



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

2023.05

第三十八卷 第五期



中国·郑州

河南财经政法大学学报

2023.05 第三十八卷 第五期

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 2023 年第 5 期(总第 199 期)

目 录

法治中国

商标异议制度改革研究

- 以《商标法修订草案(征求意见稿)》为视角 王莲峰 胡丹阳(1)
共同富裕视阈下新业态劳动者权益的法治保障 吴振宇(14)

民生法学

垄断协议二分法的制度改进

- 以轴辐协议的性质判定为视角 汪晓贺(22)
非货币慈善捐赠所得税扣除的制度困境与完善 陈 鹏(34)

部门法学

- “提供资金账户型”洗钱罪的规范解读与司法适用 陈家林 吴 珂(45)
论数据集合的反不正当竞争法保护 张素伦(57)
论行业技术标准对空白罪状的补充 冷必元(68)
过度扩张与理性限缩:非法集资犯罪共犯处罚范围之认定 曾 腾(80)
网络空间审慎义务履行问题研究 刘 聪(92)
《民法典》监护人责任的性质再论与规范统合 张靖晗(105)

司法制度研究

- 全过程人民民主视域下人民陪审员参与死刑案件审理研究 刘用军(116)
论规范竞合下先诉抗辩权适用之冲突与选择 杨 帆 吕士哲(126)
拒不执行判决、裁定罪的追诉困境及其破解 杨慧妍(135)

法治文化

- 宋代法官审理田宅争讼的理念和方法 王忠灿(147)
法学理论研究如何回应法治实践
——从波斯纳对法学与司法“各行其是”的分析谈起 李建军(157)

期刊基本参数:CN41-1420/Z * 1986 * B * 16 * 166 * ZH * P * ¥ 15.00 * 2000 * 15 * 2023-05

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW

Bimonthly

No. 5, 2023

Total No. 199 September 5, 2023

Main Contents

Research on the Reform of Trademark Objection System	
——From the Perspective of Revised Trademark Law (Exposure Draft)	
.....	Wang Lianfeng Hu Danyang(1)
The Legal Protection of the Rights and Interests of Workers in New Business Forms from	
the Perspective of Common Prosperity	Wu Zhenyu(14)
Institutional Improvement of the Dichotomy of Monopoly Agreements	
——From the Perspective of the Nature of Hub and Spoke Agreements	Wang Xiaohe(22)
The Institutional Dilemma and Improvement of Income Tax Deduction for Non-monetary	
Charitable Donation	Chen Peng(34)
The Normative Interpretation and Judicial Application of Money Laundering Crime	
of “Providing Fund Account Type”	Chen Jialin Wu Ke(45)
On Protection of Datasets by the Anti-Unfair Competition Law	Zhang Sulun(57)
On the Supplement of Industry Technical Standards to the Blank Facts about a Crime	
.....	Leng Biyuan(68)
Excessive Expansion and Rational Restriction; Determination of the Scope of Accomplice	
for Illegal Fundraising Crimes	Zeng Teng(80)
Study on the Implementation of Due Diligence in Cyberspace	Liu Cong(92)
Integration of the Rules and Re-exploration of the Nature of Guardian’s Responsibility	
in Civil Code	Zhang Jinghan(105)
Study on People’s Jurors’ Participation in the Trial of Death Penalty Cases from the	
Perspective of the Whole Process of People’s Democracy	Liu Yongjun(116)
On the Conflict and Choice of the Application of Beneficium Ordinis in the Case	
of Norm Contestation	Yang Fan Lyu Shizhe(126)
The Prosecution Dilemma of the Crime of Refusing to Execute Judgments and Rulings	
and its Crack	Yang Huiyan(135)
The Idea and Method of the Judge Judging Real Estate Disputes in Song Dynasty	
.....	Wang Zhongcan(147)
How Legal Theoretical Research Responds to the Practice of the Rule of Law	
——Starting with Posner’s Analysis of Law and Judiciary’s “Divergent Paths”	Li Jianjun(157)

河南财经政法大学学报

JOURNAL OF HENAN UNIVERSITY OF ECONOMICS AND LAW
双月刊 2023 年第 5 期 (总第 199 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: 2023 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, 2023
Printer: Henan Xinhua Printing Group Co. Ltd

国际标准连续出版物号: ISSN 2095-3275
国内统一连续出版物号: CN 41-1420/Z

ISSN 2095-3275



定价: 15 元