

Course name (Chinese):

中国民法基本原理与中国物权法

Course name (English):

Basics of Chinese Civil Law and Chinese Property Law

Credits/class hours

3/54

Introduction (Chinese):

本课程主要讲授两个部分。第一部分是民法基本理论,重点讲解内容包括:中国民法的概念、特征和渊源;中国民法的基本原则;中国民事权利体系;法人、自然人等民事权利主体制度;民事法律行为制度;代理制度;以及时效制度。第二部分是物权法,重点讲解内容包括:中国物权法的基本理论,包括物权法的基本原则,动产和不动产的概念,物权的设立、变更、转让和消灭,不动产物权的登记,物权的保护;所有权制度;他物权制度(包括用益物权制度、担保物权制度);共有制度;相邻关系制度;占有制度。

Introduction (English):

This course is divided into two parts. The first part presents an overview of the General Provisions of China's Civil Law, including the concept, characteristics, and sources of the Chinese civil law, general principles of China's civil law. Then, the civil rights system, the legal status of natural person and legal person, civil legal acts, agency, and the limitation of action are introduced in this first part. The second part introduces the China's Real Rights Law. Basic principles of the China's Real Rights Law, including the dichotomy of movable property and immovable property, the creation, alteration, transfer and extinguishment of real rights, the registration of immovable properties, and the protection of real rights are introduced firstly. Then some important system in the Real Rights Law such as the ownership, co-ownership, neighboring relationships, usufruct, lien, and possession are presented.

Teaching method:

教师主讲与学生参与讨论 lectures and discussion

Examination method:

课程论文和学生宣讲 term paper and student presentation

Reference:

Zhang Xiaoyang, Chinese Civil Law for Business, Open University of Hong Kong, 2013;
Jianfu Chen, Chinese Law: Context and Transformation, Martinus Nijhoff Publishers, 2008;

Albert Hung-yee Chen, The Introduction to the Legal System of The People's Republic of CHINA (3rd Ed.), LexisNexis, 2004;

ZHU YIKUN (朱羿锳), China's Civil Law, Law Press, 2003;

LINGBUN (凌斌), Contract Law in China, Thomson/Sweet&Maxwell, 2001;

Paul T VOUT, YE Jing-sheng and WU Yi Y, China Contracts Handbook (2nd Ed.), Thomson/Sweet&Maxwell, 2000;

Patrick A. Randolph Jr. and Lou Jianbo, Chinese Real Estate Law, Kluwer Law International, 2000;

Thomas Glyn Watkin, An historical introduction to modern civil law, Aldershot, 1999;
William C. Jones, Basic Principles of Civil Law in China, M.E. Sharpe, Inc. 1989.

Internet Resources:

<http://www.cclaw.net/>

<http://www.chinasite.com/Law.html>

<http://www.chinadaily.com.cn/>

<http://210.34.4.20/cn/database.asp?pid=3&sid=0&sort=en>

<http://www.lawinfochina.com/index.asp>

<https://www.lexisnexis.com/ap/auth/>

<http://www.chinatoday.com/law/a.htm>

http://c49.cnki.net/kns50/single_index.aspx

<http://www.civillaw.com.cn/english/>

http://www.bbc.co.uk/radio1/onelife/legal/the_law/civil.shtml