

# 甘肃政法学院学报

JOURNAL OF GANSU POLITICAL SCIENCE AND LAW INSTITUTE



中文核心期刊  
CSSCI 来源期刊扩展版  
RCCSE 中国核心学术期刊  
全国高校百强社科期刊  
甘肃省优秀期刊

2013/1

双月刊(总第126期)

中国·兰州·甘肃政法学院主办

GANSU ZHENGFA XUEYUAN XUEBAO

# 甘肃政法学院学报

2013年第1期目次

总第126期

## • 学术视点

### 【聚焦《环境保护法》的修改：问题、争鸣与探讨】

《环保法》修改应为环保主体良性有效互动提供法制保障 ..... 王 曜(1)

《环境保护法》修改：矫枉必须过正

——对《环境保护法修正案草案》有关“八加一”条文修改的评析 ..... 汪 劲(6)

关于修改我国《环境保护法》的几点思考 ..... 钱水苗,魏 琪(11)

《环境保护法》限期治理制度修订问题探讨 ..... 朱 谦(15)

政府激励与《环境保护法》修改 ..... 巩 固(19)

## • 民间法·民族习惯法(主持人:谢晖教授)

【主持人手记(四十三)] ..... (24)

从合意到强制:清至民国清水江纠纷文书研究 ..... 邓建鹏,邱 凯(25)

论水权习惯 ..... 易 军(36)

## • 法学论坛

城乡统筹发展中的政策引导和法制保障

——从区域比较的视角切入 ..... 王 勇,郭倩倩(45)

身体的“权力重负”

——福柯刑罚思想的身体视角 ..... 刘炎欣,赵 鹏(53)

本期责任编辑:张建军 李春霞 高成军 温丽萍 郭占川

执行编辑:李春霞

编辑部地址:甘肃省兰州市安宁西路6号甘肃政法学院学报编辑部 邮编:730070

英文编辑:张晓梅

注重问题意识 追求卓越质量  
倡导学术创新 维护学术尊严  
弘扬人文精神 推动法治进步

- 遗传资源财产权演进的历史逻辑 ..... 严永和(58)  
异议股东收买请求权的法律性质 ..... 黄爱学(64)  
公法视野下的不动产物权登记 ..... 孙丽岩(69)

### • 法律与实践

- 非法经营保安业务实践定性的合理性质疑 ..... 孙万怀, 邓忠(77)  
关于新修订民事诉讼法“先行调解”的若干探讨  
——以陕西丹凤县法院“诉调对接”为例 ..... 李政(85)  
最低工资标准的社会法解析 ..... 叶姗(92)  
我国建设用地分层利用制度之物权法建构 ..... 王刚(101)

### • 陇籍法学家论坛

- 第二届“陇籍法学家论坛”综述(下) ..... 王存河, 张雷(108)

### • 青年法苑

#### 地产权的边界

- 以英国 1840—1925 年土地登记改革为参照 ..... 于霄(117)  
好意同乘的法律性质新解 ..... 王旭玲(125)

刊名题字：书法家 索理斌

编辑部网址: <http://GSZF.chinajournal.net.cn>

电子邮箱: gszfxyx@163.com gszfxyx@ yahoo.com

期刊基本参数: ISSN: 1123-121×ISSN: 1673-295×P-ISSN: 1673-295×VOL: 10×2000×19×2010×61

**Journal of Gansu Institute of  
Political Science and Law  
(Bimonthly)  
General No. 1  
Number. 1 2013**

**Editor-in-chief Shi Yucheng  
Deputy Editor-in-Chief  
Wang Hongying  
Zhang Jianjun  
Published on Jan. 30, 2013**

---

## **MAIN CONTENTS**

---

<b>The Amendment of Environmental Protection Law Should Provide Positive and Effective Interaction to the Subject with Legal Guarantee .....</b>	<b>Wang Xi(1)</b>
<b>The Amendment of Environmental Protection Law: Righting a Wrong Must Exceed the Limits</b>	
——Comments on the Revision Article of “Eight Plus One” .....	Wang Jin(6)
<b>Reflections on the Amendment of Environmental Protection Law .....</b>	<b>Qian Shuimiao, Wei Qi(11)</b>
<b>On Amendment of the Deadline Pollution Control Rule in Environmental Protection Law .....</b>	<b>Zhu Qian(15)</b>
<b>On Government Subsidy and the Amendment of Environmental Protection Law .....</b>	<b>Gong Gu(19)</b>
<b>From Negotiation to Compulsion:a Study Based on Archives of Disputes Solution</b>	
in QingShui River during Qing Dynasty and Republic of China .....	Deng Jianpeng, Qiu Kai(25)
<b>On the Custom of Water Right .....</b>	<b>Yi Jun(36)</b>
<b>Policy Guidance and Legal Guarantee in Balancing Urban and Rural Development</b>	
——A Regional Comparison Perspective .....	Wang Yong, Guo Qianqian(45)
<b>On the “Power Pressure”of Body</b>	
——A Body Perspective of Foucault’s Penalty Theory .....	Liu Yanxin, Zhao Peng(53)
<b>On Historical Logic of Genetic Resource Property Right and Its Evolution .....</b>	<b>Yan Yonghe(58)</b>
<b>On the Legal Nature of Appraisal Rights of Dissident Shareholders .....</b>	<b>Huang Aixue(64)</b>
<b>On Real Property Right Registration in the View of Public Law .....</b>	<b>Sun Liyan(69)</b>
<b>Query to Rationality of the Practical Measurement to Illegal Operation of Private Security Enterprises .....</b>	
.....	<b>Sun Wanhui, Deng Zhong(77)</b>
<b>On the“Conciliation in Advance” in New Revision of Civil Procedure Law</b>	
——An Example of “Litigation and Conciliation Docking System” Carried by the Court	
in Danfeng County, Shaanxi Province .....	<b>Li Zheng(85)</b>
<b>A Social Law Analysis on Minimum Wage Standard .....</b>	<b>Ye Shan(92)</b>
<b>On Property Law Construction of Hierarchical Use of Construction Land in China .....</b>	<b>Wang Gang(101)</b>
<b>Review of “The Second Forum of Jurists of Gansu Origin” .....</b>	<b>Wang Cunhe, Zhang Lei(108)</b>
<b>Boundary of Title</b>	
——Land Registration Reform 1840—1925 in England .....	<b>Yu Xiao(117)</b>
<b>A New Explanation of the Legal Nature of Good Will Pick—up .....</b>	<b>Wang Xuling(125)</b>