

Shanghai judge sexual scandal: what you learn from it?

Description

The whole nation has just sipped a new drop of juice about a world that is not known to the public before: Shanghai judges found having great time in a night club with prostitutes.

Wow... it is those judges who are supposed to be upholding the high standards of morality and conducts in the society and they ought to be clean and upright. You don't easily associate a judge with a prostitute, though a judge (male) is also made up of flesh and blood.

What is more, it is judges from Shanghai High People's Court. Shame on Shanghai. Shanghai has actually enjoyed a reputation in the nation for the level of justice that can be achieved through its judicial system. Generally, judges in Shanghai courts are better educated and trained or probably better paid. Thus, in most civil and commercial cases where the value involved in the dispute is not huge, the outcome of litigation is generally fair and just. Despite the scandal, it may still be true.

Now with the breakup of the scandal revealed via a video clip by a blogger, many are angry, esp top officials in Shanghai. The party chief in Shanghai government said, those judges put a stain on the face of Shanghai. Well, they have to say something of this kind, don't they? But indeed, doesn't he know this? Along the way he (referring all top officials) came to the top position, has he never done something like this, i.e. bending the law in one's favor? What those top officials really wanted to say is that "how come you stupid guys got caught? you should have done it more secretly."

No one will deny the assertion that the scandal is indeed a small corner of the iceberg. It is not about a bad corrupt person, it is about a bad corrupt regime in China's judicial systems.

The regime is opaque, as is the same as administrative agencies in China. The public generally has no effective ways to know how the systems work unless information is leaked by accident. These systems, judicial or administrative, are mainly overseen or supervised internally from top to down. So if you have a good relationship with the top, you will have balls to stamp on the laws. To a great extent, one can say Chinese judicial system is actually affiliated with administrative government esp with the party. It is easily for administrative agencies and their officials to find ways to inappropriately influence the results of a lawsuit.

These few unlucky judges are dug out by a businessman who felt that he was greatly wronged in a civil lawsuit in Shanghai where he believed judge Mr. Zhao Minghua had put a finger in the case as a result of which the businessman had to pay more than reasonable. With hatred in heart, he started the revenge against Mr. Zhao Minghua. What a success indeed!

Now for foreign investors and businessmen dealing with China, what you can do to avoid the potential risk of being judged unfairly in Chinese court?

Well, it is a tough question. But one thing the foreign clients should consider is to have an air-tight contract in place when doing businesses with or in China. While this will definitely not avoid the unfair situation, it will help to reduce your chance of being screwed by Chinese courts.

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