

政治与法律

政治与法律

POLITICAL SCIENCE AND LAW

二〇二一年第十期



10 2022

上海社会科学院法学研究所主办

上海社会科学院法学研究所主办

政治与法律

(月刊)

2022年第10期(总第329期)

=====

习近平法治思想研究

- “人民幸福生活是最大的人权”的理论定位及实践要求 高长见 / 2

主题研讨 —— 乡村振兴法律问题研究

- 农村集体经济组织法人特殊构造论 温世扬 / 15
体系解释视角下农村违法占地建房执法权限争议的解决 程雪阳 / 33
农民合理使用附近公有生产资料权之证成 肖泽晟 / 46

经济刑法

- 消费领域过度维权与敲诈勒索罪的界限：实务考察与理论再塑 徐光华 / 64

专 论

- 少年法治系统论纲 高维俭 / 82
经济法解释论的整体主义方法论立场阐释
——以“知假买假”惩罚性赔偿争议为切入点 马 辉 / 96

争鸣园地

- 不真正不作为犯的二难推理及破除路径 张小宁 / 112
数字经济对实体经济的冲击与因应：以社区团购的规制为视角 侯利阳 / 131

实务研究

- “通知—删除”规则的检视与完善 马更新 / 147
任意撤回权与合同拘束力的冲突与协调 施鸿鹏 / 161

POLITICAL SCIENCE AND LAW

(Monthly)

Edited by the Institute of Law
Shanghai Academy of Social Sciences

No. 10, 2022 (Total No. 329)
Oct. 5

-
- 2 The Theoretical Position and Practical Requirements of the Discourse of “the Living a Happy Life is the Primary Human Right” GAO Changjian
- 15 On the Special Structure of Rural Collective Economic Organizations as Legal Persons WEN Shiyang
- 33 The Solution to Disputes over Law Enforcement Authority concerning Illegal Land Occupation for Building House in Rural Area from the Perspective of Systematic Interpretation CHENG Xueyang
- 46 On the Justification of Farmers' Right to Reasonably Use Nearby Public Productive Materials XIAO Zesheng
- 64 The Boundary between Excessive Claim for Compensation in the Field of Consumption and Extortion: Practical Examination and Theoretical Reconstruction XU Guanghua
- 82 On the Outline of Juvenile Rule of Law System GAO Weijian
- 96 On the Standpoint Elaboration of the Holistic Methodology of the Economic Law Interpretation Theory —— Starting from the Analysis of Disputes over Punitive Damages in the Case of “Knowingly Buying Counterfeit Goods” MA Hui
- 112 The Dilemma in the Reasoning of Derivative Omission Offenses and the Resolution Approach ZHANG Xiaoning
- 131 Challenges of Digital Economy towards Real Economy and Solutions: From the Perspective of Regulating Community Group Buying HOU Liyang
- 147 Review and Improvement of the “Notice-Takedown” Rule MA Gengxin
- 161 On the Conflict and Coordination between the Right of Withdrawal and Contractual Bindingness SHI Hongpeng