



# 中华人民共和国刑法

CRIMINAL LAW OF  
THE PEOPLE'S REPUBLIC OF CHINA

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Criminal Law of  
the People's Republic of China

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

**No. 83**

**The Criminal Law of the People's Republic of China, revised at the Fifth Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on March 14, 1997, is hereby promulgated and shall enter into force as of the date of promulgation.**

**Jiang Zemin  
President of the People's Republic of China**

**March 14, 1997**

# **Criminal Law of the People's Republic of China**

*(Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979, Revised at the Fifth Session of the Eighth National People's Congress on March 14, 1997)*

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## **Part One**

### **General Provisions**

#### *Chapter I*

#### **The Aim, Basic Principles and Scope of Application of the Criminal Law**

**Article 1** In order to punish crimes and protect the people, this Law is enacted on the basis of the Constitution and in the light of the concrete experiences and actual circumstances in China's fight against crimes.

**Article 2** The aim of the Criminal Law of the People's Republic of China is to use criminal punishments to fight against all criminal acts in order to safeguard security of the State, to defend the State power of the people's democratic dictatorship and the socialist system, to protect property owned by the State, and property collectively owned by the working people and property privately owned by citizens, to protect citizens' rights of the person and their democratic and

other rights, to maintain public and economic order, and to ensure the smooth progress of socialist construction.

**Article 3** For acts that are explicitly defined as criminal acts in law, the offenders shall be convicted and punished in accordance with law; otherwise, they shall not be convicted or punished.

**Article 4** The law shall be equally applied to anyone who commits a crime. No one shall have the privilege of transcending the law.

**Article 5** The degree of punishment shall be commensurate with the crime committed and the criminal responsibility to be borne by the offender.

**Article 6** This Law shall be applicable to anyone who commits a crime within the territory and territorial waters and space of the People's republic of China, except as otherwise specifically provided by law.

This Law shall also be applicable to anyone who commits a crime on board a ship or aircraft of the People's Republic of China.

If a criminal act or its consequence takes place within the

territory or territorial waters or space of the People's Republic of China, the crime shall be deemed to have been committed within the territory and territorial waters and space of the People's Republic of China.

**Article 7** This Law shall be applicable to any citizen of the People's Republic of China who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China; however, if the maximum punishment to be imposed is fixed – term imprisonment of not more than three years as stipulated in this Law, he may be exempted from the investigation for his criminal responsibility.

This Law shall be applicable to any State functionary or serviceman who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China.

**Article 8** This Law may be applicable to any foreigner who commits a crime outside the territory and territorial waters and space of the People's Republic of China against the State of the People's Republic of China or against any of its citizens, if for that crime this Law prescribes a minimum punishment of fixed – term imprisonment of not less than

three years; however, this does not apply to a crime that is not punishable according to the laws of the place where it is committed.

**Article 9** This Law shall be applicable to crimes which are stipulated in international treaties concluded or acceded to by the People's Republic of China and over which the People's Republic of China exercises criminal jurisdiction within the scope of obligations, prescribed in these treaties, it agrees to perform.

**Article 10** Any person who commits a crime outside the territory and territorial waters and space of the People's Republic of China, for which according to this Law he should bear criminal responsibility, may still be investigated for his criminal responsibility according to this Law, even if he has already been tried in a foreign country. However, if he has already received criminal punishment in the foreign country, he may be exempted from punishment or given a mitigated punishment.

**Article 11** The criminal responsibility of foreigners who enjoy diplomatic privileges and immunities shall be solved through diplomatic channels.

**Article 12** If an act committed after the founding of the People's Republic of China and before the entry into force of this Law was not deemed a crime under the laws at the time, those laws shall apply. If the act was deemed a crime under the laws in force at the time and is subject to prosecution under the provisions of Section 8, Chapter IV of the General Provisions of this Law, criminal responsibility shall be investigated in accordance with those laws. However, if according to this Law the act is not deemed a crime or is subject to a lighter punishment, this Law shall apply.

Before the entry into force of this Law, any judgment that has been made and has become effective according to the laws at the time shall remain valid.

## *Chapter II*

### **Crimes**

#### *Section 1*

### **Crimes and Criminal Responsibility**

**Article 13** A crime refers to an act that endangers the sovereignty, territorial integrity and security of the State,



splits the State, subverts the State power of the people's democratic dictatorship and overthrows the socialist system, undermines public and economic order, violates State - owned property, property collectively owned by the working people, or property privately owned by citizens, infringes on the citizens' rights of the person, their democratic or other rights, and any other act that endangers society and is subject to punishment according to law. However, if the circumstances are obviously minor and the harm done is not serious, the act shall not be considered a crime.

**Article 14** An intentional crime refers to an act committed by a person who clearly knows that his act will entail harmful consequences to society but who wishes or allows such consequences to occur, thus constituting a crime.

Criminal responsibility shall be borne for intentional crimes.

**Article 15** A negligent crime refers to an act committed by a person who should have foreseen that his act would possibly entail harmful consequences to society but who fails to do so through his negligence or, having foreseen the consequences, readily believes that they can be avoided, so that the consequences do occur.