

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

■ 黄文艺

论习近平法治思想中的司法改革理论

■ 王利明

登记的担保权顺位规则研究

■ 李永军

对我国民法上非法人组织概念的质疑

■ 孔祥俊

论互联网平台反垄断的宏观定位

■ 张卫平

“民事证据裁判原则”辨识

2

2021年第2期
(双月刊·总第174期)

目 录

【习近平法治思想研究】

- 论习近平法治思想中的司法改革理论 黄文艺 (1)

【民法典研究】

登记的担保权顺位规则研究

- 以《民法典》第 414 条分析为中心 王利明 (13)

- 对我国民法上非法人组织概念的质疑 李永军 (25)

- 论动产所有权让与中的交付 陈华彬 (38)

民法典中介合同的变革与理解

- 以委托合同与中介合同的参照适用关系为切入点 周江洪 (54)

- 主合同无效后担保权存续论 刘 骏 (68)

【论文】

论互联网平台反垄断的宏观定位

- 基于政治、政策和法律的分析 孔祥俊 (85)

- “民事证据裁判原则”辨识 张卫平 (107)

- 《刑法修正案（十一）》中法定刑的调整与适用 刘宪权 (122)

- 刑事强制医疗客观要件的反思与重构 张吉喜 (135)

- 论刑事律师的利益冲突规制 刘译矾 (150)

【法学译介】

- 德国法学方法论 [德] 赖因哈德·齐默尔曼 (毕经纬 译) (166)

JOURNAL OF COMPARATIVE LAW

Bimonthly

Serial No. 174 Mar. 2021 No. 2

Contents

Xi Jinping Thought on the Rule of Law

On the Theory of Judicial Reform of Xi Jinping Thought on the Rule of Law Huang Wenyi (1)

Codification of Civil Law

The Rules of Priority Order for the Registered Security Rights: An Analysis of Article 414 of the Civil Code
of PRC Wang Liming (13)

Questioning the Concept of Unincorporated Organizations in the Civil Code of China Li Yongjun (25)

On the Delivery in the Transfer of the Real Right of Movable Properties Chen Huabin (38)

Understanding the Changes for the Intermediary Contract in the Civil Code of China
..... Zhou Jianghong (54)

The Survival of the Security Interests after the Nullification of the Principal Contracts Liu Jun (68)

Articles

The Orientation of the Anti-Monopoly Law Concerning Internet Platform from a Macro-Perspective:
An Analysis Based on Politic, Policy and Legislation Kong Xiangjun (85)

Understanding "the Principle of Civil Evidence-Based Adjudication" Zhang Weiping (107)

Adjustment of Statutory Penalty in Amendment (XI) to the Criminal Law and Its Application
..... Liu Xianquan (122)

Reflection on and Reconstruction of the Required Elements of Compulsory Medical Treatment for Mentally
Ill People in Criminal Procedure Law Zhang Jixi (135)

On the Regulation of Criminal Lawyers' Conflict of Interest Liu Yifan (150)

Translation and Introduction

Legal Methodology in Germany Reinhard Zimmermann (translated by Bi Jingwei) (166)