

CSSCI 来源期刊

ISSN 1673-9280

CN 11-5594/D

双月刊

# 清华法学

TSINGHUA LAW JOURNAL



清华大学 主办

万方数据

2013 5  
第7卷 (总第39期)



〔论 文〕

- 人格权法中的人格尊严价值及其实现 王利明 · 5 ·
- 财税法治的破局与立势  
——一种以关系平衡为核心的治国之路 刘剑文 · 20 ·
- 租赁物维修义务的法律构造  
——基于对我国司法案例的分析 宁红丽 · 35 ·
- 论建筑物区分所有权中的配置比例标准  
——兼谈违反“应当首先满足业主需要”规范的法律后果 刘阅春 · 48 ·
- 社会建构主义视阈中的死刑民意沟通 蒋 娜 · 58 ·
- 论中止犯的性质及其对成立要件的制约 王昭武 · 71 ·
- 我国罚金刑司法再认识  
——基于跨国比较的追踪研究(1945~2011) 熊谋林 · 86 ·

〔论 坛〕

- 从国家垄断到社会参与:当代中国刑事诉讼立法的新图景 左卫民 · 112 ·
- 新刑事诉讼法实施:半年初判 龙宗智 · 127 ·
- 我国民事诉讼法学的现代化转向 汤维建 · 143 ·

〔书 评〕

- 制度效益取向的法律解释理论  
——评《不确定状态下的裁判:法律解释的制度理论》 陈林林 · 155 ·

〔判例研究〕

- 一房成为数个权利标的物时的紧张关系及其理顺 崔建远 · 165 ·



## CONTENTS

### Articles

- The Value of Human Dignity in the Law of Personality Rights and Its Realization *Wang Liming* · 5 ·
- Breakthroughs and Commanding Points of Fiscal and Tax Law:
- A State Administration Approach That Views Balanced Relations as the Central Task *Liu Jianwen* · 20 ·
- The Legal Construction of Maintenance Duty of Hired Wares
- Analysis Based on China's Judicial Cases *Ning Hongli* · 35 ·
- On the Distributed Proportion Standard in a Building's Condominium:
- Concurrently on the Legal Consequences of Violating Norms Imposing the Duty of
- Firstly Satisfying Needs of the Proprietor *Liu Yuechun* · 48 ·
- Common Understanding of Public Opinion Relating to the Death Penalty:
- from the Perspective of Social Constructionism *Jiang Na* · 58 ·
- On the Nature of an Offense and Its Restriction to the Essential Elements of Discontinued Crimes *Wang Zhaowu* · 71 ·
- Judicial Re-understanding of Chinese Fine Penalties
- A Tracing Study Based on Transnational Comparisons (1945 ~ 2011) *Xiong Moulin* · 86 ·

### Forum

- From State Monopoly to Social Participation:
- New Prospect for Contemporary China's Legislation on Criminal Procedure *Zuo Weimin* · 112 ·
- Implementation of China's New Code of Criminal Procedure: Half-year Evaluation *Long Zongzhi* · 127 ·
- The Modernizing Direction of China's Science of Civil Procedure Law *Tang Weijian* · 143 ·

### Book Review

- A System Efficiency-orientated Theory of Legal Interpretation
- Commentary on *Judging Under Uncertainty: An Institutional Theory of Legal Interpretation* *Chen Linlin* · 155 ·

### Case Study

- The Strained Relationship and Its Resolution When One Flat Becomes the Object of Several Rights *Cui Jianyuan* · 165 ·

Translator

*Chen Weizuo*