



河北蓝皮书

BLUE BOOK OF HEBEI

No.2

河北法治发展报告

(2018)

主编/康振海 郭竞坤

执行主编/王艳宁 周保刚 李靖

THE RULE-OF-LAW DEVELOPMENT REPORT
OF HEBEI (2018)

 社会科学文献出版社
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《河北法治发展报告（2018）》

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摘 要

《河北法治发展报告（2018）》是河北省记录法治建设实践的蓝皮书。本书由河北省社会科学院牵头、河北省社会科学院法学研究所担纲，中共河北省委法治河北建设领导小组全力支持，由相关实务部门、省内外高等院校法学院系的专家学者组成精干学术队伍推出的一部具有较高理论价值和实践意义的全景式法治河北建设文献，使社会各界得以全面准确地了解河北法治建设的进程与成果。《河北法治发展报告（2018）》系统总结了河北法治建设的实践进程与相关经验，剖析法治建设中存在的问题及原因，总结推广全省法治建设的创新实践及有益经验，探索法治建设新途径，从理论与实践两个方面推动河北法治建设进程。

《河北法治发展报告（2018）》由总报告、法治河北建设探索与实践、法治化治理、京津冀法治协同、法治评估5个部分组成。其中，总报告综合阐述了2017年河北法治建设的总体情况，展望2018年河北省全面深化依法治省前景。完善法治建设工作体制机制，丰富法治创建和法治宣传活动载体，推进法治河北建设各项工作迈上新台阶。

法治河北建设探索与实践部分推出了10篇研究报告。2017年河北省作为国务院确定的行政执法改革试点省份，在全省进行了行政执法公示制度、执法全过程记录制度、重大执法决定法制审核制度的改革，探索可复制、可推广的经验做法。经过近一年的改革试点工作，行政执法三项制度改革取得良好效果。本部分推出的《河北省行政执法“三项制度”改革的研究报告》阐述了改革中遇到的问题及其解决方案，为全国推行行政执法三项制度、促进严格规范公正文明执法，提供了经验和范本。河北省作为钢铁大省，“僵尸企业”的问题不容小觑，去产能和处置“僵尸企业”一直是近几年河北



省供给侧改革的重头戏。本部分推出的《河北省国资委监管企业处置“僵尸企业”情况研究报告》，从识别标准、现状调研和处置进展与规划三个方面重点论述，以期对决策有所裨益。《河北省企业破产案件审判情况研究报告》指出，充分发挥运用司法手段防范和化解金融风险、运用破产法律程序稳妥处置“僵尸企业”方面的职能作用，区分情况、多措并举，为全省供给侧改革和经济产业结构调整提供公正、高效的司法环境。近年来，河北省努力打造调解、仲裁、诉讼等环节有效衔接的多元纠纷解决机制，较好地满足民众多渠道解决纠纷的需求。《河北省矛盾纠纷多元化解调研报告》指出，矛盾纠纷化解机制仍存在机制不健全、环节衔接不畅等问题，需要从思想观念、配套机制等方面入手，特别是破除体制机制障碍，将矛盾纠纷多元化解机制建设向纵深推进。村规民约是村民自治的制度内容和重要表现形式，在乡村治理中发挥着重要作用。《以村规民约推动河北省乡村全面发展的研究报告——以塔元庄经验为例》，通过对河北省正定县塔元庄村实地调查后发现，塔元庄的村规民约在加强党的建设、发展集体经济、保障社区稳定、管理公共事务、倡导勤俭节约、传承中华民族优秀传统文化六个方面均发挥了显著作用，被誉为“塔元庄之治”。

法治化治理部分推出了6篇研究报告。《河北省政务大数据建设的主要问题及对策建议》指出了当前河北省政务大数据建设存在的一些问题，提出应强化政务大数据发展和应用统筹协调机制，完善政务内部大数据和外部大数据资源配套制度体系，建立可持续机制，推动政务大数据资源开放共享等建议。《河北省“互联网+诉非衔接”多元化纠纷解决机制调研报告——以邢台地区法院实践为视角的观察》论述机制创建过程，指出河北法院系统将该机制作为司法服务群众“最后一公里”的有效举措，探寻区域差异和群体纠纷处理差异，致力于打造多元纠纷解决机制的“2.0”版本。

京津冀法治协同部分推出了5篇研究报告，《京津冀协同立法工作成效与深化研究》对京津冀协同立法、京津冀机动车污染防治法律协同等问题进行研究。《雄安新区社会治理创新研究——基于大数据和矛盾纠纷多元化解的考察》通过考察雄安新区社会治理领域出现的新情况，提出以大数据

推进雄安新区社会治理的智慧化发展，以科技手段推进新区社会治理体制机制的创新实践，实现社会治理与科技的深度融合。

近年来兴起的法治评估是评价各地法治状况、法治环境、法治水平，引导各地推进法治建设、开展法治创建的重要手段。法治评估部分推出了《设区市法治建设考核评估的“河北做法”》、《河北省设区市法治建设指数评估报告》和《2017年河北法院阳光司法指数评估报告》3篇研究报告。河北省委法治河北建设领导小组办公室在全国率先推出《河北省设区市法治建设指标体系（试行）》，创新实践“三位一体”考评机制，探索应用“设区市法治建设指数”理论。该机制创新、理论创新和工作创新，于多个方面在全国首开先河，有力地传导了压力、激发了动力、推动了工作，被评为河北省2017年度“十大法治成果”。

关键词：河北 法治发展 法治评估 京津冀法治协同 法治化治理

Abstract

The Rule-of-Law Development Report of Hebei (2018) is Hebei's blue book of recording practices of rule-of-law development. Compilation of this book is led by Hebei Academy of Social Sciences, undertaken by Institute of Law, and supported vigorously by the Rule-of-Law Hebei Building Leading-Group of the CPC Hebei Provincial Committee, which is a panoramic literature of the rule-of-law Hebei building with high theoretical value and practical significance formulated by capable academic teams made up by experts and scholars of provincial departments concerned and law schools/departments of universities inside and outside the province, with a view to providing the public with overall and accurate information of the process and results of Hebei's rule-of-law development. The Rule-of-Law Development Report of Hebei (2018) systematically summarizes practical process and related experience of Hebei's rule-of-law development, analyzes problems existing and causes of their formation in rule-of-law development, summarizes and extensively applies innovative practices and beneficial experience of the rule-of-law development across the province, explores new approaches of rule-of-law development, and advances Hebei's rule-of-law development theoretically and practically.

The Rule-of-Law Development Report of Hebei (2018) consists of the five parts of General Reports, Explorations and Practices of the Rule-of-Law Hebei Building, the Rule-of-Law Governance, Beijing-Tianjin-Hebei Rule-of-Law Collaboration, and Rule-of-Law Assessment. Of them, General Reports have an comprehensive statement of the overall rule-of-law development situation of Hebei in 2017, and forecast prospects of overall and in-depth advancement of Hebei's rule-of-law development in 2018. The work involves improving working systems and mechanisms of Hebei's rule-of-law development, and enriching platforms of rule-of-law establishment and publicity in an effort to advance all work of the rule-

of-law Hebei building to reach a higher stage.

Explorations and Practices of the Rule-of-Law Hebei Building contains 10 study reports. In 2017, Hebei Province, as a pilot province of reform of administrative enforcement of law fixed by the State Council, carried out reforms of the publicity system of administrative enforcement of law, the whole-process recording system of enforcement of law, and the legality examination system of significant decisions of enforcement of law across the province, and explored copiable and extensively applicable experience and methods. As a result of the reform pilot work of nearly a year, the “Three Systems” Reform of Administrative Enforcement of Law has achieved good results. The “A Study Report of the ‘Three Systems’ Reform of Hebei’s Administrative Enforcement of Law” expounds problems encountered in the reform and their solutions, and provides experience and a model for carrying out the “Three Systems” of Administrative Enforcement of Law and promoting strict, standardized, just and civilized enforcement of law across the country. In Hebei Province, as a big province of steel, the problem of “zombie enterprises” can not be underestimated, and reducing excess capacity and disposing of “zombie enterprises” have been the key work of the supply-side reform over the past few years. The “A Study Report of ‘Zombie Enterprises’ Disposal Situation of Enterprises Supervised by State-owned Assets Supervision and Administration Commission of Hebei Province” makes statements mainly in the three aspects of criteria of identification, situation surveys & disposal progress and planning in the hope of benefiting decision-making. The “A Study Report of Trial Situation of Enterprise Bankruptcy Cases in Hebei Province” points out giving full play to and fully using judicial means to guard against and dissolving financial risks, making use of functions of bankruptcy law proceedings in well disposing of “zombie enterprises”, and taking diversified means under different circumstances to provide just and efficient judicial environment for the supply-side reform and economic/ industrial structure readjustment across the province. Over the past few years, Hebei Province has been making efforts in building dispute multi-settlement mechanisms with effective linkage between mediation, arbitration, litigation and so on, so as to better satisfy demands of the common people for dispute multi-



settlements. The “A Study Report of the Rule-of-Law Solution of Dispute Multi-Settlements in Hebei Province” points out that mechanisms of dispute settlement still have such problems as incomplete mechanisms and unsmooth linkage, which needs starting from such aspects as notions and supporting mechanisms, particularly doing away with obstacles of systems & mechanisms to make an in-depth advancement of building mechanisms of dispute multi-settlements. Village regulations are institutionalized contents and an important form of manifestation of villager self-governance, and play an important role in rural governance. The “A Study Report of Promoting the All-round Development of Rural Areas of Hebei Province with Village Regulations—A Case Study of Tayuanzhuang’s Experience” made field surveys of Tayuanzhuang Village, Zhengding County, Hebei Province, and found that Tayuanzhuang Village’s regulations played a remarkable role in all six aspects of enhancing the Party building, developing the collective economy, guaranteeing the community stability, managing the public affairs, advocating the diligent and thrifty and carrying forward excellent culture of the Chinese nation, reputed as “Tayuanzhuang Village’s Governance” .

The Rule-of-Law Governance contains six study reports. The “Major Problems and Solution Proposals of the Government Affairs Big-Data Building in Hebei Province” points out some problems presently existing in the government affairs big-data building in Hebei Province, and puts forward such proposals as enhancing mechanisms of unified planning and coordination for the government affairs big-data development and application, improving supporting systems for internal and external big-data resources of government affairs, establishing sustainable mechanisms, and pushing forward openness and sharing of big-data resources of government affairs. The “A Survey Report of Dispute Multi-Settlement Mechanisms of ‘Internet + Litigation & Non-Litigation Connection’ in Hebei Province—An Observation from the Perspective of Practices of Xingtai’s Courts” states process of mechanism establishment, points out that Hebei’s court system takes this mechanism as an effective move to give “final one km” judicial services to the common people, and explores regional disparities and group-dispute settlement disparities, in an effort to build a “2.0” version of mechanisms of dispute multi-settlements.

Beijing-Tianjin-Hebei Rule-of-Law Collaborative Development contains the four study reports of “A Study of Work Results and In-depth Advancement in Beijing-Tianjin-Hebei Collaborative Legislation” and others to make a study of Beijing-Tianjin-Hebei collaborative legislation, legal collaboration of prevention & control of motor vehicle pollution in Beijing-Tianjin-Hebei, etc. . The “A Study of the Social Governance Innovation of Xiongan New Area—*An Observation Based on Big Data and Dispute Multi-Settlements*” puts forward advancing the intelligent development of the social governance of Xiongan New Area with big data, and pushing forward innovation practices of systems and mechanisms of the social governance of Xiongan New Area with sci-tech means by observing new circumstances emerging in the social governance of Xiongan New Area, so as to realize in-depth combination of social governance and sci-tech.

Rule-of-Law Assessment emerging over the past few years is an important means to assess rule-of-law situations, rule-of-law environments and rule-of-law levels, and give guidance in advancing rule-of-law development and carrying out rule-of-law establishment. Rule-of-Law Assessment contains the three study reports of “Hebei’s Practices in Rule-of-Law Development Assessment of Cities with Districts”, “An Assessment Report of Rule-of-Law Development Index of Hebei’s Cities with Districts” and “An Assessment Report of Year-2017 Sunshine Judicial Index of Hebei’s Courts” . The Office of the Rule-of-Law Hebei Building Leading-Group of the CPC Hebei Provincial Committee is the first to make the “Rule-of-Law Development Indicator System of Hebei’s Cities with Districts (tentative)” across the country, carries out innovative practices of “Three-in-One” assessment mechanism, and explores application of the “Rule-of-Law Development Index of Cities with Districts” theory. Such mechanism innovation, theory innovation and work innovation are the pioneering efforts across the country in several aspects, which vigorously have transmitted pressure, generated motivation and advanced work, appraised as Year-2017 “Top 10 Rule-of-Law Achievements” in Hebei Province.

Keywords: Hebei; Rule-of-Law Development; Rule-of-Law Assessment; Beijing-Tianjin-Hebei Rule-of-Law Collaboration; Rule-of-Law Governance

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