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博 士 学 位 论 文

研究生学位授权审核制度研究

Research on the institution of approval to application for
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摘要

为适应国家和研究生教育的发展，政府一直在推进研究生学位授权审核制度的改革，但现行制度仍然受到许多高校和学者的批评。批评者认为，现行制度削弱、甚至剥夺了高校应有的“自主权”，不利于研究生教育质量的提高，妨碍了研究生教育的社会功能发挥。批评者建议，应该改变现行制度的行政法规属性，由“国家学位”转向“学校学位”。

经过研究我们发现，如果依现行法规，学位授权审核制度的问题就难以克服；而据批评者的建议改革也会发生问题，一是批评者运用的理论及其研究逻辑存在重要缺陷，二是历史经验也证明不可行。

现行的研究生学位授权审核制度是国家现代大学制度的组成部分，是一项行政法规制度，具体是外部行政程序法；但制度调节的是高等教育特殊领域的社会关系，从制度的功能上看，又是一项高等教育外部质量保证制度。因此，要对现行制度的合法性、科学性做出准确的判断，甄别出制度发展需要解决的基本问题，就必须沿着法学的法理维度和高等教育外部质量保证的维度分别做更深入的研究，重构认识理论，解决制度的发展问题。

根据上述认识，本研究沿着制度发展的两个基本维度进行展开研究，一是制度的法理维度，二是制度的教育质量外部保证维度，用五大部分完成。第一大部分由第一章构成。我们首先对学位的社会功能与结构的历史演化进行了归纳性研究，重点是对学位的现代社会功能进行了深入研究，旨在确立制度功能的应然发展目标。第二大部分，主要从法学的法理维度对制度发展进行了规范性研究，主要解决制度属性的定性问题、制度法规范的定位问题，本部分由第二章和第三章完成。在第二章，我们首先甄别出了制度发展需要解决的两个基本法理认识问题：“权利”与“权力”、“公法”与“私法”，并对这两个基本法理问题进行了展开研究。在澄清基本法理认识的基础上，我们对制度法理问题的核心指向——高校的法律地位进行了法理研究，具体由第三章完成。本部分的基本研究结论是：制度的应然发展方向是国家的行政法规制度；制度的法律定位是外部行政程序法；学位授权审核的行政决定是授益行政决定；高校的法律地位主要应该由公法规范等。第三大部分，是制度发展法理维度的实证研究，具体由第四章完成。在本部

分，我们首先对制度的历史沿革进行了归纳，然后以第二大部分的法理研究成果为认识依据，对现行制度进行了法理分析。基本结论是：现行制度既没有按照外部行政程序法的法理来建设，也没有按授益行政决定的特点来规范。第四大部分，主要从高等教育外部质量保证的维度对制度进行了发展研究，具体由第五章完成。本部分的基本研究结论是：现行制度在质量价值系统构建，质量控制要素选定、质量评估标准、质量鉴定与质量发展的关系统筹等方面均存在明显缺陷。第五大部分，以上述四大部分的研究结论为基础，对研究生学位授权审核制度的发展提出了相应建议。

关键词：研究生教育，学位授权审核，大学制度

Abstract

In order to be adapted to the development of our country and post-graduate education, the government has been promoting the revolution in the Assessment and Accreditation System for postgraduate Academic Degree Programs. However, the current system is still criticized by many colleges and universities as well as some scholars. From their views, the current system has weakened and even deprived the colleges and universities of their autonomy, which is not propitious for improving the quality of post-graduate education as well as exerting the social function of post-graduate education. Critics suggest that we should change the administrative legislative attribute of current system from “country-authorized degrees” to “colleges and universities—authorized degrees.”

After study we realize that with current legislation, it is hard to solve the problems in Assessment and Accreditation System for Academic Degree Programs. However, with critics’ suggestions, there may be still some problems with revolution. 1. There are significant deficiencies in the theory and research logic of the critics. 2. The historical experience proves to be infeasible.

As an integral part of national modern university institution, the current Assessment and Accreditation System for postgraduate Academic Degree Programs is a administrative legislative system, and to be specific, outer administrative procedure law. However, the system regulates the social relations in the special field of higher education. From the function of the system, it belongs to the category of higher education outer quality guarantee and authentication system. Therefore, to make accurate judgment on the legality and scientificness of current system and to discriminate the problems to be solved in the development of the system, we have to make further study from the dimension of law principles and higher education outer quality guarantee separately, reconstructing cognitive theory to solve the problems of system development.

On the basis of the above understandings, this research has been carried out in 5 parts from the two basic dimensions of systematic development--dimension of systematic law principles and dimension of the education outer quality guarantee of the system. The first part consists of the first chapter in which we have analyzed the historical evolution of degree social functions and structure with the emphasis on the modern social functions of degrees to set the development goals of system functions. In the second part, we have made normative research on the systematic development from the dimension of juristic law principles to solve the problems of systematic attribute and systematic law standard. This part consists of chapter 2 and 3. In chapter 2, we first have discriminated the two basic understandings for the systematic development: "power" and "right", "public law" and "private law". We have made further study on the two basic law principle problems. On the basis of the basic principle understanding, we have made law principle research on the legal status of colleges and universities---the core of systematic law principle problem, which has been elaborated in chapter 3. We have drawn the basic conclusions: systematic development should be directed by the national administrative legislative system. The system belongs to the outer administrative law. Degree Assessment and Accreditation is decided by right-oriented administration. The legal status of colleges and universities should be formulated by public laws. In the third part, we have made the empirical study on the law principle dimension of systematic development which is elaborated is chapter 4. In this part, we fist have summarized the historical evolution of the system. And then according to the study of the 2nd part, we have make law principle analysis on the current system. We have drawn the following conclusions: the current system is neither constructed according to the outer administrative procedure law, nor standardized by the characteristics of right-oriented administration. In the fourth part, we mainly have studied the system from the dimension of higher education outer quality guarantee. This part consists of chapter 5. The basic conclusions are as follows: there are obvious deficiencies in the current system in many aspects such as construction of quality value system, quality controlling elements, quality evaluation standard, the relationship of quality

evaluation and quality development and so on. In the 5th part, on the basis of the above conclusions, we have made relevant suggestions on the development of the Assessment and Accreditation System for postgraduate Academic Degree Programs.

Key words: postgraduate education; Assessment and Accreditation System for Academic Degree Programs; university system

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