

“LITIGATING IN CHINA - NATIONAL PROCEDURES AND CROSS-BORDER ENFORCEMENT”

WEBINAR SYNOPSIS:

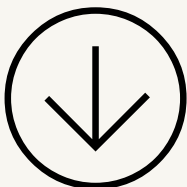
Chinese law as such is recognized worldwide for being an effective, strong, closed, and very severe type of law. Over the years, in the West, we have noticed the Chinese judicial system as a simple but effective system. Administrative procedures tend to be less tedious than they usually are in Napoleonic law, as they conceive of law as a citizen’s guarantee of utmost priority.

The rights and obligations interpreted by the Chinese system differ somewhat from what we in our systems know as law and justice.

Jurisprudence known in our system is the ruling that a court resolves in the same direction three times; in China, it is known as doctrine. It is known that the Western system, even more so the Anglo-Saxon system, makes extensive use of jurisprudence to reason certain socio-legal situations, argue and substantiate cases, and above all, it is an object of study by thousands of law students to better understand certain aspects of the Anglo-Saxon judicial universe and its decisions.



Language is another aspect that further complicates understanding of the Chinese system since they are ambiguous regarding the drafting of writings, claims, resolutions, orders, judgments, appeals, and other legal instruments.





What we in the West conceive as a civil contract, in China, is still conceived as a commercial contract, for buying and selling, for supply and demand, for offering products and services, as a great example.

It should be noted that it is a dual-instance system; that is, what a jurisdictional body resolves is only known by the Supreme Court of Justice, which will be, in any case, the last instance.

The supervisory apparatus is governed by popular entities at the legislative level, in the Prosecutor's Office, regional Public Ministry and Supervision Commissions; all work horizontally in the search for impartial justice. It is vitally important to understand that our conception of law is linked to fair trials and to be vigilant about due process at each instance one attends, ensuring faithful compliance with the guidelines established in the advent of law.

The adaptation of law to current social conditions is one of the guiding principles of any judicial system; therefore it is fundamental to understand that each society, culture, country; has a right adjusted to its needs.

to go against this would be a lack of legal identity and a serious injury to the rule of law as well as a breach of essential legal values. The implementation of policies that can strengthen management ties with Chinese law and the judicial system must begin in academia, education, and teaching new generations of lawyers since due to ignorance we do not know for sure how the system works except for having practiced it on its territory.

Therefore strategies must be strengthened based on knowledge of it and inter-institutional support with competent entities and bodies.

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