



# 环球法律评论 双月刊

总第四十二卷·2020年第4期(总第228期)

## 理论前沿

- |                        |     |    |
|------------------------|-----|----|
| 生物刑法之预防性扩张的教义学路径       | 姜涛  | 5  |
| 以审查起诉为重心:认罪认罚从宽案件的程序格局 | 李奋飞 | 22 |
| 单位刑事责任论的反思与重构          | 李本灿 | 39 |
| 刑事诉讼中事实与法律区分的传统逻辑与解释路径 | 巩寒冰 | 61 |
| 抗辩权效力的体系构成             | 申海恩 | 81 |
| 责任投资趋势下的养老基金信托责任       | 尹迪  | 98 |

GLOBAL LAW REVIEW is a bimonthly academic journal of law published by the Institute of Law, Chinese Academy of Social Sciences and distributed in China and abroad. Scholars and practitioners from all countries are cordially invited to contribute articles for the journal. Articles submitted may be in foreign languages or in Chinese. Any translations must be accompanied by author's authorization. Two copies of the journal will be sent to the writer or translator as soon as the article is published. All rights reserved.

《民法典》股票质押制度的完善与建构

——与《证券法》的联动

王乐兵 114

论政府信息推定不存在的限制与修正

张亮 132

环球评论

个人信息“选择退出”机制的检视和反思

冯恺 148

国际法研究

美国法域外适用的司法实践及中国应对

韩永红 166

条约退出机制：法律困境、法理解读与中国方案

江河 178

**GLOBAL LAW REVIEW**

Published by Institute of Law, Chinese Academy of Social Sciences(CASS)

15 Shatan Beijie, Beijing 100720, China

Email: glawreview@cass.org.cn

Tel: 010-64022194

Website: <http://www.globallawreview.org>

版权为本刊所有。如欲转载、翻译或收录本刊内容，须先获得本刊书面许可。

# GLOBAL LAW REVIEW

( Bimonthly )

Volume 42

July 2020

Number 4

## CONTENTS

### THEORETICAL FRONTS

- The Dogmatic Approach to the Preventive Expansion of Biological Criminal Law ..... *Jiang Tao* 5
- The Procedural Pattern of Cases Involving Pleading Guilty and Accepting Punishment with Leniency:  
An Analysis Centered on Examination and Prosecution ..... *Li Fenfei* 22
- Reflection on and Reconstruction of the Theory of Unit Criminal Liability ..... *Li Bencan* 39
- The Traditional Logic of and Explanatory Approach to the Law-Fact Distinction in Criminal Procedure  
..... *Gong Hanbing* 61
- Systematical Structure of the Main Effect of Defense Rights ..... *Shen Haien* 81
- The Trust Responsibility of Pension Fund in the Trend of Responsible Investment ..... *Yin Di* 98
- The Improvement and Construction of the Stock-pledging System in the Chinese Civil Code: Its Linkage  
with the Securities Law ..... *Wang Lebing* 114
- Restrictions on and Revision of the Presumption of Non-existence of Government Information ..... *Zhang Liang* 132

### REVIEW OF FOREIGN LAWS

- Review of and Reflections on the Personal Information “Opt-out” Mechanism ..... *Feng Kai* 148

### INTERNATIONAL LAW ISSUES

- The Extraterritorial Application of Domestic Law in US Judicial Practice and China’s Response ..... *Han Yonghong* 166
- Treaty Withdrawal Mechanism: Legal Dilemma, Jurisprudential Interpretation and the Chinese Approach ..... *Jiang He* 178