



- ▶ 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34卷 总第124期

3

2021年9月

SHANXI SHENG
ZHENGFA
GUANLI GANBU XUEYUAN XUEBAO



目次

法学纵横

重大行政决策程序之地方立法研究

——基于广东省地级市立法的比较分析 张 微 ①

域内外罪错未成年人分级处遇比较与借鉴 王 顺,王春丽 ⑤

全球气候治理视域下国际环境正义的法理学探索 宋博纳 ⑨

市域社会治理法治化保障体系探究 姜 华 ⑬

智慧法院大数据应用的问题及对策 潘 鑫 ⑰

行政协议司法审查标准的构建 朱丹亚 ⑳

唐代“和离”制度的成因分析 董梦缘 ㉕

检察建设

检察机关在扫黑除恶专项斗争中职能发挥的路径 上海市闵行区人民检察院课题组 ㉘

听证制度在检察办案中的运用 张福坤,朱 玲 ㉚

检察官联席会议发展路径选择 王利莘 ㉜

刑事执行检察部门扫黑除恶专项斗争中线索搜集的三个维度 谢 玲,柏 嵘 ㉞

检察机关审查起诉阶段退回公安补充侦查工作完成情况探析 高 悦,吴 为 ㉟

检察监督与审判独立的统一性考察 韩 荣 ㊱

民商法研讨

制定我国《反重婚法》的立法思考 李素琴,程亮生,吴怡楠 ㊴

《民法典》情势变更解读 杜瑞平 ㊶

《民法典》商事留置权主体探究 张立群 56

我国房地产市场风险的法律对策 张 栋 60

刑事法学论坛 ▶

知识产权犯罪刑法规制机能的实效及提升路径

——以 H 省 B 市检察机关近三年办案情况为分析样本 曹纪元 62

非法集资犯罪案件证据审查中的疑难问题探究 闫爱青 66

人类遗传资源犯罪的法益阐释 王 杰 70

刑事附带民事诉讼制度反思与法理回归 胡凌宇 74

妨害传染病防治罪与以危险方法危害公共安全罪的适用区分 李金珂 78

我国构建沉默权制度的必要性分析 李 雪 81

合同诈骗罪与合同民事欺诈行为辨析 刘子良 84

司法实务 ▶

教学与考证结合的高职财会类专业《经济法》教材设计 王 珺 88

疑难案件裁判中的“话语冲突”及其化解 张建宇 92

监狱基层治理中民警非正式权力的建构 高 斐 95

“中职篮”联赛相关利益主体法律关系探讨 秦 浩 100

法律英语多义词的认知理据与翻译对策 樊慧燕 103

公安机关刑侦基础工作创新策略 许傲然,于 龙 105

直言词原则适用困境之破解 朱 晓 109

CONTENTS

Research on Local Legislation of Major Administrative Decision-making Procedure
——Based on the Comparative Analysis of the Legislation of Prefecture-level Cities in Guangdong Province ZHANG Wei(1)
Comparison and Reference on the Classification of Juvenile Crimes in and Out of the Domain WANG Shun, WANG Chun-li(5)
A Jurisprudential Exploration of International Environmental Justice from the Perspective of Global Climate Governance
..... SONG Bo-na(9)
Study on the Law-based Guarantee System for Urban Social Governance JIANG Hua(13)
Problems and Countermeasures of the Application of Big Data in Intelligent Courts PAN Xin(17)
Construction of Judicial Review Standard of Administrative Agreement ZHU Dan-ya(21)
Analysis of the Causes of the System of “Consensual Divorce” in the Tang Dynasty DONG Meng-yuan(25)
Study on the Functional Path of Procuratorial Organs in the Special Struggle against Mafia and Evil
..... Curriculum Group of People’s Procuratorate of Minhang District, Shanghai(28)
The Application of Hearing System in Procuratorial Handling ZHANG Fu-kun, ZHU Ling(32)
The Development Path Selection of the Joint Conference of Prosecutors WANG Li-ping(36)
Three Dimensions of Clue Collection in the Special Struggle of Criminal Execution Procuratorial Department against
Mafia and evil Xie Ling, Bai Rong(39)
Probe into the Completing Situation of the Complementary Investigation Work Returned to Public Security by the
Procuratorial Organs in the Stage of Examination and Prosecution GAO Yue, WU Wei(42)
Investigation on the Unity of the Independence of Procuratorial Supervision and Trial HAN Rong(45)
Legislation Reflections on Enacting Anti-Bigamy Law in China LI Su-qin, CHENG Liang-sheng, WU Yi-nan(49)
An Interpretation of Circumstantial Change in the Civil Code DU Rui-ping(53)
On the Subject of Commercial Lien in Civil Code ZHANG Li-qun(56)
The Legal Countermeasure of the Risk of China’s Real Estate Market ZHANG Dong(60)
The Actual Effect and Promotion Path of the Regulation Function of Criminal Law on Intellectual Property Crime
——Taking the Case Handling Situation of the Procuratorial Organ in B City, H Province in Recent Three
Years as the Analysis Sample CAO Ji-yuan(62)
Probe into the Difficult Problems in the Evidence Examination of the Current Illegal Fund-raising Crime Case
..... YAN Ai-qing(66)
An Interpretation of Human Genetic Resources Crime by Legal Interest Wang Jie(70)
Reflection on the System of Criminal Accidental Civil Action and Return to Jurisprudence HU Ling-yu(74)
The Applicable Distinction between the Crime of Obstructing the Prevention and Control of Infectious Diseases and the
Crime of Endangering Public Security by Dangerous Means LI Jin-ke(78)
Analysis on the Necessity of Constructing the Right to Silence in China LI Xue(81)
Differentiation between Contract Fraud Crime and Contract Civil Fraud LIU Zi-liang(84)
Textbook Design of Economic Law for Finance and Accounting Major in Higher Vocational Colleges by Combining
Teaching and Textual Research WANG Jun(88)
“Discourse Conflict” and Its Resolution in the Judgment of Difficult Cases ZHANG Jian-yu(92)
The Construction of Multiple Informal Powers of the Police in the Prison Grass-roots Governance GAO Fei(95)
Discussion on the Legal Relationship of the Relevant Stakeholders of “Chinese Professional Basketball League” QIN Hao(100)
The Cognitive Motivation and Translation of Polysemous Words in Legal English FAN Hui-yan(103)
Innovation Strategy of Basic Work of Criminal Investigation of Public Security Organs XU Ao-ran, YU Long(105)
Solving the Dilemma of Applying the Principle of Direct Speech ZHU Xiao(109)