

TABLE OF CONTENTS

目 录

新时代警检关系模式的问题检视与优化思路 Problem Review and Optimization Path of the Relationship Mode between Police and Procuratorate in the New Era	
钟福明	1
风险社会下轻罪立法的必然现实与应然转变 The Inevitable Reality and Necessary Transformation of Misdemeanor Legislation under the Risk Society	
骆冰	8
反垄断视角下平台掠夺性定价的认定规则研究 The Recognition Rules of Platform Predatory Pricing from the Perspective of Antitrust Law	
李想	15
论居住权制度的法律价值及其完善研究 Study on the Legal Value of the Right of Abode System and Its Improvement	
张雨	23
我国冷冻胚胎的法律属性界定及处置权规范构建 Definition of Legal Attributes and Normative Construction of Disposal Rights of Frozen Embryos in China	
张晨阳, 曹译丹, 曹佳帅	32
网络型寻衅滋事罪的认定标准和司法扩张 The Cognizance Standard and Judicial Expansion of the Crime of Seeking Provocation and Causing Trouble on the Internet	
任文刚, 刘丹	41
大数据时代公民肖像权的法律保护 Legal Protection of Citizens' Portrait Rights in the Era of Big Data	
韩聆伊	51
商标指示性使用边界探讨 The Boundary of Nominative Fair Use of Trademarks	
黄斯琴	58
“家庭日常生活需要”型夫妻共债的认定 Identification of Joint Debt between Couples in the Type of “Family Daily Life Needs”	
秦思琦	66

刑法视野下敏感个人信息的特殊保护研究 Research on Special Protection of Sensitive Personal Information from the Perspective of Criminal Law	
姚佳怡, 惠钰炎	73
论无因管理中的必要费用与损失 Necessary Expenses and Losses in Causeless Management	
黄钰州	80
数字化行政方式及其法律规制研究 Study on Digital Administrative Methods and Legal Regulation	
李飞	87
从神话角度比较中西法律文化的价值取向 To Compare the Value Orientation of Chinese and Western Legal Cultures from the Perspective of Mythology	
李盈盈	93
能源转型视阈下能源消费总量分解的法律逻辑 The Legal Logic of Total Energy Consumption Decomposition from the Perspective of Low Carbon Energy Transformation	
张瀚文	99
论留置权之规范适用 On the Application of Lien	
滕玲	109
基于国内法的域外效力对《外国公司问责法案》的检视 Review of “Holding Foreign Companies Accountable Act” Based on the Extraterritorial Effect of Domestic Laws	
牛淼	115
夫妻间房产给予约定的法律适用 Research on the Legal Application of the Agreement on Transferring Real Estate between Couple	
王战祺	122
论《海商法》修改中“双轨制”的废除 On the Abolition of the “Dual-Track System” in the Revision of the <i>Maritime Law</i>	
费纪韬	128
论家庭暴力中正当防卫行为的司法认定 On the Judicial Determination of Justifiable Self-Defense in Domestic Violence	
张航	133
论网购合同格式条款的规制 On the Regulation of Standard Terms in Online Shopping Contracts	
赵金洁	139

船舶优先权与海事赔偿责任限制的冲突与解决 Conflict and Resolution between Maritime Lien and Limitation of Liability for Maritime Claims	
别志义	144
流浪动物投喂人责任承担探究 Research on the Responsibility of Stray Animals Feeding People	
娄宏杰	151
违约方合同解除权的司法适用问题研究 A Study on the Judicial Application of the Contract Termination Right of the Breaching Party	
周月	156
论我国传统民法权利体系下的数据财产权确权 Confirmation of Data Property Rights under Our Country's Traditional Civil Law System	
刘禹鑫, 葛子文	168
总体国家安全观视域下人工智能风险防范与规制 Prevention and Regulation of Artificial Intelligence Risks in the Context of Overall National Security Outlook	
李依阳	175
行政诉讼中法院分配证明责任的正当性及路径研究 Research on the Legitimacy and Path of Court's Assignment of Burden of Proof in Administrative Litigation	
唐雯	181
我国亲权制度的缺失及思考 The Absence and Thinking of the System of Parental Rights in China	
余其婷	186
第三人代为履行的适用情况研究 Research on Applicable Standards for Third-Person Performance	
董旭	192
合同僵局下违约方解除权与司法解除的逻辑证成 The Logical Proof of the Right of Dissolution of the Breaching Party and the Judicial Dissolution under the Contractual Deadlock	
曹子钰	198
国有建设用地使用权出让合同性质界定 Definition of the Nature of the Contract for Granting the Right to Use State-Owned Construction Land	
王毛毛	204
电子商务法的实施与电子商务法律制度的完善与发展 The Implementation of E-Commerce Law and the Perfection and Development of E-Commerce Legal System	
孙烨威	209

法治现代化视野下市域特色立法优化路径 Optimization Path of Legislation with Urban Characteristics in the Perspective of Modernization	
王世杰	215
网络账号作为网络虚拟财产的法律保护路径 Network Account as Network Virtual Property Legal Protection Path	
王姚	221
自媒体账号作为商标的可行性 Feasibility of Using Self Media Accounts as Trademarks	
供秋王么	227
论授权资本制视角下继续适用认缴制的弊端 On the Disadvantages of Continuing to Apply the Subscription System from the Perspective of Authorized Capital System	
冯明普	232
自然人“荐股”行为刑事可罚性的规范判断 Normative Judgment on the Criminal Punishability of “Stock Promotion” by Natural Persons	
孙子惠	236
突发公共卫生事件背景下领事保护制度的最新发展 Recent Development of Consular Protection System in the Context of Public Health Emergencies	
宋陆媛, 赵知源	243
短视频平台版权侵权认定中的注意义务研究 Research on the Duty of Care in the Determination of Copyright Infringement on Short Video Platforms	
宋辰菲	251
我国海盗赎金保险责任问题研究 Research on the Liability of Pirate Ransom Insurance in China	
何岱松	259
关于公平责任功能定位和规则构造的反思 Reflections on the Functional Orientation, Rule Construction of Fair Liability	
尹馥嘉	266
人口政策改革期女性平等就业权问题研究 Research on Women’s Equal Employment Rights during the Period of Population Policy Reform	
朱思怡	273
认罪认罚从宽制度被告人反悔问题研究 On the Issue of the Repentance of the Defendant in the System of Guilty Plea	
张乃月	281

知假买假惩罚性赔偿适用问题研究 Research on the Application of Punitive Damages for Purchasing Fake Goods	
范誉	288
自洗钱入罪后洗钱罪法律适用的比较研究 Comparative Study on the Law Application of Money Laundering Crime Since Money Laundering Was Committed	
江向月	294
中西方基于人性的传统法律文化差异 Differences in Traditional Legal Culture Based on Human Nature between the East and the West	
李丽莎	303
论基层自治组织行政授权之主体地位 On the Subject Status of the Administrative Authorization of the Grass-Roots Autonomous Organizations	
宋慧慧	308
我国轻罪治理的实践困境与路径完善 The Practical Dilemma and Path Improvement of Misdemeanor Management in Our Country	
邵艳迪, 韩聆伊	313
ChatGPT 生成物侵犯著作权问题的解决机制 The Resolution Mechanism for Addressing Copyright Infringement Issues Related to ChatGPT's Generated Content	
朱亭华, 王晨崙, 翟言澈, 杨惠, 刘菲.....	318
AIGC 独创性判断标准向作者主位的回归 The Recurrence to Author Standard in Judgement of the Originality of Artificial Intelligence Generated Content	
王艺凝	324
大数据时代儿童的个人信息保护制度的完善 Improving the Protection System of Children's Personal Information in the Era of Big Data	
彭馨雨, 刘远征	331
外卖行业劳动关系的法律问题研究 Research on the Legal Issues of Labor Relations in the Takeout Industry	
郭聪秀	339
国际软法作用和局限之反思 Reflection on the Role and Limitations of International Soft Law	
国振玮	345