

# 政治与法律

POLITICAL SCIENCE AND LAW

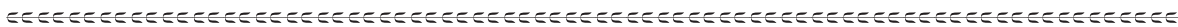


8 2022

上海社会科学院法学研究所主办

# 政治与法律 (月刊)

2022 年第 8 期(总第 327 期)



## 主题研讨 ——平台用工的法理辨析及规则构建

- 去组织体化用工及其当事人确定与责任承担 ..... 沈建峰 / 2
- 平台外包经营中的用工责任分配
- 基于“算法管理”的“相应责任”厘定 ..... 田 野 / 16
- 平台用工劳动基准的建构路径 ..... 王天玉 / 33

## 经济刑法

- 市场主体登记秩序法益的刑法保护 ..... 张 勇 / 48
- 论贿赂犯罪的差序法益构造 ..... 李世阳 / 62

## 专 论

- 《立法法》第 13 条有创制性规定的空间吗 ..... 赵一单 / 80
- 论法院合宪性预审机制的建构
- 激活《立法法》第 99 条第 1 款研究 ..... 朱姗姗 / 96

## 争鸣园地

- 《刑法修正案（十一）》的回应性特征与系统性反思 ..... 陈庆安 / 108
- 刑法教义学与刑法社会学的冲突与融合 ..... 张心向 / 123

## 实务研究

- 附条件认罪认罚的法理检讨与实践应对 ..... 闫召华 / 137

## 史 论

- 中国古代复仇行为合理性与合法性冲突的法律协调 ..... 殷啸虎 / 151
- 在游击和正规法制之间寻找生存空间：根据地政权法制实践的新思考 ..... 侯欣一 / 162

# POLITICAL SCIENCE AND LAW

(Monthly)

Edited by the Institute of Law  
Shanghai Academy of Social Sciences

No. 8, 2022 (Total No. 327)  
Aug. 5

---

- 2 Determination of the Work-engagement Subjects and Burden of Responsibilities under De-organizational Work-engagement ..... SHEN Jianfeng
- 16 The Allocation of Work-engagement Responsibilities in Platform Outsourcing Business  
——Defining “Corresponding Responsibilities” Based on Algorithm Management ..... TIAN Ye
- 33 The Approach of Establishing Working Standards for the Platform Work ..... WANG Tianyu
- 48 The Protection of Legal Interest of the Market Subject Registration Order through Criminal Law ..... ZHANG Yong
- 62 On the Differentiated Structure of Legal Interests of Bribery Crimes ..... LI Shiyang
- 80 Does Article 13 of Legislation Law Have the Space for Newly-Created Regulations ..... ZHAO Yidan
- 96 On the Establishment of the Court's Constitutional Pre-review Mechanism  
——A Study on Activating Paragraph 1 of Article 99 of the Legislation Law ..... ZHU Shanshan
- 108 The Responsive Feature of Amendment XI to the Criminal Law and the Systematic Reflection  
..... CHEN Qing'an
- 123 On the Confrontation between the Criminal Dogmatics and Criminal Sociology and Their Integration  
..... ZHANG Xinxiang
- 137 Theoretical Review of Pleading Guilty and Accepting Penalty with Conditions and the Practical Response  
..... YAN Zhaohua
- 151 The Law-based Coordination of the Conflict between Reasonableness and Legitimacy of Acts of Revenge in Ancient China  
..... YIN Xiaohu
- 162 Seeking Living Space between Guerrilla Style and Formal Style Legal System: New Thinking on the Practice  
of the Legal System of the Base Area Regimes ..... HOU Xinyi