

政治与法律

POLITICAL SCIENCE AND LAW

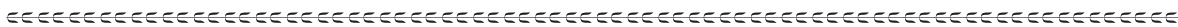


12 2022

上海社会科学院法学研究所主办

政治与法律 (月刊)

2022年第12期(总第331期)



深入学习贯彻党的二十大精神

- 论以全面从严治党带动全面依法治国的中国式法治现代化道路·····郝铁川 / 2
- 中国式法治现代化：双重誓言结构下的规则秩序·····张立伟 / 20
- 新时代以来司法改革的主要成就与理论逻辑·····崔永东 / 34

经济刑法

- “数据安全法益”命题下虚拟财产犯罪的归责路径重构·····阎二鹏 / 45

专 论

- 权利侵犯说视野下法定犯的立法限制与司法限缩·····罗 翔 / 60
- 故意作为犯中“结果回避可能性”之反思·····金 焱 / 78
- 论刑事诉讼的多元治理范式·····史立梅 / 95

争鸣园地

- 法教义学视野下的本土习惯法
——以顶盆继承类案为样本·····李 敏 / 113
- 国家出资公司进入《公司法》的逻辑理路·····胡国梁 / 132

实务研究

- 我国《民法典》居住权设立规则的解释与适用·····焦富民 / 145
- 债务加入的独立性辨析·····陈国军 / 157
- 2022年总目录····· / 173

POLITICAL SCIENCE AND LAW

(Monthly)

Edited by the Institute of Law
Shanghai Academy of Social Sciences

No. 12, 2022 (Total No. 331)
Dec. 5

- 2 On the Chinese Path to Modernize the Rule of Law of Promoting the Overall Law-based Governance of the Country through the Full and Strict Governance of the Party HAO Tiechuan
- 20 The Chinese-style Modernization of Rule of Law: The Rule-oriented Order under the Double-oaths Structure ...ZHANG Liwei
- 34 The Main Achievements and Theoretical Logic of Judicial Reform in the New Era CUI Yongdong
- 45 On the Reconstruction of the Imputation Path for Crimes against Virtual Property under the Proposition of “Data Security as the Legal Interest” YAN Erpeng
- 60 On the Legislative Limitation and Judicial Restraint of Statutory Offenses from the Perspective of the Doctrine of Right InfringementLUO Xiang
- 78 Reflection on “Possibility to Avoid the Consequence” in Intentional Offenses by Action JIN Yi
- 95 On the Diversified Governance Mode of Criminal Procedure SHI Limei
- 113 On the Local Customary Law from the Perspective of Legal Dogmatics (Rechtsdogmatik): Taking the Basin-on-Head Inheritance Cases as the Sample LI Min
- 132 The Logic of the State-funded Company Entering the Company Law HU Guoliang
- 145 The Interpretation and Application of the Rules on the Establishment of the Right of Habitation in the Civil Code of China JIAO Fumin
- 157 An Analysis of the Independence of Debt Accession CHEN Guojun