



中华人民共和国 刑法

Criminal Law of
the People's Republic of China

(中英对照)

(Chinese-English)

法律出版社
Law Press China

百年法治 走向世界

A Century Ruled by Law, A World We Heading for

中英对照法律文本

Chinese-English

中华人民共和国刑法

Criminal Law of PRC

中华人民共和国刑法修正案(一)、(二)、(三)

Amendment I, II and III to Criminal Law of PRC

关于中华人民共和国刑法第93, 228, 342和410条的
解释

Interpretation of Articles 93, 228, 342 and 410 of
Criminal Law of PRC

责任编辑: 霍爱华

ISBN 7-5036-3938-5



ISBN 7-5036-3938-5/D.3655

定价: 25.00元

First Edition 2002

ISBN 7 - 5036 - 3938 - 5/D·3655

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Published by
Law Press China

Printed in the People's Republic of China

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中华人民共和国主席令

第八十三号

《中华人民共和国刑法》已由中华人民共和国第八届全国人民代表大会第五次会议于 1997 年 3 月 14 日修订,现将修订后的《中华人民共和国刑法》公布,自 1997 年 10 月 1 日起施行。

中华人民共和国主席 江泽民

1997 年 3 月 14 日

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 October 1, 1997.

Jiang Zemin

President of the People's Republic of China

March 14, 1997

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)

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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 and revised
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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。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。

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.

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。

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

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