

The Constitutional Protection of Private Property in China

Historical Evolution
and Comparative Research

Chuanhui Wang



Constitutional Protection Private Property China Ebook

Richard Allen Epstein



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The Constitutional Protection of Private Property in China Chuanhui Wang, 2016-01-25 This timely book reviews the changes in legal reform around the constitutional protection of private property in China since 1949 Using a comparative approach it analyses the development of property theories and the various constitutionalisation models and practices of private property in representative countries including the United States Canada Germany India and China It also explores the interwoven social forces that have been driving the evolution of the constitutional protection of private property in China By comparing China with the United States Germany and India the author reveals the unfairness unjustness and insufficiency in China s application of three constitutional doctrines public use just compensation and due process or procedure The book concludes by predicting future progress and suggests feasible measures for gradual reform that will be compatible with China s existing political system

The Constitutional Protection of Private Property in China Chuanhui Wang, 2015 Using a comparative approach this book analyses the history of China s private property protection at the constitutional level since 1949 *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

Routledge Handbook of Asian Law Christoph Antons, 2016-11-03 Law and legal institutions in East Asia s high growth episodes Conclusion East Asia law and development and today s developing countries Chapter 4 A new China model for the era post global financial crisis Legal dimensions Introduction The East Asian model its progeny and their problems The emerging post Washington post Beijing consensus PWBC Implications of the PWBC for the China model The decision in light of the PWBC The implications of the decision for legal reforms Conclusion *The Law and Economics of Intellectual Property in the*

Digital Age Niva Elkin-Koren, Eli Salzberger, 2012-11-27 This book explores the economic analysis of intellectual property law with a special emphasis on the Law and Economics of informational goods in light of the past decade's technological revolution. In recent years there has been massive growth in the Law and Economics literature focusing on intellectual property on both normative and positive levels of analysis. The economic approach to intellectual property is often described as a monolithic coherent approach that may differ only as it is applied to a particular case. Yet the growing literature of Law and Economics in intellectual property does not speak in one voice. The economic discourse used in legal scholarship and in policy making encompasses several strands each reflecting a fundamentally different approach to the economics of informational works and each grounded in a different ideology or methodological paradigm. This book delineates the various economic approaches taken and analyzes their tenets. It maps the fundamental concepts and the theoretical foundation of current economic analysis of intellectual property law in order to fully understand the ramifications of using economic analysis of law in policy making. In so doing one begins to appreciate the limitations of the current frameworks in confronting the challenges of the information revolution. The book addresses the fundamental adjustments in the methodology and underlying assumptions that must be employed in order for the economic approach to remain a useful analytical framework for addressing IPR in the information age.

On the Constitutional Protection of Private Property in China Chuanhui Wang, 2014

Chinese Jasper Becker, 2015-08-10 A lively first hand portrait of Chinese society by a veteran British resident correspondent. It starts at the bottom of the pyramid with a picture of the very poorest and ends with an account of the wealthy ruling elite. The book was written in 1998 but is still relevant today as the basic structure of Chinese society has not changed and the issues and challenges remain the same. It shows how China works in the context both of its long history and its more recent Communist past.

American Agriculturist, 1900

From Public to Private Mo Zhang, 2008 Protection of Property Rights has become a pressing issue in China since the country strived to move from a planned economy to a market economy in late 1970's. The passage of the Property Law of China on March 16 2007 marked an historic change in the country from public to private in respect to property rights. Effective on October 1 2007 the Property Law for the first time in Chinese history grants an equal protection to both public and private properties breaking up the orthodox ideology in favor of public ownership against private ownership and individual liberty. With a notable civil law tradition the Property Law is intended to set forth comprehensive rules regulating creation alteration alienation as well as termination of property rights and protecting private property rights in China a country where the public or state ownership is still playing a leading role in the nation's economy. Many rules in the Property Law which are different from those in other countries particularly the common law countries are unique not only in their contents but also in their application. The land use rights typically reflect a Chinese reality in that the ownership of land is separated from the possession and use of it. Adoption of the Property Law in China is a substantial step toward protection of private property rights in the nation. The greatest challenge facing the

country however is how to enforce the law so that the private property rights would be effectively protected especially in the situation where the public ownership is involved The Nail House syndrome that has spread all over the country indeed raises a serious issue of compensation in the case of taking Whether or not the compensation must be just and reasonable remains to be answered

Ownership with Chinese Characteristics United States. Congressional-Executive Commission on China,2003 Contains testimony and prepared statements by Patrick A Randolph Brian Schwarzwald James A Dorn and Mark A Cohen

China: Private Property Rights Laney Zhang,2009

Property Rights and Constitutional Order in Imperial China T'ai-Shun Yang,1987

Constitutional Protection of Private Property and Freedom of Contract Richard Allen Epstein,2000

Private Property Rights, Investment Patterns, and Asset Structure Zhiyong An,2013 The right to private property was first written into the Constitution of the People's Republic of China in March 2004 This study takes advantage of the 2004 amendment and uses a difference in differences approach to empirically test the impact of private property rights security on investment patterns and thereby on asset structure Employing the Chinese Industrial Enterprises Database from 2000 to 2007 to implement the analysis we find that private property rights security has not only led enterprises to boost investment in both fixed assets and intangible assets but also induced them to allocate available resources more towards intangible assets We address two potential concerns about our empirical design

Constitutional protection: expropriation and restrictions on property rights Lionel Astor Sheridan,

Private Property Rights: On the state of the law in the taking of private property rights by the government and the experiences in this matter United States. Congress. House. Committee on Resources. Task Force on Private Property Rights,1995

Chinese Civil Law Yuanshi Bu,2013-07-30 China is a major civil law jurisdiction Since the end of the 1990s great efforts have been made in China to codify the entire civil law With the major statutes governing contracts property torts and conflict of laws promulgated in 1999 2007 2009 and 2010 respectively the most crucial steps have been taken towards the creation of a Chinese Civil code This book attempts to shed light on both the theoretical and the practical aspects of Chinese civil law while extensive footnotes and a detailed bibliography and index allow for further study of specific areas and facilitate systematic research The book addresses the following topics Part I General Part II Contracts Part III Tort Law Part IV Property Law Part V Conflict of Laws Main features Combination of an overall picture of the specific field of law at issue and thorough analysis of fundamental issues Combination of black letter law and law in action Selected bibliography of publications in English information on English translations of Chinese regulations available in the public domain lists of the relevant statutes and judicial interpretations as well as cases

The Revival of Private Property and Its Limits in Post-Mao China Ting Xu,2014 This monograph examines the nature and significance of the re emergence of private property in rapidly changing post Mao China In examining this issue the study explores a key dichotomy in Chinese law that is public versus private and examines the manner in which the Chinese define ownership The study stresses the importance of lack of clarity in the boundaries

between the public and the private in property rights While there is a limited move towards the recognition of private property in real estate in contemporary China this analysis also shows that ownership in the law and ownership as understood and practised socially often diverge significantly From the Qing dynasty reforms of the late nineteenth century onwards modernist law and entrenched social practice have often opposed each other In contrast to the official and indeed legal support for unitary and exclusive property rights the reality of the property regime has been a fragmentation of property rights Modern conceptions and theories of property rights emerged in the context of nation building from the late Qing onwards and unitary and exclusive property rights were considered as badges of modernity These conceptions and theories served and still serve the purposes of control and governance but were and still are often resisted in social practice and popular thinking leading to alienation and conflict As a result analysis of the nature and the social and political implications of re emerging private property rights provides important insights for our understanding of the changing nature of modern China

Constitutional Protection of Property Rights Simon Evans (PhD.),2003 *The Emergence of Private Property Law in China and Its Impact on Human Rights* Mark D. Kielsgard,Lei Chen,2017 This article explores the implications for and development of private property law in the PRC and its connection to the growth of the nascent Chinese human rights system It evaluates the vitality of newly emerging human rights trends reviews their historic legal and social backgrounds and discusses how the introduction of private property in China has fundamentally altered its civil society Drawing upon a comparative examination of international authority and statutory analysis and evaluating them from the perspectives of both Chinese and Western scholarship this article analyzes the trends behind improving democratic structures by reviewing the self governance of condominium owners associations and the human rights improvements they have spawned It also examines evolving statutory law governing property expropriation and newly developing rights to property in the PRC Such progressive trends are counteracted by local corruption lack of enforcement and inadequate judicial review These negative factors have traditional and historic underpinnings which are currently being addressed by the Chinese legislature This article will review this relevant legislation and offer predictions for the future of the Chinese private property system as it begins to nurture budding human rights reforms Finally it suggests initiatives to maximize those reforms through efficient legislative drafting and other efforts designed to nurture the sensitive and sometimes volatile free market

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