|  |  |  |
| --- | --- | --- |
| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2002.04.282002.04.28 |
| 生效日期Effective Date | ：: | 2002.04.282002.04.28 |
| 时效性Effectiveness | ：: | 现行有效Current |

# 全国人民代表大会常务委员会关于《中华人民共和国刑法》第二百九十四条第一款的解释

# Interpretation of the Standing Committee of the National People's Congress on Paragraph 1 of Article 294 of the Criminal Law of the People's Republic of China

全国人民代表大会常务委员会关于《中华人民共和国刑法》第二百九十四条第一款的解释

Interpretation of the Standing Committee of the National People's Congress on Paragraph 1 of Article 294 of the Criminal Law of the People's Republic of China

(2002 年 4 月 28 日第九届全国人民代表大会常务委员会第二十七次会议通过)

(Adopted at the 27th Meeting of the Standing Committee of the Ninth National People's Congress on 28 April 2002)

全国人民代表大会常务委员会讨论了刑法第二百九十四条第一款规定的“黑社会性质的组织”的含义问题，解释如下：

Having discussed the implication of "organizations in the nature of criminal syndicate" prescribed in the first paragraph of Article 294 of the Criminal Law, the Standing Committee of National People's Congress gives the interpretation as follows:

刑法第二百九十四条第一款规定的“黑社会性质的组织”应当同时具备以下特征：

"An organization of a gangland nature" as prescribed in Paragraph 1 of Article 294 of the Criminal Law shall have all of the following characteristics:

(一)形成较稳定的犯罪组织，人数较多，有明确的组织者、领导者，骨干成员基本固定；

1. a relatively stable criminal organization is formed with a relatively large number of members, and there are specific organizers or leaders and basically fixed core members.

(二)有组织地通过违法犯罪活动或者其他手段获取经济利益，具有一定的经济实力，以支持该组织的活动；

(II) Economic interests are gained by organized illegal or criminal activities or other means, and it has certain financial strength to support its activities.

(三)以暴力、威胁或者其他手段，有组织地多次进行违法犯罪活动，为非作恶，欺压、残害群众；

(III) By violence, threat or other means, it commits organized illegal or criminal activities many times to do evil, bully and cruelly injure or kill people.

(四)通过实施违法犯罪活动，或者利用国家工作人员的包庇或者纵容，称霸一方，在一定区域或者行业内，形成非法控制或者重大影响，严重破坏经济、社会生活秩序。

(IV) It dominates a certain area by committing illegal or criminal activities or taking advantage of the harboring or connivance by the state functionaries, forming an illegal control or significant influence in a certain area or sector, which seriously disrupts the economic and social order.

现予公告。

It is hereby announced.