



中华人民共和国刑法

Criminal Law of the People's
Republic of China

中国法制出版社

China Legal System Publishing House

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目 录

Contents

中华人民共和国刑法	(2)
Criminal Law of the People's Republic of China	(3)
中华人民共和国刑法修正案	(384)
Amendment to the Criminal Law of the People's Republic of China	(385)

中华人民共和国刑法

(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 1997年3月14日中华人民共和国主席令
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目 录

第一编 总 则

第一章 刑法的任务、基本原则和适用范围

第二章 犯 罪

第一节 犯罪和刑事责任

第二节 犯罪的预备、未遂和中止

第三节 共同犯罪

第四节 单位犯罪

第三章 刑 罚

第一节 刑罚的种类

第二节 管 制

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, and promulgated by Order No. 83 of the President of the People's Republic of China on March 14, 1997, and effective as of the date of promulgation)

Contents

Part One General Provisions

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

Chapter II Crimes

Section 1 Crimes and Criminal Responsibility

Section 2 Preparation for a Crime, Criminal Attempt and Discontinuation of a Crime

Section 3 Joint Crimes

Section 4 Crimes Committed by a Unit

Chapter III Punishments

Section 1 Types of Punishments

Section 2 Public Surveillance

第三节 拘 役

第四节 有期徒刑、无期徒刑

第五节 死 刑

第六节 罚 金

第七节 剥夺政治权利

第八节 没收财产

第四章 刑罚的具体运用

第一节 量 刑

第二节 累 犯

第三节 自首和立功

第四节 数罪并罚

第五节 缓 刑

第六节 减 刑

第七节 假 释

第八节 时 效

第五章 其他规定

第二编 分 则

第一章 危害国家安全罪

第二章 危害公共安全罪

第三章 破坏社会主义市场经济秩序罪

第一节 生产、销售伪劣商品罪

第二节 走私罪

Section 3	Criminal Detention
Section 4	Fixed-term Imprisonment and Life Imprisonment
Section 5	The Death Penalty
Section 6	Fines
Section 7	Deprivation of Political Rights
Section 8	Confiscation of Property
Chapter IV	The Concrete Application of Punishments
Section 1	Sentencing
Section 2	Recidivists
Section 3	Voluntary Surrender and Meritorious Performance
Section 4	Combined Punishment for Several Crimes
Section 5	Suspension of Sentence
Section 6	Commutation of Punishment
Section 7	Parole
Section 8	Limitation
Chapter V	Other Provisions
Part Two	Specific Provisions
Chapter I	Crimes of Endangering National Security
Chapter II	Crimes of Endangering Public Security
Chapter III	Crimes of Disrupting the Order of the Socialist Market Economy
Section 1	Crimes of Producing and Marketing Fake or Substandard Commodities
Section 2	Crimes of Smuggling

第三节 妨害对公司、企业的管理秩序罪

第四节 破坏金融管理秩序罪

第五节 金融诈骗罪

第六节 危害税收征管罪

第七节 侵犯知识产权罪

第八节 扰乱市场秩序罪

第四章 侵犯公民人身权利、民主权利罪

第五章 侵犯财产罪

第六章 妨害社会管理秩序罪

第一节 扰乱公共秩序罪

第二节 妨害司法罪

第三节 妨害国(边)境管理罪

第四节 妨害文物管理罪

第五节 危害公共卫生罪

第六节 破坏环境资源保护罪

第七节 走私、贩卖、运输、制造毒品罪

第八节 组织、强迫、引诱、容留、介绍卖淫罪

- Section 3 Crimes of Disrupting the Order of Administration of Companies and Enterprises
- Section 4 Crimes of Disrupting the Order of Financial Administration
- Section 5 Crimes of Financial Fraud
- Section 6 Crimes of Jeopardizing Administration of Tax Collection
- Section 7 Crimes of Infringing on Intellectual Property Rights
- Section 8 Crimes of Disrupting the Market Order
- Chapter IV Crimes of Infringing upon Citizens' Right of the Person and Democratic Rights
- Chapter V Crimes of Property Violation
- Chapter VI Crimes of Obstructing the Administration of Public Order
 - Section 1 Crimes of Disturbing Public Order
 - Section 2 Crimes of Impairing Judicial Administration
 - Section 3 Crimes Against Control of National Border (Frontier)
 - Section 4 Crimes Against Control of Cultural Relics
 - Section 5 Crimes of Impairing Public Health
 - Section 6 Crimes of Impairing the Protection of Environment and Resources
 - Section 7 Crimes of Smuggling, Trafficking in, Transporting and Manufacturing Narcotic Drugs
 - Section 8 Crimes of Organizing, Forcing, Luring, Sheltering or Procuring Other Persons to Engage in Prostitution

第九节 制作、贩卖、传播淫秽物品罪

第七章 危害国防利益罪

第八章 贪污贿赂罪

第九章 渎职罪

第十章 军人违反职责罪

附 则

Section 9	Crimes of Producing, Selling, Disseminating Pornographic Materials
Chapter VII	Crimes of Impairing the Interests of National De- fence
Chapter VIII	Crimes of Embezzlement and Bribery
Chapter IX	Crimes of Dereliction of Duty
Chapter X	Crimes of Servicemen's Transgression of Duties
Supplementary Provisions	

第一编 总 则

第一章 刑法的任务、基本原则和适用范围

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。

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。

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

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3年以下有期徒刑的,可以不予追究。

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

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

民共和国国家或者公民犯罪,而按本法规定的最低刑为 3 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