

<https://doi.org/10.69495/2024.8.95>

**AVRAAM SADIQOV**  
**Baku State University**  
**Bachelor**  
**avraamsadiqov39@gmail.com**  
**Zahid Khalilov street 23, Baku 1148**

## **CULTURAL DIVERSITY AND LEGAL IMPLICATIONS IN CHINESE LAW**

### **Summary**

A vital component of human society is cultural variety. With its extensive geography and rich history, China is a particularly instructive example, with an impressive tapestry of cultural traditions. This essay explores the many and varied aspects of Chinese cultural variety and the way it is fusing throughout time. This study clarifies how different cultural components have merged to create the distinctive fusion of customs that characterize modern Chinese culture by looking at historical, regional, ethnic, and international influences. The study also discusses the potential and problems brought about by globalization, emphasizing the need to maintain cultural authenticity in the face of swift change..

Intellectual property rights (IPR) in China are examined in this study from a cultural, social, economic, historical, and political perspective. While acknowledging that culture shapes attitudes, Taiwan's experience indicates that IP infringement can be significantly decreased from its current level in China. New norms to change attitudes arise when a community of attorneys, scholars, IPR holders, and other stakeholders actively work to educate the public about the need of respecting IPR, as Martin Dimitrov suggests. Building on Dimitrov's tree-stages of IPR legitimization, this paper offers a framework for China's implementation of an effective IPR policy.

This article concludes by showing how China's resilience and global significance are influenced by its cultural fusion and variety.

Key words: China, ethnic contacts, cultural diversity, cultural traditions, modern Chinese culture

### **Introduction**

China is the most populous country on Earth, with a vast landmass that is home to a significant proportion of the world's population. A multitude of ethnic, cultural, and linguistic groups reside within the nation's borders. The country's cultural diversity has a significant influence on the implementation of the legal system and associated legislation. Despite the fact that China's legal system is designed with the intention of protecting the rights of a multitude of ethnic groups, the influence of communist

ideology and the prevalence of administrative centralisation serve to restrict the manner in which these rights can be exercised. This article will examine the rights of ethnic groups and their position within China's legal system, as well as how Chinese law reflects cultural diversity. It is perhaps unsurprising that ancient China's legal culture exhibits a pronounced agricultural orientation, given that the nation was predominantly agrarian. In other words, the fundamental elements of Chinese legal culture encompass legislation pertaining to agricultural productivity, land tenure, and taxation associated with agricultural activities. Moreover, the patriarchal Zong Fa system, which accorded considerable importance to Lun Chang (ethics), exerted a significant influence on the state of the nation in ancient China.

The vast cultural diversity of the People's Republic of China was taken into account when creating its laws. There are many different ethnic groups, religions, dialects, and customs in China. The existence of many ethnic and cultural communities and the fact that China is made up of 56 ethnic groups are particularly significant in the creation of legal laws and legislation. Both preserving social order within China and bolstering the China state's influence internationally depend heavily on cultural diversity. Despite the fact that Chinese laws and the legal system are designed with the intention of protecting the rights of different ethnic groups, the implementation of these rights is constrained by the influence of communist ideology and the centralisation of power within the state. This article will examine the rights of ethnic groups, the manner in which Chinese laws represent cultural diversity, and the position of these rights within the legal system[1,23-29].

The evolution of Chinese traditional legal culture has continued uninterrupted for more than five millennia. It is evident that no other ancient civilisation can be deemed to possess a legal history that is comparable to that of China. A substantial and diverse corpus of Chinese legal culture has been accumulated as a consequence of the prolonged and uninterrupted growth process. It may be regarded as a repository of invaluable cultural assets. In order to ensure optimal utilisation of Chinese legal culture in the development of a distinctive Chinese legal system, it would be beneficial to conduct a comprehensive examination of the fundamental concepts that underpin this legal tradition. The Constitution of the People's Republic of China has the objective of ensuring the preservation of cultural variety and recognises the idea of equality amongst ethnic groups. The 1954 Constitution of the People's Republic of China espouses the principle of equality among all nations, which affords ethnic groups the legal status of being recognized as having the same rights. Furthermore, the Chinese government has incorporated the rights to autonomy of certain ethnic communities into its legal framework.

The People's Republic of China follows the continent's cultural and legal customs. Laws passed by the National People's Congress and rules issued by the State Council and central government agencies are China's main sources of legislation. The codification of a growing number of laws after the Civil Code was enacted in 2022 is

a new trend in China's norm-making process. Furthermore, the Supreme People's Court and Supreme People's Procuratorate's statute-like judicial interpretations are legally binding. The system of guiding cases is promoted with the aim of standardizing the application of legislation, even though cases in China do not have any legal effect. The Supreme People's Court represents the pinnacle of China's four-tiered legal system. However, the second instance is the final arbiter of legal disputes. The recent judicial reform demonstrates the establishment of novel types of specialised courts, which are designed to facilitate the functioning of a modern market economy. These include courts that address financial conflicts, intellectual property rights (IPR), and matters related to the internet. The Legal Status of Ethnic Minorities in the Chinese Legal System. The Uyghurs, Tibetans, Mongols, and several other smaller ethnic groups are the most well-known ethnic minorities in China. Each of these ethnic groups has its own set of legal arrangements. For example, the Uyghur region has been granted specific linguistic and educational privileges, while local residents in Tibet have been granted significant cultural and religious liberties. Certain rights make it easier for certain ethnic communities to maintain their customs and culture. The rights of ethnic minorities are guaranteed by the People's Republic of China Constitution and must be upheld in accordance with socialist ideals. The right of ethnic communities to preserve and develop their own cultural traditions is recognized in Article 4 of the Constitution. However, the issue of how these rights should be implemented in practice still presents difficulties, especially in view of the state's social and security programs. Notwithstanding the Chinese government's endeavors to protect cultural diversity, the practice of these rights is subject to restrictions, and the state's central government steps in to maintain equilibrium. There are still some parts of the law that deal with ethnic minorities' rights that are largely formal. For example, Chinese (Mandarin), the state's official language, continues to dominate the educational system even though instruction may be given in a language unique to particular ethnic groups. Local languages and cultures may be lost as a result of this.

Specific legal measures and autonomies related to cultural diversity are recognized by the People's Republic of China's legislation. The "autonomous region," which permits ethnic minorities to exercise self-governance in specific locations, is one of the most important legal tools. Protecting China's cultural variety and ensuring ethnic groups' rights are the goals of these autonomous areas. For example, the autonomous regions include areas like Inner Mongolia, Tibet, and Xinjiang, where native languages and cultures are valued more highly. Additionally, certain political and economic rights are recognized in certain areas.

However, these autonomies are also within the jurisdiction of the state's central government and are often limited in the name of defending the rights of the populace. Ethnic minorities' autonomy can occasionally make it more difficult to guarantee the preservation of their religious and cultural rights. The Chinese central government

has occasionally attempted to restrict these rights in the name of social stability and national security, which is in opposition to the previously outlined strategy.

**Language, Education and Cultural Rights.** The adoption of laws that give the defense of linguistic and educational rights top priority is necessary to preserve China's cultural diversity. Certain ethnic communities are entitled to instruction in their original language inside the educational system in compliance with the aforementioned regulations. This privilege, however, runs counter to Mandarin, the dominant language in China. The preservation of the languages of different ethnic groups has been hampered by the Chinese government's implementation of an official language policy and a single language push [5, 1-12.]. However, there are specialized educational programs in the field of education that are intended to protect ethnic minority' linguistic identity and cultural legacy. However, these programs are too closely tied with the state's education system's overarching policy. For example, although native languages are taught in schools in places like Tibet and Uyghur, Mandarin is a basic need. The growth of indigenous cultures may also be hampered by this [3, 1-23].

Even while the Chinese legal system theoretically recognizes many rights related to cultural diversity, some ethnic groups—most notably the Uyghurs and Tibetans—continue to face discrimination in issues of equality and freedom. Allegations of violations of their right to live and cultivate their own culture have led to international criticism of these communities. Particularly, constraints on cultural expression and religious liberties affect the Uyghur minority. Tibetans, on the other hand, have voiced their displeasure with the restrictions placed on their freedoms of religion and culture. The central government's security policies in China are linked to many types of discrimination against ethnic minorities. Sometimes, policies implemented by the Chinese government for social stability and national security are associated with the restriction of the rights of specific minority groups in China to live and practice their culture. This poses a serious obstacle to cultural diversity's legal protection [2,376-394].

International law is broken by some rights restrictions and discriminatory acts against minorities, even if China makes an attempt to preserve cultural variety on the international scene. China has been urged by the United Nations (UN) and other international organizations to respect ethnic minorities' rights. China makes an effort to enact legislation changes that are consistent with international legal norms regarding human rights and cultural diversity. However, the implementation of these reforms is sometimes delayed because of the limitations imposed by its domestic policies and security concerns[4].

Cultural diversity's legal ramifications in Chinese law show up in many different ways. These impacts are particularly significant in relation to political, social, and economic life.

Impacts on the economy and society.

The Chinese government works to guarantee the social and economic advancement of ethnic minorities in addition to maintaining cultural variety. Ethnic minority-populated areas receive financial assistance, educational opportunities, and specific development programs. Their social and economic equality is enhanced as a result. Equal rights for ethnic minorities in the workplace are also guaranteed.

Chinese law, which expressly acknowledges ethnic minorities' freedom to speak and write in their native tongue, places a strong emphasis on the preservation of language and culture. The preservation and advancement of many languages and cultures depend heavily on this right. The Chinese government has set up schools and cultural centers in the languages of the ethnic minorities in the regions where they are located in order to support the development of these languages and cultures.

Influences from Politics. The political arena is impacted by the cultural diversity reflected in Chinese law. Political stability is preserved by the representation of ethnic minorities, the defense of their cultural rights, and the establishment of certain legal requirements for them. Additionally, ethnic minority representatives are integrated into local government institutions in China, which makes it easier for them to voice their opinions and protect their rights [2].

### Conclusion

China culture is an example of how various threads may be skillfully woven into a rich tapestry, with each component adding to the beautiful symphony of cultural diversity. A captivating story that captures China's continuing cultural resilience is produced by fusing historical legacies, regional flavors, ethnic traditions, and international relationships. This country's capacity to take in, adjust, and change while maintaining a strong sense of identity is demonstrated by its cultural environment. China is becoming a more powerful cultural force in the world by embracing its varied past and creating an atmosphere that promotes intercultural dialogue. The value of cultural diversity is highly emphasized in Chinese law, which also serves as the basis for a wide range of legal efforts meant to preserve this diversity. Through the application of legislative measures, ethnic minorities' rights and cultures are protected and encouraged in China. The goal of this act is to ensure social and economic equality in addition to cultural preservation. China's laws pertaining to cultural diversity are successfully applied both domestically and abroad. This strategy supports the Chinese state's international standing and internal stability.

China is a shining example of the universal possibility for harmony in diversity, in addition to being a monument to cultural diversity and fusion within its own boundaries. China is a thriving cultural powerhouse, and its contributions continue to influence Chinese culture's story of cultural fusion and variety, serving as a reminder of the significant effects of cross-cultural dialogue and solidarity in a world growing more interconnected by the day.

## REFERENCES

1. Bingde, Li. "A brief overview of Sino-Western exchange: Past and present." *Authentic Chinese Educational Thought* (2022): 23-29.
2. Klein, Jakob A. "Transformations of Chinese cuisines." *Routledge Handbook of Chinese Culture and Society*. Routledge, 2020. 376-394.
3. Kong, Gaowen, et al. "Ethnic diversity, trust and corporate social responsibility: the moderating effects of marketization and language." *Journal of Business Ethics* (2022): 1-23.
4. Steger, Manfred B. *Globalization: A very short introduction*. Oxford University Press, 2023.
5. Yao, Jiazhou, Marianne Turner, and Gary Bonar. "Ethnic minority language policies and practices in China: revisiting Ruiz's language orientation theory through a critical biliteracy lens." *Journal of multilingual and multicultural development* (2022): 1-12.

Avraam Sadiqov

## ÇİN QANUNVERİCİLİYİNDƏ MƏDƏNİ MÜXTƏLİFLİK VƏ QANUNVERİCİLİYİNDƏ MƏDƏNİ MÜXTƏLİFLİK VƏ HÜQUQİ TƏSİRLƏR

### XÜLASƏ

Mədəni müxtəliflik insan cəmiyyətinin ən vacib komponentidir. Geniş coğrafiyası və zəngin tarixi olan Çin, mədəni ənənələrin təsirli bir-birinə qarışmasının xüsusilə ibrətamiz bir nümunəsidir. Bu esse Çinin mədəni müxtəlifliyinin çoxsaylı və müxtəlif aspektlərini və zamanla necə bir-birinə qarışdığını araşdırır. Bu araşdırma, müxtəlif mədəni komponentlərin tarixi, regional, etnik və beynəlxalq təsirləri nəzərə alaraq müasir Çin mədəniyyətini xarakterizə edən adətlərin bənzərsiz bir qaynaşması yaratmaq üçün necə birləşdiyini aydınlaşdırır. Tədqiqat qloballaşma ilə əlaqəli potensial və problemləri də müzakirə edir, sürətli dəyişikliklər qarşısında mədəni orijinallığın qorunmasının vacibliyini vurğulayır..

Çindəki əqli mülkiyyət hüquqları (PIS) bu işdə mədəni, sosial, iqtisadi, tarixi və siyasi baxımdan nəzərdən keçirilir. Mədəniyyətin münasibət formalaşdırdığını qəbul edən Tayvanın təcrübəsi göstərir ki, Çində əqli mülkiyyət hüquqlarının pozulması indiki ilə müqayisədə əhəmiyyətli dərəcədə azaldıla bilər. Münasibəti dəyişdirə biləcək yeni normalar, Martin Dimitrovun təklif etdiyi kimi, hüquqşünaslar, alimlər, əqli mülkiyyət hüquqları sahibləri və digər maraqlı tərəflər Cəmiyyəti ictimaiyyəti əqli mülkiyyət hüquqlarına hörmət etməyin zəruriliyi barədə maarifləndirmək üçün fəal şəkildə çalışdıqda ortaya çıxır. Dimitrovun hazırladığı "əqli mülkiyyət hüquqlarının qanunlaşdırılması mərhələləri ağacı" na əsaslanaraq, bu məqalə Çində effektiv əqli mülkiyyət siyasətinin həyata keçirilməsi üçün çərçivə təklif edir.

Bu məqalənin sonunda Çinin davamlılığının və qlobal əhəmiyyətinin mədəni müxtəlifliyindən necə təsirləndiyi göstərilir.

Açar sözləri: Çin, etnik əlaqələr, mədəni müxtəliflik, mədəni ənənələr, müasir Çin mədəniyyəti

Авраам Садыков

## КУЛЬТУРНОЕ РАЗНООБРАЗИЕ И ПРАВОВЫЕ ПОСЛЕДСТВИЯ В КИТАЙСКОМ ЗАКОНОДАТЕЛЬСТВЕ

### РЕЗЮМЕ

Культурное разнообразие - важнейшая составляющая человеческого общества. Китай, обладающий обширной географией и богатой историей, является особенно поучительным примером впечатляющего переплетения культурных традиций. В этом эссе рассматриваются многочисленные и разнообразные аспекты культурного многообразия Китая и то, как оно переплетается с течением времени. Это исследование разъясняет, как различные культурные компоненты объединились, чтобы создать неповторимый сплав обычаев, характеризующих современную китайскую культуру, с учетом исторических, региональных, этнических и международных влияний. В исследовании также обсуждаются потенциал и проблемы, связанные с глобализацией, подчеркивается необходимость сохранения культурной аутентичности перед лицом стремительных перемен. Права интеллектуальной собственности (ПИС) в Китае рассматриваются в данном исследовании с культурной, социальной, экономической, исторической и политической точек зрения. Признавая, что культура формирует отношение, опыт Тайваня показывает, что уровень нарушений прав интеллектуальной собственности в Китае может быть значительно снижен по сравнению с нынешним. Новые нормы, способные изменить отношение, возникают, когда сообщество юристов, ученых, владельцев прав интеллектуальной собственности и других заинтересованных сторон активно работает над просвещением общественности о необходимости уважения прав интеллектуальной собственности, как предлагает Мартин Димитров. Основываясь на разработанном Димитровым "древо этапов легитимации прав интеллектуальной собственности", эта статья предлагает основу для реализации эффективной политики в области интеллектуальной собственности в Китае. В заключение этой статьи показано, как на устойчивость и глобальное значение Китая влияют его культурное многообразие.

Ключевые слова: Китай, этнические контакты, культурное разнообразие, культурные традиции, современная китайская культура.