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CRIMINAL CODE OF TURKMENISTAN

of June 12, 1997 No. 222-1

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General part

Section I. Penal legislation of Turkmenistan

Chapter I. Tasks and principles of the penal legislation

Article 1. Penal legislation of Turkmenistan

1. The penal legislation of Turkmenistan is based on the Constitution of Turkmenistan, the conventional principles and rules of international law and consists of of this Code.
2. Other laws establishing criminal liability are subject to application only after inclusion in this Code.

Article 2. Tasks of the penal legislation

1. Tasks of the penal legislation of Turkmenistan are: protection of the rights, freedoms and legitimate interests of man and citizen, property, public order and safety, the environment, independence, the constitutional system and territorial integrity, the neutral status of Turkmenistan protected by the law of interests of society and state, world and safety of mankind from criminal encroachments and also the prevention of crimes.
2. For implementation of these tasks the penal legislation of Turkmenistan establishes the bases and the principles of criminal liability, determines what socially dangerous acts are crimes, and establishes punishments and other measures of criminal law action for their making.

Article 3. Principles of the penal legislation

1. The penal legislation of Turkmenistan is based on the principles of legality, equality of man and citizen before the law, guilty responsibility, justice and humanity.
2. Crime of act, its punishability and other criminal consequence in law are determined by the Criminal code. In the penal legislation application of analogy of the right and the law is not allowed.
3. Person is subject to criminal liability only for those actions (failure to act) which entailed harmful effects concerning which his guilt is ascertained. Criminal prosecution for innocent damnification is not allowed.

4. Nobody can be found guilty of crime execution and will subject to criminal penalty until his guilt in crime execution is proved based on the law and is established by the court verdict which took legal effect.

Nobody shall prove the innocence.

The arisen doubts in guilt which cannot be eliminated are solved for benefit of the person accused.

5. Persons who committed crimes are equal before the law and skin colors, floor, origin, property and official capacity, the residence, language, the relation to religion, political convictions or other circumstances are subject to criminal liability irrespective of nationality.

6. Punishment and other measure of criminal law action which is subject to application to person who committed crime shall be fair, strictly correspond to severity of crime, circumstances of its making and the identity of the guilty person.

7. The punishments and other measures of criminal law action applied to persons who committed crime cannot aim at causing physical sufferings or humiliation of human dignity.

8. Nobody can be subjected to repeated criminal prosecution and is condemned for the same crime.

Article 4. Basis of criminal liability

The basis of criminal liability is making of the act containing all signs of the actus reus provided by the Criminal code.

Chapter II. Action of the penal statute in time and space

Article 5. Action of the penal statute in time

1. Crime and punishability of act are determined by the law existing during making of this act.

2. Time of crime execution time of making of socially dangerous action (failure to act) provided by the penal statute irrespective of time of approach of effects is recognized.

Article 6. Retroactive effect of the penal statute

1. The law excluding criminal liability, commuting penalty or otherwise improving provision of person who committed crime has retroactive force, that is extends to persons who made the corresponding act before introduction of such law in action including to the persons serving sentence or who served sentence, but having criminal record. The law establishing crime of act, strengthening punishment or otherwise worsening situation of person, has no retroactive force.

2. If the new penal statute mitigates punishability of act for which person serves sentence, the imposed penalty is subject to reducing according to the limits provided by the new law.

Article 7. Action of the penal statute concerning persons who committed crimes in the territory of Turkmenistan

1. Person who committed crime in the territory of Turkmenistan is subject to responsibility under this Code.

2. The crimes committed within internal waters, the territorial sea or airspace of Turkmenistan are recognized made in the territory of Turkmenistan. Action of this Code extends also to the crimes committed on the continental shelf and in sea economic zone of Turkmenistan.

3. Person who committed crime on the vessel attributed to the port of Turkmenistan, which is in water or airspace outside Turkmenistan bears criminal liability under this Code if other is not provided by the international treaty of Turkmenistan.

4. In case of crime execution in the territory of two and more states responsibility comes under the Criminal code of Turkmenistan if the crime is ended or stopped in the territory of Turkmenistan.

5. The question of criminal liability of diplomatic representatives of foreign states and other persons who use immunity in case of making by these persons of crime in the territory of Turkmenistan is allowed on the basis of rules of international law and international treaties of Turkmenistan.

Article 8. Action of the penal statute concerning persons who committed crimes outside Turkmenistan

1. Citizens of Turkmenistan, and also persons without citizenship who are constantly living in Turkmenistan committed the crime provided by the penal statute of Turkmenistan outside Turkmenistan are subject to responsibility according to the penal statute of Turkmenistan if responsibility for committed act is provided by the penal statute of the state in the territory of which it was made and if these persons were not condemned in foreign state. At the same time the penalty exceeding upper limit of the punishment prescribed by the law existing in the place of crime execution cannot be imposed.

2. Foreign citizens, and also the persons without citizenship who are not living constantly in Turkmenistan for the crime committed outside Turkmenistan are subject to responsibility under the Criminal code of Turkmenistan in cases if the crime is directed against Turkmenistan or its citizens, and also in the cases provided by international treaties of Turkmenistan if they were not condemned in foreign state and were not brought to trial in the territory of Turkmenistan.

Article 9. Issue of persons who committed crime

1. The citizens of Turkmenistan who committed crime in the territory of foreign state are not subject to issue to this state.

2. The foreign citizens and persons without citizenship who committed crime outside Turkmenistan and being in the territory of Turkmenistan can be issued to foreign state for criminal prosecution or serving sentence according to international treaties of Turkmenistan.

Section II. Crime

Chapter III. Concept of crime, category and types of crimes

Article 10. Concept of crime

Crime the committed guilty socially dangerous act (action or failure to act) causing damage or creating damnification threat to the objects protected by the penal statute is recognized.

Article 11. Categories of crimes

1. Depending on severity and form of fault of act, provided by this Code, are subdivided into the crimes of small weight, average weight heavy and especially heavy.

2. Crimes of small weight intentional and careless acts for which making the penal statute prescribes maximum punishment in the form of imprisonment for a period of up to two years are recognized.

3. Crimes of average weight intentional and careless acts for which making the penal statute prescribes maximum punishment in the form of imprisonment for a period of up to eight years are recognized.

4. Serious crimes intentional and careless acts for which making the penal statute prescribes maximum punishment in the form of imprisonment for a period of up to fifteen years are recognized.

5. Intentional crimes for which making the penal statute prescribes custodial sanction for a period of up to twenty five years are recognized especially heavy.

Article 12. The ended and unfinished crime

1. The crime is recognized ended if the committed by person act contains all signs of the actus reus provided by this Code.

2. Unfinished crime preparation for crime or attempted crime is recognized.

3. Responsibility for preparation for crime or attempted crime comes under the same Article of this Code, as for completed crime, with reference to Articles 13 and 14 of this Code.

Article 13. Preparation for crime

1. Preparation for crime the finding, production or adaptation of means and tools, collusion on crime execution or other intentional creation of conditions for crime execution is recognized if at the same time the crime was not finished on the circumstances which are not depending from the face.

2. Criminal liability comes only for preparation for crime of average weight, heavy and especially serious crime.

Article 14. Attempted crime

Attempted crime the intentional action or failure to act which is directly directed to crime execution is recognized if at the same time the crime was not finished on the circumstances which are not depending from the face.

Article 15. The lasting and continued crime

1. The lasting crime act which signs are provided by one article or part of article of the Criminal code, consisting in implementation of this act indefinitely is recognized.

The lasting crime is recognized ended from the moment of the termination of making of act or the moment of approach of the event interfering its continuation.

2. The continued crime act which signs are provided by one article or part of article of the Criminal code, and consisting of two or more identical acts covered by single intention and having common goal is recognized. The continued crime is recognized ended from the moment of making of the last criminal action.

Article 16. Frequency of crimes

1. Frequency of crimes making of two or more crimes provided by one Article or part of Article of the Special part of this Code is recognized. Making of two or more crimes provided by different articles of the Criminal code of Turkmenistan can be recognized as their frequency only in the cases which are specially specified in the Special part of the Criminal code of Turkmenistan.

2. The crime is not recognized repeated if person who committed them is exempted for earlier committed crimes from criminal liability or punishment or the criminal record for these crimes was extinguished or removed in the procedure established by the law.

Article 17. Cumulative offenses

1. Cumulative offenses making of two or more acts provided by different Articles or parts of Article of this Code of which person was not condemned for one is recognized.

2. Cumulative offenses also those cases when person makes one act provided by two or more Articles of this Code are recognized.

3. If the crime is provided by general and special regulation, is not cumulative offenses, then responsibility comes on special regulation.

4. In case of cumulative offenses person bears responsibility for each committed crime under the relevant article or part of Article of this Code.

Article 18. Recurrence of crimes

1. Recurrence of crimes making of intentional crime by person having criminal record for earlier committed intentional crime is recognized.

2. The recurrence of crimes is recognized dangerous the following cases:

a) when making intentional crime by person who is earlier twice condemned to imprisonment for intentional crime;

b) when making intentional serious crime by person who is earlier condemned for intentional heavy or especially serious crime.

3. The recurrence of crimes is recognized especially dangerous the following cases:

a) in case of committing by person of intentional crime for which it is condemned to imprisonment if earlier the person three and more time was condemned to imprisonment for intentional heavy or average weight crime;

b) when making especially serious crime by person who is earlier condemned for especially serious crime.

4. Criminal records for the crimes committed aged up to eighteen years, and also the criminal records removed or extinguished according to the procedure, stipulated in Clause the 80th of this Code are not considered in case of recognition of recurrence.

Chapter IV. Persons which are subject to criminal liability

Article 19. General terms and age of approach of criminal liability

1. The responsible physical person which reached the age established by this Code is subject to criminal liability.

2. Are subject to criminal liability person who before crime execution performed sixteen years.

3. Persons who committed crimes aged from fourteen up to sixteen years are subject to criminal liability for premeditated murder (Article 101), intentional causing severe harm to health (Article 107), rape (Article 132), sodomy (Article part four 133), theft (Article 247), robbery (Article 251), robbery (Article 252), racketing (Article 253), illegal occupancy by others vehicle (Article 255), intentional destruction or damage of property (Article part two 256), plunder or racketing of radioactive or nuclear materials (Article 320), plunder or racketing of weapon, ammunition, explosives and destructive devices (Article 326), illegal manufacture, conversion, acquisition, storage, transportation, transfer of drugs, psychotropic substances or their precursors with sales objective (Article 327), plunder or racketing of drugs or psychotropic substances (Article 329).

Article 20. Sanity and diminished responsibility

1. Person who during crime execution realized nature and value of the actions (failure to act) and directed them is recognized responsible.

2. Person who during making of the act provided by the penal statute could not realize nature and value of the actions (failure to act), their public danger or to direct them owing to mental disease, temporary painful mental disturbance or weak-mindedness is not subject to criminal liability.

To person who made the act provided by the penal statute in diminished responsibility condition, the enforcement powers of medical nature provided by this Code can be appointed by court.

Article 21. Criminal liability of responsible persons with lagging in mental development

Person who during crime execution was responsible, but experienced difficulty in awareness of nature and value of the actions (failure to act) or in management of them owing to lagging in mental development or disease mental state, is subject to criminal liability. The specified circumstances are considered in case of purpose of type and the amount of punishment.

Article 22. Criminal liability of persons who committed crime in state of intoxication

1. Person who committed crime in the state of intoxication caused by alcohol intake, the narcotic or other stupefying substances is subject to criminal liability.
2. The intoxication reasons, degree of intoxication and its influence on crime execution are considered in case of assignment of punishment.

Chapter V. Wine**Article 23. Wine and its forms**

1. The fault is the conscious and strong-willed mental relation of person to the committed crime expressed in the form of intention or imprudence.
2. Guilty of crime it can be found only person who made socially dangerous act is intentional or on imprudence.
3. The act made on imprudence is recognized crime only cases when it is directly established by the penal statute.

Article 24. The crime committed intentionally

1. The crime committed intentionally socially dangerous act made with direct or indirect intent is recognized.
2. The crime is recognized committed with direct intention if person which made it understood socially dangerous nature of the action or failure to act, expected its socially dangerous effects, wished their approach, or expected inevitability of approach of these effects.
3. The crime is recognized committed with indirect intent if person which made it understood socially dangerous nature of the action or failure to act, expected its socially dangerous effects, did not wish, but consciously allowed approach of these effects or was indifferent to them.

Article 25. The crime committed on imprudence

1. The crime committed on imprudence socially dangerous act made on self-confidence or negligence, which entailed approach of socially dangerous effects is recognized.
2. The crime is recognized committed on self-confidence if person which made it understood public danger of the action or failure to act, expected possibility of approach of socially dangerous effects, but thoughtlessly expected to prevent them.
3. The crime is recognized committed due to negligence if person which made it did not understand public danger of the action (failure to act), did not expect possibility of approach of socially dangerous effects though it in case of necessary attentiveness and foresight could or had opportunity to expect them.

Article 26. Responsibility for the crime committed in case of combination of intention and imprudence (double form of fault)

1. The double form of fault is characterized by intentional crime execution and imprudence in relation to the effects which were caused this crime. In general such crime is recognized committed intentionally.

2. If effects with which the law connects more stiff punishment are caused by making of intentional crime, criminal liability for such effects can come only if person did not expect, but shall and could expect possibility of approach of such effects or if person expected possibility of their approach, but thoughtlessly expected to prevent them.

Article 27. Innocent damnification (case)

1. Act is recognized committed is innocent if person did not understand its public danger or did not expect possibility of approach of socially dangerous effects of the action (failure to act) and based on the circumstances of a matter had no opportunity or could not expect them.

2. Act is recognized also committed is innocent if person the committed crime, though expected possibility of approach of socially dangerous effects, but could not prevent them as a result of discrepancy of its psychophysiological qualities to extreme conditions or neuropsychological overloads.

Article 28. Legal and actual mistake

1. If person, making the act provided by the penal statute, did not understand and could not understand based on the circumstances of a matter its illegality, it is not subject to criminal liability.

2. If person, making the act provided by the penal statute, honesty was mistaken rather actual circumstances relating to structure of this crime, then it cannot bear responsibility for intentional making of this act.

3. If the law connects more stiff punishment with availability of certain actual circumstances, but person, committing crime, honesty was mistaken concerning these circumstances, then it is not subject to more strict liability.

Chapter VI. Partnership in crime

Article 29. Concept of partnership in crime

Partnership in crime intentional joint participation of two or more persons in making of intentional crime is recognized.

Article 30. Types of accomplices

1. Assisting offenders along with the contractor the organizer, the instigator and the helper are recognized.

2. The contractor the person who directly committed crime, or directly participating in its making together with other persons (collaborators), and also committed crime by means of use of other persons which by law are not subject to criminal liability is recognized.

3. The organizer of crime the person who organized crime execution or directing its execution and also the person who created organized group or criminal society for crime execution, or directing them is recognized.

4. The instigator of crime execution person which inclined to crime execution by arrangement, bribery, threat or in a different way is recognized.

5. The helper person promoting crime execution by councils, instructions, provision of information, tools or means of crime execution or removal of obstacles, and also person who was in advance promising to hide the criminal, the weapon or other means of crime execution, traces of crime or objects got in the criminal way is recognized, and person which was in advance promising to acquire or sell such objects is equal.

Article 31. Crime execution by the group of persons by previous concert organized by group or criminal society

1. The crime is recognized made by group of persons by previous concert if two and more persons who in advance agreed about joint crime execution participated in it.

2. The crime is recognized made by organized group if the crime is committed by steady group of persons, one or several crimes which in advance united for making.

3. The crime is recognized committed criminal society if the crime is committed by persons who previously became organized in the steady, solid, managed organization created for making of heavy and especially serious crimes.

4. The person who organized criminal society, or directing it bears responsibility for the organization and management of criminal society, and also for all crimes committed by community if they were covered by its intention. Other participants of criminal society bear responsibility for participation in it and crimes, in making or training of whom they participated.

5. Crime execution by the group of persons by previous concert organized by group or criminal society attracts purpose of more stiff punishment on the basis and in the limits determined by this Code.

Article 32. Responsibility of accomplices

1. Responsibility of accomplices is determined by degree and nature of participation of each of them in crime execution.

2. Collaborators answer under one article of the Criminal code for jointly the crime committed by them.

3. Responsibility of the organizer, instigator and helper comes under the same Article of the Special part of the Criminal code, as the contractor, with reference to article 30 of this Code.

4. In case of not finishing by the principal offender up to the end on the circumstances which are not depending on it, other assisting offenders bear responsibility for partnership in preparation for crime execution or in aggravated attempt.

Article 33. Excess of the contractor

Excess of the contractor making by the principal offender, not covered intention of other accomplices is recognized. For excess of the contractor other accomplices of criminal liability are not subject.

Chapter VII. The circumstances excluding crime of act

Article 34. Justifiable defense

1. Is not crime and protection of the personality, the rights and legitimate interests of the defending, other person, society and the state by causing any harm encroaching is recognized lawful if assault was committed with violence, life-threatening the defending or other person, or with direct threat of application of such violence.

2. Protection against the attack which is not integrated to violence, life-threatening the defending or other person or with threat of application of such violence, is lawful if at the same time exceeding of limits of justifiable defense, that is the intentional actions obviously not corresponding to nature and danger of encroachment was not allowed.

3. The right to justifiable defense belongs to person irrespective of opportunity to avoid encroachment or to ask for the help other persons or authorities.

Article 35. Damnification during detention of person who committed crime

1. Damnification to person who committed crime is not crime during his detention for delivery to authorities and suppression of possibility of making of new crimes if resistance was shown them, and other means to detain such person did not represent possible and at the same time exceeding necessary for this purpose was not allowed died.

2. Exceeding of the measures necessary for detention of person who committed crime their explicit discrepancy to nature and danger made by the detained person of act and to circumstances of detention when obviously excessive, not caused by situation harm is needlessly caused to person is recognized. Such exceeding attracts responsibility only in cases of intentional damnification.

Article 36. Emergency

1. Damnification to the right protected interests in emergency condition, that is for elimination of danger, directly life-threatening is not crime, to health, the rights and legitimate interests of this person or other persons, to interests of society or state if this danger could not be under these circumstances eliminated with other means and at the same time were not allowed excesses of limits of emergency.

2. Exceeding of limits of emergency damnification, obviously not corresponding to nature and degree to the menacing danger and situation in which danger was eliminated when harm obviously more considerable is done to the right protected interests, than prevented is recognized. Such exceeding attracts responsibility only in cases of intentional damnification.

Article 37. Physical and mental compulsion

1. Action (failure to act) of person which did harm to the right protected interests as a result of physical or mental compulsion is not crime if owing to such coercion it could not direct the acts.

2. In other cases the question of criminal liability for damnification to the right protected interests as a result of physical or mental compulsion is solved taking into account provisions of article 36 of this Code.

Article 38. Reasonable risk

1. Damnification to the right protected interests is not crime in case of objectively reasonable risk for achievement of socially useful purpose.

2. The risk is recognized reasonable if the effective objective could not be achieved by the actions which are not connected with risk and person which allowed risk took necessary measures for prevention of harm to the right protected interests.

3. The risk is not recognized reasonable if it was obviously integrated to health hazard or lives of people, environmental disaster or public disaster.

Article 39. Execution of the order

1. Damnification to the right protected interests by person acting in pursuance of the order, obligatory for it, or other order made in accordance with the established procedure and with observance of the due form is not crime.

2. Damnification to the right protected interests as a result of execution of the illegal order or other order excludes responsibility if person did not realize its illegal nature. In this case responsibility for the act made in pursuance of the illegal order or the order carries person who made such order or the order.

3. Execution of obviously criminal order or other order attracts criminal liability, but can be recognized as the circumstance commuting penalty.

4. Non-execution of obviously illegal or criminal order or other order excludes criminal liability.

Section III. Punishment

Chapter VIII. Concept, purposes and types of punishment

Article 40. Concept and purposes of punishment

1. Punishment is penalty for the committed crime. As the measure of the state coercion the penalty imposed according to the court verdict is applied to person found guilty of crime execution and consists in the deprivation or restriction of the rights and freedoms of this person provided by the penal statute.

2. Punishment is applied for the purpose of recovery of social justice, and also correction of the convict and including warnings of making of new crimes to convicts and other persons.

Article 41. Punishment types

1. Types of punishment are

- a) assignment of obligation to smooth down damage suffered;
- b) penalty;
- c) deprivation of the right to hold certain position or to be engaged in certain activities;
- d) deprivation of the state awards, special types of awards, military and other ranks;
- e) obligatory works;
- f) corrective works;
- g) assignment of obligation of accommodation in certain area;
- h) confiscation of property;
- i) restriction of freedom;
- j) imprisonment.

2. Punishment in the form of restriction on military service and contents in military and corrective part can be applied to the military personnel.

Article 42. Primary and additional punishments

1. The penalty, obligatory works, corrective works, restriction of freedom, restriction on military service, content in military and corrective part, imprisonment are applied only as primary punishments.

2. Assignment of obligation to smooth down damage suffered, deprivation of the right to hold certain position or to be engaged in certain activities, assignment of obligation of accommodation in certain area are applied as as the main, and additional punishments.

3. Deprivation of the state awards, special types of awards, military and other ranks, confiscation of property are applied only as additional punishment.

Article 43. Assignment of obligation to smooth down damage suffered

1. Obligation smooth down damage suffered consists in direct elimination of damage suffered, compensation of material and moral damage and bringing of public apology to the victim.

2. Penalty in the form of assignment of obligation smooth down damage suffered it can to be imposed in case the court, considering nature of harm, availability of real opportunity to smooth down it and data on the identity of the guilty person, recognizes that it is capable to eliminate damage suffered.

3. If the convict evades from discharge of duty to smooth down damage suffered, the court can replace this punishment with penalty or corrective works within stipulated in Clause the Special part of this Code on which person is condemned. If the specified types of punishments are not provided in

the sanction of Article, they are appointed in the minimum size determined by Articles 44 and 48 of this Code.

Article 44. Penalty

1. The penalty is the cash collection appointed in the limits provided by this Code, in the amount of, corresponding to the size of the basic size established by the legislation of Turkmenistan at the time of assignment of punishment.

2. The penalty is established in the amount of five to two hundred fifty sizes of basic size.

3. The size of penalty is determined by court taking into account weight of the committed crime and property status of the convict and his family.

4. In case of intentional evasion from payment of the fine which is ordered to pay by court as primary punishment, the penalty can be replaced with court the punishment types specified in the relevant article or the corresponding part of Article of the Special part of this Code.

Article 45. Deprivation of the right to hold certain position or to be engaged in certain activities

1. Deprivation of the right to hold certain position or to be engaged in certain activities consists in prohibition to hold positions in public service, in local government bodies, at the companies of any pattern of ownership or in public associations or to be engaged in certain professional or other activity.

2. Deprivation of the right to hold certain position or to be engaged in certain activities is established for a period of one year up to five years as primary punishment and for a period of one year up to three years as additional punishment.

3. Deprivation of the right to hold certain position or be engaged in certain activities can be appointed as additional punishment and in cases when it is not specified as punishment type for the corresponding crime if taking into account nature of the committed crime and data on the identity of the guilty person the court recognizes impossible preserving the right behind it to hold certain position or to be engaged in certain professional or other activity.

4. In case of purpose of this punishment as additional to penalty and corrective works, and also in case of conditional condemnation its term is estimated from the moment of the introduction of sentence in legal force. In case of purpose of this punishment as additional to imprisonment or the direction in military and corrective part its term is estimated from the moment of departure of primary punishment.

Article 46. Deprivation of the state awards, special types of awards, military or other rank

1. In case of condemnation for heavy or especially serious crime person having military, or other rank can be deprived according to the court verdict of this rank.

2. In case of condemnation for making of heavy or especially serious crime of person who is awarded the order, medal, special types of awards of Turkmenistan, or having honorary title either the military or other rank given by the President of Turkmenistan the court in case of adjudgement taking

into account data on the identity of the guilty person resolves issue of feasibility of introduction of representation to the President of Turkmenistan of deprivation of the condemned award, medals, special type of awards, honorary title, military or other rank.

Article 47. Obligatory works

1. Obligatory works consist in accomplishment by the convict in time of free socially useful works, free from the main work or study. Type of obligatory works and objects on which they are left, determined by criminal executive bodies in coordination with local executive bodies or local government bodies.

2. Obligatory works are established for a period of sixty till four hundred eighty o'clock and not over four hours a day are left.

3. In case of malicious evasion of the body condemned from the serving of obligatory works on representation exercising control of execution of criminal penalty, the court can replace the unexpired term of obligatory works as imprisonment. At the same time term of deprivation of freedom is established at the rate of one day of imprisonment in eight hours of obligatory works.

4. Obligatory works are not appointed disabled, to persons under the age of is sixteen years, to the expectant mothers and women having children under three years, to persons which reached retirement age, to the military personnel undergoing military service at the time of the introduction in legal force of the court verdict.

Article 48. Corrective works

1. Corrective works are established for a period of two months up to two years and left based on the court verdict on place of employment of the convict or in other places in the territory of accommodation of the convict. From earnings of person condemned to corrective works deduction in the income of the state in the amount of, established by the court verdict, ranging from five to twenty percent is made.

2. Corrective works are not applied to disabled, to persons under the age of of sixteen years, to the expectant mothers and women having the child up to three years to persons which reached retirement age and also to the military personnel.

3. In case of malicious evasion from serving of corrective works the court on joint representation of the body knowing execution of the punishment, and the body exercising control of execution of criminal penalty can replace the unexpired term of corrective works with custodial sanction at the rate of one day of imprisonment in three days of corrective works.

Article 49. Assignment of obligation of accommodation in certain area

1. Assignment of obligation of accommodation in certain area consists the convict of the place of his residence with the obligatory settlement in certain area at a distance.

2. Assignment of obligation of accommodation in certain area is established for a period of five up to ten years as primary punishment and for a period of one up to three years as additional punishment.

3. Assignment of obligation of accommodation in certain area is not applied to persons which did not reach by the time of crime execution of eighteen-year age and also to persons with disability of the first and second groups, to persons which reached retirement age, to the expectant mothers and women having children aged up to eight years.

4. In case of malicious evasion from serving sentence in the form of assignment of obligation of accommodation in certain area and departure for this purpose from the obligatory place of residence court on joint representation of the body knowing execution of the punishment, and the body exercising control of execution of criminal penalty, the having the right determination to send such person for serving sentence in the form of imprisonment to corrective labor colony. At the same time the time spent in places of obligatory accommodation is set off imprisonments at the rate of one day of obligatory accommodation in certain area in one day of imprisonment in time. Time of leaving of the place of obligatory accommodation for the purpose of evasion from serving sentence is not set off obligatory accommodation in certain area in time.

5. If the convict to whom the accommodation obligation in certain area is assigned committed crime, the court imposes to it penalty by rules of Article 63 of this Code.

Article 50. Confiscation of property

1. Confiscation of property is forced uncompensated taking in property of the state of the property which is property of the convict, and also the property acquired by the method prohibited by the law or its equivalent (equivalent) property.

2. Confiscation of property is determined for crimes of average weight, the heavy and especially serious crimes committed with a mercenary motive and can be appointed only in the cases provided by the penal legislation.

3. The property necessary for the convict or persons who are in its dependence according to the list this in Appendix to this Code is not subject to confiscation.

Article 51. Restriction of freedom

1. Restriction of freedom consists in imposing by court on the convict of the certain obligations limiting its freedom and is left in the place of his residence under the supervision of the body performing punishment, term from one to five years without isolation from society. In case of replacement of other punishment with restriction of freedom it can be appointed to term less than one year.