

上海市法学会
上海人民出版社有限责任公司
主办

2020
总第七十八期

6

CSSCI 来源期刊
全国中文核心期刊
中国人文社会科学核心期刊

ORIENTAL LAW



论我国摄影作品保护期与国际版权条约的衔接 王 迁

论强制技术转让 单晓光

疫情应对中行政规范性文件审查研究 关保英

算法自动化决策与行政正当程序制度的冲突与调和 张凌寒

民法典姓名权制度的解释论 石冠彬

“脱离算法自动化决策权”的虚幻承诺 唐林垚



智慧法治

- 04 算法自动化决策与行政正当程序制度的冲突与调和 / 张凌寒
- 18 “脱离算法自动化决策权”的虚幻承诺 / 唐林垚
- 34 搜索引擎数据痕迹处理中权利义务关系之反思 / 温 昱

理论前沿

- 47 论我国摄影作品保护期与国际版权条约的衔接 / 王 迁
- 62 论强制技术转让 / 单晓光
- 77 疫情应对中行政规范性文件审查研究 / 关保英
- 90 民法典安全保障义务条款与共享单车企业民事责任 / 严桂珍
- 103 违法认识可能性理论的检讨与反思 / 赵运锋

民法典适用

- 113 民法典姓名权制度的解释论 / 石冠彬
- 125 债务加入的类型与结构 / 肖 俊
- 134 论配子捐赠辅助生殖后代的基因来源知情权 / 李晓珊
- 148 中国民法典的法理定位 / 郭 晔

教育法治

- 158 学位撤销案件中的司法审查范围模式及其反思 / 林 华

青年论坛

- 170 涉税的重大误解 / 班天可

- 184 《东方法学》2020 年总目录

Contents

ORIENTAL LAW

(Bimonthly)

Issue 6, Nov. 2020 (Serial No.78)

AI Law

- How to Resolve the Conflicts of Algorithm Automated Decision-making and Due Process *Zhang Linghan*
The Illusory Promise of the Right not to be Subject to Automated Decision-Making *Tang Linyao*
Analyze on Rights and Obligations of the Processing of Data Footprint by Search Engines *WenYu*

Research Frontier

- The Copyright Law's Compliance with the International Copyright Treaty on the Term of Protection
for Photographic Work *Wang Qian*
On Compulsory Technology Transfer *Shan Xiaoguang*
Review of the Administrative Regulatory Documents during Epidemic Response *Guan Baoying*
The Safety and Security Obligations in the Civil Code and Civil Liability of Bicycle-Sharing Enterprises
..... *Yan Guizhen*
Review and Reflection on the Theory of Possibility of Illegal Cognition *Zhao Yunfeng*

Application of the Civil Code

- On the Interpretation of the System of Name Rights in the Civil Code *Shi Guanbin*
Types and Structure of Joint Assumption of Debt *Xiao Jun*
How to Guarantee the Right to Know One's Genetic Origin For offsprings of gamete donation *Li Xiaoshan*
How to Position the Chinese Civil Code from Jurisprudential Perspective *Guo Ye*

Education Regulation

- The Models of Scope of Judicial Review in the Cases of Revoking Academic Degree *Lin Hua*

Junior Jurists Forum

- Gross Misunderstanding in Taxation *Ban Tianke*

Annual Index of the Oriental Law 2020