



PREFACE

The Fall 2022 Issue of *Tsinghua China Law Review* bears witness to the new normal of COVID-19 and seeks the certainties that have re-emerged in the wake of the epidemic wave. The Fall Issue casts its light back on the consistently traditional legal departments and classical legal issues in Chinese society, recalling the past and prospecting the future through a critical perspective, just as every rising trace of individual life, social development, and national destiny after such new normal.

We invited authors of diverse backgrounds to analyze the development of Chinese law, and the social and economic challenges facing China today. The articles cover a wide range of topics, including the presumption of innocence, dismissal law, and financial regulations. As ever, the China Law Update Column provides insightful comments on the latest Chinese legislation and judicial interpretations, focusing on the Greater Bay Area, the personal safety protection order, and the amended Anti-monopoly Law in our current Issue.

In the article entitled *The Presumption of Innocence in China: Theoretical Debates and Practical Problems*, Professor Guo Zhiyuan notes the golden rule in criminal procedure all over the world. Beginning with a high-profile case in China, the author reviews the legal framework, judicial practice, and theoretical debates on the presumption of innocence in China. The author then analyzes the underlying reasons for the continued existence of a de facto “presumption of guilt” in China and presents the recent plea-bargaining reform as a new challenge to the implementation of the “presumption of innocence” in China.

In the article entitled *A Comprehensive Proposal for the Reform of the Dismissal Law in China*, Professor Ke Zhenxing suggests that due to the establishment of social insurance and the newly evolved “platform-contractor” relationship between the company and its employees, the interests between the employer and the employee shall be rebalanced and the dismissal protection shall be appropriately relaxed. This author also discusses the antidiscrimination rule, protections against employer retaliation, and remedial rule for illegal dismissals.

In the article entitled *Regulatory Experimentation in China’s Peer-to-Peer Lending Market*, Professor Zhou Qin and Dr. Xiao Shanyun explore the change of regulatory approaches in the P2P lending market by Chinese authorities. The authors divide the P2P regulatory practices into three stages, from “no regulation” to “adaptive” and eventually to “aggressive” regulation, while the role of regulators shifts from “substantive” to “procedural”. The authors also herein identify the trade-off between economic interests and social stability.



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In the article entitled *The Commencement of Bank Insolvencies in China: Problems and Prospects*, Dr. Wang Xin provides comprehensive analyses of the threshold of commencement of bank insolvencies in China. After enumerating cases like Baoshang Bank and arguing that the Chinese approach is inadequate in resolving bank insolvencies, the author provides a two-stage solution for improvement. During the first stage, regulatory authorities take administrative measures to prevent banks from collapsing. The second stage involves distributing assets among creditors and compensating depositors. These processes are both under the supervision of the regulatory authorities.

In our China Law Update column, insightful pieces by student authors have been selected, all of which provide comments and analyses on the most recent social and legal developments in China. As more and more attention is being drawn to the development Guangdong-Hong Kong-Macao Greater Bay Area, Dr. Evangelina Ao, in the note entitled *Mutual Access of the Financial Markets in the Greater Bay Area: A Macao Perspective*, points out the importance of connectivity and mutual access of markets between regions. In the note entitled *More Accessible Protection for the Domestic Violence Victims: New Developments in Personal Safety Protection Order*, Mr. Zhou Shizun thoroughly analyzes the application of the personal safety order in China and pinpoints existent concerns. In the note entitled *The Amended Anti-monopoly Law: Key Changes Under the Competition Policy*, Cristina Zhang discusses the recently amended Anti-Monopoly Law, focusing on mainly three issues regarding this law update, i.e., regulations over digital economy, the safe harbor rule, and the enhanced legal liability.

We would like to express our gratitude to everyone participating in the process of submission, editing, and promotion of this issue. We wish to give our warmest thanks to our Editorial Group, for their hard work and dedication is what makes the timely publication possible. We would like to thank Professor Wang Gang for assisting us in updating the official website. We also sincerely appreciate the guidance and support provided by Professor Gao Simin.

Lastly, we would like to thank Professor Zhou Guangquan, the Dean of Tsinghua University School of Law, for his firm support and warm encouragement of this journal. Special thanks go to the Tsinghua University Humanities and Social Sciences Development Initiative for its generous financial support for this issue.

QIU Qunran & LI Yuxin
Co-Editors-in-Chief

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