
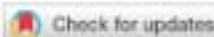


JUDICIAL REFORMS IN CHINA: THE WAY OF STRENGTHENING THE JUDICIAL INDEPENDENCE

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Abstract


The idea of judicial independence and Chinese courts are the parallel subject matter of discourse among the scholars in several fields in place of either judicial independence strengthen or restricted as Chinese authority continually pushes numerous judicial reform strategy year to year. The westerners, frequently, utter China's courts are beyond enjoying appropriate independence to decide judicial verdicts solely and independently. Conversely, the Chinese leaders enunciate they entirely extempore to swallow the Western impresses as they are a cradle of rescinding the unique Chinese features. This paper, broadly, attempts to address the design of several rounds of judicial reform policy till nowadays as a means of strengthening the independence of courts. The study catches that the Chinese authority invests rigorous reform efforts to the efficient management of court administrations; to recruit better-qualified judges; to reduce internal interference from party leaders and courts seniors. They also amended laws to progress decisional independence that will extend the Chinese judiciary closer to unaffected judicial independence.

Keywords: Strengthen Independence, Reform Policy, Qualified Judges, Efficient Mechanisms, CCP's Interference

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REINFORCEMENT OF PANCASILA AS A PHILOSOPHY OF REGULATION-MAKING

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Abstract

The purpose of law is to implement the ideals of order and justice into the interpersonal space of life that is society. Therefore, every legal regulation must abide and be based on norms that exist in society which envisages the modern ordered and just society. The law should be prospective, understandable, clear, fixed and certain. In Indonesia, Pancasila is a set of five principles by which the whole systems of government, law, and social life should be adopted by the nation. However, the current political climate has changed the political reception towards reinforcing Pancasila as the basic philosophy of regulation-making. This conceptual article discussed about how the process of regulation-making should be based on Pancasila as grundnorm, or basic norms of the nation's life. This article concluded that the elaboration of the grundnorm in the formation of laws and regulations by taking into account the principles of the formation of laws and regulations as well as the principles of material content along with the guidelines and techniques for their formation, so that the formation of laws and regulations fulfills the rules in substance (materially) and formally.

Keywords: Pancasila; Grundnorm; Regulation-Making

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THOUGHTS ON THE RESPONSIBILITY OF LEGAL ENTITIES IN EUROPE

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Abstract

The present work is concentrated on a construction of a legal person's model responsibility for the EU countries, with a particular attention for a comparative analyse of the systems assumed in certain European nations (Italian, France, Spain, German, Belgian systems). The end result of this system is oriented to corporates responsibilities that, after the mass transfer of general interest from public service to privates services, corporates have to attend to relatives guarantees. Because it was established a social insecurity level, we have produced a model of corporation's organisation engaged of a security position, that exceed the traditional standard of culpability.

Keywords: EU Law; Corporate Responsibility; Responsibility Form Public Service; Public Culpability

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