

论文

行政诉讼集中管辖制度的实证研究

叶赞平 刘家库

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摘要:

行政诉讼集中管辖是将原来分散由不同法院管辖的行政诉讼案件交由若干特定的法院集中管辖和审理,以解决目前司法环境不佳、案件数量不足、法官队伍不稳定等困扰行政审判工作的现实问题。行政诉讼相对集中管辖制度的试行实践表明,该制度具有合理配置司法资源、提高司法效率、改善司法环境、促进司法公正、培育行政审判队伍、提高行政审判水平的积极意义。行政诉讼集中管辖既是一种改革探索方法,也是一种新的司法管辖模式,应该通过立法将其确立为新的管辖制度。

关键词: 司法体制改革 行政诉讼 管辖制度 集中管辖 指定管辖 立法建议

An Empirical Research on the Centralized Jurisdiction of Administrative Litigation

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Abstract:

The centralized jurisdiction of administrative litigation is a system where administrative litigation cases usually tried by different courts are brought together to assigned courts in order to solve the urgent problems of unsatisfactory judicial environment, litigation cases shortage and personnel instability. The trial implementation of the centralized jurisdiction of administrative litigation proves that this system can achieve positive goals of rational allocation of judicial resources, higher judicial efficiency, optimal judicial environment, more judicial justice, more qualified administrative litigation judges and improved judicial trial. The centralized jurisdiction of administrative litigation is not only an attempt at judicial reform, but also a new mode of court jurisdiction, and should be approved as a new jurisdictional system by legislation.

Keywords: judiciary system reform administrative litigation jurisdiction system centralized jurisdiction assigned jurisdiction legislation proposal

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