



中国中文核心期刊

CSSCI 扩展版来源期刊

中国刑事法杂志

CRIMINAL SCIENCE

ZHONG GUO XING SHI FA ZA ZHI

2012 年 第 7 期

07

(总第 139 期)

万方数据

CHINESE CRIMINAL SCIENCE

Volume 7, 2012

Chief-Editor : Zhang Zhihui

(Serial No. 139)

Deputy Chief-Editor : Wang Shou'an Xiang Zexuan Shan Min

CONTENTS

• FORUM •

Major Reforms on Summary Procedure in Our Country Song Yinghui(3)

• THEORY OF CRIMINAL LAW •

On Definition of Social Harmfulness in Our Criminal Law Su Qing(10)

Judgment on Complicity by Standard of Rank He Qingren(18)

Apprehension and Application of Violating Statute Made by State in Criminal Law Jiang Ling(30)

How does Crime Motive Impact the Measurement of Penalty; Also on the Idea of "Same Crime but Different Punishment" Liu Jun(38)

• STUDY ON THE INDIVIDUAL CRIME •

Conviction and Punishment on Illegally Engaging in Security Service Zhang Yong(45)

Exploration on Property Interest in Crime of Robbery Zhang Hongchang(51)

On Implementation of Criminal Policy of Combination of Leniency with Punishment in

Three New Kind of Crime of Theft Zhang Guotian Yao Jiawei(56)

Ideal of Combating Crime of Bribery and Pursuing Bribery Sun Liangguo(62)

• THEORY OF CRIMINAL PROSECUTION •

Comments on Power Centralized Model of Criminal Procedure Liang Xin(67)

On Competence of Evidence of Duplicate Confession Zhang Ying(75)

Connotation of Emotional Reaction in Criminal Procedure and Its Function on Effect of Penalty Xie Anping(82)

On Delimiting Measures of Technical Investigation Statutorily Li Huiying Xu Zhitao(86)

Changes and Improvements of Initiation of the Criminal Identification Procedure ... Gu Jingwei Guo Zhen(90)

On System of Dealing with Complaint of Detainee in Detention House Xie Xiaomin Feng Xingwu(95)

• PROCURATORIAL THEORY •

Concept, Characteristic and Category of Procuratorial Supervision on Procedure ... Yang Yingze Xue Weihong(101)

Construction of the System of Sentencing Supervision; Promotion of Procedure and

Entity Simultaneously Ye Wangchun Ji Jing(106)

• INTERNATIONAL CRIMINAL LAW •

On Characteristics of Crimes of Transnational Organized Crime and Its Countermeasures Wang Wenhua(112)

• FOREIGN CRIMINAL LAW SCIENCE •

Abolish in a New Future? Comments according to the Order of Power Transition of

Preliminary Judge in France Shi Pengpeng(118)

(Translated by Cai Wei)

中国刑事法杂志

主 编:张智辉

副主编:王守安 向泽选 单 民

2012 年第 7 期

(总第 139 期)

7 月 20 日出版

目 录

· 专 论 ·

我国刑事简易程序的重大改革 宋英辉(3)

· 刑法理论 ·

我国刑法中社会危害性概念之界定 苏 青(10)

共犯判断的阶层属性 何庆仁(18)

刑法中“违反国家规定”的理解和适用 蒋 铃(30)

犯罪动机如何影响量刑

——兼论同罪亦当不同罚 刘 军(38)

· 个罪研究 ·

非法从事保安服务行为的定罪处罚 张 勇(45)

抢劫罪中的财产性利益探究 张红昌(51)

新三类盗窃案件贯彻宽严相济刑事政策的思考 章国田 姚嘉伟(56)

贿赂治理的理想与贿赂追征的计算 孙良国(62)

· 诉讼理论 ·

权力集中型刑事诉讼模式评析	梁 欣(67)
重复自白的证据能力	张 颖(75)
刑事诉讼中情感反应的内涵及对刑罚效果的作用	谢安平(82)
论我国技术侦查措施的法定化	李慧英 徐志涛(86)
我国刑事司法鉴定启动程序的改革与完善	顾静薇 郭 振(90)
看守所押人员投诉处理机制研究	谢效珉 冯兴吾(95)

· 检察理论 ·

检察诉讼监督的概念、特点与种类	杨迎泽 薛伟宏(101)
量刑监督制度构建:程序、实体同步推进	叶旺春 季 境(106)

· 国际刑法 ·

论跨国有组织犯罪的特征及抗制措施	王文华(112)
------------------------	----------

· 国外刑事法制 ·

不日而亡? ——以法国预审法官的权力变迁为主线	施鹏鹏(118)
----------------------------------	----------

《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	王守安	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