

行政法学研究

ADMINISTRATIVE LAW REVIEW

3

2012

季刊 总第79期

主办：中国政法大学

主管：中华人民共和国教育部

目 录

出版日期: 8 月 15 日
2012 年第 3 期(总第 79 期)

专 论

- 中国语境下的软法治理的内涵解读..... 邢鸿飞, 韩 轶 (3)
- 论程序行政行为的可诉性
- 以规划环境影响评价公众参与为视角 沈跃东 (9)
- 论行政法领域的类推适用..... 周公法 (17)
- 行政赔偿诉讼审判对象研究
- 基于行政法律关系的分析 陈国栋 (25)
- 行政机关自我规制动力探究..... 徐 维 (32)
- 论高校自治规则的司法审查..... 高俊杰 (40)
- 论上诉考核的替代性机制..... 周 俊 (47)

法律时评

- 行政罚款与环境损害救济
- 基于环境法律保障乏力的反思 陈太清 (54)
- 抽象行政行为司法审查之实然状况与应然构造
- 兼论对行政规范性文件的司法监控 郭百顺 (61)
- 从撤诉到契约: 当代中国行政诉讼和解模式之转型..... 谭杰杰 (69)

案例评议

- 行政强制措施的模式分析
- 以社会状态为视角 石启龙 (76)
- 行政侵权与民事侵权共同致害案件的审理问题研究..... 赵奎霖 (83)

行政法制比较研究

- 澳大利亚行政公益诉讼原告资格探析..... 朱应平 (88)
- 欧洲整合背景下的德国行政程序变革..... 赵 宏 (98)
- 美国公立高校学生纪律处分程序制度及其启示
- 以加州大学伯克利分校为例 韩 兵 (106)
- 论“政府固有职能”对美国合同外包的约束..... 黄润秋 (114)
- 作为非正式行政救济的监察专员制度: 比利时联邦的经验..... 刘国乾 (120)
- 论美国的“穷尽行政救济原则” 郑 烁 (127)

书 评

- 行政诉讼法制度的中国脸谱
- 何海波教授《行政诉讼法》之述评 章志远 (135)

译 文

- 行政法官在发展社会政策中的作用
- 小查尔斯·科赫 著, 宋 东, 邓云成 译, 苗文龙 校 (140)

期刊基本参数: CN11-3110/D * 1993 * Q * 16 * 144 * ZH * P * ¥16.00 * 20 * 2012-08

ADMINISTRATIVE LAW REVIEW

No. 3 2012(General No. 79)

Head of the Editing Committee: YING Song-nian

Editor-in-chief: MA Huai-de Associate Editor-in-chief: LIU Xin

Contents

Connotation Interpretation of Soft Law Governance in China	XING Hong-fei, HAN Yi (3)
On Litigable Nature of Procedural Administrative Act	
— From Aspect of Public Participation in Environmental Impact Assessment of Plans	
.....	SHEN Yue-dong (9)
On Application of Analogy in Administrative Law	ZHOU Gong-fa (17)
Study on Adjudication Object of Administrative Compensation Litigation	
— Based on Administrative Legal Relation	CHEN Guo-dong (25)
Analysis on Stimulus of Administrative Organ's Self-regulation	XU Wei (32)
On Judicial Review of University Autonomy Rule	GAO Jun-jie (40)
Alternative Mechanism of Appeal Assessment	ZHOU Jun (47)
Administrative Fine and Environmental Damage Remedy	
— Reflection on Invalidation of Legal Protection for Environment	CHEN Tai-qing (54)
Real Condition and Should Be Construction of Judicial Review of Abstract Administrative Act	
— Concurrently Discussion on Judicial Supervision of Administrative Normative Document	
.....	GUO Bai-shun (61)
From Withdraw to Contract: Transformation of Reconciliation Pattern Concerning	
Administrative Litigation in Contemporary China	TAN Wei-jie (69)
On Administrative Coercive Measure Model	
— From Perspective of Social Status	SHI Qi-long (76)
On Trial of Case Considering Damage Commonly Inflicted by Administrative Tort and Civil Tort	
.....	ZHAO Kui-lin (83)
On Plaintiff Qualification for Administrative Public Interest litigation in Australia	ZHU Ying-ping (88)
German Administrative Procedure Reform Under European Integration	ZHAO Hong (98)
Procedural System for Student Disciplinary Sanction in American Public College	
and University and Its Enlightenment	
— Taking University of California Berkeley for Example	HAN Bing (106)
Limitation on Contract Outsourcing by 'Inherently Governmental Function' in the U.S.A.	
.....	HUANG Jian-qiu (114)
Ombudsman as Informal Administrative Remedy Mechanism: Experience of Belgian Federal Ombudsman	
.....	LIU Guo-qian (120)
On Principle of Exhaustion of Administrative Remedies in the U.S.A.	ZHENG Shuo (127)
Chinese Facial Makeup of Administrative Litigation System	
— Review on Administrative Procedure Law by Professor He Haibo	ZHANG Zhi-yuan (135)
Administrative Judges' Role in Developing Social Policy	
..... Charles Koch, Jr. Translated by SONG Dong, DENG Yun-cheng Proofread by MIAO Wen-long	(140)