



CSSCI 扩展版来源期刊
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 1 3 7 2 4 2

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

2021.05

第三十六卷 第五期



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 2021 年第 5 期(总第 187 期)

目 录

法治中国

行政公益诉讼检察机关败诉案件检视及省思 夏云娇(1)

信用修复的政府责任及其实现机制研究 张鲁萍(10)

民生法学

论《消费者权益保护法》第五十五条第一款惩罚性赔偿适用的界定 董春华(19)

我国社会救助制度中受救助者义务条款的正当性、体系化及其限度 王 健(31)

消费税法立法逻辑及其展开

——功能定位、课税原则与课税要素完善 邓 伟(42)

部门法学

制度变迁视域下的商标异议程序及改革方向 张立新 王莲峰(53)

国际民事司法合作视野下外国禁诉令之应对 刘枫欣(64)

论数据构成必需设施的标准

——兼评《关于平台经济领域的反垄断指南》第十四条之修改 李世佳(75)

正当防卫权正当化依据的反思与重构 李雪健(86)

司法制度研究

司法解释附带审查制度论 王杏飞 陈 娟(99)

认罪认罚案件审级制度研究

——兼以主体间性为视角 钱 春(114)

行政案件繁简分流模式实证研究 高小芳(123)

检察机关指导性案例编撰研究 黄 硕(134)

法治文化

论选举对唐代士大夫法律素养的影响 孙静蕊(144)

礼法之争是简单的道德与法律之争吗? 文 扬(156)

期刊基本参数:CN41-1420/Z * 1986 * B * 16 * 166 * ZH * P * ¥15.00 * 2000 * 15 * 2021-05

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

Bimonthly

No. 5, 2021

Total No. 187 September 5, 2021

Main Contents

Review and Reflection on the Defeated Administrative Public Interest Litigation by
the Procuratorial Organs Xia Yunjiao(1)

Research on Government Responsibility and Realization Mechanism of Credit Repair
..... Zhang Luping(10)

On Application Definition on of Punitive Damages in Paragraph 1 ,of Article 55 of
Consumer Protection Act Dong Chunhua(19)

The Legitimacy, Systematization and Limits of the Obligation Clauses of the Recipients
in China’s Social Assistance System Wang Jian(31)

The Legislative Logic of Consumption Tax law and Its Unfoldment
——Function Orientation, Taxation Principle and Tax Elements Improvement Deng Wei(42)

Trademark Opposition Procedure and Reform Orientation in the Context
of Institutional Change Zhang Lixin Wang Lianfeng (53)

Coping with Foreign Anti-suit Injunctions in the Context of International Civil and Judicial
Cooperation Liu Fengxin(64)

On Standard that Data Constitute Essential Facilities
——also Reviewing Amendment to Article 14 of the Guide to Anti-Monopoly in the Field
of Platform Economy Li Shijia(75)

Reflection and Reconstruction on the Legitimate Basis of the Right of Justifiable Defense
..... Li Xuejian(86)

Study on the Mechanism of Incidental Review in Judicial Interpretation
..... Wang Xingfei Chen Juan(99)

Research on the Trial Level System of Chinses Plea Bargain
——From the Perspective of Inter-subjectivity Qian Chun(114)

Empirical Study on the Pattern of the Division Between Complex and Simple in
Administrative Cases Gao Xiaofang(123)

Research on Compilation of Guiding Cases by Procuratorial Organs Huang Shuo(134)

On Influence of Election on the Legal Literacy of Scholar-officials in the Tang Dynasty
..... Sun Jingrui(144)

Is the Controversy between Ritual and Law a Dispute between Morality and Law? Wen Yang(156)

河南财经政法大学学报

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

双月刊

2021 年第 5 期 (总第 187 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: 国内外公开发刊

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: 2021 年 9 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: September 5, 2021

Printer: Henan Xinhua Printing Group Co. Ltd

刊号 ISSN 2095-3275
CN 41-1420/Z

ISSN 2095-3275



定价: 15 元