

Legal Transplants in East Asia and Oceania

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Abstrak

This volume provides a unique overview of methodologies that are conducive to a successful legal transplant in East Asia and Oceania. Each chapter is drafted by a scholar who holds direct professional experience on the legal transplant considered and has a distinctive insight into the pragmatic difficulties related to grafting an alien institution into a legal tradition. The range of transplants includes the implementation of contractual obligations, the regulation of commercial investments and the protection of the environment. The majority of recent legal reforms in these geographical areas have aimed at improving national economic performance and fostering trade and have been directly inspired by European and North American institutional experiences. There is also, however, a tendency to couple economic reforms, aimed at attracting foreign investment, with constitutional reforms that improve the protection of individual rights, the environment and the rule of law.