



中国·武汉
Wuhan China

法学评论

Law Review

- 基于公司理性自治的公司法规范重塑 刘俊海
- 论死者个人信息的保护 程啸
- 人格权何以成为民事权利？ 朱虎
- 职务犯罪监检管辖之分工与衔接 卞建林
- 作为科学证据的环境损害鉴定评估 金自宁



2021.5

目 录

本期特稿

- 基于公司理性自治的公司法规范重塑 刘俊海(1)

- 论死者个人信息的保护 程 嚨(13)

专论与争鸣

- 工作型合宪性审查制度的程序设计 李少文(24)

- 美好生活的法律保障:理论逻辑及其展开 郭 栋(38)

被害人同意与被害人自陷风险的统合

- 以刑法中被害人同意的对象为视角 蔡 颖(47)

- 人格权何以成为民事权利? 朱 虎(58)

- 市场经济的法律尺度:结构分析与评判 车路遥(70)

- 中国证监会内幕交易处罚的裁量之治 吕成龙(87)

立法研究

- 推进粤港澳大湾区建设的法律制度供给 董 品 张 强(101)

- 行政诉讼一事不再理原则及重复起诉的判断标准 马立群(111)

热点透视

职务犯罪监检管辖之分工与衔接 卞建林(121)

监察案件提前介入:基于 356 份调查问卷的实证研究 左卫民 刘 帅(129)

监察建议的双重功能及其宪法边界 周维栋 汪进元(139)

生态文明与环境法治

作为科学证据的环境损害鉴定评估

——基于环境司法案例的考察 金自宁(150)

涉外法治

论我国对沉没国家船只的法律规制及其完善 郭 冉(164)

实务评析

论经济犯罪所得之没收 黄旭巍(176)

“合作司法”中的恢复逻辑:认罪认罚案件被害人参与及其限度 闫召华(185)

本期责任编辑:刘柱彬

技术处理:陈爱华

CONTENTS

I. Features

- Corporate Law Norms Reshaping Based on Rational Corporate Autonomy LIU Junhai (1)
On Protecting Post—Mortem Personal Information Cheng Xiao(13)

II. Monographic Studies and Debates

- Procedural Design of Work—Based Constitutionality Review System LI Shaowen (24)
Legal Guarantee of Good Life: Theoretical Logic and Its Unfolding GUO Dong (38)
Integration of Victim's Consent and Victim's Self—Trapping Risk CAI Ying(47)
What Makes Personality Rights Civil Rights ? ZHU Hu(58)
Legal Measure of Market Economy: Structural Analysis and Judgment CHE Luyao (70)
Rule of Discretion in Insider Trading Penalties by China Securities Regulatory Commission LV Chenglong (87)

III. Legislation Study

- Legal System Supply for Promoting Construction of Guangdong—Hong Kong—Macao Greater Bay Area
..... DONG Hao&. ZHANG Qiang (101)

- Administrative Litigation Principle of Non Bis in Idem and Judging Criteria of Repeated Prosecution ... MA Liquun (111)

IV. Hot Issues

- Division and Connection of Jurisdiction of Supervision and Prosecution over Job—Related Crimes BIAN Jianlin(121)
Early Intervention in Supervision Cases: An Empirical Study Based on 356 Questionnaires
..... ZUO Weimin&. LIU Shuai(129)
Dual Function and Constitutional Boundaries of Supervisory Recommendations
..... ZHOU Weidong&. WANG Jinyuan(139)

V. Ecological Civilization and Environmental Rule of Law

- Environmental Damage Assessment as Scientific Evidence JIN Zining(150)

VI. Rule of Law in Foreign Affairs

- On China's Legal Regulation and Improvement of Sunken State Ships GUO Ran(164)

VII. Legal Practice

- On Confiscation of Proceeds of Economic Crimes HANG Xuwei (176)
Restorative Logic in " Cooperative Justice" : Victim Participation and Limits in Cases with Guilty Plea
..... YAN Zhaohua(185)

(Translated byWAN Xiaoge)