



中华人民共和国物权法

Property Law of the People's Republic of China

中国法制出版社
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传真: 66031119

网址: <http://www.zgfsz.com>

编辑部电话: 66024377

市场营销部电话: 66033393

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中华人民共和国主席令

第六十二号

《中华人民共和国物权法》已由中华人民共和国第十届全国人民代表大会第五次会议于2007年3月16日通过，现予公布，自2007年10月1日起施行。

中华人民共和国主席 胡锦涛

2007年3月16日

Order of the President of the People's Republic of China

No. 62

The Property Law of the People's Republic of China, adopted at the Fifth Session of the Tenth National People's Congress of the People's Republic of China on March 16, 2007, is hereby promulgated and shall go into effect as of October 1, 2007.

Hu Jintao

President of the People's Republic of China

March 16, 2007

中华人民共和国物权法

(2007年3月16日第十届全国人民代表大会第五次会议通过 2007年3月16日
中华人民共和国主席令第62号公布)

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Property Law of the People's Republic of China

(Adopted at the Fifth Session of the Tenth
National People's Congress on March 16, 2007 ,
and promulgated by Order No. 62 of the President of the
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第一编 总 则

第一章 基本 原则

第一条 为了维护国家基本经济制度，维护社会主义市场经济秩序，明确物的归属，发挥物的效用，保护权利人的物权，根据宪法，制定本法。

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Part One General Provisions

Chapter I Basic Principles

Article 1 This Law is enacted in accordance with the Constitution for the purpose of upholding the basic economic system of the State, maintaining the order of the socialist market economy, defining the attribution of things, giving play to the usefulness of things and protecting the property right of obligees.

第二条 因物的归属和利用而产生的民事关系，适用本法。

本法所称物，包括不动产和动产。法律规定权利作为物权客体的，依照其规定。

本法所称物权，是指权利人依法对特定的物享有直接支配和排他的权利，包括所有权、用益物权和担保物权。

第三条 国家在社会主义初级阶段，坚持公有制为主体、多种所有制经济共同发展的基本经济制度。

国家巩固和发展公有制经济，鼓励、支持和引导非公有制经济的发展。

国家实行社会主义市场经济，保障一切市场主体的平等法律地位和发展权利。

第四条 国家、集体、私人的物权和其他权利人的物权受法律保护，任何单位和个人不得侵犯。

第五条 物权的种类和内容，由法律规定。

第六条 不动产物权的设立、变更、转让和消灭，应当依照法律规定登记。动产物权的设立和转让，应当依照法律规定交付。

Article 2 This Law shall be applicable to civil relationships stemming from attribution and use of things.

For the purposes of this Law, things include the immovables and the movables. Where laws stipulate that rights are taken as objects of the property right, the provisions of such laws shall prevail.

The property right mentioned in this Law means the exclusive right enjoyed by the obligee to directly dominate a given thing according to law, which consists of the right of ownership, the usufruct and the security interest on property.

Article 3 In the primary stage of socialism, the State upholds the basic economic system under which public ownership is dominant and the economic sectors of diverse forms of ownership develop side by side.

The State consolidates and develops the public sectors of the economy, and encourages, supports and guides to the development of the non-public sectors of the economy.

The State maintains a socialist market economy and guarantees the equal legal status and the right to development of all the mainstays of the market.

Article 4 The property right of the State, the collectives, the individual persons and other obligees are protected by law, and no units or individuals shall encroach on it.

Article 5 The categories and contents of the property right shall be stipulated by law.

Article 6 The creation, alteration, transfer or extinction of the property right of the immovables shall be registered in accordance with the provisions of law. The property right of the movables shall be created or transferred upon delivery in accordance with the provisions of law.

第七条 物权的取得和行使，应当遵守法律，尊重社会公德，不得损害公共利益和他人合法权益。

第八条 其他相关法律对物权另有特别规定的，依照其规定。

第二章 物权的设立、变更、转让和消灭

第一节 不动产登记

第九条 不动产物权的设立、变更、转让和消灭，经依法登记，发生法律效力；未经登记，不发生法律效力，但法律另有规定的除外。

依法属于国家所有的自然资源，所有权可以不登记。

第十条 不动产登记，由不动产所在地的登记机构办理。

国家对不动产实行统一登记制度。统一登记的范围、登记机构和登记办法，由法律、行政法规规定。

第十一条 当事人申请登记，应当根据不同登记事项提供权属证明和不动产界址、面积等必要材料。

Article 7 The law shall be observed and social ethics shall be respected in acquiring or exercising the property right and public interests and the lawful rights and interests of another person shall not be jeopardized.

Article 8 Where other laws specially provide for the property right otherwise, the provisions there shall prevail.

Chapter II Creation, Alteration, Transfer and Extinction of the Property Right

Section 1 Registration of the Immovables

Article 9 The creation, alteration, transfer or extinction of the property right shall become valid upon registration according to law; otherwise it shall not become valid, unless otherwise provided for by law.

Registration of ownership of all the natural resources which are owned by the State in accordance with law may be dispensed with.

Article 10 Registration of the immovables shall be handled by the registration authority at the place where they are located.

The State practices a unified system of registration with respect to the immovables. The scope of unified registration, the registration authority and the measures for registration shall be stipulated by law and administrative regulations.

Article 11 To apply for registration, the party concerned shall, on the basis of the different matters for registration, submit the certificate of the attribution of right and the necessary materials on boundary and the area of the immovables, etc.

第十二条 登记机构应当履行下列职责：

- (一) 查验申请人提供的权属证明和其他必要材料；
- (二) 就有关登记事项询问申请人；
- (三) 如实、及时登记有关事项；
- (四) 法律、行政法规规定的其他职责。

申请登记的不动产的有关情况需要进一步证明的，登记机构可以要求申请人补充材料，必要时可以实地查看。

第十三条 登记机构不得有下列行为：

- (一) 要求对不动产进行评估；
- (二) 以年检等名义进行重复登记；
- (三) 超出登记职责范围的其他行为。

第十四条 不动产物权的设立、变更、转让和消灭，依照法律规定应当登记的，自记载于不动产登记簿时发生效力。

第十五条 当事人之间订立有关设立、变更、转让和消灭不

Article 12 The registration authority shall perform the following duties:

(1) to examine the certificate of the attribution of right and the other necessary materials submitted by the applicant;

(2) to inquire of the applicant about the matters for registration;

(3) to register the relevant matters truthfully and in a timely manner; and

(4) to perform the other duties provided for by laws and administrative regulations.

Where further certification of the condition of the immovables, the registration of which is applied for, is needed, the registration authority may require the applicant to supplement the materials and may, when necessary, check them on the spot.

Article 13 The registration authority shall not do any of the following:

(1) demanding evaluation of the immovables;

(2) making repeated registration in the name of annual inspection, etc. ; or

(3) doing other things beyond the limits of its duty for registration.

Article 14 Where the creation, alteration, transfer and extinction of the property right of the immovables are required to be registered according to the provisions of law, they shall become valid as of the time when they are entered in the register of the immovables.

Article 15 The contract made between the parties concerned on the creation, alteration, transfer or extinction of the property right of the immovables shall become valid as of the time when the contract is

动产物权的合同，除法律另有规定或者合同另有约定外，自合同成立时生效；未办理物权登记的，不影响合同效力。

第十六条 不动产登记簿是物权归属和内容的根据。不动产登记簿由登记机构管理。

第十七条 不动产权属证书是权利人享有该不动产物权的证明。不动产权属书记载的事项，应当与不动产登记簿一致；记载不一致的，除有证据证明不动产登记簿确有错误外，以不动产登记簿为准。

第十八条 权利人、利害关系人可以申请查询、复制登记资料，登记机构应当提供。

第十九条 权利人、利害关系人认为不动产登记簿记载的事项错误的，可以申请更正登记。不动产登记簿记载的权利人书面同意更正或者有证据证明登记确有错误的，登记机构应当予以更正。

不动产登记簿记载的权利人不同意更正的，利害关系人可以申请异议登记。登记机构予以异议登记的，申请人在异议登记之