

中国法学会主办

双月刊 (总第 229 期)

国



QK2240974

中国法学

CHINA LEGAL SCIENCE

- 习近平法治思想中的构建新型诉讼格局理论 程 琥
- 中国知识产权制度现代化的实践与发展 吴汉东
- 论中国古代的民本思想 张晋藩
- 规范视野下的地方性事务 郑 毅
- 程序性犯罪构成要素的性质 杜 宇

2022/5



□ 习近平法治思想研究

习近平法治思想中的构建新型诉讼格局理论····· 程 琥 5

□ 知识产权研究

中国知识产权制度现代化的实践与发展····· 吴汉东 24

公共健康危机的知识产权法应对····· 万 勇 44

国家治理现代化下的知识产权行政执法····· 董 涛 63

反不正当竞争法对未注册商标的有效保护及其制度重塑····· 黄 汇 83

□ 民法典解读与适用

个人信息处理者过错推定责任研究····· 王道发 103

□ 中华法治文明研究

论中国古代的民本思想····· 张晋藩 122

中国传统司法中的察狱以情及其现代价值····· 蒋铁初 143

中国传统司法如何处置“真伪不明”····· 胡学军 162

□ 学术专论

论法律解释目标的逐案决定····· 陈 坤 182

规范视野下的地方性事务····· 郑 毅 203

法律规范事中合宪性审查的制度建构····· 朱学磊 223

论商事习惯的法源位阶····· 李建伟 243

程序性犯罪构成要素的性质····· 杜 宇 263

境外追赃中犯罪资产分享制度研究····· 商浩文 286

本期执行编辑：任 彦

CHINA LEGAL SCIENCE

No. 5, 2022 (Serial No. 229)

October 9, 2022

- The Theory of Building New Litigation Pattern
in Xi Jinping Thought on the Rule of Law *Cheng Hu* (5)
- Practice and Development of the Modernization of
Intellectual Property System in China *Wu Handong* (24)
- Intellectual Property Law's Response to Public Health Crisis *Wan Yong* (44)
- Administrative Enforcement of Intellectual Property Law under
the Modernization of State Governance *Dong Tao* (63)
- The Effective Protection of Unregistered Trademarks by
Anti-Unfair Competition Law and Its System Remodeling *Huang Hui* (83)
- Research on the Fault Presumption Liability of
Personal Information Processors *Wang Daofa* (103)
- On the People-Oriented Thought in Ancient China *Zhang Jinfan* (122)
- The Use of Reason in the Investigation of Cases in
Traditional Chinese Justice and Its Modern Value *Jiang Tiechu* (143)
- How to Deal with 'Unclear Facts of Cases' in
Traditional Chinese Justice *Hu Xuejun* (162)
- On the Case-By-Case Decision of the Goal of Legal Interpretation *Chen Kun* (182)
- Local Affairs from the Normative Perspective *Zheng Yi* (203)
- System Construction of the Interim
Constitutional Review of Legal Norms *Zhu Xuelei* (223)
- On the Hierarchy of Sources of Law of Commercial Customs *Li Jianwei* (243)
- The Nature of Procedural Constituent Elements of a Crime *Du Yu* (263)
- Research on the Asset Sharing System in
Overseas Stolen Goods Recovery *Shang Haowen* (286)
-

Translator/Proof Reader: Wang Hao



中国法学

CHINA LEGAL SCIENCE

ISSN 1003-1707



9 771003 170229



微信号: zgfxzss

国际标准连续出版物号: ISSN 1003-1707
国内统一连续出版物号: CN 11-1030/D

每期定价: 80.00 元