季 刊

青山法学論集

第 65 巻 第 2 号

論 説

刑事弁護の拡大と高度化——その現状と改革課題—— 葛 野 尋 之 ……(1) 借用概念における税法解釈のあり方 木 山 泰 嗣 ……(31)

判例研究

- 一連性・一体性を有する排除型私的独占における競争の実質的制限と正当 化事由 ──マイナミ空港サービス事件(東京高判令和5年1月25日審決 集未登載) ── 岡田直己 ·····(77)

翻 訳

EU デジタル市場法(下)

— REGULATION (EU) 2022/1925 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) —

岡 田 直 己 ……(125)

青山学院大学法学会

THE

AOYAMA LAW REVIEW

Vol. 65, No. 2 September 2023 **Articles:** Development and Advancement of Criminal Defense KUZUNO Hiroyuki ·····(1) How to Interpret the "Borrowed" Terms in Japanese Tax Law KIYAMA Hirotsugu ····· (31) **Case Studies:** Intent of Exclusionary Conduct, and Substantial Restraint of Competition in Private Monopolization Case (Tokyo High Court, January 15, 2023) OKADA Naoki · · · · · (77) Commentary on M.C. v. Bulgaria, ECHR. 4 December 2003 (application no. 39272/98) (2) ——why is the element "the use of force or threats" unnecessary for rape?—— OKAUE Masami ·····(111) **Translation:** REGULATION (EU) 2022/1925 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/ 1937 and (EU) 2020/1828 (Digital Markets Act) 2/2 OKADA Naoki(125)

AOYAMA GAKUIN DAIGAKU HŌGAKKAI

(THE AOYAMA GAKUIN UNIVERSITY LAW SOCIETY)