



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



QK2052851

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

**2020.06**

第三十五卷 第六期



中国·郑州

# 河南财经政法大学学报

本期责任编辑:王 瑞

英文编辑:王国锋

双月刊 2020年第6期(总第182期)

## 目 录

### 《行政复议法》修改专题

- 论行政复议终局裁决 ..... 沈开举 邢 昕( 1 )
- 论行政复议的性质界定与功能定位
- 兼议我国行政复议立法宗旨的变动 ..... 方 军( 10 )
- 《行政复议法》修改如何体现“行政一体原则”? ..... 耿宝建 殷 勤( 19 )
- 论我国开发区行政复议体制的抉择 ..... 郑 磊( 30 )
- “主渠道”定位下的行政复议“司法化”反思
- 兼谈行政复议的改革方向 ..... 马 超( 37 )

### 法治中国

- 论民法典编纂的历史逻辑及配套措施跟进 ..... 薛 波( 46 )
- 论对监察权的监督 ..... 刘用军( 55 )
- 论科技宽容行为中项目管理人的权力结构 ..... 古小刚( 64 )

### 部门法学

- 中国存托凭证投资者保护机制之重构 ..... 徐伟功 张建雨( 71 )
- 土地经营权流转规则的释论 ..... 崔文星( 77 )
- 风险泛在语境下间接危险犯的扩张逻辑与教义限缩
- 以信息散布型网络犯罪为视角 ..... 刘双阳( 86 )
- 法国“案外人裁判异议之诉”制度考论 ..... 陈逸飞( 100 )

### 司法制度研究

- 认罪认罚从宽制度被害人“阻却权”问题研究 ..... 徐浩然 刘方权( 115 )
- 律师介入留置程序的正当性分析与制度设计 ..... 郭世杰( 127 )
- 刑事强制医疗解除程序完善实证研究 ..... 吕晓刚 杨彩虹( 137 )
- 在押被追诉人与亲友交流权保障的实证研究 ..... 陈苏豪( 146 )
- 论强制辩护的中国模式 ..... 董林涛( 159 )

期刊基本参数:CN41-1420/Z \* 1986 \* B \* 16 \* 166 \* ZH \* P \* ¥15.00 \* 2000 \* 17 \* 2020-06

# JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

Bimonthly

No. 6, 2020

Total No. 182 November 5, 2020

---

## Main Contents

- Exploring the Final Ruling of Administrative Review ..... Shen Kaiju Xing Xin( 1 )
- On the Nature Definition and Function Orientation of Administrative Review  
—and Discussion on the Changes in the Purpose of Administrative Review Legislation in China  
..... Fang Jun( 10 )
- How to Embody “the Principle of Administrative Integration” in the Amendment of Administrative  
Reconsideration Law? ..... Geng Baojian Yin Qin( 19 )
- On the Choice of Administrative Review System in China’s Development Zone ..... Zheng Lei( 30 )
- Reflection on “Judicialization” of Administrative Review under “Main Channel” Position  
—with Particular Reference to the Reform Direction of Administrative Review ..... Ma Chao( 37 )
- On the Historical Logic of the Compilation of Civil Code and Its Supporting Measures ..... Xue Bo( 46 )
- On Supervision of Supervision Power ..... Liu Yongjun( 55 )
- On the Power Structure of Project Manager in the Tolerance Behavior of Science and Technology  
..... Gu Xiaogang( 64 )
- Reconstructing Protection Mechanism of Chinese Depository Receipt Investors  
..... Xu Weigong Zhang Jianyu( 71 )
- Interpretation of the Transfer Rules of Rural Land Management Right ..... Cui Wenxing( 77 )
- The Expansion Logic and Doctrine Limitation of Indirect Dangerous Crime in the Context  
of Ubiquitous Risk ..... Liu Shuangyang( 86 )
- Research on Third-party Opposition Action in French Civil Procedure Law ..... Chen Yifei( 100 )
- A Study on the Victim’s “Obstruction Right” in the System of Leniency of Confession and  
Punishment ..... Xu Haoran Liu Fangquan( 115 )
- Legitimate Analysis and System Design of Lawyer’s Participation in Supervisory Detention  
Procedure ..... Guo Shijie( 127 )
- An Empirical Study on the Improvement of the Removal Procedure of Criminal Compulsory  
Edical Treatment ..... Lv Xiaogang Yang Caihong( 137 )
- An Empirical Study on Pretrial Detainees’ Right to Communicate with Family Members  
and Friends ..... Chen Suhao( 146 )
- On the Chinese Model of Compulsory Defense ..... Dong Lintao( 159 )

# 河南财经政法大学学报

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

双月刊

2020年第6期(总第182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11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 Yulian

**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:**November 5, 2020

**Printer:**Henan Xinhua Printing Group Co.Ltd

刊号 ISSN 2095-3275  
CN 41-1420/Z

ISSN 2095-3275



定价:15元