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Chinese-English

Series with
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中国刑法与 刑事诉讼法

**Criminal Laws &
Criminal Procedure Laws of China**

中英对照法规
英文译本 中文边注

刑法及其修正案

Criminal Law and Amendments

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编者前言

近些年来,我国的立法进程可以用日新月异来形容,而相应的法律法规的英文译本翻译出版工作却一直没有做到紧随其后。法律法规的英文翻译出版工作是我国加入世界贸易组织后必须承担的法律义务;而法律的英文译本是世界各国了解中国法律的重要路径之一,是增强中国法律透明度、让想在中国进行投资的外资企业更好地了解中国法律环境的最佳保证,也是法学专业学生学习法律英语的最好范本和涉外律师办理涉外业务的必备工具。

目前,市场上可用的法律英文译本图书不是比较分散,就是比较昂贵的精装本。为了让更多对法律英文有需要的人士有一套使用方便的工具书,我们编辑整理了本套“中国法律法规中英对照系列”丛书。本丛书共分七册出版,分别为《中国刑法与刑事诉讼法》、《中国民事法律法规》、《中国行政与劳动法律法规》、《中国公司企业法律法规》、《中国金融财会法律法规》、《中国对外贸易与经济合作法律法规》和《中国建筑与房地产法律法规》,基本涵盖了刑事、民事、行政、劳动、经济、金融、商贸领域的大部分法律及行政法规。

本丛书采用方便读者使用阅读的中英文逐条当页对照的排版方式进行编辑,同时,以低定价为所有对法律英文有需求的读者提供了一套极佳的案头工具书。我们希望我们的工作能够切实满足各届人士的需要,以她的权威、实用带给读者无限的使用方便,也希望读者对我们工作中存在的问题提出宝贵的意见和建议。

法律出版社法规中心
2007年4月

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[Material Law]

[实体法]

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

**中华人民共和国
刑 法**

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

(1979 年 7 月 1 日第
五届全国人民代表大会
第二次会议通过
1997 年 3 月 14 日第
八届全国人民代表大会
第五次会议修订)

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Part One General Provisions

第一编 总 则

Chapter I The Aim, Basic Principles and Scope of Application of the Criminal Law

第一章 刑法的任务、 基本原则和 适用范围

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.

第一条 为了惩罚犯罪,保护人民,根据宪法,结合我国同犯罪作斗争的具体经验及实际情况,制定本法。

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

第二条 中华人民共和国刑法的任务,是用刑罚同一切犯罪行为作斗争,以保卫国家安全,保卫人民民主专政的政权和社会主义制度,保护国有财产和劳动群众集体所有的财产,保护公民私人所有的财产,保护公民的人身权利、民主权利和其他权利,维护社会秩序、经济秩序,保障社会主

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.

义建设事业的顺利进行。

第三条 法律明文规定为犯罪行为的,依照法律定罪处刑;法律没有明文规定为犯罪行为的,不得定罪处刑。

第四条 对任何人犯罪,在适用法律上一律平等。不允许任何人有超越法律的特权。

第五条 刑罚的轻重,应当与犯罪分子所犯罪行和承担的刑事责任相适应。

第六条 凡在中华人民共和国领域内犯罪的,除法律有特别规定的以外,都适用本法。

凡在中华人民共和国船舶或者航空器内犯罪的,也适用本法。

犯罪的行为或者结果有一项发生在中华人民共和国领域内的,就认为是在中华人民共和国领域内犯罪。

第七条 中华人民共和国公民在中华人民共和国领域外犯本法规定之罪的,适用本法,但是按本法规定的最高刑为三年以下有期徒刑的,可以不予追究。

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

中华人民共和国国家工作人员和军人在中华人民共和国领域外犯本法规定之罪的,适用本法。

第八条 外国人在中华人民共和国领域外对中华人民共和国国家或者公民犯罪,而按本法规定的最低刑为三年以上有期徒刑的,可以适用本法,但是按照犯罪地的法律不受处罚的除外。

第九条 对于中华人民共和国缔结或者参加的国际条约所规定的罪行,中华人民共和国在所承担条约义务的范围内行使刑事管辖权的,适用本法。

第十条 凡在中华人民共和国领域外犯罪,依照本法应当负刑事责任的,虽然经过外国审判,仍然可以依照本法追究,但是在外国已经受过刑罚处罚的,可以免除或者减轻处罚。

第十一条 享有外交特权和豁免权的外国人的刑事责任,通过外交途径解决。

第十二条 中华人民共和国成立以后本法

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.

施行以前的行为,如果当时的法律不认为是犯罪的,适用当时的法律;如果当时的法律认为是犯罪的,依照本法总则第四章第八节的规定应当追诉的,按照当时的法律追究刑事责任,但是如果本法不认为是犯罪或者处刑较轻的,适用本法。

本法施行以前,依照当时的法律已经作出的生效判决,继续有效。

Chapter II Crimes

第二章 犯 罪

Section 1 Crimes and Criminal Responsibility

第一节 犯罪和 刑事责任

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

第十三条 一切危害国家主权、领土完整和安全,分裂国家、颠覆人民民主专政的政权和推翻社会主义制度,破坏社会秩序和经济秩序,侵犯国有财产或者劳动群众集体所有的财产,侵犯公民私人所有的财产,侵犯公民的人身权利、民主权利和其他权利,以及其他危害社会的行为,依照法律应当受刑罚处罚的,都是犯罪,但是情节显著