

The Anatomy of Chinese Business Law

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Berichte aus der Rechtswissenschaft

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Preface

We focus the book on the Chinese business law, develop a deep understanding of how the Chinese law works in practice in China. The significant achievement of our book is to provide a framework for business law that transcends particular jurisdictions. This means that our book highlights the economic logic of business law. Furthermore, Chinese culture and politics affects the law also in particular field. This is constrained with globalization and business integration. In addition, this book aims to illuminate the themes of Chinese business law and its link with Germans.

In “Value Foundation of Order-Eucken’s Constitutionalism of Germany and Its Reference for China”, Guo Man and Chen Yanfei explore the basic issue for order Economics of Freiburg School, mainly introduce Walter Eucken's theory and its reference for the constitutional practice in China. In “The Development of Chinese Insolvency Administration Regime: A Comparison Study between German and Chinese Systems”, Cui Xin states that a court oriented management is the main feature of bankruptcy proceeding of the China new bankruptcy law. But comparing with the old bankruptcy law, a more creditor-friendly bankruptcy Administrator system has become a trend during the legislation of the new law. In “A Comparison Study on the Legal System of Banking Market Access in Singapore, Germany and P.R China”, Liu Yi indicates that improving the supervision of foreign banks is an urgent task for Chinese legislators. In “Harmonization in the Basic Principles of Letters of Credit”, Tamir Rath tries to scrutinize the unification and harmonization of law when dealing with international commerce, through the basic principles of Letters of Credit as expressed in the Uniform Customs and Practice for Documentary Credits, through an overview of how different courts around the world interpret and implement these basic principles. This article will try to observe whether a common framework can be established both in China and Germany. In “Predicting Default for German Firms with logistic Regression”, Wang Ziyun attempts to accurately measure risk for control and risk management in terms of company default in China and Germany.

The researchers and managers of our authors have international practitioners with industry experience in Chinese investment and business law. No doubt that each author of this book has contributed their time and concentration on assigned chapters. We hope that our students, professors, colleagues, who might share our focus in business law and economics both in China and Germany, and may be helpful for their work and studies.

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18 February, 2016

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Tamir Rath is a lawyer in HBW Law Office of Israel, He has LL.M from Hamburg University. He has written widely on corporate law, as well as on the overlap between corporate law and labor law.

Contents

Preface.....i
Acknowledgments.....ii
Value Foundation of Order-Eucken’s Constitutionalism of Germany and Its Reference for China.....1
The Development of Chinese Insolvency Administration Regime: A Comparison Study between German and Chinese Systems10
A Comparison Study on the Legal System of Banking Market Access in Singapore, Germany and P.R China.....37
Harmonization in the Basic Principles of Letters of Credit.....65
Predicting Default for German Firms with logistic Regression.....124