

GLOBAL LAW REVIEW



QK2230929

中国社会科学院法学研究所主办

2022/第4期

(总第44卷)

环球法律评论

(双月刊)





马克思主义法学专栏

集体经营性建设用地入市的价值取向与制度安排 赵红梅 5

构建中国特色法学体系

论中国特色刑法学话语体系:贡献、局限和完善 姜敏 21

主题研讨:性侵犯罪专题研究

强奸案件被害人性品格证据的有限适用 宋远升 35

冲突与平衡:未成年被害人作证保护与被告人对质权行使 尹冷然 50

中德负有照护职责人员性侵罪中“照护职责”之
规范比较分析 赵冠男 66

理论前沿

规范性立法法理学:理论空间与基本结构 裴洪辉 82

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.

- 宪法效力自我宣称的规范形式与理论逻辑 王世涛 98
- 回应商业模式创新的市场规制理论 宋亚辉 113
- 从“一重劳动关系”到“双重劳动关系”：
共享用工规制路径的重构 范 围 129
- 环球评论**
- 法律多元主义的概念困境：涵义、成因与理论影响 赵英男 146
- 国际法研究**
- 跨国公司环境损害的国家责任建构
——以实现“双碳”目标为背景 邵莉莉 162
- “碳中和”立法：欧盟经验与中国借鉴
——以“原则—规则”为主线 冯 帅 177

GLOBAL LAW REVIEW

Published by Institute of Law, Chinese Academy of Social Sciences(CASS)

15 Shatan Beijie, Beijing 100720, China

Email: glawreview@cass.org.cn

Tel: 010-64022194

Website: <http://www.globallawreview.org>

版权为本刊所有。如欲转载、翻译或收录本刊内容，须先获得本刊书面许可。

GLOBAL LAW REVIEW

(Bimonthly)

Volume 44

July 2022

Number 4

CONTENTS

SPECIAL COLUMN ON MARXIST LAW SCIENCE

The Value Orientation of and Institutional Arrangements for the Market Entry System of Rural

Collectively-Owned Commercial Construction Land *Zhao Hongmei* 5

DEVELOPING A SYSTEM OF LAW SCIENCE WITH CHINESE CHARACTERISTICS

The Chinese Discourse System of Criminal Law with Chinese Characteristics: Contribution,

Limitations and Improvement *Jiang Min* 21

THEME DISCUSSION: The Crime of Sexual Assault

Limited Application of the Evidence of Human Character of the Victim in Rape Cases *Song Yuansheng* 35

Conflict and Balance: Protection of Testimony of the Juvenile Victim and the Exercise of the Right

to Confrontation by the Defendant *Yin Lingran* 50

Normative Analysis of “Caring Responsibilities” in the Crime of Sexual Assault by Persons

with the Duty of Care in China and Germany *Zhao Guannan* 66

THEORETICAL FRONTS

Normative Legislative Jurisprudence: Theoretical Space and Basic Structure *Pei Honghui* 82

Normative Form and Theoretical Logic of the Self-declaration of the Legal Validity

of the Constitution *Wang Shitao* 98

A Market Regulatory Theory in Response to Business Model Innovation *Song Yahui* 113

From “Single Labor Relationship” to “Dual Labor Relationship”: Reconstructing the Regulatory

Model of Shared Employment *Fan Wei* 129

REVIEW OF FOREIGN LAWS

The Conceptual Dilemma of Legal Pluralism: Connotation, Causes and Theoretical Impact *Zhao Yingnan* 146

INTERNATIONAL LAW ISSUES

Construction of State Responsibility for Environmental Damage Caused by Multinational Corporations

- a Discussion against the Background of the “Carbon Peaking and Carbon Neutrality” Goals *Shao Lili* 162

“Carbon Neutrality” Legislation: EU Experience and Its Implications for China

- Taking the “Principle-Rule” as the Main Line *Feng Shuai* 177

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



万方数据