

CRIMINAL CODE OF UKRAINE

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GENERAL PART

Book One. ABOUT THE CRIMINAL CODE OF UKRAINE

Section 1.1. GLOSSARY

Article 1.1.1. Terms used in the Criminal Code

1. The terms used in this Code that have a meaning ascribed to them by another law, international treaty, or act of the European Union, are used according to their regulatory definition save for case stipulated by part 2 of this Article and other Articles of this Code where the terms are defined.

2. The terms used in this Code shall have the following meaning:

1) *assets (revenues)* – money (including cash and money held on bank accounts or deposited with banks or other financial institutions), other property, intangible assets including cryptocurrencies, the amount by which financial liabilities are reduced, deliverables, or services received by a person;

2) *close person* – a member of a person’s family or another person whose interests are materially important to the person;

3) *ammunition* – an object intended and suitable for being fired from a firearm and causing the death of a person or inflicting other harm to their health, or destroying or damaging a material object;

4) *military unit* – a unit formed in accordance with the laws of Ukraine and manned by military personnel (in particular, the Armed Forces of Ukraine, the Security Service of Ukraine, the Foreign Intelligence Service, the State Border Guard Service of Ukraine, the National Guard of Ukraine, the State Protection Department, the State Special Transport Service, the State Service for Special Communications and Information Protection of Ukraine);

5) *theft* – the act of taking another person’s personal property:

a) by ignoring the wishes of the owner, legitimate possessor, user or an authorized person

b) despite their wishes; or

c) by distorting their wishes

that has caused direct pecuniary damage;

6) *the demand of a bribe*:

a) a demand to give a bribe under the threat of committing an act or omission involving abuse against a person who gives a bribe, or their close persons, or

b) intentional creation of conditions in which a person is forced to give a bribe to prevent the damage to this person’s or their close person’s rights or legitimate interests;

7) *the commission of a criminal offense in connection with the exercise of a subjective right in the public interest or discharge of a legal duty by a victim* – the commission of a criminal offense with a view to:

a) preventing the victim from exercising their subjective right in the public interest or discharging their legal duty,

b) changing the nature of such activity; or

c) exacting revenge for such activity regardless of the period of time that has elapsed since the moment when the victim exercised their subjective right in the public interest or discharged their legal duty;

8) *possessions* – a location that other persons may enter or where other persons may stay only subject to consent of an owner, legitimate occupier, or authorized person, including:

a) *dwelling* – any premises intended for temporary or permanent occupation by a person, including all components of such premises, or

b) *other property* – a means of transportation, land plot, garage, building, premises, or any other structure regardless of its intended purpose owned or used by the person;

9) *an act of sexual nature* – an act of subjective or objective direction aimed at satisfying sexual desire or violating sexual autonomy of another person;

10) *child* – a person (human being) who has not reached the age of 18, including:

a) *underage child* – a person who has not reached the age of 14;

b) *minor* – a person (human being) who has reached the age of 14, but has not reached the age of 18;

11) *long-term damage to the environment* – damage to the environment in the form of mass death of flora or fauna or radiation or chemical pollution, where the return of damaged natural resources to their previous state may happen no earlier than in a year;

12) *previous knowledge* – the awareness of a person who commits a criminal offense about a certain fact that is apparent and obvious.

13) *generally dangerous method* – a method that causes harm to two or more persons (explosion, arson, flooding, use of radioactive materials, poisonous substances, or infectious agents);

14) *use of weapons* – the use of a weapon to cause the death of a person or inflict harm on a person's health, destroy or damage material object, or to intimidate;

15) *weapon* – an object (means, device) except for smooth-bore hunting weapons that:

a) can be used or can be adapted without the use of special equipment to cause the death of a person or inflict harm on a person's health, either in combination with the destruction or damage to a material object or otherwise,

b) is subject to special regulations that govern its circulation and is either removed from circulation or is subject to special licensing, and

c) belongs to one of the following types: portable barreled fire weapons capable of firing a bullet, an arrow with a diameter exceeding 4.5 mm with an initial speed of 100 m/s or more; artillery weapons, including mortar launcher, grenade launchers, rocket weapons; cold weapons; and throwing weapons;

16) *distribution* – a form of gratuitous or non-gratuitous disposal of property by way of: sale, exchange, change, donation, application as a means of payment, pretended loss in a gambling game, transfer on credit or use as debt repayment, transfer for temporary storage or use, etc.;

17) *abuse* – the use of official authority, professional or guardianship status or capabilities associated with it in order to obtain an unlawful benefits;

18) *foreign public official*:

a) an official (civil servant) of a foreign state (a person who holds a position with a legislative, executive, or judiciary authority of a foreign state, including a prosecutor, juror, other person who discharges the function of the state on behalf of a foreign state, in particular, its governmental authority or a public-law legal entity), or a chief officer of an administrative, management, or supervisory body of a state enterprise;

b) an official (civil servant) of a local government body of a foreign state

c) a foreign arbitrator, or a person authorized to resolve civil, commercial, or labor disputes in a foreign state following a procedure other than a court procedure;

d) an official (civil servant) of an international organization (a member of personnel of an international organization or any other person vested with the powers to act on its behalf by an international organization), or a member of an international parliamentary assembly, of which Ukraine is a member; an official (civil servant) of the European Communities; or

e) a judge, prosecutor, or other official of an international court the jurisdiction of which Ukraine recognized;

19) *information system* – information (automated), electronic communication, information-and-communication system, electronic communications network:

20) *financially motivated purpose* – a person's desire to obtain material benefits for themselves or another person, obtain or retain a certain proprietary right, avoid financial expenses, or obtain other material benefits by committing a criminal offense;

21) *corruption criminal offense* – any crime or minor offense punishable under this Code the elements of which include the following mandatory attributes of corruption: unlawful benefit or bribe as a target or means of committing a criminal offense; abuse or enticement to abuse, exerting influence to impact the decision-making or trading in influence as a means of committing a criminal offense.

The following criminal offences shall be deemed corruption criminal offenses punishable under this Code:

a) criminal offenses punishable by Articles 4.4.7, 5.2.8, 6.14–6.1.6, 6.1.7–6.1.9, 6.2.2–6.2.4, 6.5.3–6.5.5, 7.6.10, 7.6.11, 7.8.5, 10.5.4, 10.5.6, 10.5.7, provided they were committed using official

authorities or professional duties or any opportunities associated with them and for the purpose of obtaining unlawful benefit;

b) criminal offenses associated with bribery and punishable by Articles 4.10.8–4.10.9, 5.1.5–5.1.6, 7.9.4–7.9.9, 8.2.13–8.2.14, 9.5.7–9.5.10, 9.7.9, 9.7.10;

c) criminal offense punishable by Article 9.54 of this Code;

22) *corruption-related criminal offense* – any criminal offense punishable under this Code that has been committed by a person referred to in part 1 of Article 3 of the Law of Ukraine on Prevention of Corruption that constitutes a breach of requirements, prohibitions, or restrictions imposed by that Law but does not have the elements of corruption.

Criminal offenses punishable by Articles 9.5.5, 9.5.6, 9.5.11, 9.5.12, 9.6.3–9.6.5 of this Code are deemed to be corruption-related criminal offenses;

23) *mass actions* (riots, events, etc.) – actions involving 50 or more persons;

24) *mass destruction, poisoning or disease* – the one affecting 50 or more persons;

25) large-scale environmental damage — environmental damage that occurs over an area of more than one hundred square kilometers or more than ten cubic kilometers, combined with severe pecuniary damage;

26) *international treaty* – a valid international legal act ratified by the Verkhovna Rada of Ukraine as binding or an act of international humanitarian law on the customs of war;

27) *young person* – a person who has reached the age of 18, but has not reached the age of 21 at the time of commission by the criminal offense by him/her;

28) *motive of belonging to a particular social group* – a motive of hatred or prejudice due to age, sex or gender or gender identity, sexual orientation, disability, health condition, ethnic or social origin, genetic characteristics, skin color, race, nationality, language, social status, occupation or profession, religion or belief, political or other beliefs or opinions, membership in a national minority, property status or place of birth or residence;

29) *violence* – an illegal physical, acoustic, light, thermal, or chemical impact on another person;

30) *dangerous object*:

a) an explosive, toxic, explosive, oxidizing, combustible, or biological substance, biological agent (biochemical, microbiological, biotechnological preparation, microorganism pathogenic to humans or animals, etc.), which or a combination of which pose a real danger to human life and health, the environment, material or cultural values, or

b) a device containing such a substance, agent, or preparation;

31) *misappropriation* – conversion of an object to one’s own or another person’s benefit:

a) against the will of the owner, legal possessor or user or an authorized person, or

b) which has no owner, legal possessor or user or authorized person;

32) *illegal military unit* – a preliminary association of five and more accomplices, characterized by:

a) the presence of an actual commander,

b) stability;

c) armament, and

d) the purpose of association is participation in an armed conflict or violent actions aimed at changing or overthrowing the constitutional order or at seizing state power;

33) *illegal acquisition* – an action resulting in a person becoming an actual possessor of a certain object without a proper permission, including by taking possession, purchase, exchange, barter, obtaining as a gift, payment, winning or debt repayment, obtaining for storage or use, etc.;

34) *improper advantage* – money or other property, advantage, benefit, service, intangible asset, non-pecuniary advantage, assignment of property benefits or property right in favor of another person (object or means of improper advantage), that the person strives to acquire directly or through an intermediary without legal grounds for it or acquires for themselves or for any other person by way of abuse in the absence of bribery;

35) *non-governmental organization* – a public association, trade union or association of citizens on a professional basis, employers’ organization, consumer organization, body of self-organization of the population, public formation for the protection of public order and the state border, volunteer formation of a territorial community;

36) *deceit* – the provision of knowingly false information or concealing certain information that a

person had to and could have provided;

37) *law-enforcement authority* – a pretrial investigation authority (division) or an operations division of a relevant governmental authority that conducts investigative (detective) and covert investigative (detective) activities;

38) *resistance* – physical opposition to the lawful exercise of the duties by a person, fulfillment of his/her legal obligation or exercise of his/her subjective right in the public interest;

39) *particularly vulnerable person*:

- a) a minor;
- b) a pregnant woman;
- c) a person who has reached the age of 75;
- d) a person with group I disability;
- e) hostage;

40) *movement* – transportation, transfer, shipment, or other action that results in a change of location of a person or any object in space with or without the use of transport, including the movement across the customs border of Ukraine – importation into the territory of Ukraine, exportation from the territory of Ukraine, or transit through the territory of Ukraine of a certain object including its movement across the customs border of Ukraine and an attempt to do so, regardless of the method (in particular, on the body of a person who moves the object, or by a transportation vehicle, or by the means of postal service);

41) *bribery* – offering or providing a bribe to a person directly or indirectly in exchange of an act or omission committed by such person;

42) *forgery* – a change in the properties of an object or giving it an appearance that does not correspond to its true nature, made for the purpose of misleading;

43) *threat* – intimidation of a person through the use of violence, rape, destruction or damage to property, disclosure of true or false information that a person wants to keep secret, or inflicting any other harm on a person, in a verbal or written form, or by way of actions implied by conduct, if the person perceived the threat as one that could be realized against him or her or a close person;

44) *dissemination of information* – communication by a person of certain information, which they possess, to at least one person;

45) *damage* – making a property or information partially unsuitable for use for its intended purpose;

46) *public officer* – a public official authorized, within the scope of their terms of reference, to issue demands and make decisions that are binding on any legal entity or natural person;

47) *representative of a foreign state* – a person who:

- a) acts as a civil servant of a foreign state;
- b) serves in its armed forces or other military unit, police authorities, state security bodies, intelligence bodies;
- c) holds a position in the above-mentioned or any other government authorities or local government bodies of a foreign state established under its legislation;
- d) acts with the permission, support, consent or order of persons listed in subparagraphs (a) – (c) of this paragraph;
- e) is a representative of an illegal armed unit created, controlled or financed by the aggressor state;
- f) is a representative of the occupation administration of the aggressor state, which consists of its government authorities or other structures functionally responsible for the management of the temporarily occupied territories of Ukraine; or
- g) is a representative of a self-proclaimed body controlled by the aggressor state that has usurped the exercise of power functions in the temporarily occupied territory of Ukraine;

48) *coercion* – unlawful influence on a person in order to induce him/her to perform or not perform a certain act;

49) *offer of a bribe* – informing (in a verbal or written form, or by way of actions implied by conduct) an official or another person about one's intent to give a bribe, regardless whether or not the time, place, and manner in which the bribe is to be provided is notified at that time;

50) *psychoactive substance* – a substance (narcotic drug, psychotropic substance or their analogs, intoxicant, potent drug, alcoholic beverage, etc.), the ingestion of which leads to changes in a person's mental activity, which may consist in a person's partial or complete loss of the ability to exercise mental

and volitional control over their behavior;

51) *public official*:

a) a person authorized to perform the functions of the state or a local self-government authority – an official who holds a position that involves the fulfillment of governmental, personnel management, business management, audit and control, or registration duties at a governmental authority or a local self-government authority referred to in paragraph 1 of part one of Article 3 of the Law of Ukraine on Prevention of Corruption;

b) an official who fulfills organizational and managerial or administrative and economic, or control and revision such duties at a public-law legal entity;

c) a person who carries on a professional activity that involves the provision of public services, which means the provision of public services, by operation of law or under a license, registration in a register, or under a public contract, that create legal consequences for other persons (in particular, a notary, private enforcement agent, valuer, independent intermediary, member of a labor arbitration tribunal, state registrar, arbitrator);

d) military public official;

e) foreign public official;

52) *public official who holds a highly responsible position*:

a) the President of Ukraine,

b) the Chair of the Verkhovna Rada of Ukraine, first deputy and deputy Chair of the Verkhovna Rada of Ukraine, chair of the Committee of the Verkhovna Rada of Ukraine, or chair of a parliamentary faction in the Verkhovna Rada of Ukraine;

c) Prime Minister of Ukraine, a member of the Cabinet of Ministers of Ukraine, head of the central executive authority which is not part of the Cabinet of Ministers of Ukraine, or persons fulfilling their duties;

d) the Secretary of the National Security and Defense Council of Ukraine;

e) the Commander-in-Chief of the Armed Forces of Ukraine;

f) the President of the Supreme Court, President of the Constitutional Court of Ukraine;

g) the Prosecutor General;

h) the Chair of the Antimonopoly Committee of Ukraine, the Chair of the State Committee for Television and Radio-Broadcasting of Ukraine, the Chair of the National Bank of Ukraine, the Chair of the National Council of Ukraine on Television and Radio Broadcasting, the Chair of the Audit Chamber, the Chair of the Security Service of Ukraine, the Chair of the State Property Fund of Ukraine, the Chair of the Central Election Commission, the Ukrainian Parliament Commissioner for Human Rights, the Chair of the State Bureau of Investigation, or persons fulfilling their duties;

i) a senior officer of a permanent ancillary authority established by the President of Ukraine, chief of staff of the Verkhovna Rada of Ukraine, senior officer of the Secretariat of the Cabinet of Ministers of Ukraine, senior officer of the State Management of Affairs, or persons fulfilling their duties;

k) chair of the oblast state administration, chair of the oblast civil-military administration, city – oblast capital mayor;

53) *public place* – a building, structure (both internal premises and adjacent territories), or site that are accessible and open to visitors (freely, by invitation, free of charge, or subject to payment of a fee) in accordance with the rules established for such a place;

54) *risk of reoffending* – likelihood that a person will commit a new crime that affects the imposition of the type and scale of a criminal sanction determined by a probation authority taking into account psychological, social, and legal characteristics of a person;

55) *disclosure of information* – an act committed by a person who has in their possession some sensitive information that was entrusted to such person or became known to them in connection with the person's professional activities or official capacity, by means of:

a) revealing such information to at least one person who does not belong to the circle of persons entitled to access such information; or

b) providing an opportunity for reviewing with such information to at least one person who does not belong to the circle of persons entitled to access such information;

- 56) *officer (public officer, public military officer, foreign public officer, an officer with a public-law legal entity) as a subject of criminal offense* – any person who, when committing a criminal offense, uses:
- a) a position he/she related to the fulfillment of governmental, personnel management, business management, audit and control, or registration duties or duties related to the provision of public services, regardless of whether they were appointed or elected, hold the position permanently or temporarily, receive any remuneration or not;
 - b) a status based on which he/she is expressly authorized to fulfill such duties by an authorized body, authorized officer, court, or by operation of law;
- 57) *assistance in solving or investigating a criminal offense* – actions of a person aimed at providing voluntary assistance to the pretrial investigation body, the prosecutor, the court in comprehensive, complete, and impartial establishment of all circumstances of a criminal offense by providing all information known to such a person about the circumstances of its commission and full assistance in obtaining evidence in criminal proceedings;
- 58) *transportation vehicle* – a device intended for the transportation of people, cargo, or equipment or mechanisms, which is driven by an engine, a force of nature or the muscular power of a person or animal;
- 59) *vulnerable person*:
- a) a minor;
 - b) a person who has reached the age of 65;
 - c) a person with group II or group III disability;
 - d) a person who is financially or officially dependent on the subject of a criminal offense;
- 60) *evasion* – failure to perform a legal obligation by a person who has a real opportunity to fulfill it;
- 61) *bribe* – an object or means of improper advantage, which a person, directly or through an intermediary, without any legal grounds for this:
- a) obtains, requests, or demands or the offer of which a person accepts for him/herself or for another person in exchange for performing or not performing in the interests of the person who offers or gives a bribe or in the interests of the third part a certain act by way of abuse or trade of influence (regardless of the availability of a real possibility to perform or not perform such act and regardless of whether they accept the offer of a bribe or accepts a bribe, requests or demands a bribe before or after the performance or non-performance of the said act), or
 - b) offers or gives to another person in exchange for him/her performing or not performing any act in the interests of a person offering or giving a bribe or another person by way of abuse or influence on decision-making;
- 62) *a bribe in a significant amount* – a bribe of a pecuniary nature, the amount of which exceeds the unit of account by one thousand or more times;
- 63) *a bribe in a large amount* - a bribe of a pecuniary nature, the amount of which exceeds the unit of account by one thousand or more times;
- 64) *family members*:
- a) spouses and their children until they reach the age of majority – regardless of cohabitation;
 - b) persons who live together, are bound by common life and have mutual rights and obligations (except for rights and obligations that are not of a family nature);
- 65) *pecuniary damage* – pecuniary losses suffered by a person as a result of a criminal offense against them, as well as expenses the person has incurred or is forced to incur to restore their violated real or intellectual property rights.

Article 1.1.2. Unit of account

1. In this Code, a unit of account used to determine the value of an object or means used to commit a criminal offense, as well as the value of the pecuniary damage caused by the criminal offense, and the amount of the fine.
2. The unit of account is equal to 1/30 of the amount of minimum salary established by the law as of January 1 of the year when a criminal offense was committed.
3. The amount of the fine is expressed in Ukrainian hryvnia.

Article 1.1.3. The extent of pecuniary damage

1. In this Code, the extent of pecuniary damage shall be the following:
 - 1) *negligible* – pecuniary damage that amounts to no more than the value of 50 units of account;
 - 2) *substantial* – pecuniary damage that exceeds the value of the unit of account by more than 50, but no more than 500 times ;
 - 3) *considerable* – pecuniary damage that exceeds the value of the unit of account by more than 500, but not more than 5,000 times;
 - 4) *severe* – pecuniary damage that exceeds the value of the unit of account by more than 5,000 times.
2. The extent of pecuniary damage shall be established at the time when it was caused.

Article 1.1.4. The extent of health damage

1. In this Code, the extent of health damage shall be the following:
 - 1) *substantial health damage* – health damage that does not have the attributes of severe damage to health but is characterized by:
 - a) impairment of health that lasts up to 21 days, or
 - b) permanent loss of general ability to work of up to 10 percent;
 - 2) *considerable health damage* – health damage that does not have the attributes of severe damage to health but is characterized by:
 - a) impairment of health that lasts 22 or more days, or
 - b) permanent loss of general ability to work ranging from and including 11 percent up to 33 percent;
 - c) permanent loss of professional ability to work in the amount of more than 50 percent;
 - 3) *severe health damage* – health damage characterized by:
 - a) loss of a body organ or its functions;
 - b) genital mutilation or sterilization;
 - c) persistent mental disorder;
 - d) impairment of health combined with a persistent loss of general ability to work of more than 33 percent or a complete loss of professional ability to work;
 - e) infection with an extremely dangerous infectious disease or infection by its causative agent,
 - f) termination of pregnancy;
 - g) irreparable disfigurement of the face or body; or
 - h) a real danger to human life at the time of the injury.

Article 1.1.5. Calculation of time periods set forth by this Code

1. The time periods set forth by this Code shall be calculated as a whole number of days, months, or years.
2. The time periods set forth by this Code shall begin to expire from the beginning of the day following the day on which the legal fact giving rise to the relevant time period occurred.
3. The time periods set forth by this Code shall expire when the last day of their duration set out in this Code ends.

Section 1.2. INITIAL PROVISIONS

Article 1.2.1. The purpose of the Criminal Code

1. The Criminal Code determines the grounds and boundaries of powers of government authorities for the purpose of making a person, society, state and international order safe in relation to persons who committed:
 - 1) criminal offenses and other unlawful acts punishable by this Code;
 - 2) acts under justifying circumstances.

Article 1.2.2. Relations governed by the Criminal Code

1. The Criminal Code of Ukraine, based on the principles of the rule of law, governs the relations arising out of:
 - 1) a criminal offenses;
 - 2) unlawful acts set out in this Code, which are not deemed criminal offenses; and
 - 3) acts under justifying circumstances.
2. In the case the relations set out in part 1 of this Article are governed in a different manner by any other law of Ukraine, the provisions of this Code shall prevail.
3. In the case any discrepancies arise between the provisions of the General Part and the Special Part of this Code, the provisions of the General Part shall prevail.

Article 1.2.3. The presumption of awareness and stability of the Criminal Code

1. The presumption of awareness about the rules set out in the Criminal Code shall apply in Ukraine.
2. In order to promote the awareness about the rules of the Criminal Code and its stability:
 - 1) this Code and laws adopted to make changes and amendments to it shall be published in accordance with applicable law;
 - 2) any changes or amendments to this Code, as a rule, shall be made solely by adopting an individual law to change or amend this Code, which may also include provisions on changes and amendments to the Criminal Procedure Code, the Criminal Enforcement Code, or the Code of Ukraine on Administrative Offenses;
 - 3) changes and amendments to this Code, as a rule, shall be made only once during one session of the Verkhovna Rada of Ukraine;
 - 4) no changes or amendments, as a rule, may be made to an article (a part or paragraph of an article) of this Code until the 12-month period following the day when the previous law amending this article entered into force expires;
 - 5) a law introducing changes or amendments to this Code shall enter into force in ten days following the day of its official publication, unless a longer period is provided for by such law;
 - 6) a law that decriminalizes certain action or improves the legal status of a person who has committed a criminal offense shall enter into force on the day immediately following the day of its official publication, and a law that amends the size of a unit of account shall enter into force on the first day of January of the year immediately following the year during which this law was officially published.
3. The application of provisions of paragraph 5 of part 2 of this Article and part 3 of Article 1.3.9 of this Code may be suspended during a special period and in conditions of a state of emergency.
4. The provisions of a law amending the Criminal Code shall be included in this Code on the day when the law enters into force.

Section 1.3.

PRINCIPLES OF THE CRIMINAL CODE AND ITS APPLICATION

Article 1.3.1. The principle of legality

1. A criminal offense shall only be an act that is provided for by this Code as a crime or minor offense.
2. Only criminal sanctions specified by this Code may be applied to a person who has committed an unlawful act under this Code.
3. The application of this Code to relations governed by criminal law that have not been covered by this Code (an analogy in law) shall be prohibited in connection with the following:
 - 1) types and elements of criminal offenses;
 - 2) criminal sanctions; and
 - 3) grounds for the application of such sanctions.

Article 1.3.2. The principle of legal certainty

1. The provisions of this Code shall comply with the requirements for availability, stability, sufficient clarity, consistency, and predictability to allow a person to know in advance whether a certain action constitutes a criminal offense, which criminal sanctions apply to criminal offenses, and what the grounds for the application or non-application of such sanctions are.

Article 1.3.3. The principle of equality

1. All persons shall be equal before this Code.
2. Special rules governing the imposition of criminal sanctions on certain categories of social groups shall not be deemed a breach of the principle of equality.

Article 1.3.4. Proportionality

1. Criminal sanctions shall be used by the state as ultimate remedies in response to an unlawful act provided by this Code.
2. Proportionality shall make a basis for the division of criminal offenses into types.
3. Criminal sanctions shall be imposed in accordance with the gravity of the criminal offense and shall be applied taking into account the severity of the criminal offense and the identity of the perpetrator.
4. Excessive use of criminal sanctions shall not be allowed.
5. Stricter criminal sanction shall be imposed only in the cases when the less strict criminal sanction is insufficient to attain its objective.

Article 1.3.5. The principle of individuality

1. Criminal sanctions imposed on a person shall be applied individually. Any joint liability and liability for an action committed by another person shall be prohibited.
2. The application of criminal sanctions to legal entities shall not be deemed a breach of the principle of individual application.

Article 1.3.6. The principle of humanity

1. This Code provides for the humane restriction of the rights and freedoms of a person who has committed an illegal action.
2. Criminal sanctions do not pursue the purpose of causing physical suffering or otherwise destroying human dignity.
3. This Code ensures that rights, freedoms, and legitimate interests of a victim are recognized and protected.

Article 1.3.7. The principle of single application of criminal sanctions

1. Criminal sanctions set out in this Code may not be imposed on a person more than once for the same criminal offense.
2. Unless otherwise provided by an international treaty and when applicable measures are not enough to reach the goal of criminal sanctions established by this Code, a court of Ukraine may impose criminal sanctions on a person convicted by a foreign or international court for the same criminal offense.

Article 1.3.8. The principle of diligent fulfillment of international commitments

1. This Code shall comply with valid international treaties.
2. In the case an international treaty the enforcement of which requires that this Code has to be amended is submitted to the Verkhovna Rada of Ukraine for ratification, a draft law to introduce such amendments to this Code shall be submitted to the Verkhovna Rada for consideration simultaneously with the law on ratification (accession, acceptance) and approved immediately prior to the adoption of the law on ratification (accession, acceptance).
3. The case-law of the European Court of Human Rights shall be taken into consideration during the application of this Code.

Article 1.3.9. Compliance with the principles of the Criminal Code and its application

1. This Code and its application shall comply with the principles set out in Articles 1.3.1–1.3.8 of this Code.

2. Acts of the scientific and legal examinations of the draft law on amendments to the Criminal Code of Ukraine that are in the process of consideration by the Verkhovna Rada of Ukraine shall contain opinions on its compliance with the requirements of Articles 1.3.1–1.3.8 of this Code.

3. The Plenum of the Supreme Court shall provide an opinion on the compliance of the draft law on amendments to the Criminal Code of Ukraine adopted by the Verkhovna Rada of Ukraine in the first reading as the basis with the requirements of Articles 1.3.1–1.3.8 of this Code.

Section 1.4.
APPLICATION OF THE CRIMINAL CODE
IN TIME AND SPACE

Article 1.4.1. Direct temporal application of the Criminal Code

1. The provisions of the Criminal Code valid at the time of committing the act provided for by the Criminal Code shall apply to the person who committed the act.

Article 1.4.2. Retroactive application of the Criminal Code

1. The retroactive application of the Criminal Code shall mean the application to a person of provisions of this Code that were amended after a person committed an act.

2. Amendments of the provisions of the Criminal Code shall occur if:

1) a law on its amendments shall enter into force;

2) other source of law or amendments to it shall enter into force – if its provisions define the content of the elements of a criminal offence or action which is not a criminal offence.

3. The Criminal Code shall have retroactive application in cases of cancellation or mitigation of criminal liability of a person or otherwise improving his legal status.

4. The Criminal Code shall not have retroactive application in cases of establishing or strengthening criminal liability of a person or otherwise adversely impacting his legal status.

5. The provision of this Code that partially commutes criminal liability or otherwise improves the legal status of a person who committed an act punishable under this Code and at the same time partially strengthens criminal liability or otherwise adversely impacts the legal status of a person, shall apply retroactively only in the part that commutes criminal liability or otherwise improves the legal status of the person.

6. In the case the provisions of the Criminal Code have been amended several times after a person committed an act punishable under this Code, only the provisions of the Criminal Code that cancel or commute criminal liability or otherwise improve the legal status of the person who committed the action shall apply retroactively.

Article 1.4.3. The time when an act was committed

1. In cases specified in Articles 1.4.1 and 1.4.2 of this Code, the time when an act was committed shall be deemed the time when an act or omission foreseen by the Criminal Code commenced.

Article 1.4.4. The application of the Criminal Code to an act committed in the territory of Ukraine

1. This Code shall apply to a person who committed an act in the territory of Ukraine.

2. For the purposes of Article 1.4.4 of this Code, an act shall be deemed committed in the territory of Ukraine if:

1) it was commenced, continued, completed, or terminated in the territory of Ukraine; or

2) at least one of the accomplices committed an act or omission in the territory of Ukraine.

3. Unless an international treaty provides otherwise, this Code shall apply to a person who has committed an act punishable under this Code:

1) in the territory or at the facility occupied by a diplomatic or consular mission of Ukraine abroad;

2) in the territory occupied by a military unit of Ukraine stationed abroad;

3) on board a state aircraft, sea or river vessel, military ship;

4) on board other watercraft or aircraft that is registered in Ukraine and is located in an open sea or open air space, or in the territorial water or air space of another state that has not claimed its jurisdiction over the action that has been committed; or

5) at the facility owned by Ukraine, citizen of Ukraine, legal entity registered in Ukraine and located in the territory that does not constitute the territory of any other state.

4. To the extent permitted by an international treaty, this Code shall apply to a person who has committed an act punishable under this Code in the exclusive marine economic zone of Ukraine or continental shelf of Ukraine.

Article 1.4.5. The application of the Criminal Code to an act committed outside the territory of Ukraine

1. This Code shall apply to a Ukrainian national or a stateless person who has permanent residence in Ukraine if they committed a crime foreseen by it outside the territory of Ukraine.

2. This Code shall apply to a foreign national or a stateless person who does not have permanent residence in Ukraine if they committed outside the territory of Ukraine:

1) a grave or a specially grave crime against the interests of Ukraine or public calls to commit such a crime;

2) a grave or a specially grave crime where the victim is a Ukrainian national or a person who has permanent residence in Ukraine;

3) a crime for which the possibility of prosecution in Ukraine is stipulated by the international treaty of Ukraine or the act of the European Union, in particular, a crime against the institution, body, office, or agency of the European Union, or a corruption crime committed by a foreign public official who is an official of European communities or official of the EU member state, or a crime against the diligent fulfillment of official or professional duties in the private sphere and sports, or those stipulated by Articles 6.3.5–6.3.11, 6.3.19–6.3.27 of this Code, crimes against finances;

4) to the benefit of a legal entity established in the territory of Ukraine, a crime against sexual freedom or inviolability where a victim is a child, a crime against personal freedom and dignity punishable under Article 4.4.7 of this Code, a crime against equality of persons and political rights of the citizens punishable under Article 4.11.5 of this Code, a crime against morality punishable under Articles 7.6.4–7.6.7 of this Code where a victim is a child, or a crime against migration regulations punishable under Article 9.3.6 of this Code.

3. A person shall be liable in Ukraine under this Code regardless of whether the act committed by him/her is recognized as a crime under the law of the state in which it was committed if such a crime is foreseen in par. 2 of this Article.

4. A punishment and other criminal legal measures served by a person according to a court decision of a foreign state shall be taken into account when imposing punishment or application of other criminal legal measures for crime committed outside the territory of Ukraine.

5. To the extent permitted by an international treaty, this Code shall apply to a person who has committed an act foreseen by it using media or information system, if such person was outside the territory of Ukraine and regardless media or information system place of registration.

Article 1.4.6. Diplomatic or another immunity

1. The fact that a person who has committed an act stipulated by this Code has diplomatic or other immunity provided for by the Constitution of Ukraine, an international treaty or an act of the European Union excludes the application of criminal sanctions to such a person.

2. Criminal sanctions shall be imposed on a person referred to in part 1 of this Article if:

1) this person's immunity was lifted in accordance with the Constitution of Ukraine or an international treaty to which Ukraine is a party, or an act of the European Union; or

2) this person's immunity has expired.

Book Two.
ON A CRIMINAL OFFENSE

Section 2.1.
A CRIMINAL OFFENSE AND ITS ELEMENTS

Article 2.1.1. Definition of a criminal offense

1. A criminal offense shall mean an unlawful act that corresponds to a crime or minor offense under this Code.

Article 2.1.2. Unlawfulness of an act

1. An unlawful act shall be an act that violates a requirement, restriction, or prohibition provided for by law or another source of law.

Article 2.1.3. Elements of a criminal offense

1. The elements of a criminal offense (elements of a crime or elements of a minor offense) are a set of mandatory features that define the object, physical element, subject and mental element of a criminal offense and are provided for in:

- 1) the articles of the General Part of this Code that define the general elements of a criminal offense, and
 - 2) articles of the Special Part of this Code that define the elements of a particular criminal offense.
2. The content of the elements of a criminal offense shall be established on the basis of the provisions of this Code and other sources of law.
3. The elements of a criminal offense stipulated by the provisions of this Code and other sources of law.
4. The articles of the Special Part of this Code provide for the elements of completed criminal offenses committed by one person.
5. The peculiarities of elements of inchoate crimes and criminal offenses committed in complicity shall be determined by Sections 2.6 and 2.7 of this Code.

Section 2.2.
AN OBJECT AND A PHYSICAL ELEMENT OF A CRIMINAL OFFENSE

Article 2.2.1. The object of a criminal offense

1. The object of a criminal offense shall mean the social value that is harmed as a result of the criminal offense, as set out in Articles 2.5.2–2.5.7 of this Code .
2. A victim or target of a criminal offense may also constitute an element of the object of a criminal offense in cases set out in this Code.

Article 2.2.2. Victim

1. A victim shall mean a natural person (a human being) or a legal entity who/that has suffered the harm through a criminal offense.

Article 2.2.3. Target

1. A target of a criminal offense shall mean a material object (thing, information, energy) that has intellectual, property, or other value, in connection with which a criminal offense has been committed.

Article 2.2.4. Physical element of an element of a criminal offense

1. The signs of the physical element of a criminal offense are an act or omission, and in cases provided for by this Code, also the consequence of an act or omission, the causal link between the act or omission and the consequence, the method, instrument (means), place, time, and setting of the criminal offense.

Article 2.2.5. Act or omission

1. A criminal offense shall be committed by means of an act or omission provided for by this Code.
2. An omission shall constitute an element of a criminal offense if the person did not perform a specific act for which:
 - 1) he or she had a legal obligation; and
 - 2) a real opportunity to do so.
3. A person's behavior shall not be recognized as an act or omission if it is influenced by:
 - 1) irresistible force;
 - 2) irresistible physical coercion;
 - 3) reflex;
 - 4) circumstances excluding the possibility of behavior control for other reasons.
4. The issue of criminal liability of a person who caused damage as a result of physical coercion, if he/she retained the ability to control his/her actions, or mental coercion, shall be resolved in accordance with the provisions of Article 2.9.6 of this Code.

Article 2.2.6. Consequences of an act or omission and a causal link

1. A consequence of an act or omission is constituted by the harm defined by this Code that is causally connected to an act or omission.
2. An act or omission and its consequence are causally connected if an act or omission resulted in a consequence since:
 - 1) it preceded the occurrence of the consequence; and
 - 2) was a necessary and sufficient condition of its occurrence.
3. The causal link between an action or omission and its consequence also exists if the act or omission preceded the occurrence of this consequence in time, was a necessary condition for its occurrence and:
 - 1) caused a joint consequence by two or more persons;
 - 2) the consequence occurred due to the behavior of the person caused by the influence of the subject of the criminal offense on this person; or
 - 3) the omission of the subject did not prevent the consequence caused by forces of nature or the act or omission of another person or the impact of another factor.

Article 2.2.7. Method employed to commit a criminal offense

1. A method employed to commit a criminal offense shall mean a technique, operation, or system of techniques, operations defined by this Code that has been employed by a subject to commit an act or omission.

Article 2.2.8. Instrument (means) used to commit a criminal offense

1. An instrument (means) used to commit a criminal offense shall mean a thing, information, or energy defined by this Code that has been used by a subject to cause influence on the object, victim, or target, or facilitate the commission of a criminal offense.

Article 2.2.9. Place where a criminal offense was committed

1. The place of commission of a criminal offense as an element of the physical element is the space defined by this Code, in/on which the act or omission provided for by this Code was committed or its consequences occurred.

Article 2.2.10. Time when a criminal offense was committed

1. The time when a criminal offense was committed as an attribute of the physical element shall mean a time period or a moment of an act or omission specified by this Code.

Article 2.2.11. Circumstances in which a criminal offense was committed

1. Circumstances in which a criminal offense was committed shall mean the spatial and temporal conditions in which an act or omission is committed or the victim is located, as defined by this Code.

Section 2.3.

SUBJECT OF A CRIMINAL OFFENSE

Article 2.3.1. The definition and types of subjects of a criminal offense

1. A subject of a criminal offense shall mean a sane natural person who has reached the age defined by this Code and committed a criminal offense thereafter.
2. A subject of a criminal offense is a special subject if it has at least one attribute defined for the subject by articles of this Code in addition to attributes set out in part 1 of this Article.
3. A person is a subject of a criminal offense if they committed it:
 - 1) directly;
 - 2) in complicity with another person;
 - 3) using an insane person or a person under the age of the subject of a criminal offense, or another person who is exempted from criminal responsibility;
 - 4) using a person who committed a criminal offense through negligence.

Article 2.3.2. Sane person

1. A person shall be deemed sane if the person, at the time when a criminal offense was committed, could:
 - 1) understand the actual circumstances and illegality of their act or omission;
 - 2) predict the consequence of the act or omission defined by this Code as an element of the criminal offense; and
 - 3) control their action or omission.
2. A person who has committed a criminal offense shall be presumed sane unless proven insane.

Article 2.3.3. Insane person

1. A person shall be declared insane by a court if, due to mental disorder, the person, at the time when a criminal offense punishable under this Code was committed, could not:
 - 1) understand the factual circumstances and illegality of their act or omission;
 - 2) predict the consequence defined by this Code as an element of the criminal offense;
 - 3) control their act or omission.

Article 2.3.4. Partially insane person

1. A person shall be declared partially insane by a court if, due to mental disorder, the person, at the time when a criminal offense was committed, could not to the fullest extent:
 - 1) understand the actual circumstances of their unlawful act or omission;
 - 2) predict the consequence defined by this Code as an element of the criminal offense;
 - 3) control their act or omission.
2. A partially insane person is a subject of a criminal offense.
3. The partial insanity of a person shall be taken into account in the case set out in paragraph 5 of part 1 of Article 3.3.2 of this Code.

Article 2.3.5. Committing a criminal offense in a special mental state

1. A special mental state of a person who commits a criminal offense means the person's reduced ability to understand to the fullest extent the actual circumstances of their unlawful act or omission, to foresee its consequence defined by this Code as an element of a criminal offense, or to control it, if such a state has been caused by:
 - 1) giving birth to a child; or
 - 2) violence or threat of violence against the person or another person on the part of the victim.
2. A person who has caused harm to a victim while experiencing a special mental state shall be held criminally responsible only in the cases set out in Articles 4.1.5 and 4.2.6 of this Code.

Article 2.3.6. The commission of a criminal offense in the state of intoxication

1. A person who has committed a criminal offense in the state of intoxication resulting from voluntary consumption of psychoactive substances shall be held criminally responsible.
2. The state of intoxication shall mean the changes in the body caused by the use of psychoactive

substances that do not preclude sanity but reduce attention or reaction speed or are characterized by a weakening of the intellectual and volitional sphere of human mental activity, including the use of an alcoholic beverage exceeding 0.2 g of pure alcohol per liter of blood.

3. The person shall be presumed to be in a state of intoxication if:

1) a person refuses to undergo a duly administered examination to establish whether they are in a state of intoxication according to the law; or

b) a person brings themselves into the state of intoxication before an authorized person conducts a medical examination to determine the state of intoxication according to the law.

4. A person who has committed a reckless criminal offense in a state of intoxication that arose against his/her will, as a result of which he/she was unable to fully understand the actual circumstances of his/her unlawful act or omission or to control it during its commission, shall not be subject to criminal liability.

Article 2.3.7. The age of a subject of a criminal offense

1. A person who committed a criminal offense after the person reached the age of 15 shall be a subject of a criminal offense, and a person who has committed murder after reaching the age of 14 shall be a subject of murder.

2. Articles of the Special Part of this Code may establish an older age upon reaching which a person may become a subject of a criminal offense.

3. A person shall be deemed to have reached a certain age determined by this Code when the day immediately following the day of birth of the person begins.

Section 2.4.

MENTAL ELEMENT OF A CRIMINAL OFFENSE

Article 2.4.1. The mental element of a criminal offense

1. The mental element of a criminal offense is constituted by guilt and also an objective and motive in the cases set out in an article of the Special Part of this Code.

2. Guilt shall mean a mental stance of a person expressed in the form of intent or negligence to the unlawful act or omission committed by them, as well as to its consequence defined by this Code as an element of a criminal offense.

3. If the form of guilt is not indicated in an article of the Special Part of this Code, a person shall be held criminally liable for a criminal offense committed by them only if the person acted with intention.

4. A person shall be held liable for a criminal offense committed as a result of negligence only in the cases set out in articles of the Special Part of this Code when the person caused substantial, considerable, or severe harm.

Article 2.4.2. Direct intent

1. If the consequence in the element of the criminal offense is not defined by this Code, then the intent shall be deemed direct if, at the time of its commission, a person:

1) understood the actual circumstances of their unlawful act or omission; and

2) desired to commit it.

2. A desire to commit an act or omission means that a person knowingly directed their will at committing the act.

3. If a consequence in the element of a criminal offense is defined by this Code as its element, then the intent shall be deemed direct if, at the time of its commission, a person:

1) understood the factual circumstances of their unlawful act or omission;

3) foresaw its consequence; and

2) desired to cause such a consequence.

4. The desire to cause the consequence means that such consequence constituted an objective of an act or omission committed by the person or the person foresaw this consequence as unavoidable.

Article 2.4.3. Indirect intent

1. Intent shall be deemed indirect if a person:

- 1) understood the actual circumstances of their unlawful act or omission;
- 2) foresaw its consequence defined by this Code as an attribute of an element of a criminal offense; and
- 3) although they did not wish for the occurrence of the consequence, they were negligent to such an occurrence.

Article 2.4.4. Frivolity

1. Negligence shall constitute frivolity if a person:
 - 1) understood the actual circumstances of their unlawful act or omission;
 - 2) foresaw the likelihood of its consequences defined by this Code as an element of a criminal offense;
 - 3) but unreasonably expected to prevent such consequences.
2. Unreasonable expectation of averting a consequence is an incorrect assessment by a person of their own capabilities, behavior of other people or external circumstances to prevent it.

Article 2.4.5. Recklessness

1. Negligence shall constitute recklessness if a person:
 - 1) understood the actual circumstances of their unlawful act or omission;
 - 2) did not foresee the occurrence of its consequence defined by this Code as an element of the criminal offense;
 - 3) but had a duty to foresee such a consequence and could have foreseen it.
2. The obligation to foresee the consequence of one's act is conditioned by:
 - 1) requirements of the law or a court decision;
 - 2) position, profession, or type of activity;
 - 3) a contract; or
 - 4) ordinary rules of prudence.

Article 2.4.6. Accident (fortuitous event)

1. A person shall be deemed not guilty of an act when the person did not have criminal intent or they were not acting negligently

Article 2.4.7. Motive and objective

1. The motive for committing a criminal offense is a conscious internal motivation of the subject of a criminal offense to commit an act punishable under this Code.
2. The objective of committing a criminal offense is an idea of the subject of a criminal offense about the desired consequence of their act punishable under this Code.

Article 2.4.8. Mistake of fact

1. A mistake of fact shall mean an incorrect understanding by the subject of a criminal offense of the presence or absence of a certain element of a criminal offense in the act committed by them.
2. An act or omission committed by the subject of a criminal offense shall be classified as an attempt to commit the criminal offense the subject of a criminal offense intended to commit, if:
 - 1) there was a circumstance that the subject of a criminal offense unreasonably did not consider to be an attribute of an element of a criminal offense; or
 - 2) there was no circumstance the subject of a criminal offense unreasonably considered to be an attribute of an element of a criminal offense.
3. A mistake of fact in connection with a circumstance that excludes the unlawfulness of an act shall be determined in accordance with the rules set out in Article 2.9.16 of this Code.

Article 2.4.9. Mistake of law

1. A mistake of law shall mean an incorrect understanding by a person:
 - 1) that an act or omission committed by them is a criminal offense punishable by this Code;
 - 2) which article of this Code provides for this act or omission;
 - 3) what criminal sanctions can be imposed under this Code for this act or omission.

2. A person's mistake of law does not influence the recognition of a committed act as a criminal offense, its criminal law qualification and the imposition of criminal sanctions.

3. A person's act shall not be deemed a criminal offense if a person:

1) erroneously believed that their act or omission constituted a criminal offense;

2) had no objective possibility to review the provisions of this Code or any other regulation, based on which an act defined by an article of the Special Part of this Code is classified as a criminal offense due to the violation of the procedure for its promulgation.

Section 2.5. DAMAGE AND ITS TYPES. GRAVITY OF A CRIMINAL OFFENSE.

Article 2.5.1. Definition of the gravity of a criminal offense

1. The gravity of a criminal offense shall be determined based on the type and scale of damage caused and the form of guilt.

2. A criminal offense by which minor harm has been caused intentionally, or considerable harm has been caused as a result of negligence shall constitute a minor offense.

3. A criminal offense by which substantial, considerable, severe, especially severe, or extremely severe harm has been caused intentionally, or severe or especially severe harm has been caused as a result of negligence shall constitute a crime.

4. An illegal act that caused negligible damage shall not constitute a criminal offense.

Article 2.5.2. Substantial damage

1. The types of substantial damage shall be the following:

1) substantial pecuniary damage (paragraph 1 of part 1 of Article 1.1.3 of this Code);

2) any other damage that has not been identified as substantial, considerable, severe, especially severe, or extremely severe harm by this Code.

Article 2.5.3. Significant damage

1. The types of substantial damage shall be the following:

1) significant pecuniary damage (paragraph 2 of part 1 of Article 1.1.3 of this Code);

2) significant health damage (paragraph 1 of part 1 of Article 1.1.4 of this Code);

3) creation of a real danger of causing considerable, severe or especially severe damage if such danger is provided for in an article of the Special Part of this Code as an element of the relevant crime, and if such damage is not defined in this Code as considerable, severe, especially severe, or exceptionally severe damage;

4) other damage if it is not defined in this Code as considerable, severe, especially severe or exceptionally severe damage.

Article 2.5.4. Considerable damage

1. The types of considerable damage shall be the following:

1) considerable pecuniary damage (paragraph 3 of part 1 of Article 1.1.3 of this Code);

2) considerable health damage (paragraph 2 of part 1 of Article 1.1.4 of this Code);

3) damage to security from public calls to cause severe or especially severe damage or from justifying its infliction, or from propaganda of totalitarianism;

4) threats to cause severe or especially severe damage;

5) other harm if it is not defined in this Code as severe, especially severe or exceptionally severe damage.

Article 2.5.5. Severe damage

1. The types of severe damage shall be the following:

1) severe pecuniary damage (paragraph 4 of part 1 of Article 1.1.3 of this Code);

2) severe damage to human health (paragraph 3 of part 1 of Article 1.1.4 of this Code) or the health of a fetus;

- 3) damage to personal freedom, honor and dignity associated with human trafficking hostage taking;
- 4) damage to sexual freedom or sexual inviolability of a person related to sexual penetration without the voluntary consent of the victim;
- 5) damage to public health caused by a massive infectious or non-infectious disease of people;
- 6) long-term or large-scale damage to the environment;
- 7) real danger of causing long-term or large-scale damage to the environment;
- 8) damage to finances caused by counterfeiting money;
- 9) damage to security from the activities of organized criminal groups;
- 10) damage to security from terrorism;
- 11) damage to the national security of Ukraine, save for damage from collaboration and occupation activities;
- 12) damage to the order of military service in the conditions of armed conflict;
- 13) damage to the international order due to propaganda of the crime of genocide or act of aggression;
- 14) damage to international security.

Article 2.5.6. Especially severe damage

1. The types of especially severe damage shall be the following:

- 1) the death of a person;
- 2) the death of a human fetus starting from the twenty-second week of pregnancy term.

Article 2.5.7. Exceptionally severe damage

1. Exceptionally severe damage shall mean the harm caused to international law and order by the following crimes:

- 1) genocide;
- 2) aggression;
- 3) crimes against humanity or war crimes of murder.

Article 2.5.8. Negligible damage

1. Negligible damage is damage, although formally provided for in this Code, but so insignificant that the imposition of any criminal sanction for causing it would be disproportional.

2. Negligible damage may not be:

- 1) pecuniary damage that corresponds to the elements defined by paragraphs 2 50 4 of part 1 of Article 1.1.3 of this Code;
- 2) damage to health that meets the criteria defined in Article 1.1.4 of this Code.

Article 2.5.9. Gravity degrees of a crime

1. The gravity degree of a crime shall be established taking into consideration:

- 1) type of harm caused to the object of a criminal offense (Articles 2.5.3–2.5.7 of this Code);
- and
- 2) attributes of the elements of a crime that change the degree of its gravity (Article 2.5.10 of this Code).

2. The degree of gravity of a crime set out in an article contained in the Special Part of this Code that does not take into account the attributes of the elements of a crime that change the degree of its gravity shall be the basic degree.

3. Intentional crimes shall have nine gravity degrees, of which degrees 1, 3, 5, 7 and 9 shall be basic degrees of gravity, and crimes of negligence shall have five degrees of gravity, of which degrees 3 and 5 shall be the basic degrees of gravity. A crime may be defined as the crime of degrees 2, 4, 6, and 8 provided there are attributes that change its gravity degree (Article 2.5.10 of this Code) as compared to a basic gravity degree.

4. The following basic gravity degrees of intentional crimes correspond to the following types of damage caused:

- 1) substantial damage corresponds to the first degree of gravity;
- 2) considerable damage corresponds to the third degree of gravity;
- 3) severe damage corresponds to the fifth degree of gravity;
- 4) especially severe damage corresponds to the seventh degree of gravity; and
- 5) exceptionally severe damage corresponds to the ninth degree of gravity.

5. The following basic gravity degrees of crimes of negligence correspond to the following types of damage caused:

- 1) severe damage corresponds to the third degree of gravity; and
- 2) especially severe damage corresponds to the fifth degree of gravity.

6. Crimes are divided into:

- 1) minor crimes – crimes of the first to fourth gravity degrees;
- 2) grave crimes – crimes of the fifth – sixth gravity degrees;
- 3) especially grave crimes – crimes of the seventh to ninth gravity degrees.

7. When a crime is classified, the degree of gravity of the committed crime shall be established in accordance with Articles 2.5.11 and 2.5.12 of this Code in the case that attributes of the elements of the crime that impact the degree of its gravity are present.

Article 2.5.10. A definition and types of attributes of the elements of a crime that impact the degree of its gravity

1. An attribute of the elements of a crime that impacts the degree of its gravity shall mean the attribute that changes the degree of gravity as compared to the basic gravity degree and defined by the articles contained in this Code as an attribute that:

- 1) reduces the degree of gravity of a completed crime (under Article of the Special Part of this Code setting out attributes of the elements of a crime that reduce the degree of its gravity);
- 2) increases the degrees of gravity of a crime (relevant articles of the Special part of this Code setting out the attributes of the elements of a crime that increase the degree of its gravity);
- 3) reduces the degree of gravity of preparatory crime or criminal intent (part 2 of Article 2.6.2, part 3 of Article 2.6.2 of this Code).

Article 2.5.11. General rules for establishing the gravity degree of a committed crime

1. Attributes of the elements of a crime that change the degrees of its gravity set out in the applicable articles of the Special Part of this Code shall be taken into account in accordance with Article 2.5.12 of this Code.

2. If an article contained in the Special Part provides for an attribute that changes the gravity degree of a crime as an attribute of basic elements of the crime, such attribute shall not be taken into account for the purposes of establishing the gravity degree of the crime that has been committed.

Article 2.5.12. Algorithm for determining the gravity degree of a crime

1. An algorithm for determining the gravity degree of a crime in the case the crime has attributes that change the degree of its gravity in comparison with the basic gravity degree shall be the following:

- 1) the gravity degree of the crime shall be reduced by three degrees if a crime has been committed in the presence of one or more attributes of the elements of a crime that reduce the gravity of the crime by three degrees and regardless of the presence of the attributes of the elements of the completed crime reducing the gravity of the crime by two degrees or increasing its gravity;
- 2) in the case no grounds for reducing the gravity degree of the crime by three degrees have been established, the degree of its gravity shall be reduced by two degrees if the crime has been committed in the presence of one or more attributes of the elements of a crime reducing the gravity of the crime by two degrees, and regardless of the presence of the attributes of the elements of the completed crime increasing the gravity degree of the crime;
- 3) in the case no grounds for reducing the gravity degree of the crime by two or three degrees have been established, the degree of its gravity shall be increased by two degrees if the crime has been committed in the presence of one or more attributes of the elements of a crime increasing the gravity of the crime by two degrees, and regardless of the presence of the attributes of the elements of crime increasing the gravity degree of the crime by one degree;

4) in the case no grounds for reducing the gravity degree of the crime by two or three degrees or grounds for increasing the gravity degree of the crime by two degrees have been established, the degree of its gravity shall be increased by one degree if the crime has been committed in the presence of one or more attributes of the elements of a crime increasing the gravity of the crime by one degree;

5) in the case of an inchoate crime, the degree of gravity of the crime shall be reduced by three degrees in accordance with part 2 of Article 2.6.2 or by one or two degrees under part 3 of Article 2.6.3 of this Code.

2. If no grounds for reducing or increasing the gravity degree of a crime that was committed have been established, a court may not change the basic degree of its gravity.

Section 2.6. INCHOATE CRIME

Article 2.6.1. Definition and types of an inchoate crime

1. A crime shall be deemed inchoate if it does not have all attributes of an object or a physical element of a completed crime set out in part 1 and part 2 of Article 2.1.3 of this Code.

2. A preparatory crime and attempted crime shall be the types of an inchoate crime.

3. The elements of an inchoate crime shall be established based on the attributes of the elements of a relevant completed crime and attributes set out in Articles 2.6.2 and 2.6.3 of this Code.

4. Criminal sanctions shall be imposed on the subject of the crime who has committed a preparatory crime or attempted crime but has not completed the crime due to reasons they could not control.

5. The following shall not constitute a criminal offense:

1) preparation to commit a crime of gravity degrees 1–4 (other than preparatory crimes punishable by law in accordance with an international treaty);

2) an attempt to commit a crime of gravity degrees 1–2 (other than attempted crimes punishable under an international treaty to which Ukraine is a party, or an act of the European Union).

6. Preparation to a minor offense and an attempt to commit a minor offense shall not constitute a criminal offense either.

Article 2.6.2. Preparatory crime

1. Preparatory crime shall mean an act or omission committed by a subject who:

1) developed a crime plan;

2) created, found, or adjusted criminal instruments (means);

3) entered into a conspiracy to commit a crime, including in cases where the accomplice failed to perform the actions stipulated by the conspiracy or voluntarily refused to participate in the crime before the physical element was fulfilled;

4) removed barriers to the commission of a crime;

5) created conditions required to commit a crime; or

6) created conditions for concealing a crime or for avoiding criminal liability for its commission.

2. Preparation for a crime of the gravity degrees 5–9 reduces its gravity by three degrees.

Article 2.6.3. Attempted crime

1. Attempted crime shall mean an act or omission committed by a subject who partially committed a physical element of a completed crime.

2. An attempted crime shall be deemed:

1) completed if an actor completed all the actions (in case of omission – refrained from committing all the actions) that were considered by them necessary to complete the commission of the crime, but the desired consequences have not occurred due to reasons they could not control;

2) incomplete if an actor has not completed all the actions that were considered by them necessary to complete the commission of the crime.

3. The gravity degree of an attempted crime to commit a crime of gravity degrees 3–8 shall be reduced:

- 1) by one degree in the case of a completed attempt; and
- 2) by two degrees in the case of an incomplete attempt.

Article 2.6.4. Voluntary abandonment

1. Voluntary abandonment of a crime shall mean an act or omission of its subject who, by their own will:

- 1) finally ceased creating conditions for the commission of a crime;
- 2) finally ceased an act or omission aimed at committing a completed crime; or
- 3) prevented the consequences of the act or omission,

if they were aware of the possibility of completion of the crime.

2. The subject of a criminal offense shall be subject to criminal liability only if the act or omission committed by them prior to the voluntary abandonment corresponded to the elements of another criminal offense.

Article 2.6.5. Voluntary abandonment in the case of complicity and entrapment

1. In the case an actor voluntarily abandons the completion of a crime, an act or omission of another accomplice shall be classified as a preparatory crime or criminal intent to commit the crime that has been voluntarily abandoned by the actor.

2. Voluntary abandonment of a crime by an original organizer, instigator, or abettor is constituted by their actions that averted the commission of a crime or timely notification of a government authority about the ongoing preparations for the crime or its commission.

3. In addition to actions set out in part 2 of this Article, an abettor is deemed to have voluntarily abandoned a crime if they did not provide a criminal instrument (means) or did not remove the obstacles to the commission of the crime.

4. An organizer, instigator, or abettor of a crime shall be subject to criminal liability only if the act or omission committed by them prior to voluntary abandonment corresponded to the elements of another criminal offense.

5. In the case of voluntary abandonment of a crime by either of accomplices, acts or omission of a principal who, as a result, failed to complete the crime, shall be classified as a preparatory crime or attempted crime.

6. Voluntary abandonment of a crime by an instigator shall be constituted by the actions performed by them to avert the commission of the crime by the person who was enticed to commit the crime.

Section 2.7.

COMPLICITY IN A CRIMINAL OFFENSE

Article 2.7.1. The definition of complicity in a criminal offense

1. Complicity in a criminal offense shall mean the joint commission of a criminal offense by two or more subjects of the crime by a conspiracy among them reached verbally, in writing, or by way of actions implied by conduct before such criminal offense is completed.

2. The elements of a criminal offense committed in complicity shall be established based on the elements of a criminal offense committed by the actor and taking into account the attributes set out in parts 2–5 of Article 2.7.2 of this Code.

Article 2.7.2. Accomplices to a criminal offense

1. The accomplices shall be the actor, organizer, instigator, and abettor.

2. An actor is a person who has fully or partially fulfilled the physical element of a criminal offense.

3. An organizer is a person who:

- 1) directed the preparation for or commission of a criminal offense;
- 2) created a simple or organized criminal group that committed a criminal offense;
- 3) led such a group; or
- 4) coordinated the activities of two or more organized criminal groups.

4. An instigator is a person who enticed another accomplice to commit a criminal offense, in particular by giving a criminal order or instruction.

5. An abettor is a person who facilitated the commission of a criminal offense by another accomplice:

- 1) by providing advice, instruction, or supplying information;
- 2) by acting as an intermediary;
- 3) by providing a criminal instrument (means);
- 4) by removing the obstacles to the commission of the criminal offense; or
- 5) by promising in advance to cover up a criminal offense, conceal other accomplices, hide criminal instruments (means), traces of crime, or things obtained as a result of the criminal offense, or purchase, sell, relocate, keep, possess, or use such things.

Article 2.7.3. Complicity in a criminal offense the subject of which has special attributes

1. If a criminal offense where the subject has special attributes is committed in complicity, only a person who has the attributes of such special subject may be charged as an actor of such criminal offense.

2. A person who committed in complicity with a special subject an act stipulated by an article of the Special part of this Code while not having the attributes of the special subject shall be recognized as an abettor.

3. Any subject of a criminal offense may be charged as an organizer, instigator, or abettor of a criminal offense the subject of which has special attributes.

Article 2.7.4. Entrapment

1. Entrapment, i.e., instigating a person to commit a crime or minor offense in order to expose them to law enforcement authorities.

2. A person who provoked the commission of a criminal offense shall be criminally liable for instigation to commit it.

3. A person committing a criminal offense as a result of an entrapment does not preclude the use of criminal sanctions against them.

4. If a prosecutor or a law enforcement officer discovers that a person has pre-existing intent to commit a crime and gives them the opportunity to commit it under the control of a prosecutor or a law enforcement authority exercised in accordance with the law, such actions shall not be deemed entrapment.

Article 2.7.5. Forms of complicity

1. The forms of complicity to commit a criminal offense include its commission by:

- 1) a simple group;
- 2) an organized criminal group;

2. A simple group is a group consisting of two or more accomplices, who have reached an agreement to jointly commit a criminal offense before its completion.

3. An organized criminal group is a group that:

- 1) consists of five or more adult accomplices;
- 2) was created for the joint commission of crimes of basic degrees 3, 5, 7 or 9 of gravity;
- 3) has a division of functions between accomplices; and
- 4) is stable, i.e., capable of counteracting factors that threaten the existence of such a group.

4. A terrorist group is a group created for committing a crime (crimes) provided for in Articles 7.2.4.–7.2.8 of this Code. A terrorist group shall be deemed:

- 1) unstructured, which has the attributes of a simple group, defined by part 2 of this article;
- 2) structured, which has the attributes of an organized criminal group defined in part 3 of this article.

Article 2.7.6. Criminal liability for a crime committed by a member of an organized criminal group

1. An organizer of an organized criminal group shall be held criminally liable for each crime committed by members of such group or another person tasked by them provided that the objective of the organized group concerned included the commission of that crime.

2. A person who has committed a crime as a member of an organized criminal group shall be criminally liable for this crime, as well as for the crime stipulated, respectively, by Article 7.1.4 or Article 7.2.6 of this Code.

Article 2.7.7. Excessive act of an accomplice

1. The excessive act of an accomplice shall mean the commission of a crime that has not been covered by the conspiracy among accomplices.

2. An accomplice shall not be held criminally liable for the excessive act of another accomplice.

3. If a crime has been committed by a member of an organized criminal group that was covered by the objective of such group, it shall not constitute an excessive act of an accomplice.

Article 2.7.9. Negligent joint infliction of a consequence

1. Negligent joint infliction of a consequence, i.e., the commission of interrelated acts that due to negligence inflicted a consequence covered by this Code by the two or more subjects of a criminal offense, shall not constitute complicity.

2. In the case of negligent joint infliction of a consequence, each subject of a criminal offense shall be held criminally liable individually under an article of the Special Part of this Code that sets out such consequence.

Section 2.8. CUMULATIVE CRIMES

Article 2.8.1. The definition and types of cumulative crimes

1. A cumulative crime shall mean that a person has committed two or more minor offences or two or more crimes:

1) for each of which such person was not convicted; and

2) for each of which the person is subject to the imposition of criminal sanctions.

2. The creation of a real threat of causing harm that led to the infliction of such harm shall not be deemed the cumulative crimes stipulated by this Code.

2. The types of cumulative crimes shall be:

1) cumulation of minor offenses;

2) cumulation of crimes.

3. If a person commits a minor offense and a crime, it shall not constitute a cumulative crime.

Article 2.8.2. Criminal law consequences of cumulative crimes

1. In the case of cumulative crimes, the rules of qualification (Article 2.10.4 of this Code) and rules of sentencing (Articles 3.3.6 and 3.3.7 of this Code) provided for by this Code shall be applied.

Section 2.9. JUSTIFYING CIRCUMSTANCES

Article 2.9.1. The definition and types of justifying circumstances

1. A justifying circumstance shall mean an act or omission that:

1) causes harm;

2) is legitimate, i.e., is carried out by a person who exercises their subjective right, fulfills their legal duty, or discharges their governmental powers based on the requirements set forth by the Constitution of Ukraine, international treaty, this Section or another law of Ukraine.

2. Damage in this Section is defined as damage to the rights or legally protected interests of a person, society, state, or interests of the international community as defined in Articles 2.5.2–2.5.7 of this Code.

3. In this Section, an unlawful encroachment is an act or omission that causes damage.

4. The provisions of Articles 2.9.2–2.9.6, 2.9.8 of this Code shall not apply to persons for whom the act or omission provided for in these Articles is the performance of official duties or professional duties.

Article 2.9.2. Legitimate defense

1. Each person shall have the right to legitimate defense by causing damage to the person committing the unlawful encroachment regardless whether or not it is possible for a person to avoid a wrongful act and seek help from other persons, governmental authority, or local self-government authority to prevent or terminate such wrongful act.

2. The grounds for causing damage are an unlawful encroachment or an immediate threat of such an encroachment.

3. It is not legitimate to protect a person from an unlawful encroachment provoked by them.

4. Defense shall be deemed legitimate if harm is caused:

- 1) to a person who commits an unlawful encroachment;
- 2) during the commission of unlawful encroachment or when the threat of such encroachment is imminent;
- 3) to counteract or avert unlawful encroachment; and
- 4) to the degree that is proportionate to the danger of such encroachment and the circumstances of the defense.

5. A person who has exceeded the limits of legitimate defense, i.e., with direct intent has caused death or serious harm to health to the person who committed the unlawful encroachment, which is clearly inconsistent with the danger of the encroachment or the situation of defense, shall be subject to criminal liability only in cases provided for in Articles 4.1.5 and 4.2.6 of this Code.

6. Causing any harm shall not be considered exceeding the limits of legitimate defense in cases where the person:

- 1) commits encroachments with the use of weapon;
- 2) commits encroachment on the person's life using dangerous or other object;
- 3) commits encroachment jointly with another person;
- 4) illegally intrudes into a dwelling or another property;
- 5) commits rape.

Article 2.9.3. Defense of Ukraine against military aggression

1. Each person shall have the right to defend Ukraine against military aggression by using any means.

2. Military aggression against Ukraine shall constitute a ground for inflicting harm.

3. The infliction of any damage on the aggressor state, its military unit, combatant mercenary, representative of an occupation administration, or irregular illegal armed unit established by the aggressor state shall be deemed legitimate.

4. Defense of Ukraine against military aggression shall not be carried out by committing a crime against humanity, a crime of genocide, or a war crime.

Article 2.9.4. Use of autonomous defensive means

1. Every person has the right to use autonomous defensive means to protect their home and other possessions.

2. Autonomous defensive means shall mean an animal, device, or another means intended to inflict damage to a person without the involvement of a person who used such means.

3. The basis for inflicting damage is an unlawful intrusion into a dwelling or other possession if:

- 1) the defensive means creates a danger of causing damage only to the person who carries out such an intrusion;
- 2) the defense means does not knowingly create a danger of causing death or serious harm to the person who carries out the unlawful intrusion; and
- 3) before using the defensive means, the person has taken measures to warn unauthorized persons of its presence.

4. It is lawful to inflict damage to a person who has committed an unlawful intrusion into a dwelling or other property using a defensive means if the damage caused has not exceeded the limits of the use of such a defensive means.

5. A person who exceeded the limits of using a defensive means, i.e., used it in such a way that it caused death or serious harm to the health of the person who unlawfully invaded a dwelling or other property, shall be subject to criminal liability only in cases provided for in Articles 4.1.5 and 4.2.6 of this Code.

6. It shall not be an excess of the limits of using defensive means to cause serious harm to the health of the person who unlawfully invaded a dwelling or other property if, to stop such invasion, a defensive means intended to prevent unauthorized persons from entering a dwelling or other property was previously activated, or which caused insignificant, substantial or significant harm to human health, but using such defensive means did not stop the person who unlawfully invaded from further penetration into the dwelling or other property.

Article 2.9.5. Apprehension of a person who committed a clearly unlawful encroachment

1. Every person shall have the right to apprehend another person who has committed a clearly unlawful encroachment provided for by this Code if it is necessary to immediately bring this person to a law-enforcement body or another state or local government body.

2. The grounds for infliction of harm at the time of such person's apprehension are the following:

- 1) their attempt to avoid apprehension; and
- 2) lack of the possibility to apprehend a person without causing harm to them.

3. Forced infliction of harm to a person who has been apprehended shall be lawful if the limits of harm necessary for their apprehension have not been exceeded.

4. A person who has exceeded the limits of harm necessary for the apprehension of a person who committed clearly unlawful encroachment, i.e., caused such person death or serious harm to health with direct intent, which is clearly not consistent with the danger of encroachment or the situation of apprehension, shall be subject to criminal liability only in cases provided for in Articles 4.1.5 and 4.2.6 of this Code.

5. It shall not be an excess of the limits set forth in part 4 of this Article to cause death or severe harm to the health of the person who committed a grave or especially grave crime and exerted armed resistance during their apprehension.

Article 2.9.6. Extreme necessity

1. Every person has the right to inflict harm in a state of extreme necessity.

2. The grounds for causing damage in a state of extreme necessity are:

- 1) the existence of danger that threatens to cause immediate harm; and
- 2) the impossibility of eliminating this danger in the current situation, otherwise than by causing damage.

3. The deliberate creation of danger by a person in order to eliminate it by causing harm is not a ground for causing harm in a state of extreme necessity.

4. Causing damage in a state of extreme necessity is lawful if the person caused such damage in order to eliminate the danger and did not exceed the limits of extreme necessity.

5. A person who has exceeded the limits of extreme necessity, i.e., intentionally caused damage equivalent to or more significant than the damage caused by the danger, shall be subject to criminal liability only in cases provided for in Articles 4.1.5 and 4.2.6 of this Code.

Article 2.9.7. Justified risk

1. It is lawful for a person to cause harm in the performance of their professional duties or in the exercise of their authority if they have committed a justified act involving risk.

2. The grounds for committing a justified act involving risk are:

- 1) urgent need to ensure a significant socially useful result;
- 2) inability to ensure such a result in the current situation by an act or omission that does not involve a risk;

3) the person has taken all measures available to them to prevent possible harm in the current situation.

3. An act involving risk is not deemed justified if it posed a threat to the life or health of another person or a threat of causing long-term and large-scale harm to the environment or mass disease.

4. A person who caused harm by their unjustified act involving risk shall be criminally liable based on general grounds in cases provided for by this Code.

Article 2.9.8. Infliction of harm with the consent of another person

1. Every person has the right, with the lawful consent of another person, to cause harm to his or her rights or interests.

2. A person's consent is lawful if:

- 1) the harm is caused to the rights or interests that this person is authorized to dispose of;
- 2) this consent is voluntary; and
- 3) obtained in advance in accordance with the requirements of the law.

3. A person who is authorized to dispose of the relevant rights and interests is a legally capable person or a legal representative of an incapacitated or partially incapacitated person.

4. It is lawful to cause harm to a person within the limits of the consent given by them under the law.

5. Causing the death of a person with their consent or at their request shall not be recognized as lawful.

Article 2.9.9. The infliction of harm during sports activities

1. It is lawful to cause harm to human life or health during a sports competition or training if:

- 1) the respective sport is recognized in Ukraine in accordance with the established procedure;
- 2) the rules of the sport provide for the possibility of inflicting harm to an opponent during the competition;
- 3) the harm was caused to the adversary in compliance with the rules of a given sport; and
- 3) the person who is being harmed has voluntarily and in advance agreed to participate in the sport.

2. A person who has caused death or damage to human health during a sports competition or training in violation of the terms specified in part 1 of this Article shall be subject to criminal liability on the general grounds provided for by this Code.

Article 2.9.10. The performance of professional duties and discharge of official authority

1. The infliction of harm by a person shall be deemed lawful if inflicted during:

- 1) the proper discharge by a person of their professional duties defined by law or another legislative act adopted in the furtherance of the law;
- 2) a person's proper discharge of official authority stipulated by law or another legislative act adopted in the furtherance of the law;
- 3) the performance of an overt or covert investigative (detective) action, operational, investigative, counterintelligence or anti-terrorist measure, or use of physical force, special means or weapons prescribed by law.

Article 2.9.11. Conflict of duties

1. It is lawful to cause damage in the performance of a legal duty if a person:

- 1) had to simultaneously fulfill two or more legal duties;
- 2) was not able to simultaneously fulfill all duties;
- 3) fulfilled one legal duty and failed to fulfill or improperly fulfilled another legal duty, resulting in damage;
- 4) the damage caused is equivalent or less significant compared to the damage that could have occurred if the person had fulfilled the other legal duty.

Article 2.9.12. Official immunity

1. It is lawful to cause harm necessary to repel armed aggression against Ukraine or liquidation (neutralization) of an armed conflict as a result of an act or omission of a public official authorized to perform the functions of the state or local government under conditions of martial law, armed aggression, or liquidation (neutralization) of an armed conflict, if:

- 1) a significant socially beneficial result in the prevailing circumstances could not have been achieved without inflicting harm; and
- 2) the harm caused corresponded to the expected result and the circumstances of the person's action or inaction.

2. A person who inflicted damage that was clearly disproportionate to the expected result or circumstances of the act or omission shall be subject to criminal liability on the general grounds stipulated by this Code.

3. Provisions set forth by part 1 of this Article shall not apply in the case of a crime against humanity, a crime of genocide or a war crime.

Article 2.9.13. Combatant immunity

1. It is lawful to cause harm as a result of an act of a combatant¹ who, on the basis of the information received, made a decision to carry out a military operation (combat actions) or carried out such an operation (combat actions) necessary to repel armed aggression against Ukraine or to liquidate (neutralize) an armed conflict:

- 1) in the conditions of martial law, armed aggression, liquidation (neutralization) of an armed conflict;
- 2) in accordance with their powers.

2. Provisions set forth by part 1 of this Article shall not apply in the case of a crime against humanity, a crime of genocide or a war crime.

Article 2.9.14. Execution of an order or command

1. The forced infliction of harm during the proper execution of a legitimate order or command shall be deemed lawful.

2. An order or command shall be deemed lawful if given by an authorized person in accordance with applicable rules and regulations and within the scope of that person's terms of reference.

3. No criminal liability shall be imposed on a person who refused to execute an apparently criminal order or command.

4. An apparently criminal order or command to perform:

- 1) a crime of genocide, or a crime against humanity, or a war crime;
- 2) an act or omission which is envisaged by this Code as a criminal offense.

5. A person who has executed an apparently criminal order or command shall be liable for the damage caused in the course of its execution in accordance with this Code.

6. If the person who executed the order or command did not understand and could not understand its criminal nature, only the person who gave such order or command shall be criminally liable for the damage caused by the execution of such order or command.

Article 2.9.15. Performance of a special operation to uncover criminal activities of an organized criminal group or a terrorist group

1. The forced infliction of harm shall be deemed lawful if inflicted by a person who, while participating in an organized criminal group or a terrorist organization:

- 1) performed a special operation under the law; or
- 2) confidentially cooperated with a law-enforcement authority.

2. The person referred to in part 1 of this Article shall be held criminally liable only for committing a crime of the basic gravity degree 7 during the performance of a special operation.

¹ Not only a service person but any combatant. Harmonized with Article 43 of the Additional Protocol to Geneva Conventions following the recommendation of the EUM experts.

Article 2.9.16. A factual error in connection with justifying circumstances

1. A factual error in connection with justifying circumstances exists if:
 - 1) there was no ground for the legitimate infliction of harm but
 - 2) a person has incorrectly assessed the existing situation; and
 - 3) the person assumed that there were grounds for inflicting harm.
2. A factual error in connection with circumstances for inflicting harm shall be justifying if:
 - 1) the existing situation gave the person sufficient reasons to believe that there indeed was a real ground for inflicting harm; and
 - 2) the person did not and could not realize that their assumption was erroneous.
3. In the case of an excusable error, it shall be deemed that the grounds for inflicting harm was present, and relevant provisions of Articles 2.9.1–2.9.15 of this Code shall apply accordingly.
4. A factual error in connection with the presence of grounds for inflicting harm shall be deemed inexcusable in the case that:
 - 1) the existing situation did not give the person sufficient reasons to assume that there indeed were real grounds for inflicting harm; and
 - 2) although the person did not realize the erroneous nature of their assumption, they should and could realize it.
5. In the case there was an inexcusable error in connection with the presence of grounds for inflicting harm, the person shall be held criminally liable for a negligent criminal offense.

Section 2.10.

CLASSIFICATION OF CRIMINAL OFFENSES

Article 2.10.1. Definition of classification of criminal offenses

1. Classification of criminal offenses (the classification) shall mean determining an article (its part, paragraph) of this Code that provides for an act committed and defines it as a criminal offense (including articles that provide for features that change the gravity of the crime, the existence of a preparatory crime or attempted crime, the type of accomplice and the form of complicity) or as an act that is not a criminal offense.
2. Each criminal offense or an act that does not constitute a criminal offense shall be classified separately.

Article 2.10.2. Classification formula

1. A classification formula of each criminal offense shall include a sequential reference to the following:
 - 1) an article of the Special Part of this Code setting out a criminal offense that has been committed, and should it have several paragraphs – a relevant paragraph(s);
 - 2) in brackets – article of this Code that recognizes a preparatory crime or an attempted crime (Article 2.10.7) or the type of accomplice of a criminal offense committed as part of a simple group or an organized criminal group (Article 2.10.9), if any;
 - 3) after a dash – paragraph, part of the article of this Code setting out the elements of a crime that change the degree of gravity of the committed crime in the following sequence: elements that reduce the degree of gravity of the crime by three or two degrees; elements that increase the gravity of the crime by two or one degrees, if any.
2. This Code shall be referenced once at the end of the classification formula with the words “of the Criminal Code of Ukraine”.
3. If, after the commission of a criminal offense, articles that are referenced in the classification formula have changed, then the date when the applicable law was adopted shall be specified.
4. In the classification formula, an act that is not a criminal offense, an article (its part, paragraph) of the Special part of this Code defining this act as not being a criminal offense shall be specified.

Article 2.10.3. Reasoning for the results of classification of a criminal offense

1. The reasoning for the results of classification of a criminal offense means proof that the circumstances of a criminal offense that has been committed correspond to the elements of a criminal offense set out in an article of the Special Part of this Code, taking into account the following (if any):

- 1) the attributes of the elements of a crime that increase the degree of gravity of a crime;
- 2) circumstances demonstrating that there was a preparatory crime or attempted crime; and
- 3) circumstances indicating complicity in the commission of a criminal offense.

2. Justification of the results of qualification of an act that is not a criminal offense shall consist in proving that the article of the Special part of this Code formally envisage the elements of the committed act but:

- 1) at least one attribute of the elements of a criminal offense is missing;
- 2) a justifying circumstance is present.

3. If the content of the elements of a criminal offense or an act that is not a criminal offense is established taking into account another source of law, the full name of this source of law shall be indicated in the qualification justification.

Article 2.10.4. Classification of cumulative crimes

1. Each of the committed criminal offenses that have been cumulated shall be classified separately.

2. Criminal offenses committed by one or several acts or omissions that inflicted harm on one or more victims shall be classified separately in connection with each victim taking into account the harm inflicted on each of them, other than in the case of intended crime in cases set out in paragraph 2 of Article 4.1.3, articles 11.11, 11.12.1, 11.4.1 of this Code.

3. In the case envisaged by part 2 of Article 2.8.1 of this Code, the committed act shall be classified only under an article stipulating the infliction of harm.

Article 2.10.5. Classification of a criminal offense in case of competition of articles providing for a whole set of elements of a criminal offense and its part

1. If a criminal offense is provided by two articles of this Code, where one article contains all the elements of the criminal offense, and another article defines only some of the elements of the criminal offense, it shall be classified based on the article that contains all elements of the criminal offense.

Article 2.10.6. Classification of a criminal offense in the case of competition between articles that identify the special set and general set of elements of the criminal offense

1. The elements of a criminal offense are special in the case they include:

- 1) at least one element that is supplemental to the elements constituting the general set of the elements of a criminal offense; or
- 2) an element the scope of which is narrower in comparison to the relevant element included in the general set of the elements of a criminal offense.

2. In the case competition between the articles of this Code that identify the special set and the general set of the elements of a criminal offense occurs during the classification of a committed criminal offense, the article that sets out the special set of the elements of a criminal offense shall apply.

Article 2.10.7. Classification of an inchoate crime

1. A preparatory crime shall be classified by reference to:

- 1) an article (its paragraph) of the Special Part of this Code setting out the relevant completed crime;
- 2) part 1 of Article 2.6.2 of this Code;
- 3) an applicable article (its part, paragraph) of the Special Part of this Code setting out the elements of a crime that change the degree of gravity of the crime, if any.

2. In the case a preparatory crime constitutes another criminal offense punishable under a separate article of the Special Part of this Code, the act shall be classified by reference to articles covering a preparatory crime and the commission of the relevant completed criminal offense.

3. An attempted crime shall be classified by reference to:

- 1) an article (its paragraph) of the Special Part of this Code setting out the relevant completed crime;

- 2) articles referred to in paragraph 2 of part 2 of Article 2.10.2 of this Code; and
- 3) paragraph 1 or 2 of part 2 of Article 2.6.3 of this Code.

Article 2.10.8. Classification of voluntary abandonment

1. Voluntary abandonment shall be classified by reference to:

- 1) an article (its paragraph) of the Special part of this Code that envisaged a relevant completed crime;
- 2) articles set out in paragraph 2 of part 2 of Article 2.10.2 of this Code; and
- 3) Articles 2.6.4 or 2.6.5 of this Code, which provides for voluntary abandonment in the case of a completed crime.

2. The reasoning for the classification of voluntary abandonment includes the comparison of the factual circumstances of a preparatory crime or an attempted crime and the elements of voluntary abandonment defined by Article 2.6.4 or Article 2.6.5 of this Code.

Article 2.10.9. Classification of a criminal offense committed through complicity

1. A criminal offense committed through complicity shall be classified separately in respect of each accomplice by reference to:

- 1) articles referred to in paragraph 2 of part 1 of Article 2.10.2 of this Code;
- 2) part 1 of Article 2.6.2, or paragraphs 1 or 2 of part 2 of Article 2.6.3 of this Code, in the case there are indications of a preparatory crime or attempted crime to commit a criminal offense through complicity; and
- 3) parts 2–5 of Article 2.7.2 of this Code that identifies the type of an accomplice.

2. If the perpetrator commits an inchoate crime, other accomplices shall be criminally liable for complicity in the inchoate crime.

3. A criminal offense committed by an accomplice who is a member of a simple or organized group and performs simultaneously several roles, shall be classified based on the article of the Special Part of this Code that defines a criminal offense committed by a principal, with reference to each of parts of Article 2.7.2 of this Code, which defines the relevant type of an accomplice.

5. A crime committed by or at the request of an organized criminal group or terrorist group shall be classified by reference to the article of the Special Part that defines such crime, and Article 7.1.4 or Article 7.2.6 of this Code.

Article 2.10.10. Change of classification

1. A change of classification shall mean the working out of a new classification formula that is different from a previous one.

2. A change of classification may result in the improvement of the legal status of a person whose act is classified and in the deterioration of that status in the cases set out in paragraphs 4 and 5 of part 3 of this Article.

3. The grounds for a change of classification shall be the following:

- 1) changes in this Code or any other laws, in particular, following a decision adopted by the Constitutional Court of Ukraine concerning the unconstitutionality of such provision;
- 2) ratification of an international treaty by the Verkhovna Rada of Ukraine;
- 3) entry into force of the final judgment of the European Court of Human Rights in the case against Ukraine;
- 4) discovery of the new factual circumstances of an act that has been committed;
- 5) discovery of an error in the application of this Code as a result of a mistake made or abuse of power by an investigator, detective, prosecutor, or judge in the course of criminal proceedings, – that has affected the determination of the elements of a criminal offense or a classification formula.

4. Incorrect application of this Code that has resulted in the change of classification shall mean the following:

- 1) failure to apply its provision, which is subject to application; or
- 2) application of its provision that is not subject to application.

Book Three.
ABOUT CRIMINAL
SANCTIONS AND THEIR APPLICATION

Section 3.1.
GENERAL PROVISIONS
ON CRIMINAL SANCTIONS

Article 3.1.1. Definition and objective of a criminal sanction

1. A criminal sanction shall mean the restriction of a person's rights or imposition of duties provided for by this Code that are applied by a court in the case the person has committed a criminal offense or another unlawful act punishable under this Code.

2. The objective pursued by the criminal sanction shall be the protection of a person, society, and the state against criminal offenses or other unlawful acts punishable under this Code.

Article 3.1.2. Types of criminal sanctions

1. Types of criminal sanctions shall be the following:

- 1) punishment;
- 2) probation;
- 3) security measures;
- 4) restitution or compensation;
- 5) confiscation of property or forfeiture of a thing;
- 6) criminal record; and
- 7) criminal sanctions applied in connection with a legal entity.

Article 3.1.3. Criminal liability and other criminal sanctions

1. Criminal liability shall mean punishment imposed on a person sentenced for a criminal offense, and criminal record.

2. Other criminal sanctions are also imposed on a person sentenced for a criminal offense:

- 1) probation;
- 2) security measures;
- 3) restitution or compensations;
- 4) confiscation of property or forfeiture of a thing.

3. The following criminal sanctions may be imposed on a natural person who has committed an unlawful act:

- 1) security measures;
- 2) restitution or compensation;
- 3) confiscation of property or forfeiture of a thing.

4. Criminal sanctions set out in part 2 of Article 3.11.1 of this Code shall be imposed on a legal entity on the grounds and under the procedure set out by Section 3.11 of this Code.

Section 3.2.
PUNISHMENT

Article 3.2.1. The concept of punishment

1. Punishment is a criminal sanction imposed on a person based on the court verdict of guilty of a criminal offense in order to achieve the goal of securing a person, society, state and international order from new criminal offenses through punishment.

Article 3.2.2. Types of punishment

1. The main types of the punishment are the following:

- 1) community service;
- 2) fine;
- 3) restriction of freedom;

- 4) fixed-term imprisonment;
 - 5) life imprisonment.
2. A fine may also be imposed as additional punishment alongside restriction of liberty.

Article 3.2.3. Community service

1. Community service consists in performance by a convicted person of unpaid socially useful work.
2. Community service is assigned for:
 - 1) a crime as the main punishment or under the procedure envisaged by Article 3.2.5 of this Code, for a period of 60 to 180 hours;
 - 2) a crime under the procedure envisaged by Article 3.2.5 of this Code, for a period of 180 to 720 hours.
3. Community service is performed by a person who:
 - 1) has a permanent job or studies full-time, for no more than 60 hours per month;
 - 2) belongs to the unemployed population, for no more than 8 hours per day and no more than 120 hours per month.
4. Community service cannot be assigned to:
 - 1) a military service member;
 - 2) a pregnant woman;
 - 3) a person who has a dependent child under the age of three;
 - 4) a person with group I disability;
 - 5) a person who has reached the age of 75.
5. If the circumstance provided for in paragraphs 2–5 of part 4 of this article arose while performing community service, the execution of this punishment shall be suspended.
6. If a person, with a valid reason, has not performed community service within the period established by the court, the court shall extend the term of its performance until this punishment is fully served, except for cases provided for in parts 10 and 11 of Article 3.2.5 of this Code.
7. If a person, without a valid reason, has not performed community service within the period established by the court, the court shall replace the unserved term of this punishment with fixed-term imprisonment at the rate of 1 day of fixed-term imprisonment for every 8 hours of community service, except for the cases provided for in parts 10 and 11 of Article 3.2.5 of this Code.

Article 3.2.4. Fine

1. A fine shall consist in compelling a person who has been sentenced to pay a sum of money determined by a court to the State Crime Victim Compensation Fund.
2. A fine shall be imposed as a principal punishment:
 - 1) for a minor offense – in the amount of 50 to 100 units of account;
 - 2) for crimes of gravity degrees 1–2 – in the amount of 100 to 200 units of account.
3. A fine shall not be imposed as a principal punishment in the case of conviction:
 - 1) of a person who does not have income or property sufficient to pay a fine if its collection will put such person in a state of extreme need, and in the absence of the possibility of its payment in accordance with the procedure provided for in part 6 of this Article;
 - 2) for a criminal offense related to domestic violence if its collection may prevent such a person from fulfilling their financial obligations to the victim.
4. A fine shall be imposed as an additional punishment, except for cases set forth by part 5 of this Article, for:
 - 1) a minor offense – in the amount of 10 to 50 units of account;
 - 2) a crime – in the amount of 50 to 2500 units of account;
 - 3) a corruption criminal offense – three times the value of the bribe or improper advantage or the amount of the caused pecuniary damage.
5. A fine as an additional punishment for an intentional crime committed for a selfish motive, or related to corruption, or which caused significant or serious pecuniary damage, is set in the amount of:
 - 1) for a crime of gravity degree 1 – 50 to 200 units of account;
 - 2) for a crime of gravity degree 2 – 200 to 300 units of account;
 - 3) for a crime of gravity degree 3 – 300 to 400 units of account;

- 4) for a crime of gravity degree 4 – 400 to 500 units of account;
- 5) for a crime of gravity degree 5 – 500 to 750 units of account;
- 6) for a crime of gravity degree 6 – 750 to 1000 units of account;
- 7) for a crime of gravity degree 7 – 1000 to 1500 units of account;
- 8) for a crime of gravity degree 8 – 1500 to 2000 units of account;
- 9) for a crime of gravity degree 9 – 2000 to 2500 units of account.

6. The fine shall be paid within 60 days from the verdict's date of entry into force, except for cases provided for in part 6 of this Article.

7. If paid within 10 days from the date the verdict becomes final, the fine shall be deemed paid in full if it is paid in the amount of 50% of the fine determined by the court.

8. Taking into account the property status of the person, the court may decide in the verdict on:

- 1) deferral of the fine, i.e. its payment in installments determining the minimum amounts of payments and their periodicity (not less than once every 60 days); or
- 2) deferral of payment of the fine for a minor offense for a period of up to 6 months and for a crime for a period of up to 1 year.

9. If a person fails to pay a fine imposed as a principal or additional punishment within the periods set out in parts 5 and 6 of this Article due to a valid reason, a court shall make a decision to allow the payment of the fine by installments or increase the duration of the period for fine payment by installments in the manner stipulated by paragraph 1 of part 6 of this Article:

- 1) for a minor offense – for a period of up to 1 year;
- 2) for a minor crime – for a period of up to 2 years;
- 3) for a grave or especially crime – for a period of up to 5 years.

10. If a person fails to pay a fine imposed as a principal or additional punishments without a valid reason within the terms stipulated by parts 6 and 8 of this Article, a court shall replace the outstanding amount of the fine with fixed-term imprisonment at the rate of one day of imprisonment for three units of account of the unpaid fine, but not more than the maximum term of imprisonment for a crime of the corresponding degree of gravity.

Article 3.2.5. Restriction of liberty

1. Restriction of liberty shall consist in applying to a convicted person:

- 1) supervisory probation measures provided for in part 1 of Article 3.5.1 of this Code;
- 2) one or more socio-educational probation measures provided for in part 2 of Article 3.5.1 of this Code;
- 3) community service;
- 4) electronic monitoring;
- 5) house arrest;
- 6) penitentiary arrest.

2. The court shall apply to a convicted person:

- 1) measures provided for in paragraphs 1 and 2 of part 1 of this Article;
- 2) one or more measures provided for in paragraphs 3–6 of part 1 of this Article.

3. The term of restriction of liberty shall be determined:

- 1) for a minor offense – 6 months to 1 year;
- 2) for a crime – 1 to 5 years, when replacing fixed-term imprisonment with restriction of freedom – for a term of the appointed or unserved fixed-term imprisonment (Articles 3.4.5, 3.4.10 of this Code), and when replacing life imprisonment with restriction of liberty – for 10 years (Article 3.4.12 of this Code).

4. Community service is applied to a convicted person in the manner and for the term provided for in Article 3.2.3. of this Code.

5. Being under electronic monitoring consists in the obligation of a convicted person to use an electronic means of control and supervision for a period of 1 month to 1 year and to reside at the address specified in the court decision.

6. House arrest consists in fulfilling the obligation of a person convicted of committing a criminal offense not to leave the dwelling that is his or her place of residence, 24 hours a day or during a certain time or on weekends and holidays, without the consent of the probation authority, and is imposed for a

period of 3 to 12 months.

7. Penitentiary arrest consists in keeping a person in a penal institution on weekends, holidays, at night (from 10 p.m. to 6 a.m.) or on weekdays and is established for a period of:

- 1) for criminal offenses not related to the use of violence – 1 to 6 months;
- 2) for criminal offenses related to the use of violence – 2 to 12 months.

8. Penitentiary arrest shall not apply to:

- 1) a pregnant woman;
- 2) a woman raising a child under 3 years of age;
- 3) a person raising a minor child on their own (except for a person who committed a crime against or in the presence of the child);
- 4) a person with of group I disabilities.

9. If the circumstance provided for in paragraphs 1–4 of part 8 of this Article arose during the period of a person’s stay under penitentiary arrest, its execution shall be terminated.

10. The socio-educational means of probation assigned to a person, as well as means provided for in paragraphs 3–5 of part 1 of this Article, may be changed or supplemented by the court upon the proposal of the probation body if when serving the restriction of liberty a person:

- 1) committed a minor offense,
- 2) does not fulfill at least one of the obligations assigned to him or her; or
- 3) did not pay restitution or compensation or does not take all measures dependent on him or her to fulfill them.

11. If, after changing or supplementing the means, a person continues to fail to fulfill them, the court, upon the submission of the probation authority, replaces the restriction of liberty with fixed-term imprisonment:

- 1) for 3 months – for a person who has been imposed restriction of liberty for a minor offense;
- 2) for the unserved part of the restriction of liberty – for a person who has been imposed restriction of liberty for a crime of gravity degrees 1–3;
- 3) for the term of the assigned fixed-term imprisonment or its unserved part – for a person for whom the fixed-term imprisonment or its unserved part has been replaced by conditional restriction of liberty;
- 4) for 10 years – for a person for whom life imprisonment has been replaced by restriction of liberty.

12. Restriction of liberty, which is assigned to a member of armed forces by a court decision, consists in applying the following restrictions:

- 1) restriction of the right to be promoted in position;
- 2) restriction of the right to be promoted in military rank;
- 3) non-inclusion of the term of sentence served in the form of restriction of liberty towards years of service.

13. If a person acquires the status of a military service member or loses such status while serving the restriction of liberty, the court shall accordingly replace the restrictions provided for in parts 1 and 12 of this Article.

3.2.6. Fixed-term imprisonment

1. Fixed-term imprisonment consists in holding a convict in a prison setting for a period determined by the court.

2. Fixed-term imprisonment shall be imposed:

- 1) for a minor offense – for a period ranging from 15 days to 3 months
- 2) for a crime, except for cases stipulated by part 3 of this Article, – for a term ranging from 3 months to 20 years.

3. Fixed-term imprisonment shall be imposed for a period ranging from 16 to 30 years for a crime of genocide, crime of aggression, crimes against humanity, and war crimes (Sections 11.1–11.4 of this Code).

4. Fixed-term imprisonment imposed on a member of armed force by a court decision, may be served:

- 1) in a military detention facility when sentenced for a minor offense;
- 2) in a penal battalion when sentenced for a term of up to 2 years.

Article 3.2.7. Life imprisonment

1. Life imprisonment consists in the indefinite stay of the convicted person in prison setting.
2. Life imprisonment shall be imposed as a penalty for crimes of gravity degrees 8 and 9 only.
3. The following persons may not be sentenced to life imprisonment:
 - 1) a person who was pregnant at the time when the crime was committed;
 - 2) a person who committed a crime before they reached the age of 21; or
 - 3) a person who reached the age of 70 by the time of sentencing.

Article 3.2.8. Penalties for a criminal offense

1. Principal punishments for the minor offense shall be established in the form of community service for a period of 60 to 180 hours, a fine of 50 to 100 units of account, restriction of liberty for a period of 6 months to 1 year, or fixed-term imprisonment for a period of 15 days to 3 months.
2. The following principal punishments shall be imposed for crimes depending on the degree of their gravity:

1)	a crime of gravity degree 1	– a fine ranging from 100 to 500 units of account or restriction of liberty from 1 to 2 years or fixed-term imprisonment from 3 months to 2 years;
2)	a crime of gravity degree 2	– a fine ranging from 500 to 1000 units of account or restriction of liberty from 2 to 3 years, or fixed-term imprisonment from 2 to 3 years;
3)	a crime of gravity degree 3	– restriction of liberty from 3 to 4 years or fixed-term imprisonment from 3 to 4 years;
4)	a crime of gravity degree 4	– fixed-term imprisonment from 4 to 6 years;
5)	a crime of gravity degree 5	– fixed-term imprisonment from 6 to 8 years;
6)	a crime of gravity degree 6	– fixed-term imprisonment from 8 to 10 years;
7)	a crime of gravity degree 7	– fixed-term imprisonment from 10 to 13 years;
8)	a crime of gravity degree 8	– fixed-term imprisonment from 13 to 16 years or life imprisonment;
9)	a crime of gravity degree 9	– fixed-term imprisonment from 16 to 20 years or life imprisonment;
10)	a crime of gravity degree 3, which is a crime of genocide, a crime of aggression, a crime against humanity, or a war crime related to intentional deprivation of human life.	– fixed-term imprisonment from 16 to 30 years or life imprisonment.

3. Penalties for crimes committed by minors are set out in Article 3.10.1 of this Code.

**Section 3.3.
SENTENCING**

Article 3.3.1. General rules of sentencing.

1. A court shall impose the punishment that, by its type and scale, is necessary and sufficient to attain its objective. Stricter punishment shall be imposed only if more lenient punishment is insufficient to attain its objective.
2. A court shall impose punishments within the scope of penalties set out in Articles 3.2.5, 3.10.1 of this Code for a crime of the relevant degree of gravity or a minor offense taking into consideration the following:

- 1) provisions of the General Part of this Code;
- 2) special aspects of a given criminal offense;
- 3) personality of the accused;
- 4) the number of variable special aspects envisaged in the article of the Special Part of this Code;
- 5) the number of aspects that are envisaged as such that reduce or raise the degree of the gravity of a crime;
- 6) circumstances that mitigate the punishment for a crime and minor offense (Article 3.3.2 of this Code) and circumstances that aggravate the punishment for a minor offense (Article 3.3.3 of this Code);
- 7) risks of reoffending and other circumstances established by a probation authority in a pretrial report (in the case punishment is imposed for a crime);

3. One principal punishment may be imposed for one criminal offense.

4. In the case of a person who has received a sentence of a fine, community service or restriction of liberty, a court shall state in the verdict that failure to pay such a fine or failure to perform community service or restriction of liberty without a valid reason will result in the replacement of such punishment according to part 7 of Article 3.2.3 or parts 11 of Article 3.2.5 of this Code.

5. In the case of a person who has been sentenced to fixed-term imprisonment for one crime or cumulative crimes, subject to the existence of circumstances set out in part 2 of Article 3.4.5 of this Code, a court shall consider the possibility of replacing this punishment with restriction of liberty subject to conditions.

Article 3.3.2. Circumstances that mitigate the punishment for a crime and minor offense

1. Circumstances that mitigate the punishment for a crime and minor offense shall be the following:

- 1) voluntary confession to a criminal offense given by a person to a law enforcement agency or prosecutor;
- 2) assistance in solving or investigating a criminal offense, exposing its perpetrators and finding the property obtained as a result of commission of a criminal offense;
- 3) sincere remorse, i.e., negative assessment of once own unlawful behavior, which is characterized by expressing remorse concerning it and admitting guilt;
- 4) providing assistance to the victim after the commission of a criminal offense;
- 5) voluntary assistance to a victim after the commission of a criminal offense;
- 6) commission of a criminal offense by a pregnant woman, a minor, or a person of limited sanity;
- 7) commission of a criminal offense due to a coincidence of severe personal or family circumstances;
- 8) commission of a criminal offense due to financial or official dependence;
- 9) commission of a criminal offense as a result of entrapment.

2. When imposing punishment for a crime or minor offense, a court may find circumstances other than those specified in part 1 of this Article to be mitigating. In such a case, the circumstances that reduce the degree of gravity of the crime set out in the relevant articles of the Special Part of this Code, shall not be taken into account.

Article 3.3.3. Circumstances that aggravate the punishment for a minor offense

1. Circumstances that aggravate the punishment for a minor offense shall be the commission of the minor offense:

- 1) against a vulnerable or particularly vulnerable person;
- 2) against a close person or former spouse;
- 3) against a person (or a close person of that person) in connection with that person's performance of official duties or professional duties, fulfillment of a legal obligation or exercise of a subjective right in the public interest;
- 4) as part of a simple group;
- 5) by abuse of power, official or professional powers and related opportunities;
- 6) in the presence of an underage child who was aware of the circumstances and the meaning

of the act committed;

- 7) during a special period and during the state of emergency;
- 8) for reasons of belonging to a particular social group.

Article 3.3.4. Sentencing for an inchoate crime

1. When sentencing for an inchoate crime, a court, acting in accordance with Articles 2.6.2 and 2.6.3 of this Code, shall take into account the degree to which criminal intent was realized and the reasons why the crime was not completed.

2. In the case of an attempted crime of gravity degree 9, no life imprisonment sentence shall be given, except for a crime of genocide, crime of aggression, crime against humanity, or a war crime.

Article 3.3.5. Sentencing for a criminal offense committed through complicity

1. When sentencing an accomplice who committed a criminal offense, a court shall take into account the nature and degree of their individual involvement in the commission of the criminal offense.

2. The attributes that characterize an accomplice to a criminal offense shall be taken into account when sentencing only this accomplice.

Article 3.3.6. Sentencing for cumulative crimes

1. In the case of cumulation of crimes, a court shall:

- 1) impose a punishment for each crime separately;
- 2) add up punishments of one type imposed for each crime, taking into account the restrictions specified in parts 4, 5, and 6 of this Article; and
- 3) determine the final punishment taking into account restrictions set out in parts 6 and 7 of this Article.

2. The principal punishment of a fine may not be merged and shall be served separately.

3. When the principal punishments of restriction of liberty and fixed-term imprisonment are merged, the punishment in the form of restriction of liberty shall be converted into the punishment in the form of fixed-term imprisonment at the rate of one day of fixed-term imprisonment for two days of restriction of liberty.

4. When the principal punishments of a fine are merged, the final punishment may not exceed three times the amount of the fine imposed for the more serious crime of those that form a cumulative crime.

5. When merging principal punishments in the form of restriction of liberty, the final punishment may not exceed 6 years.

6. When merging punishments of fixed-term imprisonment or restriction of liberty and fixed-term imprisonment, the final punishment may not exceed, provided that the gravest crime constituting the cumulative crime is:

- 1) a crime of gravity degree 1 or 2 – five years;
- 2) a crime of gravity degree 3 or 4 – eight years;
- 3) a crime of gravity degree 5 or 6 – thirteen years;
- 4) a crime of gravity degree 7, 8, or 9 – twenty years;
- 5) a crime of gravity degree 9, which is a crime of genocide, crime of aggression, crime against humanity, or war crime – thirty years.

7. If at least one of the crimes is punishable by life imprisonment, the final punishment shall be imposed by merging the punishment in the form of fixed-term imprisonment or restriction of liberty into life imprisonment.

8. Additional punishments of a fine are subject to full merging.

9. If, after the entry into force of a court verdict, it is established that the convicted person is also guilty of another crime committed before the entry into force of this verdict, the court shall:

- 1) impose a punishment for a crime committed before the court verdict enters into force;
- 2) determine the final punishment following the rules set out in parts 1–8 of this Article; and
- 3) merge a punishment served under the previous verdict into the term of the punishment imposed for a cumulative crime.

Article 3.3.7. Sentencing for the cumulation of minor offenses

1. In the case of cumulation of minor offenses, a court shall:
 - 1) impose a punishment for each minor offense separately;
 - 2) if the punishments are of the same type, merge such punishments within the limits set out in part 2 of this Article, and determine the final punishment:
 - 3) if different punishments have been imposed, determine the sequence in which such punishments have to be served.
2. When punishments of the same type are merged, the final punishment may not exceed:
 - 1) community service – 240 hours;
 - 2) fine – 200 units of account;
 - 3) fixed-term imprisonment – six months.
3. Additional punishments of a fine are subject to full merging.
4. If, after the entry into force of a court verdict, it is established that the convicted person is also guilty of another minor offense committed before the entry into force of this verdict, the court shall:
 - 1) impose a punishment for the minor offense committed before the court verdict enters into force;
 - 2) determine the final punishment in accordance with the rules set out in parts 1–3 of this Article; and
 - 3) merge a punishment served under the previous sentence into the term of punishment imposed for the cumulation of minor offenses in the case that punishments of the same time have been imposed.

Article 3.3.8. Imposing a punishment for crimes by cumulating sentences

1. Where a person convicted for a crime commits a new crime after the verdict entered into force but before the full term has been served, a court shall add the new sentence to the unserved portion of the previous sentence, subject to restrictions set out in parts 4–6 of this Article.
2. The principal punishment of a fine may not be merged with other types of punishments and shall be served separately.
3. When punishments of restriction of liberty and fixed-term imprisonment are merged, the punishment of restriction of liberty shall be converted into the punishment of fixed-term imprisonment at a rate of one day of fixed-term imprisonment for two days of restriction of liberty, except for cases set out by parts 7–10 of this Article.
4. When merging principal punishments of restriction of liberty, the final punishment may not exceed eight years.
5. When merging the punishment of fixed-term imprisonment or restriction of liberty and fixed-term imprisonment, the final punishment may not exceed, provided that the gravest crime constituting the cumulative crime is:
 - 1) a crime of gravity degree 1 or 2 – six years;
 - 2) a crime of gravity degree 3 or 4 – ten years;
 - 3) a crime of gravity degree 5 or 6 – fifteen years;
 - 4) a crime of gravity degree 7, 8, or 9 – twenty years;
 - 5) a crime of gravity degree 9, which is a crime of genocide, crime of aggression, crime against humanity, or war crime – thirty years.
6. In the case at least one of the sentences is life imprisonment, the final punishment shall be imposed by absorbing of the punishment in the form of restriction of liberty or fixed-term imprisonment by life imprisonment.
7. Where a new negligent crime or intentional crime of gravity degrees 1–4 was committed by a person whose punishment of fixed-term imprisonment was replaced with restriction of liberty subject to conditions or where the serving of the punishment of fixed-term imprisonment was suspended with replacement with restriction of liberty subject to condition, the court shall add, either partially or in full, the unserved portion of the previous punishment of fixed-term imprisonment taking into account:
 - 1) the degree to which the convicted person has fulfilled their duties when serving the punishment of restriction of liberty;
 - 2) whether the convicted person served the additional punishment of a fine; and

3) findings made by the probation authority in its pretrial report.

8. Where a person, whose sentence of fixed-term imprisonment was replaced with restriction of liberty subject to conditions or where the serving of the punishment of fixed-term imprisonment was suspended with replacement with restriction of liberty subject to condition, commits a new intentional crime of gravity degrees 5–9, the court shall add the unserved portion of the punishment of fixed-term imprisonment to the punishment imposed under a new verdict in accordance with the rules set out in parts 1, 2, 5, and 6 of this Article.

9. Where a person whose sentence of life imprisonment was suspended with replacement with restriction of liberty subject to conditions commits a new intentional crime of gravity degrees 5–9, the court shall impose a new punishment according to rules set out by parts 1 and 6 of this Article.

10. Where a person whose sentence of life imprisonment was suspended with replacement with restriction of liberty subject to conditions commits a new negligent crime or intentional crime of gravity degrees 1–4, the court shall supplement a punishment imposed by a new verdict with the punishment in the form of imprisonment for ten years.

11. Where a person sentenced for crimes committed two or more crimes after the verdict entered into force, but before the full term has been served, the court shall impose the punishment for such crimes in accordance with Articles 3.3.1–3.3.4., 3.3.5 of this Code and cumulate the sentences thereafter.

Article 3.3.9. Imposing a punishment for minor offenses by cumulating sentences

1. Where a person sentenced for a minor offense committed a new minor offense after the sentence entered into force but before the full term has been served, the court shall impose a new punishment in accordance with the rules set out in Articles 3.3.1–3.3.3 and 3.3.5 of this Code; however, such punishment shall not be merged with the unserved portion of the previous sentence and shall be served separately.

Article 3.3.10. Rules for merging the previous term of imprisonment

1. A court shall merge pretrial detention into the term of punishment in the case a person is sentenced to:

- 1) a fine – at a rate of one day of pretrial detention for three units of account of fine;
- 2) restriction of liberty – at a rate of one of pretrial detention for two days of restriction of liberty;
- 3) fixed-term imprisonment or life imprisonment – at a rate of one day for one day.

Article 3.3.11. Sentencing based on the settlement with a victim or agreement on cooperation

1. Where a court imposes a punishment based on the settlement with a victim or agreement on cooperation, the court shall verify that the terms and conditions of such settlement or agreement comply with this Code and impose the punishment agreed by the parties, which may:

1) be equal to the minimum punishment for a criminal offense envisaged by this Code in connection with which the settlement or agreement was made, or, in the case that alternative punishments are available in the penalty, the minimum less strict punishment that may be imposed for such criminal offense; or

2) be imposed within the range of penalties for a crime that is less grave by one or two degrees of gravity than the crime that has been committed but not less than within the penalty of a crime of gravity degree.

2. The imposition of punishment in the form of fixed-term imprisonment according to part 1 of this Article, the court may provide for its replacement with a punishment in the form of restriction of liberty subject to conditions according to Article 3.4.5 of this Code/

Section 3.4.

RELEASE FROM PUNISHMENT.

REDUCTION AND COMMUTATION OF PUNISHMENT

Article 3.4.1. Types of release from punishment, reduction and commutation of punishment

1. The types of release from punishment shall be the following:

- 1) discharge;

- 2) suspended enforcement of the sentence;
 - 3) postponed enforcement of the sentence;
 - 4) suspended enforcement of the outstanding portion of the sentence;
 - 5) termination of enforcement of the outstanding portion of the sentence;
2. Types of the reduction and commutation of punishment shall be the following:
- 1) reduction of the unserved portion of the sentence;
 - 2) reduction of the sentence;
 - 3) commutation of punishment.

3. The decision on release from punishment and commutation of punishment shall be made by a court, except for cases stipulated by articles 3.4.1–3.4.16 of this Code.

Article 3.4.2. Discharge due to positive behavior of a person after a criminal offense was committed

1. No punishment shall be imposed on a person who has committed a minor offense or crime of gravity degrees 1–3 for the first time provided that the person:

- 1) admitted their guilt;
- 2) voluntarily paid restitution and compensation; and
- 2) reached the settlement with the victim.

2. No punishment shall be imposed on a person for the financing of a political party, or election or referendum campaigning, terrorist financing, or financing of a crime against state security, provided that the person:

- 1) voluntarily notified the prosecutor or law-enforcement agency about the financing of a political party, or election or referendum campaigning, terrorist financing, or financing of a crime against state security, provided by the person; and
- 2) contributed to disclosing or investigating the illegal financing of a political party, or election or referendum campaigning, terrorist financing, or financing of a crime against state security, or contributed to averting these crimes.

3. No punishment shall be imposed on a person who received a request or demand for a bribe and provided a bribe punishable under this Code, provided that the person contributed to solving or investigating a crime against the person who requested or demanded a bribe.

The provisions of this part shall not apply if a bribe was offered or provided to a foreign public official.

4. No punishment shall be imposed on a person for the first-time production, manufacture, acquisition, storage, transportation, or use of a relevant item punishable under this Code, provided that the person:

- 1) voluntarily surrendered the item to a prosecutor or law enforcement agency or informed them of its location;
- 2) indicated the source of its acquisition; and
- 3) contributed to solving or investigating a criminal offense, exposing its participants.

5. No punishment shall be imposed on a person for the production, manufacture, acquisition, storage, or transportation of a psychoactive substance for the purpose of sale, as provided for by this Code, provided that the person:

- 1) applied to a health care institution; and
- 2) has started a course of treatment for a mental or behavioral disorder caused by the use of psychoactive substances or another socially dangerous disease.

6. No punishment shall be imposed for the first-time committed evasion or non-payment of relevant payments punishable under this Code provided that the person has paid before being notified of the suspicion:

- 1) twice the amount of such payments; and
- 2) financial sanctions or penalties (fines, interest), if such are provided for by law or contract.

7. No punishment shall be imposed on a person who was a member of an organized criminal group, illegal armed formation or terrorist group or contributed to their activities, provided that the person:

- 1) voluntarily ceased to be associated with an organized criminal group, illegal armed unit, or terrorist group; and

2) contributed to solving or investigating a crime committed at the order or as part of such group or formation, or to exposing its members, or contributed to the termination of the activities of such a group or unit.

8. No punishment shall be imposed on a person for treason against Ukraine, collaboration or espionage under this Code provided that the person:

1) voluntarily notified the prosecutor or law-enforcement agency of communication with a foreign state or foreign organization, illegal armed unit, or their representative,

2) did not fulfill a criminal task or performed actions in the interests of counterintelligence or intelligence activities to the benefit of Ukraine; and

3) contributed to preventing illegal activities of a foreign state or foreign organization, illegal armed unit, or their representative, or contributed to solving or investigating a crime committed based on their order.

9. No punishment shall be imposed for first-time draft evasion, evasion from alternative service, training or special training or from performing duties during mobilization or desertion or evasion from fulfilling the duties of military services that are punishable under this Code, if, prior to being notified of the suspicion, the person voluntarily appeared to fulfill the relevant duty at the territorial military command authority, a place of service, law-enforcement authority, or prosecutor.

10. No punishment shall be imposed on a person for participating in a conflict as a mercenary punishable under this Code provided that the person:

1) voluntarily ceased participation in the armed conflict, hostilities, or acts of violence;

2) contributed to discovering or investigating their participation in the armed conflict, hostilities, or acts of violence;

3) contributed to averting or discovering the participation of other persons in the armed conflict, hostilities, or acts of violence.

11. A decision on a discharge in connection with the positive behavior of a person after committing a criminal offense in the cases provided for in paragraph 1 of this Article shall be made on the basis of a settlement agreement, and in the cases provided for in paragraphs 2–11 of this Article – on the basis of an agreement on cooperation.

Article 3.4.3. Discharge of a crime victim for participation in criminal activity

1. No punishment shall be imposed on a person who is a victim of human trafficking for participation in criminal activity that they were forced to carry out as a direct consequence of the fact that this person has suffered from a crime under Article 4.4.7 of this Code.

2. No punishment shall be imposed on a child victim of sexual abuse or sexual exploitation for participation in criminal activity that they were forced to carry out as a direct consequence of the fact that this child has suffered from a crime related to child pornography or child prostitution under Articles 7.6.4–7.6.7 of this Code.

Article 3.4.4. Discharge due to the expiry of the statute of limitations for a criminal offense

1. No punishment shall be imposed on a person if the following period had elapsed between the completion or termination of a criminal offense and the day when a verdict of conviction came into force:

1) two years in the case of a minor offense;

2) a term equal to the maximum term of imprisonment for a given crime set out in Article 3.2.8 or 3.10.1 of this Code.

3) twenty-five years in case of commission of a crime punishable by life imprisonment, taking into account the provisions of part 5 of this Article.

2. Provisions of part 1 of this Article shall not apply to crimes against the national security of Ukraine, torture and crimes against international order (Section 9.1, Article 9.4.3, and Book 11 of this Code).

3. In the case a criminal offense was committed against a child, the calculation of the statute of limitations set out in paragraph 1 of this Article shall begin from the day when the victim reaches the age of majority or, in the case of the victim's death, from the day when the victim should have reached the age of majority.

4. In the case a criminal offense was committed in the temporarily occupied territory of Ukraine,

the statute of limitations shall begin to run from the day the Ukrainian authorities resumed their activities in the de-occupied territory or when the person made a confession to the authorities of Ukraine.

5. In cases envisaged by paragraph 3 of part 1 of this Article, the matter of imposing a punishment shall be decided by a court. If the court deems it necessary to impose a punishment, then life imprisonment may not be imposed and shall be replaced with fixed-term imprisonment within the limits of the relevant penalty stipulated for the committed crime.

6. The statute of limitations shall be interrupted if, before the expiration of the terms specified in part 1 of this Article, the person committed an intentional criminal offense. In this case, the statute of limitations shall begin to run from the day when the new criminal offense was committed, and the statute of limitations shall be calculated separately for each criminal offense.

7. The statute of limitations set out in part 1 of this Article shall be suspended on the day when the decision to close the criminal proceedings was made or the person was acquitted, which occurred as a result of abuse committed in this person's interests, combined with the offer or provision of an improper advantage. In this case, the statute of limitations shall be restored (from the day when a judgment of guilt made against the person who committed the said abuse enters into force); however, no punishment shall be imposed in the case 15 years had passed since the day when the criminal offense was committed.

Article 3.4.5. Suspended-enforcement of fixed-term imprisonment due to its commutation with restriction of liberty subject to conditions

1. The court may decide not to enforce the imposed fixed-term imprisonment due to its commutation with restriction of liberty for a term of imposed fixed-term imprisonment in case of the person's conviction for a crime or a cumulative crime of:

- 1) gravity degrees 4–5 if a person was imposed fixed-term imprisonment for no more than six years;
- 2) gravity degrees 4–6 if a person was imposed a fixed-term imprisonment for no more than 8 years based on the agreement on cooperation or settlement with a victim;
- 3) gravity degree 7, not related to the use of violence, if a person was imposed a fixed term imprisonment for no more than 10 years based on the agreement of cooperation or settlement.

2. The court shall decide not to enforce fixed-term imprisonment in connection with its commutation with restriction of liberty concerning a convicted person if:

- 1) it has been established that there is no high risk of committing a new crime;
- 2) the person has paid restitution or compensation or has taken all measures dependent on them to pay them; and
- 3) has consented to the replacement of fixed-term imprisonment with restriction of liberty.

3. Commutation of fixed-term imprisonment with restriction of liberty shall not be applied to a person who:

- 1) was an organizer of an organized criminal group, illegal armed formation, or terrorist group;
- 2) committed the intentional criminal offense while serving the restriction of liberty applied in the manner set out by Articles 3.2.5, 3.4.10, 3.4.12 of this Code;
- 3) committed a corruption or corruption-related criminal offense, except for person who concluded an agreement on cooperation;
- 4) committed a crime set out by Articles 4.2.9 or 4.2.11 of this Code when driving a vehicle in the state of alcohol intoxication, except for a person who concluded an agreement on settlement; or
- 5) committed a crime of torture set out by Article 9.4.3 of this Code.

4. A person shall be released from serving fixed-term imprisonment provided that during the restriction of liberty, he or she:

- 1) fulfilled the duties assigned to them;
- 2) did not commit two or more minor offenses or a crime;
- 3) and for a person who, at the time of replacing fixed-term imprisonment, did not pay restitution or compensation, – paid restitution or compensation or took all steps dependable on them to pay them.

5. Upon the submission of the probation authority, envisaged by part 9 of Article 3.2.5 of this Code, the court may change or supplement the duties imposed on the person.

6. A person shall be sent by the court to serve fixed-term imprisonment if, after the change or supplementation of duties, he or she:

- 1) committed a minor offense;
- 2) failed to fulfill at least one of the duties imposed on him or her;
- 3) failed to take all steps dependable on him or her to pay restitution and compensation.

7. Concerning a person who committed a new crime or two or more criminal offenses when serving the restriction of liberty, the court shall revoke the decision on the replacement of fixed-term imprisonment with the restriction of liberty and shall impose a punishment for a cumulative crime subject to grounds for it.

Article 3.4.6. Suspended enforcement of fixed-term imprisonment due to a person's participation in the defense of Ukraine or emergency response efforts

1. Where a person was sentenced to fixed-term imprisonment for a term not exceeding eight years for one crime or a cumulative crime (other than a person convicted of a violent crime of gravity degree 6) and provided that this person does not pose a high risk of reoffending, the court may decide not to enforce a determinate fixed-term imprisonment due to the person's desire to participate in the defense of Ukraine during a special period or in the emergency response efforts during the state of emergency.

2. The fixed-term imprisonment shall not be enforced if a person while participating in defense of Ukraine during a special period or emergency response efforts during the state of emergency:

- 1) was nominated for a state award of Ukraine; or
- 2) suffered a significant or serious health disorder.

3. Where there are grounds for applying part 2 of this Article, a person's participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency shall be credited by the court as part of the term of the unserved sentence at the rate of one day of such participation for five days of fixed-term imprisonment. In relation to such a person, the court shall decide to replace the outstanding portion of the punishment of restriction of liberty subject to conditions (Article 3.4.5 of this Code).

5. If a person who was given a suspended fixed-term imprisonment in connection with their participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency committed a new intentional crime or two or more minor offenses, the court shall cancel the suspended fixed-term imprisonment and impose punishment by cumulating sentences subject to the existence of grounds.

Article 3.4.7. Release from punishment due to the expiry of the statute of limitation on its enforcement

1. The punishment imposed shall not be enforced if, from the day on which the verdict of conviction enters into force, its execution has not been commenced within the following time limits

- 1) two years – in case of imposition of punishment for committing a minor offense;
- 2) five years – in case of a fine, restriction of liberty or fixed-term imprisonment for a term not exceeding five years;
- 3) ten years – in case of fixed-term imprisonment for a term not exceeding ten years;
- 4) fifteen years – in case of fixed-term imprisonment for a term exceeding ten years.

2. The statute of limitation for a fine as an additional punishment shall be determined as the principal punishment imposed based on the court verdict..

3. The statute of limitations shall include the period of time during which the punishment was not served due to:

- 1) non-enforcement (Article 3.4.6 of this Code); or
- 2) postponement (Articles 3.4.8, 3.4.9 of this Code).

5. The statute of limitation period shall be suspended from the day of the convicted person's evasion from punishment. The course of the statute of limitation shall be restored from the day when the convicted person appeared to serve their sentence or from the day of their apprehension. However, the punishment shall not be executed in the case 20 years have passed since the day when the verdict of guilt entered into

force.

6. The statute of limitation shall be interrupted in the case the convicted person commits a new criminal offense before the expiry of the terms set out in part 1 of this Article. In this case, the calculation of the statute of limitations for the execution of the sentence shall begin from the day when a new criminal offense was committed.

Article 3.4.8. Postponed and terminated enforcement of a punishment due to disease

1. The court shall postpone the enforcement of imposed restriction of liberty, fixed-term imprisonment, or life imprisonment of a person suffering from a serious disease that prevents them from serving their punishment.

2. The court shall also postpone the enforcement of punishment if the person has a mental disorder that prevents them from serving the punishment. Such a person shall be subjected to compulsory psychiatric care by a court decision in accordance with Article 3.6.5 of this Code.

3. When the grounds for the postponement of the enforcement of punishment set out in paragraphs 1 or 2 of this Article cease to exist, the punishment shall be enforced.

4. A list of serious diseases referred to in part 1 of this Article shall be adopted in accordance with applicable law.

5. The period during which the punishment was postponed shall not be included in the term of the punishment imposed by the court, except as provided for in part 2 of Article 3.6.5 of this Code.

6. The court shall terminate the enforcement of punishment in relation to a member of the armed forces sentenced to fixed-term imprisonment at the military detention facility or in the penal battalion in case they are recognized unfit for military service due to health condition.

Article 3.4.9. Postponed enforcement of punishment due to special circumstances

1. A punishment in the form of community service, restriction on liberty, or fixed-term imprisonment imposed on a person who has committed a minor offense or a crime of the gravity degrees 1–4 may be postponed at their request if:

1) a special circumstance has arisen (armed conflict, natural disaster, fire, emergency, death or serious illness of a family member, pregnancy of the convicted person);

2) this circumstance, provided a person serves the imposed punishment, poses a serious threat of violation of the rights, freedoms, or legitimate interests of the convicted person or their family member; and

3) the convicted person's participation is required for a long period of time (more than 30 days) to prevent such a threat or mitigate its consequences.

2. Enforcement of punishment may be postponed for the duration of the grounds set out in part 1 of this Article, but not more than for one year.

3. In the case the punishment imposed on a person who committed a crime of gravity degrees 1–4 is postponed due to special circumstances, supervisory probation measures shall be applied to such person.

4. If a person does not take measures to prevent the threat of serious violation of their rights, freedoms or legitimate interests, or the rights, freedoms and legitimate interests of their family members, or mitigate the consequences of such threat, the court, upon the proposal of the probation authority, shall revoke the postponement and sent such person to serve the imposed punishment.

5. The postponement period shall not be credited towards the term of the sentence imposed.

6. Concerning a person who, during the postponement of the enforcement of punishment, committed a new crime or two or more minor offences, the court shall revoke a decision on postponement of the enforcement of imposed punishment subject to the availability of such grounds and shall impose punishment by cumulating sentences.

Article 3.4.10. Suspension of the enforcement of fixed-term imprisonment due to its commutation

1. The court may suspend the enforcement of fixed-term imprisonment for a person in connection with the commutation of its unserved part with restriction of liberty after the actual serving of:

1) one-third of the term of imprisonment for a negligent crime of gravity degrees 1–6, except for persons who have been imposed punishment for a crime committed when serving the punishment

of restriction of liberty;

1) half of the term of imprisonment for a crime of gravity degrees 7–9, or a crime committed when serving the punishment of restriction of liberty, except for cases envisaged by paragraph 3 of this part;

3) two-thirds of the term of imprisonment imposed for a crime of gravity degree 9, which is a crime of genocide, a crime of aggression, or a crime against humanity, or a war crime associated with intentional deprivation of life.

2. In the case a person serves a fixed-term imprisonment imposed by cumulating crimes or cumulating sentences, the term of the punishment actually served by the person shall be determined based on the term of imprisonment imposed by the court for a more serious crime in accordance with part 1 of this Article.

3. The court shall suspend the enforcement of fixed-term imprisonment due to the commutation of its unserved part with restriction of liberty for a person if:

1) no high risk of their reoffending has been established;

2) the person paid restitution or compensation or took all steps dependent on them to pay them;

3) the person consented to the replacement of fixed-term imprisonment with restriction of liberty.

4. When the enforcement of fixed-term imprisonment is suspended, the restriction of liberty shall be imposed for the unserved portion of such imprisonment.

5. A person shall be released from serving the unserved portion of punishment in the form of fixed-term imprisonment provided that during the serving of restriction of liberty, he or she:

1) fulfilled the obligations imposed on them; and

2) did not commit two or more minor offenses or a crime;

3) for a person who, at the time of the replacement of fixed-term imprisonment, has not paid restitution or compensation, paid such restitution or compensation, or took all steps dependent on them to pay them.

6. Upon the submission of the probation authority, the court may, under the grounds envisaged by part 9 of Article 3.2.5 of this Code, change or supplement the obligations imposed on a person.

7. A person shall be sent by a court to serve the unserved portion of fixed-term imprisonment imposed on him or her if, after the change or supplementation of obligations, they:

1) committed a minor offense;

2) failed to fulfill at least one of the obligations imposed on them;

3) failed to take all steps dependent on them to pay restitution or compensation.

8. Concerning a person who committed a new crime or two or more minor offenses while serving the restriction of liberty, the court shall revoke the decision on the replacement of fixed-term imprisonment with the restriction of liberty and shall impose punishment by cumulating sentences subject to the availability of grounds for it.

Article 3.4.11. Suspension of the enforcement of fixed-term imprisonment due to a person's participation in the defense of Ukraine or emergency response efforts

1. Where a person serves fixed-term imprisonment for a term not exceeding eight years for one crime or cumulative crimes (other than a person convicted for a violent crime of gravity degree 6) and provided that this person does not pose a high risk of reoffending, the court may decide to suspend the enforcement of the unserved portion of fixed-term imprisonment due to the person's desire to participate in the defense of Ukraine during a special period or in the emergency response efforts during the state of emergency.

2. The unserved portion of fixed-term imprisonment shall not be enforced if a person while participating in the defense of Ukraine during a special period or emergency response efforts during the state of emergency:

1) was nominated for a state award of Ukraine; or

2) suffered a significant or serious health disorder.

3. Where there are grounds for applying part 2 of this Article, a person's participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency shall be

credited by the court as part of the unserved fixed-term imprisonment at the rate of one day of such participation for five days of fixed-term imprisonment. In relation to such a person, the court shall decide to suspend the enforcement of the outstanding portion of fixed-term imprisonment due to its commutation with restriction of liberty subject to conditions (Article 3.4.10 of this Code).

4. If a person whose fixed-term imprisonment was suspended in connection with their participation in the defense of Ukraine during a special period or emergency response efforts during the state of emergency committed a new intentional crime or two or more intentional minor offenses, the court shall revoke a decision to suspend the enforcement of fixed-term imprisonment and impose punishment by cumulating sentences, subject to grounds for it.

Article 3.4.12. Suspension of a life imprisonment due to its commutation with restriction of liberty subject to conditions

1. The court may suspend the enforcement of life imprisonment due to its commutation with restriction of liberty a convicted person who is able to reintegrate into society actually serves 25 years of imprisonment if:

- 1) no high risk of their reoffending has been established;
- 2) the person took all steps dependent on them to pay restitution and compensation; and
- 3) the person consented to the commutation of life imprisonment with restriction of liberty.

2. In the case of suspension of life imprisonment, the restriction of liberty shall be imposed for ten years.

3. The person shall be released from serving life imprisonment provided that when serving the restriction of liberty, they:

- 1) fulfilled the obligations imposed on them;
- 2) did not commit two or more minor offenses or a crime;
- 3) for a person who, at the time of the replacement of life imprisonment, has not paid restitution or compensation, paid such restitution or compensation, or took all steps dependent on them to pay them.

4. On the grounds provided for in part 9 of Article 3.2.5 of this Code, upon the application of the probation authority, the court may change or supplement the obligations imposed on a person.

5. The court shall revoke a decision to replace life imprisonment with restriction of liberty and impose a penalty of 10 years of fixed-term imprisonment on such person if, after the change or supplementation of obligations, a person:

- 1) has committed two or more offenses;
- 2) fails to perform at least one of the obligations imposed on them without a valid reason;
- 3) fails to take all measures dependent on them to make restitution or compensation.

6. The court shall abolish a decision to commute life imprisonment with restriction of liberty and, if there are grounds for it, shall impose a punishment under part 9 or 10 of Article 3.3.8 of this Code if the person has committed a new crime while serving the restriction of liberty.

Article 3.4.13. Termination of the enforcement of punishment or reduction of its unserved portion due to amnesty

1. Amnesty, in accordance with the Constitution of Ukraine and taking into account the provisions of this Code, shall be declared by the law of Ukraine in respect of a certain category of convicted persons. Individual amnesty shall not be allowed.

2. A law declaring amnesty may be adopted no more than once in three years or in connection with a special event in the life of society.

3. The law declaring amnesty to a person serving punishment in the form of restriction of liberty or fixed-term imprisonment may provide for the following:

- 1) termination of the enforcement of punishment; or
- 2) reduction of the unserved portion of punishment.

4. A person shall not be released from the following punishment due to amnesty:

- 1) a fine as an additional punishment;
- 2) security measures; and
- 3) restitution or compensation.

5. The amnesty shall be granted to a person who has served at least one-quarter of their punishment as of the day when the law declaring amnesty enters into force.

6. The amnesty shall not be granted to a person who has been found guilty of a crime of:

- 1) gravity degrees 7–9;
- 2) gravity degrees 3–6, if the court has established a high risk of reoffending of such person;
- 3) gravity degrees 1–6, committed within one year following the day when a court discharged this person from punishment on the grounds set out in Article 3.4.2 of this Code;
- 4) gravity degrees 1–6 if a person committed a new intended crime after a verdict of guilty until the sentence has been served in full;
- 5) gravity degrees 1–6 if a person has previously been granted amnesty or pardon for committing a crime for which a sentence is not expunged as of the day when the law declaring amnesty enters into force.

7. Amnesty shall be granted to a person serving a punishment imposed by cumulative criminal offenses or the cumulation of sentences only in the case that neither of the cumulated criminal offenses committed by them prevents the possibility of applying amnesty according to part 6 of this Article.

8. Amnesty shall be granted in accordance with the following rules:

- 1) the decision to grant amnesty shall be made by the court in respect of each person individually and no later than within three months after the entry into force of the law declaring amnesty;
- 2) no amnesty shall be granted if the person objects to it;
- 3) if several grounds set out in the law declaring amnesty may be applied to a person, the one that improves the legal situation of the person the most shall be applied.

9. A court shall make a decision on granting amnesty to a person convicted by a court of a foreign state who was transferred to serve a sentence in the territory of Ukraine in compliance with the requirements of international treaties made by Ukraine and the conditions that apply to the transfer of such a person.

10. Provisions of the law declaring amnesty that do not meet the requirements of this Code shall not be applied.

Article 3.4.14. Termination of fixed-term imprisonment or reduction of its unserved portion due to pardon

1. A pardon shall be granted by a Decree of the President of Ukraine in accordance with the Constitution of Ukraine and taking into account the provisions of this Code individually.

2. A pardon may be granted to a person who has served at least one-quarter of imposed fixed-term imprisonment.

3. A decree granting a pardon to a person serving a punishment of fixed-term imprisonment may provide for the following:

- 1) termination of the enforcement of punishment; or
- 2) reduction of the unserved portion of the punishment.

4. A person shall not be released from the following punishment due to a pardon:

- 1) a fine as an additional punishment,
- 2) security measures; and
- 3) restitution or compensation.

5. When deciding on a pardon, the following shall be taken into account:

- 1) gravity degree of the crime committed;
- 2) the length of punishment served by the person;
- 3) the person's attitude to the crime committed and the status of restitution or compensation;
- 4) the risk of reoffending;
- 5) circumstances justifying the pardon;
- 6) the position of the administration of the penitentiary institution, the supervisory commission, and the victim in connection with the grant of the pardon to the person; and
- 7) findings made by the probation authority.

6. The decree on pardoning a person or refusing to pardon a person shall be subject to official promulgation.

Article 3.4.15. Commutation of life imprisonment or termination of its enforcement due to pardon

1. With regard to a person serving life imprisonment, the Decree of the President of Ukraine on their pardon in compliance with the provisions of part 3 of Article 3.4.12 of this Code may provide for:

- 1) commutation of life imprisonment after the person has served at least twenty years of this sentence – to fixed-term imprisonment for a term of ten to fifteen years, which shall be calculated from the commutation date; or
- 2) termination of serving life imprisonment after the person has served – at least thirty years of this punishment.

Article 3.4.16. Pardon for exchange

1. A Decree of the President of Ukraine may, in exceptional cases, provide for the pardon of a person who is a suspect, accused, convicted, or serving punishment for the purpose of exchanging them for:

- 1) a person who is detained, or prosecuted, or convicted in the temporarily occupied territory of Ukraine, or in a foreign country, or
- 2) a prisoner of war.

Article 3.4.17. Termination of the enforcement of punishment or reduction of punishment based on a provision of the Criminal Code that applies retroactively

1. The enforcement of punishment against a person convicted of an act for which criminal liability has been canceled shall terminate.

2. If the new law mitigates the punishment for a criminal offense, the court shall reduce (commute) the sentence given to the convicted person for committing such a criminal offense to the maximum limit established by the new law.

3. If a person is serving a sentence given by cumulative criminal offenses or cumulation of sentences, and the law that applies retroactively decriminalizes or mitigates the punishment for any of these criminal offenses, the court shall:

- 1) apply the relevant provisions of part 1 or 2 of this Article; and
- 2) impose the final punishment to be served by this person.

Section 3.5. PROBATION MEASURES

Article 3.5.1. Types of probation measures

1. Supervisory probation measures put a person under an obligation to:

- 1) regularly register with the probation authority;
- 2) notify the probation authority of any change in the place of residence, employment, or studies;
- 3) not leave Ukraine or to the temporarily occupied territory of Ukraine without the permission of the probation authority.

3. Correctional probation measures put a person under an obligation to:

- 1) perform measures provided for by the probation program;
- 2) be employed, either on their own or upon assignment to the state employment service;
- 3) undergo training or professional training;
- 4) undergo medical treatment for mental and behavioral disorders due to the use of psychoactive substances or another socially dangerous disease, subject to **their consent**;
- 5) undergo a course of consultations with a psychologist;
- 6) take care of a child and ensure the child's upbringing.

Article 3.5.2. Persons subject to probation measures

1. Probation measures shall apply to a person for whom:

- 1) restriction of liberty has been imposed (Article 3.2.5 of this Code) – for a term established by the court under [art 3 of Article 3.2.5 of this Code;

- 2) the fixed-term conditional imprisonment is not enforced due to its commutation by restriction of liberty (Article 3.4.5 of this Code) – for a term of imposed fixed-term imprisonment;
- 3) the enforcement of the awarded punishment is postponed due to a special circumstance (Article 3.4.9 of this Code) for a term of such postponement;
- 4) the enforcement of fixed-term imprisonment has been suspended (Article 3.4.10 of this Code) – for a term of unserved fixed-term imprisonment;
- 5) life imprisonment has been commuted to restriction of liberty (Article 3.4.12 of this Code) – for 10 years;
- 6) a high risk of the commitment of a new crime after the person has served a sentence for an intentional crime of gravity degrees 5–9 – for a term ranging from 1 to 3 years.

2. The length of probation measures may be extended to a term ranging from 1 to 3 years based on the grounds stipulated by Article 3.5.4 of this Code.

Article 3.5.3. General rules for the application of probation measures

1. Probation measures shall be minimum necessary and sufficient for achieving the purpose of the application of criminal sanctions and compatible with each other.
2. Probation measures shall apply with due regard to:
 - 1) specific features of the particular criminal offense committed;
 - 2) personality of the convicted person;
 - 3) risks of the commitment of a new crime by a person and other circumstances established by the probation authority.
3. Concerning a person mentioned in:
 - 1) clauses 1, 3–5 of part 1 of Article 3.5.2, probation measures shall be applied under the rules stipulated by paragraphs 1, 2 of part 2 Article 3.2.5 of this Code;
 - 2) clauses 2, 6 of part 1 of Article 3.5.2, supervisory probation measures shall be applied, and one or several correctional probation measures may be applied.
4. The frequency of appearance for registration as a supervisory probation measure, as well as the content of correctional probation measures and their term, shall be determined by the probation authority.

Article 3.5.8. Change of probation measures

1. The frequency of a person's appearance for registration may be changed by the probation authority, taking into account the risks of committing a new crime and the needs of the person.
2. Correctional probation measures shall be extended if a person:
 - 1) commits a minor offense;
 - 2) fails to fulfill at least one of the probation measures or a restrictive measure; or
 - 3) does not make restitution or compensation or does not take all measures within their power to make them.

Section 3.6. SECURITY MEASURES

Article 3.6.1. Types of security measures

1. Security measures are:
 - 1) restrictive measures;
 - 2) compulsory psychiatric help;
 - 3) disclosure of information about the person's conviction.
2. One or several security measures may be applied to a person:
 - 1) who committed a criminal offense – when determining a punishment of releasing from punishment, reducing or commuting it;
 - 2) recognized insane in connection to the committed act.

Article 3.6.2. Restrictive measures

1. Restrictive measures consist in the prohibition imposed on a person to commit certain acts, restriction of their rights, or imposition of additional obligations on the person.

2. The court may apply the following prohibitions:

1) to stay in certain places (in particular, in the place of cohabitation with a victim, their close person, or a child who has been a witness or an accomplice in a criminal offense, or if a criminal offense has been committed using a child);

2) to approach at a certain distance to a place where a victim or their close person, a witness or an accomplice in a criminal offense may stay permanently or temporarily due to residence, work, study, treatment, or for other reasons;

3) to persecute a victim or their close person, which includes physically going after them, following them, or making them aware that they are being or will be followed;

4) to communicate with a victim, their close person, or with a person who has been a witness or an accomplice in a criminal offense, whether personally, via third parties, or using means of communication;

5) to attend sports and entertainment activities with or without the imposition of an obligation to stay in a certain place during such activities.

3. The court may apply the following restrictions on the right to:

1) hold certain offices, including on a voluntary basis;

2) participate in the competition for positions in public authorities or local governments;

3) take part in elections or a referendum;

4) conduct certain activities;

5) use vehicles, mechanisms, or equipment, use or keep ammunition, weapons, or dangerous objects, keep wild animals, dogs, or perform other activities that create increased danger for a person who performs them or other persons;

6) stay in the territory of Ukraine for a foreigner or a stateless person who does not live in Ukraine permanently;

7) conduct professional activities that imply direct and regular communication with children or people with disability.

4. The court may oblige a person to:

1) delete computer data being the subject or the method of committing a criminal offense;

or

2) block access to such computer data.

5. Restrictive measures stipulated by part 2 of this Article shall apply for a period of:

1) two to six months for a committed minor offense;

2) six months to two years for a committed crime.

6. Restrictive measures stipulated by part 3 of this Article shall apply for a period of:

1) six months to two years for a committed minor offense;

2) two to five years for a committed crime of gravity degrees 1–4;

3) five to fifteen years for a committed crime of gravity degrees 5–9.

7. The court must apply a restrictive measure under paragraphs 1 and 2 of part 3 of this Article to a person who has committed a criminal offense using official authority or professional duties or related opportunities.

8. The court must apply a restrictive measure under paragraph 5 of part 3 of this Article to a person who has committed a criminal offense associated with a violation of special security rules that a person was obliged to comply with.

9. The court must apply a restrictive measure under paragraph 7 of part 3 of this Article to a person who has committed a criminal offense:

1) against a child or person with disability under Section 4.5 of this Code;

2) against a child under Articles 7.6.4–7.6.7 of this Code;

3) using a child or an insane person.

Article 3.6.3. General rules for the application of restrictive measures

1. Restrictive measures should be the minimum necessary and sufficient to achieve the purpose of criminal sanctions and be compatible with each other.

2. Restrictive measures shall be applied to persons who are:

- 1) awarded a punishment for the commitment of a criminal offense;
- 2) released from punishment or for whom the punishment was reduced or commuted in cases stipulated by Articles 3.4.2, 3.4.5, 3.4.6, 3.4.8–3.4.13 hereof.
3. The court may apply one or several restrictive measures provided for by parts 2, 3, and 4 of Article 3.6.2 hereof.
4. The period of restrictive measures shall be counted from the effective date of a court decision in the case of:
 - 1) award of a punishment to a person in the form of community service (Article 3.2.3 of this Code) or a fine (Articles 3.2.4 of this Code);
 - 2) release from punishment, its reduction or commutation in cases stipulated by Articles 3.4.2, 3.4.5, 3.4.6, 3.4.8–3.4.13 hereof.
5. If a person is sentenced to a restriction of liberty, fixed-term imprisonment, or life imprisonment, restrictive measures shall be applied for the entire period of serving this sentence and, in addition, for the period determined by the court under parts 5 or 6 of Article 3.6.2 hereof. In this case, the period of restrictive measures shall be counted from the moment of the end of the restriction of liberty, fixed-term imprisonment, or suspension of life imprisonment with commutation with restriction of liberty subject to conditions.
6. Upon applying a restriction on the right to hold certain positions or to carry out certain activities, the court must specify precisely the nature and range of positions or the type of the corresponding activity. At the same time, the convicted person shall be deprived of the opportunity to hold positions or to carry out activities which, by their content and scope of powers, are similar to those with which the commission of a criminal offense was associated.
7. Control over the observance of restrictive measures shall be exercised by the probation authority and the body of the National Police of Ukraine within their competence.
8. A person who violated the requirements of a restrictive measure shall be liable for committing a minor offense under Article 8.3.8 of this Code.

Article 3.6.4. Compulsory psychiatric help

1. The types of compulsory psychiatric help are as follows:
 - 1) outpatient psychiatric help;
 - 2) placement to a special facility for inpatient psychiatric help – for people specified in part 1 of Article 3.6.5 hereof.
2. When determining the type of compulsory psychiatric help for a person who committed an unlawful act punishable under this Code, the court shall take into account the mental state of such person, the nature of the act committed by them, and the probability of committing a new unlawful act.
3. The scope and duration of compulsory psychiatric help shall be determined by the legislation.

Article 3.6.5. Application of compulsory psychiatric help

1. Compulsory psychiatric help may be applied to a person who:
 - 1) has been recognized insane;
 - 2) is not able to serve punishment after committing a criminal offense due to their mental disorder.
2. The period during which a person has been placed in a specialized inpatient psychiatric care facility according to paragraph 2, part 1 of Article 3.6.4 hereof, shall be counted towards the period of the punishment awarded, where one day of stay in such a facility equals to two days of restriction of liberty or one day of fixed-term imprisonment, or life imprisonment.
3. The procedure for continuing and terminating compulsory psychiatric help shall be determined by the legislation.

Article 3.6.6. Disclosure of information about the person's conviction

1. Information disclosure is a security measure that consists in posting information about a person convicted for:
 - 1) an intentional crime of gravity degree 5–9;
 - 2) a crime under Articles 4.5.4–4.5.11, 7.6.4–7.6.7 of this Code;
 - 3) a corruption or corruption-related crime.

2. Information on the conviction of a person shall be published in the state or municipal media determined by the court.

3. Disclosure of information, except for its publication in the media, shall be made in case of conviction

1) for crimes envisaged by Articles 4.5.4–4.5.11, 7.6.4–7.6.7 of this Code — in the Unified Register of Persons Convicted of Crimes against Sexual Freedom and Sexual Inviolability of a Child

2) for corruption and corruption-related offenses — in the Unified State Register of Persons Who Committed Corruption or Corruption-Related Offenses.

4. Upon disclosing information about the person's conviction, it is not allowed to publish personal data of other parties to the criminal proceedings.

Section 3.7. RESTITUTION AND COMPENSATION

Article 3.7.1. Restitution and compensation

1. A person who has committed a criminal offense or other unlawful act provided for by this Code, as a result of which the personal right of the victim has been violated or damage has been caused to the victim, the territorial community, or the state, must make restitution or compensation.

2. Restitution shall mean:

1) restoration of the violated personal right of the victim;

2) with the consent of the victim, returning the property acquired by committing a criminal offense;

3) providing equivalent property instead of the property acquired by committing a criminal offense or destroyed or damaged property, subject to the victim's consent, restoring the property in kind, or restoring the properties of the pecuniary damaged; or

4) with the consent of a territorial community or the state, restoration or improvement of a certain territory or public infrastructure.

3. Compensation shall mean monetary reimbursement of damage caused by a criminal offense or other unlawful act provided for by this Code.

4. Voluntary restitution or compensation made by a person shall be taken into account in accordance with the provisions of this Code during the application or termination of other criminal sanctions.

5. If it is established that a person found guilty of committing an intentional violent criminal offense cannot make compensation, the damage determined by the court's sentence shall be compensated to the victim by the state in the cases and in the manner prescribed by law, at the expense of the State Fund for Compensation of Damage to Victims.

Section 3.8. CONFISCATION OF PROPERTY AND SEIZURE OF A THING

Article 3.8.1. Confiscation of property

1. Property confiscation consists in the compulsory gratuitous alienation of cash funds, property rights, or other property owned by the convicted person to the State Fund for Compensation of Damage to Victims.

2. The court applies confiscation of property that:

1) is the subject of the criminal offense or another unlawful act envisaged by this Code (hereinafter in this Section referred to as the act);

2) has been found, adapted, used, or is intended to be used as an instrument or means of committing an act or to induce a person to commit it;

3) has been used or intended to finance or provide material support for the commitment of an act; or

4) has been used or intended as a reward for the commitment of an act or has been designated for this; or

5) has been acquired as a result of committing an act or constitutes proceeds from the use of such property.

3. The confiscation of property shall be used in cases of the person's conviction for intentional criminal offense, both with the imposition of punishment and release from punishment.

4. Confiscation shall not apply to the property that:

1) is the subject of an act or has been acquired as a result of committing the offense and shall be returned to the victim, the territorial community, or the state;

2) shall be returned to the owner (legitimate holder) who did not and could not know about its illegal use; or

3) cannot be foreclosed under enforcement documents (except for the instrument or means of committing an act).

Article 3.8.2. Confiscation of property equivalent

1. If the property specified in part 2 of Article 3.8.1 hereof has been fully or partially converted into other property, the confiscation shall apply to:

1) converted property; and

2) proceeds from the converted property.

2. The amount of funds corresponding to the property value at the moment of delivery of the court decision shall be subject to confiscation if the property specified in part 2 of Article 3.8.1 hereof:

1) has been consumed;

2) has been alienated;

3) cannot be separated from the property acquired lawfully; or

4) has been lost, deteriorated, or cannot be foreclosed for other reasons.

3. Confiscation of property equivalent shall apply in the cases provided for by part 4 of Article 3.8.1 hereof.

Article 3.8.3. Seizure of a thing

1. Seizure of a thing consists in the compulsory gratuitous alienation of a thing that is not owned by a convicted person, including a thing withdrawn from civil circulation, to the State Fund for Compensation of Damage to Victims.

2. The court applies the seizure of a thing with the property characteristics listed in part 2 of Article 3.8.1 hereof and to a thing acquired as a result of committing an act.

3. Seizure shall not apply to a thing that:

1) has been the subject, instrument (means) of the act or has been acquired as a result of its committing and shall be returned to the victim; or

2) shall be returned to the owner (legitimate holder) who did not and could not know about its illegal use.

4. Seizure of a thing shall apply in the cases provided for by part 4 of Article 3.8.1 hereof.

Article 3.8.4. Special cases of property confiscation and seizure of a thing

1. In cases stipulated by Articles 3.8.1–3.8.3 hereof, property confiscation, confiscation of property equivalent, and seizure of a thing may be applied in respect of the property or the thing associated with the commitment of an unlawful act under this Code by an insane person or a person under the age established by Article 2.3.7 hereof.

2. The property or the thing provided for by part 2 of Article 3.8.1, parts 1 and 2 of Article 3.8.2, part 2 of Article 3.8.3 hereof, which is kept by a third party (including in a bank or other financial institution), shall be:

1) returned to their owner (legitimate holder) if such third party has received them directly from the person who has committed an act; or

2) confiscated or seized if such third party has received them from another person for a fee but knew or should have known that such property or thing meet the characteristics set out in part 2 of Article 3.8.1, parts 1 and 2 of Article 3.8.2, part 2 of Article 3.8.3 hereof;

3) confiscated or seized if such third party has received them from another person free of charge.

4) confiscated or seized if such third party received them as a result of a sham or fictitious transaction;

5) confiscated or seized if such third party received them from a family member or their close person;

6) confiscated or seized if such third party, which is a legal entity, received them from the person who committed an act (is a member of their family or a close person) and is a beneficiary, director, member of the management body or participant of the legal entity.

3. Upon committing an act, when the property or thing has been used as a means of bribery, they shall be returned to the owner (legitimate holder) if:

- 1) there has been an extortion of a bribe;
- 2) a person has fulfilled the conditions provided for by part 3 of Article 3.4.2 hereof.

Section 3.9. CONVICTION

Article 3.9.1. Concept conviction

1. A conviction is a criminal sanction that consists in applying to a convicted person legal restrictions provided for by this Code and other laws of Ukraine.

2. The conviction for a criminal offense committed by a person who was minor at the time of its commission shall be determined taking into account the peculiarities envisaged by Article 3.10.9 of this Code.

3. Legal restrictions of a conviction arise from the date on which the court's guilty verdict came into force.

4. Legal restrictions of conviction:

- 1) provided for by this Code — shall be terminated from the date of expungement of conviction;
- 2) provided for by other laws of Ukraine — shall be terminated from the date of its revocation.

Article 3.9.2. Expungement of conviction

1. Conviction shall be expunged:

1) from the end day of the enforcement of punishment, as well as probation, measures, security measures, restitution or compensation, confiscation of property or seizure of a thing applied to a person in connection with their conviction for a criminal offense;

2) in case of discharge due to positive conduct of a person after committing a criminal offense (Article 3.4.2 hereof) – one year from the day of the court's guilty verdict has come into force, and, in the case of assignment of security measures, restitution or compensation, confiscation of property or seizure of a thing to such a person, no earlier than the end of their enforcement.

Article 3.9.3. Revocation of conviction

1. Revocation of conviction shall mean revocation by the court of the person's legal restrictions provided for by the laws of Ukraine other than this Code and applied to such person in connection with their conviction.

2. Conviction shall be revoked upon petition of the convicted person provided that such person, after the expungement of conviction, has not committed any other intentional criminal offense during the period of:

- 1) the duration of the actually served imprisonment – for a person sentenced to fixed-term imprisonment or life imprisonment;
- 3) one year – for another convicted person.

Section 3.10. SPECIFIC ASPECTS OF CRIMINAL LIABILITY OF MINORS AND YOUNG PERSONS

Article 3.10.1. Sanctions for criminal offenses committed by minors

1. The following sanctions are established for a crime committed by a minor, depending on its gravity:

1) a crime of gravity degree 1 – a fine of 100 to 200 units of account, or restriction of liberty for a period of 3 months to 1 year, or imprisonment for a period of 3 months to 1 year;

2) a crime of gravity degree 2 – a fine of 200 to 300 units of account, or restriction of liberty for a period of 1 to 2 years, or imprisonment for a period of 1 to 2 years;

3) a crime of gravity degree 3 – restriction of liberty for a period of 2 to 3 years or imprisonment for a period of 2 to 3 years;

4) a crime of gravity degree 4 – imprisonment for a period of 3 to 4 years;

5) a crime of gravity degree 5 – imprisonment for a period of 4 to 6 years;

6) a crime of gravity degree 6 – imprisonment for a period of 6 to 8 years;

7) a crime of gravity degree 7 – imprisonment for a period of 8 to 10 years;

8) a crime of gravity degree 8 – imprisonment for a period of 10 to 12 years;

9) a crime of gravity degree 9 – imprisonment for a period of 12 to 15 years.

2. For a minor offense committed by a minor, the principal punishment shall be established in the form of community service for a period of 1 to 3 months or a fine in the amount of twice the value of the object of the offense or the pecuniary damage caused by the minor offense or in the amount of 50 to 100 units of account, or restriction of liberty for a period of 15 days to 3 months.

3. Additional punishment for a crime or minor offense committed by a minor shall not be applied to such a person

Article 3.10.2. Application of criminal sanctions to a minor or a young person

1. Criminal sanctions shall apply to a minor or a young person with due regard to:

1) the age of such person;

2) the level of their intellectual development;

3) their living and upbringing conditions; and

4) the influence of adults on the minor person.

Article 3.10.3. Punishment for a minor or a young person and its imposition

1. A fine shall be applied to a minor or a young person if they have independent income or own funds or property that can be foreclosed.

2. . If a fine cannot be imposed on a minor or young person due to the lack of independent income, own funds or property that can be seized, and the lack of grounds for deferring its payment, the court shall award such a person community service for the duration of:

1) 60 hours – for a crime of gravity degree 1;

2) 120 hours – for a crime gravity degree 2;

3) 240 hours - for a crime of gravity degree 3.

3. Community service by a person who has not reached the age of 18 shall be performed for no more than 4 hours per day.

4. If the amount of the fine imposed on a minor is not paid without good reason within the period provided for in parts 5 or 6 of Article 3.2.4 of this Code, the court shall replace the amount of the fine imposed on the minor with restriction of liberty at the rate of one day of restriction of liberty for three units of account of the unpaid fine.

5. If a minor, without a valid reason, has not served community service within the period established by the court, the court shall commute the unserved portion of this punishment with fixed-term imprisonment at the rate of 1 day of fixed-term imprisonment for every 16 hours of unserved community service.

Article 3.10.4. Non-enforcement of fixed-term imprisonment due to its commutation with restriction of liberty subject to conditions

1. For a person sentenced to fixed-term imprisonment for one crime or cumulative crimes, regardless of their gravity degree, the court shall decide not to enforce fixed-term imprisonment due to its commutation with restriction of liberty subject to conditions (Article 3.4.5 of this Code), unless the purpose of criminal sanctions may be achieved only by serving such imprisonment.

Article 3.10.5. Suspending the enforcement of fixed-term imprisonment due to its commutation with restriction of liberty subject to conditions in relation to a minor or young person

1. The enforcement of fixed-term imprisonment due to its commutation with restriction of liberty subject to conditions (Article 3.4.10 of this Code), for a minor or young person who does not have a high

risk of committing a crime shall be suspended after such person has actually served:

- 1) one fourth of the imprisonment term awarded for a crime of gravity degrees 1–4;
- 2) one third of the imprisonment term awarded for a crime of gravity degrees 5–6;
- 3) a half of the imprisonment term awarded for a crime of gravity degrees 7–9 or a crime committed when serving restriction of liberty.

Article 3.10.6. Reduction of the unserved portion of punishment for a minor and a young person in connection with an amnesty

1. Restrictions provided for in part 6 of Article 3.4.13 of this Code shall not apply to a minor or a young person in the event of an amnesty in the form of a reduction of the unserved portion of punishment.

Article 3.10.7. Application of penitentiary arrest to a minor

1. Penitentiary arrest shall be imposed on a minor who has committed a criminal offense for a period of 15 days to 3 months and for a criminal offense involving the use of violence – for a period of 1 to 6 months.

Article 3.10.8. Application of security measures to a minor

1. A minor who committed a crime when a minor may not be imposed a restrictive measure in the form of prohibition to stay in the place of their permanent residence.
2. A minor who has committed a crime shall not be subject to disclosure of information about their conviction unless such person has been convicted for crimes envisaged by Article 4.5.4–4.5.11 of this Code..

Section 3.11.

CRIMINAL SANCTIONS AGAINST
LEGAL ENTITIES

Article 3.11.1. Legal entities subject to criminal sanctions

1. Criminal sanctions, if there are grounds provided for in part 1 of Article 3.11.2 of this Code, and regardless of the criminal liability of an individual, shall be applied by the court to legal entities.
2. Criminal sanctions shall not be applied to:
 - 1) government authorities, authorities of the Autonomous Republic of Crimea, local government bodies;
 - 2) non-profit economic entities established by them following the procedure established by law, which are financed at least 50% by the relevant state or local budget;
 - 3) funds of compulsory state social insurance, the Fund for Guaranteeing Deposits of Individuals;
 - 4) international organizations (except non-governmental ones).
3. In cases of commission of a crime provided for in Articles 6.3.27, 5.1.5, 7.9.4, 8.2.14, 9.5.7, 9.5.9 of this Code against a foreign public official, criminal sanctions may be applied against private and public law entities – residents and non-residents of Ukraine, international non-governmental organizations, other legal entities established under national or international law, except for those specified in part 2 of this Article.

Article 3.11.2. Grounds for the application of criminal sanctions to a legal entity

1. There may be the following grounds for the application of criminal sanctions to a legal entity:
 - 1) committing any intentional crime of gravity degrees 3–9 under this Code on behalf or for the benefit of a legal entity or its associate by an authorized person of such legal entity;
 - 2) committing either of the following crimes punishable by this Code by a person subordinated to (controlled by) an authorized person of the legal entity due to poor control by the latter:
 - against a person – Articles 4.4.6, 4.4.7, 4.5.4–4.5.9 (committed against a child), 4.11.4;
 - against public health – Articles 5.1.4–5.1.8, 5.1.11, 5.2.4–5.2.9, 5.2.11–5.2.12, 5.3.3–5.3.12;

- against economy – Articles 6.1.4–6.1.12, 6.6.2–6.2.4, 6.3.5–6.3.11, 6.3.19–6.3.27, 6.5.3–6.5.12;
- against society – Articles 7.1.4–7.1.9, 7.2.3–7.2.8, 7.6.4–7.6.7 (committed against a child), 7.7.3–7.7.6, 7.9.4–7.9.7;
- against justice – Articles 8.1.54–8.1.6, 8.2.3–8.2.19, 8.3.2, 8.3.3, 8.3.6;
- against the state – Articles 9.3.6 i 9.3.7, 9.5.4–9.5.11;
- against international legal order – Article 11.5.10.

3) a crime envisaged by Articles 6.3.27, 5.1.5, 7.9.4, 8.2.14, 9.5.7, 9.5.9 of this Code, in relation to a foreign public official, if such a crime was committed:

- on behalf of or in the interests of a legal entity or its associated person by its authorized person or with the knowledge of its authorized person;
- due to the failure of its authorized person to fulfill obligations to take measures to prevent corruption or obligations to exercise supervision (control) over persons acting on behalf of the legal entity or on behalf of its authorized person, who are members of its collegial bodies or its employees.

2. An authorized person of a legal entity is a subject of a crime who, according to the law, constituent documents of a legal entity, special authority, contract, or court decision:

- 1) holds an executive office, represents the legal entity, or makes decisions on its behalf, acting individually or as part of the collective body of the legal entity;
- 2) exercises control within such legal entity, including is a member of its supervisory council; or
- 3) is a founder (participant) or ultimate beneficial owner (controller) of that legal entity.

3. A crime shall be deemed committed for the benefit of a legal entity if this crime:

- 1) caused the acquisition by a legal entity of unlawful benefit;
- 2) created conditions for realizing intangible interest of the legal entity or resulted in its realization;
- 3) was aimed at evading legal liability by such legal entity; or
- 4) consisted in offering or giving a bribe for committing or failing to commit any act or influencing a decision in the interests of a legal entity.

4. Criminal sanctions shall not be applied to a legal entity if the victim of a crime committed by an authorized person of the legal entity is only that legal entity.

Article 3.11.3. Type of criminal sanctions applicable to legal entities

1. The following criminal remedies may be imposed on a legal entity:

- 1) a fine;
- 2) limitation of support from public funds;
- 3) restriction of certain activities;
- 4) confiscation of property or seizure of things;
- 5) liquidation.

2. The court may also decide to disclose information on criminal sanctions applied to a legal entity in the following cases:

- 1) application of measures provided for in paragraphs 3–5 of part 1 of this Article;
- 2) provision by an employer of illegal employment to third-country nationals illegally staying in the territory of Ukraine or a member state of the European Union (Article 9.3.7 of this Code).

Article 3.11.4. Fine imposed on a legal entity

1. A fine is a compulsory monetary penalty that shall be paid by a legal entity based on a court decision to the State Fund for Compensation of Damage to Victims in the amount established by this Code.

2. The court shall impose a fine in the amount in the double amount of the acquired unlawful benefit or the bribe offered, given, or received, but not less than that provided for in part 3 of this Article for a crime of the appropriate gravity degree.

3. If no unlawful benefit has been acquired or the bribe has not been offered, given, or obtained, or its amount cannot be measured, the court, depending on the gravity degree of the crime committed by an authorized person of the legal entity, shall impose a fine for committing a crime of:

- 1) gravity degree 1 – in the amount of 500 to 1000 communication units;
- 2) gravity degree 2 – in the amount of 1000 to 2000 communication units;
- 3) gravity degree 3 – in the amount of 2000 to 3000 communication units;
- 4) gravity degree 4 – in the amount of 3000 to 6000 communication units;
- 5) gravity degree 5 – in the amount of 6000 to 12,000 communication units;
- 6) gravity degree 6 – in the amount of 12,000 to 18,000 communication units;
- 7) gravity degree 7 – in the amount of 18,000 to 24,000 communication units;
- 8) gravity degree 8 – in the amount of 24,000 to 36,000 communication units;
- 9) gravity degree 9 – in the amount of 36,000 to 48,000 communication units.

4. Taking into account the property status of the legal entity, the court may decide to defer the fine for 12 to 36 months, i.e., allow its payment in installments by determining the minimum amounts of such installments and their frequency (at least once every 60 days).

Article 3.11.5. Restriction of support for a legal entity at the expense of public finances

1. Restriction of support for a legal entity at the expense of public funds consists of:

1) cancellation of benefits, subsidies, loans, tax benefits, quotas, preferences, and other assets previously granted to a legal entity by the state or territorial community, for the receipt of which, with the help of which, or with the use of which an authorized person committed a crime on behalf of and in the interests of the legal entity or in the interests of its associated person;

2) a ban for a period ranging from 6 months to 5 years on receiving benefits, subsidies, loans, tax benefits, quotas, preferences, state aid, and other assets from the state and territorial community;

3) a ban for a period ranging from 6 months to 5 years on attracting, using, and disbursing funds for international technical projects and international financial transactions;

4) a ban for a period ranging from 6 months to 5 years on acquiring the status of a resident of the Diia.City;

5) a ban for a period ranging from 6 months to 5 years on receiving state and other financial support for export activities.

2. A restriction on the support of a legal entity at the expense of public funds shall apply to the type of activity of a legal entity in the course of which the crime was committed by its authorized person.

Article 3.11.6. Restriction on certain activities of a legal entity

1. The restriction on certain activities of a legal entity is applied to prevent a further violation by the legal entity of the requirements for the proper performance of economic and other activities and consists in the prohibition for a period of six months to five years:

1) to conduct certain business activities with the cancellation (suspension) of a respective general or special permit (license, concession). Licenses for those types of activities within which the court has established a connection between the legal entity (licensee) and the act, during the performance of which a crime was committed by its authorized person are subject to cancellation (suspension);

2) to obtain a new permit or extend the validity period of a special permit for subsoil use (in particular by suspending the validity of a special permit for subsoil use);

3) to participate in the public and defense procurement or auctions;

4) to issue shares or other securities;

5) to set up new legal entities;

6) to participate in the privatization of state and municipal property;

7) to participate in the lease of state and municipal property, extend the lease agreement;

8) to purchase bonds of internal state loans of Ukraine;

9) to produce, manufacture, and distribute advertising about their own activities;

10) to carry out sponsorship;

11) to perform certain other transactions;

12) to participate in social dialog bodies, except for the bilateral working commission established at the local level for collective negotiations;

13) to create self-regulatory organizations and participate in their work;

14) to participate in public-private partnerships;

15) to participate in the activities of joint ventures

16) to operate a branch, a division, or an institution used to commit a criminal offense.

2. The restriction on certain activities of a legal entity shall apply to the type of the legal entity's activity in the course of which its authorized person committed a crime.

Article 3.11.7. Confiscation of property or seizure of things of a legal entity

1. Confiscation of property and seizure of things of a legal entity consists in the compulsory free-of-charge withdrawal by a court decision to the State Fund for Compensation of Damage to Victims of money, property rights, and other property owned or actually possessed by a legal entity or its associated person in whose interests the crime was committed by an authorized person.

2. Confiscation of property and seizure of things shall be carried out in respect of items to the extent and in the manner prescribed by Articles 3.8.1–3.8.4 of this Code.

Article 3.11.8. Liquidation of a legal entity

1. Liquidation of a legal entity may be applied in connection with the commission by its authorized person on behalf of the legal entity and in its interests or in the interests of its associated person of an intentional crime of gravity degrees 3–9 provided for by this Code. Liquidation of a legal entity shall not apply in cases of commission of crimes stipulated by Articles 5.1.5, 7.9.4, 8.2.14, 9.5.7, 9.5.9, 9.7.9 of this Code.

2. In case of liquidation of a legal entity, the court may invalidate transactions concluded by such legal entity in connection with a crime committed on its behalf and in its interests or in the interests of its associated person by an authorized person.

3. Liquidation does not apply to foreign legal entities under private law.

Article 3.11.9. General rules for the application of criminal sanctions to a legal entity

1. The following circumstances shall be taken into account when determining the type and amount of the criminal sanction applicable to a legal entity:

1) the degree of gravity of the crime committed by the authorized person;

2) the nature and duration of the criminal activity of the authorized person;

3) the size and nature of the unlawful benefit or bribe obtained by the legal entity or its associate as a result of the crime committed by the authorized person;

4) assistance by an authorized person or an employee of a legal entity in solving or investigating the crime, exposing its participants, searching and finding property obtained as a result of the crime committed by the authorized person;

5) voluntary compensation for the damage caused;

6) property status of the legal entity;

7) application of criminal remedies against the legal entity;

8) engagement by a legal entity in charity activities or other community service;

9) the existence of proper compliance rules at the legal entity (rules for preventing corruption offenses), as well as an effective internal control, which would generally have to ensure the prevention of corruption and other offenses.

2. In case of the application of a criminal sanction to a legal entity, such legal entity shall make compensation for the damage caused in full.

3. A legal entity shall be exempted from the application of criminal sanctions against it on the grounds provided for in Article 3.11.2 of this Code, if the following periods have elapsed from the date of the commission of an act by an authorized person of the legal entity and until the date of entry into force of the court decision on the application of a criminal sanction to the legal entity:

1) 5 years – in the case of committing an act containing elements of a crime of gravity degrees 1–4;

2) 10 years – in the case of committing an act containing elements of a crime of gravity degrees 5–6;

3) 15 years – in the case of committing an act containing elements of a crime of gravity degrees 7–9.

4. After the court has issued a decision to impose a criminal sanction on a legal entity and until its

full performance or cancellation (release from application), the reorganization of the legal entity and its liquidation upon decision of its founders (members) or the body authorized under the articles of association of the legal entity shall be prohibited. If the legal entity has been reorganized before the court has issued a decision to impose a criminal remedy, this remedy shall apply to the legal entity's successor.

5. The imposition of a criminal sanction on a legal entity shall not exclude criminal liability of an authorized person for the committed crime under part 1 of Article 3.11.2 hereof.

6. The release of an authorized person from punishment shall not entail a refusal to impose criminal sanctions on the legal entity on behalf or for the benefit of which or for the benefit of whose associate or through the improper control by the authorized person of which the crime has been committed, except when the punishment is not awarded to the authorized person due to the expiry of the statute of limitation.

7. Criminal sanctions shall not be imposed on a legal entity if this legal entity is the only victim in a crime committed by the authorized person of that legal entity.

Article 3.11.10. Imposition of criminal sanctions on a legal entity for the commitment of two or more crimes by an authorized person

1. If an authorized person, on behalf and for the benefit of a legal entity or for the benefit of its associate, or due to poor control by the authorized person of the legal entity, commits two or more crimes, the court shall apply criminal sanctions to a legal entity for each crime separately and determine the final criminal sanction by:

- 1) turning to independent execution of criminal sanctions of different types;
- 2) merging criminal sanctions of the same type, except for the confiscation of all property or liquidation of a legal entity for at least one of the crimes;

2. When applying criminal sanctions to a legal entity for a crime committed by an authorized person in the presence of a previously appointed and unexecuted criminal sanction, each of the criminal sanctions shall be executed independently, except in cases when the court applies liquidation of a legal entity.

SPECIAL PART

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Book 4.

CRIMINAL OFFENSES AGAINST THE PERSON

Section 4.1.

CRIMINAL OFFENSES AGAINST HUMAN LIFE

Article 4.1.1. Elements reducing the gravity of a crime by three degrees

The elements reducing the gravity of crimes under this Section by three degrees include the commitment of a crime:

- 1) provided for in Article 4.1.5 exceeding the limits of legitimate defense, limits of using a protective device that strikes autonomously, limits of causing harm to a person who committed an illegal offense during their detention, or limits of extreme necessity;
- 2) provided for in Article 4.1.5, under the influence of a special mental state (Article 2.3.5 of this Code);
- 3) provided for in Article 4.1.13, which consists in self-abortion by a woman and causing death to the fetus after the beginning of the 22nd week of pregnancy.

Article 4.1.2. Elements reducing the gravity of a crime by two degrees

The elements reducing the gravity of crimes under this Section by two degrees include the commitment of a crime:

- 1) provided for in Article 4.1.5, solely out of compassion for a severely ill person (except for a pregnant woman, a minor, or an incapable person) and for the purpose of relieving their unbearable physical suffering at their repeated clearly expressed request;

2) provided for in Article 4.1.5 by a person when performing a special task to combat the criminal activity of an organized criminal group or a terrorist group;

3) provided for in Articles 4.1.6 or 4.1.12, if the death of a person or a human fetus has been caused by the improper performance of urgent professional duties by a healthcare or pharmaceutical worker due to their physical, mental, or emotional overload.

Article 4.1.3. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 4.1.5, 4.1.7, 4.1.9 against a particularly person;
- 2) that caused the death of two or more people;

Article 4.1.4. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of a crime:

- 1) provided for in Articles 4.1.5, 4.1.7, 4.1.9, 4.1.11–4.1.13, against a vulnerable person;
- 2) provided for in Articles 4.1.5, 4.1.7, 4.1.9, 4.1.11–4.1.13, against a close person or a former spouse;
- 3) provided for in Articles 4.1.5, 4.1.7, 4.1.9, against a person (or their close person) in connection with their performance of official authority or professional duties, the performance of their legal obligation, or the exercise of their subjective right in the public interest;
- 4) as part of a simple group;
- 5) using the official authority or professional duties, or related opportunities;
- 6) provided for in Articles 4.1.5, 4.1.7, 4.1.9, with the use of weapons or a dangerous object;
- 7) in a generally dangerous way;
- 8) provided for in Articles 4.1.7, 4.1.9, with the use of media or information system;
- 9) provided for in Article 4.1.5, by using ill-treatment, inhumane, or degrading treatment against a person;
- 10) provided for in Articles 4.1.5, 4.1.7, 4.1.9, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 11) for the purpose of concealing another crime or facilitating its commitment;
- 12) for reasons of belonging to a particular social group;
- 13) provided for in Article 4.1.6, as a result of the violation of special safety rules that the person was obliged to follow;
- 14) provided for in Article 4.1.6, while driving a vehicle by a person who was in a state of intoxication;
- 15) as provided for in Article 4.1.6, when driving a vehicle by a person who did not have the right to drive the vehicle or was deprived of such right.

Article 4.1.5. Murder

A person who caused the death of another person, – committed a crime of gravity degree 7.

Article 4.1.6. Causing death through negligence

A person who caused the death of another person through negligence, – committed a crime of gravity degree 5.

Article 4.1.7. Driving to suicide, inciting or aiding suicide

A person who:

- 1) treated another person cruelly or inhumanely,
- 2) threatened such another person,
- 3) humiliated their dignity regularly,
- 4) forced them to commit illegal actions or omissions regularly,
- 5) incited another person to commit suicide, or

6) assisted such person in committing it,
if, as a result of such act, this person committed a suicide, –
committed a crime of gravity degree 7.

Article 4.1.8. Driving to suicide through negligence

A person who:

- 1) treated another person cruelly or inhumanely,
 - 2) threatened such another person,
 - 3) systematically humiliated another person's dignity, or
 - 4) systematically forced them to unlawful acts or omissions,
- if this negligently caused a person's suicide, –
committed a crime of gravity degree 5.

Article 4.1.9. Driving to an attempt of suicide, unsuccessful inclination to it, or assistance in its commission

A person who:

- 1) treated another person cruelly or inhumanely,
- 2) threatened such another person,
- 3) humiliated their dignity regularly,
- 4) forced them to commit illegal acts or omissions regularly,
- 5) inclined another person to commit suicide, or
- 6) assisted such person in committing it,

if, as a result of such an act this person committed a suicide attempt that was not finished for reasons beyond their control, –
committed a crime of gravity degree 5.

Article 4.1.10. Driving to a suicide attempt through negligence

A person who:

- 1) treated another person cruelly or inhumanely,
- 2) threatened another person,
- 3) systematically humiliated another person's dignity,
- 4) systematically forced to unlawful acts or omissions,

if this negligently caused a person's suicide attempt that was not completed for reasons beyond the person's control, –
committed a crime of gravity degree 3.

Article 4.1.11. Causing the death of a human fetus

A person who caused the death of a human fetus after the beginning of the 22nd week of pregnancy,
–
committed a crime of gravity degree 7.

Article 4.1.12. Causing the death of a human fetus through negligence

A person (except for a pregnant woman who carried the fetus) who caused the death of a human fetus through negligence after the beginning of the 22nd week of pregnancy, –
committed a crime of gravity degree 5.

**Section 4.2.
CRIMINAL OFFENSES
AGAINST HUMAN HEALTH**

Article 4.2.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *Severe damage to a human fetus* shall mean damage caused to a human fetus during the intrauterine development, which is severe damage to health established after the birth of a person.

Subsection 1. CRIMES

Article 4.2.2. Elements reducing the gravity of crimes by three degrees

The elements reducing the gravity of crimes under this Section by three degrees include the commitment of a crime:

- 1) provided for in Article 4.2.6 exceeding the limits of legitimate defense, limits of using a protective device that strikes autonomously, limits of causing harm to a person who committed an unlawful encroachment during their detention, or limits of extreme necessity;
- 2) provided for in Article 4.2.6, under the influence of a special mental state (Article 2.3.5 of this Code);
- 3) provided for in Article 4.2.10, which consists in causing severe damage by a woman to the human fetus she carried after the beginning of the 22nd week of pregnancy;
- 4) provided for in Article 4.2.12, if the artificial abortion has been carried out subject to a voluntary prior and informed consent of a pregnant woman.

Article 4.2.3. Elements reducing the gravity of a crime by two degrees

The elements reducing the gravity of crimes under this Section by two degrees include the commitment of a crime:

- 1) provided for in Articles 4.2.9 or 4.2.11, if severe damage to the person's health or severe damage to a human fetus has been caused by the improper performance of the urgent professional duties by a healthcare or pharmaceutical worker due to their physical, mental, or emotional overload.

Article 4.2.4. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 4.2.6–4.2.8, 4.2.12–5,2,14 against an e particularly vulnerable person.

Article 4.2.5. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of a crime:

- 1) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, against a vulnerable person;
- 2) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, against a close person or a former spouse;
- 3) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, against a person (or their close person) in connection with their performance of official authority or professional duties, the performance of their legal obligation, or the exercise of a subjective right in the public interest;
- 4) as part of a simple group;
- 5) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, using the power, official authority or professional duties, or related opportunities;
- 6) provided for in Articles 4.2.6–4.2.8, with the use of weapons or a dangerous object;
- 7) in a generally dangerous way;
- 8) provided for in Articles 4.2.6–4.2.8, by using ill-treatment, inhuman, or degrading treatment against a person;
- 9) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 10) for the purpose of concealing another crime or facilitating its commitment;
- 11) for reasons of belonging to a particular social group;
- 12) provided for in Articles 4.2.9 or 4.2.11, due to violation of special safety rules that the person was obliged to follow;

13) provided for in Articles 4.2.9 or 4.2.11, while driving a vehicle by a person who was in a state of intoxication;

14) provided for in Articles 4.2.9 or 4.2.11, while driving a vehicle by a person who did not have the right to drive the vehicle or was deprived of such right.

Article 4.2.6. Causing severe damage to health

A person who caused severe damage to the health of another person, – committed a crime of gravity degree 5.

Article 4.2.7. Causing considerable damage to health

A person who caused considerable damage to the health of another person, – committed a crime of gravity degree 3.

Article 4.2.8. Causing substantial damage to health

A person who caused substantial damage to the health of another person, – committed a crime of gravity degree 1.

Article 4.2.9. Causing severe damage to health through negligence

A person who caused severe damage to the health of another person through negligence, – committed a crime of gravity degree 3.

Article 4.2.10. Severe damage to a human fetus

A person who caused severe damage to a human fetus, – committed a crime of gravity degree 5.

Article 4.2.11. Severe damage to a human fetus through negligence

A person (except for a pregnant woman who carried the fetus) who caused severe damage to a human fetus through negligence, – committed a crime of gravity degree 3.

Article 4.2.12. Artificial abortion

A person (except for a pregnant woman who carried the fetus) who made a surgery or a procedure of artificial abortion:

- 1) without the right to make it,
 - 2) outside the health care facility authorized to make such surgery or procedure, or
 - 3) at the pregnancy term above twelve weeks, but before the beginning of the twenty-second week, in the absence of the ground established by law, which allows artificial abortion during that term, –
- committed a crime of gravity degree 5.

Article 4.2.13. Artificial abortion as a result of coercion or deception

A person who:

- 1) forced a pregnant woman to commit an artificial abortion, or
 - 2) provided a pregnant woman with the knowingly false information,
- as a result of which an artificial abortion was performed by the woman or with her consent, – committed a crime of gravity degree 5.

Article 4.2.14. Sexual sterilization of a person as a result of coercion or deception

A person who:

- 1) forced another person to undergo a sexual sterilization, or
 - 2) provided such person with the knowingly false information,
- as a result of which such sterilization was completed by a person or with their consent, – committed a crime of gravity degree 5.

Subsection 2. MINOR OFFENSES

Article 4.2.15. Violence that caused physical pain

A person who has committed violence against another person that has caused physical pain committed a minor offense.

Article 4.2.16. Causing considerable damage to health through negligence

A person who caused considerable damage to the health of a person through negligence, – committed a minor offense.

Section 4.3. CRIMINAL OFFENSES AGAINST MENTAL AND PHYSICAL SAFETY OF A PERSON

Article 4.3.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particularly vulnerable person;
- 2) provided for in Article 4.3.3, with a purpose of coercing another person or their close person to commit or not to commit a certain action.

Article 4.3.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) against a vulnerable person;
- 2) against a close person or a former spouse;
- 3) against a person (or their close person) in connection with their performance of official authority or professional duties, performance of legal duty, or exercise of their subjective right in the public interest;
- 4) as part of a simple group;
- 5) using the power, official authority or professional duties, or related opportunities;
- 6) provided for in Article 4.3.3, with the use of weapons or a dangerous object;
- 7) provided for in Article 4.3.3 or 4.3.6, with the use of media or information system;
- 8) provided for in Article 4.3.3, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 9) for the purpose of concealing another crime or facilitating its commitment;
- 10) for reasons of belonging to a particular social group.

Article 4.3.3. A threat to cause death or severe harm to health

A person who threatened another person with:

- 1) murder,
- 2) causing serious harm to health,
- 3) rape, or
- 4) destruction or damage to property in a generally dangerous manner; – committed a crime of gravity degree 3.

Article 4.3.4. Endangering the life or health of another person

A person who, assuming the infliction of death or significant or severe harm to the health of another person:

- 1) created a real danger or the occurrence of such consequences, or
- 2) failed to prevent such danger, being obliged and having the opportunity to prevent it, –

committed a crime of gravity degree 1

Article 4.3.5. Leaving in danger

A person who wittingly left another person without help, assuming that their life was threatened by real danger and they were unable to take measures for self-preservation if the person:

- 1) was obliged to take care of that another person and was able to help them, or
- 2) put that person in a life-threatening situation themselves due to their unintentional actions; – committed a crime of gravity degree 1.

Article 4.3.6. Promotion of suicide

A person who has publicly disseminated information intended to induce suicide, facilitate suicide or encourage it, –

committed a crime of gravity degree 3.

Section 4.4. CRIMINAL OFFENSES AGAINST PERSONAL FREEDOM, HONOR, AND DIGNITY OF A PERSON

Article 4.4.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *exploitation of a person*

- a) sexual exploitation,
- b) forced labor,
- c) subjection to slavery or customs similar to slavery, enslavement, or forced marriage,
- d) involvement in debt bondage,
- e) removal of organs,
- f) carrying out experiments on the person,
- g) adoption with a selfish motive,
- h) forced insemination,
- i) forced abortion or forced sterilization,
- j) involvement in begging,
- k) involvement in criminal activities,
- l) use in the armed conflict;

2) *hostage* – a person who was deprived of personal freedom of movement by another person in order to force a government authority, a local authority, an international organization or a representative office of a foreign state, an individual, or a legal entity to perform a certain action or to refrain from performing a certain action as a condition for the person's release.

Article 4.4.2. Elements reducing the gravity of a crime by two degrees

The element of the crime that reduces the severity of the crimes under this Section by two degrees is the commission of an intentional crime:

- 1) provided for in Articles 4.4.5 or 4.4.6, if a person was voluntarily released within twelve hours after the deprivation of their personal freedom, and such person did not suffer any tortures or harm to their health.

Article 4.4.3. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particular vulnerable person.

Article 4.4.4. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) against a vulnerable person;
- 2) against a close person or a former spouse;
- 3) against a person (or their close person) in connection with their performance of official authority or professional duties, performance of their legal obligation, or exercise of a subjective right in the public interest;
- 4) as part of a simple group;
- 5) using official authority or professional duties, or related opportunities;
- 6) provided for in Article 4.4.5, combined with placing in the psychiatric care facility a person who obviously does not need hospitalization in such a facility;
- 7) provided for in Articles 4.4.5 or 4.4.6, with the detention of a person deprived of personal liberty for more than seven days;
- 8) provided for in Article 4.4.7, combined with the movement of a person across the state border of Ukraine;
- 9) provided for in Articles 4.4.5 or 4.4.6, with the use of the situation caused by a catastrophe, accident, natural disaster, mass unrest, hostilities, or other extraordinary event;
- 10) provided for in Articles 4.4.5 or 4.4.6, by a representative of a state, in particular a foreign one, or a political organization, on their instructions, with their support, with their permission, or with their consent.

Article 4.4.5. Deprivation of a person's freedom of movement

A person who:

- 1) captured another person, or
- 2) deprived the latter of their personal freedom of movement in any other form, – committed a crime of gravity degree 3.

Article 4.4.6. Taking hostage

A person who takes a person hostage, forcing a state authority, local government, international organization, or representative office of a foreign state, individual or legal entity to perform an act or refrain from performing an act as a condition for the release of the captured hostage, –

committed a crime of gravity degree 5.

Article 4.4.7. Human trafficking

A person who:

- 1) recruited,
- 2) moved,
- 3) sold (transferred),
- 4) hid, or
- 5) received a human being, –

if this act has been committed for the purpose of exploiting a human being and in one of the following ways: coercion, capture, deception, use of trust, abuse of power or official authority, use of the condition of a particularly vulnerable or vulnerable person (except for a child), or bribery of a third person who controls a person, and in the case of a child, regardless of the purpose and method of committing the act, –

committed a crime of gravity degree 5.

Article 4.4.8. Coercion

A person who forced another person to commit or not to commit a certain act by applying to them or their close person:

- 1) violence that caused physical pain,
- 2) other violence not related to causing harm to health, or
- 3) threats,

except for cases of coercion provided for in other articles of this Code, – committed a crime of gravity degree 3.

Article 4.4.9. Coercion to cohabitation in a marriage or without concluding a marriage

A person who coerced another person by applying violence or threat of violence against them or their close person to:

- 1) cohabitation in a marriage or without concluding a marriage,
- 2) continuing a forcedly concluded marriage, or
- 3) moving to the territory of a state other than the one in which they live, for marriage or for cohabitation in a marriage or without concluding a marriage, – committed a crime of gravity degree 3.

Article 4.4.9. Use of cruel, inhuman, or degrading treatment

A person who used cruel, inhuman, or degrading treatment towards a person, – committed a crime of the gravity degree 3.

**Section 4.5.
CRIMINAL OFFENSES
AGAINST SEXUAL FREEDOM
AND SEXUAL INVIOABILITY OF A PERSON**

Article 4.5.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *voluntary consent* — an unambiguously expressed consent of a person to a sexual act if that person has reached the age of 14 and is able to understand the nature and significance of the act;
- 2) *sexual penetration* – vaginal, oral, or anal penetration of a sexual nature by any part of the body or with any item into another person’s body.

Subsection 1. CRIMES

Article 4.5.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 4.5.4–4.5.7, against a particularly vulnerable person;
- 2) provided for in Articles 4.5.4–4.5.7, that endangered the child's life.

Article 4.5.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 4.5.4–4.5.6, against a vulnerable person;
- 2) provided for in Articles 4.5.4–4.5.6, against a close person or a former spouse;
- 3) provided for in Articles 4.5.4–4.5.6, against a person (or their close person) in connection with their performance of official authority or professional duties, performance of their legal duty, or exercise of their subjective right in the public interest;
- 4) as part of a simple group;
- 5) using the power, official authority, professional duties, or related opportunities;
- 6) provided for in Articles 4.5.4–4.5.7, with the use of weapons or a dangerous object;
- 7) provided for in Articles 4.5.4–4.5.7, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 8) provided for in Article 4.5.7, if a sexual act was combined with sexual penetration;
- 9) on the grounds of race, nation, or religious hatred.

Article 4.5.4. Rape

A person who has sexually penetrated another person without their voluntary consent, – committed a crime of gravity degree 5.

Article 4.5.5. Sexual act without sexual penetration

A person who, in the absence of another person's voluntary consent, committed a sexual act without sexual penetration, –

committed a crime of gravity degree 3.

Article 4.5.6. Coercion to engage in sexual activity with a third party

A person who forced another person to commit a sexual act with a third person, –
committed a crime of gravity degree 3.

Article 4.5.7. Inclination of a child aged 14 to 18 to engage in sexual activity with a third party

A full-aged person who forced a child aged 14 to 18 to engage in sexual activity with a third party,
–
committed a crime of gravity degree 3.

Article 4.5.8. Debauching a child under 14

A full-aged person who:

- 1) forced a child under 14 to watch a sexual act, or
- 2) showed or sold a porn item to a child under 14, –

committed a crime of gravity degree 3.

Article 4.5.9. Coercion or inducement of a woman to have her genitals removed or mutilated

A person who:

- 1) forced a woman to have her external genitals removed or mutilated; or
- 2) encouraged a minor woman to do that, –

committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 4.5.10. Sexual harassment

A person who has committed unwanted verbal, non-verbal, or physical sexual harassment of a person who has reached the age of 14, the purpose or effect of which is to violate the dignity of a person by creating an intimidating, hostile, humiliating or offensive environment, –
committed a minor offense.

Section 4.6.

CRIMINAL OFFENSES

AGAINST FAMILY AND CHILDREN

Article 4.6.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *economic violence* – deprivation of housing, food, clothing, other property, funds, or documents to which the victim has a legal right, or the opportunity to use them, leaving without care or attendance, preventing the receipt of necessary treatment or rehabilitation services, coercion to work or prohibition to work or study;

2) *emotional dependence* – psychological dependence on relations with an aggressor person, which is characterized by the inability to choose in the destructive relationships, combined with the fear of loneliness;

3) *malicious evasion of the payment of funds to support a family member* – evasion of the payment of funds to support a family member, which caused the emergence of arrears in such funds in the amount that collectively makes up the sum of arrears for payments due for six months;

4) *deterioration of the quality of life* – a condition determined by any two of the following criteria:

- a) deterioration of physical condition;
- b) intellectual dysfunction;
- c) social maladaptation or disorientation;
- d) economic insufficiency as a result of economic violence;

- 5) *psychological suffering* – mental pain associated with emotional maladaptation or disorientation;
- 6) *evasion of the payment of funds to support a family member* – debtor’s failure to fulfill the obligation to pay funds to support their family member or former spouse (in particular, hiding income, changing the place of residence or place of work without notifying the state or private enforcement officer), which led to the emergence of arrears in such funds in the amount that collectively amounts to the sum of arrears for relevant payments for two months, starting from the moment of presentation of a writ of execution for enforcement.

Subsection 1. CRIMES

Article 4.6.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particularly vulnerable person;

Article 4.6.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 4.6.4, 4.6.7 or 4.6.8, against a vulnerable person;
- 2) as part of a simple group;
- 3) using the official authority or professional duties, or related opportunities;
- 4) provided for in Article 4.6.8, with the use of media or information system;
- 5) provided for in Article 4.6.4, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 6) provided for in Articles 4.6.4, 4.6.10, or 4.6.12, which resulted in the homeliness of a person;
- 7) provided for in Article 4.6.10, with an aim of changing the child’s nationality;
- 8) provided for in Articles 4.6.4, 4.6.5–4.6.7, 4.6.8–4.6.12, with a selfish motive;
- 9) provided for in Articles 4.6.4, 4.6.5–4.6.7, against a child by a person deprived of parental rights.

Article 4.6.4. Domestic violence

A person who systematically used physical, psychological, or economic violence against a close person or a former spouse, which caused to the victim:

- 1) physical or psychological suffering,
 - 2) health impairment,
 - 3) loss of earning capacity,
 - 4) emotional dependence, or
 - 5) deterioration of the quality of life of a victim, –
- committed a crime of the gravity degree 1.

Article 4.6.5. Abuse of custodian rights

A guardian or custodian who abused their rights to the detriment of a ward, –

committed a crime of gravity degree 1.

Article 4.6.6. Improper performance of duties towards a ward, which caused severe pecuniary damage through negligence

A person who failed to perform or improperly performed their duty towards a child or a person subject to guardianship or custody, when this caused severe pecuniary damage to the ward through negligence, –

committed a crime of gravity degree 3.

Article 4.6.7. Malicious evasion of the payment of funds to support a family member

A person who maliciously evaded the payment of funds to support their family member or former spouse, –
committed a crime of gravity degree 1.

Article 4.6.8. Disclosure or illegal dissemination of the secret of adoption

A person who disclosed or illegally disseminated the secret of adoption against or beyond the will of an adoptive parent or an adopted child, –
committed a crime of gravity degree 1.

Article 4.6.9. Unlawful intermediary activity in the adoption of a child

A person who conducted illegal intermediary or commercial activity with respect to:

- 1) the adoption of an orphan child, a child deprived of parental care, or a child born as a result of the use of assisted reproductive technologies, or
- 2) placing such a child under the guardianship, custody, or for upbringing in a family, –
committed a crime of gravity degree 1.

Article 4.6.10. Unlawful removal of a child under the age of 16 from Ukraine

A person who illegally:

- 1) took a child under the age of 16 who is a member of their family out of Ukraine, or
- 2) left the child abroad, –
committed a crime of gravity degree 1.

Article 4.6.11. Replacement of a minor child

A person who replaced someone else's minor child with someone else's or their own child, as a result of which the child's family was changed, –
committed a crime of gravity degree 1.

Article 4.6.12. Failure to take proper measures with respect to another person's minor child

A person who:

- 1) failed to promptly notify the government body, parents, or guardians about a minor child found, who was knowingly abandoned, lost, or went astray, or
- 2) failed to promptly transfer this child to the government body, parents, or guardian, –
committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 4.6.13. Domestic violence that did not cause any consequences for a victim

A person who systematically used physical, psychological, or economic violence against a close person or a former spouse that did not result in consequences for the victim, –
committed a minor offense.

Article 4.6.14. Involvement of a child in drinking strong alcoholic beverages

A full-aged person who:

- 1) sold a strong alcoholic beverage to a child,
- 2) acquired a strong alcoholic beverage for a child, or
- 3) consumed a strong alcoholic beverage together with a child, –
committed a minor offense.

Article 4.6.15. Abuse of custodian rights that caused significant pecuniary damage to the ward

A person who has failed to fulfill or improperly fulfilled their duty towards a child or a person under guardianship or custodianship, if this has caused significant pecuniary damage through negligence, –
committed a minor offense.

Article 4.6.16. Evasion of the support of a family member

A person who evaded the payment of funds to support their family member or former spouse, – committed a minor offense.

**Section 4.7.
CRIMINAL OFFENSES
AGAINST THE PRIVACY OF A PERSON**

Subsection 1. CRIMES

Article 4.7.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) against a particularly vulnerable person.

Article 4.7.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) against a vulnerable person;
- 2) against a close person or a former spouse;
- 3) against a person (or their close person) in connection with their performance of official authority or professional duties, performance of their legal duty, or exercise of their subjective right in the public interest;
- 4) as part of a simple group;
- 5) provided for in Articles 4.7.3, 4.7.4, with the use of official authority or professional, duties, or related opportunities;
- 6) provided for in Articles 4.7.4, with the use of a special technical means of covert information acquisition;
- 7) provided for in Articles 4.7.4, 4.7.5, with the use of media or information system;
- 8) for the purpose of concealing another crime or facilitating its commitment.

Article 4.7.3. Violation of the inviolability of housing or other property

A person who, contrary to or ignoring the will of the owner, legal user, or their authorized representative:

- 1) entered the housing or other property,
- 2) refused to leave it,
- 3) got access to the persons, property, other things or information kept in such housing or other property, –
committed a crime of gravity degree 1

Article 4.7.4. Disclosure of the secret of correspondence

A person who unlawfully:

- 1) intercepted a message or postal shipment of another person, or
- 2) disclosed their content, –
committed a crime of gravity degree 1.

Article 4.7.5. Disclosure of information about the state of health and medical confidentiality

A person who, being obliged to keep information about the health status of another person or medical secrets, disclosed such information or secrets contrary to or ignoring their will, – committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 4.7.7. Actions towards information about private or family life

A person who, being obliged to ensure the confidentiality of information about private or family life of another person, illegally:

- 1) collected,
- 2) kept,
- 3) used, or
- 4) spread it, –
committed a minor offense.

Article 4.7.7. Destruction or concealing of confidential information about a person

A person who illegally:

- 1) did not provide another person with information about the state of their health, the state of health of their child or ward, or
- 2) concealed information about the cause of a person’s death from their family member or other individual authorized by a family member, –
committed a minor offense.

Article 4.7.8. Illegal use of another person’s digital image

A person who has illegally used someone else's digital image, i.e., profile data on an information platform in the form of a visual or audiovisual image that identifies a particular person, –
committed a minor offense.

Article 4.7.9. Unlawful restriction of a person’s information rights

A person who has unlawfully:

- 1) restricted a person's right to freely collect, store, use, or disseminate information, including the right to free access to information on the state of the environment, the quality of food and household items, or
- 2) established censorship of the creative process or results of creative activity, –
committed a minor offense.

Article 4.7.10. Violation of the requirements of the presumption of innocence

A public official who illegally disclosed the name or other information that allows identifying a person as a guilty person, as a person detained, suspected, or accused of committing a criminal offense before the entry into force of a guilty verdict of the court in respect of such person, –
committed a minor offense.

Section 4.8.

CRIMINAL OFFENSES

AGAINST FREEDOM OF BELIEFS

AND RELIGIOUS FREEDOM OF A PERSON

Article 4.8.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *maintenance of a religious shrine* – self-governing acts to preserve under one’s control an object or a place of religious worship or pilgrimage for believers, which a person is obliged to transfer to a religious or other organization or to vacate in their favor according to the decision of the relevant government body.

Subsection 1. CRIMES

Article 4.8.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) as part of a simple group;

- 2) using official authority, professional duties, or related opportunities;
- 3) using weapons or a dangerous object.

Article 4.8.3. Seizing, holding, destroying, damaging, or desecrating a religious building or shrine

A person who:

- 1) seized,
- 2) held, or
- 3) desecrated a religious building or shrine,

committed a crime of gravity degree 1.

Article 4.8.4. Destruction or damage of a religious shrine

A person who destroyed or damaged a religious shrine (except for those defined in Article 7.6.9 of this Code), –
committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 4.9.5. Violation of the right to freedom of religion

A person who forced another person to profess any religion or not to profess any religion, –
committed a minor offense.

Article 4.8.6. Unlawful obstruction of the performance of religious ritual

A person who unlawfully obstructed the performance of a religious ritual, –
committed a minor offense.

**Section 4.9
CRIMINAL OFFENSES
AGAINST SOCIAL AND ECONOMIC
RIGHTS OF A PERSON**

Subsection 1. CRIMES

Article 4.9.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 4.9.3–4.9.6, against a particularly vulnerable person.
- 2) as part or on behalf of an organized group or a criminal organization;
- 3) using the power, official duties, or related opportunities by a public official holding a particularly responsible position.

Article 4.9.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided by Article 4.9.3–4.9.6, against a vulnerable person;
- 2) provided for in Article 4.9.7, against a person (or their close person) in connection with their performance of official authority or professional duties, performance of their legal duty, or exercise of their subjective right in the public interest;
- 3) provided for in Articles 4.9.3, 4.9.4, 4.9.5, against a single father, mother, or person replacing them who brings up a child under 14 years of age or a child with disability;
- 4) as part of a simple group;
- 5) provided for in Article 4.9.7, using the official authority or professional duties, or related

opportunities.

Article 4.9.3. Violation of whistleblower's labor rights

An official who restricted the labor rights of a whistleblower or their close person in connection with the report of a corruption or corruption-related offense by another person, namely, unlawfully:

- 1) dismissed the employee from work or forced them to dismiss,
- 2) brought the employee to disciplinary liability,
- 3) transferred or moved the employee,
- 4) worsened the labor conditions,
- 5) refused to appoint the employee to a different position or removed from the position,
- 6) reduced salary (remuneration),
- 7) deprived the employee of the right to undergo advanced training (re-training),
- 8) deprived the employee of the right for rest,
- 9) used woman's or child's labor in work dangerous for their health, or
- 10) refused to formalize or extend labor relations with them, –

committed a crime of gravity degree 1.

Article 4.9.4. Non-payment of salary

A manager of the legal entity or individual entrepreneur who illegally:

- 1) hired an employee without the term of remuneration, or
- 2) did not pay salary (remuneration) for three months or more, –

committed a crime of gravity degree 1.

Article 4.9.5. Failure to make payment established by law or contract

An official who illegally did not pay scholarship, pension, or other amount due to a person under the law or the contract, which shall be paid on a regular basis, for three months or more, –

committed a crime of gravity degree 1.

Article 4.9.6. Limitation of the right to receive general secondary education

An official who illegally:

- 1) refused to enroll a child in a general secondary educational institution, or
- 2) expelled the child from such an institution, –

committed a crime of gravity degree 1.

Article 4.9.7. Violation of the right to use the property of the people

A person who:

1) violated the right to unhindered or free access to the coast of the sea, sea bay, estuary or island in the inland sea waters within the beach zone, or to the shore of a river, water body or island for public nature use, or

- 2) illegally hindered the right to use a natural resource in accordance with the law, –

committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 4.9.8. Violation of the right to social support

An official who illegally:

- 1) denied a person a social payment, social service, or social support,
- 2) reduced its amount (scope), or
- 3) terminated its provision, –

committed a minor offense.

Article 4.9.9. Hindering participation in a strike

A person who unlawfully prevented another person from participating in a strike, –
committed a minor offense.

Article 4.9.10. Violation of the right to use the state or communal property

A person who illegally hindered the use, in accordance with the law, of the state or communal property by another person for the satisfaction of the latter's needs, – committed a minor offense.

Section 4.10. CRIMINAL OFFENSES AGAINST ELECTORAL RIGHTS AND REFERENDUM LAW

Article 4.10.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *election documentation* — voter lists, ballots, resolutions, protocols, acts of election commissions, applications, and submissions of election commission members, election subjects, other documents adopted (drawn up) by election commissions or submitted to election commissions during the election process and subject to storage after the election in the Central Election Commission or in state archival institutions;

2) *referendum documentation* — lists of referendum participants, referendum ballots, control coupons of referendum ballots, resolutions, protocols, acts, statements, and submissions of members of referendum commissions, and other documents, adopted (drawn up) by the referendum commissions or submitted to the referendum commissions during the referendum, and shall be stored after the referendum in the Central Election Commission or in state archival institutions;

3) *items of indirect bribery* – goods, benefits, advantages, services, works, securities, loans, lottery tickets, and other tangible or intangible assets provided to voters or referendum participants. Materials for election campaigning, which can be provided in certain amounts under the Electoral Code of Ukraine², shall not be considered goods.

Subsection 1. CRIMES

Article 4.10.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 4.10.8, 4.10.9, if their object or means was a large-scale bribe;
- 2) using official authority or related opportunities by a public official who holds a highly responsible position;
- 3) provided for in Articles 4.10.4–4.10.6, which knowingly caused the invalidation of voting results at a polling station or a referendum polling station, or the impossibility of counting votes or establishing the voting results at a polling station or a referendum polling station, or the impossibility of establishing the voting results in the corresponding electoral district or referendum district, or the impossibility of establishing the results of the elections or referendum.

Article 4.10.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 4.10.8, 4.10.9, if their object or means was a considerable bribe;
- 2) provided for in Articles 4.10.11, 4.10.13, or 4.10.14 regarding the protocol on the results

² See: Part 6 of Article 57 of the Electoral Code of Ukraine: election campaign materials containing visualization of party symbols and branding of the election campaign, mentioning the name or image of a candidate running in the election, such as such as posters, leaflets, calendars, notebooks, pens, lighters, matches, badges, badges, USB sticks, pennants, flags, books, packages, T-shirts, caps, scarves, umbrellas, and other campaign materials, the value of which does not exceed 6 percent of the tax-free minimum income, and which are made at the expense of election campaign fund.

of voting within a relevant constituency during the elections or a referendum;

3) provided for in Articles 4.10.11, 4.10.13, or 4.10.14 regarding the protocol on the results of elections or a referendum;

4) as part of a simple group;

5) provided for in Articles 4.10.4 or 4.10.5, using power, official authority, or related opportunities by a member of the election commission or a referendum commission, an authorized representative of a candidate for the post of the President of Ukraine, a party representative, a representative of a subject of the All-Ukrainian referendum process in the Central Election Commission, an authorized person of a political party, a representative of a political party organization in the election commission, an authorized person of the subject of the All-Ukrainian referendum process, a member of the initiative group of the referendum, a candidate or a proxy of a candidate;

6) provided for in Article 4.10.6, with the use of media or information system.

Article 4.10.4. Hindering the exercise of electoral rights or the referendum right

A person who, by way of deception or coercion regarding a person or their close person, hindered:

1) the free exercise of electoral rights by a voter or the right to participate in a referendum – by a referendum participant, or

2) the activity of another subject of an electoral process, the referendum process, the initiative group of the referendum, the referendum commission, a member of the election commission, a member of the initiative group of the referendum, a member of the referendum commission, or an official observer, in the course of performing their powers or exercising their rights, –

committed a crime of gravity degree 3.

Article 4.10.5. Illegal influence on a member of an election or referendum commission

A person who has unlawfully influenced a member of an election or referendum commission in order to prevent them from performing an action, making a decision or changing their actions or decisions,

–
committed a crime of gravity degree 3.

Article 4.10.6. Submission of false information to the State Register of Voters or interference with its work

A person who:

1) submitted knowingly false information about voters to the body keeping the State Register of Voters,

2) entered knowingly false information into the database of the State Register of Voters, or

3) interfered without authorization with the work of the database of the State Register of Voters, –

committed a crime of gravity degree 3.

Article 4.10.7. Illegal financing of a political party or pre-election campaign or referendum campaign

A person who has made a contribution in support of a political party or for election or referendum campaigning made or received:

1) in the absence of the right to do so, or

2) a contribution if the amount of the contribution or the amount exceeding the amount allowed by law exceeds the total amount (sum) of the contribution (contributions) to support a political party from a citizen of Ukraine within one year established by law, –

committed a crime of gravity degree 3.

Article 4.10.8. Accepting an offer or receiving a bribe by a subject of an election process or referendum process

A voter, a referendum participant, a member of the election commission or the referendum commission, a candidate, or an official observer who:

- 1) accepted a bribe for themselves or for another person for the performance of or failure to perform any actions related to the direct exercise of their electoral rights, the right to participate in a referendum, or the right to participate in the election process or the referendum process, or
- 2) received a bribe for themselves or for a third party, –
committed a crime of gravity degree 3.

Article 4.10.9. Offering or providing a bribe to a subject of an election process or referendum process

A person who did the following to a voter or a referendum participant, a member of the election commission or the referendum commission, a candidate, or an official observer for the performance of or failure to perform any actions related to the direct exercise of their electoral rights, the right to participate in a referendum, or the right to participate in the election process or the referendum process:

- 1) offered a bribe, or
- 2) provided a bribe, –
committed a crime of gravity degree 3.

Article 4.10.10. Actions with electoral ballots or ballots for voting at the referendum

A person who did the following actions with electoral ballots or ballots for voting at the referendum:

- 1) provided them to the persons who had no lawful right to receive them,
- 2) provided them already filled to the voters or referendum participants, or
- 3) illegally dropped them into the ballot box or added them to the ballots intended for counting, –
committed a crime of gravity degree 3.

Article 4.10.11. Forging election documentation, referendum documentation

A person who:

- 1) included knowingly false information in the election documentation or the referendum documentation,
- 2) forged such documentation in another way,
- 3) produced election documentation or referendum documentation illegally,
- 4) kept such forged or illegally produced documentation, or
- 5) used the same, –
committed a crime of gravity degree 3.

Article 4.10.12. Destroying, damaging, or concealing electoral ballots, ballots for voting at a referendum, or taking possession of them

A person who did the following actions with electoral ballots or ballots for voting at a referendum, which were not legally issued to voters or referendum participants during elections or referendum:

- 1) destroyed,
- 2) damaged,
- 3) hid, or
- 4) took possession of them, –
committed a crime of gravity degree 3.

Article 4.10.13. Destroying, damaging, or concealing a seal of an election commission or a referendum commission, a ballot box, election documentation or referendum documentation, or taking possession of them

A person who illegally did the following to a seal of an election commission or referendum commission, a ballot box with ballots, election documentation or referendum documentation:

- 1) destroyed,
- 2) damaged,
- 3) hid, or

4) took possession of it (them), –
committed a crime of gravity degree 3.

Article 4.10.14. Destroying, damaging, or concealing election documentation or referendum documentation after the elections or referendum

A person who, after the elections or referendum, illegally:

1) destroyed election or referendum documentation,
2) damaged, or
3) hid it, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 4.10.15. Hindering participation in the electoral process or in the referendum process

A person who illegally prevented another person from exercising their right to participate in the electoral process or in the referendum process, in particular:

1) to be a member of the election commission or the referendum commission organizing the preparation and conduct of respective elections or referendum,
2) to be a member of the initiative group for conducting elections or the referendum,
3) to participate in the election campaign or the referendum campaign,
4) to be an official observer at the elections or the referendum,
5) to challenge the violation of the voter's or the referendum participant's rights, or
6) to interview voters or referendum participants regarding their expression of will during the voting, –
committed a minor offense.

Article 4.10.16. Sabotage of the work of an election or referendum commission

A member of an election or referendum commission who has evaded their duties in the respective commission, –
committed a minor offense.

Article 4.10.17. Voting more than once during the elections or referendum

A voter or a referendum participant who voted more than once in the same election or referendum, –
committed a minor offense.

Article 4.10.18. Illegal participation in voting at elections or referendum

A person who has voted in an election or referendum without having the right to do so, –
committed a minor offense.

Article 4.10.19. Illegal signing of a protocol by a member of the election commission, the referendum commission, –

A member of the election commission or referendum commission who signed a protocol on counting voters' votes at the polling station or referendum station or a protocol on the voting results within the respective electoral district or referendum district, or on the election or referendum results:

1) before the protocol has been finally filled in, or
2) not at the meeting of the election commission or referendum commission, –
committed a minor offense.

Article 4.10.20. Disclosure of voting secrecy

A person who disclosed the expression of will of another voter or referendum participant during the voting, –
committed a minor offense.

Article 4.10.21. Submission of false information in a report of a political party

A person who submitted knowingly false information:

- 1) in a report of a political party about the property, income, expenses, and financial liabilities, or
- 2) in a financial report on the receipts and spending of money of the election fund of a political party, a local organization of a political party, or a candidate running for elections, – committed an offense.

Article 4.10.22. Pre-election campaigning or referendum campaigning combined with indirect bribery of voters or referendum participants

A person who provided items of indirect bribery to individuals or legal entities, which was accompanied by calls or an offer to vote or not to vote for a certain candidate(s), mentioning the name of such candidate(s) or party's symbols, or for making (adopting) decisions at a referendum, – committed a minor offense.

**Section 4.11.
CRIMINAL OFFENSES
AGAINST EQUALITY
AND POLITICAL RIGHTS**

Article 4.11.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *peaceful assembly* – a meeting, rally, campaign, demonstration, conference, session, festival, etc., held by their participants without weapons; excess of one or more participants of the assembly, which arose against the will of organizers and was not supported by other event participants does not turn an assembly into a non-peaceful one;

Subsection 1. CRIMES

Article 4.11.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 4.11.4 or 4.11.5, against a particularly vulnerable person;
- 2) using official authority, professional duties, or related opportunities by a public official who holds a highly responsible position.

Article 4.11.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 4.11.4 or 4.11.5, against a vulnerable person;
- 2) as part of a simple group;
- 3) using official authority, professional duties, or related opportunities;
- 4) provided for in Articles 4.11.4 or 4.11.5, with the use of media or information system;
- 5) provided for in Articles 4.11.4 or 4.11.5, using the situation caused by a catastrophe, accident, natural disaster, mass unrest, hostilities or another emergency.

Article 4.11.4. Inciting enmity or hatred

A person who, for reasons of belonging to a particular social group:

- 1) incited or promoted enmity or hatred,
 - 2) humiliated national honor or dignity of the person, or
 - 3) offended the person's feelings,
- committed a crime of gravity degree 3.

Article 4.11.5. Discrimination

A person who, directly or indirectly, for reasons of belonging to a particular social group:

- 1) limited or violated the right of a human or a citizen established by the law or international treaty, or
- 2) illegally established any direct or indirect privileges for a person, – committed a crime of gravity degree 1.

Article 4.11.6. Obstructing a peaceful assembly

A person who prevented the organization or conduct of a peaceful assembly by means of violence or threat, – committed a crime of gravity degree 3.

Article 4.11.7. Violation of the right to freedom of association

A person who:

- 1) illegally prevented the creation, registration, or operation of a political party or a non-government organization, or the membership of a person in it, or
- 2) forced a person to join such association, – committed a crime of gravity degree 1.

Article 4.11.8. Formation or management of a legally prohibited political party, public association

A person who:

- 1) created a legally prohibited political party or a public association, or
- 2) managed the activity of a political party or a public association, whose program goals or actions contradict the bans on the establishment and activity of political parties or public associations envisaged by law, – committed a crime of gravity degree 3.

Article 4.11.9. Restriction of the freedom of movement or citizenship rights

A person who:

- 1) illegally restricted another person's freedom of movement, free choice of the place of residence, or the right to freely leave the territory of Ukraine,
- 2) deprived a citizen of Ukraine of the right to return to Ukraine at any time,
- 3) expelled a citizen of Ukraine outside Ukraine, or
- 4) extradited a citizen of Ukraine to another state, – committed a crime of gravity degree 1.

Article 4.11.10. Obstruction of the lawful professional activity of a journalist

A person who has obstructed the lawful professional activity of a journalist by means of:

- 1) violence
- 2) seizure of collected, processed, and prepared materials
- 3) seizure of technical means used in connection with professional activities,
- 4) denial of access to information,
- 5) prohibition to criticize a public official or
- 6) prohibition to enter a certain place or territory, – committed a crime of gravity degree 1

**Book 5.
CRIMINAL OFFENSES
AGAINST PUBLIC HEALTH**

**Section 5.1.
CRIMINAL OFFENSES
AGAINST PUBLIC HEALTHCARE**

Article 5.1.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *medical products*:

- a) a medicinal product;
- b) a veterinary medicine;
- c) an excipient intended for use in the production or manufacture of a medicinal product or veterinary medicine;
- d) a medical device;
- e) an accessory to a medical device, a part or material designed and intended for use in the production, manufacturing and operation of a medical device, which are important for its integrity;
- f) software for a medical device;
- g) a reagent for a laboratory study;
- h) a food product for special medical purposes;

2) *hazardous products* – a product (goods), work, or service that does not meet safety requirements, and poses a danger under the normal conditions of use, storage, transportation, production, manufacturing, or disposal, for:

- a) human life, or
- b) human health or environment;

3) *counterfeit medical products* – medical products with the counterfeit:

- a) identity;
- b) packing;
- c) labeling;
- d) name;
- e) composition;
- f) source of origin, including data about their manufacturer, country of production, country of origin, or country of registration of the holder of a marketing authorization for medical use; or
- g) history of creation, including data or documents on the delivery routes used.

4) *promotion of medical products* — prescribing or recommending such products to a patient, or wholesale or retail trade in them;

5) *large amount of counterfeit medical products* – nominal value of counterfeit medical products, which exceeds the amount of the unit of account three hundred or more times;

6) *especially large amount of counterfeit medical products* – nominal value of counterfeit medical products, which exceeds the amount of the unit of account three thousand or more times.

Subsection 1. CRIMES

Article 5.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 5.1.4, 5.1.5 against a particularly vulnerable person;
- 2) provided for in Articles 5.1.5 or 5.1.6 if their object or means was a bribe in a large amount;
- 3) with regard to counterfeit medical products specified in Article 5.1.8 in a particularly large amount.

Article 5.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 5.1.4, 5.1.5 against a vulnerable person;
- 2) provided for in Articles 5.1.5 or 5.1.6 if their object or means was a bribe in a considerable large amount;
- 3) with regard to counterfeit medical products specified in Article 5.1.8 in a large amount;
- 4) as part of a simple group;
- 5) provided for in Articles 5.1.4, 5.1.7, 5.1.8, or 5.1.11, using official authority or professional duties, or related opportunities;

6) provided for in Articles 5.1.7, 5.1.8, or 5.1.11, with the use of media or information system;

7) provided for in Articles 5.1.8, 5.1.11, or 5.1.12, by moving across the customs border of Ukraine

8) provided for in Article 5.1.9–5.1.12, by a person authorized to control the compliance with the relevant norms or rules by other persons.

Article 5.1.4. Coercion to consent to the extraction of human anatomical materials

A person who coerced another person, by using violence or threat of violence against a person or their close person, to give consent to the extraction from them or from their close person of:

- 1) blood or its components for further use, or
- 2) other anatomical material for the transplantation or production of bioimplants, – committed a crime of gravity degree 3.

Article 5.1.5. Offer or provision of a bribe for the promotion of medical products

A person who, for the promotion of medical products by another person:

- 1) offered a bribe, or
- 2) provided it, – committed a crime of gravity degree 3.

Article 5.1.6. Receiving requesting or demanding a bribe for the promotion of medical products

A person who, for the promotion of medical products:

- 1) accepted an offer of a bribe,
- 2) received a bribe,
- 3) requested, or
- 4) demanded it, – committed a crime of gravity degree 3.

Article 5.1.7. Activities in the field of healthcare without proper authorization

A person who carried out activities in the field of health care without proper authorization in the field of:

- 1) medical practice
- 2) manufacturing or production of medical products,
- 3) importation of a medical product into Ukraine for the purpose of its sale, or
- 4) sale of a medical product, – committed a crime of gravity degree 3.

Article 5.1.8. Counterfeiting of medical products and their handling

A person who:

- 1) produced,
- 2) purchased,
- 3) kept,
- 4) moved, or
- 5) sold or
- 6) used counterfeit medical products in the provision of medical services, – committed a crime of the gravity degree 3.

Article 5.1.9. Violation of sanitary and anti-epidemic norms and rules which threatened the infliction of damage

A person who violated sanitary or sanitary and anti-epidemic norms or rules, which created a real danger of:

- 1) considerable or severe damage to health,
- 2) mass infectious or non-infectious diseases of people,

- 3) the spread of a mass disease of flora or fauna objects,
 - 4) considerable or severe pecuniary damage, or
 - 5) particularly severe damage, –
- committed a crime of gravity degree 1.

Article 5.1.10. Violation of sanitary and anti-epidemic norms and rules which caused severe damage through negligence

A person who violated sanitary or sanitary and anti-epidemic norms or rules, which caused a mass infectious or non-infectious diseases of people or severe pecuniary damage **through** negligence, – committed a crime of gravity degree 3.

Article 5.1.11. Illegal handling of products dangerous to human life

A person who, for the purpose of sale of products dangerous to human life, illegally:

- 1) produced or manufactured,
- 2) acquired,
- 3) released in the market,
- 4) kept,
- 5) moved, or
- 6) sold such, –

committed a crime of gravity degree 3.

Article 5.1.12. Violation of the rules for handling infectious agents, toxins, or biotechnology products which threatened the infliction of damage

A person who handled an infectious agent, a toxin, or a biotechnology product and violated the rules of their:

- 1) production or manufacture,
- 2) storage,
- 3) use,
- 4) accounting,
- 5) movement, or
- 6) disposal,

which created a real danger of a mass disease of fauna or flora objects, the infliction of considerable or severe pecuniary damage, considerable or severe damage to health, mass infectious or non-infectious diseases of people, or particularly severe damage, – committed a crime of gravity degree 1.

Article 5.1.13. Violation of the rules for handling infectious agents, toxins, or biotechnology products, which caused severe damage through negligence

A person who handled an infectious agent, a toxin, or a biotechnology product and violated the rules of their:

- 1) production or manufacture,
- 2) storage,
- 3) use,
- 4) accounting,
- 5) movement, or
- 6) disposal,

if such an act caused a mass infectious or non-infectious disease of people or severe pecuniary damage **through** negligence, – committed a crime of gravity degree 3.

Article 5.1.14. Human cloning or unlawful biomedical experiments on a human being or human embryo

A person who:

- 1) cloned a human being or

- 2) conducted unlawful biomedical research on a human being or human embryo, – committed a crime of gravity degree 3.

Article 5.1.15. Violation of the procedure for conducting a preclinical study of a medicinal product or medical device or a clinical trial (study)

A person who:

- 1) conducted a preclinical study of a medicinal product or medical device or a clinical trial (study) on humans without the permission of an authorized body or a positive conclusion of the relevant ethics committee provided for by law,
- 2) included in a clinical trial (study) a person who cannot be a research subject, or a person without providing informed consent (in cases stipulated by law, in relation to them),
- 3) knowingly failed to take measures provided for by law to protect the trial subject, or
- 4) falsified data obtained during a clinical trial (study) on humans or the results of a preclinical study of a medicinal product or medical device, - committed a crime of gravity degree 3.

Article 5.1.16. Violation of the procedure for admission to the market of a medicinal product

An official who:

- 1) provided knowingly false information in the materials of the registration file for a medicinal product, or
- 2) illegally admitted a medicinal product to the market, - committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 5.1.17. Violation of the procedure of activities with anatomical materials

A person who:

- 1) violated the procedure for the withdrawal, storage, exchange, or transportation of a human anatomical material,
- 2) proposed to conclude or concluded an agreement in respect of such material, or
- 3) advertised it illegally, – committed a minor offense.

Article 5.1.18. Violation of a right to free medical care

A medical worker who, having the obligation and the opportunity to provide free medical care, illegally requested or demanded to pay for such care, namely:

- 1) to pay funds, including charity or membership fees, or provide goods, services or perform work for the benefit of a certain person as a condition for providing medical care,
- 2) to acquire a medical product necessary for treatment,
- 3) to pay funds for a medical examination, or
- 4) to undergo such examination in a health care facility that conducts it for a fee, – committed a minor offense.

Article 5.1.19. Illegal handling of products hazardous for human health

A person who illegally:

- 1) produced or manufactured,
- 2) acquired,
- 3) released in the market,
- 4) kept,
- 5) moved, or
- 6) illegally sold such products, – committed a minor offense.

Article 5.1.20. Violation of sanitary and anti-epidemic norms and rules which caused considerable damage through negligence

A person who violated sanitary or sanitary and anti-epidemic norms or rules which caused considerable damage to the environment or considerable pecuniary damage **through** negligence, – committed a minor offense.

Article 5.1.21. Violation of the rules for handling infectious agents, toxins, or biotechnology products which caused considerable damage through negligence

A person who handled an infectious agent, a toxin, or a biotechnology product and violated the rules of their:

- 1) production or manufacture,
- 2) storage,
- 3) use,
- 4) accounting,
- 5) movement, or
- 6) disposal,

if such an act caused considerable damage to the environment or considerable pecuniary damage **through** negligence, – committed a minor offense.

Section 5.2.

CRIMINAL OFFENSES

AGAINST THE PRACTICE OF CIRCULATION OF PSYCHOACTIVE SUBSTANCES

Article 5.2.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *doping* – a means or method from the list of means or method prohibited by the World Anti-Doping Code;

2) *amount of narcotic drugs, psychotropic substances, or precursors*:

a) their insignificant, large, especially large amount is determined by the central executive authority ensuring the development of state policy in the field of healthcare, jointly with the central executive authority ensuring the formation of state policy in the field of circulation of narcotic drugs, psychotropic substances or precursors, and counteraction to their illegal trafficking;

b) considerable amount is such that exceeds the insignificant amount and is smaller than the large amount of these narcotic drugs, substances or precursors;

c) the amount of analog of narcotic drugs or psychotropic substances is determined based on the amount of narcotic drug or substance of which it is an analog.

3) *specification for the production or manufacture of a psychoactive substance* — a technical document that defines specific components and conditions necessary for the production or manufacture of a narcotic drug, psychotropic substance, or their analog.

Subsection 1. CRIMES

Article 5.2.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) provided for in Articles 5.2.9 and 5.2.13, against a particularly vulnerable person;

2) with regard to an item specified in Articles 5.2.4, 5.2.6, or 5.2.8 in particularly large amounts;

3) provided for in Articles 5.2.4, 5.2.8, or 5.2.9, in relation to a particularly dangerous narcotic drug or psychotropic substance;

4) provided for in Articles 5.2.4, 5.2.6, or 5.2.13, involving a minor child.

Article 5.2.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 5.2.9 or 5.2.13, against a vulnerable person;
- 2) with regard to an item specified in Articles 5.2.4, 5.2.6, or 5.2.8 in large amounts;
- 3) provided for in Article 5.2.10, in respect of a precursor, equipment, technology or specification intended for the production or manufacture of a particularly dangerous narcotic drug or psychotropic substance;
- 4) as part of a simple group;
- 5) using official authority or professional duties, or related opportunities;
- 6) provided for in Articles 5.2.4, 5.2.6, or 5.2.13, involving a minor child;
- 7) provided for in Article 5.2.13, with the use of media or information system;
- 8) provided for in Articles 5.2.4–5.2.10 or 5.2.13, in a penitentiary facility;
- 9) provided for in Articles 5.2.4–5.2.7 or 5.2.10, by moving across the customs border of Ukraine;
- 10) provided for in Articles 5.2.9, 5.2.12, or 5.2.13, by a person vested with the duties to teach, bring up, or care about a child or a person under guardianship or custody.

Article 5.2.4. Illegal circulation of narcotic drugs, psychotropic substances, or their analogs for the purpose of sale

A person who illegally:

- 1) produced or manufactured,
- 2) acquired,
- 3) kept,
- 4) moved, or
- 5) illegally sold narcotic drugs, psychotropic substances, or their analogs, – committed a crime of gravity degree 3.

Article 5.2.5. Illegal circulation of narcotic drugs, psychotropic substances, or their analogs without the purpose of sale

A person who illegally:

- 1) produced or manufactured,
- 2) acquired,
- 3) kept, or
- 5) moved narcotic drugs, psychotropic substances, or their analogs, in significant amounts, without the purpose of sale, – committed a crime of gravity degree 1.

Article 5.2.6. Illegal circulation of plants or fungi containing narcotic drugs or psychotropic substances for the purpose of sale

A person who illegally:

- 1) planted,
- 2) grew,
- 3) acquired,
- 4) kept,
- 5) moved, or
- 6) illegally sold plants or fungi (part of a plant or fungus), containing narcotic drugs or psychotropic substances for the purpose of sale, – committed a crime of gravity degree 3.

Article 5.2.7. Illegal circulation of plants or fungi containing narcotic drugs or psychotropic substances in considerable amounts without the purpose of sale

A person who illegally:

- 1) planted,

- 2) grew,
- 3) acquired,
- 4) kept,
- 5) moved plants or fungi (part of a plant or fungus) containing narcotic drugs or psychotropic substances in considerable amounts without the purpose of sale, – committed a crime of gravity degree 1.

Article 5.2.8. Taking possession of narcotic drugs, psychotropic substances, their analog, plants or fungi containing narcotic drugs or psychotropic substances, precursor or equipment intended for production or manufacture of narcotic drugs, psychotropic substances, or their analogs

A person who illegally took possession of:

- 1) a narcotic drug,
- 2) a psychotropic substance,
- 3) their analog,
- 4) a plant or fungus (part of a plant or fungus) containing a narcotic drug or a psychotropic substance, or
- 5) a precursor or equipment intended for the production or manufacture of a narcotic drug, a psychotropic substance, or their analog, – committed a crime of gravity degree 1.

Article 5.2.9. Illegal administration of a psychoactive substance or doping into another person's body

A person who illegally administered a narcotic drug, a psychotropic substance, their analog, intoxicant, or doping into another person's body without their voluntary consent, – committed a crime of gravity degree 3.

Article 5.2.10. Illegal circulation of precursor, equipment, technology, or specification intended for the production or manufacture of a narcotic drug, psychotropic substance, or their analogs

A person who illegally:

- 1) produced or manufactured,
- 2) acquired,
- 4) stored
- 5) moved, or
- 6) sold

a precursor, equipment, technology, or specification intended for the production or manufacture of a narcotic drug, psychotropic substance, or their analog, – committed a crime of gravity degree 1.

Article 5.2.11. Providing or maintaining premises for the illegal production or manufacture of psychoactive substances

A person who illegally:

- 1) provided, or
- 2) maintained

premises or another place for the illegal production or manufacture of narcotic drugs, psychotropic substances, or their analogs or equipment for their production or manufacture, – committed a crime of gravity degree 1.

Article 5.2.12. Providing or maintaining a place for non-medical use of psychoactive substances

A person who illegally:

- 1) provided premises or other place for such use or
- 2) maintained it

for non-medical use of a narcotic drug, psychotropic substance or their analog or intoxicant, –

committed a crime of gravity degree 1.

Article 5.2.13. Promotion of non-medical use of psychoactive substances or doping

A person who popularized non-medical use of a narcotic drug, psychotropic substance, their analog, intoxicating substance, or doping, namely, unlawfully

- 1) advertised such a drug, substance, analog, or doping,
 - 2) disseminated information about an offer to acquire such a drug, substance, analog or doping agent,
 - 3) used such a drug, substance, analog or doping agent in a public place, or
 - 4) inclined another person to their use, –
- committed a crime of gravity degree 1.

Article 5.2.14. Violation of the rules of circulation of narcotic drugs, psychotropic substances, or precursors

A person who violated the rules of circulation of:

- 1) narcotic drugs or psychotropic substances, except those whose circulation is limited and which are subject to the exclusion of certain control measures,
- 2) plants or fungi containing a narcotic drug or a psychotropic substance,
- 3) precursors, except those whose circulation is not limited, or
- 4) equipment intended for the production or manufacture of narcotic drugs or psychotropic substances

that created a real danger of their illegal circulation, –
committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 5.2.15. Illegal circulation of narcotic drugs, psychotropic substances, or their analogs in small amounts without the purpose of sale

A person who illegally:

- 1) produced or manufactured,
 - 2) acquired,
 - 3) kept, or
 - 4) moved a narcotic drug, psychotropic substance, or their analog in small amounts without the purpose of sale, –
- committed a minor offense.

Article 5.2.16. Illegal circulation of plants or fungi containing narcotic drugs or psychotropic substances in small amounts without the purpose of sale

A person who illegally:

- 1) planted,
 - 2) grew,
 - 3) acquired,
 - 4) kept, or
 - 5) moved a plant or fungus (part of a plant or fungus) containing a narcotic drug or psychotropic substance in small amounts without the purpose of sale, –
- committed a minor offense.

Article 5.2.17. Circulation of precursor-containing plants

A person who illegally:

- 1) planted,
- 2) grew,
- 3) acquired,
- 4) kept,
- 5) moved, or

6) took possession of a precursor-containing plant (part thereof), – committed a minor offense.

Section 5.3. CRIMINAL OFFENSES AGAINST ENVIRONMENTAL SAFETY

Article 5.3.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *pollution* – the ingress of radioactive materials, chemicals, biological organisms, or energy into the environment, which has led to negative changes in the state of the biosphere, lithosphere, hydrosphere, or atmosphere. Pollution of the sea from ships is the ingress of substances defined by Annexes I (oil) and II (harmful liquid substances in bulk) to the International Convention on the Prevention of Pollution from Ships of 1973 in that sea;

2) *littering* – placement of garbage, waste, or secondary raw materials in the places not intended for this purpose, which did not result in the environmental pollution.

3) *environmentally hazardous substance* – mercury, radioactive, ozone-depleting or fluorine-containing substance, as well as a substance on its own, in a mixture or in a product, the circulation of which is restricted or prohibited under:

a) Title VIII and Annex XVII to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council;

b) Title VII of Regulation (EC) No. 1907/2006;

c) Regulation (EC) No. 1107/2009 of the European Parliament and of the Council;

d) Regulation (EC) No. 528/2012 of the European Parliament and of the Council;

e) Regulation (EC) No. 1272/2008 of the European Parliament and of the Council;

f) Annex I to Regulation (EU) 2019/1021 of the European Parliament and of the Council.

Subsection 1. CRIMES

Article 5.3.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degrees include the commitment of an intentional crime:

1) provided for by Articles 5.3.9, 5.3.11, regarding hazardous waste, as determine in Article 3(2) of Directive 2008/98/EU of the European Parliament and of the Council;

2) as part of a simple group;

3) using official authority or professional duties, or related opportunities;

4) in the territories or at the facilities within the nature preservation fund of Ukraine or other territories under special state protection;

5) in the areas declared an ecological emergency zone.

Article 5.3.3. Violation of the environmental protection rules, which caused severe damage

A person who violated:

1) rules of environmental impact assessment of economic or other activity;

2) rules of installation or use of mandatory engineering systems of environmental protection;

3) rules for the protection of wildlife habitats; or

4) other environmental protection rules in the course of economic or business activities,

if such an act caused severe pecuniary damage or severe damage to the environment, – committed a crime of gravity degree 5.

Article 5.3.4. Violation of the environmental protection rules, which caused severe damage through negligence

A person who violated:

- 1) rules of environmental impact assessment of economic or other activity;
- 2) rules of installation or use of mandatory engineering systems of environmental protection;
- 3) rules for the protection of wildlife habitats; or
- 4) other environmental protection rules in the course of economic or business activities,

if such an act caused severe pecuniary damage or severe damage to the environment through negligence, –
committed a crime of gravity degree 3.

Article 5.3.5. Violation of the environmental protection rules, which threatened the infliction of damage

A person who violated:

- 1) rules of environmental impact assessment of economic or other activity;
- 2) rules of installation or use of mandatory engineering systems of environmental protection;
- 3) rules for the protection of wildlife habitats; or
- 4) other environmental protection rules in the course of economic or business activities,

which created a real threat of causing death to a person, severe damage to health, severe pecuniary damage, or severe environmental damage, –
committed a crime of gravity degree 1.

Article 5.3.6. Environmental pollution that caused severe damage

A person who polluted the environment and thus caused severe pecuniary damage or severe damage to the environment, –
committed a crime of gravity degree 5.

Article 5.3.7. Environmental pollution that caused severe damage through negligence

A person who violated the environment and thus caused severe pecuniary damage or severe damage to the environment through negligence, –
committed a crime of gravity degree 3.

Article 5.3.8. Environmental pollution that threatened the infliction of damage

A person who polluted the environment, which created a real threat of causing death to a person, severe damage to health, severe pecuniary damage, or severe environmental damage, –
committed a crime of gravity degree 1.

Article 5.3.9. Management of waste or secondary raw material which caused severe damage

A person who illegally:

- 1) collected,
- 2) imported into the territory of Ukraine,
- 3) moved across the territory of Ukraine in a transit mode,
- 4) kept,
- 5) buried, or
- 6) disposed of waste or secondary raw materials,
- 7) restored the place of utilization of waste or secondary raw materials or
- 8) carried out dealer, brokerage, or supervisory activities in relation to waste or secondary raw materials,

if such an act caused severe pecuniary damage or severe damage to the environment, –
committed a crime of gravity degree 5.

Article 5.3.10. Management of waste or secondary raw material which caused severe damage through negligence

A person who illegally:

- 1) collected,
- 2) imported into the territory of Ukraine,
- 3) moved across the territory of Ukraine in a transit mode,

- 4) kept,
- 5) buried, or
- 6) disposed of waste or secondary raw materials,
- 7) restored the place of utilization of waste or secondary raw materials or
- 8) carried out dealer, brokerage, or supervisory activities in relation to waste or secondary raw materials,

if such an act caused severe pecuniary damage or severe damage to the environment through negligence, –
committed a crime of gravity degree 3.

Article 5.3.11. Management of waste or secondary raw material which threatened the infliction of damage

A person who illegally:

- 1) collected,
- 2) imported to the territory of Ukraine,
- 3) moved across the territory of Ukraine in a transit mode,
- 4) kept,
- 5) buried, or
- 6) disposed of waste or secondary raw materials,
- 7) restored the place of utilization of waste or secondary raw materials or
- 8) carried out dealer, brokerage, or supervisory activities in relation to waste or secondary raw materials,

if such an act created a real threat of causing death to a person, severe damage to health, severe pecuniary damage, or severe environmental damage, –
committed a crime of gravity degree 1.

Article 5.3.12. Failure to take measures to clean the environment which caused severe damage

A person who failed to take adequate measures to clean the polluted environment, which caused severe pecuniary damage or severe damage to the environment, –
committed a crime of gravity degree 5.

Article 5.3.13. Failure to take measures to clean the environment which caused severe damage through negligence

A person who failed to take adequate measures to clean the polluted environment, which caused severe pecuniary damage or severe damage to the environment through negligence, –
committed a crime of gravity degree 3.

Article 5.3.14. Failure to take measures to clean the environment which threatened the infliction of damage

A person who failed to take adequate measures to clean the polluted environment, which created a real threat of causing death to a person, severe damage to health, severe pecuniary damage, or severe damage to the environment, –
committed a crime of gravity degree 1.

Article 5.3.15. Handling an environmentally hazardous substance which threatened the infliction of damage

A person who illegally:

- 1) produced or manufactured,
- 2) moved,
- 3) kept, or
- 4) released into the market an environmentally hazardous substance,

which created a real risk of causing death to a person, severe damage to health, severe pecuniary damage, or severe damage to the environment, –
committed a crime of gravity degree 1.

Article 5.3.16. Handling an environmentally hazardous substance that caused severe damage through negligence

A person who illegally:

- 1) produced or manufactured,
- 2) moved,
- 3) kept, or
- 4) released into the market a substance that is hazardous to the environment,

if the relevant act caused severe damage to health, severe pecuniary damage, or severe damage to the environment through negligence, –
committed a crime of gravity degree 3.

Article 5.3.17. Handling an environmentally hazardous substance that caused severe damage

A person who illegally:

- 1) produced or manufactured,
- 2) moved,
- 3) kept, or
- 4) released into the market a substance that is hazardous to the environment,

if the relevant act caused severe damage to health, severe pecuniary damage, or severe damage to the environment, –
committed a crime of gravity degree 5.

Article 5.3.18. Unlawful handling of invasive alien species that caused severe damage

A person who, in violation of Regulation (EU) No. 1143/2014 of the European Parliament and of the Council:

- 1) imported an invasive alien species into the territory of Ukraine or the European Union,
- 2) placed it on the market,
- 3) kept it,
- 4) bred it,
- 5) moved it,
- 6) used it,
- 7) exchanged it,
- 8) granted permission for reproduction,
- 9) grew it,
- 10) cultivated it,
- 11) released it into the environment, or
- 12) spread it,

if such act caused severe pecuniary damage or severe damage to the environment, –
committed a crime of gravity degree 5.

Article 5.3.19. Unlawful handling of invasive alien species that caused severe damage through negligence

A person who, in violation of Regulation (EU) No. 1143/2014 of the European Parliament and of the Council:

- 1) imported an invasive alien species into the territory of Ukraine or the European Union,
- 2) placed it on the market,
- 3) kept it,
- 4) bred it,
- 5) moved it,
- 6) used it,
- 7) exchanged it,
- 8) granted permission for reproduction,
- 9) grew it,
- 10) cultivated it,

11) released it into the environment, or
12) spread it,
if such act caused severe pecuniary damage or severe damage to the environment through negligence, –
committed a crime of gravity degree 3.

Article 5.3.20. Unlawful handling of invasive alien species that created a real danger of causing severe damage

A person who, in violation of Regulation (EU) No. 1143/2014 of the European Parliament and of the Council:

- 1) imported an invasive alien species into the territory of Ukraine or the European Union,
- 2) placed it on the market,
- 3) kept it,
- 4) bred it,
- 5) moved it,
- 6) used it,
- 7) exchanged it,
- 8) granted permission for reproduction,
- 9) grew it,
- 10) cultivated it,
- 11) released it into the environment, or
- 12) spread it,

if such act created a real danger of causing severe pecuniary damage or severe damage to the environment, , –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 5.3.21. Handling environmental information

An official who:

- 1) destroyed,
- 2) hid, or
- 3) distorted information about the polluted environment, –

committed a minor offense.

Article 5.3.22. Violation of the rules for the dumping and disposal of hazardous materials, substances, or waste in marine waters

A person who:

- 1) violated the rules for dumping or burying materials or substances harmful to human life or health or waste in marine waters, or
 - 2) did not notify a person specially responsible for it, the authorized body or the organization that issues discharge permits, information about the discharge prepared or carried out as a result of an extreme need, or the unavoidable loss of harmful substances or mixtures containing such substances in excess of the established norms, or other waste, –
- committed a minor offense.

Article 5.3.23. Illegal circulation of objects located in the zone of enhanced radiation control

A person who illegally:

- 1) moved,
- 2) acquired. or
- 3) sold an object that was knowingly located in the zone of enhanced radiation control outside such

a zone, –

committed a minor offense.

Article 5.3.24. Exceeding the permissible noise level

A person who exceeded the state sanitary norms of permissible noise levels, – committed a minor offense.

**Book 6.
ECONOMIC
CRIMINAL OFFENSES**

**Section 6.1.
CRIMINAL OFFENSES
AGAINST PROPERTY**

Article 6.1.1. Definition of terms used in this Section.

In this Section, the following terms shall have the meaning given below:

- 1)) *abuse of trust* – the use by a person of a relationship of trust that is the basis of a legal relationship or exists in personal relationships, for an unlawful purpose;
 - a) an owner or legal possessor and is not in the ownership or legal possession of the guilty person; or
 - b) an owner and is in the legal possession of the guilty person.

Subsection 1. CRIMES

Article 6.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 6.1.4–6.1.6, against a particularly vulnerable person;
- 2) provided for in Articles 6.1.4–6.1.6, with the use of stolen or forged payment means or instrument;
- 3) provided for in Articles 6.1.4–6.1.9, 6.1.11–6.1.16, using violence or threat;
- 4) provided for in Articles 6.1.4–6.1.6, with the use of a weapon or dangerous object;
- 4) using official authority or related opportunities by a public official who holds a highly responsible position.

Article 6.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 6.1.4–6.1.6, against a vulnerable person;
- 2) provided for in Articles 6.1.4–6.1.6, in relation to a close person or former spouse;
- 3) provided for in Article 6.1.4–6.1.6, against a person (or their close person) in connection with the performance of their official authority or professional duties, fulfillment of their legal obligation, or exercise of their subjective right in the public interest;
- 4) provided for in Articles 6.1.4–6.1.6, regarding humanitarian aid or charitable donations;
- 5) provided for in Articles 6.1.4-6.1.6, in relation to another person’s property entrusted to the person or under their control;
- 6) as part of a simple group;
- 7) using official authority or professional duties or related opportunities;
- 8) provided for in Articles 6.1.4–6.1.6, in a generally dangerous manner;
- 9) using a situation caused by a catastrophe, accident, natural disaster, mass unrest, hostilities, or another extraordinary event.

Article 6.1.4. Theft of another person’s movable property that caused significant pecuniary damage

A person who stole another person’s movable property:

- 1) in secret,

- 2) openly, or
 - 3) by deceiving a victim or another person or abusing their trust,
- If such act caused significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 6.1.5. Theft of another person's movable property that caused considerable pecuniary damage

A person who stole another person's movable property:

- 1) in secret,
- 2) openly, or
- 3) by deceiving a victim or another person or abusing their trust,

If such act caused considerable pecuniary damage, –
committed a crime of gravity degree 3.

Article 6.1.4. Theft of another person's movable property that caused severe pecuniary damage

A person who stole another person's movable property:

- 1) in secret,
- 2) openly, or
- 3) by deceiving a victim or another person or abusing their trust,

If such act caused severe pecuniary damage, –
committed a crime of gravity degree 4.

Article 6.1.7. Illegal appropriation of another's immovable property or the right to property that caused significant pecuniary damage

A person who took illegal possession of another person's immovable property or the right to another person's movable or immovable property:

- 1) in secret,
- 2) openly, or
- 3) by deceiving a victim or another person or abusing their trust,

if such an act caused significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 6.1.8. Illegal appropriation of another's immovable property or the right to property that caused considerable pecuniary damage

A person who took illegal possession of another person's immovable property or the right to another person's movable or immovable property:

- 1) in secret,
- 2) openly, or
- 3) by deceiving a victim or another person or abusing their trust,

if such an act caused considerable pecuniary damage, –
committed a crime of gravity degree 3.

Article 6.1.9. Illegal appropriation of another's immovable property or the right to property that caused severe pecuniary damage

A person who took illegal possession of another person's immovable property or the right to another person's movable or immovable property:

- 1) in secret,
- 2) openly, or
- 3) by deceiving a victim or another person or abusing their trust,

if such an act caused severe pecuniary damage, –
committed a crime of gravity degree 5.

Article 6.1.10. Theft of another's property or illegal appropriation of another person's property or the right to property by using violence or threat

A person who stole movable property or took illegal possession of another person's immovable property or the right to another person's property by using violence or threat, which caused substantial pecuniary damage, –

committed a crime of gravity degree 3.

Article 6.1.11. Illegal use of another person's property or energy or receiving a service, which caused significant pecuniary damage

A person who illegally and gratuitously used:

- 1) another person's property without seizing it,
- 2) electrical or heat energy, or
- 3) received a service

if such an act caused significant pecuniary damage, –

committed a crime of gravity degree 1.

Article 6.1.12. Illegal use of another person's property or energy or receiving a service, which caused considerable pecuniary damage

A person who illegally and gratuitously used:

- 1) another person's property without seizing it,
- 2) electrical or heat energy, or
- 3) received a service

if such an act caused considerable pecuniary damage, –

committed a crime of gravity degree 3.

Article 6.1.11. Illegal use of another person's property or energy or receiving a service, which caused severe pecuniary damage

A person who illegally and gratuitously used:

- 1) another person's property without seizing it,
- 2) electrical or heat energy, or
- 3) received a service

if such an act caused severe pecuniary damage, –

committed a crime of gravity degree 5.

Article 6.1.14. Destroying or damaging another person's property, which caused significant pecuniary damage

A person who destroyed or damaged another person's property, which caused significant pecuniary damage, –

committed a crime of gravity degree 1.

Article 6.1.15. Destroying or damaging another person's property, which caused considerable pecuniary damage

A person who destroyed or damaged another person's property, which caused considerable pecuniary damage, –

committed a crime of gravity degree 3.

Article 6.1.16. Destroying or damaging another person's property, which caused severe pecuniary damage

A person who destroyed or damaged another person's property, which caused severe pecuniary damage, –

committed a crime of gravity degree 5.

Article 6.1.17. Negligent destruction or damage to another person's property, which caused severe damage

A person who destroyed or damaged another person's property through negligence which caused severe pecuniary damage, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 6.1.18. Minor stealing

A person who stole another person's movable property without using violence or threat or illegally took possession of another person's property, which caused substantial pecuniary damage, –
committed a minor offense.

Article 6.1.19. Illegal appropriation of the find

A person who illegally took possession of someone else's thing found or accidentally found in their possession, the value of which is more than five hundred units of account, –
committed a minor offense.

Article 6.1.20. Illegal use of another person's property or energy, or receiving a service that caused substantial pecuniary damage

A person who illegally and gratuitously used:

- 1) another person's property without seizing it, or
- 2) electrical or heat energy, or
- 3) received a service,

if such an act caused substantial pecuniary damage, –
committed a minor offense.

Article 6.1.21. Unlawful deprivation of the possibility to use the possession

A person who unlawfully deprives the owner or lawful user of the possibility to use their dwelling or another possession, –
committed a minor offense.

Section 6.2. CRIMINAL OFFENSES AGAINST INTELLECTUAL PROPERTY

Subsection 1. CRIMES

Article 6.2.1. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) as part of a simple group;
- 2) using official authority or professional duties, or related opportunities;
- 3) with the use of media or information system;
- 4) for selfish reasons.

Article 6.2.2. Violation of intellectual property rights that caused significant pecuniary damage

A person who illegally

- 1) reproduced, used, or distributed a literary or artistic work, computer software, database, or other work,
 - 2) reproduced, used, or distributed a performance, phonogram, videogram, or broadcasting program, duplicated or distributed them on information carriers or performed camcording or cardsharing,
 - 3) used a scientific discovery, invention, utility model, industrial design, semiconductor product layout, plant variety or animal breed, or an innovation proposal, or assigned authorship to them,
 - 4) used a commercial (brand) name, trademark, or geographical indication,
 - 5) used information constituting a trade secret, or disclosed it, or
 - 6) otherwise violated intellectual property rights,
- if it caused significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 6.2.3. Violation of intellectual property rights that caused considerable pecuniary damage

A person who illegally

- 1) reproduced, used, or distributed a literary or artistic work, computer software, database, or other work,
 - 2) reproduced, used, or distributed a performance, phonogram, videogram, or broadcasting program, duplicated or distributed them on information carriers or performed camcording or cardsharing,
 - 3) used a scientific discovery, invention, utility model, industrial design, semiconductor product layout, plant variety or animal breed, or an innovation proposal, or assigned authorship to them,
 - 4) used a commercial (brand) name, trademark, or geographical indication,
 - 5) used information constituting a trade secret, or disclosed it, or
 - 6) otherwise violated intellectual property rights,
- if it caused considerable pecuniary damage, –
committed a crime of gravity degree 3.

Article 6.2.4. Violation of intellectual property rights that caused severe pecuniary damage

A person who illegally

- 1) reproduced, used, or distributed a literary or artistic work, computer software, database, or other work,
 - 2) reproduced, used, or distributed a performance, phonogram, videogram, or broadcasting program, duplicated or distributed them on information carriers or performed camcording or cardsharing,
 - 3) used a scientific discovery, invention, utility model, industrial design, semiconductor product layout, plant variety or animal breed, or an innovation proposal, or assigned authorship to them,
 - 4) used a commercial (brand) name, trademark, or geographical indication,
 - 5) used information constituting a trade secret, or disclosed it, or
 - 6) otherwise violated intellectual property rights,
- if it caused severe pecuniary damage, –
committed a crime of gravity degree 5.

Subsection 2. MINOR OFFENSES

Article 6.2.5. Violation of intellectual property rights that caused substantial pecuniary damage

A person who violated an intellectual property right if it caused substantial pecuniary damage, –
committed a minor offense.

Article 6.2.6. Violation of intellectual property rights that did not cause pecuniary damage

A person who violated intellectual property rights, if it did not cause pecuniary damage, –

committed a minor offense.

Article 6.2.7. Violation of personal non-property intellectual property right

A person who:

- 1) committed plagiarism, or
- 2) otherwise violates a personal non-property intellectual property right,
for selfish reasons, –
committed a minor offense.

Section 6.3. FINANCIAL CRIMINAL OFFENSES

Article 6.3.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *a large amount of counterfeit money, securities, or criminally obtained assets (income)* – a nominal value of counterfeit money or securities is five hundred and more times higher than the unit of account;
- 2) *production of counterfeit money* – production of such money by a person who is:
 - a) not authorized to produce banknotes, or
 - b) a person who, being authorized to produce banknotes, produced them in violation of the established procedure;
- 3) *money* – banknotes of the currency unit of Ukraine, banknotes of currency units of foreign states, which:
 - a) circulate and are a legal payment instrument in the territory of the corresponding state or group of states;
 - b) have been or are being withdrawn from circulation, but are subject to exchange for the banknotes in circulation;
 - c) have not been issued yet but are intended for circulation as a legal payment instrument.
- 4) *a particularly large amount of counterfeit money, securities, or criminally obtained assets (proceeds)* – a nominal value of counterfeit money or securities is five thousand or more times higher than the unit of account;
- 5) *predicate act regarding the legalization (laundering) of criminally obtained assets (income)* – an encroachment committed in the territory of Ukraine or the territory of another state, which has the characteristics of a crime provided for by this Code, as a result of which assets (income) were obtained, regardless of whether the person has been sentenced for it and whether all factual elements of that encroachment have been established, including the person who committed it;
- 6) *European Union's financial interests* – interests set out in the Directive (EU) 2017/1371 of the European Parliament and of the Council of July 5, 2017, on the fight against fraud to the Union's financial interests by means of criminal law.

Subsection 1. CRIMES

Article 6.3.2. Elements reducing the gravity of a crime by two degrees

The elements reducing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in clauses 2–5 of Article 6.3.6 regarding counterfeit money, which the person treated as authentic money at the moment of its acquisition.

Article 6.3.3. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of a crime:

1) provided for in Article 6.3.5, 6.3.6, 6.3.7, 6.3.8, 6.3.27 or 6.3.28, in a particularly large amount.

Article 6.3.4. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of a crime:

- 1) provided for in Articles 6.3.5, 6.3.6, 6.3.7, 6.3.8, 6.3.27 or 6.3.28, in a large amount;
- 2) provided for in Articles 6.3.23–6.3.25, in the wholesale energy market;
- 3) as part of a simple group;
- 4) provided for in Articles 6.3.5–6.3.17, 6.3.19–6.3.22, 6.3.26–6.3.28, using official authority or professional duties, or related opportunities;
- 5) with the use of media or information system;
- 6) provided in Articles 6.3.5–6.3.11, 6.3.27, using the situation, caused by a catastrophe, accident, natural disaster, mass unrest, hostilities, or another extraordinary event;
- 7) provided for in Articles 6.3.6, 6.3.8, 6.3.10, 6.3.11, by moving across the customs border of Ukraine.

Article 6.3.5. Counterfeiting of money

A person who counterfeited money, i.e., illegally:

- 1) produced, or
 - 2) changed money, –
- committed a crime of gravity degree 5.

Article 6.3.6. Handling counterfeit money

A person who:

- 1) acquired,
 - 2) kept,
 - 3) moved,
 - 4) sold,
 - 5) disposed of, or
 - 6) put counterfeit money into circulation, –
- committed a crime of gravity degree 3.

Article 6.3.7. Counterfeiting a security

A person who illegally:

- 1) produced, or
 - 2) changed a security, –
- committed a crime of gravity degree 3.

Article 6.3.8. Handling of a counterfeit security

A person who:

- 1) issued,
 - 2) acquired,
 - 3) kept,
 - 4) moved,
 - 5) disposed of, or
 - 6) sold counterfeit security, –
- committed a crime of gravity degree 3.

Article 6.3.9. Stealing or counterfeiting payment means or instrument

A person who:

- 1) stole, or
 - 2) illegally created, or
 - 3) illegally changed payment means or instrument, –
- committed a crime of gravity degree 3.

Article 6.3.10. Handling stolen or counterfeit payment means or instrument

A person who:

- 1) acquired,
 - 2) kept,
 - 3) moved, or
 - 4) sold stolen or counterfeit payment means or instrument, –
- committed a crime of gravity degree 3.

Article 6.3.11. Manufacturing or handling a device intended to counterfeit money, securities, payment means or instrument

A person who:

- 1) produced or manufactured,
 - 2) acquired,
 - 3) kept,
 - 4) moved, or
 - 5) sold the object, including a security element or anti-counterfeiting component, computer software, data or another device specifically intended to counterfeit money, securities, payment means, or instrument, –
- committed a crime of gravity degree 3.

Article 6.3.12. Failure to pay tax, fee, or single contribution to the compulsory state social insurance that caused significant pecuniary damage

A person who failed to pay:

- 1) a tax or fee included in the taxation system and introduced in accordance with the procedure established by law, or
 - 2) a single contribution to the compulsory state social insurance,
- if such an act caused significant pecuniary damage, –
- committed a crime of gravity degree 1.

Article 6.3.13. Failure to pay tax, fee, or single contribution to the compulsory state social insurance that caused considerable pecuniary damage

A person who failed to pay:

- 1) a tax or fee included in the taxation system and introduced in accordance with the procedure established by law, or
 - 2) a single contribution to the compulsory state social insurance,
- if such an act caused considerable pecuniary damage, –
- committed a crime of gravity degree 3.

Article 6.3.14. Failure to pay tax, fee, or single contribution to the compulsory state social insurance that caused severe pecuniary damage

A person who failed to pay:

- 1) a tax or fee included in the taxation system and introduced in accordance with the procedure established by law, or
 - 2) a single contribution to the compulsory state social insurance,
- if such an act caused severe pecuniary damage, –
- committed a crime of gravity degree 5.

Article 6.3.15. Non-payment of tax arrears that caused significant pecuniary damage

A person who did not repay an arrears for tax, fee, or single contribution to compulsory social insurance by way of:

- 1) illegal use of property held in tax lien or under administrative arrest,
- 2) disposal of such property without proper permission, or
- 3) concealment of such property,

if such an act caused significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 6.3.16. Non-payment of tax arrears that caused considerable pecuniary damage

A person who did not repay an arrears for tax, fee, or single contribution to compulsory social insurance by way of:

- 1) illegal use of property held in tax lien or under administrative arrest,
- 2) disposal of such property without proper permission, or
- 3) concealment of such property,

if such an act caused considerable pecuniary damage, –
committed a crime of gravity degree 3.

Article 6.3.17. Non-payment of tax arrears that caused severe pecuniary damage

A person who did not repay an arrears for tax, fee, or single contribution to compulsory social insurance by way of:

- 1) illegal use of property held in tax lien or under administrative arrest,
- 2) disposal of such property without proper permission, or
- 3) concealment of such property,

if such an act caused severe pecuniary damage, –
committed a crime of gravity degree 5.

Article 6.3.18. Failure to pay tax, fee, or single contribution to the compulsory state social insurance, which caused severe pecuniary damage through negligence

A person who failed to pay:

- 1) a tax or a fee included in the tax system and introduced in a manner prescribed by law, or
- 2) a single contribution to the compulsory state social insurance,

if such an act caused severe pecuniary damage through negligence, –
committed a crime of gravity degree 3.

Article 6.3.19. Credit fraud, which caused significant pecuniary damage

A person who did not repay a loan in full or in part received as a result of submitting knowingly false information by such person to a bank or another financial institution, which caused significant pecuniary damage to a creditor, –

committed a crime of gravity degree 1.

Article 6.3.20. Credit fraud, which caused considerable pecuniary damage

A person who did not repay a loan in full or in part received as a result of submitting knowingly false information by such person to a bank or another financial institution, which caused considerable pecuniary damage to a creditor, –

committed a crime of gravity degree 3.

Article 6.3.21. Credit fraud, which caused severe pecuniary damage

A person who did not repay a loan in full or in part received as a result of submitting knowingly false information by such person to a bank or another financial institution, which caused severe pecuniary damage to a creditor, –

committed a crime of gravity degree 5.

Article 6.3.22. Use of insider information

A person who, knowing insider information before its disclosure:

- 1) used such information to acquire at their own expense or at the expense of another person a financial instrument this information pertains to, or to dispose of such instrument, or
 - 2) provided any other person with recommendations regarding the financial information in respect of which they know insider information, –
- committed a crime of gravity degree 3.

Article 6.3.23. Insider information disclosure

A person who disclosed insider information, –
committed a crime of gravity degree 1.

Article 6.3.24. Manipulation in the capital market and organized commodity market

A person who committed manipulation in the capital market and organized commodity market, –
committed a crime of gravity degree 3.

Article 6.3.25. Concealment of information about the issuer's activity

A person who:

- 1) did not provide the securities investor with information about the issuer's activity, or
 - 2) provided wrong information about such activity, –
- committed a crime of gravity degree 1.

Article 6.3.26. Abuse of the European Union's financial interests

A person who abused the European Union's financial interests, –
committed a crime of gravity degree 3.

Article 6.3.27. Legalization (laundering) of criminally obtained assets (proceeds)

A person who:

- 1) acquired or used assets (proceeds) in respect of which the actual circumstances indicate that they have been received, whether directly or indirectly, in full or in part, by committing a predicative act, or who used to own them, except for a person who committed a predicative act,
 - 2) converted or transferred such assets (proceeds) to conceal or veil their criminal origin or help another person engaged in the legalization (laundering) to avoid liability, or
 - 3) hid or veiled the true nature of such assets (proceeds), sources of their origin, location, disposal of them, movement thereof or rights thereto, –
- committed a crime of gravity degree 3.

Article 6.3.28. Legalization (laundering) of criminally obtained assets (proceeds) through negligence

A person who did not know, but should have known and could have known, that the assets (proceeds) were obtained, directly or indirectly, in whole or in part, by committing the predicate act, and:

- 1) acquired them,
 - 2) used them, or
 - 3) possessed them, –
- committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 6.3.29. Handling counterfeit excise tax stamps

A person who:

- 1) produced or manufactured,
- 2) used upon selling goods,
- 3) acquired,
- 4) kept,

- 5) moved, or
- 6) sold counterfeit excise tax stamps, –
committed a minor offense.

Article 6.3.30. Improper notification of transactions being subject to financial monitoring

A person who:

- 1) did not provide the competent body with information about transactions being subject to financial monitoring,
- 2) provided such information with delay, or
- 3) provided wrong information about the said transactions, –
committed a minor offense.

Article 6.3.31 Disclosure of financial monitoring secrecy

A person who disclosed the financial monitoring secrecy, –
committed a minor offense.

**Section 6.4.
CRIMINAL OFFENSES
AGAINST BUSINESS PRACTICES**

Article 6.4.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *significant amount of smuggling* – the cost of an item of smuggling exceeding the unit of account by five hundred times or more;
- 2) *large amount of smuggling* – the cost of an item of smuggling exceeding the unit of account by five thousand times or more;
- 3) *particularly large amount of smuggling* – the cost of an item of smuggling exceeding the unit of account by fifty thousand times or more;
- 4) *fictional legal instruments* – knowingly illegal or forged:
 - a) lawsuit or claim,
 - b) court decision,
 - c) act of a government or local government body,
 - d) contract or other document.

Subsection 1. CRIMES

Article 6.4.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 6.4.4, with regard to the goods in a particularly large amount.

Article 6.4.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Article 6.4.4, with regard to excisable goods in large amount;
- 2) provided for in Article 6.4.4, with regard to excisable goods;
- 3) provided for in Article 6.4.5, with regard to banking activity or provision of financial services;
- 4) provided for in Article 6.4.5, with regard to activities in the gambling market or the issuance or conduct of lotteries;
- 5) provided for in Article 6.4.5, with regard to the production of and trading in excisable goods;

6) provided for in Article 6.4.5, with regard to the construction of facilities classified as facilities with medium (CC2) and considerable (CC3) consequences by class of consequences (responsibility);

7) provided for in Articles 6.4.4–6.4.13, with regard to a business entity conducting banking activities or providing financial services;

8) provided for in Articles 6.4.4–6.4.13, as part of a simple group;

9) using official authority or professional duties, or related opportunities.

Article 6.4.4. Smuggling

A person who moved a significant amount of goods across the customs border of Ukraine:

1) without their declaration stipulated by law,

2) beyond customs control, or

3) concealing them from customs control, –

committed a crime of gravity degree 3.

Article 6.4.5. Conducting business activity without a license

A person who conducted business activity without a proper license for conducting such business activity being subject to licensing under the law, except as otherwise stipulated by other articles hereof, – committed a crime of gravity degree 1.

Article 6.4.6. Fictitious business management

A person who knowingly set up or used a business entity:

1) to conceal the activity entailing criminal or administrative liability under the law,

2) to receive a loan, payment, or compensation illegally, or

3) to evade tax, fee, or single contribution to the compulsory state social insurance, –

committed a crime of gravity degree 1.

Article 6.4.7. Establishing control over a business entity (corporate raiding)

A person who established illegal control over a business entity (a legal entity) by way of using knowingly fictitious legal instruments, in particular:

1) blocked or limited actual access to voting by a shareholder, a member, a member of the executive or other body of the business entity,

2) distorted a decision of such body, or

3) violated or limited a pre-emptive right to acquire securities of this business entity, –

committed a crime of gravity degree 3.

Article 6.4.8. Driving to insolvency, which caused significant pecuniary damage

An owner, including an ultimate beneficial owner (controller), an official of a business entity, or an individual entrepreneur who committed acts for their benefit or for the benefit of third parties, which knowingly led to the insolvency of the business entity and caused significant pecuniary damage, – committed a crime of gravity degree 1.

Article 6.4.9. Driving to insolvency, which caused considerable pecuniary damage

An owner, including an ultimate beneficial owner (controller), an official of a business entity, or an individual entrepreneur who committed acts for their benefit or for the benefit of third parties, which knowingly led to the insolvency of the business entity and caused considerable pecuniary damage, – committed a crime of gravity degree 3.

Article 6.4.10. Driving to insolvency, which caused severe pecuniary damage

An owner, including an ultimate beneficial owner (controller), an official of a business entity, or an individual entrepreneur who committed acts for their benefit or for the benefit of third parties, which knowingly led to the insolvency of the business entity and caused severe pecuniary damage, – committed a crime of gravity degree 5.

Article 6.4.11. Actions in case of insolvency, which caused significant pecuniary damage

A person who, during the debtor's property disposal procedure, rehabilitation, liquidation, restructuring, or repayment of debtor's debt, illegally:

- 1) concealed, alienated, or destroyed the property, or
- 2) destroyed, damaged, concealed, or forged documents displaying financial or business activities,

if such an act caused significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 6.4.12. Actions in case of insolvency, which caused considerable pecuniary damage

A person who, during the debtor's property disposal procedure, rehabilitation, liquidation, restructuring, or repayment of debtor's debt, illegally:

- 1) concealed, alienated, or destroyed the property, or
- 2) destroyed, damaged, concealed, or forged documents displaying financial or business activities,

if such an act caused considerable pecuniary damage, –
committed a crime of gravity degree 3.

Article 6.4.13. Actions in case of insolvency, which caused severe pecuniary damage

A person who, during the debtor's property disposal procedure, rehabilitation, liquidation, restructuring, or repayment of debtor's debt, illegally:

- 1) concealed, alienated, or destroyed the property, or
- 2) destroyed, damaged, concealed, or forged documents displaying financial or business activities,

if such an act caused severe pecuniary damage, –
committed a crime of gravity degree 5.

Article 6.4.14. Coercion to anti-competitive concerted practices

A person who coerced a business entity to anti-competitive concerted actions, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 6.4.15. Illegal handling of trade and banking secrecy

A person who illegally:

- 1) disclosed, or
- 2) used information that constitutes a trade or banking secret, –

committed a minor offense.

Article 6.4.16. Concealing insolvency

An owner, including an ultimate beneficial owner (controller), an official of a business entity, or an individual entrepreneur who knowingly concealed the insolvency of a business entity, –
committed a minor offense.

Article 6.4.17. Fictitious bankruptcy

An official of a business entity or an individual entrepreneur who provided the creditor(s) or the state with knowingly false official information about the insolvency of the relevant business entity, –
committed a minor offense.

Article 6.4.18. Violation of accounting rules

A person responsible for organizing or maintaining the accounting at a business entity who:

- 1) failed to organize the accounting according to the law, or
 - 2) failed to maintain the accounting in a manner prescribed by law,
- if such acts make it impossible to establish the activity of the business entity, its results, financial condition, or to evaluate its assets, –
committed a minor offense.

Section 6.5.
CRIMINAL OFFENSES
AGAINST THE PRACTICE OF THE USE
OF NATURAL RESOURCES

Article 6.5.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *natural resources* – environmental components, objects of nature, and natural and anthropogenic objects, including species of wild fauna, flora, and fungi or their parts or derivatives that are or can be used in business or other activity as a source of energy, a product of manufacture, or an object of consumption.

Subsection 1. CRIMES

Article 6.5.2. Elements increasing the gravity of a crime by one degree

The element of the crime that increases the severity of crimes under this Section by one degree is the commission of an intentional crime:

- 1) provided for in Articles 6.5.3–6.5.8, 6.5.10–6.5.12, 6.5.14, with regard to flora or fauna species recorded in the Red Data Book of Ukraine, or species of wild fauna, flora, or fungi under special protection in accordance with the acts of the European Union;
- 2) provided for in Article 6.5.3–6.5.5 or 6.5.14, with regard to amber;
- 3) as part of a simple group;
- 4) using official authority or professional authority, or related opportunities;
- 5) in the territories or at the facilities within the nature preservation fund of Ukraine, or are particularly valuable lands or specially protected forests;

Article 6.5.3. Illegal appropriation of a natural resource in its natural condition, which caused significant pecuniary damage

A person who illegally took possession of a natural resource in a natural condition, in particular:

- 1) surface soil layer,
- 2) surface (soil) layer of water fund lands;
- 3) waters,
- 4) mineral resource,
- 5) tree or shrubs in a forest or forest plantation, or
- 6) a wild animal belonging to the vertebrates,

if such an act caused significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 6.5.4. Illegal appropriation of a natural resource in its natural condition, which caused considerable pecuniary damage

A person who illegally took possession of a natural resource in a natural condition, in particular:

- 1) surface soil layer,
- 2) surface (soil) layer of water fund lands;
- 3) waters,
- 4) mineral resource,
- 5) tree or shrubs in a forest or forest plantation, or
- 6) a wild animal belonging to the vertebrates,

if such an act caused considerable pecuniary damage, –

committed a crime of gravity degree 3.

Article 6.5.5. Illegal appropriation of a natural resource in its natural condition, which caused severe pecuniary damage

A person who illegally took possession of a natural resource in a natural condition, in particular:

- 1) surface soil layer,
- 2) surface (ground) layer of water fund lands;
- 3) waters,
- 4) mineral resource,
- 5) tree or shrubs in a forest or forest plantation, or
- 6) a wild animal belonging to the vertebrates,

if such an act caused severe pecuniary damage, –
committed a crime of gravity degree 5.

Article 6.5.6. Destruction of or damage to a plant or animal natural resource, which caused significant pecuniary damage

A person who illegally:

- 1) destroyed or damaged a tree or a shrub in a forest or forest plantation,
- 2) killed or injured a wild animal belonging to vertebrates, in the absence of signs of cruelty to the animal,
- 3) violated phytosanitary rules or rules of plant pest control, or
- 4) violated veterinary rules or other rules of wild animal protection,

if such an act caused significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 6.5.7. Destruction of or damage to a plant or animal natural resource, which caused considerable pecuniary damage

A person who illegally:

- 1) destroyed or damaged a tree or a shrub in a forest or forest plantation,
- 2) killed or injured a wild animal belonging to vertebrates, in the absence of signs of cruelty to the animal,
- 3) violated phytosanitary rules or rules of plant pest control, or
- 4) violated veterinary rules or other rules of wild animal protection,

if such an act caused considerable pecuniary damage, –
committed a crime of gravity degree 3.

Article 6.5.8. Destruction of or damage to a plant or animal natural resource, which caused severe pecuniary damage

A person who illegally:

- 1) destroyed or damaged a tree or a shrub in a forest or forest plantation,
- 2) killed or injured a wild animal belonging to vertebrates, in the absence of signs of cruelty to the animal,
- 3) violated phytosanitary rules or rules of plant pest control, or
- 4) violated veterinary rules or other rules of wild animal protection,

if such an act caused severe pecuniary damage, –
committed a crime of gravity degree 5.

Article 6.5.9. Destruction of or damage to a plant or animal natural resource through negligence

A person who:

- 1) destroyed or damaged a tree or a shrub in a forest or forest plantation,
- 2) killed or injured a wild animal belonging to vertebrates,
- 3) violated phytosanitary rules or rules of plant pest control, or
- 4) violated veterinary rules or other rules of wild animal protection,

if such an act caused severe pecuniary damage through negligence, –
committed a crime of gravity degree 3.

Article 6.5.10. Violation of the rules of using natural resources, which caused significant pecuniary damage

A person who violated the rules of using:

- 1) lands,
- 2) water, or
- 3) subsoil,

if such an act caused significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 6.5.11. Violation of the rules of using natural resources, which caused considerable pecuniary damage

A person who violated the rules of using:

- 1) lands,
- 2) water, or
- 3) subsoil,

if such an act caused considerable pecuniary damage, –
committed a crime of gravity degree 3.

Article 6.5.12. Violation of the rules of using natural resources, which caused severe pecuniary damage

A person who violated the rules of using:

- 1) lands,
- 2) water, or
- 3) subsoil,

if such an act caused severe pecuniary damage, –
committed a crime of gravity degree 5.

Article 6.5.13. Violation of the rules of using natural resources through negligence

A person who violated the rules of using:

- 1) lands,
- 2) water, or
- 3) subsoil,

if such an act caused severe pecuniary damage through negligence, –
committed a crime of gravity degree 3.

Article 6.5.14. Sale or export from Ukraine of illegally extracted natural resources

A person who:

- 1) sold or
- 2) exported from Ukraine illegally extracted natural resources, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 6.5.15. Illegal appropriation of natural resources, which caused substantial pecuniary damage

A person who illegally took possession of the natural resource in its natural condition, in particular:

- 1) soil cover (surface layer) of lands,
- 2) surface (ground) layer of water fund lands,
- 3) waters,
- 4) mineral resource,
- 5) tree or shrub in a forest or forest plantation, or

6) a wild animal,
if such an act caused substantial pecuniary damage, –
committed a minor offense.

Article 6.5.16. Violation of hunting or fishing rules

A person who hunted or fished:

- 1) wild animals belonging to vertebrates prohibited for hunting or catching,
- 2) at prohibited time,
- 3) in a prohibited place,
- 4) using prohibited tools or devices,
- 5) in a prohibited manner, or
- 6) without an appropriate authorization, –
committed an offense.

Article 6.5.17. Destruction of or damage to a natural resource which caused substantial pecuniary damage

A person who illegally:

- 1) destroyed or damaged a tree or a shrub in a forest or forest plantation,
 - 2) killed or injured a wild animal in the absence of signs of cruel treatment of the animal,
 - 3) violated phytosanitary rules or rules of plant pest control, or
 - 4) violated veterinary rules or other rules of wild animal protection,
- if such an act caused substantial pecuniary damage, –
committed a minor offense.

Article 6.5.18. Violation of the rules of using a natural resource, which caused substantial pecuniary damage

A person who violated the rules of using:

- 1) lands,
 - 2) water, or
 - 3) subsoil,
- if such an act caused substantial pecuniary damage, –
committed a minor offense.

Article 6.5.19. Illegal actions at the continental shelf of Ukraine

A person who illegally:

- 1) explored, or
- 2) surveyed natural resources at the continental shelf, –
committed a minor offense.

**Book 7.
CRIMINAL OFFENSES
AGAINST SOCIETY**

**Section 7.1.
CRIMES
AGAINST SECURITY FROM ORGANIZED
CRIME**

Article 7.1.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *Coordination of criminal activity* – actions that consist in:
 - a) the distribution of areas of criminal activity;
 - b) ensuring the interconnection between participants in criminal activity;
- 2) *securing the criminal activity of an organized criminal group* – counteraction to:

- a) the threat of detection and criminal prosecution of participants in such a group, or
- b) the activities of competing organized criminal groups.

Article 7.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 7.1.4 or 7.1.8, if participants of an organized criminal group or an illegal armed group hold 10 or more items of firearms and small arms, or an artillery barrel weapon, a rocket or torpedo, a radioactive material or a combat poison;
- 2) using official authority or related opportunities by a public official who holds a highly responsible position;
- 3) under conditions of martial law.

Article 7.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Article 7.1.4, if at least one participant of an organized criminal group owns firearms with the knowledge of other participants of such group;
- 2) using official authority or professional duties, or related opportunities;
- 3) during the special period or in conditions of a state of emergency.

Article 7.1.4. Creation, management, participation in, or facilitation of an organized criminal group

A person who:

- 1) created an organized criminal group,
- 2) managed it or a structural part of it,
- 3) guided the commitment of a crime by the participants of such group, or
- 4) was a participant in an organized criminal group
- 5) contributed to the activities of an organized criminal group by financing, providing information or material means or
- 6) involved a new member in an organized criminal group or in a crime committed by such a group, –
committed a crime of gravity degree 5.

Article 7.1.5. Participation in a criminal meeting

A person who, being a member of an organized criminal group, participated in a meeting of such group for the purpose of:

- 1) representation of an organized criminal group or coordination of criminal activities,
- 2) distribution of the proceeds of crime,
- 3) financing, informational or material support of criminal activities of such groups or
- 4) ensuring their criminal activity, –
committed a crime of gravity degree 5.

Article 7.1.6. Criminal influence

A person who establishes or extends criminal influence (criminal leader) who:

- 1) made a demand related to the activities of an organized criminal group regarding the behavior of its participants or extended this demand to other persons,
- 2) forced to fulfill such a demand by using violence or threats ,
- 3) represented an organized criminal group in negotiations with another person regarding criminal activity,
- 4) organized a meeting of representatives of organized criminal groups,
- 5) disposed of the assets of one or joint assets of several organized criminal groups,

6) organized, coordinated the criminal activity of several organized criminal groups or persons not belonging to any such group in a certain territory or in a particular area or facilitated such activity,

7) resolved a conflict regarding criminal activity or

8) provided assistance to another person in resolving by unlawful means the problems caused by the commission of a criminal offense by them or in relation to them, – committed a crime of gravity degree 5.

Article 7.1.7. Appeal for the use of criminal influence

A person who has appealed to a criminal leader to secure legal or illegal interests through the use of criminal influence, –

committed a crime of gravity degree 5.

Article 7.1.8. Creation, participation in, or facilitation of an illegal armed group

A person who:

1) created an illegal armed group,

2) ran such a group or a structural part thereof,

3) was a participant thereof,

4) facilitated the activities of the armed group by financing, providing information or material means, or

5) recruited a new member to the armed group, –

committed a crime of gravity degree 5.

Section 7.2.

CRIMES

AGAINST SECURITY FROM TERRORISM

Article 7.2.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) provided for in Articles 7.2.6, if participants of a terrorist group hold 10 or more items of firearms and small arms, or an artillery barrel weapon, a rocket or torpedo, a radioactive material, or a combat poison;

2) using official authority or related opportunities by a public official who holds a highly responsible position;

3) under conditions of martial law.

Article 7.2.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

1) using official authority or related opportunities by a public official who holds a highly responsible position;

2) provided for in Articles 7.2.3–7.2.8, if a terrorist group is structured;

3) provided in Articles 7.2.3–7.2.8, involving a minor child;

4) during the special period or in the conditions of a state of emergency;

5) using a situation caused by a catastrophe, accident, natural disaster, mass unrest, hostilities, or another extraordinary event

4) provided for in Articles 7.2.4, 7.2.5, or 7.2.8, using a media or information system.

Article 7.2.3. Act of terrorism

A person who committed either of the following to cause damage to the national security of Ukraine or public security or to obstruct the activities of a public authority or local government body, an international organization, a representative office of a foreign state, or a legal entity, or to force them to perform or abstain from any action:

- 1) committed actions aimed at causing death or serious harm to human health or violation of personal freedom,
- 2) used a weapon or dangerous object,
- 3) used or sprayed radioactive material,
- 4) destroyed or damaged property in a generally dangerous manner,
- 5) seized, held, destroyed, or damaged a critical infrastructure facility or disrupted its proper functioning,
- 6) seized an aircraft, sea vessel, fixed platform located on the continental shelf, or a means of passenger or freight transport,
- 7) blocked traffic,
- 8) stopped the supply of a resource that is vital for the population (water, electricity, gas, heat, food, medicines) or interfered with such supply or
- 9) unlawfully interfered with the operation of an information (automated), electronic communication, information and communication system, or electronic communication network using malicious software or hardware, –
committed a crime of gravity degree 5.

Article 7.2.4. A threat of an act of terrorism

A person who threatened the commitment of an act of terrorism, –
committed a crime of gravity degree 3.

Article 7.2.5. Public calls or justification of terrorism

A person who publicly:

- 1) called for the commission of an act of terrorism or the spread of terrorism,
- 2) called for the support of the activities of a terrorist group,
- 3) called for the counteraction to anti-terrorist activities,
- 4) justified an act of terrorism, terrorist activity, or an individual terrorist, or
- 5) disseminated materials with such calls or justifications, –
committed a crime of gravity degree 3.

Article 7.2.6. Creation of a terrorist group, participation in it or facilitation of its activities

A person who:

- 1) created a terrorist group,
- 2) ran its activities,
- 3) was a participant in such a group, or
- 4) facilitated the activities of such a group or the commitment of a crime by its participant or another person, as assigned by the terrorist group, –
committed a crime of gravity degree 5.

Article 7.2.7. Financing and other support of terrorism

A person who provided funds, tangible assets, or information or collected the same knowingly for:

- 1) committing a crime provided for by other articles of this Section,
- 2) concealing the activity of a terrorist group or a crime committed by its participant or another person or on behalf of the terrorist group,
- 3) spreading terrorism,
- 4) combating the anti-terrorist activity, or
- 5) bribing an official to incline the latter to condone the activities of a terrorist group, –
committed a crime of gravity degree 5.

Article 7.2.8. Preparing to the terrorist activity

A person who, for the purpose of committing an act of terrorism, participating in the activities of a terrorist group, or financing terrorism:

- 1) underwent training,
- 2) conducted training,

- 3) recruited another person,
- 4) arrived in Ukraine or a European Union member state or transited through the territory of Ukraine,
- 5) left the territory of Ukraine or the European Union member state,
- 6) took possession of tangible assets, funds, or information, or
- 7) made or used a counterfeit official document, –
committed a crime of gravity degree 5.

Section 7.3.
CRIMINAL OFFENSES
AGAINST GENERAL SECURITY

Article 7.3.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *automatic firearms* – a portable firearm barreled weapon that can fire several shots with one pull of the trigger;
- 2) *smooth-bore hunting weapon* – a firearm that has a smooth (without rifling) barrel length of at least 450 mm with a total firearm length of at least 800 mm, and is designed to fire one shot with one pull of the trigger. Such weapons do not include hunting carbines, smooth-bore rifles with a “paradox” or “supra” bore, combined rifles with one or more rifled barrels, as well as sawed-off shotguns;
- 3) *illegal possession of a weapon, its composite parts and components or ammunition* – possession (regardless of duration) without a proper permit of a weapon, its composite part or component, ammunition that is not carried by a person, but is kept at a place determined by this person (except in cases of storage of weapons by a person who had (or whose family member had) a relevant permit, with their validity expired);
- 4) *illegal production or manufacture of weapons* – actions taken without proper authorization to create or modify weapons or to create weapons without the markings required by law;
- 5) *illegal production or manufacture of ammunition* — actions taken without proper authorization to create or process ammunition suitable for firing
- 6) *illegal repair of weapons, ammunition* – restoration, without proper authorization, of the typical properties of weapons, ammunition by replacing or restoring a worn or unusable part, mechanism, eliminating a defect, breakdown or damage, establishing the normal functioning of parts and mechanisms, as a result of which the weapon or ammunition becomes suitable for its intended use;
- 7) *composite part (component) of a firearm* – an element or a spare part specially designed for a fire barrel portable or artillery or missile weapon, without the use of which it is impossible to fire a barrel weapon or launch a rocket (including a barrel, casing or receiver, a bolt or drum, bolt axis or breech, and a device designed or adapted to reduce the sound caused by a shot);
- 8) *traumatic device* – a device taken out of circulation or subject to the licensing system, designed to cause non-lethal injuries to a person by firing a rubber or plastic bullet, electric discharge, or spreading a powerful chemical substance.

Subsection 1. CRIMES

Article 7.3.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 7.3.4 and 7.3.5, regarding a portable firearm in the amount of 10 or more items, an artillery barreled weapon, a rocket or torpedo, a radioactive material, or a combat poison;
- 2) provided for in Article 7.3.5, regarding radioactive materials in the amount enough to cause at least one person to suffer radiation sickness of the degree 2, 3, or 4, or sufficient to produce a nuclear explosive device;
- 3) provided for in Article 7.3.8, in respect of a critical infrastructure facility of the first category of criticality;

4) provided for in Article 7.3.4–7.3.6, 7.3.8, under conditions of martial law.

Article 7.3.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 7.3.4 and 7.3.5, regarding an automatic firearms;
- 2) as part of a simple group;
- 3) using official authority or professional duties, or related opportunities;
- 4) provided for in Articles 7.3.8, in respect of a critical infrastructure facility of the second category of criticality;
- 5) provided for in Article 7.3.9, using a media or information system;
- 6) provided for in Articles 7.3.4–7.3.6, 7.3.8, during the special period or in the conditions of a state of emergency;
- 7) provided for in Article 7.3.8, using a situation caused by a catastrophe, natural disaster, mass unrest, hostilities, or another extraordinary event.

Article 7.3.4. Illegal circulation of weapons or ammunition

A person who illegally:

- 1) produced or manufacture,
 - 2) repaired,
 - 3) acquired,
 - 4) kept,
 - 5) moved, or
 - 6) sold portable firearm in the amount of up to 10 items, or ammunition in the amount of 10 and more items, –
- committed a crime of gravity degree 3.

Article 7.3.5. Illegal circulation of composite parts and components of firearms

A person who illegally:

- 1) moved or
 - 2) sold a device designed or adapted to reduce the volume of sound caused by a shot, or another composite part or component of firearms (except a composite part or component of a smoothbore hunting firearm) across the customs border of Ukraine, –
- committed a crime of gravity degree 3.

Article 7.3.6. Illegal circulation of dangerous objects

A person who illegally:

- 1) produced or manufactured,
 - 2) acquired,
 - 3) modified,
 - 4) kept,
 - 5) used,
 - 6) sprayed,
 - 7) moved,
 - 8) destroyed,
 - 9) buried, or
 - 10) sold a dangerous object, –
- committed a crime of gravity degree 3.

Article 7.3.7. Violation of the rules of circulation of dangerous objects which caused severe damage through negligence

A person who:

- 1) kept,
- 2) modified,

- 3) sprayed,
- 4) used,
- 5) moved,
- 6) destroyed,
- 7) buried, or
- 7) sold a dangerous object in breach of the established rules –

if such an act caused chemical contamination or severe pecuniary damage through negligence, –
committed a crime of gravity degree 3.

Article 7.3.8. Encroachment on a critical infrastructure facility

A person who:

- 1) seized,
- 2) held,
- 3) destroyed,
- 4) damaged critical infrastructure facility or its equipment necessary for functioning of such a facility or
- 5) disturbed the proper functioning of such a facility, –
committed a crime of gravity degree 3.

Article 7.3.9. False report of danger to human life

A person who provided to a public authority or local government body, international organization or representative office of a foreign state, legal entity or a natural person knowingly false information about a danger:

- 1) to the life of an indefinite number of people or
- 2) to a critical infrastructure facility, –
committed a crime of gravity degree 3.

Article 7.3.10. Failure to comply with safety requirements for highly dangerous activity

A person who failed to comply with the requirements for:

- 1) occupational health and safety,
- 2) fire safety,
- 3) nuclear or radiation safety at a production facility,
- 4) safe use of industrial products,
- 5) maintenance of buildings and structures,
- 6) maintenance of power grids or electrical equipment,
- 7) use of gas supply networks or gas equipment,
- 8) operation of high gas or liquid pressure equipment or accessories,
- 9) operation of high-frequency equipment,
- 10) operation of elevators, escalators, ropeways, chairlifts, or ski lifts,
- 11) operation of attractions,
- 12) keeping weapons, ammunition, or other dangerous objects, or
- 13) keeping animals,

if such an act created a real hazard of causing considerable, severe, or particularly severe damage,

–
committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 7.3.11. Illegal circulation of items that have been in the zone of enhanced radiation control

A person who illegally:

- 1) moved,
- 2) acquired, or

3) sold an item knowingly kept in the zone of enhanced radiation control out of such zone,
–
committed a minor offense.

Article 7.3.12. Violation of the rules of conduct at a critical infrastructure facility

A person who:

- 1) stayed at a critical infrastructure facility without proper permission, or
- 2) failed to follow a rightful requirement to comply with safety rules at the said facility, –
committed a minor offense.

Article 7.3.13. Illegal circulation of ammunition for firearms in small quantities and smoothbore hunting weapons

A person who illegally:

- 1) produced or manufactured,
- 2) repaired,
- 3) acquired,
- 4) kept,
- 5) moved, or
- 6) sold ammunition for firearms in the amount of up to ten units and smoothbore hunting weapons, –
committed a minor offense.

Article 7.3.14. Illegal circulation of traumatic devices, cold or metal weapons

A person who illegally:

- 1) moved a traumatic device or cold or metal weapons in the condition that enables their immediate use, or
- 2) sold them, –
committed a minor offense.

Article 7.3.15. Dissemination of knowingly false socially necessary information

A person who, being responsible for the release of news in the media, allowed knowingly false socially necessary information to be broadcast, circulated or posted by the editorial office in a social network, –
committed a minor offense

**Section 7.4.
CRIMINAL OFFENSES
AGAINST TRAFFIC
AND TRANSPORT OPERATION SAFETY**

Subsection 1. CRIMES

Article 7.4.1. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) as part of a simple group;
- 2) provided for in Articles 7.4.2, 7.4.3, or 7.4.6, using official authority or professional duties, or related opportunities;
- 3) provided for in Articles 7.4.2, 7.4.3, or 7.4.6, during the special period or in the conditions of a state of emergency.
- 4) provided for in Articles 7.4.2, 7.4.3, or 7.4.6, using a situation caused by a catastrophe, natural disaster, mass unrest, hostilities, or another extraordinary event.

Article 7.4.2. Creating a flight or swimming hazard

A person who:

- 1) made unsuitable for operation the equipment or the structure of an airport, a sea or river port,
 - 2) made unsuitable for operation an aircraft, a sea or river vessel in operation,
 - 3) made unsuitable for operation navigation equipment,
 - 4) illegally interfered with the operation of navigation equipment,
 - 5) disturbed the operation of the airport, sea or river port service, or
 - 6) provided knowingly false information about the flight or voyage,
- if such an act created a real danger of causing significant, severe or particularly severe damage, – committed a crime of gravity degree 1.

Article 7.4.3. Dangerous actions in the airspace

A person who:

- 1) illegally carried out an explosion or launched a rocket, a pyrotechnic device or an unmanned aerial vehicle in the airspace within the established air route, local air line, corridor, echelon or route, or
 - 2) erected a structure in the air line zone above the permitted height or did not equip it with signal lights, –
- committed a crime of gravity degree 3.

Article 7.4.4. Dangerous actions on board

A person who, while on board the aircraft, sea or river vessel that is flying or sailing:

- 1) applied violence to a person on board,
 - 2) made unsuitable for operation an aircraft, a sea or river vessel,
 - 3) illegally interfered with the operation of navigation equipment,
 - 4) made unsuitable for operation cargo placed on such aircraft/vessel, or
 - 5) illegally placed a dangerous object on board, –
- committed a crime of gravity degree 3.

Article 7.4.5. Failure to provide help to persons in distress at sea or victims of a shipwreck

A vessel captain who, having an opportunity to provide help without serious danger to their vessel, its crew, and passengers, failed to provide it:

- 1) to a person in distress whom the vessel met in the sea or on another waterway, or
 - 2) to the crew or passengers of another vessel with which the vessel controlled by this captain collided, –
- committed a crime of gravity degree 3.

Article 7.4.6. Damage to an underwater pipeline or cable

A person who damaged in an open sea an underwater:

- 1) pipeline,
 - 2) high-voltage cable, or
 - 3) communication cable, –
- committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 7.4.7. Violation of flight regulations

A person who failed to follow the established route, air route, corridor, echelon, or landing place while piloting an aircraft, – committed a minor offense.

Article 7.4.8. Captain's failure to report information about the vessel in case of collision with another vessel

The captain who has failed to inform the crew or passengers of the vessel with which the vessel under his control collided, its name, port of registration, place of departure, or destination, –

committed a minor offense.

Article 7.4.9. Dangerous driving

A person who, driving a land, aerial, or water vehicle, knowingly:

- 1) took part in races that are not official competitions,
 - 2) forced another traffic participant to abruptly change speed, direction or take other measures to ensure traffic safety, or
 - 3) hindered movement in a place permitted for another traffic participant, where it has caused a collision, –
- committed a minor offense.

Article 7.4.10. Violation of the rules of traffic through a railway crossing

A person who, while driving a land vehicle, enters a railway crossing during a prohibition on traffic through the crossing, -
committed a minor offense.

Article 7.4.11. Traffic control or driving a vehicle in a state of intoxication

A person who controlled traffic or drove a vehicle, an aircraft, or sea or river vessel, and:

- 1) was in a state of intoxication while controlling traffic or driving the transport,
 - 2) refused to undergo an intoxication check in a prescribed manner, or
 - 3) consumed a psychoactive substance before an authorized person carried out medical examination to establish the state of intoxication, –
- committed a minor offense.

Article 7.4.12. Admission to driving a vehicle of a person who does not have the right to drive it

An owner, a lawful holder of a vehicle, or a person authorized by them who admitted another person to driving a vehicle, who is known to:

- 1) have no permission to drive such a vehicle,
 - 2) not be able to drive such a vehicle due to the state of health, or
 - 3) have been in the state of intoxication, –
- committed a minor offense.

Article 7.4.13. Blocking traffic

A person who knowingly illegally blocked traffic of:

- 1) a vehicle with a flashing beacon or a special sound signal turned on, or
 - 2) public transport for more than one hour, –
- committed a minor offense.

Article 7.4.14. Concealing a road accident

A person who, being a participant in a road accident that resulted in damage to the person's health or in the death of a person:

- 1) destroyed or changed traces of such an accident in the absence of signs of a criminal offense provided for in Articles 8.2.4 or 8.2.5 hereof,
 - 2) hid the license plate of a vehicle, or
 - 3) refused to provide information about themselves or about their vehicle to another participant of the accident, –
- committed a minor offense.

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**Section 7.5.
CRIMINAL OFFENSES
AGAINST PUBLIC ORDER**

Subsection 1. CRIMES

Article 7.5.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 7.5.3, against a particularly vulnerable person;

Article 7.5.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment of an intentional crime:

- 1) provided for in Article 7.5.3, against a vulnerable person;
- 2) provided for in Article 7.5.3, against a close person or a former spouse;
- 3) as part of a simple group;
- 4) provided for in Article 7.5.3, using weapons, a dangerous object, or another item specially designed or prepared in advance to cause damage to the person's life or health;
- 5) provided for in Article 7.5.3, in the presence of an underage child who realized the circumstances and the meaning of the committed act;
- 6) provided for in Article 7.5.5 or 7.5.6, during the special period or in the conditions of a state of emergency;
- 7) provided for in Article 7.5.5 or 7.5.6, using a situation caused by a catastrophe, accident, natural disaster, mass unrest, hostilities, or another extraordinary event;
- 8) provided for in Articles 7.5.5 or 7.5.6 of this Code, using a media or information system;
- 9) provided for in Article 7.5.3, during a session in court, the Verkhovna Rada of Ukraine or local council, during the voting at the polling station or referendum station, during the classes at an educational institution, while traveling in a passenger plane, passenger train, or public transport.

Article 7.5.3. Aggressive behavior

A person who disturbed public order or peace and showed aggression towards another person or group of people, which consisted in:

- 1) violence, or
- 2) a threat of immediate infliction of damage to health or substantial, considerable, or severe pecuniary damage to a victim, –
committed a crime of gravity degree 3.

Article 7.5.4. Use of weapons during participation in a mass event

A person who used a weapon during participation in a rally, demonstration, or other mass event, – committed a crime of gravity degree 3.

Article 7.5.5. Propaganda of totalitarianism

A person who:

- 1) promoted, denied, or justified the Communist, Russian Nazi, or National Socialist (Nazi, Ruscist) totalitarian regime,
- 2) produced or manufactured materials with symbols of the Communist, Russian Nazi, or National Socialist (Nazi, Ruscist) totalitarian regime, or
- 4) spread or publicly used such materials, –
committed a crime of gravity degree 3.

Article 7.5.6. Public calls for grave or especially grave crimes or their justification

A person who:

- 1) publicly called other persons to commit a grave or especially grave crime,
- 2) publicly justified the commitment of such a crime by another person, or
- 3) spread materials with such calls or justification,
except for cases of public calls, propaganda, or justification provided for in Articles 7.2.5, 7.5.5, 7.6.18, 11.1.2, and 11.3.2 of this Code, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 7.5.7. Riot

A person who rioted, thus violating public order or peace, namely:

- 1) offensively and intrusively picked on another person despite their clearly expressed unwillingness to communicate,
- 2) cursed rudely and loudly in a public place,
- 3) at night, made noise or used sound reproducing, sound amplifying equipment or a vehicle without a muffler provided for by its design, or used a vehicle horn without an extreme necessity,
- 4) used pyrotechnic means,
- 5) hindered the conduct of a wedding, church ceremony, funeral, cultural, artistic, scientific or educational event by the action of sound, light, mechanical or chemical factors,
- 6) trespassed or attempted to trespass into a temporarily closed public place contrary to the prohibition of a person who monitors order,
- 7) destroyed, damaged, polluted, or otherwise rendered unusable someone else's property or facility in public access, or an object located in a public place,
- 8) displayed a genital organ or was completely naked in a public place, except for a specially designated place for nudists to relax,
- 9) committed an act of urination or defecation publicly and in an unauthorized place, or
- 10) publicly performed an act of a sexual nature or, being naked, or an imitation thereof, – committed a minor offense.

Article 7.5.8. Participation in a fight between three or more persons

A person who participated in a fight between three or more persons, – committed a minor offense.

Article 7.5.9. Bullying

A person who bullies a participant in the educational process – committed an offense.

Article 7.5.10. Failure to report bullying

A head of an educational institution who fails to notify the administrative body responsible for ensuring public safety and order about bullying of a participant in the educational process – committed an offense.

Article 7.5.11. Handling of symbols of totalitarian regimes

A person who illegally:

- 1) spread,
- 2) publicly used or demonstrated
symbols of the Russian military invasion of into Ukraine, communist, Russian Nazi or National Socialist (Nazi, Ruscist) totalitarian regime in the territory of Ukraine, including in the form of a souvenir, – committed a minor offense.

Article 7.5.10. Public calls for committing minor crimes or justifying them

A person who:

- 1) publicly called on other persons to commit a crime that is not a grave or especially grave crime,
- 2) publicly justified the commission of such a crime by another person, or
- 3) disseminated materials with such calls or justifications, – committed a minor offense.

Section 7.6.

CRIMINAL OFFENSES AGAINST PUBLIC MORALS AND CULTURAL HERITAGE

Article 7.6.1. Definition of terms used in this Section

- 1) *child pornography* – a depiction in any way of a child or a person who looks like a child, in a real or simulated overtly sexual image or engaged in real or simulated overtly sexual behavior, or any depiction of a child’s genitals for sexual purposes;
- 2) *child prostitution* – an act of a sexual nature committed by a child for a reward given or promised to them or to a third person;
- 3) *exploitation of child prostitution* – systematic receipt of income from child prostitution;
- 4) *place of memory* – a place recognized by the state or a local government body as a sign of memory of a deceased person (group of people) or an event related to the death of a person (people);
- 5) *pornographic display* – public demonstration of a genital organ, sexual acts or a pornographic object aimed at the audience, including with the help of information and communication technologies;
- 6) *object of child pornography* – a photograph, film or video recording, work of fine art, material or message, the special content of which is an image of a genital organ or sexual act in a grossly naturalistic, vulgar form) with a real or simulated image of a child;
- 7) *unique cultural value of Ukraine* – cultural value belonging to objects of national cultural heritage, objects of cultural heritage of national importance entered into the State Register of Immovable Monuments of Ukraine, unique monuments of the Museum Fund of Ukraine, especially valuable, rare documents or collections.

Subsection 1. CRIMES

Article 7.6.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 7.6.4 or 7.6.5, against a particularly vulnerable person;
- 2) provided for in Articles 7.6.8–7.6.11, against a UNESCO World Heritage site;
- 3) provided for in Article 7.6.12, combined with the killing of the animal.

Article 7.6.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Articles 7.6.4 or 7.6.5, against a vulnerable person;
- 2) provided for in Articles 7.6.8–7.6.11, against a unique document of the National Archive Fund of Ukraine or a unique cultural value of Ukraine;
- 3) provided for in Articles 7.6.8–7.6.11, against a cultural value or an object of archaeological heritage located in a temporarily occupied territory of Ukraine;
- 4) provided for in Article 7.6.8, against a monument, a burial place, or a place of memory erected in honor of fighters against the communist, Russian Nazi, or national socialist (Nazi, Ruscist) totalitarian regime;
- 5) provided for in Article 7.6.8, against a mass grave, several monuments or a place of burial, or a place of memory of mass victims;
- 6) provided for in Article 7.6.12, against two or more animals;
- 7) as part of a simple group;
- 8) provided for in Article 7.6.12, in the presence of a minor child who realized the circumstances and the meaning of the committed act;
- 9) using the power, official professional authority, or related opportunities;
- 10) provided for in Article 7.6.10 or 7.6.11, combined with the export of a cultural value outside the territory of Ukraine from the temporarily occupied territory of Ukraine;
- 11) provided for in Articles 7.6.8–7.6.11 during the special period or in the conditions of a state of emergency;
- 12) provided for in Articles 7.6.8–7.6.11, using a situation caused by a catastrophe, accident,

natural disaster, mass unrest, hostilities, or another extraordinary event.

Article 7.6.4. Actions related to child prostitution

A full-aged person who:

- 1) recruited a child for prostitution,
 - 2) induced or forced a child into prostitution by using violence or threat of violence against them or their close person,
 - 3) committed an act of a sexual nature with a child engaged in prostitution, or
 - 4) exploited child prostitution, –
- committed a crime of gravity degree 3.

Article 7.6.5. Engagement of a child in the production of child pornography

A full-aged person who:

- 1) recruited for the production of child pornography object or participation in a pornographic performance, pornographic entertainment event, or pornographic play;
 - 2) induced or coerced to produce, by using violence or threat of violence against a child or their close person, child pornography object or participate in a pornographic performance or pornographic entertainment event, or
 - 3) used a child during such production, the conduct of the event or a play, or
 - 4) used a child during the demonstration of child pornography object, –
- committed a crime of gravity degree 3.

Article 7.6.6. Actions related to an object of child pornography

A full-aged person who:

- 1) produced or manufactured,
 - 2) acquired,
 - 3) kept,
 - 4) moved,
 - 5) used for obtaining income or other benefit as a result of any of the acts provided for in paragraphs 1–3 of this Article, or
 - 6) systematically viewed or listened to, or by means of information and communication technologies, gained access to an object known to be child pornography, –
- committed a crime of gravity degree 3.

Article 7.6.7. Distribution of a child pornography object

A person who:

- 1) offered or made available for viewing or listening to another person; or
 - 2) sold an object known to be child pornography, –
- committed a crime of gravity degree 3.

Article 7.6.8. Desecration of a deceased person

A person who:

- 1) defiled the body (remains, ashes) of a deceased person,
 - 2) illegally dug up a grave or accessed the burial place,
 - 3) illegally took possession of the body (remains, ashes) of a deceased person or dismembered it,
 - 4) illegally took possession of an object that is in a grave, other burial place or on the body (remains, ashes) of a deceased person,
 - 5) illegally destroyed or damaged the burial place of a deceased person or place of memory
- or
- 6) defiled the burial place of a deceased person or place of memory, –
- committed a crime of gravity degree 3.

Article 7.6.9. Vandalism

A person who:

- 1) destroyed, damaged, polluted, or brought to an unusable condition a cultural value or a document of the National Archive Fund, or
 - 2) desecrated the same, –
- committed a crime of gravity degree 3.

Article 7.6.10. Illegal handling of a cultural value (cultural object) or a document of the National Archive Fund

A person who:

- 1) hid,
 - 2) removed from the territory of Ukraine without appropriate authorization,
 - 3) acquired or received free of charge a cultural value (cultural object) or a document of the National Archive Fund knowingly illegally seized from the owner or lawful holder,
 - 4) did not return them upon expiry of the period of rightful use or possession thereof or
 - 5) illegally took possession of such value (object) or document, –
- committed a crime of gravity degree 3.

Article 7.6.11. Illegal appropriation of an archaeological item

A person who during archaeological explorations, excavations, other earthwork or underwater works in search of objects of archaeological heritage found an archaeological item and illegally:

- 1) took possession of it, or
 - 2) sold it to a person who had no right to take possession of such an item, –
- committed a crime of gravity degree 3.

Article 7.6.12. Cruel treatment of an animal

A person who illegally:

- 1) injured or maimed,
 - 2) depleted by restricting living space or access to food, water, air or heat,
 - 3) subjected to experiments or
 - 4) set an animal on another animal belonging to vertebrates, –
- committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 7.6.13. Illegal appropriation of a ritual item located on the grave, place of burial, or place of memory

A person who illegally took possession of an item located on the grave, place of burial, or place of memory, –
committed a minor offense.

Article 7.6.14. Loss of a unique document of the National Archive Fund through negligence

A person who lost a unique document of the National Archive Fund through negligence, –
committed a minor offense.

Article 7.6.15. Import of cultural values without a certificate

A person who imported a cultural value to the territory of Ukraine without proof of its lawful acquisition, –
committed a minor offense.

Article 7.6.16. Illegal works at an object of archaeological heritage

A person who illegally:

- 1) performed an archaeological exploration,
- 2) performed excavation,
- 3) performed construction works,

4) performed animal grazing or other agricultural work at an object of archaeological heritage, or

5) stored cargo or littered an object of archaeological heritage, – committed a minor offense.

Article 7.6.17. Illegal appropriation of a treasure or an archaeological item

A person who illegally took possession of:

1) a treasure found, which has a cultural value, or

2) an archaeological item that happened to be in that person's possession, – committed a minor offense.

Article 7.6.18. Propaganda of cruel treatment of animals

A person who:

1) publicly called for cruel treatment of animals,

2) spread materials with calls for such actions,

3) created a work promoting cruel treatment of animals, or

4) sold, spread, or demonstrated such a work, –

committed a minor offense.

Section 7.7.

CRIMINAL OFFENSES AGAINST SECURITY OF INFORMATION SYSTEMS

Article 7.7.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *unauthorized action regarding an information system* — an action or inaction in an information system committed without proper permission of the owner of the information, their authorized person or in the absence of other grounds provided for by law;

2) *malicious software* — a computer program developed or adapted for committing a criminal offense under this Section;

3) *malicious technical means* — a device designed or adapted for committing a criminal offense under this Section;

4) *malicious data (access data)* — computer passwords, access codes, or other data, which are used to access the information system, developed or adapted for committing a criminal offense under this Section.

Subsection 1. CRIMES

Article 7.7.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

1) as part of a simple group;

2) using official authority or professional duties, or related opportunities;

3) provided for in Articles 7.7.3–7.7.5, by using malicious software or hardware or malicious data (access data);

4) during the special period or in the conditions of a state of emergency;

5) provided for in Articles 7.7.4 or 7.7.5, by a person who has lawful access to information systems or restricted information;

6) provided for in Articles 7.7.3, 7.7.4, or 7.7.5, for the purpose of making a transfer of funds, property values, or virtual currency.

Article 7.7.3. Illegal access to information system

A person who illegally gained access to an information system or its part, – committed a crime of gravity degree 1.

Article 7.7.4. Illegal interception of computer data

A person who illegally intercepted non-public transmission of computer data:

- 1) when leaving the information system,
- 2) when entering the information system, or
- 3) during operations with them within the information system, – committed a crime of gravity degree 1.

Article 7.7.5. Illegal handling of computer data

A person who in the information system illegally:

- 1) destroyed computer data,
- 2) damaged computed data,
- 3) blocked computer data,
- 4) violated the integrity of computer data,
- 5) violated the computer data routing procedure, or
- 6) distorted the computer data processing process, – committed a crime of gravity degree 1.

Article 7.7.6. Illegal actions with malicious software or hardware or malicious data (access data)

A person who illegally:

- 1) produced or manufactured,
- 2) acquired,
- 3) moved
- 4) sold or
- 5) distributed malicious software or hardware or malicious data (access data), – committed a crime of gravity degree 1.

Section 7.8.

CRIMINAL OFFENSES AGAINST THE RELIABILITY OF INFORMATION STORED ON PHYSICAL DATA CARRIERS

Article 7.8.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *an important personal document* – an official document that identifies a person and confirms the nationality or special status of a person, as provided for by the laws of Ukraine On the Unified State Demographic Register, On the State Registration of Vital Statistics Records, On the Legal Status of Foreigners and Stateless Persons;
- 2) *official document* – a document drawn up, issued, or certified for the purpose of:
 - a) providing the right or releasing from liability, or
 - b) confirming or certifying a certain event, phenomenon, circumstance, or fact that caused or may cause legal consequences.

Subsection 1. CRIMES

Article 7.8.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 7.8.4–7.8.7, against a court decision;
- 2) provided for in Articles 7.8.4 or 7.8.6, regarding a document recognizing a person's fitness for military service or the existence of grounds for exemption from it.

Article 7.8.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commitment of an intentional crime:

- 1) provided for in Articles 7.8.4–7.8.6, with regard to an important personal document;
- 2) provided for in Articles 7.8.4–7.8.7, with regard to a document for receiving narcotic drugs, psychotropic substances, or other items the circulation of which, according to this Code, constitutes a criminal offense;
- 3) provided for in Articles 7.8.4–7.8.7, with regard to a document to be used as evidence in pre-trial investigation in the criminal proceedings or in court;
- 4) as part of a simple group;
- 5) using official authority or professional duties, or related opportunities;
- 6) for the purpose of concealing another crime or facilitating its commitment.

Article 7.8.4. Forgery of an official document, its issuance, sale, or use

A person who:

- 1) forged an official document for the purpose of its use by the forger or another person,
- 2) issued a counterfeit official document,
- 3) sold a counterfeit official document, or
- 4) used the same, –

committed a crime of gravity degree 1.

Article 7.8.5. Illegal appropriation of an official document

A person who illegally took possession of an official document, –
committed a crime of gravity degree 1.

Article 7.8.6. Destruction, damage, or concealment of an official document

A person who illegally:

- 1) destroyed an official document,
- 2) damaged, or
- 3) hid the same, –

committed a crime of gravity degree 1.

Article 7.8.7. Use of another person’s important personal document

A person who illegally used a knowingly someone else’s important personal document, –
committed a crime of gravity degree 1.

Article 7.8.8. Violation of requirements for the labeling of weapons or explosive substance

A person who, in breach of the legislative requirements for the labeling of firearms or explosive substance:

- 1) destroyed,
- 2) removed, or
- 3) replaced or forged such labeling, –

committed a crime of gravity degree 1.

Article 7.8.9. Production or manufacture of unlabeled weapons or explosive substance or its transportation across the customs border of Ukraine

A person who:

- 1) produced or manufactured unlabeled weapons or explosive substance, or
- 2) moved the same across the customs border of Ukraine, –

committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 7.8.10. Destruction, forgery, or replacement of registration or identification number of vehicle

A person who illegally:

- 1) destroyed,

- 2) forged, or
- 3) replaced a registration or identification number of a vehicle, – committed a minor offense.

Section 7.9.
CRIMINAL OFFENSES
AGAINST INTEGRITY IN PRIVATE
AND SPORTS SPHERES

Article 7.9.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *functionary or employee of the private sphere:*

- a) an official of a private legal entity – an official who performs organizational management, administrative or control and audit duties in a private legal entity on the basis of the law, articles of association, contract, or court decision;
- b) an individual who has hired employees;
- c) a full-time employee of a private legal entity;
- d) a person who performs work or provides a service under a contract with such legal entity;
- e) a person who is a hired employee of an individual;

2) *person working in the sports sphere:*

- a) an athlete;
- b) a person from among auxiliary sports staff;
- c) an owner, a shareholder, a manager, or an employee of a legal entity that organizes or facilitates a sports competition;
- d) a person authorized to hold an official sports competition; or
- e) a manager or employee of an international sports organization, other competent sports organization that acknowledges the competition.

Subsection 1. CRIMES

Article 7.9.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of an intentional crime:

- 1) provided for in Articles 7.9.6 or 7.9.7, if their object or means was a bribe in a large amount.

Article 7.9.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment of an intentional crime:

- 1) provided for in Articles 7.9.4–7.9.7 as part of a simple group;
- 2) provided for in Articles 7.9.4 or 7.9.5, if their object or means was a bribe in a large amount;
- 3) provided for in Articles 7.9.6 or 7.9.7, if their object or means was a bribe in a considerable amount.

Article 7.9.4. Provision of a bribe in a considerable amount to a functionary or an employee of the private sphere

A person who provided a functionary or an employee of the private sphere with a bribe in a significant amount, – committed a crime of gravity degree 1.

Article 7.9.5. Receipt of a bribe in a considerable amount by a functionary or an employee of the private sphere

A functionary or an employee of the private sphere who:

- 1) received,
 - 2) asked for, or
 - 3) demanded a bribe in a considerable amount, –
- committed a crime of gravity degree 1.

Article 7.9.6. Bribery for the purpose of influencing the results of an official sports competition

A person who provided a bribe to a person working in the sports sphere in order to influence the results of an official sports competition, –
committed a crime of gravity degree 1.

Article 7.9.7. Receiving a bribe for influencing the results of an official sports competition or manipulating an official sports competition

A person working in the sports sphere, who has received:

- 1) a bribe for influencing the results of an official sports competition, or
 - 2) improper advantage in the amount exceeding 250 units of account as a result of placing a sports bet for the results of an official sports competition in which such person or their team participates, –
- committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 7.9.8. Provision of a bribe in an insignificant amount to a functionary or an employee of the private sphere

A person who provided a functionary or an employee of the private sphere with an undue benefit in an insignificant amount, –
committed a minor offense.

Article 7.9.9. Receiving a bribe in an insignificant amount by a functionary or an employee of the private sphere

A functionary or an employee of the private sphere who:

- 1) received,
 - 2) asked for, or
 - 3) demanded a bribe in an insignificant amount, –
- committed a minor offense.

Article 7.9.10. Conspiracy for the purpose of influencing the results of an official sports competition

A person who colluded to ensure a certain result of an official sports competition, –
committed a minor offense.

**Book Eight.
CRIMINAL OFFENSES
AGAINST JUSTICE**

**Section 8.1.
CRIMES
AGAINST THE FUNDAMENTALS OF JUSTICE**

Article 8.1.1. Definition of terms used in Sections 8.1–8.3 hereof

In Sections 8.1–8.3 of this Code, the following terms shall have the meaning defined below:

- 1) *court* – a government body that falls into the judicial system of Ukraine determined by law and approves binding court decisions;
- 2) *judge* – a citizen of Ukraine who has been appointed a judge according to the Constitution of Ukraine and the law, holds a full-time position of judge, as well as a juror.

Article 8.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Article 8.1.4, against a particularly vulnerable person;
- 2) provided for in Article 8.1.4, in the event of a court decision on conviction for committing an especially grave crime or acquittal in committing such a crime.

Article 8.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commission of an intentional crime:

- 1) provided for in Article 8.1.4, against a vulnerable person;
- 2) provided for in Article 8.1.4, against a person (or their close person) in connection with their performance of official authority or professional duties, fulfillment of their legal obligation, or exercise of their subjective right in the public interest;
- 3) provided for in Article 8.1.4, in the event of a court decision on conviction for committing a grave crime or acquittal in committing such a crime;
- 4) as part of a simple group;
- 5) provided for in Articles 8.1.5 or 8.1.6, using official authority, or professional authority, or related opportunities;
- 6) for the purpose of concealing another crime or facilitating its commitment.

Article 8.1.4. Adoption of a knowingly arbitrary court decision

A judge who adopted an arbitrary, i.e., knowingly illegal and groundless court decision by abuse of official authority, –
committed a crime of the gravity degree 3.

Article 8.1.5. Illegal influence on a judge

A person who illegally influenced a judge (or their close person) in connection with the administration of justice, –
committed a crime of gravity degree 3.

Article 8.1.6. Interference with the Single Court Information and Communication System

A person who interferes with the Unified Court Information and Communication System or its individual subsystems (modules) with the aim of illegally influencing:

- 1) the distribution of criminal proceedings materials among judges in compliance with the principles of priority and the same number of proceedings for each judge, or
- 2) the determination of jurors for a trial from among persons included in the jury list, –
committed a crime of gravity degree 3.

Section 8.2.

CRIMINAL OFFENSES AGAINST THE PROMOTION OF JUSTICE

Subsection 1. CRIMES

Article 8.2.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 8.2.5, 8.2.7–8.2.12, against a particularly vulnerable person;
- 2) provided for in Articles 8.2.14 or 8.2.15, if their object or means was a bribe in a large amount;
- 3) provided for in Article 8.2.3, regarding crimes punishable under Article 7.1.5–7.1.8, 7.2.3–7.2.8.

Article 8.2.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Articles 8.2.5, 8.2.7–8.2.12, against a vulnerable person;
- 2) provided for in Articles 8.2.5, 8.2.7–8.2.12, against a person (or their close person) in connection with their performance of official authority or professional duties, fulfillment of their legal obligation, or exercise of their subjective right in the public interest;
- 3) provided for in Article 8.2.14 or 8.2.15, if their object or means was a bribe in a large amount;
- 4) as part of a simple group;
- 5) using the official authority or professional duties, or related opportunities;
- 6) provided for in Articles 8.2.3, 8.2.5, 8.2.6, 8.2.7, 8.2.8, in relation to a grave or an especially grave crime;
- 7) provided for in Articles 8.2.16–8.2.19, upon giving testimony, a conclusion or sworn translation in court;
- 8) for the purpose of concealing another crime or facilitating its commitment.

Article 8.2.3. Condoning a crime

An official of a government authority performing law enforcement functions who, in violation of the duty assigned to them:

- 1) did not prevent the commission of a crime,
- 2) did not stop the crime, or
- 3) did not take measures to detain a person who committed a crime, - committed a crime of gravity degree 1.

Article 8.2.4. Concealing a crime

A person who, without prior promise, hid another person, except a member of their family or close relative, who knowingly committed a crime of gravity degrees 5–9, or an instrument, means, or trace of the commission of such a crime, -

- committed a crime of gravity degree 1.

Article 8.2.5. Hindering the establishment of the fact and circumstances of the commission of a criminal offense

A person who:

- 1) provided a prosecutor or a law enforcement agency with a knowingly false statement (notice) of the commission of a criminal offense,
- 2) being a suspect or an accused, slandered knowingly innocent person in the commission of a criminal offense, or
- 3) forced a participant in the criminal proceedings to provide certain explanations or testimony during the interrogation, present for identification or an investigative experiment, or to refuse to provide the same, or forced an interpreter to give a knowingly incorrect translation, - committed a crime of gravity degree 1.

Article 8.2.6. Illegal commencement of a pre-trial investigation

A prosecutor, an investigator, or an inquirer who:

- 1) entered knowingly false information about the commission of a criminal offense in the Unified Register of Pre-trial Investigations, or
- 2) illegally conducted a pre-trial investigation before or without entering information in the Unified Register of Pre-trial Investigations, - committed a crime of gravity degree 1.

Article 8.2.7. Groundless bringing to criminal liability

A prosecutor, investigator, or inquirer who, without grounds defined by law informed a person of the suspicion of committing a criminal offense, –
committed a crime of gravity degree 1.

Article 8.2.8. Unfounded application of a prosecutor to the court with an indictment or a motion for the application of compulsory medical or educational measures

A prosecutor who knowingly, without sufficient evidence, applied to the court with an indictment or a motion for the application of compulsory medical or educational measures, –
committed a crime of gravity degree 1.

Article 8.2.9. Violation of the right to defense

A judge, prosecutor, investigator, inquirer, or operative unit employee who:

- 1) groundlessly prevented the defense attorney from participating in criminal proceedings,
- 2) failed to engage the defense attorney in due time to carry out the defense as assigned,
- 3) carried out a procedural action without the mandatory participation of a defense attorney,

or

4) deprived a person of the possibility of independently defending themselves, –
committed a crime of gravity degree 1.

Article 8.2.10. Disclosure of information on investigative activities, pre-trial investigation, or security measures

A prosecutor, investigator, inquirer, employee of an operative unit, or another official who disclosed information about investigative activities, pre-trial investigation, or security measures regarding a person taken under protection without any reasons for this according to law, –
committed a crime of gravity degree 1.

Article 8.2.11. Illegal dissemination of information about security measures

A person who disseminated information about security measures regarding a person taken under protection after a written warning by a prosecutor, investigator, inquirer, or operative unit employee about the inadmissibility of its dissemination, –
committed a crime of gravity degree 1.

Article 8.2.12. Failure to provide security to a person taken under protection

An official of the body entrusted with the functions of securing a person taken under protection who has not taken measures provided for by law to secure such a person, –
committed a crime of gravity degree 1.

Article 8.2.13. Illegal influence on a participant in criminal proceedings

A person who exerted an illegal influence on a prosecutor, investigator, inquirer, head of the pre-trial investigation or inquiry unit, operative unit employee, defense attorney, forensic expert, specialist, or translator (or their close persons) in connection with the performance of their official authority or professional duties, –
committed a crime of gravity degree 1.

Article 8.2.14. Bribery of a participant in criminal proceedings or a participant in a trial

A person who:

- 1) offered a bribe, or
- 2) provided a bribe to a participant in criminal proceedings or a participant in a trial in any jurisdiction who is not an official, in order to obtain certain explanations, testimony, or a knowingly incorrect translation, –

committed a crime of gravity degree 1.

Article 8.2.15. Acceptance of an offer or receipt of a bribe by a participant in criminal proceedings or a participant in a trial

A participant in criminal proceedings or a participant in a trial in a court of any jurisdiction who is not an official and who, in connection with the provision of certain explanations, testimony or knowingly incorrect translation

- 1) accepted an offer of a bribe,
- 2) received a bribe,
- 3) asked for it, or
- 4) demanded it, –
committed a crime of gravity degree 1.

Article 8.2.16. Refusal of a witness to testify

A witness who refused without a valid reason envisaged by law to testify during a pre-trial investigation or court proceedings in a court of any jurisdiction, –
committed a crime of gravity degree 1.

Article 8.2.17. False testimony

A person who gave knowingly false testimony during a pre-trial investigation or court proceedings in a court of any jurisdiction, with the exception of a suspect or an accused, except as otherwise provided for in paragraph 2 of Article 8.2.5 hereof, –
committed a crime of gravity degree 1.

Article 8.2.18. Unlawful acts in relation to evidence

A person who:

- 1) falsified,
- 2) concealed,
- 3) destroyed, or
- 4) damaged evidence used in criminal, civil, economic, administrative proceedings or proceedings in the case of an administrative offense, –
committed a crime of gravity degree 1.

Article 8.2.19. Failure to provide or provision of a false conclusion by a forensic expert

A forensic expert who, in breach of law:

- 1) failed to provide a conclusion without a valid excuse,
- 2) provided a knowingly false conclusion, or
- 3) refused to explain the provided conclusion or explained it in a knowingly false way, –
committed a crime of gravity degree 1.

Article 8.2.20. False translation

A translator who made a knowingly false translation for a body conducting a pre-trial investigation or during court proceedings in a court of any jurisdiction, –
committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 8.2.21. Condoning committing a minor offense

An employee of a government authority exercising law-enforcement functions who, in breach of the law:

- 1) failed to prevent the commission of a criminal offense being committed in their presence or of which they have reliable knowledge, or
- 2) failed to take measures to apprehend a person while committing or immediately after committing a crime, –
committed a minor offense.

Article 8.2.22. Sabotaging the start of the pre-trial investigation

An official who:

- 1) did not take measures stipulated by law in response to a statement (notice) of the commission of a criminal offense,
- 2) illegally influenced a person who filed a report on a criminal offense in order to dissuade them from filing such a report, or
- 3) failed to take measures provided for by law in relation to a criminal offense or a crime of gravity degrees 1–4) identified by them, –
committed a minor offense.

Article 8.2.23. Illegal disclosure of an investigative secrecy

A person who, after being warned in writing by a prosecutor, investigator, inquirer, or an operative unit employee about the inadmissibility of disclosing information of investigative activities or pre-trial investigation, disclosed such information, –
committed a minor offense.

Article 8.2.24. Refusal of a forensic expert or a translator to perform duties

A forensic expert or a translator who, without a valid reason, refused to perform the duties assigned to them during the pre-trial investigation, court proceedings in court, or during the enforcement proceedings, except as provided for in Article 8.2.19 of this Code, –
committed a minor offense.

Article 8.2.25. Failure to provide or provision of a knowingly false conclusion by a specialist

A specialist who, in breach of law:

- 1) failed to provide a conclusion without a valid reason, or
- 2) provided a knowingly false conclusion, –
committed a minor offense.

Article 8.2.26. Hindering the performance of duties of a juror

An official who hindered another person’s performance of duties of a juror, –
committed a minor offense.

Article 8.2.27. Malicious failure to appear in court

A juror, a prosecutor, or a defense attorney who, without a valid reason, did not appear before the court upon notice or summons, which caused the postponement of the court session in criminal proceedings three or more times, –
committed a minor offense.

**Section 8.3.
CRIMINAL OFFENSES
AGAINST THE ORDER OF ENFORCEMENT
OF COURT DECISIONS**

Subsection 1. CRIMES

Article 8.3.1. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) as part of a simple group;
- 2) provided for in Article 8.3.2 or 8.3.2, using official authority or professional duties, or related opportunities;
- 3) provided for in Articles 8.3.2, 8.3.3, or 8.3.6, with intent to conceal another crime or facilitate its commission.

Article 8.3.2. Failure to comply with or impeding the enforcement of a court decision

A person who, except as provided for in other articles of this Code:

- 1) failed to comply with a court or investigating judge's court decision that has entered into force, or
- 2) impeded its enforcement, —
committed a crime of gravity degree 1.

Article 8.3.3. Illegal acts in connection with the property that has been seized, frozen, is subject to confiscation or forfeiture

A person who:

- 1) disposed of, concealed, replaced, damaged, destroyed, or performed other wrongful acts with the property that has been seized or frozen, if such property was in the person's possession;
- 2) breached the restrictions (encumbrances) that apply to the right to use such property, if such property was in the person's possession;
- 3) performed a bank transaction with money (bank deposits) that has been frozen, acting as a representative of a financial institution; or
- 4) performed actions set out in paragraphs 1–3 of this Article in connection with the property that is subject to confiscation or a thing that is subject to forfeiture in accordance with a court decision that entered into force, —
committed a crime of gravity degree 1.

Article 8.3.4. Evasion of serving punishment in the form of fixed-term imprisonment

A person who, while serving fixed-term imprisonment, receives permission to leave a penitentiary facility for a short time and fails to return in due time without a valid reason, —
committed a crime of gravity degree 1.

Article 8.3.5. Escape of a detainee or escape from custody or detention facility

A person who escaped from custody, detention, or penitentiary facility while:

- 1) being held in custody on suspicion of a crime;
- 2) being held in a detention facility; or
- 3) serving an arrest, fixed-term, or life imprisonment, —
committed a crime of gravity degree 1.

Article 8.3.6. Failure to comply with a judgment of the European Court of Human Rights, European Court of Justice, or the International Criminal Court

An official who failed to comply with:

- 1) a judgment of the European Court of Human Rights;
- 2) a judgment of the European Court of Justice, or
- 2) a sentence, resolution, or decision on a fundamental issue made by the International Criminal Court, —
committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 8.3.7. Evasion of probation

A person who evaded serving a probation measure imposed on them in accordance with paragraph 4 of part 1 of Article 3.5.2 of this Code, —
committed a minor offense.

Article 8.3.8. Violation of the requirements of a restrictive measure

A person who, without a valid reason, violates the requirements of a restrictive measure imposed by a court —
committed a minor offense.

Book Nine.
CRIMINAL OFFENSES
AGAINST THE STATE AND
NATIONAL SECURITY OF UKRAINE

Section 9.1.
CRIMES
AGAINST NATIONAL SECURITY OF UKRAINE

Article 9.1.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 1) *aggressor state*: a state that carries on an act of aggression against Ukraine, as well as a military unit of an aggressor state and its police authorities, an occupation administration of an aggressor state, self-proclaimed authority that usurped the governmental functions in the temporarily occupied territory of Ukraine and is controlled by an aggressor state;
- 2) *political event* – congress, meeting, rally, demonstration, conference, round-table discussion on the matters of internal or foreign policy matters;
- 3) *military unit of an aggressor state* – armed forces, state security forces, intelligence bodies or any other military unit, including illegal armed unit controlled and financed by an aggressor state;
- 4) *collaborationist and occupation activities* – activities punishable under Articles 9.1.6 and 9.1.7 of this Code. Cooperation with the aggressor state shall not be deemed a collaborationist or occupation activity if it was:
 - a) forced, i.e., carried out in conditions of extreme necessity; or
 - b) aimed solely at facilitating the life activities of the population or protecting the interests of the community that are not contrary to the laws of Ukraine and international law.
- 5) *international sanction* – a sanction to freeze assets related to terrorism or its financing, proliferation of weapons of mass destruction or its financing, or to restrict any access to them or to prohibit financial transactions, which, following the procedure determined by the Cabinet of Ministers of Ukraine, is recognized by Ukraine in accordance with international treaties or decisions of intergovernmental associations, international, intergovernmental organizations in which Ukraine participates, or foreign states.

Article 9.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 9.1.4–9.1.6, 9.1.8–9.1.11, using official authority or related opportunities by an official who holds a highly responsible position;
- 2) provided for in Articles 9.1.4–9.1.5, 9.1.8–9.1.11, under martial law;
- 3) provided for in Article 9.1.4, if it resulted in the seizure of state power in Ukraine, a temporary loss of control over a certain territory of Ukraine, or another change in the foundations of the constitutional order of Ukraine.

Article 9.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Article 9.1.8, in connection with information that constitutes state or intelligence secret;
- 2) as part of a simple group;
- 3) provided for in Articles 9.1.4–9.1.6, 9.1.8–9.1.11, using official authority or professional duties, or related opportunities;
- 4) provided for in Article 9.1.4, with the use of weapons or a dangerous object;
- 5) provided for in Article 9.1.11, with the use of media or information system;
- 6) provided for in Article 9.1.5, combined with participation in hostilities against Ukraine;
- 7) provided for in Articles 9.1.4–9.1.5, 9.1.8–9.1.11, during a special period or in the conditions of a state of emergency;

8) provided for in Article 9.1.4–9.1.6, 9.1.8–9.1.11, by a person who took an oath of allegiance to Ukraine or the people of Ukraine.

Article 9.1.4. Acts aimed at violently changing or overthrowing of the constitutional order of Ukraine, or seizing state power in Ukraine

A person who committed an action aimed at:

- 1) violent change of the constitutional order of Ukraine;
 - 2) overthrowing the constitutional order of Ukraine,
 - 3) changing the territorial integrity of Ukraine in violation of the procedure established by the Constitution of Ukraine, or
 - 4) seizure of state power in Ukraine, –
- committed a crime of gravity degree 5.

Article 9.1.5. Treason against Ukraine

A Ukrainian national who committed treason against Ukraine, in particular:

- 1) joined an armed unit of an aggressor state;
 - 2) participated in an act of aggression against Ukraine;
 - 3) gave aid to a foreign state or its representative in their subversive activities against the national security of Ukraine, or
 - 4) initiated before a representative of a foreign state, foreign organization the commission of an act provided for in paragraphs 1–4 of this Article, or agreed to his proposal to commit such an act, –
- committed a crime of gravity degree 5.

Article 9.1.6. Collaborationist activity

A Ukrainian national who, in the temporarily occupied territory of Ukraine, supported the aggressor state by voluntarily cooperating with it, namely:

- 1) organized or conducted an unlawful election or referendum;
 - 2) organized or conducted a political event to implement or support decisions or actions of the aggressor state, or took an active part in such an event;
 - 3) implemented education standards of the aggressor state in educational institutions, holding a position related to the performance of organizational and administrative functions,
 - 4) transferred assets, provided services or performed work to meet the military needs of the aggressor state,
 - 5) held a position related to the performance of power, organizational and managerial, administrative and economic, control and audit, or registration duties, in the occupation administration of the aggressor state or a self-proclaimed authority controlled by the aggressor state that usurped the exercise of governmental power in the temporarily occupied territory of Ukraine or in an institution or organization established by such administration or such authority, except for the position in an armed unit of the aggressor state –
- committed a crime of gravity degree 3.

Article 9.1.7. Occupation activity

A foreign national or stateless person who, in the temporarily occupied territory of Ukraine:

- 1) gave aid to an aggressor state in carrying on an act of aggression against Ukraine or in subversive activities against the national security of Ukraine;
- 2) organized or conducted an unlawful election or referendum;
- 3) organized or conducted a political event to implement or support decisions or actions of the aggressor state;
- 4) implemented education standards of the aggressor state in educational institutions, holding a position related to the performance of organizational and administrative functions or carried out educational activities in accordance with such standards in educational institutions of Ukraine,

5) transferred assets, provided services, or performed work to meet the military needs of the aggressor state,

6) held a position related to the performance of power, organizational and administrative, administrative and economic, control and audit or registration duties in the occupation administration of the aggressor state or a self-proclaimed authority controlled by the aggressor state that usurped the exercise of governmental power in the temporarily occupied territory of Ukraine, or in an institution or organization established by such administration or such authority, – committed a crime of gravity degree 3.

Article 9.1.8. Espionage

A person who:

1) initiated or agreed to fulfill the task of a foreign state, foreign organization, or their representative to collect information with restricted access that may be used to the detriment of the national security of Ukraine,

2) collected such information with a view to its further transfer, or

3) transferred to a foreign state, foreign organization, or their representative any information that may be used to the detriment of the national security of Ukraine , – committed a crime of gravity degree 5.

Article 9.1.9. Attack on a military unit or mutiny

A person who knowingly, to the detriment of the national security of Ukraine:

1) committed an armed attack on a military unit, military institution or military vessel or

2) raised a mutiny in a military unit, military institution or military vessel, - committed a crime of gravity degree 5.

Article 9.1.10. Failure to comply with sanctions or obstruction of their implementation³

A person who:

1) failed to comply with a special economic or other restrictive measure, the decision on the application of which was adopted by the National Security and Defense Council of Ukraine, put into effect by a decree of the President of Ukraine, and approved by a resolution of the Verkhovna Rada of Ukraine,

2) failed to comply with a measure in the form of forced seizure in Ukraine of objects of property of the aggressor state and its residents, the decision on the application of which was adopted by the National Security and Defense Council of Ukraine and put into effect by a decree of the President of Ukraine,

3) failed to comply with a requirement of an international sanction, or

4) obstructed the implementation of a measure provided for in paragraphs 1 or 2 of this Article, or requirements of an international sanction, - committed a crime of gravity degree 5.

Article 9.1.11 Justification of armed aggression against Ukraine

A person who directly and publicly:

1) justified armed aggression against Ukraine or temporary occupation of a part of the territory of Ukraine,

2) denied such aggression or occupation, in particular by presenting the armed aggression against Ukraine as an internal conflict,

3) praised or glorified the aggressor state, its authorities or persons performing their functions, or

4) disseminated materials containing such justification, denial, praise, or glorification, – committed a crime of gravity degree 3.

³ The wording of this article should be changed based on the results of the consideration by the Verkhovna Rada of Ukraine of a draft Law on establishing liability for violation of special economic and other restrictive measures (sanctions) (registration No. 12406 dated 01/14/2025): <https://itd.rada.gov.ua/billinfo/Bills/Card/55621>

Section 9.2.
CRIMINAL OFFENSES
AGAINST THE SECRECY OF INFORMATION
OWNED BY THE STATE

Subsection 1. CRIMES

Article 9.2.1. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) with respect to state secrets with a degree of secrecy of “special importance”;
- 2) using media or information system;
- 3) under martial law;
- 4) acting from a financial motive.

Article 9.2.2. Illegal divulgence of state or intelligence secrets or sensitive information

A person who, except as provided for in Article 9.1.8 of this Code, knowingly divulged information that constitutes:

- 1) a state or intelligence secret; or
- 2) sensitive information relative to national defense or mobilization; –
committed a crime of gravity degree 3.

Article 9.2.3. Unauthorized dissemination of information on the supply or movement of military goods

A person who, except as provided for in Article 9.1.8 of this Code, during a special period, disseminated information that has not been earlier made publicly available by the General Staff of the Armed Forces of Ukraine, the Ministry of Defense of Ukraine, the Defense Intelligence of the Ministry of Defense of Ukraine, or the Security Service of Ukraine or in an official source of a partner country about:

- 1) the supply of munitions or other military goods to or from Ukraine; or
- 2) their movement through the territory of Ukraine or abroad, –
committed a crime of gravity degree 3.

Article 9.2.4. Unauthorized dissemination of information about the movement or stationing of military units of Ukraine

A person who, except as provided for in Article 9.1.8 of this Code, during a special period, disseminated information that has not been earlier made publicly available by the General Staff of the Armed Forces of Ukraine, the Ministry of Defense of Ukraine, or other competent state authority about:

- 1) the location of a unit of the Armed Forces of Ukraine or other military unit formed in accordance with the laws of Ukraine, if it can be identified on the ground, or
- 2) the movement of such a unit, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 9.2.5. Unlawful destruction or alteration of information constituting a state, intelligence secret or sensitive information in the field of defense or mobilization

A person who illegally:

- 1) destroyed or
- 2) changed the information constituting a state, intelligence secret, or sensitive information in the field of defense or mobilization, –

committed a minor offense.

Article 9.2.6. Negligent divulging of a state secret

A person who, through negligence, divulged information that constitutes a state or intelligence secret —

committed a minor offense.

Article 9.2.7. Negligent loss of a data carrier that contains a state secret

A person who, through negligence, as a result of a violation of rules for handling data carriers, lost:

1) a document or other material data carrier that contains a state secret and was entrusted to the person; or

2) a thing entrusted to them, information about which constitutes a state or intelligence secret, —

committed a minor offense.

Section 9.3.

CRIMINAL OFFENSES

AGAINST THE RULES OF CROSSING THE STATE BORDER OF UKRAINE AND MIGRATION REGULATIONS

Subsection 1. CRIMES

Article 9.3.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *particularly exploitative working conditions* – working conditions, including those caused by gender or other type of discrimination, where there is a sharp discrepancy between the working conditions of an illegal worker and those of a legally hired employee, which affects the health or safety of a person or violates their human dignity.

2) *illegal crossing of the state border* — its crossing:

a) outside the checkpoints across the state border of Ukraine or

b) at a checkpoint across the state border of Ukraine without a relevant document or using a document containing inaccurate information.

The cases when foreigners or stateless persons with the intention to obtain asylum or be recognized in Ukraine as refugees or persons in need of additional or temporary protection, when entering Ukraine, illegally crossed the state border of Ukraine and stay on the territory of Ukraine for the time necessary to apply for asylum or for recognition as a refugee or a person in need of temporary additional protection in accordance with the law.

Article 9.3.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

1) provided for in Article 9.3.7, against a particularly vulnerable person;

2) provided for in Articles 9.3.5–9.3.7, against fifty or more citizens of a third country or stateless persons.

Article 9.3.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

1) provided for in Article 9.3.7, against a vulnerable person;

2) provided for in Article 9.3.5–9.3.7, against ten or more citizens of a third country or stateless persons;

3) as part of a simple group;

4) provided for in Article 9.3.5 or 9.3.7, using official authority or professional duties, or related opportunities;

5) commission of a crime provided for in Article 9.3.7, if such illegal employment was associated with particularly exploitative working conditions;

6) provided for in Articles 9.3.5–9.3.6, in a manner dangerous to the life of a person who was illegally moved across the state border of Ukraine;

7) provided for in Article 9.3.7, by an employer, even if not accused or convicted of a crime punishable under Article 4.4.6 of this Code, who used the work or services of citizens of a third country or stateless persons while being aware that such persons are victims of trafficking in persons;

8) during the special period or in the conditions of a state of emergency;

9) stipulated in Articles 9.3.5–9.3.6, for financial reasons.

Article 9.3.4. Illegal crossing of the state border of Ukraine by a person who was banned from staying in the territory of Ukraine

A foreigner or stateless person who is prohibited from entering the territory of Ukraine and has illegally crossed the state border of Ukraine, –
committed a crime of gravity degree 3.

Article 9.3.5. Transportation of a person across the state border of Ukraine

A person who illegally transported another person across the state border of Ukraine, –
committed a crime of gravity degree 3.

Article 9.3.6. Assisting with an illegal crossing of the state border, movement across the territory of Ukraine, or the territory of the European Union member state, or residing in such a territory

A person who assisted:

1) another person with the illegal crossing of the state border of Ukraine,

2) a person who is not a Ukrainian national or a citizen of the European Union member state with entering into or crossing the territory of Ukraine or the European Union member state in breach of the applicable law on the entry or transit of foreigners; or

3) a person who is not a Ukrainian national or a citizen of the EU member state with staying in the territory of Ukraine or the European Union member state in breach of the applicable law on the stay of foreigners, –

committed a crime of gravity degree 3.

Article 9.3.7. Providing illegal employment of two or more employees

An employer who provided illegal employment to two or more citizens of a third country or stateless persons who stay in the territory of Ukraine or the territory of the European Union member state, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 9.3.8. Illegal crossing of the state border of Ukraine

A person other than a citizen of Ukraine returning to Ukraine who has illegally crossed the state border of Ukraine, –
committed a minor offense.

Article 9.3.9. Unauthorized change of the demarcation of the state border of Ukraine

A person who, following the demarcation of the state border of Ukraine, did the following acts with a state border mark:

1) removed;

2) moved, or

3) destroyed,

committed a minor offense.

Article 9.3.10. Providing illegal employment for a single employee

An employer who provided illegal employment to one citizen of a third country or a stateless person who stays in the territory of Ukraine or territory of the European Union member state illegally, – committed a minor offense.

Section 9.4. CRIMINAL OFFENSES AGAINST PUBLIC SERVICE REGULATIONS

Subsection 1. CRIMES

Article 9.4.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes punishable under this Section by two degrees are the commission of an intentional crime:

- 1) provided for in Article 9.4.3, against a particularly vulnerable person;
- 2) provided for in Article 9.4.3, against a person who stays in a detention facility or another facility of compulsory detention or treatment. .

Article 9.4.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes punishable under this Section by one degree are the commission of an intentional crime:

- 1) provided for in Article 9.4.3, against a vulnerable person;
- 2) provided for in Article 9.4.3, against a person (or their close person) in connection with their performance of official authority or professional functions, fulfillment of their legal obligation, or exercise of their subjective right in the public interest;
- 3) as part of a simple group;
- 4) provided for in Article 9.4.3, by using a weapon or a dangerous object;
- 5) provided for in Article 9.4.3, in the presence of an underage child who was aware of the circumstances and the meaning of the action committed;
- 6) using the situation caused by a catastrophe, accident, natural disaster, mass unrest, hostilities, or another extraordinary event;
- 7) with intent to conceal another crime or facilitate its commission;
- 8) for reasons of belonging to a particular social group.

Article 9.4.3. Torture

A public official or a person acting at the instigation of, with the knowledge or acquiescence of an official, who causes the victim severe pain or physical or mental suffering by using violence or threats with the purpose of:

- 1) forcing the victim or another person to do something against their will;
- 2) obtaining information or confession from the victim or another person;
- 3) punishing the victim or another person for actions done by the victim or another person or actions of which the person or another person is suspected; or
- 4) intimidating or discriminating the victim or another person, – committed a crime of gravity degree 3.

Article 9.4.4. Conceding Torture

A public official who failed to fulfill their duty to prevent or stop torture, – committed a crime of gravity degree 3.

Article 9.4.5. Infliction of severe pecuniary damage by a public official through negligence

A public official who has failed to perform or improperly performed their official duties, which negligently caused severe pecuniary damage, – committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 9.4.6. Infliction of considerable pecuniary damage by a public official through negligence

A public official who has failed to perform or improperly performed their official duties, which negligently caused considerable pecuniary damage, – committed a minor offense.

Article 9.4.6. Failure to vote personally by a member of the Ukrainian Parliament

A member of the Verkhovna Rada of Ukraine who, at a plenary meeting of the Verkhovna Rada of Ukraine:

- 1) voted instead of another member of the Verkhovna Rada of Ukraine; or
- 2) gave another member of the Verkhovna Rada of Ukraine an opportunity to vote instead of themselves, – committed a minor offense.

Section 9.5.

CRIMINAL OFFENSES

AGAINST INTEGRITY IN THE PUBLIC SPHERE

Article 9.5.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *considerable scale of abuse* – the value of the object of abuse of official authority or related opportunities, which is five hundred or more times the size of the unit of account;

2) *large scale of abuse* – the value of the object of abuse of official authority or related opportunities, which is five thousand or more times the size of the unit of account

3) *particularly large scale of abuse* – the value of the object of abuse of official powers or related opportunities, which is fifty thousand or more times the size of the unit of account;

4) *legitimate assets (income) of a person* – assets (income) that were legitimately obtained by a person authorized to perform the functions of the state or local self-government from legitimate sources, in particular, the sources set out in paragraphs 7 and 8 of part one of Article 46 of the Law of Ukraine “On Prevention of Corruption” for the duration of their performance of these functions. In determining the difference between the value of the acquired assets and the legitimate assets of the person, the assets that are the subject of proceedings for the recognition of assets as unjustified and their recovery for the benefit of the state, as well as those recovered for the benefit of the state in such proceedings, shall not be taken into account;

5) *acquisition of assets (income)* – the acquisition of the ownership of the assets (income):

a) by a person authorized to perform the functions of the state or local self-government,

b) by another natural person or legal entity, provided that there is proof that the assets (income) were acquired on instructions from a person authorized to perform the functions of the state or local government, or

c) by another natural person or legal entity, provided that there is proof that a person authorized to perform the functions of the state or local government may, either directly or otherwise, perform acts in connection with the assets that are equivalent to the exercise of the right to dispose of the assets.

3) *employee of the public sphere*:

a) a full-time employee of a legal entity under public law who is not a public official;

b) a person who performs work or provides a service under an agreement with such a legal entity.

Subsection 1. CRIMES

Article 9.5.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes punishable under this Section by two degrees are the commission of an intentional crime:

- 1) provided for in Article 9.5.4, regarding the object of abuse of official authority or related opportunities on a particularly large scale;
- 2) provided for in Articles 9.5.7–9.5.10, if its object or means was a bribe in a large amount;
- 3) provided for in Article 9.5.11, in connection with assets (income), the value of which exceeds the value of the person's legitimate assets by more than three hundred thousand units of account;
- 4) Articles 9.5.4–9.5.6 or 9.5.8, using official authority or related opportunities by a public official who holds a highly responsible position.

Article 9.5.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes punishable under this Section by one degree are the commission of an intentional crime:

- 1) provided for in Article 9.5.4, regarding the object of abuse of official authority or related opportunities on a large scale;
- 2) provided for in Articles 9.5.7–9.5.10, if its object or means was a bribe in a considerable amount;
- 3) Article 9.5.11, in connection with the assets (income), the value of which exceeds the value of the person's legitimate assets by more than one hundred thousand units of account;
- 4) provided for in Article 9.5.8, for committing or failure to commit an unlawful act in the interests of another person;
- 5) as part of a simple group;
- 6) during a special period or in conditions the state of emergency.

Article 9.5.4. Abuse of official authority or related opportunities

A public official who has committed an abuse of official authority or related opportunities, i.e. illegally on a considerable scale:

- 1) provided state-owned or community-owned property to another person for use (lease or financial lease) or facilitated such provision,
- 2) received a loan, subsidy, subvention, grant, benefit or assisted another person in obtaining them,
- 3) exempted themselves or another person from a mandatory payment or reduced, credit obligation or debt repayment, or reduced it, or facilitated such exemption or reduction,
- 4) established or increased a bonus, surcharge, premium, remuneration. other incentive, compensation, or warranty payment to themselves or another person or facilitated such establishment or increase,
- 5) transferred to another person someone's private property that is in the custody of this public official (is under arrest, lien, customs control, in storage, is an unaccepted inheritance, ownerless property, etc.), or facilitated such transfer, if such an act caused significant pecuniary damage, – committed a crime of gravity degree 3.

Article 9.5.5. Acquisition of goods, work, services or their payment without using the procedure established by law or in violation thereof

An official who, without carrying out the procedure established by law or in violation thereof on behalf of the customer:

- 1) acquired goods, work, or service, or
- 2) paid for goods, work, or service, the value of which exceeds five thousand units of account, - committed a crime of gravity degree 3.

Article 9.5.6. Use of budget or extra-budget funds outside their intended purpose

A public official who used budget or extra-budget funds, the amount of which exceeds five thousand units of account, outside their intended purpose, -
committed a crime of gravity degree 3.

Article 9.5.7. Bribery of a public official or employee of the public sphere

A person who:

- 1) offered or
- 2) provided a bribe to a public official or employee of the public sphere, –
committed a crime of gravity degree 3.

Article 9.5.8. Accepting a proposal of a bribe, receiving a bribe from another person, soliciting or demanding a bribe

A public official or employee of the public sphere who:

- 1) accepted a proposal of a bribe;
- 2) received a bribe;
- 3) solicited a bribe; or
- 4) demanded a bribe, –
committed a crime of gravity degree 3.

Article 9.5.9. Bribery of a person for exerting influence

A person who:

- 1) offered a bribe to another person who, in return for the bribe, agreed to influence the decision-making of a public official, or
- 2) provided a bribe to such other person, –
committed a crime of gravity degree 3.

Article 9.5.10. Trading in influence

A person who:

- 1) accepted a proposal of a bribe;
- 2) solicited a bribe, or
- 3) received bribe in exchange for real or pretended influence the decision-making by a public official, –
committed a crime of gravity degree 3.

Article 9.5.11. Unlawful enrichment

A person authorized to perform the functions of the state or a local government authority, who acquired the assets the value of which exceeds the value of the person's legitimate assets by more than thirty-five thousand units of account, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 9.5.12. Illegal disposal of state or municipal property

An official of the state or municipal or equivalent enterprise, institution, or organization who illegally:

- 1) determined the price (tariff, rate, etc.) for the sale, acquisition of goods, provision, receipt of a service or performance of work, or
- 2) provided property or service free of charge or ensured the performance of work with state or municipal funds, –
committed a minor offense.

Section 9.6.
CRIMINAL OFFENSES
AGAINST DECLARATION REGULATIONS

Article 9.6.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *declarant* – a person who, under parts 1 and 2 of Article 45 of the Law of Ukraine “On Prevention of Corruption,” is obliged to submit a declaration.

Subsection 1. CRIMES

Article 9.6.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment of an intentional crime:

1) provided for in Article 9.6.4, if the difference between the unreliable information submitted in the declaration procedure and the reliable information is more than thirty-five thousand units of account;

2) provided for in Article 9.6.3, with intent to conceal another crime or facilitate its commission.

Article 9.6.3. Failure to submit a declaration by a declarant

A declarant who, contrary to the requirements of the law, failed to file a declaration in violation of the law, –

committed a crime of gravity degree 1.

Article 9.6.4. Submitting an incorrect declaration on a large scale

A declarant who submitted a declaration of a person authorized to perform the functions of the state or local government, which contains knowingly false information, the difference between which and reliable information is more than ten thousand units of account, –

committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 9.6.5. Submitting an incorrect declaration on an insignificant scale

A declarant who has submitted a declaration of a person authorized to perform the functions of the state or local government, which contains knowingly false information, the difference between which and reliable information is from three thousand to ten thousand units of account, –

committed a minor offense.

Section 9.7.
CRIMINAL OFFENSES
AGAINST THE ORDER OF PUBLIC ADMINISTRATION

Article 9.7.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

1) *community representative* – a member of a non-governmental organization who voluntarily controls the process of the development of regulatory or individual legal acts by government authorities or local government authorities with a view to protecting human and citizen rights and freedoms, meeting legitimate public interests.

Subsection 1. CRIMES

Article 9.7.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment

of an intentional crime:

- 1) provided for in Articles 9.7.6, 9.7.7, or 9.7.8, in connection with a public official who holds a highly responsible position;
- 2) provided for in Articles 9.7.9 or 9.7.10, if their object or means was a bribe in a large amount;
- 3) using official authority or related opportunities by a public official who holds a highly responsible position.

Article 9.7.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Article 9.7.6, in the case of resistance to a police officer or serviceperson of the National Guard of Ukraine or the State Border Guard Service of Ukraine when they perform their official duties to protect public order or the state border, or against a member of a civil society organization for the protection of public order and the state border when they exercise their lawful activities in the public interest;
- 2) provided for in Articles 9.7.9 or 9.7.10, if their object or means was a bribe in a considerable amount;
- 3) as part of a simple group;
- 4) using the official authority or professional duties, or related opportunities;
- 5) provided for in Articles 9.7.6–9.7.7, with the use of weapons or a dangerous object;
- 6) provided for in Articles 9.7.4–9.7.7, in the presence of an underage child who was aware of the circumstances and the meaning of the action committed;
- 7) using a situation caused by a catastrophe, accident, natural disaster, mass unrest, hostilities, or another extraordinary event;
- 8) for the purpose of concealing another crime or facilitating its commitment.

Article 9.7.4. Desecration of the state symbol of Ukraine

A person who publicly desecrated the State Flag of Ukraine, the State Coat of Arms of Ukraine, of the State Anthem of Ukraine, –
committed a crime of gravity degree 1.

Article 9.7.5. Desecration of the state symbol of a foreign state

A person who publicly desecrated an officially raised or installed flag or emblem of a foreign state, except for the flag or emblem of the aggressor state, or an officially raised or installed flag of the European Union, –
committed a crime of gravity degree 1.

Article 9.7.6. Resistance

A person who resisted to:

- 1) a public officer or a serviceman who legally discharges their official duties or exercises their authority;
- 2) a person who legally carries on their professional activities relative to the provision of public services; or
- 3) a community representative who exercises their lawful activities in the public interest, –
committed a crime of gravity degree 1.

Article 9.7.7. Violence in connection with the discharge of official authority or professional duties, the fulfillment of a legal obligation, or the exercise of a subjective right

A person who used violence that caused physical pain against a person (or their close person) in connection with the discharge of their official authority or professional duties, the fulfillment of a legal obligation, or exercise of their subjective right in the public interest, –
committed a crime of degree of gravity 1.

Article 9.7.8. Obstruction of the activities of a person discharging official authority or performing professional duties

A person who obstructed the activities of a person discharging official authority or performing professional duties in the public interest (except for cases of unlawful influence and obstruction provided for in other articles of this Code), –
committed a crime of gravity degree 1.

Article 9.7.9. Bribery of a participant in the proceedings

A person who, in order to incline a participant in the proceedings in a temporary investigative or special temporary investigative commission of the Verkhovna Rada of Ukraine, the Constitutional Court of Ukraine, or the High Council of Justice, who is not an official, to refuse to give testimony or a conclusion or to give knowingly false testimony or a conclusion:

- 1) offered a bribe or
- 2) provided it, –

committed a crime of gravity degree 1.

Article 9.7.10. Acceptance of an offer or receipt of a bribe by a participant in the proceedings

A participant in the proceedings in a temporary investigative or special temporary investigative commission of the Verkhovna Rada of Ukraine, the Constitutional Court of Ukraine, or the High Council of Justice, who is not an official and in connection with the provision of certain explanations, testimony or conclusions:

- 1) accepted an offer of a bribe,
- 2) received a bribe,
- 3) solicited a bribe, or
- 4) demanded it, –

committed a crime of gravity degree 1.

Article 9.7.11. Refusal of a witness to give testimony

A witness who, without grounds provided by law, refused to give testimony during an investigation by a temporary investigative commission or a special temporary investigative commission of the Verkhovna Rada of Ukraine, in the Constitutional Court of Ukraine, in the High Council of Justice, or during enforcement proceedings, –

committed a crime of gravity degree 1.

Article 9.7.12. False testimony

A person who provided knowingly false testimony to a temporary investigative commission or a special temporary investigative commission of the Verkhovna Rada of Ukraine, the High Council of Justice, or a body conducting enforcement proceedings, –
committed a crime of gravity degree 1.

Article 9.7.13. Illegal acts regarding evidence

A person who:

- 1) forged,
- 2) concealed,
- 3) destroyed or

4) damaged evidence used during proceedings in a temporary investigative or special temporary investigative commission of the Verkhovna Rada of Ukraine, the High Council of Justice, or a body conducting enforcement proceedings, –
committed a crime of gravity degree 1.

Article 9.7.14. Failure to provide a conclusion or provision of a false conclusion by a forensic expert

A person who, being an expert or specialist, contrary to the law:

1) failed to provide a conclusion without a valid reason, or
2) provided a knowingly false conclusion,
to a temporary investigative or special temporary investigative commission of the Verkhovna Rada of Ukraine, the High Council of Justice, or a body conducting enforcement proceedings, –
committed a crime of gravity degree 1.

Article 9.7.15. False Translation

A translator who knowingly makes a false translation for a temporary investigative or special temporary investigative commission of the Verkhovna Rada of Ukraine, the High Council of Justice, or a body conducting enforcement proceedings –
committed a crime of gravity degree 1.

Article 9.7.16. Use of the misappropriated powers of a law enforcement officer, prosecutor, or judge

A person who misappropriated and used the following to commit a criminal or administrative offense:

1) the authority of a law enforcement officer, prosecutor, or judge,
2) their official ID card, uniform, or insignia or
3) the name of the law enforcement agency on the vehicle, –
committed a crime of gravity degree 1.

Subsection 2. MINOR OFFENSES

Article 9.7.17. Hoisting the State Flag of Ukraine on a sea or river vessel without the right to use it

A person who hoisted the State Flag of Ukraine on a sea or river vessel without the right to do so, –
committed a minor offense.

Article 9.7.18. Seizure of a public building, structure, or premises, their detention or blocking access to them

A person who:

1) seized a building, structure, or premises that support the activities of a state or local government body, political party, or non-governmental organization, or
2) by means of violence or threats, held them or blocked access to them, which for two or more hours impeded the normal operation of the relevant body, –
committed a minor offense.

Article 9.7.19. Use of misappropriated powers of a public official

A person who misappropriated and used the powers of a public official, other than an official referred to in Article 9.7.9 of this Code, to commit a criminal or administrative offense, –
committed a minor offense.

Article 9.7.20. Unlawful acquisition, use, or sale of special technical means of covert information acquisition

A person who illegally:

1) used, or
2) sold a special technical means of covert information acquisition, –
committed a minor offense.

Article 9.7.21. Distribution of a prohibited thing to a person held in a pretrial detention facility or penitentiary facility

A person who distributed a prohibited thing to a person held in a pretrial detention facility or penitentiary facility, –
committed a minor offense.

Section 9.8.
CRIMINAL OFFENSES
AGAINST THE ORDER OF DISCHARGE OF MILITARY,
MOBILIZATION DUTIES, ALTERNATIVE SERVICE,
OR CIVIL DEFENSE SERVICE

Subsection 1. CRIMES

Article 9.8.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of an intentional crime:

- 1) in the conditions of martial law.

Article 9.8.2. Evasion of basic military service or military service by conscription of officers

A person who evaded:

- 1) basic military service,
 - 2) military service upon conscription of officers, –
- committed a crime of gravity degree 1.

Article 9.8.3. Evasion of military service by persons from the reserve during a special period

A Ukrainian national enrolled in the military operational reserve who evaded mandatory national military service upon conscription of persons from among the reservists during a special period, – committed a crime of gravity degree 1.

Article 9.8.4. Evasion of military service upon conscription during mobilization for the duration of a special period

A person who evaded military service upon conscription from mobilization for the duration of a special period, – committed a crime of gravity degree 1.

Article 9.8.5. Evasion of civil defense service

A person who evaded civil defense service during a special period or in case of targeted mobilization, – committed a crime of gravity degree 1.

Article 9.8.6. Evasion of alternative civilian service

A person sent for alternative civilian service who, without a valid reason, evaded it, – committed a crime of gravity degree 1.

Article 9.8.7. Arbitrary conscription for military service, civil defense service, or alternative civilian service

A public official who made an illegal decision to call up a citizen for basic military service, military service by conscription of officers, military service by conscription of reservists during a special period, military service by conscription during mobilization, for a special period, civil defense service during a special period or in the event of targeted mobilization or alternative service, – committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 9.8.8. Evasion of reserve training or special reserve training

A person liable for military service or a reservist who evaded reserve training or special reserve training, –
committed a minor offense.

Article 9.8.9. Failure to perform duties during mobilization by an official

An official of the government authority, local government body, legal entity, or public association, who failed to fulfill obligations during mobilization determined by law, –
committed a minor offense.

Article 9.8.10. Evasion from fulfilling obligations during mobilization by a citizen

A Ukrainian national who evaded from fulfilling his obligations during mobilization as determined by law, except for cases envisaged by Article 9.8.4 of this Code, –
committed a minor offense.

Book Ten. CRIMINAL OFFENSES AGAINST MILITARY SERVICE REGULATIONS (MILITARY CRIMINAL OFFENSES)

Section 10.1. CRIMINAL OFFENSES AGAINST THE ORDER OF SUBORDINATION AND MILITARY HONOR

Article 10.1.1. Definition of the terms used in Sections 10.1–10.6 of this Code

When used in Sections 10.1–10.6 of this Code, the following terms shall have the meaning ascribed to them below:

- 1) *combat situation* – the situation where military weapons and equipment are used by or against a military enemy, which begins with the receipt of an order to engage in combat or the actual start of combat and ends with the receipt of an order to cease combat or the actual end of combat;
- 2) *military public official* – a commander (chief) or another serviceperson who:
 - a) holds, either permanently or temporarily, a position related to the fulfillment of governmental, personnel management, business management, audit and control duties, or
 - b) is expressly authorized to fulfill such duties by an authorized government body, authorized officer, court, or by operation of law;
- 3) *military criminal offense* – a crime or a minor offense against the military service order established by law, as provided for in Sections 10.1–10.6 of this Code, committed by:
 - a) a person liable for military service or a reservist – exclusively during their reserve training or special reserve training, or
 - b) a serviceperson;
- 4) *serviceperson* – a person who, in accordance with the procedure established by law, undergoes military service in a military unit, the State Special Transport Service or the State Service for Special Communications and Information Protection of Ukraine, or is seconded from such unit to another governmental authority, educational institution, or another legal entity;
- 5) *enemy*:
 - a) a state with which Ukraine is in a state of war or armed conflict (enemy state),
 - b) a state recognized as an aggressor state in relation to Ukraine, or

c) an armed unit whose support (financial, military, logistical, personnel, and other) is provided by an enemy state;

6) *means of warfare* – any type of military weapons or means ensuring their use (armament), an object of military equipment and fortifications;

7) *commander (superior)* – a military public official vested with personnel management duties, i.e., has subordinates at their disposal to perform certain tasks, has the right to give them orders, instructions, and other binding requirements, and to impose disciplinary sanctions on them;

8) *self-mutilation* – a violation of the anatomical integrity or functional suitability of a tissue or organ of one's own body, which makes it impossible for a serviceperson to perform all or part of their duties of military service, either permanently or temporarily.

Subsection 1. CRIMES

Article 10.1.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) under conditions of martial law;
- 2) in a combat situation.

Article 10.1.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commission of an intentional crime:

- 1) provided for in Articles 10.1.8 or 10.1.9, combined with coercion;
- 2) as part of a simple group;
- 3) provided for in Articles 10.1.7–10.1.10, with the use of weapons or a dangerous object;
- 4) during a special period (other than the conditions of martial law) or in the conditions of a state of emergency;

Article 10.1.4. Public disobedience

A serviceperson, a person liable for military service, or a reservist who publicly refused to execute a legal order issued by a commander (superior), – committed a crime of gravity degree 3.

Article 10.1.5. Failure to execute an order that caused the death of a person

A serviceperson, a person liable for military service, or a reservist who failed to execute a legal order issued by a commander (superior), and negligently caused the death of a person, – committed a crime of gravity degree 5.

Article 10.1.6. Failure to execute an order that caused severe harm through negligence

A serviceperson, a person liable for military service, or a reservist who failed to execute a legal order issued by a commander (superior), and negligently caused severe bodily harm or severe property damage, – committed a crime of gravity degree 3.

Article 10.1.7. Resistance to a commander (superior) or a person maintaining military legal order

A serviceperson, person liable for military service, or reservist who resisted to:

- 1) a commander (superior); or
- 2) a sentry guard, patrol person, or another person performing their duties of maintaining military legal order, – committed a crime of gravity degree 3.

Article 10.1.8. Violence against a commander or another person

A serviceperson, person liable for military service, or a reservist who, in connection with the performance of their military service duties, used violence against a commander (superior), a sentry guard, patrol person, or another person, –
committed a crime of gravity degree 3.

Article 10.1.8. Threatening to murder or cause severe bodily harm to a commander or another person

A serviceperson, person liable for military service, or a reservist who threatened to cause death or inflict severe bodily harm to a commander (superior), a sentry guard, patrol person, or another person in connection with the performance of the latter's military service duties, –
committed a crime of gravity degree 3.

Article 10.1.10. Violence in the absence of a relationship of subordination

A serviceperson, person liable for military service, or a reservist who used violence against another serviceperson, person liable for military service, or reservist, provided that there is not relationship of subordination between them, and thus caused physical pain, –
committed a crime of gravity degree 3.

Article 10.1.12. Desecration or loss of the Battle Flag of the military base

A serviceperson, person liable for military service, or reservist who:

- 1) desecrated the Battle Flag of the military base;
 - 2) failed to prevent its desecration; or
 - 3) disposed of the Battle Flag of the military base, –
- committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.1.12. Breach of orders

A serviceperson, person liable for military service, or a reservist who breached an order issued by a commander (superior), –
committed an offense.

Article 10.1.13. Breach of an order that resulted in considerable damage through negligence

A serviceperson, person liable for military service, or a reservist who failed to execute an order issued by a commander (superior), and negligently caused considerable bodily harm or considerable pecuniary damage, –
committed a minor offense.

Article 10.1.14. Threat against a commander (superior)

A serviceperson, person liable for military service, or a reservist who made a threat against a commander (superior) in connection with the performance of the latter's military service duties, except as provided for in Article 10.1.10 of this Code, –
committed a minor offense.

Article 10.1.15. Being intoxicated during the performance of military service duties

A serviceman, a person liable for military service or a reservist who:

- 1) gave an order to another serviceperson, a person liable for military service, or a reservist,
 - 2) performed military service duties,
 - 3) drove a combat vehicle or other means of warfare, while intoxicated, –
- committed a minor offense.

Article 10.1.16. Condoning by a military public official of bringing subordinates into a state of intoxication

A military public official who:

- 1) together with a subordinate serviceperson, a person liable for military service, or a reservist, has become intoxicated while performing their military service duties; or
- 2) failed to stop a subordinate from bringing themselves into a state of intoxication,
- 3) allowed a subordinate who was in a state of intoxication to perform military service or failed to take measures to remove them from performing military service; or
- 4) concealed the intoxication of a subordinate serviceman, a person liable for military service or reservist on the territory of a military base, – committed a minor offense.

Section 10.2.
CRIMINAL OFFENSES
AGAINST THE ORDER OF
MILITARY SERVICE

Subsection 1. CRIMES

Article 10.2.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of an intentional crime:

- 1) under conditions of martial law;
- 2) in a combat situation.

Article 10.2.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commission of an intentional crime:

- 1) during a special period (other than the conditions of martial law) or in the conditions of a state of emergency;
- 2) as provided for in Article 10.2.3, by self-mutilation, simulation of illness, forgery of a document or another deception;
- 3) as provided for in Article 10.2.3, with the aim of permanently evading military service (desertion).

Article 10.2.3. Unauthorized departure from the place of service or evasion of military service duties

A serviceperson who, for a period of more than seven days, without permission:

- 1) departed from the place of service;
- 2) evaded the performance of military service duties; or
- 3) failed to report in a timely manner without a valid reason for service in the case of their appointment, transfer, secondment, vacation, treatment, or dismissal from the location of a military base, – committed a crime of gravity degree 3.

Article 10.2.4. Abandonment of a sinking warship

A serviceperson who abandoned a warship while being:

- 1) the ship's commander – until the complete fulfillment of their official duties, or
- 2) a member of the ship's crew – until the relevant order is received, – committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.2.5. Unauthorized departure from the place of service or evasion of military service for up to seven days

A serviceperson who, for a period of one up to seven days, without permission:

- 1) departed from the place of service,

- 2) evaded the performance of military service duties; or
- 3) failed to report in a timely manner without a valid reason for service in the case of their appointment, transfer, secondment, vacation, treatment, or dismissal from the location of a military base, –
committed a minor offense.

Section 10.3.
CRIMINAL OFFENSES
AGAINST THE ORDER OF THE USE
OF MILITARY PROPERTY AND OPERATION OF
MEANS OF WARFARE

Subsection 1. CRIMES

Article 10.3.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) under conditions of martial law;
- 2) in a combat situation.

Article 10.3.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) as part of a simple group;
- 2) during a special period (other than the conditions of martial law) or in the conditions of a state of emergency.

Article 10.3.3. Unauthorized use of means of warfare

A serviceperson who used means of warfare:

- 1) contrary to the order of the commander (superior); or
- 2) contrary to the ban provided for by law, –
committed a crime of gravity degree 3.

Article 10.3.4. Destruction or damage to means of warfare, which caused significant pecuniary damage

A serviceperson, a person liable for military service, or a reservist who destroyed or damaged means of warfare, if it resulted in significant pecuniary damage, –
committed a crime of gravity degree 1.

Article 10.3.5. Destruction or damage to means of warfare, which caused considerable pecuniary damage

A serviceperson, a person liable for military service, or a reservist who destroyed or damaged means of warfare, if it resulted in considerable pecuniary damage, –
committed a crime of gravity degree 3.

Article 10.3.6. Destruction or damage to means of warfare, which caused severe pecuniary damage

A serviceperson, a person liable for military service, or a reservist who destroyed or damaged means of warfare, if it resulted in severe pecuniary damage, –
committed a crime of gravity degree 5.

Article 10.3.7. Loss, destruction, or damage to means of warfare that resulted in severe pecuniary damage through negligence

A serviceperson, a person liable for military service, or a reservist who lost, destroyed, or damaged means of warfare entrusted to them for official use, if such an action resulted in severe pecuniary damage through negligence, –
committed a crime of gravity degree 3.

Article 10.3.8. Violation of the rules for handling means of warfare which caused the death of a person through negligence

A serviceperson, a person liable for military service, or reservist who violated:

- 1) the rules of operation of a combat, special or transport vehicle, ship navigation, or flight rules;
- 2) rules of operation of a combat, special or transport vehicle, warship or aircraft, or
- 3) other rules for handling a means of warfare, –

if such an act caused the death of a person through negligence; –
committed a crime of gravity degree 5.

Article 10.3.9. Violation of the rules for handling means of warfare which caused severe harm through negligence

A serviceperson, a person liable for military service, or reservist who violated:

- 1) the rules of operation of a combat, special or transport vehicle, ship navigation, or flight rules;
- 2) rules of operation of a combat, special or transport vehicle, warship or aircraft, or
- 3) other rules for handling a means of warfare, –

if such an act resulted in severe bodily harm or severe pecuniary damage as a result of negligence,
–
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.3.10. Destruction or damage to means of warfare that resulted in substantial pecuniary damage

A serviceperson, a person liable for military service, or a reservist who destroyed or damaged means of warfare if it resulted in substantial pecuniary damage, –
committed a minor offense.

Article 10.3.11. Loss, destruction, or damage to means of warfare that resulted in considerable pecuniary damage through negligence

A serviceperson, a person liable for military service, or a reservist who lost, destroyed, or damaged means of warfare entrusted to them for official use, if such an act resulted in considerable pecuniary damage through negligence, –
committed a minor offense.

Article 10.3.12. Violation of the rules for handling means of warfare which caused considerable harm through negligence

A serviceperson, a person liable for military service, or a reservist who violated:

- 1) the rules of operation of a combat, special or transport vehicle, ship navigation, or flight rules;
- 2) rules of operation of a combat, special or transport vehicle, warship or aircraft, or
- 3) other rules for handling a means of warfare,

if such an act resulted in considerable bodily harm or considerable pecuniary damage as a result of negligence, –
committed a minor offense.

Section 10.4.
CRIMINAL OFFENSES
AGAINST THE ORDER OF
SPECIAL SERVICES

Subsection 1. CRIMES

Article 10.4.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees are the commitment of a crime:

- 1) under conditions of martial law;
- 2) in a combat situation.

Article 10.4.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment of a crime:

- 1) during a special period (other than the conditions of martial law) or in the state of emergency.

Article 10.4.3. Violation of the rules of special service that resulted in the death of a person through negligence

A serviceperson who violated the rules of:

- 1) sentry guard (watchkeeping) service;
- 2) patrol service;
- 3) border guard service; or
- 4) combat standby duty (active duty),

if such an act caused the death of a person through negligence; –
committed a crime of gravity degree 5.

Article 10.4.4. Violation of the rules of special service that resulted in severe harm through negligence

A serviceperson who violated the rules of:

- 1) sentry guard (watchkeeping) service;
- 2) patrol service;
- 3) border guard service; or
- 4) combat standby duty (active duty),

if such an act caused severe bodily harm or severe pecuniary damage through negligence, –
committed a crime of the gravity degree 3.

Article 10.4.5. Violation of the rules of internal service that resulted in the death of a person through negligence

A serviceperson, a person liable for military service, or a reservist who was a member of the daily duty of the unit (except for guard, watch, and patrol) and violated the rules of internal service, which resulted in the death of a person through negligence, –

committed a crime of the gravity degree 5.

Article 10.4.6. Violation of the rules of internal service that resulted in severe damage through negligence

A serviceperson, a person liable for military service, or a reservist who was a member of the daily duty of the unit (except for guard, watch, and patrol) and violated the rules of internal service, which resulted in severe bodily harm or severe pecuniary damage through negligence, –

committed a crime of gravity degree 3.

Article 10.4.7. Violation of the rules of military service related to the protection of facilities or the maintenance of public order that resulted in the death of a person through negligence

A serviceperson of the National Guard of Ukraine who violated:

1) the order of military service for the protection of nuclear installations, nuclear materials, radioactive waste, other state-owned sources of ionizing radiation, important state facilities, or special cargo; or

2) the rules for the maintenance of public order,

if such an act caused the death of a person through negligence; –
committed a crime of gravity degree 5.

Article 10.4.8. Violation of the rules of military service related to the protection of facilities or the maintenance of public order that resulted in severe damage through negligence

A serviceperson of the National Guard of Ukraine who violated:

1) the order of military service for the protection of nuclear installations, nuclear materials, radioactive waste, other state-owned sources of ionizing radiation, important state facilities, or special cargo; or

2) the rules for the maintenance of public order,

if such an act caused severe bodily harm or severe pecuniary damage through negligence; –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.4.9. Violation of the rules of special service that resulted in considerable harm through negligence

A serviceperson who violated the rules of:

1) sentry guard (watchkeeping) service;

2) patrol service;

3) border guard service; or

4) combat standby duty (active duty),

if such an act caused severe bodily harm or severe pecuniary damage through negligence; –
committed a minor offense.

Article 10.4.10. Violation of the rules of internal service that resulted in considerable harm through negligence

A serviceperson, a person liable for military service, or a reservist who was a member of the daily duty of the unit (except for guard, watch, and patrol) and violated the rules of internal service, which resulted in considerable bodily harm or considerable pecuniary damage through negligence, –
committed a minor offense.

Article 10.4.11. Violation of the rules of military service related to the protection of facilities or the maintenance of public order that resulted in considerable damage through negligence

A serviceperson of the National Guard of Ukraine who violated:

1) the order of military service for the protection of nuclear installations, nuclear materials, radioactive waste, other state-owned sources of ionizing radiation, important state facilities, or special cargo; or

2) the rules for the maintenance of public order,

if such an act caused considerable bodily harm or considerable pecuniary damage through negligence; –
committed a minor offense.

**Section 10.5.
CRIMINAL OFFENSES
AGAINST THE ORDER OF**

MILITARY PUBLIC SERVICE

Subsection 1. CRIMES

Article 10.5.1. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) under conditions of martial law;
- 2) in a combat situation.

Article 10.5.2. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) provided for in Article 10.5.3, against a pregnant woman;
- 2) as part of a simple group;
- 3) provided for in Article 10.5.3, with the use of weapons or a dangerous object;
- 4) provided for in Article 10.5.4, in connection with a grave or especially grave crime;
- 5) during a special period (other than the conditions of martial law) or in the conditions of a state of emergency.

Article 10.5.3. Illegal violence against a subordinate

A commander (superior) who illegally committed violence against a subordinate that was not within their authority and caused physical pain, –
committed a crime of gravity degree 3.

Article 10.5.4. Condoning a subordinate's commission of a crime by a commander (superior) or failure to report its commission

A commander (superior) who, contrary to the requirements of military regulations:

- 1) failed to prevent a subordinate from committing a crime, of which they reliably knew;
- 2) failed to stop the commission of a crime by a subordinate in their presence or of which they reliably knew, or
- 3) failed to take measures to apprehend a subordinate during or immediately after the commission of a crime; or
- 4) failed to notify the pre-trial investigation body of its commission, –
committed a crime of gravity degree 3.

Article 10.5.5. Infliction of severe pecuniary damage by a military public official through negligence

A military public official who failed to perform or improperly performed their official duties, which negligently caused severe pecuniary damage, –
committed a crime of gravity degree 3.

Subsection 2. MINOR OFFENSES

Article 10.5.6. Use of a serviceman, a person liable for military service or a reservist to perform tasks not related to military service

A military public official who has illegally used a serviceman, a person liable for military service or a reservist to perform tasks not related to military service in their personal interests or in the interests of third parties, –
committed a minor offense.

Article 10.5.7. Condoning a subordinate's commission of a minor offense by a commander (superior) or failure to report its commission

A commander (superior) who, contrary to the requirements of military regulations:

- 1) failed to prevent a subordinate from committing a minor offense in their presence or of which they reliably knew, provided that they have an opportunity to do so;
- 2) failed to take measures to apprehend a subordinate during or immediately after the commission of a minor offense; or
- 3) failed to notify the pre-trial investigation body of its commission, – committed a minor offense.

Article 10.5.8. Infliction of considerable pecuniary damage by a military public official through negligence

A military public official who failed to perform or improperly performed their official duties, which negligently caused considerable pecuniary damage, – committed a minor offense.

**Section 10.6.
CRIMES
AGAINST THE ORDER OF
MILITARY SERVICE
DURING ARMED CONFLICT**

Article 10.6.1. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree include the commission of an intentional crime:

- 1) as part of a simple group;
- 2) provided for in Article 10.6.2, 10.6.3, or 10.6.6, using official authority or related opportunities;
- 3) provided for in Article 10.6.34, with the use of weapons or a dangerous object.

Article 10.6.2. Surrender of means of warfare to the enemy

A serviceperson who surrendered a means of warfare to the enemy, provided it was possible to save or destroy it, – committed a crime of gravity degree 5.

Article 10.6.3. Undermining the will to win

A serviceperson who enticed another serviceperson to:

- 1) surrender means of warfare to the enemy, provided it was possible to save or destroy it,
- 2) evade the performance of combat orders, or
- 3) surrender to the enemy's captivity while there was an opportunity to continue fighting and without a proper order from the commanders, – committed a crime of gravity degree 5.

Article 10.6.4. Voluntary surrender into captivity

A serviceperson who voluntarily surrendered while there was an opportunity to continue fighting and without a proper order from the authorized commanders, – committed a crime of gravity degree 5.

Article 10.6.6. Negotiating with the enemy

A serviceperson who entered the negotiations with the enemy in the absence of an order or proper permission given by the authorized commanders, – committed a crime of gravity degree 5.

**Book Eleven.
CRIMES
AGAINST INTERNATIONAL LEGAL ORDER**

Section 11.1.
A CRIME OF GENOCIDE

Article 11.1.1. A crime of genocide

A person who committed any of the following acts with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- 1) killed a person belonging to such group;
- 2) caused serious bodily or mental harm to people belonging to one of such groups;
- 3) deliberately inflicted on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- 4) imposed measures intended to prevent births within one of such groups; or
- 5) forcibly transferred a child of one of such groups to another group, –
committed a crime of gravity degree 9.

Article 11.1.2. Propaganda of the crime of genocide

A person who directly and publicly:

- 1) called on other persons to commit a crime of genocide,
- 2) disseminated or used the materials with such calls, or
- 3) praised a crime of genocide, –
committed a crime of gravity degree 5.

Section 11.2.
CRIMES AGAINST HUMANITY

Article 11.2.1. A crime against humanity in the form of murder or extermination of people

A person who, during a full-scale or systematic attack directed against any civilian population, knowing about this attack, committed:

- 1) a murder of a human being or
- 2) extermination of people, –
committed a crime of gravity degree 9.

Article 11.2.2. A crime against humanity in forms other than murder

A person who, during a full-scale or systematic attack directed against any civilian population, knowing about this attack, committed:

- 1) deportation or forced displacement of the population,
- 2) enslavement,
- 3) imprisonment or another substantial deprivation of physical freedom in violation of the fundamental rules of international law,
- 4) enforced disappearance,
- 5) torture,
- 6) rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization, or any other similar by its gravity form of sexual violence,
- 7) persecution against any group or community of people, which be distinguished by political, racial, national, ethnic, cultural, religious, gender, or other discriminatory grounds that are recognized as impermissible under international law,
- 8) imprisonment of a forcibly impregnated woman in order to change the ethnic composition of the population,
- 9) a crime of apartheid, or
- 10) another inhumane act consisting in causing great suffering or severe damage to health,
–
committed a crime of gravity degree 7.

Section 11.3.

A CRIME OF AGGRESSION

Article 11.3.1. A crime of aggression

A person who committed a crime of aggression, i.e. having a real ability to direct political or military activities of a state or control such activities:

- 1) planned an act of aggression, which, by its nature, gravity, and scale, constitutes a clear violation of the United Nations Charter, provided that the planned act of aggression was later carried out,
 - 2) prepared such an act, provided it was later carried out,
 - 3) started (initiated) such an act, provided it was later carried out,
 - 4) carried out such an act, –
- committed a crime of gravity degree 9.

Article 11.3.2. Propaganda of an act of aggression

A person who directly and publicly:

- 1) called for an act of aggression,
 - 2) distributed or used materials with calls for an act of aggression, or,
 - 3) praised or glorified an act of aggression, –
- committed a crime of gravity degree 7.

Section 11.4. WAR CRIMES

Article 11.4.1. Grave violation of Geneva Conventions of August 12, 1949, related to murder

A person who, in the conditions of international armed conflict or non-international armed conflict, killed a person having seriously violated the norms of international humanitarian law, established in Article 3, joint for all four Geneva Conventions of August 12, 1949, namely:

- 1) a combatant who, having laid down his arms or having no further means of defense, has unconditionally surrendered,
 - 2) treacherously a person belonging to an enemy nation or army (in the case of an international armed conflict) or taking part in hostilities (in the case of a non-international armed conflict), or
 - 3) another person protected by international humanitarian law, –
- committed a crime of gravity degree 9.

Article 11.4.2. Grave violations of the Geneva Conventions of August 12, 1949, applicable in international armed conflicts, not involving murder

A person who, in conditions of international armed conflict, having gravely breached the Geneva Conventions of August 12, 1949, committed any act against persons or property protected by the provisions of these Conventions, namely:

- 1) torture or inhuman treatment, in particular biological experiments,
 - 2) causing great suffering, serious bodily injury, or damage to health,
 - 3) widespread destruction or appropriation of property not caused by military necessity and committed unlawfully and wantonly,
 - 4) coercing a prisoner of war or another protected person to serve in the armed forces of an enemy state,
 - 5) depriving a prisoner of war or another protected person of the right to a just and ordinary court,
 - 6) unlawful deportation or transfer or unlawful deprivation of liberty, or
 - 7) hostage-taking, –
- committed a crime of gravity degree 7.

Article 11.4.3. Other grave violations of laws and customs applicable in international armed conflicts, not involving murder

A person who, in conditions of an international armed conflict, committed another grave violation of the laws and customs applicable in international armed conflicts within the established framework of international law, namely any of the following acts:

- 1) directing attacks against the civilian population as such or against individual civilians not taking a direct part in the hostilities,
- 2) directing attacks against a civilian facility, that is, a facility that is not a military target,
- 3) directing an attack against personnel, facilities, materials, a unit, or vehicle involved in the provision of humanitarian aid or in a peacekeeping mission under the United Nations Charter, as long as they are entitled to the protection enjoyed by civilians or civilian facilities under the international law of armed conflict,
- 4) attacking with the understanding of incidental death or injury to civilians or damage to a civilian facility or widespread, long-term, and serious damage to the environment, which would be clearly excessive in relation to the specific and immediate general military advantage anticipated,
- 5) wounding a combatant who, having laid down his arms or having no further defense means, has unconditionally surrendered,
- 6) attacking or shelling an undefended and non-military targets, a town, a village, a dwelling or building, using any means,
- 7) improper use of the flag of truce, the flag or military insignia and uniform of the enemy or of the United Nations, or distinctive emblems established by the Geneva Conventions, resulting in death or serious injury to a person,
- 8) the transfer, directly or indirectly, by the occupying power of part of its own civilian population into the territory it occupies or the deportation or transfer of all or part of the population of the occupied territory within or outside this territory,
- 9) directing attacks against a building intended for religious, educational, artistic, scientific, or charitable purposes, a historical monument, a hospital, or a place of concentration of the sick and wounded, provided that they are not military targets,
- 10) inflicting physical injury to a person under the power of an enemy or performing on them a medical or scientific experiment of any nature, which is not justified by the need for medical, dental, or hospital treatment of the person concerned and is not carried out in their interests and which results in death or seriously endangers the health of such person or persons,
- 11) treacherously wounding a person belonging to an enemy nation or army,
- 12) declaring that no mercy would be shown,
- 13) destroying or seizing the enemy's property, except in cases where such destruction or seizure is urgently required by military necessity,
- 14) declaring as null and void, suspended or inadmissible in court the rights and claims of citizens of the enemy party,
- 15) forcing citizens of the enemy party to participate in hostilities against their own country, even if they were in the service of the belligerent party before the outbreak of the war,
- 16) plundering a city or settlement, even if it was taken by storm,
- 17) using poison or poisoned weapons,
- 18) using asphyxiating, poisonous, or other gases and all similar liquids, materials, or devices,
- 19) using bullets that easily burst or flatten in the human body, such as bullets with a hard casing that does not entirely cover the core or that have notches,
- 20) using of weapons, ammunition, materials, or methods of warfare that cause excessive injury or unnecessary suffering or which are inherently indiscriminate in violation of the rules of the international law of armed conflicts, provided that such weapons, ammunition, materials, and methods of warfare are subject to a comprehensive ban,
- 21) encroaching on human dignity, in particular humiliating and degrading treatment,
- 22) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence which also constitutes a grave breach of the Geneva Conventions,

23) using the presence of a civilian or another protected person to protect certain areas, areas or armed forces from military operations,

24) directing an attack against a building, materials, medical facility, or vehicle or against personnel wearing distinctive emblems envisaged by the Geneva Conventions according to international law,

25) using starvation of the civilian population as a method of warfare by depriving them of the items necessary for their survival, including by obstructing the delivery of assistance as provided for in the Geneva Conventions,

26) recruiting or enlisting children under the age of fifteen into national armed forces or using them to take an active part in hostilities, or

27) otherwise committing a serious violation of the laws and customs applicable in international armed conflicts, –
committed a crime of gravity degree 8.

Article 11.4.4. Grave violations of the Geneva Conventions of August 12, 1949 in case of a non-international armed conflict not involving murder

A person who, in conditions of a non-international armed conflict, in grave breach of the Geneva Conventions of August 12, 1949, committed any of the following acts against persons not taking an active part in the hostilities, in particular, military personnel who have laid down their arms and persons who have been put hors de combat as a result of disease, injury, detention, or any other reason, namely:

- 1) an encroachment on physical integrity, in particular mutilation, ill-treatment or torture,
- 2) an encroachment on human dignity, in particular humiliating and degrading treatment,
- 3) hostage-taking, or
- 4) adopting a verdict and enforcing it without a prior decision adopted by a court established following the established procedure, ensuring compliance with all judicial guarantees that are generally recognized as compulsory, –
committed a crime of gravity degree 7.

Article 11.4.5. Other grave violations of laws and customs applicable in non-international armed conflicts, not involving murder

A person who, in conditions of a non-international armed conflict, committed another serious violation of the laws and customs applicable in non-international armed conflicts within the established framework of international law, namely any of the following acts:

- 1) directing an attack against the civilian population as such or against individual civilians not taking a direct part in the hostilities,
- 2) directing an attack against a building, materials, medical facility, or vehicle, or personnel using distinctive emblems provided for in the Geneva Conventions according to international law,
- 3) directing an attack against personnel, facility, materials, unit, or vehicle involved in the provision of humanitarian aid or in a peacekeeping mission according to United Nations Charter, as long as they are entitled to the protection enjoyed by civilians persons or civilian facilities under the international law of armed conflict,
- 4) directing an attack on a building intended for religious, educational, artistic, scientific or charitable purposes, on a historical monument, a hospital or a place for the sick and wounded, provided that they are not military targets,
- 5) plundering a city or settlement even if it is taken by storm,
- 6) rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence, which also constitutes a grave breach of Article 3 common to the four Geneva Conventions,
- 7) recruiting or enlisting children under the age of fifteen into armed forces or groups or using them to take an active part in hostilities,
- 8) ordering the displacement of the civilian population for reasons related to the conflict, unless required for the safety of the civilian population concerned or imperative military necessity,
- 9) treacherously wounding a person belonging to an enemy nation or army,
- 10) declaring that no mercy would be shown,

11) inflicting physical harm to a person in the power of another party to the conflict or subjecting them to any medical or scientific experiment of any kind, not justified by the medical, dental, or hospital treatment of the person concerned and not carried out in their interests, which result in the death or seriously threaten the health of such person or persons,

12) destroying or seizing enemy property, except for cases where such destruction or seizure is urgently required by the circumstances of the conflict, or

13) other serious violation of the laws and customs applicable in non-international armed conflicts, –

committed a crime of gravity degree 7.

Article 11.4.6. Failure of a commander to take measures in respect of subordinate military forces

A military commander (or a person actually acting as a military commander) who knew or, under the circumstances existing at the time, should have known that military forces under his actual command and control or, as the case may be, under his actual authority and control, as a result of his failure to exercise proper control over such forces, committed or intended to commit any of the crimes outlined in Articles 11.1.1, 11.2.1, 11.2.2, 11.3.1 or Articles 11.4.1–11.4.5 of this Code, but failed to take all necessary and reasonable measures within his powers to prevent or stop their commission or to refer the matter to the competent authorities for investigation and criminal prosecution, –

committed a crime of gravity degree 7.

Article 11.4.7. Failure of a superior to take measures in respect of subordinates

A superior, other than a military commander, who knew or knowingly ignored information that clearly indicated that subordinates under their actual authority and control, as a result of their failure to exercise proper control over them, committed or intended to commit any of the crimes outlined in Articles 11.1.1, 11.2.1, 11.2.2, 11.3.1 or Articles 11.4.1–11.4.5 of this Code, associated with activities under their actual responsibility and control, but failed to take all necessary and reasonable measures within their authority to prevent or stop their commission or to refer the matter to the competent authorities for investigation and criminal prosecution, –

committed a crime of gravity degree 7.

Section 11.5.

CRIMES

AGAINST INTERNATIONAL SECURITY

Article 11.5.1. Definition of terms used in this Section

The terms listed below, when used in this Section shall have the meaning ascribed to them below, unless otherwise provided for elsewhere:

1) *conflict* – an armed conflict, hostilities, or violent acts aimed at changing or overthrowing the constitutional order or seizing the control of power in Ukraine;

2) *mercenary* – a person (except for the one participating in the armed conflict or military actions on the side of the state of Ukraine) who meets the set of the following characteristics:

a) is especially recruited in Ukraine or abroad in order to fight in an armed conflict in the territory of Ukraine or in the territory of other states,

b) does, in fact, take a direct part in the hostilities,

c) has the purpose of obtaining personal benefit and has been actually promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that party,

d) is neither a national of a party to the conflict nor a legal and permanent resident of territory controlled by a party to the conflict,

e) is not a member of the armed forces of a party to the conflict, and

f) has not been sent by a state that is not a party to the conflict on official duty as a member of its armed forces (in particular, observer duties);

3) *representative of the state* – a public official or a person acting with the permission, support, with the consent or order of the state.

Article 11.5.2. Elements increasing the gravity of a crime by two degrees

The elements increasing the gravity of crimes under this Section by two degrees include the commitment of an intentional crime:

- 1) provided for in Articles 11.5.10 or 11.5.11, against a particularly vulnerable person;
- 2) provided for in Articles 11.5.4–11.5.7, 11.5.9–11.5.10, using official authority or related opportunities by a public official who holds a highly responsible position, including a foreign public official.
- 3) provided for in Article 11.5.6, which caused long-term and large-scale damage to the environment;
- 4) under conditions of martial law.

Article 11.5.3. Elements increasing the gravity of a crime by one degree

The elements increasing the gravity of crimes under this Section by one degree are the commitment of an intentional crime:

- 1) provided for in Article 11.5.11, against a vulnerable person;
- 2) provided for in Article 11.5.9 or 11.5.10, against a person (or their close person) in connection with their discharge of official authority or performance of professional duties, the fulfillment of their legal obligation, or exercise of their subjective right in the public interest;
- 3) as part of a simple group;
- 4) provided for in Articles 11.5.4–11.5.7, 11.5.9–11.5.10, using official authority or professional duties, or related opportunities;
- 5) provided for in Article 11.5.11, with the use of weapons or a dangerous object;
- 6) during a special period or in conditions of the state of emergency.

Article 11.5.4. Use of weapons of mass destruction

A person who (except as provided for in Sections 11.2 and 11.4 of this Code) used weapons of mass destruction prohibited by an international treaty, – committed a crime of gravity degree 5.

Article 11.5.5. Handling weapons of mass destruction

A person who:

- 1) developed, produced, or manufactured,
- 2) acquired,
- 3) sold,
- 4) kept,
- 5) moved, or
- 6) repaired weapons of mass destruction prohibited by an international treaty, – committed a crime of gravity degree 5.

Article 11.5.6. Ecocide

A person who, with the intent to cause long-term and widespread damage, used any means to alter the dynamics, composition, or structure of the environment, including the biosphere, lithosphere, hydrosphere, and atmosphere, or to alter outer space, – committed a crime of gravity degree 5.

Article 11.5.7. Engaging and using mercenaries

A person who:

- 1) recruited,
- 2) trained,
- 3) provided financing or other material support to, or
- 4) engaged another person as a mercenary in a conflict, –

committed a crime of gravity degree 5.

Article 11.5.8. Mercenary's participation in a conflict

A person who participated in a conflict as a mercenary, –
committed a crime of gravity degree 5.

Article 11.5.9. Enforced disappearance

A representative of a state, including a foreign state, who, in order to deprive a person who is lawfully or unlawfully detained or imprisoned of legal protection, concealed

- 1) the fact of their detention or imprisonment,
- 2) information about the fate of this person, or
- 3) the place of their stay, –

committed a crime of gravity degree 5.

Article 11.5.10. Illegal removal of a child

A person who has unlawfully removed a child whose father, mother, or guardian is known to be a victim of enforced disappearance, –
committed a crime of gravity degree 5.

Article 11.5.11. Piracy

A person who:

1) while being a crew member or passenger of watercraft or aircraft, in an open sea or in a place beyond the jurisdiction of any state, committed violence or other hostile acts against another vessel, or persons, or property on board, or

2) voluntarily participated in the use of a vessel known to the person to be a pirate vessel for the purpose of committing such hostile acts, –
committed a crime of gravity degree 5.

FINAL PART

Book Twelve.

TRANSITIONAL AND FINAL PROVISIONS

Section 12.1.

TRANSITIONAL PROVISIONS

Article 12.1.1. Retroactive effect of this Code concerning criminal offenses committed before its entry into force

1. The criminal illegality and punishability, as well as other criminal legal consequences of an act committed before the enactment of this Code, are determined on the basis of the 2001 Criminal Code of Ukraine, except for cases provided for by parts 2, 4 or 5 of Article 1.4.2. of this Code and according to the provisions of this Section.

Article 12.1.2. Application of the glossary to criminal offenses committed before the enactment of this Code

1. Definitions given to terms in Article 1.1.1 and the corresponding articles of the Special Part of this Code shall be applied when interpreting similar terms of the 2001 Criminal Code of Ukraine, unless this impairs the legal status of a person who committed a criminal offense.

Article 12.1.3. Application of principles to criminal offenses committed before the enactment of this Code

1. The principles of the Criminal Code and its application, defined in Articles 1.3.1–1.3.8 of this Code, shall be applied when applying the 2001 Criminal Code of Ukraine.

Article 12.1.4. Classification of an act committed before the enactment of this Code

1. In cases where this Code is applied to a person who committed a criminal offense before its enactment, a change in classification shall be made under Article 2.10.10 of this Code.

2. If an act committed before the entry into force of this Code:

- 1) is not a criminal offense under this Code, such an act shall be classified according to the rules of part 4 of Article 2.10.2, indicating part 2 of Article 1.4.2 of this Code;
- 2) is a criminal offense under this Code, such an act shall be classified according to the rules of Section 2.10 of this Code.

Article 12.1.5. Legal consequences of revoking criminal liability for an act committed before the enactment of this Code

1. In cases provided for in paragraph 1, part 2 of Article 12.1.4 of this Code, criminal proceedings shall be closed under paragraph 4-1, part 1 of Article 284 of the Criminal Procedure Code of Ukraine.

2. If a person is convicted of an act for which criminal liability has been canceled by this Code, and:

- 1) the sentence has not been enforced, – the punishment imposed on them based on the 2001 Criminal Code of Ukraine shall not be enforced;
- 2) such person is serving punishment imposed by a court, – the enforcement of the sentence shall be terminated from the date of enactment of this Code based on part 1 of Article 3.4.17 of this Code;
- 3) such person is released from serving punishment under Articles 75, 79, 104 of the 2001 Criminal Code of Ukraine, – the probationary period shall be terminated from the date of enactment of this Code;
- 4) such person is released from serving punishment under Articles 81, 83, or 107 of the 2001 Criminal Code of Ukraine, – the period for which the person is released from serving a sentence shall be terminated from the date of enactment of this Code and its unserved portion shall not be enforced;
- 5) such person is released from serving punishment or its serving based on part 1 or 2 of Article 84 of the 2001 Criminal Code of Ukraine, – the sentence or its unserved portion shall not be enforced.

3. In cases provided for in part 2 of this Article, the court shall also release the person from an additional punishment imposed on them, not served by them in full or in part.

4. If a person is convicted by the cumulation of sentences or cumulative criminal offenses and for one or more of the acts committed by them, criminal liability has been revoked, but for another (other) act(s) it has not been revoked, the court shall determine the final punishment to be served by this person, under part 3 of Article 3.4.17. of this Code.

5. Restrictive measures, compulsory treatment, compulsory medical measures, special confiscation, compulsory educational measures, as well as criminal sanctions against legal entities applied to the relevant persons based on the 2001 Criminal Code shall continue to be enforced according to a court decision.

6. In cases outlined in part 2 of this Article, the person's criminal record shall be expunged from the date of enactment of this Code according to the rules of the 2001 Criminal Code of Ukraine.

Article 12.1.6. Determining the severity of a criminal offense committed before the enactment of this Code

1. The gravity degree of a criminal offense committed before the enactment of this Code shall be determined under Article 12 of the 2011 Criminal Code of Ukraine, except for cases provided for in parts 2 and 3 of this Article.

2. The gravity degree of a criminal offense committed before the enactment of this Code shall be determined according to this Code in cases where such criminal offense:

- 1) was recognized as a crime under the 2001 Criminal Code of Ukraine and is recognized as a minor offense under this Code;
- 2) was recognized as a grave crime under the 2001 Criminal Code of Ukraine and is not recognized as a grave or especially grave crime under this Code;

3) was recognized as an especially grave crime under the 2001 Criminal Code of Ukraine and is not recognized as an especially grave crime under this Code.

3. If the scope of criminal sanctions or the grounds for their application depend on the classification of a criminal offense as a crime or minor offense, as well as on the degree of severity of the crime determined by this Code, then in relation to a criminal offense committed before this Code came into force:

1) its classification as a certain degree of gravity of the crime determined by this Code shall not be carried out;

2) criminal sanctions established by this Code for a minor offense or crime of the corresponding gravity degree shall be applied only in cases where they are more lenient or otherwise improve the legal status of the person.

Article 12.1.7. Exemption from criminal liability for a criminal offense committed before the enactment of this Code

1. The issue of exemption from criminal liability for a criminal offense committed before the enactment of this Code shall be resolved based on the 2001 Criminal Code of Ukraine in compliance with the provisions of part 2 of Article 12.1.6 of this Code.

2. In cases where Article 3.4.4 of this Code provides for a shorter statute of limitation than those provided for in Article 49 or part 2 of Article 104 of the Criminal Code of Ukraine, a person shall be exempted from criminal liability under the 2001 Criminal Code of Ukraine after the expiration of the statute of limitation determined based on this Code.

Article 12.1.8. General principles and special rules for imposing punishment for a criminal offense committed before the enactment of this Code

1. Punishment for a criminal offense committed before the enactment of this Code shall be imposed following the rules established by the 2001 Criminal Code of Ukraine but may not exceed the maximum term or scope of punishment that could be imposed based on this Code.

2. Punishments in the form of deprivation of a military or special grade, rank or qualification class, deprivation of a state award of Ukraine, corrective labor, service restrictions for military personnel, and confiscation of property, which were provided for by the 2001 Criminal Code of Ukraine, may not be imposed on a person who committed a criminal offense before the enactment of this Code.

3. Deprivation of the right to hold certain positions or engage in certain activities as a principal or additional punishment for a criminal offense committed before the enactment of this Code shall not be imposed and shall be replaced by a restrictive measure in the form of restriction on the right to hold certain positions or engage in certain activities for the same period.

4. If taking into account the provisions of parts 2 and 3 of this Article, no type of punishment stipulated by the 2001 Criminal Code of Ukraine can be imposed on a person, the court shall pronounce a guilty verdict without imposing punishment.

Article 12.1.9. Commutation of punishments imposed based on the 2001 Criminal Code of Ukraine

1. The court shall commute the type of punishment imposed on a person convicted based on the 2001 Criminal Code of Ukraine with:

1) probation supervision – with restriction of liberty for the same term;

2) arrest – with fixed-term imprisonment served in a guardhouse for the same term;

3) detention in a disciplinary battalion for military personnel – with fixed-term imprisonment served in a disciplinary battalion for the same term;

4) fixed-term deprivation of liberty – with fixed-term imprisonment for the same term;

5) life imprisonment – with life imprisonment.

2. For a person sentenced under the 2001 Criminal Code of Ukraine to a fine as the principal or additional punishment, the court shall re-calculate the amount of the fine imposed, taking into account the unit of account under Article 1.1.2 of this Code.

3. For a person sentenced under the 2001 Criminal Code of Ukraine to deprivation of the right to hold certain positions or engage in certain activities as the principal or additional punishment, the court

shall replace this type of punishment with a restrictive measure in the form of restriction on the right to hold certain positions or engage in certain activities for the same period, unless this Code provides for a shorter period.

4. The commutation of punishment provided for in parts 1, 2, or 3 of this Article shall be applied:

- 1) in respect of persons convicted before the enactment of this Code – from the day of its enactment, by a ruling of the court that passed the sentence;
- 2) in respect of persons convicted after the enactment of this Code – by a court verdict at the time of its issuance.

5. A punishment in the form of community service imposed based on the 2001 Criminal Code of Ukraine shall not be commuted to community service provided for by this Code and shall be served according to the provisions of the 2001 Criminal Code of Ukraine.

Article 12.1.10. Release from serving punishments imposed based on the 2001 Criminal Code of Ukraine

1. A person who, before the enactment of this Code, was sentenced to correctional labor or service restrictions for military personnel shall be exempted from further serving this punishment from the date of the enactment of this Code.

2. Additional punishments not served on the day of entry into force of this Code in the form of deprivation of military, special grade, rank or qualification class, deprivation of state awards of Ukraine and confiscation of property shall not be subject to execution.

3. Release from serving punishment in connection with the expiration of the statute of limitation for the enforcement of a guilty verdict for a criminal offense committed before the enactment of this Code shall be carried out under Article 80 or part 3 of Article 106 of the 2001 Criminal Code of Ukraine of, unless Article 3.4.7 of this Code provides for a shorter statute of limitation.

Article 12.1.11. Release from punishment for a criminal offense committed before the enactment of this Code

1. A person who committed a criminal offense before the enactment of this Code may be exempted from punishment by a court verdict on the grounds provided for in part 4 or 5 of Article 49 of the 2001 Criminal Code of Ukraine.

2. The grounds for non-imposition of punishment provided for in Articles 3.4.2 or 3.4.3 of this Code shall apply to a person who committed a criminal offense before the enactment of this Code if such person cannot be exempted from criminal liability under Article 12.1.7 of this Code or from punishment under part 1 of this Article.

Article 12.1.12. Release from serving punishment for a criminal offense committed before the enactment of this Code

1. A person who committed a criminal offense before the enactment of this Code may be released from serving punishment by a court verdict on the grounds provided for in Articles 75, 79, or 104 of the 2001 Criminal Code of Ukraine, taking into account the provisions envisaged in this Article.

2. Restrictions on release from serving punishment with probation provided for in parts 1 or 2 of Article 75 of the 2001 Criminal Code of Ukraine and not stipulated in part 3 of Article 3.4.5 of this Code shall not apply.

3. A probationary period determined by a court based on the 2001 Criminal Code of Ukraine shall be commuted to restriction of liberty for the same period. The list of prohibitions and obligations applicable to such a person, as well as their possible change, shall be determined by the court based on Article 3.2.5 of this Code.

4. The criminal legal consequences of exemption from serving punishment for a criminal offense committed before the enactment of this Code shall be determined by parts 6 or 7 of Article 3.4.5 of this Code.

Article 12.1.13. Early release from serving punishment for a criminal offense committed before the enactment of this Code

1. A person who committed a criminal offense before the enactment of this Code may be released

on parole from serving punishment imposed on them on the grounds and under the procedure provided for in Article 81 of the 2001 Criminal Code of Ukraine.

2. A woman who, while serving punishment for a criminal offense committed before the enactment of this Code, became pregnant or gave birth to a child may be released from serving punishment under Article 83 of the 2001 Criminal Code of Ukraine.

3. A person who committed a criminal offense before the enactment of this Code may have the enforcement of punishment imposed on them postponed or suspended due to disease, according to Article 3.4.8 of this Code.

4. A person sentenced to life imprisonment for a criminal offense committed before the enactment of this Code may have the enforcement of punishment suspended by the court under Article 4.3.12 of this Code.

Article 12.1.14. Commutation of the unserved portion of punishment for a criminal offense committed before the enactment of this Code

1. The unserved portion of punishment in the form of fixed-term imprisonment with a punishment in the form of restriction of liberty for a person who committed a criminal offense before the enactment of this Code shall be commuted based on Article 3.4.10 of this Code, taking into account the provisions of part 2 of this Article.

2. The portion of punishment imposed on a person that must be served to be able to have the punishment commuted shall be determined under Article 82 of the 2001 Criminal Code of Ukraine, unless Article 3.4.10 of this Code provides for a shorter term.

Article 12.1.15. Expungement and removal of criminal record for a criminal offense committed before the enactment of this Code

1. Criminal record for a criminal offense committed before the enactment of this Code shall be expunged or removed following the rules provided for by the 2001 Criminal Code of Ukraine.

Section 12.2.

FINAL PROVISIONS

Article 12.2.1. Enactment of this Code

1. This Code shall be enacted on January 1 of the year that will come after three full calendar years from the date of its official publication, but no earlier than the year in which martial law in Ukraine is lifted or canceled, introduced by the Decree of the President of Ukraine “On the Introduction of Martial Law in Ukraine,” dated February 24, 2022 No. 64/2022, approved by the Law of Ukraine “On Approval of the Decree of the President of Ukraine ‘On the Introduction of Martial Law in Ukraine’,” dated February 24, 2022 No. 2102-IX.

Article 12.2.2. Invalidation by Other Laws

1. The Criminal Code of Ukraine, dated April 5, 2001, shall become invalid but shall be applied in the cases provided for by this Code from the date of enactment of this Code.

2. The following laws shall become invalid from the day of enactment of this Code:

1) The Law of Ukraine “On Administrative Supervision of Persons Released from Penitentiary Facilities,” dated December 1, 1994;

2) Law of Ukraine “On the Application of Amnesty in Ukraine,” dated October 1, 1996.

Article 12.2.3. Amendments to other regulatory acts

1. The following regulatory act shall enter into force from the date of enactment of this Code:

1) Code of Ukraine on Administrative Offenses (revised);

2) Penitentiary Code of Ukraine (revised);

3) Law of Ukraine “On Amendments to Certain Laws of Ukraine Due to the Adoption of the New Criminal Code of Ukraine.”

2. The Cabinet of Ministers of Ukraine and central executive bodies shall, by the date of enactment of this Code, ensure the adoption or revocation of regulatory acts and the introduction of amendments thereto following from the provisions of this Code.

Total: 12 books divided into 77 sections (790 articles):

General Part: 25 sections, 182 articles;

Special Part: 50 sections, 590 articles: 460 – on crimes, 13 – on criminal offenses.

Final Part: 2 sections, 18 articles.

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Section 4.7. Criminal offenses against the privacy of a person	M.I. Khavroniuk
Section 4.8. Criminal offenses against freedom of beliefs and religious freedom of a person	M.I. Khavroniuk
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A person responsible for maintaining the control copy of the draft Criminal Code of Ukraine	M.I. Khavroniuk

