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# 全国人民代表大会常务委员会关于《中华人民共和国刑法》第九章渎职罪主体适用问题的解释

# Interpretation of the Standing Committee of the National People's Congress on Issues concerning the Application of Subjects for the Crime of Dereliction of Duty as Prescribed in Chapter IX of the Criminal Law of the People's Republic of China

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Interpretation of the Standing Committee of the National People's Congress on Issues concerning the Application of Subjects for the Crime of Dereliction of Duty as Prescribed in Chapter IX of the Criminal Law of the People's Republic of China

(二○○二年十二月二十八日第九届全国人民代表大会常务委员会第三十一次会议通过)

(Adopted at the 31st Meeting of the Standing Committee of the Ninth National People's Congress on December 28, 2002)

全国人大常委会根据司法实践中遇到的情况，讨论了刑法第九章渎职罪主体的适用问题，解释如下：

According to the situation encountered in judicial practice, the Standing Committee of the National People's Congress has discussed the application of subjects for the crime of dereliction of duty as prescribed in Chapter IX of the Criminal Law, and the interpretation is given as follows:

在依照法律、法规规定行使国家行政管理职权的组织中从事公务的人员，或者在受国家机关委托代表国家机关行使职权的组织中从事公务的人员，或者虽未列入国家机关人员编制但在国家机关中从事公务的人员，在代表国家机关行使职权时，有渎职行为，构成犯罪的，依照刑法关于渎职罪的规定追究刑事责任。

When any of the personnel who provide public services in the organizations that exercise the state administrative power according to the laws and regulations, the personnel who provide public services in the organizations that are entrusted by the state organs to exercise the power on behalf thereof, or the personnel who are not state functionaries but provide public services in the state organs exercises the power on behalf of the state organs and derelicts his duties, and if a crime is constituted, criminal responsibilities shall be investigated according to the provisions of the Criminal Law on the crime of dereliction of duty.

现予公告。

It is hereby announced.