

PERSPECTIVES ON CHINESE BUSINESS AND LAW

L. Golota, J. Hu, K. van der Borght & S. Wang (eds.)
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The book titled, *PERSPECTIVES ON CHINESE BUSINESS AND LAW*, edited by Lukasz Golota, Jiayang Hu, Kim Van der Borght and Saisai Wang, is composed of twelve articles containing various ideas of academics, practitioners and other fellows in think tanks. The book introduces Chinese laws covering contract law, corporate law, foreign investment law, intellectual property law, civil procedural law, commercial arbitration law, the economic model and its functional and political system, the ideology of law, the trade relations between China and other countries, and Chinese investment overseas.

Rafal Ulatowski talks about economic reforms in China since 1978 and its economic model ever since. He analyzes the root cause of the economic reforms in late 1970s and their contents. The economic reform started out without a clear vision for the new economic structure, but it later bloomed into structuring an effective economic system in China. The wave of globalization added benefits to China's economic reforms. Chinese economic model is described as "market socialism with Chinese characteristics." It combines the stability of the authoritarian government with economic freedom. China is moving toward more internal-orientated and less export dependent. Thus, China's current economy is less fragile than the starting point of economic reform. For the past few decades, however, China has been getting more reliant on export.

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Lukasz Golota further analyzes the political system in China from the institutional perspectives with some key elements. He goes through the Party, the state, the National People's Congress and the People's Political Consultative Conferences, examining the dynamics among these four institutions, as well as the relationship thereof. Golota is also insightful in finding the key features of Chinese political reality which is characterized by collective leadership, military as an armed wing of the Communist Party, ideology, long-term planning, leadership limited by age and term, and power balance between the central government and regions. He also reviews the foreign direct investment of China which is increasing along with its economic reforms. In light of the political system, China's economy is featured with socialism. It is no doubt that the Chinese growth is state-initiated, which is more concretely fueled by state-owned entities' investments. He particularly points out the feature of which the state has dominance over the economy, wielding wide control over the market.

Lei Zhang and Kim van Der Borght examine the EU-China economic and trade relations from the starting point when the EU and China first established diplomatic relations. Both authors analyze the history of trade and economic relations between the EU and China by looking at the trade, export and import volumes. The authors explain the interruption and resumption of relations due to the rapid increase of interactions. Future development is anticipated in detail by the authors as well.

After having a glimpse of China's economic and political reality and its social system, Luigi Moccia approaches the Chinese law from a unique viewpoint of ideology and values. China has a long tradition of respecting social norms and customs in society, which goes all the way back to Qin dynasty, when '*li*' and '*fa*,' literally referring to social norms and the law, were harmonized for adequate social function. The practice of law (*fa*) was much influenced by the perception and practice of social norm (*li*). This interaction has a long and profound influence on current practice and the ideology of law, as well as legality and legal profession. In the meantime, the modernization process has also influenced the Chinese legal tradition, leading to a mix of tradition and modern spirit of law in China.

Having a better understanding about the spirit of the law and its interaction with other social norms, the other pieces of articles address different aspects of the legal system in current China. Yuzhuo Zou introduces the civil procedure system

in detail such as the structure of the court system, the legal profession, the rules for jurisdiction, basic principles of civil procedure law, trial procedures, evidence rules, and enforcement of judgments.

Meanwhile, Kim van Der Borgh and Saisai Wang touch on the arbitration law in China. They focus on foreign-related commercial disputes, which are the main disputes to be dealt with by foreign entities. They give a detailed picture on how the commercial arbitration in China works in foreign commercial disputes with respect to arbitration agreement, its applicable law, the procedure of the arbitral tribunal, as well as the enforcement and cancellation of awards. Major Chinese arbitration institutions are also introduced alongside with their historical development.

Xuemei Qiu covers the Chinese contract law by examining the rules of contractual validity, breach of contract, and its remedy. Key concepts and history of contract law in China are also talked about in this article. Xuemei Qiu and Zhengling Lin talk about Chinese corporate law by reviewing the sources, general principles, and types of companies in China and special rules for foreigners. In addition, Saisai Wang introduces some theories of Chinese foreign direct investment law. This article covers economic sovereignty of the host country, national treatment, the MFN treatment and expropriation. Here, the author introduces different forms of FDI and other regulations in China.

Boguslaw Lackoronski carries out an empirical study on establishing the overseas branches of Chinese companies in the EU. Two perspectives are presented in his article. First, the author reviews economic activities of Chinese companies from a Chinese legal perspective. Second, he examines the right to establish Chinese companies under the EU law. After reading his article, readers would have an in-depth knowledge of how to establish overseas branches of Chinese companies in the EU.

Wei Shen touches on financial services regulations in China, i.e., rules and players in marketizing financial services. There is regulatory framework for the banking and the insurance sector. Key regulatory bodies in the financial sector and the key market players in the Chinese banking sector are introduced as well. In addition, Shen examines the rules of business operation in banking, insurance, and financial sectors in foreign investment in China. In the end, he suggests problems and challenges. Finally, Xiaoting Song discusses the Chinese intellectual property

rights by going through Chinese copyright system, Chinese patent system, Chinese trademark right system, and other intellectual property systems in China.

This book was published by compiling collective wisdom from various authors contributing to different aspects of Chinese laws. It could efficiently educate readers who are eager to know more about Chinese legal system as well as its economic and political background.