



QK1940462

JOURNAL OF COMPARATIVE LAW

# 比较法研究

中国政法大学主办·比较法学研究院编辑

■张明楷

对向犯中必要参与行为的处罚范围

■陈兴良

从对合共犯论到阶层共犯论

■周光权

中性业务活动与帮助犯的限定

■梁根林

间接正犯的中国命运

■熊秋红

比较法视野下的认罪认罚从宽制度

# 5

2019年第5期  
(双月刊·总第165期)

## 目 录

## 【专题研讨】

- 对向犯中必要参与行为的处罚范围 ..... 张明楷( 1 )
- 从对合共犯论到阶层共犯论 ..... 陈兴良( 20 )
- 中性业务活动与帮助犯的限定
- 以林小青被控诈骗、敲诈勒索案为切入点 ..... 周光权( 34 )
- 间接正犯的中国命运 ..... 梁根林( 50 )
- 限制的正犯概念与二元犯罪参与体系批判 ..... 张 伟( 66 )

## 【论文】

- 比较法视野下的认罪认罚从宽制度
- 兼论刑事诉讼“第四范式” ..... 熊秋红( 80 )
- 庭审实质化改革的成效与路径研究
- 基于实证考察的分析 ..... 李文军( 102 )
- 受贿犯罪两大法益学说之检讨 ..... 劳东燕( 121 )
- 论中国对外经济制裁法律制度的构建
- 不可靠实体清单引发的思考 ..... 张 辉( 141 )
- 无权代理人对恶意相对人之责任 ..... 夏昊晗( 154 )
- 人的尊严的价值证成与法理构造 ..... 郑玉双( 170 )
- 议会主权体制下的司法审查权及其限度
- 以英联邦国家为分析对象 ..... 朱学磊( 186 )

# JOURNAL OF COMPARATIVE LAW

Bimonthly

---

---

Serial      No. 165      Sept. 2019      No. 5

---

---

## Contents

### Topic Discussion

- The Punishment Scope of the Necessary Participatory Behavior in the Symmetrical Crime  
..... *Zhang Mingkai* ( 1 )
- From Unified Theory of Complicity to Three-Level Theory of Complicity ..... *Chen Xingliang* ( 20 )
- Neutral Business Activities and the Limitation of Accessory Offender:  
Taking Lin Xiaoqing's Accusation of Fraud and Extortion as the Breakthrough Point  
..... *Zhou Guangquan* ( 34 )
- The Concept of *Mittelbarer Täterschaft* (Indirect Perpetrator) in China ..... *Liang Genlin* ( 50 )
- Critique of the Conception of Limited Actor and the System of  
Differentiating between the Principal and the Accomplice ..... *Zhang Wei* ( 66 )

### Articles

- System of Pleading Guilty and Accepting Punishments with Leniency in the Perspective of Comparative Law:  
A Review on the "Fourth Paradigm" of Criminal Procedure ..... *Xiong Qihong* ( 80 )
- Research on the Achievement and Path of Making Criminal Trails Substantive; An Empirical Study  
..... *Li Wenjun* (102)
- Criticism on the Two Doctrines of Bribery Crimes' Legal-Goods ..... *Lao Dongyan* (121)
- On the Construction of China's Economic Sanctions System; Reflections on the Unreliable Entity List  
..... *Zhang Hui* (141)
- Unauthorized Agent's Responsibility to Counterparty in Bad Faith ..... *Xia Haohan* (154)
- On the Value Justification and Jurisprudential Structure of Human Dignity ..... *Zheng Yushuang* (170)
- Judicial Review Power and Its Limits under Parliamentary Sovereignty System:  
Experiences from Commonwealth Countries ..... *Zhu Xuelei*(151)

# Journal of Comparative Law

Bimonthly

Serial No. 165 Sept. 2019 No. 5

## Selected Articles

■ Zhang Mingkai

The Punishment Scope of the Necessary Participatory Behavior in the Symmetrical Crime

■ Chen Xingliang

From Unified Theory of Complicity to Three-Level Theory of Complicity

■ Zhou Guangquan

Neutral Business Activities and the Limitation of Accessory Offender

■ Liang Genlin

The Concept of *Mittelbarer Täterschaft* (Indirect Perpetrator) in China

■ Xiong Qiuhong

System of Pleading Guilty and Accepting Punishments with Leniency in the Perspective of Comparative Law

ISSN 1004-8561



国际标准刊号: ISSN 1004-8561

国内统一刊号: CN11-3171/D

定 价: 50.00元