

索引

- 案件事实 39 - 45, 47, 48, 56, 57, 61, 70, 82, 109, 128, 185, 186
- 裁判依据 236 - 239
- 程序 2, 3, 7, 10, 11, 13 - 15, 26, 29, 31, 33, 35 - 41, 43, 46, 49 - 67, 69, 72, 74 - 76, 82 - 91, 93, 94, 102 - 107, 109 - 114, 116 - 119, 122 - 135, 137 - 140, 142, 144 - 146, 159, 163, 164, 166, 169 - 172, 176, 179 - 181, 186, 188, 191, 193, 194, 198, 203, 205 - 207, 211 - 216, 218, 220, 221, 223 - 226, 229, 230, 233 - 235, 246, 247, 255, 262, 268, 269, 271, 273 - 275, 277, 280, 282, 283
- 程序参与 55, 56, 58, 59, 61, 83
- 程序公开 56, 60, 61
- 程序公正 38 - 40, 49 - 57, 59 - 66, 76, 82, 83, 87, 93, 103, 118, 128, 130, 131, 146, 218, 222, 224
- 初民社会 165, 166, 203, 281
- 传统司法 17, 43, 118, 166 - 170, 181, 213, 232 - 234, 236 - 240, 243, 248, 258, 278, 284
- 大陆法系 43, 46, 47, 49, 51 - 53, 61, 65, 83, 85, 124, 188, 207, 280
- 当事人 2, 8, 13, 33, 36, 38 - 45, 49, 51, 52, 54 - 62, 64, 69, 75, 76, 80, 83, 85 - 87, 89, 90, 94, 100 - 102, 104, 105, 109 - 111, 119, 122, 123, 125, 126, 128, 130 - 132, 134, 144, 145, 168, 169, 172, 185 - 188, 193, 198, 204 - 206, 225, 227, 229, 230, 234 - 237, 245, 274
- 当事人的效率 101, 102, 123, 131
- 对抗制 43, 83 - 87, 126
- 法的价值 4 - 6, 10
- 法官 2, 3, 7, 9, 12, 13, 20, 30, 32, 36, 38, 39, 41 - 52, 55 - 59, 61, 65, 69, 74, 75, 78 - 82, 84 - 91, 94, 95, 100 - 102, 105, 106, 110, 113 - 119, 122, 124 - 130, 133 - 146, 163, 164, 168 - 176, 185, 186, 188, 190, 193, 194, 196 - 206, 212, 214, 215, 217, 220 - 223, 225, 226, 229, 230, 233, 234, 247, 248, 253 - 255, 257, 258, 262, 269, 274, 282, 283
- 法官遴选制度 140 - 144
- 法官培训 142 - 144, 255
- 法官效率 101, 102, 122
- 法官中立 51, 56, 57, 61, 201
- 法律监督 67, 72, 79, 88, 89
- 法律虚无主义 261, 268, 269, 272
- 法律真实 43 - 45
- 法律职业 61, 143, 160, 174, 203, 210, 228
- 法院管理体制 16, 113
- 法院效率 101, 102
- 法院组织 116, 142, 176, 179, 189, 228, 230, 244, 246, 247, 254, 261, 266, 270

- 法治 2, 3, 12, 13, 18, 25, 30, 34 - 36, 39, 40, 42, 45, 47, 49, 50, 53, 56, 57, 60, 61, 63 - 65, 67 - 70, 73 - 77, 80, 88, 89, 93, 94, 97, 108, 113, 116, 120, 121, 127 - 129, 132, 140, 142, 144 - 146, 158, 160, 162 - 164, 167, 174, 177, 181 - 184, 190, 191, 194 - 199, 201 - 203, 233, 244, 246, 249, 269, 272 - 274, 277, 278
- 非诉纠纷解决方式 121, 122
- 个案效率 99, 100
- 公审制 264
- 公正 1, 2, 4, 11 - 15, 18 - 42, 45 - 47, 49 - 58, 60, 62 - 67, 73 - 81, 84 - 88, 91 - 96, 101 - 105, 107, 110 - 112, 114 - 119, 122, 128 - 133, 136 - 139, 145, 146, 163 - 165, 168, 169, 171, 179, 180, 185, 187, 188, 191 - 196, 198, 200 - 203, 207, 210, 212, 214, 225, 251, 265, 268, 272 - 275, 277, 282
- 过程公正 39, 61
- 合法性 12, 22, 27, 35, 38, 39, 78, 89, 144, 146, 148 - 151, 153, 154, 157 - 159, 164, 165, 190, 195, 200, 261
- 合议庭 13, 115, 126, 138, 139, 185 - 187, 190, 193, 198, 205
- 和解 9, 69, 124 - 126, 132, 134, 162, 165, 196, 212, 225, 226, 232, 265
- 和谐社会 107 - 109, 121, 122, 282
- 集权主义 233, 236 - 238, 240, 248
- 价值 2 - 7, 10, 11, 14 - 19, 23 - 25, 27, 28, 30 - 34, 37 - 40, 44, 50, 52, 54 - 56, 59, 61 - 67, 76 - 79, 84, 86, 91 - 97, 99 - 101, 103 - 107, 109, 110, 113, 117 - 120, 124, 128, 129, 132, 136, 140, 146, 152, 155 - 157, 165, 167, 169, 170, 176, 180, 181, 190, 191, 201, 207, 208, 212, 213, 216 - 218, 221, 222, 225, 226, 229 - 234, 238, 240, 242, 244, 247, 251, 257, 258, 260, 261, 263, 266, 268, 272, 273, 275 - 277, 279, 282, 284
- 价值定位 16, 97, 102, 213
- 价值诉求 2, 4, 11, 12, 15 - 18, 32, 35, 37, 91, 93, 95, 192, 208, 210, 213, 215, 219, 221, 224, 226, 228, 232, 239, 251, 267, 272, 275
- 结果公正 38 - 41, 50, 55, 61, 62, 128, 224
- 客观真实 42 - 45, 87, 113
- 令状制度 51
- 律师 52, 74, 80, 85, 86, 89, 100 - 102, 123, 124, 126, 140, 143, 171, 172, 174, 176, 212, 216, 220 - 222, 226, 227, 236, 237, 246, 258, 270
- 陪审制度 171, 210, 246, 258, 262, 263
- 清末变法 16, 17, 232, 240, 242, 245, 246, 248, 250, 251
- 权威 1, 2, 8, 9, 12, 14 - 16, 25, 28, 29, 35 - 37, 39, 50, 61, 63, 64, 69, 70, 74, 77, 80, 88, 91 - 96, 105 - 107, 111, 113, 119, 120, 130, 135, 147 - 154, 156 - 159, 161 - 168, 171, 176 - 180, 182 - 184, 189, 191 - 193, 195 - 197, 200, 205 - 208, 213, 218, 222, 230, 237, 239, 251, 252, 256, 258, 270, 272 - 275, 280
- 人民司法 177, 178, 181, 183, 186, 187, 189, 262 - 269, 271
- 社会行动 152, 155, 280
- 审级制度 138, 143, 145, 235, 284

- 审判 1, 7-15, 20, 29, 33-37, 40-43, 45, 46, 49-60, 62, 69, 70, 73-75, 77, 79-82, 84-86, 88-91, 93-95, 101, 102, 109-119, 122, 124-130, 132-135, 137-140, 143-146, 160, 163, 166-170, 172-176, 178-181, 183-201, 205, 206, 210-216, 220, 224, 225, 227-230, 232-239, 244-249, 253-255, 260, 262-265, 267, 270, 272-275, 277-280, 286
- 审判方式 2, 12, 13, 35, 36, 43, 51, 126, 127, 131-134, 141, 185, 187, 188, 190, 193, 194, 198, 264, 265, 273, 274, 278, 283
- 审判公正 130, 131
- 审判功能 188-190, 192, 194, 195
- 审判时间效率 101
- 审判委员会 14, 37, 114, 115, 138, 184, 186, 194, 198, 205, 206, 275
- 实体公正 14, 37, 40-42, 45-47, 50, 53, 55, 61-66, 75, 82, 86, 90, 93, 103, 129, 131, 159, 194, 218, 222, 275
- 司法 1-3, 7-18, 20, 21, 27, 29-58, 60-114, 116-119, 121-138, 140-146, 162-185, 187-222, 224, 226-242, 244-258, 260-277, 279, 281-284, 288
- 司法参与者 16, 122
- 司法党化 252, 253, 255-258, 260
- 司法的国民参与 211-213
- 司法的价值 2, 10, 15, 17, 34, 35, 37, 88, 92, 192, 218, 222, 240, 273, 275
- 司法独立 30, 67, 71, 74-83, 89-91, 115, 116, 135-140, 144, 172-175, 179, 184, 196-203, 206, 207, 227, 233, 240, 242, 244, 247-251, 256, 258, 260, 278, 284
- 司法队伍 11, 35, 177, 178, 191, 211-213, 273
- 司法改革 1-4, 9, 11-17, 34-38, 41, 63, 66, 76-78, 91, 95, 96, 128, 130-132, 142, 171, 176-178, 185, 188, 190-194, 196-198, 201-203, 207-211, 213-215, 218-222, 224-231, 240, 242-246, 249, 251-253, 255, 257, 266-268, 272-279, 281-285, 288
- 司法公正 11-16, 18, 19, 21, 25, 26, 29-45, 47-50, 54, 55, 59-64, 66, 67, 69-88, 90-96, 102-106, 110, 111, 113-117, 122, 125, 128, 129, 131, 136, 138, 144-146, 174, 191, 193, 194, 196-198, 200, 201, 203, 272-277, 282-284
- 司法监督 88, 90, 91, 144
- 司法权 1, 7-10, 16, 29, 32, 42, 53, 67-75, 78-80, 82, 83, 85, 86, 92, 94, 106, 135, 137, 163, 166-168, 170, 173-175, 188, 192, 194-197, 201, 222, 227, 229, 230, 232-234, 236-239, 243, 245, 247-251, 253, 255, 260, 276, 277, 281, 284
- 司法权威 3, 13-16, 18, 36, 37, 64, 88, 91-95, 105-108, 110, 113, 115, 147, 162-166, 168, 170, 171, 174, 176, 177, 192-197, 199, 200, 203, 204, 212, 213, 218, 272, 274, 275, 277, 284
- 司法为民 13, 36, 133, 134, 193, 227, 228, 274
- 司法效率 13-16, 18, 36, 37, 91-93, 95, 97-119, 121-125, 127-129,

- 131-135, 138, 139, 142, 144, 193,
211-213, 222, 272, 274, 275, 282-
284
- 司法行政 9-11, 13, 14, 30, 35, 37,
89, 123, 173, 175, 191, 193, 194,
198, 202, 226-229, 244, 245, 247,
253, 255, 260, 263, 273, 275, 288
- 司法制度 1-4, 8, 10-16, 18, 32-37,
43, 51, 52, 55, 56, 60, 67, 71,
73, 74, 76-78, 80, 86-88, 92,
95-97, 99, 102, 105, 122, 127,
128, 130, 131, 135-137, 141, 147,
163, 171, 173, 176, 177, 181, 183,
184, 188, 191, 192, 194, 204, 207-
215, 217-219, 221-228, 230, 232,
233, 235, 238, 240, 242, 245-249,
252-256, 258-260, 262-268, 270-
274, 276-279, 287, 288
- 司法制度的价值 4, 7, 10, 11, 275
- 司法资源效率 101
- 诉讼成本效率 101, 110
- 诉讼模式 43, 51, 67, 83-88, 126, 130
- 所有人的正义 214, 215, 279
- 替代性纠纷解决机制 122
- 系统效率 99, 100
- 效率 3, 6, 13, 14, 16, 30, 36, 37,
77, 88, 92, 93, 97-112, 116-119,
121-123, 125-134, 136, 139, 143,
144, 180, 193, 194, 196, 198, 208,
210, 212, 213, 216, 218, 221, 222,
224-226, 230, 260, 272, 274, 275,
282-284
- 信访制度 112, 113, 282
- 依法治国 12, 35, 38, 41, 63, 120,
136, 146, 181, 182, 190-192, 203,
273, 277, 282
- 引经断狱 236, 237
- 英美法系 43, 47, 49, 52, 57, 61, 65,
84-86
- 域外 15, 16, 208, 230
- 再审制度 110-112
- 正当程序 51-53, 64, 118
- 正义 2, 3, 7, 11, 12, 14, 15, 18-35,
37, 39-41, 43, 45, 47-56, 60,
62-67, 75, 79, 80, 87, 89, 91, 93-
95, 98, 99, 101-103, 106-109,
111-113, 117, 121-123, 127, 129,
143, 159, 165, 170, 191, 195, 203,
205-207, 218, 230, 238, 251, 268,
269, 273, 276, 279-282, 284
- 证据制度 224, 225
- 职权制 83-87
- 制度建构 15, 18, 71, 79-81, 83, 91
- 秩序 6, 18, 23, 27, 29, 32-34, 45,
49, 56, 57, 63, 66, 67, 99, 120,
127, 132, 153, 155, 158-160, 162,
163, 165, 167, 169, 181, 188, 189,
214, 217, 218, 230, 234, 238-240,
242, 244, 251, 252, 256, 258-260,
263, 272, 277
- 转型社会 16, 34, 87, 197, 203, 272,
277
- 自然公正 50, 52, 56, 58