



2012/5

双月刊(总第124期)

中国・兰州・甘肃政法学院主办 GANSU ZHENGFA XUEYUAN XUEBAO

万方数据

## 甘肃政法学院学报

2012 年第 5 期目次 (总第 124 期)

## • 名家讲坛

继往开来的百年中国法制史学 张晋藩(1)
董必武民主法治思想及其历史命运 崔 敏(7)
• 民间法·民族习惯法(主持人:谢晖教授)
【主持人手记(四十一)】(12)
社会转型中的商会裁判
以清末民初的天津商会为分析对象 王 彬,张晓萍(13)
"斯哇":在国家与社会之间
——甘南藏族聚居区两起个案的法人类学考察 常丽霞(19)
• 法学论坛
论刑法解释不能类比于文学艺术类解释 许发民(24)
侵犯商业秘密罪若干争议问题研究 刘宪权,吴允峰(29)
论商法类推适用的依据、范围和正当性 郭富青(37)
气候变化背景下我国排污权交易法律制度的完善 史玉成(51)
论我国职业病诊断行为的性质 张荣芳(58)

本期责任编辑:张建军 辛春霞 高成军 潘丽萍 都占川

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 邮编730070

英文编辑:张晓梅

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

## • 法律与实践

《预算法》修订中若干预算监督问题之探讨

——以"四万亿"投资为切入点····································	陈少	英(63)
地铁安检机辐射环境安全的法律思考	朱	谦(70)
保障住房权利与遏制高房价之关系探析	楚道	文(77)
提高公务员依法行政意识与能力问题研究	杨	红(82)
网络虚拟财产的刑法保护	郑泽	善(89)
● 青年法苑		
从判决书的私人公开看公共记录中的隐私权保护	张建立	<b>C</b> (100)
我国行政赔偿程序的协商图景	蔡武运	赴(105)
公司章程对外效力研究	陈注	进(113)
交易安全保护的反思与重构	赵万二	忠(123)

刊名题字,书法家 秦理斌

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\*132\*ZH\*P\*¥15-00\*2000\*19\*2012--05

Journal of Gansu Institute of Political Science and Law (Bimonthly) General No. 124 Number, 5 2012 Editor-in-chief Shi Yucheng Deputy Editor-in-Chief Wang Hongying Zhang Jianjun Published on Sep. 30,2012

A Centurys History of China Legal System from Yesterday to Tomorrow  Zhang Jinfan(1)  On Dong Biwus Ideas of Democracy of Law and Its Historical Destiny  Cui Min(7)  Trial by Chamber of Commerce During Social Transformation Era  —Analysis on Tianjin Chamber of Commerce Within the End of Qing Dynasty and the Beginning of the Republic of China  Wang Bin, Zhang Xiaoping(13)  "Si—wa"; Between the State and Society  —An Anthropological Study of Law on Two Cases in Gannan Tibetan Inhabited Regions  ———————————————————————————————————	MAIN CONTENTS
Trial by Chamber of Commerce During Social Transformation Era  —Analysis on Tianjin Chamber of Commerce Within the End of Qing Dynasty and the Beginning of the Republic of China	A Century's History of China Legal System from Yesterday to Tomorrow Zhang Jinfan(1)
—Analysis on Tianjin Chamber of Commerce Within the End of Qing Dynasty and the Beginning of the Republic of China	On Dong Biwu's Ideas of Democracy of Law and Its Historical Destiny Cui Min(7)
of the Republic of China	Trial by Chamber of Commerce During Social Transformation Era
"Si—wa": Between the State and Society  —An Anthropological Study of Law on Two Cases in Gannan Tibetan Inhabited Regions	——Analysis on Tianjin Chamber of Commerce Within the End of Qing Dynasty and the Beginning
—An Anthropological Study of Law on Two Cases in Gannan Tibetan Inhabited Regions	of the Republic of China Wang Bin, Zhang Xiaoping(13)
Interpretation of Criminal Law Can Not Be Analogous to That of Literature and Art Class Xu Famin(24)  Research on Some Disputed Issues about the Offence of Infringing Trade Secret	"Si-wa": Between the State and Society
Interpretation of Criminal Law Can Not Be Analogous to That of Literature and Art Class Xu Famin(24)  Research on Some Disputed Issues about the Offence of Infringing Trade Secret	——An Anthropological Study of Law on Two Cases in Gannan Tibetan Inhabited Regions
Research on Some Disputed Issues about the Offence of Infringing Trade Secret  Liu Xianquan, Wu Yunfeng(29)  On the Applicable Basis, Scope and Legitimacy of Commercial Law Analogy  Guo Fuqing(37)  On the Perfection of Emission Trading Legal System in China under the Background of Climatic Changes  Shi Yucheng(51)  On the Nature of Occupational Disease Diagnosis  Zhang Rongfang(58)  Discussion on the Budget Supervision in the Amendment of Budget Law  Based on the "Four Trillion" Investment Project  Chen Shaoying(63)  Legal Thinking on Radiation Safety of Subway Security Inspection Machine  Zhu Qian(70)  On Relationship Between Housing Right Security and Curbing High House Price  Chu Daowen(77)  On Raising Civil Servants Awareness and Ability of Administration by Law  Yang Hong(82)  Criminal Law Protection of Network Virtual Property  Zheng Zeshan(89)  On Privacy Protection in Public Record From the Perspective of Judgement Publicity  Zhang Jianwen(100)  The Deliberative Picture of Administrative Compensation Procedure in China  Cai Wujin(105)  On The External Effects of Corporation Articles	······ Chang Lixia(19)
On the Applicable Basis, Scope and Legitimacy of Commercial Law Analogy Guo Fuqing(37)  On the Perfection of Emission Trading Legal System in China under the Background of Climatic Changes Shi Yucheng(51)  On the Nature of Occupational Disease Diagnosis Zhang Rongfang(58)  Discussion on the Budget Supervision in the Amendment of Budget Law  —Based on the "Four Trillion" Investment Project Chen Shaoying(63)  Legal Thinking on Radiation Safety of Subway Security Inspection Machine Zhu Qian(70)  On Relationship Between Housing Right Security and Curbing High House Price Chu Daowen(77)  On Raising Civil Servants Awareness and Ability of Administration by Law Yang Hong(82)  Criminal Law Protection of Network Virtual Property Zheng Zeshan(89)  On Privacy Protection in Public Record From the Perspective of Judgement Publicity Zhang Jianwen(100)  The Deliberative Picture of Administrative Compensation Procedure in China Cai Wujin(105)  On The External Effects of Corporation Articles Changes and Cai Wujin(105)	Interpretation of Criminal Law Can Not Be Analogous to That of Literature and Art Class ····· Xu Famin(24)
On the Applicable Basis, Scope and Legitimacy of Commercial Law Analogy	Research on Some Disputed Issues about the Offence of Infringing Trade Secret ······
On the Perfection of Emission Trading Legal System in China under the Background of Climatic Changes  Shi Yucheng(51)  On the Nature of Occupational Disease Diagnosis	Liu Xianquan, Wu Yunfeng(29)
Shi Yucheng(51)  On the Nature of Occupational Disease Diagnosis Zhang Rongfang(58)  Discussion on the Budget Supervision in the Amendment of Budget Law  —Based on the "Four Trillion" Investment Project Chen Shaoying(63)  Legal Thinking on Radiation Safety of Subway Security Inspection Machine Zhu Qian(70)  On Relationship Between Housing Right Security and Curbing High House Price Chu Daowen(77)  On Raising Civil Servants Awareness and Ability of Administration by Law Yang Hong(82)  Criminal Law Protection of Network Virtual Property Zheng Zeshan(89)  On Privacy Protection in Public Record From the Perspective of Judgement Publicity Zhang Jianwen(100)  The Deliberative Picture of Administrative Compensation Procedure in China Cai Wujin(105)  On The External Effects of Corporation Articles Chen Jin(113)	On the Applicable Basis, Scope and Legitimacy of Commercial Law Analogy Guo Fuqing(37)
On the Nature of Occupational Disease Diagnosis  Discussion on the Budget Supervision in the Amendment of Budget Law  —Based on the "Four Trillion" Investment Project  Chen Shaoying(63)  Legal Thinking on Radiation Safety of Subway Security Inspection Machine  Zhu Qian(70)  On Relationship Between Housing Right Security and Curbing High House Price  Chu Daowen(77)  On Raising Civil Servants Awareness and Ability of Administration by Law  Yang Hong(82)  Criminal Law Protection of Network Virtual Property  Don Privacy Protection in Public Record From the Perspective of Judgement Publicity  The Deliberative Picture of Administrative Compensation Procedure in China  Chen Jin(113)	On the Perfection of Emission Trading Legal System in China under the Background of Climatic Changes ······
Discussion on the Budget Supervision in the Amendment of Budget Law  —Based on the "Four Trillion" Investment Project ————————————————————————————————————	Shi Yucheng(51)
Based on the "Four Trillion" Investment Project	On the Nature of Occupational Disease Diagnosis Zhang Rongfang(58)
Legal Thinking on Radiation Safety of Subway Security Inspection Machine	Discussion on the Budget Supervision in the Amendment of Budget Law
On Relationship Between Housing Right Security and Curbing High House Price	—Based on the "Four Trillion" Investment Project
On Raising Civil Servants' Awareness and Ability of Administration by Law	Legal Thinking on Radiation Safety of Subway Security Inspection Machine Zhu Qian(70)
Criminal Law Protection of Network Virtual Property	On Relationship Between Housing Right Security and Curbing High House Price Chu Daowen(77)
On Privacy Protection in Public Record From the Perspective of Judgement Publicity Zhang Jianwen(100) The Deliberative Picture of Administrative Compensation Procedure in China	On Raising Civil Servants' Awareness and Ability of Administration by Law
The Deliberative Picture of Administrative Compensation Procedure in China	Criminal Law Protection of Network Virtual Property
On The External Effects of Corporation Articles Chen Jin(113)	On Privacy Protection in Public Record From the Perspective of Judgement Publicity Zhang Jianwen(100)
	The Deliberative Picture of Administrative Compensation Procedure in China Cai Wujin(105)
Reflection and Reconstruction on Protecting Transaction Safety	On The External Effects of Corporation Articles Chen Jin(113)
	Reflection and Reconstruction on Protecting Transaction Safety
On Orientation Problem of Punitive Damages in Law Sysyem	On Orientation Problem of Punitive Damages in Law Sysyem