

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

2013
第 7 卷 (总第 40 期)
6



[专题]

刑事诉讼司法解释

专题絮语	张建伟	· 5 ·
刑事诉讼法解释论纲	汪海燕	· 6 ·
刑事诉讼司法解释的空间与界限	张建伟	· 24 ·
技术侦查:模糊授权抑或严格规制 ——以《人民检察院刑事诉讼规则》第263条为中心	胡 铭	· 36 ·
法庭内的正义如何实现 ——最高人民法院刑事诉讼司法解释中法庭纪律及相关规定	韩 旭	· 46 ·

[论文]

中国近代法制的世俗理性主义	许章润	· 61 ·
司法判例制度构建的法理基础	张志铭	· 91 ·
权利相对性理论及其争论 ——以法国若斯兰的“权利滥用”理论为依据	刘作翔	· 110 ·
论盗窃财产性利益	黎 宏	· 122 ·
共犯从属性理论的体系建构	张开骏	· 138 ·
论情谊行为与民事法律行为的区分	王 雷	· 157 ·



Tsinghua Law Journal

Volume 7 Number 6 Bimonthly

November 15, 2013

CONTENTS

[Special Topic]

Judicial Interpretation of Criminal Procedure

Editorial	Zhang Jianwei	• 5 •
Outlines of Criminal Procedural Interpretation	Wang Haiyan	• 6 •
The Space and Boundary of Judicial Interpretation in Criminal Procedure	Zhang Jianwei	• 24 •
Technological Investigation: Indefinite Authorization or Rigorous Regulation		
– Reflections on Article 263 of the Criminal Procedural Rule of People's Procuratorate	Hu Ming	• 36 •
How to Achieve Justice in Courtroom?		
– Articulating Order in the Court with the Supreme People's Court's Criminal Procedural Interpretation	Han Xu	• 46 •

[Articles]

Secular Rationalism in Modern Chinese Law	Xu Zhangrun	• 61 •
The Jurisprudential Foundation of the Institution of Judicial Precedents	Zhang Zhiming	• 91 •
Debates on the Relativity of Rights		
– An Analysis Based on Louis Rosserand's ' <i>L'abus de Droit</i> '	Liu Zuoxiang	• 110 •
Theft and Offences of Intangible Property Interest	Li Hong	• 122 •
A Systematical Doctrinization of <i>Akzessorietät der Teilnahme</i>	Zhang Kaijun	• 138 •
A Comparison between <i>Gefälligkeit</i> and Civil Juristic Act	Wang Lei	• 157 •

Translator

Tu Kai