

甘肃政法学院学报

2010年第4期目次

(总第111期)

• 学术视点

【唐律律文疏解及其当代刑法启示(3篇)】

唐律官员家人受贿犯罪探析

——兼与刑法修正案(七)“关系密切人”受贿相比较 谢红星(1)

《唐律》中共犯人的分类及其现代借鉴价值 黄莎(10)

《唐律疏议》“知而犯之谓之‘故’”辨正 李芳, 刘晓林(15)

• 民间法·民族习惯法研究

..... 特约栏目主持人: 谢晖(25)

论民间法研究的内在精神 李瑜青, 张建(26)

农业雇佣习惯法的渊源探析 尚海涛, 龚艳(32)

• 法学论坛

论消费者权益小额损害的最低赔偿责任制度 杨立新(38)

论马克思的二元法哲学观 范进学(46)

法律心理学基本理论问题探讨 马皓(51)

私募有限合伙基金“合伙份额权”的物权属性解析

——现代金融组织体对传统物权理论和规则的挑战 李文涛, 龙翼飞(60)

论贿赂犯罪中的利益要件 徐启明, 李卫国(67)

《论语》中和谐思想的辨析及法律影响 李丽辉(73)

论审议民主宪法设计 张薇薇(77)

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

• 法律与实践

- 不动产强制拍卖与第三人权益保护 齐树洁,陈贤贵(83)
 论被害人民事赔偿优先执行 兰跃军(90)
 中澳流域规划法律性质及其利益预分配功能之比较分析 王树义,吴宇(98)
 农民工工伤保险需求与制度供给分析
 ——兼评《工伤保险条例征求意见稿》 于欣华,何宁生(105)
 论不法原因给付与侵占罪 李齐广,谢雨(115)
 当代大学生法制观念教育的内涵探讨与模式选择 焦满金(122)

• 探索争鸣

- 论品格证据
 含义、现状与制度设计 任惠华,杨立云(127)
 社会与法律之间的悖论之破解
 ——通过“社会法庭”现象的诠释 王斌林(135)

• 青年法苑

- 疑难案件产生的法律方法之维
 ——从梁丽案切入 孙日华,杜少光(145)
 法律生态化及其矛盾辨思 王继恒(150)

刊名题字,书法家: 秦理斌
 编辑部网址: [Http://GSZF.chinajournal.net.cn](http://GSZF.chinajournal.net.cn)
 电子邮箱: gszfxymb@163.com gszfxymb@yahoo.com
 [期刊基本参数]CN62-1129/D*1985*B*A4*160*ZH*P*¥18.00*2000*22*2010-04

Journal of Gansu Institute of
Political Science and Law

(Bimonthly)

General No. 111

Number. 4 2010

Editor-in-chief Sun Qiujie

Deputy Editor-in-Chief

Li Yuji

Shi Yucheng

Published on Jul. 30, 2010

MAIN CONTENTS

- The Research on Crimes of Accepting Bribes by Families of Government Officials in Tang Code XIE Hong-xing(1)
- 《The Classification of Joint Offenders in Tang Code and Its Modern Reference Value HUANG Sha(10)
- The Critical Study of “Knowingly Violation is Intention” in Comments on Laws of Tang Dynasty LI Fang, LIU Xiao-lin(15)
- The Inherent Spirit of the Studies on Folk Law LI Yu-qing, ZHANG Jian(26)
- On the Origin of the Customary Law in Agricultural Employment SHANG Hai-tao, Gong Yan(32)
- The Lowest Compensation Responsibility System of Jeopardizing Consumer Rights on Small Claims YANG Li-xin(38)
- On Marxian Dualism Thought of Legal Philosophy FAN Jin-Xue(46)
- On the Basic Theoretical Problems of Legal Psychology MA Ai(51)
- Real Right Character of Partnership Share Rights of Private Equity Limited Partnership: the Challenge
of Modern Financial Form to Orthodox Real Right Theory LI Wen-tao, LONG Yi-fei(60)
- On the Interest Elements in Bribery Crime XU Qi-ming, LI Wei-guo(67)
- Discrimination on Harmonious Thoughts in Analects and Its Legal Influence LI Li-hui(73)
- On the Constitutional Design of Deliberative Democracy ZHANG Wei-wei(77)
- On Real Estate Mandatory Auction and Interests Protection of the Third Party QI Shu-jie, CHEN Xian-gui(83)
- On Executing Priority of Victim Civil Compensation LAN Yue-jun(90)
- Comparison of the Legal Property and Interest—Predistributing Function of River Basin Plans
in China and Australia WANG Shu-yi, Wu Yu(98)
- Analysis on Institutional Demand and Supply of Rural Migrant Workers' Compensation Insurance YU Xin-hua, HE Ning-sheng(105)
- On Unlawful Cause Prestation and Embezzlement Crime LI Qi-guang, XIE Yu(115)
- Exploration on the Connotation and Model Selection of Legal Sense Education
for Contemporary Undergraduate JIAO Man-jin(122)
- On Implications Status Quo and Institutional Design of the Character Evidence REN Hui-hua, YANG Li-yun(127)
- Solution to the Paradox between Society and Law
——Interpretation from “Social Courts” WANG Bin-lin(135)
- On Legal Method System Produced by Difficult Cases
——A Case Analysis of LIANG Li SUN Ri-hua, DU Shao-guang(145)
- Analytical Research on Ecologicalization of Law WANG Ji-heng(150)