

第2卷

北京行政诉讼 案例研究

Case Study
on
Administrative Litigation
in
Beijing

北京市高级人民法院行政审判庭·编



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北京市高级人民法院行政审判庭·编

第②卷

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《北京行政诉讼案例研究》

第②卷

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序

摆在读者面前的这本《北京行政诉讼案例研究》是自2000年出版以来的第二卷,收集了北京法院2000年和2001年审理的部分行政诉讼案例。我国虽然不是“判例法”国家,但是,对案例的收集、整理和研究是法官的一项重要工作,因为典型的案例可以为审判实践提供直接的参考,为探索法律前沿问题提供丰富的素材,也能实现法律资源的全社会共享,对于起步较晚的行政诉讼,更是如此。2001年最高人民法院提出了新世纪法院工作的主题是公正与效率。这是以“三个代表”思想为指导,认真总结人民法院工作,针对人民法院面临的一些新情况、新问题、新变化,对人民法院在司法活动中应该遵循的基本要求进行的高度概括。北京行政法官们重视总结审判经验,不断加强对案例的深层次研究,正是他们全面加强审判工作,大力加强队伍建设,推进法院改革,努力实践公正与效率主题的重要步骤。

中国加入WTO后,国际经贸合作将空前活跃和繁荣,我国经济结构的调整在经济全球化潮流的影响下将进一步加快,同时也应当看到,实施世贸组织规则与我国执法环境、司法秩序的现状将会发生碰撞,人民法院受理的各种案件,特别是行政诉讼案件,数量将增长,类型将更为多样化,人民法院的司法水平将受到新的考验。北京是中央政府所在地,根据我国国内法规定,与WTO规则相关的重要行政案件大部分由北京法院管辖。这对北京法院的行政审判工作是一个重大的考验和新的发展机遇。北京法院应当适时抓住机遇,勇敢

迎接挑战,大胆实践为树立我国司法机关良好国际形象作出不懈努力。

应当看到,我国法官队伍整体素质与公正审理案件的要求还有差距。入世后,审判工作对法官素质提出更高要求,行政法官更要转变司法观念,切实做好审判理念、法律素质、审判资源配置等准备。希望《北京行政诉讼案例研究》成为展现首都法院行政审判水平和行政法官风采的舞台,能够突出反映首都行政法官对于强化法制观念,强化国家安全和经济安全观念,强化权利平等观念,强化公开审判观念,强化法制统一观念,强化改革创新观念等所做的思考和成果。

愿首都行政法官们,通过《北京行政诉讼案例研究》,为实现司法公正和司法效率,为完善我国的行政诉讼制度,为推进判例制度的形成和发展作出新的贡献。

是为序。

最高人民法院副院长

李国光

二〇〇二年七月 于北京

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要求履行法定职责

