

General Principles of the Civil Law of the People's Republic of China

(Adopted at the Fourth Session of the Sixth National People's Congress,
promulgated by Order No. 37 of the President of the People's Republic of
China on April 12, 1986, and effective as of January 1, 1987)

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The General Principles Of The Civil Law Of The Peoples Republic Of China

Zhu Wang



The General Principles Of The Civil Law Of The Peoples Republic Of China:

General Principles of the Civil Law of the People's Republic of China National People's Congress, 2021-04-11 The General Principles of the Civil Law of the People's Republic of China serves as a foundational text articulating the civil law framework in China reflecting a pivotal shift in legal scholarship post 1978 economic reforms This comprehensive document combines both traditional Chinese legal concepts and modern legal practices employing a clear and precise style that is accessible to both legal professionals and scholars Contextually it emerges from a period when China was undergoing rapid modernization and globalization necessitating a codification that harmonizes domestic legal frameworks with international standards thus paving the way for future legal developments in civil rights and obligations The National People's Congress as the primary legislative body in China undertook the monumental task of codifying civil law to establish a robust legal infrastructure that supports economic growth and social stability Given the profound societal transformations during the late 20th century their collective expertise in law and governance reflects a consensus aimed at fostering legal clarity and promoting justice within a socialist market economy This work correlates closely with the modernization agenda that sought to balance state control with civil liberties I highly recommend this text to anyone invested in understanding the evolution of Chinese law It is essential for legal scholars practitioners and policymakers interested in the adaptation of civil law within a socialist context as well as for those examining the intersections of law economy and society in contemporary China

General Principles of Civil Law of the People's Republic of China China, 1986 *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 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 [The Copyright Law of the People's Republic of China](#) Philine-Luise Pulst, 2022-05-10 The protection of intellectual property in the People's Republic of China has been of great importance at least since the opening of the market in 1978 Although the first efforts to protect the rights of individuals in the field of copyright were made as early as the Qing Dynasty it took until the 1990s before a copyright law was finally implemented While the law is already quite advanced in the books effective enforcement of rights has faced and continues to face many hurdles Due to that and also to take account of technological progress and further developments at the international level China's copyright law has been undergoing a reform process since 2012 which resulted in the 2020 Amendment of the Chinese Copyright Law that takes effect on 1 June 2021 This work focuses on the legal historical development of copyright law in the People's Republic of China with the aim of understanding the current reform of the

Copyright Law and the problems China has faced and is facing Philine Luise Pulst is a lawyer in the fields of intellectual property law and life sciences with the international law firm CMS in Hamburg *Law in the People's Republic of China* John H. Minan, Ralph H. Folsom, 2024-11-25 *Codification in East Asia* Wen-Yeu Wang, 2014-02-07 This book looks at codification from a broad international perspective discussing general themes as well as various legal fields Since codification is a subject of intense current interest in East Asia this second volume on codification is dedicated to the sub theme of codification and legal transplant in this area focusing on China Japan Korea and Taiwan It includes two papers that discuss development of codification in East Asia and Korea in particular It is also comprised of two reports that draw comparative lessons from Japan India and Indonesia In addition this volume consists of four general reports and 19 national reports that guide readers through the knowledge of codification of commercial law administrative law civil law and private international law in East Asia This book is developed from papers presented at the 2012 Thematic Conference of the International Academy of Comparative Law *Selected Chinese Cases on the UN Sales Convention (CISG) Vol. 4* Peng Guo, Haicong Zuo, Shu Zhang, 2025-05-02 This book focuses on Chinese cases on the CISG decided by Chinese courts of all levels focusing on those decided from 2013 to 2016 During this period the number of cases grew fast compared to 2010 to 2012 covered in volume 3 The growth in the total number reflects that parties might become more familiar with the CISG and therefore decided not to opt out of it in addition the case collection and report systems in China at that time were developing very fast rendering many cases easily accessible This book provides a comprehensive and detailed analysis of selected cases The analysis of those cases will be on a case by case basis For each case an English summary of the judgment will be provided In the comment the People's Courts approach to the interpretation and application of the CISG will be discussed Comments of the individual case will be written either by scholars or judges or lawyers from international and comparative perspectives to discuss the successes and pitfalls of the interpretation and application of the CISG in China These selected 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 *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 Toward a New Framework for Peaceful Settlement of China's Territorial and Boundary Disputes Junwu Pan, 2009-02-23 As China becomes more integrated in global economic and political systems it has become inevitable that it engages fully and actively in the international legal system Notably missing in China's international engagement is its participation in international institutions on third party settlement of disputes including territorial and boundary disputes This work argues that contrary to conventional understanding much could be gained by China if it were to have a more positive attitude towards third party settlement of its territorial and boundary disputes This volume examines both the problems and opportunities China is confronting within the changing international context and offers new frameworks for settlement of China's major territorial and boundary disputes

Modern European and Chinese Contract Law Junwei Fu, 2011-01-01 This comparative study of European and Chinese contract law opens a clear and practical way to identify and understand the differences between the two legal regimes The author offers a detailed doctrinal comparison of the two systems of contract focusing on the following fundamental elements the importance of socio economic valuation in Chinese contract law the role of judicial interpretation pre contractual liability penalties for bad faith disclosure versus concealment validity mistake fraud threats unfair bargaining power adaptation and termination effect of registration and approval rules mandatory rules good faith and fair dealing the public interest and direct application of constitutional law to contracts The book's special power lies in its extraordinarily thorough comparison of doctrines underlying specific provisions of such instruments as the Contract Law of the People's Republic of China CLC the General Principles of the Civil Law of the People's Republic of China GPCL the Principles of European Contract Law PECL and the Draft Common Frame of Reference DCFR as well as analysis of judicial cases **Selected Chinese Cases on**

the UN Sales Convention (CISG) Vol. 2 Peng Guo, Haicong Zuo, Shu Zhang, 2023-04-03 This book focuses on Chinese cases on the CISG decided by Chinese courts of all levels mainly from 2006 to 2010 During this period the number of cases grew gradually The total number of cases still remained low the reasons of which might be the following parties were not familiar with the CISG and therefore decided to opt out of it in addition the case collection and report systems in China at that time were not as developed as now rendering many cases inaccessible This book provides a comprehensive and detailed analysis of selected cases The analysis of those cases will be on a case by case basis For each case an English summary of the judgments will be provided In the summary the People's Court's approach to the interpretation and application of the CISG will be emphasised Following the summary are comments of the individual case written either by an academic or a current or former judge from international and comparative perspective to discuss the successes and pitfalls of the interpretation and application of the CISG This book deals with the cases from 2006 to 2010 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 future

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 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

Trust Law in Asian Civil Law Jurisdictions Lusina Ho, Rebecca Lee, 2013-07-11 This book analyses and compares Asian trust laws to critically evaluate Asian approaches to the reception of the trust

Asian Yearbook of International Law Ko Swan Sik, J. J. G. Syatauw, M. C. W. Pinto, 1996-02-01 The Asian Yearbook of International Law is the first publication dedicated primarily to international law as seen from an Asian perspective It provides a forum for the publication of articles in the field of international law written by experts from the region and also other articles relating to Asian topics Its aim is twofold to promote the dissemination of knowledge of international law in Asia and to provide an insight into Asian views and practices which will be especially useful to a non Asian readership As a rule each volume of the Asian Yearbook contains Articles Notes State Practice a Chronicle of Events and Incidents United Nations Activities with Special Relevance to Asia a Survey of Activities of the Asian African

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Implementation of Law in the People's Republic of China Jianfu Chen,Yuwen Li,Jan Michiel Otto,2021-08-04 China after some twenty years of reform is no longer a country without law Indeed one may legitimately complain that there are too many laws that are changing too rapidly However law acquires no life nor performs its intended social functions without proper implementation and enforcement Here few people Chinese or foreign are content with the general situation of implementation of law in China The problems and difficulties in implementing and enforcing laws and regulations are reported and discussed in the various forums of the Chinese media almost on a daily basis and often reported in Western media also Academics in China are filling the pages of various legal journals with their diagnoses and analyses of the causes of and solutions to the lack of proper implementation of law and legal regulations and policy measures are being issued to deal with these problems and to overcome the difficulties The future of the rule of law in China as we are so often reminded by scholars of Chinese politics and law largely depends on the proper implementation and enforcement of law This is a book about law in action in China that is it focuses on the administration of the law as a process through which law in the books is put into action and hence is made to perform its intended social functions It deals with the process the institutional settings the players and the political economic social and cultural settings the factors involved in the administration of law in China Throughout the book we will see a variety of problems and difficulties involved in implementing and enforcing laws and regulations that are identified and analyzed by the contributors We will also see analyses on legal regulations and policy measures that have been issued to rectify the many identified problems to raise the standard of actual implementation of law and to improve the functioning of the various law implementing enforcing authorities Additionally the book provides various case studies on implementation of law in China The present book we believe is among the first collective efforts at a systematic and comprehensive study of the implementation of law in China and we hope that it will stimulate many more such studies studies on the actual operation and impact of law on society and on individuals *Rethinking Unjust Enrichment* Warren Swain,Sagi Peari,2024-01-07 This inter disciplinary 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

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

The Case for Repatriating China's Cultural Objects Zuozen Liu, 2016-02-25 This book investigates China's demands for the repatriation of Chinese cultural relics lost during the country's modern history It addresses two main research questions Can the original owners or their rightful successors of cultural objects looted stolen or illicitly exported before the adoption of the 1954 Hague Convention and the 1970 UNESCO Convention reclaim their cultural objects pursuant to remedies provided by international or national law And what are the philosophical ethical and cultural considerations of identity underlying the international conventions protecting cultural objects and claims made for repatriating them The first part of the book explores current positive legal regimes while the second part focuses on the philosophical ethical and cultural considerations regarding repatriation of cultural objects Consisting of seven chapters and an introduction it outlines the loss of Chinese cultural relics in modern history and the normative framework for the protection of cultural heritage It presents case studies designed to assess the possibility of seeking legal remedies for restitution under contemporary legal regimes and examines the cultural and ethical issues underpinning the international conventions protecting cultural heritage and claims for the repatriation of cultural

heritage It also discusses issues of cultural identity the right to cultural identity and heritage multiculturalism the politics of recognition cosmopolitanism the right to cultural heritage and other related issues The concluding chapter answers the two research questions and offers suggestions for future research

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