

当爱已成往事，你将如何捍卫自己应得的财产？PDF转换可能丢失图片或格式，建议阅读原文

https://www.100test.com/kao_ti2020/645/2021_2022__E5_BD_93_E7_88_B1_E5_B7_B2_E6_c96_645624.htm 在爱进行得如火如荼时,你可能不会想到爱情与法律有多少搭介，但某天当所有美好化为乌有 (annihilated), 你在乎的是曾经的爱情，还是有过的财产呢？是不是开始用法律手段来减少损失呢？Li Ming is bitter. First, her five-year marriage ended - she's convinced her husband had affairs - and now she's in a legal battle for the apartment they lived in. 李敏（音译）觉得苦不堪言，首先，她五年的婚姻因为丈夫有外遇而被宣告结束，而如今她又要和前夫为他们的这套公寓闹上法庭。 "He's reluctant to share a single tile with me," said Li, a Shanghai native. She believes she co-owns the apartment, which is registered in her husband's name. 李敏是上海本地人，她说：“他不愿意分给我一砖一瓦。” 她认为公寓虽然是用她丈夫的名字登记的，但是他俩共同所有的。 Under current divorce law, husbands and wives each get half of the marital assets unless one is proven to have acted in a way that violated the marriage 现行的离婚法规定，夫妻双方对婚后财产各拥有一半份额，除非有证据证明一方有背叛婚姻的行为。 Now the Supreme Court is addressing pre-marriage assets, particularly property such as a house, in a draft interpretation of the Marriage Law. 目前，最高法院正在“关于适用《婚姻法》若干问题的解释”草案中对婚前财产，特别是住房的所有权，进行解释和规定。 The draft says that a person has sole ownership of a pre-marriage asset, including its appreciated value, unless his or her

partner proves contribution. 草案中规定，夫妻一方的婚前财产及其增值收益属于个人财产，除非另一方证明对此财产做出了贡献。 Some experts complain that legislators are not doing enough to protect women. The fundamental difficulty for the wife lies in her inability to provide evidence of her husband's misconduct. 一些专家认为，立法者没有采取足够的措施保护妇女。妻子最根本的困难在于无法提供出丈夫不当行为的证据。 In practice, lawyers said, asset division in most divorce cases is fair to women, sometimes favoring them. The key issue is whether husbands and wives should be treated the same in legislation about asset division. 律师说，事实上大多数离婚案中的财产分配还是公平的，有时还对女方更有利。关键问题是，在财产分割问题的立法中夫妻是否该被一视同仁。 How do you prove it? 如何证明 Li Mingshun, a law professor at China Women's University in Beijing, said women should be compensated better in a divorce. But there's the matter of evidence. 北京中华女子学院的法律系教授李明顺（音译）说，离婚时，妇女应得到更多补偿，但关键在能不能找到证据。 "It is not possible for me to prove his adultery," said Li Ming, who said that a year ago she accidentally saw her husband's text messages inviting women to spend the night with him. "He denied everything. And how can I obtain evidence of him in bed with his lovers?" 李敏说一年前她无意中看到丈夫的短信约人陪他过夜，她说：“我没法证明他通奸，他对所有的事情一概否认，我怎么能找到他跟情人在床上的证据呢？” A divorce lawyer said about 70 percent of couples divorce because of affairs. "Mostly it is the man. 离婚律师说，有七成的离婚案都

是因为出轨，而通常是男人出轨。 Bemoaning the loss 哀叹损失惨重 The men aren't always in control. Sometimes they need evidence, too. 男人们并不是总占主导地位的，有时，他们要证据来保护自己。 Tang Jian'an, a Shanghai divorce lawyer at M
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