

国管海关到国和国防安,法地不地,该
的管护海和的段,此,必构各海点
的法同度。关国法并合国《海
法》定法《联合国海法公》等国法的关《法》对
国船舶国海非害过犯化,并过法国反安、
海关、财、出管法和法规的。《和大法》
构的和和大法同度,国的法,法
案方犯国和定管的规范,并充和
和大管规,防国船舶国海犯
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[本 持 的 部 “ 国 管 海 管 ”
(13YJA820045) 的 成果。]

[**Abstract**] The legal status of sea areas under national jurisdiction, related to a country's economy and national defense, is different from that of the land, and the criminal jurisdiction in this region is an important means of safeguarding maritime rights and order, so it is necessary to construct a system of spatial validity of criminal law adapted to the characteristics of various sea areas. By basing itself on the reality in China and comparing and drawing lessons from the relevant foreign legislative experiences, this paper suggests that China should stipulate applicable rules on the relationships between Chinese Criminal Law and international law, such as the United Nations Convention on the Law of the Sea, in the Law of the Territorial Seas and Contiguous Zones. It should criminalize non-innocuous conducts of foreign ships in Chinese territorial waters in the Criminal Law, and clarify the crimes involved in five kinds of matters violating customs law, fiscal law, health law and rules entry and exit management, etc. in China's contiguous zones through judicial interpretation; construct a system of spatial validity of the criminal law in the continental shelves of exclusive economic zones in the Law on Exclusive Economic Zones and Continental Shelves, and by drawing on the legislative experience of other countries, adopt a criminal law amendment to improve the norms on crimes of violating China's sovereignty and specific jurisdiction; and enrich and improve the rules on the application of criminal jurisdiction in the exclusive economic zones and continental shelves in legal practices so as to effectively prevent foreign vessels from committing crimes against China's interests in waters under the sovereign power of China.

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