

政治与法律

# 政治与法律

POLITICAL SCIENCE AND LAW

—2021年第十一期



11 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11期(总第330期)

=====

## 习近平法治思想研究

- 论全国人大作为“四个机关” ..... 王理万 / 2

## 主题研讨 ——数字法治前沿问题

- 数字法治政府的机制再造 ..... 马长山 / 17

- 离线权的法律属性与规则建构 ..... 谢增毅 / 35

- 论算法认知偏差对人工智能法律规制的负面影响及其矫正 ..... 刘泽刚 / 50

## 经济刑法

- 经济犯罪的危害实质及其抽象危险犯出罪机制 ..... 崔志伟 / 66

## 专 论

- 现代金融体系视野下的金融法：理念信守与制度表达 ..... 刘 盛 / 80

### 金融机构适当性义务的履行判断和责任承担

- 基于834份裁判文书的分析 ..... 李 游 / 96

## 争鸣园地

- 迈向法典的党内法规体系化建设 ..... 蒋清华 / 115

- 虐待罪的刑罚配置检讨：一个宪法与刑法融贯的视角 ..... 唐冬平 / 130

## 实务研究

- 惩罚性赔偿在生态环境损害赔偿中的适用限制 ..... 彭 峰 / 150

- 论非诉行政执行的期限变更及其正当理由 ..... 周维栋 / 161

# **POLITICAL SCIENCE AND LAW**

(Monthly)

Edited by the Institute of Law  
Shanghai Academy of Social Sciences

No. 11, 2022 (Total No. 330)  
Nov. 5

- 
- 2 On the National People's Congress as "Four-Character Organ" ..... WANG Liwan
- 17 The Mechanism Reconstruction of Digital Rule-of-Law Government ..... MA Changshan
- 35 The Legal Nature of the Right to Disconnect and Its Rules Construction ..... XIE Zengyi
- 50 On the Negative Impacts of Cognitive Biases of Algorithm on the Legal Regulation of Artificial Intelligence and Its Correction ..... LIU Zegang
- 66 The Essential Harm of Economic Crime and the Mode of Decriminalizing the Offence with Abstract Danger ... CUI Zhiwei
- 80 Financial Law from the Perspective of Modern Financial System: Adhered-to Ideas and Institutional Expression ..... LIU Sheng
- 96 The Determination of Performance of Suitability Obligation of the Financial Institutions and the Assumption of Liabilities ——An Analysis based on 834 Judgments ..... LI You
- 115 Towards the Code through the Systematic Construction of Party Rules ..... JIANG Qinghua
- 130 A Review of Penalties Specified for the Crime of Abuse: From the Perspective of Ensuring the Coherence between the Constitution and Criminal Law ..... TANG Dongping
- 150 The Limitation on the Application of Punitive Damages in Compensation for Eco-Environmental Damage ..... PENG Feng
- 161 On Changing the Time Limit of Non-litigation Administrative Enforcement and Its Justifications ..... ZHOU Weidong