

QK1814775

甘肃政法学院学报

JOURNAL OF GANSU POLITICAL SCIENCE AND LAW INSTITUTE



CSSCI 扩展版来源期刊
中文核心期刊
中国人文社会科学AMI扩展期刊
全国高校百强社科期刊

2018/2

双月刊 (总第157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

2018年第2期目次

(总第157期)

2018年3月20日

· 学术视点

- 人民法院独立行使审判权的历史演进与改革走向 徐静村·1·
我国行政复议委员会制度改革的问题与方向 曾祥华·6·
中国监察体制改革论析:过去、现在与未来 冯铁拴·15·

· 民间法·民族习惯法(主持人:谢晖教授)

- 【主持人手记(六十七)】 ·26·
实现社会转型正义的民间法路径 高中意·27·
一起清代百年坟山案件的背后:观念、制度与技术的分析 姚澍·38·

· 法学论坛

- 论“危险驾驶罪”司法适用中的几个疑难问题 陆诗忠·49·
“截贿”行为的刑法评价问题研究 朱建华,熊明明·62·
立法认证:解决我国社会企业融资难的重要途径
——现实审视与国际比较 韩文琰·73·
虚假诉讼程序阻却论 王约然,纪格非·83·
法律行为及其辐射制度在我国民法中的地位 郝庆,甄增水·94·

· 实证研究

- 认罪认罚从宽制度的实践逻辑
——基于259个试点案件的分析 闵丰锦·102·
论指导案例的参照效力
——基于1545份已公开裁判文书的实证分析 张华·119·

· 青年法苑

- 行政案件跨区域管辖改革的检视与省思
——以我国《行政诉讼法》第18条第2款为中心 马迅·136·
欧洲人权保护机制下的环境权保护问题探究
——以《欧洲人权公约》第8条相关判例为视角 刘晓·149·

期刊基本参数:CN62-1129/D * 1985 * B * 16 * 156 * ZH * P * ¥15.00 * 2000 * 14 * 2018-02

**Journal of Gansu Political
Science and Law Institute**
(Bimonthly)
General No. 157
No. 2 2018

Editor-in-chief
Shi Yucheng
Deputy Editor-in-chief
Wang Hongying
Published on Mar. 20, 2018

CONTENTS

Historical Evolution and Reform Trend of Independent Exercise of Judicial Power by People's Court
..... Xu Jingcun(1)

Problems and Directions of the System Reform to China's Administrative Reconsideration Committee
..... Zeng Xianghua(6)

Analysis on China's Supervision System Reform: Past, Present and Future Feng Tieshuan(15)

Ways to Realize Social Transitional Justice by Folk Law Gao Zhongyi(27)

Behind the Century-old Cemetery Hill Case in Qing Dynasty: Analysis on Its Concept, System and Technique
..... Yao Shu(38)

On Several Difficult Problems in Judicial Application of "Dangerous Driving Crime" Lu Shizhong(49)

On the Nature of Intercepting the Bribery in Criminal Law Zhu Jiahua, Xiong Mingming(62)

Legislative Authentication: An Important Way to Financing Difficulties of Social Enterprises in China
——Reality Examination and International Comparison Han Wenyan(73)

Research on Procedure Inhibition of False Lawsuit Wang Yueran, Ji Gefei(83)

Status of Legal Act and Its Radiation System in Civil Law Gao Qing, Zhen Zengshui(94)

Practice Logic of Leniency System on Guilty Plea and Acceptance of Punishment
——An Analysis on 259 Pilot Cases Min Fengjin(102)

On Reference Efficiency of Guiding Cases
——An Empirical Analysis Based on 1545 Articles of Public Judgment Zhang Hua(119)

Review and Reflection on the Reform of Cross-region Jurisdiction of Administrative Cases
——Centred on Paragraph 2 of Article 18 in Administrative Procedure Law Ma Xun(136)

Research on the Environment Protection under the European Safeguard Mechanism of Human Rights
——From the Perspective of Interrelated Cases of Article 8 in European Convention on Human Rights
..... Liu Xiao(149)

甘肃政法学院学报

双月刊

2018年第2期

总第157期

主管单位:甘肃省教育厅

主办单位:甘肃政法学院

编辑出版:甘肃政法学院学报编辑部

编辑部地址:兰州市安宁西路6号

邮政编码:730070

承印:甘肃省人民政府办公厅印刷厂

发行:兰州市邮政局

订阅:全国各地邮局

<http://gszf.chinajournal.net.cn>

E-mail:gszfyxb@163.com

国际标准刊号:ISSN 1007-788X

国内统一刊号:CN 62-1129/D

邮发代号:54-95

广告许可证:02-4010

定价:15.00

出版日期:2018.3.30

JOURNAL OF GANSU POLITICAL
SCIENCE AND LAW INSTITUTE

Bimonthly

2018 NO. 157

SPONSOR:Gansu Political Science
and Law Institute

EDITOR:Editorial Board of

Journal of Gansu Political Science and Law Institute

ADD:No. 6 West Anning Road, Lanzhou, Gansu,

P. R. China, 730070

ISSN 1007-788X



9 771007 788024

04>

漢

刑也平之如水從水廌
所以觸不直者去之從去