

政化与任利

POLITICAL SCIENCE AND LAW





万方数据

上海社会科学院法学研究所主办



10月5日出版	2018 年第 10 期(总第 281 期)
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
主题研讨 —— 我国民法典物权编的编纂码	F究
论我国民法典物权编立法中的外部体系协调	房绍坤/2
我国民法典物权编所有权规则立法研究 …	
论物权法文本中"应当"的多重语境	
经济刑法	
金融诈骗罪非法占有目的的功能性重构 ——以最高人民检察院指导案例第 40 号为中	心 徐凌波/31
法益视角下证券内幕交易罪主体范围的规范	构造
专论	
合规律性与合目的性:科学立法原则的法理基	础 裴洪辉/57
走向司法审查:行政解释的困境与出路	彭 霞/71
从环保督察问题反思环境法治中的利益配置	李 丹/80
象征性刑法概念辨析	郭 玮/91
争鸣园地	
论基本权利对社会公权力主体的直接效力 ·	李海平/109
故意概念的再定位 ——中国语境下"盖然性说"的展开	
实务研究	
我国大数据法律定位的学说论争、司法立场与	立法规范 张玉洁 胡振吉/141
论辩护权法律关系的冲突与协调 ——以杭州保姆放火案辩护律师退庭事件为长	77入 王永杰/153

## POLITICAL SCIENCE AND LAW

(Monthly)

	(Monthly)	
	ed by the Institute of Law ghai Academy of Social Sciences	No.10, 2018(Total No.281) October 5
2	On the Coordination of External Systems in the Legislation of of the Civil Code of China	
13	A Study on the Legislation on Ownership Rules in Real Rig of the Civil Code of China	
24	On the Multiple Contexts of "Should" in Real Right Law of	China Wang Yi
31	Functional Reconstruction of the Purpose of Illegal Possessio — Centered on the No. 40 Instructive Case of the Supreme	People´s Procuratorate
43	The Normative Construction of the Subject Scope of the Crir Insider Trading from the Perspective of Legal Interest	
57	Conformity of Law and Conformity of Aim: The Jurisprudent of the Principle of Scientific Legislation	
71	Towards Judicial Review: The Predicament and Outlet of Ad	lministrative Interpretation in China Peng Xia
80	The Reflection on Interest Distribution in the Environmental from the Perspective of Environmental Supervision	
91	Debate on the Concept of Symbolic Criminal Law	Guo Wei
109	On the Direct Effectiveness of Fundamental Rights on Socia	l Public Power Subjects … Li Haiping
124	Redefining the Concept of Intent On Basis of the "Probability Theory" in Chinese Context	Li Shiyang
141	The Theoretical Argumentation, Judicial Position and Legisla on the Legal Nature of Big Data in China	
153	On the Conflict and Coordination of the Legal Relationship — Based on the Analysis of the Incident of the Lawyer's W from Court of Hangzhou Nanny Arson Case	/ithdrawal

欧佬与法律

2018 年第 10 期 (总第 281 期) 出版单位 《政治与法律》编辑部 (上海市淮海中路 622 弄 7 号) (邮政编码: 200020)(电话: 021-33165351)



定价:20元

## POLITICAL SCIENCE AND LAW

(Monthly)

	(Monthly)	
	ed by the Institute of Law ghai Academy of Social Sciences	No.10, 2018(Total No.281) October 5
2	On the Coordination of External Systems in the Legislation of of the Civil Code of China	
13	A Study on the Legislation on Ownership Rules in Real Rig of the Civil Code of China	
24	On the Multiple Contexts of "Should" in Real Right Law of	China Wang Yi
31	Functional Reconstruction of the Purpose of Illegal Possessio — Centered on the No. 40 Instructive Case of the Supreme	People´s Procuratorate
43	The Normative Construction of the Subject Scope of the Crir Insider Trading from the Perspective of Legal Interest	
57	Conformity of Law and Conformity of Aim: The Jurisprudent of the Principle of Scientific Legislation	
71	Towards Judicial Review: The Predicament and Outlet of Ad	lministrative Interpretation in China Peng Xia
80	The Reflection on Interest Distribution in the Environmental from the Perspective of Environmental Supervision	
91	Debate on the Concept of Symbolic Criminal Law	Guo Wei
109	On the Direct Effectiveness of Fundamental Rights on Socia	l Public Power Subjects … Li Haiping
124	Redefining the Concept of Intent On Basis of the "Probability Theory" in Chinese Context	Li Shiyang
141	The Theoretical Argumentation, Judicial Position and Legisla on the Legal Nature of Big Data in China	
153	On the Conflict and Coordination of the Legal Relationship — Based on the Analysis of the Incident of the Lawyer's W from Court of Hangzhou Nanny Arson Case	/ithdrawal

欧佬与法律

2018 年第 10 期 (总第 281 期) 出版单位 《政治与法律》编辑部 (上海市淮海中路 622 弄 7 号) (邮政编码: 200020)(电话: 021-33165351)



定价:20元