

Disclosure Network".

Thus, preparations for the formation of Internet courts in China have been going on for a long time and were mostly over by 2010. Now there are 3 Internet courts in China.

References

1. Fu, Weiru: The First Electronic Service Platform of Hangzhou Internet Court in China went online in full function [Electronic source]. – Mode of access: http://zj.cnr.cn/hzbb/20180410/t20180410_524193213.shtml. – Date of access: 07.12.2022.

2. Provisions of the Supreme People's Court on Several Issues Concerning the Trial of Cases by Internet Courts function [Electronic source]. – Mode of access: <http://www.hncourt.gov.cn/public/detail.php?id=175169>. – Date of access: 07.12.2022.

3. The Supreme People's Court: Internet Justice of Chinese Courts [Electronic source]. – Mode of access: https://www.sohu.com/a/252629353_169411. – Date of access: 07.12.2022.

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RECOGNITION AND ENFORCEMENT OF FOREIGN COURT JUDGEMENTS IN THE PEOPLE'S REPUBLIC OF CHINA

On the issue of extraterritorial evidence collection, China is a particularly conservative country. Different from the authorized litigant agent and special commissioner recognized by other countries, our country is prohibited in principle. Only two kinds of extraterritorial evidence collection methods are allowed to collect evidence on behalf of others. That is the court that needs evidence can help to obtain local evidence through the court where the evidence is located. But there are four conditions.

1. Based on the treaty. If there is no treaty basis, the court of the requested party is not obliged to accept the petition.

2. It shall be executed in the form of a letter of request, that is, the letter of request for evidence issued by the evidence obtaining court shall not be the letter of request for authorization [1]. For the Hague Evidence Collection Convention [2], if China is a party to the Hague Evidence Collection Convention, other parties can start collecting evidence on behalf of others. However, the request for evidence collection on behalf of the two countries is not allowed to be transmitted directly between the courts of the two countries. The requested country is required to designate a central authority to transmit the intermediate request. The central authority designated by China is only the Ministry of Justice.

3. Access to evidence requirements. The Convention can only obtain evidence from judicial proceedings, which can also be called evidence within the jurisdiction of judicial organs, or evidence related to litigation. In a word, evidence that cannot be

obtained through the convention and administrative procedures cannot be obtained on behalf of others.

There is only one exception, which is called embassy and consulate evidence collection. However, the method of embassy and consulate evidence collection is basically the same as that of embassy and consulate service. They can always face their own citizens, and cannot take coercive measures.

In our country, the recognition and enforcement of judgments of foreign courts are the same as those of overseas arbitral awards in terms of time limit, but there are three differences. 1. The application for recognition and enforcement of judgments of foreign courts can be either applied by the parties or applied by the foreign court that made the decision according to the procedures of treaties or bilateral judicial assistance agreements. That means the request for the applicant: it can be a foreign court in addition to the parties. His application object is the intermediate people's court in the place where the execution is carried out or where the property is located and it needs to apply within two years after the judgment takes effect.

The recognition and enforcement are required to meet five conditions at the same time: 1. There should be bilateral judicial assistance or reciprocity between the foreign court making the judgment and China; 2. It must be a valid judgment; 3. It shall not violate the public order of the host country; 4. The jurisdiction cannot be a case under the exclusive jurisdiction of Chinese courts; 5. It cannot be the result of default judgment.

References:

1. Provisions of the Supreme People's Court on Several Issues Concerning the Jurisdiction of Foreign related Civil and Commercial Cases [Electronic source]. – Mode of access: <http://gongbao.court.gov.cn/>. – Date of access: 15.11.2022.

2. The Hague Evidence Convention [Electronic source]. – Mode of access: <https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1736&context=gjicl>. – Date of access: 15.11.2022.

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A BRIEF ANALYSIS OF E-GOVERNMENT LAW IN CHINA

The legal construction of China's e-government is actually gradually put on the agenda with the continuous improvement of relevant policies and regulations related to information networking. On December 28, 2000, the 19th meeting of the Ninth National People's Congress Standing Committee passed the "Decision on Maintaining Internet Security", which further accelerated the process of China's e-commerce and e-government legal construction [1]. In recent years, with the accelerated pace of global information, the application of China's e-government has continued to deepen, and the problems in its legislation have become increasingly prominent, which has hindered the rapid development of China's e-government to a certain extent. Therefore, it is of