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论中国传统法律观念的现实影响及其未来 On the Realistic Influence and Future of Chinese Traditional Legal Concept	
刘艺钧	1879
微罪治理体系下立法原则的审思与回应 Reviewing and Responding to Legislative Principles under the Micro-Crime Governance System	
胡恺逸	1885
非婚同居财产法律问题的研究 Research on the Legal Issues of Non-Marital Cohabitation Property	
翁明旻	1894
关于暴力犯罪的法律建设及其现实意义 Legal Construction of Violent Crime and Its Practical Significance	
王泽华	1903

陷害教唆的司法适用研究

A Study on the Judicial Application of Incrimination and Instigation

郑佳民 1909

民事执行和解制度问题研究

Research on Civil Execution Reconciliation System

杨薇 1920

互联网环境下隐私权保护的民法研究

Civil Law Research on Privacy Protection in Internet Environment

鄢彩妮 1928

我国罪错未成年人保护处分制度检视

Review of the Protective Sanction for Juvenile Offenders in China

刘笑梅 1934

网络服务提供商适用“避风港规则”问题研究

Research on the Application of “Safe Harbor Rule” by Internet Service Providers

杨潇潇 1940