

中国的法律体制(英汉对照) PDF转换可能丢失图片或格式，  
建议阅读原文

[https://www.100test.com/kao\\_ti2020/449/2021\\_2022\\_\\_E4\\_B8\\_AD\\_E5\\_9B\\_BD\\_E7\\_9A\\_84\\_E6\\_c92\\_449107.htm](https://www.100test.com/kao_ti2020/449/2021_2022__E4_B8_AD_E5_9B_BD_E7_9A_84_E6_c92_449107.htm) 中国法制体系以《中华人民共和国宪法》为基础，由成文法律、法规、条例及地方立法、特别行政区法律及中国政府签订的国际条约形成的法律等组成。法院判例不具先例约束力，但具有司法参照及指导作用。《中华人民共和国宪法》授权中国全国人民代表大会（「全国人大」）及全国人大常务委员会行使国家立法权。全国人大有权修改宪法，制定并修改有关国家机关及民事与刑事问题的基本法律。除须由全国人大制定及修改的法律之外，全国人大常务委员会有权制定及修改所有法律。国务院为国家最高行政机关，有权制定行政规章及条例。国务院下属各部委亦有权在所属各部门的管辖范围内签发命令、指示及条例。国务院及下属各部委颁布的所有行政规章、条例、指示及命令均须与中国宪法及全国人大制定的国家法律保持一致。倘出现任何冲突，则全国人大常务委员会有权取消各行政规章、条例、指示及命令。在地方一级，各省及直辖市人民代表大会及其各自的常务委员会可以制定地方规章及条例，地方人民政府可以颁布适用于各行政区的行政规章及指示。此等地方法规须与中国宪法、国家法律及国务院颁布的行政法规保持一致。国务院、省及直辖市政府还可在新的法律领域为试行目的制定或签发各种规章、条例或指示。试用措施获得充足的经验后，国务院可将立法建议提交全国人大或全国人大常务委员会考虑进行国家级立法。《中华人民共和国宪法》授权全国人大常务委员会对法律进行诠释。

根据一九八一年六月十日通过的《全国人民代表大会常务委员会关于加强法律解释工作的决议》，最高人民法院除有权在司法程序中对法律进行解释外，还有权对特定的案件进行解释。国务院及其各部委亦有权解释各自颁布的规章及条例。在地方一级，解释法律的权利授予颁布该法规的各地方法立机构及各行政机关。 The PRC legal system is based on the PRC Constitution and is made up of written laws, regulations, directives and local laws, laws of Special Administrative Regions and laws resulting from international treaties entered into by the PRC government. Court case verdicts do not constitute binding precedents. However, they are used for the purposes of judicial reference and guidance. The National Peoples Congress of the PRC ( NPC ) and the Standing Committee of the NPC are empowered by the PRC Constitution to exercise the legislative power of the State. The NPC has the power to amend the PRC Constitution and enact and amend basic laws governing State agencies and civil and criminal matters. The Standing Committee of the NPC is empowered to enact and amend all laws except for the laws that are required to be enacted and amended by the NPC. The State Council is the highest organ of the State administration and has the power to enact administrative rules and regulations. The ministries and commissions under the State Council are also vested with the power to issue orders, directives and regulations within the jurisdiction of their respective departments. All administrative rules, regulations, directives and orders promulgated by the State Council and its ministries and commissions must be consistent with the PRC Constitution and the

national laws enacted by the NPC. In the event that a conflict arises, the Standing Committee of the NPC has the power to annul administrative rules, regulations, directives and orders. At the regional level, the provincial and municipal congresses and their respective standing committees may enact local rules and regulations and the peoples governments may promulgate administrative rules and directives applicable to their own administrative areas. These local laws and regulations must be consistent with the PRC Constitution, the national laws and the administrative rules and regulations promulgated by the State Council. The State Council, provincial and municipal governments may also enact or issue rules, regulations or directives in new areas of the law for experimental purposes. After gaining sufficient experience with experimental measures, the State Council may submit legislative proposals to be considered by the NPC or the Standing Committee of the NPC for enactment at the national level. The PRC Constitution vests the power to interpret laws in the Standing Committee of the NPC. According to the Decision of the Standing Committee of the NPC Regarding the Strengthening of Interpretation of Laws passed on June 10, 1981, the Supreme Peoples Court, in addition to its power to give general interpretation on the application of laws in judicial proceedings, also has the power to interpret specific cases. The State Council and its ministries and commissions are also vested with the power to interpret rules and regulations that they have promulgated. At the regional level, the power to interpret regional laws is vested in the regional legislative and administrative bodies which promulgate

such laws. 100Test 下载频道开通，各类考试题目直接下载。详细请访问 [www.100test.com](http://www.100test.com)