

# 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

**Hao Jiang, Pietro Sirena**



## **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 *Law in the People's Republic of China* John H. Minan, Ralph H. Folsom, 2024-11-25 **The Draft Civil Code of the People's Republic of China** Huixing Liang, 2010-10-05 This book is an English translation of the Draft Chinese Civil Code prepared by the Legislative Group of the Chinese Academy of Social Sciences headed by Prof Liang Huixing which is officially mandated by the Legislative Committee of the National People's Congress of the People's Republic of China **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

### **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

### **The Making of the Chinese Civil Code**

Hao Jiang,Pietro Sirena,2023-09-14 The Chinese Civil Code 2020 is the first ever Civil Code in mainland China since 1949 In addition to the consolidation of existing civil legislations the Code incorporated a number of doctrinal and structural changes that are significant both in and beyond China The chapters in this volume demonstrate the extent of European influence in Chinese Civil Law and also shows how Chinese law innovates upon those influences The book shares the insights from both the key

Chinese scholars who were directly involved in the drafting process and veteran Western scholars who study Chinese private law     **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     **Private International Law and the Internet** Dan Jerker B. Svantesson, 2016-03-22 In this the

third edition of Private International Law and the Internet Professor Dan Svantesson provides a detailed and insightful account of what is emerging as the most crucial current issue in private international law that is how the Internet affects and is affected by the four fundamental questions When should a lawsuit be entertained by the courts Which state's law should be applied When should a court that can entertain a lawsuit decline to do so And will a judgment rendered in one country be recognized and enforced in another He identifies and investigates twelve characteristics of Internet communication that are relevant to these questions and then proceeds with a detailed discussion of what is required of modern private international law rules Professor Svantesson's approach focuses on several issues that have far reaching practical consequences in the Internet context including the following cross border defamation cross border business contracts cross border consumer contracts and cross border intellectual property issues A wide survey of private international law solutions encompasses insightful and timely analyses of relevant laws adopted in a variety of countries including Australia England Hong Kong the United States Germany Sweden and China as well as in a range of international instruments There is also a chapter on advances in geo identification technology and its special value for legal practice The book concludes with two model international conventions one on cross border defamation and one on cross border contracts as well as a set of practical check lists to guide legal practitioners faced with cross border matters within the discussed fields Professor Svantesson's book brings together a wealth of research findings in the overlapping disciplines of law and technology that will be of particular utility to practitioners and academics working in this new and rapidly changing field His thoughtful analysis of the

interplay of the developing Internet and private international law will also be of great value as will the tools he offers with which to anticipate the future Private International Law and the Internet provides a remarkable stimulus to continue working towards globally acceptable rules on jurisdiction applicable law and recognition and enforcement of judgments for communication via the Internet

**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

**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

**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

**Toward a New Framework for Peaceful Settlement of China's Territorial and Boundary Disputes** Junwu Pan, 2009 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

*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

**Developing an Appropriate Contaminated Land Regime in China** Xiaobo Zhao, 2012-12-13 Like all industrialized countries China has encountered increasing problems with land contamination in recent years Abandoned mining and manufacturing sites and obsolete industrial complexes while also creating new polluting industrial enterprises

represent impending environmental threats More importantly a number of social and economic problems have developed and must be dealt with in some cases urgently Contaminated land laws and regulations have been established and have evolved in the US and UK and many other jurisdictions over the past few decades These regimes have substantially influenced the relevant legislation in the context of numerous Asian and European countries and will inevitably benefit similar legislative efforts in China This book is the first monograph that focuses on how China can learn from the US and UK with respect to contaminated land legislation and comprehensively illustrates how contaminated land law could be created in China It will be of interest to academics and practitioners in environmental law in China as well as the US and UK

**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

Law Reform and Financial Markets K. Alexander,Niamh Moloney,2012-01-01 Law Reform and Financial Markets addresses how law reform can be used to support strong financial markets and draws on the Global Financial Crisis as a case study This edited collection reflects recent developments including the EU institutional reforms and Dodd Frank Act 2010 The different contributions adopt a range of theoretical contextual and substantive perspectives examine different domestic regional and international contexts and assess public and private law frameworks in considering how legal and regulatory reforms can be most effectively designed for strong financial markets This comprehensive book will appeal to academics and postgraduates in the field of financial regulation and in cognate fields including finance and economics as well as to regulators and policymakers

**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

The Top Books of the Year The General Principles Of The Civil Law Of The Peoples Republic Of China The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous engrossing novels enthralling the hearts of readers worldwide. Lets delve into the realm of top-selling books, exploring the fascinating narratives that have charmed audiences this year. The General Principles Of The Civil Law Of The Peoples Republic Of China : Colleen Hoovers "It Ends with Us" This poignant tale of love, loss, and resilience has gripped readers with its raw and emotional exploration of domestic abuse. Hoover masterfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. The General Principles Of The Civil Law Of The Peoples Republic Of China : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This spellbinding historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids absorbing storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. The General Principles Of The Civil Law Of The Peoples Republic Of China : Delia Owens "Where the Crawdads Sing" This captivating coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens spins a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of compelling stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a masterful and thrilling novel that will keep you wondering until the very end. The novel is a cautionary tale about the dangers of obsession and the power of evil.

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