

# **Basic Principles of CIVIL LAW in China**

Edited by **William C. Jones**



# Basic Principles Of Civil Law In China

**JG Myers**



## **Basic Principles Of Civil Law In China:**

*Basic Principles of Civil Law in China* David M Jones, 2019-07-25 This is an abridged translation of the principal Chinese textbook on civil law which was published as part of the restructuring of China's legal system following the Third Plenum of the Chinese Communist Party in late 1978. Because the closest thing China has to a civil code, the General Provisions of Civil Law enacted in 1986, is very incomplete, this treatise is an authoritative source on the subject. *Basic Principles of Civil Law in China* translates those portions of the Chinese text that are likely to be most useful for foreigners dealing with China, such as material on contracts, torts, joint ventures, negotiable instruments, and technology transfer. It also contains general material on such matters as agency and partnership, the general principles of juristic persons, and statutes of limitations. *Basic Principles of Civil Law in China* William C. Jones, 1989 This is an abridged translation of the principal Chinese textbook on civil law which was published after the Third Plenum of the Chinese Communist Party in 1978. This book concentrates on areas likely to be of interest to foreigners, such as contracts, joint ventures, and technology transfer.

**Basic Problems in the Civil Law of the People's Republic of China -Communist China** China. Central Political-Judicial Cadres' School. Institute of Civil Law, 1961

The Chinese Civil Code in the Global Legal Order Mauro Bussani, Ivan Cardillo, Marta Infantino, Jun Xue, 2024-07-29 This volume offers a unique comprehensive view of the contents, context, and potential of the Civil Code that in 2021 entered into force in the People's Republic of China. The twenty-three essays herein, collected and authored by distinguished Chinese and non-Chinese scholars, describe inner and outer perceptions about the Chinese Civil Code and analyze its likely impact within and outside the country. In so doing, they shed light not only on the comparative origins of current Chinese rules but also on the potential influence that these rules may have in comparative terms in the future.

China's 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.

**Towards a Chinese Civil Code** Lei Chen, C.H. van Rhee, 2012-11-13 Currently, China is drafting its new Civil Code. Against this background, the Chinese legal community has shown a growing interest in various legal and legislative ideas from around the world. *Towards a Chinese Civil Code* aims at providing the necessary historical and comparative legal perspectives. The book addresses the following topics: property law, contract law, tort law, and civil procedure.

Chinese Law: Context and Transformation Jianfu Chen, 2015-12-22 Eight years of changes in China have passed since the publication of the previous highly successful edition of this book. These changes have not just been about economic development. Among the many transformations, there has been another quiet, peaceful, and largely successful but far from perfect revolution in the

area of law whose deficiencies have been more often mercilessly examined and documented than have its historical achievements and significance This legal revolution is the subject matter of the present book Like the previous edition it examines the historical and politico economic context in which Chinese law has developed and transformed focusing on the underlying factors and justifications for changes It attempts to sketch the main trends in legal modernisation in China offering an outline of the main features of contemporary Chinese law and a clearer understanding of its nature from a developmental perspective It offers comprehensive coverage of topics such as legal culture and modern law reform constitutional law legal institutions law making administrative law criminal law criminal procedure law civil law property family law contracts law on business entities securities bankruptcy intellectual property law on foreign investment and trade and implementation of law Fully revised updated and considerably expanded this edition of Chinese Law Context and Transformation is a valuable and important resource for researchers policy makers and teachers alike

**Jurisprudence and Practical Logic of Civil Code** Xianzhong Sun, 2024-11-06 This book is a collection of articles that the author has pondered for a long time on the legal theory and practice of China's civil law It mainly discusses the systematic scientific and practical issues of Chinese civil law At the macro level it covers the relationship between the general provisions and the specific provisions of the Civil Code the introduction decline and revival of the Pandekton system in the process of drafting the Civil Code in China and the important position of the Civil Code in the national governance system at the meso level it analyses the legislative arrangement and practical significance of the real right of the Civil Code at the micro level it explains the attribute of unauthorised disposal and the legal basis for the abolition of this clause in the Contract Law

**Comparative Perspectives on the Chinese Civil Code** Meiling Huang, Paul J. du Plessis, 2024-03-05 This book provides a comparative analysis of Chinese property law as depicted in the newly enacted Chinese Civil Code The Chinese Civil Code the first civil code in the history of the People's Republic of China was enacted as law in May 2020 Reflecting the growing interest in this code and its provisions to scholars of codification and of comparative private law it has already been translated into English German and Italian Chinese property law has both local and global features and this comparative study offers a channel through which to understand Chinese property law by highlighting both its similarities and differences from other property systems Broadly speaking the book brings together two approaches The first comprises a comprehensive discussion of aspects of Chinese property law such as ownership property rights and secured transactions The second consists of perspectives from other jurisdictions and provides an assessment of Chinese property law based on other property systems Containing contributions by both distinguished and young scholars who are experienced in comparative property law research the book offers a unique insight into the Chinese Civil Code and through it how extra civilian elements are embodied in a fundamentally civilian legal system This book will appeal to scholars and students of property law comparative law and others with specific interests in law and politics in China

**Chinese Law** Jianfu Chen, 2023-09-25 Law in particular

its actual functioning in any given society is above all a part of the culture of that society a part of its historical political social and intellectual creation If a black letter approach towards law in the West is under increasing criticism it is particularly unhelpful if not misleading in understanding Chinese law its nature and developments Rather to understand Chinese law its nature and developments we need to examine the Chinese legal traditions the prevailing political and economic situations Party policies on economic reform and tolerance towards political liberalisation and scholarly discussions and debate This is the approach of this book Its aim is to put Chinese law in context to outline the nature and present status of its development and to analyse the meaning of the law within the Chinese context However this monograph does not ignore the practical needs for determining the precise contents of the black letter law either A study of this kind necessarily involves a process of topic selection However to avoid over generalisation and over simplification it also demands a considerable degree of comprehensiveness in coverage For this reason the book covers what the Chinese scholars term fundamental law and basic branches of law while other topics are covered because they are either crucial for the understanding of the law such as legal traditions in China or of practical importance such as foreign investment and trade Chapter One provides an historical background to traditional Chinese legal culture and modern law reforms The historical background of specific topics is examined as the topics are analysed in the following chapters Chapter Two deals with the changing fate of law under Communist rule Its focus is on the underlying factors and justifications for such changes Chapter Three introduces discussions on specific branches of law from public law constitutional law law making administrative law criminal law criminal procedure law to private law civil law family law contracts law on business entities and law on foreign investment and trade Each of these is dealt with in a separate chapter After the analysis of these substantial topics certain conclusions are drawn which attempt to define the nature of Chinese law and its developments in present day China

Governance, Decentralization and Reform in China, India and Russia Jean-Jacques Dethier, 2000-09-30 The papers in Governance Decentralization and Reform in China India and Russia which were presented at a ZEF conference in May 1999 deal with three critical aspects of governance in China India and Russia political reforms at the local level fiscal reforms in intergovernmental relations and legal reforms The volume collects contributions from 24 outstanding economists political scientists and legal specialists including Vito Tanzi Daniel Treisman Pranab Bardham Jean Dr ze Katharina Pistor and Kathryn Hendley Distorted economic and political incentive structures capture of the state by powerful elites and inoperative legal systems are factors that have greatly complicated the political economy of reform in these three large countries with heterogeneous populations Addressing these political and institutional issues is essential to designing good policies One particular goal of this volume is to bring together new analytical insights and empirical evidence on governance a new and growing field of research The volume is divided into three parts fiscal federalism decentralization and provision of local public goods and legal reforms Part I discusses the role of incentives in fiscal federalism The papers analyze the effects of

different revenue sharing mechanisms between different levels of government in particular the effects on regional growth and inequality and the incentives that local politicians may have to provide public goods depending on fiscal arrangements with the central government In adapting their governance structures all three countries have been striving for increased decentralization But the theoretical literature suggests that in a decentralized setting second best solutions must prevail it is not possible to ensure incentive compatibility simultaneously with optimal allocation of resources and a balanced budget in providing public goods Part II discusses taxation and public expenditure management both as a political and as a budgetary process Two questions which the papers address are Does participation of stakeholders and accountability of public authorities improve economic and social outcomes Does better governance in the provision of basic goods such as health care and education improve equity While decentralization is often seen as a way to improve the quality of public services rule based governance is viewed as a safeguard against the arbitrariness of public officials and weaknesses in law enforcement The five papers in Part III focus on the rule of law the role of the judicial system in establishing a rule based economy and the effectiveness of legal institutions during the transition from socialism to a market economy They present overviews of current legal reform issues in the three countries and discuss various conceptual approaches to addressing legal reform issues

*Theory of Administrative Contract* Shi Jianhui (石建辉), 2024-08-24 Contract is not only a spirit and a concept but also a system and a method As a spirit and a concept it is very inclusive as a system and a method it is very practical Contract is a theory with a long history and fruitful practice The reform of administrative law starts with the contract The author is honored to be one of the first scholars in mainland China to introduce the concept and basic system of civil contracts into administrative law Although mainland China has not yet established the legality of administrative contracts through the legislative method of administrative procedure law the research and promotion of a group of scholars in mainland China including the author mainland China revised the Administrative Litigation Law at the 11th meeting of the Standing Committee of the 12th National People's Congress in 2014 and for the first time included administrative agreement disputes in the scope of administrative litigation The Supreme People's Court Trial Committee also passed the judicial interpretation of the Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Administrative Agreement Cases at the 1781st meeting on November 12 2019 which came into effect on January 1 2020 The great progress of administrative contracts in administrative justice is inseparable from the efforts of the first batch of administrative contract pioneers in mainland China including the author It is also a great affirmation and praise for which the author is deeply gratified

**Chinese Law of Personality Rights I** Wang Liming, Shi Jiayou, 2022-07-29 This volume is a collection of up to date authoritative essays on China's Law of Personality Rights its impact in practice and its legal background The Law of Personality Rights was enacted in China in May 2020 the first time that the Law has been legislated as an independent part of the Civil Code of the People's Republic of China marking an unprecedented step in protecting the personality rights of

citizens As the first volume of a two volume set that elucidates the theory practice and codification experience of the Law in China the book examines the basis for the Law as a standalone part of the Civil Code its overall framework and the delimitation and formation of the Law In terms of practical aspects the contributors delve into institutional arrangements the relationship between human rights and personality rights and the relationship with laws on tort liability as well as those pertaining to marriage and the family The book will be an essential reference to scholars and students studying civil law continental law Chinese law and the legal protection of personality rights

**The Making of the Chinese Civil Code** Hao Jiang,Pietro Sirena,2023-09-14 This book is the first attempt in the English language to study and evaluate the new Chinese Civil Code

*Concise Chinese Tort Laws* Xiang Li,Jigang Jin,2014-07-08 The explosive economic development in China over the last three decades has created social challenges unprecedented in the country s history In response China has overhauled its existing tort laws and even created new tort laws By exploring its principles theories and history this book provides international readers a fresh outlook on China s tort law system Granted that some concepts or theories in China s modern tort laws were borrowed from the west the principles behind them can nevertheless often find their roots in ancient Chinese philosophies concepts or even laws This book also uses real cases to explain the courts application of China s tort laws and the meaning of the corresponding statutes

**On the Constitutionality of Compiling a Civil Code of China** Zhu Wang,2019-11-15 This book explains the urgent necessity to compile a Civil Code and calls for constitutional awareness in compiling that Civil Code highlighting the need for it to be done in a democratic and scientific manner It advocates Pragmatic Methods as a new approach to compiling a Civil Code of China and shares the author s thoughts on the constitutionality of compiling a Civil Code explains the object that is to be judged in terms of its constitutionality and the constitutionality of legal interpretation of legislative procedures and of legal application The book also illustrates the author s mode of the codifying of non basic laws for compiling a Civil Code and includes a detailed discussion on compiling a Civil Code to reveal how many valid laws there are China a matter that is of vital importance to the compilation of the Civil Code The Appendix includes statistics on the number of civil cases classified according to causes of actions based on Judicial Opinions of China website which is the first step of the author s plan to investigate civil customs reflected in judgment documents with the help of big data analytical methods

**Innovation, Economic Development, and Intellectual Property in India and China** Kung-Chung Liu,Uday S. Racherla,2019-09-06 This open access book analyses intellectual property codification and innovation governance in the development of six key industries in India and China These industries are reflective of the innovation and economic development of the two economies or of vital importance to them the IT Industry the film industry the pharmaceutical industry plant varieties and food security the automobile industry and peer production and the sharing economy The analysis extends beyond the domain of IP law and includes economics and policy analysis The overarching concern that cuts through all chapters is an inquiry into why certain industries have developed in one country

and not in the other including the role that state innovation policy and or IP policy played in such development the nature of the state innovation policy IP policy and whether such policy has been causal facilitating crippling co relational or simply irrelevant The book asks what India and China can learn from each other and whether there is any possibility of synergy The book provides a real life understanding of how IP laws interact with innovation and economic development in the six selected economic sectors in China and India The reader can also draw lessons from the success or failure of these sectors     Patents and Innovation in China and Hong Kong Yahong Li,2017-10-12 The first book on how patents and innovation interact within the two co existing patent systems in mainland China and Hong Kong     *Human Rights Protection System in China* Pinghua Sun,2013-09-18 In recent years more and more scholars in the world feel interested in the topic of human right protection status in China This book hopes to serve as a window through which its readers will have a better understanding of theory and practice of human rights protection in the Chinese context The book systematically introduces the dynamic development and progress of human rights protection in China attaching great importance to the first white paper on Human Rights in China The state respects and guarantees human rights included in the Constitution National Human Rights Action Plan of China and then putting forth fundamental principles to achieve international human rights standards and specific measures to improve human rights protection standards in China Then the book further discusses Foundations of Human Rights Guarantee in Contemporary China Human Rights Culture and Their Reconstruction in the Chinese Context and Socialist Legal System with Chinese Characteristics Then a final chapter is dedicated to the topic of Judicial Protection System of Human Rights in China In appendices four important documents on human rights in China as well as a list of the author s major articles and works in the past 10 years are provided     *The Draft Civil Code of the People's Republic of China* Huixing Liang,2010-10-05 Since the beginning of the 20th century various attempts have been made by legal scholars to draft a Civil Code in China However only since the 1980s when the open door policy was implemented has Chinese Civil law become the basis for the development of a socialist market economy Since the adoption of Chinese contract law 1999 property Law 2007 and tort Law 2009 in recent years the basic construction of a socialist civil law system has been formulated For the completion of a systematic civil law structure a Civil Code has now been further advocated by society The Draft Civil Code prepared by the Chinese Academy of Social Sciences headed by Liang Huixing is the first Draft Civil Code since the establishment of the People s Republic of China The English translation of this code aims to provide a source for western scholars to provide some knowledge on recent developments of Chinese civil law Also available as a Paperback edition 978 90 04 17915 8



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