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妨害国(边)境管理罪立法思考

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摘要: 近十年我国非法移民活动出现了一些新特点。面对新形势, 我国现行刑法妨害国(边)境管理罪有关规定表现出明显的滞后性。为完善我国打击非法移民活动之刑事立法, 便于国际学术交流与执法合作, 建议以“妨害出入境管理罪”概念替代“妨害国(边)境管理罪”, 并对其中的偷越国(边)境罪、组织他人偷越国(边)境罪、运送他人偷越国(边)境罪和骗取出境证件罪等4种罪进行修改、合并或补充。

关键字: 非法移民; 妨害国(边)境管理罪; 妨害出入境管理罪

On crimes of obstructing the administration of national boundary

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Abstract: There are some new characteristics of illegal migration in China in recent years. But the criminal law lags behind the state of affairs. Legislators must perfect provisions of crimes of obstructing the administration of national boundary, that is to say, changing the accusation of crimes of obstructing the administration of national boundary, and amending the crime of crossing the boundary sneakily, crime of organizing others to cross the boundary sneakily, crime of conveying others to cross the boundary sneakily, and crime of swindling exit-paper, so as to make it convenient for international exchange and cooperation.

KeyWords: illegal migration; crimes of obstructing the administration of national boundary; crimes of obstructing the administration of Exit-Entry