



ISSN 1672-1500

CN 14-1246/D

- 中国学术期刊综合评价数据库来源期刊
- 中文科技期刊数据库全文收录期刊
- 中国学术期刊(光盘版)全文收录期刊
- 万方数据——数字化期刊群全文上网期刊
- 中国核心期刊(遴选)数据库收录期刊

山西省政法管理幹部學院
JOURNAL OF SHANXI POLITICS AND LAW INSTITUTE FOR ADMINISTRATORS

学报

第26卷 总第93期

4

2013

SHANXISHENG
ZHENGFA
GUANLIGANBU XUEYUAN XUEBAO



目 次

法学纵横

司法中利益衡量受到的挑战及应对

- 以利益主体多元化为分析背景 朱小玲,俞闰红 ①

秦律死刑方式浅窥

- 以睡虎地秦简资料为考察中心 陈迪,胡广平 ④

刑法对个人隐私保护的立法完善

余彦 ⑦

域外刑事技术侦查领域隐私权保护立法分析

徐建康 ⑩

网络虚拟财产的刑法保护

秦志松,陈洁婷 ⑬

国家赔偿法中精神损害抚慰金问题解读

王文萍 ⑯

劳动教养制度之存与废

- 以效率和正义为视角 霍明善 ⑯

未成年人犯罪记录相关制度探索

黄婧 ⑯

公安微博的法律性质及功能定位

关山 ⑮

浅析司法鉴定的规范路径

曹广强,杨文龙,杨小辉 ⑰

检察建设

提升检察机关执法公信力的路径

赵杰 ⑳

民事执行检察监督制度的基本构建

程权,孟传香 ⑳

民事调解检察监督的若干问题思考

李正超,吴军 ⑳

民事调解检察监督制度分析

王秋杰 ⑳

基层检察机关内设机构的创新设置

高小勇 ⑳

检察机关案件集中管理的价值基础及实现

孙振江,姚晓东,杜庆贵 ⑳

基层检察机关案件质量管理问题探究

贺美荣 ⑳

加强诉讼监督 延伸检察职能

林琳 ⑳

强制医疗执行的检察监督

李革,吴轩 ⑳

民商法研讨

著作权侵权损害赔偿的判定

王兴兰,王福兴 ⑳

创意的法律定位及法律保护方法

孙英哲 ⑳

无固定期限劳动合同的完善建议	邓新龙,刘兵红	63
不动产瑕疵登记的形成及救济方式	席斌	66
担保功能的不足与重构	张立富	69
竞价排名的法律规制	檀咏林	72
股东派生诉讼制度存在的问题及完善	蔡芳芳	75
土地承包经营权入股农民专业合作社问题探究	万丽红	77
公示催告制度之完善	沈洪丽	79

刑事法学论坛

刑事被害人的权利保护	汪婷婷	82
浅议诈骗罪中的财产处分行为	孙大勇	85
简论携带凶器盗窃	王宇,张心悦	88
刑法中赌债的认定	靳玉梅,匡俊	91
刑事诉讼简易程序的实施与完善	张梦洁	93
公诉案件中当事人和解程序的刑事价值	李颖,陈钢	95
刑事诉讼中“庭前会议”相关问题探讨	王娟	98
刑事诉讼中瑕疵证据的补正	王刘章	100
辩诉交易中国化的可行性分析	汪睿	103

司法实务

浅析案例的参照适用

——以未投保交强险机动车交通事故的处理为例	周天保	105
职务犯罪案件银行查询中存在的问题及对策	梁志文	109
新形势下盗窃犯罪若干问题探究	刘丹	112
寻衅滋事之罪与罚	王元峰,齐春云,徐建,付花蕾	115
降低逮捕率之我见	臧献茹	117
刑事诉讼中“专门知识的人”出庭制度之完善	张向东	120
心理疏导在涉检信访中的应用	李亚平,张震,陈超	123
山西省政法管理干部学院学报 2013 年总目录		126

JOURNAL OF SHANXI POLITICS AND LAW INSTITUTE FOR ADMINISTRATORS

(Quarterly)

Started in 1988

Vol.26 No.4 (Sum No.93)

CONTENTS

Challenges to Interest Measurement in the Judiciary and Countermeasures

——In the Background for the Analysis of Diverse Stakeholders ZHU Xiao-ling, YU Gui-hong(1)

On the Death Penalty Mode in Qin Dynasty Law

——Taking the Data of Qin Bamboo Slips in Shuihudi as Investigation Object CHEN Di, HU Guang-ping(4)

Legislative Analysis of Privacy Protection in the Field of Extraterritorial Criminal Technical Investigation XU Jian-kang(10)

Interpretation on Mental Damages Solatium in State Compensation Law WANG Wen-ping(16)

Existence or Repeal of the System of Reeducation through Labor

——In the Perspective of Efficiency and Justice HUO Ming-shan(19)

Research on Relevant System of Juvenile Criminal Records HUANG Jing(22)

Legal Nature and Function Positioning of Public Security Microblog GUAN Shan(25)

Path to Enhance the Credibility of Law Enforcement by Procuratorial Organs ZHAO Jie(30)

Construction of Procuratorial Supervision System of Civil Enforcement CHENG Quan, MENG Chuan-xiang(33)

Thoughts on Inspection and Supervision of Civil Mediation LI Zheng-chao, WU Jun(36)

Innovative Settings for Internal Institutions of Grassroots Procuratorial Organs GAO Xiao-yong(42)

Value Foundation and Realization of Procuratorial Organs' Centralized Management of Cases

..... SUN Zhen-jiang, YAO Xiao-dong, DU Qing-gui(45)

Research on Quality of Case Management of Grassroots Procuratorial Organs HE Mei-rong(48)

Strengthening Litigation Supervision and Extending Prosecutorial Functions LIN Lin(51)

Suggestion on the Improvement of Labor Contract without a Fixed Term DENG Xin-long, LIU Bing-hong(63)

Formation and Remedies of Defects Registration of Real Estate XI Bin(66)

Deficiency and Reconstruction of Security Functions ZHANG Li-fu(69)

Legal Regulation of Bid Ranking TAN Yong-lin(72)

Improvement of Public Notice System SHEN Hong-li(79)

On the Disposition of Property in the Crime of Fraud SUN Da-yong(85)

Identification of Gambling Debts in Criminal Law JIN Yu-mei, KUANG Jun(91)

Research on "Pretrial Conference" in Criminal Procedure WANG Juan(98)

Correction of Defective Evidence in Criminal Procedure WANG Liu-zhang(100)

Feasibility of Plea Bargaining in China WANG Rui(103)

Reference and Application of Cases

——Taking the Treatment of Traffic Accidents of Motor Vehicle without Traffic Compulsory Insurance as an Example

..... ZHOU Tian-bao(105)

Problems and Countermeasures in Bank Query Process of Duty Crime LIANG Zhi-wen(109)

Research on Problems in Theft Crimes under the New Situation LIU Dan(112)

Crime and Punishment of Defiance and Affray WANG Yuan-feng, QI Chun-yun, XU Jian, FU Hua-lei(115)

On Lowering Arrest Rate ZANG Xian-ru(117)

Application of Psychological Counseling in Petition on Procuratorial Issues LI Ya-ping, ZHANG Zhen, CHEN Chao(123)