

# 清準法學

TSINGHUA UNIVERSITY LAW JOURNAL

【专题】环境法学:拥抱生态文明的新兴交叉学科

环境法回归路在何方?

| ——关于环境法与传统部门法关系的再思考 | 吕忠  | 以梅  |
|---------------------|-----|-----|
| 环境法学的中国现象: 由来与前程    |     |     |
| ——源自环境法和法学学科发展史的考察  | 汪   | 劲   |
| 论生态文明建设与环境法的独立部门法地位 | 李艳  | 色芳  |
| 环境注与自然资源注关系新控       | ZK# | 京川全 |

2018.5 双月刊

总第 12卷 总第 69期 ISSN 1673-9280 CN 11-5594/D

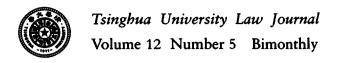


## 总第12卷(总第69期)

# 〔专题〕

# 环境法学:拥抱生态文明的新兴交叉学科

| 专题絮语                       | 王明远 | • 5 •   |
|----------------------------|-----|---------|
| 环境法回归 路在何方?                |     |         |
| ——关于环境法与传统部门法关系的再思考        | 吕忠梅 | • 6 •   |
| 环境法学的中国现象:由来与前程            |     |         |
| <b>——</b> 源自环境法和法学学科发展史的考察 | 汪 劲 | • 24 •  |
| 论生态文明建设与环境法的独立部门法地位        | 李艳芳 | • 36 •  |
| 环境法与自然资源法关系新探              | 邓海峰 | • 51 •  |
|                            | •   |         |
| 现代风险治理框架下的民意困局及其出路探讨       |     |         |
| ——兼评张小燕等人诉江苏省环保厅环评行政许可案    | 黄泽萱 | • 61 •  |
| 论立法区分为法律问题与政策问题            | 江 辉 | • 73 •  |
| 责任原则、预防政策与违法性认识            | 陈璇  | • 89 •  |
| 论民法典物权编对土地承包经营权的规定         | ٠   |         |
| ——基于"三权分置"的政策背景            | 韩 松 | • 112 • |
| 回归传统:我国地役权规范的完善之道          | 常鹏翱 | • 126 • |
| 论个人信息权的基本范畴                | 叶名怡 | • 143 • |
| 论反向抵押权制度在民法典《物权》编之建构       | 鲁晓明 | • 159 • |
| 财产保全救济程序的解释与重构             | 刘君博 | • 178 • |
| 损失视角下的垄断行为责任体系研究           | 张晨颖 | · 193 · |



### **CONTENTS**

### (Symposium)

### Environmental Law: A New Interdisciplinary Department for Ecological Civilization

| Editorial  | Wang Mingyuan  | • 5 •   |  |
|--|----------------|---------|--|
| Whither Environmental Law?: Reconsidering the Relationship Between Environmental           |                |         |  |
| Law and Traditional Law Departments  | Lü Zhongmei    | ٠6٠     |  |
| The Origin and Future of the 'Chinese Phenomenon' of Environmental Law:                    |                |         |  |
| a Historical Observation for the Development of Environmental Law and Legal Studies        | Wang Jin       | • 24 •  |  |
| The Pursuit for Ecological Civilization and the Independency of Environmental Law          |                |         |  |
| as a Separate Law Department   | Li Yanfang     | • 36 •  |  |
| A New Quest for Understanding the Relationship between Environmental Law                   |                |         |  |
| and Natural Recourse Law   | Deng Haifeng   | • 51 •  |  |
| How to Respond Public Discontentment in the Context of Modern Risk Management;             |                | •       |  |
| the Case of Zhang Xiaoyan and Others v. Jiangsu Environmental Bureau                       | Huang Zexuan   | • 61 •  |  |
| The Distinction between Legal Issue and Policy Issue in Legislative Process                | Jiang Hui      | • 73 •  |  |
| The Principle for Responsibility, the Policy for Prevention, and the Consciousness         |                |         |  |
| of Illegality in Criminal Jurisprudence  | Chen Xuan      | · 89 ·  |  |
| Understanding the Regulations for Contractual Land Management in the Property              |                |         |  |
| Chapter of China's Civil Code in the Context of 'Reconfiguration of Three Rights'          | Han Song       | • 112 • |  |
| Returning to the Tradition: the Improvement of China's Easement Rules                      | Chang Pengao   | • 126 • |  |
| Basic Concepts for Individuals' Rights to Information                                      | Ye Mingyi      | • 143 • |  |
| Regulating Reverse Mortgage in the Property Chapter of China's Civil Code                  | Lu Xiaoming    | · 159 · |  |
| Interpreting and Reconstructing the Procedure for Property Preservation                    | Liu Junbo      | · 178 · |  |
| Understanding the Responsibilities for Monopolistic Conduct with the Perspective of 'Loss' |                |         |  |
|  | Zhang Chenying | · 193 · |  |
|  |                |         |  |

Translator

Tu Kai



100084, 清华大学明理楼 523 室 主办单位 清华大学

话 62795936

传 真 62786513

编辑出版《清华法学》编辑部 主管单位中华人民共和国教育部

主 编 车丕照

M 址 http://qhfx.tsinghua.edu.cn 印刷单位 清华大学印刷厂

国外发行 中国国际图书贸易总公司

国外征订代号 BM6985

国内订阅《清华法学》编辑部

ISSN 1673-9280



定价: 30.00元

ISSN 1673-9280 CN 11-5594/D