

THE PEOPLE'S REPUBLIC OF CHINA

(ZHONGHUA RENMIN GONGHEGUO)



BACKGROUND AND LEGAL SYSTEM

LEGAL SYSTEM	Socialist / Civil law system.
POLITICAL SYSTEM	Reformed Soviet Style Republic.
HEAD OF STATE	Chairman.
HEAD OF GOVERNMENT	Premier.
SUBNATIONAL ENTITIES	23 Provinces (<i>sheng</i>), 5 Semi Autonomous Regions (<i>zizhi qu</i>), Special Administrative Regions (<i>tebie xingzheng qu</i>), 4 Directly-Administered Municipalities (<i>zhixia shi</i>), Special Economic Zones (<i>tebie jingji qu</i>).
SUBLOCAL ENTITIES	Prefecture (<i>zhou</i>), county (<i>xian</i>), town (<i>zheng</i>), village (<i>cun</i>), municipal district (<i>qu</i>).
TRANSLITERATION SYSTEM	Pinyin.
LANGUAGES	Official Language: Mandarin Chinese. Other Languages: Cantonese, Shanghaiese, Fuzhou, Hokkien-Taiwanese, Xiang, Gan, Hakka dialects.

NOTE ON CHINESE
LEGAL
PUBLICATIONS

Transliterated Chinese words should not be capitalized apart from the first letter of the first word of a statute or case name. Chinese words should be separated according to their English equivalents. Thus:

Zhonghua [China] renmin [People's] gongheguo [Republic].

CONSTITUTION

OFFICIAL NAME	Zhonghua renmin gongheguo xianfa.
ENACTMENT	Most recent promulgation 4 December 1982.
CITATION FORMAT	Zhonghua renmin gongheguo xianfa [Constitution] art. X (Year).
<i>Example</i>	Zhonghua renmin gongheguo xianfa [Constitution] art. 79 (2004).

STATUTES

GOVERNMENT STRUCTURE	<p>The Legislature, the National People's Congress or <i>Quanguo Renmin Daibiao Dahui</i>, is unicameral. It consists of 2,985 seats. Members are elected by municipal, regional, and provincial people's congresses to serve five-year terms.</p> <p>In the Executive Branch, the President and vice president are elected by the National People's Congress for a five-year term (both are eligible for a second term). The Premier is nominated by the president, confirmed by the National People's Congress.</p> <p>The legal system is based on civil law system derived from Soviet and continental civil code legal principles. The Legislature retains power to interpret statutes. However, the Constitution is ambiguous on judicial review of legislation.</p>
-------------------------	--

LEGISLATIVE PROCESS	<p>Only the National People's Congress (NPC) and its Standing Committee (NPCSC) can enact law in the PRC. When citing a state note whether it is the "NPC" or the "NPSC" which enacted the law, its name translated to include the word "law," the Chinese title transliterated into pinyin, and the date of enactment. Where citing to an old version of a law statute include only the date of enactment and the last date of amendment (if any) of the version used.</p> <p>The two legal systems of the Hong Kong Special Administrative Region (HKSAR) and the Macao Special Administrative Region (Macao SAR) are exceptions to the legal framework of the PRC. The two are responsible for adding many unconventional and unprecedented traits to the Chinese socialist system.</p>
REPORTER	<p>Standing Committee Gazette (Official), <i>Xinbian Zhonghua Renmin Gongheguo Changyong Falu Fagui Quanshu</i> (Alternative).</p>
CITATION FORMAT	<p>Chinese Title [English Title], Enacting Organ, Date of Enactment or Last Amendment, <i>in</i> Quanguo renmin daibiao dahui changwu weiyuanhui [Standing Committee Gazette] No. <reporter number>, p. <page number>, (Year).</p>
<i>Example</i>	<p>Zhonghua renmin gongheguo fanbuzhengdang fa [PRC Law on Unfair Competition], NPCSC, Sept. 2, 1993, <i>in</i> Quanguo renmin daibiao dahui changwu weiyuanhui gongbao [Standing Committee Gazette], No. 5, 35 (1993).</p>

ADMINISTRATIVE REGULATIONS

ADMINISTRATIVE SOURCES	Only the State Council (SC) can enact administrative regulations. Follow the same format as above, except that the Standing Committee Gazette should be replaced by the State Council Gazette.
REPORTER	State Council Gazette (Official), Lawbook.com.cn (Alternative).
CITATION FORMAT	Chinese Title [English Title], State Council, Date of Enactment, <i>in</i> Guowuyuan Gongbao [State Council Gazette], No. <reporter number>, page <page number> (Year).
<i>Example</i>	GuoJia JingJi DiaoCha ZhangCheng [Regulations on National Economic Census], State Council, September 5, 2004, <i>in</i> Guowuyuan Gongbao [State Council Gazette], No. 415, 14 (2004).

MINISTERIAL ADMINISTRATIVE RULES

ADMINISTRATIVE SOURCES	Ministerial Administrative Rules can be enacted by Ministries and Commissions supervised by the State Council
REPORTER	State Council Gazette (Official), Ministry and Commission Websites, Lawbook.com.cn
CITATION FORMAT	Chinese Title [English Title], Enacting Organ, Date of Enactment, <i>in</i> Guowuyuan Gongbao [State Council Gazette], No. <reporter number>, page <page number> (Year).
<i>Example</i>	MaoShouRu GouCheng ZhangCheng [Regulations on the Composition of Gross Wages], National Bureau of Statistics, January 1, 1990, <i>in</i> Guowuyuan Gongbao [State Council Gazette], No. 1, 1 (1990).

LOCAL REGULATIONS

ADMINISTRATIVE SOURCES	Local regulations are enacted by provincial-level governments.
REPORTER	Local People's Congress Gazette (Official), Provincial Websites (Alternative) Lawbook.com.cn (Alternative).
CITATION FORMAT	Chinese Title [English Title], Enacting Organ, Date of Enactment, <i>in</i> X-Province Gazette (Year).
Note	Given the inconsistency of publications of local regulations, it is often necessary to replace the "Province Gazette" with a citation to an electronic source.
<i>Example</i>	ShangShi GongSi De JianDu He GuanLi [Supervision and Control of Listed Companies], April 4, 1992 < http://www.lawinfochina.com > (1992).

CODES

Zhonghua renmin gongheguo xing fa (CRIMINAL CODE)	Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979, Revised at the Fifth Session of the Eighth National People's Congress on March 14, 1997.
Zhonghua renmin gongheguo xingshi susong fa (CODE OF CRIMINAL PROCEDURE)	Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979, Revised at the Fifth Session of the Eighth National People's Congress on March 14, 1997.
Zhonghua renmin gongheguo minfa tongze (GENERAL PRINCIPLES OF CIVIL LAW)	Adopted at the Fourth Session of the Sixth National People's Congress, and promulgated by Order No. 37 of the president of the People's Republic of China on April 12, 1986, and effective as of January 1, 1987.

Zhonghua renmin gongheguo minshi susong fa (CIVIL PROCEDURE CODE)	Adopted at the 22nd Meeting of the Standing Committee of the Fifth National People's Congress and promulgated by Order No.8 of the Standing Committee of the National People's Congress on March 8, 1982, and implemented on a trial basis as of October 1, 1982
Zhonghua renmin gongheguo hetong fa (CONTRACT LAW)	Adopted at the Second Session of the Ninth National People's Congress on March 15, 1999.
NOTE ON CHINESE CITATION FORMAT	When citing a state note whether it is the "NPC" or the "NPSC" which enacted the law, its name translated to include the word "law," the Chinese title transliterated into pinyin, and the date of enactment. Where citing to an old version of a law statute include only the date of enactment and the last date of amendment (if any) of the version used.
CITATION FORMAT	Chinese Title [English Title], Enacting Organ, Date of Enactment, in Zhonghua Renmin Gongheguo Fagui Haibian [Official Decree of the PRC], No. X, page (Year).
<i>Examples</i>	Zhonghua renmin gongheguo xingshi susong fa [General Principles of Civil Law], Sixth National People's Congress, January 1, 1987, in Zhonghua Renmin Gongheguo Fagui Haibian [Official Decree of the PRC], No. 37, 1 (1987)

CASE LAW

JUDICIAL OVERVIEW	<i>Supreme People's Court</i> (Zuigao renmin fayuan) <i>High Courts</i> (Gaoji fayuan) <i>Intermediate Level Courts</i> (Zhongji fayuan) <i>Basic Level Courts</i> (jiceng fayuan).
REPORTER	Zuigao renmin fayuan gongbao [Gazette of the Supreme People's Court]

CITATION FORMAT
CONSTITUTIONAL COURT

Citation Format: (*In re* X-Law/Regulation or PRC v. X or X v. Y), Zuigao renmin fayuan gongbao [Gazette of the Supreme People's Court], No. <reporter number>, page <page number> (Year).

Example

Zhang Zhiqiang v. Sining Electronic Materials Company, Zuigao renmin fayuan gongbao [Gazette of the Supreme People's Court], No. 10, 32 (2006).

SOURCES

The CIA Factbook:
<https://www.cia.gov/cia/publications/factbook/geos/ch.html>

Congressional Executive Commission on China
<http://www.cecc.gov/>

New York University Global Law
<http://www.nyulawglobal.org/globalex/China.htm>

SPECIAL THANKS

Jon Venick – Staff Member. Oct. 2006.
Selena Nelson – ICM Committee Member. Oct. 2006.
Matthew T. Nagel – ICM Coordinator. February 2007.