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Summary of the doctoral thesis entitled: „Ecologization of Private Law on the Example of the Civil Code of the People’s Republic of China”

The aim of the dissertation is to identify ecologization provisions within the Civil Code of the People’s Republic of China and to evaluate their significance for environmental protection and resource management. The concept of “ecologization” adopted herein encompasses not only the traditional understanding of environmental protection (conservation of natural resources, preservation of existing natural environment, prevention of pollution), but also climate protection and the promotion of sustainable development models based on rational resource management.

The dissertation offers a comprehensive analysis of the process of the ecologization of private law as exemplified by the Civil Code of the PRC, while considering systemic conditions. The Chinese model of ecologization is presented as dynamic, oriented towards the fulfilment of political and economic objectives, while simultaneously capable of serving as a point of reference for comparative legal research and as a potential source of inspiration for the development of European private law systems.

To achieve the research objective, four research questions were formulated, which determined the structure of the dissertation:

1. Which aspects of the legal system of the PRC must be considered in the context of ecologization?
2. How do the features of instrumentalization and pragmatism affect the Chinese civil law system?
3. Which provisions of the PRC Civil Code may be identified as ecologization provisions, and how are they assessed by Chinese legal doctrine?
4. What is the judicial practice of applying ecologization provisions by the Supreme People’s Court and lower-level courts?

The dissertation analyses the historical-legal foundations of the Chinese legal system, particularly the influence of traditional concepts (Confucianism, Legism) and the evolution of the role of law from the Maoist period to the current concept of “rule of law with Chinese

characteristics,” as well as the structure of environmental law in the PRC (Chapter 2). Furthermore, two constitutive features of Chinese civil law are taken into account—instrumentalization and pragmatism (Chapter 3), which limit civil laws’ autonomy and subordinate it to current political and economic needs, even at the cost of systemic coherence. The dissertation analyses the ecologization provisions of the PRC Civil Code based on the output of Chinese legal scholarship, particularly as presented in the Commentaries on the Civil Code of the PRC. In this way, it identifies the scope, significance, and functions of these provisions in the context of environmental protection and resource management (Chapter 4). Special attention is given to Article 9 of the PRC Civil Code (the so-called Green Principle), which plays a key role in judicial practice. The analysis of case law demonstrates the transformative character of this provision and its role as a tool of integration (instrumentalization) and innovation (pragmatism) within the Chinese legal system (Chapter 5).

The methodology employed combines the dogmatic legal method (exegesis of provisions supplemented with a literature review), the comparative-functional method, and the historical method. The analysis covers both primary sources (legal acts, documents of the Supreme People’s Court) and secondary sources (case law, doctrinal literature). A particular value of the dissertation lies in its use of Chinese-language sources, which allows for a more faithful reflection of the specific features of the Chinese legal system.