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The Chinese Legal System - Thomas W. Simon - 2016-04-29
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One Country, Two Systems, Three Legal Orders - Perspectives of Evolution - Jorge Oliveira - 2009-07-21
"One Country, Two Systems" is a political entity created by China in the aftermath of the Intensive Period of Taiwan's Separatist Movement. Its implementation in Macau and Hong Kong. Noble and contemporary themes such as autonomy models and fundamental rights are thoroughly approached, with a multifaceted analysis encompassing both Western and Chinese views, and an extensive comparative law acquis is also brought forward. Furthermore, relevant issues on international law, criminal law, and historical and comparative evolutions and interactions of different legal systems are laid down in this panoramic, yet comprehensive book. One cannot but underline the presence, in the many approaches and comments, of a certain aura of a modern Kantian cosmopolitanisation throughout the work, especially when dealing with the cardinal principle of "One Country, Two Systems", which enabled a peaceful and integral reunification ex vi internationali - the Joint Declarations - that ended an external and distant control.

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Chinese Contract Law - Larry A. DiMatteo - 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 focuses 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. An Introduction to the Legal System of the People's Republic of China - Albert Hung-yee Chen - 1998
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China's legal system is vast and complex, and robust scholarship on the subject is difficult to obtain. Inside China's Legal System provides readers with a comprehensive look at the system including how it works in practice, theoretical and historical understandings, and how it might evolve. The first section of the book explains the Communist Party's utilitarian approach to law: rule by law. The second section discusses Confucian and Legalist views on morality, law and punishment, and the influence such traditional Chinese thinking has on contemporary Chinese law. The third section focuses on the roles of the players (including judges, prosecutors, lawyers, and legal academics) in the Chinese legal system. The fourth section offers Chinese legal case studies in civil, criminal, administrative, and international law. The book concludes with a comparison of China's fundamental governing and legal principles with those of the United States, in such areas as checks and balances, separation of powers, and due process. Uses extensive legal materials and historical documents generally unavailable to Western based academics

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Judicial Review of Administrative Action Across the Common Law World - Swati Jhaveri - 2021-01-31
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Legal Translation and Bilingual Law Drafting in Hong Kong presents a systematic account from a cross-disciplinary perspective of the activities of legal translation and bilingual law drafting in Hong Kong. The book not only discusses the legal translation and bilingual law drafting in Hong Kong but also explores the interaction between Mainland China and Taiwan in the use of legal terminology. The study mainly examines the challenges posed to English-Chinese translation in the past three decades by elaborative drafting and terminological equivalence, and offers educational advice to students of law and language. The book also provides guidance to instructors not already familiar with Chinese law and history.

The Making of Chinese Criminal Law - Ying Ji - 2021-03-04

By examining the reasons behind the preventative criminalization of Chinese criminal law, this book argues that the shift of criminal law generates popular expectations of the law and, along with the expansion of the field of criminal law, the resulting problems of legislative inconsistency and haphazard legal enforcement. The book contends that China’s legal system is being built on a faulty and incomplete basis, and that if these problems remain unaddressed, China’s legal future is at risk. The book also provides insight into how the legal orders in Hong Kong and mainland China have changed over the course of Professor Chen’s academic career.

Great Legal Traditions: Civil Law, Common Law, and Chinese Law in Historical and Operational Perspective draws on the nearly thirty years of experience that the author has accumulated from working in and writing about a variety of legal systems around the world. After an introduction to the underlying concepts and values of the three great legal traditions and the history of comparative law, the book presents a comparative survey of civil law, common law, and Chinese law, which have both dynamic and contemporary legal systems. Each legal tradition is divided into two perspectives—first historical and then the contemporary. Numerous illustrations and biographical sketches bring the comparative survey to life, thereby setting the stage for a close examination of several key attributes of representational legal systems in each of these three traditions. The book’s ‘operational’ topics include sources of law, the role and training of lawyers, the division of court jurisdiction, constitutional review, the role of codification, and more—and it gives special attention to comparative procedural law. Great Legal Traditions is designed primarily for use in law schools and other graduate programs in comparative history, international relations, and both European and Chinese area studies, but the book is also written to be accessible to a general reader. The main text is supplemented with numerous appendices that serve as a place of documents supplement. A teacher’s manual is also available with guidance on each of the study questions that Head places at the beginning of each chapter (roughly 200 study questions in all). The teacher’s manual also provides guidance (and confidence) to instructors not already familiar with Chinese law and history.

Institution of Contracts in the Chinese People’s Republic - Richard M. Pfeffer - 1963

Institution of Contracts in the Chinese People’s Republic introduces the student to the evolution of the law of contracts in the People’s Republic of China and examines the social and economic characteristics that shaped the evolution of this area of law. The book is intended for students of law, legal translators, lawyers and legal practitioners who are engaged in translation, as well as all persons with an interest in the subject. The book provides insights into the various aspects of legal translation and bilingual law drafting in Hong Kong, including the historical background and the evolution of the law system. It also highlights the importance of understanding the cultural and linguistic differences between Hong Kong and the mainland.

Legal Translation and Bilingual Law Drafting in Hong Kong - Clara Ho-yan Chan - 2009-06-01

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The Common Law in Two Voices - Kwai Hang Ng - 2009-07-21

The Common Law in Two Voices presents a unique account of the development of the common law in Hong Kong. The book provides insight into how the legal orders in Hong Kong and mainland China have changed over the course of Professor Chen’s academic career. The book is intended for scholars, researchers, teachers and students of law, legal translators, lawyers and legal practitioners who are engaged in translation, as well as all persons with an interest in legal terminology and legal translation.
Advisory Legislation Systems in Greater China and Europe - Yuen Li - 2016-03-23

This book, read by Peter Wesley-Smith, provides a comparative study of the administrative legislation systems in China, Hong Kong, Taiwan and Macao, as well as a number of selected European countries that covers both states with an advanced rule of law and new democracies. The book serves as a broader context which can be used to analyze the current development of the common law in China and its relationship with China's social legal system and China's criminal law system respectively. Chapter 10 introduces China's legal system in litigation and non-litigation procedures in terms of administrative, civil, and criminal law procedures. Chapter 11 analyses the legal system of the special administrative regions in China and its relationship with China's legal system. Chapter 12 studies the relationship between the international law and China's domestic law system. Contents: Introduction; China's Legal System; The Sources of Hong Kong Law; The Common Law of England and the Law of Equity in Hong Kong; The Sources of the Common Law in China; The General Principles of the Chinese Legal System; The Legal System of China's Special Administrative Regions; The Legal System of China; The Legal System of Hong Kong; The Legal System of Taiwan; The Legal System of Macao; The Legal System of China and its Relationship with China's Legal System; The Legal System of the Special Administrative Regions in China and its Relationship with China's Legal System; The International Law and China's Domestic Law System; The Nature of the Common Law - Melvin Eisenberg - 1991-10

Common law rules predominate in some areas of law, such as torts and contracts, and are extremely important in other areas, such as corporations. Nevertheless, it is important to know what principles courts use—or should use—in establishing common law rules. In this lucid book, Melvin Eisenberg develops the principles that govern this process.

Modern Chinese Real Estate Law - Professor George M. Steiner - 2013-02-28

Modern Chinese real estate law. How can China develop a private market and ownership of land while still officially subscribing to Communist ideology? This study uses fieldwork interviews to establish how the Chinese real estate market operates in practice from both legal and business perspectives. It looks at how and why foreign investors are attracted to the Chinese market and how the Chinese real estate market is developing rapidly while its legal system is so uncertain. The book demonstrates how China is drawing on the world for ideas while retaining a domestic system that remains essentially Chinese, and how the recent revitalization of China's real estate market has confounded the predictions of many development economists.

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The Sources of Hong Kong Law - Peter Wesley-Smith - 1994-01-01

This book gives a comprehensive, comprehensive, and well-written, home-grown, and imported. Made by various bodies in various ways with various results, these laws constitute a reasonably coherent body of rules, principles, practices, procedures, customs, and traditions. How are these differing sources of law best understood? This book has been highly praised for its lucid, clear, and comprehensive explanation of the legal system in Hong Kong. Such are the questions which this book builds. They are vital questions for a legal system undergoing significant changes at a crucial time in the political development of Hong Kong.

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The Oxford Handbook of Fiduciary Law provides a comprehensive overview of critical topics in fiduciary law and theory through chapters authored by leading scholars. The Handbook opens with surveys of the many fields of law in which fiduciary duties arise, including agency law, trust law, corporate law, pension law, bankruptcy law, family law, employment law, legal representation, health care, and international law. Drawing on these surveys, the Handbook offers a synthetic analysis of fiduciary law's key concepts and principles. Chapters in the Handbook explore the defining features of fiduciary relationships, clarify the distinctive fiduciary duties that arise in these relationships, and identify the remedies available for breach of fiduciary duties. The volume also provides numerous comparative perspectives on fiduciary law from eminent legal historians and from scholars with deep expertise in a diverse array of the world's legal systems. Finally, the Handbook lays the groundwork for future research on fiduciary law and theory by highlighting cross-cutting themes, identifying persistent theoretical and practical challenges, and exploring how the field could be enriched through empirical analysis and interdisciplinary insights from economics, philosophy, and psychology. Unparalleled in its breadth and depth of coverage, The Oxford Handbook of Fiduciary Law represents an invaluable resource for practitioners, policymakers, scholars, and students in this essential field of law.

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