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Conflict of Laws in the People's Republic of China Zheng Sophia Tang, Yongping Xiao, Zhengxin Huo, 2016-07-27 The area of conflict of laws in China has undergone fundamental development in the past three decades and the most recent changes in the 2010s regarding both jurisdiction and choice of law rules mark the establishment of a modern Chinese conflicts system Jointly written by three professors from both China and the UK this book provides the most up to date and comprehensive analysis of Chinese conflict of laws in civil and commercial matters covering jurisdiction choice of law procedure judgment and awards recognition and enforcement and interregional conflicts in China

Contracts in the People's Republic of China Jacques H. Herbots, 2018-03-12 A complete and well documented review of contract law in China This in depth introduction to the law of contracts of Mainland China was written for Western lawyers who have contacts with the People's Republic of China for scholars and students of comparative law or of Sinology As stated above the book is merely an introduction not a technical legal treatise for specialised private lawyers It is therefore useful for businessmen too Without using stale language this work also places the law of contractual obligations in an historical and socio political context It sketches besides the general theory of contractual obligations and the provisions on the several specific contracts the Chinese case law on international sales contracts as well as the law on the dispute resolution It can be said that with regard to the private law the book opens a window on the continental Chinese legal culture as Zweigert and Kötz would call it An essential handbook for all lawyers who wish to be fully involved in international relationships

ABOUT THE AUTHOR Jacques H Herbots devoted his PhD thesis to African law Thereafter for many years he taught contracts obligations and comparative law at the renowned university of Louvain Besides his main tasks as a professor he kept feeling the pulse of the living law as a deputy judge as an assessor in the Belgian Council of State and as a member of the High Council for the Judiciary He is currently still arbitrator in the Belgian Centre for Arbitration and Mediation and he was appointed to the panel of the CIETAC in Beijing Ever since a visit to the People's Republic in 1974 one may safely say he has been fascinated by the Empire of the Middle

Contract Laws of the People's Republic of China China, Jerome Alan Cohen, Yvonne Y. F. Chan, Yuk Ming Ho, 1988

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Studies in the Contract Laws of Asia Mindy Chen-Wishart, Alexander Loke, Burton Ong, 2016 *Studies in the Contract Laws of Asia* provides an authoritative account of the contract law regimes of selected Asian jurisdictions including the major centres of commerce where until now limited critical commentaries have been available in the English language In this new six part series of scholarly essays from leading

scholars and commentators each volume will offer an insider's perspective into specific areas of contract law including remedies formation parties contents vitiating factors change of circumstances illegality and public policy and will explore how these diverse jurisdictions address common problems encountered in contractual disputes Concluding each volume will be a closing discussion of the convergences and divergences throughout each across the jurisdictions and comparisons with European jurisdictions from which Asians well as an overview of the common themes found throughout each jurisdiction contract law derive Volume I of this series examines the remedies for breach of contract in the laws of China India Japan Korea Taiwan Singapore Malaysia Hong Kong Korea and Thailand Specifically it addresses the readiness of each legal system in their action to insist that parties perform their obligations the methods of enforcing the parties agreed remedies for breach and the ways in which monetary compensation are awarded Each jurisdiction is discussed over two chapters the first chapter will examine the performance remedies and agreed remedies while the second explores the monetary remedies A concluding chapter offers a comparative overview

Private International Law in China Guangjian Tu, 2015-10-28 This book provides a systematic elaboration of Chinese Private International Law reveals the general techniques concerning conflict of laws in China explains the detailed Chinese conflict rules for different areas of law and demonstrates how international civil litigation is pursued in China Clearly structured and written by a native Chinese scholar specializing in the field the book's easy to read style makes it accessible to a broad readership while its content makes it a useful reference guide especially for jurists and researchers

Law-Making in the People's Republic of China Jianfu Chen, Yuwen Li, Jan Michiel Otto, Maurice V. Polak, 2021-10-25 Who are the legislators and what are the products of the legislative process in China How does a law come into being What meaning should we ascribe to these legislative products from the perspective of legal certainty Can we recognise a Chinese approach to or style of law making What technical legislative problems have Chinese jurists identified and what sorts of solutions to them are being considered These are the questions which Law making in the PRC attempts to solve The volume opens with papers on the historical perspective of law making on ideology and law making and on a comparison between the PRC's legal framework and the frameworks of other legal systems Part II deals with various Institutions and Actors involved and offers analyses of the National People's Congress the State Council departmental rule making local law making law making in autonomous regions public participation and the proposed law on law making by academics Part III offers three case studies in which important areas of legal development are analysed from a law making point of view The selected areas are administrative law contract law and criminal law

Chinese Contract Law Larry A. DiMatteo, Chen Lei, 2017-10-26 This book is the product of a unique collaboration between mainland Chinese scholars and scholars from the civil common and mixed jurisdiction legal traditions It begins by placing the current Chinese contract law CCL in the context of an evolutionary process accelerated during China's transition to a market economy It is structured around the core areas of contract law anticipatory repudiation common law and defense of security German law and

remedies and damages with a focus on the availability of specific performance in Chinese law The book also offers a useful comparison between the CCL and the UNIDROIT Principles of International Commercial Contracts as well as the Convention on Contracts for the International Sale of Goods The analysis in the book is undertaken at two levels practical application of the CCL and scholarly commentary

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

Contract Law in Changing Times Normann Witzleb, 2022-12-30 This collection of essays provides a rich and contemporary discussion of the principle of pacta sunt servanda This principle which requires that valid agreements are to be honoured is a cornerstone of contract law Focusing on contributions from Asia this book shows that despite its natural and universal appeal the pacta sunt servanda principle is neither absolute nor immutable Exceptions to the binding force of contract must be available in limited circumstances to avoid hardship and unfairness This book offers readers new comparative perspectives on the appropriate balance between contractual certainty and flexibility in an era of social instability Expert authors mostly from East and Southeast Asia explore when their domestic legal systems allow exceptions from the binding force of contracts Doctrines discussed include impossibility frustration change of circumstance force majeure illegality as well as rights of withdrawal Other chapters consider the importance of the pacta principle in international law The challenges posed by the COVID 19 pandemic feature strongly in the majority of contributions

Chinese Private International Law Xiaohong Liu, Zhengyi Zhang, 2021-04-22 Written with the assistance of a team of lecturers at the Shanghai University of Political Science and Law this book is the leading reference on Chinese private international law in English The chapters systematically cover the whole of Chinese private international law not just questions likely to arise in commercial matters but also in family succession cross border insolvency intellectual property competition antitrust and environmental disputes The chapters do not merely cover the traditional conflict of law areas of jurisdiction applicable law choice of law and enforcement They also look into conflict of law questions arising in arbitration and assess China's involvement in the harmonisation of private international law globally and regionally within the Belt and Road Initiative Similarly to the Japanese and Indonesian volumes in the Series this book presents Chinese conflict of laws through a combination of common and civil law analytical techniques and perspectives providing readers worldwide with a more profound and comprehensive understanding of Chinese private international law

Invalidity Mindy Chen-Wishart, Alexander Loke, Stefan Vogenauer, Hiroo Sono, Burton Ong, 2022 The Studies in the Contract Laws of Asia series charts the divergence in and common principles of contract laws across Asia with a view to providing the scholarly foundations for future harmonization and reform This fourth volume deals with factors affecting the validity of contracts

Rethinking Unjust Enrichment Warren Swain, Sagi Peeri, 2024-01-07 This interdisciplinary volume brings together scholars from across the globe to challenge the dominant position of unjust enrichment and suggest more satisfactory alternatives Rethinking Unjust Enrichment includes a broad range of voices from the UK US

Australia Canada China Singapore Germany Ireland New Zealand Hong Kong and South America The book includes voices of sceptics who think that the current unjust enrichment doctrine must be seriously qualified and others who think that it should be eliminated altogether The contributions cast doubt on the various parameters of unjust enrichment from an analytical standpoint representing four interrelated perspectives history sociology doctrine and theory The four limb structure of the book provides readers with a clear understanding of the current problems of unjust enrichment at the deepest levels of its history sociological forces doctrinal fallacies and normative deficiencies This treatment of the subject serves as the basis for a comprehensive reform across jurisdictions Comprehensive and multi faceted Rethinking Unjust Enrichment is interesting to both sceptics and supporters of the unjust enrichment It facilitates a critical and constructive dialogue between the two **Remedies for Breach of Contract** Mindy Chen-Wishart,Alexander Loke,Burton

Ong,2016-02-12 Studies in the Contract Laws of Asia provides an authoritative account of the contract law regimes of selected Asian jurisdictions including the major centres of commerce where until now limited critical commentaries have been available in the English language In this new six part series of scholarly essays from leading scholars and commentators each volume will offer an insider s perspective into specific areas of contract law including remedies formation parties contents vitiating factors change of circumstances illegality and public policy and will explore how these diverse jurisdictions address common problems encountered in contractual disputes Concluding each volume will be a closing discussion of the convergences and divergences across the jurisdictions Volume I of this series examines the remedies for breach of contract in the laws of China India Japan Korea Taiwan Singapore Malaysia Hong Kong Korea and Thailand Specifically it addresses the readiness of each legal system in their action to insist that parties perform their obligations the methods of enforcing the parties agreed remedies for breach and the ways in which monetary compensation are awarded Each jurisdiction is discussed over two chapters the first chapter will examine the performance remedies and agreed remedies while the second explores the monetary remedies A concluding chapter offers a comparative overview Selected Chinese Cases on the UN Sales

Convention (CISG) Vol. 1 Peng Guo,Haicong Zuo,Shu Zhang,2022-07-07 This book focuses on Chinese cases on the CISG decided by Chinese courts of all levels mainly from 1990 to 2005 During this period the number of cases grew gradually The total number of cases remained low the reasons of which might be the following parties were not familiar with the CISG hence decided to opt out of it the case collection and report systems in China at that time were not as developed as now rendering many cases inaccessible This book deals with the cases in the early days of the development of the CISG in China These cases reflect how People s Court of all levels started to deal with various issues arising from the CISG and will help understand whether and how the People s Courts change their approaches to the interpretation and application of the CISG in the future *Comparative Contract Law* Thomas Kadner Graziano,2023-01-17 This significantly revised and expanded third edition of Comparative Contract Law brings together extracts from legislation and court practice in a way that enables

students to experience comparative law in action

China's Influence on Non-Trade Concerns in International

Economic Law Paolo Farah, Elena Cima, 2016-10-14 This volume examines the range of Non Trade Concerns NTCs that may conflict with international economic rules and proposes ways to protect them within international law and international economic law Globalization without local concerns can endanger relevant issues such as good governance human rights right to water right to food social economic cultural and environmental rights labor rights access to knowledge public health social welfare consumer interests and animal welfare climate change energy environmental protection and sustainable development product safety food safety and security Focusing on China the book shows the current trends of Chinese law and policy towards international standards The authors argue that China can play a leading role in this context not only has China adopted several reforms and new regulations to address NTCs but it has started to play a very relevant role in international negotiations on NTCs such as climate change energy and culture among others While China is still considered a developing country in particular from the NTCs point of view it promises to be a key actor in international law in general and more specifically in international economic law in this respect This volume assesses taking into consideration its special context China's behavior internally and externally to understand its role and influence in shaping NTCs in the context of international economic law

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