



## 特稿

---

监护监督制度的立法构建…朱广新 (1)

## 本期聚焦：房地产法律问题研究

---

房屋租赁押金若干问题研究…杨 巍 邓捷盈 (16)

房屋租赁中的优先承租权…袁 野 (23)

房屋买卖之环境瑕疵概念与判断构造…吴逸宁 (38)

## 言论自由专题研究

---

论我国宪法言论自由条款在司法判断中的运用  
——基于295份名誉权纠纷判决书的分析…秦前红 王雨亭 (50)

作为政治自由的言论自由…[美]亚历山大·米克尔约翰 著 敖海静 译 (60)

## 学术专论

---

宪法和法律委员会法律案审查的对象及性质…郑贤君 李嘉豪 (70)

应然与实然：中国法官薪酬待遇研究  
——以2 660份调查问卷为样本的分析…胡昌明 (81)

警察协助活动的分类改革与完善路径…郑 琳 (90)

论网络游戏规则不具有可版权性…李忠诚 (98)

P2P网络借贷平台异化的刑法教义学分析

——以《网络借贷信息中介机构业务活动管理暂行办法》为分析对象

…李文吉 (106)

电子数据取证的正当程序规制

——《公安电子数据取证规则》评析…朱桐辉 王玉晴 (121)

比例原则在惩罚性赔偿判决跨国承认执行领域的适用…刘 阳 (133)

## 域外译文

---

法秩序的统一性与违法判断的相对性

…[日]京藤哲久 著 王释锋 译 甄贞 校 (145)

封面题字：华人德

英文审校：卢 然

流程编辑：张盼盼

期刊参数：CN32-1846/D\*2014\*q\*16\*160\*zh\*P\*¥ 20.00\*2000\*14\*2020-2

[本刊得到 Charles B.Wang Foundation、江苏天贤律师事务所和江苏昊强律师事务所资助]

# JOURNAL OF SOOCHOW UNIVERSITY

Law Edition

## Main Contents

Volume 7◇No.1, 2020

Legislative Construction of Supervision System of Guardianship

*Zhu Guang-xin (1)*

Study on Several Issues of Residential Tenancy Guarantee Deposit

*Yang Wei Deng.Jie-ying (16)*

The Priority Lease Right to House

*Yuan Ye (23)*

The Environmental Defect Concept and Judgmental structure on Housing Sales

*Wu Yi-ning (38)*

The Application of Freedom of Speech Clause in Judicial Judgments:

An Analysis of 295 Judgments on Reputation Disputes

*Qin Qian-hong Wang Yu-ting (50)*

The First Amendment is an Absolute

[U.S.]*Alexander Meiklejohn(Author) Ao Haijing(Translator) (60)*

The Object and Nature of Constitution and Law Committee's Bill Review

*Zheng Xian-jun Li Jia-hao (70)*

"should be" and "be": Study on the Remuneration of Judges in China

—An Analysis of 2 660 Questionnaires as Sample

*Hu Chang-ming (81)*

Classified Reform and Improvement of Police Assistance Activities

*Zheng Lin (90)*

Online Game Rules Are Not Copyrightability

*Li Zhong-cheng (98)*

An Analysis of the Criminal Law of Alienations of Online Lending Platform:

Focusing on the Interim Measures for the Administration of the Business Activities of Online Lending Information Intermediary Institutions

*Li Wen-ji (106)*

Due Process Regulation of Electronic Data Collection

—Comment on Rules for Electronic Data Collection of Criminal Cases by Public Security Organs

*Zhu Tong-hui Wang Yu-qing (121)*

The Application of Proportional Principle in the Field of Transnational Recognition and Enforcement of Punitive Damages Judgments

*Liu Yang (133)*

The Unity of Legal Order and the Relativity of Judgment of Illegality

[Japan]*Kyoutou norihisa(Author) Wang Shi-feng(Translator) Zhen zhen(Proofreader) (145)*

---

Supervised by the Department of Education, Jiangsu Province  
Sponsored by Soochow University  
Edited by the Editorial Board of Journal of Soochow University  
P. O.B 440, No.50, Donghuan Road, Suzhou 215021, P.R.C  
Tel: (0512) 65225991  
Email: sudafaxue@126.com

Editor-in-chief: Shangguan Piliang  
Associate editor: Li Zhongyuan  
Issued at home and abroad  
International distribution by the World Trade Corporation of Publication, China