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四、司法改革如何迈入“宪法之门”？合宪性之答

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五、简短的结论：从司法改革到宪法改革

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The Route to Constitutionalism from Legitimacy in Judicial Reform

Yang Gaocheng Yang Jiejun

Abstract: In the context of comprehensively deepening the reforms and promoting the rule of law, the relation between the law and constitution shall be addressed in China's judicial reform. Constitutionality shall be pursued after the acknowledgement of the doctrine of legitimacy. The assessment of current judicial reform based on China's Constitution identifies, there are inherent unconstitutional measures as well as constitutional measures in judicial reform programs. The change from legitimacy consideration to constitutionalism consideration shall be pursued with a unified thinking of reform, legal rules, and constitution together, with efforts taken to improve the revision, interpretation, law-making system and mechanisms of the Constitution, and guarantee the enforcement, and finally embarked on constitutional reform from law reform.

Keywords: the rule of law; judicial reform; legality; constitutionality

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