

CN 10 - 1281/D
ISSN 2095 - 9206



财经法学

2023 年 3 月 15 日出版

2023 年第 2 期 (总第 50 期) 双月刊

□ 财经法治热点：网络信息法治

人工智能司法的可解释性困境及其纾解

.....	周媛	张晓君	3
敏感个人信息的界定及其完善	莫琳		21
论私密个人信息的合理使用困境与出路	刘磊		36
数字政府建设中个人信息保护的风险规制路径	刘绍宇		51
网络帮助行为刑事处罚的规范判断	李森		68

□ 财经法治热点：《行政处罚法》适用研究

行政处罚主观归责模式的反思与调整

——基于处罚种类多元化的思考	王明喆		83
行政处罚决定公开过程中的裁量权及其规范路径	翁明杰		97

□ 专论

商事交易中担保物权代持的解释论

——以《民法典担保制度司法解释》第 4 条为中心	熊敬		112
公司司法解散中股东利益受损的实质地位及其分流功能	蒋昇洋		128
安慰函的法律构造与规范进路	刘斌	王洁宇	144

□ 争鸣

侵权法生存机会丧失理论的重构	王浩然		161
“职务代理”独立性之质疑	刘骏		178

LAW AND ECONOMY

No. 2, 2023 (Serial No. 50)

March 15, 2023

The Interpretability Dilemma and Resolution of Artificial Intelligence Judicature

..... Zhou Yuan Zhang Xiaojun(3)

Definition and Improvement of Sensitive Personal Information Mo Lin(21)

On the Dilemma and Solution of the Fair Use of Private Personal Information Liu Lei(36)

On the Risk Regulation Pattern of Personal Information Protection in Digital Government

Construction Liu Shaoyu(51)

The Normative Judgement about the Network Helping Behavior Criminal Punishment

..... Li Miao(68)

Reflection and Adjustment of the Subjective Imputation Model of Administrative Punishment:

Thinking Based on the Diversification of Punishment Types Wang Mingzhe(83)

On the Standardized Exercise of Administrative Discretion in the Disclosure of

Administrative Punishment Decisions Weng Mingjie(97)

Interpretation of Nominee Security Interest Holding in Commercial Transactions:

Centered on Article 4 of Judicial Interpretation of Security Interest in the Civil Code

..... Xiong Jing(112)

The Substantive Position and Diversion Function of Shareholders' Interests Damaged

in the Judicial Dissolution of Corporation Jiang Shengyang(128)

The Legal Structure and Normative Status of Letter of Comfort

..... Liu Bin Wang Jieyu(144)

Reconstruction of the Theory of Loss of Survival Opportunity in Tort Law

..... Wang Haoran(161)

The Critique of the Independence of Agency in Duty Liu Jun(178)
