

Theoretical Application in Judicial Practice of the Attribution of Fruits on Premarital Personal Property after Marriage—Supreme Court Guo and Feng Divorce Case as an Example

Yixuan Chen

Gannan University of Science and Technology, Ganzhou, China

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Abstract: At first, this paper reviews the law and traces the legislative process of China's marital personal property, and then analyses the theoretical framework of the attribution of postmarital fruits on personal property by comparing the academic and practical definitions of fruits, and by exploring the appropriate principle of attribution of fruits in conjunction with China's matrimonial property system - the principle of synergy. Building on previous studies, this paper develops a comprehensive understanding: taking the divorce case of Guo Mou and Feng Mou heard by the Supreme Court as a typical case, it carries out empirical analyses and logical reasoning to solve the problem of the attribution of interest and equity gains, to explore the application of its theories in practice, and to look into the three major theoretical deficiencies reflected in judicial practice: the lack of clarity in the legal provisions, the duplication of application of the two theories, and the lack of clarity in the definition of economic contribution. Finally, it is envisaged that by improving the legal system of fruits and strengthening the regulation of premarital property agreement, it will help to further regulate the property relationship between spouse, safeguard the legitimate rights and interests of both spouse, and promote the stability of marriage and the happiness of the family.

1. Introduction

Under the background of the modern society ruled by law, the handling of marriage, family and property relations not only involves personal interests, but also is an important aspect of the construction of the rule of law and social stability. In the first half of 2023, courts across the country concluded 1.083 million cases of marriage, family and inheritance disputes of first instance, an increase of 23.19 percent year-on-year. China's laws, regulations and judicial interpretations such as the Civil Code on marriage and family have increasingly improved the ownership of personal property in marriage, and the Supreme People's Court has regularly issued typical cases for the implementation of the Civil Code. The reports, interpretations and explanations of mainstream media such as the official websites of courts, the websites of Chinese courts, and the websites of the People's Political Advisory Bodies, as well as the personal analysis of legal practitioners, will contribute to

the legal development of marriage and family property. In the academic field, theoretical discussions on the ownership of personal property before marriage and fruits after marriage have also become popular. However, in judicial practice, due to a certain degree of ambiguity and controversy in the application of law and judgment standards, it leads to the complexity and controversy in the division of marital property in some specific cases, especially in the fruits of premarital property. In-depth analysis of specific cases, analysis of the interaction between theoretical research and dialectical unity of judicial practice, release their internal tension, explore the three theoretical defects reflected in judicial practice, and put forward improvement measures.

2. Legislative process of marital personal property in China

In the marriage relationship, the rights and interests of spouses and the distribution of property have always been a matter of concern. In marital practice, the attribution of pre-marital personal property and post-marital legal fruits involves the protection of the rights and interests of both spouses in the marital relationship, the distribution of property, the maintenance of the marriage and other practical issues.

In 2001, the Marriage Law of the People's Republic of China was amended for the fourth time, stipulating that the premarital property of one of the spouses belongs to the individual and is not part of the couple's common property. However, there is a legal gap in the attribution of benefits derived from premarital property after marriage, as well as fruits; article 17, paragraph 2, of the Marriage Law provides that "the proceeds of a party's production or operation after marriage belong to the common property of the spouse", and that spouses who make joint contributions and endeavour to work together during the marriage enjoy a common interest in the generation and value-addedness of the family's property. This provision applies only to gains made jointly by the spouses during the marriage. The Marriage Law does not specify whether other aspects of personal income are joint property of the spouses, such as one party's bonuses, inheritance, etc. or whether the attribution of fruits arising from pre-marital property is joint property of the spouses. This gap in the law gives the parties concerned a certain amount of discretion, but also gives the courts difficulty in interpreting the application of the law. In practice, courts usually decide on the attribution of interests in marital property based on the actual situation and the principle of equity. This means that, in a specific case, the court will usually take into account factors such as the nature of the pre-marital property, joint contributions, and financial management during the marriage.

Article 11 of the Interpretation (II) of the Marriage Law issued by the Supreme People's Court in 2003 provides that gains made by one spouse who already had a certain amount of property before marriage and who, during the marriage, gained income through the reasonable investment and operation of that pre-marital property shall be regarded as joint property after marriage. The gain shall be enjoyed by both parties, but may be reasonably distributed taking into account differences in factors such as labour productivity, funds provided, etc. However, other aspects such as interest and rent are not specified.

Article 5 of the Interpretation of Certain Issues in the Application of the Marriage Law of the People's Republic of China (3): "Income generated by one of the spouses' personal property after marriage, except for fruits and natural appreciation, shall be deemed to be the common property of the spouses." Fruits and natural appreciation of the personal property of one of the spouses are regulated. However, this provision has given rise to considerable controversy and extensive discussion. In this process, quite a number of scholars have explored the solution path for the attribution of premarital property fruits after marriage and summarised the core principles of attribution. Some famous scholars also studied the legislation and judicial situation at home and abroad; 2020 Civil Code, Article 1062, Article 1065 clearly China's implementation of the spouse

common property system and the spouse agreement property system two modes, and allows the spouse to divide the marital common property in writing by consent, the spouse agreement property system can be effectively avoided pre-marital property after marriage fruits attribution, so this paper does not make Explore^[1]. The Judicial Interpretation (I) of the Marriage and Family Section of the Civil Code, which came into force on 1 January 2021, clearly states that the investment income of pre-marital personal property belongs to the common property of spouse after marriage. At the same time, Article 26 of the Interpretation (1) of the Marriage and Family Section of the Civil Code of the People's Republic of China has completely absorbed the provisions of Article 5 of the Judicial Interpretation (3) of the original Marriage Law on the fruits and natural appreciation of personal property.

3. Theoretical framework for the attribution of fruits on personal property after marriage

3.1 The concept of fruits in academia and practice

Although the attribution of natural and legal fruits was previously detailed in Article 116 of the Property Law, the concept of fruits was never clearly defined in the law^[2]. The concept of fruits has never been clearly defined in the law. Article 5 of the Marriage Law Interpretation (III) also does not expressly explain the nature of fruits and natural appreciation.

Fruits are generally understood in this country to mean additional benefits arising from the original object. In academic opinion, fruits are categorised as natural fruits and legal fruits, with natural fruits referring to the gains obtained as a result of the natural properties of the object. These fruits arise from the nature of the asset itself and have nothing to do with laws and regulations. Natural fruits are not clearly defined and have a wide range of rights holders. They include owners and usufructuaries, heirs, creditors, leaseholders, etc^[3]. The attribution of natural fruits after marriage, such as food, fruits and dairy products, requires concerted labour between spouse as a family unit. Therefore, the attribution of natural fruits after marriage has been identified by scholars as joint marital property. Statutory fruits, which refer to fruits arising under the provisions of law or contract, such as interest on debt under the legal rate of interest and dividends on shares under the legal dividend rate, also suffer from the problem of unclear definition and a wide range of right holders of legislative gaps. Statutory fruits reflect the appreciation or accumulation of value of property or investments, and in the case of personal property, the fruits usually belong to the owner of the property. In many countries, the law provides for entitlements and liabilities in respect of fruits arising from property, which may relate to fruits of property in the form of dividends, rents, bonuses and so on.

In the substantive legal field, natural and statutory fruits are not common terms, nor are they widely accepted or defined. The commonly used classification describes fruits based on specific types of investments or property, such as investment income, interest income, rental income, etc., and there is a fit with the statutory classification of fruits in academia. The Supreme Court case of Guo and Feng's divorce is a typical practical application of the legal fruits theory, which will be elaborated in three categories: interest, real estate rent, and investment income such as equity and bonds.

3.2 Matrimonial property regime

The attribution of fruits is closely related to our matrimonial property regime. However, according to article 5 of the Interpretation (3) of the Marriage and Family Section of the Civil Code of China, fruits are excluded from common property. The ambiguous division involves the property rights and interests of both spouse and the distribution of issues, which is related to the marital property system on the agreement and regulation of the relationship between the rights and interests of the spouse's property. There are two main doctrines for the attribution of fruits: the personal property doctrine and

the community property doctrine, which correspond to the two types of matrimonial property systems in China: the community property system and the agreed property system.⁰ The two systems correspond to China's two types of matrimonial property: the community property system and the agreed property system^[4].

The matrimonial agreement property system means that couples can reach an agreement on property before or during marriage, and couples can explicitly agree on the attribution of their pre-marital personal property through the agreement, including the distribution of the appreciation of property and fruits after marriage^[5]. The property system of the spouse is the property system of the spouse. Under the matrimonial agreement property system, the property belonging to both spouses will be dealt with in accordance with the agreement. This system provides greater safeguards for both spouses to protect their pre-marital personal property in property matters, and is a more flexible and personalised property arrangement. It is worth noting that the spouse agreement property system in the law need to comply with certain requirements, including the content of the agreement legality, authenticity and binding contract, etc., the spouse agreement property system can effectively avoid the premarital property after marriage fruits belonging to the problem, so this paper will not be discussed.

The community property system means that property acquired during marriage and property jointly owned before marriage are considered to be the common property of the spouses, and is a system whereby the ownership of the spouses' common property is vested in both spouses during the marriage. In the event of divorce or death, the joint property of spouse needs to be divided fairly and reasonably, generally in accordance with the principles of equality, voluntariness, mutual benefit and reciprocity. Taking into account the general reality of a "female-dominated" family environment in China, the essence of this property system is to protect women who are forced to sacrifice their career opportunities in order to perform household chores and raise offspring, and it is a way of supporting the weaker party, the woman. This is a favour to the weaker party, the woman^[6].

3.3 Principle of attribution of fruits -- the principle of synergy

The spirit of the matrimonial community property regime lies in the realisation of economic equality, co-burdening and co-benefiting between spouse. It emphasises mutual assistance and common growth in the relationship between spouse, and aims to establish and maintain a balanced and just economic relationship between spouse. It also reflects the principles of interdependence and reciprocity in the marital relationship, creating an economic framework for both spouses to develop and grow together. Pre-marital personal property often includes direct or indirect contributions from the spouse in the acquisition of fruits after the marriage, such as the joint operation and production of an industry purchased by one of the spouses prior to the marriage, or by supporting the spouse's resources in order to make the generation of fruits quicker^[7]. Fruits in traditional civil law. Although the traditional civil law theory of fruits is based on the perspective of the generation of fruits, fruits are in fact the result of the joint efforts of both spouses. If the possibility of the other spouse's "co-operation" cannot be excluded, such property should be considered as joint property after the marriage, which is known as the "co-operation principle"^[6]. This is known as the "principle of concertation". The "principle of concerted effort" is a thread that runs through the marriage and is the proper meaning of the attribution of different types of fruits, and it is generally accepted by the current academic research on the theory of the attribution of fruits.

4. Commentary on the Supreme Court case of Guo and Feng's divorce

4.1 Case histories

The author selects Guo and Feng divorce litigation case as the Supreme Court typical case evaluation, and the court made a party's personal property after marriage income issues identified and dealt with the analysis:

"Guo and Feng second trial divorce case, identify the property as follows: (1) Guo before marriage to open a stock account, registered market value of 210,000, often buy and sell after marriage, the market value of 365,000 yuan at the time of the divorce. (2) Feng bought 180,000 yuan of funds before marriage, has not been operated since the marriage, the market value of 201,000 yuan. (3) Guo before marriage to hold the equity of a company, and the United States of America company signed a Replacement agreement to obtain a U.S. company 1 million yuan of stock, after the U.S. company 2 shares of each new stock, the current value of 3 million yuan. (4) Feng inherited 5 million yuan of grandfather's estate before marriage, after marriage, loaned to a friend, the interest rate of 800,000 per year, a total of 2.4 million yuan of interest collected. (5) Guo bought 1 million yuan of gold before the marriage, the divorce went up two times. (6) Guo contributed 1 million yuan to buy a painting before the wedding, the price rose to 6 million yuan at the time of divorce^[8]." (Citation source: Jiao Yonggang, "Civil Trial Guidance and Reference" Marriage and Inheritance 30 Cases Decision Opinions Integration, 30th Case)0 The case is not a case of "the price of a painting".

4.2 Focus of the dispute

Based on the facts of the case as sorted out, the points of contention between the parties to the case are as follows:

1) At the time of the divorce, the attribution of Guo's pre-marital stock account, the appreciation in value of his pre-marital United States company stock, and the gold and paintings he purchased prior to his marriage were Guo's personal pre-marital property or should they be included in the couple's joint property.

2) The attribution of Feng's pre-marital fund (which has never been operated) and the interest on the pre-marital inheritance, whether it should be owned by Feng personally or should be included in the joint property of the couple.

4.3 Court proceedings

The court of second instance, after hearing the evidence, factual findings, in accordance with Article 17 of the Marriage Law and Article 18 of the Marriage Law legal basis, to maintain the original judgement of the first instance: "(1) Guo stock account value-added 155,000 yuan belongs to the couple's common property; (2) Feng 's pre-marriage fund has always remained stable after the marriage, which is regarded as a natural value-added, and the fund value-added remains part of the individual's property ; (3) Guo held shares before the marriage, but he did not transfer or acquire an equity interest in the U.S. company until after the marriage, and Guo's capital was operated more as a part of the approval and stock appreciation process, which is an asset jointly owned by the spouse; (4) according to the law, interest on an inheritance is a legal increase in the principal, and the appreciation is part of the individual's personal property; (5) the gold and paintings purchased by Guo are part of the individual's personal property^[8]." (Citation source: Jiao Yonggang, Civil Trial Guidance and Reference, Marriage and Inheritance 30 Cases Decision Opinions Integration, 30th Case).

4.4 Case studies

4.4.1 Attribution of interest

Interest is the economic benefit received through actions such as investing or saving. It includes interest on deposits, and Loan interest etc. Individuals or organisations will be idle funds deposited in the account of financial institutions (such as banks), in order to safe custody of the funds and to obtain a certain amount of interest earnings behaviour. Its main purpose is not to carry out production and business, but to save for the purpose of storage behaviour.

In accordance with the "principle of concurrence", the interests generated by pre-marital personal savings after marriage are not subject to any participation or contribution by the spouse, and should therefore be recognised as personal property; assets acquired before marriage for the purposes of production, operation and investment, which have not been operated by either party after marriage, are a natural value-added product, and should also be recognised as personal property. Some scholars hold the view that when one of the spouses uses pre-marital funds for profitable lending activities, the resulting natural interest should be regarded as a gain from production and operation, and be regarded as common property between the spouses^[3]. However, according to the legislative spirit of the community property system, the attribution of legal fruits after marriage should not be determined by whether or not it is a production or business type of behaviour, but rather whether or not the spouse are committed to the generation of fruits as a criterion. Therefore, the court of second instance found that: the funds purchased by Feng before the marriage had remained untouched after the marriage were natural value-added, similar to the type of savings behaviour; the interest on Feng's post-marital loan was a legal friction on the principal, and the value-added portion of the loan, which Guo had not contributed to, belonged to the individual's personal property.

By the same token, gold and painting collections are considered an alternative form of savings. People may purchase gold products such as gold bars, gold coins or jewellery as a long-term investment in anticipation of future appreciation and preservation of value; a collection of famous paintings and drawings is also a very specific form of savings, whereby one purchases and collects valuable works of art in anticipation of a rise in their value in the future. The gold and paintings purchased by Guo are therefore personal property.

4.4.2 Distribution of equity earnings

Investment income refers to the return or profit obtained from an investment. China's law lacks a clear definition of investment and legal fruits, if the investment income is classified as a separate category, according to Interpretation II, Article 11, during the marriage relationship, one party with personal property investment gains belong to the spouse; if it is defined as a legal fruits, according to Interpretation III, Article 5, belonging to one of the spouse's personal property. This article is consistent with the views of most scholars, the investment income is defined as a kind of legal fruits. Whether the fruits arising from pre-marital personal investment are natural or artificial, it can be determined whether the investment behaviour occurs before or after the marriage. If the pre-marital personal investment is not made after the marriage, the investment is considered to be a pre-marital act^[3]. If the spouse did not participate in the investment, it is not considered to be community property.

The court of second instance held that the frequent buying and selling of shares purchased by a party with his personal property before and after marriage indicates that he has paid artificial work in the process of stock appreciation, which is a positive value-added process. Divorce, should be identified as the joint property of husband and wife; GuoMou hold more than 3 million shares of stock value-added income attributable to a U.S. company, GuoMou after marriage to obtain a U.S. company's shares, does not belong to the simple personal property on behalf of the holder, which has

experienced the capital operation and equity acquisition of foreign capital approval and industrial and commercial registration formalities. GuoMou holding stock value-added income attributable to the issuer, GuoMou after marriage to obtain the United States a company's shares, does not belong to the simple personal property holdings, it went through the capital operation and equity acquisition of foreign capital approval and industrial and commercial registration procedures, stock value-added not only external factors, but also involves human intervention and capital operation. In other words, the increase in the price of an item or interest due to human initiative is not considered a natural increase in value. In the event of divorce, the gain in the appreciation of shares shall be considered as the common property of the spouses.

5. Judicial Practice Reflects Theoretical Flaws

In the event of divorce, the division of individual and joint property is a key issue. The legal provisions of the existing Civil Code do not clearly define the concept of fruits, while the general public tends to confuse fruits, natural appreciation and investment income. This has led to controversy in the practice of applying the law. The main flaws in the existing theory of the attribution of fruits relate to the following areas.

5.1 Lack of clear legal provisions

Our existing legal framework does not provide a clear definition of fruits, nor does it provide an exhaustive scientific classification of fruits in the same way as Roman law, with only the property rights section of the Civil Code making general provisions for the attribution of natural and legal fruits. The repealed Interpretation (III) on Several Issues Concerning the Application of the Marriage Law also fails to clarify the relationship between fruits, natural appreciation and business proceeds. Although the Marriage and Family Part of the current Civil Code distinguishes between the common property of spouse and their personal property, and makes it clear that business proceeds and intellectual property rights proceeds are the common property of spouse, and that one party's premarital property is the personal property of spouse. However, the law currently lacks a clear definition of the attribution of premarital personal property, such as fruits generated during the marriage, to which it belongs^[9]. In many cases, the spouse have no right to own the property during the marriage. In many cases, spouses may enter into a property agreement or prenuptial agreement before marriage, and Article 1065 of the Marriage and Family Section of the Civil Code does not provide in detail for the treatment of written agreements reached by spouses before marriage on the attribution of property and the distribution of fruits. As a result, in actual marital life, there are often disputes over the division of personal property and common property, and the proportion of value-retention and appreciation to be distributed.

5.2 Repeated application of the two main theories

From the revision of the Marriage Law in 2001 to the issuance of the Interpretation of Certain Issues Concerning the Application of the Marriage Law of the People's Republic of China (III) in 2011, the Supreme Court's position in the application of the law and judicial practice has wavered for a variety of reasons, such as changes in social perceptions, trade-offs in legal principles, and collisions of interests and demands^[10]. The Supreme Court's position has wavered in the application of the law and in judicial practice due to a variety of reasons, including changes in social concepts, the weighing of legal principles, and conflicting interests. Premarital personal property after marriage legal fruits attributable mainly fruits from the friction between the theory of origin and the theory of concordance, the official text will eventually fruits uniformly as the couple's personal property. The law's emphasis

on individual property rights and the exclusion of fruits and natural appreciation as joint marital property may weaken trust and intimacy between spouses, causing them to focus more on their individual interests than on the common good. The legislative philosophy of the Marriage Law has always been to preserve the relationship between spouse on the basis of deeper emotions and mutual respect, and both parties should carry out the spirit of partnership to help and support each other. Although there are relevant judicial interpretations and guidelines, due to the flaws in the jurisprudence behind the law and the judge's discretionary power for case-by-case solutions, in judicial practice, the court, when dealing with cases of division of matrimonial property, always adjudicates on the basis of the actual circumstances of the specific case, and there are adjudicative situations in which the matrimonial fruits and yields are attributed to individual property, common property, partly individual and partly common, resulting in uncertainty in the judicial practice, which also has led to uncertainty in judicial practice and has prevented a better resolution of the issues in dispute.

5.3 Poorly defined economic contribution

In a marriage, both parties may have different economic contributions, but the current theory of attribution does not adequately take into account the differences in their contributions, and there may be situations where one party contributes labour to the household rather than generating monetary income. Traditionally, women may give up their career development after marriage and take up a lot of domestic work in the family, and this will lead them to be more financially dependent on their husbands after marriage. Therefore, the protection of women's rights and interests in the division of fruits attribution still needs more attention and improvement. And this part of the contribution should be given due consideration. Such labour is not only a necessity of daily life, but also a sacrifice and contribution to the family and its members, the value of which should be fully respected and rewarded. If one of the parties accumulates property or generates fruits for the family through his or her domestic labour during the marriage, this contribution should be treated fairly. Completely ignoring the contribution of domestic labour to the appreciation of property may lead to unfairness in the process of property division, thus ignoring the actual contribution of domestic labour to the family and the economy^[11].

6. Refinement of the theoretical conception of the attribution of the fruits of the premarital property of the spouse

In order to address these existing deficiencies, the current theoretical system needs to be studied and improved in order to better meet the challenges associated with marital practice and to provide the parties with fairer and more reasonable legal protection.

6.1 Improving the legal regime for fruits

The legislature can further improve the General Provisions and the Marriage and Family Part of the Civil Code, and make a clear legislative statement on the meaning of fruits in Chapter 5 of the General Provisions of the Civil Code on Civil Rights, limiting the original object that generates fruits to objective objects and civil rights, or add a legislative statement on natural fruits and legal fruits to the Property Rights Part, and focus on indicating that the original object that generates fruits also includes rights. The original objects that give rise to fruits also include rights^[12]. In this regard, it is important to establish the basic principles for determining the types of fruits and their attribution on the basis of the definition of fruits.

The principle of cohesion is established as a general principle for the attribution of personal

property to marital fruits, and clearly expresses the need to take into account the non-financial contributions and interests of individuals in the distribution of property rights and fruits and benefits. For example, if one of the parties gives up his or her career in order to take care of the family and children, appropriate consideration and compensation should be given in the vesting of property. The amount of contribution should also be considered in conjunction with the time factor. If only a short period of time has elapsed since the marriage, the fruits may be more favourably regarded as pre-marital personal property; whereas if a long period of time has elapsed since the marriage, and the joint efforts of the married couple are a greater factor in the appreciation of the property, the property may be favourably regarded as the joint property of the married couple after the marriage. On this basis, the Supreme Court should add specific provisions to the judicial interpretations and guidelines issued for the Marriage and Family Section, clearly stipulating the manner and principles for dealing with the issue of the attribution of fruits arising from personal property during the marriage. Subsequently, the Marriage and Family Section of the Civil Code should absorb the essence of its judicial interpretations, providing a clearer legal basis for the handling of related cases in judicial practice.

6.2 Strengthening the regulation of premarital property agreements

With the rapid development of the social economy and the continuous improvement of the legal system, the awareness of individual rights and freedoms has gradually increased, while people's demand for property protection in the marital relationship is growing, thus promoting the development of the matrimonial property system to a contractual property system. Agreed property system can better respect the individual's independent economic capacity and the right to free disposal of property, to ensure that the personal property rights and interests in the marriage are clearly protected. It enables spouses to achieve consensus on the ownership and management of property through consultation, agreement and cooperation, reflecting the principles of mutual benefit, equality and autonomy in the marital relationship.

The Marriage and Family Section of the Civil Code has been amended and the Supreme Court has issued judicial interpretations defining the right of spouses to freely agree on the ownership and management of property. Spouses are encouraged, on the basis of equality and voluntariness and in accordance with their own needs and actual circumstances, to promote joint negotiation of the ownership and management of personal property and property subject to debts and liabilities, through such means as the registration of personal property, the prenuptial notarisation of personal property and the certification by notarial institutions. The property rights of the spouse are not governed by the law. Property agreements or prenuptial agreements entered into by spouses after marriage are regulated in greater detail, including specific format requirements, content provisions, and procedural requirements for notarisation and registration, in order to promote clarity and regularity in the written agreements reached by spouses prior to marriage on the ownership of property and the distribution of fruits and interests.

In practice, in order to maintain public order and protect the rights and interests of vulnerable groups, factors such as the division of roles in the family, the income of both parties, career development and differences in economic contributions are taken into account to ensure a fair distribution of property. The law also provides for certain limitations and legal regulation of the agreed property regime. It sets standards and norms for distribution and provides detailed provisions for the treatment of premarital or prenuptial agreements entered into by spouses, including format requirements, registration procedures and notary requirements, in order to promote standardisation and clarity of written agreements entered into by spouses before marriage regarding the allocation of property and distribution of benefits.

7. Conclusion

Through the review of legal articles, this paper comprehensively combs the framework of the theory of personal property ownership before marriage, proves the legitimacy of the principle of cooperation, and provides theoretical solutions for the practical analysis of the supreme law. In the empirical analysis and logical reasoning, the paper deeply discusses the ownership of interest and equity income, and finds that there are some challenges in the ownership of fruits generated by personal property of marriage. The existing legal provisions and theories lack clear provisions on the ownership of fruits, and there are repeated applications in judicial practice. In addition, the definition of economic contribution is not clear, which brings certain troubles to the treatment of marital property relations. According to the analysis of the existing countermeasures, the principle and regulation of fructus attribution should be clarified to provide a more guiding basis for judges and lawyers to make decisions in practice. The law should strengthen the regulation of pre-marital property agreements to ensure that couples are able to clearly agree on the attribution of personal property and fruits before marriage. In the future, the discussion on the ownership of personal property before marriage and fruits after marriage will continue to deepen. By improving the legal system and strengthening norms, we can expect to deal with these issues more accurately and fairly in judicial practice in the future, and provide better legal protection and rights protection mechanisms for both spouses.

References

- [1] Duan Fengli, Yang Xiaolin. *Exploration of criminal and non-criminal practice of extortion and blackmail in divorce demand for money [J]. China Lawyer*, 2023, (05):92-93.
- [2] Song Hua. *Analysis of the attribution of premarital personal property fruits[J]. Law and Society*, 2019, (07):45-46. DOI:10.19387/j.cnki.1009-0592.2019.03.022
- [3] Jianpeng Qi. *Research on the attribution of marital fruits of personal property of spouse [D]. Zhongnan University of Economics and Law*, 2019.
- [4] Tu Min. *On the nature and effect of pre-litigation divorce agreement in China [D]. Huazhong University of Science and Technology*, 2011.
- [5] Tan Jin. *Analysis on the Attribution of Marital Fruits of Premarital Personal Property of spouse--An Appraisal of Article 5 of Judicial Interpretation III of the Marriage Law[J]. Legal Expo (Zhongdian)*, 2012(11):220-221.
- [6] Pei Hua. *On the Attribution of Premarital Property of One of the spouse to the Interests Generated after Marriage [J]. Contemporary Law*, 2008(05):117-122.
- [7] *Civil Trial Guide and Reference Marriage and Inheritance* 30 Case Decision Opinions Integration - Articles (weibo.com)
- [8] Tong Lichun, Wu Lingling. *On the Improvement of the Legal System Related to Family Property[J]. Population and Society*, 2018, 34(02):101-110. DOI:10.14132/j.2095-7963.2018.02.011
- [9] He Jian. *The Impact of "Theory" in Judicial Practice--Centred on the Judicial Practice on the Attribution of Marital Fruits to the Personal Property of Spouses[J]. Legal and Social Development*, 2014, 20(03):132-147.
- [10] Fang Hairong. *Legal and Economic Analysis of the Marriage and Family Institution--The Invisible Payment of Women's Labour for Marital Life and the Compensation System in the Marriage Law [J]. Golden Card Project*, 2010.
- [11] Chen Benhan. *Legislative deficiencies in the definition of fruits and their improvement [J]. Journal of Yantai University (Philosophy and Social Science Edition)*, 2019, 32(06):24-36. DOI:10.13951/j.cnki.issn1002-3194.2019. 06. 003.
- [12] *China Daily*: "Supreme Law: More than 1.08 million first instance cases of marriage, family, and inheritance disputes concluded in the first half of 2023", published on the China Daily website on August 7, 2023, <https://baijiahao.baidu.com/s?id=1773560778327220213&wfr=spider&for=pc>.