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58 Vlg. Rosenberg/Schwab/Gottwald, Zivilprozessrecht, 18. Aufl. 2018, § 113, Rn 6.

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63 Vlg. Rosenberg/Schwab/Gottwald, Zivilprozessrecht, 18. Aufl. 2018, §113, Rn 8.

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Retrospection, Structure and Dogmatic Interpretation of China's Civil Admission System

XIA Zhiyi

Abstract: With the implementation of New Provisions of the Supreme People's Court on Evidence in Civil Procedure, it is in urgent need to develop dogmatic interpretations on existing civil admission rules. China's civil admission system is influenced by the superposition of local culture and foreign theories, and its core is the "presumption of admission as true facts", a rule of thumb that balances the pursuit of economic efficiency and objective facts in litigation, which forms an institutional structure of "wide entrance", "strong effect" and "narrow exit". In specific, the "wide entrance" is reflected by the relatively lenient entry mechanism, the object of admission should be limited to adverse facts, and the acts of admission refer to "statement" or "express acknowledgment" of such adverse facts by the party making admission. Civil admission is not limited to the court trial and it is not a must to explore the party's intention. The "strong effect" of admission is reflected by the exemption of providing evidence, "no need to provide evidence" means that the other party does not have to fulfill the burden of proof in the sense of producing evidence, and the derivative effect is the exclusion of such facts at trial. In addition, the exit mechanism of civil admission includes the revocation mechanism centered upon the party's intention and the reversal mechanism centered upon "respecting objective truth".

Keywords: Provisions of Evidence; Civil Admission; Doctrine of Debate; Binding Effects; Dogmatic Interpretation