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China's Legal System

An Interpretation of Its Structure,
Principles and Institutions

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Understanding China S Legal System Understanding China S Legal System

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Legal System Jingwen Zhu, Tao Meng, Hao Peng, Hui Feng, Xinyan Liu, Xiaolong Peng, 2023-03-01 This book provides a systematic and detailed introduction to the formation process and current development of China s socialist legal system The classification of the constitution and constitution related laws criminal law civil and commercial law administrative law economic law litigation and non litigation procedural law social law and the specifics of each sector of law are explained which is a good guide for understanding the framework of China s legal system and the study of each sector of jurisprudence

Inside China's Legal System Chang Wang, Nathan Madson, 2013-10-31 China s legal system is vast and complex and robust scholarship on the subject is difficult to obtain Inside China s Legal System provides readers with a comprehensive look at the system including how it works in practice theoretical and historical underpinnings and how it might evolve The first section of the book explains the Communist Party s utilitarian approach to law rule by law The second section discusses Confucian and Legalist views on morality law and punishment and the influence such traditional Chinese thinking has on contemporary Chinese law The third section focuses on the roles of key players including judges prosecutors lawyers and legal academics in the Chinese legal system The fourth section offers Chinese legal case studies in civil criminal administrative and international law The book concludes with a comparison of China s fundamental governing and legal principles with those of the United States in such areas as checks and balances separation of powers and due process Uses extensive legal materials and historical documents generally unavailable to Western based academics Gives insider knowledge including first hand experience teaching law and close involvement with judges attorneys and law professors in China Analyses legal issues from historical and cultural perspectives holistically **The Judicial System and Reform in**

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providing both the breadth of coverage and yet the substantive details of the most fundamental as well as controversial subjects concerning the operation of the courts in China [China's Legal System](#) Donald C. Clarke, 2008-03-06 Examines the legal ramifications of economic and social changes in China mid 1990s to present **Understanding China's Real Estate Markets** Bing Wang, Tobias Just, 2021-01-05 China's economy has been transforming rapidly over the last 25 years. As a result, Chinese conurbations have changed remarkably, with cities expanding both vertically and horizontally and the physical environment acting as a medium for unprecedented urbanization. This has provided vast opportunities for investors, real estate developers, and service companies but also presents huge challenges as traditional city spaces have been reconfigured, environmental risks, and the volatility of real estate markets increased. However, as engagement with China is becoming strategically important for many, forming a synthesized lens through which to read China across the vicissitudes of its real estate sector bears historic significance. By offering an insightful framework and structure for understanding China's variegated real estate dynamics, players, and markets, *Understanding China's Real Estate Markets* codifies the principles and practices of real estate development, finance, and investment in China and builds foundations for future academic research and practical knowledge in shaping and engaging the urban environment within China and beyond [The Chinese Party-State in the 21st Century](#) Andre Laliberte, Marc Lanteigne, 2007-12-18 As the CCP moves away from traditional Maoism, it seeks to maintain its commanding role in political life despite a growing number of challenges to its claims of legitimacy. This book describes these challenges and explains how the CCP adapts to maintain its authority **The Role of Law in China's Economic Development, 1978-2011** Jia Hu, 2024-03-29 This book concerns how China's legal institutions promoted its economic growth and demonstrates that the law has played different roles at various stages of China's economic transformation, a signal of legal paradigm shifts in reaction to the changing political and economic pursuits. By decomposing the role of law in the process, the author argues that while the Chinese economy was transforming from a planned economy to a market-oriented one, the law also made its adjustment as a response. The Chinese legal system was evolving from the one consisting of primarily substantive laws to the one filled with high-level formal laws by the end of the last century. The above observation of legal formalization is further consolidated by introducing the particularities of China's legal education in those years, a topic rarely dealt with yet of significance to comprehensively understand the Chinese legal system in practice. Overall, the present book argues against the modernization theory and determinism that would anticipate a similar developmental path globally and shows that the relationship between law and economic development is contingent. Therefrom, this study weighs in the law and development debate and breaks a perception of static law in the economy by rejecting the conventional perception of established legal institutions as a precondition of modernity. Hence, this book could appeal to legal scholars and sociologists interested in reevaluating western theories of free economy and its relationships to the law. In addition, scholars interested in research methodology would find the perspective of paradigm shifts in interpreting China's transformations a

helpful analytical framework in research Moreover policymakers and legislators concerned about the characteristics of law for economic results would also find the book useful **Environmental Law in China** Charles R. McElwee,2011

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Written by academics and practitioners with particular expertise in their state or territory each chapter uses a breakthrough approach facilitating cross jurisdictional comparisons and giving essential insights into how law functions in different ways across the region and in each of the individual jurisdictions

Essays on China's Legal Tradition Jerome Alan Cohen, Fu-mei Chang Chen, R. Randle Edwards, 2017-03-14 In this volume of essays a group of scholars from Europe Japan the Republic of China and the United States examines China's legal tradition to determine its importance for the study of both pre modern China and of contemporary affairs Originally published in 1981 The Princeton Legacy Library uses the latest print on demand technology to again make available previously out of print books from the distinguished backlist of Princeton University Press These editions preserve the original texts of these important books while presenting them in durable paperback and hardcover editions The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905

China's Supreme Court Ronald C. Keith, Zhiqu Lin, Shumei Hou, 2013-10-23 This book examines the learning curve of the People's Supreme Court of China as an expanding Chinese national institution that has played a key role in the struggle for the rule of law in China Within the unity of state administration and the requirements of the constitution the court has negotiated the changing tension between politics and law through improvising new formats of interpretation and supervision in response to the changing priorities of revolution and market reform

The Public Policy Exception in the Judicial Review of International Commercial Arbitral Awards Shu Zhang, 2023-09-19 This book systematically examines how the Chinese arbitration law system responds to the application of the public policy exception in the judicial review of international arbitral awards The discussion is based on a general understanding of the legal concept of public policy in international arbitration practice and the understanding developed in Chinese arbitration law and judicial practice In focusing on both international developments and Chinese arbitral and judicial practice this book provides some lessons from and for China The book is based on a review of both legislation and cases in China and a comparison with the international trends and consensus as well as a systematic assessment of China's performance in defining and applying public policy in the judicial review of international commercial arbitral awards Valuable insights are provided on the basis of detailed analysis of the relevant cases In this context the author raised and examined a few key questions to be answered by the judicial practice including the international nature of public policy the key elements of public policy and the appropriate boundaries of judicial review The author also highlighted a few unique legal concepts and approaches adopted in the Chinese context and evaluated its impacts on foreign parties and practitioners dealing with arbitration issues in China It is proposed that in the context of China's recent law reforms further steps are expected to be taken by the Chinese legal system in order to achieve a more comprehensive view of the public policy exception that is consistent with the globalized trend of a converging understanding of public policy in international arbitration

China's Socialist Rule of Law Reforms Under Xi Jinping John Garrick, Yan Chang

Bennett,2016-01-29 Under the direction of the Communist Party of China CPC key legal challenges have been identified which will shape the modernization of China s legal and administrative institutions An increasingly complex set of legal actors now seek to influence this development including securities regulators bankers accountants lawyers local level mediators and some of China s newly rich Whilst the rising middle class wants to voice its interests and concerns the CPC strives to maintain its leading role This book provides a critical appraisal of China s deepening socialist rule of law and looks ahead to the implications of the domestic reforms for the international legal domain With contributions from leading Chinese law specialists it draws on specific illustrations from judicial reform constitutional law procedural law anti corruption property law and urban development socio economic dispute resolution and Chinese macro economics The book questions how China s domestic law reforms will impact international legal systems and how international law can be used in managing key regional and bilateral relationships and in dispute resolution such as in the South China Sea and international trade Assessing the state and direction of domestic law reform and including debates around the legal implications of some of China s most pressing foreign policy challenges today this volume will be of huge interest to students scholars and practitioners with an interest in Asia law Chinese law international law comparative law and law reform

China's Foreign Investment Legal Regime Yawen Zheng,2023-01-09 China s foreign investment legal regime encompasses domestic laws governing inward and outward investments investment treaties and the Belt and Road Initiative Can China s foreign investment legal regime lead its two way investments towards the country s five development goals building technological capacity deepening integration into the global economy promoting green development protecting security and participating in global economic governance and rule making Yawen Zheng pioneers a systematic study of China s foreign investment legal regime finding that the regime has gradually made progress towards the development goals but the effort is diluted by obstacles such as outdated treaties conflicts with the West and domestic political challenges

Police Reform in China Kam C. Wong,2011-10-11 Sweeping changes have altered the cultural landscape of China This volume provides an insightful glimpse of policing in the midst of such change Beginning with a historical account of police reform in the region since 2000 it discusses the difficulties encountered in trying to understand Chinese policing Demonstrating how old ideologies are increasingly in conflict with the values and lifestyles of a new mentality the book discusses steps that can be taken to improve professionalism The final chapters highlight the importance of understanding the Chinese people culture values and interests in order to truly effectuate successful police reform

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