



〔专 论〕

司法主权之争

- 从吴嘉玲案看“人大释法”的宪政意涵 强世功 · 5 ·

〔专 题〕

小产权房的解决路径及其选择

编者絮语

· 30 ·

小产权房与集体土地利益归属论

王洪亮 · 31 ·

农村房屋自由流转的法律障碍及出路

——从“城里人买农村房首次获判有效”案谈起

钱明星 唐 勇 · 43 ·

城镇居民购买农村房屋纠纷的司法规制

戴孟勇 · 53 ·

论农村宅基地上房屋的买卖

——“小产权房”的另一种形式

王文军 · 75 ·

〔论 文〕

英美法系中融通票据制度初探

于 莹 杨 立 · 84 ·

论英美刑事证明标准的神学渊源及启示

——以“怀疑”的道德蕴涵为中心

张 斌 · 94 ·

诈骗罪中被害人的怀疑与错误

——基于被害人解释学的研究

缙泽昆 · 107 ·

〔论 坛〕

司法职能分层目标下的高层法院职能转型

——以民事再审理别管辖裁量权的行使为契机

傅郁林 · 122 ·

中西之间的民国监察院

聂 鑫 · 138 ·

论不动产登记簿的形式拘束力

吴光荣 · 151 ·



CONTENTS

Special Discussion

Contending for Judicial Sovereignty

- The Constitutional Implication of the NPC Standing Committee's Interpretation of the
Hong Kong Basic Law as Viewed from the Ng Ka Ling Case *Jiang Shigong* • 5 •

Special Topic

The Way of Solving the Problem of Incomplete Ownership Houses and the Relevant Choices

- Editorial Remark • 30 •
- The Attribution of Interests of Incomplete Ownership Houses and Lands under
Collective Ownership *Wang Hongliang* • 31 •
- Legal Obstacles to Free Circulation of Rural Houses and the Outlets
—Comments Beginning with the First Affirmative Judgment on the
Purchase of Rural Private Houses by Urban Residents *Qian Mingxing & Tang Yong* • 43 •
- Judicial Regulations on Disputes Arising from Sales Contracts for Rural
Private Houses Purchased by Urban Residents *Dai Mengyong* • 53 •
- The Sale of Houses on Rural Foundations
—Another Form of Incomplete Ownership House *Wang Wenjun* • 75 •

Articles

- Preliminary Probe into the Institution of Circulation Notes under the
Anglo-American Legal System *Yu Ying & Yang Li* • 84 •
- Theological Origins and Inspirations of the Criminal Standard of Proof in Anglo-American Law
—Centered by the Ethical Signification of "Doubt" *Zhang bin* • 94 •
- Victims' Suspicions and Mistakes in Fraud Offences
—A Study Based on Victim-centric Jurisprudence *Gou Zekun* • 107 •

Forum

- Functional Transformation of Higher Courts under the Objective of Judicial Functional Hierarchy
—Exercising Discretion of Jurisdiction by Level of Retrials in Civil Litigations as a
Turning Point *Fu Yulin* • 122 •
- The Supervisory *Yuan* in the Republic of China: Between China and the West *Nie Xin* • 138 •
- On the Formal Binding Force of Real Estate Register *Wu Guangrong* • 151 •

Translator *Chen Weizuo*