

WESTERN LAW REVIEW

西部法学评论

中国人文社会科学引文数据库来源期刊 | 中国学术期刊综合评价数据库来源期刊 | “复印报刊资料重要转载来源期刊”



ISSN 1674-3687



国内统一刊号：CN 62—1198/D
国际标准刊号：ISSN1674—3687

中国·兰州
LANZHOU CHINA
兰州市安宁西路6号

2016/3
双月刊（总第121期）

西部法学评论

2016年第3期(总第121期)

2016年6月出版

目 录

◎专题研究

【公司章程自治与股东权益保护专题探讨(2篇)】

- 公司法“规范错配”与公司章程自治法律风险 吴飞飞(1)
《公司法》第20条中“滥用股东权利”规定的理论与实践 楼秋然(10)

◎理论前沿

无权处分行为中财产犯罪的性质认定

- 以“司机盗卖房产案”为切入 陈伟,谢可君(21)
论中央对手方机制的法理基础 谢贵春(32)
法益概念的解释论机能及其实现
——兼论污染环境罪的法益判定与司法适用 熊亚文(45)
惩罚性赔偿制度的理论困境及其出路 朱战威(55)
格式条款立法的反思与重构
——以《合同法》第39、40条为中心 李伟平(64)

◎实务研究

论运输毒品罪死刑的适用

- 兼评《武汉会议纪要》中的相关规定 贾银生(73)
3D打印的知识产权法应对
——基于解释论与立法论相区分的讨论 王玉凯(84)
检察机关对限制人身自由强制措施和侦查手段监督的完善 袁保伟,常乐(93)

◎青年法苑

- 论共同犯罪关系的脱离与归责 李开春(103)
论循环经济法的定位 盛玉华(115)

◎域外法学

- “合理性”标准:《经济、社会和文化权利国际公约任择议定书》第8(4)条述评 张雪莲(123)

期刊基本参数:CN62-1198/D * 1990 * B * 16 * 136 * ZH * P * ¥15 * 2000 * 13 * 2016-03

WESTERN LAW REVIEW

No. 3, 2016 Published on Jun. 20, 2016

Contents

"Incorrect Specification" in Company Law and Legal Risks to Autonomy of Company Charter	Wu Feifei(1)
Theory and Practice of "Abuse of Shareholders' Rights" in Article 20 of Company Law	Lou Qiuran(10)
Determination on the Nature of Property Crime in Unauthorized Conducts	
— Take "Estate Sold by Driver Case" as a Breakthrough	Chen Wei, Xie Kejun(21)
Jurisprudential Basis on the Central Counterparty Mechanism	Xie Guichun(32)
Explanation Function and Its Realization of Legal Interests Theory	
— Also on Determination of Legal Interests and Judicial Application	
of Environmental Pollution Crime	Xiong Yawen(45)
Theoretical Dilemma and Way—out of the Punitive Damages System	Zhu Zhanwei(55)
Reflection and Reconstruction on the Legislation of Standard Terms	
— Centered on Article 39 and Article 40 of Contract Law	Li Weiping(64)
Application of Death Penalty in the Crime of Transporting Drug	
— Also on the Relevant Provisions in Wuhan Meeting Minutes	Jia Yinsheng(73)
Countermeasures to Fair Use of 3D Printing in Intellectual Property Law	
— Based on the Discussion of Difference between Interpretative Theory and Legislation Theory	
..... Wang Yukai(84)	
Perfection of Supervision on Coercive Restriction of Personal Liberty and Investigative Means	
..... Yuan Baowei, Chang Le(93)	
On Withdraw and Imputation in Joint Crime	Li Kaichun(103)
Determination on the Nature of Recycling Economic Law	Sheng Yuhua(115)
The "Rationality" Standard: Comments on Article 8(4) of the OP—ICESCR	Zhang Xuelian(123)



西部法学评论

2016/3

双月刊(总第121期)

主管单位：甘肃省教育厅
主办单位：甘肃政法学院
编辑出版：甘肃政法学院学术期刊部
印 刷：甘肃省人民政府办公厅印刷厂
发 行：兰州市邮政局
邮发代号：54-184
地 址：甘肃省兰州市安宁西路6号
邮政编码：730070
电 话：0931-7604500
编辑部邮箱：xbfxpl@sina.com

国内统一刊号：CN 62—1198/D
国际标准刊号：ISSN1674—3687

WESTERN LAW REVIEW

NO.3,2016

(SERIAL NO .121)

Administrative Authority: Education Bureau of Gansu Province
Sponsored by: Gansu Political Science and Law Institute
Edited&Published by: Academic Journal Department of Gansu
Political Science and Law Institute
Printed by: The Printing Company of Government Office
Of Gansu Province
Code Number: 54-184
Address: No.6 West Anning Road Anning District Lanzhou
P.R.China,730070
Tel.0931-7604500
E-mail: xbfpxpl@sina.com

定价：R M B 15.00