



## 主题研讨：电子证据的类型分野与证明运用

论电子通讯数据搜查、扣押的制度建构 陈永生 5

论大数据证据 刘品新 21

刑事电子数据的规制路径与重点问题 喻海松 35

## 民法典编纂专栏

不可抗力条款及其解释 崔建远 48

民法典草案违约归责原则评析 陈自强 58

## 中国民法典物权编在世界物权法的位置

——量化比较法路径 张永健 81

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.

**理论前沿**

再论未定履行期限债权的诉讼时效起算 霍海红 102

社会稳定风险评估的法治批判与转型 林鸿潮 113

司法信任的二元结构及其中国涵义 李晓飞 131

“孤证不能定案”规则之反思与重塑 纵博 149

**环球评论**

轻微犯分流处刑的比较考察与制度选择 王华伟 164

**马克思主义法学专栏**

美国经贸单边主义：形式、动因与法律应对 孙南翔 179

**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>

# GLOBAL LAW REVIEW

( Bimonthly )

Volume 41

January 2019

Number 1

## CONTENTS

### **THEME DISCUSSION: Typification and Proving Application of Electronic Evidence**

- Construction of the System of Search and Seizure of Electronic Communication Data ..... *Chen Yongsheng* 5
- On Big Data Evidence ..... *Liu Pinxin* 21
- Criminal Electronic Data: Regulatory Approaches and Key Issues ..... *Yu Haisong* 35

### **SPECIAL COLUMN ON THE CODIFICATION OF THE CIVIL LAW**

- Force Majeure Clause and Its Interpretation ..... *Cui Jianyuan* 48
- An Analysis of the Principle of Liability for Breach of Contract in the Draft Chinese Civil Code  
..... *Chen Ziqiang* 58
- Positioning Chinese Property Law in the World: A Quantitative Comparative Law Approach ..... *Zhang Yongjian* 81

### **THEORETICAL FRONTS**

- Revisiting the Commencement of the Statute of Limitation for Creditor's Rights with  
Unfixed Time Limit for Performance ..... *Huo Haihong* 102
- Legal Criticism and Transformation of Social Stability Risk Assessment ..... *Lin Hongchao* 113
- The Dual Structure of Judicial Trust and Its Implications in China ..... *Li Xiaofei* 131
- Reflections on and Reshaping of the Rule That "a Verdict Can't Be Based on Solitary Evidence" ..... *Zong Bo* 149

### **REVIEW OF FOREIGN LAWS**

- Comparative Study of and Institutional Choice for the Decriminalization of Minor Offences ..... *Wang Huawei* 164

### **SPECIAL COLUMN ON MARXIST LAW SCIENCE**

- The US Economic Unilateralism: Forms, Motivations and Legal Countermeasures ..... *Sun Nanxiang* 179