

## **1. Research purpose and significance**

Purpose : Promote the application of company law in the area of private enforcement

Significance : make an original contribution to this field and draw the attention of Chinese scholars to the gap between "law in books" and "law in action"

## **2. Research question**

Did Company Law 2005 provide sufficient protection to minority shareholders and was it actively applied by individual shareholders? How did the courts implement this new law? how did the courts take advantage of their judicial discretion to interpret the law when there were some defects or loopholes in some of its provisions?

## **3. Type of scholarship**

- (1) Explanatory
- (2) Normative

## **4. information relied upon**

Cases on PKU Law and other websites

## **5. The main argument**

- (1) Private enforcement of company law is quite strong and will continue to be strengthened.
- (2) Judicial discretion is becoming more and more important in the field of private execution of corporate law, so it should be limited

## **6. Concepts to know**

Judicial Discretion and Derivative Action

## **7. Argumentation**

Firstly analyses the number, nature and location of the cases, arguing that private enforcement of company law will be enhanced

Secondly select derivative actions to assess the exercise of judicial discretion and argue that Judicial discretion is becoming more and more important in the field of private execution of corporate law, so it should be limited

## **8. Conclusion**

As the economy develops, private enforcement of company law will be strengthened, and at the same time the judicial discretion of the Chinese courts will become increasingly important in this area, so judicial discretion should be limited to a certain extent.