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论检察机关提起公益诉讼

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摘要: 公益诉讼以保护国家利益、社会公共利益为目的, 其提起诉讼的主体不应局限于与本案有直接利害关系的组织与个人。鉴于此, 文章阐述了在我国由检察机关提起公益诉讼所存在的理论争论和实际操作困境, 分析了检察机关提起公益诉讼的法理基础和现实需要, 并提出完善我国检察机关提起公益诉讼的制度设想。

关键字: 公益诉讼; 检察机关; 诉讼主体

On the prosecution filed public interest litigation

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Abstract: Public interest litigation aims at protecting national interests, public interests. Its proceedings should not be limited to the main body of organization or individual who has a direct interest in the case. In this paper, the authors elaborated the existence of the theoretical arguments and practical difficulties about the prosecution filed public interest litigation, and analyzed the legal basis and practical needs of the prosecution filed public interest litigation, and put forward the envisaged system of the prosecution filed public interest litigation.

KeyWords: public interest litigation; procurator organs; lawsuit subject