

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

袭警罪的基本问题

■ 周光权

涉人脸识别犯罪的关键问题

■ 王毓莹

民法典背景下人的担保独立性之证成与适用

■ 王蔚

基本权利之“基本”的内涵

■ 郭雳

金融危机后美国私募基金监管的制度更新与观念迭代

6

2021年第6期  
(双月刊·总第178期)

## 目 录

### 【论文】

袭警罪的基本问题	张明楷 ( 1 )
涉人脸识别犯罪的关键问题	周光权 ( 13 )
论网络犯罪跨境数据取证中的执法管辖权	裴 炜 ( 30 )
解释论视角下的居住权客体	王荣珍 ( 46 )
民法典背景下人的担保独立性之证成与适用	
——以独立担保为视角	王毓莹 ( 58 )
论人格权禁令的性质及司法适用	张素华 ( 72 )
论主合同无效时过错保证人的责任	王 蒙 ( 86 )
基本权利之“基本”的内涵	
——以法国法为中心	王 蔚 ( 98 )
民法典时代行政执法的变革与创新	孟鸿志 ( 112 )
金融危机后美国私募基金监管的制度更新与观念迭代	郭 霖 ( 125 )
论公共数据开放的可信治理	徐珉川 ( 143 )
反不正当竞争法自由竞争价值的理论证成与制度调适	陈耿华 ( 157 )

### 【专题研讨】

降低程序事实证明标准的制度逻辑与中国路径	占善刚 ( 171 )
证明责任减轻制度研究	王 刚 ( 183 )

2021年目录索引 ( 199 )

# JOURNAL OF COMPARATIVE LAW

Bimonthly

---

Serial      No. 178      Nov. 2021      No. 6

---

## Contents

### Articles

Fundamental Issues of the Crime of Assault against a Police Officer .....	Zhang Mingkai ( 1 )
Key Issues on the Crimes Related to Facial Recognition .....	Zhou Guangquan ( 13 )
The Enforcement Jurisdiction in Cross-Border Obtainment of Evidence against Cybercrimes .....	Pei Wei ( 30 )
A Hermeneutic Interpretation of the Objects of the Rights to Habitation .....	Wang Rongzhen ( 46 )
The Justification of the Independence of Personal Guarantee in the Era of Civil Code: A Perspective from the Independent Guarantee .....	Wang Yuying ( 58 )
The Nature and the Judicial Application of the Injunction for the Protection of Personality Rights .....	Zhang Suhua ( 72 )
On the Liability of the Surety at Fault upon the Invalidity of Principal Contract .....	Wang Meng ( 86 )
An Examination of the Meanings of Fundamental Rights: Taking French Constitutional Law as an Example .....	Wang Wei ( 98 )
The Reform and Innovation of Administrative Enforcement of Law in the Era of Civil Code .....	Meng Hongzhi ( 112 )
The U.S. Private Fund Regulation after 2008 Financial Crisis: Institutional Change and Paradigm Shift .....	Guo Li ( 125 )
Trusted Governance for Open Public Data .....	Xu Minchuan ( 143 )
The Value of Free Competition in Unfair Competition Law: Its Justification and the Institutional Adjustment .....	Chen Genghua ( 157 )

### Topic Discussion

The Logic in Lowering the Standard of Proof for the Procedural Facts and China Approach .....	Zhan Shangang ( 171 )
Research on the System of Reducing the Burden of Proof .....	Wang Gang ( 183 )

### Index to 2021 (199)