

中国刑法杂志

2011年第6期

(总第126期)

6月20日出版

主 编:张智辉

副主编:向泽选 单 民

目 录

· 刑法理论 ·

- 共同犯罪的想象竞合犯问题 赵丙贵(3)
犯罪参与的二重性 江 潮(9)
刑法解释的时间效力与人权保障 陈佑武 彭辅顺(13)
行政认定不应作为行政犯认定的前置程序 王崇青(17)

· 个罪研究 ·

- 故意毁坏财物罪疑难问题研究 罗 猛 王波峰(22)
侵犯知识产权犯罪数额新论 陈灿平(28)
民间借贷活动与金融犯罪相关问题探析 苏虎超(33)
论刑法中“销售”与“复制发行”之关系 张远煌 余 浩(37)

· 诉讼理论 ·

- 我国刑事诉讼法一审普通程序法定审限问题检讨 沈 言 潘庸鲁(42)
刑辩律师职业伦理之塑造 郭正怀 肖世杰(48)
刑事庭审查证研究 张 晶(51)

· 检察理论 ·

- 论附条件不起诉的法理基础 张继平(61)

检察机关办理刑事申诉案件程序新探	蒙永山(64)
不批准逮捕案件说理机制之探讨	薛 培 杨辉刚(70)
集资诈骗罪对象研究中的认识误区及其辨正	张 建 俞小海(74)
论泄露国家秘密犯罪的立法完善	李希慧 董文辉(80)

· 犯罪预防 ·

重大活动期间城市犯罪动态变化及对策实证研究	肖扬宇(85)
未成年人刑事处罚分流制度研究	张鸿巍(90)

· 调查报告 ·

侦查权内部控制实证研究	陈 涛 李 森 闫永黎(98)
轻微刑事案件快速审理机制实证分析	张朝霞 魏亚男(106)

· 刑事法史 ·

新中国建国初期西南地区惩处违反婚姻法犯罪的史实刍析	李胜渝(110)
---------------------------------	----------

· 国外刑事法制 ·

论美国刑法中的要素分析法及其启示	陈银珠(119)
------------------------	----------

《中国刑事法杂志》编辑委员会

主任委员：孙 谦

副主任委员：张智辉

委员：（以姓氏笔画排列）

王 牧	向泽选	刘家琛	孙 谦	张 军
张智辉	陈光中	单 民	罗 锋	金 鉴
赵秉志	高铭暄	康树华		

编辑部 主任：但 伟
副主任：蔡 巍

CHINESE CRIMINAL SCIENCE

Volume 6, 2011

Chief-Editor: Zhang Zhihui

(Serial No. 126)

Deputy Chief-Editor: Xiang Zexuan Shan Min

CONTENTS

• THEORY OF CRIMINAL LAW •

- The Problem of Imaginative Joinder of Offenders in Joint Offense Zhao Binggui(3)
The Duality of the Criminal Participation Jiang Su(9)
The Human Rights Protection and Validity in Time of the Explanation of Criminal Law
..... Chen Youwu Peng Fushun(13)
On the Presuit Demand Rule of the Administration Identification not as Administrative Crime ... Wang Chongqing(17)

• STUDY ON THE INDIVIDUAL CRIME •

- The Study on the Difficulties of the Crime of Intentionally Destroying Property Luo Meng Wang Bofeng(22)
The Amount of Intellectual Property Crime Chen Canping(28)
The Probe to the Relative Problem of Civil Credit and Loan and Financial Crime Su Huchao(33)
The Relation of the Sale and Duplication and Publication in Criminal Law Zhang Yuanhuang Yu Hao(37)

• THEORY OF CRIMINAL PROSECUTION •

- The Review of the Legal Time Limitation in the First Trial Procedure in Criminal Procedure Law
..... Shen Yan Pan Yonglu(42)
The Shaping of Professional Ethics of the Defense Lawyer Guo Zhenghuai Xiao Shijie(48)
The Empirical Study of the Criminal Trial Zhang Jing(51)

• PROCURATORIAL THEORY •

- The legal Base of the Conditional Nonprosecution Zhang Jiping(61)
The Procedure of the Criminal Appeal Case Dealt by Procuratorates Meng Yongshan(64)
The Probe on the Arguing Mechanism of the Cases which are not Approved Arrest
..... Xue Pei Yang Huigang(70)

- The Misunderstanding and Discrimination on the study of the Object of
Crime of Fund Raising Defraud Zhang Jian Yu Xiaohai(74)
Legislative Improvements on the Crime of Leaking State Secrets Li Xihui Dong Wenhui(80)

• PREVENTION OF CRIME •

- The Empirical Study on the Policy and Dynamic Changes of the Municipal Crime during
the Important Activity Xiao Yangyu(85)
The Study on the Diversion of the Juvenile Punishment Zhang Hongwei(90)

• INVESTIGATION REPORT •

- An Empirical Study on the Inner Control of the Investigation Power Chen Tao Li Sen Yan Yongli(98)
An Empirical Study on the Speedy Trial in the Minor Criminal Cases Zhang Zhaoxia Wei Yanan(106)

• CRIMINAL HISTORY •

- The Analysis on the History of Punishing the Crime of Violating Marriage Law in
the Southwest Area in the early Stage of PRC Li Shengyu(110)

• FOREIGN CRIMINAL SCIENCE •

- The Element Analysis in the American Criminal Law Chen Yinzhu(119)

(Translated by Dan Wei)