



- ▶ 中国核心期刊（遴选）数据库收录期刊
- ▶ 中国学术期刊综合评价数据库来源期刊
- ▶ 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
- ▶ 中文科技期刊数据库全文收录期刊
- ▶ 超星域出版平台收录期刊

学报

山西省政法管理干部学院
JOURNAL OF SHANXI POLITICS AND LAW INSTITUTE FOR ADMINISTRATORS

第33卷 总第119期



2020

SHANXI SHENG
ZHENGFA
GUANLI GANBU XUEYUAN XUEBAO



目次

法学纵横

论监察委员会的不可诉性 彭江辉,王忠仁 ①

自贸区两法衔接信息共享平台的建设 王春丽,梁春程 ⑤

中国传统法律形象的确立路径 张璐 ⑨

生态环保公益诉讼与赔偿诉讼衔接分析 史丁元 ⑬

法学界批判法经济学方法的反思 曹汇 ⑯

地方先行立法的基本原则与规制路径

——基于社会信用地方立法的实证研究 刘宇飞 ⑳

本期关注

论行政程序违法的法律责任 王楚 ㉔

网约车行政纠纷案件中非法营运的识别与运用 王玉臻 ㉗

我国行政法院设立的可行性分析 刘东 ㉓

行政决策法治化路径探析

——基于行政法学理论思考 黎一舟 ㉖

检察建设

我国生态环境监察机构监督机制的完善 佟岩 ㉙

检察监督与人大监督的协调配合机制研究 廖万超,戚勇 ㉚

检察建议制度发展探析 李炎卓,田远未 ㉜

浅析认罪认罚制度中的控辩协商机制 王利苹 ㉞

民商法研讨

- 公正价值视阈下保险消费者权益保护 郭瑞翌 49
- 网络服务提供者侵权规则困境及解决对策 陶尚暄 53
- 大数据时代的个人信息保护
- 从合同义务到信托义务 赵一明 57
- 民事诉讼中法官不当释明问题探究 羊芙蓉 61
- 涉外消费者合同案件法律适用现状探析 袁庆立 64
- 民事诉讼实训类教材案件审理实物扩展 徐彰远 67

刑事法学论坛

- 职务犯罪调查与刑事诉讼衔接机制探析 杨胜荣 70
- 专家辅助人制度在我国刑事诉讼中的优化分析 尹琳 73
- “套路贷”犯罪侦查困境与侦防策略研究 邵静雅 76
- 非法经营罪之“严重扰乱市场秩序”的理解与适用 韩啸 80
- 我国社会转型时期个人极端暴力犯罪探究 刘跃威 83

司法实务

- 电信网络诈骗案件问题分析 史运伟 87
- 校园“裸贷”行为的法律分析及其预防路径 戴武君 91
- 公司高管劳动法律适用初探 沈志康 94
- 利用“短信嗅探”技术实施网络侵财犯罪初探 殷仁杰 98
- 云南山区农村治安现状与防范措施刍议 李徐铭 102
- 司法领域大数据技术相关问题探究 程晨 106
- 风险代理中的律师职业伦理建设 杨文博 110

CONTENTS

On the Injusticiability of Supervisory Commission PENG Jiang-hui, WANG Zhong-ren(1)
The Construction of Information Sharing Platform of Free Trade Zone
..... WANG Chun-li, LIANG Chun-cheng(5)
The Path of Establishing Chinese Traditional Legal Image ZHANG Lu(9)
Analysis on the Connection between Ecological and Environmental Public Interest Litigation and Compensation litigation
..... SHI Ding-yuan(13)
Reflection on the Method of Critical Law and Economics in the Field of Law CAO Hui(16)
The Basic Principle and Regulation Path of Local Legislation in Advance
——Empirical Research on Local Legislation Based on Social Credit LIU Yu-fei(20)
On the Legal Liability of Administrative Procedure Violation WANG Chu(24)
Identification and Application of Illegal Operation in Administrative Dispute Case of Online Car-hailing WANG Yu-zhen(27)
An Analysis about Feasibility of the Establishment of Administrative Courts in China LIU Dong(30)
Analysis on the Path of Legalization in Administrative Decision Making
——A Reflection on the Theory of Administrative Law LI Yi-zhou(33)
On the Supervision of China’s Ecological and Environmental Institutions TONG Yan(36)
Research on the Coordination and Cooperation Mechanism Between Procuratorial Supervision and People’s
Congress Supervision LIAO Wan-chao, Qi Yong(39)
Analysis on the Development of Procuratorial Suggestion System LI Yan-zhuo, TIAN Yuan-wei(43)
On the Negotiation Mechanism of Prosecution and Defense in the System of Confession of Guilt and Penalty
..... WANG Li-ping(46)
Protection of Insurance Consumers’ Rights from the Perspective of Notarial Value GUO Rui-yi(49)
Dilemmas and Countermeasures Concerning the Internet Service Provider Infringement Rules TAO Shang-xuan(53)
Personal Information Protection in the Era of Big Data
——From Contractual Obligations to Fiduciary Ones ZHAO Yi-ming(57)
Probe into Judges’ Improperly Interpretation in the Civil Lawsuit YANG Fu-rong(61)
An Analysis of Current Situation of Application of Law in Cases Involving Foreign Consumer Contracts YUAN Qing-li(64)
Trial Material Extension in Cases of Civil Litigation Practical Training Textbooks XU Zhang-yuan(67)
An Analysis of Linkage Mechanism between Investigation of Duty Crime and Criminal Procedure YANG Sheng-rong(70)
Optimized Analysis of Expert Auxiliary System in Criminal Procedure of China YIN Lin(73)
Detection Dilemmas and Prevention Strategies for “Routine Loan” Crimes TAI Jing-ya(76)
Understanding and Application of the Crime “Seriously Disturbing Market Order” Concerning Illegal Operation
..... HAN Xiao(80)
A Study on Individual Extreme Violent Crime in the Period of Social Transformation in China LIU Yue-wei(83)
Analysis of Telecom Network Fraud Cases SHI Yun-wei(87)
The Legal Analysis of Campus “Naked Loan” Behavior and Its Preventive Measures DAI Wu-jun(91)
A Preliminary Study on the Application of Labor Law for Company Executives SHEN Zhi-kang(94)
Initial Exploration on the Use of “Text Message Sniffing” Technology to Implement Network Financial Crimes
..... YIN Ren-jie(98)
On the Current Situation of Rural Public Security and Preventive Measures in Mountainous Areas of Yunnan Province
..... LI Xu-ming(102)
Research on Issues Related to Big Data Technology in the Judicial Field CHENG Chen(106)
On the Professional Ethics of Lawyers in Risk Agency YANG Wen-bo(110)