

上海金融法院

防范虚假诉讼告知书

为维护司法秩序和司法权威，保护公民、法人和其他组织的合法权益，根据《中华人民共和国民事诉讼法》《中华人民共和国刑法》以及最高人民法院、最高人民检察院《关于办理虚假诉讼刑事案件适用法律若干问题的解释》等规定，现将虚假诉讼风险告知如下：

一、当事人提起诉讼应当是本人的真实意思表示，起诉书、申请书、授权委托书等诉讼文书上的签名及盖章均应当系本人所为。当事人提起诉讼时不得恶意串通、规避法律，不得损害国家利益、社会公共利益、案外人合法权益，不得以合法形式掩盖非法目的，如果因虚假诉讼给他人造成损害，需承担相应的民事责任和其他法律责任。

二、以捏造的事实提起民事诉讼，妨害司法秩序或者严重侵害他人合法权益的，构成虚假诉讼罪，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

三、当事人向法院提交的证据材料应当真实，不得伪造、变造、隐匿证据以及指使、贿买、胁迫他人做伪证。采取伪造证据、虚假陈述等手段，实施下列行为之一，捏造民事法律关系，虚构民事纠纷，向人民法院提起民事诉讼的，应当认定为虚假诉讼罪中规定的“以捏造的事实提起民事诉讼”：

- 1.与夫妻一方恶意串通，捏造夫妻共同债务的；
- 2.与他人恶意串通，捏造债权债务关系和以物抵债协议的；
- 3.与公司、企业的法定代表人、董事、监事、经理或者其他管理人员恶意串通，捏造公司、企业债务或者担保义务的；
- 4.捏造知识产权侵权关系或者不正当竞争关系的；
- 5.在破产案件审理过程中申报捏造的债权的；
- 6.与被执行人恶意串通，捏造债权或者捏造对查封、扣押、冻结财产的优先权、担保物权的；
- 7.单方或者与他人恶意串通，捏造身份、合同、侵权、继承等民事法律关系的其他行为。

四、隐瞒债务已经全部清偿的事实，向人民法院提起民事诉讼，要求他人履行债务的，以“以捏造的事实提起民事诉讼”论。

五、当事人向人民法院申请执行基于捏造的事实作出的仲裁裁决、公证债权文书，或者在民事执行过程中以捏造的事实对执行标的提出异议、申请参与执行财产分配的，属于“以捏造的事实提起民事诉讼”。

六、诉讼代理人、证人、鉴定人等诉讼参与人与他人通谋，代理提起虚假民事诉讼、故意作虚假证言或者出具虚假鉴定意见，与当事人共同构成妨害司法罪的，依照共同犯罪的规定定罪处罚；同时构成妨害作证罪，帮助毁灭、伪造证据罪等犯罪的，依照处罚较重的规定定罪从重处罚。

Notice on Preventing False Litigation

To uphold judicial order and authority and protect the lawful rights and interests of citizens, legal persons, and other organizations, in accordance with the Civil Procedure Law of the People's Republic of China, the Criminal Law of the People's Republic of China, and the Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law in Handling Criminal Cases of False Litigation, this notice outlines the risks and consequences of false litigation as follows:

I. Litigation initiated by parties must reflect their genuine intent.

Signatures and seals on litigation documents such as complaints, applications, and powers of attorney must be authentic. Parties shall not collude maliciously, evade the law, harm national or public interests, infringe on third-party rights, or conceal illegal purposes under the guise of legal forms. Those who cause harm through false litigation shall bear civil liability and other legal responsibilities.

II. Filing civil lawsuits based on fabricated facts, thereby obstructing judicial order or seriously infringing on others' lawful rights, constitutes the crime of false litigation. Penalties include:

Imprisonment of up to three years, criminal detention, public surveillance or fines; For serious circumstances: imprisonment of three to seven years and fines.

If a legal entity commits this crime, the entity shall be fined, and its

directly responsible personnel shall be punished as above.

III. Evidence submitted to the People's Court must be truthful.

Parties shall not forge, alter, conceal evidence, or induce, bribe, or coerce others to provide false testimony. The following acts constitute false litigation if they involve fabricated legal relationships or disputes:

1. Colluding with a spouse to fabricate joint marital debts;
2. Colluding with others to fabricate debt-credit relationships or asset-for-debt agreements;
3. Colluding with the legal representative, directors, supervisors, managers or other senior officers of a corporate with malicious intent to fabricate corporate debts or guarantee obligations;
4. Fabricating intellectual property infringement or unfair competition claims;
5. Submitting fabricated creditor claims in bankruptcy proceedings;
6. Colluding with judgment debtors to fabricate debts or claims of priority rights over seized, detained, or frozen assets;
7. Other acts of unilateral or malicious collusion with others to fabricate identity, contract, tort, inheritance and other civil legal relationships.

IV. Concealing the fact that a debt has been fully repaid and filing a lawsuit to enforce repayment shall be deemed as false litigation.

V. Applying for enforcement of arbitral awards or notarized creditor

documents based on fabricated facts, or raising objections or claims during civil enforcement proceedings using fabricated facts, constitutes false litigation.

VI. Litigation agents, witnesses, experts, or other participants who collude to initiate false litigation, provide false testimony, or issue fraudulent expert opinions shall be jointly liable for crimes of obstructing judicial proceedings. If such acts also constitute crimes of obstructing testimony or aiding in evidence destruction or falsification, the heavier penalty shall be applied.