

Reflection and Reconstruction of the Behavioral Capacity System of Natural Persons - Based on the Modernization Perspective of Civil Law

Guoqi Zhang

Graduate University of Mongolia, Ulaanbaatar, Mongolia

Abstract: The Civil Code is an important milestone in the construction of the rule of law in modern China. Its provisions on the capacity of natural persons not only involve the determination of the qualification of civil subjects, but also directly affect the effectiveness of civil legal acts. This article is based on the draft of the Civil Code.¹⁷Strip to²²The relevant provisions of the article, combined with the modern concept of the rule of law, analyze the connotation and structure of the natural human capacity system, and explore its applicability and shortcomings in the context of the modernization of civil law. Through an in-depth interpretation of the classification of behavioral capacity, this paper proposes that although China's current behavioral capacity system has achieved remarkable results in ensuring transaction safety and justice under the rule of law, it still needs to be improved in adapting to individual differences, flexibility and execution in practice. Especially in the determination of the behavioral capacity of minors and people with mental disabilities and their legal consequences, it is necessary to strengthen the consideration and adjustment of case differentiation, and further promote the modernization of the behavioral capacity system.

Keywords: Civil Code, Capacity of Conduct, Natural Person, Legal Behavior, Modernization of Civil Law.

1. Forward

The Civil Code of the People's Republic of China since²⁰²¹YearSince its implementation, it has become one of the core laws in China's rule of law system, and its provisions on the ability of natural persons to act are particularly eye-catching. The capacity of a natural person is directly related to the legal status of the civil subject in society and its rights and obligations in civil activities. As a legal capacity, capacity is one of the basic systems in civil law. Its core is to define whether an individual has the ability to independently exercise civil rights and bear civil liability.

This article will be from the Civil Code¹⁷Strip to²²Starting from the provisions on the behavioral capacity of natural persons, we analyze the construction logic and theoretical basis of China's behavioral capacity system. The article focuses on the division of behavioral ability. The three aspects of class identification, the implementation boundaries of behavioral capacity and challenges in practice are discussed, with the aim of providing theoretical basis and policy suggestions for promoting the modernization of China's civil law and improving the capacity system of civil subjects.

2. The Basis and Classification of Behavioral Ability

2.1. One point one the intrinsic connection between meaning ability and behavioral ability

The identification and classification of behavioral ability cannot be separated from the basic concept of meaning ability. Meaning ability refers to a person's ability to have a clear understanding and expectation of his own behavior and its legal consequences, which is the ability to judge behavior. Core standard. In the draft Civil Code, the criteria for distinguishing capacity of conduct are mainly."Age" This objective indicator is the main one, but also takes into account

individual differences, especially the impact of mental state on behavioral ability.

The basis of behavioral ability is the ability of meaning, and the ability of meaning depends on the individual's understanding of reality, judgment and expression of will. Pass."Age"According to this standard, the law objectively determines whether a natural person has sufficient ability to mean. However, individual differences in real life show that simple dependence."Age"This standard for judging behavioral ability has certain limitations. Therefore, the Civil Code adds on the basis of age, such as."Can you identify your own behavior?"This additional standard reflects a more detailed consideration of individual differences.

2.2. Classification and standards of behavioral ability

Draft Civil Code No.¹⁷Strip to²²The behavioral ability of natural personsIt is typed and clearly stipulates three types of people with full capacity, people with limited capacity and people without civil capacity. By setting age standards, the law divides people into different actors:

People with full capacity: refers to the age of¹⁸An adult who is one year old and can fully recognize his own behavior. Such subjects can independently carry out all civil legal acts.

Person with limited ability to act: refers to¹⁶Reach¹⁸Minors between the ages of one year, or individuals with incomplete mental health after adulthood. The legal behavior of such subjects requiresRequire the consent of the legal agent, posthumous recognition, or only be able to independently carry out acts that are purely beneficial or suitable for their age and intelligence.

Persons without civil capacity: refers to dissatisfaction⁸Minors who are one year old, or individuals who are completely unable to identify their behavior in adulthood. The legal act of such a subject is invalid and must be implemented by its legal agent.

This classification system takes into account not only the

age of natural persons, but also whether they have sufficient ability to identify their own behavior, reflecting respect for different stages of individual development and mental health.

2.3. Case determination of behavioral ability

Although the Civil Code clearly stipulates the classification of ability to act, in practice, how to determine whether an individual has the ability to identify his own behavior is still an important legal issue. Especially for special groups such as patients with mental illness and people with intellectual disabilities, the application of the law in these cases requires more case-by-case identification.

Draft Civil Code No.21Article, No.22Article and the first19Articles and other provisions, for."Can you identify your own behavior?"The judgment has been refined. However, in practice, this judgment often depends on the testimony of experts in medicine and psychology and the determination of the court, which requires ensuring the scientificity and legitimacy of the relevant evidence.

3. Legal Consequences of People with Full Capacity to Act and Limited Capacity

3.1. Independent legal acts of fully capable people

For fully capable people, the law gives them the right to independently carry out civil legal acts. Whether it is signing a contract, exercising property rights, or assuming debts, fully capable people can proceed independently according to their personal wishes and judgments. This provision reflects the respect for private autonomy in the Civil Code, and also reflects the concept of the supremacy of individual rights in modern countries under the rule of law.

However, although fully capable people can independently exercise legal acts, it is still important to note that in some cases, even fully capable people may be constrained by the law due to extreme personal errors or fraud. For example, the Civil Code No.145It is stipulated that a person with limited capacity or incompetent person shall need to be recognized or represented by a legal agent when carrying out legal acts to prevent them from causing legal risks in the absence of judgment.

3.2. The legal effect of the person who restricts the ability to act

According to the draft Civil Code, the legal acts committed by those who limit their capacity145The validity of the provisions of the article is limited. If the act is purely beneficial or suitable for the age and intelligence of the person whose ability to act is limited, the legal act is valid; if the act exceeds these scopes, it requires the posthumous recognition or consent of the legal agent to take effect. This provision aims to balance the legal effect between minors and adults and prevent unfair or inappropriate legal consequences of people with limited capacity due to lack of sufficient judgment.

Although this legal design can ensure the transaction safety of people with limited capacity, in practice, how to define."Suitable for age and intelligence"The standard is still a relatively vague problem. It is necessary to refine and adjust this standard in combination with precedents and social consensus in judicial practice.

3.3. Consequences of legal acts of persons without civil capacity

For persons without civil capacity, the draft Civil Code clearly stipulates that the civil legal acts committed by them are invalid. This is because people without civil capacity lack the ability to identify their own behavior and their consequences, and their behavior cannot legally produce the expected legal effect.

The legal status of a person without civil capacity reflects the limits of the law's protection. At this point, the draft Civil Code stipulates the invalidity of the behavior of incompetent persons, which not only protects their interests in civil activities, but also prevents social legal risks caused by their inability to effectively judge the consequences of their actions.

4. Modernization and Challenges of The Natural Person's Capacity System

4.1. Modernization requirements of behavioral ability standards

With the continuous progress of society and the gradual emergence of individual differences, although the current behavioral capacity classification system meets the basic requirements of the law to a certain extent, it exposes some problems in practice. For example, simply relying on age standards to divide behavioral ability may not fully reflect a person's real ability in different situations. In this regard, future laws should pay more attention to the accurate judgment of individuals' actual ability while respecting the objective standard of age.

4.2. The impact of mental health on behavioral ability

The impact of mental health problems on behavioral ability is an important challenge facing the current behavioral ability system. Many people's behavioral ability may be affected in some cases due to the influence of psychological and mental illness, but the current system is still not flexible enough to apply this point. In the future construction of the rule of law, we should consider identifying mental health through more professional and case-based methods, and make a more reasonable assessment of behavioral ability.

4.3. Cross-cultural comparison and the improvement of China's behavioral ability system

From the perspective of the transnational legal system, the capacity of conduct regulations in Taiwan, Europe and other places are often more detailed and flexible. While learning from international law, China still needs to appropriately adjust the criteria for the recognition of behavioral ability according to its own socio-cultural background and economic development level, especially in the legal protection of special groups such as minors and people with mental disabilities, and explore a more humane and modern institutional design.

5. Conclusion

The capacity of conduct system in the draft Civil Code has made certain achievements in ensuring the balance of the capacity of civil subjects, but it still faces the challenge of

how to effectively adjust and refine it in the context of modernization. Through an in-depth analysis of the behavioral capacity system of natural persons, this paper believes that the future civil law should pay more attention to individual differences and respect each People's actual ability depends not only on the external standard of age. At the same time, the legal protection of special groups, such as people with mental disabilities and minors, should be strengthened to ensure that their rights and interests in legal acts are more reasonably protected.

References

- [1] Ye Zhen.On the System of Behavioral Capacity of Natural Persons [D]. Nanjing University, 2019. DOI: 10.27235/d.cnki.gnjju.2019.000660
- [2] Zhu Tao.JURISHRINAL RESEARCH ON THE ABILITY SYSTEM OF NATURAL PERSONS [D]. Southwest University of Political Science and Law, 2010.
- [3] Wang Linlin.Reflection on the subject category of natural persons[D].Jilin University, 2008.