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# Criminal Justice In China Criminal Justice In China

**Shizhou Wang**



## **Criminal Justice In China Criminal Justice In China:**

**Criminal Justice in China** Klaus Mu\_hlhahn, Professor Klaus M?hlhahn, 2009-04-30 In a groundbreaking work Klaus Muhlhahn offers a comprehensive examination of the criminal justice system in modern China an institution deeply rooted in politics society and culture In late imperial China flogging tattooing torture and servitude were routine punishments Sentences including executions were generally carried out in public After 1905 in a drive to build a strong state and curtail pressure from the West Chinese officials initiated major legal reforms Physical punishments were replaced by fines and imprisonment Capital punishment though removed from the public sphere remained in force for the worst crimes Trials no longer relied on confessions obtained through torture but were instead held in open court and based on evidence Prison reform became the centerpiece of an ambitious social improvement program After 1949 the Chinese communists developed their own definitions of criminality and new forms of punishment People s tribunals were convened before large crowds which often participated in the proceedings At the center of the socialist system was reform through labor and thousands of camps administered prison sentences Eventually the communist leadership used the camps to detain anyone who offended against the new society and the crime of counterrevolution was born Muhlhahn reveals the broad contours of criminal justice from late imperial China to the Deng reform era and details the underlying values successes and failures and ultimate human costs of the system Based on unprecedented research in Chinese archives and incorporating prisoner testimonies witness reports and interviews this book is essential reading for understanding modern China

**Criminal Justice in Post-Mao China** Shao-chuan Len, Hungdah Chiu, 1985-06-30 The post Mao commitment to modernization coupled with a general revulsion against the lawlessness of the Cultural Revolution has led to a significant law reform movement in the People s Republic of China China s current leadership seeks to restore order and morale to attract domestic support and external assistance for its modernization program and to provide a secure orderly environment for economic development It has taken a number of steps to strengthen its laws and judicial system among which are the PRC s first substantive and procedural criminal codes This is the first book length study of the most important area of Chinese law the development organization and functioning of the criminal justice system in China today It examines both the formal aspects of the criminal justice system such as the court the procuracy lawyers and criminal procedure and the extrajudicial organs and sanctions that play important roles in the Chinese system Based on published Chinese materials and personal interviews the book is essential reading for persons interested in human rights and laws in China as well as for those concerned with China s political system and economic development The inclusion of selected documents and an extensive bibliography further enhance the value of the book

**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 hlhahn Freie Universit t 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

**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

**Sovereign Power and the Law in China** Flora Sapio,2010 This volume analyses under researched institutions and practices in China s criminal justice system arguing that derogations from the rule of law constitute an organic component of the legal order

**China's Criminal Justice System and the Trial of Pro-democracy Dissidents** Hungdah Chiu,1992

*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

**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.

Crime and Social Control in a Changing China Jianhong Liu, Lening Zhang, Steven F. Messner, 2001-08-30. This important edited collection of articles by both Chinese and American scholars attempts to promote a more accurate and in-depth understanding of crime and social control in China as it undergoes significant cultural, economic, and social change. The editors contend that as the economic system has been transformed, many other social institutions in China have also experienced unprecedented changes, including legal institutions and other organizations responsible for social control. The essays focus on crime in China and summarize the major structural changes in Chinese society and their effects on crime and justice over the last ten to fifteen years. They offer an overview of Chinese perspectives on crime, examine socio-economic changes and their impact on social control, and discuss changes in adults and children's courts and the new changes in Chinese policing in Chinese society. Organized into four parts, this work addresses the nature, extent, and special features of crime and delinquency in China under conditions of social change. It also investigates the question of the social correlation of changing patterns of crime. The impact of social transition on the changes in the grassroots level of social control is also discussed. Chinese law and criminal justice, with particular focus on the courts, police, and crime prevention, are mentioned as well. This unique collection of essays is a timely and significant contribution to the fields of comparative criminology, social control, Chinese studies, and legal studies.

**Criminal Law in China** Shizhou Wang, 2017-11-20. Derived from the renowned multi-volume International Encyclopaedia of Laws, this book provides a practical analysis of criminal law in China. An introduction presents the necessary background information about the framework and sources of the criminal justice system, and then proceeds to a detailed examination of the grounds for criminal liability, the justification of criminal offences, the defences that diminish or excuse criminal liability, the classification of criminal offences, and the sanctions system. Coverage of criminal procedure focuses on the organization of investigations, pre-trial proceedings, trial stage, and legal remedies. A final part describes the execution of sentences and orders the prison system and the extinction of custodial sanctions or sentences. Its succinct yet scholarly nature, as well as the

practical quality of the information it provides make this book a valuable resource for criminal lawyers prosecutors law enforcement officers and criminal court judges handling cases connected with China Academics and researchers as well as the various international organizations in the field will welcome this very useful guide and will appreciate its value in the study of comparative criminal law

**Law and Justice in China's New Marketplace** Ronald C. Keith, 2001-01-11 Law and Justice in China's New Marketplace provides the first comprehensive multidisciplinary analysis of the jurisprudence and related law underlying the contemporary Chinese transition to the socialist market economy New pluralized jurisprudence has moved beyond Marxist class analysis to consider a new balance of values relating to economic efficiency and social justice in the marketplace and yet the interior debates and perspectives concerning these values are virtually unknown in the Western scholarly literature By analysing the changing Chinese approach in law to the adjustment of social interests in the context of profound economic change Law and Justice in China's New Marketplace provides a unique reference tool It outlines the new vocabulary of market jurisprudence and law and examines new legal thinking on rights protection with reference to widely ranging and often hot internal debate over human rights property law and procedural or judicial justice

*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

Procedural Justice and the Fair Trial in Contemporary Chinese Criminal Justice Elisa Nesossi, Susan Trevaskes, 2018-09-04 This review examines the literature on procedural justice and the fair trial over the past two decades in the People's Republic of China Part 1 gives a wide angle view of the key political events and developments that have shaped the experience of procedural justice and the fair trial in contemporary China It provides a storyline that explains the political environment in which these concepts have developed over time Part 2 examines how scholars understand the legal structures of the criminal process in relation to China's political culture Part 3 presents scholarly views on three enduring problems relating to the fair trial a presumption of innocence

interrogational torture and the role of lawyers in the criminal trial process Procedural justice is a particularly pertinent issue today in China because Xi Jinping's yifa zhiguo governing the nation in accordance with the law governance platform seeks to embed a greater appreciation for procedural justice in criminal justice decision making to correct a politico legal tradition overwhelmingly focused on substantive justice Overall the literature reviewed in this article points to the serious limitations in overcoming the politico legal barriers to justice reforms that remain intact in the system despite nearly four decades of constant reform

*Criminal Law* The National People's Congress of China,2021-04-10 The Criminal Law by The National People's Congress of China is a pivotal text that codifies the legal framework governing criminal offenses and penalties within the People's Republic of China Written in a meticulous and clear legal style this comprehensive document comprises various sections that address crimes defenses and sentencing reflecting the socio political context of contemporary China Enshrined within these pages is an intricate tapestry of Confucian principles intertwined with Marxist Leninist ideology showcasing the unique legal evolution shaped by historical and cultural currents in the nation Its systematic structure and precise language aim to clarify and unify the legal standards across diverse regions of China while also promoting social order and justice The National People's Congress as the highest state body and legislative authority in China undertakes a significant role in shaping the criminal law landscape Their engagement in the drafting of this law reflects a broader commitment to addressing societal shifts and the evolving nature of crime in a rapidly modernizing society This authoritative text draws on extensive studies of historical legal traditions the reformist spirit of socialist governance and the imperative for greater rule of law This essential volume is recommended for legal scholars practitioners and policy analysts interested in understanding the complexities of Chinese criminal jurisprudence Its insightful exploration of legal principles not only elucidates the operational framework of the Chinese justice system but also invites critical discussions about the balance between state control and individual rights Such a resource serves as an invaluable tool for comprehending the implications of legal reforms within the context of a dynamic global legal landscape

**Justice** Flora Sapio,Susan Trevaskes,Sarah Biddulph,Elisa Nesossi,2017-07-27 Claims about a pursuit of justice weave through all periods of China's modern history But what do authorities mean when they refer to justice and do Chinese citizens interpret justice in the same way as their leaders This book explores how certain ideas about justice have come to be dominant in Chinese polity and society and how some conceptions of justice have been rendered more powerful and legitimate than others This book's focus on how justice works incorporates a concern about the processes that lead to the making un making and re making of distinct conceptions of justice Investigating the processes and frameworks through which certain ideas about justice have come to the political and social forefront in China today this innovative work explains how these ideas are articulated through spoken performances and written expression by both the party state and its citizenry

*International Engagement in China's Human Rights* Titus Chen,Dingding Chen,2015-07-03 Since the Tiananmen Square incident in 1989 there has been increasing international

pressure on China to improve its approach to human rights whilst at the same time the Chinese government has itself realised that it needs to improve its approach and has indeed done much to implement improvements This book explores systematically the international engagement in human rights in China and assesses the impact of such foreign involvement It looks at particular areas including criminal justice labour and religious freedom considers the processes by which international pressure is brought to bear and the processes by which improvements are implemented in China and concludes that whilst China's human rights record has improved more than many people realise further improvements are still needed

*Social Control in the People's Republic of China* Ronald J. Troyer, John P. Clark, Dean G. Rojek, 1989-09-07 Where other books have discussed selected social practices in China this volume is unique in its coverage of the entire social control apparatus of that country The contributors to this comprehensive study describe the design and operation of the Chinese social control system Drawing on data gathered in China the book introduces readers to China's unusual blend of formal and informal devices at the individual and neighborhood level up through the formal criminal justice system This social control approach stresses citizen involvement and emphasizes prevention rather than reaction The various chapters describe how the criminal justice system operates when these devices fail The book's primary conclusion is that the low rates of deviance in China are a consequence of extensive social control efforts at the grassroots level These grassroots devices are carefully controlled by the government At the same time however China is rapidly changing There is an extensive development of a formal criminal justice system and rapid economic development The contributors predict that China's crime rate will rise as these trends continue Professional criminologists as well as students and scholars of criminology delinquency and comparative criminal justice systems will find this book a valuable resource

**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

*China's Criminal Justice System* United States. Congressional-Executive Commission on China, 2002



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