





LEGAL FORUM

2020 第35卷 总第187期

法学论坛

双月刊 1986 年创刊

华东地区优秀期刊

名家主持·生态文明与环境治理机制变革

论环境法的沟通与协调机制

——以现代环境治理体系为视角	吕忠	梅	5
大数据时代的环境行政管理体制改革与重塑 侯佳儒	尚毓	岩高	13
从危害防止到风险预防:环境治理的风险转身与制度调适	张	宝	22
论空间视角下的流域治理法律机制	刘佳	奇	31
待别策划 ·中国特色社会主义法治建设 。			
中国特色社会主义法治理论:思想根基、主要特性与学科定位	喻	中	40
执政党领导法治建设合法性分析	魏治	勋	48

[基本参数] CN37-1343/D*1986*B*A4*160*ZH*P*¥20*2000*17*2020*01

从法治走向善治的中国特色社会主义治理模式 ………………… 钱锦宇 57

2020年第1期 目次

总第 35 卷·第 187 期·2020 年 1 月 10 日出版

学术视点

小额诉讼程序适用的改进逻辑	刘加良	67
普通共同诉讼的权限分配与范围界定	刘鹏飞	77
"正犯主犯化":趋势、原因及启示	胡宗金	89
合同无效时建设工程优先受偿权的教义学探析	王玮玲	97
论盗窃罪中财物的界定方案	雷一鸣	106

热点聚焦

《民法典·继承编》:编纂争议与制度抉择 ····································	王歌雅	115
来华留学生教育治理:困境、模式与出路	汤妩艳	126
环境行政执法与刑事司法衔接的法律省思	周兆进	135
禁止自证其罪与刑事证明妨碍的冲突与衡平	赵信会	143
认罪认罚案件上诉问题研究	赵菁	152

编辑部主任:吴岩 英文译校:王德福 刊名篆刻:魏永年 封面设计:李菡 法律顾问:臧天祥 刘丕峰

LEGAL FORUM

(Bimonthly)

vol.35, No.1,2020 (Serial No.187)

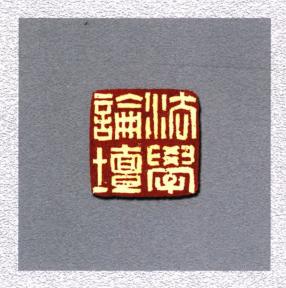
Jan.10,2020

Editor-in-chief: REN Wei

CONTENTS

On the Communication and Coordination Mechanism of
Environmental Law: From the perspective of modern
environmental governance system
LYU Zhongmei 5
Reform and Reconstruction of Environmental Adminis-
tration System Underthe Era of Big Data
HOU Jiaru, SHANG Yusong 13
From Prevention to Precaution: Risk Steering and Insti-
tution Adjustment for Environmental Governance
ZHANG Bao 22
On the Legal Mechanism of River Basin Governance
from the Perspective of Space LIU Jiaqi 31
The Theory of Socialist Rule of Law with Chinese Char-
acteristics: Ideological Foundation, Main Characteris-
tics and Discipline Orientation YU Zhong 40
LegitimacyAnalysis of Ruling Party's Leadership of the
Construction of the Rule of Law WEI Zhixun 48
The Extrinsic Motivation, Inherent Logic and Political
Prospect of the Chinese Model of Governance: From
Rule of law to the Good Governance
QIAN Jinyu 57
The Improvement Logic of the Applicationof Small
Claims Procedure LIU Jialiang 67

The Authority Distribution and Scope Definition of Ordi-
nary Joint Litigation LIU Pengfei 77
"The Perpetrator Being Principal Offender": Tendency,
Reasons and Revelation HU Zongjin 89
Priority of Construction Project under Invalid Contract
WANG Weiling 97
On the Definition of Property in Larceny
LEI Yiming 106
The Inheritance Series of the Civil Code: Codification
Controversy and Institutional Choice
WANG Geya 115
EducationalGovernance for Foreign Students in China:
Problems, Mode and Resolutions
TANG Wuyan 126
Analysis of Legal Problems in The Connection between
Environmental Administrative Enforcement and Criminal
Justice ZHOU Zhaojin 135
The Rule Against Self-Incriminated and The Spoliation
of Evidence In Criminal Procedure
ZHAO Xinhui 143
Research on Criminal Appeal of Cases Applied Lenient
Punishments on Those Confessing to Their Crimes and
Accepting Punishments ZHAO Jing 152



主管主办 山东省法学会 主编 任伟

编辑出版 《法学论坛》编辑部

地址 济南市经十路15743号

电话 (0531)82923037

电子信箱 luntan@vip.163.com

邮编 250014

印刷 山东金邮印务股份有限公司

国内发行 济南市邮政局

国外发行 中国国际图书贸易总公司(北京399信箱)

Sponsor Jurisprudence Association of Shandong Province

Editor-in-chief Ren Wei

Editor & Publisher Editorial Office of Legal Forum

Address No.15743 Jingshi Road, Jinan

Telephone (0531)82923037

Postcode 250014

Printing House Shandong Jinyou Printing Co., Ltd.

Issued by Jinan Post Office

Issue No. 24-219

Overseas Issue China International Book Trading Corporation(P.O.Box 399.Beijing)

Overseas Issue No. BM7198

ISSN 1009-8003



国内统一刊号: CN37-1343/D 国内邮发代号: 24-219

国际标准刊号: ISSN1009-8003 国外发行代号: BM7198

定价: 20.00元