

TABLE OF CONTENTS

目 录

非居民企业境外间接转让股权中“合理商业目的”认定标准研究 Research on the Determination Standard of “Reasonable Business Purpose” in Indirect Equity Transfer by Non-Resident Enterprises Abroad	
崔晨曦.....	1871
行政处罚决定公开中个人信息保护的路径研究 Research on the Path of Personal Information Protection in the Disclosure of Administrative Punishment Decisions	
陈家佳, 杨悦.....	1880
海商事背景下普通法合同解释规则的脉络梳理与进路分析 The Context and Approach Analysis of the Common Law Contract Interpretation Rules under the Background of Maritime Affairs	
赵诣.....	1887
美国经济制裁与构建国际法框架下的反制法律体系 US Economic Sanctions and the Construction of a Counter Legal System under the Framework of International Law	
卢韵锦.....	1895
非法获取他人算力的刑法规制路径探析 Exploring the Path of Criminal Law for Illegal Acquisition of Others’ Computing Power	
蒋铭瑶.....	1901
行政处罚决定公开中的现实问题研究 Research on the Practical Problems in the Disclosure of Administrative Punishment Decision	
尹心韵.....	1909
类型化视角下二创短视频合理使用的判定 Determination of Fair Use of Re-Creation Short Video from the Perspective of Categorization	
赵紫薇.....	1917
股东优先购买权中转让股东“反悔权”的正当性探讨 Discussion on the Legitimacy of Transferring Shareholders’ “Right of Rescission” in Shareholders’ Right of First Refusal	
纪哲伦.....	1924
新旧刑法条文交叉适用的问题研究 Research on the Cross-Application of the Provisions of Old and New Criminal Laws	
杨秀燕.....	1929

国外生态修复法律制度及其对中国的启示

Foreign Legal System of Ecological Restoration and Its Enlightenment to China

徐琳.....1935

短视频平台著作权侵权问题研究

Research on Copyright Infringement of Short Video Platform

孔繁淑.....1941

论商品房买卖合同中的法定合同联立

On the Statutory Joinder of Contracts in Contracts for the Sale and Purchase of Commercial Property

俞奇科.....1947

企业刑事合规的刑行衔接问题初探

A Preliminary Study on the Criminal-Execution Interface of Corporate Criminal Compliance

张晨怡.....1953

基于未成年人保护的刑事分案程序研究

Research on Criminal Division Procedure Based on the Protection of Minors

胡艺腾.....1960

演绎作品侵权损害赔偿计算的困境及其应对

The Dilemma of Calculating Compensation for Infringement Damages of Derivative Works and Its Countermeasures

马晓阳.....1966

仲裁协议无效之下当事人行为能力认定的困境及出路——基于《仲裁法》第 17 条第 2 款分析

Dilemma and Way out for the Determination of Parties' Capacity under Invalid Arbitration Agreement—Based on the Analysis of Article 17 (2) in *The Arbitration Law*

韩轶.....1973

论回首取得的法律效果

The Legal Effect of Reacquisition

金炫宇.....1983

著作权法中网播组织的保护

Protection of Webcasting Organizations in the Copyright Law

郑峰.....1990

纯粹经济损失赔偿规则研究

Study on Rules of Compensation for Pure Economic Losses

高海柔.....1999

大数据时代下个人信息保护的法律实证研究

An Empirical Legal Study of Personal Information Protection in the Era of Big Data

文玉琴, 林禄.....2007

众创时代著作权纠纷调解与联动机制研究

Research on the Intellectual Property Disputes Mediation and Linkage Mechanism in Era of "Crowd-Creation"

刘思昊.....2018

投资者与东道国争端解决机制改革浅析

Analysis on Reform of Investor-State Dispute Settlement Mechanism

翟博宇.....2024

论数据爬取行为的合法性边界

The Legal Boundary of Data Crawling

谭昱琪, 李佩姿, 董旭.....2031

第三人欺诈下缔约过失责任的适用

Application of Contractual Negligence Liability under Third-Party Fraud

朱焯洁.....2039

交通管理非现场执法程序正当性研究

Study on the Legitimacy of Off-Site Law Enforcement Procedures of Traffic Management

谢婷婷.....2046

电子游戏直播画面的可版权性与权属

Copyrightability and Ownership of Live Video Game Footage

曹淑娴.....2053

RTAs 视阈下数字贸易壁垒的规制与协调

Regulation and Coordination of Digital Trade Barriers from the Perspective of RTAs

衡祉璇.....2062

夫妻忠诚协议的法理分析

Jurisprudence Analysis of Spousal Fidelity Agreement

王朝燕.....2069

海洋生态环境损害赔偿制度研究

Research on Compensation System for Marine Ecological Environment Damage

孙骏国.....2075

论表见代理的本人可归责性

On the Attributability of the Apparent Agent

周澳如.....2081

网络犯罪涉外刑事管辖权的冲突与应对

Conflicts and Countermeasures of Foreign Criminal Jurisdiction of Cybercrime

郑依静.....2086

免责的债务承担合同性质和效力研究

Research on the Nature and Effect of Contracts for Exempted Debt Assumption

王梓豪.....2093

清代“先问亲邻”习俗与国家法 The Custom of “Asking One’s Relatives and Neighbors First” and State Law in the Qing Dynasty 黄奕琪.....	2099
道德可以由法律强制吗——基于沃尔芬登报告的分析 Can Morality Be Enforced by Law—An Analysis Based on the Wolfenden Report 马艺洵.....	2106
截贿行为的刑法定性分析 Qualitative Analysis of Criminal Law on Interception of Bribes 胥奕帆.....	2113
公证参与遗嘱执行与遗产管理的新进路 Notary Participation in the Execution of Wills and the New Way of Estate Management 王兴和.....	2120
我国资管业务穿透式监管完善研究 A Study on the Improvement of Penetrating Regulation in China’s Asset Management Industry 林彤宇.....	2126
企业知识产权资产证券化的产品结构和风险剖析 Product Structure and Risk Analysis of Enterprise Intellectual Property Asset Securitization 潘子路.....	2134
经营性虚拟盘案件的刑法定性 The Criminal Law Qualification of Operating Virtual Market Case 周博文.....	2142
关于票据纠纷案件审判中疑难问题探究 Exploration on the Difficult Problems in the Trial of the Bill Dispute Cases 江胜国.....	2150
全球数据治理：跨境数据流动的现状与困境 Global Data Governance: Status and Dilemmas of Cross-Border Data Flows 张甜.....	2154
人工智能生成内容的版权问题研究——以 ChatGPT 为例 A Study of Copyright Issues in Artificial Intelligence Generated Content—A Case Study of ChatGPT 栗晨曦.....	2160
RCEP 争端解决机制的专家组研究：以 WTO 为视角 Research on Panel in Dispute Settlement Mechanism of the RCEP: From the WTO’s Perspective 肖明炜, 秦媛.....	2167
论激情犯罪的防控机制 On the Prevention and Control Mechanism of Passionate Crime 王萍.....	2175

《民法典》遗产管理人制度探讨 Disquisition of the <i>Civil Code's</i> System of Estate Administrators	
齐道.....	2183
体系化视角下的夫妻约定财产制 Agreed Property System of Husband and Wife from the Perspective of Systematization	
朱丽芸.....	2190
个人信息保护民事检察公益诉讼的程序路径 The Procedural Path of Personal Information Protection Civil Procuratorial Public Interest Litigation	
孙洪利.....	2198
涉众型经济犯罪中财产刑执行的统计分析 Statistical Analysis of the Execution of Property Related Penalties in Stakeholder Economic Crimes	
巢宇宸.....	2206
论行政主体无人机执法之隐私权保护 Research on Privacy Protection of Administrative Organs Using UAV for Law Enforcement	
任虹洁.....	2214
差异化表决权制度下普通股东的权益保护 Protection of Ordinary Shareholders' Rights and Interests under the Differential Voting Rights System	
赵容若.....	2220
音乐作品的著作权侵权问题 Copyright Infringement of Music Works	
欧欣欣.....	2227
论对彩礼进行约定的效力与法律效果 Discussion on the Validity and Legal Effect of Appointment on Betrothal Gifts	
孙世浩.....	2233
拉美国家与中国签订的 BIT 比较分析——以投资保护为视角 Comparative Analysis of BITs Signed between Latin American Countries and China—From the Perspective of Investment Protection	
漫明月.....	2238
CISG 调整下国际货物买卖合同行使解除权的问题研究 Study on the Exercise of Rescission Right of Contract for International Sale of Goods under the Adjustment of CISG	
徐呈呈.....	2244
商标指示性使用研究 The Study on the Indicative Use of Trademarks	
葛家.....	2252

《海警法》第 21 条的规范内涵及其国际法依据分析 Analysis of the Normative Connotation and International Law Basis of Article 21 of “Coast Guard Law”	
陈祖成.....	2262
系统性风险角度下企业担保圈融资限制 Guarantee Circle Financing Restrictions of Enterprise from the Perspective of Systemic Risk	
刘思佳.....	2273
海平面上升对国际海洋法制度的挑战及应对 Challenges and Responses of Sea-Level Rise to the International Law of the Sea System	
梁愿圆.....	2280
收益视角下股东怠于履行清算义务认定研究 Study on the Determination of Shareholders' Negligent Performance of Liquidation Obligations from the Perspective of Earnings	
霍梦娇.....	2286
海南自由贸易港特色国际船舶管理国际法治研究 Research on International Rule of Law of Characteristic International Ship Management of Hainan Free Trade Port	
张嘉泚.....	2296
关于 ICSID 仲裁裁决执行的国家豁免问题研究 Study on State Immunity for Enforcement of ICSID Arbitral Awards	
曹婧.....	2306
论海洋法历史性权利之“持续有效行使相关管辖权”要件 On the Requirement of “Continuous and Effective Exercise of Relevant Jurisdiction” of Historical Rights in the Law of the Sea	
陈颖.....	2317
基层政府加强优化营商环境法治保障的路径探析 Exploring How Grassroots Governments Strengthen the Rule of Law Guarantees for Optimizing the Business Environment	
杨悦, 王琳淳.....	2325
自媒体视域下的私力救济现象及规制 The Phenomenon and Regulation of Private Remedies under the Perspective of Self-Media	
李浩榕.....	2331
论尊严与弱势群体自决权——从投掷侏儒案说开去 On Dignity and the Right to Self-Determination of Vulnerable Groups—From the Midget-Throwing Case	
沈子琦.....	2339
论金融创新与金融危机：兼评 Turner 评论 Financial Innovation and Financial Crisis: A Close Look into the Turner Review	
毛修远.....	2347

浅析刑法中的类推解释和扩张解释

Brief Analysis of Analogy Interpretation and Expansion Interpretation in Criminal Law

张琳.....2353

论特别习惯国际法的识别

On the Identification of Special Customary International Law

沈子琦.....2358

DEPA 数据跨境治理规则研究与我国的制度衔接

Research on DEPA Data Cross-Border Governance Rules and China's Institutional Convergence

陈思莹, 富灵琳, 徐钲.....2364

善意相对人行使撤销权后之无权代理人责任

The Liability of Unauthorized Agent after a Bona Fide Counterpart Exercises the Right of Rescission

房楚楚.....2374

个人信息检察民事公益诉讼的优势和优化

The Advantages and Optimization of Personal Information Protection Procuratorial Civil Public Interest Litigation

皮晴.....2379

航空货运代理人的法律地位界定与辨析

Definition and Identification of the Legal Status of Air Cargo Agents

李雨函.....2386

国际商事仲裁复裁机制的构建

Establishment of Appellate Arbitration Procedure in International Commercial Arbitration

黄睿.....2391

电商平台“二选一”行为的法律规制

Legal Regulation of E-Commerce Platforms' "Either-Or" Behavior

苏贵岩.....2397

WTO 知识产权豁免决定的解析

The Interpretation of WTO Intellectual Property Exemption Decision

黄冬玲.....2403

论个人信息保护知情同意原则的完善研究

On the Improvement of the Principle of Informed Consent for Personal Information Protection

王凯鑫.....2410

保理合同研究

Exploration of Factoring Contracts

王雪.....2416

跨境网络消费合同法律适用问题研究

Research on the Legal Application of Cross-Border Network Consumption Contract

王倩波.....2423

行政协议中行政主体义务的优先性考察

The Priority of Administrative Subject Obligations in Administrative Agreements

胡丹冰.....2428

“通知 - 删除规则”适用中的不平等研究

Research on Inequality in the Application of “Notice-Delete Rule”

靳晓萱.....2438

论海上执法使用武力的国际法合法性——以《海警法》为视角

The Legality of the Use of Force in Maritime Law Enforcement under International Law—In the Perspective of Coast Guard Law

陈加一.....2446

在线诉讼“当事人同意”的法理基础及具体运用

Jurisprudence Basis and Specific Application of “Consent of Parties” in Online Litigation

朱颖敏.....2453

RCEP 的生效对我国跨境电商发展的影响研究

Research on the Influence of the Entry into Force of RCEP on the Development of Cross-Border E-Commerce in China

王冠一.....2462

影视作品改编权与保护作品完整权的冲突与调适

The Conflict and Reconciliation between the Right of Adaptation and the Right to Protect the Integrity of the Work in Film and Television Works

徐莹莹.....2467

整顿双减政策执法乱象的关键——构建合法性与合理性的良性循环

The Key to Rectifying the Chaos of Double Reduction Policy Enforcement—Building a Virtuous Circle of Legality and Rationality

郭新颖, 赵志敏.....2473

我国无人机法律体系的局限与对策

Limitations and Countermeasures of China’s Drone Legal System

韩孟琪.....2479

高校普法的难点与对策研究

Research on the Difficulties and Countermeasures of Law Popularization in Colleges and Universities

刘学强.....2485

帮信罪电子数据取证问题研究

The Study of Electronic Data Forensics Issues in the Crime of Assisting in the Commission of Fraudulent Activities through Electronic Means

邱浩天.....2491

浅析网络游戏盗窃和故意毁坏财物行为

Analysis of Online Game Theft and Deliberate Destruction of Property

余玥.....2498

国际贸易中的跨境数据流动自由和监管自主权问题研究

Cross-Border Data Flow Freedom and Regulatory Autonomy in International Trade

黄博轩.....2503

刷单炒信行为的刑法规制研究

Research on the Criminal Regulation of the Act of Credit Speculation

詹兆炜.....2510

资产分割理论背景下成员在破产清算中的责任承担方式

Members' Liability Bearing Method in Bankruptcy Liquidation under the Background of Assets Division Theory

兰志强, 王晓靖.....2516

我国民事调解书在普通法系国家的承认与执行

Recognition and Enforcement of China's Civil Mediation Judgements in Common Law Countries

毛雨菱.....2522