GENERAL PROVISIONS OF CIVIL LAW
OF THE PEOPLE'S REPUBLIC OF CHINA*

Enacted by the National People's Congress on 12 April 1986

ARTICLE I. BASIC PRINCIPLES

1. This law is enacted in accordance with the Constitution and the actual circumstances of our country, [by] bringing together our practical experience in civil law[1] activities, in order to protect the legitimate civil law rights and interests of citizens and juristic persons, correctly to adjust civil law relations, and to suit the needs of the development of the construction of socialist modernization.

2. The civil law of the People's Republic of China adjusts the property and personal relations between citizens, between juristic persons, and between citizens and juristic persons [on the basis of] the equality of the subject [of civil law rights].

3. The position of parties in civil law activities is equal.

4. Civil law activities must respect the principles of voluntariness, fairness, compensation of equal value[2] and good faith[3].

5. The lawful civil law rights and interests of citizens and juristic persons are protected by the law. No organization nor individual may violate them.

6. Civil law activities must comply with the law. When there is no provision of the law, they must comply with state policy.

7. Civil law activities must respect social morality. They may not injure the common interests of society, wreck[4] the state economic plan, nor disturb the economic order of society.

8. Absent a provision of the law to the contrary, the law of the People's Republic of China is applied to civil law activities within the sovereign territory of the People's Republic of China.

Absent a provision of the law to the contrary, the provisions of this law in regard to citizens are applied to foreign persons and stateless persons who are within the sovereign territory of the People's Republic of China.

* Translated by William C. Jones.

1. I have translated the term min shi as "civil law" rather than simply "civil" primarily because of its use with the word rights "rights". "Civil rights" seems to me to have political connotations for an American that are totally inappropriate in this context.

2. The meaning of this phrase seems to be that both the parties to a transaction receive performance of equal value. Thus the price given in the sale should be roughly equal to the value of the things sold.

3. These words (zhengshi xinyong) are translated as "honesty and good faith" in the official translation of the old Civil Code of the Republic of China (para.219). I believe that they are translated into Chinese from the German Treu und Glauben (e.g., BGB para.242). Since this is normally translated as good faith, I think it is best to keep the same translation.

4. This word is often translated as sabotage. That would probably work here, but I am not sure the Chinese word always has those connotations as in sec.73 below (note 29).
ARTICLE II. CITIZENS (NATURAL PERSONS)


9. Citizens have civil law capacity from the moment of birth until the moment of death. They may enjoy civil law rights and assume civil law obligations according to law.

10. The civil law capacity of every citizen is equal [to that of every other citizen].

11. Citizens who are eighteen or above are adults. They possess full capacity to engage in civil law acts. They may independently engage in civil law activities.[7] They are persons with full capacity to engage in civil law acts.

Citizens who are over sixteen and have not yet reached the age of eighteen, whose earnings from their own labor are the principal source of their livelihood, are regarded as persons with full capacity to engage in civil law acts.

12. A minor who is above the age of ten is a person with limited capacity to engage in civil law acts. He may engage in civil law activities that are consonant with his age and understanding. In other civil law activities he will be represented by his statutory[8] representative or he must obtain his statutory representative's consent.

A minor who has not reached the age of ten is a person who does not have the capacity to engage in civil law acts. He engages in civil law activities through his statutory representative.

13. A person who is mentally ill and is unable to understand his own actions is a person who does not have the capacity to engage in civil law acts. He will be represented in civil law actions by his statutory representative.

A person who is mentally ill and cannot completely understand his own actions is a person of limited capacity to engage in civil law acts. He may engage in civil law activities that are consonant with the circumstances of his mental health. In his other civil law activities he will be represented by his statutory representative, or the consent of his statutory representative must be obtained.

14. The guardian of a person without the capacity to engage in civil law acts, or a person with limited capacity to engage in civil law acts, is his statutory representative.

15. A citizen will take the residence which is inscribed in his household

5. I believe this is from the Chinese translation of Rechtsfähigkeit.
6. I believe this is from the Chinese translation of Geschäftsfähigkeit.
7. The words I have translated "act" and "activity" are different, I have used "act" for the word where it forms the term for a juristic act (Rechtsgeschäft).
8. Chinese does not seem to have different words for "law" in the way European languages other than English do (juris/droit/loi; Recht/Gesetz, etc.). Nor does it seem to use any equivalent to "statute" with any consistency. Hence, the word fa or "law" can have several meanings. I have usually just translated it as law. Here one could translate this phrase as "representative designated by law". I have decided to say "statutory".