

TABLE OF CONTENTS

目 录

| | |
|--|----|
| 我国居住权制度研究 Study on Residence Right System in China | |
| 曾小洋 | 1 |
| 校外培训行政监管的法制路径研究 Study on the Legal Path of Administrative Supervision of After-Campus Training | |
| 俞欢 | 7 |
| 民事保全制度在环境领域的适用研究 Research on the Application of Civil Preservation System in the Field of Environment | |
| 张露露 | 12 |
| 我国智慧法院建设的理论分析与历史发展进程 Theoretical Analysis and Historical Development Process of the Construction of Intelligent Courts in China | |
| 范晟源 | 21 |
| 论数字经济时代外资安全审查的法律调控 On the Legal Regulation of Foreign Investment Security Review in the Era of Digital Economy | |
| 周春丹 | 28 |
| 海洋环境污染若干法律问题研究 Research on Some Legal Issues of Marine Environmental Pollution | |
| 杨颖 | 37 |
| 论国际商事仲裁协议效力之司法认定 Judicial Determination of the Validity of International Commercial Arbitration Agreement | |
| 张梦姣 | 43 |
| 我国文书提出命令制度研究 The Order of Writ of System of the Document of China | |
| 李甜甜 | 51 |
| 《民法典》时代下我国离婚损害赔偿制度的性质认定与理论重构 The Nature Identification and Theoretical Reconstruction of the Divorce Damage Compensation System in China in the Era of <i>The Civil Code</i> | |
| 李今成 | 58 |
| 平台经济的反垄断规制研究 Research on Anti-Monopoly Legal Regulations of Platform Economy | |
| 盛昊 | 69 |

| | |
|--|-----|
| 论知识产权滥用的概念认定、行为类型及法律规制 On the Conceptual Recognition, Behavioural Types of Intellectual Property Rights Abuse and Legal Regulation | |
| 黄宇 | 74 |
| 央行数字货币加剧国际货币竞争理论浅探 A Study on the Theory of Central Bank Digital Currency Intensifying International Monetary Competition | |
| 赵瑜 | 80 |
| 积极刑法观下的刑法谦抑性思考 Reflections on the Modesty of Criminal Law under the Positive Criminal Law View | |
| 黄海 | 86 |
| 空间正义视域下法治化城市空间治理的探究 Research on Urban Spatial Governance under the Rule of Law from the Perspective of Spatial Justice | |
| 李静 | 97 |
| 高校学生行使申诉权的现实阻碍及对策建议 Realistic Obstacles and Countermeasures for College Students to Exercise the Right to Appeal | |
| 刘颖 | 103 |
| 刑事审判中舆论监督的影响 The Influence of Public Opinion Supervision in Criminal Trial | |
| 王姝婷 | 109 |
| 网络服务提供商版权过滤义务研究 Research on Copyright Filtering Obligations for Internet Service Providers | |
| 李静怡, 高泉 | 115 |
| 家庭教育促进法视角下离异家庭教育探讨 Discussion on Divorced Family Education from the Perspective of Family Education Promotion Law | |
| 褚婕, 郑礼平 | 120 |
| 劳动者个人信息法律保护研究 Research on Legal Protection of Workers' Personal Information | |
| 赵丹 | 126 |
| 信息化时代公民网络隐私权的法理学分析 Jurisprudential Analysis of Citizens' Online Privacy Rights in the Information Age | |
| 马莹丽 | 132 |
| 数字法治政府建设的困境与对策 Dilemmas and Countermeasures in Building a Digital Rule of Law Government | |
| 许莉莎 | 138 |

从《民法典》新规谈抵押财产转让制度

Discussion on the Transfer of Hypothecated Assets Based on New Regulations of *The Civil Code*

蒋梦漪 144

互联网背景下金融消费者隐私权保护路径探究

Exploring the Path of Financial Consumers' Privacy Protection in the Background of Internet

吕牧遥 151

对赌协议之履行不能问题研究

Research on the Problem of Failure to Perform the Valuation Adjustment Mechanism

张翔 158

大学生兼职的劳动权益保护

The Protection of College Students' Part-Time Labor Interests

程浩, 安菁蔚, 周宁 164

我国知识产权民事纠纷的行政解决机制研究

Study on the Administrative Settlement Mechanism of Intellectual Property Civil Disputes in China

黄筱童 171

网络直播的税收征管问题研究

Study on Tax Collection and Administration of Network Broadcast

唐紫怡 179

违法所得没收程序证明标准研究

Study on Standards of Proof in Proceedings for the Confiscation of Proceeds of Crime

李一维 186

国际仲裁第三方资助披露制度规制及启示

Disclosure and Regulation of Third-Party Funding in International Arbitration

蒲欣雨 193

局部外观设计制度的保护

Partial Exterior Design System Protection

柯晓 201

论《民法典》“绿色原则”适用困境及其解决路径

On the Application Dilemma and Solution Path of the “Green Principle” in *The Civil Code*

吴宇昂, 周向阳 209

案外人执行异议之诉的困境与纾解

The Dilemma and Relief of the Outsider's Execution of the Objection Lawsuit

陈虹宇 216

电商平台交易中消费者个人信息保护问题研究

Research on Consumer Personal Information Protection in E-Commerce Platform Transactions

潘修远 224

生成式人工智能的个人数据风险及其法律规制

Personal Data Risks of Generative Artificial Intelligence and Its Legal Regulation

刘迈 231

婚姻关系中的女性财产权益保护

Protection of Women's Property Rights in Marriage

张颖 242

民事公益诉讼在反电信网络诈骗中的理解与适用

Understanding and Application of Civil Public Interest Litigation in Anti Telecom Network Fraud

梁蔚程 248

涉数字货币金融犯罪的刑法规制和司法适用

Criminal Law Regulation and Judicial Application of Financial Crimes Involving Digital Currency

段珊珊, 陈宇玲, 杨子鸣 255

反家暴视角下受害者民事权益的完善

Improving the Civil Rights and Interests of Victims from the Perspective of Anti Domestic Violence

张艾莉 273

APP 隐私政策知情同意规则的适用困境与应对路径

The Application Dilemma and Response Path of the Informed Consent Rule in APP Privacy Policy

应文娇 280

浅析人工智能生成物的著作权归属问题

A Brief Analysis on the Copyright Ownership of Artificial Intelligence Products

杨亚昕 286

诉讼过程中超过受诉法院级别管辖范围的研究分析

Research and Analysis of Jurisdiction beyond the Level of the Court Being Sued during the Litigation Process

于孟靖, 常晓云 291

论刑事辩护全覆盖的目的

On the Purpose of Full Coverage of Criminal Defense

樊小雅 298

数字版权保护: 挑战与应对策略

Digital Copyright Protection: Challenges and Coping Strategies

余凤婷, 沙家辉 303

数字平台监管策略新论

A New Approach to Regulatory Strategies for Digital Platforms

王银路 312

论民事公益诉讼之公共利益的界定

On the Definition of Public Interest in Civil Public Interest Litigation

李雨璐 318

共同意思型夫妻共同债务的认定

Determination of Joint Debt for Jointly Intentional Couples

曹大钱 322

立法活跃化时代对立法与改革的关系探索

**Exploration of the Relationship between Legislation and Reform
in the Era of Active Legislation**

郭泳沁 327

责任保险人和解参与权的行使及其限制

The Exercise and Limitation of the Liability Insurer's Right to Participate in Reconciliation

李家欢 336

黄河流域生态保护法治化研究

Study on the Legalization of Ecological Protection in the Yellow River Basin

陈雨婷 343

资本显著不足致法人人格否认的典型案例分析

**Analysis of Typical Cases of Denial of Corporate Personality Caused by
Significant Capital Deficiency**

刘豪 349

重要数据识别与监管制度研究

Research on Important Data Identification and Regulatory System

徐洁 356

元宇宙的法律问题和解决路径

Legal Issues and Solutions in the Metaverse

张婧雯 362

政府消费券法律问题研究

Study on the Legal Issues of Government Consumption Voucher

刘葱 370

高频交易监管的法律问题

Legal Issues Related to High-Frequency Trading Regulation

张锐, 董淑平 375

新《未成年人保护法》对儿童友好社区建设的启示

**The Enlightenment of the New Law on the Protection of Minors on the
Construction of Friendly Communities for Children**

潘文婷 380

| | |
|---|-----|
| 乡村振兴视域下创新农村生态文明法治建设路径探析 Exploring the Path of Innovative Rural Ecological Civilization and Legal Construction from the Perspective of Rural Revitalization | |
| 方袁邦洲 | 389 |
| 从《民法典》1256 条浅析环保公司的民事侵权责任承担 Analysis of Environmental Protection Companies' Liability for Civil Tort from Article 1256 of The Civil Code | |
| 杜硕, 张丽娜 | 395 |
| 高校学位撤销行为的反思与完善 Rethinking and Perfecting the Behavior of University Degree Revocation | |
| 彭维维 | 401 |
| 认罪认罚从宽制度的反思与重塑 Reflection and Development of Leniency System of Guilty Plea in Practice | |
| 王涵颖 | 408 |
| 盗窃罪的构成要件新论 A New Discussion on the Constituent Elements of Theft | |
| 张奎 | 416 |
| 从登记离婚制度的角度看离婚冷静期 Thoughts on the Cooling-Off Period of Divorce from the Perspective of Registered Divorce System | |
| 鲁婷 | 425 |
| 在著作权法架构下探析人工智能生成内容的规制问题 Analysis on the Regulation of Artificial Intelligence Generated Content under the Framework of Copyright Law | |
| 蒋安琪 | 432 |
| 论证券市场自愿性信息披露制度及免责事由 On the Voluntary Disclosure System in the Securities Market and Exemptions from Liability | |
| 李郭波 | 439 |
| 档案安全领域行刑衔接制度的构建与完善 The Construction and Improvement of the Execution Connection System in the Field of Archival Security | |
| 马金凤 | 446 |
| 论我国外国法无法查明困境 On the Dilemma of Unidentifiable Foreign Law in China | |
| 张炜 | 456 |
| 案例指导制度下类案参照的内外部证成 Internal and External Validation of Class References in the Case Guidance System | |
| 杨雪婷 | 461 |

纵向非价格垄断协议的规制

Regulation of Vertical Non-Price Monopoly Agreements

郭月 471

论网络言论自由的法律规制

On the Legal Regulation of Free Speech

孙夕雅 477

以地区立法促进桂林米粉产业发展的研究

Study on Promoting the Development of Rice Noodle Industry in Guilin by Regional Legislation

卢朝铭, 潘建权, 杨艳菲, 赵勇进, 陈银萍 483

浅析罗马法婚姻与《民法典》婚姻的区别

A Brief Analysis of the Differences between Roman Law Marriage and Marriage in *The Civil Code*

周代梅 491

论数字经济时代鼓励创新作为《反垄断法》立法目的

Encouraging Innovation as the Legislative Purpose of the *Anti Monopoly Law* in the Digital Economy Era

倪奕玮 497

国际私法与国际经济法的关系探讨

Discussion on the Relationship between Private International Law and International Economic Law

秦政萱 504

刑满释放人员家庭融入困境及对策研究

Research on the Difficulties and Countermeasures of Family Integration of Prisoners Released after Their Convictions

陈彦添 510

社会支持理论视角下女性刑释人员社会回归困境与对策研究

Research on Dilemma and Countermeasures of Social Return of Female Prisoners Released from Prison from the Perspective of Social Support Theory

江珊 515

惯常元素组合的成衣设计之著作权法思考

Reflection on Copyright Law of Ready-Made Garment Design with Conventional Element Combination

周玲 523

非法狩猎罪适用问题研究

Study on the Application of the Crime of Illegal Hunting

彭晨 530

论《民事强制执行法(草案)》之科技执行原则的法定化

On the Legalization of the Scientific and Technological Enforcement Principles in the *Civil Enforcement Law (Draft)*

赵佳辰 536

催收非法债务罪“非法债务”的类型化分析

Typological Analysis of “Illegal Debts” for the Crime of Collecting Illegal Debts

杜晨亮 547

我国行政协议诉讼证明责任分配研究

Research on the Allocation of the Burden of Proof in China’s Administrative Agreement Litigation

何亚林 555

论网络平台算法权力的规制

On the Regulation of Algorithmic Power on Online Platforms

王箐 562

缺席审判程序对当事人权利保障的影响及对策

Impact of Trial in Absentia Proceedings on the Protection of the Rights of the Parties and Countermeasures

冉旭玲 568

论数据侦查

On Data Investigation

梅蓉 574

NFT 交易平台著作权审查义务的认定

Determination of the Copyright Examination Obligation of NFT Trading Platforms

李玥隆 581

有限责任公司为股东间股权转让提供担保效力问题探究

Research on the Effectiveness of Guarantees Provided by Limited Liability Companies for Equity Transfer between Shareholders

左振聪 587

农村水污染治理的权力配置及优化

Power Allocation and Optimization in Rural Water Pollution Management

刘煜 593

相邻关系的纠纷处理

The Dispute Resolution of Neighboring Relationships

来可儿 603

知识数据库平台的反垄断思考

The Anti-Monopoly Research of Knowledge Database Platform

彭显瑜 609

建立预防性环境行政公益诉讼制度的困境及解决措施

Dilemmas and Solutions in Establishing a Preventive Environmental Administrative Public Interest Litigation System

陈天宇 618

黄河水资源保护问题研究

Research on the Protection of Water Resources in the Yellow River

高子寒 627

短视频平台著作权间接侵权责任认定研究

Research on Indirect Infringement Liability of Short Video Platform Copyright

许璐雅 633

刑法学中的行为理论概说

An Overview of Behavioral Theory in Criminal Law

李静 641

场景理论视角下的个人信息可携权的利益平衡路径

Path to Balancing Interests in the Right to Portability of Personal Information in a Scenario-Theoretic Perspective

张维 647