

# 甘肃政法学院学报

2010年第2期目次

(总第109期)

## • 学术视点

【法律与宗教问题专题研究(5篇)】(主持人:冯玉军 教授)

- |                 |         |
|-----------------|---------|
| 美国宗教事务的法律治理初探   | 冯玉军(1)  |
| 宗教自由的法理解读       | 杨合理(8)  |
| 三大宗教法的近现代改革及其启示 | 谢冬慧(13) |
| 伯尔曼法律与宗教思想研究    | 陆幸福(18) |
| 论清真食品的法律保护      | 赵忠龙(23) |

## • 民间法·民族习惯法研究

- |  |                |
|--|----------------|
| 纠纷解决与规则多元                              | 特约栏目主持人:谢晖(28) |
| 论社会转型期我国民间法的延续与转换<br>——以民间法的秩序形成功能为切入点 | 刘志松(29)        |
|  | 赵蓬(35)         |

## • 法学论坛

- |                                  |         |
|----------------------------------|---------|
| 礼乐政治与中国传统行政的“程序”特征               | 范忠信(41) |
| 公司法权形态二元配置的法理解析                  | 郭富青(51) |
| 新亚述契约习俗初探                        | 魏琼(65)  |
| 结果取向解释方法的正当性探究<br>——以宪法解释为例的一种分析 | 刘国(70)  |
| 论宪法文本公民(人民)基本权利的设定方式             | 沈寿文(75) |

本期责任编辑:史玉成 王存河 冯乐坤 辛春霞 高成军

执行编辑:辛春霞

编辑部地址:甘肃省兰州市安宁西路6号甘肃政法学院学报编辑部

邮政编码:730070 联系电话:0931-7601471

注重问题意识 追求卓越质量  
倡导学术创新 维护学术尊严  
弘扬人文精神 推动法治进步

### 论言论自由的刑法保障

- 一个罪刑法定视野的关照 ..... 唐煜枫,王明辉(80)  
“世界秩序理论”视野下的国际法 ..... 刘志云(87)

### • 法律与实践

#### 论环境监管体制桎梏的破除及其改良路径

- 《环境保护法》修改中的环境监管体制命题探讨 ..... 钱晓东(94)  
论客舱执法中的权力配置与冲突应对 ..... 张君周(99)  
商业贿赂犯罪疑难问题的司法适用 ..... 郑高键,谢杰(105)  
德国环境法的法典化项目及其新发展 ..... 夏凌(110)  
行政诚信缺失的实证分析 ..... 刘志坚,宋晓玲(116)  
转型期我国户籍制度的反思与重构 ..... 陈君武(122)

### • 争鸣探索

- 交通肇事后报警并保护事故现场的行为不应认定为自首 ..... 陈荣飞(127)  
论我国刑法应废除没收财产刑的原因 ..... 马如栋(132)  
设立农产品特殊保障机制的思考

——兼论我国农产品贸易保护规则的局限性 ..... 余莹(136)

### • 青年法苑

- 国际民商法律秩序中的“人本原则”研究 ..... 宋云博(142)  
夫妻公司设立若干问题探究 ..... 杨凝(152)

刊名题字:书法家 秦理诚

编辑部网址:Http://GSZF.chinajournal.net.cn

电子邮箱:gszfxyxb@163.com gszfxyxb@yahoo.com

[期刊基本参数]CN62-1129/D \* 1985 \* B \* A4 \* 160 \* ZH \* P \* ¥15.00 \* 2000 \* 25 \* 2010--02

**Journal of Gansu Institute of  
Political Science and Law**  
**(Bimonthly)**  
**General No. 109**  
**Number. 2 2010**

**Editor-in-chief Sun Qiuje**  
**Deputy Editor-in-Chief**  
**Li Yuji**  
**Shi Yucheng**  
**Published on Mar. 30, 2010**

---

## MAIN CONTENTS

---

<b>On Legal Governance of the U. S. Religious Affairs</b> .....	FENG Yu-jun(1)
<b>The Legal Interpretation on Religious Freedom</b> .....	YANG He-li(8)
<b>On the Reform and Inspiration of the Three Main Religious Law in Modern Times</b> .....	XIE Dong-hui(13)
<b>On the Thesis of Law and Religion of Berman</b> .....	LU Xing-fu(18)
<b>On the Legal Protection of Islamic Food</b> .....	ZHAO Zhong-long(23)
<b>Dispute Resolution and Pluralistic Rule</b> .....	LIU Zhi-song(29)
<b>Continuation and Conversion of Folk Law in China during the Social Transformation Period</b> .....	ZHAO Peng(35)
<b>The “Li—yue” Politics &amp; the Procedure “Features”of Traditional Administrative in China</b> .....	FAN Zhong-xin(41)
<b>Legal Analysis on Binary Allocation of the Rights and Powers in Corporation</b> .....	GUO Fu-qing(51)
<b>Pre—Analysis on the Contractual Practices of Neo—Assyrian</b> .....	WEI Qiong(65)
<b>Research into Justification of Resulting—headed Interpretive Method</b>	
——Taking Constitutional Interpretive for Example	LIU Guo(70)
<b>On the Fundamental Rights Settings of the Citizens (or People) in the Constitutional Text</b> .....	SHEN Shou-wen(75)
<b>On the Criminal Protection of the Speech Freedom</b>	
——From the Principle of Legality .....	TANG Yu-feng ,WANG Ming-hui(80)
<b>The International Law from the View of “World Order Theory”</b> .....	LIU Zhi-yun(87)
<b>Emancipation and improvement of environmental supervision system</b>	
——Research on improvement of environmental supervision system	
for modification of environment protection law	TOU Xiao-dong(94)
<b>Rights Allocation and Conflict Coping of Law Enforcement in Passenger Cabin</b> .....	ZHANG Jun-zhou(99)
<b>The Project on Codification of Environmental Law in Germany and Its Development</b> .....	XIA Ling(110)
<b>Empirical Analysis on Administration’s Loss of Honesty</b> .....	LIU Zhi-jian, SONG Xiao-ling(116)
<b>The Traffic Troublemaker calls the Police and Keep the Scene after the Accident isn’t Voluntary Surrender</b> .....	CHEN Rong-fei(127)
<b>On the Reasons of Abolishing Forfeiture of Property in China</b> .....	MA Ru-dong(132)
<b>On Setting Special Safeguard Measures on Primary Products</b>	
——Thoughts on the Limitation of China’s Trade Protection over Agricultural Products .....	
.....	YU Ying(136)
<b>On Humanistic Principle in International Civil and Commercial Law Order</b> .....	SONG Yun-bo(142)
<b>Inquiry into the Establishment of Company Hold by a Couple</b> .....	YANG Ning(152)