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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》第三百一十三条的解释

# Interpretation of the Standing Committee of the National People's Congress on Article 313 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》第三百一十三条的解释

Interpretation of the Standing Committee of the National People's Congress on Article 313 of the Criminal Law of the People's Republic of China

（2002 年 8 月 29 日第九届全国人民代表大会常务委员会第二十九次会议通过）

(Adopted at the 29th Meeting of the Standing Committee of the Ninth National People's Congress on August 29, 2002)

全国人民代表大会常务委员会讨论了刑法第三百一十三条规定的“对人民法院的判决、裁定有能力执行而拒不执行，情节严重”的含义问题，解释如下：

Having discussed the implication of "Whoever has the ability to execute the judgment or order made by a people's court but refuses to do so, if the circumstances are serious" as prescribed in Article 313 of the Criminal Law, the Standing Committee of National People's Congress gives the interpretation as follows:

刑法第三百一十三条规定的“人民法院的判决、裁定”，是指人民法院依法作出的具有执行内容并已发生法律效力的判决、裁定。人民法院为依法执行支付令、生效的调解书、仲裁裁决、公证债权文书等所作的裁定属于该条规定的裁定。

"The judgment or order made by a people's court" prescribed in Article 313 of the Criminal Law refers to the judgment or order which is made by a people's court in accordance with law and which has the contents of execution and is legally effective. The ruling made by the people's court for execution, according to law, of an order for payment, effective conciliation statement, arbitral award, notarized document of obligation and so on is the ruling prescribed in this Article.

下列情形属于刑法第三百一十三条规定的“有能力执行而拒不执行，情节严重”的情形：

The following cases come under the category of "Whoever has the ability to execute the judgment or order made by a people's court but refuses to do so, if the circumstances are serious" as prescribed in Article 313 of the Criminal Law:

(一)被执行人隐藏、转移、故意毁损财产或者无偿转让财产、以明显不合理的低价转让财产，致使判决、裁定无法执行的；

1. the person subjected to execution conceals, transfers, intentionally damages or destroys property, or gratuitously conveys property, or conveys property at a lower price which is obviously unreasonable, thereby making it impossible to execute the judgment or order;

(二)担保人或者被执行人隐藏、转移、故意毁损或者转让已向人民法院提供担保的财产，致使判决、裁定无法执行的；

2. the guarantor or the person subjected to execution conceals, transfers, intentionally damages or destroys property, or conveys the property which has been provided as a guaranty to a people's court, thereby making it impossible to execute the judgment or order;

(三)协助执行义务人接到人民法院协助执行通知书后，拒不协助执行，致使判决、裁定无法执行的；

3. the person who has the obligation to assist in execution refuses to do so upon receiving from a people's court the notice for assistance in execution, thereby making it impossible to execute the judgment or order;

(四)被执行人、担保人、协助执行义务人与国家机关工作人员通谋，利用国家机关工作人员的职权妨害执行，致使判决、裁定无法执行的；

(IV) the person subjected to execution, the guarantor, or the person who has the obligation to assist in execution conspires with the functionary of a State organ and obstructs execution by making use of the power of the said functionary, thereby making it impossible to execute the judgment or order; or

(五)其他有能力执行而拒不执行，情节严重的情形。

(V) any other person who has the ability to execute refuses to do so, if the circumstances are serious.

国家机关工作人员有上述第四项行为的，以拒不执行判决、裁定罪的共犯追究刑事责任。国家机关工作人员收受贿赂或者滥用职权，有上述第四项行为的，同时又构成刑法第三百八十五条、第三百九十七条规定之罪的，依照处罚较重的规定定罪处罚。

Any functionary of a State organ who commits the act prescribed in subparagraph (4) mentioned above shall be deemed an accomplice in the crime of refusing to execute a judgment or order and be investigated for criminal responsibility. Any functionary of a State organ who accepts bribes or abuses his power and commits the act prescribed in subparagraph (4) mentioned above, which at the same time constitutes a crime as provided for in Article 385 or 397 of the Criminal Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.

现予公告。

It is hereby announced.