

Course Form for PKU Summer School International 2025

Course Title	Title in English: Introduction to Chinese Criminal Justice System
	Title in Chinese: 中国刑事司法体系导论
Teacher	Su Jiang, Tenured Associate Professor, Law School, PKU
First day of classes	June 30, 2025
Last day of classes	July 11, 2025
Course Credit	3 credits
Course Description	
Objective:	
<p>This Course will help the students to understand Chinese criminal justice from historical, political and legal perspectives. For each section, a brief introduction will be given to provide a big picture of the relevant field, at the same time important topics will be selected for further discussions. This course is aimed at providing not only the “Chinese criminal justice in book” but “Chinese criminal justice in action”. Since criminal justice plays an extremely important role in Chinese legal system, the understanding of Chinese criminal justice will help the students to have better understanding of Chinese law, politics and society.</p>	
Pre-requisites /Target audience	
Undergraduate students and graduate students who are interested in Chinese criminal justice.	
Proceeding of the Course	
<ol style="list-style-type: none"> 1. Introduction to the Legal System of PRC 2. Transformation of Criminal Justice Policy in China 3. Introduction to Chinese Criminal Law 4. Introduction to Chinese Criminal Procedure Law 	
Assignments (essay or other forms)	
Books and journal articles	
Evaluation Details	
<ol style="list-style-type: none"> 1. Final Exam (80%): the students are required to write a short essay or article on any topic of criminal law and procedure in China. 2. Class Participation (20%) 	

Text Books and Reading Materials

1. Jianfu Chen, *Criminal Law and Criminal Procedure Law in the PRC: Commentary and Legislation*, Martinus Nijhoff Publishing, 2013
2. Liling Yue, *Principles of Chinese Criminal Procedure*, Hart Publishing, 2021.

Academic Integrity (If necessary)

CLASS SCHEDULE

(Subject to adjustment)

Session 1: **Introduction to the Legal System of PRC**

Date: June 30-July
1, 2025

In this session, I will make a brief introduction to the legal system of People’s Republic of China including a brief history of Chinese legal system, constitutional structure (state power), citizen’s rights, sources of law and law-making, courts and procuratorate, lawyers and legal profession. The students are encouraged to make comments and raise questions during the course.

【Questions】

What are the characteristics of the legal system of PRC?

【Readings, Websites or Video Clips】

Albert H. Y. Chen, *An Introduction to the Legal System of People’s Republic of China*, fifth edition, LexisNexis, 2018

【Assignments for this session (if any)】

Session 2: **Transformation of Criminal Justice Policy in China**

Date: July 2-July
3, 2025

In this session, I will describe the transformation of criminal justice policy from 1949, from the punitive policy to “balancing leniency and punitiveness”. I will also talk about the specific impact of this transformation on the routine operation of Chinese criminal justice system. The students are encouraged to make comments and raise questions during the course.

【Questions】

Why did Chinese decision-makers change the criminal justice policy in the early 21st century? What is the impact of this change?

【Readings, Websites or Video Clips】

Klaus Muehlhahn, *Criminal Justice in China: A History*, Harvard University Press, 2009, Introduction, pp. 1-13.

Shao-Chuan Leng, “Criminal Justice in Post-Mao China: Some Preliminary Observations”, *Journal of Criminal Law and Criminology*, Vol. 73, No. 1, 1982, pp. 203-237.

Susan Trevaskes, “Severe and Swift Justice in China”, *British Journal of Criminology*, (2007) 47, 23–41.

Enshen Li, “Towards the Lenient Justice? A Rise of ‘Harmonious’ Penalty in Contemporary China”, *Asian Criminology* (2015) 10:307–323.

【Assignments for this session (if any)】

Session 3: **Introduction to Chinese Criminal Law**

Date: July 4, July
7-8, 2025

In this session, I will make introduction to the basic principles of Chinese substantive criminal law, basic elements of crime, justification and excuse, inchoate crimes, complicity, omission and possession, types of punishment, sentencing principles and guidelines, as well as some major crimes in the Special Part of Chinese Criminal Code. The students are encouraged to make comments and raise questions during the course.

【Questions】

What are the major differences between Chinese criminal law and the criminal law in your jurisdiction? What are the challenges faced by Chinese criminal law?

【Readings, Websites or Video Clips】

Jianfu Chen, *Criminal Law and Criminal Procedure Law in the PRC: Commentary and Legislation*, Martinus Nijhoff Publishing, 2013.

Zhang Ning, “The Political Origins of Death Penalty Exceptionalism: Mao Zedong and the practice of capital punishment in contemporary China”, *Punishment & Society*, Vol 10(2): 117–136.

Susan Trevaskes, “The Death Penalty in China Today: Kill Fewer, Kill Cautiously”, *Asian Survey*, Vol. 48, Issue 3, pp. 393–413.

Franklin E. Zimring, David T. Johnson, *The Next Frontier: National Development, Political Change, and the Death Penalty in Asia*, Oxford University Press, 2008, Chapter 7.

Su Jiang, “Kill Fewer and Kill Cautiously? A Critical Review of Death Penalty Reforms in China”, *Peking University Law Journal*, Volume 2, 2014 - Issue 2.

【Assignments for this session (if any)】	
Session 4: Introduction to Chinese Criminal Procedure Law	Date: July 9-11, 2025
In this session, I will first make a short review of criminal procedure law in China. Then I will describe the major actors in the criminal procedure. A short outline of major procedures in Chinese criminal procedure law will be made. And then I will focus on the rights of the accused and the power of the state in Chinese criminal procedure. Short conclusion will be made at the end of the course. The students are encouraged to make comments and raise questions during the course.	
【Questions】 What are the major features of Chinese criminal procedure? What are the main problems with Chinese criminal procedure?	
【Readings, Websites or Video Clips】 Jianfu Chen, <i>Criminal Law and Criminal Procedure Law in the PRC: Commentary and Legislation</i> , Martinus Nijhoff Publishing, 2013 Liling Yue, <i>Principles of Chinese Criminal Procedure</i> , Hart Publishing, 2021. Sida Liu & Terence Halliday, <i>Criminal Defense in China: The Politics of Lawyers at Work</i> , Cambridge University Press, 2016. Yi Yanyou, “Exclusionary Rules in China”, 29 <i>Colum. J. Asian L.</i> 1, 69 (2015) Jiahui Shi, “Reconsideration of the Role of Prosecutors in the Chinese Plea Bargaining System: A Comparative Perspective”, <i>China Studies</i> , 2021, 10, 88-99	
【Assignments for this session (if any)】	

A CV of 250-300 words and a high-resolution personal photo should also be provided