《环球法律评论》2020年总目录

法理学、法律史学

粮食基因编辑潜在风险的法律防范 夏志红 (第2期) 魏玛宪法社会权的中国转化 李富鹏 (第3期) 个人信息"选择退出"机制的检视和反思 冯 恺 (第4期) 功能取向的法教义学:传统与反思 李忠夏 (第5期) 哈特是法律非认知论者吗?

——以反对内在陈述的优先性为中心 · 骆意中 (第5期) 指导性案例中的案件事实陈述及其编撰 杨知文 (第5期) 党政体制塑造司法的机制研究 郑智航 (第6期)

宪法学、行政法学、行政诉讼法学

(第1期) 法律案合宪性审查的程序、事项与方法 陈玉山 弱司法审查体制必要性之证成、朱学磊 (第1期) 网络平台信息内容规制结构的公法反思 孔祥稳 依法治国与依规治党有机统一的逻辑及其进路、林 论政府信息推定不存在的限制与修正 张 地方政府的共设机关 叶必丰 《第6期》 风险规制行政诉讼的原告资格 (第6期)

刑法学、刑事诉讼法学

合规视野下的企业刑事责任问题 陈瑞华 (第1期) P2P 模式下非法集资犯罪参与人与被害人之界分 董文蕙 (第1期) 刑事司法裁量的边际均衡

——从枪支认定标准与赵春华案切入 熊德禄 (第1期) 国际刑事法院的司法能动主义:实践、反思及限制 朱 丹 (第1期) 主题研讨: 认罪认罚从宽制度的理论与实践问题探讨 (第2期)

完善认罪认罚从宽制度的关键是控辩平衡 龙宗智

认罪认罚从宽制度的理论问题再探讨 陈卫东

协同型司法: 认罪认罚从宽制度的诉讼类型分析 张建伟 职务犯罪案件认罪认罚从宽制度研究 汪海燕

美国启动刑事缺席审判的规范限定与司法裁量 初殿清 (第3期)

数字时代刑事侦查与隐私权保护的界限

——以美国卡平特案大讨论为切入口 朱嘉珺 (第3期)

司法解释中的出罪事由及其改进逻辑 石聚航 (第3期) 不可靠证据排除规则的理论逻辑、适用困境及其出路 纵 博 (第3期) 生物刑法之预防性扩张的教义学路径 姜 涛 (第4期) 以审查起诉为重心:认罪认罚从宽案件的程序格局 李奋飞 (第4期) 单位刑事责任论的反思与重构 李本灿 (第4期) 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 (第4期) Web3.0时代网络犯罪的代际特征及刑法应对 刘艳红 (第5期)

完全犯罪共同说的本土化证成 王 俊 (第5期) "一般应当采纳"条款适用中的"检""法"冲突及其化解

——基于对《刑事诉讼法》第201条的规范分析 闫召华 (第5期) 涉罪财产责令退赔与民事诉讼关系之反思与抉择 姜 瀛 (第5期) 论部分缓刑的制度价值与法理构造 曾文科 (第6期) 认罪认罚案件二审实践的逻辑与反思

——以 4799 份二审裁判文书为样本 张 青 〈第 5 期) 刑事印证规范解读: 从证明方法到证明规则 孔令勇 〈第 6 期

民商法学、民事诉讼法学、知识产权法学

论行政协议的范围

(第1期)

——兼评《关于审理行政协议案件若干问题的规定》第1条、第2条 王利明 个人信息作为企业资产

——企业升购中的个人信息保护与经营者权益平衡 余佳楠 (第1期) 英国法上作为抗辩事由之原告违法的限制论 黄 忠 (第1期) 民法典合同编的立法取向与体系开议性 刘承韪 (第2期)

作为组织的法人 冯 珏 (第2期)

董事职务期前解除的立场选择与规则重构 楼秋然 (第2期)

网络隐私政策法律调整与个人信息保护:美国实践及其启示 王叶刚 (第2期)

美国算法治理政策与实施进路 「美」陆凯 (第3期)

我国公司人格的基本制度再造

——以公司资本制度与董事会地位为核心 徐强胜 (第3期)

双层股权结构的"日落条款" 沈朝晖 (第3期)

抗辩权效力的体系构成 申海恩 (第4期)

责任投资趋势下的养老基金信托责任 尹 迪 (第4期)

《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 (第4期) 中国票据法理念与立法技术的反思 董惠江 (第5期) 意定监护与信托协同应用的法理基础

——以受托人的管理权限和义务为重点 朱晓喆 (第5期)

遗赠扶养协议中的利益失衡及其矫治 缪 宇 (第5期) 后疫情时代"再全球化"进程中的知识产权博弈 易继明 (第5期) 论《民法典》第702条上的保证人抗辩权 程 啸 (第6期) 论先合同信息风险分配的体系表达 于程远 (第6期) 主动退市中投资者保护模式的反思与重构 张 艳 (第6期)

经济法学、社会法学

论我国工时制度的缺陷、价值功能及其完善赵红梅 (第1期) 互联网平台用工的"类雇员"解释路径及其规范体系 王天玉 (第3期) 劳动法上请求权体系之建构 袁中华 (第6期)

国际法学

论我国涉外民事巡回法庭制度的构建 许庆坤 (第1期) "规则制华"政策下中国自由贸易协定的功能转向 刘 彬 (第1期) 外资准入国民待遇的救济体系论 徐 树 (第2期) 数据主权与长臂管辖的理论分野与实践冲突 刘天骄 (第2期) 《海牙判决公约》与国家相关判决的承认与执行 何其生 (第3期) 香港法院对内地破产程序的承认与协助

——以华信破产案裁决为视角 石静霞 (第3期) 美国法域外适用的司法实践及中国应对 韩永红 (第4期) 条约退出机制:法律困境、法理解读与中国方案 江 河 (第4期) 国际投资争端解决中条约解释的一致性:实践冲突、价值反思与改革目标 靳 也 (第5期)

《国际卫生条例》遵守的内在逻辑、现实困境与改革路径 魏庆坡 (第6期)

COMPOSITE TABLE OF CONTENTS: 2020

JURISPRUDENCE, LEGAL HISTORY

Zheng Zhihang (No.6)

Legal Prevention of Potential Risks in Crop Genome Editing Xia Zhihong (No.2)

The Chinese Transformation of the Social Rights in the Weimar Constitution Li Fupeng (No.3)

Review of and Reflections on the Personal Information "Opt-out" Mechanism Feng Kai (No.4)

Function-oriented Legal Dogmatics: Tradition and Reflections Li Zhongxia (No.5)

Is Hart a Legal Non-Cognitivist?: An Objection to the Priority of Internal Statements

Luo Yizhong (No.5)

Statement of Case Fact and Its Construction in Guiding Cases Yang Zhiwen (No.5)

The Mechanism for Shaping the Judiciary by the Party-government System

CONSTITUTIONAL LAW, ADMINISTRATIVE LAW, ADMINISTRATIVE PROCEDURE LAW

Constitutional Review of Bills: Procedures, Matters and Methods Chen Yushan (No.1)

The Necessity of Weak-form Judicial Review System Zhu Xuelei (No.1)

Public Law Reflections on the Regulatory Structure for the Information Content of Online Platforms Kong Xiangwen (No.2)

The Logic of and the Approach to the Organic Unity of Law-based State Governance and Regulation-based Party Governance Lin Hua (No.3)

Restrictions on and Revision of the Presumption of Non-existence of Government Information Zhang Liang (No.4)

The Inter-jurisdictional Joint Agencies of Local Government Ye Bifeng (No.6)

The Plaintiff's Standing in Administrative Litigation on Risk Regulation Wang Guisong (No.6)

CRIMINAL LAW, CRIMINAL PROCEDURE LAW

Corporate Criminal Liability from the Perspective of Compliance Chen Ruhua (No.1)

Differentiation Between Participants and Victims of the Crime of Illegal Fundraising under the P2P Mode Dong Wenhui (No.1)

The Marginal Equilibrium of Criminal Judicial Discretion—From the Perspective of the Gun Identification Standard and Zhao Chunhua Cas: Xiōng Delu (No.1)

The Judicial Activism of the International Criminal Court: Practice, Reflections and Limitation Zhu Dan (No.1)

THEME DISCUSSION: Theo edical and Practical Issues relating to the System of Pleading Guilty and Accepting Punishment with Leniency (No.2)

The Balance Between the Prosecution and the Defence as the Key to Improving the System of Pleading Guilty and Accepting Punishment with Leniency Long Zongzhi

A Revisit to Theoretical Issues Relating to the System of Pleading Guilty and Accepting Punishment with Leniency Chen Weidong

Collaborative Justice: Analysis of the Litigation Type of the System of Pleading Guilty and Accepting Punishment with Leniency Zhang Jianwei

The Application of the System of Pleading Guilty and Accepting Punishment with Leniency in Cases of Job-related Crimes Wang Haiyan

Initiating Criminal Trial in Absentia: Regulation and Discretion in the United States Chu Dianqing (No.3)

Lines Between Privacy Protection and Criminal Investigation in the Digital Era: Taking the Carpenter Case as the Entry Point Zhu Jiajun (No.3)

Causes of Decriminalization in Judicial Interpretation and Their Improvement Logic Shi Juhang (No.3)

The Theoretical Logic, Application Predicament and Reform of Exclusionary Rules of Unreliable Evidence Zong Bo (No.3)

The Dogmatic Approach to the Preventive Expansion of Biological Criminal Law Jiang Tao (No.4)

The Procedural Pattern of Cases Involving Pleading Guilty and Accepting Punishment with Leniency: An Analysis Centered on Examination and Prosecution Li Fenfei (No.4)

Reflection on and Reconstruction of the Theory of Unit Criminal Liability Li Bencan (No.4) The Traditional Logic of and Explanatory Approach to the Law-Fact Distinction in Criminal Procedure Gong Hanbing (No.4)

The Intergenerational Features of and Criminal Law Response to Cybercrimes in the Era of Web 3.0 Liu Yanhong (No.5)

Justification of the Localization of the Theory of Crime in Common Totally Wang Jun (No.5)

The Conflict Between the Procuratorate and the Court in Applying the "Should Generally Adopt" Provision and Its Resolutions: Focusing on Normative Analysis of Article 201 of our Criminal Procedure Law Yan Zhaohua (No.5)

The Relationship Between the Order of Restitution of or Compensation for Crime-related Property and Civil Action: Reflections and Choices Jiang Ying (No.5)

The Institutional Value and Jurisprudential Structure of Suspension of Partial Sentence Zeng Wenke (No.6)

The Logic of and Reflections on the Second-instance Trial of Cases of Leniency for Admission of Guilt and Acceptance of Punishment: Taking 4, 799 Second-instance Adjudicative Documents as Samples Zhang Qing (No.6)

A Normative Analysis of Criminal Corroboration, From a Method of Proof to a Rule of Proof Kong Lingyong (No.6)

CIVIL AND COMMERCIAL LAW, CIVIL PROCEDURE LAW, INTELLECTUAL PROPERTY LAW

The Scope of Administrative Agreement—Also on Article 1 and Article 2 of Provisions on Several Issues Concarning the Trial of Administrative Agreement Cases Wang Liming (No.1)

Personal Information as Enterprise Assets—A Balance Between the Protection of Personal Information and the Legitimate Interests of the Business Owner in Merger and Acquisition Yu Jianan (No.1)

The Limitation of Illegality Defence in Tort of UK Huang Zhong (No.1)

On the Legislative Orientation and System Openness of the Contract Law Part of the Chinese Civil Code Liu Chengwei (No.2)

Legal Person as a Kind of Organization Feng Jue (No.2)

The System of Dismissal of Directors: Choice of Position and Restructure of Rules Lou Qiuran (No.2)

Legal Regulation of Internet Privacy Policy and Protection of Personal Information: the American Practice and Its Implication Wang Yegang (No.2)

Algorithmic Governance Policy and Its Implementation Approach in the United States Lu Kai (No.3)

Reconstruction of Basic System of Corporate Personality in China: Focusing on the Corporate Capital System and the Status of the Board of Directors Xu Qiangsheng (No.3)

The "Sunset Provisions" in the Dual-class Share Structure Shen Zhaohui (No.3)

Systematical Structure of the Main Effect of Defense Rights Shen Haien (No.4)

The Trust Responsibility of Pension Fund in the Trend of Responsible Investment Yin Di (No.4)

The Improvement and Construction of the Stock-pledging System in the Chinese Civil Code: Its Linkage with the Securities Law Wang Lebing (No.4)

Reflections on the Legislative Concepts and Techniques of the Chinese Law on Negotiable Instruments Dong Huijiang (No.5)

The Jurisprudential Basis of Synergistic Application of the Adult Appointed Guardianship System and the Trust System: An Analysis Focusing on the Management Competence and Obligations of the Property Trustee Zhu Xiaozhe (No.5)

The Interest Imbalance in Legacy-support Agreements and Its Rectification Miao Yu (No.5)

The IPR Game-playing in the Process of Post-Pandemic "Re-globalization" Yi Jiming (No.5)

The Surety's Right of Defense under Article 702 of the Chinese Civil Code Cheng Xiao (No.6)

The Systematic Expression of the Risk Distribution of Pre-contract Information Yu Chengyuan (No.6)

Reflections on and Reconstruction of the Investor Protection Mode in Voluntary Delisting Zhang Yan (No.6)

ECONOMIC LAW, SOCIAL LAW

Defects, Value Function and Improvement of the Working Hour System in China Zhao Hongmei (No.1)

Interpretation Path and Regulation System of "Employee-like Persons" in Internet Platform Employment Wang Tianyu (No.3)

Construction of the System of Claim Rights in Labor Law Yuan Zhonghua (No.6)

INTERNATIONAL LAW

On the Establishment of Foreign-related Civil Circuit Court System in China Xu Qingkun (No.1)

The Functional Diversion of China's Free Trade Agreements under the Pressure of the Policy of "Containing China by Rules" Liu Bin (No.1)

The System of Remedies for National Treatment for the Admission of Foreign Investment Xu Shu (No.2)

Theoretical Distinctions and Practical Conflicts Between Data Sovereignty and Long-arm Jurisdiction Liu Tianjiao (No.2)

Recognition and Enforcement of State-related Judgments in the Hague Judgment Convention He Qisheng (No.3)

Recognition and Assistance of Insolvency Proceedings in Mainland China by HKHC: from the Perspective of the Re CEFC Shanghai Case Shi Jingxia (No.3)

The Extraterritorial Application of Domestic Law in US Judicial Practice and China's Response Han Yonghong (No.4)

Treaty Withdrawal Mechanism: Legal Dilemma, Jurisprudential Interpretation and the Chinese Approach Jiang He (No.4)

The Consistency of Treaty Interpretation in International Investment Dispute Settlement: Conflicts in Practice, Rethinking of the Value and Reform Objectives Jin Ye (No.5)

The Inherent Logic, Realistic Dilemma and Reform Path of International Health Regulations Wei Qingpo (No.6)