



中华人民共和国法律法规汇编

LAWS AND REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA

中英文版

宪法卷

Constitutional Law

国务院法制办公室 编

Compiled by the Legislative
Affairs Office of the State Council

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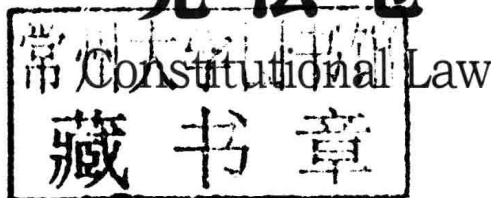
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编辑说明

中国改革开放 30 多年来，社会主义法治建设取得了巨大的成就，以宪法为统帅，法律为主干的多层次的中国特色社会主义法律体系已经形成。随着中国对外合作交流活动的进一步深化，一方面，为了让国外的各界人士了解中国的法律体系和现行有效的法律法规，熟悉中国投资的法律环境；另一方面，也为了满足国内从事涉外工作的专业人士对外宣传和使用中国法律的需要，我们编辑出版了这套法律法规中英文对照版本的工具书。

本汇编收录的现行有效的法律和行政法规涵盖了宪法及七个法律部门（宪法相关法、民法商法、行政法、经济法、社会法、刑法、诉讼与非诉讼程序法）。本汇编共分为八卷：宪法卷、民商法卷、行政法卷（Ⅰ、Ⅱ）、经济法卷（Ⅰ、Ⅱ）、社会法卷、刑法和程序法卷。

本汇编的英文译本由全国人民代表大会常务委员会法制工作委员会和国务院法制办公室组织翻译和审定。

本汇编的英文译本与中文本有歧义的，均以中文本为准。

中华人民共和国国务院法制办公室

2011 年 9 月

Editor's Note

Great progress has been made in developing a sound legal system in China over the past three decades since the reform and opening up to the outside world. A multi-tier socialist legal system with Chinese characteristics, that takes the Constitution as the core and the other laws and regulations as the backbone, has taken shape. In response to the deepening of international cooperation and exchange between China and the outside world, we have compiled and are to publish *the Laws and Regulations of the People's Republic of China* (a Chinese-English bilingual edition), in order to, respectively enable foreigners of various circles to get a comprehensive grasp of China's legal system, currently applicable laws and regulations, and to get conversant with China's investment environment, and to meet the needs of the domestic professionals engaged in foreign affairs for making publicity for and using Chinese laws and regulations.

This Collection consists of the Constitution and seven categories of laws and regulations, that is, Constitution-related Law, Civil and Commercial Law, Administrative Law, Economic Law, Social Law, Criminal Law, Litigation and Non-litigation Procedures. They are classified into eight volumes: Constitutional Law, Civil and Commercial Law, Administrative Law (I , II), Economic Law (I , II), Social Law, Criminal Law and Procedure Law.

The English version of the laws and regulations contained in this Collection is translated and finalized under the aegis of the Legislative Affairs Commission of the Standing Committee of the National People's Congress and the Legislative Affairs Office of the State Council.

Where any discrepancy arises between the English translation and the original Chinese version in this Collection, the Chinese version shall prevail.

Legislative Affairs Office of the State Council

September, 2011

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(Adopted at the 23rd Meeting of the Standing Committee of the Eighth National People's Congress on December 30, 1996, promulgated by Order No. 80 of the President of the People's Republic of China on December 30, 1996, and effective as of July 1, 1997)

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(1997年5月7日国务院第56次常务会议通过 1997年7月1日中华人民共和国国务院令 第221号公布)

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Law of the People's Republic of China on the National Emblem (373)

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(1989年10月31日第七届全国人民代表大会常务委员会第十次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正)	
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Constitution of the People's Republic of China

(Adopted at the Fifth Session of the Fifth National People's Congress on December 4, 1982, promulgated for implementation by the Proclamation of the National People's Congress on December 4, 1982, amended in accordance with the Amendment to the Constitution of the People's Republic of China adopted at the First Session of the 7th National People's Congress on April 12, 1988, the Amendment to the Constitution of the People's Republic of China adopted at the First Session of the 8th National People's Congress on March 29, 1993, the Amendment to the Constitution of the People's Republic of China adopted at the Second Session of the 9th National People's Congress on March 15, 1999, and the Amendment to the Constitution of the People's Republic of China adopted at the Second Session of the 10th National People's Congress on March 14, 2004)

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中华人民共和国宪法

(1982年12月4日第五届全国人民代表大会第五次会议通过 1982年12月4日全国人民代表大会公告公布施行 根据1988年4月12日第七届全国人民代表大会第一次会议通过的《中华人民共和国宪法修正案》、1993年3月29日第八届全国人民代表大会第一次会议通过的《中华人民共和国宪法修正案》、1999年3月15日第九届全国人民代表大会第二次会议通过的《中华人民共和国宪法修正案》和2004年3月14日第十届全国人民代表大会第二次会议通过的《中华人民共和国宪法修正案》修正)

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序 言

中国是世界上历史最悠久的国家之一。中国各族人民共同创造了光辉灿烂的文化，具有光荣的革命传统。

一八四〇年以后，封建的中国逐渐变成半殖民地、半封建的国家。中国人民为国家独立、民族解放和民主自由进行了前仆后继的英勇奋斗。

二十世纪，中国发生了翻天覆地的伟大历史变革。

一九一一年孙中山先生领导的辛亥革命，废除了封建帝制，创立了中华民国。但是，中国人民反对帝国主义和封建主义的历史任务还没有完成。

一九四九年，以毛泽东主席为领袖的中国共产党领导中国各族人民，在经历了长期的艰难曲折的武装斗争和其他形式的斗争以后，终于推翻了帝国主义、封建主义和官僚资本主义的统治，取得了新民主主义革命的伟大胜利，建立了中华人民共和国。从此，中国人民掌握了国家的权力，成为国家的主人。

中华人民共和国成立以后，我国社会逐步实现了由新民主主义到社会主义的过渡。生产资料私有制的社会主义改造已经完成，人剥削人的制度已经消灭，社会主义制度已经确立。工人阶级领导的、以工农联盟为基础的人民民主专政，实质上即无产阶级专政，得到巩固和发展。中国人民和中国人民解放军战胜了帝国主义、霸权主义的侵略、破坏和武装挑衅，维护了国家的独立和安全，增强了国防。经济建设取得了重大的成就，独立的、比较完整的社会主义工业体系已经基本形成，农业生产显著提高。教育、科学、文化等事业有了很大的发展，社会主义思想教育取得了明显的成效。广大人民的生活有了较大的改善。

Preamble

China is a country with one of the longest histories in the world. The people of all of China's nationalities have jointly created a culture of grandeur and have a glorious revolutionary tradition.

After 1840, feudal China was gradually turned into a semi-colonial and semi-feudal country. The Chinese people waged many successive heroic struggles for national independence and liberation and for democracy and freedom.

Great and earthshaking historical changes have taken place in China in the 20th century.

The Revolution of 1911, led by Dr. Sun Yat-sen, abolished the feudal monarchy and gave birth to the Republic of China. But the historic mission of the Chinese people to overthrow imperialism and feudalism remained unaccomplished.

After waging protracted and arduous struggles, armed and otherwise, along a zigzag course, the Chinese people of all nationalities led by the Communist Party of China with Chairman Mao Zedong as its leader ultimately, in 1949, overthrew the rule of imperialism, feudalism and bureaucrat-capitalism, won a great victory in the New-Democratic Revolution and founded the People's Republic of China. Since then the Chinese people have taken control of state power and become masters of the country.

After the founding of the People's Republic of China, China gradually achieved its transition from a New-Democratic to a socialist society. The socialist transformation of the private ownership of the means of production has been completed, the system of exploitation of man by man abolished and the socialist system established. The people's democratic dictatorship led by the working class and based on the alliance of workers and peasants, which is in essence the dictatorship of the proletariat, has been consolidated and developed. The Chinese people and the Chinese People's Liberation Army have defeated imperialist and hegemonist aggression, sabotage and armed provocations and have thereby safeguarded China's national independence and security and strengthened its national defence. Major successes have been achieved in economic development. An