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**gLAWcal
Comment #246**

**A PRESCRIPTION FOR REFORM
ON JUDICIAL RELIEF IN CHINESE
LAW**

Based on

**Luo Li “Research on the Reform of the
Judicial Relief System for Environmen-
tal Disputes in China”**



gLAWcal
Global Law Initiatives for Sustainable Development



Routledge
Taylor & Francis Group

AgLAWcal comment on Luo Li "Research on the Reform of the Judicial Relief System for Environmental Dispute-sin China" in Paolo Davide Farah and Elena Cima (Eds.) China's Influence on Non-Trade Concerns in International Economic Law

This chapter places equal focus on two subject areas. First is the investigation on the current stakes and circumstances surrounding a party wishing to resolve an environmental dispute in the courts. Second is the efforts and frameworks for reform that should be implemented to better resolve these issues in the courts. Generally speaking, China civil law informs the procedures and recommendations for outcomes in this particular set of circumstances. Yet, there are administrative hurdles that must be overcome before any relief may be found in the courts. Additionally, there are some circumstances related to environmental disputes that fall into the arena of criminal statutes, but there are limited occurrences. The administrative division has only existed for just over a decade, allowing for the direction of environmental regulation to branch into this area, but has been few and far between with civil

litigation being the bulk of the cases.

The latter part of the chapter gives some prescriptions for better resolution of environmental wrongdoings in Chinese courts. The first improvement is to strengthen the relevant environmental protection laws, allowing for greater efficacy in the resulting legislation resting on statutory interpretations. Also, expanding the model developed by provincial councils to have a faster financial penalty application for offenders will aid in reducing wrong behaviors by polluters. All of these prescriptive changes are minimal, but also have the potential to have a huge impact in improving the conditions for litigants and regulators alike.



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The gLAWcal comments are insight and short analytical pieces written by the gLAWcal team. The gLAWcal comments are based on, and inspired by, the books and chapters published within one of the [gLAWcal book series](#) published by Routledge Publishing (New York/London).

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Email: research@glawcal.org.uk

Website: glawcal.org.uk

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