

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 applied in this Code that have a meaning ascribed to them by another law, international treaty, or act of the European Union, are applied according to their regulatory definition save for the cases 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) by distorting their wishes; or
- c) despite their wishes,

that has caused direct pecuniary damage in the amount of the value of the stolen property;

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 possessions* – 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 subjectively or objectively directed 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 by the time of the commission of the criminal offense by or in relation to them or in their presence, 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) *knowingly* – the awareness of a person who commits a criminal offense of 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 a 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 barrelled 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 launchers, 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, barter, donation, application as a means of payment, loss in a gambling game, transfer on credit or use as debt repayment, transfer for storage or use, etc.;

17) *abuse* – the use of official authority, professional or guardianship status or capabilities associated with it for unlawful purposes;

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 or an autonomous entity on the territory of a foreign state;

c) a foreign arbitrator, or a person authorized to resolve civil, commercial, or labour 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) *lucrative 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* – a crime or minor offense punishable under this Code, the elements of which include the following two mandatory elements of corruption taken in conjunction: 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, 6.1.7–6.1.13, 6.2.2–6.2.4, 6.3.9, 6.3.22, 6.3.23, 6.5.3–6.5.5, 7.3.4, 7.6.10, 7.6.11, 7.8.5, 10.5.4, 10.5.7, 10.5.8, 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, 8.2.14, 8.2.15, 9.5.7–9.5.10, 9.7.9, 9.7.10;

c) the criminal offense punishable by Article 9.5.4 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 under this Code;

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 kilometres or more than ten cubic kilometres, combined with severe pecuniary damage;

26) *international treaty* – a valid international legal act, by which the Verkhovna Rada of Ukraine has consented to be bound, 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 by the time they committed a criminal offense;

28) *acquisition (illegal acquisition)* – an action resulting in a person becoming an actual owner of a certain item through purchase, exchange, barter, donation, payment, winning, or reimbursement of a debt, receipt for storage or use, etc., in particular, without proper authorisation;

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

30) *dangerous object*:

a) an explosive, toxic, oxidizing, combustible, or biological substance, biological agent (biochemical, microbiological, or biotechnological preparation, a microorganism that is 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 or by distorting 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, i.e., participation in an armed conflict or violent actions aimed at changing or overthrowing the constitutional order or at seizing state power;

33) *improper advantage* – money or other property, advantage, benefit, service, intangible asset, non-pecuniary advantage, assignment of property benefits or property right in favour 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 signs of bribery;

34) *intolerance* – an open, prejudiced and negative attitude towards a category of people differing on such grounds as race, skin colour, political, religious or other beliefs or views, gender, age, disability, health condition, genetic traits, ethnic or social origin, nationality, social, marital or property status, occupation or profession, sexual orientation, gender identity, place of birth or residence, affiliation with a national minority, language or other grounds;

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 an obligation to provide 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, fulfilment of their legal obligation or exercise of their subjective right in the public interest;

39) *particularly vulnerable person*:

- a) an underage child;
- 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 for 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 them 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 according to 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 agencies, intelligence agencies;
- 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 them to perform or not perform a certain act;

49) *propaganda* – dissemination of information among an indefinite number of people to promote certain views;

50) *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 or place of bribe provision, or the manner in which the bribe is to be provided is notified;

51) *psychoactive substance* – a substance (narcotic drug, psychotropic substance or their analogues, intoxicant, potent drug, alcoholic beverage, etc.), the intake 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 behaviour;

52) *public official*:

a) a judge or a public prosecutor;

b) 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 fulfilment of governmental, executive, administrative, 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;

c) a Member of the Parliament of Ukraine, a member of a local council, a village, town or city mayor;

d) an official who fulfils executive, administrative, audit and control duties at a public-law legal entity;

e) a person who carries on a professional activity that involves the provision of public services, i.e., provides, by operation of law or under a license, registration in a register, under a public contract or by a decision of an administrative body, public services that create legal consequences for other persons (in particular, a notary, private enforcement agent, valuer, independent intermediary, member of a labour arbitration tribunal, state registrar, arbitrator, forensic expert, specialist in criminal or court proceedings);

f) military public official;

g) foreign public official;

53) *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 Director 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 mayor of an oblast capital;

54) *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;

55) *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 as determined by a probation authority based on law and by taking into account psychological, social, and legal characteristics of a person;

56) *disclosure of information* – an act committed by a person who has in their possession 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 such information to at least one person who does not belong to the circle of persons entitled to access such information;

57) *officer (public officer, public military officer, foreign public officer, an officer with a public-law legal entity) as the perpetrator of criminal offense* – any person who, when committing a criminal offense, uses:

a) a position they hold, whether permanently or temporarily, which is related to the fulfilment of governmental, executive, administrative, audit and control, or registration duties or duties related to the provision of public services, regardless of whether they were appointed or elected, receive any remuneration or not;

b) a status based on which they are expressly authorized to fulfil such duties by an authorized body, authorized officer, court, or by operation of law;

58) *assistance in solving or investigating a criminal offense, or exposing the person who committed it* – actions of a person aimed at providing voluntary assistance to the pretrial investigation body, the prosecutor, or the court in the 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;

59) *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;

60) *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 perpetrator of a criminal offense;

61) *evasion* – failure to perform a legal obligation by a person who has a real opportunity to fulfil it;

62) *bribe* – money or other property, advantage, benefit, service, non-tangible asset, non-property benefit, cession of property benefits or rights to another person, which a person, directly or through an intermediary and without any legal grounds for this:

a) obtains, requests, or demands or the offer of which accepts for themselves 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 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 them 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;

63) *a considerable bribe* – a bribe of a pecuniary nature, the amount of which exceeds the unit of account by one thousand or more times;

64) *a large bribe* – a bribe of a pecuniary nature, the amount of which exceeds the unit of account by one thousand or more times;

65) *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);

66) *pecuniary damage*:

a) pecuniary losses suffered by a person, the state, or a territorial community as a result of a

criminal offense against them/it;

b) property expenses the person, the state or the territorial community has incurred or is forced to incur to restore their real or intellectual property rights violated by the criminal offence.

Article 1.1.2. Unit of account

1. In this Code, a unit of account is 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 salary¹ 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) *appreciable* – 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 between 11 and 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 introduction of 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.

¹ 8,000 in 2025, i.e. $1/30 = \text{UAH } 267.267 \times 50 = 13\,350$.

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, in order to protect individuals, society, the state and the international order, determines the grounds and limits of powers of government authorities and their officials, as well as the manner of exercising them in relation to persons who committed criminal offenses and other unlawful acts punishable by this Code or 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 committing acts as referred to in Part 1 of Article 1.2.1 of this Code.

2. Should the relations set out in part 1 of this Article be governed in a different manner by any other law of Ukraine, the provisions of this Code shall prevail.

3. In the event of any conflict of law 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 of 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 by an individual law, 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 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 cancels or mitigates the criminal liability of a person or otherwise 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 under 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 are established for committing them, 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. The principle of 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 fulfilment 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 giving its consent to be bound thereby, 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 laws 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 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 it 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 the person committed an act.

2. The provisions of the Criminal Code shall be amended upon the entry into force of the following:

1) a law on its amendment;

2) other source of law or amendments to it if their 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 where the criminal liability of a person is cancelled or mitigated or the person's legal status is otherwise improved.

4. The Criminal Code shall not have retroactive application where the criminal liability of a person is instituted or aggravated, or the person's legal status is otherwise impaired.

5. Any provision of the Criminal Code that partially mitigates criminal liability or otherwise improves the legal status of a person and at the same time partially aggravates criminal liability or otherwise impairs the legal status of a person, shall apply retroactively only in terms of mitigating criminal liability or otherwise improving the legal status of the person.

6. In the event that the provisions of the Criminal Code have been amended several times after a person committed an act, only the provisions of the Criminal Code that cancel or mitigate criminal liability or otherwise improve the legal status of the person 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 on the 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.

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 an especially grave crime against the interests of Ukraine;
- 2) a grave or an especially grave crime where the victim is a Ukrainian national or an individual 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 person in the capacity of a foreign public official, in particular, an official of European Communities or official of the member state of the European Union, or a crime against the diligent fulfilment of official or professional duties in the private sphere and sports, or those stipulated by Articles 6.3.5–6.3.11, 6.3.19–6.3.28 of this Code, crimes against finances; or
- 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, or a crime against security from terrorism, or a crime against morality punishable under Articles 7.6.4–7.6.7 of this Code where the victim is a child, or a crime against migration regulations punishable under Article 9.3.6 of this Code.

3. Should a crime referred to in Part 2 of this Article be committed, such person shall be criminally liable in Ukraine under this Code regardless of whether the act committed by them is recognized as a crime under the law of the state in which it was committed.

4. When imposing a punishment and applying other criminal sanctions to a crime committed outside Ukraine, the punishment served by a person and other criminal sanctions completed by them under a court decision of a foreign state shall be taken into account.

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 of the place where the media or information system was registered.

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 on the general terms if:

- 1) this person's immunity was lifted in the manner prescribed by 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

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 system of mandatory elements that define the object, physical elements, perpetrator and mental elements 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 paragraphs of the Special Part of this Code are variable.

4. An article of the Special Part of this Code (except for articles that determine crime elements changing their degree of gravity) provides for the primary elements of a completed criminal offense committed by one person.

5. The special aspects 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 PHYSICAL ELEMENTS 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 of a criminal offense

1. A target of a criminal offense shall mean a thing, information, or energy as provided for in this Code that has intellectual, property, or other value, in respect of which a criminal offense has been committed.

Article 2.2.4. Physical elements of a criminal offense

1. The physical elements of a criminal offense are an act or omission as provided for in this Code, 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 circumstances 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) they had a legal obligation; and
 - 2) a real opportunity to do so.
3. A person's behaviour 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 behaviour control for other reasons.
4. The issue of criminal liability of a person who caused damage as a result of physical coercion used against them, if they retained the ability to control their actions or omission, or mental coercion, shall be resolved in accordance with the provisions of Article 2.8.6 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 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:
 - 1) 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 also exists under the conditions referred to in Part 2 of this Article where:
 - 1) a joint consequence was caused by two or more persons;
 - 2) the omission of the perpetrator 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 or operations defined by this Code that has been employed by a perpetrator 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 perpetrator to commit an act in respect to the object, victim, or target.

Article 2.2.9. Place where a criminal offense was committed

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

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 stays, as defined by this Code.

Section 2.3. PERPETRATOR OF A CRIMINAL OFFENSE

Article 2.3.1. The definition and types of perpetrators of criminal offenses

1. A perpetrator 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 perpetrator of a criminal offense shall be a special one if it has at least one element defined for perpetrators by articles of this Code in addition to the elements set out in part 1 of this Article.

3. A person shall be a perpetrator of a criminal offense if they committed it:

- 1) directly;
- 2) in complicity with another person;
- 3) using an insane person (human being) or a person who has not reached the age of a perpetrator 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 they, at the time when a criminal offense was committed, could:

- 1) understand the actual circumstances of their unlawful act or omission;
- 2) predict its consequence as 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 of their illegal act or omission;
- 2) predict its consequence defined by this Code as an element of the criminal offense; or
- 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 a full extent:

- 1) understand the actual circumstances of their illegal act or omission;
- 2) predict its consequence defined by this Code as an element of the criminal offense; or
- 3) control their act or omission.

2. A partially insane person shall be a perpetrator 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 shall mean their reduced ability to understand to the full 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 their act or omission, if such a state has been caused by:

- 1) giving birth to a child;
- 2) violence or threat of violence against them or another person by the victim.

2. A person who has caused harm 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 litre of blood.
3. The person shall be presumed to be in a state of intoxication if:
 - 1) a person refuses to undergo an 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 negligent criminal offense in a state of intoxication that arose against their will, as a result of which they were unable to fully understand the actual circumstances of their 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 perpetrator of a criminal offense

1. A perpetrator of a criminal offense shall mean the person who committed it after they reached the age of 15, and a perpetrator of murder shall mean the person who committed it after they reach the age of 14.
2. Articles of the Special Part of this Code may establish an older age, upon reaching which a person shall be the perpetrator 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 ELEMENTS OF A CRIMINAL OFFENSE

Article 2.4.1. Mental elements of a criminal offense

1. Mental elements of a criminal offense shall mean 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 committing a criminal offense provided for by it 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 they caused considerable, severe or particularly severe harm.

Article 2.4.2. Direct intent

1. If the consequence as an 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 shall mean that a person knowingly directed their will at committing the act.
3. If a consequence within the elements 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 shall mean 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. Oblique intent

1. Intent shall be deemed oblique if a person:

- 1) understood the actual circumstances of their unlawful act or omission;
- 2) foresaw its consequence, which is defined by this Code as 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. Recklessness

1. Negligence shall constitute recklessness 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 preventing a consequence is an incorrect assessment by a person of their own capabilities, behaviour of other people or external circumstances in terms of its prevention.

Article 2.4.5. Carelessness

1. Negligence shall constitute carelessness 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) the requirements of the law or a court decision;
 - 2) their position, profession, or type of activity;
 - 3) a contract; or
 - 4) ordinary rules of prudence.

Article 2.4.6. Accident (fortuitous event)

1. An act of a person shall be recognised as committed without fault in the absence of intent or negligence as provided for by the elements of the respective criminal offence.

Article 2.4.7. Motive and objective

1. The motive for committing a criminal offense is a conscious internal motivation of the perpetrator 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 perpetrator 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 perpetrator 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 of the perpetrator of a criminal offense shall be classified as an attempt to commit the criminal offense they intended to commit, if:

- 1) there was a circumstance that the perpetrator of a criminal offense unreasonably did not consider to be an element of a criminal offense; or
- 2) the circumstance that the perpetrator of a criminal offense unreasonably considered to be an element of a criminal offense was absent.

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 2.8.16 of this Code.

Article 2.4.9. Mistake of law

1. A mistake of law shall mean the lack of knowledge 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 classification under criminal law 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 appreciable 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, particularly 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. Appreciable damage

1. The types of appreciable damage shall be the following:
 - 1) appreciable 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, particularly severe, or extremely severe harm by this Code.

Article 2.5.3. Substantial damage

1. The types of substantial damage shall be the following:
 - 1) substantial pecuniary damage (paragraph 2 of part 1 of Article 1.1.3 of this Code);
 - 2) substantial 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 particularly 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, particularly severe, or exceptionally severe damage;
 - 4) other damage if it is not defined in this Code as considerable, severe, particularly 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 particularly severe damage or from justifying its infliction, or from propaganda of totalitarianism;
 - 4) damage to the national security of Ukraine from activities of collaborationism and occupation;
 - 5) threats to cause severe or particularly severe damage;

6) other harm if it is not defined in this Code as severe, particularly 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, honour and dignity associated with human trafficking or 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. Particularly severe damage

1. The types of particularly 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 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 on a person for causing it would be disproportional.

2. Negligible damage may not be:

- 1) pecuniary damage that corresponds to the elements defined by paragraphs 2–4 of part 1 of Article 1.1.3 of this Code;
- 2) damage to health that corresponds to the elements 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 (the degree in the articles of the Special Part of this Code) shall be established based on:

- 1) type of harm caused to the object of a criminal offense (Articles 2.5.3–2.5.7 of this Code);
- and
- 2) 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 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 elements 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 gravity degree 1;
- 2) considerable damage corresponds to gravity degree 3;
- 3) severe damage corresponds to gravity degree 5;
- 4) particularly severe damage corresponds to gravity degree 7;
- 5) exceptionally severe damage corresponds to gravity degree 9.

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

- 1) severe damage corresponds to gravity degree 3;
- 2) especially severe damage corresponds to gravity degree 5.

6. Crimes are divided into:

- 1) minor crimes – crimes of gravity degrees 1 to 4;
- 2) grave crimes – crimes of gravity degrees 5 to 6;
- 3) especially grave crimes – crimes of gravity degrees 7 to 9.

7. When a crime is classified, the degree of gravity of the committed crime shall be established under the rules provided for by Articles 2.5.11 and 2.5.12 of this Code where there are elements of the crime that impact the degree of its gravity.

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

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

- 1) reduces the degree of gravity of a completed crime (the relevant articles of the Special Part of this Code setting out elements of a crime that reduce the degree of its gravity);
- 2) increases the degree of gravity of a crime (relevant articles of the Special part of this Code setting out the elements of a crime that increase the degree of its gravity);
- 3) reduces the degree of gravity of preparatory crime or attempted crime (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. The elements of a crime that change the degree 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 element that changes the gravity degree of a crime as a basic element of the crime, such element 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 elements 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 elements of a crime that reduce the gravity of the crime by three degrees and regardless of the presence 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 elements of a crime reducing the gravity of the crime by two degrees, and regardless of the presence 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 elements of a crime increasing the gravity of the crime by two degrees, and regardless of the presence 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 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. An inchoate crime shall be a crime committed with a direct intent, which does not have all elements of an object or physical elements 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 elements of a relevant completed crime and elements set out in Articles 2.6.2 and 2.6.3 of this Code.

4. Criminal sanctions shall be imposed on the perpetrator 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;
- 2) an attempt to commit a crime of gravity degrees 1–2;
- 3) preparation of and attempt to commit a minor offence;
- 4) preparation to offer a bribe and attempt to offer a bribe.

Article 2.6.2. Preparatory crime

1. Preparatory crime shall mean an act or omission committed by a perpetrator 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 the accomplice voluntarily refused to participate in the crime before the physical elements of the crime began to occur;
- 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 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 perpetrator who partially realised the physical elements of a completed crime.

2. An attempted crime shall be deemed:

1) completed if a person 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 crime was not completed due to reasons they could not control;

2) incomplete if a person has not completed all the actions that were considered by them necessary to complete the commission of the crime due to reasons they could not control.

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

1) by one degree in the case of a completed attempt;

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 perpetrator 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 perpetrator of a crime 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 or attempted crime corresponding to the crime that has been voluntarily abandoned by the actor.

2. Voluntary abandonment of a crime by an original organizer, instigator, or abettor constitutes 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 the actor who, as a result of that voluntary abandonment, 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 constitute 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 its perpetrators 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 elements 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 performed action or omission constituting the physical elements 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 criminal group that committed a criminal offense, or led it;
- 3) created an organized criminal group, or led it; or
- 4) coordinated the activities of two or more organized criminal groups.

4. An instigator is a person who enticed another accomplice who had no intent of committing a criminal offense to commit it, in particular by giving an 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); or
- 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 another accomplice, hide criminal instruments (means), traces of crime, or the target of the criminal offense, or acquire, sell, relocate, keep, possess, or use such an object.

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

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

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

3. Any perpetrator of a criminal offense may be an organizer, instigator, or abettor of a criminal offense, where a perpetrator has special attributes.

Article 2.7.4. Entrapment

1. Entrapment shall mean 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 recognised as an instigator.

3. The commitment of a criminal offense by a person as a result of an entrapment does not preclude the application of criminal sanctions against them.

4. Preparation and execution by a prosecutor or law enforcement official of activities to control the commission of a crime by a person in accordance with the law shall not be deemed to be an entrapment.

Article 2.7.5. Forms of complicity

1. The forms of complicity to commit a criminal offense are the following:

- 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, and does not have the totality of attributes of an organized criminal group.

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 of gravity 3, 5, 7 or 9;
- 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 of one of the following types:

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

Article 2.7.8. 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 perpetrators of a criminal offense, shall not constitute complicity.

2. In the case of negligent joint infliction of a consequence, each perpetrator of a criminal offense shall be held criminally liable individually under an article of the Special Part of this Code that refers to the criminal offence committed by them.

**Section 2.8.
JUSTIFYING CIRCUMSTANCES**

Article 2.8.1. 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, fulfils 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 2.8.2–2.8.7. of this Code shall not apply to persons for whom the act or omission provided for in these Articles is the exercise of official powers or professional duties.

Article 2.8.2. Legitimate defence

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

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

3. The defence of a person from an unlawful encroachment provoked by them shall not be legitimate.

4. Defence shall be 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 defence.

5. A person who has exceeded the limits of legitimate defence, 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 defence, 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 neither be considered exceeding the limits of legitimate defence nor entail criminal liability if inflicted to a person who:

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

Article 2.8.3. Defence 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 or mercenary, representative of an occupation administration, or irregular illegal armed unit established by the aggressor state shall be deemed legitimate.

4. Defence 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 2.8.4. 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 intrudes in that manner;
- 2) the defence 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 substantial or considerable 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 2.8.5. 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 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, with direct intent, the death of such person or serious harm to their health, 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 2.8.6. 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 larger 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 2.8.7. 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 their rights or interests.
2. A person's consent is lawful if:
 - 1) this person is authorised to dispose of the rights or interests that the harm is caused to;
 - 2) their 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 under the law.
5. Causing the death of a person with their consent or at their request shall not be recognized as lawful.

Article 2.8.8. 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
 - 4) the person who is being harmed has voluntarily and in advance agreed to participate in the sport.

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 2.8.9. The performance of professional and official duties and discharge of 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 or official duties defined by law or another legislative act adopted in the furtherance of the law;
- 2) the proper 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; or
- 3) the proper performance of other official powers stipulated by law.

Article 2.8.10. Justified risk

1. It is lawful for a person to cause harm in the performance of their professional duties 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; and
- 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 the person knew that 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 2.8.11. Conflict of duties

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

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

Article 2.8.12. Official immunity

1. It is lawful to cause harm necessary to repel armed aggression against Ukraine or extirpate (neutralize) 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 extirpation (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 2.8.13. Combatant immunity

1. Causing a harm that was necessary to repel armed aggression against Ukraine or to liquidate (neutralize) an armed conflict as a result of an act of a combatant² 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):

1) in the conditions of martial law, armed aggression, liquidation (neutralization) of an armed conflict;

2) in accordance with their powers,
shall be lawful.

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 2.8.14. 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 known to the actor as such that is envisaged by this Code as a criminal offense.

5. A person who has executed an apparently criminal order or command shall be criminally liable for the damage caused as the result 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 2.8.15. Performance of a special operation to combat 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 gravity degrees 7-9 during the performance of a special operation or confidential cooperation.

Article 2.8.16. A factual error with regard to justifying circumstances

1. A factual error with regard to 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 with regard to circumstances for inflicting harm shall be excusable if:

1) the existing situation gave the person sufficient reasons to believe that there indeed was a 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 provisions of Articles 2.8.1–2.8.15 of this Code shall apply accordingly.

4. A factual error with regard to the presence of grounds for inflicting harm shall be deemed

² 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.

inexcusable in the case that:

1) the existing situation did not give the person sufficient reasons to assume that there indeed were 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 with regard to the presence of grounds for inflicting harm, the person shall be held criminally liable for a negligent criminal offense.

Section 2.9.

CLASSIFICATION OF CRIMINAL OFFENSES

Article 2.9.1. 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 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 2.9.2. An algorithm for a 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 contain variable clauses, (a) relevant paragraph(s);

2) in brackets – article of this Code that recognizes a preparatory crime (part 1 of Article 2.6.2. of this Code) or an attempted crime (part 1 and item 1 or 2 of part 2 of Article 2.6.3. of this Code) or the type of accomplice of a criminal offense committed as part of a simple group or an organized criminal group (parts 2, 3, 4 and 5 of Article 2.7.2 of this Code), if any;

3) after a dash, provided there are elements impacting the gravity degree of a crime – paragraph, part of the article of this Code setting out those elements 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.

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 of an act that is not a criminal offense, an article (its part, paragraph) of the General part of this Code defining this act as not being a criminal offense shall be specified.

Article 2.9.3. Reasoning for the classification

1. The reasoning for the 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 elements of a crime that change 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. The reasoning for the classification 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) a justifying circumstance is present,

2) at least one element of a criminal offense is missing; or

2) a voluntary abandonment is present.

3. The reasoning for the classification of voluntary abandonment shall be to establish the correlation between the actual elements of preparation for the relevant crime or attempt to commit it and the elements of voluntary abandonment provided for in Article 2.6.4 or 2.6.5 of this Code.

4. If the content of the elements of a criminal offense or an act that is not a criminal offense is

established based on another source of law, the full name of this source of law shall be indicated in the reasoning for classification.

Article 2.9.4. Classification of cumulative criminal offences

1. A cumulative criminal offense is the commission by a person of two or more minor offences or two or more crimes, none of which they have been convicted of and for each of which criminal sanctions are to be applied to them.

2. Commission by a person of a minor offence and a crime shall not be deemed to be a cumulative criminal offence.

3. Each of the committed criminal offenses that have been cumulated shall be subject to separate classification.

4. Criminal offenses committed through one or several acts or omissions that inflicted harm on one or more victims shall be subject to separate classification regarding 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 and 11.4.1 of this Code.

5. In the event that a real danger of harm was brought about, resulting in that harm, the act shall be subject to classification only under the article providing for the infliction of that harm.

Article 2.9.5. Classification of a criminal offense in case of collision of articles providing for a whole set of elements of a criminal offense and its part

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

Article 2.9.6. Classification of a criminal offense in the case of collision between articles that identify the special set and general sets of elements of the criminal offense

1. The set of elements of a criminal offense is special in the case it includes

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. If collision between the articles of this Code that identify the special set and the general set of the elements of a criminal offense occurs when the committed criminal offense is being classified, the article that sets out the special set of the elements of a criminal offense shall apply.

Article 2.9.7. Specifics of classification of an inchoate crime and of a crime committed in complicity

1. 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 subject to classification by reference to articles covering a preparatory crime and the commission of the relevant completed criminal offense.

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

3. The elements increasing the gravity of the committed crime, provided for in the articles of the Special Part of this Code and affecting the classification of the actor's actions, shall be applied to the classification of the actions of another accomplice in the crime, provided they were aware of their presence.

4. The elements reducing the gravity of the crime, provided for in the articles of the Special Part of this Code and affecting the classification of the actor's actions, shall be applied to the classification of the actions of another accomplice in the crime, provided those elements do not determine the special mental condition of the perpetrator.

5. A criminal offense committed by an accomplice who is a member of a simple or organized group and performs simultaneously several roles, shall be subject to classification based on the article of the Special Part of this Code that defines a criminal offense committed by an actor, with reference to parts 2, 3, 4 or 5 of Article 2.7.2 of this Code, which defines the relevant type of an accomplice.

6. A crime committed by or at the request of an organized criminal group or terrorist group shall be

subject to classification 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 2.9.8. 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 shall mean either the improvement of the legal status of a person whose act is classified or 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) consent given by the Verkhovna Rada of Ukraine to be bound by an international treaty;

3) entry into force of the final judgment of the European Court of Human Rights in a 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, inquirer, 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 in the exercise of their rights or imposition of duties provided for by this Code on them, which is 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 criminal sanctions 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) conviction (the status of being convicted);
- 3) probation measures;
- 4) security measures;
- 5) restitution or compensation;
- 6) confiscation of property or forfeiture of a thing;
- 6) criminal sanctions imposed on a legal entity.

2. Punishment and conviction are criminal sanctions.

3. A person convicted for a criminal offence has a status of being convicted and the following sanctions may be applied to them:

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

4. The following sanctions may be imposed on a natural person who has committed an unlawful act that is not a criminal offence:

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

5. Criminal sanctions set out in Article 3.12.1 of this Code shall be imposed on a legal entity on the grounds and under the procedure set out by Section 3.12 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 found guilty of a criminal offense by a court verdict in order to achieve the goal of protecting 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 and fixed-term imprisonment.

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 but 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.

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 the recovery from a convicted person of the amount of money ordered 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 2000 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 parts 6 or 8 of this Article;

2) for a criminal offense related to domestic violence if its collection may prevent 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 2,500 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 lucrative purpose, other than referred to in paragraph 3 of part 4 of this Article, or related to corruption, or an intentional crime, which caused considerable or severe pecuniary damage, shall be imposed 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 parts 7 and 8 of this Article.

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

8. In view of the property status of the person, the court may decide in the verdict on:

- 1) deferral of the fine, i.e. its payment in instalments 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 6 or 8 of this Article due to a valid reason, a court shall make a decision to allow the payment of the fine by instalments or increase the duration of the period for fine payment by instalments in the manner stipulated by paragraph 1 of part 8 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 grave crime – for a period of up to 5 years.

10. If a person fails to pay a fine without a valid reason within the terms stipulated by parts 6 or 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 minor offence or crime, of which the person has been found guilty.

Article 3.2.5. Restriction of liberty

1. Restriction of liberty shall mean limitation of a person's right to freedom of movement and choice of occupation while applying probation means based on and pursuant to the procedure stipulated in section 3.6 of this Code, as well as fulfilment of one or more of the following duties:

- 1) performance of community services,
- 2) stay under electronic monitoring,
- 3) stay under house arrest,
- 4) stay under penitentiary arrest.

2. The term of restriction of liberty shall be determined as follows:

- 1) for a minor offense – 6 months to 1 year;
- 2) for a crime as the main punishment – 1 to 4 years;
- 3) when commuting fixed-term imprisonment to restriction of freedom – for a term of the appointed fixed-term imprisonment (Article 3.5.1 of this Code) or the unserved part of the fixed-term imprisonment (Article 3.5.6 of this Code);
- 4) when commuting life imprisonment to restriction of liberty – for 10 years (Article 3.5.8 of this Code).

4. Community service shall be imposed on a convicted person in the manner and for the term provided for in Article 3.2.3 of this Code.

6. Being under electronic monitoring shall mean 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 shall be imposed for the term of between 3 and 12 months and shall mean fulfilling the obligation of a person convicted of committing a criminal offense not to leave the dwelling that is their place of residence, 24 hours a day or during a certain time or on weekends and holidays, without the consent of the probation authority.

7. Penitentiary arrest shall mean keeping a person in a penal institution 24 hours a day or on

weekends and holidays, and at night (from 10 p.m. to 6 a.m.) and shall be established for a period of:

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

7. In the event of an intentional crime involving the use of violence, it shall be mandatory to impose an obligation to be under penitentiary arrest, except as provided for in paragraph 8 of this Article.

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 an underage 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 obligations imposed on a person as provided for in paragraphs 1-4 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) failed to fulfil at least one of the obligations assigned to them as provided for in paragraphs 1-4 of part 1 of this Article, or probation means; or
- 3) failed to provide restitution or compensation or fails to take all measures dependent on them to provide them.

11. If, after changing or supplementing the obligations provided for by paragraphs 1-4 of part 1 of this Article, or probation means, a person continues to fail to fulfil them, the court, upon the submission of the probation authority, shall replace the restriction of liberty with fixed-term imprisonment:

- 1) for 3 months – for a person who has been sentenced to restriction of liberty for a minor offense;
- 2) for the unserved part of the restriction of liberty – for a person who has been sentenced to 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 commuted to restriction of liberty subject to conditions;
- 4) for 10 years – for a person for whom life imprisonment has been replaced by restriction of liberty.

12. Restriction of liberty, which is imposed on a member of armed forces by a court decision, shall mean 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 period 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 involving the intentional deprivation of human life (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 shall 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;
 - 3) a person who reached the age of 70 by the time of sentencing.

Article 3.2.8. Penalties for criminal offenses

1. Principal punishments for a 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 3.11.1 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 3.2.8, 3.11.1 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) specifics of a given criminal offense;
- 3) the personality of the accused and whether they have a conviction;
- 4) the number of variable elements envisaged in the article of the Special Part of this Code;
- 5) the number of elements 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;

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

4. Where a person has received a sentence of a fine or community service as the principal punishment 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 serve the restriction of liberty without a valid reason will result in the replacement of such punishment according to part 7 of Article 3.2.3, part 10 of Article 3.2.4, or part 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, a court shall consider the possibility of replacing this punishment with restriction of liberty subject to conditions. if there are circumstances set out in part 2 of Article 3.5.1 of this Code.

Article 3.3.2. Circumstances that mitigate the punishment for a criminal offense

1. Circumstances that mitigate the punishment for a criminal offense shall be deemed to 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 behaviour, which is characterized by expressing regret about it and admitting guilt;

- 4) providing assistance to the victim after the commission of a criminal offense;

- 5) voluntary provision of restitution and compensation;

- 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 criminal offense, a court may find circumstances not specified in part 1 of this Article to be mitigating.

3. When imposing punishment for a criminal offense, the court shall not consider as a mitigating circumstance any element specified in the relevant articles of the Special Part of this Code..

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, fulfilment 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 intolerance.

2. When imposing punishment for a minor offence, the court shall not consider circumstances not referred to in part 1 of this article as aggravating circumstances.

3. Where any of the aggravating circumstances is provided for in the Special Part of this Code as an element of a minor offence affecting its classification, the court shall not consider it once more as an aggravating circumstance when imposing punishment.

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 7 and 8 of this Article.

2. The principal punishment of a fine shall not be merged with other punishments and shall be served separately.

3. When the 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 established 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 at least one crime constituting the cumulative crime is:

1) a crime of gravity degree 1 – three years;

2) a crime of gravity degree 2 – four years;

3) a crime of gravity degree 3 – six years;

4) a crime of gravity degree 4 – eight years;

5) a crime of gravity degree 5 – ten years;

6) a crime of gravity degree 6 – thirteen years;

7) a crime of gravity degree 7 – sixteen years;

8) a crime of gravity degree 8 – twenty years;

9) a crime of gravity degree 9 – twenty-four years;

10) 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 principal punishment shall be imposed by subsuming 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 shall 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) should punishments of the same kind be imposed, merge a punishment served under the previous sentence into the term of punishment imposed for the cumulation of minor offenses.

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 punishment under 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 shall 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 shall not exceed, provided that the gravest crime constituting the cumulative crime is:

- 1) a crime of gravity degree 1 – four years;
- 2) a crime of gravity degree 2 – five years;
- 3) a crime of gravity degree 3 – seven years;
- 4) a crime of gravity degree 4 – nine years;
- 5) a crime of gravity degree 5 – twelve years;
- 6) a crime of gravity degree 6 – fifteen years;
- 7) a crime of gravity degree 7 – eighteen years;
- 8) a crime of gravity degree 8 – twenty-two years;
- 9) a crime of gravity degree 9 – twenty-six 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. Where at least one of the sentences is life imprisonment, the final punishment shall be imposed by subsuming the punishment in the form of restriction of liberty or fixed-term imprisonment into 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 commuted to restriction of liberty subject to conditions or where the serving of the punishment of fixed-term imprisonment was suspended to be commuted to restriction of liberty subject to conditions, 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 served the sanctions imposed on them 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 commuted to restriction of liberty subject to conditions or where the serving of the punishment of fixed-term imprisonment was suspended to be commuted to restriction of liberty subject to conditions, 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 to be commuted to 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 to be commuted to 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 a crime 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 Article 3.3.6 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 a settlement with a victim or agreement on cooperation

1. Where a court imposes a punishment based on a 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, should the penalty provide for several types of principal punishments, 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 1.

2. Having imposed a punishment in the form of fixed-term imprisonment in accordance with part 1 of this Article, the court may approve the provision agreed upon by the parties to the agreement on the non-enforcement of fixed-term imprisonment due to its commutation to a restriction of liberty subject to conditions pursuant to Article 3.5.1 of this Code.

Section 3.4. DISCHARGE

Article 3.4.1. Discharge due to positive behaviour 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) pleaded guilty to committing that criminal offence;
- 2) voluntarily provided restitution and compensation; and
- 3) reached the settlement with the victim.

2. No punishment shall be imposed on a person for the illegal financing of a political party, or election or referendum campaigning provided for by this Code (Article 4.10.7 of this Code), or terrorist financing (Article 7.2.7 of this Code), provided that the person:

- 1) voluntarily notified the prosecutor or law-enforcement agency about the unlawful financing of a political party, or election or referendum campaigning, or terrorist financing; and
- 2) contributed to disclosing or investigating the illegal financing of a political party, or election or referendum campaigning, or terrorist financing, exposing their participants, or contributed to averting these crimes.

3. No punishment shall be imposed on a person who received a request or demand for a bribe punishable under this Code (Articles 4.10.9, 5.1.5, 7.9.4, 7.9.6, 7.9.8, 8.2.14, 9.5.7, 9.5.9, and 9.7.9 of this Code) and who provided a bribe, provided that the person contributed to solving or investigating a crime involving 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 (Articles 5.1.8, 5.1.11, 5.1.19, 5.2.4, 5.2.5, 5.2.6, 5.2.7, 5.2.10, 5.2.15, 5.2.16, 5.2.17, 5.3.15, 5.3.16, 6.3.11, 6.3.30, 7.3.4, 7.3.6, 7.3.13, 7.5.5, 7.6.6, 7.7.6, and 7.8.9 of 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 without the purpose of sale, as provided for by this Code (Articles 5.2.5, 5.2.7, 5.2.15, 5.2.16, and 5.2.17 of this Code), provided that the person voluntarily:

- 1) applied to a health care institution; and
- 2) has started a course of treatment for a mental or behavioural 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 (Articles 4.6.7 and 4.6.16 of this Code) or non-payment of relevant payments (Articles 6.3.12, 6.3.13, and 6.3.18 of this Code) punishable under this Code provided that the person has paid before being notified in writing 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 (Articles 7.1.4, 7.1.8, and 7.2.6 of this Code), 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 their activities.

8. No punishment shall be imposed on a person for treason against Ukraine (Article 9.1.5 of this Code), collaboration (Article 9.1.6 of this Code) or espionage (Article 9.1.8 of this Code), as provided for in this Code, provided that the person:

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

2) did not fulfil 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, or contributed to solving or investigating a crime committed based on their order, or to exposing their participants.

9. No punishment shall be imposed for first-time draft evasion (Articles 9.8.2, 9.8.3 and 9.8.4 of this Code) or evasion from civil protection service (Article 9.8.5 of this Code) or from alternative service (Article 9.8.6 of this Code), reservist or special training (Article 9.8.8 of this Code), non-performance of duties during mobilization (Article 9.8.9 of this Code) or evasion from performing duties during mobilization (Article 9.8.10 of this Code) or desertion or evasion from fulfilling the duties of military service (Articles 10.2.3 and 10.2.5 of this Code) that are punishable under this Code, if, prior to being notified in writing of the suspicion, the person voluntarily appeared to fulfil 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 (Article 11.5.8 of 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 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 behaviour of a person after committing a criminal offense in the cases provided for in parts 2-10 of this Article shall be made on the basis of a cooperation or settlement agreement.

Article 3.4.2. Discharge of a crime victim who participated in committing a criminal offence

1. No punishment shall be imposed on a person who is a victim of human trafficking for participation in committing a criminal offence that they were forced to commit due to 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 exploitation or sexual abuse for participation in committing a criminal offence that they were forced to commit due to 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 as referred to Articles 3.2.8 or 3.11.1 of this Code for a given crime.

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. Wherever provided for in paragraph 3 of part 1 of this Article, the court shall decide on whether to impose punishment. Should the court find it appropriate to impose punishment, life imprisonment shall not be imposed and shall be substituted with fixed-term imprisonment within the relevant sanction stipulated for the crime committed.

3. 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).

4. 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.

5. In the case a criminal offense was committed in the temporarily occupied territory of Ukraine, the calculation of the statute of limitations shall begin 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.

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 start to be calculated 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.

Section 3.5.

COMMUTATION OR NON-ENFORCEMENT OF THE IMPOSED PUNISHMENT

Article 3.5.1. Commutation of fixed-term imprisonment to restriction of liberty subject to conditions

1. The court may commute the imposed fixed-term imprisonment to 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, where at least one of constituent crimes is a crime of no more than:

1) gravity degree 5 if a person was imposed fixed-term imprisonment for no more than six years;

2) gravity degrees 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 fixed term imprisonment of no more than 10 years was imposed on a person based on the agreement of cooperation or settlement.

2. The court shall decide to commute the imposed fixed-term imprisonment to 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 provided 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 to 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 an intentional criminal offense while serving the restriction of liberty applied in the manner set out by this Article or Articles 3.2.5, 3.5.6 and 3.5.7 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 a settlement agreement;

5) committed torture (Article 9.4.3 of this Code); or

6) being of legal age, committed rape of an underage child (Article 4.5.4 of this Code) or a crime against the sexual integrity of an underage child (Articles 4.5.4–4.5.8 of this Code).

4. Fixed-term imprisonment shall not be enforced provided that during the restriction of liberty, the person:

- 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 provide restitution or compensation, – provided restitution or compensation or took all steps dependable on them to pay them.

5. 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.

Article 3.5.2. Non-enforcement of fixed-term imprisonment due to a person's participation in the defence 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 the imposed fixed-term imprisonment due to the person's desire to participate in the defence 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 defence of Ukraine during a special period or emergency response efforts during the state of emergency:

- 1) showed personal courage, valour or heroism, or
- 2) suffered a considerable or severe health disorder.

3. Where there are grounds for applying part 2 of this Article, a person's participation in the defence 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 with restriction of liberty subject to conditions (Article 3.5.1 of this Code).

5. If a person who was granted non-enforcement of a fixed-term imprisonment in connection with their participation in the defence 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 decision on non-enforcement of a fixed-term imprisonment and impose punishment by cumulating sentences subject to the existence of grounds.

Article 3.5.3. Non-enforcement of 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 based on the principal punishment imposed under the court verdict.

3. The statute of limitations shall not 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 and suspension of enforcement (Articles 3.5.4 and 3.5.5 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.

7. The provisions of this Article shall not apply to persons sentenced to life imprisonment.

Article 3.5.4. Postponed and terminated enforcement of a punishment due to disease

1. The court shall postpone the punishment imposed on 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 3.7.5 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 established by law.

5. The period during which the punishment was not enforced shall not be included in the term of the punishment imposed by the court, except as provided for in part 2 of Article 3.7.5 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 3.5.5. 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. Where 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 fails to 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. In relation to 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 grounds referred to in Articles 3.3.8 or 3.3.9 and shall impose punishment on them by cumulating sentences for crimes or cumulating sentences for minor offences.

Article 3.5.6. Suspension of the enforcement of fixed-term imprisonment due to its commutation to restriction of liberty subject to conditions

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

1) one-third of the term of imprisonment for a negligent crime or an intentional 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 commutation of its unserved part to restriction of liberty for a person if:

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

2) the person provided 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. The unserved portion of punishment in the form of fixed-term imprisonment shall not be enforced provided that during the serving of restriction of liberty, the person:

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 provided restitution or compensation, provided such restitution or compensation, or took all steps dependent on them to provide them.

6. 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.

Article 3.5.7. Suspension of the enforcement of fixed-term imprisonment due to a person's participation in the defence 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 defence 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 contributing to the defence of Ukraine during a special period or emergency response efforts during the state of emergency:

1) showed personal courage, valour or heroism, or

2) suffered a considerable or severe health disorder.

3. Where there are no grounds for applying part 2 of this Article, a person's participation in the defence 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 to restriction of liberty subject to conditions (Article 3.5.6 of this Code).

4. If a person whose fixed-term imprisonment was suspended in connection with their participation in the defence 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 3.5.8. Suspension of a life imprisonment due to its commutation to restriction of liberty subject to conditions

1. The court may suspend the enforcement of life imprisonment due to its commutation to restriction of liberty in relation to a convicted person who is able to reintegrate into society after they actually served 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 provide restitution and compensation; and
- 3) the person consented to the commutation of life imprisonment to restriction of liberty.

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

3. Life imprisonment shall not be enforced provided that when serving the restriction of liberty, the person:

- 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 provided restitution or compensation, provided such restitution or compensation, or took all steps dependent on them to provide them.

4. On the grounds provided for in part 10 of Article 3.2.5 of this Code and 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 commute life imprisonment to 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 revoke a decision to commute life imprisonment to 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 3.5.9. 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 serving their punishments in the form of restriction of liberty or fixed-term imprisonment. 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 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 due to amnesty:

- 1) a fine as an additional punishment;
- 2) security measures;
- 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 a high risk of reoffending is established in respect of such person;
- 3) gravity degrees 1–6, committed within one year following the day when a court discharged this person on the grounds set out in Article 3.4.1 of this Code;
- 4) gravity degrees 1–6 if a person committed a new intentional 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 the conviction has not expired 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 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 3.5.10. 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 based on the provisions of this Code to an individually specified person.

2. A pardon may be granted to a person who has served at least one-quarter of their 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 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 3.5.11. 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 1 of Article 3.5.8 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 3.5.12. 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 3.5.13. Termination of the enforcement of punishment or reduction (lessening) of the unserved portion 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 cancelled shall terminate.
2. The court shall reduce (lessen) the sentence imposed on the convicted person, which exceeds the sanction of the new law, to the maximum limit established by the sanction of 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 3.6. PROBATION MEASURES

Article 3.6.1. 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 behavioural disorders from 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 3.6.2. Persons subject to probation measures

1. Probation measures shall apply to a person:
 - 1) on whom restriction of liberty has been imposed (Article 3.2.5 of this Code) – for a term established by the court under part 3 of Article 3.2.5 of this Code;
 - 2) whose fixed-term imprisonment has been commuted to restriction of liberty (Article 3.5.1 of this Code) – for a term of imposed fixed-term imprisonment;
 - 3) the enforcement of whose punishment is postponed due to a special circumstance (Article 3.5.5 of this Code) for a term of such postponement;
 - 4) the enforcement of whose fixed-term imprisonment has been suspended due to its commutation to restriction of liberty (Article 3.5.6 of this Code) – for a term of unserved fixed-term imprisonment;
 - 5) the enforcement of whose life imprisonment has been suspended due to its commutation to restriction of liberty (Article 3.5.8 of this Code) – for 10 years;
 - 6) in respect of whom a high risk of the commitment of a new crime is identified after they 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 by a term ranging from 1 to 3 years based on the grounds stipulated by Article 3.6.4 of this Code.

Article 3.6.3. 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. When probation is applied, the court shall appoint supervisory measures as referred to in part 1 of Article 3.6.1 and one or more correctional probation measures as referred to in part 2 of Article 3.6.1 of this Code.

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 3.6.4. Change of probation measures

1. The frequency of a person's appearance for registration, as well as correctional probation measures 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 and the frequency of appearance for registration shall be increased if a person:

1) commits a minor offense;

2) fails to fulfil at least one of the probation measures or a restrictive measure; or

3) did not make restitution or compensation or does not take all measures within their power to make them.

Section 3.7. SECURITY MEASURES

Article 3.7.1. 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 punishment is imposed on them, or they are discharged, or the imposed punishment is commuted or non-enforced;

2) recognized insane in connection to the committed act.

Article 3.7.2. 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 prohibit:

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 a child who was used to commit a criminal offense);

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 restrict 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 target or the method of committing a criminal offense;

2) block access to such computer data;

3) with respect to a person who committed a criminal offence associated with domestic violence, complete a programme for perpetrators.

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 degree 1–4;

3) five to fifteen years for a committed crime of gravity degree 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 3.7.3. 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) awarded no punishment, or their punishment was changed or not enforced as stipulated by Articles 3.4.1, 3.5.1, 3.5.2, 3.5.4, 3.5.9 of this Code.

3. The court may apply one or several restrictive measures provided for by parts 2, 3, and 4 of Article 3.7.2 of this Code.

4. The period of restrictive measures shall be calculated 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, fine or restriction of liberty; or;

2) discharge, commutation or non-enforcement of punishment as stipulated by Articles 3.4.1, 3.5.1, 3.5.2, 3.5.4, 3.5.9 of this Code.

5. If a person is sentenced to a 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 3.7.2 of this Code. In this case, the calculation of the period of restrictive measures shall commence from the moment of the end of the restriction of liberty, fixed-term imprisonment, or suspension of life imprisonment by commuting it to 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 the nature and range of positions or the types of activity. In this event, 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 criminally liable for committing a minor offense under Article 8.3.8 of this Code.

Article 3.7.4. 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 3.7.5 of this Code.

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 of Ukraine.

Article 3.7.5. 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 3.7.4 of this Code, 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 3.7.6. 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 3.8.

RESTITUTION AND COMPENSATION

Article 3.8.1. 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, restoring the property in kind, or restoring the properties of the property damaged, subject to the victim's consent; 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 3.9.

CONFISCATION OF PROPERTY AND SEIZURE OF A THING

Article 3.9.1. 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 shall order confiscation of property that:

- 1) is the target 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 applied **where a person is convicted regardless of whether any punishment has or has not been imposed on them.**

4. Confiscation shall not apply to the property that:

- 1) is the target 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 3.9.2. Confiscation of property equivalent

1. If the property specified in part 2 of Article 3.9.1 of this Code 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 3.9.1 of this Code:

- 1) has been consumed;
- 2) has been alienated;
- 3) cannot be separated from the property acquired lawfully;
- 4) has been lost or deteriorated; or
- 5) cannot be seized in kind for other reasons.

3. Confiscation of property equivalent shall apply in the cases provided for by part 4 of Article 3.9.1 of this Code.

Article 3.9.3. 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, 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 3.9.1 of this Code 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 target, 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.

Article 3.9.4. Special cases of property confiscation and seizure of a thing

1. In cases stipulated by Articles 3.9.1–3.9.3 of this Code, property confiscation, confiscation of property equivalent, and seizure of a thing shall 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 of this Code.

2. The property or the thing provided for by part 2 of Article 3.9.1, parts 1 and 2 of Article 3.9.2, part 2 of Article 3.9.3 of this Code, 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 for a fee but knew or should have known that such property or thing meet the characteristics set out in part 2 of Article 3.9.1, parts 1 and 2 of Article 3.9.2, and part 2 of Article 3.9.3 of this Code;
- 3) confiscated or seized if such third party has received them 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) the person has fulfilled the conditions provided for by part 3 of Article 3.4.2 of this Code.

Article 3.9.5. Extended confiscation

1. The court shall order, in full or in part, property confiscation, except as provided for in Articles 3.9.1, 3.9.6 and 3.9.7 of this Code, where:

- 1) a crime of gravity degree 4-9 committed by a person may bring them, directly or indirectly, an economic benefit; and
- 2) the relevant property of the convicted person has been acquired as a result of their criminal activities.

Article 3.9.6. Confiscation without prior conviction of a person

1. The court shall order property or property equivalent confiscation, except as provided for in Articles 3.9.1, 3.9.2, 3.9.5, and 3.9.7 of this Code, with respect to the property referred to in part 2 of Article 3.9.1 of this Code, or the property transferred to a third party under the conditions referred to in part 2 of Article 3.9.4 of this Code wherever pre-trial investigation is suspended after the person has been served with the notification of suspicion of committing a crime due to the fact that:

- 1) the suspect has developed a mental or other serious illness that prevents them from participating in criminal proceedings for a long period of time, thus posing a risk that the statute of limitations for the criminal offence will expire, provided that the illness is supported by a medical report;
- 2) the suspect was placed on the wanted list in the course of a special pre-trial investigation (in absentia);
- 3) the suspect has died or has been declared legally dead by a court;
- 4) the statute of limitations for the relevant crime is less than 15 years and has expired after the commencement of criminal proceedings;
- 5) an authorised body has decided to surrender the suspect for exchange as a prisoner of war, and the suspect has agreed thereon in writing.

2. A confiscation without a prior conviction of a person may only occur provided that:

- 1) if the circumstances listed in part 1 of this Article had not been present, the person could have been convicted of a crime leading, directly or indirectly, to obtaining a considerable economic benefit; and
- 2) the property or equivalent property that is subject to confiscation has been acquired as a result of that crime or is directly or indirectly associated with it.

Article 3.9.7. Confiscation of unsubstantiated assets associated with criminal activities

1. The court shall order property or property equivalent confiscation, except for as referred to in Articles 3.9.1, 3.9.2, 3.9.5, and 3.9.6 of this Code, with respect to the property found when crimes of gravity degrees 4-9 were investigated and either referred to in part 2 of Article 3.9.1 of this Code or transferred to a third party under the conditions referred to in part 2 of Article 3.9.4 of this Code provided that:

- 1) the found property has been acquired as a result of activities of an organised criminal group; and
- 2) these activities may result in obtaining, directly or indirectly, a considerable economic benefit.

2. The property shall be recognised as such that has been acquired as a result of activities of an organised criminal group provided that:

- 1) the property value is grossly disproportionate to the legal income of a person;
- 2) no plausible legal source of origin for the property exists whatsoever; and
- 3) the person has committed an act referred to in Article 7.1.4 of this Code.

3. This Article shall not limit the rights of bona fide third parties not being persons referred to in part 2 of Article 3.9.4 of this Code.

4. Unsubstantiated assets associated with criminal activities shall be confiscated only if that property was prior arrested when the crime committed by an organised criminal group was being investigated.

Section 3.10. CONVICTION

Article 3.10.1. The concept and the legal meaning of conviction

1. Conviction (the status of being convicted) shall mean a legal status that arises since the date when the court verdict of guilty becomes effective, consists in restricting the exercise by a convicted person of certain rights and freedoms as specified in

- 1) this Code, and lasts until the conviction expires;
 - 2) other laws of Ukraine, and lasts until the conviction is expunged.
2. Persons convicted or having served sentences for acts for which criminal liability has been revoked by law shall be considered to have no conviction.
3. Conviction for a criminal offense committed by a person who was minor at the time of its commission shall be established taking into account the special aspects envisaged by Article 3.10.9 of this Code.

Article 3.10.2. Expiry of conviction

1. Conviction shall be expired:

- 1) from the final day of the enforcement of punishment, as well as of 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 the event of non-enforcement of punishment (Articles 3.4.1–3.4.3 of this Code), one year from the day when the court's guilty verdict became effective, and, where security measures, restitution or compensation, confiscation of property or seizure of a thing have been ordered in respect of such a person, no earlier than the end of their enforcement.
- 3) 3) in the event that the statute of limitations for serving the imposed punishment has expired, from the date when this period expired, if its course was not interrupted (part 6 of Article 3.5.3 of this Code).

Article 3.10.3. Expungement of conviction

1. Expungement 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 expunged 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 persons sentenced to fixed-term imprisonment or life imprisonment;
- 3) one year – for other convicted persons.

Section 3.11.

SPECIFIC ASPECTS OF CRIMINAL LIABILITY OF MINORS AND YOUNG PERSONS

Article 3.11.1. 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 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 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 2 to 3 years;
- 4) a crime of gravity degree 4 – imprisonment for 3 to 4 years;
- 5) a crime of gravity degree 5 – imprisonment for 4 to 6 years;
- 6) a crime of gravity degree 6 – imprisonment for 6 to 8 years;
- 7) a crime of gravity degree 7 – imprisonment for 8 to 10 years;
- 8) a crime of gravity degree 8 – imprisonment for 10 to 12 years;
- 9) a crime of gravity degree 9 – imprisonment for 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 1 to 3 months or a fine in the amount of twice the value of the target 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 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 3.11.2. 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 3.11.3. 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 shall be performed by a person who has not reached the age of 18 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 replace 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 3.11.4. Non-enforcement of fixed-term imprisonment due to its commutation to 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 to commute the fixed-term imprisonment to restriction of liberty subject to conditions (Article 3.5.1 of this Code), unless the purpose of criminal sanctions may be achieved only by serving such imprisonment.

Article 3.11.5. Suspending the enforcement of fixed-term imprisonment due to its commutation to 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 to restriction of liberty subject to conditions (Article 3.5.6 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 3.11.6. 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 3.5.9 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 3.11.7. Imposition of penitentiary arrest on 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 3.11.8. Application of security measures to a minor

1. A minor who committed a crime when a minor shall 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.

Article 3.11.9. Conviction for a criminal offence committed by a minor

1. In respect of a minor convicted of a criminal offence, all legal restrictions pertaining to their conviction as provided for by this Code and other laws of Ukraine shall cease on the date of expiry of their conviction.

Section 3.12. CRIMINAL SANCTIONS AGAINST LEGAL ENTITIES

Article 3.12.1. Legal entities subject to criminal sanctions

1. Criminal sanctions, if there are grounds provided for in part 1 of Article 3.12.2 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, against a foreign public official, of a crime provided for in Articles 6.3.28, 5.1.5, 7.9.4, 8.2.14, 9.5.7, 9.5.9 of this Code, 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 3.12.2. 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, 6.3.19–6.3.28, 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 8.15–8.1.6, 8.2.3–8.2.19, 8.3.2, 8.3.3, 8.3.6;

– against the state – Articles 9.3.6 and 9.3.7, 9.5.4–9.5.11;

– against international legal order – Article 11.5.10.

3) a crime envisaged by Articles 6.3.28, 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 fulfil 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 shall be the perpetrator 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, which includes being 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 3.12.3. Type of criminal sanctions applicable to legal entities

1. The following criminal sanctions 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).

3. The imposition of criminal sanctions on a legal entity shall not exempt it from administrative and economic sanctions that may be imposed for violating the entrepreneurship rules according to the law.

Article 3.12.4. Fine imposed on a legal entity

1. A fine consists in the recovery of a sum of money specified by the court from the legal entity in favour of the State Fund for Compensation of Damage to Victims.

2. The court shall impose a fine in the amount in the double amount of the acquired unlawful benefit or the bribe offered or 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 received), 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 instalments by determining the minimum amounts of such instalments and their frequency (at least once every 60 days).

Article 3.12.5. 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 3.12.6. Restriction on certain activities of a legal entity

1. The restriction on certain activities of a legal entity 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 special 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 defence procurement or auctions;
- 4) to issue shares and 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 3.12.7. 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 3.9.1–3.9.4 of this Code.

Article 3.12.8. 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 and 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.

Article 3.12.9. 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 sanctions 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. A legal entity, where a criminal sanction is ordered against it, shall be required to 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 3.12.2 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 3.12.2 of this Code.

6. The discharge of an authorized person 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 3.12.10. 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 are the commitment of a crime:

- 1) provided for in Article 4.1.5 exceeding the limits of legitimate defence, limits of using a protective device that strikes autonomously, limits of causing harm to a person who committed an illegal encroachment, 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 are 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 are the commitment of an intentional crime:

- 1) provided for in Article 4.1.5, 4.1.7, 4.1.9 against a particularly vulnerable 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 are the commitment of a crime:

- 1) provided for in Articles 4.1.5, 4.1.7 and 4.1.9, against a vulnerable person;
- 2) provided for in Articles 4.1.5, 4.1.7 and 4.1.9, against a close person or a former spouse;
- 3) provided for in Articles 4.1.5, 4.1.7 and 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 and 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 and 4.1.9, with the use of media or information system;
- 9) provided for in Article 4.1.5, by ill-treatment, inhumane, or degrading treatment of a person;
- 10) provided for in Articles 4.1.5, 4.1.7 and 4.1.9, in the presence of an underage 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 intolerance;
- 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 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 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 them,
- 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 degree 7.

Article 4.1.8. Driving to suicide through negligence

A person who:

- 1) treated another person cruelly or inhumanely,
 - 2) threatened them,
 - 3) humiliated their dignity regularly, or
 - 4) forced them to commit illegal actions or omissions regularly,
- if this caused a person's suicide through negligence, –
committed a crime of 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 them,
- 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 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 them,
- 3) systematically humiliated their dignity, or
- 4) systematically forced them to unlawful acts or omissions,

if this caused, through negligence, a person's suicide attempt that was not completed for reasons beyond the person's control, –
committed a crime of 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 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 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 are the commitment of a crime:

- 1) provided for in Article 4.2.6 exceeding the limits of legitimate defence, 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 are 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 are the commitment of an intentional crime:

- 1) provided for in Articles 4.2.6–4.2.8, 4.2.12–5,2,14 against a 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 are 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, through ill-treatment, inhuman, or degrading treatment of a person;
- 9) provided for in Articles 4.2.6–4.2.8, 4.2.12–4.2.14, in the presence of an underage 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 intolerance;
- 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 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 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 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 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 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 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 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 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 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 are 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 are 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 an underage 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 intolerance.

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 degree 3.

Article 4.3.4. Endangering the life or health of another person

A person who, assuming the infliction of death or considerable 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 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 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 degree 3.

Section 4.4. CRIMINAL OFFENSES AGAINST PERSONAL FREEDOM, HONOUR, 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 or involvement in the porn industry,
- b) forced labour or services,
- 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 for lucrative purposes,
- h) forced insemination or forced surrogacy,
- 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 are the commitment of an intentional crime:

- 1) against a particularly 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 are 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 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 degree 5.

Article 4.4.7. Human trafficking

A person who:

1) recruited,

2) held or 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 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 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) cohabit in a marriage or without concluding a marriage,

2) continue a forcibly concluded marriage, or

3) move 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 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 are 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 are 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 and 4.5.9, with the use of weapons or a dangerous object;
- 7) provided for in Articles 4.5.4–4.5.7, in the presence of an underage 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 intolerance.

Article 4.5.4. Rape

A person who has sexually penetrated another person without their voluntary consent, – committed a crime of 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 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 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 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 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 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 fulfil 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 are 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 are 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 an underage 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, for a lucrative purpose;
- 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 capacity to work,
- 4) emotional dependence, or
- 5) deterioration of the quality of life of a victim, –
committed a crime of degree 1.

Article 4.6.5. Abuse of guardian rights

A guardian who abused their rights to the detriment of a ward, –
committed a crime of 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, when this caused severe pecuniary damage to the ward through negligence, –
committed a crime of 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 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 degree 1.

Article 4.6.9. Unlawful intermediary activity in the adoption of a child

A person who conducted illegal intermediary 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, or for upbringing in a family, – committed a crime of 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 degree 1.

Article 4.6.11. Replacement of an underage child

A person who replaced someone else's underage child with someone else's or their own child, as a result of which the child's family was changed, – committed a crime of degree 1.

Article 4.6.12. Failure to take proper measures with respect to another person's underage child

A person who:

- 1) failed to promptly notify the government body, parents, or guardians about an underage 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 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 considerable pecuniary damage to the ward

A person who has failed to fulfil or improperly fulfilled their duty towards a child or a person under guardianship, if this has caused considerable 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 are 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 are 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 and 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 and 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 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 or disseminated their content, –
committed a crime of 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 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 concealment 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 favour 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 are 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, damaging, or desecrating a religious building or shrine

A person who:

- 1) seized,
- 2) held, or
- 3) desecrated a religious building or shrine (except for the one specified in Article 7.6.9 of this Code),

committed a crime of degree 1.

Article 4.8.4. Destruction or damage of a religious shrine

A person who destroyed or damaged a religious shrine (except for the one specified in Article 7.6.9 of this Code), –
committed a crime of 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 are the commitment of an intentional crime:

- 1) provided for in Articles 4.9.3–4.9.6, against a particularly vulnerable person.

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 are 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 and 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 labour rights

An official who restricted the labour rights of a whistleblower or their close person in connection with their report of a corruption or corruption-related offense committed by another person, i.e., 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 labour 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 labour in work dangerous for their health, or
- 10) refused to formalize or extend labour relations with them, –
committed a crime of 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 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 payment 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 degree 1.

Article 4.9.6. Limitation of the right to receive general secondary education

An official who illegally:

- 1) refused to enrol a child in a general secondary educational institution, or
- 2) expelled the child from such an institution, –
committed a crime of 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 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 participants, 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 Ukraine³, 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 are the commitment of an intentional crime:

1) provided for in Articles 4.10.8 or 4.10.9, if their object or means was a large 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 are 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 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 participant in 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 participant in the All-Ukrainian

³ 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.

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 of 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 participant in 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 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 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 degree 3.

Article 4.10.7. Illegal financing of a political party or pre-election campaign or referendum campaign

A person who has made or received a contribution in support of a political party or for election or referendum campaigning:

1) in the absence of the right to do so, or

2) 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 degree 3.

Article 4.10.8. Accepting an offer or receiving a bribe by a participant in 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 degree 3.

Article 4.10.9. Offering or providing a bribe to a participant 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 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 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 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 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 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 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:

- 1) illegally destroyed election or referendum documentation,
 - 2) damaged, or
 - 3) hid it, –
- committed a crime of 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 a minor 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; an excessive 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 are 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 are 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. Incitement or propaganda of enmity or hatred

A person who, for reasons of intolerance:

- 1) incited or propagandized enmity or hatred; or
 - 2) disseminated or used materials that include calls for enmity and hatred,
- committed a crime of degree 3.

Article 4.11.5. Discrimination

A person who, directly or indirectly, for reasons of intolerance:

- 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 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 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 degree 1.

Article 4.11.8. Formation or management of a legally prohibited political party or 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 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 degree 1.

Article 4.11.10. Obstruction of the lawful professional activity of a journalist

A person who 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 by them 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 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) labelling;
 - 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) *particularly 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 are the commitment of an intentional crime:

- 1) provided for in Articles 5.1.4 and 5.1.5 against a particularly vulnerable person;
- 2) provided for in Articles 5.1.5 or 5.1.6 if their target or means was a large bribe;
- 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 are the commitment of an intentional crime:

- 1) provided for in Articles 5.1.4 and 5.1.5 against a vulnerable person;
- 2) provided for in Articles 5.1.5 or 5.1.6 if their target or means was a considerable bribe;
- 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 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 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 degree 3.

Article 5.1.7. Activities in the field of healthcare without proper authorization

A person who carried out health care activities 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 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 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,
- 4) considerable or severe pecuniary damage, or
- 5) particularly severe damage, –

committed a crime of 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 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) illegally sold such, –
- committed a crime of 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, 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 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 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 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 human being who cannot be a trial subject, or a human being without informed consent provided by them (in cases stipulated by law, in relation to them),
- 3) knowingly failed to take measures provided for by law to protect the human being who was a 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 on humans, -
committed a crime of 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 degree 3.

Subsection 2. MINOR OFFENSES

Article 5.1.17. Violation of the procedure for handling 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, for the purpose of sale, illegally:

- 1) manufactured or made products that are hazardous to human health,
- 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 mass disease among flora or fauna or 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 mass disease among flora or fauna 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 small, large, or particularly 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 small amount and is smaller than the large amount of these narcotic drugs, substances or precursors;
 - c) the amount of analogue of narcotic drugs or psychotropic substances is determined based on the amount of narcotic drug or substance of which it is an analogue.
- 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 analogue.

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 are the commitment of an intentional crime:

- 1) provided for in Articles 5.2.9 or 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 an underage 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 are 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.

Article 5.2.4. Illegal circulation of narcotic drugs, psychotropic substances, or their analogues for the purpose of sale

A person who illegally, for the purpose of sale:

- 1) produced or manufactured,
 - 2) acquired,
 - 3) kept,
 - 4) moved, or
 - 5) illegally sold narcotic drugs, psychotropic substances, or their analogues, –
- committed a crime of degree 3.

Article 5.2.5. Illegal circulation of narcotic drugs, psychotropic substances, or their analogues 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 analogues, in considerable amounts, without the purpose of sale, –
- committed a crime of 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 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 degree 1.

Article 5.2.8. Taking illegal possession of narcotic drugs, psychotropic substances, their analogue, plants or fungi containing narcotic drugs or psychotropic substances, precursor or equipment intended for production or manufacture of narcotic drugs, psychotropic substances, or their analogues

A person who illegally took possession of:

- 1) a narcotic drug,
 - 2) a psychotropic substance,
 - 3) their analogue,
 - 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 analogue, –
- committed a crime of 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 analogue, intoxicant, or doping into another person's body without their voluntary consent, –
committed a crime of 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 analogues

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 analogue, –
committed a crime of 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 analogues or equipment for their production or manufacture, –
committed a crime of 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, or
- 2) maintained it

for non-medical use of a narcotic drug, psychotropic substance or their analogue or intoxicant, –
committed a crime of 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 analogue, intoxicating substance, or doping, namely, unlawfully

- 1) advertised such a drug, substance, analogue, or doping,
 - 2) disseminated information about an offer to acquire such a drug, substance, analogue or doping agent,
 - 3) used such a drug, substance, analogue or doping agent in a public place, or
 - 4) inclined another person to their use, –
- committed a crime of 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, the circulation of which 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, the circulation of which 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 degree 1.

Subsection 2. MINOR OFFENSES

Article 5.2.15. Illegal circulation of narcotic drugs, psychotropic substances, or their analogues 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 analogue 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 (noxious liquid substances in bulk) to the International Convention for 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 degree are the commitment of an intentional crime:

1) provided for by Articles 5.3.9 and 5.3.11, regarding hazardous waste, as determined 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 reserves 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 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 its 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 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 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 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 specifically 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. 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;
- 2) *another person's property* – things, money, securities, digital items, property rights that:
 - a) have an owner or legal possessor and are not in the ownership or legal possession of the guilty person; or

- b) have an owner and are 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 are 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 are 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 substantial pecuniary damage

A person who stole another person's movable property:

- 1) in secret,
- 2) openly, or
- 3) by deceiving a victim or another **human being** or abusing their trust,

If such act caused substantial pecuniary damage, –
committed a crime of 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 **human being** or abusing their trust,

If such act caused considerable pecuniary damage, –
committed a crime of degree 3.

Article 6.1.6. 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 **human being** or abusing their trust,
- If such act caused severe pecuniary damage, –
committed a crime of degree 4.

Article 6.1.7. Illegal appropriation of another's immovable property or the right to property that caused substantial 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 **human being** or abusing their trust,
- if such an act caused substantial pecuniary damage, –
committed a crime of 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 **human being** or abusing their trust,
- if such an act caused considerable pecuniary damage, –
committed a crime of 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 **human being** or abusing their trust,
- if such an act caused severe pecuniary damage, –
committed a crime of 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 appreciable pecuniary damage, –

committed a crime of degree 3.

Article 6.1.11. Illegal use of another person's property or energy or receiving a service, which caused substantial pecuniary damage

A person who illegally and gratuitously:

- 1) used another person's property without seizing it,
 - 2) used electrical or heat energy, or
 - 3) received a service
- if such an act caused substantial pecuniary damage, –
committed a crime of 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:

- 1) used another person's property without seizing it,
- 2) used electrical or heat energy, or
- 3) received a service

if such an act caused considerable pecuniary damage, –
committed a crime of 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:

- 1) used another person's property without seizing it,
- 2) used electrical or heat energy, or
- 3) received a service

if such an act caused severe pecuniary damage, –
committed a crime of degree 5.

Article 6.1.14. Destroying or damaging another person's property, which caused substantial pecuniary damage

A person who destroyed or damaged another person's property, which caused substantial pecuniary damage, –
committed a crime of 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 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 degree 5.

Article 6.1.17. Negligent destruction of 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 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 appreciable 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 appreciable pecuniary damage

A person who illegally and gratuitously:

- 1) used another person's property without seizing it, or
- 2) used electrical or heat energy, or
- 3) received a service,

if such an act caused appreciable 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 are 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 lucrative purposes.

Article 6.2.2. Violation of intellectual property rights that caused substantial 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 substantial pecuniary damage, –
committed a crime of 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 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 degree 5.

Subsection 2. MINOR OFFENSES

Article 6.2.5. Violation of intellectual property rights that caused appreciable pecuniary damage

A person who violated an intellectual property right if it caused appreciable 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 lucrative purposes, –
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 smuggled goods* – the value of the smuggled goods, that is five thousand times or more the value of the unit of account;
- 2) *a large amount of counterfeit money, securities, or criminally obtained assets (income)* – a nominal value of counterfeit money or securities, value of assets (income) acquired by criminal means that is five hundred and more times higher than the unit of account;
- 3) *production of counterfeit money* – production of such money by a person who is:
 - a) not authorized to produce currency notes, or
 - b) a person who, being authorized to produce currency notes, produced them in violation of the established procedure;
- 4) *money* – currency notes of the currency unit of Ukraine, **euros**, currency notes 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 currency notes in circulation;
 - c) have not been issued yet but are intended for circulation as a legal payment instrument.
- 5) *a considerable amount of smuggled goods* – the value of smuggled goods that is five hundred times or more the value of the unit of account;
- 6) *a particularly large amount of smuggled goods* – the value of smuggled goods that is fifty thousand times or more the value of the unit of account;
- 7) *a particularly large amount of counterfeit money, securities, or criminally obtained assets (proceeds)* – a nominal value of counterfeit money or securities, value of assets (income) acquired by criminal means that is five thousand or more times higher than the unit of account;
- 8) *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;
- 9) *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 are 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 are the commitment of a crime:

- 1) provided for in Article 6.3.5, 6.3.6, 6.3.7, 6.3.8, **6.3.28** or **6.3.29**, in a particularly large amount;
- 2) provided for in Article 6.3.22 in respect of goods 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 are the commitment of a crime:

- 1) provided for in Article 6.3.2 in respect of goods in a large amount;
- 2) provided for in Article 6.3.2 in respect of excise goods;
- 1) provided for in Articles 6.3.5, 6.3.6, 6.3.7, 6.3.8, 6.3.28 or 6.3.29, in a large amount;
- 2) provided for in Articles 6.3.24–6.3.26, in the wholesale energy market;
- 3) as part of a simple group;
- 4) provided for in Articles 6.3.5–6.3.17, 6.3.19–6.3.23 and 6.3.27–6.3.29, using official authority or professional duties, or related opportunities;
- 5) with the use of media or information system;
- 6) provided for in Articles 6.3.5–6.3.11 and 6.3.28, 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,
committed a crime of degree 5.

Article 6.3.6. Handling counterfeit money

A person who:

- 1) acquired, stored or transported for the purpose of sale, deposit or circulation,
- 2) sold,
- 3) deposited in a financial institution, or
- 4) put into circulation
counterfeit money produced by another person,

committed a crime of degree 3.

Article 6.3.7. Counterfeiting a security

A person who counterfeited a security,
committed a crime of degree 3.

Article 6.3.8. Handling of a counterfeit security

A person who:

- 1) issued,
- 2) acquired, stored or transported for the purpose of deposit or circulation,
- 3) deposited, or
- 4) sold a counterfeit security produced by another person,

committed a crime of 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 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 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 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 degree 3.

Article 6.3.12. Failure to pay tax, fee, or single contribution to the compulsory state social insurance that caused substantial pecuniary damage

A person who failed to pay:

- 1) a tax or fee that is part of the taxation system and has been 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 substantial pecuniary damage, —
committed a crime of 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 that is part of the taxation system and has been 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 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 that is part of the taxation system and has been 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 degree 5.

Article 6.3.15. Non-payment of tax arrears that caused substantial 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 substantial pecuniary damage, —
committed a crime of 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 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 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 **through negligence**:

1) a tax or a fee that is part of the taxation system and has been 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 degree 3.

Article 6.3.19. Credit fraud, which caused substantial pecuniary damage

A person who did not repay, **within the term established by an agreement**, in full or in part, a loan received as a result of submitting knowingly false information by such person to a bank or another financial institution, which caused substantial pecuniary damage to a creditor, –
committed a crime of degree 1.

Article 6.3.20. Credit fraud, which caused considerable pecuniary damage

A person who did not repay, **within the term established by an agreement**, in full or in part, a loan 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 degree 3.

Article 6.3.21. Credit fraud, which caused severe pecuniary damage

A person who did not repay, within the term established by an agreement, in full or in part, a loan 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 degree 5.

Article 6.3.22. Smuggling

A person who moved goods in considerable amounts across the customs border of Ukraine:

1) without the declaration required by law,
2) outside customs clearance,
3) hiding them from customs clearance,
committed a crime of degree 3.

Article 6.3.23. 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 degree 3.

Article 6.3.24. Insider information disclosure

A person who disclosed insider information, –
committed a crime of degree 1.

Article 6.3.25. 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 degree 3.

Article 6.3.26. 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 **as required by law**, or
- 2) provided them wrong information about such activity, –
committed a crime of degree 1.

Article 6.3.27. Abuse of the European Union's financial interests

A person who abused the European Union's financial interests, –
committed a crime of degree 3.

Article 6.3.28. Legalization (laundering) of criminally obtained assets (proceeds)

A person who:

- 1) acquired or used assets (proceeds) **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) provided that it is known that they have been received as a result of criminal activities, with the aim of concealing or veiling their illegal origin or helping any person engaged in their legalization 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 degree 3.

Article 6.3.29. 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 degree 1.

Subsection 2. MINOR OFFENSES

Article 6.3.30. 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 6.3.31. 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 unreliable information about the said transactions, –
- committed a minor offense.

Article 6.3.32 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) *fictitious 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 another document.

Subsection 1. CRIMES

Article 6.4.2. 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 an intentional crime:

- 1) provided for in Article 6.4.3, with regard to banking activity or provision of financial services;
- 2) provided for in Article 6.4.3, with regard to activities in the gambling market or the issuance or conduct of lotteries;
- 3) provided for in Article 6.4.3, with regard to the production of and trading in excisable goods;
- 4) provided for in Article 6.4.3, with regard to the construction of facilities classified as facilities with medium (CC2) and considerable (CC3) consequences by class of consequences (responsibility);
- 5) provided for in Articles 6.4.6–6.4.11, with regard to a business entity conducting banking activities or providing financial services;
- 6) as part of a simple group;
- 7) using official authority or professional duties, or related opportunities.

Article 6.4.3. 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 of this Code, –
committed a crime of degree 1.

Article 6.4.4. 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 payment to the compulsory state social insurance,
–
committed a crime of degree 1.

Article 6.4.5. 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 participant, 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 degree 3.

Article 6.4.6. Driving to insolvency, which caused substantial 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 substantial pecuniary damage, –
committed a crime of degree 1.

Article 6.4.7. 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 degree 3.

Article 6.4.8. 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 degree 5.

Article 6.4.9. Actions in case of insolvency, which caused substantial 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 substantial pecuniary damage, –
committed a crime of degree 1.

Article 6.4.10. 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 degree 3.

Article 6.4.11. 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 degree 5.

Article 6.4.12. Coercion to anti-competitive concerted practices

A person who coerced a business entity to anti-competitive concerted actions, –
committed a crime of degree 3.

Subsection 2. MINOR OFFENSES

Article 6.4.13. 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 6.4.14. 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 6.4.15. 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 6.4.16. 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 and 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, which are located within the nature reserves of Ukraine, or constitute particularly valuable lands or specially protected forests;

Article 6.5.3. Illegal appropriation of a natural resource in its natural condition, which caused substantial pecuniary damage

A person who illegally took possession of a natural resource in a natural condition, in particular:

- 1) soil cover (surface layer) of lands,
- 2) surface (ground) layer of water area lands,
- 3) waters,
- 4) mineral resource,
- 5) tree or shrubs in a forest or forest plantation, or
- 6) a wild animal,

if such an act caused substantial pecuniary damage, –
committed a crime of 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) soil cover (surface layer) of lands,
- 2) surface (ground) layer of water area lands,
- 3) waters,
- 4) mineral resource,
- 5) tree or shrubs in a forest or forest plantation, or
- 6) a wild animal,

if such an act caused considerable pecuniary damage, –
committed a crime of 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) soil cover (surface layer) of lands,
- 2) surface (ground) layer of water area lands,
- 3) waters,
- 4) mineral resource,
- 5) tree or shrubs in a forest or forest plantation, or
- 6) a wild animal,

if such an act caused severe pecuniary damage, –
committed a crime of degree 5.

Article 6.5.6. Destruction of or damage to a plant or animal 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 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 substantial pecuniary damage, –
committed a crime of 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, 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 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, 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 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,
- 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 degree 3.

Article 6.5.10. Violation of the rules of using natural resources, 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 crime of 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 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 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 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 degree 3.

Subsection 2. MINOR OFFENSES

Article 6.5.15. Illegal appropriation of natural resources, which caused appreciable 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 area 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 appreciable 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 a minor offense.

Article 6.5.17. Destruction of or damage to a natural resource which caused appreciable 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 appreciable pecuniary damage, –
committed a minor offense.

Article 6.5.18. Violation of the rules of using a natural resource, which caused appreciable pecuniary damage

A person who violated the rules of using:

- 1) lands,
- 2) water, or
- 3) subsoil,

if such an act caused appreciable 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 of Ukraine, –
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 are 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 are 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 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 degree 5.

Article 7.1.6. Criminal influence

A person who establishes or extends criminal influence (a criminal leader) who:

- 1) made a demand related to the activities of an organized criminal group regarding the behaviour of its participants or extended this demand to other persons,
- 2) forced to fulfil 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 and 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 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 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 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 are 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 are 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 Article 7.2.6, 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 intimidate the population, 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 system using malicious software or hardware, –
- committed a crime of degree 5.

Article 7.2.4. A threat of an act of terrorism

A person who threatened to commit an act of terrorism, –
committed a crime of degree 3.

Article 7.2.5. Public calls for 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 counteracting 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 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, in fulfilment of a task assigned by a terrorist group, –
- committed a crime of 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 in fulfilment of a task assigned by a terrorist group,
 - 3) spreading terrorism,
 - 4) counteracting 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 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 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 small firearm that can fire several shots with one pull of the trigger;
- 2) *smooth-bore hunting weapon* – a firearm that has a smooth barrel (without rifling) of at least 450 mm long 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 or ammunition by replacing or restoring a worn or unusable part or 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 small firearm or artillery or missile weapon, without the use of which it is impossible to fire a small firearm or an artillery 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 are 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 barrelled weapon, a rocket or torpedo, a radioactive material, or a combat poison;
- 2) provided for in Article 7.3.6, 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 are the commitment of an intentional crime:

- 1) provided for in Articles 7.3.4 and 7.3.5, regarding an automatic firearm;
- 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 and 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 manufactured,
 - 2) repaired,
 - 3) acquired,
 - 4) kept,
 - 5) moved,
 - 6) sold, or
 - 7) took possession of portable firearm in the amount of up to 10 items, or ammunition to it in the amount of 10 and more items, –
- committed a crime of degree 3.

Article 7.3.5. Illegal circulation of composite parts and components of firearms

A person who illegally:

- 1) moved across the customs border of Ukraine, 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), –
committed a crime of 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 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 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 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 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 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, knowing that an item had been located in a zone of enhanced radiation control, unlawfully:

- 1) moved it outside such an area,
- 2) acquired it, or
- 3) sold it, –

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,
- 6) sold, or

7) took possession of ammunition for firearms in the amount of up to ten units or 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 are 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 navigation 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 navigation,

if such an act created a real danger of causing considerable, severe or particularly severe damage, –
committed a crime of degree 1.

Article 7.4.3. Dangerous actions in the airspace

A person who:

- 1) illegally carried out an explosion of 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 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 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 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 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, entered 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, 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 of this Code,
 - 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.
- .

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 are 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 train, or public transport.

Article 7.5.3. Aggressive behaviour

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 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 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 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 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, 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 bullied (harassed) a participant in the educational process –

committed a minor offense.

Article 7.5.10. Failure to report bullying

A head of an educational institution who failed to notify the administrative body responsible for ensuring public safety and order about bullying of a participant in the educational process – committed a minor 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.

Section 7.6.

CRIMINAL OFFENSES AGAINST PUBLIC MORALS AND CULTURAL HERITAGE

Article 7.6.1. Definition of terms used in this Section

In this Section, the following terms shall have the meaning given below:

- 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 behaviour, 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* – 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, 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 artefacts 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 are 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 are 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 honour 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 an underage 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 degree 3.

Article 7.6.5. Engagement of a child in the production of child pornography

A full-aged person who:

- 1) recruited a child for the production of child pornography object or participation in a pornographic performance, pornographic entertainment event, or pornographic play;
- 2) induced or coerced a child 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,
- 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 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 1–4 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 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 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 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 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 a cultural value (cultural object) or a document of the National Archive Fund,
 - 2) removed it 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 that has been knowingly illegally seized from the owner or lawful holder,
 - 4) did not return a cultural value (cultural object) or a document of the National Archive Fund 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 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 degree 3.

Article 7.6.12. Cruel treatment of an animal

A person who illegally:

- 1) injured or maimed an animal belonging to vertebrates,
 - 2) depleted it by restricting living space or access to food, water, air or heat,
 - 3) subjected it to experiments or
 - 4) set it on another animal belonging to vertebrates, –
- committed a crime of 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

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 are 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 7.7.3 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 degree 1.

Article 7.7.4. Illegal interception of computer data

A person who illegally intercepted non-public transmission of computer data:

- 1) when they left the information system,
- 2) when they entered the information system, or
- 3) during operations with them within the information system, – committed a crime of 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 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 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 are 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 are 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 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 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 degree 1.

Article 7.8.7. Use of another person's important personal document

A person who illegally used a knowingly another person's important personal document, –
committed a crime of degree 1.

Article 7.8.8. Violation of requirements for the labelling of weapons or explosive substance

A person who, in breach of the legislative requirements for the labelling of firearms or explosive substance:

- 1) destroyed,
 - 2) removed, or
 - 3) replaced or forged such labelling, –
- committed a crime of degree 1.

Article 7.8.9. Production or manufacture of unlabelled weapons or explosive substance or its transportation across the customs border of Ukraine

A person who:

- 1) produced or manufactured unlabelled weapons or explosive substance, or
 - 2) moved the same across the customs border of Ukraine, –
- committed a crime of 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 executive, administrative, audit and control 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 large bribe.

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 large bribe;
- 3) provided for in Articles 7.9.6 or 7.9.7, if their object or means was a considerable bribe.

Article 7.9.4. Provision of a considerable bribe to a functionary or an employee of the private sphere

A person who

- 1) offered a functionary or an employee of the private sphere a considerable bribe, or
 - 2) provided it to them –
- committed a crime of degree 1.

Article 7.9.5. Receipt of a considerable bribe by a functionary or an employee of the private sphere

A functionary or an employee of the private sphere who:

- 1) accepted an offer of a considerable bribe,
 - 2) received a considerable bribe,
 - 3) asked for it, or
 - 4) demanded it
- from another person, –
- committed a crime of 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 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 degree 1.

Subsection 2. MINOR OFFENSES

Article 7.9.8. Provision of an inappreciable bribe to a functionary or an employee of the private sphere

A person who

- 1) offered, or
 - 2) provided an inappreciable bribe to a functionary or an employee of the private sphere, –
- committed a minor offense.

Article 7.9.9. Receiving an inappreciable bribe by a functionary or an employee of the private sphere

A functionary or an employee of the private sphere who:

- 1) accepted an offer of an inappreciable bribe,
- 2) received an inappreciable bribe,

- 3) asked for it, or
- 4) demanded it
from another person, –

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 of this Code

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 are 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, fulfilment 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 duties, or related opportunities;
- 6) for the purpose of concealing another crime or facilitating its commitment.

Article 8.1.4. Adoption of an arbitrary court decision

A judge who adopted a knowingly unlawful and/or groundless (arbitrary) court decision by abuse of official authority, –
committed a crime of 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 degree 3.

Article 8.1.6. Interference with the United 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 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 are 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 target or means was a large bribe;
- 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 are 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, fulfilment 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 target or means was a large bribe;
- 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 and 8.2.16–8.2.19, in relation to a grave or an especially grave crime;
- 7) 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 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 degree 1.

Article 8.2.5. Hindering the establishment of the fact and circumstances of an act provided for by this Code

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, falsely accused another person known to be innocent in the commission of a criminal offense or another unlawful action provided for in this Code, or
 - 3) forced a participant in the criminal proceedings to provide false explanations or testimony or to refuse or evade participation in the proceedings, –
- committed a crime of 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 degree 1.

Article 8.2.7. Groundless bringing to criminal liability

A prosecutor, investigator, or inquirer who, knowingly, without grounds defined by law, informed a person of the suspicion of committing a criminal offense, –

committed a crime of 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 degree 1.

Article 8.2.9. Violation of the right to defence

A judge, prosecutor, investigator, inquirer, or operative unit employee who:

- 1) groundlessly prevented the defence attorney from participating in criminal proceedings;
 - 2) violated the right to confidential communication with a defence attorney;
 - 3) failed to engage the defence attorney in due time to carry out the defence as assigned;
 - 4) obstructed the free choice of the defence attorney;
 - 5) deprived a person of the possibility of independently defending themselves; or
 - 6) carried out a procedural action without the mandatory participation of a defence attorney,
- committed a crime of 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 as provided by law, –

committed a crime of 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 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 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, defence 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 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 secure the provision of false explanations or testimony, or a knowingly incorrect translation, –
- committed a crime of 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 false 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 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 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 of this Code, –
committed a crime of 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 degree 1.

Article 8.2.19. Failure to provide a conclusion 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 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 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 statement (notice) of a criminal offense in order to dissuade them from filing such a statement (notice), 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 or secrets of closed court sessions

A person who was warned in the manner prescribed by the law of the inadmissibility of disclosing certain information and disclosed information related to:

- 1) investigative activities or pre-trial investigation, or
- 2) a closed court session, – 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 a conclusion 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 prevented a person selected to serve as a juror in a specific case from performing their duties as a juror, –

committed a minor offense.

Article 8.2.27. Persistent failure to appear in court

A juror, a prosecutor, or a defence 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 are the commission of an intentional crime:

- 1) as part of a simple group;
- 2) provided for in Article 8.3.2 or 8.3.3, 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 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 distrained, 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 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 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 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 degree 1.

Subsection 2. MINOR OFFENSES

Article 8.3.7. Evasion of probation

A person who evaded serving probation 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 THE 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 interstate 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 are 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 are 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 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 or foreign organization the commission by them of an act provided for in paragraphs 1–4 of this Article, or agreed to their proposal to commit such an act, –
- committed a crime of 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;

3) implemented education standards of the aggressor state in educational institutions, holding a position related to the performance of executive 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 governmental, executive, administrative, audit and control, 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 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 executive 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 governmental, executive, administrative, audit and control 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 degree 3.

Article 9.1.8. Espionage

A person who:

1) initiated or agreed to fulfil the task of a foreign state or 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 for further transfer, or

3) transferred to a foreign state or foreign organization, or their representative any information that may be used to the detriment of the national security of Ukraine, –

committed a crime of 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 degree 5.

Article 9.1.10. Failure to comply with sanctions or obstruction of their implementation⁴

A person who:

⁴ 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>

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 Défense 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 Défense 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 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, or

4) disseminated materials containing such justification, denial, praise, or glorification, –
committed a crime of degree 3.

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 are 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) for the lucrative purpose.

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 defence or mobilization; –
committed a crime of 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 Defence of Ukraine, the Defence Intelligence of the Ministry of Defence 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 degree 3.

Article 9.2.4. Unauthorized dissemination of information about the movement or stationing of a military unit 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 Defence 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 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 contained 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 where 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, entered Ukraine by illegally crossing the state border of Ukraine and stay in 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 shall not be deemed to be illegal crossings of the state border.

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 are 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 are 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, who, even if not accused or convicted of a crime punishable under Article 4.4.6 of this Code, 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 lucrative purposes.

Article 9.3.4. Illegal crossing of the state border of Ukraine by a person who was prohibited 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 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 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 their applicable laws 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 their applicable laws on the stay of foreigners, –

committed a crime of 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 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 it,

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 intolerance.

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 caused 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 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 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 caused severe pecuniary damage through negligence, –
committed a crime of 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 caused considerable pecuniary damage through negligence, –
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 1 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 unsubstantiated 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)* – acquisition of their ownership:

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.

6) *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 large bribe;

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 considerable bribe;

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, –
committed a crime of 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

A public 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 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 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 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 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 degree 3.

Article 9.5.10. Trading in influence

A person who:

1) accepted a proposal of a bribe from a public official;

2) solicited a bribe, or

3) received bribe in exchange for real or pretended influence on the decision-making by a public official, –
committed a crime of 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 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 PROCEDURE

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 under the declaration procedure and the reliable information is more than thirty 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 of a person authorized to perform the functions of the state or local government, –
committed a crime of degree 1.

Article 9.6.4. Misdeclaration 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 degree 1.

Subsection 2. MINOR OFFENSES

Article 9.6.5. Misdeclaration on a small 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, their adoption or implementation, or participates in their implementation, with a view to protecting human and citizen rights and freedoms and 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 large bribe;
- 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 are 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 voluntary public order squad 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 considerable bribe;
- 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 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 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 degree 1.

Article 9.7.7. Violence in connection with the discharge of official authority or professional duties, the fulfilment 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 fulfilment 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 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 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 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 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 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 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 degree 1.

Article 9.7.15. False Translation

A translator who knowingly made 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 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 degree 1.

Subsection 2. MINOR OFFENSES

Article 9.7.17. Illegal hoisting the State Flag of Ukraine on a sea or river vessel

A person who illegally hoisted the State Flag of Ukraine on a sea or river vessel, –
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 supports the activities of a state or local government body, 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 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 for conscripted officers

A person who evaded:

- 1) basic military service,
- 2) military service for conscripted officers, –
committed a crime of 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 military service for conscripted reservists during a special period, –
committed a crime of 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 during mobilization for the duration of a special period, –
committed a crime of degree 3.

Article 9.8.5. Evasion of civil defence service

A person who evaded civil defence service during a special period or in case of targeted mobilization, –
committed a crime of 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 degree 1.

Article 9.8.7. Arbitrary conscription for military service, civil defence service, or alternative civilian service

A public official who made an illegal decision to call up a citizen for basic military service, military service for conscripted officers, military service for conscripted reservists during a special period, military service by conscription during mobilization, for a special period, civil defence service during a special period or in the event of targeted mobilization or alternative service, –
committed a crime of 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 fulfil 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 citizen who evaded fulfilling their 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 HONOUR**

Article 10.1.1. Definition of the terms used in Sections 10.1–10.6 of this Code

In Sections 10.1–10.6 of this Code, the following terms shall have the meaning given 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 (superior) or another serviceperson who:
 - a) holds, either permanently or temporarily, a position related to the fulfilment of governmental, executive, administrative, audit and control duties, or
 - b) is expressly authorized to fulfil 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 laws of Ukraine, 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 executive 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 are 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 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 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 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 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 degree 3.

Article 10.1.9. 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 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 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 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 a minor 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 subordinates getting intoxicated

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 getting intoxicated,
 - 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 in 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, lasting for more than 90 days or 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 degree 3.

Article 10.2.4. Abandonment of a sinking warship

A serviceperson who abandoned a sinking 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 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 are 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 are 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 degree 3.

Article 10.3.4. Destruction of or damage to means of warfare, which caused 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 crime of degree 1.

Article 10.3.5. Destruction of 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 degree 3.

Article 10.3.6. Destruction of 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 degree 5.

Article 10.3.7. Loss or destruction of, 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 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 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 degree 3.

Subsection 2. MINOR OFFENSES

Article 10.3.10. Destruction of or damage to means of warfare that resulted in appreciable pecuniary damage

A serviceperson, a person liable for military service, or a reservist who destroyed or damaged means of warfare if it resulted in appreciable pecuniary damage, –
committed a minor offense.

Article 10.3.11. Loss or destruction of, 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 through 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 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 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 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 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 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 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 considerable bodily harm or considerable 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 are 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 are 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 and caused physical pain, – committed a crime of 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 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 degree 3.

Article 10.5.6. Violation of the rights of a military whistleblower

A military public official who has restricted the rights of a military whistleblower or their close relative due to their reporting of a commission by another person of a corruption or corruption-related offence or a military criminal offence, i.e. who has unlawfully:

- 1) dismissed them from service or forced them to dismiss themselves,
- 2) brought disciplinary proceedings against them,
- 3) transferred or redeployed them,
- 4) worsened their conditions of service,
- 5) refused them to be appointed to another position or removed them from their position,
- 6) reduced their remuneration,
- 7) denied them the right to upgrade their qualifications (undergo retraining) or
- 8) deprived them of the right to take rest, –

committed a crime of the third degree.

Subsection 2. MINOR OFFENSES

Article 10.5.7. 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 10.5.8. 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;
 - 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 10.5.9. 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 are 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 10.6.3, 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 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 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 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 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 harm to the health of people belonging to one of such groups;
 - 3) 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 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 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 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 can 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 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, or
- 4) carried out such an act, –
committed a crime of 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 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 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 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 that it may cause 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, a town, a village, a dwelling or building, which are undefended and non-military targets, 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 degree 7.

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 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 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 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 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) takes 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, 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 are 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 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 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 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 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 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 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 degree 5.

Article 11.5.11. Piracy

A person who:

- 1) while being a crew member or passenger of watercraft or aircraft, 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 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, shall be 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 2.9.8 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 2.9 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 cancelled 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 3.5.13 of this Code;

3) such person is released from serving punishment under Articles 75, 79, and 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 3.5.13 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 conviction shall expire 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 2001 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 under 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 3.4.3 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 shall 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 labour, service restrictions for military personnel, and confiscation of property, which were provided for by the 2001 Criminal Code of Ukraine, shall 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. Substitution of punishments imposed based on the 2001 Criminal Code of Ukraine

1. The court shall substitute the types of punishment imposed on a person convicted based on the 2001 Criminal Code of Ukraine as follows:

- 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 court shall replace the sentence imposed on a person convicted under the Criminal Code of Ukraine of 2001 to life imprisonment for a crime committed when under the age of 21 with the maximum term of fixed-term imprisonment as set out in Article 3.2.8 of this Code for a crime of the corresponding gravity degree.

5. The substitution 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 substituted with 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 labour 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, unless Article 3.5.3 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 released 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 discharge 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 3.5.1 of this Code shall not apply.

3. A probationary period determined by a court based on the 2001 Criminal Code of Ukraine shall be substituted with 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 release from serving punishment for a criminal offense committed before the enactment of this Code shall be determined by parts 6 or 7 of Article 3.5.1 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 3.5.4 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 this punishment suspended by the court under Article 3.5.8 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 the punishment in the form of fixed-term imprisonment of a person who committed a criminal offense before the enactment of this Code shall be commuted to a punishment in the form of restriction of liberty based on Article 3.5.6 of this Code, taking into account the provisions of part 2 of this Article.

2. The portion of punishment that the person must serve to be able to have the punishment commuted shall be determined under Article 82 of the 2001 Criminal Code of Ukraine, unless Article 3.5.6 of this Code provides for a shorter term.

Article 12.1.15. Expiry and expungement of conviction for a criminal offense committed before the enactment of this Code

1. Conviction for a criminal offense committed before the enactment of this Code shall expire or be expunged 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, 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, is lifted or cancelled.

Article 12.2.2. Invalidation of 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 acts 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 (784 articles):

General Part: 25 sections, 176 articles;

Special Part: 50 sections, 590 articles: 460 articles on crimes and 130 articles 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
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A person responsible for maintaining the control copy of the draft Criminal Code of Ukraine	M.I. Khavroniuk