



中国人文社会科学综合评价 AMI 扩展期刊
RCCSE 中国核心学术期刊
复印报刊资料重要转载来源期刊
全国高校优秀社科期刊
河南省一级期刊

ISSN 2095-3275
CN 41-1420/Z

河南财经政法大学学报

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

2017.02

第三十二卷 第二期

中国·郑州

河南财经政法大学学报

本期责任编辑:郭 奕 英文编辑:王 鹤

双月刊 2017 年第 2 期(总第 160 期)

目 录

民事诉讼法研究

- 民事诉讼轻视程序保障观念反思
——由一审裁判权威问题展开 吴英姿(1)
- 论执行程序中的抵销 刘学在(10)
- 论民事诉讼和解制度的立法定位 肖建华 王 勇(18)
- 不止于恶意诉讼:不当起诉侵权规制研究 孟 醒(26)

法治中国

- 行政判决“明显不当”标准之探讨
——以《最高人民法院公报》和最高人民法院指导性案例中的行政处罚
案例为样本的分析 黄雪娇(36)
- 我国环境行政执法与刑事司法衔接机制研究
——以行为主体的利益选择为视角 沈晓军(43)
- 近代社会转型中影响中日法律移植成效因素的比较
——以出洋考察立宪为视角 柴松霞(53)

刑事法学研究

- 帮助信息网络犯罪活动罪司法适用问题研究
——以客观归责方法论为视角 李冠煜 吕明利(65)
- 客观归责论中“降低风险规则”研究 赵 希(73)
- 羁押必要性审查法律适用之实证分析
——以 S 直辖市 F 区检察院三年实践为样本 樊华中(80)
- 司法责任制背景下检察办案组织的优化 何 静(91)

民商法研究

- 遗嘱解释论 龙翼飞 窦冬辰(96)
- 体外胚胎的法律性质及可继承性分析
——江苏宜兴冷冻胚胎继承案引起的思考 纪 晟(113)
- 论代理成本视角下董事对第三人责任的正当性 王长华 余丹丹(120)
- “产品自伤”之侵权法救济路径的检视与选择 黎华献(129)
- 论体育赛事直播节目的著作权保护 高天翼(141)
- 环境污染第三方治理的理论基础、现实诱因与法律机制构建 李一丁(149)

法律史研究

- 晚唐敦煌疑难土地纠纷解决的法律智慧
——以索怀义土地返还纠纷案为例 王斐弘(157)

期刊基本参数:CN41-1420/Z * 1986 * B * 16 * 166 * ZH * P * ¥15.00 * 2000 * 18 * 2017-02

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

Bimonthly

No. 2, 2017

Total No. 160 March 5, 2017.

Main Contents

Reflections on the Guarantee Perception of Civil Lawsuit Disdain Procedure	
—Taking the First Instance Referee Authority as an Example	Wu Yingzi(1)
The Set-off in the Enforcement Procedure	Liu Xuezai(10)
On the Legislation Orientation for the System of Civil Lawsuit Reconciliation	
.....	Xiao Jianhua Wang Yong(18)
More than Malicious Action;The Regulation of Undue Action	Meng Xing(26)
A Study on the “Obviously Inappropriate” Standard of Administrative Litigation Judgment	
.....	Huang Xuejiao(36)
China’s Environmental Administrative Law Enforcement and Criminal Justice Mechanism	
—To Select the Perspective of the Interests of Actors	Shen Xiaojun(43)
The Comparison on Factors of Transplantation between China and Japan in Modern Legal System Transition	
—From the Perspective of Abroad Inspection Constitutionalism	Chai Songxia(53)
The Judicial Application Research on Offences of Helping Information Network Criminal	
Activities by Using Methodology of Objective Imputation	
—From the Perspective of Objective Responsibility-attribution	Li Guanyu Lv Mingli(65)
Research on the “Risk Reduction Principle” of the Theory of Objective Attribution	Zhao Xi(73)
An Empirical Analysis on Law Application in Detention Necessity Review System	
—Taking the Three Year Practice of F District Procuratorate of S Municipality as a Sample	
.....	Fan Huazhong(80)
The Optimization of the Prosecution Case Organization in the Context of Judicial Responsibility	
System	He Jing(91)
On the Interpretation of Wills	Long Yifei Dou Dongchen(96)
The Legal Nature and Succession of External Embryos	
—Thoughts Invoked by the Case of Eternal Embryos Succession Dispute in Yixing	
Jiangsu Provienc	Ji Sheng(113)
On the Director’s Liability to the Third Party from the Perspective of Agency Cost	
.....	Wang Changhua Yu Dandan(120)
The Review and Selection of the Tort Relief for Product Self-injury	Li Huaxian(129)
On the Copy right Protection of Live Sports Events Program	Gao Tianyi(141)
The Theoretical Basis,Realistic Reasons and Legal Mechanism Construction for the Third-party	
Regulation of Environmental Pollution	Li Yiding(149)
The Legal Wisdom of Settlement of Complicated Dunhuang Land Disputes in Late Tang Dynasty	
—Based on the Case of Land Return Dissension of Suo Huaiyi	Wang Feihong(157)

河南财经政法大学学报

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW
双月刊 2017 年第 2 期 (总第 160 期)

主管单位: 河南省教育厅
主办单位: 河南财经政法大学
编辑出版: 河南财经政法大学学报编辑部
主 编: 张宝锋
常务副主编: 程政举
副 主 编: 李富民
发行范围: 国内外公开发行
地 址: 河南省郑州市文化路 90 号
邮 政 编 码: 450002
电 话: (0371) 63851448
出版日期: 2017 年 3 月 5 日
印 刷: 河南新华印刷集团有限公司

Responsible Institution: Henan Educational Committee
Sponsor: Henan University of Economics and Law
Publisher: Editorial Office of Journal of Henan University of Economics and Law
Chief Editor: Zhang Baofeng
Managing Deputy-editor: Cheng Zhengju
Deputy-editor: Li Fumin
Publication Scope: Public Availability in China and Abroad
Address: No.90 Wenhua Road, Zhengzhou, Henan, China
Post Code: 450002
Tel: (0371) 63851448
Date of Publication: March 5, 2017
Printer: Henan Xinhua Printing Group Co. Ltd

ISSN 2095-3275



刊号 ISSN 2095-3275
CN 41-1420/Z

定价: 15 元