



Mike McConville

Criminal Justice in China

AN EMPIRICAL INQUIRY

Satnam Choongh, Pinky Choy Dick Wan,
Eric Chui Wing Hong, Ian Dobinson and
Carol Jones

Criminal Justice In China An Empirical Enquiry

Jianjun Gao



Criminal Justice In China An Empirical Enquiry:

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.

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. Hliahn, 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.

Criminal Justice in China, 2011 *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 case 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 *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 **The Judicial System and Reform in**

Post-Mao China Yuwen Li,2016-03-03 This comprehensive study examines the development and changing characteristics of the judicial system and reform process over the past three decades in China As the role of courts in society has increased so too has the amount of public complaints about the judiciary At the same time political control over the judiciary has retained its tight grip The shortcomings of the contemporary system such as institutional deficiencies shocking cases of injustice and cases of serious judicial corruption are deemed quite appalling by an international audience Using a combination of traditional modes of legal analysis case studies and empirical research this study reflects upon the complex progress that China has made and continues to make towards the modernisation of its judicial system Li offers a better understanding on how the judicial system has transformed and what challenges lay ahead for further enhancement This book is unique in providing both the breadth of coverage and yet the substantive details of the most fundamental as well as controversial subjects concerning the operation of the courts in China **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 **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 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 *Chinese Law: Context and Transformation* Jianfu Chen, 2015-12-04 China has changed and the continuing changes have not just been about economic development Among the many transformations there has been another quiet peaceful and largely successful but far from perfect revolution in the area of law whose deficiencies have been more often mercilessly examined and documented than have its historical achievements and significance This legal revolution is the subject matter of the present book Like the previous edition in 2008 it examines the historical and politico economic context in which Chinese law has developed and transformed focusing on the underlying factors and justifications for the changes It attempts to sketch the main trends in legal modernisation in China offering an outline of the principal features of

contemporary Chinese law and a clearer understanding of its nature from a developmental perspective It provides comprehensive coverage of topics legal culture and modern law reform constitutional law legal institutions law making administrative law criminal law criminal procedure law civil law property family law contracts torts law on business entities securities bankruptcy intellectual property law on foreign investment and trade Chinese investment overseas dispute settlement and implementation of law Fully revised updated and considerably expanded this edition of Chinese Law Context and Transformation is a valuable and important resource for researchers policy makers and teachers alike

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