



QK2012438

政治与法律

POLITICAL SCIENCE AND LAW



2 2020

上海社会科学院法学研究所主办

政治与法律 (月刊)

2月5日出版

2020年第2期 (总第297期)

=====

主题研讨 —— 刑事法学实体与程序向度的一体化研究

- 论程序规则的出罪功能及其限度 孙 远/2
——以程序违法的实体减轻效果为中心
- 正当防卫的证明难题及其破解 谢 澍/13
——激活正当防卫制度适用的程序向度
- 证明困难视阈下的事实认定与刑事推定 琚明亮/27

经济刑法

- 盗窃罪中“数额较大”的认定规则 王 骏/37
- 挪用资金罪中“归个人使用”的教义学诠释 戴民杰/53

专 论

- 合宪性审查的地方制度构图 谭清值/63
- 论信用行政评价的属性及其司法控制 张运昊/76
——一种后果取向的分析视角
- 中国拥有钓鱼岛主权的证据链构造 张卫彬/90
- 论法官惩戒委员会的法律地位 陈铭强/101

争鸣园地

- 行政执法案卷信息的解释与适用 梁 艺/113
——以《政府信息公开条例》第16条为中心的初步观察
- 论《民法典(草案)》主体制度的双层结构与立法完善 张保红/125

史 论

- 清代因案修例的现象还原与性质界定 黄雄义/137
——兼论其对完善案例指导制度的启示
- 韩非子“以法为本”思想的逻辑自治性和历史合理性 肖 鹏/150
——兼论其利弊得失对现代法治的借鉴意义

POLITICAL SCIENCE AND LAW

(Monthly)

Edited by the Institute of Law
Shanghai Academy of Social Sciences

No.2, 2020 (Total No.297)
Feb.5

-
- 2 On the Decriminalization Function of Procedural Rules and Its Limit
—Focused on the Mitigation of Penalty due to Violation of Legal Procedure Sun Yuan
- 13 The Conundrum in Proving the Self-Defense and its Resolution
—From the Procedural Perspective of Activating the Application of Self-Defense.....Xie Shu
- 27 Fact Finding and Criminal Presumption from the Perspective of Difficulties in Proof.....Ju Minliang
- 37 The Rule of Determining "Relatively Large Amount" in Crime of Theft.....Wang Jun
- 53 The Dogmatic Interpretation of "For Personal Use" in the Crime of Fund-MisappropriationDai Minjie
- 63 Framing the Local System on Constitutionality ReviewTan Qingzhi
- 76 On the Attribute of Administrative Credit Evaluation and Its Judicial Control
—From the Consequence-oriented PerspectiveZhang Yunhao
- 90 The Establishment of a Chain of Evidences to Prove China's Sovereignty over Diaoyu Islands.....Zhang Weibin
- 101 On the Legal Status of the Judges Disciplinary Committee.....Chen Mingqiang
- 113 The Interpretation of Information on Administrative Law Enforcement Files and Its ApplicationLiang Yi
—The Preliminary Observation Focused on Article 16 of The New Regulations on Government Information Disclosure
- 125 On the Double-layer Structure of the Subject System in the Civil Code (Draft) and Its Legislative Improvement
.....Zhang Baohong
- 137 The Phenomenon Restoration and the Nature Determination of Case-induced Amendments to Regulations in the Qing Dynasty
—Also on Lessons on Improving the Case Guidance SystemHuang Xiongyi
- 150 The Logical Self-consistency and Historical Justifiability of Fa (Law)-centered Thought of Han Fei
—Also on Its Advantages and Disadvantages and Its Lessons for Modern Rule of Law..... Xiao Peng
-

政治与法律

2020年第2期
(总第297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)

ISSN 1005-9512



定价: 20元

POLITICAL SCIENCE AND LAW

(Monthly)

Edited by the Institute of Law
Shanghai Academy of Social Sciences

No.2, 2020 (Total No.297)
Feb.5

-
- 2 On the Decriminalization Function of Procedural Rules and Its Limit
—Focused on the Mitigation of Penalty due to Violation of Legal Procedure Sun Yuan
- 13 The Conundrum in Proving the Self-Defense and its Resolution
—From the Procedural Perspective of Activating the Application of Self-Defense.....Xie Shu
- 27 Fact Finding and Criminal Presumption from the Perspective of Difficulties in Proof.....Ju Minliang
- 37 The Rule of Determining "Relatively Large Amount" in Crime of Theft.....Wang Jun
- 53 The Dogmatic Interpretation of "For Personal Use" in the Crime of Fund-MisappropriationDai Minjie
- 63 Framing the Local System on Constitutionality ReviewTan Qingzhi
- 76 On the Attribute of Administrative Credit Evaluation and Its Judicial Control
—From the Consequence-oriented PerspectiveZhang Yunhao
- 90 The Establishment of a Chain of Evidences to Prove China's Sovereignty over Diaoyu Islands.....Zhang Weibin
- 101 On the Legal Status of the Judges Disciplinary Committee.....Chen Mingqiang
- 113 The Interpretation of Information on Administrative Law Enforcement Files and Its ApplicationLiang Yi
—The Preliminary Observation Focused on Article 16 of The New Regulations on Government Information Disclosure
- 125 On the Double-layer Structure of the Subject System in the Civil Code (Draft) and Its Legislative Improvement
.....Zhang Baohong
- 137 The Phenomenon Restoration and the Nature Determination of Case-induced Amendments to Regulations in the Qing Dynasty
—Also on Lessons on Improving the Case Guidance SystemHuang Xiongyi
- 150 The Logical Self-consistency and Historical Justifiability of Fa (Law)-centered Thought of Han Fei
—Also on Its Advantages and Disadvantages and Its Lessons for Modern Rule of Law..... Xiao Peng
-

政治与法律

2020年第2期
(总第297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)

ISSN 1005-9512



定价: 20元