:** Main categories for courses

**Class Hours:** 3 per week, 48 in total

**Course Credits:** 3

**Prerequisites:** A

**Objectives and Requirements:**

Civil Law is a compulsory course for the law school students. The aim of the course is, with the teaching, discussion and case analyzing, to make the students understand well the general theory of Civil Law, the rights of persons, and the basic civil rights, in order to have a good foundation for the further study.

Teaching methods: Teaching, discussing or case analyzing.

**Textbook(s):** Civil Law (6<sup>th</sup> Edition), by Wang Liming, Chinese People's University Press, 2015.

## References:

### I. Textbooks

1. Civil Law, 5<sup>th</sup> Edition, by Wei Zhenyin, Peking University Press and Higher Education Press, 2013
2. Principle of Civil Law, 4<sup>th</sup> Edition, By Ma Junju, Law Press, 2010.
3. The General Theory of the Law of Obligation, By Fang Zhiping and Li Shuming, Peking University Press, 2007.
4. **General Principles of Civil Law**, by Yi Jun, Peking University Press, 2008.
5. Civil Law (4<sup>th</sup> Edition), by Angle Law Research Center, Peking University Press, 2015.

### II. Works

Theory of Civil Law, by Liang Huixing, Law Press, 2007

The Interpretation of Civil Law, by Liang Huixing, China Politics and Law University Press, 2007

1. General Theory of Civil Law, by Shi Shangkuan, China Politics and Law University Press, 2000.
2. Theories and Cases Studies of Civil Law (series), By Wang Zhejiang, China Politics and Law University Press, 1998.
3. General Theory of Civil Law, by Long Weiqiu, China Politics and Law University Press, 2002.
4. The Basic Theory of Civil Law, by Mei ZhongXie, China Politics and Law University

Press, 2000.

5. .General Theory of Civil Law of China, By Hu Changqing, China Politics and Law University Press, 2000.

### III. Foreign Law Works

1. The Making of the Civil Law, by Alan Watson, Translated by Li Jingbin, China Politics and Law University Press, 1992.

2. General Principle of German Civil Code, Dieter Medicus, translated by Shao Jiandong, Law Press, 2000.

3. Textbook of Roman Law, by Pietro Bonfante (Italy), China Politics and Law University Press, 1992

### Contents:

The General Theory of Civil Law includes an overall survey to the common issues in the civil activities and norms, such as the principles of civil law, the interpretation of civil law, the civil law relationship, the civil activities, agency, and limitation of time. The right of persons includes the general introduction, the right of personality, and the title of identity.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Specific Theories of Civil Law

Course Code: FX20230

Course Category: Main categories for courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: A

Objectives and Requirements:

The aim of the course is to introduce the detailed theories of civil rights and their characteristics. With the theory presentation and cases analyzing, the students should know the contents and can practice. The course requires the students read the books on the list and collect some cases, and write a paper for the term test.

Teaching methods: Teaching, discussing or case analyzing

Textbook(s): Civil Law (6<sup>th</sup> Edition), by Wang Liming, Chinese People's University Press, 2010.

References:

1. Property Law (3<sup>rd</sup> Edition, I, II ), by Wang Liming, Chinese People's University Press, 2013.
2. on Property Law, by Gao Fuping, Peking University Press, 2007
3. General Principles on the Law of Obligation, Edited by Yang Lixin, Chinese People's University Press, 2006.
4. Legal Logic and Civil Cases, by Wang Zejian, China Politics and Law University Press, 2001.
5. on Real Estate, by Wang Liming, Law Press 2005;

Contents:

### I. Theory

The course consists mainly of the law of real right and obligatory right. Each part introduces the frame, the basic theory and legal provisions of key issues.

### II. Practice

This part of course include the application of theory, system and problems of the law of real right and obligatory right, such as the general provision of the other rights, the basic theory of the obligation law.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for General Principles of Criminal Law

Course Code: FX 20330

Course Category: Main categories for courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: A

Objectives and Requirements:

By explaining the general theory of crimes, criminal responsibility, and hearing the trial court and discussion, the students will know the general rules for the crime commitment, the responsibility and penalty in the laws of China.

Teaching methods: Teaching, discussing or case analyzing

Textbook(s):

Criminal Law, by Zhao Binzhi, Peking University Press & Higher Education Press, 2013.

References:

1. New Edition for Criminal Law, by Zhao Binzhi, Chinese People's University Press, 2001;
2. Criminal Law (I, II), by Zhang Mingka, Law Press, 2011
3. on Criminology, by Ma Kechang, Wuhan University Press, 1991
4. Application of Criminal Law (2<sup>nd</sup> Edition), by Chen Xingliang, Chinese People's University Press, 2006;
5. Criminal Law (6<sup>th</sup> Edition), by Gao Mingxuan and Ma Kechang, Peking University Press, 2014.

Contents:

About 36 hours will be spent on the criminology, with the main content of the construction of crime, the legal activities, the pause patterns for the crime, organized crimes and the several crimes committed together. The other 12 hours will be spent on the practice, going to the trial court and discussion.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Specific Theories of Criminal Law

Course Code: FX20250

Course Category: Main categories for courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: A

Objectives and Requirements: By explaining the general theory, listening to the trial court and discussion, the students will know the general rules for the crime commitment, the responsibility and penalty of China. The students will practice the theories.

Teaching methods: Teaching, discussing or case analyzing.

Textbook(s):

Criminal Law, 5<sup>th</sup> Edition, by Gao Mingxuan, Peking University Press & Higher Education Press, 2015.

References:

1. New Edition for Criminal Law, by Zhao Binzhi, Chinese People's University Press, 2001;
2. Criminal Law (I, II), by Zhang Mingka, Law Press, 2011
3. on Criminology, by Ma Kechang, Wuhan University Press, 1991
4. Application of Criminal Law (I, II, 2<sup>nd</sup> Edition), by Chen Xingliang, Chinese People's University Press, 2006;
5. Criminal Law (6<sup>th</sup> Edition), by Gao Mingxuan and Ma Kechang, Peking University Press, 2014.

Contents:

About 36 hours will be spent on the criminology, with the main content of the construction of crime, the legal activities, the pause patterns for the crime, organized crimes and the several crimes committed together. The other 12 hours will be spent on the practice, going to the trial court and discussion.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Economic Law

Course Code: FX30830

Course Category: Main categories for courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: A

Objectives and Requirements: The goal of the course is to make the students have the ideal of “society is focus, and substantial justice is the most important”, have a good understanding in the principle of Economic Law, and practice it well.

Teaching methods: Teaching, discussing or case analyzing.

Textbook(s):

Economic Law (5<sup>th</sup> Edition), by Yang Zixuan , Peking University Press & Higher Education Press, 2014.

References:

1. Economic Law (5<sup>th</sup> Edition), by Zhao Wei, China Renmin University Press, 2014.
2. Economic Law (3<sup>rd</sup> Edition), by Shi Jichun, China Renmin University Press, 2015.
3. Economic Law (4<sup>th</sup> Edition), by Liu Wenhua, China Renmin University Press, 2012.
4. Economic Law, by Angle Law Research Center, Peking University Press, 2015.

Contents:

1. The general principle of Economic Law(8 hours) ; The original and development of economic law; the concept, status, system and sources and economic law, the making and enforcement of economic law

2. The economic organizations (12 hours): the general principle of the subjects of economic law, the state management subjects, enterprises, special status of enterprises.

3. The laws for the management of the market (18 hours): the general principle, competition law system, consumer’s rights protection, products quality law, specific products trading supervision law

4. The macro controlling law (10 hours). the general principle, Planning and statistical legal system, Industrial law system, investment law system, state owned property administration law, Law of natural resources management , fiscal law, revenue law, finance law. Price law.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Commercial Law

**Course Code:** FX30840

**Course Category:** Special Module Courses

**Class Hours:** 3 per week, 48 in total

**Course Credits:** 3

**Prerequisites:** A

Teaching methods: Teaching, discussing and case analyzing.

## Objectives and Requirements:

The goal of this course is to make the students know the basic theory of commercial law, such as the subjects, the organizations, and the commercial activities. The students will know the theory of company law, security law, bankruptcy law, documentary law and insurance law.

## Textbook(s):

Commercial Law ( 4<sup>th</sup> Edition), by Fan Jian and Wang Jianwen, Law Press 2007.  
Peking University Press & Higher Education Press, 2007

## References:

1. on Commercial Law, by Zhao Zhongfu, China Renmin University Press, 2007.
2. Commercial Law, by Xu Xuelu, China Renmin University Press, 2015.
3. Commercial Law, by Zhao Wangyi, China Renmin University Press, 2013.
4. Commercial Law, by Zhao Zhongfu, China Renmin University Press, 2013.

## Contents:

1. The introduction: the introduction of commercial law, the subjects of commerce, commercial activities, registration of commerce, corporate name, Commercial books.

2. Company law : Introduction to company and company law, types of companies, establishment of companies, capital system of companies, share and stockings, shareholder and equity, Corporate governance structure, Merger and dissolution of the company,.

3. The security law: Basics, the subject legal system of the Stock market, Securities issuance and underwriting legal system, Securities listing and trading legal system, Legal system of securities investment fund.

4. Bankruptcy law, Introduction, Procedural Law of Bankruptcy, Substantial law of bankruptcy.

5. Documentary law: Introduction, Draft, promissory note, cheque

6. Insurance law: Introduction, insurance contract, property insurance, life insurance, insurance industry



**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Labor and Social Security Law

Course Code: FX20340

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: A

Objectives and Requirements:

The aim of this course is to make the students to have a good understanding of the theories of labor and social safeguard law, of the employment law, the labor law, the workers' union law, the law of settling the labor disputes and the supervision law of labor.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Labor Law (4<sup>th</sup> Edition), by Guan Huai and Lin Jia, China Renmin University Press, 2012.

References:

Articles and books on labor and social safeguard law.

1. Labor Law, by Guan Huai, China Renmin University Press, 2008
2. Labour and Social Security Law, by Guo Jie, China Politics and Law University Press, 2012.
3. Cases of Labor Law (2<sup>nd</sup> Edition), by Li Jianfei, China Renmin University Press, 2010.
4. Practical textbook for Labor and Social Security Law, by Yue Zongfu, China Legal System Press, 2014.

Contents:

Introduction to the labor law, labor relationships, labor subjects, labor contracts, collective contracts, democratic management for the employees, working time, rest and holidays, wages, laboring protection, employment, occupational training, Social Security, occupational welfare, the labor disputes settlement, labor supervision, legal responsibilities.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# **Syllabus for Administrative Law And Administrative**

## **Procedural Law**

Course Code: FX30860

Course Category: Special Module Courses

Class Hours: 4 per week, 64 in total (including 16 hours for practice)

Course Credits: 4

Prerequisites: A

Objectives and Requirements:

The aim of the course is make the students know the basic theory, knowledge and spirit and the rules and regulations of Administrative Law and Administrative Procedure Law, and learn to use the theory to analyze and solve problems.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Administrative Law and Administrative Procedure Law (2<sup>nd</sup> Edition), by Shi Youqi, China Renmin University Press, 2012.

Jiang Ming'an, Higher Education Press, 2007

References:

1. Administrative Law, by Luo Haocai, China Politics and Law University Press, 1999.
2. The Principle of the Administrative Law of China, by Chen Xinming, China Politics and Law University Press, 2002.
3. Administrative Law and Administrative Procedure Law, by Ying Songnian, Law Press 2004.
4. Administrative Law and Administrative Procedure Law, by Hu Jingguang and Moyuchuan, China Renmin University Press, 2009.
5. Administrative Law and Administrative Procedure Law, by Yang Jiejun, Tsinghua University Press, 2009
6. Administrative Law (3<sup>rd</sup> Edition ), by Hu Jianmao, Law Press, 2010.
7. Administrative Law and Administrative Procedure Law (3<sup>rd</sup> Edition ), by Ye Bifeng, China Renmin University Press, 2011.
8. Administrative Law and Administrative Procedure Law (4<sup>th</sup> Edition), by Jiang Ming-an, Peking University Press & Higher Education Press, 2011

Contents:

The principles of Administrative Law, the subjects of Administrative Law relationship, administrative activities, administrative reconsideration, administrative procedures, the principles for the administrative procedures, the subjects of the administrative procedure, the acceptance and jurisdiction of administrative lawsuit, the rules for the evidence; the trial procedure, the decisions , the sentence and judgment.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Civil Procedural Law

Course Code: FX31000

Course Category: Special Module Courses

Class Hours: 3 per week, 48 in total (including 16 hours for practice)

Course Credits: 3

Prerequisites: B

Objectives and Requirements:

The aim of this course is to let the students know the basic theory and skill of civil procedure, know the different civil norms and the relationships between the procedures. The students will also know how to practice.

Textbook(s):

Civil Procedural Law (6<sup>th</sup> Edition), by Jiang Wei, Peking University Press & Higher Education Press, 2013.

Civil Procedural Law (4<sup>th</sup> Edition), by Jiang Wei, Peking University Press & Higher Education Press, 2012.

References:

1. Civil Procedural Law (2nd Edition), by Zhao Gang, Zhan Shangang, Liu Xuezhai, Wuhan University Press, 2010.

2. On Evidence Law, by Zhao Gang, Zhan Shangang, Liu Xuezhai, Wuhan University Press, 2009.

3. Introduction to the Comparative Civil Procedural Law, by Shen Daming, CITIC Publishing House, 1991

Contents:

## I. Theory

The basic principles and theory of civil procedure law, lawsuit and the right to suit; the jurisdiction; the subjects; the evidence and proof; civil procedure; the safeguard procedure; the common procedures in the first level trial; the simple procedures; the procedures for the appeal trial; special procedures; supervision procedures; bankruptcy procedures, the procedures for the enforcement, etc.

## II. Practice

The basic principles and theory, systems of civil procedure law, its application in practice.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Criminal Procedural Law

Course Code: FX31010

Course Category: Special Module Courses

Class Hours: 3 per week, 48 in total (including 16 hours for practice)

Course Credits: 3

Prerequisites: B

Objectives and Requirements:

As a procedural law, the Criminal Procedure Law is very practical. In the teaching, we must persist in the combination of theory with practice, and the ability to solve the practical problems. The students will, after learning the course, master the theory and be familiar the Criminal Procedure.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Criminal Procedure Law (5<sup>th</sup> Edition), by Chen Guangzhong, Peking University Press & Higher Education Press, 2013.

References:

1. Criminal Procedure Law, by Hong Hao, Wuhan University Press, 2010.
2. Criminal Procedure Law (5<sup>th</sup> Editon), by Xu Jingcun, Law Press2005.
3. Criminal Procedure Law (4<sup>th</sup> Edition), by Chen Huangzhong & Xu Jingcun, China Politics and Law University Press, 2010.
4. Criminal Procedure Law, by Fan Congyi, China Politics and Law University Press, 2009.
5. Criminal Procedure Laws of the Foreign Countries, by Wang Yizheng, Peking University Press, 1990.
6. The Suggestion Version and Proof on the Revision Version of the Criminal Procedure Law of the People's Republic of China, Edited by Chen Guangzhong, Legal System Press,2006.

Contents:

The basic theory, principles of criminal procedure (8 hours) ; the history of criminal procedure; three types of criminal procedures: Impeachment, inquisitorial , and Composite. The development of criminal procedure in China, and its characters (4 hours); theories and legal norms of registration, jurisdiction; proof; challenge system of criminal Procedure; different trials, that is : procedure of first instance; procedure of second instance; Retrial procedure ; procedure for judicial review of death sentences; criminal procedure concering foreign elements; Criminal procedure of juvenile delinquency (20 hours); the procedures for the execution, including the

subjects, object , procedure of execution, and the change in the execution (6 hours).

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for International Law

Course Code: FX 30080

Course Category: Special Module Courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: A

Objectives and Requirements:

The aim of studying the course is to understand and master the concepts, the characteristics, roles and principles of International Law. Students will know the relationships between the International Law and the domestic laws, the subjects of International Law, the territory of a country, the law of treaties, international organizations and the United Nations, the law of human rights, the law of wars and the ways of settling the international disputes, etc.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

International Law (2<sup>nd</sup> Edition), by Zhou Zhonghai, China Renmin University Press, 2013.

International Law (2<sup>nd</sup> Edition), by Shao Shaoping, China Renmin University Press, 2010.

International Law (3<sup>rd</sup> Edition), by Liang Xi, reedited by Zeng Lingliang, Wuhan University Press, 2011.

References:

- 1、An Introduction to International law, 8<sup>th</sup> edition, by J.G.Starke, Butterworth & Co., 1977;
- 2、Oppenheim International Law (9<sup>th</sup> edition), by Jennies & Waltz, Encyclopedia of China Publishing House, 1995.
- 3、Cases of International Law, by Li Feinan and Wang Zhizhong, Law Press, 1986.
4. International Law, by Wang Tieya, Law Press, 1995
5. The Outline of International Law, by Zhou Shusheng, Founder Publishing House, 2004.

Contents:

The concepts, the characteristics, roles and principles of International Law; the relationship between the International Law and the domestic laws; Sources and the subjects of International Law. The territory of a country, the sea law, the space law,



the residence and the treatment for the foreigners, the law of treaties, international organizations and the United Nations, the law of human rights, the law of wars and the ways of settling the international disputes, etc.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for International Economic Law

Course Code: FX 30070

Course Category: Special Module Courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: B

Objectives and Requirements:

The goal of learning this course is to understand and master the concepts, the role and the basic principles of the International Economic Law, to know the legal systems of international trade law, the international investment law, international financial law and international tax law. The students will know the ways of settling the international disputes and the differences among them. The students will also know the status quo of the course and the laws and regulations of our country.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

International Economic Law (3<sup>rd</sup> Edition), edited by Yu Jingshong & Wu Zhipang, Peking University Press & Higher Education Press, July, 2009.

References:

International Economic Law (3<sup>rd</sup> Edition), edited by Chen An, Peking University Press, Nov, 2004.

Principles and Cases on the International Economic Law, edited by Han Liyu, China Renmin University Press, Nov, 2006

Cases on the International Economic Law, edited by Cheng An, China Renmin University Press, 2006.

International Commercial Arbitration and its Application, by Zhao Xiuwen, Peking University Press, 2003.

International Trade Law, by Clive M. Schmitthoff, Edited by Chia\_Jui Cheng, Encyclopedia of China Publishing House, 1993.

Papers on the International Economic Law, International Trade Law, International Investment law, International Finance Law and International Taxation Law.

Contents:

The outline of the International Economic Law; the subjects of International Economic Law; International trade law; International trade law on the technology and services; International investment law ; International financial law; dispute settling machinery.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Private International Law

Course Code: FX 30090

Course Category: Special Module Courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: B

Objectives and Requirements:

The objective of the course is to understand fully the concept, importance and principles of the Private International Law, its objects and methods of studying, the sources and history of Private International Law, to know the conflict rules and the determination of the proper laws; the subjects of Private International Law, the application of the law in the foreign-related contracts, torts, family law and heritages.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Private International Law (2<sup>nd</sup> Edition), by Zhang Xiaojian, Peking University Press, 2008.

References:

1. Private International Law (5<sup>th</sup> Edition), by Zhang Shangjing, China Renmin University Press, 2014.
2. Private International Law (4<sup>th</sup> Edition), by Zhao Xanglin, China's Politics and Law University Press, 2014.
3. Private International Law (2<sup>nd</sup> Edition), by Li Shuangyuan, Peking University Press, 2011.
4. Private International Law (2<sup>nd</sup> Edition), by Huang Jin, Law Press, 2005.

Contents:

The objects and methods of studying the Private International Law, the sources and history of Private International Law; conflict rules and the determination of the proper law; the subjects of Private International Law, the application of the law in the foreign-related contracts, torts, and family law and heritages.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Intellectual Property Law

Course Code: FX30990

Course Category: Special Module Courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: B

Objectives and Requirements:

The goal of this course is to let the students understand the basic theory of intellectual property, to know the detailed systems of China, such as the patent law, trade mark law and the copyright law, and the international protection for these rights, and can practice.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Intellectual Property Law (5<sup>th</sup> Edition), by Liu Chuntian, China Renmin University Press, 2014.

References:

1. An Introduction to the Intellectual Property Law, by Arthur. R. Miller, Michael .H.Davis, translated by Zhou Lin, China Social Science Press, 1998.
2. Intellectual Property Law in the Market Competition, by Futianchenan (Japan), translated by Liao ZhengHeng, Commercial Press, 2000.
3. Intellectual Property Law, by Jin Chunyang, Tsinghua University Press, 2010.
4. Intellectual Property Law (5<sup>th</sup> Edition), by Wu Handong, Law Press, 2014.
5. Intellectual Property Law, by Zhang Ping, Peking University Press, 2015.
6. Intellectual Property Law, by Li Mingde, Law Press 2014.

Contents:

1. The concept and characteristics of intellectual property, the relationship between the departments of intellectual properties, the status quo of protection of China;
2. The general introduction of patent law, the content of patent (the subjects and objects, to obtain or exterminate the patent, the rights and obligations of the patent owner, the limitation of patent); patent tort and litigations;
3. Introduction of trade mark law, the content of trade mark law (the subjects and objects, to obtain or exterminate the trade mark, use and management of the trade mark, etc), the well-known trade marks and their protection;
4. General introduction to the copyright law, the subject, object and content of copyright, the neighbouring rights, the restriction on the copyright, and the protection to the copyright;
5. The international protection to the intellectual property rights, the international treaties China entered into, such as the WIPO, Universal Copyright Convention, Paris Convention for

the Protection of Industry Property, and TRIPS.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Environmental Law

Course Code: FX20350

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of the course is to know the relationships between the human and the nature, to understand and master the principles and systems of the Environmental Law, to know the formation and development of the international Environmental Law and its principles.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Environmental Protection Law (7<sup>th</sup> Edition), by Han Depei, Law Press 2014.

References:

1. Compilation of the Environmental Protection Laws of China, Compilation of the International Environmental Conventions China has entered into, by policy & law department of State Environmental Protection Administration of China.

2. The Origin of the International Environmental Protection Law, by Li Yaofang, Zhongshan University Press, 2004.

3. International Environmental Protection Law, by Alexandaski, Law Press

Contents:

The relationships between human being and the nature, the principles and systems of the Environmental Law, the lawsuit about the environment, the obligation on the environment, the environmental protection for the nature, the laws on the formation and development of the international environmental law and its principles, trade and environmental protection law

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Legal Logic

Course Code: FX 30100

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The course will introduce systematically the basic theory and skill of the formal logics. By teaching and discussing, the students will be trained to understand, practice the logics. Homework will be done to enforce the theory. To apply skillfully, both orally and in written, the logic to debate.

Teaching methods: Deductive Teaching, discussing and case analyzing.

Textbook(s): Legal Logics, by Yong Qi, Law Press, 2013.

References:

1. Logic in the application of law, by Yong Qi, Jin Chengguang and Yao Rongmao, China Politics and Law University Press, 2002;
2. Introduction to Law and Law Rationality, by Steven .J. Burdon (US), China Politics and Law University Press, 1999
3. Legal Logics (2<sup>nd</sup> Edition), by. Chen Jinzhao, China Renmin University Press, 2015.
4. Legal Logics, by Hao Jianshe, China Legal System Press, 2013.

Contents:

The course will introduce systematically the basic theory and skill of the formal logics. The content includes the logics used in the legal concept, title, the reasoning, symposia, and debate in court. The 1<sup>st</sup> and 2<sup>nd</sup> week will introduce the introduction, the 3-5 weeks will be spent to teach the legal conceptions, the 4-12<sup>th</sup> weeks will discuss the tittles and reasoning, the 13-16<sup>th</sup> weeks will discuss the proof.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# **Syllabus for Foreign Legal History (Eng.)**

Course Code: FX 30120

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

## **1. Course Description**

This course is to introduce students to a new realm of cultural diversity in law. We will examine the world's two major legal traditions, so the comparing will only involve common law and civil law traditions. We will also examine these two legal traditions as they exist in European, Latin American and East Asian countries, we will focus on some certain legal systems, infrastructure, and traditions and some specific countries, such as France, German, Britain and Canada.

On the completion of this course, I hope my students will have some degree of understanding of and the familiarity with the following aspects of the legal systems: historical background, sources of law, judicial system, distinguishing legal institutions, the nature and role of legal actors, etc.

## **2. Course Requirement**

Students are expected to attend class regularly and to take part in class discussion and group exercises.

## **3. Material**

Course material will consist of the textbook Mary A. Glyndon, Michael W. Gordon, Paolo G. Garrozza Comparative Legal Traditions, 2nd Edition, WEST GROUP, and other materials from other sources.

## **4. Course Grade**

### **a. Class Participation: 40%**

Class participation is essential to learning. We will learn from the materials assigned. Class participation will count for 20 percent of your course grade (twenty percent on attendance; five on preparedness when called upon; fifteen percent on amount of participation in class discussion)

Attendance is mandatory. You are allowed 2 absences for the semester.

### **b. Take-home Assignment: 20%**

You are required to do one assignment; it will account 20 percent of your final grade.

### **c. In-class Assignment: 40%**

We will have a final in-class assignment at the end of the semester that will account for 40 percent of your final grade.

## **5. Office Hours**



I want to make myself as available to you as possible. You can talk to me after class or schedule appointments. If you feel lost, or have doubts that cannot be solved during class, please do not hesitate to come and see me.

### Syllabus

1. Introduction to the comparative study of law
  - a. Major legal traditions
  - b. Common Law vs. Civil Law
  - c. Methods of comparative law
2. Western legal traditions
  - a. History
  - b. Culture
  - c. Distribution
3. The structure of legal systems
4. Legal education and the legal profession
5. Judicial review
6. The judicial process
  - a. The sources of law
  - b. Judicial decisions
  - c. Scholarly doctrine
  - d. The interpretation of the law

## Syllabus for Maritime Law

Course Code: FX 30150

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The aim of learning the course is to know the concept, nature and history of marine law, to know the nature in law of the ships and the ownership of the ships, to know the captain and the staff of a ship, the general average, the collision at sea, salvage and marine procedures, and the marine insurance.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Marine Law (3<sup>rd</sup> Edition), by Si Yuzhuo, Law Press, 2012.

Marine Law (4<sup>th</sup> Edition), by Jia Linqing, China Renmin University Press, 2013.

References:

1. Marine Law, by Zhang Xianglan, Wuhan University Press, 2014.
2. Marine Law, by Si Yuzhuo, Dalian Marine University Press, 2004
3. Interpretation of the Marine Law of the People's Republic of China, by Fu Ximei, People's Court Press
4. On Marine Law, Fu Tingzhong, Law Press 2007.
5. The Theory and Practice of Marine Law, by Zhang Nianhong, China Legal System Press, 2013.
6. Cargo Marine Insurance. By Philip Yang, Law Press, 2010.

Contents:

The concept, nature and history of marine law, the marine law of China; the nature in law of the ships and the ownership of the ships, the captain and the staff of a ship, the general average, the collision at sea, salvage, cargo marine insurance and marine procedures.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Survey of American Law (English)

Course Code: FX30170

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of learning the course is to know the History and Origin of American Law, the American Judicial System, the American Constitution, Lawyers, Family Relations, Personal Property, Contracts, Consumer Protection, Labor Law, Tort Law and Criminal Justice, etc.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

1. Understanding of the United States, Cherry Holm Manson;
2. Government in America, Scott Foresman;
3. Government by the People, Prentice Hall;
4. The Challenge of Democracy, Houghton Mifflin; and Materials from internet.

References:

Introduction to the law of the United States David S. Clark, 2<sup>nd</sup> ed, CITIC Publishing House, 2003.

Contents:

The history and origin of American law, the US judicial system, the US Constitution, lawyers, family relationships, personal property, contracts, consumer protection, labor law, torts, criminal justice, etc.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Finance Law

Course Code: FX30180

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The aim of this course is to make the students be familiar with the basic principles and systems of financial law, be familiar with the content of the financial law of China, and the relative laws of other countries. The students can practice after learning the course.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Financial Law, by Tao Guangfeng, China Renmin University Press, 2012.

References:

1. Financial Law Forum, by the Finance Law Research Center of Peking University, Chinese Financial Press, 2004.
2. Typical Cases on Financial Law (Volume 2), by the Finance Law Research Center of Peking University, Peking University Press, 2007.
3. Introduction to Finance Law, by Wu Zhipan, Peking University Press.
4. Research on the Legal Issues in Financial Supervision\_\_\_\_\_with the View of Banking Law, by Li Siqi, Law Press, 2003
5. Frontier of Financial Law, by Zhang Derong, Law Press, 2005
6. Financial Law, by Zhu Daqi, China Renmin University Press, 2007.

Contents:

Introduction, financial supervision, banking law, non-banking financial institutions, trust law, rent law.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Real Estate Law

Course Code: FX30190

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to know the principle and issues of Real Estate Law. The students will understand systematically and correctly the principle, systems and rules of Real Estate Law and can put them into practice.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Real Estate Law (4<sup>th</sup> Edition), by Zhou Ke, China Renmin University Press, 2012.

Chen Yaodong, Fudan University Press, 2006

References:

1. Research on the Real Estate, by Jin Jian, Science Press, 2012.
  2. Research on the Land of the Countryside, by Chen Xiaojun, China Politics and Law University Press, 2012.
  3. Research on the Land of the Cities, by Jin Yuexing, China Procuratorial Press, 2006.
  4. The Land Reform in the Countryside of China in the 21st Century, by Chi Fuling, China Economy Press, 2000.
- Real Estate Law (4<sup>th</sup> Edition), by Fu Qiling, Law Press; 2009.

Contents:

The introduction of Real Estate Law, the legal relationship of Real Estate Law, the taking over of land, the transfer of land, the development of Real Estate, the rent of Real Estate, the mortgage of Real Estate, the management of Real Estate, the registration of the title, and the management of the market of real estate.

**Assessment:** Check and regular grade.

**Grading:** Check 40%, Regular grade 60%.

## Syllabus for Law on State Indemnity

Course Code: FX30300

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

### Objectives and Requirements:

This course requires the students to understand and master the basic principles and institutions of State Indemnity, and form the ideology of State Indemnity and rights, and can practice the theory.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Law on State Indemnity, by Shi Youqi, Liu Siyuan & Zhu Zhuixing, Wuhan University Press, 2010.

### References:

1. Research on Law of State Restitution, by Yao Tianchong, Northeast University Press, 2005.
2. Law of State Restitution, by Gao Jiawei, Commercial Press, 2004
3. The Development of Law of State Restitution and its Perfection, by Ma Huaide & Gao Chennian, China Politics and Law University Press, 2000
4. Cases and Analyze on Law of State Restitution, by Zhang Buhong, China Law and System Press, 2000
5. Law of State Restitution, by Ma Huaide, China Politics and Law University Press, 2003.

### Contents:

The concept, sources, characteristics, roles and nature of law of State Indemnity; the legal relationship of law of State Indemnity, the responsibility principle and construction; the patterns, criterion and cost of State Indemnity; Administrative Indemnity; judicial Indemnity.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Law on Administrative Penalty

Course Code: FX30280

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

Law on Administrative Penalty is important basis of administration. This course will let the students know the basics and concepts of Law on Administrative Penalty, and can analyze administrative cases with the theory, training the ideology of administration by law.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Law on Administrative Penalty, by Guang Baoying, China Politics and Law University Press, 2007.

References:

1. Interpretation of the Law on Administrative Penalty of the People's Republic of China, by Li Yuede, Chinese Legal System Press, 2006.
2. Textbook of the Law on Administrative Penalty, by Cao Kangtai & Li Yuede, Chinese Legal System Press, 2011.
3. Law on Administrative Penalty, by Cui Zhuolan, Jilin University Press, 1998.
4. Law on Administrative Penalty, by Cui Zhuolan & Yang Ping, Peking University Press, 2005.

Contents:

Introduction, subjects of Administrative Penalty, its categories and setting, its jurisdictions and application, the deciding procedure and its execution and responsibilities.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Contract Law

Course Code: FX30440

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

This course will make the students understand fully the principles, the detailed legal institutions and the relative norms of contract law systematically and correctly, and put them into use, analyzing and solving some practical problems.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Contract Law (2<sup>nd</sup> Edition), by Cui Jianyuan, Law Press, 2012.

References:

1. Contract Law (3<sup>rd</sup> Edition), by Wang Liming, China Renmin University Press, 2009.
2. Contract Law, by Wang Weiguo, Pejiing Normal University Press, 2010.
3. Contract Law, by Han Shiyuan, Law Press, 2010.
4. Contract Law, Cui Jianyuan Law Press, 2003.

Contents:

The essential principles of contract laws; the forming of contracts and their conditions to take into effect; the default responsibility; the application and restrictions on the standard contracts; the effect of a contract, the revocable contract; the contract which effect depends on some other factors; the dissolution of a contract and its consequences, the termination of a contract, predefault and fundamental default, the forms of taking responsibility; interpretation of a contract; sales contract, rent contract, construction contract.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%



## Syllabus for Family Law

Course Code: FX 31020

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to make the students know the history of family law, and know the concept, principle and rules of family law. With the introduction of the latest development of family law, the students will be trained with the ability in research, practice and thinking.

Textbook(s):

Family Law (3<sup>rd</sup> Edition), by Ma Yinan, Peking University Press, 2014.

Yang Dawen, Chinese People's University Press, 2007

References:

1. Family Law (4<sup>th</sup> Edition), by Zuo Dongqing, Zhongshan University Press, 2012.
2. Family Law of China, by Wu Changzen, China Politics and Law University Press, 2007.
3. Family Law, by Shi Shangkuang, China Politics and Law University Press, 2000.

Contents:

Introduction (1 week), introduction to relatives and relative law (2weeks) , marriage(3 weeks), conjugal relation (3weeks), divorce (4weeks), maintenance (2weeks), adoption (2weeks), guardian(1 week).

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60

## **Syllabus for International Business Law**

Course Code: FX30450

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

### **Objectives and Requirements:**

The objectives of the course is to understand and master the uniform laws of international trade, to know the main laws and treaties related of the west countries, and know the regulation and management on the world trade, and the arbitration and/or procedures in settling the trade disputes, to analyze the practical problems, training and enhancing the students' capability in solving practical problems.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): International Commercial Law (2<sup>nd</sup> Edition), by Wu Xinguang, Zhongshan University Press, 2008

### **References:**

International Business Law, by Shen Sibao, International Business & Economics University Press.2010

International Business Law, by Qian Xiaoying, Tsinghua University Press.2011

International Business law and Its Environment (4<sup>th</sup> edition) , Richard Schaffer and the others: West publishing Company, 1999.

Interpretation of the United Nations Convention on Contracts for the International Sale of Goods (CISG), by Zhang Yuqing, China Business Press, 2009.

### **Contents:**

This course discusses, with the Uniform Law of International Sale of Goods as the main part, the important laws, treaties and customs about the international trade affairs, including the contract law, sales law, product liability law, agency law, documentary law, business organization law, trade regulation law and the arbitration and procedural laws.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Tort Law

Course Code: FX31470

Course Category: Special Module Courses

Class Hours: 2 per week, 36 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

This course will make the students have a good understanding of the theory of torts and put the theory into practice. The students will know the legislation trend of torts, read the relative works and collect and analyze some cases.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Tort Law, by Yang Lixin, University Press, 2014.

References:

1. Torts (3<sup>rd</sup> Edition), by Zhang Xinbao, China Renmin University Press, 2013.
2. The Great Problems in the Torts, by Liu Shiguo, China Legal System Press, 2009.
3. The Issues, Legislation Samples and Cases in the Legislation of Tort Law of China, by Gao Shengping, Peking University Press 2010.

Contents:

With the theory analyzing, case discussion, and practical studying, the general principles, the ordinary torts and special torts and their responsibilities will be introduced.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Judicial Document Writing

Course Code: FX40040

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The students will have a general understanding to the concept, nature, forms and writing skills of Judicial Document Writing. They will analyze some cases and write the documents.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Judicial Document Writing, by Chenille Weidong, China Renmin University Press, 2013.

References:

1. Judicial Document Writing of China, by Hu Jiangwan, China Legal System Press, 2007.
2. Judicial Document Writing, by Guo Tianwu, China Legal System Press, 2011.
3. Judicial Document Writing of UK and US, by Ma Qingling and Xie Lixin, China Renmin University Press, 2010.

Contents:

The concept, nature and importance of Judicial Document Writing. The basic requirement for the Judicial Document Writing. The Judicial Document Writing for the public police, for the procurator; the civil or criminal decisions made by the courts, the legal documents made by the attorneys. The writ for the lawsuit or investigations.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## **Syllabus for Moot Court**

Course Code: FX40050

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements: It is a practice course. By learning and training, the students will be able to analyze the legal cases in reality, and can solve the problems.

Teaching methods: Training, discussing and case analyzing.

Textbook(s):

Textbook for Moot Court (2<sup>nd</sup> Edition), by Chen Yuequan, Higher Education Press, 2012.

References:

Moot Court, by Liu Xiaoxia, Science Press, 2015.

Practice for Moot Court, by Wang Wei, Zhejiang University Press, 2012.

# Syllabus for Real Evidence Technology Law

Course Code: FX31480

Course Category: Special Module Courses

Class Hours: 3 per week, 48 in total

Course Credits: 3

Prerequisites: B

Objectives and Requirements:

By learning the course, the students will have an overall understanding of the basic concepts, basic theories and the specific evidence rules of evidence law. They will also grasp the law provisions and the judicial interpretations. The students will be trained to analyze and solve the problems with the knowledge they learned. They will have the quality of the theory of evidence, so they can be adapted to the legal practice.

Teaching methods: Teaching, discussing, case analyzing and experimentation..

Textbook(s): Real Evidence Technology (4<sup>th</sup> Edition), by Xy Ligeng, China Renmin University Press, 2011.

References:

1. Real Evidence Technology Law (5<sup>th</sup> Edition), by He Jiahong, Law Press, 2013.
2. Real Evidence Technology —— From the Level of Real Evidence Technology and the aspect of Procedural Law, by Li Xuejun, China Renmin University Press, 2011.
3. Real Evidence Technology Science, by Xu Aidong, Law Press, 2012.

Contents:

The basic concepts, the standard of the proof obligation; the proof rules and the methods of collecting the evidences; the types of evidences; the allocation of the proof obligations; analyzing the cases.

**Assessment:** Final check.

**Grading:** Final check 40%, Regular grade 60%.

# Syllabus for Comparative Constitutions

Course Code: FX30220

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to let the students know the history of the constitutions of other countries and the relative political systems, with an overall understanding of the principles, the basic civil rights, and the practice of the foreign constitutions. Understanding the differences between China and foreign countries in the constitutional concepts, the importance of the civil rights, and the interpretation of constitutions. Mastering the reality of these issues, and the experience China should learn from.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Comparative Constitutions, by Wang Shijie, Qian Duanshen, Commercial Press, 2010.

References:

1. New Constitution (2<sup>nd</sup> Edition), Wuhan University Press, 2009.

2. Comparative Constitutions——Cases and Analyze, by Zhang Qianfang, China Renmin University Press, 2011

Comparative Constitutions, by Wang Guanghui, Wuhan University of Hydraulic and Electric Engineering Press 1998

3. Comparative Constitutions and Administrative Law, by Gong Xiangrui, Law Press, 2012.

4. Foreign Constitutions, by Han Daoyuan, China Renmin University Press, 2012.

Comparative Constitutions, by Shen Zongling, Peking University Press 2002.

Comparative Constitutions, by He Huahui, Wuhan University Press, 1988.

Contents:

Comparing the history, principles, civil rights, the enforcement and special political systems in the constitutions of France, Germany, America and other countries, searching the rules in the constitution development, and guide the constitutional reform of the countries.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Arbitration Law

Course Code: FX30270

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

## Objectives and Requirements:

The objective of the course is to know the principles and systems of arbitration, arbitration bodies and arbitration associations, arbitration agreements, evidence, time limits and service; arbitration fees; arbitration participants; application and acceptance, decision making, foreign related arbitration. The students will be required to know the differences between arbitration and judiciary and other dispute settling methods, especially the advantages and disadvantages among them.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Arbitration Law (2<sup>nd</sup> Edition), by Jiang Wei, China Renmin University Press, 2012.

## References:

1. Arbitration Law, by Ma Decai, Xiamen University Press, 2014.
2. **Essentials** and cases guide for Arbitration Law, by Zhu Xuanye, China Legal System Press, 2015.
3. Textbook for ADR (2<sup>nd</sup> Edition), by Fan Yu, China Renmin University Press, 2012.
4. New Research on Arbitration Law, by Zhang Binsheng, Xiamen University Press, 2010.
5. The Theory and Practice of Mediation of China in Settling Commercial Disputes, by China Council for the Promotion of International Trade (CCPIT or C.C.P.I.T.)/ Mediation Center of China Chamber of International Commerce (CCOIC), Tsinghua University Press, 2013

## Contents:

Introduction to arbitration, history of arbitration, the principle and systems of arbitration, arbitration bodies and arbitration association, arbitration agreement, evidence, period and service; arbitration fees; arbitration participants; application and acceptance, decision making, foreign related arbitration, etc.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.



# Syllabus for Negotiable Instruments Law

Course Code: FX31490

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

## Objectives and Requirements:

This selective course is taken to train the students to adapt the need of our socialist market economy. It is an important civil and commercial course, with the nature of the mixture of public law and private law, national law and international law, moral and technique, both optional and mandatory. The aim of this course is to make the students to know systematically and comprehensively the basic legal system of the negotiation instruments, and analyze the Negotiable Instruments Law of China. The students are required to have an essential study on the specific problems.

Teaching methods: Teaching, discussing and case analyzing.

## Textbook(s):

Negotiable Instruments Law, by Liu Xinwen, China Politics and Law University Press, 2010.

## References:

1. Commercial Law, by Fan Jian, Hiher Education Press, 2012.
2. Negotiable Instruments Law, by Dong Ansheng, China Renmin University Press, 2009.
3. Cases on Negotiable Instruments Law, by Yu Yongqing, Peking University University Press, 2010.

## Contents:

This course is rich in content. It takes the Negotiable Instruments Law as the lead, with Negotiable Instruments Law of China as the basic foundation, it discusses, systematically the basic theories and systems and rules of Negotiable Instruments Law. By learning the course, the students will know the principles of Negotiable Instruments Law, the legal relationship of Negotiable Instruments Law, and the rights and obligations for the parties, the bill conducts, the default of the Negotiable Instruments, the lose of the Negotiable Instruments, and the defend for the Negotiable Instruments. Draft, promissory note, cheque will also be taught. These will not only make the students perfect their law knowledge, but also play an active role in their future job concerning the Negotiable Instruments.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Foreign Civil and Commercial Law

Course Code: FX30500

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The objective of this course is to make the students realize the ideal the western scholars hold in analyzing the law phenomena and the legislation skill, the differences and advantages and disadvantages between the law of the west and that of China. Make the students to think about all these and try to analyze and solve the practical problems.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Foreign Civil and Commercial Law (3<sup>rd</sup> Edition), by Lin Jia, China Renmin University Press, 2011.

References:

1. An Introduction to the Foreign Civil and Commercial Law (3<sup>rd</sup> Edition), by Xie Huaishi, Law Press, 2014
2. Introduction to Foreign Commercial Laws, by Ren Xianning & Zhou Linbing, Peking University Press 2002
3. The Real Estate Law of France, by Yin Tian, Law Press 2009.
4. The Real Estate Law, by Tianshanhuiming (Japan), Law Press, 2001.
5. Allgemeiner teil des BGB, by Diete Medicus, Law press, 2004.
6. Allgemeiner teil des deutschen burgerlichen rechts (Volume I, II), by Karl Larenz, Law press, 2004.
7. Introduction to Foreign Civil and Commercial Laws, by He Qinghua, Fudan University Press 2006.

Contents:

The sources and history of the foreign civil and commercial law; the civil subject in the civil law of France, Germany, Japan, United States and other countries. The general introduction to commercial law, company law, documentary law, insurance law and other commercial law systems.

**Assessment:** Final check.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Criminology

Course Code: FX30320

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to let the students master the basic theory of criminology, especially the methodology of criminology. By lecturing and discussion, the students will be trained in understanding and practicing the analyzing the phenomena of crimes, and preliminarily understand the sciences of sociology, culture, anthropology and psychology. The students are required to observe closely the development of crimes in reality, and have an overall, objective, and quick analyze over them.

Teaching methods: Teaching, discussing and case analyzing

Textbook(s):

Criminology (3<sup>rd</sup> Edition), by Zhang Yuanhuan, China Renmin University Press, 2015.

References:

1. Criminology, by Xin Ke, Law Press, 2015.
2. Survey on Criminology in the West, by Li Mingqi, PHCPSU Press, 2010.
3. Introduction to the Criminology in the West, by Wu Dongxiang, Law Press, 2006.
4. Criminology, by Wang Zhuqing, China Politics and Law University Press, 2005.

Contents:

With the cases of crime reality of China, the course introduces criminology, stressing the reasons and conditions of committing crimes. It so discusses the prediction, prevention, corrections, controlling of crimes. It lasts for only one term, with week 1-2 will make introduction, week 3-6 will introduce the phenomena of crimes, week 7-10 will introduce the reasons of crimes, week 11-14, the preventions of crimes, week 15-18 will deal with the types of crimes

**Assessment:** Final test.

**Grading:** Final test 40%, Regular grade 60%

## Syllabus for Insurance Law

Course Code: FX30420

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The basic principle and the systems of the insurance law are the key content of the course. It is theoretic and practical, which will make the students fully understand the principles, the detailed systems and the rules systematically and correctly. After learning the course, the students will make use of the knowledge to solve the practical problems.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Insurance Law, by Chang Min, Law Press, 2010.

References:

1. Insurance Law, by Ren Zili, Tsinghua University Press, 2010.
2. Insurance Law, by Qing Youtu, Peking University Press, 2010.
3. Cases on Insurance Law (2<sup>nd</sup> Edition), by Shi Weijin, Peking University Press, 2010.
4. Insurance, by Shun Qixiang, Peking University Press, 2009.
5. Insurance Law, by Han Changyin, China Politics and Law University Press, 2010.

Contents:

Introduction to insurance and insurance law; insurance contract; asset insurance contract; obligation insurance contract; credit insurance and guarantee insurance contract; marine insurance contract; re-insurance contract; life insurance contract; health insurance contract; supervision over the insurance.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Law of Succession

Course Code: FX31500

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to let the students know the history of the law of succession, the concept, objects, principles and specific systems. By introducing the theoretic trend, or discussing the issues both in the theory and reality of succession, the students will be trained in researching and thinking, which will promote their capability in learning.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Marriage, Family and Succession Law (3<sup>rd</sup> Edition), by Ma Yinan, Peking University Press, 2014.

References:

1. Marriage and Succession Law, by Wu Changzhen, China Politics and Law University Press, 2011.
2. Cases on Marriage and Succession Law, by Chen Wei, Mass Press, 2010.
3. Marriage, Family and Succession Law, by Wang Geya, China RenminUniversity Press, 2013.
4. Marriage, Family and Succession Law (4<sup>th</sup> Edition), by Jiang Yue and He Xinli, Xiamen University Press, 2013.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Science of Criminal Investigation

Course Code: FX31510

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

**Objectives and Requirements:** By learning the course, the students will know the structure of the course, and grasp the machinery of criminal investigation. The students will also know the content, the object, the basic principles and its development. They will be clear with the relationship between the science of investigation and the practical criminal investigations; and have a very clear understanding the content and extent of investigation measures, and have a good command of the investigation skills.

**Teaching methods:** Teaching, discussing and case analyzing.

**Textbook(s):**

Science of Criminal Investigation, by Wang Chuandao, China Politics and Law University Press, 2013.

**References:**

1. Crime Analysis with Crime Mapping, by R.B Santos(US) , translated by Jin Chen and Zhen Zi wan, People Press,2014.
2. Principles of Science of Investigation, by Yang Zhengming, Fudan University Press, 2013.
3. The FBI Detective Skills, by Zhu Ge Wen, China Legal System Press, 2014.
4. Of Crimes and Punishments, by Cesare Bonesana, Marchese Beccaria, translated by Huang Feng, Peking University Press, 2008.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

## Syllabus for Science of Legislation

Course Code: FX31520

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

A good and perfect legislation system is an important safeguard for the construction of the socialist country which is ruled by law. It means this course be both theoretical and practical. So we must focus on the science of legislation.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Science of Legislation, by Zeng Yuexing, Tsinghua University Press, 2014.

References:

1. Science of Legislation, by Zeng Xianyi and Wang Liming, China Renmin University Press, 2009.
2. The Science of A Legislator: The Natural Jurisprudence of David Hume and Adam Smith, by Knud Haakonssen (Denmark), Zhejiang University Press, 2009.
3. Science of Legislation, by Zhou Wangsheng, Peking University, 2006.

Content:

This course includes 7 chapters. Chapter One will introduce the production and development of the legislation law. Chapter Two talks about law and legislation, the students are required to know the nature, function and characteristics of law, and the disputes between the legislation of law and the constitution making. Chapter will discuss the guiding thought and principle of legislation. Chapter Four is about the subjects of legislation (legislature), the definition of legislature, the congress and the congressman, the legal status for the administrative and judicial institutions. Chapter Five is about the legislative power, the basic concepts for the legislatures, and the importance for dividing the legislatures. Chapter Six is about legislation, the preparation for legislation, the legislation procedure, the techniques and the legislation structure. The Chapter Seven is about the supervision of legislation and its perfection.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for the Judicial System of UK and US

Course Code: FX31530

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

**Objectives and Requirements:** This course is to introduce the legal system of the United Kingdom and the United States of America, which to make the students have a general understanding of the west countries and their characters, and furthermore, to know the characteristics of the common law system, and know the English grammar, and the style of English. As the common law is different from the civil law system, case law is an important source for the common law, the judgment or decision is also not the same. The students are required to know the structure of the legal documents and their language characters, and know the skill to reading, which is good for the students' study.

**Teaching methods:** Teaching, discussing and case analyzing.

**Textbook(s):**

The Legal System of the United States of America, by Qi Shujie, Xiamen University Press, 2010.

The Legal System of the United Kingdom of England, by Qi Shujie, Xiamen University Press, 2008.

**References:**

1. Common Law Cases analyzing and Judicial Writing, by Gao Lingyun, Shanghai People Press, 2005.
2. The Criminal Law System of US, by Ma Yue, China Politics and Law University Press, 2004.
3. The Civil Law System of the United States of America, by Qi Shujie, Xiamen University Press, 2010.

**Content:**

This course is divided to two parts. In the first part, the common law will be introduced, including the origin and development of common law and equity. The character of English constitution will be taught. The law types, sources of the common law, and the system of the English courts, the jury and the law professions. The second part will introduce the US legal system, including the common law and equity, the court system of US, the law review system and the jury system and the special law education system of US.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%



# Syllabus for International Criminal Law

Course Code: FX30310

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

International Criminal Law is a mix of several subjects, with complex contents. The teacher will combine the course on the well-known textbook with the cases of the international court, aiming at the understanding the machinery of settling the problems and functioning.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

International Criminal Law, by Huang Feng, China Renmin University Press, 2007.

References:

1. Special Topics on International Criminal Law and International Crimes, by Zhao Binzhi, PHCPSU Press, 2003.
2. International Criminal Law, by Lin Xin & Li Qiongying, PHCPSU Press, 2005
3. Introduction to International Criminal Law, by M. Sheriff Barsilio(US), translated by Zhao Binzhi & Wang Wenhua, Law Press 2006.
4. Principles of International Criminal Law, by Gerhard werle, translated by Wang Shizhou, Commercial Press, 2009.

Contents:

The nature, sources and characteristics of International Criminal Law, its history and principles. Exclusion of taking international responsibilities. The subjects of international crimes and international law. The commitment of international crimes, the jurisdictions, the judicial system and international judicial assistance.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Western Jurisprudence

Course Code: FX30210

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The aim of this course is to let the students know the history of the western jurisprudence, and understand scientifically the development of the Western Jurisprudence Schools, and master the key issues of the western law science in the 20<sup>th</sup> century, and can effectively borrow and absorb the reasonable factors from it, and make good use of it.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

1. The Problem History of Western Jurisprudence, by Yan Cunsheng, China Legal System Press, 2013.

2. The Modern Western Jurisprudence, by Shen Zongling, Peking University Press, 2004

The Western Jurisprudence Schools in the 20<sup>th</sup> Century, by Zhang WenXian, Law Press, 2003

References:

1. The History of the Western Law Thought, by Gu Chunde, China Renmin University Press, 2014;

2. The History of the Western Law Thought, by Wei Shengqiang, Peking University Press, 2014.

3. The History of the Western Politics and Law Schools, by Wang Ze, Peking University Press, 2001.

4. The Politics and Philosophy of the West, by Wang Shouchang, China Yan Shi Press, 2014.

Contents:

The history of the western jurisprudence, the development of the Western Jurisprudence Schools, the key issues of the western law science in the 20<sup>th</sup> century, the patterns of law, law and morality, law and human rights, the validity of law, the freedom of speeches.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Economy Criminology

Course Code: FX31540

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

This course combines economy with investigation, introducing the basic theory of economy crimes and the specific way of detecting this kind of crimes. It will also introduce the common way of committing economy crimes with basic knowledge of economy.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Economic crime investigation volume, by Dai Peng, Chian Legal System Press, 2011.

References:

1. Academic Library of China---- On the Economy Crime Investigation, by He Zhengquan, Beijing Hope Electronic Press, 2013.
2. A Collection for the Replies for the Public Security Institutions to the Application of Laws in the Economy Crimes, 2015, Public Security University Press, 2015.
3. Principles of Science of Investigation, by Yang Zhengming, Fudan University Press, 2013.Crime

Contents:

This course is divided into two parts, the general and the specific part. The general part introduces the basics of the economy crime and economy crime investigation; the specific part is on the investigation on the making, selling the counterfeit and shoddy products, on the smuggling, on the intervening with the management of companies, on the breaking the financial management rules, the financial cases, tax related cases, the intellectual property rights cases, and the cases in interfering the market order. It will be combined the trade and finance and tax with the knowledge of economy.

history of the western jurisprudence, the development of the Western Jurisprudence Schools, the key issues of the western law science in the 20<sup>th</sup> century, the patterns of law, law and morality, law and human rights, the validity of law, the freedom of speeches.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Law against Unfair Competition

Course Code: FX31040

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

### Objectives and Requirements:

This course is based on the theory of competition law. It takes the present laws of China as a starting point, by comparison and learning the legislation and practice of US, EU, Germany and other countries and regions, states systematically the competition law (including the law against unfair competition and antitrust laws). The students will enhance their theoretical knowledge, and deepen their understanding to the systems and judgment to the practical problems at the same time, so as to grasp the spirit of the competition law.

Teaching methods: Teaching, discussing and case analyzing.

### Textbook(s):

Competition Law, by Ni Zhenfeng, Fudan University Press, 2011.

### References:

1. Classical Cases of the Unfair Competition both in China and in the World, by Han Chifeng, Intellectual Property Press, 2010.
  2. A Comparison on the Competition Laws, by Lu Laiming, Intellectual Property Press, 2014.
  3. The Creative Practice for the Competition Laws, by Kong Xiangjun, China Legal System Press, 2014.
  4. Competition Law, by Xu Menzhou, Meng Yanbei, China Renmin University Press, 2008.
- Contents:
1. Basic theory of competition law: concepts of competition law. Legislation aim, pattern of legislations, the role of competition law;
  2. Law against unfair competition: the legislations in every countries, the relationship between competition law and other laws, the content of the competition law of China, Counterfeit behavior, commercial bribery, False advertising, Infringement of commercial secrets, Commercial defamation;
  3. The antitrust laws: the basic conceptions, Horizontal restrictive competition agreement, Vertical restrictive competition agreement, the antitrust institutions and procedures

Assessment: Final test and regular grade.

Grading: Final test 40%, Regular grade 60%.

# Syllabus for Film and Television Media and Legal Culture

**Course Code:** FX31550

**Course Category:** Special Module Courses

**Class Hours:** 2 per week, 32 in total

**Course Credits:** 2

**Prerequisites:** B

## Objectives and Requirements:

This course is divided into two parts, introducing the legal culture in the film and television works. It will discuss the concepts of legal cultures and their background, the conflicts between the traditional and modern legal cultures. We will put forward the ways of solving these problems, and the way of modernization the legal cultures.

Teaching methods: Teaching, discussing and case analyzing.

## Textbook(s):

Theory on Legal Culture, by Liu Zuoxiang, Commercial Press, 1999.

## References

1. An introduction to the legal culture and the legal tradition of Anglo American Law, by Peng Bo, Peking University press, 2011.
2. Legal Culture (Volume One), by Shen Yongde, Law Press, 2011.
3. A Freehand on the Chinese Legal Culture, Peking University press, 2011.

## Content

This course includes five parts: the first part is an introduction to the legal culture, that is a macro and new respective to the law; the second part is an interpretation and structure of the legal culture; the third part is on the basic characters and types of legal cultures; the fourth part is about the conflicts on the legal cultures, and the last part is on the modernization of legal cultures.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Evidence Law

Course Code: FX30200

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The students will know, after learning the course, the essential knowledge, principles and skills of the procedural evidence and the proof in procedures. The students will know the present evidence system and rules of China, and can practice them.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Evidence Law (5<sup>th</sup> Edition), by He Jiahong and Liu Pinxin, Law Press, 2013.

References:

1. Evidence Law (5<sup>th</sup> Edition), by Fan Chongyi, Law Press, 2012.
2. Criminal Evidence Law (2<sup>nd</sup> Edition), by Cheng Ruihua, Peking University Press, 2014.
3. Cases on Evidence Law, by Fang Baoguo and Chen Hongjun, China Politics and Law University Press, 2013.

Contents:

The course will be divided into six parts: Chapter One is the Introduction to Evidence Law, the basic concepts will be introduced and the students will be required to understand and grasp these basic theories.

Chapter Two introduces the proof obligation, the three procedural laws have different requirements for proof.

Chapter Three Proof Rules, relative proofs will be applied to prove the cases, and the illegal evidences will be excluded; Chapter Four introduces the collection and preservation of the evidence. Chapter Five discusses the types of evidences, and the importance of these classification to the application of evidence; Chapter Six discusses the obligation of proof, introducing the difference of the obligation of prove, and the Reversion of Burden of Proof.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Classics Reading

Course Code: FX31420

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements: this course is to ask the students to read the Chinese and foreign classics. Through reading, the students will discover the attraction of the law and deepening their understanding and consideration of law, and make a solid foundation for their future professional jobs and theories.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Selected by the teachers.

References:

1. The Essence of Jurisprudence, by Guo Daohui, Hunan People Press, 2005.
2. The spirit of the law, by Montesquieu (French), translated by Zhang Yanshen, The Commercial Press, 2002.
3. "The law Empire, by Ronald Dworkin (US), Encyclopedia of China Publishing House, 1996.
4. "Serious treatment of rights", by Ronald Dworkin (US), Encyclopedia of China Publishing House, 1998.
5. The nature of the judicial process, Benjamin Cardoso: The Commercial Press, 1998.
6. A Fragment on Government, Jeremy Bentham (Eng), the Commercial Press, 1995.
7. The Morality of Law, by Lon L. Fuller (US), the Commercial Press, 2005.
1. **The Making of the Civil Law**, by Alan Watson, Translated by Li Jingbin, China Politics and Law University Press, 1992.
2. General Principle of German Civil Code, Dieter Medicus, translated by Shao Jiandong, Law Press, 2000.
3. Textbook of Roman law, by Pietro Bonfante (Italy), China Politics and Law University Press, 1992
1. General Theory of Civil Law, by Shi Shangkuan, China Politics and Law University Press, 2000.
2. Theories and Cases Studies of Civil Law (series), By Wang Zhejiang, China Politics and Law University Press, 2001.
3. General Theory of Civil Law, by Long Weiqiu, China Politics and Law University Press, 2002.
4. The Basic Theory of Civil Law, by Mei ZhongXie, China Politics and Law University Press, 2000.
5. General Theory of Civil Law of China, By Hu Changqing, China Politics and Law University Press, 2000.

Allgemeiner teil des BGB, by Diete Medicus , Law press, 2004.

6. Allgemeiner teil des deutschen burgerlichen rechts (Volume I, II), by Karl Larenz, Law press, 2004.

General Theory on Law of Obligation, by Shi Shangkuan, China Politics and Law University Press, 2000.

Specific Theory on Law of Obligation, by Shi Shangkuan, China Politics and Law University Press, 2000.

European Contract Law, by Busquets Hein, Law Press, 2001.

Einführung in die rechtsvergleichung, by Konrad Zweigert, Law Press, 2003.

"The development of European Law", Monroe Smith, China Politics and Law University Press, 1999.

Ancient law, by Henry Sumner Maine, Commercial Press, 1997.

Legal Methodology and Modern Civil Law, by Huang Maorong, China Politics and Law University Press, 2001.

Principle of criminal trial, by Chen Ruihua, Peking University press, 1997.

Theories and Cases on Civil Law (Volume 1-8), China Politics and Law University Press, 1997.

Of Crimes and Punishments, by Cesare Bonesana, Marchese Beccaria, translated by Huang Feng, Peking University Press, 2008.

Guide for the Reading of the Classics of Administrative Law, by Huang Xuexian, China Politics and Law University Press, 2006.

Content:

In the six terms, the teachers will guide the students to read the classical works on the jurisprudence, constitution, civil law, criminal law, administrative law and work of other majors.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.



# Syllabus for International Civil Procedures And

## International Commercial Arbitration Law

Course Code: FX 30360

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The objective of learning the course is to understand the concept and characteristics of International Civil Procedures, to know foreigners' civil roles, the jurisdiction of the international civil cases, judicial assistance, the main standing international arbitration institutions, the arbitration agreement, and the recognition and enforcement of the international arbitration decisions.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): International Civil Procedural Law (2<sup>nd</sup> Edition), by Li Wang, Tsinghua University Press, 2011.

References:

1. Settling the Business Dispute in China, by Lin Zhong, Law Press
2. Introduction to the International Procedural Law, by Li Shuanyuan & She Shishong, Wuhan University Press.
3. International Economy and Trade Arbitration Law, by Guo Shoukang & Zhou Xiuwen, China Law and System Press.
4. The Legal Settling Procedure for the International Civil and Commercial Disputes, by Xie Shisong, Guangdong People Press.
5. International Commercial Arbitration Law, by Chen Zhidong, Law Press.

Contents:

Introduction to the International Civil Procedures, the concept and characteristics of International Civil Procedures, foreigners' civil roles, the jurisdiction of the International Civil cases, judicial assistance, the main standing international arbitration institutions, the arbitration agreement, and the recognition and enforcement of the international arbitration decisions.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# **Syllabus for International Anti-dumping and Anti-subsidies Law**

Course Code: FX30400

Course Category: Special Module Courses

Class Hours: 2 per week, 36 in total

Course Credits: 2

Prerequisites: Civil Law, International Economic Law

## **Objectives and Requirements:**

The goal of learning this course is to understand and master the concept of anti-dumping, the WTO anti-dumping, the anti-dumping laws of the developed countries and developing countries. The laws and regulations of the anti-dumping of China, the procedures in the anti-dumping laws, and the anti-evasion of anti-dumping. The concepts, nature of subsidies, the rules of WTO and other countries, and the laws and regulations of China.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Pamphlet written by the teacher

## **References:**

On the Dumping and Anti-dumping, by Peng Wenge & Xu Wenfang, Wuhan University Press

World Anti-dumping Cases and the Counter-measures, by Yang Jian, Nankai University Press

## **Contents:**

Concept of anti-dumping, the WTO anti-dumping, the anti-dumping laws of the developed countries and developing countries. The laws and regulations of the anti-dumping in China, the procedures in the anti-dumping laws, and the anti-evasion of anti-dumping. The concepts, nature of subsidies, the rules of WTO and other countries, and the laws and regulations of China.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for International Investment Law(English)

Course Code: FX31030

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The objective of the course is to have a good understanding in the concepts of international investment and the law of international investment, the role and principles of the investment law; to know the subjects of investment, the patterns of investment, the investment laws of the output countries and input countries, WTO and international investment, etc.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): International Investment Law, by Sun Nanshen, China Renmin University Press, 2008.

References:

1. Practice and Typical Cases on the International Investment Law, by Shu Haopeng & Zhu Jiaqi, Economy Management Press.
2. Guide to International Investment Law, by Fan Jianhong, Law Press
3. International Investment Law, by Cheng An & Zeng Haiqun, Law Press, 2005.
4. The Influence the WTO Rules Take on the International Investment Law, by Liu Shen, China Legal System Press.

Contents:

The concepts of international investment and the law of international investment, the role and principles of the investment law. The subjects of investment, the patterns of investment, the investment laws of the output countries and input countries, WTO and international investment.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for International Business Law (English)

Course Code: FX31050

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

This Course is taught in English which will help the students learn the correct way of expressing the content of International Business Law in English. It includes specifically the uniform laws of international trade, to know the main laws and treaties related, and know the regulation and management in the world trade, and the arbitration or procedure in settling the trade disputes.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

International Commercial Law (English), by Zhang Xuesen, Fudan University Press, 2010.

International Commercial Law (2<sup>nd</sup> Edition) (English), by Jian Zhuoli, Law Press, 2006.

References:

International Commercial Law (2<sup>nd</sup> Edition), by Wu Xinguang, Zhongshan University Press, 2008

International Commercial Law, (US) Ogust, Translated by Gao Yingwei, Machinery Press, 2010.

Contents:

What is International Business Law? History of International Business Law, International Organizations, International Trade Customs and Usages, Comparison of Municipal Legal Systems, International Business Law and China.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Survey of WTO Rules

Course Code: FX30320

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The objective of learning the course is to know the formation and history of WTO, and the relationship between GATT and WTO, to have a good understanding of the purposes and principles of WTO, the institutional framework of WTO and their functions and policy-making procedures, have a well understanding in the system of reviewing and Dispute Settling Bodies.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Introduction to the Laws of the World Trade Organization, by Wu Xingguang, China Foreign Economy & Trade Press, 2003

Special Topics on WTO Rules, by He Xiaoyong, Peking University Press, 2010

References:

1. Laws of the World Trade Organization, by Zeng LingLiang, Wuhan University Press
2. Laws of the World Trade Organization, by Cao Jiangming & He Xiaoyong, Law Press
3. The WTO Documents

Contents:

The formation and history of WTO, and the relationship between GATT and WTO, the purposes and principles of WTO, the institutional framework of WTO and their functions and policy-making procedures, reviewing and Dispute Settling Bodies.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for International Finance Law

Course Code: FX30340

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to know the currency systems and the legal issues in the exchanging of foreign currencies, to understand and master the legal problems in the issuing of the stocks and securities in the world market. To know the concepts, characteristics, roles, principles and main terms and conditions of the international financing, the project financing, the governmental financing, and the issues in the safeguard of the international financing.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): International Financial Law, by Li RenZhen, Wuhan University Press, 2012.

References:

1. International Financial Law, by Deng Ruiping, Chongqing University Press, 2004
2. International Financial Law, by Han Long, People's Press, 2008
3. International Financial Law, by Liu Fengming, China Politics and Law University Press, 2007.
4. International Financial Law (3<sup>rd</sup> Edition), by Wang Guiguo, Law Press, 2007
5. International Financial Law, by Dong Shizhong, Law Press, 1994
6. International Financial Law, by Wu Zhipang, Law Press, 1999.

Contents:

The currency systems of the main countries of the world; the legal issues in the exchanging of foreign currencies, the legal problems in the issuing of the stocks and securities in the world market. The concepts, characteristics, roles, principles and main terms and conditions of the international financing, the project financing, the governmental financing. The issues in the safeguard of the international financing. The regulation on the international financing.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for International Taxation Law

Course Code: FX30350

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of learning the course is to know the concept, history and basic principles of the International Tax Law, to know the tax jurisdiction, the International Tax treaties, and the avoidance and evasion of tax.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

International Tax Law (2<sup>nd</sup> Edition), by Liu Nongheng, Law Press, 2007.

International Tax Law (2<sup>nd</sup> Edition), by Liu Jianwen, Peking University Press, 2004

References:

International Tax Law, by Luo Xiaolin, Tan Chuling, Zhongshan University Press, 1995

Contents:

The concept, history and basic principles of the International Tax Law, the tax jurisdiction, the International Tax treaties, the avoidance and evasion of tax, the foreign tax law in China

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Survey of EU Law

Course Code: FX30410

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

### Objectives and Requirements:

The aim of learning the course is to know the history and nature of European Union, to know the construction and characteristics of EU law, to know the EU Treaties, the EU Company Law and other legal systems, and know the relationship between the EU law and the laws of EU members.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): The Legal System of European Union, by Wang Weida, Shanghai People's Press, 2009.

### References:

1. Law of European Union, by Yuan Faqiang, Wuhan University Press, 2003
2. The Private International Law of European Union ,by Liu Weixiang, Law Press,2001
- 3.The Translation of the Directives of Company Laws of European Union ,by Liu Junhai, Law Press,2000
4. Research on the Financial Legal System of European Union, by Zhang Zhiyong, Law Press, 2006.

### Contents:

The history and nature of European Union (EU), the construction and characteristics of EU law, the EU treaties, the legal system of EU, the EU company Law , the EU Law of human rights, the EU Trade Law, the EU Anti-dumping Law, the relationship between the EU law and the laws of EU members.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.



# Syllabus for Bankruptcy Law

Course Code: FX30490

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The aim of this course is to make the students know the basic concepts, knowledge and theory of bankruptcy law, be familiar with the relative laws and regulations, and train the students with the ability of practice.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Bankruptcy Law (3<sup>rd</sup> Edition), by Wang Xingxin, China Renmin University Press, 2011.

References:

1. Bankruptcy Law (2<sup>nd</sup> Edition), by Fan Jian & Wang Jianwen, Law Press, 2009.
2. Bankruptcy Law, by Chen Jinan, Sanming Publishing House, 1992
3. Bankruptcy Law, by Qi Shujie, Xiamen University Press, 2009.
4. A Brief Introduction to the Bankruptcy Law, by Shen Daming, Foreign Trade Education Press, 1993

Contents:

The general introduction to bankruptcy law, the application and acceptance for the bankruptcy, the management for the bankruptcy, the bankruptcy property, the bankruptcy fees and the debtors, the meeting system of bankruptcy, the relieve and reconciliation, the bankruptcy liquidation, and the responsibilities for the bankruptcy.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Law Methodology

Course Code: FX31570

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The aim of this course is to train the students' capability in discovering, analyzing and solving the problems, to train the students' interest in law, rule consciousness and judicial capability, to form an orderly environment in the universities. It will widen the students' range of knowledge, extending their respective in observing the world, and increase their method of analyzing the legal problems, widening their knowledge in legal problems, Stimulate their learning enthusiasm and interest in social science related to the law.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Law Methodology, by Chen Jinzao, Peking University Press, 2013.

References:

Law Methodology, by Liu Zhibin, Shandong People Press, 2007.

Empirical research method on Law, by Bai Jianjun, Peking University Press, 2008.

Law Methodology and Law Thinking (Volume Eight), Law Press, 2012.

Law Methodology, by Shen Zhixian, Huang Xiangqing, and Liu Yanhao, Law Press, 2012.

Content

Introduction: Law Methodology and Lawyer;

Chapter One: Knowing the Law Methodology

Chapter Two: Reaching the legal judgment

Chapter Three: the construction of minor premise and its methods

Chapter Four: the construction of major premise and its methods (I) \_\_\_\_ a situation where there is a law

Chapter Five: the construction of major premise and its methods (II) \_\_\_\_ A situation without law

Chapter Six: the method of applying the legal principle, general provision and uncertain concepts;

Chapter Seven: the method of reaching the legal conclusion.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Human Right Law

Course Code: FX31580

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

There are two goals for this course, one is to strengthen the students' human right conscience, knowing how to get the human rights and safeguard the rights under the law; the other is to let the students know how to operate the human rights, knowing the norm and performance of human rights in the sense of knowledge and norm. Through learning the course, the students will be required to know the appearance and development of human rights, being familiar with its protection machinery, its principles, and can solve the problems in reality with their relative knowledge of human rights, and raise their Human rights awareness.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): International Human Rights, by T. Buergenthal, Law Press. 2010.

References:

1. Human Rights Law, by Yang Chengming, Funder Press, 2011.
2. European convention on human rights, by Clare Ovey, Robin White, Peking University Press, 2013.
3. Economic, social and cultural rights----A textbook. By A. Eddy, C. Cross, Sichuan People Press, 2011.
4. Commentary on the Convention on the rights of the civil rights (Volume I, II), by Novak Manfred, Life - Reading - new knowledge - the triple Bookstore, 2011.

Content:

1. Basic principles of Human rights
2. The human rights conventions and the human rights content in the law of China.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Law Clinic

Course Code: FX31560

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

Law clinic course is a very practical course. The practice training of the legal practice is intended to provide students with a long time stable practice. In practice, students are required to master the skills of legal practice in a certain degree, such as the legal document writing, briefing and debating, drafting the legal documents, procedural skills, defend in the court, facts investigation, the skills to provide advice to customers, Group representatives, negotiation, meditation and other way of disputes settlements.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Law Clinic, by Xu Shenjian, China Renmin University Press, 2014.

References:

1. Legal clinic: the idea, organization, methodology, by Poland Legal Clinic Fund, Peking University Press, 2014.
2. Simulation of the legal clinic experiment, by Zhang Wusheng, Law Press, 2013.
3. Cases on Legal Clinic, China Politics and Law University Press, 2010.
4. Textbook for the Legal Clinic, by Li Ao, Wuhan University Press, 2010.

**Content:**

1. Introduction: Legal Clinic and the change of teaching method
2. Meeting with the parties
3. Legal ethics, the status
4. Legal advice;
5. Legal documents writing
6. Facts investigation
7. Legal retrieval: the skills
8. Legal argumentation;
9. Negotiation;
10. Mediation
11. Lawsuit.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Copyright Law

Course Code: FX30890

Course Category: Special Module Courses

Class Hours: 2 per week, 36 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to let the students know systematically, from the basics, with typical cases, the copyright law; deepening their theory, thinking their future development and meet the need of the society.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Copyright Law, by Feng Xiaoqing, Law Press, 2010.

References:

1. Copyright Law, by Manfred Rehbinder (German), Translated by Zhang Enmin, Law Press 2005.
2. Copyright and Neighboring Rights, by Delia Lipszyc, China Translation & Publishing Corporation (CTPC), 2000.
3. Copyright Law, by Wang Qian, Peking University Press 2007.
4. Copyright Law, by Li Yufeng, Xiamen University Press 2006.
5. Copyright Law, by Tang Zongshun, Intellectual Property Right Press 2005.

Content:

General principles of copyright law, the subjects, objects and contents of copyright law, neighboring rights; the restriction, use and management of copyright law, and the protection of copyright law.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Trade Mark Law

Course Code: FX30900

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to let the students know the copyright law systematically, from the basics, with typical cases, and deepen their theoretical level, thinking their future development and meet the need of the society.

Teaching methods: Teaching, discussing and case analyzing.

Textbook: Trade Mark Law (2<sup>nd</sup> Edition), by Du Yin, Peking University Press 2014.

References:

1. The Forces and Restrictions of Trade Mark Law, by Liu Mingjinag, Intellectual Property Bureau Press, 2010.
2. The Theoretical Basics of Trade Mark Law, by Deng Hongguang, Law Press, 2008.
3. Trade Mark Law, by Hu Kaizhong, Chinese People's University Press, 2008.
4. Trade Mark Law, by Zhang Xujiu, Law Press 1997.
5. Trade Mark Law, by Zeng Chengsi, Law Press 1998.

Contents:

Survey of Trade Mark Law, the conditions and procedures of applications for the Trade Mark Rights. The contents of the Trade Mark rights and its restrictions, the consequences of invading Trade Mark Right. The economy advantages of Trade Mark Right. The special protection to Trade Mark Right lay down by the Law against Unfair Competition.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Patent Law

Course Code: FX30910

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: Jurisprudence, Civil Law

Objectives and Requirements:

Patent Law is an important part of intellectual property law. This course, through the study of the theory of patent law and its practice, will let the students know the frame of patent protection in the world, noticing the problems in theory and practice.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Patent Law, by Feng Xiaoqing & Liu Youhua, Law Press, 2010.

References:

1. Protection of Patent, by Yin Xintian, Intellectual Property Press, 2012
2. Research on the German Patent, by Fan Changjun, Science Press 2010.
3. Patent Law, by Yin Xintian, Intellectual Property Press, 2005.

Contents:

Introduction, the history of patent, the theoretical issues of patent protection, the subjects and objects of patent protection, the protection conditions of patent, the content and restriction of patent, the international protection of patent.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for Practice on Trade Mark & Patent

Course Code: FX30930

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The final goal of teaching is practice. The course is also aimed to train the students' ability to practice the theories of patent, trade mark and copyright.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

A textbook written by the Teacher himself.

References:

1. Designated Topics on the Revisions on the Patent Law and Trade Mark Law of China, by Chinese Academy of Social Sciences, Intellectual Property Press, 2009
2. Practice on Intellectual Property Law, by Zhang Geng and Meng Hongyong, China Renmin University Press, 2012.
3. Theory of Practice of Intellectual Property Right, by Gao Shanxin, Xi'an Jiaotong University Press, 2008
4. Survey on the International Intellectual Property, Hilby, translated by He Quan, China Economy Press 2006

Contents:

1. Introduction
2. Practice in Applying for Patent
3. Solutions to the patent disputes
4. Practice in Applying for Trade Mark
5. Solutions to the trade mark disputes
6. Cases analyzing on the license trading of patents and trade marks

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%



# Syllabus for Conventions on International Intellectual Property Right

Course Code: FX30920

Course Category: Special Module Courses

Class Hours: 2 per week, 36 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

International Convention is an important legal way of protecting intellectual property rights. This course, through the introduction and research of the relative conventions, will let the students grasp the main ideas of the basic theory of the international protection of intellectual property rights and their practice.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

International Protection on the Intellectual Property Rights, by Wu Handong, Intellectual Property Press, 2007.

References:

International Protection on the Intellectual Property Rights, by Dong Xinkai, Intellectual Property Press, 2010.

Basic Systems on the International Protection on the Intellectual Property Rights Intellectual Property Press, 2012.

4. Survey on the International Intellectual Property, Hilby, translated by He Quan, Economy Science Press 2006.

Contents: Introduction to the conventions;

Paris Convention on the Protection on the Intellectual Property Rights

Important patent conventions

Important copyright conventions

Important Trade mark conventions

The history of patent, the theory issues of patent protection, the subject and objects of patent protection, the protection condition of patent, the content and restriction of patent, the international protection of patent.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Business Secret Protection Law

Course Code: FX30940

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

Business Secret Protection is an important part of intellectual property rights. This course will let the students know, from the systematically explanation and research, the importance of protecting the business secrets, and strengthen their practical capabilities.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Business Secret Protection Law (2<sup>nd</sup> Edition), by Zhang Geng, Xiamen University Press, 2012.

References:

Cases on Business Secret Protection Law, by Qi Aiming, Wuhan University Press, 2008.

Business Secret Protection Law, by Zhang Yurui, China Legal System Press, 1999

Business Secret Protection Law, by Ni Cailong, Shanghai University Press, 2005.

A Comparison in Business Secret Protection Law, by Dai Yongsheng, Huadong Normal University Press, 2005

Contents:

Definition of Business Secret

The basic theoretic basis for the Business Secret Protection Law,

The legislation history of Business Secret Protection Law,

The right to Business Secret

Business Secret contract

Management of Business Secret

Personnel movement and Business Secret Protection

The confirming of invading the Business Secret

The remedies to the Business Secret violation

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Computer Software Protection Law

**Course Code:** FX30960

**Course Category:** Special Module Courses

**Class Hours:** 2 per week, 36 in total

**Course Credits:** 2

**Prerequisites:** Civil Law, Intellectual Property Law

## Objectives and Requirements:

By introducing the intellectual property law issues in computer techniques, the students will be inspired to analyze the research fruits and cases both at home and abroad. With the industrial development policies of China, the students will discuss the national and industrial development strategies.

Teaching methods: Teaching, discussing and case analyzing.

## Textbook(s):

Intellectual Property Protection for Computer Software, by Ying Ming & Sun Yan, Intellectual Property Press, 2009

## References:

Rethinking for the Computer Software Protection and Exceed, by Cao Wei, Law Press, 2010.

E-Commerce and Computer Software Protection: Development, analysis, Creativeness and Strategies, by Liu Shangzhi, China Politics and Law University Press, 2004.

The Economic Analyze on the Intellectual Property Protection\_\_\_\_Essence on the Software Intellectual Property, by Zeng Yixin, Chinese Social Sciences Press, 2008.

Software and Copyright, by Pan Guoxiong, Sanlian (HK) Co.Ltd, 1996

- Contents:
1. Intellectual Property Protection Problems for Computer Software
  2. Legal Protection for the Copyright of Computer Software
  3. Legal Protection for the Patent of Computer Software
  4. Legal Protection for the Business Secret of Computer Software
  5. Legal Protection in the Research and Development of Computer Software
  6. Legal Protection in the Circulation and Rights Transferring of Computer Software
  7. Legal Protection in the Practice of Computer Software

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# **Syllabus for Enterprises' Strategies On Intellectual Property**

## **Right**

**Course Code:** FX31100

**Course Category:** Special Module Courses

**Class Hours:** 2 per week, 36 in total

**Course Credits:** 2

**Prerequisites:** B

### **Objectives and Requirements:**

It is key to the life and development for enterprises to protect their Intellectual Property Rights. This course will explain systematically the basic theories, making the students understand the importance of protecting the intellectual property rights, encouraging their creativeness in intellectual properties of enterprises' protection.

Teaching methods: Teaching, discussing and case analyzing.

### **Textbook(s):**

Theories and Practice of Enterprises' Strategies on Intellectual Property Right, by Li Peilin, Intellectual Property Press, 2010

### **References:**

Guide to the Enterprises' Strategies on Intellectual Property Right, Zhang Minyuan, Intellectual Property Press, 2010

Managing the Enterprises' Strategies on Intellectual Property Right, by An Xuemei, People's Press, 2010

Intellectual Property Right and Enterprises' Creativeness, by Sun He, Shanghai SDX Joint Publishing Company, 2009

### **Contents:**

1. Introduction
2. Documentary review and comment
3. Strategies analyses and setting
4. Practise frame analyze
5. The key activities
6. The support system
7. Cases of the strategies

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Civil Servant Law

Course Code: FX30260

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The aim of this course is to let the students know, from the respective of law, the classification, the quality safeguarding system, the encouraging system, the supervision system and the rights protection system of the civil servants in China, to know the hot issues in this field. Learning this course, the students will do the management for the state institutions or social manpower recourses; especially lay some foundation for their would-be civil servant jobs.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Civil Servant Law, by Yin Songnian, Law Press, 2010.

References:

Interpretation on the Civil Servant Law of the People's Republic of China, edited by Zhang Bainian, China Personnel Press, 2012.

Civil Servant Law (2<sup>nd</sup> Edition), by Xu Yinhua, Shi Yiqi & Yang Yongping, Peking University Press, 2014.

Interpretation on the Civil Servant Law of the People's Republic of China, Hu Guangbao & Zhang Chunsheng, Mass Press, 2005.

Contents:

This course is divided into 6 parts in theory: they are the basic theory, systems of classification, encouraging, supervision, and quality safeguarding and rights protection. The course will mainly discuss the title and rank, recruiting condition and procedures, post grades and the appointment, award and punishment, training and exchange, quit and retire, the wage and the safeguard for the rights and obligations. The teaching will be based on the Civil Servant Law of the People's Republic of China, and cases will be analyzed at the same time.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for International Technical Transfer Law

Course Code: FX30380

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The object of learning the course is to know the concept and history of the law of transfer of technology, the main patterns of the transfer, the world protection in the transfer, and the laws and regulations related of China.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): International Trade Law in Techniques, by Wang Chuanli, China Politics and Law University Press, 2004

References:

1. International Economic Law, (4<sup>th</sup> Edition), edited by Yu Jingshong & Wu Zhipang, Peking University Press & Higher Education Press, July, 2014.

2. Practice of International Trade in Techniques, by Cao Xianzhi & Wang Desu, Law Press, 1989.

Intellectual Property Law in Detail, by Zhang Ping, Peking University Press, 1994.

Contents:

The concept and history of the law of transfer of technology, the main patterns and types of the transfer, the content of different patterns of trade, the world protection in the transfer, and the laws and regulations of China.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Real Right Law

Course Code: FX31590

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

This course is designed to adapt to the opening policy, market economy, legal construction and the education reform of our country. The goal of this course is to introduce the real right system, knowing its concept and nature, the way of obtaining the right, the reasons of changing, concept of conveyance. The students will also be required to be clear with the attitude the real right legislation take for the change of real right, knowing the principle of demonstration of real right, the reasons for the termination of the real right. By theory study and cases analyzing, the students will be required to master the content of real right and be good at practicing it in reality.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Real Right Law, by Wang Liming, China Renmin University Press, 2015.

References:

Research on Real Right Law (3<sup>rd</sup> Edition, Volume I, II), by Wang Liming, China Renmin University Press, 2013.

Specific Research on Real Right Law, by Gao Fuping, Peking University, 2001.

Legal Thinking and Civil Cases, by Wang Zijian, China Politics and Law University Press, 2001.

Content:

## 1. Theory

The theory includes the structure, the basic theory and legislation for the main problems, such as the legislation for the general provision for the right over other person's property.

## 2. Practise

It will apply the real right theory into practice, such as the property right, usufructuary right, Real Rights for Security, and other related rights.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for International Investment Law

Course Code: FX30390

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The objective of the course is to have a good understanding in the concepts of international investment and the law of international investment, the role and principles of the investment law; to know the subjects and patterns of investment, the investment laws of the output countries and input countries, WTO and international investment, and the settling of the investment disputes.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): International Investment Law, by Sun Nansheng, China Renmin University Press, 2008.

References:

1. Practice and Typical Cases on the International Investment Law, by Shu Haopeng & Zhu Jiaqi, Economy Management Press.
2. Guide to International Investment Law, by Fan Jianhong, Law Press
3. International Investment Law, by Cheng An & Zeng Haiqun, Law Press, 2005.
4. The Influence the WTO Rules Take on the International Investment Law, by Liu Shen, China Legal System Press.

Contents:

The concepts of international investment and the law of international investment, the role and principles of the investment law. The subjects of investment, the patterns of investment, the investment laws of the output countries and input countries, WTO and international investment.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.



## Syllabus for Finance and Tax Law

Course Code: FX30480

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The objective of the course is to let the students know the role the finance and tax play in a country, and tell the differences between the finance law, tax law and the other economic laws; know the basic theory and skill of finance and tax, the students will be familiar with the relative laws and regulations, and solve the practical problems with their knowledge.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s): Finance and Tax Law (6<sup>th</sup> Edition), by Liu Jianwen, Law Press.2014.

References:

1. Tax Law (4<sup>th</sup> Edition), by Liu Jianwen, Peking University Press, 2010.
2. China's Tax Law (4<sup>th</sup> Edition), by Liu Longheng, Peking University Press, 2003

Finance and Tax Law (4<sup>th</sup> Edition), By Zhang Shouwen, China Renmin University Press, 2010.

Contents:

The basic theory about the budget, the institution, categories and management of budget; the essential theory of finance law and its management system; tax and tax laws, income tax, resources tax, asset tax and activity tax, and the law on the tax collection.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Company Law

Course Code: FX31070

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

Company law is an important part in the commercial law system. Learning the course will make the students know the basic systems and principles of company law, and can practice and analyze it in reality.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Company Law (3<sup>rd</sup> Edition), by Fan Jian and Wang Jianwen, Law Press, 2011.

References:

Modern Company Law (2<sup>nd</sup> Edition), by Liu Junhai, Law Press, 2011.

Cases and Theory of Company Law, by Zhao Xudong, Law Press, 2007.

Principle and Cases of Company Law, by Ye Ling, Law Press, 2010.

Contents:

- This course includes mainly the types of companies, the establishment of companies, the name and residence of the company, its registration system, its articles of association, its corporate personality, the capital system, shareholders and their rights and obligations, the investment and shares, the governance of the company, the company bond, dissolution and liquidation of corporation; etc.

**Assessment: Final test and discussion**

**Grading: Final test 80%, discussion 20%**

# Syllabus for Anglo-American Contract Law

Course Code: FX31070

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The aim of this course is to let the students know the Anglo-American Contract Law, to learn from the advanced legislation experience, and to make up for the deficiency of our contract legislation. By this way, we can finally set up a set of advanced contract law system not only in line with China's national conditions, but also with international standards.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Introduction to Anglo American Contract Law, by Ma Te, University of International Business and Economics Press, 2009.

References:

1. Anglo-American Law, by Pan Huafang, China Politics and Law University Press, 1998.
2. Outline of Anglo-American Contract Law, by Gai Ersheng, Nankai University Press, 1984.
3. Introduction to the Civil and Commercial Law of the West Countries, Law Press, 1984.

## **Content:**

The categories of the contracts in the Anglo-American Law, offer and acceptance, default and remedies. It will also introduce the concept of contract, its conditions, and categories of contract, reasons and considerations; the making of a contract, defect of declaration, Contract for the third party, default and remedies.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Anglo-American Tort Law

Course Code: FX31610

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The tort law is important in Anglo American Law system, so it is important to study this course. This will introduce in detail the basic theory of Anglo-American Tort Law. Through the theory and cases, the students will have an overall understanding of the legislation of tort law and tort liability in the west countries. They can practice it in reality, and make experience for the legislation and practice of our country.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Anglo-American Tort Law, by Xu Aiguo, Peking University Press, 2004.

References:

A Comparative study of tort law, by Wang Jun, Law Press, 2006.

2. Gemeineuropaisches Delikt—srecht / The common European Law of Torts, by Christian von Bar, translated by Zhang Xinbao and Jia Meihua, Law Press, 2004

3. American Tort Law, by Vincent.R. Johnson, translated by Zhao Xiuwen, China Renmin University Press, 2004.

Content:

This course will take the methods of theory analyzing, case discussing and Case observation and other ways in lecture. The content will include the nature of the tort liability, unlawful infringement; the plaintiff and the defendant, the strict liability, reputation damage, Commercial tort, Other benefits of tort law, vicarious responsibility, litigants, remedies and time limitation of action ,etc.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

## Syllabus for Law of Advocate

Course Code: FX31620

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to let the students understand the nature, the development and status of the law of advocate in China. The students will know the nature, task, rights and obligations, Major businesses of the advocates of China. The students will also know the basic way of practicing the law as an advocate.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Chinese lawyer (4<sup>th</sup> Edition), by Chen Weidong, China Renmin University Press, 2014.

References:

1. Textbook for Lawyers, by Zhu liheng, China Public Security University Press, 2008.
2. Science of Lawyer: System and Practice, by Wang Jiandong and Luo Xirong, Zhejiang University Press, 2008.

Contents:

This course is rich in content. It includes the history of lawyer system, the nature, the status and task of the lawyers. The lawyers' rights and obligations. The principle of lawyer's practice, the quality and skills of lawyers, the qualification of lawyers and lawyers, Lawyers professional ethics and practice discipline, law firms. Management of lawyers, Lawyer's business and charges, legal aid; Lawyer's criminal defense, Lawyer agent in criminal procedure, Lawyer agent in civil procedure, Lawyer agent in administrative procedure, Non litigation businesses.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%

# Syllabus for Intellectual Property Law Practice

Course Code: FX31880

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of this course is to let the students practice the basic theory of intellectual property right. Learning this course will make the students have the capability to practise. The students will master the theory of the patent law, trade mark law and the copyright law, and the international protection for these rights, and can practice in reality.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

The textbooks will be made by the teachers.

References:

1. Practise course of Intellectual Property Law, by Zhang Geng & Meng Hongyong, China Renmin University Press, 2012.
2. Special Topics on the Amendments of Patent Law and Trade Mark Law of China, by the Chinese Academy of Social Sciences, Intellectual Property Law Press 2009.
3. The Theory and Practice of the Intellectual Property Law, by Gao Shanxing, Xi'an Jiaotong University Press, 2008.
4. A Brief Introduction to International Intellectual Property Law, by Heby, translated by He Qun, Economy Sciences Press, 2006

Contents:

Lecture 1: Introduction

Lecture 2: Practice for patent application

Lecture 3: the resolution for the patent disputes

Lecture 4: Practice for trade mark application

Lecture 5: the resolution for the trade mark disputes

Lecture 6: the resolution for the copyright disputes

Lecture 7: Analyze of the international patent and trade mark licensing

**Assessment:** Final test

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for International Intellectual Property Law

Course Code: FX31870

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

International Treaties are the main bases for the international protection of intellectual property rights. The learning of the intellectual property laws of the foreign countries are the basis for the comparison and study. Through the study of the international intellectual property treaties and systems, the students will master the introduction, importance and relative practice of the international intellectual property protection.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

A Study on the International Intellectual Property Protection., by Wu Handong, Intellectual Property Rights Press, 2007.

References:

1. A Study on the International Intellectual Property Protection, by Dong Xinkai, Intellectual Property Rights Press, 2010.
2. A Study on the Basic System of the International Intellectual Property Protection, by Liu Junjun & Xiong Ying, Intellectual Property Rights Press, 2012.
3. The Intellectual Property Law of the New Tech Times, by Robert.P.Rogers & Peter. S. Miles, etc, translated by Qi Jun & Zhang Jun, China Politics and Law University Press, 2003.

Contents:

1. Introduction to the international intellectual property treaties
2. the main copyright international treaties
3. the main trade mark international treaties
4. the main patent international treaties
5. Introduction to the international intellectual property systems in the the common law legal system
6. Introduction to the international intellectual property systems in the the civil law legal system

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Industrial Property Law

Course Code: FX31890

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

Beginning from the basic knowledge of the Industrial Intellectual Property, along with the systematic study of the law provisions and the typical cases, the students will have an overall understanding of the Industrial Intellectual Property rights. It will deepen the application of the course, thinking the development direction, and open the eyes of the students, which will let the students be accustomed to the reality.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Modern Industrial Intellectual Property Law, by Qu Shanqiang, Peking University Press, 2012

References:

1. Trade Mark Law, by Wang Taiping, Peking University Press, 2015.
2. Trade Mark Law (2nd Edition), by Du Yin, Peking University Press, 2014.
3. Patent Law, by Fen Xiaoqing & Liu Youhua, Peking University Press, 2010.
4. A Detail Interpretation of the Patent Law of China, by Yin Xintian, Intellectual Property Rights Press, 2012.

A Protection of Patent, by Yin Xintian, Intellectual Property Rights Press, 2005.

Contents:

1. Introduction to the Industrial Property Law
2. The theoretic foundation and system development of patent
3. The theoretic foundation and system development of trade mark
4. The theoretic foundation and system development of commercial marks
5. Competition Law and the Industrial Property Law

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.



# Syllabus for International Environmental Law

Course Code: FX31910

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

The goal of studying International Environmental Law is to make the students master the basic theory of the International Environmental Law, such as the principles, rules and systems of International Environment. This course will analyze the theory of International Environment, the specific fields, Environment and trade, Environment and military, which will show the students the complete and detailed course system of the International Environmental Law.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

International Environmental Law, by Lin Chanlin & Wu Yanwen, Science Press, 2019

References:

1. Compilation of the Environmental Protection Laws of China, Compilation of the International Environmental Conventions China has entered into, by policy & law department of State Environmental Protection Administration of China.

1. International Environmental Protection Law, by Alexandaski, translated and edited by Zhang Ruosi, Law Press, 2000.

2. International Environment Law(2nd), by Wang Xi, Law Press, 2005.

Contents:

1. the nature and the principles of International Environment Law
2. The specific fields of International Environment Law
3. International Environment Law in controlling the dangerous materials and activities
4. The application of International Environment Law
5. World trade and International Environment Law

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for International Organizations Law

Course Code: FX31900

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: A

Objectives and Requirements:

This course will introduce and study systematically the theory, treaties, systems and problems of the international organizations. The main content includes the emergence, development and status, the types, the functions of the international organizations. We will also study the funds and budgets, the basic nature of international organizations; the structure and historical importance of the League of Nations; the background of the United Nations (UN), UN's goal and principles, the membership, the structure and function, the voting procedure, the reform of the UN, the legal status of UN and district organizations, etc.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

International Organization Law (Introduction) (5<sup>th</sup> edition), by Liang Xi, Wuhan University Press, 2002.

References:

1. International Organization Law, by Ge Yongping, Intellectual Property Rights Press, 2018.
2. The constitutionalism of International Organizations, by Chen Xifeng, Law Press, 2016
3. The development of International Organization and the enforcement machinery of international Law, by Rao Geping, Peking University Press, 2013.
4. International Organizations in Globalization

Contents:

1. Introduction (8 hours): the legal analysis on the International Organizations: the legal status of International Organizations, the sources and systems of International Organizations; the influence between international law and International Organizations.

2. The types and forms of International Organizations (12 hours): the function of International Organizations, International Organizations and China, the structure and historical importance of the League of Nations.

**Assessment:** Final test and regular grade.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for Securities Law

Course Code: FX30980

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

Objectives and Requirements:

This course will let the students master the key content of the Securities Law. It will combine the basic theory of civil law and commercial law with the securities laws of the foreign countries, analyzing the securities laws of China. The students will be guided to have a primary research on some great theory problems both in legislation and in reality.

The Issuance and trading is the key point of securities law . the course will discuss the related issuance, trading, information disclosing, the takeover of listed companies, the supervision, self-regulation system; legal responsibilities and etc.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

Securities Law(4th Edition), by Ye Lin, Chinese Renming University Press,2013

References:

1. Securities Law,by Zhu Jingqing, Peking University Press
2. Commercial Law, by Fan Jian, Law Press
3. Securities Law, by Liu Liming,Peking University Press
4. Principles of Securities Law, by Dong Ansheng, Peking University Press

Contents:

This course will briefly and comprehensively introduce the basic concepts,theory, principles and the related knowledge.the key points is the supervision, the issuance , the trading and the acquisition, Registration settlement and liabilities.

**Assessment:** Final test.

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for the Law Profession Ethics

Course Code: FX31970

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

### Objectives and Requirements:

The goal of the course, the law profession ethics, is to meet the demand of the country, which asks the law majors of the universities to open this course. It will introduce comprehensively and systematically the law profession ethics and the related ethics. Through learning the course, the students will get to know and apply the law to practice, and will be helpful to the judiciary test; and help to raise the level of the students' ethics, making them have fine ethics.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

A Course for the Law Profession Ethics, by Guo Zhe, Higher Education Press, 2018

References:

The law profession ethics, by Sun Lin, Shanghai Jiaotong University Press, 2008

Cases of the law profession ethics, by Xu Shengjian, Peking University Press, 2015

Contents:

1. Introduction to the law profession ethics
2. The law profession ethics of the judges
3. The law profession ethics of the prosecutors
4. The law profession ethics of the lawyers
5. Notary system and the law profession ethics of the notary

**Assessment:** Final test.

**Grading:** Final test 40%, Regular grade 60%.

# Syllabus for the Supervision Law

Course Code: FX31950

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: B

## Objectives and Requirements:

Learning the Supervision Law will make the students know and grasp the series of great problems stated in the law, such as the establishment and status of the Supervision Organizations, the power and jurisdiction, the power, the procedure of the Supervision organizations; the international co-operation in anti-corruption, the Supervision and balance of the Supervision organizations.

Teaching methods: Teaching, discussing and case analyzing.

Textbook(s):

The Interpretation of the Supervision law of China, by the Law Office of Central Commission for Discipline Inspection; Founder Press, 2018.

References:

1. Questions and Answers of the Supervision law of China, by the Law Office of Central Commission for Discipline Inspection; Founder Press, 2018.
2. The related laws of the Supervision law of China, by the editors of the book; Founder Press, 2018.
3. The Application Guide for 12 Types of Investigation for the Supervision Committee, by the Supervision law of China, by the Law Office of Central Commission for Discipline Inspection; Founder Press, 2018.

## Content

1. The aim and principles of the Supervision law
2. The Supervision organizations and their duties
3. The scope and jurisdiction Supervision
4. Power of Supervision
5. Procedure of Supervision
6. International co-operation of anti-corruption
7. To Supervise the Supervision organizations and persons
8. Legal responsibilities

**Assessment:** Final test, paper writing

**Grading:** Final test 40%, Regular grade 60%.

## Syllabus for the Judges law

Course Code: FX31940

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: A

### Objectives and Requirements:

Learning the course, the students will know that the judges law make the clear provision that a judge shall be qualified with the political and legal professional quality. The students will also know the law provides the judges' duties, responsibilities and rights, the requirements of judges, dismiss and appoint of judges, challenge of judges, degrees of judges, training, appraisal, rewards and punishments, insurance and welfare, resignation and dismissal, retirement, complaint, Assessment Committee of Judges.

Teaching methods: Teaching, discussing and case analyzing, moot court

Textbook(s):

The Interpretation of the Judges Law of China,

References:

The Interpretation of the Judges Law of China, by the Commission of Legislative Affairs of the NPC Standing Committee

### Content

1. The aim and principles of the Judges law
2. the judges' duties, responsibilities and rights,
3. Conditions and selection of the judges
4. dismiss and appoint of judges,
5. management of judges
6. judges' training, appraisal, rewards and punishments
7. professional guarantees for the judges

**Assessment:** Final test, paper writing

**Grading:** Final test 40%, Regular grade 60

# Syllabus for the Prosecutors Law

Course Code: FX31920

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: A

## Objectives and Requirements:

Learning the course, the students will know that the Prosecutors Law make the clear provision that a prosecutor shall be qualified with the political and legal professional quality. they also will know the law provides the Prosecutors' duties, responsibilities and rights, the requirements of Prosecutors, dismiss and appoint of Prosecutors, challenge of Prosecutors, degrees of Prosecutors, training, appraisal, rewards and punishments, insurance and welfare, Resignation and dismissal, retirement, complaint, Assessment Committee of Prosecutors.

Teaching methods: Teaching, discussing and case analyzing, moot court

Textbook(s):

The Interpretation of the Prosecutors Law of China,

References:

The Interpretation of the Judges Law of China, by the Commission of Legislative Affairs of the NPC Standing Committee

## Content

1. The aim and principles of Prosecutors Law of China
2. the Prosecutors' duties, responsibilities and rights,
3. Conditions and selection of the Prosecutors
4. dismiss and appoint of Prosecutors,
5. management of judges
6. judges' training, appraisal, rewards and punishments
7. professional guarantees for the judges

**Assessment:** Final test, paper writing

**Grading:** Final test 40%, Regular grade 60%

## Syllabus for the prison law

Course Code: FX31930

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: A

### Objectives and Requirements:

Learning the course, the students will know the theory, principles, systems and methods of the prison legislation and execution, they also will know and master the legal systems of the prison management, the education and reformation, and the education for the adults.

Teaching methods: Teaching, discussing and case analyzing, moot court, visiting the prisons

Textbook(s):

The Theory of Prison Law, by Yang Diansheng, Peking University Press, 2008

### References:

1. The Prison Law of the People's Republic of China
2. The Interpretation of the Prison Law of the People's Republic of China
3. the History of the Prisons of China, by Wang Zhiliang, Guangxi Normal University Press, 2009

### Content

1. The aim and principles of Prison Law of China
2. Prisons
3. Execution of Penalty( punishment)
4. Prison Administration
5. reformation of a delinquent through education;
6. the education and reformation for the adults

**Assessment:** Final test, paper writing

**Grading:** Final test 40%, Regular grade 60%



# Syllabus for the Legal Critical Thinking

Course Code: FX31960

Course Category: Special Module Courses

Class Hours: 2 per week, 32 in total

Course Credits: 2

Prerequisites: A

## Objectives and Requirements:

This course will dock legal practice needs. It will analyze the legal materials scientifically with critical and creative thinking training methods. It will train the students with their critical reasoning capabilities. The students will master and can apply to practice skillfully and get the habits of legal critical thinking.

Teaching methods: Teaching, discussing and case analyzing, moot court,

Textbook(s):

Guide to Critical Thinking, by Xiong Minghui, Xi'an University of Electronic Science and Technology Press, 2017

## References:

1. Critical Thinking, From the Reasoning Logics, by Wu Zhihong, Renmin University of China. Press, 2010.
2. Law and Logics: A Critical interpretation for the legal reasoning, by Israil Holweitz, translated by Chen Rui, China Politics and Law University Press, 2015
3. 3. Legal Reasoning and Evidence, Canada Wolden, translated by Liang Qingyin & Xiong Minghui, China Politics and Law University Press, 2010
4. 4. Introduction to Legal Reasoning: A General Survey of the Judicial Defence Theory, by Holland Feterlis, translated by Wu Hongzhi & Wu Xiabei, China Politics and Law University Press, 2018

## Content

1. Basic Principle: theory of critical thinking; legal definition; identification of languages
2. Legal reasoning: the condition relationship in legal norms; the basic patterns in legal reasoning
3. Legal Argumentation; identification, analyze and assessment of Legal Argumentation; construction of Legal Argumentation; Persuasive Tactics;
4. applied training; Truth and Acceptability; Recognition of Fallacies; value studies; Cognitive Biases; innovative approaches.

**Assessment:** Final test

**Grading:** Final test 40%, Regular grade 60%