



POLITICAL SCIENCE AND LAW





上海社会科学院法学研究所主办



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····································		
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		
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····································		
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 ····································		
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
13	The Conundrum in Proving the Self-Defense and its Resolution
	From the Procedural Perspective of Activating the Application of Self-DefenseXie Shu
27	Fact Finding and Criminal Presumption from the Perspective of Difficulties in ProofJu Minliang
37	The Rule of Determining "Relatively Large Amount" in Crime of Theft
53	The Dogmatic Interpretation of "For Personal Use" in the Crime of Fund-MisappropriationDai Minjie
63	Framing the Local System on Constitutionality Review
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 IslandsZhang Weibin
101	On the Legal Status of the Judges Disciplinary Committee
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
	Znang Baonong
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 System ——Huang Xiongyi
	Also on Lessons on improving the Case Guidance System
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 LawXiao Peng

做化与法律

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)

(上海市淮海中路622弄7号) (邮政编码: 200020)(电话: 021-33165351) ISSN 1005-9512 2> 9771005 951012

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
13	The Conundrum in Proving the Self-Defense and its Resolution
	From the Procedural Perspective of Activating the Application of Self-DefenseXie Shu
27	Fact Finding and Criminal Presumption from the Perspective of Difficulties in ProofJu Minliang
37	The Rule of Determining "Relatively Large Amount" in Crime of Theft
53	The Dogmatic Interpretation of "For Personal Use" in the Crime of Fund-MisappropriationDai Minjie
63	Framing the Local System on Constitutionality Review
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 IslandsZhang Weibin
101	On the Legal Status of the Judges Disciplinary Committee
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
	Znang Baonong
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 System ——Huang Xiongyi
	Also on Lessons on improving the Case Guidance System
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 LawXiao Peng

做化与法律

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)

(上海市淮海中路622弄7号) (邮政编码: 200020)(电话: 021-33165351) ISSN 1005-9512 2> 9771005 951012

定价:20元