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COMPARATIVE CONSTITUTIONAL LAW IN ASIA



Comparative Constitutional Law In Asia

Yvonne Tew



Comparative Constitutional Law In Asia:

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the political system and the society Volume 2 covers 17 Asian jurisdictions including Bangladesh Cambodia mainland China Hong Kong India Indonesia Japan Malaysia Mongolia Myanmar North Korea the Philippines Singapore South Korea Sri Lanka Taiwan and Thailand Constitutional Convergence in East Asia Po Jen Yap, Chien-Chih Lin, 2021-11-25 This comparative study of the constitutional jurisprudence of three East Asian jurisdictions investigates how the rulings of the Constitutional Court of Taiwan the Constitutional Court of Korea and the Hong Kong Court of Final Appeal have converged The unique political contexts of all three jurisdictions have led to strong courts using the structured proportionality doctrine and innovative constitutional remedies to address human rights issues Hong Kong Taiwan and South Korea have the only courts in Asia that regularly use a structured four stage Proportionality Analysis to invalidate laws and routinely apply innovative constitutional remedies such as Suspension Orders and Remedial Interpretation to rectify constitutionally flawed legislation This volume explores how judges in these areas are affected by politics within their different constitutional systems The latest developments in Asian constitutional law are covered with detailed analysis of key cases *Constitutional Statecraft in Asian Courts* Yvonne Tew, 2021-07-23 *Constitutional Statecraft in Asian Courts* explores how courts engage in constitutional state building in aspiring yet deeply fragile democracies in Asia Yvonne Tew offers an in depth look at contemporary Malaysia and Singapore explaining how courts protect and construct constitutionalism even as they confront dominant political parties and negotiate democratic transitions This richly illustrative account offers at once an engaging analysis of Southeast Asia's constitutional context as well as a broader narrative that should resonate in many countries across Asia that are also grappling with similar challenges of colonial legacies histories of authoritarian rule and societies polarized by race religion and identity The book explores the judicial strategies used for statecraft in Asian courts including an analysis of the specific mechanisms that courts can use to entrench constitutional basic structures and to protect rights in a manner that is purposive and proportionate Tew's account shows how courts in Asia's emerging democracies can chart a path forward to help safeguard a nation's constitutional core and to build an enduring constitutional framework

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