The Southeast Asia Field School is an intensive two-week course, taught in English, during which students will spend one week in each of two Southeast Asian countries. In 2016 the course will be held in Indonesia and Malaysia and will be convened by Professor Simon Butt (Indonesian law specialist) and Associate Professor Salim Farrar (Malaysian and Islamic law specialist). The aim of the course is to provide students with an introduction to the legal systems of both countries, with emphasis on features of those systems which differ from the Australian and other common-law legal systems.

The program is administered by the Sydney Law School and our two in-country partners: the Faculty of Law, Gadjah Mada University in Yogyakarta, Indonesia; and Zaid Ibrahim and Co., Kuala Lumpur, Malaysia. Lectures will be presented in English by academics and guest lecturers and supplemented by instruction from the Sydney Law School convenors. Professor Butt will accompany students whilst in Indonesia and Associate Professor Farrar will be in Malaysia.
We often hear that Australia’s future prosperity is tied to its economic, social and political engagement with Asia. However, interest in Southeast Asia, located directly to the north of Australia, is often overwhelmed by interest in other Asian countries such as China and India. Yet Southeast Asia is home to almost 600 million people and offers significant economic and other opportunities, many of which are untapped, for those willing to engage with the region. According to some estimates, Indonesia alone will be the world’s sixth-biggest economy by 2030, eclipsing Britain, France, Mexico and Germany.

To effectively engage with our Southeast Asian neighbours, ‘foreigners’, including Australians, will greatly benefit from increasing and improving their understanding of Southeast Asia in all its diversity. There is significant current demand amongst the Australian public and private sectors (including commercial law firms) for lawyers who understand the region and, as trade increases between Australia and Southeast Asian countries, this demand will only increase. This course aims to equip students with the knowledge about legal systems, political environments and cultural practices they need to ‘operate’ in the region.

CONTENT OF THE UNIT

In addition to studying Indonesian and Malaysian law, we will examine the important cultural, economic and religious settings in which the law operates. To this end, we will not confine ourselves to the classroom. Field trips will include visits to sites of legal and/or cultural significance, including courts, prisons and religious sites.

**Indonesia**

With its population of almost 250 million, Indonesia is the world’s fourth most populous nation. It has a stable and consistently-growing economy that has, thus far, largely withstood recent global economic downturns. It has achieved many remarkable political and legal reforms since 1998, when former President Soeharto resigned after 32 years of authoritarian rule. The 1945 Constitution, once executive-heavy and unenforceable against the state, has been significantly amended. It now contains a world-standard Bill of Rights. A Constitutional Court (Mahkamah Konstitusi) has been established to ensure that the national legislature upholds those rights. The central government’s monopoly on power has been diluted by decentralising many of its functions to democratically elected provincial and local parliaments and officials. The nation is now perhaps Southeast Asia’s most fully functioning and vibrant democracy. The judiciary under the Supreme Court (Mahkamah Agung), once subservient to the whims of the state, is now formally independent. These reforms are far from complete, however. For example, one legacy of Soeharto’s reign has proved difficult to dislodge: pervasive corruption, which distorts many aspects of Indonesia’s legal system, from lawmaking through to judicial decision-making. Many of the reforms have also spawned new issues and unintended problems, which we discuss in this course.
During the week in Indonesia, students will learn the fundamentals of the Indonesian legal system. Instruction will be geared towards not only those who want to practice commercial law in Indonesia, but also those who are interested in other areas, including law reform, human rights, constitutional law, environmental law and criminal law. We will focus on the place of Islamic law within the Indonesian legal system and discuss the right to religious freedom. Indonesia has more Muslims than any other country in the world and has, for many decades, been renowned for its inclusivity and tolerance of difference. However in recent years, religious intolerance has increased with persecution of the Ahmadiyah sect and various Christian groups. We will also discuss customary law (adat), which is still adhered to in Indonesia’s many vast rural areas, often in disregard of the otherwise applicable state law.

Malaysia

Malaysia has a culturally heterogeneous population of approximately 28.3 million, comprising 65.1 per cent Malay (Muslim), 26 per cent Chinese, 7.7 per cent Indian and 1.2 per cent others. Since Independence from the British in 1957, the challenge has always been to tap this rich cultural mix for the economic and social betterment of the country whilst at the same time keeping a lid on interethnic tensions. The Malaysian Constitution, based on the model proposed by the colonial Reid Commission, forged a ‘social contract’ on Independence in which Chinese and Indian immigrants would be given citizenship and the rights to practice their cultural traditions in return for recognising the ‘special privileges’ of the Malays, which included the right to govern. The so-called ‘social contract’ has come under strain on a number of occasions, specifically in 1969 when ethnic riots threatened to de-stabilise the country. Since then, the Malaysian government, while generally pursuing a liberal economic agenda, has sought to control the direction of the economy and protect the social, political, religious and economic fabric of the country through affirmative action policies, rules on foreign investment, tight security laws and promotion of the rights of the religious majority, along with certain protections of religious freedoms for other ethnic minorities. During the tenure of former Prime Minister Dr Mahathir Mohamed, Malaysia gained a reputation for being dynamic and one of the ‘tigers of Asia’. He also demonstrated that his country could achieve economic development whilst also being ‘Islamic’. This reputation, however, was purchased at a ‘social cost’ with western governments, including Australia’s, criticising the Mahathir government for its alleged violation of human rights and lip service given to multiculturalism and legal pluralism.

PRE-DEPARTURE BRIEFING

Students are required to attend a pre-departure briefing and two lectures in Sydney, prior to departure. Students are expected to attend this session

Friday 3rd June 9am-12:30pm
New Law Annex Seminar Room 100 (tbc)

The Southeast Asia Field School is a semester 2 subject and will count towards your semester 2 study load
Assessment and eligibility

UG/JD students: The unit is offered as a 6 credit point elective.

PG students: The unit is offered as a 12 credit point elective

Eligibility: Students must be eligible to undertake elective units in 2016. JD applicants must have completed the first year of a JD program and ensure they have made satisfactory progress in their core units to be eligible to enrol (usually past a minimum of 72 credit points at the commencement of the program).

Assessment:

LAWS5194 Legal Systems in Southeast Asia [6cp]
LAWS3494 Legal Systems in Southeast Asia [6cp]

Take-home exam 90% Class Participation 10%

The take home exam will be released 25 July 2016 and is due 29 July 2016

LAWS6494 Legal Pluralism in Southeast Asia [12cp]

1x essay 8,000 words 50%, 1x take home exam 40%, class participation 10%

The Postgraduate essay topics will be announced at the pre-departure briefing 3rd June and are due Monday 24 October 2016.

The take home exam will be released 25 July 2016 and is due: 29 July 2016

FEE Information

Two fees are payable to the University of Sydney:
1. The University of Sydney tuition fee (which varies depending on your enrolment)
2. A fee covering in-Country expenses

The tuition fee covers tuition costs (including reading materials) in Indonesia, Malaysia and Sydney. This fee is set by the University of Sydney and is based on the standard tuition rates. The tuition fee will be incorporated in your 2016 fee invoice as per your regular units of study.

<table>
<thead>
<tr>
<th>2016 Fee Schedule</th>
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<tbody>
<tr>
<td><strong>Tuition Fees:</strong></td>
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<tr>
<td><strong>Domestic Students</strong></td>
<td></td>
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<tr>
<td>Postgraduate (12cp)</td>
<td>$8375</td>
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<tr>
<td>UG/JD (Full Fee)</td>
<td>$4625</td>
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<tr>
<td>UG/JD CSP</td>
<td>$1305</td>
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<tr>
<td><strong>International Students</strong></td>
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<tr>
<td>Postgraduate</td>
<td>$10500</td>
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<tr>
<td>UG/JD</td>
<td>$5375</td>
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</tbody>
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FEE-HELP & HEC S-HELP do not cover accommodation and general living expenses and cannot be used to defer payment of the fee for in-Country expenses.

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<thead>
<tr>
<th>In country- Fee</th>
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<tbody>
<tr>
<td>Single Room</td>
<td>$2600</td>
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<tr>
<td>Twin Room</td>
<td>$2000</td>
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</tbody>
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OS-HELP

The Australian Government provides loans to assist eligible students to undertake accredited studies overseas. The scheme is known as OS-HELP. To be eligible for OS-HELP assistance for overseas study in both Asia and non-Asia destinations, you must be enrolled in a Commonwealth supported place (CSP). For further information please refer to: http://sydney.edu.au/study/finances-fees-costs/fees-and-loans/os-help-loans.html
STUDENT SERVICES AND AMENITIES FEE 2016

Most domestic and international (undergraduate and postgraduate) students are liable for the SSA fee, which is charged per semester, based on your total study load for that semester.

Below are the rates for 2016:

- **Part time:** $108.75 (Semester study load of 0.374 Equivalent Full-Time Student Load or less)
- **Full time:** $145.00 (Semester study load of 0.375 Equivalent Full-Time Student Load or more)

Please refer to the website for further information: http://sydney.edu.au/study/finances-fees-costs/fees-and-loans/student-services-amenities-fee.html

**Accommodation**

Accommodation is in single or twin (female or male share) en-suite rooms including bed and breakfast. It is anticipated that we will stay in Hotel Phoenix, Yogyakarta and Hotel Aloft, KL. Both hotels are centrally located and transport to campus will be provided. Breakfast is provided. Students are required to stay in the nominated accommodation.

Accommodation is provided as follows:

- **Malaysia** Sunday 10th July to Saturday 16th July (ie you are required to check out on the 16th).
- **Indonesia** Saturday 16th to Saturday 23rd July (ie you are required to check out on the 23rd).

Students are advised that we will endeavour to meet their accommodation selection however this may not always be possible.

**Travel**

Participants are responsible for their own travel arrangements to, from and between Indonesia and Malaysia. Students are strongly advised not to make travel bookings until you have received official notification from Sydney Law School that you have been accepted into the program.

Students must book their own flights including the flight Kuala Lumpur and Yogyakarta. The Faculty will nominate a flight and will provide airport transfers upon arrival in Indonesia Saturday 16th July for this flight. You will be advised of the flight details in due course. You may take an alternate flight, however transfers will not be provided.

**Safety**

Students are advised to refer to the Australian Government’s Smart Traveller website and check the country information for Indonesia and Malaysia: https://smartraveller.gov.au/

At time of publishing the travel advice is as follows:

- **Indonesia** overall, exercise a high degree of caution. Pay close attention to your personal security at all times and monitor the media about possible new safety or security risks.
- **Malaysia** overall, exercise normal safety precautions. Exercise common sense and look out for suspicious behaviour, as you would in Australia.

Enrolled students can access further up to date information on overseas travel and security is available from AIG Travel Assistance, see: http://sydney.edu.au/audit_risk/insurance/travel/student.shtml

Students are advised to subscribe to travel alerts for both countries through both the AIG and DFAT websites.

Both sites report an increased risk of terrorist attack in Indonesia. Yogyakarta has not been mentioned in any of the alerts, however the information is relevant for the whole of Indonesia; students should treat this seriously and carefully consider their participation in this unit.

Australian citizens are advised to register their travel and contact details with the Department of Foreign Affairs and Trade (DFAT ) at https://www.orao.dfat.gov.au/ prior to leaving Australia.

International students are advised to do the same with their Government.
Travel Insurance

During the course students are covered by the University of Sydney, Student Travel Insurance Policy. Please note the policy is limited in its coverage eg personal travel, loss of personal items and routine medical costs are not covered.

Further information can be found at: http://sydney.edu.au/audit_risk/insurance/travel/student.shtml

The Faculty strongly recommends that students purchase additional comprehensive travel insurance. It is recommended that your travel insurance policy provides comprehensive coverage for medical expenses incurred overseas, loss of personal items such as laptops, and personal liability coverage. You should ensure that you are covered for cancellation costs in the unlikely event that the program is cancelled.

Any students with pre-existing medical conditions must obtain a letter from their treating doctor which should then be supplied to Audit and Risk Management (cc Sonya Chater) for insurance purposes advising:
- details of the condition
- management of the condition
- suitability for overseas travel

Further information:
General Insurance and Claims Officer
Vlad Nestic
e: vlad.nesic@sydney.edu.au

Visas

At the time of publishing Australian citizens do not need a visa to visit Malaysia provided:
- Your passport is still valid for at least six (6) months on arrival
- Your visit is up to three (3) months only
- You have a confirmed return or onward international ticket


Australian citizens entering Indonesia via Yogyakarta require a visa. Students should apply for a Socio Cultural visa. A letter of invitation will be provided to successful students.


Students are responsible for obtaining any visas they require and the University of Sydney accepts no responsibility if a student is unable to obtain a visa.

How to apply

Applications open: Thursday 24th March 2016 5:00pm
Applications close: Thursday 7th April 2016 at 4:00pm

Please note: Applicants are strongly urged to submit applications without delay to avoid disappointment. An initial quota of 10 places are reserved for PG students and will be held until 1st April.

1. A completed application online form must be submitted. The form will be available on the website http://sydney.edu.au/law/cstudent/offshore/southeastasia/index.shtml
2. When completing the application form you will be directed to an online payment system to pay a $500 deposit which will only be refunded if your application is unsuccessful.
3. Applications will only be processed if accompanied by the $500 deposit. Applications will be processed in order of receipt and will be subject to eligibility.
4. Successful applicants will be notified and will be enrolled by student administration. Unsuccessful applicants will receive a refund of their deposit.

Do not confirm your travel arrangements until you have received official confirmation.

5. The balance of the in-Country fee must be received by 25 May 2016.

Please note, receipt of the online deposit does not imply acknowledgement or acceptance of your eligibility for the unit. Eligibility will be checked before an offer is confirmed.

Cross Institutional Students

Cross-institutional applicants are advised to contact their home institution to confirm that the course can be credited to their degree.

Cross-institutional students should contact law.offshore@sydney.edu.au

Preference will be given to University of Sydney Law students.
Refund Policy

1. In the event that the Southeast Asia Winter School is cancelled, students will receive a 100% refund of tuition fees and in-Country expenses.

2. Upon application, all students must pay a deposit of A$500 which will only be refunded if your application is unsuccessful.

3. Students who withdraw from the program prior to close of business on 31 April 2016 will receive a full refund of any tuition fees and in-Country expenses paid, less the A$500 deposit.

4. Students who withdraw from the program after close of business on 31 April 2015 and before the census date will receive a full refund of tuition fees paid and no refund of the fee for in-Country expenses.

5. 100% tuition fee liability or FEE-HELP debt will be incurred after the census date. No refund of either tuition fees or in-Country expenses is payable for unit of study withdrawals received after this date.

Applications to withdraw from the program must be received in writing and submitted to the administrative co-ordinator law.offshore@sydney.edu.au. The Law School requests that candidates intending to withdraw from the program do so no later than 17 May 2016.

Conditions of Enrolment

Eligibility: Students must be eligible to undertake elective units in 2016. JD applicants must have completed the first year of a JD program and ensure they have made satisfactory progress in their core units to be eligible to enrol (usually past a minimum of 72 credit points at the commencement of the program).

Units of Study and arrangements for these, including staff allocated, as stated in any publication, announcement or advice of the University are an expression of intent only and are not to be taken as a firm offer or undertaking.

The University reserves the right to discontinue or vary such units, arrangements or staff at any time without notice. The University reserves the right to cancel your enrolment in the following circumstances:

1. Provision of false or misleading information;
2. Failure to pay outstanding loans, fines and/or fees;
3. Payment by a cheque which is dishonoured or by a credit card authorisation which your credit provider refuses to pay.

Students are strongly advised not to make travel bookings until you have received official notification from Sydney Law School that you have been accepted into the program.

All students must obtain comprehensive travel insurance which provides coverage for medical expenses incurred overseas, including medical evacuation, personal liability coverage, and cancellation costs. The University of Sydney will not pay any amounts in respect of travel or other costs incurred by a student in the event that the program is cancelled at any time or if the student is unable to obtain a visa or if for any reason a student is unable or decides not to participate in the program.

Program Enquiries:
Ms Sonya Chater
Offshore Unit of Study Coordinator
E: law.offshore@sydney.edu.au

Academic Enquiries:
Professor Simon Butt
simon.butt@sydney.edu.au
Associate Professor Salim Farrar
Salim.farrar@sydney.edu.au

Eligibility or Degree Enquiries:
UG/JD students law.professional@sydney.edu.au
PG students law.postgraduate@sydney.edu.au