

普通高等教育国家级规划教材系列



普通高等教育“十一五”国家级规划教材

司法部第二届全国法学教材
与科研成果奖优秀作品奖

中国法概论

CONCISE CHINESE LAW

| 英文版 |

朱羿锳 著



普通高等教育国家级规划教材

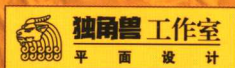


法律出版社
LAW PRESS · CHINA

内容简介

本书为全国首部且唯一以全英文、全景式讲述中国法律的新型教材，以推动法学专业的双语教学为指导思想和基本思路。本书入选普通高等教育“十一五”国家级规划教材，并获得司法部第二届全国法学教材与科研成果奖优秀作品奖。

全书紧扣现行部门法的逻辑体系，涵盖宪法、民法、商法、刑法、程序法、国际法等，以十六章之篇幅勾勒出中国现行法律体系和基本制度，并反映我国立法的新发展。作者在体例结构、观点阐述等方面均有大胆创新，设计并使用了162个图表，化繁为简，启发横向比较研究。每章后配有法律术语和注释及练习题和参考答案，以满足教学之需。



上架归类建议 法学教材·英语教材·法学基础

ISBN 978-7-5036-7629-1



9 787503 676291 >

定价:32.00元

D92/Y1

2007.



普通高等教育国家级规划教材系列



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法律出版社

始创于1954年

www.lawpress.com.cn

好书,同好老师和好学生分享

图书在版编目(CIP)数据

中国法概论:英文 / 朱羿锳著. —北京:法律出版社, 2007. 9
(普通高等教育国家规划教材系列)
ISBN 978 - 7 - 5036 - 7629 - 1

I. 中… II. 朱… III. 法律—中国—高等学校—教材—
英文 IV. D92

中国版本图书馆 CIP 数据核字(2007)第 128745 号

© 法律出版社·中国

责任编辑/丁小宣 吴 昉

装帧设计/乔智炜

出版/法律出版社
总发行/中国法律图书有限公司
印刷/北京中科印刷有限公司

编辑统筹/法律教育出版分社
经销/新华书店
责任印制/张宇东

开本/787×960 毫米 1/16
版本/2007 年 9 月第 1 版

印张/23 字数/420 千
印次/2007 年 9 月第 1 次印刷

法律出版社/北京市丰台区莲花池西里 7 号(100073)

电子邮件/info@lawpress.com.cn

销售热线/010-63939792/9779

网址/www.lawpress.com.cn

咨询电话/010-63939823

中国法律图书有限公司/北京市丰台区莲花池西里 7 号(100073)

全国各地中法图分、子公司电话:

第一法律书店/010-63939781/9782 西安分公司/029-85388843 重庆公司/023-65382816/2908

上海公司/021-62071010/1636 北京分公司/010-62534456

深圳公司/0755-83072995

苏州公司/0512-65193110

书号:ISBN 978 - 7 - 5036 - 7629 - 1

定价:32.00 元

(如有缺页或倒装,中国法律图书有限公司负责退换)

Abbreviations

ADR	Alternative Dispute Resolution
ADR	Anti—Dumping Regulations
AIC	Administration of Industry and Commerce
ALL	Administrative Litigation Law
ALL Opinions	Opinions on Implementing the ALL (Trial implementation)
APL	Administrative Punishment Law
ARL	Administrative Reconsideration Law
ASL	Administrative Supervision Law
ASR	Anti-Subsidy Regulations
B/L	Bill of Lading
BOD	Board of Directors
BOS	Board of Supervisors
CCCPC	Central Committee of Communist Party of China
CJV	Contractual Joint Venture
CLS	Company Limited by Shares
CMC	Central Military Commission
COFTEC	Commission of Foreign Trade and Economic Cooperation
CPC	Communist Party of China
CPIR	Consular Privilege and Immunity Regulations
CPPCC	Chinese People's Political Consultative Conference
CSRC	China Securities Regulatory Commission
DPIR	Diplomatic Privilege and Immunity Regulations
EEZCSL	Exclusive Economic Zone and Continental Shelf Law
EJV	Equity Joint Venture
FDI	Foreign Direct Investment
FICLS	foreign-invested CLS
FICLS Provisions	Interim Provisions on Several Questions for Establishing FICLS
FICLS Opinions	Several Opinions on Foreign Investment in Listed Company
FIE	Foreign Invested Enterprise
FTL	Foreign Trade Law
GATT	General Agreement on Tariff and Trade

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GIEAR	Goods Import and Export Administration Regulations
GPCL	General Principles of Civil Law
GPCL Opinions	SPC Opinions on Questions Concerning Implementation of the GPCL (for trial use)
ICC	International Chamber of Commerce
IICH	Individual Industrial and Commercial Household
INCOTERMS	International Chamber of Commerce of Terms
IP	Intellectual Property
IPO	Initial Public Offering
JV	Joint Venture
LAC	Legislative Affairs Commission of the SCNPC
L/C	Letter of Credit
LLC	Limited Liability Companies
LSO	Legal System Office of the State Council
MCA	Ministry of Civil Affairs
MII	Ministry of Information Industry
MLR	Ministry of Land and Resources
MOA	Ministry of Agriculture
MOC	Ministry of Commerce
MOFA	Ministry of Foreign Affairs
MOJ	Ministry of Justice
MOST	Ministry of Science and Technology
MPS	Ministry of Public Security
NIL	Negotiable Instrument Law
NPC	National People's Congress
PBOC	People's Bank of China
PGDFI	Provisions for Guiding the Direction of Foreign Investment
FIELM	FIE Liquidation Measures
PLC	Political and Legal Commission
PMC	People's Mediation Committee
PRC	People's Republic of China
RCOH	Rural Contracting Operation Household
RMB	Ren Min Bi
SAIC	State Administration of Industry and Commerce
SAR	Special Administrative Region
SCL	State Compensation Law
SCNPC	Standing Committee of the National People's Congress
SDRC	State Development and Reform Commission

SEZ	Special Economic Zone
SFCJV	Sino-Foreign Contractual Joint Venture
SFCJVL	Sino-Foreign Contractual Joint Venture Law
SFCJVL Rules	Detailed Rules for SFCJVL
SFEJV	Sino-Foreign Equity Joint Venture
SFEJVL	Sino-Foreign Equity Joint Venture Law
SFEJVL Regs.	Implementing Regulations for SFEJVL
SIPO	State Intellectual Property Office
SMR	Safeguard Measures Regulations
SOE	State-Owned Enterprise
SPC	Supreme People's Court
SPP	Supreme People's Procuratorate
SQTSB	State Quality and Technology Supervision Bureau
STL	Secured Transaction Law
TRIMs	Agreement on Trade-Related Investment Measures
TRIPS	Trade-Related Aspects of Intellectual Property Rights
TSCZL	Territorial Sea and Contiguous Zone Law
UN	United Nations
UNCCISG	United Nations Convention on Contracts for the International Sales of Goods
UNDP	United Nations Development Program
WFOE	Wholly Foreign Owned Enterprise
WFOEL	Wholly Foreign Owned Enterprise Law
WFOEL Rules	Detailed Rules for WFOEL
WTO	World Trade Organization

出版说明

法律出版社是中国历史最悠久的法律专业出版社,与国际出版同仁论剑,本社之专业出版品牌亦广受肯定。

本社素来注重法学教材出版。从20世纪50年代中国法学教材建设的起步,到20世纪70年代末中国法学教材的复兴,法律出版社均走在前列。1949年以来,我国第一部法理学、宪法、中国法律思想史、外国法制史、刑法、民法、民事诉讼法、国际法、国际私法、国际经济法教材,均出自法律出版社。

从20世纪80年代到90年代,再到21世纪,本社对于法学教材的出版更投入移山心力。而本社与权威法学家合作,渊源有自。作者中有法学宿耄,有中年英士,有青年才俊,均来自杰出法学学府与研究机构。本社教材,正旨在秉承法学先辈之思想财富,与新一代法律人分享。

自我国建设国家级教材以来,本社延揽名家,于此多有收获。从更早的国家级规划教材,到“九五”、“十五”,再到2006年评定的“十一五”国家级规划教材,法律出版社之法学类国家级教材,积累已多,忝居诸社首列。为整体性展现这批品质教材,本社乃以“普通高等教育国家级规划教材系列”为题,统一推出。

“好书,同好老师和好学生分享”,本社愿与法律共同体诸同仁,与中国法学与法律实践的学习者和建设者一起,分享好书,分享智识,分享法治进程中的点点滴滴。

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作者简介

朱羿锟 博士,暨南大学法学院教授、博士生导师、副院长;兼任广东省人大常委会立法顾问、广东省人民检察院专家委员会成员、中国法学会商法研究会理事、中国法学会经济法研究会理事、英国行政管理协会资深会员(FInstAM);挂职任广东省东莞市人民检察院副检察长(2006.4—2007.3)。

主持和完成国家及省部级科研项目12项,其中主持国家自然科学基金应急课题1项。在《现代法学》、《政治与法律》、《民商法论丛》、《经济法研究》、《经济法论丛》等刊物发表中英文论文一百余篇。其中,A类刊物5篇,英文论文十多篇。独立出版著作和教材11部,主要有:(1) *China's Business Contracts* (Butterworths, 1997);(2)《公司治理理论》(广东人民出版社,1999);(3)《公司控制权配置论》(经济管理出版社,2001);(4)《简明中国法》(英文版)(法律出版社,2003);(5)《中国民法》(英文版)(法律出版社,2003);(6)《中国商法》(英文版)(法律出版社,2003);(7)《中国程序法》(英文版)(法律出版社,2003);(8)《公司法》(译著)(法律出版社,2005);(9)《商法学:原理、图解、实例》(第一版、第二版)(北京大学出版,2006,2007)。

前 言

面对经济全球化,我国亟需一大批熟悉法律且精通外语的专业人才。教育部2001年的《关于加强高等学校本科教学工作提高教学质量的若干意见》(2001年4号文件),明文要求法学专业开设双语课程需达到所开课程的5%~10%。随后,教育部在对全国普通高校教学工作水平评估的指标体系也贯彻了该要求,双语教学情况已单独成为44个观测点之一,法学专业的双语课程需达到10%以上方可获得“优秀”评价。2007年教育部第1号和第2号文件与此一脉相承,均将推动双语教学的课程建设,作为高等教育“质量工程”的重要内容。

法学有其独特的概念体系,其中不乏艰深晦涩的专业术语,阅读中文往往令人生畏,要在英文背景下讲授和学习,学生轻易就坠入云山雾海。自2002年起,我就着手编写适合全英教学和双语教学的法学教材,在法律出版社丁小宣先生的大力支持下,《简明中国法》(英文版)于2003年与读者见面了,并受到广泛欢迎。2006年该教材获司法部全国教材与科研成果优秀作品奖,并入选教育部“十一五”国家级规划教材。为更好地适应教学的需要,结合读者的反馈情况以及立法的最新发展,我决心重编该教材,并得到法律出版社的高度认同。修订后,中文更名为《中国法概论》(英文版),英文仍沿用“Concise Chinese Law”,更为贴近国内高校的人才培养计划。

本书围绕部门法的逻辑体系展开,涵盖宪法、民法、商法、刑法、程序法和国际法,共分16章,讲述了最基本的中国法律制度和法学原理,反映了我国立法的最新发展。本次编写仍维持了简约风格,尤其是精心设计了162个图表(116个表和46个图),化繁为简,绘声绘色,简明直观,可极大地提高阅读效率。囿于篇幅,大多数案例只能忍痛割爱了。为了更好地满足教学之需,这次还专门为每课配有法律术语的中文注释和练习题,并在书后附参考答案。

最后,我谨向多年来关心本书的专家学者和读者,以及法律出版社对我国法学全英和双语教学事业的鼎力支持表示诚挚的感谢。

朱羿锟

2007年7月

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