



中南财经政法大学
青年学术文库

和谐社会构建中 民生警务研究

戴 涛 著

中国社会科学出版社



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总 序

一个没有思想活动和缺乏学术氛围的大学校园，哪怕它在物质上再美丽、再现代，在精神上也是荒凉和贫瘠的。欧洲历史上最早大学就是源于学术。大学与学术的关联不仅体现在字面上，更重要的是，思想与学术，可谓大学的生命力与活力之源。

中南财经政法大学是一所学术气氛浓郁的财经政法高等学府。范文澜、嵇文甫、潘梓年、马哲民等一代学术宗师播撒的学术火种，五十多年来一代代薪火相传。世纪之交，在合并组建新校而揭开学校发展新的历史篇章的时候，学校确立了“学术兴校，科研强校”的发展战略。这不仅是对学校五十多年学术文化与学术传统的历史性传承，而且是谱写 21 世纪学校发展新篇章的战略性手笔。

“学术兴校，科研强校”的“兴”与“强”，是奋斗目标，更是奋斗过程。我们是目的论与过程论的统一论者。我们将对宏伟目标的追求过程寓于脚踏实地的奋斗过程之中。由学校斥资资助出版《中南财经政法大学青年学术文库》，就是学校采取的具体举措之一。

本文库的指导思想或学术旨趣，首先在于推出学术精品。通过资助出版学术精品，形成精品学术成果的园地，培育精品意识和精品氛围，提高学术成果的质量和水平，为繁荣国家财经、政法、管理以及人文科学研究，解决党和国家面临的重大经济、社会问题，作出我校应有的贡献。其次，培养学术队伍，特别是通过对一批处在“成长期”的中青年学术骨干的成果予以资助推出，促进学术梯队的建设，提高学术队伍的实力与水平。再次，培育学术特色。通过资助在学术思想、学术方法以及学术见解等方面有独到和创新之处的成果，培育科研特色，力争通过努力，形成有我校特色的学术流派与学术思想体系。因此，本文库重点面向中青年，重

点面向精品，重点面向原创性学术专著。

春华秋实。让我们共同来精心耕种文库这块学术园地，让学术果实挂满枝头，让思想之花满园飘香。



2009 年 10 月

Preface

A university campus, if it holds no intellectual activities or possesses no academic atmosphere, no matter how physically beautiful or modern it is, it would be spiritually desolate and barren. In fact, the earliest historical European universities started from academic learning. The relationship between a university and the academic learning cannot just be interpreted literally, but more importantly, it should be set on the ideas and academic learning which are the so – called sources of the energy and vitality of all universities.

Zhongnan University of Economics and Law is a high education institution which enjoys rich academic atmosphere. Having the academic germs seeded by such great masters as Fanwenlan, Jiwenfu, Panzinian and Mazhemin, generations of scholars and students in this university have been sharing the favorable academic atmosphere and making their own contributions to it, especially during the past fifty – five years. As a result, at the beginning of the new century when a new historical new page is turned over with the combination of Zhongnan University of Finance and Economics and Zhongnan University of Politics and Law, the newly established university has set its developing strategy as “Making the University Prosperous with academic learning; Strengthening the University with scientific research”, which is not only a historical inheritance of more than fifty years of academic culture and tradition, but also a strategic decision which is to lift our university onto a higher developing stage in the 21st century.

Our ultimate goal is to make the university prosperous and strong, even through our struggling process, in a greater sense. We tend to unify the destination and the process as to combine the pursuing process of our magnificent goal with the practical struggling process. The youth's Academic Library of Zhongnan University of Economics and Law, funded by the university, is one of our specif-

ic measures.

The guideline or academic theme of this Library lies first at promoting the publishing of selected academic works. By funding them, an academic garden with high – quality fruits can come into being. We should also make great efforts to form the awareness and atmosphere of selected works and improve the quality and standard of our academic productions, so as to make our own contributions in developing such fields as finance, economics, politics, law and literate humanity, as well as in working out solutions for major economic and social problems facing our country and the Communist Party. Secondly, our aim is to form some academic teams, especially through funding the publishing of works of the middle – aged and young academic cadreman, to boost the construction of academic teams and enhance the strength and standard of our academic groups. Thirdly, we aim at making a specific academic field of our university. By funding those academic fruits which have some original or innovative points in their ideas, methods and views, we expect to engender our own characteristic in scientific research. Our final goal is to form an academic school and establish an academic idea system of our university through our efforts. Thus, this Library makes great emphases particularly on the middle – aged and young people, selected works, and original academic monographs.

Sowing seeds in the spring will lead to a prospective harvest in the autumn. Thus, Let us get together to cultivate this academic garden and make it be opulent with academic fruits and intellectual flowers.

Wu Handong

中文摘要

关注民生是我们党全心全意为人民服务宗旨的体现，是全面贯彻落实科学发展观的重要保证，是提高党的执政能力、保持和发展党的先进性的必然要求。关注民生、重视民生、保障民生、改善民生是实现公平正义、促进社会和谐现实途径，是构建和谐社会的关键所在。公安机关在构建和谐社会中，无论是从中国特色社会主义的性质出发，还是从和谐社会特征着眼，或者从公安机关的特殊职能要求考虑，公安机关注定是和谐社会的建设者、促进者、保障者，都必须为构建和谐社会创造和谐稳定的社会环境和公正高效权威的法治环境。在这种背景下，提出和研究关于民生警务课题无疑具有积极的实践意义和深层的学术意义。

与对公安机关的传统认识相比，“民生警务”是在新形势下关于警察职能的新探讨。公安机关在执行人民民主专政职能时，也在实践和认识上逐步实现自身职能的转变，在和谐社会构建中将服务民生作为自身职能的新内容。“民生警务”成为公安机关的新概念和新实践。在构建和谐社会的进程中，解决民生问题成为公安机关最大的警务。这是新时代下公安工作的客观要求和主观调整。公安机关的全部工作要服从服务于解决民生问题这个大局，谋划公安核心工作、处理公安具体工作，也要服从服务于解决民生问题这个大局。为此，分析构建和谐社会与公安工作的关系，结合中国共产党执政理念和加强党的执政能力建设中对民生思想与政策完整把握，对警务活动的民生导向进行历史梳理和域外比较，对警务活动服务民生的基本理念、机制建构、运作方式及监督制度等问题进行专题探讨，是一项重要课题。

民生警务是在科学发展观指导下，以民本的思想、法治的精神、和谐的理念，在全面把握公安工作职能和定位、规律和特点的基础上，有效履行打击、防控、管理、服务职能的过程，是把保障、服务和改善民生的具体要求贯穿到警务活动的各个环节的过程，是与党和国家大局高度一致、

与人民群众的愿望和需求高度契合的警务工作境界。本书立足于和谐社会构建中民生观对公安事业发展的客观要求,研究社会治安管理面临的新情况、新问题,积极探索社会治安管理的新思路、新方法,切实提高社会治安管理水平,从主动适应人民群众对社会管理和公共服务的新期待新要求这一战略高度出发,构建以民生至上为核心理念,以和谐为标志的警民关系,以服务 and 保障民生为主要内容的警务工作机制。通过研究民生与警务的关系、贯通民生精神的现代警务新理念、中国警务活动现状、民生警务现实发展的实证研究以及民生警务机制的建构、运作和监督制度,力图解决什么是具有中国特点的民生警务,如何建立适合中国特点的民生警务机制,影响民生警务机制的主要因素以及和谐社会构建中民生警务的基本取向等问题。本项研究通过对武汉市公安局江汉区分局民意街派出所警务运行的调查、总结、分析、评价,勾勒出适合中国实际的民生警务基本取向,以宣传、倡导、推动民生警务工作。

目前学界有关民生警务的整合成果极少,而本书将民生与警务有机结合在一起,将民生意蕴贯彻在当代中国警务活动中,提出和谐社会构建中民生警务的理论假设和实践操作模式,具有明显的原创性和前沿性。同时,本书立足我国国情,注重实证研究,努力探索具有中国特色的警务运行机制,并从法政治学角度,在多学科交叉研究的基础上,开展制度运行环节的因素分析,提出较系统的民生警务运行体系。可以相信,当从科学发展的高度,充分认识关注民生问题的极端重要性,切实把关系老百姓切身利益的工作摆在更加突出的位置,为民生警务机制出谋划策,我国民生警务的愿景必定会早日实现。

关键词: 和谐社会 公安机关 民生警务

Abstract

To be concerned with people's livelihood is to embody our party's goal of serving the people wholeheartedly, to guarantee comprehensive implementation of the scientific outlook on development, and to necessitate her improving the administrative ability and maintaining and developing the characteristics of vanguards. The political speech made by Secretary Hu Jintao at the 17th Congress of the Communist Party clearly states that it is necessary to "accelerate the focus on improving people's livelihood and social construction". To be concerned with people's livelihood, to attach importance to people's livelihood, to safeguard people's livelihood and to improve people's livelihood are a realistic approach to achieving fairness and justice and promoting social harmony and the key to building a harmonious society. To set up a socialist harmonious society, no matter what it is to be taken into consideration; the socialist nature with Chinese characteristics, the characteristics of a harmonious society, or the special functional requirements of the police, the public security organ is bound to be a builder, facilitator and guarantor of a harmonious society, being obligated to build a stable social environment for constructing a socialist harmonious society and to create an authoritative legal atmosphere for efficiency and justice. In this context, to put forward and do research into the police service for the people's livelihood is no doubt of a positive practical significance and a profound academic significance.

Compared to the traditional understanding of the public security organ, "police service for people's livelihood" is a new study on the functions of police under the new situation. In the process of performing the functions of the people's democratic dictatorship, the public security organ realizes its own changes in functions in both practice and understanding and serves for the people's livelihood as the new contents of its own functions in the building of a harmonious society.

“Police service for the people’s livelihood” becomes the new concepts and new practice of the public security organ. In the process of building a socialist harmonious society, the issue of meeting people’s livelihood has become the priority of the public security organ, which is the practical demands and subjective adjustment of police in the new era. The public security organ should subordinate all its work to the overall goal of meeting the demands of people’s livelihood, and so should it do with its plan of the core work and the performing of the specific tasks. To this end, it is an important subject to compare the people’s livelihood orientation of police service activities vertically and horizontally and explore in particular the basic concept, mechanism construction, operation form and control system of the police service for people’s livelihood by analysing the relationship between building a socialist harmonious society and public security work and achieving a better understanding of the people’s livelihood – oriented mind and policy of the Chinese Communist Party’s ruling idea in its governing capacity construction.

Police service for the people’s livelihood is, under the guidance of scientific outlook on development, with the perception that is people – centered, legal and harmonious, on the basis of a comprehensive grasp of the functional orientation and rules and characteristics of the public security work, to perform effective functions, such as crackdown, protection, management and service; to safeguard, serve for and improve on the people’s livelihood on all aspects of police service; to be highly consistent with the overall goal of the Party and the nation and to meet the wants and needs of the ordinary people. Based on the objective requirements of public security development from the concept of people’s livelihood, this dissertation studies the new situation and problems faced by public security management and actively explores the new ideas and methods in order to effectively improve the public security management level and to build a mechanism for police service accompanied with ‘people’s livelihood first’ as its core concept, harmonious relationship between police and civilians as its symbol, and serving and ensuring people’s livelihood as the main content. Through the research into the relationship between people’s livelihood and the police service, the new concept of modern police service with the spirit of livelihood, the current status of

the Chinese police, and the empirical studies of the reality development of police service for people's livelihood, as well as the construction, operation and supervision system of the mechanism of police service for people's livelihood, this thesis makes an effort to answer questions as what police service for people's livelihood with Chinese characteristics is, how to establish the mechanism of police service for people's livelihood suited to Chinese characteristics, what main elements influence the mechanism of police service for people's livelihood, and what the direction of constructing police service in a socialist harmonious society is. This study on the police service of Minyi Street Police Station, Jiangnan District, Wuhan, with the investigation, summary, analysis and evaluation of it, has outlined the basic orientation fit for the actual police service for people's livelihood in China.

Currently there are rare results about police service for people's livelihood in academia; therefore, this paper is creative and advanced, since it combines the people's livelihood with police service, carries out the concept of people's livelihood in contemporary Chinese police service activities, and presents the theoretical assumptions and actual operating models. At the same time, based on national conditions in China, this dissertation focuses on empirical research and strives to explore a police service operating mechanism with Chinese characteristics; what's more, from the view of politics of law, it carries out factors analysis of operational performance and puts forward a scientific police service for people's livelihood operation system based on multidisciplinary study. It is believed that from the perspective of scientific development, when we fully understand the paramount importance of being concerned with people's livelihood, earnestly place the work concerned to the immediate interests of the people in a more prominent position, and give suggestions for the police service mechanism for people's livelihood, China's vision of police service for people's livelihood will soon be a reality.

Key words: harmonious society, public security organ, police service for people's livelihood

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导 论

民生是和谐之基。公安机关在构建社会主义和谐社会中，无论是从中国特色社会主义的性质出发，还是从和谐社会特征着眼，或者从公安机关的特殊职能要求，公安机关注定是和谐社会的建设者、促进者、保障者，必须对社会管理面临的新问题和新情况开展积极研究，深入探索社会管理的新方法和新思路，提升社会管理的水平。同时，要站在主动适应人民群众对公安机关的新期待和新要求这一战略高度，构建以解决民生问题为导向的警务工作机制，为构建社会主义和谐社会创造和谐稳定的社会环境和公正高效权威的法治环境。

一 构建和谐社会与公安工作的关系

从党的十六大报告提出“社会更加和谐”的发展要求以来，党中央不断进行理论探索和大胆实践，推动和谐社会建设取得了一系列理论成果和实践经验。党的十六届六中全会通过了我党历史上第一个关于构建社会主义和谐社会的纲领性文件——《中共中央关于构建社会主义和谐社会若干重大问题的决定》；党的十七大报告指出：“社会和谐是中国特色社会主义的本质属性。科学发展和社会和谐是内在统一的。没有科学发展就没有社会和谐，没有社会和谐也难以实现科学发展。构建社会主义和谐社会是贯穿中国特色社会主义事业全过程的长期历史任务，是在发展的基础上正确处理各种社会矛盾的历史过程和社会结果。”党的十八大报告也强调：“必须从维护广大人民根本利益的高度，加快健全基本公共服务体系，加强和创新社会管理，推动社会主义和谐社会建设。”这反映了我党对共产党执政规律、社会主义建设规律和人类社会发展规律认识的深化，同时也意味着我们将开创一个全面协调可持续发展的中国经济社会新局面，也将经受各个方面的严峻考验。

构建社会主义和谐社会是全党、全社会共同的责任。巩固党的执政地

位、维护国家的长治久安和保障人民安居乐业，公安机关责无旁贷。这一政治责任和历史使命与构建社会主义和谐社会总要求是相吻合的。由此来看，公安机关的全部工作，就是要维护稳定，促进和谐，促进发展。因此，我们可以说，构建社会主义和谐社会，公安系于一半，注重考察创造和谐稳定的社会环境是把握构建社会主义和谐社会与公安工作之间关系的关键所在。

（一）创造和谐稳定的社会环境，是公安机关长期的首要任务和重大的政治责任与历史使命，也是构建社会主义和谐社会对公安工作的内在要求

当前，中国仍处在经济社会发展的重要战略机遇期和社会矛盾凸显期，保持经济平稳较快发展、维护社会和谐稳定任务艰巨繁重。从我国现实状况看，当前社会治安形势严峻，人民内部矛盾凸显、刑事犯罪高发、对敌斗争复杂，我们一方面要长期面对发达国家在经济、科技等方面占优势的压力，另一方面要在相当长的一段时期内面对西方敌对势力对我国实施西化、分化战略的严峻斗争。同时，国内、国际两方面因素相互交织、相互影响，导致社会矛盾的聚合性、敏感性和关联性不断增强。我们必须清醒的认识到，我国正处于并将长期处于社会主义初级阶段，改革发展已步入深水区，经济体制、社会结构、利益格局和思想观念发生了深刻调整 and 变化。社会变革将给国家发展进步带来巨大的活力，同时也会带来各种各样的问题和矛盾：发展不平衡、人口压力大、民生问题、民主法制不健全、诚信缺失、腐败现象以及国家和社会稳定问题。解决这些矛盾和问题都需要有重点、分步骤地持续推进，公安机关肩负着重大的政治责任和历史使命，发挥着不可替代的作用。

创造和谐稳定的社会环境是公安机关长期的首要任务，也是构建社会主义和谐社会对公安工作的内在要求。社会主义和谐社会的六大基本特征，其每一个方面都与公安工作密切相关。就民主法治来说，公安机关是维护人民民主专政的重要工具，是依法治国的重要力量，确保依法治国方略得到贯彻落实，推进社会主义民主建设，是公安机关的职责所在；就公平正义来说，公平正义是公安工作的主题，严格公正文明执法是公安机关执法的生命线；就诚信友爱来说，构建和谐社会要求公安机关运用法律手段规范社会行为，引导全社会建立诚实信用、平等友爱、融洽相处的人际关系；就充满活力来说，公平竞争、鼓励创造、保护创新的社会环境和法