

A Study on the Principle of Burden of Proof in Chinese Civil Procedure Law

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According to the Civil Procedure Law in China, the parties are responsible for showing certain evidence related to the claims they make, from which the principle, “who claims, who proves” is concluded. Most of the scholars support the opinion that the rule of Section 1, Article 64 in the Civil Procedure Law in China should be regarded as the standard of the burden of proof, not only in theory but also in practice. While there should be further discussion about the problem that the “who claims, who proves” principle should not be considered as the standard of the burden of proof, there are still many problems to discuss before establishing the standard, such as the concept of the burden of proof itself, the definition of the facts, the apportionment problem and the conversion of the burden of proof. The problems are discussed in separate chapters including the arguments in China. After the discussion, there are several case analyses to reflect the discussions in practical situations.