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总编/王战 于信汇

上海法治发展报告

(2016)

主编/叶青副主编/杜文俊 王海峰 孟祥沛

ANNUAL REPORT ON DEVELOPMENT OF RULE
OF LAW IN SHANGHAI (2016)





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主编简介

叶 青 法学博士,教授、博士生导师。上海市第十四届人大常委会委员,第三届全国法律专业学位研究生教育指导委员会委员。现任上海社会科学院法学研究所所长、华东政法大学校长。

2006 年荣获上海市第三届优秀中青年法学家称号。2009 年获得第五届 上海市教学名师奖。2013 年获评上海市领军人才。

著有《刑事诉讼证据问题研究》《我国审判公开中法院管理创新的思考》《加强和改进党对全面推进依法治国的领导》等。主编《我国审判公开问题实证考察与对策研究》《证据法学:问题与阐释》《刑事诉讼法学》《刑事诉讼法:案例与图表》《案例刑事诉讼法学》等。先后在法学专业核心刊物上发表论文120多篇。

现兼任中国法学会学术委员会委员、中国刑事诉讼法学研究会副会长、 中国行为法学会副会长、上海市法学会副会长、上海市诉讼法学研究会副会 长,上海市法官、检察官遴选 (惩戒) 委员会委员。 《上海法治发展报告 (2016)》对 2015 年上海地方法治建设进行了全方位的考察,反映了上海市法治建设持续深入推进的真实情况,回顾并梳理了上海在人大立法、依法行政、司法体制改革、依法治市等方面取得的进步和面临的挑战。

总报告全面回顾了上海法治建设领域方方面面取得的创新成绩,对人大、政府、法院、检察院、律师工作有专项解读,2015年人大工作依法有序推进;法治政府建设进一步加强;司法体制改革全面深入推进;依法治市工作深入开展。总报告对2016年上海法治建设进行了展望。

评估篇有两篇文章,其一以上海市第一中级人民法院司法公信力为研究对象。受上海市第一中级人民法院委托,由上海社会科学院法学研究所领衔,组建跨学科、跨部门、跨单位的专业评估小组,对上海市第一中级人民法院司法公信力开展独立、客观的第三方评估工作。在司法公正、司法效率、司法透明度、司法便民、司法民主、司法形象、司法能力、司法信任度方面设了8项二级指标、54项三级指标,通过调查问卷等方式开展评估工作,最终形成《上海市第一中级人民法院司法公信力第三方评估报告》。其二是《上海市科技创新政策评估分析》。

专题篇从多个侧面重点介绍了上海法治建设的现状:深化诉调对接工作积极推进多元化纠纷解决机制改革、检察机关司法公信力研究、跨行政区划人民法院的改革探索与实践、跨行政区划检察院设立模式及前瞻性研究、上海法学教育发展现状和展望、以风险为中心的公共安全管理机制探索、地方人大在立法中的主导作用、上海市人大常委会修改《上海市制定地方性法规条例》的经过与内容、上海市创新推进房屋编码管理的实践与思考等



内容。

热点篇有两篇文章:《〈上海市烟花爆竹安全管理条例〉修订评析》、《〈负面清单(2015年)〉的新发展及完善建议》等,对2015年度内的创新法治热点进行深入评述。

案例篇推介四个上海 2015 年内的优秀法治案例,有介绍长宁区华阳路街道的《条块结合、块块联合、政社融合的街道综治工作新机制》、杨浦区新江湾城社区的《通过法治手段推动群租整治之案例考察》,以及《嘉定经验:"互联网+"助推智慧型检察机关建设》和《金山区行政诉讼协调化解机制专案研究》。

Abstract

Annual Report on Development of Rule of Law in Shanghai (2016) carries on the full range of inspection on 2015 shanghai local legal construction, reflects the real situation of ruling by law continued construction in Shanghai, reviews and sorts out the progress and challenges involving city governance according to law, local legislation, law-based administration and Judicial system reform.

The "General Report" reviews the innovation achievements in all aspects of Shanghai legal construction, specially interprets the work of the local people's congress, the government, the courts, the procuratorate and lawyers, the work of the 2015 NPC in an orderly manner according to the law; further strengthen the construction of government ruled by law; Propelling the Judicial Reform; intensify the work of governing city by law; General report outlook the rule of law construction in Shanghai in 2016.

The "Evaluation Reports" have two articles. One is to have a research on the credibility of the judiciary of Shanghai Municipal First Intermediate People's Court Commissioned by the Shanghai Municipal First Intermediate People's court, Shanghai Academy of Social Sciences leads to organize the professional evaluation team with Interdisciplinary, cross-sector, cross-unit, carries on the independent and objective third-party evaluation on the judicial credibility of Shanghai First Intermediate People's Court. The team sets up 8 second level indexes and 54 third grade indexes in justice, judicial efficiency, judicial transparency, judicial convenience, judicial democracy, the image of the judiciary, judicial power, judicial trust degree, and carries out the evaluation through questionnaire survey. And the third-party evaluation report on the judicial credibility of Shanghai Municipal First Intermediate People's Court is formed. The other one is the Evaluation on Shanghai science and technology innovation policy.

The "Special Reports" introduce the current status of Shanghai legal

construction: deepening the lawsuit and intermediation, actively promoting the reform of diversified dispute resolution mechanism, study on the judicial credibility of the procuratorial organizations, the reform practice and exploration of the cross administrative divisions People's Court, the establishment mode and prospective study of cross administrative division Procuratorate, the development status and Prospect of legal education in Shanghai, public safety management mechanism exploration with the center of risk (prevention), NPC leading role in the legislation: Legal Significance and Shanghai practice, Process, the Process and Content of Shanghai Municipal People's Congress Standing Committee's Amending "the Shanghai Developing Local Regulations" the practice and thinking of Shanghai innovation promoting housing coding management.

The "Report on Hot Issues" mainly introduces Shanghai's fireworks management experience, new development and improvement suggestions of "The negative list (2015)", and in-depth reviews the rule of law innovation hotspots in 2015.

The "Report of Case Studies" introduces the outstanding rule of law cases, including "combination of pieces and blocks, combination of blocks and blocks, the street-road comprehensive management" mechanism of politics and community integration by Huayang Street, Changning District, through legal means promote base rent regulation problem research from Xinjiangwan street, Yangpu District, "Internet +" promoting the establishment of "smart" procuratorial organizations and research project coordination mechanism to resolve the Jinshan District administrative litigation.

日 录

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