



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
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

2022.04

第三十七卷 第四期



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:王国锋

双月刊 2022 年第 4 期(总第 192 期)

目 录

法治中国

- 论突发事件应对中的先行用地 方 润(1)
我国行政追偿主体资格的本土化设计 张 杰(11)

民生法学

- 残障者注意义务标准的合宪性解释
——以民事过失侵权纠纷为中心 朱应平 宋奕辰(20)
比例连带责任在中介机构虚假陈述责任认定中的适用 史欣媛(35)
增强我国劳动力市场灵活性之社会法学分析 王 昭(45)

部门法学

- 我国传统知识数据库保护模式及其法律机制研究 黄玉烨 石 超(55)
适应与调整:Tarasoff 规则的演进逻辑及镜鉴 龙柯宇 赖幸杰(65)
商业判断规则在我国的引入:争议、实践与德国镜鉴 杨大可 林 指(76)
监事会协商监督职能的进路构建 陈苗苗(90)

司法制度研究

- 论网络电子数据鉴定意见的采信
——以游戏外挂类案件司法裁判为样本的分析 何邦武 胡凌宇(101)
虚假诉讼检察监督定位重塑与强化路径 苏志强(112)
刑事合意理念下被告人处分权的构建
——基于被告人同意理论 张英哲(123)
人工智能的司法应用及其挑战 刘 妍(136)

法治文化

- 法治理念的生成逻辑 裴洪辉(146)
晚清税务司对海关管理规则化的推动 管伟康(157)

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

Bimonthly

No. 4,2022

Total No. 192 July 5,2022

Main Contents

On Advance Land Use in Emergency Response Fang Jian(1)

Localization Design of the Subject Qualification of Administrative Recovery in China Zhang Jie(11)

Constitutionality Interpretation of the Standard of Duty of Care on People with Disabilities:

 ——Taking Civil Negligence Tort Disputes as the Center Zhu Yingping Song Yichen(20)

The Application of Proportional Joint and Several Liability in the Determination of Liability for

 False Statement of Intermediary Institutions Shi Xinyuan(35)

The Social Law Interpretation of Strengthening the Flexibility of China ’ s Labor Market

..... Wang Zhao(45)

Chinese Traditional Knowledge Database Protection Mode and Legal Response

..... Huang Yuye Shi Chao(55)

Adaptation and Adjustment ;the Evolutionary Logic of Tarasoff Rule and Its Enlightenment

 to China Long Keyu Lai Xingjie(65)

Transplantation of Business Judgment Rule into Chinese Law ;Controversies ,Practices

 and Enlightenment Yang Dake Lin Zhi(76)

Path Construction of Consultative Supervision Function of the Board of Supervisors

..... Chen Miaomiao(90)

On the Acceptance of Network Electronic Data Expert Opinions

 ——Analysis of the Judicial Judgment of Game Plug-in Cases as a Sample

..... He Bangwu Hu Lingyu(101)

Reorientation and Strengthening Path of False Litigation Procuratorial Supervision Su Zhiqiang(112)

The Construction of the Defendant ’ s Disposal Right under the Concept of Criminal Agreement

 ——Based on the Defendant Consent Theory Zhang Yingzhe(123)

The Judicial Application of Artificial Intelligence and Its Challenges Liu Yan(136)

The Generating Logic of Rule of Law Theory Pei Honghui(146)

The Promotion of Regularization of Customs Administration by Comissioner of Customs

 in the Late Qing Dynasty Guan Weikang(157)