



CHINA'S LEGAL SYSTEM: COMMON LAW
OR CIVIL LAW?



LAW SHUN

Chinas Legal Reforms

Ingrid Hooghe, Eduard B. Vermeer



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China's Legal Reforms Stanley B. Lubman, 1996 Since the early 1980s the People's Republic of China has been building legal institutions where no meaningful ones had existed before This collection of essays by leading international scholars of Chinese law analyses the accomplishments of Chinese law reform and the problems that confront the Chinese leadership and the Chinese people in their struggle to define the role of law in China Chinese economic reforms have led to a dramatic rate of economic growth and have also made China the world's leader in

attracting foreign capital A sound legal system is not only essential for continued economic growth and foreign investment but its future development will express and reflect the evolution of China's post-totalitarian political institutions These essays focus on the changing Chinese conceptions of the role of law in shaping family relationships the effectiveness of the courts in civil litigation the operation of the criminal process judicial decision making the evolution of a legislative process the growth of a legal profession the legal framework of foreign direct investment in China and China's record as a member of the international community An overview by the editor identifies the emerging functions performed in Chinese society by the new legal institutions and tries to analyse likely major influences on them in the near future including among other contradictory forces increased consciousness of individual rights and a tenacious insistence by the Chinese Communist Party on maintaining its power

China's Journey Toward the Rule of Law Cai Dingjian, 曹定坚, 2010 The Thirty years since China's reform and opening have been very eventful for the country's legal reforms and this volume presents a multi-disciplinary look at the current scholarship going on in China on the subject The articles have been translated into English to assist scholars worldwide in understanding China's recent legal history and also to help familiarize them with the currents of contemporary Chinese scholarship Individual subjects include commercial law the evolving relationship between the Chinese government and its citizens administrative law and criminal justice There are also chapters on newly emerging areas of the law that are crucial to China's future development such as the chapters on environmental law and intellectual property The volume also includes a chapter on legal education and the legal profession judicial reform and the development of law to protect the rights of the disadvantaged

Bird in a Cage Stanley B. Lubman, 1999 This book analyzes the principal legal institutions that have emerged in China and considers implications for U.S. policy of the limits on China's ability to develop meaningful legal institutions

Chinese Legal Reform and the Global Legal Order Yun Zhao, Michael Ng, 2017-11-09 This volume critically evaluates the latest legal reform of China covering major areas such as trade and securities law online privacy law criminal law human rights and international law It represents a bold departure from the most recent works on Chinese legal reform by engaging the ideas of experts in contemporary Chinese law with the archival scholarship of Chinese legal historians This unique interdisciplinary feature affords readers a more nuanced view of the complexities and specificities of how China has problematised legal reforms in various historical contexts when building a progressive yet sustainable legal system This volume appraises the most current reform in Chinese law by considering China's engagement with globalisation increasingly complicated domestic situation and historical legal transplantation experiences It will be of huge interest to students researchers and practitioners interested in Chinese law and policy China and Asian studies and Chinese legal history

Domestic Law Reforms in Post-Mao China Pitman B. Potter, Stanley Lubman, 2019-07-12 This volume explores various aspects of the law in transition in post-Mao China Stanley Lubman's introduction places each of the substantive chapters in the larger context of Chinese legal studies Edward Epstein analyses the transplanting of European

and Anglo American legal ideologies into China and the dilemmas this poses for the rule of law and legitimation in the reform period Murray Scot Tanner analyses reforms in the legislative process focusing particularly on the separation of the Communist Party from day to day legislative affairs and more pluralistic tendencies in the legislative process William C Jones by addressing the opinion of the Supreme People's Court regarding implementation of the general principles of civil law raises compelling questions about legal interpretation in China in the context of social reform James Feinerman analyses developments in Chinese contract law raising the question as to whether in China it can form a basis for predictability and certainty in commercial transactions that are integral to the economic reforms Judy Polumbaum studies developing efforts to enact a press law reflecting the uses to which law has been put in pursuit of the political issue of press reform Finally Pitman Potter analyses the emerging concept of judicial review in the context of the Administrative Litigation Law of the PRC an important aspect of political reform in China By addressing these issues the authors aim to reveal the various aspects of the developing autonomy that is embodied in China's legal reforms

Legal Reforms in China and Vietnam John

Gillespie, Albert Chen, 2010-09-13 Although the adoption of market reforms has been a key factor leading to China's recent economic growth China continues to be governed by a communist party and has a socialist influenced legal system Vietnam starting later also with a socialist influenced legal system has followed a similar reform path and other countries too are now looking towards China and Vietnam as models for development This book provides a comprehensive comparative assessment of legal developments in China and Vietnam examining similarities and differences and raising important questions such as Is there a distinctive Chinese model and or a more general East Asian Model If so can it be flexibly applied to social and economic conditions in different countries If it cannot be applied to a culturally and politically similar country like Vietnam is the model transportable elsewhere in the world Combining micro or interpretive methods with macro or structural traditions the book provides a nuanced account of legal reforms in China and Vietnam highlighting the factors likely to promote change or resist the spread of the Chinese model

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.

Chinese Legal Reforms Lu Xu, 2024-04-22. This book explains the details and underlying thinking of many major reforms to Chinese law and legal practice that have taken place since 2013. It draws widely on laws and regulations, policies, cases, official statistics, as well as the latest Chinese and foreign literature. The informed analysis answers intriguing questions such as why China runs the world's largest database of court judgments without recognising any precedent, or why the number of judges was cut by 40% despite a more than doubled caseload. Ultimately, it offers a new approach on how to understand Chinese law and legal reforms in the contemporary world.

Chinese Legal Reform and the Global Legal Order Yun Zhao, Michael Ng, 2018. A critical evaluation of the latest reform in Chinese law that engages legal scholarship with research of Chinese legal historians.

Modern Chinese Legal Reform Xiaobing Li, Qiang Fang, 2013-02-15. China's rapid socioeconomic transformation of the past twenty years has led to dramatic changes in its judicial system and legal practices. As China becomes more powerful on the world stage, the global community has dedicated more resources and attention to understanding the country's evolving democratization, and policymakers have identified the development of civil liberties and long-term legal reforms as crucial for the nation's acceptance as a global partner. *Modern Chinese Legal Reform* is designed as a legal and political research tool to help English-speaking scholars interpret the many recent changes to China's legal system. Investigating subjects such as constitutional history, the intersection of politics and law, democratization, civil legal practices, and judicial mechanisms, the essays in this volume situate current constitutional debates in the context of both the country's ideology and traditions and the wider global community. Editors Xiaobing Li and Qiang Fang bring together scholars from multiple disciplines to provide a comprehensive and balanced look at a difficult subject. Featuring newly available official sources and interviews with Chinese administrators, judges, law enforcement officers, and legal experts, this essential resource enables readers to view key events through the eyes of individuals who are intimately acquainted with the challenges and successes of the past twenty years.

Legal Reform in the Contemporary Socialist World Ngoc Son Bui, 2024-08-12. *Legal Reform in the Contemporary Socialist World* explores four decades of legal reform in the socialist countries of China, Vietnam, Laos, North Korea, and Cuba from a comparative perspective. Spanning the late 1970s to the present, it examines various projects, methods, strategies, contents, driving forces, and limitations of legislative reform, administrative reform, judicial reform, and reform of the legal profession. Legal reform in these countries is the project of the political elite to improve the legal system while retaining its core socialist principles. It is carried out through legislative enactments, amendments, and replacements which the political elite adopt using incremental strategies to reform the legal system, sporadically or systematically. Socialist legal reform is

animated by the political aspiration to create the rule of law the impact of social economic change and the influence of transnational and comparative law Despite significant reforms the socialist principles of the legal systems in these countries largely remain intact This legal reform however varies considerably by country Legal Reform in the Contemporary Socialist World offers a holistic view of understudied jurisdictions in comparative law essential for anyone studying or working in these areas in law politics or policy *Chinese Legal Reform* Yan Wang,2002 **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 **The Judicial System and Reform in Post-Mao China** Dr Yuwen Li,2014-11-28 This comprehensive study examines the development and changing characteristics of the judicial system and reform process over the past three decades in China Using a combination of traditional modes of legal analysis case studies and empirical research the study reflects upon the complex progress that China has made and continues to make towards the modernisation of its judicial system It is unique in providing both breadth of coverage and substantive details of the operation of the courts in China [The Chinese Legal System](#) Pitman B. Potter,2005-07-08 This book analyses the major features of the Chinese legal system on the eve of its accession to the World Trade Organisation and will be essential reading for students and academics in the field of Chinese law **Legal Reforms in the People's Republic of China** Pei Hwa Mike Chu,2001

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bowl whisk together the coconut oil or butter egg whites vanilla extract and liquid stevia add in the greek yogurt stirring
until no large lumps remain stir in ½ cup 2 tablespoons of milk

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large mixing bowl whisk together the dry ingredients white whole wheat flour cocoa powder baking soda espresso powder salt and cinnamon stir in the chocolate chips

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