



Mike McConville

Criminal Justice in China

AN EMPIRICAL INQUIRY

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Criminal Justice In China An Empirical Enquiry

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Criminal Justice In China An Empirical Enquiry:

Criminal Justice in China Mike McConville, 2011-01-01 Criminal Justice in China is the most comprehensive work to date on the functioning of China's criminal justice system. This book is essential reading for anyone who wants to understand any aspect of the system. There are important insights on virtually every page including in depth study of the role of police, procuracy, courts and defense lawyers. The book will be of value to anyone interested in governance in China.

Comparative Perspectives on Criminal Justice in China Michael McConville, 2013-01-01 Comparative Perspectives on Criminal Justice in China is highly recommended. The editors have assembled the leading Western and Chinese scholars in the field to examine the administration of criminal justice in China showing both how far the system has come and the challenges that lie ahead. This is an important and timely book. It is essential reading for anyone who wants to understand or has to deal with the Chinese criminal justice system. Klaus M. Hliahn, Freie Universität Berlin, Germany. This highly informative and engaging volume on the Chinese criminal justice system today provides a window into the vagaries of law and its operation in the People's Republic. McConville and Pils bring together an impressive array of scholars whose studies span the criminal process. From initial police investigation through to prosecution and sentencing of defendants we see how dominant values in the Chinese state and its structures of power make the practice of criminal justice today still intensely political. Susan Trevaskes, Griffith University, Australia. Comparative Perspectives on Criminal Justice in China is an anthology of chapters on the contemporary criminal justice system in mainland China bringing together the work of recognised scholars from China and around the world. The book addresses issues at various stages of the criminal justice process: investigation and prosecution of crime and criminal trial as well as problems pertaining to criminal defence and to parallel systems of punishment. All of the contributions discuss the criminal justice system in the context of China's legal reforms. Several of the contributions urge the conclusion that the criminal process and related processes remain marred by overwhelming powers of the police and Party State and a chapter discussing China's 2012 revision of its Criminal Procedure Law argues that the revision is unlikely to bring significant improvement. This diverse comparative study will appeal to academics in Chinese law, society and politics, members of the human rights NGO and diplomatic communities as well as legal professionals interested in China.

Restorative Justice in China Xiaoyu Yuan, 2017-10-16 This book provides insights into the history, development and practice of restorative justice methods in China. Traditionally in China, mediation has played an important role in criminal proceedings which has many characteristics in common with the Western concept of restorative justice. Through case studies and theoretical examination, the author of this timely work aims to bridge the research on restorative justice models mainly developed in the West with restorative justice as practiced in China. After a brief overview and introduction, the author compares and contrasts case studies of restorative justice like practices from different districts in China. The author examines cases studies from several regions within China and explores the key question: can the restoration model developed in the

West take root in China and if so what legal cultural and societal accommodations may need to be made This work will be of interest to researchers in Criminology and Criminal Justice particularly with an interest in alternative justice practices restorative justice and international comparative criminology as well as researchers interested in Chinese affairs or Asian Studies **Criminal Justice in China** ,2011 The Construction of Guilt in China Yu Mou,2020-04-02 Drawing on insights from the author s own empirical data obtained from systematic observation of the daily routines within Chinese criminal justice institutions this ground breaking book examines the functional deficiency of the criminal justice system in preventing innocent individuals from being wrongly accused and convicted Set within a broad socio legal context it outlines the strategic interrelationships between key legal actors the deep seated legal culture embedded in practice the deficiency of integrity of the system and the structural injustices that follow The author traces criminal case files in the criminal process how they are constructed scrutinised and used to dispose of cases and convict defendants in lieu of witnesses oral testimony This book illustrates that the Chinese criminal justice system as a state apparatus of social control has been framed through performance indicators bureaucratic management and the central value of collectivism in such a way as to maintain the stability of the authoritarian power The Construction of Guilt in China will appeal to academics researchers policy advisers and practitioners working in the areas of criminal law comparative criminal justice criminology and Chinese studies Winner of the 2020 SLS Peter Birks Prize for Outstanding Legal Scholarship Wrongful Convictions in China Na Jiang,2016-08-08 The primary focus of this comparative and empirical work is to address wrongful convictions between China and common law countries in order to promote a better understanding of wrongful convictions in China s practice with the help of comparative analyses verifiable and empirical data and case studies It examines the scope of wrongful convictions and offers new insights into the worldwide movement to prevent them assesses how far it has progressed and what reforms are most needed The book suggests that adversarial and inquisitorial systems alike could benefit from this research and learn valuable lessons from one another on how to effectively reduce the risk of wrongful convictions The Judicial System and Reform in Post-Mao China Yuwen Li,2016-03-03 This comprehensive study examines the development and changing characteristics of the judicial system and reform process over the past three decades in China As the role of courts in society has increased so too has the amount of public complaints about the judiciary At the same time political control over the judiciary has retained its tight grip The shortcomings of the contemporary system such as institutional deficiencies shocking cases of injustice and cases of serious judicial corruption are deemed quite appalling by an international audience Using a combination of traditional modes of legal analysis case studies and empirical research this study reflects upon the complex progress that China has made and continues to make towards the modernisation of its judicial system Li offers a better understanding on how the judicial system has transformed and what challenges lay ahead for further enhancement This book is unique in providing both the breadth of coverage and yet the substantive details of the most fundamental as well as controversial

subjects concerning the operation of the courts in China *Criminal Law and Criminal Procedure Law in the People's Republic of China* Jianfu Chen, 2013-06-15 Criminal law features most prominently throughout the history of China It applies to Chinese as well as foreigners The increasing number of foreign people caught in the Chinese criminal justice system highlights the importance of an understanding of the Chinese criminal justice system Equally critical in the understanding of Chinese society is an understanding of the role of criminal law and its practice in the protection or abuse of human rights in China Criminal Law and Criminal Procedure Law in the People's Republic of China provides the most up to date and full translation of the Chinese Criminal Law and Criminal Procedure Law The translation is accompanied by a comprehensive introduction to the Chinese criminal justice system its evolution and development *Annual Report* United States. Congressional-Executive Commission on China, 2020 *Human Rights in China* Eva Pils, 2017-11-10 How can we make sense of human rights in China's authoritarian Party State system Eva Pils offers a nuanced account of this contentious area examining human rights as a set of social practices Drawing on a wide range of resources including years of interaction with Chinese human rights defenders Pils discusses what gives rise to systematic human rights violations what institutional avenues of protection are available and how social practices of human rights defence have evolved Three central areas are addressed liberty and integrity of the person freedom of thought and expression and inequality and socio economic rights Pils argues that the Party State system is inherently opposed to human rights principles in all these areas and that contributing to a global trend it is becoming more repressive Yet despite authoritarianism's lengthening shadows China's human rights movement has so far proved resourceful and resilient The trajectories discussed here will continue to shape the struggle for human rights in China and beyond its borders *The Making of Chinese Criminal Law* Ying Ji, 2021-03-08 By examining the reasons behind the preventive criminalization of Chinese criminal law this book argues that the shift of criminal law generates popular expectations of legislative participation and meets punitive demands of the public but the expansion of criminal law lacks effective constraints which will keep restricting people's freedom in the future The book is inspired by the eighth amendment of Chinese criminal law in 2011 which amended several penalties related to road drug and environmental safety It is on the eighth amendment that subsequent amendments have been based The amendment stemmed from a series of nationally known incidents that triggered widespread public dissatisfaction with the Chinese criminal justice system Based on John Kingdon's theory of the multiple streams the book explains the origins of the legislative process and its outcomes by examining the role of public opinion policy experts and political actors in the making of Chinese criminal law It argues that in authoritarian China the prominence of risk control through criminal justice methods is a state response to uncertainties generated through reforms under the CCP's leadership The process of criminal lawmaking has become more responsive and inclusive than ever before even though it remains a consultation with the elites within the framework set by the Chinese Communist Party CCP including representatives of the Lianghui government ministries academics and others The process

enhances the CCP's legitimacy by not only generating popular expectations of legislative participation but also by meeting the punitive demands of the public. The book will be of interest to academics and researchers in the areas of Chinese criminal law and comparative law.

Chinese-English Interpreting and Intercultural Communication Jim Hlavac, Zhichang Xu, 2020-01-27 Chinese and English are the world's largest languages and the number of interpreter-mediated interactions involving Chinese and English speakers has increased exponentially over the last 30 years. This book presents and describes examples of Chinese-English interpreting across a large number of settings: conference interpreting, diplomatic interpreting, media interpreting, business interpreting, police, legal and court interpreting, and healthcare interpreting. Interpreters working in these fields face not only the challenge of providing optimal interlingual transfer but also need to fully understand the discourse/pragmatic conventions of both Chinese and English speakers. This innovative book provides an overview of established and contemporary frameworks of intercultural communication and applies these to a large sample of Chinese-English interpreted interactions. The authors introduce the Inter-Culturality Framework as a descriptive tool to identify and describe the strategies and footings that interpreters adopt. This book contains findings from detailed data with Chinese-English interpreters as experts not only in interlingual exchange but cross-linguistic and intercultural communication. As such, it is a detailed and authoritative guide for trainees as well as practising Chinese-English interpreters.

Regulating Government Ethics Chonghao Wu, 2016-10-20 This book examines government ethics rules and their enforcement in China as well as in three other jurisdictions for comparative insights. Empirical research methods involving primarily semi-structured interviews have been employed to explore the dynamics of actual enforcement policies and practices in China. This book forms an analytical framework through reviewing existing theories on government ethics regulation and general regulation literature and analyzing government ethics rules in the US, the UK, and Hong Kong. Using this framework, it seeks to explore the patterns and features of government ethics rules and their enforcement in China. It shows that the inadequacy of government ethics rules per se and the deterrence-oriented criminal enforcement style of government ethics regulation are important but ignored elements of the problem of rampant corruption in China. Such analysis has generated important and practical policy implications for China's government ethics rules and their enforcement.

Chinese Law: Context and Transformation Jianfu Chen, 2015-12-04 China has changed and the continuing changes have not just been about economic development. Among the many transformations, there has been another quiet, peaceful, and largely successful but far from perfect revolution in the area of law, whose deficiencies have been more often mercilessly examined and documented than have its historical achievements and significance. This legal revolution is the subject matter of the present book. Like the previous edition in 2008, it examines the historical and politico-economic context in which Chinese law has developed and transformed, focusing on the underlying factors and justifications for the changes. It attempts to sketch the main trends in legal modernisation in China, offering an outline of the principal features of contemporary Chinese law and a clearer

understanding of its nature from a developmental perspective It provides comprehensive coverage of topics legal culture and modern law reform constitutional law legal institutions law making administrative law criminal law criminal procedure law civil law property family law contracts torts law on business entities securities bankruptcy intellectual property law on foreign investment and trade Chinese investment overseas dispute settlement and implementation of law Fully revised updated and considerably expanded this edition of Chinese Law Context and Transformation is a valuable and important resource for researchers policy makers and teachers alike

Legal Reforms and Deprivation of Liberty in Contemporary China Elisa Nesossi, Sarah Biddulph, Flora Sapio, Susan Trevaskes, 2016-06-03 The volume presents an extensive investigation into the process of reforms of detention powers in today's China and offers an in depth analysis of the debates surrounding the reformist attempts The chapters in this collection demonstrate that legislative and institutional reforms in this area result from political opportunities openings and tensions at the central institutional levels of political authority and contingent social and political factors The book examines legal and institutional reforms to institutions of detention and imprisonment that have occurred since the 1990s with a particular focus on the 21st century Its content follows three particular lines of enquiry concerning the issue of deprivation of liberty in contemporary China The first deals with the academic and theoretical debates on the subject of imprisonment and detention The related chapters explain the difficulties encountered in this area of research and understandings of the discourses of reform through labour in Western and Chinese scholarship The second deals with the specific issues of criminal and administrative forms of deprivation of liberty examining in particular the institutional and legislative dimensions considering the relationship between reforms and criminal justice policy agendas The third assesses the meaning of institutional reforms in the context of the changing state society relationship in contemporary China

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 **Research Handbook on Plea Bargaining and Criminal Justice** Máximo Langer, Mike McConville, Luke Marsh, 2024-04-12 Bringing together established and emerging scholars from around the world the *Research Handbook on Plea Bargaining and Criminal Justice* examines the practice of plea bargaining through which guilty pleas are secured and trials are avoided ***The Palgrave Handbook of Global Rehabilitation in Criminal Justice*** Maurice Vanstone, Philip Priestley, 2022-11-22 This handbook provides a unique overview of rehabilitation as practiced internationally in criminal justice Through the contributions of a diverse group that includes among others academics some of whom are former practitioners research students a judge and a probation chief it reflects common features of criminal justice in different countries and documents their diversity and celebrates their vitality In recent times the idea of law and order has been expropriated by populist authoritarian and doctrinaire regimes almost always and nearly everywhere in the service of arbitrary and unjust rule By and large this handbook does not include such regimes But law itself also has the capacity to constrain rulers and order in the form of social peace is a universally approved civic asset In part the book provides a counter narrative demonstrating that although criminal justice dispositions such as probation prisons and parole can be represented as a *via dolorosa* rehabilitation as illustrated in these pages can become a journey that leads by degrees towards the possibility of a better life The handbook will be of interest to students academics practitioners managers policy makers and all those who wish to gain insight into the why and the how of rehabilitation in criminal justice systems across the world **Chinese Courts and Criminal Procedure** Björn Ahl, 2021-07-08 Contrary to the general perception of legal regression under Xi Jinping this volume presents a more nuanced picture It combines a wide range of analytical perspectives and themes in order to investigate questions that link institutional changes within the court system and legal environment with developments in criminal procedure law The first part of the book investigates topics that contextualise institutional and procedural aspects of the law with a focus on various actors in the judiciary and other state and party organs The second part of the book shifts the perspective to three controversial themes of criminal procedure reform pre trial custody review live witness testimony in court and criminal reconciliation By shedding light on performance evaluation of judges and interactions of courts and media the final part of the book introduces two sets of contextual factors relevant to the adjudication of criminal cases **The Oxford Handbook of Criminal Process** Darryl K. Brown, Jenia Iontcheva Turner, Bettina Weisser, 2019-02-22 The *Oxford Handbook of Criminal Process* surveys the topics and issues in the field of criminal process including the laws institutions and practices of the criminal justice administration The process begins with arrests or with crime investigation such as searches for evidence It continues through trial or some alternative form of adjudication such as plea bargaining that may lead to conviction and punishment and it includes post conviction events such as appeals and various procedures for

addressing miscarriages of justice Across more than 40 chapters this Handbook provides a descriptive overview of the subject sufficient to serve as a durable reference source and more importantly to offer contemporary critical or analytical perspectives on those subjects by leading scholars in the field Topics covered include history procedure investigation prosecution evidence adjudication and appeal

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