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The Partys Choice

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The Party's Choice:

Party Autonomy in Contractual Choice of Law in China Jieying Liang, 2018-03-22 The principle of party autonomy in contractual choice of law is widely recognised in the law of most jurisdictions. It has been more than 30 years since party autonomy was first accepted in Chinese private international law. However, the legal rules provided in legislation and judicial interpretations concerning the application of the party autonomy principle are abstract and open ended. Without a critical understanding of the party autonomy principle and appropriate interpretations of the relevant legal rules, judges have not exercised their discretionary power appropriately. The party autonomy principle has been applied in a way that undermines its very purpose, that is to protect the legitimate expectations of the parties and promote the predictability of outcomes in transnational commercial litigation. Jieying Liang addresses the question of how, when and with what limitations parties' choice of law clauses in an international commercial contract should be enforced by Chinese courts. **The party system.**

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Table of Contents The Partys Choice

1. Understanding the eBook The Partys Choice
 - The Rise of Digital Reading The Partys Choice
 - Advantages of eBooks Over Traditional Books
2. Identifying The Partys Choice
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an The Partys Choice
 - User-Friendly Interface
4. Exploring eBook Recommendations from The Partys Choice
 - Personalized Recommendations
 - The Partys Choice User Reviews and Ratings
 - The Partys Choice and Bestseller Lists
5. Accessing The Partys Choice Free and Paid eBooks

- The Partys Choice Public Domain eBooks
- The Partys Choice eBook Subscription Services
- The Partys Choice Budget-Friendly Options

6. Navigating The Partys Choice eBook Formats

- ePUB, PDF, MOBI, and More
- The Partys Choice Compatibility with Devices
- The Partys Choice Enhanced eBook Features

7. Enhancing Your Reading Experience

- Adjustable Fonts and Text Sizes of The Partys Choice
- Highlighting and Note-Taking The Partys Choice
- Interactive Elements The Partys Choice

8. Staying Engaged with The Partys Choice

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers The Partys Choice

9. Balancing eBooks and Physical Books The Partys Choice

- Benefits of a Digital Library
- Creating a Diverse Reading Collection The Partys Choice

10. Overcoming Reading Challenges

- Dealing with Digital Eye Strain
- Minimizing Distractions
- Managing Screen Time

11. Cultivating a Reading Routine The Partys Choice

- Setting Reading Goals The Partys Choice
- Carving Out Dedicated Reading Time

12. Sourcing Reliable Information of The Partys Choice

- Fact-Checking eBook Content of The Partys Choice
- Distinguishing Credible Sources

13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development

- Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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