

# **Chinese Criminal Law Criminal**

**Klaus Mu\_hlhahn, Professor Klaus M?hlhahn**

Criminal Law and Criminal Procedure Law in the People's Republic of China Jianfu Chen, 2013-05-02 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, accompanied by a comprehensive introduction to the criminal justice system 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 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.

**Principles of Chinese Criminal Procedure** Liling Yue, 2021-10-07 This book presents a short history and timeline of criminal procedure legislation in China. First, it addresses the status of Human Rights Conventions and the challenges resulting from human rights standards for Chinese criminal procedural law and practice. The discussion then moves on to explore the fundamentals of Chinese criminal procedure such as the applicable law found in the Chinese CPL (Criminal Procedure Law) and legal institutions. The book covers relevant actors in the Chinese Criminal Justice System (ie judges, prosecutors, police, defence councils) as well as the relationships between them. It also includes topics relating to the victims of crime and their role in criminal proceedings.

Starting with pre-trial investigations (extending in particular to coercive measures and discretionary powers in the implementation of non-prosecution policies) the book continues as a guide through the basic principles of criminal trial, standards of evidence and rules related to conviction. Appeals and the issue of reopening criminal proceedings are also considered, with the book making particular reference to a number of special procedures (including juvenile delinquency) in the closing chapter.

**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.'

*The Introduction of Modern Criminal Law in China* Marinus Johan Meijer, 1967

*The Law & Lore of Chinese Criminal Justice* Sidney Shapiro, 1990

*Notes and Commentaries on Chinese Criminal Law, and Cognate Topics* Ernest Alabaster, 1899

**Criminal Justice in Post-Mao China** Shao-chuan Leng, 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.

**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.

The Death Penalty in Chinese Criminal Law Ludwig Hetzel, 2009-08-17 Seminar paper from the year 2009 in the subject Orientalism / Sinology - Chinese / China, grade: A, Tsinghua University, course: Chinese Criminal and Criminal Procedure Law, language: English, abstract: In international discussions China is often criticized for its heavy use of the death penalty; so what is the legal basis for the capital punishment and the procedural background.

**China's Death Penalty** Hong Lu, Terance D. Miethe, 2010-06-10 By all accounts, China is the world leader in the number of legal executions. Its long historical use of capital punishment and its major political and economic changes over time are social facts that make China an ideal context for a case study of the death penalty in law and practice. This book examines the death penalty within the changing socio-political context of China. The authors' treatment of China's death penalty is legal, historical, and comparative. In particular, they examine; the substantive and procedures laws surrounding capital punishment in different historical periods the purposes and functions of capital punishment in China in various dynasties changes in the method of imposition and relative prevalence of capital punishment over time the socio-demographic profile of the executed and their crimes over the last two decades and comparative practices in other countries. Their analyses of the death penalty in contemporary China focus on both its theory - how it should be done in law - and actual practice - based on available secondary reports/sources.

**New Crime in China** Ronald Keith, Zhiqu Lin, 2005-12-16 Examining the crimes that have recently been of the greatest concern in China, the authors assess the imbalance between public order and human rights in the way the Chinese legal system deals with crime. The issue of crime is of particular importance, both because current social upheaval in China has greatly contributed to the increase of new crimes, and because there is increasing international interest in Chinese law following the country's accession to the World Trade Organization. This is an in-depth study on contemporary Chinese law reform, presenting a fascinating portrait of a society and legal system grappling with vast social change.

*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 Mühlhahn, 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.

*Navigating Criminal Law in China* Aspatore, Inc, 2012 Navigating Criminal Law in China provides an authoritative, insiders perspective on the principles and organization of the Chinese legal system and offers valuable insight into the Peoples Republic of China (PRC) Criminal Law and Criminal Procedure Law. Featuring partners and chairs from some of Chinas leading law firms, this book guides the reader through the process of demystifying the structure of Chinese criminal law and the implications for effective defense strategies. These top lawyers provide guidance on the history, major elements, and recent developments of the Chinese criminal code with special focus on the Criminal Laws Eighth Amendment, enacted in 2011. Finally, these leaders share their thoughts on the criminal trial process, offering practical insights and references to key criminal cases in China. The different niches represented and the breadth of perspectives presented enable readers to get inside some of the great legal minds of today, as these experienced lawyers offer their thoughts on the evolution of criminal practice in China.

*Opening to Reform?* Jonathan Hecht, 1996

**The Criminal Process in the People's Republic of China, 1949-1963** Jerome Alan Cohen, 1968 This volume represents the fruits of a preliminary inquiry into one aspect of contemporary Chinese law-the criminal process. Investigating what he calls China's legal experiment, Mr. Cohen raises large questions about Chinese law. Is the Peoples Republic a lawless power, arbitrarily disrupting the lives of its people? Has it sought to attain Marx's vision of the ultimate withering away of the state and the law? Has Mao Zedong preferred Soviet practice to Marxist preaching? If so, has he followed Stalin or Stalin's heirs? To what extent has it been possible to transplant a foreign legal system into the world's oldest legal tradition? Has the system changed since 1949? What has been the direction of that change, and what are the prospects for the future? Today, immense difficulties impede the study of any aspect of China's legal system. Most foreign scholars are forbidden to enter the country, and those who do visit China find solid data hard to come by. Much of the body of law is unpublished and available only to officialdom, and what is publicly available offers an incomplete, idealized, or outdated version of Chinese legal processes. Moreover, popular publications and legal journals that told much about the regime's first decade have become increasingly scarce and uninformative. In order to obtain information for this study, Mr. Cohen spent 1963-64 in Hong Kong, interviewing refugees from the mainland and searching out and translating material on Chinese criminal law. From the interviews and published works, he has endeavored to piece together relevant data in order to see the system as a whole. The first of the three parts of the book is an introductory essay, providing an overview of the evolution and operation of the criminal process from 1949 through 1963. The second part, constituting the bulk of the book, systematically presents primary source material, including excerpts from legal documents, policy statements, and articles in Chinese periodicals. In order to show the law in action as well as the law on the books, the author has included selections from written and oral accounts by persons who have lived in or visited the People's Republic. Interspersed among these diverse materials are Mr. Cohen's own comments, questions, and notes. Part III contains an English-Chinese glossary of the major institutional and legal terms translated in Part II, a bibliography of sources, and a list of English-language books and articles that are pertinent to an understanding of the criminal process in China.

**Courts and Criminal Justice in Contemporary China** Susan Trevaskes, 2007

Courts and Criminal Justice in Contemporary China is a study of Chinese judicial power as it is manifested in law-and-order campaigns and shame punishment. Dr. Sue Trevaskes examines today's court practices and their antecedents in China by exploring law on display in local court trials, rallies, and campaigns. By emphasizing the justice system of the 1980s it becomes apparent how criminal court practices in this period set the foundation for practices into the Twenty-First Century. Trevaskes argues that many aspects of Chinese law, especially civil and economic law, have developed into modern and sophisticated systems of justice administration, criminal law has not. Courts and Criminal Justice in Contemporary China is suitable for graduate students and researchers of Asian Studies.

*Criminal Justice with Chinese Characteristics* Timothy A. Gelatt, Lawyers Committee for Human Rights (U.S.), 1993

*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.

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