



中华人民共和国兵役法

Military Service Law of
the People's Republic of China

中华人民共和国现役军官法

Law of the People's Republic of China
on Officers in Active Service

(中英对照)

(Chinese-English)

法律出版社
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中华人民共和国主席令

第十三号

《全国人民代表大会常务委员会关于修改〈中华人民共和国兵役法〉的决定》已由中华人民共和国第九届全国人民代表大会常务委员会第六次会议于1998年12月29日通过,现予公布,自公布之日起施行。

中华人民共和国主席 江泽民

1998年12月29日

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

No. 13

The Decision of the Standing Committee of the National People's Congress on Revising the Military Service Law of the People's Republic of China, adopted at the 6th Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on December 29, 1998, is hereby promulgated and shall go into effect as of the date of promulgation.

Jiang Zemin

President of the People's Republic of China

December 29, 1998

全国人民代表大会常务委员会 关于修改《中华人民共和国 兵役法》的决定

(1998年12月29日第九届全国人民代表
大会常务委员会第六次会议通过)

第九届全国人民代表大会常务委员会第六次会议审议了国务院、中央军事委员会关于《中华人民共和国兵役法修正案(草案)》的议案,决定对《中华人民共和国兵役法》作如下修改:

一、第二条修改为:“中华人民共和国实行义务兵与志愿兵相结合、民兵与预备役相结合的兵役制度。”

二、第十八条修改为:“义务兵服现役的期限为二年。”

三、第十九条修改为:“义务兵服现役期满,根据军队需

Decision of the Standing Committee of the National People's Congress on Revising the Military Service Law of the People's Republic of China

(Adopted at the 6th Meeting of the Standing
Committee of the Ninth National People's Congress on
December 29, 1998)

At its 6th Meeting, the Standing Committee of the Ninth National People's Congress, having examined the proposal submitted by the State Council and the Central Military Commission on the Draft Amendments to the Military Service Law of the People's Republic of China, decides to make the following revisions of the Military Service Law of the People's Republic of China:

1. Article 2 is revised as follows: "The People's Republic of China practises a military service system which combines conscripts with volunteers and a militia with a reserve service."

2. Article 18 is revised as follows: "The term of active service for a conscript is two years."

3. Article 19 is revised as follows: "Upon the expiration of his term of active service, a conscript may, according to need of the armed

要和本人自愿,经团级以上单位批准,可以改为志愿兵。

志愿兵实行分期服现役制度。志愿兵服现役的期限,从改为志愿兵之日算起,至少三年,一般不超过三十年,年龄不超过五十五岁。

根据军队需要,志愿兵也可以直接从非军事部门具有专业技能的公民中招收,具体办法由国务院、中央军事委员会制定。”

四、第二十四条修改为:“士兵预备役分为第一类和第二类。

第一类士兵预备役包括下列人员:

(一)经过登记服士兵预备役的三十五岁以下的退出现役的士兵;

(二)经过登记服士兵预备役的三十五岁以下的地方与军事专业对口的技术人员;

(三)其他编入预备役部队和预编到现役部队的二十八岁以下的预备役士兵。

第二类士兵预备役包括下列人员:

(一)除服第一类士兵预备役的人员外,编入民兵组织的人员;

(二)其他经过登记服士兵预备役的三十五岁以下的男性公民。

本条第一类士兵预备役第(三)项所列人员,二十九岁

forces and on the basis of his own free will, change to a volunteer with approval by a unit at or above the regimental level.

A system of active service for different terms shall be instituted for volunteers. The term of active service for a volunteer shall, counting from the day when he changes to a volunteer, be no less than three years but generally not more than thirty years, up to the age of 55.

Volunteers may, according to need of the armed forces, be recruited directly from among citizens with professional skills in non-military departments. Specific measures in this regard shall be formulated by the State Council and the Central Military Commission."

4. Article 24 is revised as follows: " Persons in the soldiers' reserve shall be divided into two categories:

Category One of persons in the soldiers' reserve shall include:

(1) soldiers at or under the age of 35 who have been discharged from active service and have registered for the soldier's reserve;

(2) civilian technicians at or under the age of 35 who have registered for the soldiers' reserve and whose specialities fit in with those of the military; and

(3) other reserve soldiers at or under the age of 28 who have been regimented into the reserve forces or pre-regimented into the active forces.

Category Two of persons in the soldiers' reserve shall include:

(1) persons regimented into militia organizations other than those included in Category One of persons in the soldiers' reserve; and

(2) other male citizens at under the age of 35 who have registered for the soldiers' reserve.

Persons listed in sub-paragraph (3) under Category One of persons in the soldiers' reserve in this Article shall be transferred to Category Two at the age of 29; reserve soldiers shall be discharged

转入第二类士兵预备役；预备役士兵年满三十五岁，退出预备役。”

五、第三十九条修改为：“预备役士兵的军事训练，在民兵组织、预备役部队中进行，或者采取其他组织形式进行。

未服过现役的编入预备役部队、预编到现役部队的预备役士兵和基干民兵，在十八岁至二十二岁期间，应当参加三十天至四十天的军事训练；其中专业技术兵的训练时间，按照实际需要适当延长。

服过现役和受过军事训练的预备役士兵的复习训练，普通民兵和未编人民兵组织的预备役士兵的军事训练，按照中央军事委员会的规定进行。”

六、第四十二条修改为：“预备役人员参加军事训练，由当地人民政府给予误工补贴。具体办法和补贴标准由国务院、中央军事委员会规定；在国务院、中央军事委员会作出规定之前，由省、自治区、直辖市规定。”

七、第五十四条修改为：“义务兵服现役期间，其家属由当地人民政府给予优待，优待的标准不低于当地平均生活水平，具体办法由省、自治区、直辖市规定。”

from reserve service at the age of 35.”

5. Article 39 is revised as follows: “ Military training for reserve soldiers shall be conducted in militia organizations or reserve forces, or in other organizational forms.

Reserve soldiers and primary militiamen at the age from 18 through 22 who have not been in active service but are regimented into reserve forces or pre-regimented into active forces shall receive military training for 30 to 40 days; the period of training for professional and technical soldiers among them may be appropriately extended according to actual needs.

The retraining of reserve soldiers who have performed active service or have received military training and military training for ordinary militiamen and for reserve soldiers who are not regimented into militia organizations shall be conducted in accordance with the regulations of the Central Military Commission.”

6. Article 42 is revised as follows: “ Reservists shall, when participating in military training, be subsidized for loss of work time by the local people’s governments. Specific measures and rates of subsidy shall be formulated by the State Council and the Central Military Commission; before such measures and rates are formulated by the State Council and the Central Military Commission, they shall be prescribed by the provinces, autonomous regions and municipalities directly under the Central Government.”

7. Article 54 is revised as follows: “ During the period when conscripts are in active service, their families shall be granted preferential treatment by the local people’s governments. The standard for preferential treatment shall not be lower than the local average living standard. Specific measures shall be prescribed by the provinces, autonomous regions and municipalities directly under the Central Government.”

八、第五十六条修改为：“义务兵退出现役后，按照从哪里来、回哪里去的原则，由原征集的县、自治县、市、市辖区的人民政府接收安置：

(一)家居农村的义务兵退出现役后，由乡、民族乡、镇的人民政府妥善安排他们的生产和生活。机关、团体、企业事业单位在农村招收员工时，在同等条件下，应当优先录用退伍军人。荣获二等功以上奖励的，按照本条第(二)项规定安排工作。

(二)家居城镇的义务兵退出现役后，由县、自治县、市、市辖区的人民政府安排工作，也可以由上一级或者省、自治区、直辖市的人民政府在本地区内统筹安排。机关、团体、企业事业单位，不分所有制性质和组织形式，都有按照国家有关规定安置退伍军人的义务。入伍前是机关、团体、企业事业单位职工的，允许复工、复职。

(三)城镇退伍军人待安置期间，由当地人民政府按照不低于当地最低生活水平的原则发给生活补助费。

8. Article 56 is revised as follows: " Conscripts discharged from active service shall, on the principle of returning to the place where they came from, be accepted and placed by the people's governments of the counties, autonomous counties, cities or municipal districts where they were enlisted:

(1) Conscripts who are residents of rural areas, when discharged from active service, shall be provided with proper arrangements for their work and livelihood by the people's governments of townships, nationality townships or towns. When recruiting staff members or workers from among people in the rural areas, government departments, public organizations, enterprises and institutions shall give preference to discharged servicemen under equal conditions. Those who have been awarded Citation for Merit, Class II or higher, shall be given jobs as prescribed in sub-paragraph (2) of this Article.

(2) Conscripts who are residents of cities or towns, when discharged from active service, shall be given jobs by the people's governments of counties, autonomous counties, cities or municipal districts, or may be placed by the people's governments at the next higher level or of the provinces, autonomous regions or municipalities directly under the Central Government through an overall arrangement within their own regions. Government departments, public organizations, enterprises and institutions, regardless of the nature of their ownership and the form of organization, shall have the obligation to place discharged servicemen in accordance with the relevant regulations of the State. Those who, prior to their enlistment, were staff members or workers of government departments, public organizations, enterprises or institutions shall be allowed to resume their original work or positions.

(3) Discharged servicemen who are from cities or towns shall, during the period pending their placement, be given subsidies for living

(四)城镇退伍军人自谋职业的,由当地人民政府给予一次性经济补助,并给予政策上的优惠。

(五)义务兵退出现役后,报考国家公务员、高等院校和中等专业学校,按照有关规定予以优待。”

九、第五十八条第一款修改为:“志愿兵退出现役后,服现役不满十年的,按照本法第五十六条的规定安置;满十年的,由原征集的县、自治县、市、市辖区的人民政府安排工作,也可以由上一级或者省、自治区、直辖市的人民政府在本地区内统筹安排;自愿回乡参加农业生产或者自谋职业的,给予鼓励,由当地人民政府增发安家补助费;服现役满三十年或者年满五十五岁的作退休安置,根据地方需要和本人自愿也可以作转业安置。”

十、第六十一条修改为:“有服兵役义务的公民有下列行为之一的,由县级人民政府责令限期改正;逾期不改的,由县

expenses by the local people's governments on the principle of ensuring them a living standard not lower than the lowest in the localities.

(4) Discharged servicemen who are from cities or towns and wish to seek employment by themselves shall be given financial subsidies in a lump sum and preferential treatment in terms of policies by the local people's governments.

(5) When conscripts discharged from active service take examinations for recruitment as public servants of the State or take entrance examinations for institutions of higher learning or secondary vocational schools, they shall be given preferential treatment in accordance with relevant regulations."

9. The first paragraph of Article 58 is revised as follows: "Volunteers who are discharged before having performed active service for 10 years shall be placed in accordance with the provisions in Article 56 of this Law; those who have performed active service for 10 years shall be given jobs by the people's governments of the counties, autonomous counties, cities or municipal districts where they were enlisted, or may be placed by the people's governments at the next higher level or of the provinces, autonomous regions or municipalities directly under the Central Government through an overall arrangement within their own regions; those who wish to return home to take part in agricultural production or wish to seek employment by themselves shall be encouraged to do so and be given extra subsidies by the local people's governments for setting up homes there; and those who have performed active service for 30 years or reached the age of 55 shall retire, or may be transferred to civilian jobs according to local needs and their own wish."

10. Article 61 is revised as follows: "If a citizen who has the duty to perform military service commits any of the following acts, he shall be ordered by the people's government at the county level to make

级人民政府强制其履行兵役义务,并可以处以罚款:

(一)拒绝、逃避兵役登记和体格检查的;

(二)应征公民拒绝、逃避征集的;

(三)预备役人员拒绝、逃避参加军事训练和执行军事勤务的。

有前款第(二)项行为,拒不改正的,在两年内不得被录取为国家公务员、国有企业职工,不得出国或者升学。

战时有第一款第(二)、(三)项行为,构成犯罪的,依法追究刑事责任。”

十一、增加第六十二条:“现役军人以逃避服兵役为目的,拒绝履行职责或者逃离部队的,按照中央军事委员会的规定给予行政处分;战时逃离部队,构成犯罪的,依法追究刑事责任。

明知是逃离部队的军人而雇用的,由县级人民政府责令改正,并处以罚款;构成犯罪的,依法追究刑事责任。”