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Titolo	AIMS microbiology
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Disciplina	579
Soggetti	Microbiology Microbiological Phenomena Periodical Periodicals.
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2. Record Nr.	UNINA9910983315303321
Autore	Cao Zhixun
Titolo	Civil Judgments at First Instance : Comparative Experience and Chinese Solution // by Zhixun Cao
Pubbl/distr/stampa	Singapore : , : Springer Nature Singapore : , : Imprint : Springer, , 2025
ISBN	9789819786626 9819786622
Edizione	[1st ed. 2025.]
Descrizione fisica	1 online resource (416 pages)
Collana	Contemporary Chinese Civil and Commercial Law, , 2524-6208
Disciplina	340.9
Soggetti	Conflict of laws International law Comparative law Civil procedure Mediation Dispute resolution (Law) Arbitration (Administrative law) Private International Law, International and Foreign Law, Comparative Law Civil Procedure Law Dispute Resolution, Mediation, Arbitration
Lingua di pubblicazione	Inglese
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Livello bibliografico	Monografia
Nota di contenuto	Introduction -- Examples of Civil Judgments as the Start point -- Civil Judgments in China: Structure, Reasoning and Reform -- Application of Law: Substantive Legal Grounds, Citations of Legal Sources, and Methodological Issues -- Finding of Facts: Decisive Documentary Evidence in Civil Litigation and Its Proving Effects -- Burden of Proof: Chinese Approach to Resolving the Factual Issue of Non-Liquet -- Effects of Final Judgments (I): Predetermined Effects of Their Factual Conviction -- Effects of Final Judgments (II): Scope of Res Judicata Effect and Possible Issue Preclusion? -- Correction of Errors: Redressing Obvious Errors and Omitted Claims in First Instance -- Context of Civil Judgments: Judicial System and Procedural Arrangement -- Challenges of Online Dispute Resolution: New Possibilities and Boundaries --

Sommario/riassunto

This book provides an in-depth discussion and introduction to Chinese civil procedure from both a theoretical and practical perspectives, as well as a comparative study of its relevant systems with those of the West. The subject matter of this book is Chinese civil judgments. Judgments, as the final judicial product which affects the legal relationship between both parties or even multiple parties, provide a desirable objects to observe and evaluate the service of judicial proceedings and the protection of the parties' procedural rights. And since judgments are in most cases regarded as the default termination of any civil litigation, there is no need to argue for a comparative study on this topic which has already inspired Chinese doctrines and newest reforms. One of the aims of such research is to modernize Chinese civil justice considering the experience of leading legal counterparts. Next to the theoretical analysis, this book introduces empirical data in China to the English literature, which could provide a vivid illustration for legal researchers to be better informed about the Chinese legal system and its real version of rule of law. In other words, this book likes to describe the real judicial practice in China and summarize how Chinese lawyers understand and facilitate the production of civil judgments. Moreover, this book intends to focus on the adjudicative techniques in the civil litigation, which should constitute the mutual basis of most civil justice. Even there is no well-developed theory under the name of "Adjudicate Techniques" in some jurisdictions, it is not uncommon to discover some principles, methods, institutions, and practical operation, which is functionally and substantially comparable to the ones in other civil justice systems.