

# 中國大陸治安管理處罰法之探討

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**關鍵詞：**中國大陸、治安管理處罰法、微行、警察、警察罰

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## 摘 要

中國大陸對輕微犯行處罰的依據為治安管理處罰法，其性質為行政罰，由警察機關決定處罰。相較於刑法處罰侵害法益較嚴重的行為，治安管理處罰法規範者係更廣泛的微行，可說是居民日常生活依循或說避免觸犯的規則。2016年國人赴大陸地區工作者約為40萬7,000人，累積歷年在大陸地區就業讀書臺人的數量顯然相當龐大，在大陸生活其起居及活動難免與治安管理處罰法相關。本文探究治安管理處罰法的背景、性質、實體及救濟，除能提供國人瞭解法制的概貌外，亦能作為與本土或各國警察罰比較研究的基礎。

## **An Analysis of Public Security Management Punishment Act in Mainland China**

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### **Abstract**

In China, the Public Security Management Punishment Act (PSMPA) represents the legal basis for punishing minor disorderly conduct. The PSMPA, which is administrative sanction in nature, is carried out by the police. Compared to criminal law that prescribes penalty for criminal behavior, the PSMPA deals broadly with disorderly conduct and sets behavioral standards for people to follow. Currently, more than 400,000 Taiwanese work at mainland China, whose daily activity and life could be affected by the PSMPA. This study examines the background, nature, substantive and remedy of PSMA. This study can strengthen our understanding of PSMPA and form the foundation for comparative analysis of similar laws in Taiwan and other countries.