

# 论我国“法制统一”的保障体系

## ——兼评修正后《立法法》的有关规定

内容提要 2015

235

关键词

“ ” [1]

1979 1999 20

373 800

7000 3 [2]

“ ” 2000

[3]

---

[1]1997 9 2010 2011 3

10

[2] 2014 9

[3] “ 1979

“ 2000 3 9

" "

2014

[1] 2005  
[2]

2015

" "

" "

2015

350

5

### 1. 划定纵横两向立法权的基本框架：法律保留原则的适用

" " " "

18

[3]

"

" [4]

[5]

2000

8

9

2015

"

"

"

[1]

"

"

"

"

2014-11-26

[2]

<http://news.sina.com.cn/c/>

2005-07-28/11016550988s.shtml

2015-4-26 [3]

2014 12 135

[4]

2002 35

[5]

2014 2 77

2015 4  
" "

" "

" "

" [1]

1

8

" "

11

9

2

9

11

10 11 12

2000

1984

"

---

[1]

2000

29-30

" "

---

" 1985

3 " " 13  
2012

2012 12  
2013 8  
2014 12

2015 2

" " "

" 13

2014 6

13 "

## 2. 确保规范层级效力的实现：法律优先原则适用及其扩大化

[1]

1

---

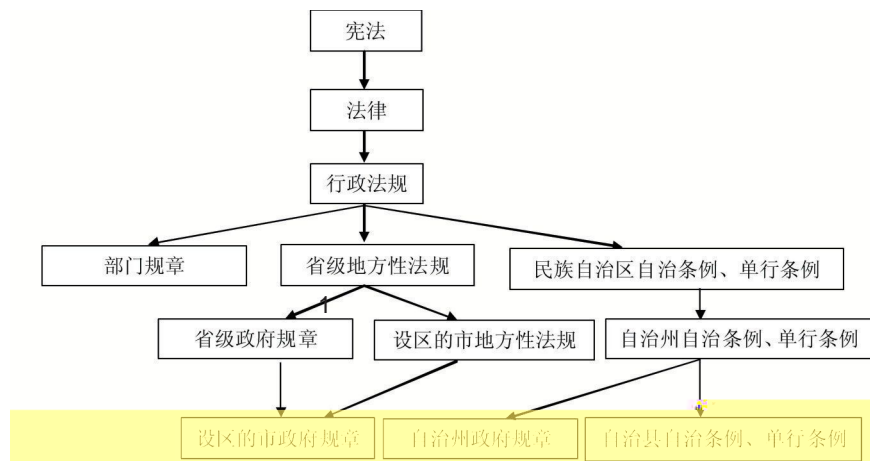
[1]

2005 86

65 80

2

1



" "

W

I

W - ^ Å ] I I Ñ G Ñ

Ôo e æ I

I

I I | ¶ x \ ~

1				
2				
3				
4				
5				
6				
7				
8				
9				

" " " "

#### 4. 启动对法规的违宪违法审查：中国特色的立法监督制度

90  
"

2003

2000

"  
[1]

[2]

[3]

2015

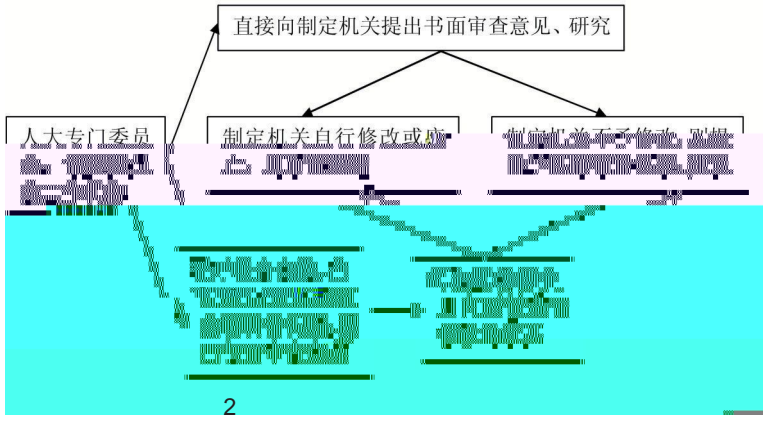
99

[1]  
2003-5-16

[2]  
5-28

[3] 2005-12-12

2003-



2



2015 4

" "

"

" "

98 99

90

66

243