



- ▶ 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120期

3

2020

SHANXI SHENG  
ZHENGFA  
GUANLI GANBU XUEYUAN XUEBAO



# 目次

## 法学纵横

英美法学教育中交易技能课程的特色和借鉴 ..... 李嘉文,王葆蔚 ①

民事公益诉讼检察机关的角色冲突与协调 ..... 刘英俊 ⑤

港澳台三地法律实务课程对我国法学教育的启示 ..... 郑向春,乔一涓 ⑧

我国劳动争议解决模式存在的问题及其完善 ..... 教玲 ⑪

公海保护区制度的困境与出路 ..... 蒋嘉烁 ⑭

转让气候友好型技术的法律障碍及消除 ..... 彭宣淇 ⑰

预防性反恐刑事立法的思考 ..... 赵丽荣 ⑳

## 本期关注

大数据侦查与公民信息保护略论 ..... 付雯雯 ㉔

数字时代突发公共卫生事件中的个人信息保护 ..... 艾桥 ㉖

基因编辑婴儿诞生背后的权利和价值冲突 ..... 程晨 ㉟

## 检察建设

司法责任制背景下检察官业绩考核工作研究 ..... 上海市闵行区人民检察院课题组 ㉓

基层检察机关强化案例工作的方式与路径 ..... 苏正洪,陈龙鑫 ㉗

刑事错案中检察机关的责任探究 ..... 高蕴麟 ㉙

律师参与化解和代理涉法涉诉信访案件工作机制完善  
——以上海市闵行区人民检察院司法实践为视角 ..... 诸春燕,范雅璐 ㉛

## 民商法研讨

夫妻财产权浅析 ..... 苏娟 ㉟

社会经济发展中民商法的发展探究 ..... 魏晓楠 ㊱

业主权利保护的立法解读及思考

- 以《民法典物权编(草案)》二审稿为视角 ..... 包志会 53
- 股权投资中估值调整协议效力问题探究 ..... 王奇彦 57
- 票据质押纠纷案件法律适用疑难问题探析 ..... 许雯雯,梁春程 60
- 互联网不正当竞争行为之危害性 ..... 贾敏 64
- 返还彩礼问题刍议 ..... 郭维基 67

**刑事法学论坛** ▶ .....

- 刑事案件中被害人过错对量刑的影响 ..... 张婷 69
- 受贿罪定罪标准浅析 ..... 李金珂 72
- 非法证据排除规则在职务犯罪监察制度中的适用 ..... 刘彩云 75
- 冒用他人信用卡行为的法律性质分析 ..... 蒋毅 79
- 计算机网络犯罪及其防范 ..... 王艳 83
- 我国社区矫正的立法进程与概念辨析 ..... 李素琴,程亮生 86

**司法实务** ▶ .....

- 我国法学教育中实务能力培养的不足和改革建议 ..... 贺雨洁,黄文旭 89
- 信息化背景下法学本科教学模式创新探究 ..... 陈颖,沈茜 93
- 高职院校体育伤害事故处理对策 ..... 秦浩 97
- 利他契约视域下离婚协议中子女赠与条款的效力 ..... 王丹 100
- 习近平生态文明思想在司法案例中的运用 ..... 闫妍 104
- 变更抚养关系案件中未成年子女利益之保护 ..... 庞建琴 106
- 浅谈高校法律英语教学与国际型法律人才的培养 ..... 亓燕燕 110

CONTENTS

The Characteristics and Reference of Trading Skill Course in British and American Legal Education ..... LI Jia-wen, WANG Bao-shi(1)

The Role Conflict and Coordination of Procuratorial Organs in Civil Public Interest Litigation ..... LIU Ying-jun(5)

The Enlightenment of Hong Kong, Macao and Taiwan Legal Practice Courses to China's Legal Education ..... ZHENG Xiang-chun, QIAO Yi-juan(8)

The Problems and Perfection of the Labor Dispute Settlement Model in China ..... JIAO Ling(11)

The Predicament and Way out of the High Seas Protected Area System ..... JIANG Jia-shuo(14)

Legal Obstacles to the Transfer of Climate-friendly Technologies and Their Elimination ..... PENG Xuan-qi(17)

Thoughts on the Legislation of Preventive Anti-terrorism Criminal Law ..... ZHAO Li-rong(20)

Investigation of Big Data and Protection of Citizen Information ..... FU Wen-wen(24)

Protection of Personal Information in Public Health Emergencies in the Digital Age ..... AI Qiao(26)

The Conflict of Rights and Values behind the Birth of Gene-editing Babies ..... CHENG Chen(30)

Research on Procurators' Performance Assessment under the Background of Judicial Responsibility System ..... Research Group of Minhang District People's Procuratorate of Shanghai(33)

The Ways and Paths of Strengthening the Case Worle in the Grass-roots Procuratorial Organs ..... SU Zheng-hong, CHEN Long-xin(37)

Probe into the Responsibility of Procuratorial Organs in Misjudged Criminal Cases ..... GAO Yun-lin(40)

The Improvement of the Working Mechanism of Lawyers Participating in Resolving and Acting as an Agent in Petition Cases Involving Law and Litigation  
——From the Perspective of the Judicial Practice of the People's Procuratorate of Minhang District ..... ZHU Chun-yan, FAN Ya-lu(43)

A Brief Analysis of Marital Property Rights ..... SU Juan(47)

Exploration on the Development of Civil and Commercial Law in Social and Economic Development ..... WEI Xiao-nan(50)

Legislative Interpretation and Reflection on the Protection of Owners' Rights  
——From the Perspective of the Second Revision of the Civil Code Real Right Compilation (Draft) ..... BAO Zhi-hui(53)

Research on the Effectiveness of Valuation Adjustment Agreements in Equity Investment ..... WANG Qi-yan(57)

An Analysis on the Application of Law to the Dispute Cases of Bill Pledge ..... XU Wen-wen, LIANG Chun-cheng(60)

The Harmfulness of Unfair Competition on the Internet ..... JIA Min(64)

On the Issues of Returning Betrothal Gifts ..... GUO Wei-ji(67)

The Influence of Victim's Fault on Sentencing in Criminal Cases ..... ZHANG Ting(69)

A Brief Analysis on the Conviction Standard of Bribery Crime ..... LI Jin-ke(72)

The Application of the Exclusion Rule of Illegal Evidence in the Duty Crime Supervision System ..... LIU Cai-yun(75)

Analysis on the Legal Nature of Using Others' Credit Card Fraudulently ..... JIANG Yi(79)

A Brief Analysis of Computer Network Crimes and Relevant Prevention ..... WANG Yan(83)

Analysis on the Legislative Process and Concept of Community Correction in China ..... LI Su-qin, CHENG Liang-sheng(86)

The Deficiency of Practical Ability Training in Legal Education in China and Some Suggestions for Reform ..... HE Yu-jie, HUANG Wen-xu(89)

An Innovative Exploration of Law Undergraduate Teaching Mode under the Background of Informatization ..... CHEN Ying, SHEN Qian(93)

Countermeasures to Deal with Sports Injury Accidents in Higher Vocational Colleges ..... QIN Hao(97)

The Effect of Child Gift Clause in Divorce Agreement from the Perspective of Altruistic Contract ..... WANG Dan(100)

The Application of Xi Jinping Thought on Ecological Civilization in Judicial Cases ..... YAN Yan(104)

Protection of the Interests of Minor Children in Cases of Alternating Dependency Relationship ..... PANG Jian-qin(106)

On Legal English Teaching in Universities and the Cultivation of International Legal Talents ..... QI Yan-yan(110)