

# GLOBAL LAW REVIEW



QK2220011

中国社会科学院法学研究所主办

2022/第3期

(总第44卷)



# 环球法律评论

(双月刊)



## 主题研讨：性侵未成年人行为的刑法应对

论我国刑法对性侵男童与性侵女童行为的平等规制

刘仁文 5

对性侵儿童犯罪人实施化学阉割的本土化探索

姚建龙 22

负有照护职责人员性侵罪构成要素比较分析

杨金彪 38

《刑法修正案(十一)》后我国的性同意年龄制度反思

——以中国与欧洲之比较为视角

朱光星 52

## 理论前沿

合宪性审查的百年历程与未来展望

王 错 68

论背离指导性案例及其限制

陆幸福 86

GLOBAL LAW REVIEW is a bimonthly academic journal of law published by the Institute of Law, Chinese Academy of Social Sciences and distributed in China and abroad. Scholars and practitioners from all countries are cordially invited to contribute articles for the journal. Articles submitted may be in foreign languages or in Chinese. Any translations must be accompanied by author's authorization. Two copies of the journal will be sent to the writer or translator as soon as the article is published. All rights reserved.

认识中国古代法理的三个维度

文 扬 99

论买卖合同标的物规则的形成理念

——以人格尊严和无体物为分析视角

费安玲 115

夫妻股权归属及其单方处分效力的认定

赵 玉 131

关联公司人格否认动态判断体系的构建

石一峰 147

“商标使用”之体系建构与反思

陈明涛 163

## 国际法研究

国际投资仲裁中的投资者责任：

促成过错与理性投资者标准

黄丽萍 179

# GLOBAL LAW REVIEW

(Bimonthly)

Volume 44

May 2022

Number 3

## CONTENTS

### THEME DISCUSSION: Criminal Law Response to Sexual Assault against Minors

The Regulation on an Equal Footing of Sexual Abuse of Boys and Girls by Chinese Criminal Law .....	<i>Liu Renwen</i>	5
Localizing Chemical Castration of Child Sex Offenders in China .....	<i>Yao Jianlong</i>	22
A Comparative Study on the Constituent Elements of the Crime of Sexual Assault by Persons with Care Duties .....	<i>Yang Jinbiao</i>	38
Reflections on the Chinese Legislation on the Age of Consent for Sex after the Adoption of the Amendment (XI) to the Criminal Law - From the Perspective of Comparison Between China and Europe .....	<i>Zhu Guangxing</i>	52

### THEORETICAL FRONTS

The 200-Year Development and Future Prospect of Constitutional Review .....	<i>Wang Kai</i>	68
Departure from Guiding Cases and Its Restrictions .....	<i>Lu Xingfu</i>	86
Understanding the Rationale of Law in Ancient China from Three Dimensions .....	<i>Wen Yang</i>	99
The Concept of the Formation of the Rules on Subject Matter of Sales Contracts - An Analysis from the Perspectives of Human Dignity and Incorporeal Things .....	<i>Fei Anling</i>	115
The Ownership of Joint Share of Husband and Wife and Determination of the Validity of Its Unilateral Disposition .....	<i>Zhao Yu</i>	131
The Construction of a Dynamic Judgment System for the Personality Denial of Affiliated Companies .....	<i>Shi Yifeng</i>	147
Systematic Construction of and Reflections on "Trademark Use" .....	<i>Chen Mingtao</i>	163

### INTERNATIONAL LAW ISSUES

Investor Liability in International Investment Arbitration: Contributory Fault and Reasonable Investor Standard .....	<i>Huang Liping</i>	179
--	---------------------	-----

**中国社会科学院优秀期刊**  
**中国人文社会科学核心期刊**  
**CSSCI来源期刊**  
**全国中文核心期刊**



封面设计:孙宇

邮发代号: 2-529  
国内统一连续出版物号: CN 11-4560/D  
国际标准连续出版物号: 1009-6728  
国内定价: 40.00元

ISSN 1009-6728

A standard barcode is positioned vertically. To its right, the number '05&gt;' is printed. Below the barcode, the ISSN '9 771009 672222' is printed horizontally.