



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



Q K 2 0 2 3 0 1 1

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

2020.03

第三十五卷 第三期



中国·郑州

河南财经政法大学学报

本期责任编辑:何学斌 英文编辑:王国锋

双月刊 2020年第3期(总第179期)

目 录

法治中国

- 习近平全面依法治国新理念下纪委监委合署办公的优化路径 李奕(1)
主导功能定位视角下行政复议体系之重构 张晓炯(9)
美国环评公众参与程序司法审查标准的经验及启示 张晓云(17)

民法学

- 宅基地制度在我国的运行困境与宅基地“三权分置”的选择 吴迪 韩凌月(26)
离婚时夫妻共有股权的处分规则
——以夫妻共有股权的价值评估为中心 王琦(34)
利益平衡视角下股东出资加速到期制度构建 李晓楠(43)

部门法学

- 绿色原则融入民事裁判的理解与适用 杨翠柏 李宗恒(52)
“适度进口”与我国粮食主权的维护 夏志红(59)
不作为犯中先行行为认定理论之质疑 蔡燊(69)
动态质押的解释路径与法律效果 梁远高(80)

司法制度研究

- “执破衔接”实施的困境反思与制度改进
——以破产启动职权主义为视角 张世君 李雨芊(92)
类型·机能·正当化程序:民事诉讼中经验法则的机理阐释 包冰锋 王悦(101)
英国法律援助质量控制体系及其借鉴意义 赵飞龙(110)
一般不应抗诉:认罪认罚后“毁约”上诉的检察谦抑 闵丰锦(120)
论行政诉讼担当的学理建构 王娅(132)

知识产权法研究

- 近似商标转让制度的困境与重构 李凤琴(141)
绝版作品著作权规则研究 汪东丽(149)
作品“转换性使用”:比较考察、法律解释与司法适用 张国安 罗祥(157)

期刊基本参数:CN41-1420/Z * 1986 * B * 16 * 166 * ZH * P * ¥15.00 * 2000 * 18 * 2020-03

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

Bimonthly

No. 3, 2020

Total No. 179 May 5, 2020

Main Contents

The Optimization of the Joint Office of Discipline Inspection Commission and Supervision Commission under Xi Jinping's New Concept of Genuine Rule of Law	Li Yi(1)
Reconstructing Administrative Review System from the Perspective of Leading Function Orientation	Zhang Xiaojiong(9)
The Experience and Enlightenment of US Judicial Review Standard about the Public Participation Process in EIA	Zhang Xiaoyun(17)
The Operation Dilemma of the Homestead System in China and the Choice of "Three Rights Separation" of the Homestead	Wu Di Han Lingyue(26)
Rules for the Disposition of the Couple's Joint Equity upon Divorce ——Focus on the Valuation of the Couple's Joint Equity	Wang Qi(34)
Construction of Accelerated Maturity System of Shareholders' Contribution from the Perspective of Interest Balance	Li Xiaonan(43)
The Understanding and Application of Green Principle in Civil Judgment	Yang Cuibai Li Zongheng(52)
"Moderate Import" and Maintenance of China's Food Sovereignty	Xia Zhihong(59)
A Query on the Theory of Determining the Prior Act in the Crime of Omission	Cai Shen(69)
The Interpretation Path and Legal Effect of Dynamic Pledge	Liang Yuangao(80)
Reflection on Implementation Predicament and Improvement of the System on Procedures of the Transfer from Enforcement to Bankruptcy ——From the Viewpoint of Authority Principle in the Initiation of Bankruptcy Proceedings	Zhang Shijun Li Yuqian(92)
Type · Function · Legitimate Procedure:	
An Explanation of Rule of Thumb in Civil Procedure	Bao Bingfeng Wang Yue(101)
Legal Aid Quality Control System in Britain and Its Reference	Zhao Feilong(110)
Procuratorial Self-restraint after appeal launched by the accused in the System of Leniency on Admission of Guilty and Acceptance of Punishment	Min Fengjin(120)
On the Theoretical Construction of Administrative Litigation Take-on	Wang Ya(132)
The Dilemma and Reconstruction of Similar Trademark Transfer System	Li Fengqin(141)
Copyright Rules of Out-of-Print Works Access	Wang Dongli(149)
Transformative Use of Works:	
Comparative Investigation, Legal Interpretation and Judicial Application	Zhang Guoan Luo Xiang(157)

河南财经政法大学学报

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

双月刊

2020年第3期(总第179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:薛玉莲

常务副主编:冯举

副主编:李富民

发行范围:国内外公开发行

地址:河南省郑州市金水东路180号

邮政编码:450046

电话:(0371)63851448

出版日期:2020年5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:Xue Yulan

Managing Deputy-editor:Feng Ju

Deputy-editor:Li Fumin

Publication Scope:Public Availability in China and Abroad

Address:No.180 Jinshui East Road,Zhengzhou,Henan,China

Post Code:450046

Tel:(0371)63851448

Date of Publication:May 5,2020

Printer:Henan Xinhua Printing Group Co.Ltd

ISSN 2095-3275

刊号 ISSN 2095-3275
CN 41-1420/Z



9 772095 327126

定价: 15 元