Atitit 基本生活词汇 婚姻法翻译

Chapter 1 　 General Principles

　　 Article 1 　 This law is the basic criterion for marriage and family relations.

　　 Article 2 　 Implement a marriage system featuring freedom of marriage, monogamy, and equality between men and women.

　　 Protect the legitimate rights and interests of women, children and the elderly.

　　 implement family planning.

　　 Article 3 　 Arrangement, sale of marriages and other acts that interfere with the freedom of marriage are prohibited. It is forbidden to obtain property through marriage.

　　 Bigamy is forbidden. People who are married are forbidden to live with others. Domestic violence is prohibited. Abuse and abandonment among family members is prohibited.

　　 Article 4 　 Husband and wife should be loyal to each other and respect each other; family members should respect the old and love the young, help each other, and maintain an equal, harmonious and civilized marriage and family relationship.

Chapter 2 　 Marriage

　　 Article 5 　 Marriage must be completely voluntarily between the man and the woman, and neither party is allowed to force the other party or any third party to interfere.

　　 Article 6 　 The age of marriage must not be earlier than 22 years old for men, and no earlier than 20 years old for women. Late marriage and late childbirth should be encouraged.

　　Article 7　In any of the following circumstances, marriage is prohibited:

　　 (1) Direct blood relatives and collateral blood relatives within three generations;

　　 (2) Suffering from a medically considered disease that should not be married.

　　 Article 8 　 Both the man and the woman who are required to get married must go to the marriage registration office to register the marriage in person. Those that comply with the provisions of this law shall be registered and a marriage certificate shall be issued. Obtain a marriage certificate, that is, the relationship between husband and wife is established. If the marriage registration has not been completed, the registration shall be completed.

　　 Article 9 　 After the marriage is registered, the woman can become a member of the man’s family and the man can become a member of the woman’s family according to the agreement between the man and the woman.

　　 Article 10 　 In one of the following circumstances, the marriage is invalid:

　　 (1) Bigamy;

　　 (2) There is a kinship that prohibits marriage;

　　 (3) Those who have suffered from a medically considered disease that should not be married before marriage and have not yet been cured after marriage;

　　 (4) Those who have not reached the legal age of marriage.

　　 Article 11 　 If the marriage is coerced, the coerced party may request the marriage registration authority or the people’s court to cancel the marriage. The coerced party's request to cancel the marriage shall be made within one year from the date of registration of the marriage. If a party whose personal freedom is illegally restricted requests the cancellation of the marriage, the request shall be made within one year from the date of restoration of personal freedom.

　　 Article 12 　 An invalid or annulled marriage shall be invalid from the beginning. The parties do not have the rights and obligations of husband and wife. The property acquired during the cohabitation period shall be dealt with by agreement between the parties; if the agreement fails, the people's court shall make a judgment based on the principle of taking care of the innocent party. The property treatment of invalid marriages caused by bigamy shall not infringe on the property rights and interests of legal marriage parties. For children born to the parties, the provisions of this law concerning parents and children shall apply.

Chapter Three 　 Family Relations

　　 Article 13 　 Husband and wife shall have equal status in the family.

　　Article 14　 Both spouses have the right to use their own names.

　　 Article 15 　 Both spouses have the freedom to participate in production, work, study and social activities, and one party may not restrict or interfere with the other party.

　　 Article 16 　 Both spouses have the obligation to implement family planning.

　　 Article 17 　 The following property acquired by the spouse during the marriage relationship shall be jointly owned by the spouse:

　　 (1) Salary and bonus;

　　 (2) Income from production and operation;

　　 (3) Income from intellectual property rights;

　　(4) Property acquired by inheritance or donation, with the exception of the provisions of Item 3 of Article 18 of this Law;

　　 (5) Other properties that should be jointly owned.

　　 Husband and wife have equal rights to dispose of jointly owned property.

　　Article 18　In any of the following circumstances, it shall be the property of one spouse:

　　 (1) Premarital property of one party;

　　 (2) Medical expenses, living allowances for the disabled, etc. received by one party due to bodily injury;

　　 (3) The property determined in the will or gift contract only belongs to the husband or wife;

　　 (4) Daily necessities dedicated to one party;

　　 (5) Other property that should belong to one party.

　　 Article 19 　 The spouse may agree that the property acquired during the marriage relationship and the pre-marital property shall be owned, jointly owned or partly owned separately or partly owned jointly. The agreement shall be made in writing. If there is no agreement or the agreement is not clear, the provisions of Articles 17 and 18 of this Law shall apply.

　　 The agreement of the husband and wife on the property acquired during the marriage relationship and the pre-marital property is binding on both parties.

　　 If the husband and wife agree that the property acquired during the marriage relationship shall belong to each other, the debts owed by the husband or wife to the outside world, and the third party knows the agreement, the property of the husband or wife shall be used to pay off.

　　 Article Twenty 　 Husband and wife have the obligation to support each other.

　　 When one party fails to fulfill the obligation of support, the party who needs support has the right to demand the other party to pay support.

　　 Article 21 　 Parents have the obligation to raise and educate their children; children have the obligation to support and support their parents.

　　 Children who are minors or unable to live independently have the right to ask their parents to pay support when their parents fail to perform their duty of support.

　　 Parents who are incapable of working or living in difficulties have the right to require their children to pay alimony when their children do not perform their maintenance obligations.

　　 It is forbidden to drown infants, abandon infants and other behaviors that mutilate infants.

　　 Article 22 　 Children can follow their father’s surname or their mother’s surname.

　　Article 23　Parents have the right and obligation to protect and educate their minor children. When minor children cause damage to the country, the collective, or others, the parents have the obligation to bear civil liability.

　　 Article 24 　 Husband and wife have the right to inherit each other's inheritance.

　　 Parents and children have the right to inherit each other's inheritance.

　　 Article 25 　 Children born out of wedlock enjoy the same rights as children born in wedlock, and no one may harm or discriminate against them.

　　 The biological father or mother who does not directly raise a child born out of wedlock shall bear the child’s living expenses and education expenses until the child can live independently.

　　Article 26　The state protects legal adoption. The rights and obligations between adoptive parents and adopted children shall be governed by the relevant provisions of this law on the relationship between parents and children.

　　 The rights and obligations between the adopted child and the biological parents shall be eliminated due to the establishment of the adoption relationship.

　　 Article 27 　 There shall be no abuse or discrimination between stepparents and stepchildren.

　　 The rights and obligations between a stepfather or stepmother and the stepchildren who have been raised and educated by him shall be governed by the relevant provisions of this law on the relationship between parents and children.

　　 Article 28 　 Affordable grandparents and grandparents shall have the duty to raise minor grandchildren and grandchildren whose parents have died or whose parents are unable to raise them. Grandchildren and grandchildren who can afford are obliged to support their grandparents and grandparents whose children have died or whose children are unable to support.

　　Article 29　Brothers and sisters who can afford have the obligation to support minor brothers and sisters whose parents have died or whose parents are unable to raise them. The younger brothers and sisters who can afford to be raised by their brothers and sisters have the obligation to support the brothers and sisters who lack the ability to work and have a source of income.

　　 Article 30 　 Children shall respect the marriage rights of their parents, and shall not interfere with their parents’ remarriage and their lives after marriage. The obligation of children to support their parents shall not be terminated due to changes in the parents' marital relationship.

Chapter Four Divorce

　　 Article 31 　 If the man and woman divorce voluntarily, the divorce shall be granted. The parties to the marriage registration office for divorce. When the marriage registration agency finds that the two parties are indeed voluntary and have properly dealt with the children and property issues, they will issue a divorce certificate.

　　 Article 32 　 If a man and a woman request a divorce, the relevant department may mediate or directly file a divorce lawsuit in the people’s court.

　　 People's courts shall conduct mediation when trying divorce cases; if the relationship is indeed broken and mediation is invalid, the divorce shall be granted.

　　 In one of the following circumstances, if the mediation is invalid, the divorce shall be granted:

　　 (1) Bigamy or a spouse who lives with another person;

　　 (two) committing domestic violence or abuse, abandoning family members;

　　 (3) Have gambling, drug abuse and other bad habits that have not been corrected after repeated instruction;

　　 (4) Having been separated for two years due to emotional discord;

　　 (5) Other circumstances that lead to the breakdown of the relationship between the husband and wife.

　　 If one party is declared missing and the other party files a divorce lawsuit, the divorce shall be granted.

　　 Article 33 　 The spouse of an active soldier requires the soldier’s consent to request a divorce, unless the soldier has a serious fault.

　　 Article 34 　 During the woman's pregnancy, within one year after delivery, or within six months after the termination of pregnancy, the man may not file for divorce. If the woman filed for a divorce, or the people’s court deems it necessary to accept the man’s divorce request, this does not apply.

　　 Article 35 　 After the divorce, if both the man and the woman voluntarily restore their husband and wife relationship, they must go to the marriage registration office for remarriage registration.

　　Article 36　The relationship between parents and children shall not be eliminated by the divorce of the parents. After the divorce, no matter whether the child is directly raised by the father or mother, they are still the children of both parents.

　　 After divorce, parents still have the right and obligation to raise and educate their children.

　　 After the divorce, the children during the breastfeeding period shall be brought up by the breastfeeding mother as a principle. After the child is breast-feeding, if the two parties cannot reach an agreement due to a dispute over the upbringing, the people’s court shall make a judgment based on the children’s rights and the specific circumstances of both parties.

Article 37 After a divorce, for the children raised by one party, the other party shall bear part or all of the necessary living expenses and education expenses. The amount and duration of the expenses shall be agreed upon by both parties; if the agreement fails, the people’s court shall make a judgment. .

　　The agreement or judgment on the child's living expenses and education expenses does not prevent the child from making a reasonable request to any parent when necessary that exceeds the amount originally set in the agreement or judgment.

　　 Article 38 　 After a divorce, a parent who does not directly raise a child shall have the right to visit the child, and the other party shall have the obligation to assist.

　　The method and time of exercising the visitation right shall be agreed by the parties; if the agreement fails, the people's court shall make a judgment.

　　 If a parent or mother visits a child, which is not conducive to the physical and mental health of the child, the people’s court shall suspend the right of the visit according to law; after the reason for suspension disappears, the right of visit shall be restored.

　　 Article 39 　 At the time of divorce, the joint property of the husband and wife shall be dealt with by agreement between the two parties; if the agreement fails, the people's court shall make a judgment based on the specific conditions of the property and the principle of taking care of the rights and interests of the children and the woman.

　　The rights and interests enjoyed by the husband or wife in the family land contract management shall be protected in accordance with the law.

Article 40: The husband and wife agree in writing that the property acquired during the marriage relationship shall belong to each other. If one party has paid more duties for raising children, caring for the elderly, assisting the other party in work, etc., they have the right to request compensation from the other party at the time of divorce, and the other party shall Be compensated.

　　 Article 41 　 At the time of divorce, the debts originally incurred by the husband and wife living together shall be repaid together. If the common property is insufficient to pay off, or if the property belongs to each other, the two parties shall agree to pay off; if the agreement fails, the people’s court shall make a judgment.

　　 Article 42 　 In the event of a divorce, if one of the parties has difficulties in life, the other party shall provide appropriate assistance from his or her personal property such as housing. The specific measures shall be negotiated by both parties; if the agreement fails, the people's court shall make a judgment.

Chapter 5: Relief Measures and Legal Liability

　　 Article 43 　 In the case of domestic violence or abuse of family members, the victim has the right to make a request, and the residents committee, village committee and the unit to which they belong shall dissuade and mediate.

　　For domestic violence that is being committed, the victim has the right to make a request, and the residents committee and village committee should dissuade it; the public security organ should stop it.

　　 Where domestic violence or abuse of family members is committed, and the victim makes a request, the public security organ shall impose administrative penalties in accordance with the laws and regulations on public security management penalties.

　　 Article 44 　 For the abandonment of family members, the victim has the right to make a request, and the residents committee, village committee and the unit to which they belong shall dissuade and mediate.

　　 If the victim makes a request for the abandonment of a family member, the people's court shall make a judgment on payment of support, support, and alimony in accordance with the law.

　　 Article 45 　 For bigamy, the perpetration of domestic violence or abuse, or the abandonment of family members constitutes a crime, the criminal responsibility shall be investigated in accordance with the law. The victim may file a private prosecution in the people's court in accordance with the relevant provisions of the Criminal Procedure Law; the public security organ shall investigate in accordance with the law, and the people's procuratorate shall initiate a public prosecution in accordance with the law.

　　Article 46　In any of the following circumstances, which leads to a divorce, the innocent party has the right to request compensation for damages:

　　 (1) Bigamy;

　　 (2) A person who has a spouse cohabits with another person;

　　 (three) committing domestic violence;

　　 (4) Abusing or abandoning family members.

Article 47 In the event of a divorce, if one party conceals, transfers, sells, or damages the joint property of the husband and wife, or forges debts in an attempt to embezzle the property of the other party, when dividing the joint property of the husband and wife, it is necessary to conceal, transfer, sell, or damage the joint property of the husband and wife or forge debts. There can be less or no division. After the divorce, if the other party discovers the above-mentioned behavior, it can file a lawsuit in the people's court, requesting another division of the joint property of the husband and wife.

　　 The people's court shall impose sanctions in accordance with the provisions of the Civil Procedure Law for acts that obstruct civil litigation as specified in the preceding paragraph.

　　 Article 48 　 The people's court shall enforce enforcement by the people's court in accordance with the law for the refusal to implement the judgments or rulings related to support, alimony, alimony, property division, inheritance, visits to children, etc. Relevant individuals and units shall be responsible for assisting in implementation.

　　 Article 49 　 If other laws have other provisions on illegal acts and legal liabilities related to marriage and family, follow those provisions.

Chapter VI Supplementary Provisions

　　 Article 50 　 The people’s congress of an ethnic autonomous area has the right to formulate flexible regulations in light of the specific conditions of the local ethnic group’s marriage and family. The flexible regulations formulated by autonomous prefectures and autonomous counties shall take effect after being submitted to the standing committee of the people’s congress of the province, autonomous region, or municipality directly under the Central Government for approval. The flexible regulations formulated by the autonomous region will take effect after being submitted to the Standing Committee of the National People's Congress for approval.

　　Article 51: This law shall come into force on January 1, 1981.

　　 The "Marriage Law of the People's Republic of China" promulgated on May 1, 1950, shall be repealed as of the date of implementation of this law.