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Marriage Law of the People's Republic of China

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中华人民共和国婚姻法

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Chapter One

第一章 总则

Article 1 This Law lays the basic principles for marriage and family relations.

第一条 【立法目的】本法是婚姻家庭关系的基本准则。

Article 2 A marriage system based on freedom, monogamy and equality between man and woman shall be implemented.

The lawful rights and interests of women, children and old people shall be protected.

Birth control shall be practiced.

第二条 【婚姻制度】实行婚姻自由、一夫一妻、男女平等的婚姻制度。

保护妇女、儿童和老人的合法权益。

实行计划生育。

Article 3 Marriage arranged by any third party, mercenary marriage and any interference in the freedom of marriage shall be prohibited. Any exaction of money or property by means of marriage shall be prohibited.

Bigamy shall be prohibited. No one who has a spouse may cohabit with any other person. Family violence shall be prohibited. Maltreatment or desertion of any family member shall be prohibited.

第三条 【禁止的婚姻行为】禁止包办、买卖婚姻和其他干涉婚姻自由的行为。禁止借婚姻索取财物。

禁止重婚。禁止有配偶者与他人同居。禁止家庭暴力。禁止家庭成员间的虐待和遗弃。

Article 4 Husband and wife shall be truthful to and respect each other. Family members shall respect the old, take good care of the underage, and help each other so as to maintain an equal, harmonious and cultured matrimonial and familial relationship.

第四条 【家庭关系】夫妻应当互相忠实，互相尊重；家庭成员间应当敬老爱幼，互相帮助，维护平等、和睦、文明的婚姻家庭关系。

Chapter Two Marriage

第二章 结婚

Article 5 Marriage shall be based on the complete willingness of both man and woman. No party may coerce the other party to enter into marriage, and no third party may interfere with the marriage.

第五条 【结婚自愿】结婚必须男女双方完全自愿，不许任何一方对他方加以强迫或任何第三者加以干涉。

Article 6 In order to get married, the man shall not be younger than 22 years old and the woman shall not be younger than 20. Late marriage and late child birth shall be encouraged.

第六条 【法定婚龄】结婚年龄，男不得早于二十二周岁，女不得早于二十周岁。晚婚晚育应予鼓励。

Article 7 Marriage shall be prohibited in any of the following circumstances:

a. if the man and the woman are lineal relatives by blood or collateral relatives by blood up to the third degree of kinship;

b. if either the man or the woman is suffering from any disease that is regarded by medical science as rendering a person unfit for marriage.

第七条 【禁止结婚】有下列情形之一的，禁止结婚：

- （一）直系血亲和三代以内的旁系血亲；
- （二）患有医学上认为不应当结婚的疾病。

Article 8 The man and woman who apply for marriage shall go to the marriage registration authority in person to get registered. If they meet the requirements of this law, they shall be registered and be given a certificate of marriage. The obtaining of a certificate of marriage means the establishment of the relationship of husband and wife. Those who live as husband and wife without registration shall go through remedial registration procedures.

第八条 【结婚登记】要求结婚的男女双方必须亲自到婚姻登记机关进行结婚登记。符合本法规定的，予以登记，发给结婚证。取得结婚证，即确立夫妻关系。未办理结婚登记的，应当补办登记。

Article 9 Having gone through the registration procedures, the woman may become a member of the family of the man and the man may also become a member of the family of the woman, whatever is agreed upon by both parties.

第九条 【互为家庭成员】登记结婚后，根据男女双方约定，女方可以成为男方家庭的成员，男方可以成为女方家庭的成员。

Article 10 If any of the following circumstances occurs, the marriage shall be invalid:

- a. if either party is a bigamist;
- b. if both parties are in the kinship that is forbidden from getting married by law;
- c. if any party has suffered from any disease that is held by medical science as rendering a person unfit for getting married and the disease has not been cured after marriage;
- d. if any party has not come up to the legitimate age for marriage.

第十条 【婚姻无效】有下列情形之一的，婚姻无效：

- （一）重婚的；
- （二）有禁止结婚的亲属关系的；
- （三）婚前患有医学上认为不应当结婚的疾病，婚后尚未治愈的；
- （四）未到法定婚龄的。

Article 11 In the case of intimidated marriage, the intimidated party may apply to the marriage registration authority or the people's court for canceling the said marriage. The intimidated party shall make the application within one year since the day of marriage registration. Where any party who is unlawfully confined in personal freedom applies for canceling a marriage, he or she shall make the application within one year since the day he or she resumes personal freedom.

第十一条 【胁迫结婚】因胁迫结婚的，受胁迫的一方可以向婚姻登记机关或人民法院请求撤销该婚姻。受胁迫的一方撤销婚姻的请求，应当自结婚登记之日起一年内提出。被非法限制人身自由的当事人请求撤销婚姻的，应当自恢复人身自由之日起一年内提出。

Article 12 An invalid or cancelled marriage shall be invalid ab initio, and the parties concerned do not have the rights and obligations of the husband and wife. The property incurred during the

term of cohabitation shall be disposed of by both parties upon agreement. Where no agreement is achieved, the people's court shall make a judgment according to the principle of favoring the innocent party. The property rights of the party to a lawful marriage shall not be infringed upon in the disposal of the property relating to a marriage invalidated by bigamy. The relevant provisions of this law concerning parents and children shall apply to the children borne by both the parties concerned.

第十二条 【婚姻的无效】无效或被撤销的婚姻，自始无效。当事人不具有夫妻的权利和义务。同居期间所得的财产，由当事人协议处理；协议不成时，由人民法院根据照顾无过错方的原则判决。对重婚导致的婚姻无效的财产处理，不得侵害合法婚姻当事人的财产权益。当事人所生的子女，适用本法有关父母子女的规定。

Chapter Three Familial Relations

第三章 家庭关系

Article 13 Both husband and wife shall be equal in familial status.

第十三条 【夫妻平等】夫妻在家庭中地位平等。

Article 14 Both husband and wife are entitled to have his or her own name.

第十四条 【夫妻姓名权】夫妻双方都有各用自己姓名的权利。

Article 15 Both husband and wife have the liberty to participate in production, work, study and social activities. Either party may not confine or interfere with the activities of the other party.

第十五条 【夫妻的自由】夫妻双方都有参加生产、工作、学习和社会活动的自由，一方不得对他方加以限制或干涉。

Article 16 Both husband and wife shall be under the obligation of following the policy of birth control.

第十六条 【计划生育义务】夫妻双方都有实行计划生育的义务。

Article 17 The following properties incurred during the existence of marriage shall be jointly owned by both husband and wife:

- a. wages and bonuses;
- b. any income incurred from production or management;
- c. any income incurred from intellectual property;
- d. any property inherited or bestowed, with the exception of those as mentioned in Article 18 (c) of this law;
- e. other property that shall be jointly owned.

Both husband and wife shall have equal rights in the disposal of jointly owned property.

第十七条 【夫妻共有财产】夫妻在婚姻关系存续期间所得的下列财产，归夫妻共同所有：

- (一) 工资、奖金；
- (二) 生产、经营的收益；
- (三) 知识产权的收益；
- (四) 继承或赠与所得的财产，但本法第十八条第三项规定的除外；

（五）其他应当归共同所有的财产。
夫妻对共同所有的财产，有平等的处理权。

Article 18 The following property shall be owned by either the husband or the wife:

- a. the pre-marital property that is owned by one party;
- b. the payment for medical treatment or living subsidies for the disabled arising from bodily injury on either party;
- c. the articles of living specially used by either party;
- d. other property that shall be used by either party.

第十八条 【夫妻一方的财产】有下列情形之一的，为夫妻一方的财产：

- （一）一方的婚前财产；
- （二）一方因身体受到伤害获得的医疗费、残疾人生活补助费等费用；
- （三）遗嘱或赠与合同中确定只归夫或妻一方的财产；
- （四）一方专用的生活用品；
- （五）其他应当归一方的财产。

Article 19 Husband and wife may come to an agreement whether the property incurred during the existence of marriage or prior to marriage to be owned by each party, to be jointly owned or partially owned by each party and partially owned by both parties. The agreement shall be made in written form. Where there is no such agreement or it is not explicitly agreed upon, the provisions of articles 17 and 18 shall apply.

The agreement concerning the property obtained during the existence of marriage and pre-marital property shall be binding upon either party.

Where husband and wife agree to individually own their property, the debt of either the husband or the wife shall be cleared off by the individual property of the debtor if the creditor has the knowledge of the said agreement.

第十九条 【夫妻财产约定】夫妻可以约定婚姻关系存续期间所得的财产以及婚前财产归各自所有、共同所有或部分各自所有、部分共同所有。约定应当采用书面形式。没有约定或约定不明确的，适用本法第十七条、第十八条的规定。

夫妻对婚姻关系存续期间所得的财产以及婚前财产的约定，对双方具有约束力。

夫妻对婚姻关系存续期间所得的财产约定归各自所有的，夫或妻一方对外所负的债务，第三人知道该约定的，以夫或妻一方所有的财产清偿。

Article 20 Husband and wife shall be under the obligation of supporting each other.

Where either party fails to perform the obligation of supporting the other party, the party that needs support shall be entitled to ask the other party to pay aliments.

第二十条 【夫妻扶养义务】夫妻有互相扶养的义务。

一方不履行扶养义务时，需要扶养的一方，有要求对方付给扶养费的权利。

Article 21 Parents shall be under the obligation of upbringing and educating their children, and the children shall also be under the obligation of supporting their parents.

Where the parents fail to perform their obligations, the underage children and the children without the ability to live an independent life shall be entitled to ask their parents to pay aliments.

Where any child fails to perform his or her obligations, the parents thereof who are unable to work or who are living a difficult life shall be entitled to ask their child to pay aliments.

It shall be forbidden to drown or desert infants or commit any kind of infanticide.

第二十一条 【父母与子女】父母对子女有抚养教育的义务；子女对父母有赡养扶助的义务。

父母不履行抚养义务时，未成年的或不能独立生活的子女，有要求父母付给抚养费的权利。

子女不履行赡养义务时，无劳动能力的或生活困难的父母，有要求子女付给赡养费的权利。

禁止溺婴、弃婴和其他残害婴儿的行为。

Article 22 A child may take the surname of either the father or mother.

第二十二条 【子女的姓】子女可以随父姓，可以随母姓。

Article 23 Parents shall have the rights and obligations of protecting and educating their children. Where the underage child causes any damage to the state, collective or other person, the parents thereof shall take civil liabilities.

第二十三条 【父母对子女的保护和教育】父母有保护和教育未成年子女的权利和义务。在未成年子女对国家、集体或他人造成损害时，父母有承担民事责任的义务。

Article 24 Both husband and wife shall be entitled to inherit the property of each other.

Both parent and child shall be entitled to inherit the property of each other.

第二十四条 【继承遗产】夫妻有相互继承遗产的权利。

父母和子女有相互继承遗产的权利。

Article 25 A natural child shall have the equal rights of a legitimate child, and shall not be harmed or discriminated against by any person.

The natural father or mother that does not directly up-bring his or her natural child shall undertake the expenses for the living and education of the natural child until the child is able to live an independent life.

第二十五条 【非婚生子女】非婚生子女享有与婚生子女同等的权利，任何人不得加以危害和歧视。

不直接抚养非婚生子女的生父或生母，应当负担子女的生活费和教育费，直至子女能独立生活为止。

Article 26 The state defends lawful adoptions. The relevant provisions in this law concerning the relationship between parents and children shall be applicable to foster parents and foster children.

The rights and obligations between the foster children and natural parents are eliminated by the establishment of the adoption.

第二十六条 【收养关系】国家保护合法的收养关系。养父母和养子女间的权利和义务，适用本法对父母子女关系的有关规定。

养子女和生父母间的权利和义务，因收养关系的成立而消除。

Article 27 The step parent and the step child shall not maltreat or discriminate against one another.

The relevant provisions in this law concerning the relationship between parents and children shall be applicable to step parents and step children.

第二十七条 【继父母与继子女】继父母与继子女间，不得虐待或歧视。

继父或继母和受其抚养教育的继子女间的权利和义务，适用本法对父母子女关系的有关规定。

Article 28 Capable grandparents and maternal grandparents shall be under the obligation of upbringing the grandchildren and maternal grandchildren whose parents have deceased or are incapable of upbringing their underage children. Capable grandchildren and maternal grandchildren shall be under the obligation of supporting the grandparents and maternal grandparents whose children have deceased or whose children are incapable of supporting them.

第二十八条 【祖与孙】有负担能力的祖父母、外祖父母，对于父母已经死亡或父母无力抚养的未成年的孙子女、外孙子女，有抚养的义务。有负担能力的孙子女、外孙子女，对于子女已经死亡或子女无力赡养的祖父母、外祖父母，有赡养的义务。

Article 29 Capable elder brothers and sisters shall be under the obligation of supporting their younger brothers and sisters whose parents have deceased or whose parents are incapable of supporting them. The younger brothers and sisters who have been brought up by the elder brothers and sisters shall be under the obligation of supporting their elder brothers and sisters who are without labor capabilities and without sources of living aliments.

第二十九条 【兄姐与弟妹】有负担能力的兄、姐，对于父母已经死亡或父母无力抚养的未成年的弟、妹，有抚养的义务。由兄、姐扶养长大的有负担能力的弟、妹，对于缺乏劳动能力又缺乏生活来源的兄、姐，有抚养的义务。

Article 30 Children shall respect the matrimonial rights of their parents and shall not interfere with the digamy and post-digamous life of their parents. The obligation of the children to support their parents does not terminate as a result of the change of matrimonial relationship of their parents.

第三十条 【尊重父母婚姻】子女应当尊重父母的婚姻权利，不得干涉父母再婚以及婚后的生活。子女对父母的赡养义务，不因父母的婚姻关系变化而终止。

Chapter Four Divorce

第四章 离婚

Article 31 Divorce shall be allowed if both husband and wife are willing to divorce. Both parties shall apply to the marriage registration authority for divorce. The marriage registration authority issues a certificate of divorce after confirming that both parties are indeed willing to divorce and have made proper arrangements for their children and have properly disposed of their property.

第三十一条 【自愿离婚】男女双方自愿离婚的，准予离婚。双方必须到婚姻登记机关申请离婚。婚姻登记机关查明双方确实是自愿并对子女和财产问题已有适当处理时，发给离婚证。

Article 32 Where either the husband or wife applies to get divorced, the departments concerned may make mediations, or he or she may file a suit at the people's court for divorce.

The people's court shall make mediations in the process of hearing a divorce suit; divorce shall be granted if mediation fails because mutual affection no longer exists.

Divorce shall be granted if any of the following circumstances occurs and mediation fails:

- a. either party is a bigamist or a person who has a spouse but co-habits with another person;
- b. there is family violence or maltreatment or desertion of any family member;
- c. either party is indulged in gambling, drug-abuse or has other vicious habits and refuses to mend his or her ways despite of repeated admonition;
- d. both parties have lived separately due to lack of mutual affection for up to two years;
- e. other circumstances that have led to the nonexistence of mutual affection as husband and wife.

If either party has been declared by court as to be missing and the other party applies to be divorced, divorce shall be granted.

第三十二条 【离婚诉讼】男女一方要求离婚的，可由有关部门进行调解或直接向人民法院提出离婚诉讼。

人民法院审理离婚案件，应当进行调解；如感情确已破裂，调解无效，应准予离婚。

有下列情形之一的，调解无效的，应准予离婚：

- （一）重婚或有配偶者与他人同居的；
- （二）实施家庭暴力或虐待、遗弃家庭成员的；
- （三）有赌博、吸毒等恶习屡教不改的；
- （四）因感情不和分居满二年的；
- （五）其他导致夫妻感情破裂的情形。

一方被宣告失踪，另一方提出离婚诉讼的，应准予离婚。

Article 33 The application of the spouse of a soldier in active service for divorce shall be granted by the soldier unless the soldier is in grave fault.

第三十三条 【军人配偶要求离婚】现役军人的配偶要求离婚，须得军人同意，但军人一方有重大过错的除外。

Article 34 The husband may not apply for divorce when his wife is pregnant or within one year after giving birth to a child or within six months after terminating gestation. This restriction shall not apply to the case where the wife applies for divorce or the people's court deems it necessary to accept the application of the husband for divorce.

第三十四条 【不得提出离婚】女方在怀孕期间、分娩后一年内或中止妊娠后六个月内，男方不得提出离婚。女方提出离婚的，或人民法院认为确有必要受理男方离婚请求的，不在此限。

Article 35 If, after divorce, both parties desire to resume their husband-and-wife relationship, they shall go through the registration procedures at the marriage registration authority.

第三十五条 【复婚】离婚后，男女双方自愿恢复夫妻关系的，必须到婚姻登记机关进行复婚登记。

Article 36 The relationship between parents and children does not terminate due to the divorce

of parents. After the divorce of the parents, the children remain the children of both parties no matter they are supported directly by either the father or mother.

Both father and mother shall, after divorce, have the right and the obligation of upbringing their children.

It is the principle that the children during lactation shall be brought up by their mother after the divorce of the parents. If any dispute arises concerning which party shall bring up the children beyond lactation, such dispute shall be settled by the people's court according to the specific conditions of both parties and in light of protecting the rights and interests of the children.

第三十六条 【离婚与子女】父母与子女间的关系，不因父母离婚而消除。离婚后，子女无论由父或母直接抚养，仍是父母双方的子女。

离婚后，父母对于子女仍有抚养和教育的权利和义务。

离婚后，哺乳期内的子女，以随哺乳的母亲抚养为原则。哺乳期后的子女，如双方因抚养问题发生争执不能达成协议时，由人民法院根据子女的权益和双方的具体情况判决。

Article 37 If, after the divorce of parents, the children are to be brought up by either party, the other party shall undertake a part or all of the necessary living and education expenses. The amount and term of payment shall be agreed upon by both parties; if no agreement is achieved, the amount and term shall be decided by the people's court.

No agreement or judgment concerning the expenses for the living and education of the children may in no way prevent the children from making reasonable requests, where necessary, to either parent for an amount beyond the amount as determined in the said agreement or judgment.

第三十七条 【离婚后的子女抚养】离婚后，一方抚养的子女，另一方应负担必要的生活费和教育费的一部或全部，负担费用的多少和期限的长短，由双方协议；协议不成时，由人民法院判决。

关于子女生活费和教育费的协议或判决，不妨碍子女在必要时向父母任何一方提出超过协议或判决原定数额的合理要求。

Article 38 After divorce, the parent that does not directly bring up the children has the right to visit the children, and the other party has the obligation to give assistance.

The way and time for exercising the right of visiting children shall be agreed upon by the parties concerned. In case no agreement is achieved, they shall be decided by the people's court.

If the visit of either the father or mother is harmful to the soundness of the body and mind of the children, the said right shall be terminated by the people's court. When the reasons for terminating the said right disappear, the right shall be resumed.

第三十八条 【离婚后的子女探望】离婚后，不直接抚养子女的父或母，有探望子女的权利，另一方有协助的义务。

行使探望权利的方式、时间由当事人协议；协议不成时，由人民法院判决。

父或母探望子女，不利于子女身心健康的，由人民法院依法中止探望的权利；中止的事由消失后，应当恢复探望的权利。

Article 39 At the time of divorce, both husband and wife shall agree upon the disposal of the jointly owned property; if they fail to come to any agreement, the people's court shall decide the disposal thereof, taking into consideration the actual circumstances of the property and following

the principle of favoring the children and the wife.

The rights and interests that both husband and wife enjoy in the contracted management of land shall be protected by law.

第三十九条 【夫妻共同财产的离婚处理】离婚时，夫妻的共同财产由双方协议处理；协议不成时，由人民法院根据财产的具体情况，照顾子女和女方权益的原则判决。

夫或妻在家庭土地承包经营中享有的权益等，应当依法予以保护。

Article 40 In the case both husband and wife agree to separately own the property they respectively obtain during the existence of their marriage and either of them has spent considerably more effort on supporting children, taking care of the old or assisting the other party in work, etc, this party shall be entitled to demand the other party to make compensations at the time of divorce, and the requested party shall make compensations.

第四十条 【补偿】夫妻书面约定婚姻关系存续期间所得的财产归各自所有，一方因抚育子女、照料老人、协助另一方工作等付出较多义务的，离婚时有权向另一方请求补偿，另一方应当予以补偿。

Article 41 At the time of divorce, the debts jointly incurred by both husband and wife for the common life shall be paid out of the jointly owned property. If the jointly owned property is not enough to pay the debts or if the property is individually owned, both parties shall agree upon the payment of the debts. If both parties fail to reach any agreement, the people's court shall decide on the payment of the debts.

第四十一条 【共同债务】离婚时，原为夫妻共同生活所负的债务，应当共同偿还。共同财产不足清偿的，或财产归各自所有的，由双方协议清偿；协议不成时，由人民法院判决。

Article 42 If, at the time of divorce, either party has difficulties in life, the other party shall render appropriate assistance from his or her personal property like house, etc. Specific arrangements shall be agreed upon by both parties. In case no agreement is agreed upon, the people's court shall make a decision.

第四十二条 【适当帮助】离婚时，如一方生活困难，另一方应从其住房等个人财产中给予适当帮助。具体办法由双方协议；协议不成时，由人民法院判决。

Chapter Five Remedies and Legal Liabilities

第五章 救助措施与法律责任

Article 43 In the case of family violence or maltreatment of any family member, the victim thereof shall be entitled to make petitions, and the villagers' committees, the relevant urban residents' committee, villagers' committee or the entity where the victim is a staff member shall make dissuasions or mediations.

The victim shall be entitled to make petitions concerning the family violence that is happening, and the relevant urban residents' committee or villagers' committee shall make dissuasions, and the public security organs shall stop such acts.

Where the victim of family violence or maltreatment makes a petition, the public security organ concerned shall give administrative punishment to the actor according to the provisions on the

administration of public security.

第四十三条 【家庭暴力与虐待】实施家庭暴力或虐待家庭成员，受害人有权提出请求，居民委员会、村民委员会以及所在单位应当予以劝阻、调解。

对正在实施的家庭暴力，受害人有权提出请求，居民委员会、村民委员会应当予以劝阻；公安机关应当予以制止。

实施家庭暴力或虐待家庭成员，受害人提出请求的，公安机关应当依照治安管理处罚的法律规定予以行政处罚。

Article 44 Any member deserted by his or her family shall be entitled to make petitions, and the relevant urban residents' committee, villagers' committee or the entity where the victim is a staff member shall make dissuasions or mediations.

Where any person deserted by his or her family makes a petition, the people's court shall make a judgment concerning the payment of expenses for upbringing, supporting and maintenance.

第四十四条 【遗弃】对遗弃家庭成员，受害人有权提出请求，居民委员会、村民委员会以及所在单位应当予以劝阻、调解。

对遗弃家庭成员，受害人提出请求的，人民法院应当依法作出支付扶养费、抚养费、赡养费的判决。

Article 45 Criminal liabilities shall be meted out to bigamists and those who has committed family violence or maltreated or deserted any family member so seriously as to have constituted a crime. The victim may file a private prosecution at the people's court according to the provisions of the criminal procedure law; the relevant public security organ shall make investigations and the people's procuratorate concerned shall make a public prosecution according to the provisions of law.

第四十五条 【家庭暴力、虐待、遗弃犯罪】对重婚的，对实施家庭暴力或虐待、遗弃家庭成员构成犯罪的，依法追究刑事责任。受害人可以依照刑事诉讼法的有关规定，向人民法院自诉；公安机关应当依法侦查，人民检察院应当依法提起公诉。

Article 46 In any of the following circumstances which has led to the divorce of husband and wife, the innocent party shall be entitled to claim damages:

a. bigamy;

b. cohabitation between a person who has a spouse but co-habits with a third person;

c. domestic violence;

d. maltreating or deserting any family member.

第四十六条 【损害赔偿】有下列情形之一，导致离婚的，无过错方有权请求损害赔偿：

（一）重婚的；

（二）有配偶者与他人同居的；

（三）实施家庭暴力的；

（四）虐待、遗弃家庭成员的。

Article 47 If, at the time of divorce, any party conceals, transfers, sells or destroys the property jointly owned by both husband and wife, or fabricates any debt in an effort to seize the property of the other party, the person who conceals, transfers, sells or destroys the jointly owned

property or fabricates the debt may, in the partition of jointly owned property, have a smaller or even no share. If any party discovers any of the afore-mentioned acts after divorce, he or she may file a suit at the people's court to apply for repartitioning the jointly owned property.

The people's court concerned may punish any of the acts that hampers the civil litigation concerning the afore-mentioned acts according to the civil procedure law.

第四十七条 【隐藏、转移共同财产等】离婚时，一方隐藏、转移、变卖、毁损夫妻共同财产，或伪造债务企图侵占另一方财产的，分割夫妻共同财产时，对隐藏、转移、变卖、毁损夫妻共同财产或伪造债务的一方，可以少分或不分。离婚后，另一方发现有上述行为的，可以向人民法院提起诉讼，请求再次分割夫妻共同财产。

人民法院对前款规定的妨害民事诉讼的行为，依照民事诉讼法的规定予以制裁。

Article 48 In case any person refuses to execute the judgment or decision on the payment of expenses for upbringing, supporting or maintenance, the partitioning or inheritance of property or visiting the children, the execution may be enforced by the people's court in accordance with the law. Relevant persons and entities shall be responsible for giving assistance to the enforcement.

第四十八条 【强制执行】对拒不执行有关抚养费、抚养费、赡养费、财产分割、遗产继承、探望子女等判决或裁定的，由人民法院依法强制执行。有关个人和单位应负协助执行的责任。

Article 49 Where there are different provisions in other laws concerning the illegal acts and legal liabilities in the area of marriage or family, such provisions shall be followed.

第四十九条 【婚姻家庭的其他违法】其他法律对有关婚姻家庭的违法行为和法律责任另有规定的，依照其规定。

Chapter Six Supplementary Provisions

第六章 附则

article 50 The people's congresses of the autonomous regions and the standing committees thereof are empowered to formulate adaptations according to the specific conditions of the marriage and family of the ethnic group of the local place. The adaptations formulated by the autonomous prefectures and counties become effective after being ratified by the standing committee of the people's congress of the corresponding province, autonomous region or municipality under the direct control of the central government. The adaptations formulated by the autonomous regions become effective after being ratified by the Standing Committee of the National People's Congress.

第五十条 【变通规定】民族自治地方的人民代表大会有权结合当地民族婚姻家庭的具体情况，制定变通规定。自治州、自治县制定的变通规定，报省、自治区、直辖市人民代表大会常务委员会批准后生效。自治区制定的变通规定，报全国人民代表大会常务委员会批准后生效。

Article 51 This Law shall become effective as of January 1, 1981.

The Marriage Law of the People's Republic of China promulgated on May 1, 1950 shall be repealed as of the day this Law comes into force.

第五十一条 【施行日期与旧法废止】本法自1981年1月1日起施行。

1950年5月1日颁行的《中华人民共和国婚姻法》，自本法施行之日起废止。

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