

# 财经法学

双月刊

2017年第3期(总第15期)

2017年5月15日出版

## 目 录

### · 财经法治热点 ·

- 《民法总则》的时代精神和特色 ..... 郭 锋 (5)
- 登记请求权与诉讼时效关系论 ..... 冉克平 谭玲妮 (17)
- 论民法的裁判法、权利法品格与我国民法典编纂的语言表达取向 ..... 翟新辉 (27)
- 消费者权益保护法上物的瑕疵与退货的定性及出路  
——基于与合同法相衔接的视角 ..... 武 腾 (38)
- 我国注册制改革的具体路径探析 ..... 杜 晶 (55)

### · 专论 ·

- 直接与间接损害 ..... [德] 迪特尔·梅迪库斯 著 徐建刚 译 (63)
- 论行政许可名称法定  
——以“放管服”改革为背景 ..... 袁雪石 (80)
- 股东会授权董事会的底线：权利配置基础结构维持原则 ..... 曹兴权 黄超颖 (92)

### · 争鸣 ·

- 走向共同体的权利观  
——近代以来法理学发展的一种考察 ..... 黄 涛 (110)
- 中美证券法公共执行机制比较研究  
——基于监管机构投入产出的实证分析 ..... 徐文鸣 朱良玉 (125)
- 我国政府公共服务外包范围的反思与完善  
——基于《宁波市政府服务外包暂行办法》第8、9条分析的展开  
..... 邓 攀 范 伟 (139)

### · 合金论坛笔谈 ·

- 金融衍生品交易与投资者保护 ..... 王文宇 缪因知 (148)

# LAW AND ECONOMY

Published: May 15, 2017 No. 3, 2017

---

## MAIN CONTENTS

The Spirit and Characteristic of the General Provisions of the Civil Law .....	GUO Feng (5)
For the Claim to Registration and Limitation of Actions Relationship Theory .....	RAN Ke-ping TAN Ling-ni (17)
Essay on the Nature of Civil Law and the Wording of Codifying Civil Law of China .....	ZHAI Xin-hui (27)
Defects and Return of Goods in Consumer Protection Law; Based on the Coordination of Contract Law .....	WU Teng (38)
Discussions on the Specific Path toward China's Stock Offering Regulations Reform .....	DU Jing (55)
Direct and Indirect Damage .....	Dieter Medicus (63)
On the Statutory Name of Administrative License; Set in the Background of Reform in the Deregulation, Regulation and Service .....	Yuan Xue-shi (80)
How to Treat the Fundamental Structure of Right Allocation between the Shareholders' Meeting and the Board of Directors .....	CAO Xing-quan HUANG Chao-ying (92)
Right Theories toward the Community; An Inquiry of the Development of Modern Chinese Jurisprudence .....	HUANG Tao (110)
A Comparison of the Public Enforcement Regime in China and the US; An Empirical Analysis of the Inputs and Outputs of the Public Regulators .....	XU Wen-ming ZHU Liang-yu (125)
Reflection and Perfecting on Administrative Legislation of the Scope of China's Government Outsourcing Public Services; Based on the Analysis of Article 8 and 9 in the Interim Measures on Outsourcing Public Services of Ning Bo .....	DENG Qian FAN Wei (139)
The Sale of Financial Derivatives and Investor Protection .....	Wang Wen-yeu Miao Yin-zhi (148)

---