

CRIMINAL CODE OF THE REPUBLIC OF TAJIKISTAN

(AkhborMajlisi Oli of the Republic of Tajikistan, 1998, No. 9, art. 68, art. 69, no. 22, art. 306; 1999, No. 12, Art. 316; 2001, no. 4, art. 149, art. 167; 2002, No. 11, Art. 675, art. 750; 2003, No. 8, Art. 456, art. 468; 2004, No. 5, Art. 346, no. 7, art. 452, art. 453; 2005, No. 3, Art. 126, no. 7, art. 399, no. 12, art. 640; 2007, no. 7, art. 665; 2008, No. 1, Part 1, Art. 3, no. 6, art. 444, art. 447, no. 10, art. 803, no. 12, part 1, art. 986, no. 12, part 2, art. 992; 2009, no. 3, art. 80, no. 7-8, art. 501; 2010, no. 3, art. 155, no. 7, art. 550; 2011, no. 3, art. 161, no. 7-8, art. 605; 2012, no. 4, art. 258, no. 7, art. 694; 2013, no. 6, art. 403, art. 404, no. 11, art. 785, no. 12, art. 881; 2014, no. 3, art. 141, no. 7, part 1, art. 385, art. 386; 2015, no. 3, art. 198, Art. 199, no. 11, art. 949, no. 12, part 1, art. 1107; 2016, no. 3, art. 127, no. 5, art. 355, art. 356, no. 7, art. 608, art. 609, no. 11, art. 874, art. 875; 2017, No. 1-2, Art.2, Art. 3, no. 7-9, art. 586 ; 2018, no. 1, art. 4, art. 5, no. 5, art. 266, no. 7-8, art. 522; 2019, No. 1, Article 1, Article 2, No. 6, Article 311; 2020, No. 1, Article 8, Article 9)

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A COMMON PART

SECTION I. CRIMINAL LAW

CHAPTER 1. OBJECTIVES AND PRINCIPLES OF THE CRIMINAL LAW OF THE REPUBLIC OF TAJIKISTAN GROUNDS OF CRIMINAL LIABILITY

Article 1. Criminal Law of the Republic of Tajikistan

1) The Criminal Law of the Republic of Tajikistan consists of this Code. New laws providing for criminal liability are to be included in the Criminal Code.

2) This Code is based on the Constitution of the Republic of Tajikistan and the generally recognized principles and norms of international law (**ZRT from 17.05.2004, N35**).

Article 2. Objectives of the Criminal Code of the Republic of Tajikistan

1) The objectives of this Code are the protection of human and civil rights and freedoms, public safety and health of the population, the environment, public order and morality, property, protection of the constitutional order and security of the Republic of Tajikistan from criminal encroachments, ensuring the peace and security of mankind, educating citizens in the spirit of observance of the Constitution and laws of the republic, as well as the prevention of crimes (**ZRT from 17.05.2004 N35**).

2) For the implementation of these tasks, this Code establishes the basis and principles of criminal liability, determines what acts dangerous for the individual, society or the state are recognized as crimes, and establishes the types of punishment and other measures of a criminal-legal nature for their commission.

Article 3. Principles of Criminal Law and Criminal Liability

The Criminal Law is based on the principles of legality, equality before the law, inevitability of responsibility, personal responsibility, guilt, justice, humanism, democracy.

Article 4. Principle of legality

Non official translation based on the source in Russian language from the National Center of Legislation under the President of the Republic of Tajikistan http://ncz.tj/system/files/Legislation/574k_ru.doc

1) The criminality of an act, its punishability and other criminal-legal consequences are determined only by this Code (**ZRT from 17.05.2004 N35**).

2) No one can be found guilty of committing a crime, as well as subjected to criminal punishment other than by a court sentence and in accordance with the law.

3) The application of the criminal law by analogy is not allowed.

4) The content of the Criminal Code should be understood in strict accordance with its text.

Article 5. Principle of equality before the law

Persons who have committed crimes are equal before the law and are subject to criminal liability regardless of gender, race, nationality, citizenship, language, attitude to religion, political beliefs, education, social, official and property status, membership of political parties, public associations, place of residence and other circumstances.

Article 6. Principle of inevitability of liability

Each person who has committed a crime is subject to punishment or other measures of a criminal-legal nature, provided for by this Code (**ZRT of 05.17.2004**).

Article 7. Principle of personal responsibility and guilt

1) No one can be criminally liable other than for their own acts (actions or inaction) (**ZRT from 17.05.2004 N35**).

2) A person is subject to criminal liability only for those socially dangerous acts and socially dangerous consequences in relation to which his guilt has been established.

3) Objective imputation, that is, criminal liability for innocent infliction of harm, is not allowed.

Article 8. Principle of equity

1) Punishment and other measures of a criminal-legal nature to be applied to the person who committed the crime must be fair, that is, correspond to the nature and degree of social danger of the crime, the circumstances of its commission and the identity of the perpetrator.

2) No one can be criminally liable twice for the same crime.

Article 9. Principle of humanism

1) The person who committed a crime must be sentenced or applied a measure of a criminal-legal nature necessary and sufficient to correct him and prevent new crimes.

2) Punishment and other measures of a criminal-legal nature applied to a person who committed a crime cannot be aimed at causing physical suffering or humiliation of human dignity.

Article 10. The principle of democracy

In the cases stipulated by this Code, political parties, public associations, citizens' self-government bodies or collectives are involved in the correction of persons who have committed crimes, at their request and with their consent (**ZRT of 17.05.2004 N35**).

Article 11. Grounds for criminal liability

The basis for criminal liability is the commission of an act containing all the elements of the corpus delicti provided for by this Code (**ZRT of 17.05.2004 N35**).

Article 11 (1). Rules for the interpretation of criminal law

1) If a criminal law norm is stated ambiguously or can be interpreted ambiguously, then the interpretation (interpretation) should be carried out in favor of the accused (defendant, convict).

2) The terms and (or) concepts used in this Code have the same meaning as they have in the relevant laws, unless otherwise provided by the Criminal Code.

3) It is forbidden to assign different meanings to the same wording within the framework of this Code, if there is no special clause about this in this Code (**ZRT of 17.05.2004 N35**).

CHAPTER 2. OPERATION OF THE CRIMINAL LAW IN TIME AND SPACE

Article 12. Operation of the criminal law in time

1) The criminality and punishability of an act is determined by the law in force at the time of its commission.

2) The time of the commission of a crime is the time of the implementation of a socially dangerous act, regardless of the time of the onset of the consequences.

Article 13. Retroactive effect of criminal law

1) A criminal law that eliminates the criminality of an act, mitigates punishment or otherwise improves the position of a person who has committed a crime is retroactive, that is, it applies to persons who committed the relevant act before the entry into force of such a law, including persons who are serving or have served punishment, but having a criminal record. From the moment of the entry into force of the law eliminating the criminality of an act, the corresponding act committed before its entry into force is not considered criminal.

2) If the new criminal law mitigates the punishability of an act for which a person is serving a sentence, the sentence imposed shall be reduced in accordance with the upper limit of the sanction of the newly issued criminal law.

3) A criminal law that establishes the criminality of an act, increases the punishment or otherwise aggravates the situation of the person who committed this act is not retroactive.

Article 14. Actions of the criminal law in relation to persons who have committed crimes on territory of the Republic of Tajikistan

1) A person who has committed a crime on the territory of the Republic of Tajikistan is subject to liability under this Code, unless otherwise provided by international legal acts recognized by Tajikistan (**ZRT from 17.05.2004 N35**).

2) A crime committed on the territory of the Republic of Tajikistan should be recognized as an act that:

- a) started or continued, or was completed on the territory of the Republic of Tajikistan;
- b) committed outside the Republic of Tajikistan, and the criminal result occurred on its territory;
- c) committed on the territory of the Republic of Tajikistan, and the criminal result occurred outside of it;
- d) committed in complicity with persons who have carried out criminal activities on the territory of another state.

3) A person who has committed a crime on a water or aircraft lawfully moving in open water or air space outside the Republic of Tajikistan under the flag or with the identification marks of the Republic of Tajikistan is subject to criminal liability in accordance with this Code, unless otherwise provided by international legal acts, recognized by Tajikistan. A person who has committed a crime on a warship or military aircraft of the Republic of Tajikistan, regardless of their location, is also brought to criminal responsibility in accordance with this Code (**ZRT from 17.05.2004, N35**).

4) The issue of the criminal liability of diplomatic representatives of foreign states and other citizens who enjoy immunity in cases of committing a crime by these persons on the territory of the Republic of Tajikistan is resolved on the basis of international law.

Article 15. Actions of the criminal law in relation to persons who have committed a crime outside borders of the Republic of Tajikistan

1) A citizen of the Republic of Tajikistan, as well as a stateless person permanently residing in it, for a crime committed on the territory of a foreign state is brought to criminal responsibility in accordance with this Code if the act committed by him is recognized as a crime in the state on the territory of which such act and, if this person has not been convicted of this crime in a foreign state. When these persons are convicted, the punishment should not exceed the maximum limit of the sanction provided for by the law of the foreign state on the territory of which the crime was committed (**ZRT of 05.17.2004 N35**).

2) Foreign citizens and stateless persons who do not reside permanently in the Republic of Tajikistan are subject to liability under this Code for crimes committed outside its borders in the following cases:

- a) if they have committed a crime stipulated by the norms of international law, recognized by the Republic of Tajikistan or interstate treaties and agreements;
- b) if they have committed an especially grave or grave crime against citizens of Tajikistan or the interests of the Republic of Tajikistan.

3) These rules apply if foreign citizens and stateless persons who do not reside permanently in the Republic of Tajikistan have not been convicted in another state.

4) A citizen of the Republic of Tajikistan, as well as a stateless person permanently residing in the Republic of Tajikistan for a crime committed on the territory of a foreign state, is also brought to criminal responsibility in accordance with this Code in the case when, in accordance with specific articles of the Special Part of this Code, criminal liability is provided precisely for the commission of a crime on the territory of a foreign state. In this

case, the provisions provided for in part 1 (with the exception of the conviction) of this article are not taken into account **(as amended by the Law of November 14, 2016 No. 1359)**.

5) A conviction and other criminal-legal consequences of a crime committed by a person on the territory of a foreign state should not be taken into account when qualifying the act of this person and when imposing punishment for a crime committed by him on the territory of the Republic of Tajikistan, unless otherwise provided by international legal acts recognized Tajikistan **(ZRT from 17.05.2004 N35)**.

Article 16. Extradition of persons who have committed crimes

1) A citizen of the Republic of Tajikistan who has committed a crime on the territory of another state is not subject to extradition to this state, unless otherwise provided by bilateral agreements **(ZRT from 17.05.2004 N35)**.

2) Foreign citizens and stateless persons who have committed a crime outside the Republic of Tajikistan and located on its territory can be extradited to a foreign state for criminal prosecution or serving a sentence in accordance with an international treaty **(ZRT of 05.17.2004 N35)**.

SECTION II. A CRIME CHAPTER 3. CONCEPT AND TYPES OF CRIMES

Article 17. Concept of crime

1) A committed guilty socially dangerous act (action or inaction) prohibited by this Code under the threat of punishment is considered a crime.

2) An act (action or inaction) is not a crime, although formally, it contains signs of any act provided for by the Special Part of this Code, but due to its insignificance, it does not pose a public danger.

Article 18. Categories of crime

1) Depending on the nature and degree of public danger, the acts provided for by this Code are subdivided into crimes of minor gravity, medium gravity, grave and especially grave.

2) Crimes of small gravity are deliberate acts for the commission of which the maximum punishment provided for by this Code does not exceed two years in prison, as well as negligent acts for the commission of which the maximum punishment provided for by this Code does not exceed five years in prison **(ZRT from May 17, 2004 N35)**.

3) Crimes of average gravity are deliberate acts, for the commission of which the maximum punishment provided for by this Code does not exceed five years in prison, as well as negligent acts, for the commission of which punishment is provided in the form of imprisonment for a term exceeding five years **(as amended by the Law of May 17, 2004 N35)**.

4) Grave crimes are intentional acts for which the maximum punishment provided for by this Code does not exceed twelve years of imprisonment **(ZRT of 05.17.2004 N35)**.

5) Particularly grave crimes are deliberate acts, for the commission of which this Code provides for punishment in the form of imprisonment for a term of over twelve years or the death penalty **(ZRT of 05.17.2004, N35)**.

Article 19. Repetition of crimes

1) Repetition of crimes is the commission at different times of two or more acts provided for by the same article or part of the article of this Code.

2) The commission of two or more crimes provided for by various articles of this Code may be recognized as a repetition only in cases specifically indicated in the Special Part of this Code.

3) When determining repetition, they do not take into account the crimes for which the person who committed them was released from criminal liability, or the conviction for these crimes was canceled or removed in accordance with the procedure established by law **(ZRT of 17.05.2004 N35)**.

4) In cases where the repetition of crimes is provided for by this Code as a circumstance entailing a more severe punishment, the crimes committed by the person are qualified in accordance with the relevant part of the article of this Code, which provides for punishment for the repetition of crimes **(ZRT of 17.05.2004, N35)**.

5) A crime consisting of a number of identical criminal acts, covered by a common intent and aimed at a single goal, and constituting in the aggregate one continued crime, is not recognized as repeated.

6) The crime of prolonged failure to fulfill obligations, which characterizes the continuous implementation of the corpus delicti of one continuing crime, is not recognized as repeated.

Article 20. Cumulative Crime

1) The commission of two or more criminal acts provided for by different articles or parts of the same article of the Special Part of this Code, for none of which the person has been convicted, shall be recognized as a set of crimes. This does not take into account the crimes for which the person was released from criminal liability on the grounds established by law.

2) One action (inaction) containing elements of a crime provided for by two or more articles of this Code is also recognized as a set of crimes.

3) In the event of a cumulative crime, a person is responsible for each crime committed under the relevant article or part of this Code.

4) If a crime is provided for by general and special norms, there is no aggregate of crimes and criminal liability arises according to a special norm (**ZRT of 17.05.2004 N35**).

Article 21. Recidivism of crimes

1) The commission of an intentional crime by a person who has a previous conviction for an intentional crime is recognized as recidivism.

2) The recidivism of crimes is recognized as dangerous:

a) when a person has committed a grave crime, if earlier this person was sentenced to imprisonment at least twice for an intentional crime of average gravity;

b) when a person has committed a grave crime, if he was previously convicted of a grave or especially grave crime to imprisonment;

c) when a person has committed an especially grave crime, if he was previously convicted of a grave crime to imprisonment.

3) The recidivism of crimes is recognized as especially dangerous:

a) when a person has committed a grave crime, if earlier this person was twice convicted of a grave crime to imprisonment;

b) when a person has committed an especially grave crime, if previously he was convicted twice for a grave crime or was previously convicted of an especially grave crime.

4) When recognizing a recurrence of crimes, the following are not taken into account:

a) convictions for crimes committed by a person under the age of eighteen;

b) convictions for crimes for which a conditional non-application of punishment was applied or for which a suspension of the execution of a sentence was granted, if the conditional non-application of a sentence or a suspension of the execution of a sentence was not canceled and the person was not sent to serve the sentence in places of deprivation of liberty, as well as convictions canceled or removed in in the order established by Article 84 of this Code (**ZRT of 17.05.2004 N35**).

5) The recidivism of crimes entails a more severe punishment on the basis and within the limits provided for by this Code.

CHAPTER 4. PERSONS SUBJECT TO CRIMINAL LIABILITY

Article 22. General conditions of criminal liability

Only a sane natural person who has reached the age established by this Code is subject to criminal liability.

Article 23. Age at which criminal responsibility occurs

1) A person who has reached sixteen years of age at the time of the commission of a crime is subject to criminal liability.

2) Persons who have reached the age of fourteen by the time of the commission of the crime are subject to criminal liability for:

murder (article 104), intentional infliction of grievous bodily harm (article 110), intentional infliction of moderate harm to health (article 111), kidnapping (article 130), rape (article 138), sexual assault (article 139), terrorism (Article 179), hostage-taking (Article 181), theft of weapons, ammunition, explosives and explosive devices (Article 199), illegal circulation of narcotic drugs or psychotropic substances for the purpose of sale (Article 200), illegal handling of narcotic drugs or psychotropic substances (Article 201), theft of narcotic drugs or psychotropic substances (Article 202), theft of narcotic drugs, psychotropic substances and precursors (Article 202), illegal cultivation, prohibited for cultivation of plants containing narcotic substances (Article 204), illegal circulation of potent or poisonous substances for the purpose of marketing (Article 206), disabling vehicles or communication routes robbery (Article 214), hooliganism with aggravating circumstances (parts two and three of Article 237), theft

(Article 244), robbery (Article 248), robbery (Article 249), extortion (Article 250), theft of a car or other vehicles without the purpose of theft (Article 252), deliberate destruction or damage of property under aggravating circumstances (part two of Article 255) (ZRT of 17.05.2004 N35).

3) In individual cases provided for by the Special Part of this Code, only persons who have reached an older age than sixteen are subject to criminal liability.

4) If a minor who has reached the age provided for in parts one or two of this article, due to a mental retardation not associated with a mental disorder, at the time of the commission of a socially dangerous act could not fully understand the actual nature and social danger of his actions (inaction), or lead them, it is not subject to criminal liability (ZRT from 17.05.2004 N35).

Article 24. Insanity

1) A person who, at the time of the commission of a socially dangerous act, was in a state of insanity, that is, could not realize the actual nature and social danger of his action or inaction, or control them due to a chronic mental illness, temporary mental disorder, dementia or other painful mental state (ZRT from 17.05.2004, N35).

2) A person who has committed a socially dangerous act provided for by the criminal law in a state of insanity may be assigned compulsory medical measures provided for by this Code (ZRT from 17.05.2004 N35).

3) A person who has committed a crime in a state of sanity, but before the court pronounces a sentence, is ill with a mental illness that deprives him of the opportunity to realize the danger of his act or to direct it, is not subject to punishment. The court may apply measures of a compulsory medical nature to such a person, and upon recovery, he may be subject to punishment if the statute of limitations provided for in Article 75 of this Code has not expired (ZRT of 17.05.2004 N35).

Article 25. Criminal liability of persons with morbid mental disorders, not excluding sanity (limited sanity)

1) A sane person who, during the commission of a crime due to a mental disorder, could not fully understand the actual nature and social danger of his actions (inaction), or to direct them, is subject to criminal liability (ZRT from 17.05.2004 N35).

2) The state of limited sanity is taken into account when imposing punishment and may serve as a basis for imposing a compulsory measure of a medical nature.

Article 26. Criminal liability of persons who have committed a crime while intoxicated

1) A person who has committed a crime in a state of intoxication caused by the use of alcohol, narcotic drugs, psychotropic or other intoxicating substances is not exempt from criminal liability (ZRT from 17.05.2004 N35).

2) In the event of a crime committed by an alcoholic, drug addict or toxic addict, the court, along with the application of punishment, may prescribe compulsory medical measures provided for by this Code.

CHAPTER 5. WINES

Article 27. Form of guilt

1) Only a person who has committed an act intentionally or through negligence is recognized as guilty of a crime.

2) An act committed only through negligence is recognized as a crime only if it is provided for in the relevant article of the Special Part of this Code (ZRT of 17.05.2004 N35).

Article 28. Crime committed intentionally

1) A crime committed with intent is an act committed with direct or indirect intent.

2) A crime is recognized as committed with direct intent if the person realized the social danger of his action (inaction), foresaw the possibility or inevitability of its socially dangerous consequences and wished their occurrence.

3) A crime is recognized as committed with indirect intent if the person realized the social danger of his action (inaction), foresaw the possibility of socially dangerous consequences, did not want to, but deliberately allowed them or treated them indifferently.

Article 29. Crime committed through negligence

1) A socially dangerous act committed out of arrogance or negligence is recognized as a crime committed by negligence.

2) A crime is recognized as committed out of arrogance if the person who committed it foresaw the possibility of the onset of socially dangerous consequences of his action (inaction) but presumptuously, without sufficient grounds, counted on the prevention of these consequences (**ZRT of 17.05.2004 N35**).

3) A crime is recognized as committed through negligence if the person who committed it did not foresee the possibility of the onset of socially dangerous consequences of his action (inaction), although with care and foresight he should and could have foreseen them.

Article 30. Responsibility for a crime committed with two forms of guilt

If a person, as a result of committing an intentional crime, causes other socially dangerous consequences through negligence, which, in accordance with this Code, entail a more severe punishment, such a crime shall be deemed to have been committed intentionally (**as amended by the Law of the Republic of Tajikistan of 17.05.2004 N35**).

Article 31. Innocent infliction of harm (case)

1) The act is recognized as committed innocently if the person who committed it was unaware, and due to the circumstances of the case, should not or could not have realized the social danger of his action (inaction) or did not foresee the possibility of socially dangerous consequences, and due to the circumstances of the case should not or could not foresee them (**ZRT from 17.05.2004, N35**).

2) The act is also recognized as committed innocent if the person who committed it, although he foresaw the possibility of the onset of socially dangerous consequences of his actions (inaction), could not prevent these consequences due to the inadequacy of his psychophysiological qualities to the requirements of extreme conditions or neuropsychic overload (**in version of the Law of the Republic of Tajikistan of 05.17.2004 N35**).

CHAPTER 6. UNFINISHED AND FINISHED CRIME

Article 32. Preparation for a crime and attempted crime

1) Preparation for a crime is the intentional seeking, making or adapting by a person of means or instruments of committing a crime, looking for accomplices in a crime, conspiracy to commit a crime, or other intentional creation of conditions for committing a crime, if the crime has not been completed due to circumstances beyond the control of the person (**ZRT from 17.05.2004 N35**).

2) Criminal liability arises only for preparing for grave or especially grave crime (**ZRT from 17.05.2004 N35**).

3) An attempted crime is an intentional action (inaction) of a person directly aimed at committing a crime, if the crime was not completed due to circumstances beyond the control of this person.

4) Responsibility for preparation for a crime or attempted crime occurs under the same part of the article of the Special Part of the Criminal Code, as for the completed crime with reference to this article.

Article 33. Completed crime

A crime shall be deemed completed if the act committed by the person contains all the elements of the corpus delicti provided for by this Code.

Article 34. Voluntary renunciation of a crime

1) Voluntary and final termination by a person of preparatory actions or the termination of actions (inaction) directly aimed at committing a crime, if the person was aware of the possibility of bringing the crime to an end, shall be recognized as voluntary renunciation of a crime.

2) A person is not subject to criminal liability for a crime if he voluntarily and finally refused to bring this crime to an end.

3) A person who voluntarily refused to bring a crime to an end is subject to criminal liability only if the act actually committed by him contains the elements of another crime.

4) The organizer of the crime and the instigator of the crime shall not be subject to criminal liability if these persons, by timely notification to the authorities or by other measures taken, prevented the completion of the crime for the perpetrators. An accomplice to a crime is not subject to criminal liability if he has taken all measures in his power to prevent the commission of a crime (**ZRT from 17.05.2004 N35**).

5) If the actions of the organizer and instigator, specified in part four of this article, did not lead to the prevention of the commission of a crime by the perpetrator, then the measures taken by them can be recognized as mitigating circumstances when imposing a punishment (**ZRT from 17.05.2004 N35**).

CHAPTER 7. Complicity in a crime

Article 35. Concept of complicity in a crime

Complicity in a crime is recognized

Article 36. Types of accomplices in a crime

1) The organizer, instigator and accomplice are recognized as accomplices of the crime, along with the perpetrator.

2) A perpetrator is a person who directly committed a crime or who was directly involved in committing it together with other persons (co-perpetrators), as well as a person who committed a crime through the use of other persons who are not subject to criminal liability by virtue of the law.

3) An organizer is a person who organized the commission of a crime or directed its execution, as well as a person who created an organized group or criminal community (criminal organization) or led them.

4) An instigator is a person who has persuaded another person to commit a crime by persuasion, bribery, threat or other means.

5) An accomplice is a person who assisted in the commission of a crime by advice, instructions, provision of information, means or instruments of committing a crime, or by removing obstacles, as well as a person who promised in advance to conceal a criminal, means or instruments of committing a crime, traces of a crime or objects obtained by criminal means, and equal to a person who promised in advance to purchase or sell such items.

Article 37. Liability of accomplices in a crime

1) The responsibility of accomplices in a crime is determined by the nature and degree of the actual participation of each of them in the commission of the crime.

2) Co-perpetrators are prosecuted under article of the Special Part of this Code for a crime committed by them jointly, without reference to article 36 of this Code (**ZRT of 05.17.2004, N35**).

3) Criminal liability of the organizer, instigator and accomplice comes under article of the Special part of this Code with reference to article 36 of this Code, except for cases when they were simultaneously co-perpetrators of the crime (**ZRT of 17.05.2004 N35**).

4) A person who is not the subject of a crime specifically indicated in the article of the Special Part of this Code, who participated in the commission of a crime provided for in this article, may be held liable for this crime only as an organizer, instigator or accomplice.

5) In the case of nedovedeniya perpetrator of the crime before the end due to circumstances beyond his control the other accomplices are responsible for complicity in the preparation of the crime or attempted crime.

6) If the actions of the organizer, instigator or accomplice fail due to circumstances beyond their control, these persons shall be held liable for preparing for the corresponding crime.

Article 38. Excess of the perpetrator

The excess of the performer is the commission by the perpetrator of a crime that does not include the intent of other accomplices. For the excess of the performer, other accomplices of the crime are not subject to criminal liability.

Article 39. Committing a crime by a group of persons by prior conspiracy by an organized group or criminal community (criminal organization)

1) A crime is recognized as committed by a group of persons without prior conspiracy, if the perpetrators participated in it, who did not agree in advance about its joint commission.

2) A crime is recognized as committed by a group of persons in a preliminary conspiracy, if it was attended by persons who had previously agreed on its joint commission (**ZRT from 17.05.2004 N35**).

3) A crime is recognized as committed by an organized group if it was committed by a stable group of persons who united in advance to commit one or more crimes.

4) A criminal community is the union of two or more organized groups organized to commit grave or especially grave crimes into a stable organization, whose activities are based on the division between members of the community and its structures of the functions of managing, ensuring and fulfilling the criminal goals of the community (**ZRT of 17.05. 2004 N35**).

5) A crime is recognized as a committed criminal community (criminal organization) if it was committed by a member (members) of such a community in pursuance of its criminal goals, as well as at the request of the criminal community by a person who is not a member of the criminal community.

6) A person who created an organized group or criminal community (criminal organization) or led them shall be subject to criminal liability for their organization and management in cases provided for by the relevant articles of the Special Part of this Code, as well as for all those committed by an organized group or criminal community (criminal organization) crimes, if they were covered by his intent. Other members of an organized group or criminal community (criminal organization) are criminally liable for participation in them in the cases provided for by the relevant articles of the Special Part of this Code and also for crimes in the preparation or commission of which they participated (**ZRT from 17.05.2004 N35**).

7) Creation of an organized group in cases not provided for by articles of the Special Part of this Code entails criminal liability for preparation for those crimes for the commission of which it was created (**ZRT of 17.05.2004 N35**).

8) Criminal liability of the persons listed in this article occurs without reference to article 36 of the General part of this Code (**ZRT from 17.05.2004 N35**).

9) A member of an organized group or criminal community who voluntarily appeared before the authorities and actively assisted in the disclosure of criminal intentions before the crime is committed, if the act actually committed by him does not contain corpus delicti of another crime, shall not be punished.

CHAPTER 8. CIRCUMSTANCES EXCLUDING CRIMINAL ACTIVITIES

Article 40. Necessary defense

1) An act committed in a state of necessary defense is not a crime, that is, while protecting the personality and rights of the defender or another person, the interests of society or the state protected by law from socially dangerous encroachment, by causing harm to the encroaching person if this encroachment was associated with violence dangerous for the life of a defender or another person, or with an imminent threat of such violence.

2) Protection against encroachment, not associated with violence, dangerous to the life of the defender or another person, or with an imminent threat of the use of such violence, is legitimate, unless the limits of necessary defense were exceeded, that is, deliberate actions that clearly do not correspond to the nature and the dangers of encroachment.

3) The actions of the defender caused by the surprise of the encroachment, if he could not objectively assess the degree and nature of the danger of encroachment, does not exceed the limits of necessary defense.

4) The right to the necessary defense belongs to a person regardless of the possibility of avoiding encroachment, regardless of the professional or other special training or official position of the person, or to seek help from other persons or authorities (**ZRT of 17.05.2004 N35**).

Article 41. Causing harm during the arrest of a person who has committed a crime

1) The actions that caused harm to the person who committed the crime during his arrest in order to deliver to the authorities or prevent him from committing new crimes, if it was not possible to detain such a person by other means, and the measures necessary for this were not exceeded are not a crime ...

2) The excess of the measures necessary for the detention of a person who has committed a crime is a clear discrepancy between the means and methods of detention, the danger of the act and the person who committed it, as well as the circumstances of detention, as a result of which the person is intentionally inflicted harm that is not caused by the need for detention.

3) The right to detain a person who has committed a crime, along with specially authorized persons, also has the victims and other citizens.

4) When assessing the legality of causing harm during the arrest of a person who has committed a crime, his actions to avoid detention, the strength and capabilities of the detainee, his state of mind and other circumstances related to the fact of detention are taken into account .

Article 42. Extreme necessity

1) It is not a crime to harm the interests protected by this Code in a state of extreme necessity, that is, to eliminate a danger that directly threatens the life, health, rights and legal interests of a given person or other persons, the interests of society or the state, if this danger could not be eliminated by other means, and at the same time the limits of extreme necessity were not exceeded.

2) Exceeding the limits of causing harm is recognized absolutely necessary, is not consistent with the nature and degree of danger and the circumstances in which the danger was eliminated, when the legally protected interests have been harmed, equal to or greater than prevented. Such excess entails liability only in cases of intentional harm.

3) When assessing the legality of an act committed in a state of extreme necessity, the nature and degree of the prevented danger, the reality and proximity of its occurrence, the actual possibility, the person to prevent it, his state of mind in the current situation and other circumstances of the case are taken into account.

Article 43. Physical or mental coercion

1) It is not a crime to inflict harm on the interests protected by this Code as a result of physical or mental coercion, if due to such coercion the person could not direct his actions (inaction).

2) The issue of criminal liability for causing harm to the interests protected by this Code as a result of mental coercion, as well as as a result of physical coercion, as a result of which a person retained the ability to direct his actions, is resolved taking into account the provisions of Article 42 of this Code.

Article 44. Reasonable risk

1) It is not a crime to inflict harm on the interests protected by this Code at a reasonable risk to achieve a socially useful goal.

2) The risk is recognized as reasonable if the specified goal could not be achieved by actions (inaction) not related to the risk and the person who took the risk took the necessary measures to prevent harm to the interests protected by this Code.

3) The risk is not recognized as justified if it was knowingly associated with the threat of loss of life, environmental disaster or social disaster.

Article 45. Execution of an order or instruction

1) It is not a crime to inflict harm on the interests protected by criminal law by a person acting in pursuance of a binding order or other order issued in accordance with the established procedure. The person who gave the unlawful order or order is criminally liable for causing such harm.

2) A person who has committed an intentional crime in pursuance of an unlawful order or order shall be criminally liable on a general basis.

3) Failure to comply with a knowingly illegal order or order excludes criminal liability.

SECTION III. PUNISHMENT

CHAPTER 9. CONCEPT, PURPOSES AND TYPES OF PUNISHMENT

Article 46. Concept and purposes of punishment

1) Punishment is a measure of state coercion imposed by a court verdict.

It applies to a person who has been found guilty of committing a crime, and consists in the deprivation or restriction of the rights and freedoms of this person provided for by this Code.

2) Punishment is applied in order to restore social justice, as well as to correct the convicted person and prevent the commission of new crimes.

Article 47. Types of punishment

The types of punishment are:

a) fine;

b) deprivation of the right to hold certain positions or engage in certain activities;

c) deprivation of military ranks, diplomatic ranks, titles, special ranks, state awards and honorary titles of Tajikistan;

d) compulsory work (ZRT dated December 31, 2008 No. 451);

e) correctional labor;

f) restrictions on military service;

g) restriction of freedom;

h) maintenance in a disciplinary military unit;

i) confiscation of property;

j) imprisonment;

k) life imprisonment (ZRT from 01.03.2005 N86);

m) the death penalty (ZRT of 05.17.2004, N35).

Article 48. Main and additional punishments

1) Compulsory labor, correctional labor restriction in military service, restriction of freedom, confinement in a disciplinary military unit, imprisonment, life imprisonment, the death penalty are applied only as the main types of punishment (**ZRT from 05.17.2004, N35**) (**ZRT from 01.03.2005 N86**).

2) A fine, deprivation of the right to hold a certain position or engage in certain activities are applied as both basic and additional punishments.

3) Deprivation of a special rank, military class rank and state awards, as well as confiscation of property are applied only as an additional punishment.

4) Only one main punishment can be imposed for one crime. With basic punishment may be assigned one or more additional penalties in cases and in the manner specified by the present Code (**in the edition of the Law RT from 26.07.2014g.№1088**).

5) A fine as an additional punishment may be imposed only in cases directly provided for in the Special Part of this Code (**ZRT dated 06/13/2013 No. 966**).

6) Deleted (**as amended by the Law of the Republic of Tajikistan dated July 26, 2014, No. 1088**).

Article 48 (1). Mandatory work

1) Compulsory work consists in carrying prisoners in their spare time or study free public - useful work, the form of which is determined by local authorities and self-government bodies of settlements and villages (**PFA from 02.01.2018g.№1472**).

2) Compulsory work is established for a period of sixty to two hundred and forty hours and is served no more than four hours a day.

3) Compulsory work cannot be assigned:

- a) military personnel;
- b) persons who have reached retirement age;
- c) pregnant women;
- d) persons who are on parental leave;
- e) disabled people of I and II groups.

4) In cases of occurrence during the period of serving compulsory work by a person of the circumstances provided for in part three of this article, the court, upon the proposal of the body responsible for the execution of the sentence, releases the person from further serving the sentence.

5) In the case of malicious evasion of the convicted person from serving compulsory work, the court replaces him with correctional labor or restraint of freedom within the limits provided for by this Code for these types of punishment (**ZRT of 05.17.2004 N35**).

Article 49. Fine

1) A fine is a pecuniary penalty imposed within the limits provided by this Code.

2) The fine is set in the amount of one hundred to twenty one thousand nine hundred indicators for calculating the effective at the time of the commission of the crime (**ZRT from 05.17.2004 N35, from 21.07.2010 # 617, 06.10.2008 # 422, 15.03.2016. No. 1274**).

- the amount of the fine for the aggregate of crimes and sentences for committing crimes provided for by parts 6 and (or) 7 of Article 49 of this Code should not exceed five thousand indicators for the calculations in force at the time of the crime (**ZRT dated July 21, 2010 No. 617**).

3) The amount of the fine is determined by the court taking into account the gravity of the crime committed and the property status of the convicted person.

4) A fine as an additional type of punishment may be imposed only in cases provided for by the relevant articles of the Special Part of this Code (**ZRT of 05.17.2004 N35**).

5) In the event of malicious evasion of the payment of a fine, the court replaces it with correctional labor or restraint of liberty in accordance with the amount of the imposed fine within the limits provided for by this Code for these types of punishment (**ZRT of 17.05.2004 N35**).

6) In the event that a person commits the crimes provided for in Articles 177, 178, 245 (except for paragraph "a" of part 4), 246 (except for paragraph "a" of part 3), 247 (except for paragraph "c" of part 3 and paragraph "a" of part 4), 251, 253, 255 (except for points "a" and "b" of part 2), 256 (except for cases that entailed death or serious harm to human health), 257 (except for paragraph "d" of part 2 and paragraph "b" of part 3), 258, 259, 259 *, 260, 263, 264, 265, 266, 268, 270, 271, 273 (except for items "a" and "b" of part 3), 274, 276, 277, 278, 285, 286, 287, 289 by parts 1 and 2, 295, 3401 and 388 by parts 1 and 2 of this Code, if the guilty party fully compensates the material damage before the court judgment is passed, he is sentenced to in the form of a fine or other punishment not

related to imprisonment, provided for in the sanctions of the listed articles (as amended by the Law of 11/14/2016 No. 1359, of February 24, 2017 No. 1379, of 01/02/2018 No. 1472).

7) In the event that a person commits the crimes provided for in Articles 314 (except for cases that entailed death or serious harm to human health), 315, 316 (except for paragraphs "a" and "b" of Part 3 and cases that entailed death or infliction of grievous harm to human health), 318, 322 (except for cases that entail death or infliction of grievous harm to human health), 323, 340 parts 1 and 2 and 391 of part 1 of this Code, if they are related to the commission of crimes, provided for in part 6 of this article, the punishment is imposed in the manner prescribed by part 6 of this article (ZRT dated March 25, 2011, No. 694).

8) In the event of full compensation for the material damage to the convicted after a court sentence has been passed for the commission of crimes provided for in parts 6 and (or) 7 of this article, the imposed punishment in the form of imprisonment shall be replaced by the court that passed the sentence, or by the court at the place of execution of the sentence or by a higher court to be punished with a fine.

9) In the event of malicious evasion of the payment of a fine or inability to pay a fine imposed as the main punishment or changed to this type of punishment in the manner prescribed by parts 6.7 and (or) 8 of this article, the court replaces the punishment in the form of a fine (or unpaid part) for punishment in the form of imprisonment. In the case of replacing the punishment in the form of a fine with a punishment in the form of imprisonment or punishment in the form of imprisonment for punishment in the form of a fine, the terms and amount of these types of punishment should not be higher or lower than the maximum or minimum limits established by the relevant articles of the special part of this Code with taking into account the part of the sentence served.

10) In the case of replacing the punishment in the form of imprisonment with a punishment in the form of a fine or substituting a punishment in the form of a fine for a punishment in the form of imprisonment, one day of imprisonment is equal to 50 percent of one indicator for calculations, with the exception of the crimes provided for in part 11) of this articles (ZRT dated 21.07.2010 No. 617, 15.03.2016 No. 1274).

11) In the event of malicious evasion or impossibility to pay fines imposed for the commission of crimes provided for in Articles 319-321 of this Code, the punishment in the form of a fine (or its unpaid part) shall be replaced by the court with a punishment in the form of imprisonment. This issue is resolved by the court that passed the sentence, or by the court at the place of execution of the sentence, or by a higher court (ZRT dated 03/15/2016 No. 1274).

12) When replacing punishment in the form of imprisonment with a punishment in the form of a fine, or punishment in the form of a penalty for punishment in the form of imprisonment for the crimes provided for in part 11) of this article, one day of imprisonment is equal to five indicators for calculations (ZRT of 15.03 .2016, No. 1274).

Article 50. Deprivation of the right to hold certain positions or engage in certain activities

1) Deprivation of the right to hold certain positions or engage in certain activities consists in the prohibition to hold positions in the civil service and local government bodies and self-government bodies of villages and villages, or to engage in certain professional or other activities (ZRT dated 02.01.2018, No. 1472).

2) Deprivation of the right to hold certain positions or engage in certain activities is established from one year to twenty years (ZRT dated 28.08.2017, No. 1467).

3) Deprivation of the right to hold certain positions or engage in certain activities as an additional punishment may be imposed also in the case when it is not provided for by the relevant article of the Special Part of this Code, and if, based on the nature and degree of public danger of the crime committed and the personality of the perpetrator, the court recognizes the impossibility of retaining for him the right to hold certain positions or engage in certain activities with reference to this article (ZRT from 17.05.2004 N35).

4) When this punishment is imposed as additional to arrest, confinement in a disciplinary military unit, restriction of liberty or imprisonment, it applies to the entire period of serving the main punishment and, moreover, for the period established by the sentence. In other cases, its term is calculated from the moment the sentence enters into legal force.

Article 51. Deprivation of military ranks, diplomatic ranks, special ranks, ranks, state awards and honorary titles of Tajikistan

When convicted of a grave or especially grave crime, a person holding a military rank, diplomatic rank, special rank, rank, state awards or honorary titles of Tajikistan, the court, taking into account the personality of the guilty and committed act, may deprive him of such titles, ranks, ranks, awards and honorary titles (ZRT from 17.05.2004, N35).

Article 52. Correctional labor

1) Correctional labor is prescribed at the place of work of the convict or in other places determined by the authorities in charge of the execution of the sentence, but in the area of residence of the convict for a period of two months to two years with a deduction of ten to thirty percent of earnings in the state income (**ZRT from 17.05. 2004 N35**).

2) If, during the period when a person is serving correctional labor, the circumstances provided for in part four of this article, the court, upon the proposal of the body in charge of the execution of the sentence, releases the person from further serving the sentence or replaces the unserved part of the sentence with a more lenient type of punishment (**ZRT dated 17.05 .2004 N35**)

3) In case of malicious evasion from serving the sentence by a person sentenced to corrective labor, the court may replace the unserved punishment with restraint of liberty, arrest or imprisonment on the basis of one day of restraint of liberty for one day of corrective labor, one day of imprisonment for three days of corrective labor (**ZRT from 17.05.2004, N35**).

4) Correctional labor cannot be assigned:

- a) military personnel;
- b) persons under the age of 16;
- c) persons who have reached retirement age (**ZRT from 05.17.2004, N35**);
- d) pregnant women;
- e) persons who are on parental leave;
- f) disabled people of I and II groups;

Article 53. Restriction on military service

1) Restrictions on military service apply to convicted military officers of an officer corps, as well as to military personnel performing military service on a voluntary basis, for a period of two months to two years in the cases provided for by articles of the Special Part of this Code for committing military crimes against military service, as well as instead of correctional labor provided for other crimes (**ZRT from 17.05.2004 N35**).

2) A deduction is made from the pay of a person sentenced to military service restriction in the amount established by the court verdict, in the range from ten to thirty percent of the amount of the pay (**ZRT of 05.17.2004 N35**).

3) While serving a sentence in the form of a restriction on military service, the convict is prohibited from promoting or conferring a higher military rank, and the term of punishment is not included in the term of service for the assignment of the next military rank (**as amended by the Law of the Republic of Tajikistan dated 17.05. N35**).

Article 54. Restriction of freedom

1) Restriction of freedom consists in keeping a convicted person in special institutions without isolation from society, in the conditions of exercising supervision over him for a period of one to five years.

2) If correctional labor is replaced by restriction of liberty, it may be appointed for a period of less than one year.

3) In the case of malicious evasion from serving the sentence by a person sentenced to restraint of liberty, it is replaced by deprivation of liberty for a term of restraint of liberty, imposed by a court sentence. In this case, the time of serving the restriction of liberty is counted in the term of imprisonment on the basis of one day of imprisonment for one day of restriction of liberty.

4) Restriction of liberty cannot be imposed:

- a) military personnel;
- b) persons who have reached retirement age;
- c) pregnant women;
- d) persons who are on parental leave;
- e) disabled people of I and II groups (**ZRT from 17.05.2004, N35**).

Article 55. Deleted

(**ZRT from 17.05.2004 N35**)

Article 56. Maintenance in a disciplinary military unit

1) Detention in a disciplinary military unit is assigned to servicemen doing military service on conscription, as well as servicemen doing military service on a voluntary basis as an ordinary soldier and sergeant staff if they have not served the term of conscription service established by the law at the time of the court's sentencing ... This

punishment is established for a period of three months to two years in cases provided for by the relevant Articles of the Special Part of this Code for committing crimes against military service, as well as in cases where the nature of the crime and the identity of the perpetrator indicate the possibility of replacing imprisonment for a term of up to two years by keeping the convicted person in a disciplinary military unit for the same period (**ZRT from 17.05.2004 N35**).

2) Detention in a disciplinary military unit instead of imprisonment cannot be applied to persons who have previously served a sentence of imprisonment.

3) Convicted servicemen who have been declared unfit for military service for health reasons or in relation to whom other circumstances have been established exempting them from military service are not subject to detention in a disciplinary military unit.

4) When held in a disciplinary military unit, instead of imprisonment, the term of detention in a disciplinary military unit is determined at the rate of one day of imprisonment for one day of detention in a disciplinary military unit.

**Article 57. Confiscation of property
(ZRT from 13.06.2013, # 966)**

1) Confiscation of property is a compulsory gratuitous seizure and turning into state ownership on the basis of a conviction of the following property of the convicted **person (ZRT dated July 26, 2014, No. 1089)**:

a) money, valuables and other property received as a result of the commission of crimes provided for in part 2 of Article 104, parts 2 and 3 of Article 110, parts 2 and 3 of Article and 130, Article 130 (1), Part 3 of Article 131, Part 2 of Article 150, Article 153 (1) (if the crime was committed out of selfish interest), Articles 156, 156 (1), 167, Part 2 of Article 171 (if the crime was committed with mercenary motives), Article 172 (if the crime was committed with mercenary motives), Article 173 (if the crime was committed for mercenary motives), Articles 179, 179 (1), 179 (2), 179 (3), 181, 183, 184, 184 (2), 184 (4), 185, 186, 187, 188, 193, 194, 194 (1), 194 (2), 194 (3), 194 (4), 194 (5), 195, 200, 201, 202, 202 (1), 202 (2), 204, 205, 206, 221, 230, 232, 238, 239, 240, 241, 244-250, 254, 257, 259, 259 (1), 262, 273, 274, 275, 277, 278, parts 3 and 4 of article 279, Part 3 of Article 280, Articles 281, 282, 284, 286, 291-293, 305, 306, 307, 307 (1), 307 (2), 307 (3), 308, 309, 310, 313, 314, 319, Part 320 articles 324, 335 (1), 335 (2) part 2 of article 338 (1), 340, 340 (1), 351, 352, 353, 356 parts 3 and 4 of articles 391, 397 and part 3 of article 401, article 401 (1) and Article 402 of this Code, as well as goods and (or) other items of contraband, liability for which is established by Article 289 of this Code, and any income from this property, with the exception of property and income from it, subject to return to the legal owner (**as amended by the Law of the RT of December 28, 2013 No. 1037, of July 26, 2014 No. 1089, of May 14, 2016 No. 1304, of February 24, 2017. No. 1379, dated 05/17/2018 No. 1515 ; dated 02.01.20, No. 1662**)

b) money, valuables and other property, into which the property received as a result of committing at least one of the crimes provided for by the articles specified in paragraph a) of this part, and the proceeds from this property have been partially or completely converted or transformed;

c) money, valuables and other property used or intended for the financing of terrorism and the proliferation of weapons of mass destruction of an organized group, an illegal armed group, a criminal community (criminal organization) (**ZRT dated 17.05.2018, No. 1515**);

d) instruments and (or) means of committing a crime belonging to the perpetrator.

2) If the property obtained as a result of the commission of a crime and (or) the proceeds from this property were attached to property acquired legally, that part of this property that corresponds to the value of the attached property and income from it is subject to confiscation.

3) The property specified in parts 1 and 2 of this article, transferred by the guilty person to another person (organization), is subject to confiscation if the person who received the property knew or should have known that it was obtained as a result of criminal acts.

4) If the confiscation of a certain item included in the property specified in parts 1 - 3 of this article, at the time of the court's decision to confiscate this item, is not possible due to its use, sale or for another reason, the court makes a decision to confiscate the amount of money that corresponds to the cost of the item.

5) When deciding on the confiscation of property in accordance with parts 1-4 of this article, first of all, the issue of compensation for harm caused to the legal owner must be resolved.

6) If the guilty person does not have any other property on which a claim can be levied, in addition to that specified in parts 1 and 2 of this article, the damage caused to the legal owner is compensated from its value, and the rest turns into state revenue.

7) For the commission of crimes provided for in paragraph a) of part 1 of this article, the court may impose a complete confiscation of property in the form of an additional punishment (**as amended by the Law of the Republic of Tajikistan dated July 26, 2014, No. 1089**)

8) The property needed by the convict or persons dependent on him, according to the list provided for by the Code of Execution of Criminal Sentences of the Republic of Tajikistan (**ZRT dated 13.06.2013, No. 966**), is not subject to confiscation .

Article 58. Deprivation of liberty

1) Deprivation of liberty consists in isolating a convicted person from society by placing him in a correctional colony of a settlement, in correctional colonies of general, reinforced, strict, especially strict regimes or a prison. Persons sentenced to imprisonment who at the time of the sentencing were under eighteen years of age shall be placed in educational colonies of general or enhanced regime in the manner prescribed by Section V of this Code.

2) Deprivation of liberty is established for a term of six months to twenty-five years. In the case of full compensation of the accused for material damage for the commission of crimes provided for in parts 6 and (or) 7 of Article 49 of this Code before a court verdict is issued, the penalty of imprisonment is not applied to him (**ZRT of 15.07.2004 N46, of 21.07.2010 . # 617**).

3) In the case of replacing punishments in the form of a fine, correctional labor or restriction of freedom with a punishment in the form of imprisonment, it can be, taking into account the amount of the unpaid part of the fine or the unserved term of these types of punishment, assigned for a period of less than six months (**ZRT of 07.21. . # 617**).

4) In the case of partial or full addition of the terms of imprisonment when imposing punishment for a combination of crimes and sentences, the maximum term of imprisonment should not exceed thirty years (**ZRT dated 01.03.2005, N86**).

5) Serving a sentence of imprisonment is imposed in the following places:

a) for persons who have committed crimes through negligence and are deprived of their liberty for a period of not more than five years - in correctional colonies, settlements;

b) for persons who are convicted for the first time for intentional crimes of small, medium gravity, as well as for persons who have committed a crime through negligence and have been deprived of their liberty for more than five years, in correctional colonies of general regime;

c) persons sentenced for the first time to imprisonment for committing a grave crime - in correctional colonies with a high security regime;

d) persons convicted for the first time to imprisonment for especially grave crimes, as well as in cases of a recurrence of a crime, if the convicted person is serving a sentence of imprisonment or has served it earlier, in penal colonies with a strict regime (**ZRT of 17.05.2004, N35**);

e) in case of a particularly dangerous recidivism, imprisoned for life, as well as convicted persons for whom the death penalty by way of pardon has been replaced by imprisonment in correctional colonies of a special regime (**ZRT of 05.17.2004 N35**) (**ZRT of 03.01.2005 N86**);

f) persons convicted for a term of over ten years for especially grave crimes, as well as in cases of especially dangerous recidivism, may be assigned to serve part of the sentence, but not more than five years, in prison.

6) Women sentenced to imprisonment are assigned to the following correctional colonies:

a) in case of a particularly dangerous relapse - in penal colonies with a strict regime;

b) for committing crimes through negligence - in correctional colonies and settlements;

c) other women sentenced to imprisonment - in correctional colonies of general regime.

7) Depending on the nature and degree of public danger of the crime committed, the personality of the perpetrator and other circumstances of the case, the court, indicating the reasons for the decision, may impose a milder type of regime for serving imprisonment.

8) The change in the type of correctional institution appointed by the sentence is carried out by the court in accordance with the Criminal Executive Code of the Republic of Tajikistan.

Article 58 (1). Life imprisonment

1) Life imprisonment is imposed only as an alternative to the death penalty for the commission of especially grave crimes provided for by this Code.

2) Life imprisonment is not imposed on women, as well as to persons who have committed crimes under the age of eighteen, and men who have reached the age of sixty-three by the time the court sentenced the court (**ZRT dated 01.03.2005, N86**).

Article 59. Death penalty

1) The death penalty in the form of execution is established as an exceptional measure only for the following crimes: murder (part two of Article 104), rape (part three of Article 138), terrorism (part three of Article 179), genocide (Article 398), biocide (Article 399), (ZRT of 01.08.2003 N45) (ZRT of 17.05.2004 N35).

2) The death penalty cannot be imposed on a woman or a person who has committed a crime under eighteen years of age (ZRT from 01.08.2003 N45).

3) By way of pardon, the death penalty can be replaced by life imprisonment or imprisonment for a period of twenty-five years (ZRT from 01.03.2005, N86).

CHAPTER 10. PURPOSE OF PUNISHMENT

Article 60. General principles of sentencing

1) A person who has been found guilty of committing a crime shall be assigned a fair punishment determined within the limits established by the article of the Special Part and taking into account the provisions of the General Part of this Code.

2) A more severe type of punishment from among those provided for a committed crime is imposed only if a less severe type of punishment cannot ensure the achievement of the goals of punishment (ZRT of 17.05.2004 N35).

3) When imposing punishment, the court proceeds from the principle of individualization of punishment, taking into account the nature and degree of social danger of the crime committed, i.e. the value of legally protected goods, the motives of the offense, the way of action of the perpetrator, the nature and extent of harm caused, the circumstances mitigating and aggravating the punishment, the opinion of the victim in cases of private prosecution.

Article 61. Circumstances mitigating punishment

1) Circumstances mitigating the punishment are recognized:

- a) commission of a crime for the first time;
- b) the minority of the perpetrator;
- c) pregnancy;
- d) the guilty party has young children;
- e) commission of a crime due to a combination of difficult life circumstances or on the basis of compassion;
- f) the commission of a crime in a state of strong emotional disturbance caused by violence, grave insult and other illegal actions of the victim;
- g) the commission of a crime when the limits of necessary defense are exceeded, the arrest of a person who has committed a crime, if absolutely necessary, a reasonable risk, the execution of an order or instruction;
- h) commission of a crime under the influence of physical or mental coercion or in case of material, service or other dependence (ZRT of 05.17.2004 N35).
- i) confession, sincere repentance, active assistance in solving a crime, exposing other participants in a crime and searching for property obtained as a result of a crime;
- j) provision of medical and other assistance to the victim immediately after the commission of the crime, voluntary compensation or compensation for material and moral damage caused by the crime, other actions aimed at redressing the harm caused to the victim.

2) If the circumstance indicated in the first part of this article is provided for by the corresponding article of the Special part of this Code as a sign of a crime, it cannot be re-considered as a circumstance mitigating the punishment.

3) When imposing a punishment, other circumstances that are not specified in the first part of this article may be taken into account as mitigating.

Article 62. Circumstances aggravating punishment

1) Circumstances aggravating the punishment are recognized:

- a) repetition of the commission of a crime, recidivism, commission of crimes in the form of fishing;
- b) the infliction of grave consequences by the crime;
- c) commission of a crime as part of a group of persons, a group of persons by prior conspiracy, an organized group or a criminal community (criminal organization) (ZRT of 05.17.2004 N35);
- d) a particularly active role in the commission of a crime;

e) involvement in the commission of a crime of persons who, knowingly for the perpetrator, suffer from morbid mental disorders or are in a state of intoxication, as well as minors and minors;

f) commission of a crime motivated by local national racial or religious enmity, religious fanaticism, revenge for the lawful actions of others, as well as with the aim of concealing another crime or facilitating its commission (**ZRT from 17.05.2004, N35**);

g) the commission of a crime against a woman, knowingly for the perpetrator who is in a state of pregnancy, as well as against a minor, minor, another defenseless or helpless person, or a person who is dependent on the perpetrator;

h) commission of a crime against a person or his close relatives in connection with the performance of his official or social activities (**ZRT from 17.05.2004 N35**);

i) the commission of a crime by a person who thereby violated an oath or professional oath;

j) the commission of a crime with particular cruelty, sadism, bullying or torture of the victim (**ZRT from 17.05.2004, N35**);

k) commission of a crime with the use of weapons, ammunition, military equipment, explosives, explosives or devices imitating them, specially made technical means, poisonous and radioactive substances, medicinal and other chemical and pharmacological preparations, or in a socially dangerous way;

l) commission of a crime using the conditions of a state of emergency, natural or other public disaster, as well as during mass riots;

m) commission of a crime in a state of alcoholic, narcotic intoxication or under the influence of psychotropic and other intoxicating substances;

o) committing a deliberate crime against parents;

o) the commission of a crime for selfish or other base motives.

2) The court has the right, depending on the nature of the crime, not to recognize the aggravating circumstances specified in paragraphs "a", "n", "o".

3) If the circumstance indicated in the first part of this article is provided for by the corresponding article of the Special part of this Code as a sign of a crime, the court cannot re-consider it as an aggravating circumstance.

4) When imposing a punishment, the court cannot recognize as aggravating circumstances not specified in this Code.

Article 63. Imposition of a lighter punishment than that provided for the given crime

1) In the presence of exceptional circumstances related to the goals and motives of the act, the role of the perpetrator, his behavior during or after the commission of the crime, and other circumstances that significantly reduce the degree of social danger of the crime, equally with the active assistance of the participant in the group crime in the disclosure of the crimes committed by the group, punishment may be imposed below the lower limit provided for by the relevant article of the Special Part of this Code, or the court may impose a milder type of punishment than that provided for by this article, or not impose an additional punishment provided as mandatory.

2) Both individual mitigating circumstances and a combination of such circumstances can be recognized as exceptional.

part 3 is excluded (**ZRT from 17.05.2004 N35**)

Article 64. Imposition of punishment for an unfinished crime

1) When imposing punishment for an unfinished crime, the circumstances due to which the crime has not been completed shall be taken into account.

2) The term or amount of punishment for preparation for a crime may not exceed half of the maximum term or amount of the most severe type of punishment provided for by the relevant article of the Special Part of this Code for a completed crime.

3) The term or amount of punishment for an attempted crime may not exceed three-quarters of the maximum term or amount of the most severe type of punishment provided for by the relevant article of the Special Part of this Code for a completed crime.

4) The death penalty and life imprisonment for preparation for a crime and attempted crime is not assigned (**ZRT from 01.03.2005, N86**).

Article 65. Imposition of punishment for a crime committed with complicity

1) When imposing punishment for a crime committed in complicity, the nature and degree of the person's actual participation in its commission, the significance of this participation in achieving the goal of the crime, its impact on the nature and amount of the caused or possible harm are taken into account (**ZRT of 05/17/2004**).

2) Mitigating or aggravating circumstances relating to the personality of one of the accomplices are taken into account when imposing punishment only on this accomplice.

Article 66. Imposition of punishment in case of recurrence of crimes

1) When imposing punishment in case of recidivism, dangerous recidivism or especially dangerous recidivism, the number, nature and degree of public danger of previously committed crimes, the circumstances due to which the corrective effect of the previous punishment was insufficient, as well as the nature and degree of public danger of newly committed crimes are taken into account.

2) The term of punishment in case of recurrence of crimes cannot be less than half of the maximum term of the most severe type of punishment provided for the crime committed, in case of dangerous recurrence of crimes - not less than two thirds, and in case of especially dangerous recurrence of crimes - not less than three quarters of the maximum term of the most severe type the punishment provided for the crime committed.

3) If an article (part of an article) of the Special Part of this Code contains an indication of the person who committed a crime in case of a relapse, dangerous relapse or especially dangerous relapse, as a qualifying feature, the punishment shall be imposed without taking into account the rules provided for in part two of this article.

4) The provisions of this article shall not apply for the commission of crimes provided for by parts 6 and (or) 7 of Article 49 of this Code (**ZRT dated July 21, 2010 No. 617**).

Article 67. Imposition of punishment for cumulative crimes

1) In the case of a combination of crimes, the court, having assigned a punishment (main and additional) for each crime separately, determines the final punishment by absorbing a less severe punishment with a more severe one or by adding up the sentences imposed in full or in part.

2) If the aggregate of crimes includes crimes of small and medium gravity, then the final punishment is imposed by absorbing a less severe punishment by a more severe one, or by adding partial or full punishment. In these cases, when adding up, the final punishment cannot exceed the maximum term or amount of punishment provided for the most serious of the crimes committed (**ZRT of 17.05.2004, N35**).

3) If one of the crimes committed in aggregate is grave or especially grave, then the final punishment is imposed by partial or complete addition of the sentences imposed. At the same time, the final punishment in the form of imprisonment cannot exceed thirty years. The maximum amount of the fine for the aggregate of crimes provided for by parts 6 and (or) 7 of Article 49 of this Code should not exceed five thousand indicators for calculations. If one of the crimes committed cumulatively is another crime, then the final punishment is determined on the basis of general rules (**ZRT from 01.03.2005 N86, from 31.12.2008 # 451, from 21.07.2010 # 617**).

4) If the death penalty or life imprisonment is prescribed for one of the crimes included in the aggregate, then the final punishment is imposed by absorbing a less severe punishment with the death penalty or life imprisonment (**ZRT of 05.17.2004, N35, of 03.01.2005, N86**) ;

5) Additional punishments assigned for crimes that form an aggregate may be added to the main punishment assigned for the aggregate of crimes. If for several crimes an additional punishment of one type, term and size is imposed, the final punishment is determined according to the rules specified in parts two and three of this article, but not exceeding the maximum terms or amounts provided for by the General part of this Code for each punishment.

Additional punishments of different types are subject to execution independently (**ZRT of 05.17.2004, N35**);

6) According to the rules provided for by this article, a punishment is imposed if, after the sentencing in the case, it is established that the convicted person is also guilty of another crime committed by him before the sentencing in the first case. In this case, the sentence served in accordance with the first sentence of the court shall be included in the final term of punishment.

Article 68. Imposition of punishment based on cumulative sentences

1) If the convicted person, after the sentencing, but before the full serving of the sentence, has committed a new crime, the court shall add the unserved part of the sentence under the previous sentence to the sentence imposed by the new sentence in full or in part.

2) The final punishment for the cumulative sentences, if it is not related to imprisonment, cannot exceed the maximum terms or sizes established for these types of punishments by the General Part of this Code. The maximum amount of a fine on the aggregate of sentences for crimes provided for in parts 6 and (or) 7 of Article 49 of this Code shall not exceed five thousand indicators for calculations. If one of the crimes included in the aggregate of sentences is another crime, then the final punishment is determined on the basis of general rules (**ZRT dated July 21, 2010 No. 617**).

3) The final punishment for a combination of sentences in the form of imprisonment may be higher than the maximum term of punishment provided for by this Code for a crime under the last sentence, but not more than thirty years (**ZRT of 03/01/2005 N86**).

4) In the case of imposing a punishment on a cumulative basis of sentences, if a sentence of death or life imprisonment is imposed on one of the sentences, then the final punishment is imposed by absorbing the less severe punishment with the death penalty or life imprisonment (**ZRT of 03/01/2005 N86**) ...

5) The final punishment for the aggregate of sentences must be greater than both the punishment assigned for the newly committed crime, and the unserved part of the punishment under the previous court sentence.

6) The addition of additional punishments unexecuted under the previous verdict to the main punishment is carried out in accordance with the rules provided for in part five of Article 67 of this Code (**ZRT of 05.17.2004 N35**).

Article 69. The procedure for determining the terms of punishment when adding them

1) In case of partial or full addition of punishments for the cumulative crimes and cumulative sentences, one day of imprisonment corresponds to:

- a) one day of detention in a disciplinary military unit (**ZRT from 05/17/2004 N35**);
- b) two days of restriction of freedom;
- c) three days of correctional labor or restrictions on military service.
- d) eight hours of compulsory work (**ZRT from 05.17.2004, N35**);
- e) 50 percent of one indicator for calculations regarding the fine imposed for the crimes provided for by parts 6 and (or) 7 of Article 49 of this Code (**ZRT dated July 21, 2010, No. 617**).

2) A fine or deprivation of the right to hold certain positions or engage in certain activities, deprivation of a special and military rank, class rank and state awards, as well as confiscation of property when they are added to the restriction of freedom, detention in a disciplinary military unit, imprisonment are executed independently (**ZRT from May 17, 2004 N35**).

Article 70. Calculation of terms of punishment and offset of punishment

1) The terms of deprivation of the right to hold certain positions and engage in certain activities, correctional labor, restrictions on military service, restrictions on freedom, detention in a disciplinary military unit, imprisonment are calculated in months and years, and compulsory work - in hours (**ZRT of 05/17/2004 .N35**)

2) When replacing or adding up the punishments specified in part one of this article, as well as when offsetting the punishment, the terms may be calculated in days.

3) When imposing a fine, deprivation of the right to hold certain positions or engage in certain activities, as the main punishment for a convicted person held in custody prior to trial, the court, taking into account the period of detention, mitigates the imposed sentence or completely exempts him from serving it. In this case, when imposing a penalty in the form of a fine for crimes provided for in parts 6 and (or) 7 of Article 49 of this Code, the procedure specified in part 10 of Article 49 of this Code is applied (**ZRT of 05.17.2004 N35, of 21.07.2010 No. 617**).

4) Detention before the sentence comes into legal force is counted in the term of punishment in the form of imprisonment, detention in a disciplinary military unit at the rate of day for day, in the form of restriction of freedom - a day for two days, correctional labor, restrictions on military service - a day for three days, compulsory work a day for eight hours (**ZRT from 05/17/2004 N35**)

5) Detention in custody pending the entry into force of the sentence or serving a sentence of imprisonment imposed by a court verdict for a crime committed abroad is counted day for day if the person is extradited on the basis of Article 16 of this Code (**ZRT of 05.17. N35**).

6) The time during which compulsory measures of a medical nature were applied to a person who became mentally ill after the commission of a crime shall be included in the sentence.

Article 71. Conditional non-application of punishment

1) If, by imposing a punishment in the form of correctional labor, restrictions on military service, restriction of freedom, confinement in a disciplinary military unit or imprisonment, the court comes to the conclusion that it is possible to reform the convicted person without serving the sentence, but under conditions of control over his behavior, he may decide on the conditional non-application of this punishment.

2) With the conditional non-application of punishment, the court takes into account the nature and degree of public danger of the crime committed, the identity of the perpetrator, mitigating and aggravating circumstances. A conditional non-application of punishment shall not apply to a person who has previously been convicted of an intentional crime to punishment in the form of imprisonment, as well as to a person who has committed a grave or

especially grave crime, to persons convicted of especially grave crimes, as well as to those previously convicted of intentional crimes to punishment. in the form of imprisonment, with the exception of minors, invalids of the first and second groups, women, as well as men who have reached retirement age (**ZRT from 17.05.2004 N35**).

3) In case of conditional non-application of the punishment, the court establishes a probationary period, during which the convicted person must prove his correction by his behavior. The probationary period is appointed for a duration of one to five years and is calculated from the moment the sentence comes into force.

4) If the punishment is conditionally not applied, additional punishments may be imposed, except for confiscation of property.

5) The court, when deciding on the conditional non-application of punishment, may impose on the convicted person the fulfillment of certain duties: within a certain period of time, to compensate for the damage caused, not to change his permanent place of residence, work or study without notifying the authorities exercising control over the behavior of the convict, not to visit certain places, get a job or study, undergo a course of treatment for alcoholism, drug addiction, substance abuse or a venereal disease, provide financial support to the family.

6) If, after the expiration of at least half of the probationary period, the convicted person has proven his correction by his behavior, the court, upon the submission of the bodies exercising control over the behavior of the convicted person, may decide to cancel the conviction and remove the conviction.

7) If a convicted person, in respect of whom a conditional non-application of punishment has been imposed, commits a violation of public order, for which an administrative penalty was imposed on him, or maliciously evades the fulfillment of the duties imposed on him, the court, upon the proposal of the bodies specified in part nine of this article, may decide on the abolition of the conditional non-application of the sentence and serving the sentence imposed by the sentence (**ZRT of 17.05.2004, N35**).

8) If the convicted person commits a new crime during the probationary period, the court cancels the conditional non-application of punishment and imposes a punishment in accordance with the rules provided for in Article 68 of this Code.

9) Control over the behavior of a convicted person, in respect of whom a conditional non-application of punishment has been assigned, is carried out by an authorized state body, and in relation to military personnel - by the command of military units.

SECTION IV. EXEMPTION FROM CRIMINAL LIABILITY AND PUNISHMENT **CHAPTER 11. EXEMPTION FROM CRIMINAL LIABILITY**

Article 72. Release from criminal liability in connection with active repentance

1) A person who first committed a crime of small or medium gravity may be released from criminal liability if, after committing a crime, he voluntarily confessed or actively contributed to the disclosure of the crime or compensated for the damage caused or otherwise made amends for the damage caused by the crime (**ZRT dated 21.07. . # 617**).

2) A person who has committed a crime of a different category is exempt from criminal liability only in cases specifically provided for by the article of the Special Part of this Code (**as amended by the Law of 14.11.2016, No. 1359**).

Article 73. Release from criminal liability in connection with reconciliation with the victim

A person who has committed a crime of little or medium gravity can be released from criminal liability if he has reconciled with the victim and compensated for the harm caused to the victim (**ZRT from 17.05.2004 N35**).

Article 74. Release from criminal liability in connection with a change in the situation

A person who has committed a crime of little or medium gravity for the first time may be exempted from criminal liability if it is established that, due to a change in the situation, this person or the act committed by him has ceased to be socially dangerous (**ZRT of 17.05.2004 N35**).

Article 75. Release from criminal liability in connection with the expiration of the limitation period

1) A person is released from criminal liability if the following terms have expired from the date of the crime:

- a) two years after the commission of a crime of little gravity;
- b) six years after the commission of a crime of average gravity;
- c) ten years after the commission of a serious crime;
- d) fifteen years after the commission of an especially grave crime, except for the case provided for in part five of this article (**ZRT of 17.05.2004 N35**).

2) The limitation period is calculated from the day the crime was committed and until the entry into force of the judgment.

3) The running of the limitation period is suspended if the person evades the investigation or the court. In this case, the course of the limitation period resumes from the moment the person was detained or surrendered. In this case, a person cannot be held criminally liable if twenty years have passed since the commission of the crime and the limitation period has not been interrupted by the commission of a new crime.

4) If, before the expiration of the time periods specified in this Article, a person commits a new intentional crime of average gravity, grave or especially grave, the calculation of limitation begins anew from the date of the commission of these crimes, and the statute of limitations is calculated separately for each crime.

5) The question of the application of the statute of limitations to a person who has committed a crime punishable by death or life imprisonment shall be decided by the court. If the court does not find it possible to release a person from criminal liability due to the expiration of the statute of limitations, the death penalty is not applied (ZRT dated 01.03.2005, N86).

6) The statute of limitations does not apply to persons who have committed a crime against the peace and security of mankind.

CHAPTER 12. EXEMPTION FROM PUNISHMENT

Article 76. Conditional early release from serving a sentence

1) A person serving a sentence of deprivation of the right to hold certain positions or engage in certain activities of correctional labor, restrictions on military service, restraint of liberty, imprisonment or detention in a disciplinary military unit may be released on parole if the court finds that Condemned by exemplary behavior and conscientious attitude to work, he proved his correction. In this case, a person may be fully or partially released from serving an additional sentence (**ZRT from 17.05.2004 N35**).

2) By applying conditional early release, the court may impose on a person the obligations provided for by part five of Article 71 of this Code, which the person must perform during the remaining unserved part of the sentence.

3) Conditional early release can be applied only after the convicted person has actually served:

- a) not less than half of the term of punishment assigned for a crime of small and medium gravity;
- b) not less than two-thirds of the term of punishment assigned for a serious crime;

c) not less than three quarters of the term of punishment imposed for an especially grave crime, as well as the punishment imposed on a person who was previously released on parole, if parole was canceled on the grounds provided for in part six of this article.

4) The term of the sentence actually served by a person in the form of imprisonment cannot be less than six months.

5) Control over the behavior of a person released on parole is carried out by an authorized state body, and in relation to military personnel - by the command of military units.

6) If during the remaining unserved period of punishment:

a) the convicted person commits a violation of public order, for which an administrative penalty was imposed on him, or maliciously evades the duties imposed on him by the court when applying conditional early release, the court, upon the proposal of the authorities specified in part five of this article, decides to cancel conditional early release and execution of the remaining unserved part of the sentence (**ZRT from 05.17.2004, N35**);

b) the convicted person commits a crime, the court shall impose a punishment on the basis of the stipulated rules of Article 68 of this Code.

7) Conditional early release from punishment does not apply:

a) a person who was sentenced to life imprisonment or the death penalty was replaced by imprisonment by way of pardon (ZRT dated 01.03.2005, N86);

b) in the case of a particularly dangerous relapse;

c) the organizer, members of an organized group or a criminal community (criminal organization);

d) a person convicted of crimes against the peace and security of mankind.

Article 77. Replacement of the unserved part of punishment with a softer type of punishment

1) The court, taking into account his behavior during the period of serving the sentence, may replace the remaining unserved part of the sentence with a milder type of punishment for a person serving a sentence of imprisonment. In this case, a person may be fully or partially released from serving an additional type of punishment (**ZRT from 17.05.2004 N35**).

2) When replacing the unserved part of the punishment, the court may choose any milder type of punishment in accordance with the types of punishments specified in Article 47 of this Code, within the limits provided for by this Code for each type of punishment (**ZRT of 17.05.2004 N35**)

3) Replacing the punishment with a softer one may be applied after the convicted person has actually served, with the exception of the provisions provided for in part 8 of Article 49 of this Code (**ZRT dated July 21, 2010, No. 617**):

- a) at least one third of the term of punishment imposed by the court for a crime of little or medium gravity;
- b) at least half of the punishment imposed by the court for a grave crime, as well as to a person who has previously served a sentence of imprisonment for an intentional crime;
- c) not less than two-thirds of the term of punishment imposed by the court for an especially grave crime, as well as to a person who was previously released on parole from punishment or whose punishment was replaced by a milder one and who committed a new intentional crime during the unserved part of the punishment.

4) Parole may be applied to persons for whom the punishment is replaced by a milder one according to the rules provided for in Article 76 of this Code.

5) For persons for whom the punishment has been replaced by a milder type of punishment, conditional early release from punishment is applied according to the rules provided for in Article 76 of this Code (**ZRT of 05.17.2004 N35**).

6) Replacement of the unserved part of the punishment with a lighter punishment shall not apply to the persons listed in the seventh part of Article 76 of this Code.

7) In the event of full compensation for material damage to the convicted person, the procedure provided for by part 8 of Article 49 of this Code is applied (**ZRT dated July 21, 2010 No. 617**).

Article 78. Postponement of serving punishment for pregnant women and women with children under the age of eight

1) For convicted pregnant women or women with children under the age of eight, except for those convicted of especially grave crimes, the court may postpone the serving of their sentence until the child reaches the age of eight (**ZRT from 17.05.2004 N35**).

2) The postponement of serving the sentence is applied to a convicted woman who has a family or relatives who have agreed to live with her, or who has the ability to independently provide appropriate conditions for raising a child (**ZRT from 17.05.2004 N35**).

3) If the convict, whose sentence has been postponed, abandoned the child or transferred him to an orphanage, disappeared from the place of residence or avoids raising the child and caring for him, violates public order, for which she was warned in writing more than two times by the body responsible for her control, the court may send the convicted person to serve the sentence imposed by the verdict (**ZRT from 17.05.2004 N35**).

4) After the child reaches the age of eight, or in the event of his death, the court, depending on the behavior of the convicted person, may release her from serving the sentence or replace it with a lighter sentence, or send the convicted person to serve the sentence imposed by the sentence. In this case, the court may fully or partially count the time during which the convicted person did not serve the sentence, as the term of serving the sentence (**ZRT of 05.17.2004, N35**).

5) If during the postponement of serving the sentence, the convicted person committed a new crime, the court shall impose a sentence on her in accordance with the rules provided for in Article 68 of this Code (**ZRT of 17.05.2004 N35**).

Article 79. Release from punishment due to illness

1) A person who, after sentencing, becomes mentally ill, depriving him of the opportunity to realize the factual nature and significance of his actions or to direct them, is released by the court from punishment or its further serving. The court may impose a compulsory medical measure on such a person.

2) A person who falls ill after the sentencing of another serious illness that prevents the serving of the sentence may be released from serving the sentence by the court or this sentence may be replaced by a milder one. This takes into account the severity of the crime committed, the personality of the convicted person, the nature of the disease and other circumstances.

3) Servicemen sentenced to restriction in military service or confinement in a disciplinary military unit are released from punishment or further serving in the event of an illness that recognizes him as unfit for military service. The unserved part of the punishment may also be replaced by another lighter punishment.

4) The persons referred to in parts one and two of this article, in the event of their recovery, may be subject to punishment, if the limitation period provided for in Article 81 of this Code has not expired. At the same time, the

time during which compulsory measures of a medical nature were applied to them is counted in the term of punishment (**ZRT from 17.05.2004 N35**).

Article 80. Release from punishment due to extraordinary circumstances

A person convicted of a crime of little or medium gravity may be exempted from punishment if his serving can entail especially grave consequences for the convicted person or his family in view of a fire or natural disaster, serious illness or death of the only able-bodied family member, or other extraordinary circumstances (**ZRT from 17.05.2004 N35**).

Article 81. Release from serving a sentence in connection with the expiration of the limitation period for a conviction

1) A person convicted of a crime shall be released from serving the sentence, if the conviction was not carried out within the following terms, from the date of its entry into legal force:

- a) two years upon conviction for a crime of little gravity;
- b) six years in case of conviction for a crime of average gravity;
- c) ten years in case of conviction for a serious crime;
- d) fifteen years in case of conviction for an especially grave crime, except for the case provided for in part four of this article (**ZRT of 05.17.2004 N35**);

2) The course of the statute of limitations is suspended if the convicted person evades serving the sentence. In this case, the course of the limitation period resumes from the moment the person was detained or surrendered. At the same time, a conviction cannot be carried out if twenty years have passed since its passing and the statute of limitations has not been interrupted.

3) the limitation period is interrupted if, before the expiration of the time periods specified in this Article, the person commits a new intentional crime of average gravity, grave or especially grave crime. The calculation of the limitation period in this case begins anew from the moment of the commission of a new crime (**ZRT of 17.05.2004 N35**).

4) The question of the application of the statute of limitations to a person sentenced to death or life imprisonment is decided by the court. If the court does not find it possible to apply the statute of limitations, these penalties are replaced by deprivation of liberty (**ZRT from 01.03.2005 N86**).

5) The limitation period does not apply to persons convicted of crimes against the peace and security of mankind.

CHAPTER 13. AMNESTY. PARDON. JUDGMENT. REHABILITATION.

Article 82. Amnesty

1) Amnesty is applied on the basis of the Law of the Republic of Tajikistan in relation to an individually indefinite circle of persons (**ZRT from 17.05.2004 N35**);

2) By an act of amnesty, a person who has committed a crime may be released from criminal liability, and a person convicted of a crime may be fully or partially released from punishment, both main and additional, or for such a person the unserved part of the punishment may be reduced or replaced by more a mild form of punishment, or the conviction has been removed.

3) The act of amnesty applies to criminal offenses committed prior to its adoption.

Article 83. Pardon

1) A pardon is carried out by the President of the Republic of Tajikistan in relation to a certain person.

2) By an act of pardon, a person convicted of a crime may be fully or partially released from punishment, both the main and additional, or for such a person the unserved part of the punishment may be reduced or replaced with a milder type of punishment, or the conviction may be removed.

Note to Articles 82 and 83:

The application of acts of amnesty and pardon is not an obstacle to the right of the victim to receive compensation for damage caused by the criminal act.

Article 84. Conviction

1) A person is recognized as having a criminal record from the date of entry into legal force of the conviction to whom the punishment was assigned until the cancellation or removal of the conviction.

- 2) A person is considered to be without criminal record:
 - a) in the event of an act of amnesty or pardon, if these acts provide for the removal of a criminal record - from the date of entry into force of such an act;
 - b) if the act of amnesty is adopted, provided that it removes the application of punishment for the committed act and this circumstance is revealed in the course of the court proceedings from the date of entry into force of the conviction;
 - c) in the event of the adoption of a new criminal law, which eliminates the criminality of the act - from the date of entry into force of such law;
 - d) in the event that minors are released from punishment in accordance with Article 90 of this Code - from the date of entry into force of the court decision on the release of the minor from punishment;
 - e) in case of non-execution of the guilty verdict - from the date of expiration of the statute of limitations for the guilty verdict (**ZRT of 17.05.2004 N35**);
- 3) The conviction is canceled:
 - a) in relation to a convicted person, to whom a conditional non-application of punishment has been applied - after the expiration of the probationary period (**ZRT of 05.17.2004, N35**);
 - b) in relation to persons sentenced to more lenient punishments than restriction of liberty - upon the expiration of one year after serving the assigned punishment;
 - c) in relation to persons sentenced to restraint of liberty or imprisonment for crimes of little or medium gravity - upon the expiration of three years after serving the sentence;
 - d) in relation to persons sentenced to imprisonment for grave crimes - after five years after serving the sentence.
 - e) in relation to persons sentenced to imprisonment for especially grave crimes, after eight years after serving the sentence (**ZRT from 17.05.2004 N35**);
- 4) If a person was released from punishment ahead of time in accordance with the procedure established by law or the unserved part of the punishment was replaced with a softer one, then the period of expiry of the conviction is calculated from the moment of release from serving the main and additional punishment.
- 5) If a person commits a crime again before the expiration of the term for canceling the conviction, the course of the term for canceling the conviction is interrupted. The expiration date for the first crime shall be calculated anew after the actual serving of the sentence (main and additional) for the last crime. In these cases, the person shall be deemed to have been convicted of both crimes until the expiry of the term for extinguishing the conviction for the most serious of them.
- 6) If the convicted person, after serving the sentence, has shown impeccable behavior, then, at his request, the court may remove the criminal record from him before the expiration of the term for the cancellation of the conviction, but not earlier than half of this term.
- 7) Cancellation or cancellation of a criminal record cancels the legal consequences of criminal liability.

Article 85. Rehabilitation

- 1) A person who did not commit a crime and was unjustifiably brought to criminal responsibility, or was illegally convicted, is subject to rehabilitation, i.e. recognition by the court of the fact of unjustified criminal prosecution or unlawful conviction.
- 2) The rehabilitated person is fully restored in all rights to him or, in appropriate cases, his relatives are brought on behalf of the state an apology published in the press at the place of residence of the rehabilitated person, if he or his relatives do not object to the publication.
- 3) Damage caused to a citizen by illegal conviction and illegal prosecution is compensated by the state in full.

SECTION V. CRIMINAL LIABILITY OF MINORS

CHAPTER 14 SPECIFICATIONS OF CRIMINAL LIABILITY AND PUNISHMENT OF MINORS

Article 86. Criminal liability of minors

- 1) Persons who at the time of the commission of the crime have turned fourteen, but have not turned eighteen are recognized as minors.
- 2) Minors who have committed crimes may be sentenced to punishment or compulsory measures of an educational nature.

Article 87. Types of punishment imposed on minors

- 1) The types of punishment for minors are:

- a) fine;
- b) deprivation of the right to engage in certain activities;
- c) compulsory work (**ZRT dated July 21, 2010 # 617**);
- d) correctional labor (**ZRT from 17.05.2004 N35**);
- e) imprisonment.

2) A fine is imposed only if the minor has independent earnings or property on which a penalty can be levied. A fine is imposed in the amount of up to one hundred indicators for calculations. In the case of replacing the punishment in the form of imprisonment with a punishment in the form of a fine, in the manner prescribed by part 8 of Article 49 of this Code, the maximum amount of the fine for crimes provided for in parts 6 and (or) 7 of Article 49 of this Code may not exceed two hundred indicators for calculations ... In case of malicious evasion of a minor from paying a fine or the impossibility of paying a fine, the court replaces the fine (or its unpaid part) in the manner prescribed by part 5 of Article 49 of this Code (**as amended by the Law of 06.10.2008 No. 422, dated 21.07.2010 No. 617**).

3) Deprivation of the right to engage in certain activities shall be imposed on minors for a period of one to two years.

4) Compulsory work is assigned for a period from forty to one hundred and sixty hours, which consists in performing work that is feasible for a minor, and is performed by him in his free time from study or main work. The duration of the execution of this type of punishment by persons under the age of sixteen cannot exceed two hours a day, and by persons aged sixteen to eighteen three hours a day (**ZRT from 17.05.2004 N35**).

5) Correctional labor is assigned to minors for a period of two months to one year at the place of work. At the same time, from the earnings of the convicts, deduction is made to the state income in the amount of from five to fifteen (**as amended by the Law of 17.05.2004 N35**).

6) Imprisonment is not imposed on juveniles who have committed crimes of minor or medium gravity for the first time, and in cases where the sanction of the article of the Special Part does not provide for another type of punishment other than imprisonment, the court shall impose a punishment not related to imprisonment within the limits of the size and terms provided by the General part of this Code. Deprivation of liberty is imposed on minors:

- a) committed a grave or especially grave crime under the age of sixteen - for a period of up to seven years;
- b) who have committed a grave or especially grave crime at the age of sixteen to eighteen years - for a period of up to ten years (**ZRT of 05.17.2004 N35**).

7) Deprivation of liberty is served:

- a) male minors sentenced for the first time to imprisonment, as well as female minors - in educational colonies of the general regime;
- b) male minors who have previously served imprisonment - in educational colonies with increased security.

Article 88. Imposition of punishment on minors

1) When sentencing a minor, in addition to the circumstances provided for in Article 60 of this Code, the conditions of his life and upbringing, the degree of mental development, state of health, other personality traits, as well as the influence of other persons, are taken into account.

2) A person who has committed several crimes at the age of fourteen to sixteen years, including at least one grave or especially grave crime, imprisonment for cumulative crimes and cumulative sentences may not exceed ten years.

3) For a person who has committed several crimes at the age of sixteen to eighteen years, including at least one grave or especially grave crime, imprisonment for cumulative crimes and cumulative sentences cannot exceed twelve years (**ZRT of 05.17.2004, N35**).

4) The maximum amount of a fine for minors for a combination of crimes or for a combination of sentences for crimes provided for by parts 6 and (or) 7 of Article 49 of this Code cannot exceed two hundred indicators for calculations (**ZRT dated July 21, 2010, No. 617**).

Article 89. Release from criminal liability with the use of compulsory educational measures

1) A juvenile who has committed a crime of little or medium gravity for the first time may be released from criminal liability if it is recognized that his correction can be achieved through the use of compulsory educational measures.

2) The following compulsory measures of an educational nature may be imposed on a juvenile court:

- a) warning;
- b) transfer under the supervision of parents or persons replacing them, or the state body for juvenile affairs (**ZRT from 17.05.2004, N35**);

- c) imposition of the obligation to compensate for the damage caused;
- d) restriction of leisure and the establishment of special requirements for behavior.

3) Several compulsory educational measures may be assigned to a minor at the same time. The duration of the period for the application of compulsory measures of an educational nature, provided for by paragraphs "b" and "d" of the second part of this article, is established by the body that appoints these measures.

4) In the event of a systematic evasion of a compulsory measure of an educational nature by a minor, it is canceled on the proposal of the state body for juvenile affairs and the materials are sent under the law to bring the minor to criminal liability to the appropriate body.

Article 90. Release from punishment of minors

1) A juvenile convicted of a crime of little or medium gravity may be released by a court from punishment with the use of compulsory measures of an educational nature, provided for by part two of Article 89 of this Code.

2) A minor convicted of a crime of average gravity may be released from punishment by the court if it is found that the goals of punishment can be achieved only by placing him in a special educational or medical and educational institution for minors. In this case, the period of stay in the specified institution may not exceed the maximum term of punishment provided for by this Code for a crime committed by a minor.

3) The stay in the institution specified in part two of this article may be terminated before the expiration of the period provided for in part two of this article, if, at the conclusion of the specialized state body providing correction, the minor no longer needs further application of this measure for his correction. Prolongation of stay in a special educational or medical-educational institution for minors after the expiration of the period provided for in part two of this article is allowed only if necessary to complete general education or vocational training (**ZRT of 05.17.2004, N35**).

Article 91. Conditional early release of minors from serving punishment

Conditional early release from serving a sentence may be applied to persons who have committed a crime as a minor, sentenced to correctional labor or imprisonment after actually serving:

- a) at least one third of the sentence imposed for a crime of little or medium gravity;
- b) at least half of the sentence imposed for a serious crime;
- c) at least two-thirds of the sentence imposed for an especially grave crime.

Article 92. Replacement of punishment with softer

1) For a person sentenced to imprisonment or correctional labor for a crime committed at the age of eighteen years, the unserved part of the punishment may be replaced by a milder punishment.

2) Replacement of the unserved part of the punishment with a milder punishment can be applied to a convict who has firmly taken the path of correction with his exemplary behavior and conscientious attitude to work or study (**ZRT of 05.17.2004, N35**);

3) Replacement of the unserved part of the punishment with a milder punishment may be applied after the actual serving, with the exception of the provisions provided for in part 8 of Article 49 of this Code (**ZRT dated July 21, 2010 No. 617**):

- a) not less than one fourth of the term of punishment assigned for a crime of little or medium gravity;
- b) at least one third of the sentence imposed for a serious crime;
- c) at least half of the term of punishment assigned for an especially grave crime, as well as an intentional crime, if the person was previously sentenced to imprisonment for an intentional crime.

4) When replacing the unserved part of imprisonment with correctional labor, they are appointed within the time limits established for this type of punishment, and must not exceed the unserved period of imprisonment.

5) To persons for whom the punishment has been replaced by a milder one, conditional early release from punishment is applied according to the rules provided for in Article 91 of this Code (**ZRT of 05.17.2004, N35**).

6) In the event that a person, to whom a substitution of punishment was applied, commits a new deliberate crime during the unserved part of the punishment, the court shall impose a punishment on him according to the rules provided for in Articles 68 and 88 of this Code.

7) In the case of full compensation for material damage to the convicted, the procedure provided for by part 8 of Article 49 of this Code is applied (**ZRT dated July 21, 2010, No. 617**).

Article 93. Period of limitation

The limitation period provided for in Articles 75 and 81 of this Code, when releasing minors from criminal liability or from serving a sentence, shall be reduced by half.

Article 94. Terms of cancellation of conviction

For persons who committed crimes before reaching the age of eighteen years, the terms of cancellation of the conviction provided for in part three of Article 84 of this Code shall be reduced and, accordingly, equal:

- a) one year after serving imprisonment for a crime of little or medium gravity;
- b) three years after serving imprisonment for a grave or especially grave crime; (ZRT from 17.05.2004 N35)

Article 95. Application of the provisions of this chapter in relation to persons from eighteen to twenty years

In exceptional cases, taking into account the deed and the personality of the defendant, the court may apply the provisions of this chapter in relation to persons from eighteen to twenty years old who have committed crimes, except for their placement in educational and medical educational institutions.

**SECTION VI. COMPULSORY MEASURES OF A MEDICAL NATURE
CHAPTER 15. OBJECTIVES, BASIS, PURPOSE AND ORDER OF APPLICATION
FORCED MEASURES OF A MEDICAL NATURE**

Article 96. Purposes of application of compulsory medical measures

The purposes of applying compulsory medical measures are to cure the persons specified in part 1 of Article 97 of this Code, or improve their mental state, as well as prevent them from committing new acts provided for by Articles of the Special Part of this Code (ZRT dated July 23, 2016 No. 1330).

Article 97. Grounds for the application of compulsory medical measures

1) Compulsory measures of a medical nature may be imposed by the court on persons who have committed the acts provided for by this Code:

- a) into a state of insanity;
- b) those who become ill after the commission of a crime with mental disorders that make it impossible to assign or execute punishment;
- c) in the presence of limited sanity;
- d) those who have committed a crime and are recognized as needing treatment for tuberculosis, alcoholism, drug addiction and substance abuse (ZRT of 23.11.2015 No. 1228).

2) The procedure for the execution of compulsory medical measures is determined by the regulatory legal acts of the Republic of Tajikistan (ZRT of 05.17.2004, N35).

3) In relation to the persons listed in the first part of this Article, who have committed a crime of little gravity, as well as persons who do not pose a danger in their mental state, the court may transfer the necessary materials to the health authorities to resolve the issue of their treatment or referral to a neuropsychiatric institution in accordance with the procedure established by the legislation of the Republic of Tajikistan (ZRT of 17.05.2004 N35).

Article 98. Types of compulsory medical measures

- 1) The court may prescribe the following types of compulsory medical measures:
 - a) outpatient compulsory observation and treatment by a psychiatrist;
 - b) compulsory treatment in a general psychiatric hospital;
 - c) compulsory treatment in a psychiatric hospital of a specialized type;
 - d) compulsory treatment in a psychiatric hospital of a specialized type with intensive supervision.
- 2) Persons convicted of acts provided for by this Code, and committed in a state of sanity, but in need of treatment for tuberculosis, alcoholism, drug addiction, substance abuse or morbid mental disorders that do not exclude sanity, the court, along with punishment, may impose a compulsory measure of a medical nature in the form of outpatient compulsory observation and treatment by a psychiatrist or a phthisiatrician (ZRT dated 23.11.2015 # 1228).

Article 99. Appointment of compulsory medical measures

1) Outpatient compulsory observation and treatment by a psychiatrist may be prescribed if there are grounds provided for in Article 97 of this Code, if the person, due to his mental state, does not need to be placed in a psychiatric hospital.

2) Compulsory treatment in a psychiatric hospital may be prescribed if there are grounds provided for in Article 97 of this Code, if the nature and severity of the person's mental disorder requires such conditions of treatment, care, maintenance and observation that can be carried out only in hospital conditions.

3) Compulsory treatment in a psychiatric hospital of a general type can be assigned to a person who, due to his mental state, needs to be placed in a hospital, but does not require intensive supervision.

4) Compulsory treatment in a psychiatric hospital of a specialized type may be assigned to a person who, due to his mental state, requires constant monitoring.

5) Compulsory treatment in a psychiatric hospital of a specialized type with intensive supervision may be assigned to a person who, due to his mental state, poses a particular danger to himself or to others and requires constant and intensive observation.

Article 100. Extension, change and termination of application of compulsory medical measures

1) The extension, change and termination of the application of compulsory medical measures is carried out by the court on the basis of the conclusion of the commission of psychiatrists.

2) In cases where a mentally ill person does not need the application of compulsory medical measures, as well as when they are canceled, the court may transfer such a person to the health authorities to resolve the issue of treatment on a general basis or referral to a social security institution or transfer him to the care of relatives or guardians with obligatory medical supervision.

Article 101. Application of medical measures to persons suffering from alcoholism, drug addiction or substance abuse

1) In the event of a crime committed by persons suffering from tuberculosis, alcoholism, drug addiction and substance abuse, the court, in the presence of a medical certificate, along with punishment, may also impose compulsory measures of a medical nature (**ZRT of 11/23/2015 No. 1228**).

2) Persons listed in the first part of this article who have been sentenced to measures of punishment not related to imprisonment are subject to compulsory treatment in medical institutions.

3) Persons listed in the first part of this article, sentenced to imprisonment, are subject to treatment at the place of serving the sentence, and after release, if it is necessary to continue treatment, in medical institutions on a general basis (**ZRT from 17.05.2004, N35**).

Article 102. Set-off of time for application of compulsory medical measures

The time during which compulsory measures of a medical nature were applied to a person who fell ill with a mental disorder after the commission of a crime, in the event of his cure and the imposition of punishment or resumption of his execution, is counted in the term of punishment at the rate of one day of stay in a psychiatric hospital for one day of imprisonment.

Article 103. Compulsory treatment combined with execution of punishment

1) In the cases provided for in the second part of Article 98 of this Code, compulsory measures of a medical nature are executed at the place of serving a sentence in the form of imprisonment, and in relation to persons sentenced to other types of punishment, in institutions of health authorities providing outpatient psychiatric care.

2) On the basis of the conclusion of the commission of psychiatrists, the court may send such a person to a psychiatric hospital or other medical institution if this is justified by the mental state of the convict in the interests of treatment.

3) The time spent in the named institutions is included in the term of serving the sentence. If the need for further treatment of the convicted person in the aforementioned institutions has ceased, he, by a court decision in the manner prescribed by part four of this article, is sent for further serving the sentence.

4) The termination of the application of a compulsory measure of a medical nature, combined with the execution of the punishment, is made by the court on the proposal of the bodies executing the punishment, on the basis of the conclusion of the commission of psychiatrists.

SPECIAL PART

SECTION VII. CRIMES AGAINST PERSONALITY CHAPTER 16. CRIMES AGAINST LIFE AND HEALTH

Article 104. Murder

1) Murder, that is, the deliberate deprivation of the life of another person, is punishable by imprisonment for a term of eight to fifteen years (**ZRT of 05.17.2004 N35**).

2) Murder:

a) two or more persons;
b) a person or his relatives in connection with the performance of his official activities or the fulfillment of a public duty;

c) knowingly a minor, or a person knowingly for the guilty being in a helpless state;

d) associated with kidnapping or taking a hostage;

e) a woman who is obviously pregnant for the guilty party;

f) committed with extreme cruelty;

g) perfect in a way dangerous to the lives of many people;

h) committed by a group of persons or a group of persons by prior conspiracy, by an organized group, a criminal community (criminal organization);

i) from selfish motives or for hire, as well as equally associated with robbery, extortion or banditry;

j) from hooligan motives;

k) in order to conceal another crime or facilitate its commission, as well as equally associated with rape or violent acts of a sexual nature;

l) on the basis of national, racial, religious, local hatred or enmity, or blood feud;

m) for the purpose of using the organs or tissues of the victim;

o) committed under the circumstances provided for in part two of Article 403 of this Code (ZRT dated 01.08.2003 N

45);

o) committed in a particularly dangerous recidivism or by a person who has previously committed a murder, with the exception of the acts provided for in Articles 105, 106 and 107 of this Code,

is punishable by imprisonment for a term of fifteen to twenty-five years or the death penalty or life imprisonment with confiscation of property (**ZRT from 05.17.2004 N35, from 15.07.2004 N46, from 01.03.2005 N86, from 31.12.2008. 451, dated June 13, 2013 No. 966**).

Article 105. Killing by a mother of her newborn child

The killing by a mother of her child during or immediately after childbirth, committed in a traumatic situation caused by childbirth, or in a state of mental disorder that does not exclude sanity,

- is punished by restraint of liberty for a term of up to five years or imprisonment for a term of up to three years (**ZRT of 05.17.2004, N35**).

Article 106. Murder committed in a state of intense mental agitation

1) Murder committed in a state of sudden strong emotional disturbance (affect) caused by violence, bullying or grievous insult, or other illegal or immoral behavior of the victim, as well as a long-term psycho-traumatic situation that arose in connection with the systematic illegal or immoral behavior of the victim,

- is punished with restraint of liberty for a term of up to two years or imprisonment for the same term (**ZRT of 17.05.2004, N35**).

2) The murder of two or more persons committed in a state of passion is punishable by imprisonment for a term of two to five years (**ZRT from 17.05.2004, N35**).

Article 107. Murder committed in excess of the limits of necessary defense or in excess of the measures necessary to arrest the person who committed the crime

1) Murder committed in excess of the limits of necessary defense,

- is punished with restraint of liberty for a term of up to two years or imprisonment for the same term.

2) Murder committed in excess of the measures necessary for the arrest of a person who has committed a crime,

- is punished with restraint of liberty for a term of up to two years or imprisonment for the same term (**ZRT of 17.05.2004, N35**).

Article 108. Causing death by negligence

1) Causing death by negligence,

- is punished with restraint of liberty for a term of up to two years or imprisonment for the same term.

2) Causing death by negligence due to improper performance by a person of his professional duties, as well as causing death by negligence to two or more persons,
- is punished with restraint of liberty for a term of two to five years or imprisonment for the same term with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to five years or without it (**ZRT from 17.05.2004 N35**).

Article 109. Driving to suicide

1) Driving a person to suicide or attempted murder by means of threats, cruel treatment or systematic humiliation of the human dignity of the victim,
- is punished with imprisonment from three to five years.
2) The same act committed against a person who was financially or otherwise dependent on the perpetrator, or committed against a minor,
- is punished by imprisonment for a term of five to eight years.

Article 110. Intentional infliction of grievous bodily harm

1) Intentional infliction of grievous bodily harm, dangerous to a person's life or entailing loss of sight, speech, hearing or any organ or loss of its functions by the organ, termination of pregnancy or a person expressed in an indelible disfigurement, as well as causing other harm to health, dangerous for life or that caused a health disorder, combined with a significant permanent loss of general ability to work by at least one third or with a complete loss of professional ability for the perpetrator, or resulting in mental illness, drug addiction or substance abuse,

- is punished with imprisonment for a term of five to eight years (**ZRT from 17.05.2004, N35**).

2) The same act, if committed:

- a) in relation to two or more persons;
 - b) in relation to a person or his relatives in connection with the performance by this person of his official, public duty;
 - c) in relation to a knowingly minor or a person knowingly for the guilty being in a helpless state;
 - d) in relation to a kidnapped person or a hostage;
 - e) with special cruelty;
 - f) in a generally dangerous way;
 - g) by a group of persons or by a group of persons by prior agreement;
 - h) in the process of mass riots;
 - i) for selfish motives or for hire;
 - j) from hooligan motives;
 - k) with the aim of concealing another crime or facilitating its commission, as well as involving rape or violent acts of a sexual nature;
 - l) on the basis of national, racial, religious, local hatred or enmity, or revenge;
 - m) for the purpose of using the organs or tissues of the victim;
 - o) repeatedly or by a person previously convicted of murder, with the exception of the acts provided for in Articles 105, 106 and 107 of this Code, shall be punished by imprisonment for a term of eight to twelve years with or without confiscation of property (**ZRT of 17.05.2004 N35**) ...
- 3) Acts provided for in the first or second part of this Article, if they:
- a) committed by an organized group;
 - b) committed with a dangerous relapse or especially dangerous relapse;
 - c) entailed by negligence the death of the victim,
- are punished with imprisonment for a term of twelve to fifteen years (**ZRT of 12/31/2008 No. 451, of 06/13/2013 No. 966**).

Article 111. Intentional infliction of harm to health of moderate severity

1) Intentional infliction of harm to health that is not dangerous to life and did not entail the consequences specified in Article 110 of this Code, but which caused a long-term health disorder or significant permanent loss of general working capacity by less than one third,

- is punished with correctional labor for up to two years or imprisonment for up to two years.

2) The same act committed:

- a) in relation to two or more persons;
- b) in relation to a person or his relatives in connection with the performance by this person of his official or public duty;

- c) by a group of persons or by a group of persons by prior agreement;
- d) with special cruelty;
- e) in the process of mass riots;
- f) on the basis of national, racial, religious, local hatred or enmity, or revenge;
- g) repeatedly or by a person who previously committed murder or infliction of grievous bodily harm, provided for in Articles 104 and 110 of this Code,
 - is punished with imprisonment for a term of up to five years (**ZRT from 17.05.2004, N35**).

Article 112. Intentional infliction of slight harm to health

Intentional infliction of slight harm to health, which caused a health disorder for a short time or caused a slight persistent disability,

- is punished with compulsory labor for a period from eighty to one hundred and sixty hours or a fine in the amount of up to three hundred indices for calculations or correctional labor up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

Article 113. Intentional infliction of harm to health in a state of strong mental agitation

1) Intentional infliction of harm to health of moderate severity, committed in a state of sudden strong emotional excitement (affect) caused by violence, bullying or grievous insult, or other illegal or immoral actions of the victim, as well as a long-term psycho-traumatic situation that arose in connection with systematic illegal or immoral behavior the victim

- is punished with compulsory labor for a term of one hundred to one hundred and eighty hours, or correctional labor for a term of up to two years, or restraint of liberty for the same term;

2) Intentional infliction of grievous bodily harm, committed under the circumstances specified in part one of this article,

- is punished by restraint of liberty for a term of up to three years or imprisonment for a term of up to two years.

Article 114. Intentional infliction of grievous bodily harm when the limits of necessary defense are exceeded

Intentional infliction of grievous bodily harm, committed in excess of the limits of necessary defense,

- is punished with a fine from two hundred to five hundred indicators for calculations, correctional labor for up to two years, or imprisonment for the same period.

Article 115. Intentional infliction of grave or moderate harm to health in exceeding the measures necessary to arrest the person who committed the crime

1) Intentional infliction of harm of average gravity to the health of a person who has committed a crime, in excess of the measures necessary for his detention,

- is punished with compulsory labor for a period of up to one hundred and forty hours or a fine in the amount of up to two hundred indices for calculations or correctional labor for a period of up to two years (**ZRT of 05.17.2004 N35, of 6.10.2008 N252**).

2) Intentional infliction of serious harm to the health of a person who has committed a crime, in excess of the measures necessary for his detention,

- is punished with restraint of liberty for a term of up to two years or imprisonment for the same term.

Article 116. Beating

Beating or committing other violent actions that caused physical pain, but did not entail the consequences specified in Article 112 of this Code,

- is punished with compulsory labor for a period of up to one hundred and twenty hours or a fine in the amount of up to three hundred indices for settlements or correctional labor for a period of up to two years (**ZRT of 05.17.2004 N35, of 6.10.2008 N 422**).

Article 117. Torture

1) Causing physical or mental suffering by systematic beating or in another violent way, if this did not entail the consequences specified in Articles 110 and 111 of this Code,

- is punished with imprisonment up to three years.

2) The same act committed:

- a) in relation to two or more persons;
- b) in relation to a person or his relatives in connection with the performance by this person of his official or public duty;
- c) in relation to a knowingly minor or a person knowingly for the perpetrator who was in a helpless state or material or other dependence on the perpetrator, as well as a person kidnapped or taken hostage;
- d) in relation to a woman, knowingly for the perpetrator, is in a state of pregnancy;
- e) by a group of persons, by a group of persons by prior agreement;
- f) for hire;
- g) on the basis of national, racial, religious, local hatred or enmity, or revenge (**ZRT dated 04/16/2012 # 808**),
 - is punished with imprisonment for a term of three to seven yearsExcluded (**ZRT dated 04/16/2012 # 808**).

Article 118. Causing by negligence of serious harm to health

- 1) Causing, by negligence, serious harm to health,
 - is punished with a fine in the amount of two hundred to five hundred indices for calculations or imprisonment for a term of up to two years (**as amended by the Law of 6.10.2008 No. 422**).
- 2) The same act committed as a result of improper performance by a person of his professional duties, or the infliction of serious harm to the health of two or more persons through negligence,
 - is punished with correctional labor up to two years or imprisonment for a term of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it (**ZRT of 05.17.2004, N35**).

Article 119. Infliction of moderate harm to health by negligence

- 1) Infliction by negligence of harm to health of moderate severity,
 - is punished with compulsory labor for a period of one hundred and twenty to two hundred hours or a fine in the amount of one hundred to four hundred indices for calculations or restraint of liberty for a period of up to two years (**ZRT from 17.05.2004 N35, from 6.10.2008 # 422**).
- 2) The same act, committed as a result of improper performance by a person of his professional duties, or causing by negligence harm of average gravity to the health of two or more persons,
 - is punished with correctional labor for up to two years or imprisonment for the same period.

Article 120. Threat of murder or infliction of serious harm to health

- Threats with murder or infliction of grievous bodily harm, if there were grounds to fear the implementation of this threat,
- is punished with restraint of liberty for a term of up to two years or imprisonment for a term of up to two years (**ZRT of 17.05.2004 N35**).

Article 121. Violation of the rules of the transplant operation

- 1) Violation of the conditions and procedure for the removal of human organs or tissues, or the conditions and procedure for transplantation provided for by law, which, through negligence, caused serious or moderate harm to the health of the donor or recipient,
 - is punished with imprisonment up to three years.
- 2) The same act, which negligently entailed the death of the victim,
 - is punished with imprisonment for a term of three to five years (**ZRT from 17.05.2004, N35**).

Article 122. Compulsion to remove human organs or tissues for transplantation

- 1) Coercion to remove organs or tissues of the victim for transplantation, committed with the use of violence or with the threat of its use against him or his relatives, or the threat of destruction of his property
 - is punishable by imprisonment for a term of up to three years with the deprivation of the right to hold certain positions or engage in certain activities for up to three years (**ZRT from 05.17.2004, N35**).
- 2) The same act committed:
 - a) in relation to a person, knowingly for the guilty person, who is in a helpless state or in material or other dependence on the guilty person;
 - b) in relation to a knowingly minor;
 - c) in relation to two or more persons,

- is punishable by imprisonment for a term of three to five years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

3) The act provided for in the first or second part of this article, committed:

a) by a group of persons or by a group of persons by prior conspiracy;

b) by an organized group or criminal community (criminal organization),

- is punished with imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for five years (**ZRT of 05.17.2004, N35**).

Article 123. Unlawful abortion

1) Illegal abortion by a person with a higher medical education in the relevant profile,

- is punished with a fine from two hundred to five hundred indicators for calculations or deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (**ZRT dated 6.10.2008 # 422**).

2) The production of an abortion by a person who does not have a higher medical education in the corresponding profile or a person previously convicted of illegal abortion,

- is punished with a fine in the amount of five hundred to seven hundred indices for calculations or imprisonment for a term of up to two years (**ZRT dated 6.10.2008 # 422**).

3) The actions provided for in the first or second parts of this Article, if they entailed, by negligence, the death of the victim or the infliction of grievous harm to her health,

- are punished with imprisonment for a term of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT of 05.17.2004, N35**).

Article 124. Forcing a woman to perform an abortion

Forcing a woman to have an abortion if, as a result, an abortion was performed,

- is punished with correctional labor for up to two years or imprisonment for the same period.

Article 125. Infection with human immunodeficiency virus

(**ZRT from 23.07.2016 No. 1330**)

1) Deliberately exposing another person to the danger of contracting the human immunodeficiency virus (**ZRT dated 23.07.2016, No. 1330**),

- is punishable by restraint of liberty for a term of up to three years or imprisonment for a term of up to two years.

2) Infection of another person with the human immunodeficiency virus by a person who knew about the presence of this disease (**ZRT from 23.07.2016, No. 1330**),

- is punished with imprisonment for a term of two to five years.

3) The act provided for in part two of this article, committed:

a) in relation to two or more persons;

b) in relation to a knowingly minor,

- is punished with imprisonment for a term of five to ten years (**ZRT from 17.05.2004, N35**).

Article 126. Infection with venereal disease

1) Infection of another person with a venereal disease by a person who knew that he had this disease,

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or correctional labor for a period of one to two years (**ZRT of 05.17.2004 N35, of 6.10.2008 N422**).

2) The same act committed:

a) in relation to two or more persons;

b) in relation to a knowingly minor,

- is punished with a fine in the amount of five hundred to seven hundred indices for calculations or imprisonment for a term of up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

Article 127. Leaving in danger

1) The deliberate abandonment of a person who is in a state of danger to life or health and is deprived of the opportunity to take measures for self-preservation due to childhood, old age, illness or due to his helplessness in cases where the perpetrator had the opportunity to provide assistance to this person and was obliged to have about him care or he himself put him in a state of danger to life or health,

- is punished with compulsory labor for a period from one hundred and forty to two hundred and forty hours or a fine in the amount of two hundred to four hundred indices for calculations, or correctional labor up to two years (**ZRT dated 6.10.2008, # 422**).

2) The same act, if it entailed the death of the victim by negligence,

- is punished with restraint of liberty for a term of up to three years, or imprisonment for a term of up to two years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to three years (**as amended by the Law of the Republic of Tajikistan of 05.17.2004 N35**).

3) The same act, entailed by negligence:

a) human sacrifice;

b) other grave consequences,

is punished with imprisonment from two to seven years with the deprivation of the right to hold certain positions or engage in certain activities for up to five years or without it (**ZRT from 17.05.2004, N35**).

Article 128. Failure to provide assistance to a patient

1) Failure to provide assistance to a patient without good reason by a person obliged to provide it in accordance with the law or according to special rules, which, through negligence, entailed the infliction of moderate harm to the patient's health,

- is punished with compulsory labor for a term of one hundred and eighty to two hundred and forty hours, or a fine of three hundred to five hundred indices for calculations, or deprivation of the right to hold certain positions or engage in certain activities for a term of two to five years, or imprisonment for a term of up to two years (**ZRT from May 17, 2004 N35, October 6, 2008 N 422**).

2) The same act, if it entailed, through negligence, the death of a sick person or caused serious harm to health,

- is punished with imprisonment for a term of up to three years with deprivation of the right to hold certain positions or engage in certain activities for the same period, or deprivation of the right to hold certain positions or engage in certain activities for a term of five to ten years with a fine in the amount of five hundred to one thousand indicators for calculations (**ZRT from 17.05.2004, N35, 6.10.2008, N422**).

Article 129. Improper performance of professional duties by a medical worker

1) Failure to fulfill or improper fulfillment of professional duties by a medical worker due to a negligent or unfair attitude towards them, which caused the patient, through negligence, medium-gravity harm to health,

- is punished with compulsory labor for a term of one hundred and eighty to two hundred and forty hours or a fine of five hundred to one thousand indicators for calculation or deprivation of the right to occupy certain positions, or engage in certain activities for a term of up to three years, or imprisonment for a term of up to two years (**ZRT from 6.10.2008 No. 422**)

2) The same act, if it entailed, through negligence, serious harm to health or death of the patient or infection with the human immunodeficiency virus (**ZRT dated July 23, 2016 , No. 1330**),

- is punished with imprisonment for a term of *five to eight* years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of up to five years (**ZRT dated 03.08.2018, No. 1538**).

3) The same acts, entailed by negligence:

a) human sacrifice;

b) other grave consequences,

- are punished with imprisonment from *eight to twelve* years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT of 05.17.2004 , N35 ; of 03.08.2018, No. 1538**).

CHAPTER 17. CRIME AGAINST PERSONAL FREEDOM, HONOR AND DIGNITY

Article 130. Abduction of a person

1) Abduction of a person, that is, secret, open, by deception or abuse of trust, or combined with violence, or with the threat of violence, unlawful seizure of a person in the absence of signs of a crime provided for in Article 181 of this Code is punishable by imprisonment for a term of five to eight years ;

2) The same act committed:

a) by a group of persons by prior agreement;

b) repeatedly or by a person who previously committed a crime provided for in Articles 130 (1), 131 and 181 of this Code;

c) with the use of violence dangerous to life and health, or with the threat of such violence;

- d) with the use of weapons or objects used as weapons;
 - e) in relation to a knowingly minor;
 - f) in relation to a woman, knowingly for the perpetrator, who is in a state of pregnancy;
 - g) in relation to two or more persons;
 - h) from selfish motives,
- is punished with imprisonment for a term of eight to twelve years.

3) Acts provided for in the first or second part of this Article, if they:

- a) committed by an organized group;
 - b) committed for the purpose of sexual or other exploitation of the abducted person;
 - c) committed with the aim of removing organs or tissues from the victim for transplantation
 - d) committed with a particularly dangerous relapse;
 - e) entailed by negligence the death of the victim or other grave consequences,
- are punished with imprisonment for a term of twelve to twenty years.

Note: A person who voluntarily released a kidnapped person or a person unlawfully deprived of liberty is released from criminal liability, unless his actions contain a different corpus delicti (**ZRT of 17.05.2004 N35**).

Article 130 (1) Trafficking in persons

1. *The purchase and sale of a person or the performance of other illegal transactions in relation to him, as well as those carried out regardless of the consent of the victim, for the purpose of exploiting him or deriving illegal profit in another way, offering, recruiting, transporting, harboring, transferring or receiving a person using coercion, deceit, abuse by a guilty person of his official position, abuse of trust or a vulnerable position of a victim of trafficking in persons, or bribery of a person depending on whom she is located - (ZRT dated 02.01.2019, No. 1554)*

is punishable by imprisonment for a term of five to eight years (**ZRT dated 5.01.2008 No. 339, dated 13.06.2013 No. 966**).

2. The acts provided for in the first part of this article, if committed:

- a) repeatedly;
- b) by a group of persons by prior agreement;
- c) in relation to two or more persons;

d) *with the use of violence dangerous to life and health, or with the threat of such violence (ZRT dated 02.01.2019, No. 1554) ;*

e) *for the purpose of removing organs or tissues from the victim for transplantation , as well as its illegal use for reproductive purposes or in biomedical research (ZRT dated 02.01.2019, No. 1554) ;*

f) *by an official or a representative of authority using his official position or by another person performing managerial functions in a commercial or other organization;*

g) *with the movement of the victim across the state border of the Republic of Tajikistan, are punished with imprisonment for a term of eight to twelve years (ZRT dated 13.06.2013, # 966).*

3) Acts provided for in the first or second part of this Article, if they:

- a) entailed the death of a victim of trafficking in minors or other serious crimes;
- b) perfect by an organized group;
- c) committed with a particularly dangerous relapse ,

are punished with imprisonment for a term of twelve to fifteen years (**ZRT dated 13.06.2013, # 966**).

Note: *A person who committed the acts provided for in the first or second part of this article, who voluntarily reported this to the relevant authority, and who released the victim of trafficking in persons, if his actions do not contain signs of a different corpus delicti, is exempt from criminal liability (ZRT dated 02.01. ., No. 1554).*

Article 130 (2). (Deleted) (ZRT dated 02.01.2019, No. 1554)

Article 131. Unlawful deprivation of liberty

1) Illegal deprivation of liberty, not related to kidnapping or hostage-taking,
- is punished with restraint of liberty for a term of up to three years or imprisonment for a term of up to two years (**as amended by the Law of the Republic of Tajikistan of 17.05.2004, N35**).

2) The same act committed:

a) by a group of persons by prior agreement;

b) repeatedly or by a person who has previously committed a crime under Articles 130,131 (1) and 181 of this Code;

- c) using a method dangerous to life and health;
- d) with the use of weapons or objects used as weapons;
- e) in relation to a knowingly minor;
- f) in relation to a woman, known to the perpetrator, who is in a state of pregnancy;
- g) in relation to two or more persons;
- 3) Acts provided for in the first or second part of this Article, if they:
 - a) committed by an organized group;
 - b) committed for the purpose of sexual or other exploitation of an unlawfully deprived of liberty;
 - c) entailed by negligence the death of the victim or other grave consequences,- are punished with imprisonment for a term of five to ten years (**ZRT from 17.05.2004 N35**).

Article 132. (Deleted) (ZRT dated 02.01.2019, No. 1554)

Article 133. Unlawful placement in a psychiatric hospital

- 1) Illegal placement in a psychiatric hospital of a person who does not need such a form of treatment, or illegal detention in it,
 - is punished by imprisonment for a term of one to five years.
- 2) The same act, if committed:
 - a) from selfish motives;
 - b) by a person using his official position;
 - c) entailed by negligence the death of the victim or other grave consequences,- is punished with imprisonment for a term of five to eight years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (**ZRT of 05.17.2004, N35**).

Article 134. Coercion

- Coercion of a person to perform or fail to perform any action, committed under the threat of violence against him or his relatives, destruction or damage to their property, dissemination of slanderous information or disclosure of other information that they wish to keep secret, or under threat of infringement of rights, freedoms and the legitimate interests of these persons in the absence of signs of a more serious crime,
- is punished with compulsory labor for a term of one hundred and eighty to two hundred and forty hours or a fine of two hundred to five hundred indices for calculations or restraint of liberty for a term of up to two years or imprisonment for the same period (**ZRT from 05.17.2004, N35, from 6.10.2008 №422**).

Article 135. Deleted a
(**ZRT from 03.07.2012 # 844**)

Article 136. Deleted a
(**ZRT from 03.07.2012 # 844**)

Article 137. Public insult or slander against the President of the Republic of Tajikistan

- 1) Public insult or slander against the President of the Republic of Tajikistan,
 - is punished with a fine in the amount of one hundred to five hundred indicators for calculations or correctional labor for a period of up to one year (**ZRT dated 6.10.2008 No. 4 22**).
- 2) The same actions committed using the press, other media or the Internet (**ZRT dated 30.07.2007, No. 301**),
 - is punished with correctional labor for a term of up to two years or imprisonment for a term of two to five years

Article 137 (1). Public insult to the Founder of Peace and National Unity - the Leader of the Nation or slander against him

(**ZRT of 11/14/2016 No. 1358**)

- 1) Public insult to the Founder of Peace and National Unity - the Leader of the Nation or slander against him,
 - is punished with a fine in the amount of one hundred to five hundred indices for calculations or correctional labor for a term of up to one year.
- 2) The same actions committed using print, other mass media or the Internet -

are punished with correctional labor for a term of up to two years or imprisonment for a term of two to five years (**ZRT of 11/14/2016 # 1358**).

CHAPTER 18. CRIMES AGAINST SEXUAL FREEDOM OR SEXUAL INVALIDITY

Article 138. Rape

1) Rape, that is, sexual intercourse with the use of violence or with the threat of its use against a woman or her relatives or using the helpless state of a woman,

- is punished with imprisonment for a term of three to seven years.

2) Rape:

a) committed repeatedly or by a person who has previously committed a crime provided for in Article 139 of this Code;

b) committed by a group of persons or by a group in a preliminary conspiracy;

c) committed with special cruelty towards the victim or other persons;

d) entailing infection of the victim with a venereal disease;

e) knowingly a minor;

f) two or more persons,

- is punished with imprisonment for a term of seven to twelve years.

3) Rape:

a) a victim who has obviously not reached the age of fourteen or a close relative;

b) with a particularly dangerous relapse;

c) by an organized group;

d) *entailing the infection of the victim with the human immunodeficiency virus* (**ZRT dated 02.01.2019, No. 1554**);

e) using the conditions of a general disaster or in the course of mass riots or resulting in grave consequences (**ZRT dated 02.01.2019, No. 1554**);

f) with the use or with the threat of use of weapons or objects used as weapons,

- is punished with imprisonment from twelve to twenty-five years or the death penalty or life imprisonment (**ZRT from 05.17.2004 N35; from 15.07.2004 N46; from 01.03.2005 N86 ; from 02.01.2019, No. 1554**) ...

Article 139. Violent acts of a sexual nature

1) Sodomy, lesbianism or other actions of a sexual nature with the use of violence or the threat of its use against the victim (victim) or their relatives, or using the helpless state of the victim (victim),

- is punished with imprisonment for a term of five to seven years.

2) The same acts:

a) committed repeatedly or by a person who has previously committed rape;

b) committed by a group of persons or by a group of persons in a preliminary conspiracy;

c) committed with special cruelty towards the victim (victim) or their relatives;

d) entailing infection of the victim (victim) with a venereal disease;

e) committed against a knowingly minor (minor),

- are punished with imprisonment for a term of seven to ten years.

3) The same actions are committed:

a) in relation to two or more persons;

b) *entailing infection of the victim with the human immunodeficiency virus* (**ZRT dated 02.01.2019, No. 1554**);

c) in relation to a close relative,

- are punished with imprisonment for a term of ten to fifteen years (**ZRT dated 02.01.2019, No. 1554**).

4) The acts provided for in the first or second parts of this article, if they are committed:

a) in relation to a person who has obviously not reached the age of fourteen;

b) with a particularly dangerous relapse;

c) by an organized group;

d) using the conditions of a general disaster or during mass riots,

- are punished with imprisonment from fifteen to twenty years (**ZRT from 17.05.2004 N35**).

Article 140. Compulsion to acts of a sexual nature

Forcing a person to have sexual intercourse, sodomy, lesbianism or other acts of a sexual nature by means of blackmail, threat of destruction, damage or confiscation of property or using the official, material or other dependence of the victim,

- is punished with a fine in the amount of five hundred to seven hundred indicators for the calculation of correctional labor for a term of up to two years or imprisonment for a term of up to two years (**ZRT dated 6.10.2008, # 422**).

Article 141. Sexual intercourse and other actions of a sexual nature with a person under the age of sixteen

1) Sexual intercourse, sodomy, lesbianism or other acts of a sexual nature committed with a person who knowingly has not reached the age of sixteen, in the absence of signs of a crime provided for in Articles 138 and 139 of this Code,

- is punished with imprisonment for a term of two to five years.

2) The same actions are committed:

a) using the official position;

b) *entailing infection of the victim with a venereal disease (ZRT dated 02.01.2019, No. 1554)*;

c) a parent, teacher or other person entrusted with upbringing responsibilities,

- are punished with imprisonment for a term of three to five years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT of 05.17.2004, N35 ; 02.01.2019, No. 1554**).

3) *The same actions that entailed the infection of the victim with the human immunodeficiency virus - are punished with imprisonment for a term of five to eight years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (ZRT dated 02.01.2019, No. 1554)*.

Article 142. Lecherous acts

1) Committing lecherous acts of violence against a person who has obviously not reached the age of sixteen, in the absence of signs of a crime provided for in Articles 138, 139 and 140 of this Code,

shall be punishable by restraint of liberty for a term of up to two years, or imprisonment for the same term.

2) The same actions are committed:

a) with the use of violence or the threat of its use;

b) using the official position;

c) a parent, teacher or other person entrusted with parenting responsibilities;

d) in relation to a person who has obviously not reached the age of fourteen or a close relative

- are punished with imprisonment for a term of two to five years with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT from 17.05.2004, N35**).

Article 142 (1). Sexual intercourse, other acts of a sexual nature, or debauchery with abuse of feelings and religious belief

(ZRT from 03/15/2016 # 1274)

1) Sexual intercourse, other acts of a sexual nature or lewd acts committed with the abuse of religious feelings and beliefs of the victim or in the process of conducting religious instruction, -

shall be punishable by imprisonment for a term of three to seven years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

2) *Same de operations committed against minors, or resulting in infection of the victim with a venereal disease - (ZRT of 01/02/20 city, №1662)*

are punished with imprisonment for a term of five to eight years with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT dated 03/15/2016 No. 1274**).

3) *The actions provided for in parts 1) and 2) of this article, which entailed infection of the victim with the human immunodeficiency virus, -*

punishable by imprisonment for a term of eight to ten years, with or without deprivation of the right to engage in certain activities for a term of up to five years. (ZRT dated 02.01.20, No. 1662)

CHAPTER 19. CRIMES AGAINST CONSTITUTIONAL RIGHTS AND FREEDOMS OF HUMAN AND CITIZEN

Article 143. Violation of the equality of citizens

1) Intentional direct or indirect violation or restriction of rights and freedoms, or the establishment of direct or indirect advantages of citizens depending on gender, race, nationality, language, social origin, personal, property or official status, place of residence, attitude to religion, beliefs, belonging to political parties, public associations, which harmed the rights and legal interests of a citizen,

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or imprisonment for up to two years (**ZRT dated 6.10.2008 # 422**).

2) The same acts committed by a person:

a) with the use of violence or the threat of its use;

b) using his official position,

- are punished with imprisonment for a term of two to five years with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT from 17.05.2004, N35**).

Article 143 (1). Torture

(ZRT dated 04/16/2012 # 808)

1) Intentional infliction of physical and (or) mental suffering, committed by the person conducting the inquiry or preliminary investigation, or another official, either at their instigation, or with their tacit consent, or with their knowledge by another person in order to obtain information from the tortured or a third person, or confessing or punishing him for an act that he *or a third person* has committed *or of* which he is suspected of committing, as well as intimidating or coercing him or a third person or for any other reason based on discrimination of any nature, (**ZRT dated 02.01.20, No. 1661**)

- is punished with imprisonment for a term of five to eight years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years. (**ZRT dated 02.01.20, No. 1661**)

2) The same act, if committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) in relation to a woman, knowingly for the guilty person, who is in a state of pregnancy, or a person, knowingly a minor, or a disabled person;

d) causing moderate harm to health,

- is punishable by imprisonment for a term of *eight to twelve* with deprivation of the right to hold certain positions or engage in certain activities for a term of *five to ten* years. (**ZRT dated 02.01.20, No. 1661**)

3) Acts provided for in the first and second parts of this article, if they:

a) committed with the infliction of grievous bodily harm;

b) entailed by negligence the death of the victim or other grave consequences,

- are punished with imprisonment for a term of *twelve to fifteen* years with the deprivation of the right to hold certain positions or engage in certain activities for a term of *ten to fifteen*. (**ZRT dated 04.16.2012 No. 808 ; dated 02.01.20, No. 1661**)

Article 144. Illegal collection and dissemination of information about private life

1) Illegal collection or dissemination of information about private life constituting a personal or family secret of another person, without his consent, or the dissemination of such information in a public speech, work, mass media or the Internet if these acts were committed out of selfish or other personal interest and caused harm to the rights and legitimate interests of a citizen (**ZRT from 30.07.2007, No. 301**),

- is punished with compulsory labor for a term of one hundred and twenty to one hundred and eighty hours or a fine in the amount of two hundred to five hundred indices for calculations, or correctional labor up to one year or arrest for a term of up to four months (**ZRT of 05/17/2004 N35**).

2) The same acts committed by a person using his official position,

- are punished with a fine in the amount of five hundred to eight hundred indicators for calculations or correctional labor up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**as amended by the Law of the Republic of Tajikistan from 17.05.2004 N35, from 6.10. No. 422**).

Article 145. Disclosure of medical confidentiality

1) Disclosure by a medical, pharmaceutical or other employee without professional or official necessity of information about the disease or the results of a medical examination of the patient,

- is punished with a fine in the amount of two hundred to five hundred indicators for calculations or deprivation of the right to hold certain positions or engage in certain activities for a period of up to two years (**ZRT dated 6.10.2008 # 422**);

2) The same actions, expressed in the reporting of information about the presence of the human immunodeficiency virus in a person (**ZRT dated 23.07.2016, No. 1330**),

- are punished with imprisonment for a term of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for the same period.

3) The acts provided for in the first or second part of this article, if they entailed grave consequences,

- are punished with imprisonment for a term of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for the same period (**ZRT of 05.17.2004, N35**).

Article 146. Violation of secrecy of correspondence, telephone conversations, postal, telegraph or other messages

1) Violation of secrecy of correspondence, telephone conversations, postal, telegraph or other messages of citizens,

- is punished with compulsory labor for a period from one hundred to one hundred and sixty hours or a fine in the amount of up to two hundred indices for calculations, or correctional labor up to one year (**ZRT dated 6.10.2008, No. 422**).

2) The same acts committed by a person using his official position or special technical means designed to secretly obtain information,

- are punished with a fine in the amount of two hundred to five hundred indices for calculations, or by deprivation of the right to hold certain positions or engage in certain activities for a term of two to five years, or arrest for a term of two to four months.

3) Illegal production, sale or purchase for the purpose of marketing special technical means intended for secretly obtaining information,

- is punished with a fine in the amount of five hundred to eight hundred indicators for calculations or deprivation of the right to hold certain positions or engage in certain activities for a period of five to ten years or restraint of liberty for a period of up to five years (**ZRT from 05.17.2004, N35, from 6.10.2008 .№422**).

Article 147. Violation of the inviolability of the home

1) Illegal entry into a dwelling, committed against the will of a person living in it, or deprivation of someone's dwelling,

- is punished with a fine in the amount of from one to two thousand indicators for calculations or imprisonment for up to two years (**ZRT dated 6.10.2008 # 422**).

2) The same actions performed:

a) with the use of violence or the threat of its use;

b) using the official position;

c) with the illegal installation of eavesdropping or other special devices in a residential building,

- are punished with imprisonment for a term of two to five years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Note: Housing in this article, as well as in other articles of this Code, means an individual residential building with residential and non-residential premises included in it, residential premises, regardless of the form of ownership, included in the housing stock and suitable for permanent or temporary residence, as well as other premises or structure that is not included in the housing stock, but intended for temporary residence (**ZRT of 05.17.2004, N35**).

Article 148. Refusal to provide information to a citizen

Illegal refusal of an official to provide a citizen with documents or materials that directly affect his rights and freedoms and collected in the prescribed manner, as well as providing a person with incomplete or deliberately distorted such information, if this has caused damage to the rights and interests of this citizen,

- is punished with a fine in the amount of three hundred to five hundred indicators for calculations or deprivation of the right to hold certain positions or engage in certain activities for a period of three to five years (**ZRT dated 6.10.2008, No. 422**).

Article 149. Unlawful restriction of movement, free choice of residence, leaving the republic and returning a citizen

1) Illegal restriction of the rights of movement, free choice of residence, travel outside the republic and the return of a citizen,

- are punished with a fine in the amount of one to two thousand indicators for calculations or deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

2) The same acts if:

a) caused grave consequences;

b) committed by a person using his official position,

- is punished with imprisonment for a term of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a term of three to five years.

Article 150. Obstruction of the exercise of electoral rights and the work of election commissions

1) Obstructing the exercise by a citizen of his electoral rights or the right to participate in a referendum, as well as obstructing the work of election commissions or a commission for holding a referendum,

- is punished with a fine in the amount of two hundred to four hundred indices for calculations, or correctional labor up to one year or arrest for a term of up to six months (**ZRT dated 6.10.2008, # 422**).

2) The same acts:

a) combined with bribery, deception, use of violence or with the threat of its use;

b) committed by a person using his official position;

c) committed by a group of persons in a preliminary conspiracy or by an organized group,

- is punished with a fine in the amount of five hundred to one thousand indices for calculations, or correctional labor for a term of one to two years, or imprisonment for a term of up to three years with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT dated 6.10.2008 # 422**).

Article 151. Falsification of electoral documents, referendum documents or incorrect vote count

Falsification of electoral documents, referendum documents, deliberately incorrect counting of votes, deliberately incorrect determination of the results of elections, referendum, as well as violation of the secrecy of voting, committed by a member of an electoral commission, initiative group or commission for holding a referendum,

- is punished with a fine in the amount of one to two thousand indicators for calculations or imprisonment for up to four years with the deprivation of the right to occupy certain positions or engage in certain activities for up to five years or without it (**ZRT dated 6.10.2008, # 422**).

Article 152. Compulsion to participate in a strike or refusal to participate in a strike

Coercion to participate in a strike or refusal to participate in a strike by violence or threat of violence,

- is punished with a fine in the amount of one to two thousand indicators for calculations or restriction of liberty for a period of up to five years or imprisonment for the same period (**ZRT dated 6.10.2008, # 422**).

Article 152 (1). Leading a prohibited strike during a state of emergency

(**ZRT dated 07.26.2014 # 1088**)

Manual prohibited strike in the conditions of a state of emergency, as well as hindering the work of enterprises, institutions and nother organization -- punishable by a fine in the amount of five hundred to nine indicators for the calculations or restriction of freedom for up to five years if the deprivation of liberty at the same period (**in the wording Law of the Republic of Tajikistan dated July 6, 2014, No. 1088**).

Article 153. Violation of labor legislation

Knowingly unlawful dismissal of a person from work, failure to comply with a court decision on reinstatement to his previous job, as well as other intentional significant violation of the legislation of the Republic of Tajikistan on labor,

- is punished with a fine in the amount of one to two thousand indicators for calculations or imprisonment for a term of up to three years (**ZRT from 17.05.2004, N35, from 6.10.2008, # 422**).

Article 153 (1). Failure to pay wages, pensions, scholarships, allowances or other payments

Failure to pay for more than two months wages, pensions, scholarships, allowances or other statutory payments committed by an employer, head of an enterprise, institution or organization, regardless of the form of ownership, out of selfish or other personal interest,

- is punished with a fine in the amount of two hundred to five hundred indices for calculations with the deprivation of the right to hold certain positions or engage in certain activities for up to five years or imprisonment for up to two years (**ZRT from 05.17.2004, N35**).

Article 154. Violation of labor protection rules

1) Violation of safety rules or other labor protection rules by the person responsible for their observance, if this has entailed, by negligence, the infliction of serious or moderate harm to health or an occupational disease,

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or correctional labor for a period of two years or imprisonment for the same period (**ZRT dated 6.10.2008, No. 422**).

2) The same act, which negligently entailed the death of a person or the infliction of grievous harm to the health of several persons,

- is punished with imprisonment for a term of up to five years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

3) The acts specified in the first part of this Article, which, through negligence, entailed the death of two or more persons

- are punished with imprisonment for a term of three to eight years with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT of 05.17.2004, N35**).

Article 155. Unjustified refusal to hire or unjustified dismissal from work of a woman with a child under the age of three

Unjustified refusal to hire or unjustified dismissal of a woman due to pregnancy, as well as unjustified refusal to hire or unjustified dismissal from work of a woman with a child under three years of age,

- is punished with a fine in the amount of three hundred to five hundred indicators for calculations or correctional labor for a period of up to two years (**ZRT dated 6.10.2008 No. 422**).

Article 156. Infringement of copyright and related rights (ZRT from 03.07.2012 # 844)

1) Appropriation of authorship (plagiarism), as well as coercion to co-authorship, if these acts caused the author or another copyright holder major damage,

- are punished with a fine of up to two hundred indicators for calculations or correctional labor for up to two years.

2) Illegal use of objects of copyright or related rights, as well as the acquisition, storage, and transportation or transfer of illegal copies of works or phonograms for the purpose of sale, if these acts caused major damage,

shall be punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations, or imprisonment for a term of up to two years.

3) The acts provided for in part two of this article, if they are committed:

a) by a group of persons by previous concert or by an organized group;

b) with causing damage on an especially large scale;

c) by a person using his official position,

shall be punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indices for calculations, or with imprisonment for a term of two to five years.

Note: In Articles 156 and 156 (1) of this Code, large damage means damage that exceeds the size of the indicator for calculations by five hundred times, and especially large damage means damage that exceeds the size of the indicator for calculations by two thousand times (**ZRT dated 03.07.2012 №844**)

Article 156 (1). Infringement of Rights to Inventions, Industrial Designs and Utility Models (ZRT from 03.07.2012 # 844)

1) Illegal use of an invention, industrial design or utility model, disclosure without the consent of the author or applicant of the essence of the invention, industrial design or utility model or before the official publication of information about them, attribution of authorship or coercion to co-authorship, if this act caused major damage,

shall be punished with a fine in the amount of two hundred and fifty indicators for calculations up to three hundred and sixty-five indicators for calculations, or imprisonment for a term of up to two years.

2) The acts provided for in the first part of this article, if they were committed by a group of persons in a preliminary conspiracy,
are punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indicators for calculations or imprisonment for a period of two to five years (**ZRT dated 03.07.2012 No. 844**)

Article 157. Obstruction of the activities of a religious organization

Obstruction of activities of religious associations that do not contradict the law or the performance of religious rites, if they do not violate public order and are not accompanied by encroachments on the rights of citizens (**ZRT dated 02.01.2018 , # 1472**),

- is punished with a fine in the amount of up to five hundred indices for calculations, or correctional labor for a period of up to two years, or arrest for a period of up to three months (**ZRT dated 6.10.2008, No. 422**).

Article 158. Obstruction of the activities of political parties and public associations

Obstruction of the legal activities of political parties, public associations, as well as interference in their legal activities, which entailed a significant violation of their rights and legitimate interests,

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or restraint of liberty for a term of up to three years or arrest for a term of up to four months (**ZRT of 17.05.2004 N35, of 6.10.2008 No. 422**).

Article 159. Organization of political parties, public associations and religious organizations that infringe on the personality and rights of citizens

Organization of political parties of a public association or religious associations, whose activities involve the use of harm to the health of citizens or with other encroachments on the personality and rights of citizens, as well as the leadership of such an association (**ZRT dated 02.01.2018, # 1472**),

- is punished with a fine in the amount of one thousand to one thousand five hundred indicators for calculations or restraint of liberty for a term of up to three years or imprisonment for a term of up to three years (**as amended by the Law of the Republic of Tajikistan of 05.17.2004, N35, of 6.10.2008, N422**) ...

Article 160. Violation of the procedure for organizing and holding meetings, rallies, demonstrations, pickets and street processions (ZRT dated 02.08.2011 # 750)

1. Violation of the procedure for organizing and (or) holding meetings, rallies, demonstrations, picketing or street processions by the organizer or active participant of such events, if such an act was committed within a year after the imposition of an administrative penalty,

shall be punished with a fine from two hundred fifty to three hundred and sixty indices for calculations, or imprisonment for a term of up to two years.

2. The same act committed with the use of official position or the use of violence, or the threat of violence, or resulting in damage or destruction of property, or other grave consequences,

is punishable by imprisonment for a term of two to five years, with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT dated 02.08.2011 # 750**).

Article 161. Obstruction of the holding of a meeting, meeting, demonstration, procession, picketing or participating in them

1) Illegal obstruction of the holding of a meeting, meeting, demonstration, march, picketing or participation in them, or coercion to participate in them, if these acts were committed with the use of violence or the threat of its use,

- are punished with a fine in the amount of one thousand to one thousand five hundred indicators for calculations or imprisonment for a period of up to three years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years or without it (**ZRT dated 6.10.2008, No. 422**) ...

2) The same acts committed with the use of an official position - shall be punishable by imprisonment for a term of three to five years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

Article 162. Obstruction of the lawful professional activity of a journalist

1) Obstruction in any form of the legitimate professional activities of a journalist, as well as forcing him to disseminate or refuse to disseminate information, combined with the threat of violence, destruction or damage to property, dissemination of libelous fabrications or disclosure of other information that the victim wishes to keep in secrecy, as well as by the threat of infringement of the rights and legitimate interests of the journalist,

- is punished with a fine in the amount of five hundred to eight hundred indices for calculations or correctional labor for a period of up to two years (**ZRT from 17.05.2004, N35 , from 0 6.10.2008, No. 422**).

2) The same acts, coupled:

a) violence;

b) destruction or damage to property;

c) using his official position,

- is punished with restraint of liberty for a term of up to three years or imprisonment for a term of up to five years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

Article 163. Violation of the legislation on the circulation of citizens

1) Unlawful refusal to consider the appeal of citizens, violations without valid reasons of the terms of consideration of appeals, the adoption of an unjustified decision contrary to the law, as well as violations of the legislation on the appeal of citizens, which have caused significant harm to the rights or interests of citizens, society or the state protected by law

- are punished with a fine in the amount of five hundred to eight hundred indicators for calculations or correctional labor up to two years, or arrest for up to six months with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (**ZRT dated 6.10.2008, No. 422**).

2) Persecution of a citizen by an official in connection with his appeal to a state body, an enterprise, an institution, an organization, a public association, or for criticism contained in the appeal, as well as for criticism in a different form,

- is punished with a fine in the amount of one thousand five hundred to two thousand indicators for calculations or restraint of freedom for a period of up to five years with deprivation of the right to hold certain positions or engage in certain activities for a period of three to five years (**ZRT dated 6.10.2008, No. 422**).

Article 164. Obstruction of obtaining basic compulsory general (nine-year) education

Obstruction of an individual by any means, from obtaining basic compulsory general (nine-year) education,

- is punishable by a fine in the amount of one thousand to two thousand indicators for calculations or by restriction of freedom for a period of up to two years (**as amended by the Law of the Republic of Tajikistan of 05.17.2004 N35, of 6.10.2008 # 422**).

CHAPTER 20. CRIMES AGAINST FAMILY AND MINORS

Article 165. Involvement of a minor in the commission of a crime

1) Involvement of a minor in the commission of a crime by means of promises, deception, threats or in any other way, committed by a person who has reached the age of eighteen,

- is punished with imprisonment for a term of up to two years.

2) The same actions committed by a parent, teacher or other person who is legally charged with the responsibility of raising a minor

- is punished with imprisonment for a term of up to three years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

3) The actions provided for in the first or second parts of this article, committed with the use of violence or the threat of its use,

- are punished with imprisonment for a term of two to five years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

4) Actions provided for in parts one, two or three of this article, related to the involvement of a minor:

a) to an organized group or criminal community (criminal organization);

b) in the commission of a grave or especially grave crime,

- are punished with imprisonment for a term of five to ten years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of three to five years.

Note: In this chapter, the concept of a minor is understood to be minors and minors (**ZRT of 17.05.2004 N35**).

Article 166. Involvement of a minor in the commission of antisocial acts

1) Involvement of a minor in the systematic use of alcoholic beverages, systematic, non-medical use of potent or other intoxicating substances, in prostitution, vagrancy or begging, committed by a person who has reached the age of eighteen,

- is punished with correctional labor up to one year or imprisonment for up to two years.

2) The same action committed by a parent, teacher or other person who is legally charged with the responsibility of raising a minor,

- is punished with imprisonment for a term of up to three years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

3) The actions provided for in parts one or two of this article:

a) committed against two or more minors;

b) associated with the use of violence or threats of violence;

c) committed repeatedly,

- are punished with imprisonment for a term of up to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of two to five years (ZRT of 05.17.2004, N35).

Article 167. Trafficking in children

(ZRT dated 02.01.2019, No. 1554)

1. Any act or transaction through which the child is illegally transferred by the parents, another legal representative or another person (group of persons) in whose permanent or temporary care the child is, to another person (group of persons) for material reward or other compensation for the purpose of his exploitation either obtaining material or other benefits, as well as for the purpose of illegal adoption (adoption) of a child, regardless of the methods used, - (ZRT dated 02.01.2019, No. 1554)

- is punished by imprisonment for a term of five to eight years with confiscation of property.

2. The act provided for in part one of this article, if committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) in relation to two or more minors ;

d) with the use of violence dangerous to life and health, or with the threat of its use (ZRT dated 02.01.2019, No. 1554) ;

e) for the purpose of removing organs or tissues from the victim for transplantation , as well as its illegal use for reproductive purposes or in biomedical research (ZRT dated 02.01.2019, No. 1554) ;

f) by an official or a representative of authority using his official position or by another person performing managerial functions in a commercial or other organization;

g) with the movement of the victim across the state border of the Republic of Tajikistan,

- are punished with imprisonment for a term of eight to twelve years (ZRT of 13.06.2013, # 966).

The act provided for in the first or second part of this article, if they:

a) entailed the death of a victim of trafficking in minors or other grave consequences;

b) perfect by an organized group;

c) committed with a particularly dangerous relapse ,

are punished with imprisonment for a term of twelve to fifteen years (ZRT dated 13.06.2013, # 966).

Note: A person who committed the acts provided for in the first or second part of this article, who voluntarily reported this to the relevant authority, and who released the victim of child trafficking, if his actions do not contain signs of a different corpus delicti, is exempt from criminal liability (ZRT dated 02.01. ., No. 1554) .

Article 168. Marriage of a girl who has not reached marriageable age

Marrying a girl under marriageable age by parents or guardians, or by persons to whom she is subordinate, as well as mediation or assistance in marrying,

- is punished with correctional labor for a term of up to two years or restraint of liberty for a term of up to five years (ZRT of 10.12.1999, No. 877) (as amended by the Law of the Republic of Tajikistan of 17.05.2004, N35).

Article 169. Conclusion of marriage with respect to a person who has not reached marriageable age

Conclusion of a marriage agreement for a person who has not reached marriageable age, as well as the conclusion of marriage with this person,

- is punished with a fine in the amount of from one to two thousand indicators for calculations or correctional labor for a period of up to two years, or restraint of liberty for a period of up to five years (**ZRT from 10.12.1999 No. 877**) (**ZRT from 17.05.2004 N35, from 6.10 .2008 # 422**).

Article 170. Bigamy or polygamy

Bigamy or polygamy, that is, cohabitation with two or more women with a common household,
- is punished with a fine in the amount of from one to two thousand indicators for calculations or correctional labor for up to two years or restraint of freedom for up to five years (**Law of the Republic of Tajikistan dated 10.12.1999, No. 877**) (as amended by the Law of the Republic of Tajikistan dated 17.05.2004 .N35, dated 6.10.2008, No. 422).

Article 171. Substitution of a child

1) Substitution of a child,
- is punished with a fine in the amount of five hundred to one thousand indicators for calculations, or restraint of liberty for up to four years or imprisonment for a term of up to three years (**ZRT dated 6.10.2008, No. 422**).
2) The same act, committed from mercenary or other base motives,
- is punished with imprisonment for a term of up to five years.

Article 172. Illegal adoption (adoption)

Illegal actions for the adoption (adoption) of children, their transfer under guardianship (guardianship), or for education in the families of citizens, committed out of mercenary or other base motives,
- are punished with a fine in the amount of five hundred to eight hundred indices for calculations or correctional labor for a period of up to two years (as amended by the Law of the Republic of Tajikistan of 05.17.2004, N35, of 6.10.2008, N422).

Article 173. Disclosure of secrecy of adoption (adoption)

1) Disclosure of the secret of adoption (adoption) against the will of the adoptive parent, committed by a person obliged to keep the fact of adoption (adoption) as an official or professional secret, or by another person for mercenary or other vile motives,
- is punished with a fine in the amount of three hundred to five hundred indices for calculations or correctional labor for a period of up to one year with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years or without it (as amended by the Law of the Republic of Tajikistan dated 17.05.2004 N35, dated 6.10.2008 # 422).
2) The same acts that have entailed grave consequences,
- is punishable by imprisonment for a term of two to five years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of three to five years.

Article 174. Failure to fulfill obligations on education and upbringing of a minor (as amended by the Law of the Republic of Tajikistan dated March 18, 2015, No. 1177)

Failure to fulfill or improper fulfillment of the obligation to educate and educate a minor by the parents or other person entrusted with this obligation by law, as well as by a teacher or other employee of an educational or educational institution, if this act is connected with cruel treatment of a minor (as amended by the Law of the Republic of Tajikistan dated March 18 .2015, No. 1177);
- is punished with a fine in the amount of two hundred to five hundred indicators for calculations or restraint of liberty for a period of up to two years or imprisonment for the same period with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years or without it (as amended by the Law of the RT dated 18.03.2015 No. 1177).

Article 175. Improper performance of obligations to ensure the safety of life and health of children

1) Inadequate performance of duties to ensure the safety of life and health of a minor by a person to whom such duties are entrusted in the service, or by a person performing these duties on a special assignment or voluntarily taking on such duties, if subsequently the minor is inadvertently inflicted with moderate health harm ,
- is punishable by imprisonment for a term of three to five years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.
2) The same act, if it entailed:
a) the infliction of serious harm to the health of a minor by negligence;

b) his death by negligence,
- is punished with imprisonment for a term of five to eight years with the deprivation of the right to hold certain positions or engage in certain activities for a term of three to five years.

Note: A minor, provided for by this Code, is a person who has not reached the age of fourteen (**ZRT of 05.17.2004 N35**).

Article 176. Abuse of the rights of a guardian or curator

The use of guardianship or trusteeship for mercenary or other base motives, as well as deliberate abandonment of the ward without supervision or the necessary assistance, which entailed a significant infringement of the rights and legitimate interests of the ward or ward,

- is punished with a fine in the amount of three hundred to five hundred indicators for calculations or correctional labor for a period of up to two years with deprivation of the right to hold certain positions or engage in certain activities for the same period (**ZRT of 05.17.2004, N35, of 6.10.2008, No. 422**).

Article 177. Malicious evasion of parents from supporting children

1. Malicious, that is, without good reason, evasion of parents from paying, by a court decision, funds for the maintenance of minor children, as well as disabled children who have reached the age of eighteen (**ZRT dated 02.01.2018, # 1472**),

- is punished with compulsory labor for a term of one hundred and twenty to one hundred and eighty hours or correctional labor for a term of up to two years or imprisonment for the same term (**ZRT of 17.05.2004 N35**).

2) The same act, committed repeatedly,

- is punished with imprisonment for a term of up to three years (**ZRT dated 02.01.2018, # 1472**).

Article 178. Malicious evasion of children from the maintenance of disabled parents

1. Malicious, that is, without good reason, the evasion of children from paying, by a court decision, funds for the maintenance of parents who are unable to work or need material assistance (**ZRT dated 02.01.2018 # 1472**),

- is punished with compulsory labor for a term of one hundred and twenty to one hundred and eighty hours or correctional labor for a term of up to two years or imprisonment for the same term (**ZRT of 17.05.2004 N35**).

2) The same act, committed repeatedly,

- is punished with imprisonment for a term of up to three years (**ZRT dated 02.01.2018, # 1472**).

Note: In Articles 177 and 178 of this Code, malicious evasion of parents from paying funds for the maintenance of children or adult able-bodied children from paying funds for the maintenance of disabled parents means any act of the debtor aimed at non-execution of the enforcement document (non-payment, concealment of income, change of residence or place of work without notifying the bailiff, etc.), which led to the emergence of debt, regardless of the period of payment of such funds in an amount equal to the established amount of payment for three months (**ZRT dated 02.01.2018, No. 1472**).

SECTION VIII. CRIMES AGAINST PUBLIC SECURITY AND HEALTH POPULATION

CHAPTER 21. CRIMES AGAINST PUBLIC SECURITY

Article 179. Terrorism

1) Terrorism, that is, the commission of an explosion, arson, shooting from firearms or other actions that create the danger of death of people, causing significant property damage or the onset of other socially dangerous consequences, if these actions were committed in order to violate public security, the activities of public authorities and law enforcement agencies, intimidating the population or influencing decision-making by the authorities, as well as threats to commit these actions for the same purposes (**as amended by the Law of 11/14/2016 No. 1359**),

- are punished with imprisonment for a term of five to ten years.

2) The same acts committed:

a) by a group of persons by prior agreement;

b) repeatedly;

c) based on national, racial, regional, religious hatred or enmity;

d) servicemen;

e) by an official using his official position;

f) in case of a dangerous relapse (**as amended by the Law of 14.11.2016, No. 1359**); -

- are punished by imprisonment for a term of eight to fifteen years with confiscation of property.

3) The acts provided for in the first, second parts of this Article, if they:

- a) committed by an organized group;
- b) connected with the threat of the use of weapons of mass destruction, radioactive materials and the commission of other actions capable of causing mass death of people;
- c) committed with a particularly dangerous relapse;
- d) entailed, through negligence, the death of a person or other grave consequences,

- are punished by imprisonment for a term of fifteen to twenty-five years or the death penalty or life imprisonment (**ZRT from 15.07.2004 N46, from 01.03.2005 N86, from 31.12.2008 # 451, from 13.06.2013 # 966**).

Note: A person who participated in the preparation of an act of terrorism is released from criminal liability if he, by timely warning the authorities or in any other way, contributed to the prevention of an act of terrorism and if the actions of this person do not contain a different corpus delicti.

2) The commission of a crime is recognized as repeated in this article if it was preceded by the commission of one or more crimes provided for in this article, as well as in Articles 179 (1), 180, 181, 185, 310 and 402 of this Code (**ZRT of 17.05.2004, N35**).

Article 179 (1). Involvement in the commission of terrorist crimes or other assistance in their commission

1) Involvement of persons in the commission of crimes provided for in Articles 179, 179 (2), 179 (3), 181, 182, 184, 184 (1), 184 (2), 184 (3), 184 (4), 185, 193, 194, 194 (1), 194 (2), 194 (3), 194 (4), 194 (5), 310 and 402 of this Code, or persuading a person to participate in the activities of a terrorist organization, arming, or training persons in order to commit these crimes, as well as the provision of other assistance,

- are punished with imprisonment for a term of five to ten years (**ZRT from 18.06.2008, # 386**).

2) The same acts committed (**as amended by the Law of 14.11.2016, No. 1359**) :

- a) repeatedly;
- b) by a group of persons by prior agreement;
- c) using the official position;
- d) using the mass media or the Internet, -

are punished with imprisonment for a term of ten to fifteen years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to five years (**as amended by the Law of 11/14/2016 No. 1359**).

3) The acts provided for in parts 1 or 2 of this article, if they were committed in a dangerous or especially dangerous recidivism (**as amended by the Law of 11/14/2016 No. 1359**), -

are punished with imprisonment for a term of fifteen to twenty years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to five years (**as amended by the Law of 11/14/2016 No. 1359**).

Article 179 (2). Financing terrorist crimes

1) grant or exercise of the collection of funds, directly or indirectly, for the purpose that they are entirely or partially used or in the knowledge that they will be used by individual terrorist or terrorist group (organization), or with the purpose of financial support of individual terrorist or terrorist group (organization) or for the commission of crimes provided for in Articles 179, 179 (1), 179 (3), 181, 182, 184, 184 (1), 184 (2), 184 (3), 184 (4), 185, 193, 194, 194 (1), 194 (2), 194 (3), 194 (4), 194 (5), 310, 401 (1) and 402 of this Code, as well as if such funds were not actually used to perform the listed crimes, as well as financing of an individual terrorist or terrorist group (organization), even if it is not related to a specific terrorist act (s) or to finance travel of individuals heading to a state that is not their state of residence or citizenship, for the purpose of committing, planning, preparation or participation in the commission of a terrorist act (terrorist acts), or for the preparation of terrorists, or undergoing such training (**ZRT dated 06/13/2013 No. 966, dated 06/13/2013 965, dated 11/12/2013 No. 1028, dated 05/17/2013. 2018 # 1515**),

- are punished with imprisonment from five to ten years with confiscation of property (**ZRT dated 04.16.2012 # 808**).

2) The acts provided for in part one of this article, committed:

- a) repeatedly;
- b) by a group of persons or by a group of persons by prior agreement;
- c) by a person using his official position;
- d) using legalized (laundered) proceeds from crime (**ZRT dated 04.16.2012 # 808**),

- are punished with imprisonment from ten to fifteen years with confiscation of property (**ZRT dated 04.16.2012 # 808**).

3) The acts provided for in the first or second parts of this article, if they are committed:

- a) by an organized group;
- b) with a particularly dangerous relapse,

- are punished with imprisonment for a term of fifteen to twenty years (**ZRT dated 04.16.2012 # 808, dated 13.06.2013 # 966**).

Note: The concept of "funds" in this article means assets of any kind, tangible or intangible, movable or immovable, regardless of the method of their acquisition, as well as legal documents or acts in any form, including electronic or digital, certifying the right to such assets or participation in them, including bank loans, traveler's checks, bank checks, postal orders, shares, securities, bonds, bills of exchange, letters of credit and others (**ZRT dated 18.06.2008 No. 386**).

Article 179 (3). Public calls for terrorist crimes nature and (or) public justification of terrorist activities (as amended by the Law of 14.11.2016 No. 1359)

1) Public calls for the commission of crimes under Articles 179, 179 (1), 179 (2), 181, 182, 184, 184 (1), 184 (2), 184 (3), 184 (4), 185, 193, 194, 194 (1), 194 (2), 194 (3), 194 (4), 194 (5), 310 and 402 of this Code, as well as public justification of terrorist activities (**as amended by the Law of 14.11. No. 1359**),

- are punished with imprisonment for a term of five to ten years.

2) The same acts committed using the media or the Internet (**as amended by the Law of 03.08.2018, No. 1538**),

are punished by imprisonment from ten to fifteen years (**ZRT from 18.06.2008, # 386**).

Note: The concept of public justification of terrorist activity is understood as public propaganda about the recognition of the correctness of the ideology and practice of terrorism, proposals for imitation and its support (**as amended by the Law of 11/14/2016 No. 1359**).

Article 180. Knowingly false reporting of an act of terrorism

1. A deliberately false message about an impending explosion, arson or other actions that create a danger of death of people, causing significant property damage or the occurrence of other socially dangerous consequences, or posing a threat to the safety of an aircraft and the safe navigation of a watercraft (**ZRT dated 13.06.2013, No. 966**):

- is punished with correctional labor for a term of up to two years or imprisonment for the same term (**ZRT of 17.05.2004 N35**).

2) The acts provided for in the first part of this Article, entailed by negligence the infliction of harm to human health or entailed other grave consequences,

- are punished with imprisonment for a term of three to seven years (**ZRT dated 06/13/2013 # 965**).

Article 181. Taking hostage

1) Taking or holding a person as a hostage, combined with the threat of killing him or causing harm to his health, or further detention of this person in order to compel a state, an international organization, a legal or natural person or groups of persons to commit or refrain from committing any actions as conditions for the release of the hostage,

- is punished with imprisonment for a term of five to ten years.

2) The same actions performed:

- a) repeatedly;
- b) by a group of persons or by a group of persons by prior agreement;
- c) with the use of violence dangerous to human life or health ;
- d) with the use of weapons or objects used as weapons;
- e) in relation to a knowingly minor;
- f) in relation to a woman, knowingly for the perpetrator, who is in a state of pregnancy;
- g) in relation to a person known to the perpetrator who is in a helpless state;
- h) from selfish motives or by hiring (**ZRT from 05.17.2004, N35**);
- i) in relation to two or more persons

- are punished with imprisonment for a term of ten to fifteen years;

3) The action provided for in parts one or two of this article, if they:

- a) committed by an organized group;

b) entailed, through negligence, the death of a person or other grave consequences (**ZRT from 17.05.2004, N35**);

c) committed with a particularly dangerous relapse,

- are punished with imprisonment for a term of twelve to twenty years (ZRT of 01.08.2003 N45).

Note: A person who voluntarily or at the request of the authorities released the hostage is released from criminal liability, unless his actions contain a different corpus delicti.

Article 182. Seizure of buildings, structures, means of communication and communication

1) Seizure of buildings, structures, routes or means of communication or communication, other communications or their retention, combined with the threat of their destruction or damage, or with the threat of killing citizens or causing harm to their health in order to compel the state or another body, legal or natural person or a group of persons to commit or refrain from committing any action, such as conditions for non-fulfillment of the threat,

- is punished with imprisonment from two to five years (**ZRT from 17.05.2004, N35**).

2) The same actions performed:

a) repeatedly;

b) by a group of persons or by a group of persons by prior agreement;

c) with the use of violence dangerous to human life or health;

d) with the use of weapons or objects used as weapons,

- are punished with imprisonment for a term of five to ten years.

3) The actions provided for in parts one or two of this article, if they:

a) committed by an organized group;

b) entailed by negligence the death of a person or other grave consequences;

c) committed with a particularly dangerous relapse,

- are punished with imprisonment for a term of ten to fifteen years (**ZRT from 17.05.2004 N35**).

Article 183. Piracy

1) An attack on a watercraft with the aim of taking possession of someone else's property, committed with the use of violence or with the threat of its use,

- is punishable by imprisonment for a term of five to twelve years (**ZRT dated 13.06.2013, # 966**).

2) The same actions performed:

a) by an organized group;

b) entailed by negligence the death of a person or other grave consequences;

c) repeatedly, or with the use of weapons or objects used as weapons,

- are punished with imprisonment for a term of twelve to twenty years (**ZRT of 05.17.2004, N35, of 13.06.2013, N966**).

Article 184. Hijacking or seizure of an aircraft, watercraft or railway train

1) Hijacking or seizure of an aircraft or watercraft, or a railway train, as well as the seizure of such a vessel or train for the purpose of hijacking, or carrying out illegal control in another form (**ZRT dated 06/18/2008, No. 386**)

- is punished by imprisonment for a term of five to eight years.

2) Committing or threatening to commit acts stipulated in the first part of this article in order to compel a natural or legal person, a state or an international organization to take any action or refrain from it, if such actions can really threaten the safety of an aircraft or watercraft, or a railway composition,

is punished with imprisonment from eight to twelve years (**ZRT from 18.06.2008, # 386**).

4) The actions provided for in parts one or two of this article, if they are committed:

a) repeatedly;

b) by a group of persons or by a group of persons by prior agreement;

c) with violence dangerous to life or health, or with the threat of using such violence;

d) with the use of weapons or objects used as weapons,

- are punished with imprisonment from ten to fifteen years (**ZRT dated 06/18/2008 No. 386, dated 06/13/2013 No. 966**).

3) The actions provided for in parts one, two or three of this article, if they:

a) committed by an organized group;

b) entailed by negligence the death of a person or other grave consequences;

c) committed with a particularly dangerous relapse,

- are punished with imprisonment for a term of fifteen to twenty years (**ZRT from 01.08.2003 N45, from 17.05.2004 N35, from 18.06.2008 No. 386, from 13.06.2013 No. 966**).

Article 184 (1). Capture, destruction, committing acts of violence on a stationary platform, located on the continental shelf

1) Seizure of a stationary platform located on the continental shelf, or other forms of illegal control over it, or deliberate destruction of it or causing damage to it, posing a threat to the safety of the platform, are punished with imprisonment for a term of three to five years.

2) Committing an act of violence against a person on a fixed platform located on the continental shelf, posing a threat to its safety, is punishable by imprisonment for a term of five to eight years.

3) Committing or threatening to commit acts provided for in the first or second parts of this article with the aim of forcing an individual or legal entity, a state or an international organization to take any action or refrain from it, if such acts can really threaten the security of a stationary platform located on continental shelf, is punishable by deprivation of liberty for a term of eight to twelve years.

4) Placing or performing actions for the purpose of placing on a stationary platform located on the continental shelf, in any way, a device or substance that may destroy this stationary platform or threaten its safety, is punished with imprisonment for a term of twelve to fifteen years.

5) Acts provided for in parts one, two, three or four of this Article, committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) by a person using his official position;

d) with the use of weapons or objects used as weapons,

are punished with imprisonment for a term of fifteen to twenty years (**ZRT of 06/18/2008 No. 386, of 06/13/2013 No. 966**).

Article 184 (2). Deliberate action against the safety of an aircraft or watercraft

1) Committing an act of violence against a person on board an aircraft or watercraft, if such an act may endanger the safety of this aircraft or watercraft, is punishable by imprisonment for a term of five to eight years.

2) Destruction of an aircraft or watercraft or causing damage to this aircraft or watercraft or its cargo, including the destruction of navigation equipment, or causing serious interference with its operation, which renders it inoperative or may threaten its safety, placement or taking actions leading to placement on an aircraft or watercraft, by any means, a device or substance that can destroy such aircraft or watercraft or its cargo, or cause damage to it that could threaten its safety,

is punishable by deprivation of liberty for a term of eight to twelve years.

3) Committing or threatening to commit acts provided for in the first or second parts of this article with the aim of forcing a natural or legal person, a state or an international organization to take any act or refrain from it, if such acts can really threaten the safety of an aircraft or watercraft, is punishable by deprivation of liberty for a term of ten to fifteen years.

4) The acts provided for in the first, second or third parts of this Article, committed:

a) repeatedly;

b) by a group of persons by prior agreement or by an organized group (**ZRT dated 13.06.2013, No. 965**);

c) by a person using his official position;

d) entailing, by negligence, the death of a person or other grave consequences (**ZRT dated 13.06.2013 No. 965**);

e) with the use of weapons or objects used as weapons,

are punished with imprisonment for a term of fifteen to twenty years (**ZRT of 06/18/2008 No. 386, of 06/13/2013 No. 966**).

Article 184 (3). Deliberate action against the security of airports serving civil aviation

1) Committing an act of violence against a person at an airport serving civil aviation, if such an act threatens or is likely to threaten security at that airport, is punishable by imprisonment for a term of five to eight years.

2) Destruction or serious damage to the equipment and structures of the airport serving civil aviation, or aircraft located at the airport that are not in operation, or disruption of the operation of the airport services, if such an

act threatens or may threaten security at this airport, - shall be punishable by imprisonment for term from seven to ten years.

3) Committing or threatening to commit acts provided for in part two of this article in order to compel a natural or legal person, a state or an international organization to take any act or refrain from it, if such acts threaten or may threaten security at an airport serving civil aviation ,

- is punished with imprisonment from eight to fifteen years.

4) The acts provided for in the first or second parts of this Article, committed:

a) repeatedly;

b) by a group of persons by prior agreement or by an organized group (**ZRT dated 13.06.2013, No. 965**); years (**ZRT dated 06/18/2008 No. 386, dated 06/13/2013 No. 965**).

d) entailing, by negligence, the death of a person or other grave consequences (**ZRT dated 13.06.2013 No. 965**);

e) with the use of weapons or objects used as weapons,

are punished with imprisonment for a term of fifteen to twenty years (**ZRT of 18.06.2008 No. 386, of 13.06.2013 No. 966**).

Article 184 (4). Illegal transportation by transport of a person who has committed a crime of a terrorist nature

Illegal transportation of a person in transport with the knowledge that this person has committed an act that is a crime provided for in Articles 179, 179 (1), 179 (2), 179 (3) 181, 182, 184, 184 (1), 184 (2), 184 (3), 185, 193, 194, 194 (1), 194 (2), 194 (3), 194 (4), 194 (5), 310 and 402 of this Code, with the intention to provide assistance to such a person avoid criminal liability,

is punishable by imprisonment for a term of ten to fifteen years (**ZRT of 06/18/2008 No. 386, of 06/13/2013 No. 966**).

Article 185. Organization of an illegal armed formation

1) Creation of an illegal armed formation (association, detachment, squad or other group), as well as leadership of such a formation or participation in them,

- is punished by imprisonment for a term of five to eight years.

2) The same actions committed by a person using his official position,

- are punished with imprisonment from eight to twelve years with the deprivation of the right to hold certain positions and engage in certain activities for up to five years (**ZRT from 05.17.2004, N35**).

Note: A person who voluntarily ceased participation in an illegal armed formation and surrendered weapons is released from criminal liability, unless his actions contain a different corpus delicti.

Article 186. Banditry

1) Creation of a stable armed group (gang) with the aim of attacking citizens or organizations, as well as leadership of such a group (gang),

- is punished with imprisonment for a term of fifteen to twenty years (**ZRT from 01.08.2003, N45, from 13.06.2013, No.966**).

2) Participation in a stable armed group (gang), or participation in its attacks,

- is punished with imprisonment for a term of ten to fifteen years (**ZRT dated 13.06.2013, # 966**).

3) The acts provided for in the first or second part of this Article, committed by a person using his official position or committed in a dangerous or especially dangerous recidivism,

- are punished with imprisonment for a term of fifteen to twenty years and deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT from 01.08.2003, N45, from 13.06.2013, # 966**).

Article 187. Organization of a criminal community (criminal organization)

1) Creation of a criminal community (criminal organization) for the commission of grave or especially grave crimes, as well as leadership of such a community (organization) or its structural subdivisions, as well as the creation of an association of organizers, leaders or other representatives of organized groups in order to develop plans and create conditions for the commission of grave or especially grave crimes,

- is punishable by imprisonment for a term of fifteen to twenty years (**ZRT dated 13.06.2013, No. 966**).

2) Participation in a criminal community (criminal organization) or in an association of organizers, leaders or other representatives of organized groups,

- is punished with imprisonment for a term of eight to twelve years (**ZRT dated 13.06.2013, # 966**).

3) The actions provided for in the first or second parts of this article, committed by a person using his official position or in case of a dangerous or especially dangerous relapse,

- are punished with imprisonment for a term of fifteen to twenty years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to five years (**ZRT dated 13.06.2013, No. 966**).

Note: A person who voluntarily declared to the authorities about participation in a criminal community (criminal organization) and contributed to the suppression of his activities, is exempt from criminal liability, unless his actions contain a different corpus delicti (**ZRT of 17.05.2004, N35**).

Article 188. Mass riots

1) Organization of mass riots accompanied by violence against a person, pogroms, arson, damage or destruction of property, the use of firearms, explosives, explosive devices or flammable substances, as well as resistance to the authorities, associated with the use of weapons or other items used as weapons, as well as participation in these actions (**ZRT dated July 26, 2014, No. 1089**),

- are punished with imprisonment for a term of five to twelve years.

2) Calls for active disobedience to the legal requirements of government officials or for mass riots, as well as calls for violence against citizens,

- are punished by restraint of liberty for a term of up to two years, or arrest for a term of two to four months, or imprisonment for a term of up to three years.

Article 189. Incitement of national racial, regional or religious hatred

1) Actions aimed at inciting national, racial, parochial or religious hatred or enmity, humiliation of national dignity, as well as propaganda of the exclusivity of citizens on the basis of their attitude to religion, national, racial or parochial affiliation, if these actions were committed in public or using mass media,

- are punished with restraint of liberty for a term of up to five years or imprisonment for the same term.

2) The same actions performed:

a) repeatedly;

b) with the use of violence or the threat of its use;

c) using the official position;

d) by a group of persons or by a group of persons by prior agreement,

- are punished with imprisonment for a term of five to ten years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

3) The actions provided for in parts one or two of this article, if they:

a) committed by an organized group;

b) entailed by negligence the death of a person or other grave consequences;

c) resulted in the forcible expulsion of a citizen from his permanent place of residence;

d) committed with a dangerous or especially dangerous relapse,

- are punished with imprisonment for a term of eight to twelve years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Article 190. Violation of safety rules for conducting mining, construction or other works

1) Violation of safety rules during mining, construction or other work, if this entailed, by negligence, the infliction of grave or moderate harm to human health,

- is punished with a fine in the amount of four hundred to eight hundred indices for calculations or restriction of freedom up to three years or imprisonment for the same period (**ZRT dated 6.10.2008, # 422**).

2) The same act, which, through negligence, entailed the death of a person or other grave consequences,

- is punishable by restraint of liberty for a term of up to five years or by imprisonment for the same term.

Article 191. Violation of safety rules at explosive objects

1) Violation of safety rules at explosive facilities or in explosive workshops, if this entailed, by negligence, the infliction of serious or moderate harm to human health,

- is punished with a fine in the amount of up to five hundred indicators for calculations or restraint of liberty for a term of up to four years or imprisonment for a term of up to three years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT dated 06.10. No. 422**).

2) The same act, which, through negligence, entailed the death of a person or other grave consequences,

- are punished with restraint of liberty for a term of up to five years or imprisonment for the same term with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

**Article 192. Violation of fire safety rules
(ZRT dated 02.01.2018 # 1473)**

1) Violation of fire safety rules committed by a person charged with the obligation to comply with these rules, if this entailed the infliction of serious or moderate harm to health through negligence,

- is punished with a fine from eight hundred to a thousand indicators for calculations or imprisonment for up to two years.

2) The act provided for in the first part of this article, which, by negligence, entailed the infliction of grievous harm to the health of two or more persons or the death of a person, or other grave consequences,

- is punishable by imprisonment for a term of two to five years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

3) The act provided for in the first part of this Article, which negligently entailed the death of two or more persons,

- is punished with imprisonment for a term of five to eight years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT dated 02.01.2018, No. 1473**).

Article 193. Illegal handling of radioactive materials

1) Illegal possession, use, acquisition, sale, storage, transportation, transfer or destruction of radioactive materials,

- is punished with imprisonment for a term of three to five years.

2) The commission of an act that constitutes a demand by threat or use of force or by any other form of intimidation to release radioactive material,

- is punished by imprisonment for a term of five to eight years.

3) The acts provided for in the first or second part of this Article, entailing, by negligence, the infliction of grave or moderate harm to human health,

- is punished with imprisonment for a term of eight to twelve years;

4) The acts provided for in the first or second parts of this Article, which, through negligence, entailed the death of a person or other grave consequences,

- are punished with imprisonment for a term of ten to fifteen years (**ZRT of 05/17/2004 N35**) (**ZRT of 06/18/2008 No. 386**).

Article 194. Theft of radioactive materials

1) Theft of radioactive materials, as well as the threat of their theft in order to force an individual or legal entity, a state or an international organization to take any action or refrain from it (**ZRT dated 06/18/2008 No. 386**),

- is punished with a fine in the amount of one to two thousand indicators for calculations, or imprisonment for up to five years (**ZRT dated 6.10.2008, # 422**).

2) The same actions performed:

a) repeatedly;

b) by a group of persons or by a group of persons by prior agreement;

c) with the use by a person of his official position;

d) with the use of violence that is not dangerous to life or health, or with the threat of such violence,

- are punished with imprisonment for a term of five to twelve years (**ZRT dated 13.06.2013, # 966**).

3) The acts provided for in the first or second parts of this article, if they are committed:

a) by an organized group;

b) with the use of violence dangerous to life or health, or with the threat of such violence;

c) in case of a dangerous or especially dangerous relapse,

- are punished with imprisonment for a term of twelve to twenty years (**ZRT dated 13.06.2013, # 966**).

Note: Repeated in this article, as well as in Articles 199 and 202 of this Code, the commission of a crime is recognized if it was preceded by the commission of one or more crimes provided for by these Articles, as well as Articles 186, 244-251 of this Code.

Article 194 (1). Illegal use of radioactive material, device or nuclear facility

Illegal use of radioactive material, device or nuclear facility in such a way that there is a release or there is a danger of release of radioactive material, entailing the danger of death or serious harm to human health, or causing

significant damage to property or the environment in order to force an individual or legal entity, the state or an international organization to take any action or to refrain from it, as well as the threat to commit such actions for the same purpose,

is punishable by imprisonment for a term of five to ten years.

Note: The concept of "radioactive material" in this article means nuclear material and other radioactive substances that contain nuclides that decay spontaneously (a process accompanied by the emission of ionizing radiation of one or more types, for example, alpha radiation, beta radiation, neutron radiation, etc. gamma radiation), and which, due to their radiological properties or their fission properties, can cause death, serious harm to health, or significant damage to property or the environment.

"Nuclear material" means plutonium, excluding plutonium with an isotope concentration exceeding 80 per cent for plutonium-238; uranium-233; uranium enriched in the isotopes uranium-235 or uranium-233; uranium containing a mixture of naturally occurring isotopes in a form other than ore or ore residues; and any material containing one or more of the above elements, where "uranium enriched in the isotopes uranium-235 or uranium-233" means uranium containing the isotopes uranium-235 or uranium-233, or both, in such an amount that an excess percentage of the sum of these isotopes compared to the isotope uranium-238 is higher than the percentage of the isotope uranium-235 compared to the isotope uranium-238 found in nature.

"Nuclear facility" means:

a) any nuclear reactor, including reactors installed on ships, vehicles, aircraft or space objects for use as a source of energy, to propel such ships, vehicles, aircraft or space objects or for any other purpose;

b) any structure or vehicle used for the production, storage, processing or transportation of radioactive material. "Device" means:

a) any nuclear explosive device; or

b) any scattering radioactive material or emitting radiation device, which, due to its radiological properties, can cause death, serious harm to health or significant damage to property or the environment (**ZRT dated 06/18/2008, No. 386**).

Article 194 (2). Deliberate action against the safety of a nuclear installation

1) Committing deliberate actions against the safety of a nuclear installation, as well as actions that interfere with the operation of a nuclear installation, entail the danger of death or serious harm to human health, or causing significant damage to property or the environment through exposure to radioactive exposure or the release of radioactive materials,

is punishable by imprisonment for a term of five to eight years.

2) Committing or threatening to commit actions provided for in the first part of this article with the aim of forcing an individual or legal entity, a state or an international organization to take any action or refrain from it,

is punished with imprisonment for a term of seven to ten years.

Note: The term "nuclear installation" in this article means a facility (including associated buildings and equipment) in which the production, processing, use, processing, storage or disposal of nuclear material takes place, if damage or interference with the operation of such a facility could result to significant radioactive exposure or significant release of radioactive materials (**ZRT dated 06/18/2008 No. 386**)

Article 194 (3). Illegal manufacture of a nuclear explosive device or a device emitting radiation

1) Illegal manufacture of a nuclear explosive device or a device that disperses radioactive material or emits radiation, creating the danger of death or serious harm to human health, or causing significant damage to property or the environment,

is punishable by imprisonment for a term of five to ten years.

2) The same act committed:

a) repeatedly;

b) by a group of persons by prior agreement,

is punishable by deprivation of liberty for a term of seven to twelve years.

3) The acts provided for in the first or second part of this Article, committed:

a) by an organized group;

b) in case of a dangerous or especially dangerous relapse,

are punished with imprisonment for a term of ten to fifteen years.

Note: A person who voluntarily handed over the items specified in this article is exempt from criminal liability, unless his actions contain a different corpus delicti (**ZRT dated 06/18/2008, No. 386**)

Article 194 (4). Illegal transportation of explosives, radioactive materials, biological, chemical or nuclear weapons on board a watercraft, aircraft or land transport

- 1) Illegal transportation on board a watercraft, aircraft or land transport:
 - a) any explosive or radioactive material, knowing that they are intended to cause or create a threat of death or serious injury to health, or damage with the aim of intimidating the population or forcing a State or an international organization to take or refrain from doing any action;
 - b) any biological, chemical or nuclear weapon, knowing that it is a biological, chemical or nuclear weapon;
 - c) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material, in the knowledge that they are intended for use in activities associated with nuclear explosions or in other nuclear activities not covered by guarantees in accordance with a comprehensive safeguards agreement with the International Atomic Energy Agency; or
 - d) any equipment, materials or software or related technology that makes a significant contribution to the design, production or delivery of biological, chemical or nuclear weapons, with the intention of using them for such a purpose,
is punishable by imprisonment for a term of five to ten years.
- 2) Causing, by negligence, death or grievous bodily harm to a person in connection with the commission of an act provided for in part one of this article,
is punished with imprisonment for a term of ten to fifteen years (ZRT of 18.06.2008 # 386).

Article 194 (5). Unlawful use or dumping from a ship or stationary platforms located on the continental shelf, explosives, biological, chemical or nuclear weapons, dangerous and noxious substances

- 1) Illegal use against a watercraft or a stationary platform located on the continental shelf, or the dumping from a watercraft or stationary platform of any explosive, radioactive material or biological, chemical or nuclear weapons, or oil, liquefied natural gas or other dangerous or harmful substances in such an amount or concentration that it causes or may cause death or serious harm to health, is punishable by imprisonment for a term of five to ten years.
- 2) Committing or threatening to commit acts provided for in the first part of this article, with the aim of intimidating the population or forcing a state or an international organization to take any action or refrain from it,
is punished with imprisonment for a term of ten to fifteen years (ZRT dated 06/18/2008 # 386)

Article 195. Illegal acquisition, transfer, sale, storage, transportation or carrying weapons, ammunition, explosives and explosive devices

- 1) Illegal acquisition, transfer, sale, storage, transportation or carrying of firearms (except for smooth-bore hunting rifles), ammunition, explosives or explosive devices, (ZRT dated 07.26.2014 No. 1089),
- is punished with a fine in the amount of one thousand to two thousand indicators for calculations or restraint of liberty for a term of up to five years or imprisonment for a term of up to three years (ZRT dated 06.10.2008 No. 422);
- 2) The same acts committed:
 - a) repeatedly;
 - b) by a group of persons by prior agreement;
 - c) on a large scale,
- are punished with imprisonment for a term of three to seven years.
- 3) The act provided for in the first part of this Article, by an organized group, as well as the illegal acquisition, transfer, sale, storage, transportation or carrying of nuclear, chemical, biological (bacteriological) or other types of weapons of mass destruction or materials or equipment that can be used when creating weapons of mass destruction,
- is punished with imprisonment for a term of seven to twelve years.
- 4) Illegal acquisition, transfer, sale or carrying of gas weapons, daggers, Finnish knives or other edged weapons, including throwing weapons, if they were committed within a year after the application of an administrative penalty,
- is punished with compulsory labor for a period of one hundred and eighty to two hundred and forty hours or a fine in the amount of two hundred to five hundred indices for calculations or correctional labor for a period of up to two years (ZRT dated 6.10.2008 No. 422).

Note:

- 1) A person who voluntarily surrendered the items specified in this article is exempt from criminal liability, unless his actions contain a different corpus delicti.

2) In accordance with the first part of this article, criminal liability for illegal actions with nitrons occurs only if their number does not reach ten, and if this action is committed within a year after the application of an administrative penalty. And in the event that the number of cartridges exceeds ten pieces, criminal liability arises regardless of administrative liability (**ZRT of 03/01/2005 N86**)

3) Firearms (two or more), ammunition (grenades, shells and others in the amount of two or more ammunition, bullets in the amount of 30 or more) are recognized on a large scale, (**ZRT dated 07.26.2014 No. 1089**).

Article 195 (1). Unlawful delivery, placement, actuation or detonation explosive or other lethal device

Illegal and intentional delivery, placement, activation or detonation of an explosive or other lethal device within public places, state or government facilities, public transport facilities or infrastructure facilities or in a manner that is directed against them, creating a risk of death or causing serious harm to human health, or significant destruction of such places, objects or systems, when such destruction entails or may entail the infliction of large economic damage,

is punishable by deprivation of liberty for a term of eight to twelve years.

Note: In this article, "explosive or other lethal device" means:

a) an explosive or incendiary weapon or device designed or capable of causing death, serious injury to health, or substantial material damage;

b) a weapon or device designed or capable of causing death, serious harm to health or significant material damage through the release, dispersion or exposure to toxic chemicals, biological agents or toxins or similar substances, or radiation or radioactive material (**ZRT dated 18.06. No. 386**).

Article 195 (2). Turnover and use of combustible substances (ZRT dated 07.26.2014 # 1089)

1) Production, manufacture, acquisition, storage, transfer to another person, transfer to the disposal of another person, dispatch, transportation, carrying of flammable substances adapted for use as a weapon -

shall be punished with a fine in the amount of one thousand to two thousand calculation indices, or restraint of liberty for a term of up to five years, or imprisonment for a term of up to five years.

2) The use of flammable substances -

the applicable sentence is deprivation of liberty for a term not exceeding five years.

3) The actions provided for in parts 1 or 2 of this article, if they are committed:

a) by a group of persons or by a group of persons by prior conspiracy;

b) in case of a dangerous relapse;

c) on the basis of national, racial, religious, local hatred or enmity, or revenge;

d) committed on a large scale, -

are punished with imprisonment for a term of five to eight years.

4) The actions provided for in parts 1, 2 or 3 of this article, if they are committed:

a) by an organized group or criminal community (criminal organization);

b) with a particularly dangerous relapse;

c) on an especially large scale, -

are punished with imprisonment for a term of eight to twelve years.

Note: 1) Under the concept of combustible substances in this and other articles of the Special Part of this Code are meant mixtures, materials and substances, regardless of the manufacturing method, that have flammable properties, adapted for use as a weapon, aimed at causing damage to life, health, property and environment.

2) A person who voluntarily surrenders flammable substances referred to in this article, if in his actions do not contain elements of another crime, not attracted to criminal liability for the crime.

3) Combustibles in a volume of 0.5 liter to 1 liter are considered large in size, and more than 1 liter, - particularly large size (**PFA from 26.07.2014g.№1089**).

Article 196. Illegal manufacture of weapons

1) Illegal manufacture or repair of firearms, component parts for them, as well as illegal manufacture of ammunition, explosives or explosive devices,

- is punished with a fine in the amount of one thousand to two thousand indicators for calculations or imprisonment for a term of up to three years (**ZRT of 05.17.2004, N35, of 06.10.2008, # 422**).

2) The same acts committed repeatedly or by a group of persons by prior conspiracy,

- is punished with imprisonment for a term of three to five years (**ZRT from 17.05.2004, N35**).

3) Acts provided for in the first or second part of this Article, committed by an organized group or in a dangerous or especially dangerous recidivism,

- is punished with imprisonment for a term of five to eight years (**ZRT from 17.05.2004, N35**).

4) Illegal manufacture of gas weapons, as well as daggers, Finnish knives or other edged weapons, including throwing weapons,

- is punished with compulsory labor for a period from one hundred and eighty to two hundred and forty hours or a fine in the amount of up to five hundred indices for calculations or restraint of freedom for a period of up to three years (**ZRT of 17.05.2004 N35, of 06.10.2008 No. 422**).

Note: A person who voluntarily surrendered the items specified in this article is exempt from criminal liability, unless his actions contain a different corpus delicti.

Article 197. Negligent storage of weapons

The negligent possession of firearms, ammunition, explosives or explosive devices by the legal owner, which created conditions for their use by another person, if this entailed, by negligence, grave consequences,

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or restraint of freedom for a term of up to two years (**ZRT of 05.17.2004, N35, of 6.10.2008, N422**).

Article 198. Inadequate fulfillment of responsibilities for the protection of weapons, ammunition, explosives and explosive devices

1) The improper performance of his duties by the person who was entrusted with the protection of firearms, ammunition, explosives or explosive devices, if this entailed their theft or destruction or the onset of other grave consequences,

- is punished with restraint of liberty for a term of up to five years or imprisonment for a term of up to three years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

2) Inadequate fulfillment of responsibilities for the protection of nuclear, chemical, biological (bacteriological) or other types of weapons of mass destruction or materials or equipment that can be used in the creation of weapons of mass destruction if this entailed other grave consequences or created a threat of their occurrence,

- is punishable by imprisonment for a term of three to seven years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT from 17.05.2004 N35**).

Article 199. Theft of weapons, ammunition, explosives and explosive devices

1) Theft of firearms, accessories for them, ammunition, explosives or explosive devices,

- is punished with imprisonment for a term of three to five years.

2) Stealing of nuclear, chemical, biological (bacteriological) or other types of weapons of mass destruction, as well as materials or equipment that can be used to create weapons of mass destruction,

- is punished with imprisonment for a term of five to eight years (**ZRT from 17.05.2004 N35**),

3) The acts provided for in the first or second parts of this article, if they are committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) with the use of violence that is not dangerous to life or health, or with the threat of such violence,

- are punished with imprisonment for a term of eight to twelve years (**ZRT of 13.06.2013, # 966**).

4) Acts provided for in the first, second or third parts of this Article, if they are committed:

a) by an organized group;

b) with the use of violence dangerous to life or health, or with the threat of such violence;

c) with the use by a person of his official position;

d) in case of a dangerous or especially dangerous relapse,

- are punished with imprisonment for a term of twelve to twenty years (**ZRT dated 13.06.2013, # 966**).

Article 199 (1). Illegal traffic in pyrotechnic products

1) Illegal import into the territory of the Republic of Tajikistan, production, storage, sale, transfer of ownership to another person and use of pyrotechnic materials, committed in small quantities or within a year after the imposition of an administrative penalty for committing the same acts,

are punished with a fine in the amount of one hundred to two hundred indicators for calculations (as amended by the Law of 06.10.2008 No. 422).

2) The same acts committed on a large scale,

are punished with a fine in the amount of two hundred to five hundred indices for calculations, or imprisonment for a term of one to two years (as amended by the Law of 06.10.2008 No. 422).

Note: A small amount means from twenty to one hundred units of pyrotechnic products used for fireworks, from fifty to two hundred units of flammable toys such as capsules for toy pistols (packed in ribbons, sheets, rollers or round plastic rings), in a large size - over a hundred units of pyrotechnic products used for fireworks, more than two hundred units of flammable toys such as capsules for toy pistols (packed in strips, sheets, rollers or round plastic rings) (ZRT dated 06/18/2008 No. 389).

CHAPTER 22. CRIMES AGAINST PUBLIC HEALTH

Article 200. Illegal turnover of narcotic drugs or psychotropic substances for the purpose of sale

1) Illegal production, manufacture, processing, acquisition, storage, transportation or shipment for the purpose of marketing, as well as illegal sale of narcotic drugs or psychotropic substances in small amounts,

- is punished with imprisonment for a term of up to five years.

2) The actions provided for in part one of this article, committed in a small amount,

- are punished with imprisonment for a term of five to eight years (ZRT from 13.06.2013, # 966).

3) The actions provided for in the first or second parts of this article, committed:

a) repeatedly;

b) in educational institutions or in other places intended for educational, sports or other public events;

c) by a group of persons by prior agreement;

d) on a large scale;

e) with a dangerous relapse,

- are punished with imprisonment for a term of eight to twelve years with or without confiscation of property.

4) The actions provided for by parts one or two or three of this article, committed:

a) with a particularly dangerous relapse;

b) in places of serving a sentence of imprisonment;

c) using the official position;

d) by an organized group or a criminal community (criminal organization);

e) on an especially large scale,

are punished with imprisonment for a term of twelve to twenty years (ZRT dated 13.06.2013, # 966).

Note: 1) The commission of a crime is recognized as repeated in Articles 200-205 of this Code if it was preceded by the commission of one or more crimes provided for by these Articles.

2) The concept in small, small, large and especially large sizes, provided for in Articles 200-202 and 204 of this Code, is determined in accordance with the "List and size of narcotic drugs, psychotropic substances and precursors in illegal circulation, specified in Appendix No. 1 of this Code".

3) The concept in small, small, large and especially large sizes, provided for in Article 204, is determined in accordance with the List according to the number of bushes of prohibited plants for cultivation containing narcotic substances (ZRT from 17.05.2004 N35).

Article 201. Illegal handling of narcotic drugs or psychotropic substances

1) Illegal production, manufacture, processing, acquisition, storage, transportation or shipment without the purpose of selling narcotic drugs or psychotropic substances in small amounts,

- are punished with a fine in the amount of one hundred to five hundred indicators for calculations or imprisonment for a term of up to two years (ZRT dated 6.10.2008 No. 422)

2) The actions provided for in part one of this article, committed in a small amount,

- are punished with imprisonment for a term of two to five years.

3) The actions provided for by part one or two of this article, committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) in places of serving a sentence of imprisonment;

- d) using the official position;
 - e) in case of a dangerous relapse;
 - f) on a large scale,
- are punished with imprisonment for a term of five to eight years, with or without confiscation of property.

4) The actions provided for in parts one, two or three of this article, committed:

- a) with a particularly dangerous relapse;
- b) on an especially large scale,

- are punished with imprisonment for a term of eight to twelve years, pass or without it (**ZRT of 05.17.2004, N35, of 13.06.2013, N966**).

**Article 202. Theft of narcotic drugs or psychotropic substances
(ZRT from 17.05.2004 N35)**

1) Theft of narcotic drugs or psychotropic substances,
- is punished with imprisonment for a term of three to five years.

2) The same actions performed:

a) repeatedly;

b) by a group of persons by prior agreement:

c) by a person using his official position;

d) on a large scale;

e) with the use of violence that is not dangerous to life or health, or with the threat of such violence,

- are punished with imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of up to five years or without it (**ZRT dated 13.06.2013, No. 966**).

3) The actions provided for in the first or second parts of this article, committed:

a) by an organized group;

b) on an especially large scale;

c) with the use of violence dangerous to life or health, or with the threat of such violence;

d) in case of a dangerous or especially dangerous relapse,

- are punished with imprisonment for a term of ten to fifteen years (**ZRT of 05/17/2004, N35, of 06/13/2013, N966**).

Article 202 (1) Illegal production, manufacture, processing, acquisition, storage, marketing, transportation or shipment of precursors

1) Illegal production, manufacture, processing, acquisition, storage, sale, transportation or shipment of precursors for the purpose of their use in the production or manufacture of narcotic drugs or psychotropic substances on a large scale,

the applicable sentence is deprivation of liberty for a term not exceeding five years.

2) The same acts committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) using the official position,

shall be punishable by imprisonment for a term of five to seven years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

3) The acts provided for in the first or second part of this Article, committed:

a) by an organized group;

b) in case of a dangerous or especially dangerous relapse;

c) on an especially large scale,

are punished with imprisonment for a term of seven to ten years (**ZRT from 5.08.2009, No. 547, from 13.06.2013, No. 966**).

Article 202 (2). Theft of precursors

1) Theft of precursors for the production or manufacture of narcotic drugs or psychotropic substances,
- is punished with imprisonment for a term of up to five years (**ZRT from 5.08.2009, # 547**).

2) The same actions performed:

a) by a group of persons by prior agreement;

b) repeatedly;

- c) with the use of violence that is not dangerous to life or health, or the threat of such violence;
- d) using the official position;
- e) on a large scale,
 - are punished with imprisonment from five to seven years with the deprivation of the right to hold certain positions or engage in certain activities for up to five years or without it (**ZRT from 5.08.2009, No. 547**).
- 3) The actions provided for in the first or second parts of this article, committed:
 - a) by an organized group;
 - b) with the use of violence dangerous to life or health, or the threat of such violence;
 - c) on an especially large scale,
 - are punished with imprisonment for a term of seven to twelve years (**ZRT of 05/17/2004, N35, (ZRT of 06/13/2013, N966)**).

Article 203. Involvement in the consumption of narcotic drugs or psychotropic substances (ZRT from 17.05.2004 N35)

- 1) Involvement in the consumption of narcotic drugs, psychotropic substances or precursors,
 - is punished with imprisonment for a term of up to five years.
- 2) The same actions performed:
 - a) in relation to knowingly minors;
 - b) in relation to two or more persons;
 - c) by deception;
 - d) with the use of violence or with the threat of its use;
 - e) repeatedly;
 - f) in places where a sentence of imprisonment is served;
 - g) by an organized group,
 - is punished with imprisonment for a term of three to seven years.
- 3) The same actions, if it entailed the death of the victim through negligence or entailed other grave consequences,
 - is punished with imprisonment for a term of seven to twelve years (**ZRT from 05.17.2004, N35**).

Article 204. Illegal cultivation of plants prohibited for cultivation containing narcotic substances

- 1) Cultivation, that is, illegal sowing or cultivation of plants prohibited for cultivation containing narcotic substances, committed on a small scale,
 - are punished with a fine in the amount of two hundred to five hundred indicators for calculations or imprisonment for a term of up to two years (**ZRT dated 6.10.2008 # 422**).
- 2) The actions provided for in part one of this article, committed in a small amount,
 - are punished with imprisonment for a term of two to five years.
- 3) The actions provided for in the first or second part of this article are committed:
 - a) repeatedly;
 - b) by a group of persons by prior agreement;
 - c) in case of a dangerous relapse;
 - d) in large sizes,
 - are punished with imprisonment for a term of five to eight years (**ZRT dated 13.06.2013, # 966**).
- 4) Actions provided for in parts one, two, or three of this article, committed:
 - a) with a particularly dangerous relapse;
 - b) by an organized group or a criminal community (criminal organization);
 - c) using the official position;
 - d) on an especially large scale,
 - are punished with imprisonment for a term of eight to twelve years (**ZRT from 17.05.2004, N35, as amended by the Law of the Republic of Tajikistan from 13.06.2013, No.966**).

Article 205. Organization or maintenance of dens for the consumption of narcotic drugs or psychotropic substances

(ZRT from 17.05.2004 N35)

- 1) Organization or maintenance of dens for the consumption of narcotic drugs or psychotropic substances,
 - is punished with imprisonment for a term of three to five years (**ZRT from 17.05.2004, N35**).
- 2) The same actions performed:

- a) repeatedly;
 - b) by an organized group;
 - c) using the official position,
- are punished with imprisonment for a term of five to ten years (**ZRT dated 13.06.2013, # 966**).

Article 206. Illegal turnover of strong or poisonous substances for the purpose of marketing

1) Illegal production, manufacture, processing, acquisition, storage, transportation or shipment for the purpose of marketing, as well as illegal sale of potent or poisonous substances that are not narcotic drugs or psychotropic substances,

- is punished by restraint of liberty for a term of three to five years, or imprisonment for the same term.

2) The same acts committed:

- a) by a group of persons by prior agreement;
- b) again,

- are punished with imprisonment for a term of five to seven years with confiscation of property.

3) The acts provided for in the first or second part of this Article, committed:

- a) by an organized group;
- b) in relation to strong or poisonous substances on a large scale,

- is punishable by imprisonment for a term of seven to ten years (**ZRT of 05/17/2004 N35, (ZRT of 06/13/2013 # 966)**).

Section 206 (1). Violation of the rules for handling narcotic drugs, psychotropic substances or precursors, potent or poisonous substances

1) Violation of the rules for the production, manufacture, processing, storage, accounting, dispensing, sale, distribution, transportation, transfer, acquisition, use, import, export or destruction of narcotic drugs, psychotropic substances or precursors, as well as substances, tools or equipment used for the manufacture of narcotic drugs, psychotropic substances or precursors and under special control, if this act is committed by a person whose duties include compliance with these rules,

- is punished with a fine in the amount of up to five hundred indicators for calculations or correctional labor for up to two years or imprisonment for the same period with the deprivation of the right to hold certain positions or engage in certain activities for up to three years (**ZRT dated 6.10.2008, No. 422**)

2) Violation of the rules for the production, acquisition, storage, accounting, dispensing, transportation or shipment of potent or poisonous substances, if this entailed their theft or causing other significant harm,

- is punished with a fine in the amount of up to five hundred indices for calculations or correctional labor for up to two years or imprisonment for the same period with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (**ZRT from 05.17.2004, N35, from 6.10 .2008 # 422**).

Article 207. Violation of sanitary - hygienic and anti-epidemic norms and rules (ZRT dated 03.08.2018, No. 1538)

1) *Violation of sanitary - hygienic and anti-epidemic norms and rules, which, through negligence, entailed a mass illness or poisoning of people -*

is punished with a fine in the amount of five hundred to one thousand indices for calculations or correctional labor for a term of up to two years, or imprisonment for the same term.

2) *The same act, committed in the case of the emergence and spread of dangerous diseases to humans or osusches IMPLEMENT restrictive quarantine GOVERNMENTAL action which negligently caused mass disease or poisoning of people, -*

is punished with imprisonment for a term of two to five years. (ZRT from 0 4 .0 7 .20 20 , No. 1701)

3) *The acts provided for in the first or second part of this Article, and entailed, by negligence, the infliction of grievous bodily harm, or infection with the human immunodeficiency virus, or the death of one or more persons, - are punished with imprisonment for a term of five to ten years. (ZRT from 0 4 .0 7 .20 20 , No. 1701)*

Article 208. Concealment of information about circumstances that create danger to life or health of people

1) Concealment or distortion of information about events, facts or phenomena that pose a threat to the life or health of people or to the environment, committed by a person obliged to provide the population with such information,

- is punished with a fine in the amount of five hundred to seven hundred indices for calculations or restraint of liberty for a period of up to three years (**ZRT dated 6.10.2008 No. 422**).

2) The same acts:

a) committed by a person using his official position;

b) who, through negligence, have caused harm to human health or the onset of other grave consequences,

- are punished with correctional labor for a term of up to two years, or imprisonment for a term of up to three years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of three years.

Article 209. Production, storage, transportation or sale of goods and products, performance of work or provision of services that do not meet safety requirements (ZRT from 17.05.2004 N35)

1) Production, storage or transportation for the purpose of marketing or marketing of goods or products, performance of work or provision of services that do not meet the requirements of the safety of life or health of consumers, as well as the illegal issuance or use of an official document certifying the conformity of these goods, works or services-, safety requirements,

- are punished with a fine in the amount of two hundred to five hundred indicators for calculations or restraint of liberty for a period of up to two years or imprisonment for the same period with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to two years (**ZRT of 05.17.2004 N35 , dated 6.10.2008 No. 422**).

2) The same acts if they:

a) committed in relation to goods or products, works or services intended for children under the age of six;

b) entailed, by negligence, injury to the health of two or more victims;

c) entailed by negligence the death of a person,

- are punished with imprisonment for a term of three to five years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

3) The acts provided for in the first or second part of this Article, which, through negligence, entailed the death of two or more victims,

- are punished with imprisonment for a term of five to eight years with the deprivation of the right to occupy certain (**ZRT from 17.05.2004, N35**).

Article 210. Illegal engagement in private medical and private pharmaceutical activities (ZRT from 17.05.2004 N35)

1) Engagement in private medical and private pharmaceutical activities by a person who does not have a license for the given activity of his choice, which, through negligence, caused harm to human health,

- is punished with a fine in the amount of up to five hundred indices for settlements with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

2) *The same act, which, through negligence, entailed the infliction of grievous bodily harm, or infection with the human immunodeficiency virus, or human death, -*

is punishable by imprisonment for a term of five to ten years, with deprivation of the right to occupy certain positions or engage in certain activities for a term of five years.

(ZRT dated 03.08.2018, No. 1538)

Article 210 (1). Illegal import into the Republic of Tajikistan, production, release in handling substandard, counterfeit and substandard standards of medicines, as well as medicines with an expired shelf life

1) Illegal import into the Republic of Tajikistan, production, release into circulation of low-quality, counterfeit and not meeting the established standards of medicines, as well as medicines with an expired expiration date on a large scale,

are punished with a fine in the amount of one thousand to two thousand indicators for calculations or imprisonment for a period of two to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without it (ZRT dated 03.08.2018, No. 1538) .

2) The same acts committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) with the use of official position, are punished
are punished with a fine in the amount of two thousand to four thousand indicators for calculations or imprisonment for a term of five to eight years with deprivation of the right to hold certain positions or engage in certain activities for up to five years (ZRT dated 03.08.2018, No. 1538) ...

3) The acts provided for in the first and second parts of this article, if they are committed:

a) by an organized group;

b) on an especially large scale;

c) entailing by negligence the death of a person or other grave consequences,

are punished with imprisonment for a term of eight to twelve years with the deprivation of the right to hold certain positions or engage in certain activities for a period of five years (ZRT dated 03.08.2018, No. 1538).

Note: In this article, under the import, production, release into circulation of low-quality, counterfeit and not meeting the established requirements of the standards of medicines, as well as medicines with an expired shelf life, on a large scale, the cost of medicines is recognized in excess of one hundred indicators for calculations, and in an especially large amount exceeding one thousand indicators for calculations (ZRT dated December 31, 2008 No. 451).

CHAPTER 23. CRIMES AGAINST TRAFFIC SAFETY AND OPERATION OF TRANSPORT

Article 211. Violation of traffic safety rules and operation of railway, air or water transport

1) Violation of traffic safety rules or the operation of railway, air or river transport by a person, due to the work performed or the position held, is obliged to comply with these rules, if this act entailed, by negligence, the infliction of grave or moderate harm to human health or the infliction of major damage,

- is punished with correctional labor for a term of up to two years or imprisonment for the same term with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to two years or without it.

2) The same act, which, through negligence, entailed the death of a person,

- is punished with imprisonment for a term of up to five years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to three years (ZRT of 05.17.2004, N35).

3) The acts provided for in the first part of this article if:

a) caused by negligence the death of two or more persons;

b) entailed other grave consequences,

- are punished with imprisonment for a term of five to twelve years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (ZRT from 17.05.2004 N35).

Article 212. Violation of traffic rules and operation of vehicles

1) Violation by a person driving a car or other power-driven vehicle of the rules of the road or the operation of vehicles, which, through negligence, has caused moderate harm to human health,

- is punished with a fine in the amount of up to five hundred indices for calculations or restraint of liberty for a term of up to three years or arrest for a term of three to six months or imprisonment for a term of up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without such (ZRT of 05.17.2004, N35, of 6.10.2008, N422).

2) The same act, which negligently entailed the death of a person, or the infliction of grievous harm to human health,

- is punishable by imprisonment for a term of three to five years with the deprivation of the right to hold certain positions and engage in certain activities for a term of up to five years (ZRT from 17.05.2004, N35).

3) The act provided for in the first part of this Article, which negligently entailed the death of two or more persons,

- is punished with imprisonment for a term of five to ten years with the deprivation of the right to hold certain positions and engage in certain activities for up to five years.

Note: Under other power-driven vehicles in this article are meant tractors, other self-propelled vehicles, trolleybuses, as well as motorcycles and other power-driven vehicles.

4) The acts provided for in the first part of this article, committed by a person who is intoxicated, or by a person who does not have a driver's license, resulting in the death of a person by negligence or causing grievous harm to human health,

are punished with imprisonment for a term of five to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of ten years (ZRT of 08/28/2017 # 1467).

5) The acts provided for in the first part of this article, committed by a person who was intoxicated or by a person who does not have a driver's license, and, through negligence, resulted in the death of two or more persons, are punished with imprisonment for a term of ten to fifteen years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of ten to twenty years (**ZRT dated 28.08.2017, No.**

**Section 212 (1). Driving with someone else's state registration number, counterfeit number or making counterfeit vehicle registration numbers
(ZRT from 23.07.2016 No. 1331)**

1. Driving a vehicle with someone else's state registration number or a fake number, committed within one year after the application of an administrative penalty for the same act, are punished with a fine ranging from "one hundred to one hundred and fifty indicators for calculations or restraint of liberty for a term of up to two years.

2. Production of fake registration numbers of vehicles, is punished with a fine in the amount of one hundred and fifty to two hundred indices for calculations or restraint of liberty for a term of up to two years or imprisonment for the same term (**ZRT dated July 23, 2016 No. 1331**).

**Article 212 (2). Driving a vehicle by a person who does not have a driver's license and who is intoxicated
(ZRT from 23.07.2016 No. 1331)**

Driving a vehicle by a person who does not have a driver's license and is in a state of intoxication, as well as transferring a vehicle to a person who does not have a driving license and is in a state of intoxication, committed within one year after the application of an administrative penalty for the same act, is punishable by a fine in the amount of five hundred to one thousand indicators for calculations or imprisonment for a period of up to two years (**ZRT dated 08/28/2017, No. 1467**).

**Article 213. Poor quality repair of means of communication of vehicles and release them into operation with technical faults
(ZRT from 17.05.2004 N35)**

1) Poor-quality repair of transport routes, communication lines, signaling or communication equipment or other transport equipment, as well as permission to put into operation a technically faulty vehicle by a person responsible for the technical condition of vehicles, if this act entailed, by negligence, the infliction of serious or medium-gravity harm to the health of the victim or causing major damage,

- is punished with correctional labor for a term of up to two years or imprisonment for the same term with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to two years.

2) The same act, which, through negligence, entailed the death of a person,

- is punishable by imprisonment for a term of three to five years with deprivation of the right to hold certain positions and engage in certain activities for a term of up to three years.

3) The acts provided for in the first part of this article if:

a) caused by negligence the death of two or more persons;

b) entailed other grave consequences,

- are punished with imprisonment for a term of five to ten years with the deprivation of the right to hold certain positions and engage in certain activities for a term of up to five years (**ZRT from 05.17.2004, N35**).

Article 214. Decommissioning of vehicles or means of communication

1) Destruction, damage or otherwise rendered unserviceable for a vehicle, means of communication, signaling or communication facilities or other transport equipment, as well as blocking transport communications, if these acts, by negligence, entailed the infliction of grave or moderate harm to human health, or causing major damage,

- is punished with a fine in the amount from one to one thousand five hundred indicators for calculations or arrest for a period of up to six months or restriction of freedom for a period of up to three years (**ZRT dated 6.10.2008, No. 422**).

2) The same acts that, through negligence, entailed the death of a person,

- are punished with imprisonment for a term of two to five years.

3) The acts provided for in the first part of this article, resulting in the death of two or more persons by negligence,
- are punished with imprisonment for a term of five to ten years.

Article 215. Illegal carriage in air transport of explosive or flammable substances

1) Illegal carriage of explosive or flammable substances in an aircraft,
- is punished with a fine in the amount of five hundred to one thousand indices for calculations or imprisonment for a term of up to three years (as amended by the Law of the Republic of Tajikistan of 05.17.2004 N35, of 6.10.2008 N422).

2) The same act, entailing grave consequences,
- is punished with imprisonment for a term of five to ten years.

Article 216. Violation of the rules ensuring the safe operation of transport

1) Violation by a passenger, pedestrian or other traffic participant (except for the persons specified in Articles 211 and 212 of this Code) of traffic safety rules or the operation of vehicles, if this act entailed, by negligence, the infliction of grave or moderate injury to human health,

- is punished with a fine in the amount of five hundred to one thousand indices for calculations or imprisonment for a term of up to two years (ZRT from 17.05.2004 N35, from 6.10.2008 # 422)

2) The same act, which, through negligence, entailed the death of a person,
- is punished with imprisonment for a term of two to five years (ZRT from 17.05.2004, N35).

3) The acts provided for in the first part of this article if:

a) caused by negligence the death of two or more persons;

b) caused the disaster;

c) entailed other grave consequences,

- are punished with imprisonment for a term of five to eight years.

Article 217. Violation of safety rules during construction, operation or repair of main pipelines

1) Violation of safety rules during the construction, operation or repair of main pipelines, if this act entailed, by negligence, the infliction of grave or moderate harm to human health or the infliction of major damage,

- is punished with restraint of liberty for a term of up to four years, or arrest for a term of three to six months, or imprisonment for a term of up to two years, with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (ZRT of 05/17/2004 .N35).

2) The same act, which, through negligence, entailed the death of a person,
- is punished with imprisonment for a term of two to five years (ZRT from 17.05.2004, N35).

3) The act provided for in the first part of this Article, which negligently entailed the death of two or more persons,

- is punished with imprisonment for a term of five to ten years.

Article 218. Violation of the rules of international flights

Failure to comply with the routes, landing sites, air gates, flight altitude specified in the permit or other violation of the rules of international flights,

- is punishable by a fine in the amount of one to two thousand indicators for calculations or by deprivation of the right to hold certain positions or engage in certain activities for up to three years or correctional labor for up to two years (ZRT from 17.05.2004 N35, from 6.10. No. 422).

Article 219. Unauthorized stopping of a train without need

Unauthorized stopping of the train unnecessarily with a stop crane , by disconnecting the air brake line or in any other way, if this entailed, through negligence, the death of a person, a crash, damage to rolling stock or other grave consequences,

- is punished with imprisonment for a term of five to twelve years (ZRT of 05.17.2004 N35).

**SECTION IX. CRIMES AGAINST ENVIRONMENTAL SAFETY AND NATURAL RESOURCES
CHAPTER 24. CRIMES AGAINST ECOLOGICAL SECURITY AND THE NATURAL
ENVIRONMENT**

Article 220. Violation of environmental safety rules in the course of work

Violation of environmental protection rules during the design, placement, construction, commissioning or operation of industrial, agricultural, scientific or objects by persons responsible for their observance, if this act entailed, by negligence, a significant change in the radioactive background, the death of one or more persons, mass diseases people, total destruction of animals or other grave consequences,

- is punished with imprisonment for a term of three to eight years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to five years (**ZRT from 17.05.2004, N35**).

Article 221. Intentional concealment, distortion of information on environmental pollution

1) Intentional concealment from the public by an official of information about radioactive, chemical, bacteriological or other contamination dangerous to human life or health or the environment, as well as deliberately telling them false information about such contamination,

- is punished with a fine in the amount of five hundred to eight hundred indicators for calculations or restraint of liberty for up to three years or imprisonment for a term of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years or without it (**ZRT dated 05.17. , N35, dated 6.10.2008, # 422**).

2) The same acts, if they entailed:

a) death of one or more persons;

b) mass diseases of people or other grave consequences,

- are punished with imprisonment for a term of up to five years with the deprivation of the right to hold certain positions and engage in certain activities for a term of up to five years.

Article 222. Rejection of measures to eliminate the consequences of environmental pollution

Avoidance of, or improper implementation of, decontamination or other remedial measures in areas exposed to environmental pollution, if it entailed by negligence the death of one or more persons, mass diseases of people or other grave consequences by a person obliged to take these measures,

- is punished with imprisonment for a term of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

Article 223. Violation of safety rules when handling environmentally hazardous substances and waste

1) Violation of safety rules for the production of transportation, storage, disposal, use or other handling of radioactive, bacteriological, chemical substances or waste, if this has created a threat of causing significant harm to human health or the natural environment,

- is punished with correctional labor for a term of up to two years or restraint of liberty for a term of up to three years or imprisonment for a term of up to two years (**ZRT of 17.05.2004 N35**).

2) The same acts:

a) entailed pollution, infection or poisoning of the environment, harm to human health or mass death of animals;

b) committed in an ecological disaster zone or in an ecological emergency zone,

- are punished with imprisonment for a term of two to five years (**ZRT from 17.05.2004 N35**).

3) Acts provided for in the first or second part of this Article, which, by negligence, entailed a mass illness of people or the death of a person,

- are punished with imprisonment for a term of five to eight years.

Article 224. Violation of safety rules when handling microbiological or other biological agents or toxins

1) Violation of safety rules when handling microbiological or other biological agents or toxins, if this entailed, through negligence, harm to human health, the spread of epidemics or epizootics, or other grave consequences,

- is punished with imprisonment for a term of up to three years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years or without it (**ZRT of 17.05.2004, N35**).

2) The same act, which, through negligence, entailed the death of a person,

- is punished with imprisonment for a term of up to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of three to five years or without it (**ZRT dated 17.05.2004**).

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Article 225. Violation of veterinary rules and regulations established to combat plant diseases and pests

1) Violation of veterinary rules, which, by negligence, entailed the spread of an epidemic, epizootic or other grave consequences,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations, or imprisonment for a term of up to three years (**ZRT of 05.17.2004, N35, of 06.10.2008, # 422**).

2) Violation of the rules established for the fight against plant diseases and pests, which, by negligence, entailed grave consequences,

- punishable by a fine of five hundred to one thousand parameters for calculation or imprisonment for up to two years (**PFA from 17.05.2004g.N 35, from 6.10.2008g.№422**).

Article 226. Water pollution

1) Pollution, contamination of surface or underground waters, sources of drinking water supply, or the successive depletion of the water supply, or a decrease in its quality, or other change in their natural properties, if these acts are committed within a year after the application of an administrative penalty,

- is punished with compulsory labor for a period from one hundred and forty to two hundred and forty hours or a fine in the amount of up to five hundred indicators for calculations, or correctional labor for a period of up to two years, or restraint of liberty for the same period (**ZRT of 05.17.2004 N35, from 6.10. 2008 # 422**).

2) The same acts:

a) entailed causing significant harm to the animal or plant world, fish stocks, forestry or agriculture,

b) entailing, by negligence, harm to human health;

c) entailing mass death of animals;

d) committed on the territory of a state reserve or wildlife sanctuary or in an ecological disaster zone, or in an ecological emergency zone,

- are punished with correctional labor for a term of up to two years or imprisonment for a term of two to five years (**ZRT of 17.05.2004 N35**).

3) The acts provided for in the first or second part of this Article, which, through negligence, entailed the death of a person,

- are punished with imprisonment for a term of five to eight years.

Article 227. Pollution of the atmosphere

1) Pollution or other change in the natural properties of the air in excess of the established standards due to violation of the rules for the operation of installations, structures or other objects, if these acts entailed causing significant harm to the environment,

- are punished with a fine in the amount of five hundred to seven hundred indices for calculations or correctional labor for a term of up to two years or restraint of liberty for a term of up to three years (**ZRT of 17.05.2004 N35**).

2) The same acts that, through negligence, have caused harm to human health,

- are punished with correctional labor for a term of one to two years, or imprisonment for a term of up to three years.

3) The acts provided for in the first part of this article, entailing, by negligence, the death of a person,

- are punished with imprisonment for a term of three to five years.

Article 228. Damage of land

1) Poisoning or contamination of the land with harmful products of economic or other activities due to violation of the rules for handling pesticides, fertilizers, plant growth stimulants or other hazardous chemical or biological substances during their storage, use, transportation, as well as other damage to the land, resulting in harm to human health or significant harm to the environment,

- is punished with a fine in the amount of five hundred to eight hundred indices for calculations or restraint of liberty for a term of up to two years (**ZRT of 05.17.2004 N35, of 6.10.2008 N422**).

2) The same acts committed in the zone of an ecological disaster or an ecological emergency or which, through negligence, caused harm to human health,

- are punished with a fine in the amount of seven hundred to one thousand indicators for calculations or restraint of liberty for a period of up to five years (**ZRT dated 6.10.2008 No. 422**).

3) The deed provided for in the first part of this article, entailing by negligence the death of a person,

- is punished with imprisonment for a term of three to five years.

Article 229. Violation of the rules for the protection and use of subsoil

Violation of the rules for the protection and use of subsoil during the design, placement, construction, commissioning and operation of mining enterprises or underground structures not related to the extraction of minerals, as well as unauthorized development of areas of occurrence of minerals, if these acts entailed the infliction of significant harm,

- are punished with a fine from three hundred to seven hundred indicators for calculations or deprivation of the right to occupy certain positions or engage in certain activities for a period of up to five years or correctional labor for a period of up to two years (**ZRT dated 6.10.2008 No. 422**).

Article 230. Illegal catch of aquatic animals

1) Illegal catch of fish or other aquatic animals, if these acts:

- a) caused major damage;
- b) committed using methods of mass destruction;
- c) committed in spawning grounds or on migration routes to them;

- is punished with a fine in the amount of three hundred to seven hundred indicators for calculations or deprivation of the right to occupy certain positions or engage in certain activities for a period of up to seven years (**as amended by the Law of the Republic of Tajikistan of 05.17.2004 N35, of 6.10.2008 # 422**).

2) The actions provided for in part one of this article, committed:

- a) by a person using his official position;
- b) by a group of persons in a preliminary conspiracy or by an organized group;
- c) again,
- d) on the territory of a nature reserve, wildlife sanctuary or in an ecological disaster zone or in an ecological emergency zone,

- are punished with a fine in the amount of one to two thousand indicators for calculations with the deprivation of the right to hold certain positions and engage in certain activities for up to five years or imprisonment for a period of three years with the deprivation of the right to hold certain positions or engage in certain activities for the same period, or without it (**ZRT from 05.17.2004, N35, from 6.10.2008, # 422**)

Article 231. Violation of the rules for the protection of fish stocks

Production, timber rafting, construction of bridges, dams, blasting and other works, as well as the operation of water intake structures and pumping mechanisms in violation of the rules for the protection of fish stocks, if these actions entailed a massive death of fish or other aquatic animals, the destruction of large amounts of feed stocks or other grave consequences,

- are punished with a fine from five hundred to seven hundred indicators for calculations or deprivation of the right to hold certain positions or engage in certain activities for up to three years or restraint of liberty for up to two years (**ZRT dated 6.10.2008 # 422**).

Article 232. Illegal hunting

1) Illegal hunting, if these acts:

- a) caused major damage;
- b) committed with the use of a power-driven vehicle or aircraft, explosives, gases and other methods of mass extermination of birds and animals;
- c) committed against birds and animals, hunting for which is completely prohibited;

2) The same acts committed:

- a) by a person using his official position;
- b) by a group of persons in a preliminary conspiracy or by an organized group;
- c) on the territory of a nature reserve, a nature reserve or in an ecological disaster zone or in an ecological emergency zone,

- are punished with a fine in the amount of one to two thousand indicators for calculations with the deprivation of the right to hold certain positions or engage in certain activities for up to five years, or imprisonment for a term of three to five years with the deprivation of the right to hold certain positions or engage in certain activities for a period up to three years or without it (**ZRT dated 05.17.2004, N35, dated 6.10.2008, No.422**).

Article 233. Destruction of critical habitats for organisms introduced into

Red Book of the Republic of Tajikistan

Destruction of critical habitats for organisms listed in the Red Book of the Republic of Tajikistan, resulting in the death of populations of these organisms,

- is punished with a fine from five hundred to seven hundred indicators for calculations or restraint of liberty for a term of up to five years (ZRT dated 6.10.2008 No. 422).

Article 234. Illegal felling of trees and bushes

1) Illegal felling, as well as damage to the point of stopping the growth of trees, shrubs and vines in the forests of the first group or in specially protected areas of forests of all groups, as well as trees, shrubs, vines that are not included in the forest fund or are prohibited from felling, if these the acts were committed in a significant amount,

- are punished with compulsory labor for a period from one hundred sixty to two hundred and twenty hours or a fine from five hundred to seven hundred indices for calculations or restraint of liberty for a period of up to two years (ZRT of 05.17.2004 N35, of 6.10.2008 # 422).

2) Illegal felling, as well as damage to the point of stopping the growth of trees, shrubs and lianas in forests of all groups, as well as plantations that are not included in the forest fund, if these acts are committed:

- a) repeatedly;
- b) by a person using his official position;
- c) on a large scale;

are punished with a fine in the amount of seven hundred to a thousand indicators for calculations with the deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years or without it (ZRT from 05.17.2004, N35, from 6.10.2008, # 422).

Section 234 (1). Ferula resin trafficking

1) Illegal collection, processing, production of medicinal products, storage, transportation or sale to another person of ferula resin in small quantities,

shall be punishable by a fine in the amount of two hundred to three hundred indices for calculations or by engaging in corrective labor for a period of up to two years, with or without deprivation of the right to engage in certain activities for a period of up to two years.

2) The same acts, if committed:

- a) repeatedly;
- b) by a group of persons by prior agreement;
- c) with the use by a person of his official position;
- d) using force;
- e) on a large scale,

are punished with a fine in the amount of seven hundred to one thousand indicators for calculations or imprisonment for a term of three to five years with or without deprivation of the right to engage in certain activities for a term of three to five years.

Note: An amount that exceeds two kilograms of ferula resin, or more than 20 destroyed ferula bushes, is recognized as insignificant in this article, and a large size is the amount of over 10 kilograms of ferula resin, or more than 100 destroyed ferula bushes (ZRT from 31.12.2008 457).

Article 235. Destruction or damage of forests

1) Destruction or damage to forests, as well as plantations not included in the forest fund, as a result of careless handling of fire, explosives or other source of increased danger,

- is punished with a fine from three hundred to five hundred indicators for calculations or correctional labor up to two years or restraint of liberty for the same period (ZRT dated 6.10.2008, # 422).

2) Destruction or damage of forests, as well as plantations that are not included in the forest fund, by arson or by any other generally hazardous method, or as a result of pollution with harmful substances, waste, emissions or refuse, or other substances,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations, or imprisonment for a period of up to three years (ZRT from 05.17.2004, N35, from 6.10.2008, # 422).

3) The same acts that caused major damage,

- are punished with a fine in the amount of one to two thousand indicators for calculations or imprisonment for a term of three to five years (ZRT dated 6.10.2008, # 422).

Article 236. Violation of the regime of specially protected natural territories and objects

Violation of the regime of reserves, wildlife sanctuaries, national parks, natural monuments or other natural areas specially protected by the state, resulting in significant damage,

- is punished with compulsory labor for a term of one hundred and eighty to two hundred and forty hours or a fine in the amount of three hundred to five hundred indices for calculations, or correctional labor for a term of up to two years (**ZRT of 05.17.2004, N35**).

Note: A significant amount in this chapter is considered to be the damage calculated at the established rates, thirty times higher than the indicators for calculations at the time of the crime, a large amount - three hundred times (**ZRT dated 6.10.2008, No. 422**).

**SECTION X. CRIMES AGAINST PUBLIC ORDER AND MORALS
CHAPTER 25. CRIMES AGAINST PUBLIC ORDER AND MORALITY**

Article 237. Hooliganism

1) Hooliganism, that is, a gross violation of public order, expressing disrespect for society, accompanied by the use of violence against citizens or the threat of its use, as well as the destruction or damage of other people's property,

- is punished with a fine in the amount of five hundred to one thousand indicators for work or imprisonment for a term of up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

2) The same acts if they:

- a) caused harm to health of moderate severity;
- b) committed by a group of persons, by a group of persons in a preliminary conspiracy, or by an organized group, or repeatedly;
- c) are associated with resistance to a representative of the authorities or to another person performing the duties of protecting public order or suppressing a violation of public order,
- d) differ in their content by exceptional cynicism, expressed in a demonstrative disregard for social norms of morality,

- is punished with a fine in the amount of from one to two thousand indicators for calculations or imprisonment for a term of up to five years (**ZRT from 17.05.2004, N35, from 6.10.2008, # 422**).

3) Hooliganism committed:

- a) with the use of weapons and items used as weapons;
- b) in case of a dangerous or especially dangerous relapse,

- is punishable by imprisonment for a term of five to seven years (**ZRT from 17.05.2004 N35**).

Section 237 (1). Vandalism

Vandalism, that is, desecration of buildings or other structures, damage to property on public transport or other public places, if this act was committed within a year after the application of an administrative penalty,

is punished with compulsory labor for a period of sixty to one hundred and twenty hours or a fine in the amount of one hundred to two hundred indices for calculations (**ZRT of 05.17.2004 N35, of 6.10.2008 N 422**).

Article 238. Involvement in prostitution

1) Involvement in prostitution through the use of violence or the threat of its use, the use of a dependent position, blackmail, threat, destruction or damage to property or by deception,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or restriction of liberty for a term of up to three years, or imprisonment for a term of up to two years (**ZRT dated 6.10.2008, No. 422**).

2) The same act, committed repeatedly or by an organized group,

- is punished with a fine in the amount of one to two thousand indicators for calculations or imprisonment for a term of two to five years (**ZRT dated 6.10.2008, # 422**).

Article 239. Organization or maintenance of dens, procuring or pimping

1. Organization or maintenance of dens for prostitution, as well as pimping out of selfish motives or pimping, - are punished with a fine in the amount of one to two thousand indicators for calculations or imprisonment for a term of up to five years (**ZRT dated 6.10.2008 No. 422 ; dated 02.01.2019, No. 1554**).

2) The same act, committed repeatedly or by an organized group, -

is punishable by imprisonment for a term of five to eight years (**ZRT dated 02.01.2019, No. 1554**).

Article 240. Organization or maintenance of casinos, gambling tables and machines with cash prizes
Organization or maintenance of casinos, gambling tables and machines with cash prizes, is punished with imprisonment for a term of six to eight years with confiscation of property (**ZRT dated 26.03.2009, # 487**).

Article 241. Illegal production and circulation of pornographic materials or objects
(**ZRT from 03/14/2014 No. 1066**)

1) Illegal production and (or) movement across the State border of the Republic of Tajikistan for the purpose of distribution, public display or advertising, or distribution, public display or advertising of pornographic materials or objects, -

shall be punished with a fine in the amount of two hundred to three hundred and sixty indices for calculations, or imprisonment for a term of up to two em .

2) Distribution, public display or advertising of pornographic materials or items among minors, for the involvement of a minor in the circulation of pornographic products committed by a person who has reached the age of eighteen,

are punished with imprisonment for a term of two to five years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

3) The acts provided for in the first or second part of this Article, committed:

a) by a group of persons by previous concert or by an organized group ;

b) using the means of mass information, in fact including information and telecommunications networks (including the Internet);

c) with the extraction of income on a large scale, -

shall be punishable by imprisonment for a term of five to eight years, with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Note: Income on a large scale in this article, as well as in article 241 (1) of this Code, means income in an amount exceeding two hundred indicators for calculations (**as amended by the Law of the Republic of Tajikistan dated March 14, 2014, No. 1066**).

Section 241 (1). The production and circulation of pornographic materials or items with images of minors

(**ZRT dated 03/14/2014 # 1066**)

1) Production, acquisition, storage and (or) movement across the State border of the Republic of Tajikistan for the purpose of distribution, public display or advertising, or distribution, public display or advertising of pornographic materials or items with images of minors, -

are punished with imprisonment for a term of two to five years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

2) These acts committed:

a) a parent or other person to which the law charged with the education of the minor, as well as a teacher or other employee of an educational, educational or medical institution;

b) in relation to a person who has obviously not reached the age of fourteen;

c) by a group of persons by prior agreement or by an organized group;

d) with the extraction of income on a large scale;

d) using the means of mass information, in fact including information and telecommunications networks (including the Internet), -

are punished with imprisonment for a term of five to ten years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**as amended by the Law of the Republic of Tajikistan dated March 14, 2014, No. 1066**).

Section 241 (2). The use of a minor for the production of pornographic materials or objects
(**ZRT from 03/14/2014 No. 1066**)

1) photo -, film - or video of a minor for the purpose of manufacturing and (or) distribution of pornographic materials or objects, or to attract a minor as an artist to participate in the spectacular event of a pornographic nature, committed by a person eighteen years of age -

shall be punishable by imprisonment for a term of three to seven years, with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

2) The same acts committed:

a) in relation to two or more persons;

b) by a group of persons in a preliminary conspiracy or by an organized group;

c) in relation to a person who has obviously not reached the age of fourteen;

d) using information and telecommunication networks (including the Internet), -

are punished with imprisonment for a term of seven to ten years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to five years **(as amended by the Law of the Republic of Tajikistan dated March 14, 2014, No. 1066)**.

Article 242. Destruction or damage of monuments of history and culture

1) Destruction or damage of monuments of history, culture, natural complexes or objects taken under state protection, as well as objects or documents of historical or cultural value,

- is punished with a fine in the amount of seven hundred to one thousand indicators for calculations or correctional labor for a term of up to two years, or restraint of liberty for a term of up to five years, or imprisonment for a term of up to three years **(ZRT dated 6.10.2008, # 422)**.

2) The same acts committed in relation to especially valuable objects or monuments,

- are punished with imprisonment for a term of three to seven years.

Article 243. Desecration of the bodies of the deceased and the places of their burial

1) Desecration of the bodies of the deceased, or destruction, damage or desecration of burial places, grave structures or cemetery buildings intended for ceremonies in connection with the burial of the dead or their commemoration,

- is punished with a fine in the amount of three hundred to five hundred indices for calculations or restraint of freedom for a term of up to three years **(ZRT dated 05.17.2004, N35, dated 6.10.2008, No. 422)**.

2) The same acts committed:

a) by a group of persons by previous concert or by an organized group;

b) on the basis of national, racial, parochial, religious hatred or enmity;

c) in relation to a sculptural, architectural structure dedicated to the fight against fascism or victims of fascism, or the graves of participants in the fight against fascism;

d) with the use of violence or with the threat of its use,

- are punished with imprisonment for a term of two to five years.

SECTION XI. CRIMES IN THE SPHERE OF ECONOMY CHAPTER 26. CRIMES AGAINST PROPERTY

Article 244. Theft

1) Theft, that is, secret theft of someone else's property,

- is punished with a fine in the amount of five hundred to one thousand indices for calculations or correctional labor for a period of up to two years, or imprisonment for the same period **(ZRT of 05.17.2004 N35, of 06.10.2008 # 422)**.

2) Theft committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) causing significant damage to a citizen;

d) with illegal entry into a dwelling, premises or other storage,

- is punished with a fine in the amount of one to two thousand indices for calculations or imprisonment for a term of two to five years **(ZRT of 05.17.2004 N35, of 6.10.2008 # 422)**;

3) Theft committed:

a) on a large scale;

b) using the conditions of a public or natural disaster;

c) with a dangerous relapse,

- is punished with imprisonment for a term of five to eight years **(ZRT from 05.17.2004, N35, from 13.06.2013, No.966)**.

4) Theft committed:

- a) with a particularly dangerous relapse;
- b) on an especially large scale;
- c) by an organized group

- is punishable by imprisonment for a term of eight to twelve years (**ZRT from 05.17.2004, N35, from 13.06.2013, N966**).

Note:

1) In the articles of this Code, embezzlement is understood as the unlawful gratuitous seizure and (or) circulation of someone else's property in favor of the guilty person or other persons committed with a mercenary purpose.

2) The large size in the articles of this chapter is the value of property, one thousand times higher than the indicator for calculations. A particularly large amount is recognized as the value of property, two thousand times higher than the indicator for calculations. The amount of damage caused to personal property (significant, large and especially large) is determined based on the property status of the victim (**ZRT dated 6.10.2008 No. 422**).

3) Repeated (repetition) in Articles 244-251, 254 and 257 of this Code shall be deemed the commission of a crime if it was preceded by the commission of one or more crimes provided for by these Articles, as well as Articles 186, 194, 199, 202 of this Code.

4) Criminal liability for theft of state or collective property (with the exception of robbery, robbery and extortion) occurs in cases where the value of the stolen property is ten times higher than the figure for calculations. Criminal liability for the theft of personal property occurs regardless of its value (**ZRT dated 6.10.2008 No. 422**).

Article 245. Appropriation or embezzlement

shall be punished with a fine in the amount of three hundred and sixty-five to five hundred and forty-seven indices for calculations or restraint of liberty for a term of up to three years, or imprisonment for the same term with deprivation of the right to hold certain positions, or engage in certain activities for a term of up to two years (**as amended by the Law RT dated 07.08.2020 # 1717**).

2) The same actions performed:

- a) repeatedly;
- b) by a group of persons by prior agreement;
- c) causing significant damage to a citizen;
- d) using official powers, -

are punished with a fine in the amount of five hundred forty-seven to one thousand ninety-two indicators for calculations or imprisonment for a term of three to six years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (**as amended by the Law of the Republic of Tajikistan dated 07.08. No. 1717**).

3) The acts provided for in the first or second part of this Article, committed:

- a) on a large scale;
- b) by an organized group, -

are punished with a fine in the amount of one thousand ninety-two to one thousand eight hundred and twenty-four indicators for calculations or imprisonment for a term of six to ten years with the deprivation of the right to hold certain positions, or engage in certain activities for a period of up to four years (**as amended by the Law of the Republic of Tajikistan dated 07.08. 2020 No. 1717**).

4) The act provided for in parts one, two or three of this Article, committed:

- a) in case of a dangerous or especially dangerous relapse;
- b) on an especially large scale, -

is punished with a fine in the amount of one thousand eight hundred and twenty-four to two thousand seven hundred indicators for calculations or imprisonment for a term of ten to fifteen years with the deprivation of the right to occupy certain positions, or engage in certain activities for a period of up to five years (**as amended by the Law of the Republic of Tajikistan dated 07.08. 2020 # 1717**).

Article 246. Theft of funds issued as a loan

1) Theft of funds issued as a loan,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or restraint of liberty for a term of up to two years, or imprisonment for the same period (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

2) The same acts committed:

- a) repeatedly;
- b) by a group of persons by prior agreement;
- c) on a large scale,

- are punished with a fine in the amount of five hundred forty-seven to one thousand four hundred and sixty indices for calculations or imprisonment for a term of three to eight years and with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (**ZRT of 05.17.2004, N35 , dated 21.07.2010 No. 617, dated 13.06.2013 No. 966**).

3) The acts provided for in the first or second part of this Article, committed:

- a) in case of a dangerous or especially dangerous relapse;
- b) on an especially large scale;
- c) by an organized group,

- are punished with a fine in the amount of from one thousand four hundred and sixty to two thousand one hundred and ninety indicators for calculations or imprisonment for a term of eight to twelve years and with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five (**ZRT of 05.17.2004, N35 , as amended by the Law of the Republic of Tajikistan dated July 21, 2010 No. 617, dated June 13, 2013 No. 966**).

Article 247. Fraud

1) Fraud, that is, the theft of someone else's property or the acquisition of rights to someone else's property by deception or abuse of trust

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or restriction of liberty for a term of up to 3 years or imprisonment for a term of up to two years (**ZRT dated July 21, 2010, No. 617**).

2) Fraud committed:

- a) repeatedly;
- b) by a group of persons by prior agreement;
- c) causing significant damage to a citizen;
- d) by a person using his official position,

- is punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indicators for the calculation of imprisonment for a term of two to five years with the deprivation of holding certain positions or engaging in certain activities for a period of up to five years or without it (**ZRT of 05.17.2004, N35, dated 21.07.2010 No. 617**).

3) Fraud committed:

- a) on a large scale;
- b) by an organized group;
- c) in case of a dangerous relapse,

- is punished with a fine in the amount of nine hundred and twelve to one thousand four hundred and sixty indicators for calculations or imprisonment for a term of five to eight years with deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years or without it (**ZRT dated 05.17. N35, dated 21.07.2010 No. 617, dated 13.06.2013 No. 966**).

4) Fraud committed:

- a) with a particularly dangerous relapse;
- b) on an especially large scale,

- is punished with a fine in the amount of one thousand four hundred and sixty to two thousand one hundred and ninety indicators for calculations or imprisonment for a term of eight to twelve years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years or without it (**ZRT from 17.05. 2004 N35, dated July 21, 2010 No. 617, dated June 13, 2013 No. 966**).

Article 248. Robbery

1) Robbery, that is, open theft of someone else's property,

- is punished with imprisonment for a term of three to five years (**ZRT from 05.17.2004, N35**) (**ZRT from 01.03.2005, N86**).

- 2) Robbery committed:
 - a) repeatedly;
 - b) by a group of persons by prior agreement;
 - c) causing significant damage to a citizen;
 - d) with the use of violence that is not dangerous to the life or health of a citizen, or with the threat of such violence;
 - e) with illegal entry into a dwelling, premises or other storage,
- is punishable by imprisonment for a term of five to ten years (**ZRT from 17.05.2004, N35, from 13.06.2013, No.966**).
- 3) Robbery committed:
 - a) using the conditions of a public or natural disaster;
 - b) on a large scale;
 - c) by an organized group;
 - d) in the event of a dangerous recidivism, - is punishable by imprisonment for a term of ten to twelve years with confiscation of property.
- 4) Robbery committed:
 - a) with a particularly dangerous relapse;
 - b) on an especially large scale,
- is punished with imprisonment for a term of twelve to fifteen years (**ZRT of 05.17.2004, N35, of 13.06.2013, N966**).

Article 249. Robbery

- 1) Robbery, that is, an attack with the aim of stealing someone else's property, committed with the use of violence dangerous to life and health, or with the threat of such violence,
- is punished with imprisonment for a term of five to ten years (**ZRT dated 13.06.2013, # 966**).
- 2) Robbery committed:
 - a) repeatedly;
 - b) by a group of persons by prior agreement;
 - c) with illegal entry into a dwelling, premises or other storage,
- is punished by imprisonment for a term of ten to twelve years with or without confiscation of property.
- 3) Robbery committed:
 - a) for the purpose of taking possession of property on a large scale;
 - b) by an organized group;
 - c) using the conditions of a public or natural disaster;
 - d) causing grievous bodily harm;
 - e) with a dangerous relapse,
- is punished with imprisonment for a term of twelve to fifteen years with confiscation of property.
- 4) Robbery committed:
 - a) with a dangerous relapse;
 - b) for the purpose of taking possession of property on an especially large scale;
 - c) using weapons of ammunition or explosives,
- is punished with imprisonment for a term of fifteen to twenty years (**ZRT from 01.08.2003, N45, from 13.06.2013, N966**).

Article 250. Extortion

- 1) Theft by extortion, that is, the requirement to transfer someone else's property or the right to property, or the commission of other property-related actions under the threat of disclosing disgraceful (humiliating) information about the victim or his relatives, making public information about such circumstances that the victim wishes to keep secret, as well as under the threat of violence against him or his relatives, or under the threat of destruction, damage to someone else's property,
- is punished with imprisonment for a term of five to ten years (**ZRT dated 13.06.2013, # 966**).
- 2) Extortion committed:
 - a) repeatedly;
 - b) with the use of violence;
 - c) by a group of persons by prior agreement,
- are punished with imprisonment for a term of ten to twelve years (**ZRT dated 13.06.2013, # 966**).

3) Extortion committed:

- a) by an organized group;
- b) with the infliction of grievous bodily harm;
- c) in case of a dangerous relapse;
- d) in order to receive property on a large scale,

- is punished with imprisonment for a term of twelve to fifteen years (**ZRT dated 13.06.2013, # 966**).

4) Extortion committed:

- a) with a particularly dangerous relapse;
- b) for the purpose of receiving property on an especially large scale;
- c) using weapons of ammunition or explosives,

- is punishable by imprisonment for a term of fifteen to twenty years (**ZRT dated 13.06.2013, No. 966**).

Article 251. Theft of items or documents of special value

1) Theft of objects or documents of special historical, scientific, artistic or cultural value, regardless of the method of theft,

- is punished with a fine in the amount of nine hundred and twelve to one thousand four hundred and sixty indices for calculations or imprisonment for a term of five to eight years (**ZRT dated July 21, 2010 No. 617, dated June 13, 2013 No. 966**).

2) The same steps:

- a) committed repeatedly;
- b) committed by a group of persons in a preliminary conspiracy or by an organized group;
- c) entailing the destruction, damage or destruction of objects or documents specified in part one of this article,

- are punished with a fine in the amount of one thousand four hundred and sixty to two thousand one hundred and ninety indicators for calculations or imprisonment for a term of eight to twelve years (**ZRT from 21.07.2010 No. 617, from 13.06.2013 No. 966**).

Article 252. Theft of a car or other vehicles without the purpose of theft

1) Theft of a car or other vehicles without the purpose of theft,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or restraint of liberty for a period of up to three years or imprisonment for the same period (**ZRT of 17.05.2004 N35, of 6.10.2008 N 422**).

2) The same act committed:

- a) repeatedly;
- b) by a group of persons by prior agreement;
- c) with violence that is not dangerous to the life or health of the victim, or with the threat of using such violence,

- is punished with imprisonment for a term of three to seven years.

3) The acts provided for in the first or second part of this Article, committed:

- a) causing damage on a large scale;
- b) by an organized group;
- c) with the use of violence dangerous to the life or health of the victim or with the threat of such violence,

- are punished with imprisonment for a term of seven to twelve years (**ZRT from 17.05.2004 N35**).

Article 253. Causing property damage by deceit or abuse of confidence

1) Causing property damage to the owner or other owner of the property by deception or abuse of trust in the absence of signs of theft,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or correctional labor for up to two years or imprisonment for the same period (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

2) The same act committed:

- a) by a group of persons by prior agreement;
- b) using the official position,

- is punished with a fine in the amount of three hundred and sixty-five to seven hundred and thirty indicators for calculations or restraint of liberty for a term of one to three years or imprisonment for a term of two to four years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years or without it (**ZRT dated July 21, 2010 No. 617**).

- 3) The acts provided for in the first or second part of this Article, committed:
- a) by an organized group;
 - b) causing damage on a large scale,
- is punished with a fine in the amount of five hundred forty-seven to nine hundred and twelve indicators for calculations or imprisonment for a period of three to five years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years or without it (**ZRT dated 21.07. No. 617**).

Article 254. Acquisition or sale of property knowingly obtained by criminal means

- 1) Acquisition, storage or sale of property, knowingly obtained by criminal means, not promised in advance,
- is punished with a fine in the amount of up to five hundred indices for calculations or correctional labor for up to two years or imprisonment for the same period (**ZRT dated 6.10.2008, No. 422**).
- 2) The same acts committed:
 - a) repeatedly;
 - b) on a large scale;
 - b) by a group of persons by prior agreement; is punishable by arrest for a term of up to six months, or imprisonment for a term of two to five years.
- 3) The acts provided for in the first or second part of this Article, committed by an organized group,
- is punished with imprisonment for a term of five to ten years (**ZRT dated 13.06.2013, # 966**).

Article 255. Intentional destruction or damage to property

- 1) Intentional destruction or damage to someone else's property, causing significant damage,
- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or correctional labor for a period of up to two years, or imprisonment for the same period (**ZRT from 17.05.2004, N35, from 21.07.2010, No. 617**).
- 2) The same steps:
 - a) committed by arson, explosion or other generally dangerous method;
 - b) entailed by negligence the death of a person or other grave consequences;
 - c) causing damage on a large scale,
- are punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indicators for calculations or imprisonment for a term of two to five years (**ZRT from 05.17.2004, N35, from 21.07.2010, # 617**)

Article 256. Careless destruction or damage to property

- Destruction or damage to someone else's property committed by careless handling of fire or other source of increased danger, or causing damage on a large scale, or entailing grave consequences,
- is punished with a fine from two hundred fifty to three hundred and sixty-five indicators for calculations or correctional labor for up to two years or imprisonment for the same period (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

Article 257. Theft of funds of foreign aid funds

- 1) Theft of foreign aid funds,
- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or imprisonment for a term of up to two years (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).
- 2) The same acts committed:
 - a) repeatedly;
 - b) by a group of persons by prior agreement;
 - c) on a large scale;
 - d) with the use of violence not dangerous to life or health, or with the threat of such violence,
- are punished with a fine in the amount of three hundred and sixty-five to one thousand two hundred and seventy-seven indices for calculations or imprisonment for a term of two to seven years (**ZRT from 17.05.2004 N35, from 21.07.2010 # 617**).
- 3) The acts provided for in the first or second part of this article, committed:
 - a) by an organized group;
 - b) by robbery or extortion;
 - c) on an especially large scale,

- are punished with a fine in the amount from one thousand two hundred and seventy seven to two thousand one hundred and ninety indices for calculations or imprisonment for a term of seven to twelve years (**ZRT from 21.07.2010 No. 617, from 13.06.2013 No. 966**).

Note: In the absence of a price for foreign aid funds, their value is determined at the market price existing on the day the crime was committed.

CHAPTER 27. CRIMES IN THE SPHERE OF ECONOMIC ACTIVITIES

Article 258. Obstruction of legal entrepreneurial activity

1) Unlawful refusal to register an individual entrepreneur or enterprise, or commercial enterprise, or evasion of their registration, unlawful refusal to issue a special permit (license) to carry out certain activities or evasion of its issuance, illegal restriction of the rights and interests of an individual entrepreneur or enterprise or commercial enterprises, as well as other illegal interference in their activities, committed by an official using his official position,

- is punishable by a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for settlements with the deprivation of the right to hold certain positions or engage in certain activities for up to three years (**ZRT dated July 21, 2010 No. 617**).

2) The same acts committed:

a) in violation of a court decision that has entered into legal force;

b) causing major damage,

- is punished with a fine in the amount of one hundred and sixty-five to five hundred and forty-seven indicators for calculations with the deprivation of the right to hold certain positions or engage in certain activities for up to five years or imprisonment for up to three years (**ZRT from 17.05.2004, N35, from 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

Article 259. Illegal business

1) Carrying out an entrepreneurial activity without registration or without a special permit (license), in cases where such permission (license) is required, or in violation of license conditions and (or) by Utilized n tions of other persons, as well as activity prohibited types of entrepreneurial activity, the conjugate with the extraction of income on a large scale or causing major damage to the interests of citizens, commercial or non-commercial organizations or the state (**ZRT dated May 14, 2016 No. 1305**),

- is punished with a fine in the amount of three hundred and sixty-five to five hundred and forty-seven indicators for calculations or imprisonment for a term of up to three years (**ZRT from 21.07.2010, # 617**).

2) The same acts:

a) committed by an organized group;

b) associated with the extraction of income on an especially large scale;

c) committed by a person previously convicted of illegal business or illegal banking activities,

- are punished with a fine in the amount of five hundred forty-seven to nine hundred and twelve indicators for calculations, or imprisonment from three to five years with a fine in the amount of up to five hundred indicators for calculations (**ZRT from 05.17.2004, N35, dated 6.10.2008, No. 422, from 21.07.2010 No. 617**).

Section 259 (1). Production, acquisition, storage, transportation or sale of unlabeled goods and products

1. Production, acquisition, storage, transportation for the purpose of marketing or marketing of unmarked goods and products that are subject to mandatory labeling with excise duty stamps, special marks or conformity marks, protected from counterfeiting, committed on a large scale,

are punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations with the deprivation of the right to hold certain positions or engage in certain activities for up to 5 years, or imprisonment for up to two years (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 # 617**).

2. The same acts committed:

a) by a group of persons by prior agreement or by an organized group;

b) on an especially large scale,

are punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indicators for calculations, or imprisonment from two to five years (**ZRT of 25.07.2005 N97, of 6.10.2008 No. 422, of 21.07.2010 No. 617**).

Note: 1) In Articles 258, 259 and 259 (1) of this Code, the concepts of income or damage in a large amount mean income or damage that exceeds one thousand indicators for calculations, and the concept of income in an especially large amount means income, the amount (**ZRT dated 03/14/2014 No. 1066**)

2) The income provided for in this chapter is understood as the profit received in the form of the difference between the funds expended and received. 3) In the articles of this chapter, major damage to the interests of citizens is understood as damage exceeding five hundred indicators for calculations (**ZRT dated 03.14.2014, No. 1066**).

Article 260. Illegal formation (creation, reorganization) of a legal entity (ZRT from 03/14/2014 No. 1066)

1) Illegal formation (creation, reorganization) of a legal entity through dummies or the use of such a legal entity through other persons (**ZRT dated May 14, 2016 No. 1305**),

- shall be punished with a fine in the amount of up to three hundred and sixty-five indicators for calculations or restraint of liberty for a term of up to two years or imprisonment for the same term. 2) The same acts committed: a) by a person using his official position; b) by a group of n redvaritelnomu agreement, - shall be punished by a fine of three hundred and sixty-five to nine hundred fifteen indicators for the calculation or restraint of liberty for up to five years, or imprisonment for a term of two to five years.

Note: Under the bogus persons in this Article means persons who are founders (participants) of a legal person or entity controls, by introducing into the delusion that it was formed (created, reorganized) legal person (**PFA from 14.03.2014g №1066**).

Article 260 (1). Illegal use of documents for the formation (creation, reorganization) of a legal entity (ZRT from 03/14/2014 No. 1066)

1) The provision of an identity document or the issuance of a power of attorney, if these actions are committed for the formation (creation, reorganization) of a legal entity in order to commit one or more crimes related to financial transactions or transactions with money or other property, -

shall be punished with a fine in the amount of up to two hundred indices for calculations or restraint of liberty for a term of up to one year, or imprisonment for the same term.

2) Acquisition of an identity document or the use of personal data obtained illegally, if these acts were committed to form (create, reorganize) a legal entity in order to commit one or more crimes related to financial transactions or transactions with monetary funds or otherwise property, -

shall be punished with a fine in the amount of two hundred to five hundred and forty-eight indices for calculations, or restraint of liberty for a term of up to three years, or imprisonment for the same term.

Note: Under the purchase document of identity, in this article is meant to receive it on a paid or gratuitous basis, the assignment of found or stolen document of identity, as well as seizure of them by fraud or abuse of trust (**in the wording of the Law of the Republic of Tatarstan from 14.03.2014g number. 1066**).

Article 261. Registration of illegal transactions with land

Registration of deliberately illegal transactions with land, distortion of the registration data of the State Land Cadastre, as well as deliberate understatement of payments for land, if these acts were committed out of selfish or other personal interest by an official using his official position,

- are punished with a fine in the amount of five hundred to one thousand indicators for calculations or deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years (**ZRT dated 6.10.2008 No. 422**).

Article 262. Legalization (laundering) of proceeds from crime (ZRT dated 04/16/2012 # 808)

1) Conducting financial transactions or other transactions with monetary funds, securities or other property, if it is known that such property represents proceeds from crime, in order to conceal or conceal the source of obtaining this property or in order to provide assistance to any person participating in the commission of a predicate offense so that it can evade responsibility for its actions, as well as concealment or concealment of the true nature, location, method of disposal, movement, rights to property or its belonging, as well as the acquisition, possession, use of such property or disposal them (**ZRT dated 06/13/2013 No. 965, dated 11/12/2013 No. 1028**),

is punishable by imprisonment for a term of two to six years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of up to three years (**ZRT dated 13.06.2013, No. 966**).

2) The same act, if committed:

- a) repeatedly;
- b) by prior conspiracy by a group of persons;
- c) by a person using his official position;
- d) on a large scale,

is punishable by imprisonment for a term of three to seven years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT dated 13.06.2013, No. 966**).

3) The acts provided for in the first and second parts of this Article, if they are committed:

- a) by an organized group or criminal community (criminal organization);
- b) on an especially large scale,

are punished with imprisonment for a term of five to eight years and deprivation of the right to occupy certain positions or engage in certain activities for a term of up to five years (**ZRT dated 13.06.2013, No. 966**).

Note: 1) A person who took part in the legalization (laundering) of proceeds from crime is released from criminal liability for this act if, after the commission of a crime, he voluntarily confessed, actively contributed to the disclosure of the crime and (or) voluntarily surrendered the proceeds received in a criminal way.

2) In this article, a large amount is recognized as the amount of income obtained by criminal means, two thousand times higher than the size of the indicator for calculations. An especially large size is recognized as the amount of cash or the value of property, five thousand times exceeding the size of the indicator for calculations (**ZRT dated 13.06.2013, No. 965**).

3) Proceeds from crime - any property acquired or obtained, directly or indirectly, as a result of a crime (**ZRT dated 13.06.2013, No. 965**).

4) If the proceeds of crime have been converted or transformed partially or completely into other property, then the said property is subject to confiscation (**ZRT dated 13.06.2013, No. 965**).

5) If proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds (**PFA from 13.06.2013g . # 965**).

6) To the profit or other benefits that are obtained from proceeds of crime, from property into which the proceeds of crime have been transformed or transformed, or from property to which the proceeds of crime have been added, the measures specified in this article, in the same way and to the same extent as in relation to the proceeds of crime (**ZRT from 13.06.2013, No. 965**).

7) Monetary funds, securities and other property obtained by criminal means, as well as profits and other benefits obtained from these incomes, are subject to confiscation in the manner prescribed by Article 78 of the Criminal Procedure Code of the Republic of Tajikistan (**ZRT dated June 13, 2013 No. 965**).

8) Criminal liability under this article arises regardless of whether the person was prosecuted for the main crimes, as a result of which the proceeds of crime were obtained (**ZRT of 13.06.2013, No. 966**).

9) The main crimes are the crimes provided for by paragraph a) of part 1) of Article 57 of this Code preceding the legalization (laundering) of proceeds from crime, as a result of which the proceeds were obtained (**ZRT dated 13.06.2013 No. 965, dated 17.05.2018 No. 1515**).

Article 263. Illegal banking activity

1) Carrying out banking activities (banking operations) without registration or without a special permit (license) in cases where such a permit is mandatory or in violation of licensing conditions, if this act is associated with the receipt of income on a large scale or caused major damage to the interests of citizens, commercial or non-profit organizations or the state,

- is punished with a fine in the amount of three hundred and sixty-five to five hundred and forty-seven indicators for calculations or imprisonment for a term of up to three years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years or without it (**ZRT of 05.17.2004, N35 , dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

2) The same act:

- a) committed by an organized group;
- b) associated with the extraction of income on an especially large scale;
- c) committed by a person previously convicted of illegal banking or illegal business,

- is punished with a fine in the amount of five hundred forty-seven to nine hundred and twelve indicators for calculations or imprisonment for a term of three to five years with a fine in the amount of five hundred to one

thousand indicators for calculations (**ZRT from 05.17.2004, N35, dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

Note: Income in a large amount or large damage in this article is income or damage, the amount of which exceeds one thousand indicators for calculations, and income in an especially large amount is income in excess of three thousand indicators for calculations (**ZRT of 17.05.2004 N35, dated 06.10.2008 # 422**).

Article 264. Unlawful receipt of credit

1) Obtaining by a citizen, individual entrepreneur or the head of the organization of a loan, subsidies or preferential terms of lending by providing a bank or other credit institution with deliberately false information about the economic situation or financial condition of a citizen, individual entrepreneur or organization, or about other circumstances that are essential for obtaining a loan, subsidies, favorable lending conditions (in the absence of signs of theft of someone else's property),

- is punished with a fine in the amount of three hundred and sixty-five to seven hundred and thirty indicators for calculations, or restriction of liberty for a term of up to four years, or imprisonment for the same period (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**) ...

2) Illegal receipt of a state targeted loan or a loan issued under a state guarantee, as well as its use not for its intended purpose, if these acts caused major damage to citizens, organizations or the state (in the absence of signs of theft of someone else's property),

- is punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indicators for calculations or a fine in the amount of one and a half to two thousand indicators for calculations, or imprisonment for a term of two to five years (**ZRT from 6.10.2008, No. 422, from 21.07. 2010 # 617**).

Note: The damage in this article is recognized as large if its amount exceeds one thousand indicators for calculations (**as amended by the Law of 06.10.2008 No. 422**).

Article 265. Illegal loan issuance.

1) Illegal issuance of any loan or assistance to this person who should or could commit these actions using his official position,

- is punished with a fine in the amount of two hundred and fifty to five hundred and forty-seven indicators for calculations, or imprisonment for a term of up to three years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT dated 6.10.2008 No. 422, dated 21.07. 2010 # 617**).

Article 266. Malicious evasion from payment of accounts payable

Malicious evasion of the head of an organization, individual entrepreneur or citizen from paying off accounts payable on a large scale or from paying for securities after the entry into force of a court decision,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations, or imprisonment for a term of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT dated 6.10.2008 No. 422, dated 21.07. 2010 # 617**).

Note: A large-scale accounts payable is a debt of a citizen in an amount exceeding two thousand indicators for settlements, and an organization in an amount exceeding five thousand indicators for calculations (**ZRT dated 6.10.2008 No. 422**).

Article 267. Compulsion to conclude a transaction or refuse to conclude it

1) Coercion to conclude a deal or refusal to conclude it through the threat of violence, destruction or damage to someone else's property, as well as the dissemination of information that the victim wishes to keep secret (in the absence of signs of extortion),

- are punished with a fine in the amount of five hundred to one thousand indicators for calculations, or imprisonment for a term of up to two years (**ZRT dated 6.10.2008 No. 422**).

2) The same acts:

a) committed repeatedly;

b) committed with the use of violence;

c) committed by a group of persons in a preliminary conspiracy;

d) causing damage to the victim on a large scale,

- are punished with imprisonment for a term of two to five years.

Article 268. Illegal use of funds

1) Intentional action of the head of a credit institution or enterprise, regardless of the form of ownership, expressed in the illegal transfer of funds from his account to the account of another organization, as well as other use of funds in violation of the established procedure, committed out of selfish motives or personal interest, as well as misuse of budgetary funds, if these actions have caused major damage to the legitimate interests of citizens, organizations or the state,

- is punished with a fine in the amount of two hundred and fifty three hundred and sixty-five indicators for calculations or restraint of liberty for a term of up to two years, or imprisonment for the same period (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

2) The same steps:

a) committed repeatedly;

b) caused especially large damage,

- are punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve, or imprisonment for a term of two to five years (**ZRT dated July 21, 2010 No. 617**).

Note:

1) Major damage is understood as damage, the amount of which exceeds five hundred indicators for calculations, and especially large damage is damage, the amount of which exceeds two thousand indicators for calculations (**ZRT dated 6.10.2008, No. 422**).

2) When determining the amount (volume) of damage caused, it is necessary to take into account, in addition to direct losses, also lost profits.

Article 269. Unlawful actions in bankruptcy

1) Concealment of property or property obligations, information about property, its size, location or other information about property, transfer of property to other ownership, alienation or destruction of property, as well as concealment, destruction, falsification of accounting and other accounting documents reflecting economic activity if these actions were committed by the head or owner of the debtor's organization or an individual entrepreneur in bankruptcy or in anticipation of bankruptcy and caused major damage,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or correctional labor for a period of up to two years (**ZRT from 17.05.2004 N35, from 6.10.2008 N 422**).

2) Unlawful satisfaction of the property claims of individual creditors by the head or owner of the debtor organization or an individual entrepreneur who knows about his actual insolvency (bankruptcy), knowingly to the detriment of other creditors, as well as the acceptance of such satisfaction by the creditor, who knows about the preference given to him by the insolvent debtor to the detriment of others creditors, if these actions caused major damage,

- is punished with a fine in the amount of eight hundred to one thousand indices for calculations, or correctional labor for a period of up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

Article 270. Malicious bankruptcy

Creation or increase in insolvency committed by the head or owner of a commercial organization, as well as an individual entrepreneur in the personal interests or interests of other persons, causing major damage or other grave consequences,

- is punished with a fine in the amount of two hundred and fifty forty-seven indicators for calculations or imprisonment for a term of up to three years (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

Article 271. Fictitious bankruptcy

Fictitious bankruptcy, that is, a deliberately false announcement by the head or owner of a commercial organization, as well as an individual entrepreneur about his insolvency in order to mislead creditors in order to obtain a deferral or installment plan of payments due to creditors or a discount on debts, as well as for non-payment of debts, which caused large damage,

- is punished with a fine in the amount of two hundred and fifty forty-seven indicators for calculations or imprisonment for a term of up to three years (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

Note: In Articles 269, 270 and 271 of this Code, such damage is recognized as large damage if its size exceeds one thousand times the indicators for calculations (**ZRT dated 6.10.2008 No. 422**).

Section 272 (Deleted)

(**ZRT from 17.05.2004 N35**)

Article 273. Monopolistic actions and limited competition

1) Monopolistic actions committed by establishing monopoly high or monopoly low prices, as well as restricting competition by dividing the market, restricting access to the market, removing other economic entities from it, establishing or maintaining uniform prices,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or imprisonment for a term of up to two years (**ZRT from 17.05.2004 N35, from 6.10.2008 № 422, from 21.07.2010 № 617**).

2) The same acts committed:

a) repeatedly;

b) by a group of persons by prior agreement,

- are punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indicators for calculations or imprisonment for a term of two to five years (indicators for calculations) (**ZRT dated July 21, 2010, # 617**).

3) The acts provided for in the first or second part of this Article, committed:

a) with the use of violence or the threat of its use;

b) with the destruction or damage of someone else's property or with the threat of destruction or damage to someone else's property, in the absence of signs of extortion;

c) using the official position;

d) by an organized group,

- are punished with a fine in the amount of nine hundred and twelve to one thousand eight hundred and twenty-five indicators for calculations or imprisonment for a period of five to ten years and with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT dated July 21, 2010 No. 617, dated 13.06.2013 # 966**).

Article 274. Malicious violation of the procedure for evaluating, holding a public auction or tender or auctions

(as amended by the Law of the Republic of Tajikistan of 05.17.2004 N35, 07.08.2020 N1717)

1). Malicious violation of the procedure for assessing the conduct of public tenders or tenders or auctions, causing major damage to the owner of property, the organizer of tenders or auctions, the buyer or other economic entity (**as amended by the Law of the Republic of Tajikistan dated 07.08.2020, No. 1717**),

is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations either by restraint of liberty for a period of up to two years or imprisonment for the same period (**as amended by the Law of the Republic of Tajikistan of 05.17.2004 N35, of 6.10.2008 N 422, of July 21, 2010 No. 617**).

2) The same acts committed (**as amended by the Law of the Republic of Tajikistan dated 07.08.2020, No. 1717**):

a) by a group of persons by prior agreement;

b) on an especially large scale, -

shall be punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indicators for calculations, or restraint of liberty for a term of two to five years, or imprisonment for the same term.

Note: In this article, large damage is understood as damage, the amount of which exceeds five hundred indicators for calculations, and especially large damage is damage, the amount of which exceeds two thousand indicators for calculations (**as amended by the Law of the Republic of Tajikistan dated 07.08.2020, No. 1717**).

Article 275. Illegal use of means of individualization of participants in civil transactions, goods, works and services

(as amended by the Law of the Republic of Tajikistan dated 03.07.2012 # 844)

1) Illegal use of someone else's company name, as well as the name of the place of origin of goods, trademark and service mark, in relation to goods and services similar to them, if this act is committed repeatedly after the imposition of an administrative penalty or caused major damage,

is punished with a fine in the amount of up to two hundred indices for calculations or correctional labor for a term of up to two years.

2) Illegal use of warning markings in relation to an appellation of origin or a trademark not registered in the Republic of Tajikistan, if this act is committed repeatedly after the imposition of an administrative penalty or caused major damage,

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shall be punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations, or imprisonment for a term of up to two years.

3) Acts provided for in the first or second parts of this Article, if they were committed by a group of persons in a preliminary conspiracy or by an organized group,

are punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indices for calculations, or imprisonment for a term of two to five years (**as amended by the Law of the Republic of Tajikistan dated 03.07.2012 No. 844**).

Article 276. Knowingly false advertising

1) The use of deliberately false information by the advertiser regarding goods, works or services, as well as their manufacturers or sellers, committed with mercenary motives,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or imprisonment for a term of up to two years or restraint of liberty for the same period (**ZRT dated July 21, 2010 No. 617**)

2) The same act:

a) committed using the media;

b) causing major damage,

- is punished with a fine in the amount of five hundred and forty-seven to nine hundred and twelve indicators for calculations, or restriction of freedom from three to five years or imprisonment for the same period (**ZRT of 05.17.2004, N35, of 6.10.2008, No. 422, of 21.07.2010 No. 617**).

Note: In Articles 274, 275 and 276 of this Code, damage is recognized as major damage if its size exceeds one thousand times the indicator for calculations (**as amended by the Law of 06.10.2008 No. 422**).

Article 277. Unlawful receipt of information constituting a commercial or banking secret

Collecting information constituting a commercial or banking secret by stealing documents, bribery or threats against persons who own commercial or banking secrets or their relatives, interception in communications or illegal penetration into computer systems or a network, using special technical means, as well as other illegal in a way to disclose or illegal use of this information,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or imprisonment for a term of up to two years (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

Article 278. Disclosure of commercial or bank secrets

Illegal disclosure or use of commercial or banking secrets without the consent of their owner by a person who knows this secret in connection with professional or official activities, committed out of mercenary or other personal interest and causing major damage to a commercial organization or individual entrepreneur,

- is punished with a fine in the amount of two hundred and fifty to five hundred and forty-seven indicators for calculations or imprisonment for a term of up to three years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT from 05.17.2004, N35, from 6.10.2008 No. 422, 21.07.2010 No. 617**).

Note: Criminal prosecution for the commission of an act provided for in this article is carried out at the request of a commercial organization or an individual entrepreneur who suffered damage.

Section 278 (1). Disclosure of information on activities carried out by the authorized body to counter the legalization (laundering) of proceeds from crime, financing of terrorism and financing the proliferation of weapons of mass destruction (ZRT dated 05.17.2018, # 1515)

Disclosure by employees of organizations that carry out transactions with monetary funds or other property, their clients, or other persons of information that the authorized body for combating the legalization (laundering) of proceeds from crime, financing terrorism and financing the proliferation of weapons of mass destruction has been provided with information on accepted measures to counteract the legalization (laundering) of proceeds from crime, the financing of terrorism and the financing of the proliferation of weapons of mass destruction, if such an act was committed within a year after the imposition of an administrative penalty,

is punished with a fine in the amount of four hundred to five hundred and forty-seven indicators for calculations or imprisonment for a term of up to three years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to three years (**ZRT dated 05.17.2018, No. 1515**).

Article 279. Commercial bribery

1) Illegal transfer of money, securities, other property to a person performing managerial functions in a commercial or other organization, as well as illegal provision of services of a property nature to him for committing actions (inaction) in the interests of the giver in connection with the official position held by this person,

- punishable by a fine of three hundred to five hundred indicators for calculations or by disqualification to hold certain positions or engage in certain activities for up to two years or restriction of liberty for up to two years, or imprisonment for the same period (**PFA from 6.10.2008g.№ 422**).

2) The same acts committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) by an organized group,

- are punished with a fine in the amount of five hundred to eight hundred indicators for calculations or restraint of liberty for a term of up to three years, or arrest for a term of up to four months, or imprisonment for a term of up to four years (**ZRT dated 6.10.2008, No. 422**).

3) Illegal receipt by a person performing managerial functions in a commercial or other organization of money, securities, other property, as well as illegal use of property services for committing actions (inaction) in the interests of the giver in connection with the official position held by this person,

- is punished with a fine in the amount of eight hundred to one and a half thousand indicators for calculations or deprivation of the right to occupy certain positions or engage in certain activities for a period of up to two years or restraint of liberty for a period of up to three years or imprisonment for the same period (**ZRT dated 6.10. No. 422**).

4) The acts provided for in part three of this article, if they:

a) committed repeatedly;

b) committed by a group of persons in a preliminary conspiracy or by an organized group;

c) are associated with extortion,

- are punished with a fine in the amount of one and a half to two thousand indicators for calculations with the deprivation of the right to hold certain positions or engage in certain activities for up to five years, or imprisonment for up to five years (**ZRT dated 01.03.2005, N86, dated 6.10.2008. No. 422**).

Note: A person who has committed the acts provided for in the first or second part of this article shall be released from criminal liability if extortion has taken place against him and if this person voluntarily reported bribery to the body that has the right to initiate a criminal case.

Article 280. Bribery of participants and organizers of professional sports competitions and spectacular commercial contests

1) Bribery of athletes, sports referees, coaches, team leaders or other participants or organizers of professional sports competitions, as well as bribery of organizers, jury members of spectacular commercial competitions in order to influence the results of these competitions or competitions,

- is punished with compulsory labor for a term of one hundred to one hundred and eighty hours or correctional labor for a term of up to two years (**ZRT of 17.05.2004 N35**).

2) The same act committed:

a) repeatedly;

b) either by a group of persons in a preliminary conspiracy or by an organized group,

- is punished with imprisonment for a term of up to three years (**ZRT from 01.03.2005, N86**).

3) Illegal receipt of material values or use of property services by athletes, sports judges, coaches, team leaders or other participants or organizers of professional sports competitions, as well as organizers or members of the jury of spectacular commercial competitions, transferred or provided knowingly with the aim of influencing the results of competitions or contests,

- is punishable by imprisonment for a term of up to three years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT from 05.17.2004, N35**) (**ZRT from 01.03.2005, N86**).

Article 281. Manufacture or sale of counterfeit money or securities

1) Production for the purpose of marketing, as well as sale of counterfeit tickets of the National Bank of Tajikistan, metal coins, securities in national currency, foreign currency or securities in foreign currency,

- is punishable by imprisonment for a term of five to eight years with confiscation of property.

2) The same acts committed:

- a) by a group of persons by prior agreement;
- b) on a large scale;
- c) again,

- are punished with imprisonment for a term of eight to twelve years (**ZRT of 13.06.2013, # 966**).

3) The actions provided for in parts one or two of this article, committed by an organized group,

- are punished with imprisonment for a term of twelve to fifteen years (**ZRT dated 13.06.2013, # 966**).

Article 282. Manufacture or sale of counterfeit credit or payment cards or other payment documents

1) Manufacturing for the purpose of marketing or marketing counterfeit credit or payment cards or other payment documents, or other documents that are not currency or security, but certify, establish or grant property rights or obligations,

- is punished with imprisonment for a term of three to five years (**ZRT from 01.03.2005, N86**).

2) The same acts committed:

- a) by a group of persons by prior agreement;
- b) on a large scale;
- c) by a person previously convicted of this crime or for the manufacture or sale of counterfeit money or securities;

d) by an organized group,

- are punished with imprisonment for a term of five to eight years (**ZRT dated 13.06.2013, # 966**).

Article 283. Abuse in the issue (issue) of securities

1) Issue (emission) of securities and their public placement without registration in accordance with the established procedure or the use of deliberately forged documents for registration of securities,

- are punished with a fine in the amount of five hundred to one thousand indicators for calculations or correctional labor for a period of up to two years (**ZRT dated 6.10.2008 # 422**).

2) Entering deliberately inaccurate information into the prospectus for the issue of securities, as well as the approval of the prospectus containing deliberately inaccurate information, or the approval of deliberately inaccurate results of the issue, if these acts entailed causing major damage,

- is punished with a fine in the amount of one to two thousand indicators for calculations or imprisonment for a term of up to two years (**ZRT dated 6.10.2008, # 422**).

Note: In Articles 281, 282 and 283 of this Code, large size and large damage is recognized as such size or damage, the amount of which exceeds one thousand indicators for calculations (**ZRT of 05.17.2004 N35, of 6.10.2008 N 422**).

Article 284. Illegal transaction with precious metals, precious natural stones or pearls

1) A transaction with precious metals or natural precious stones or pearls, committed in violation of the rules established by the laws of the Republic of Tajikistan, as well as illegal storage, transfer or transportation of precious metals, natural precious stones or pearls in any form and condition, with the exception of jewelry and household products and scrap of such products,

- is punished with a fine in the amount of one to one and a half thousand indicators for calculations or restraint of liberty for a term of up to three years or arrest up to six months or imprisonment for a term of up to three years (**ZRT dated 6.10.2008 # 422**).

2) The same acts committed:

- a) repeatedly;
- b) on a large scale;
- c) by an organized group,

- are punished with imprisonment for a term of three to seven years (**ZRT dated 13.06.2013, # 966**).

Note: The acts provided for in this article are deemed to have been committed on a large scale if the value of precious metals, natural precious stones or pearls, in respect of which the illegal circulation has been committed, exceeds one thousand indicators for calculations (**ZRT dated 6.10.2008, No. 422**).

Article 285. Violation of the rules for the delivery of precious metals and precious stones to the state

Evasion of compulsory delivery for refining or compulsory sale to the state of extracted from the subsoil, obtained from secondary raw materials, as well as raised or found precious metals or precious stones, committed on a large scale,

- is punished with a fine in the amount of two hundred and fifty to five hundred and forty-seven indicators for calculations or imprisonment for a term of up to three years (**ZRT from 17.05.2004 N35, from 6.10.2008 No. 422, from 21.07.2010 No. 617**).

Note: A violation of the rules for the delivery and sale of precious metals and precious stones to the state is deemed to have been committed on a large scale, if the value of the items specified in this article, not handed over or sold to the state, exceeds one thousand indicators for calculations (**as amended by the Law of 06.10.2008 No. 422**).

Article 286. Illegal transaction with foreign currency

1. Illegal transaction with foreign currency by buying, selling, exchanging or using it as other means of payment, if they are made within a year after the imposition of an administrative penalty,

- is punished with a fine in the amount of two hundred to three hundred and sixty-five indicators for calculations or imprisonment for, for a period of up to two years (**ZRT from 17.05.2004 N35, from 6.10.2008 No. 422, from 21.07.2010 No. 617, from 14.05.2016 # 1304**).

2. Illegal transaction with foreign currency by buying, selling, exchanging it or using it as other means of payment, if the value of the subject of the illegal transaction or operation exceeds five hundred indicators for settlements (**ZRT dated 06.10.2008 No. 422**).

- is punished with a fine in the amount of seven hundred thirty to one thousand ninety-five indicators for calculations or imprisonment for a term of four to six years (**ZRT from 17.05.2004, N35, from 01.03.2005, N86, from 6.10.2008, No. 422, from 21.07.2010 No. 617, from 14.05.2016 No. 1304**).

3. The acts provided for in the second part of this article, if committed;

a) repeatedly;

b) by a group of persons by prior agreement;

c) on a large scale,

- is punished with a fine in the amount of one thousand two hundred and seventy seven to one thousand six hundred and forty-two indicators for calculations or imprisonment for a term of seven to nine years (**ZRT from 21.07.2010 No. 617, from 14.05.2016 No. 1304**).

Note: the acts provided for in this article are recognized as committed on a large scale if the value of the subject of an illegal transaction or operation exceeds two thousand indicators for settlements (**ZRT of 12.05.2001 N 6, of 6.10.2008 No. 422**).

Article 287. Failure to return funds in foreign currency from abroad

Failure to return on a large scale from abroad by the head of the organization of funds in foreign currency, subject to mandatory transfer to accounts in an authorized bank of the Republic of Tajikistan in accordance with the laws of the Republic of Tajikistan,

- shall be punished by a fine of two hundred and fifty to five hundred and forty-seven indicators for the calculations or imprisonment for up to three years, with disqualification to hold certain positions or engage in certain activities for up to five years (**PFA from 17.05.2004g.N35 from 6.10.2008g No. 422, dated 21.07.2010 No. 617**).

Note. The act provided for in this article shall be deemed to have been committed on a large scale if the amount of non-refunded funds in foreign currency exceeds five thousand indicators for settlements (**ZRT dated 06.10.2008 No. 422**).

Article 288. Deleted

(as amended by the Law of the Republic of Tajikistan from 17.05.2004 N35)

Article 289. Smuggling

(as amended by the Law of the Republic of Tajikistan dated February 24, 2017 No. 1379)

1) Smuggling is the movement of goods and (or) other items across the customs border of the Republic of Tajikistan, in addition to or with concealment from customs control, or the use of documents or means of customs identification by fraudulent means, or associated with non-declaration, or their inaccurate declaration, with the exception of items specified in part 3) of this article, committed within a year after the application of an administrative penalty, -

is punished with a fine in the amount of three hundred sixty-five to nine hundred and twelve indicators for calculations or imprisonment for a term of two to five years (**as amended by the Law of the Republic of Tajikistan dated 07.08.2020, No. 1717**).

2) The same act committed on a large scale -

is punished with a fine in the amount of nine hundred and twelve to one thousand four hundred and fifty-six indicators for calculations or imprisonment for a term of five to eight years **(as amended by the Law of the Republic of Tajikistan dated 07.08.2020, No. 1717)**.

3) Movement across the customs border of the Republic of Tajikistan of narcotic drugs, psychotropic substances and their precursors, strong, poisonous, poisonous, radioactive, explosive substances, weapons, explosive devices, firearms, ammunition or military equipment, nuclear, chemical, biological or other types of weapons of mass destruction, materials and equipment that can be used in the creation of weapons of mass destruction, as well as strategically important raw materials, artistic, historical, archaeological or other cultural values, in relation to which there are special rules for movement across the customs border of the Republic of Tajikistan, if this is an act committed in addition to or with concealment from customs control, or the use of documents or means of customs identification by fraudulent means, or is associated with non-declaration or inaccurate declaration, -

is punished with imprisonment for a term of eight to twelve years **(as amended by the Law of the Republic of Tajikistan dated 07.08.2020, No. 1717)**.

4) The acts provided for in the first, second or third parts of this Article, committed:

a) repeatedly;

b) by an official using his official position;

c) with the use of violence or with its threat to the person exercising customs control;

d) by breaking through the customs border, -

are punished with imprisonment for a term of twelve to fifteen years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years **(as amended by the Law of the Republic of Tajikistan dated 07.08.2020, No. 1717)**.

5) The acts provided for in parts one, two, three or four of this Article, committed by an organized group, - shall be punishable by imprisonment for a term of fifteen to twenty years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Note: The act provided for in part two of this article is recognized as committed on a large scale if the value of the moved goods or other items exceeds two and a half thousand indicators for calculations **(as amended by the Law of the Republic of Tajikistan dated February 24, 2017 No. 1379)**.

Article 290. Failure to return to the territory of the Republic of Tajikistan objects of artistic, historical and archaeological heritage of the peoples of the Republic of Tajikistan and foreign countries

Failure to return to the territory of the Republic of Tajikistan within the prescribed period of time items of artistic, historical or archaeological heritage of the peoples of the Republic of Tajikistan and foreign countries, exported outside its borders, if such return is mandatory in accordance with the laws of the Republic of Tajikistan,

- is punished with imprisonment for a term of up to five years **(ZRT from 05/17/2004 N35)**

Article 291. Evasion of payment of customs payments

1) Evasion of payment of customs duties on a large scale,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or restraint of liberty for a term of up to two years **(ZRT of 05.17.2004 N35, of 6.10.2008 No. 422, of 21.07.2010 No. 617)**;

2) The same act committed:

a) by a group of persons by prior agreement;

b) using the official position;

c) by a person previously convicted of a crime provided for by this Article or Articles 292 or 293;

d) on an especially large scale,

- is punished with a fine in the amount of three hundred and sixty to five hundred and forty-seven indicators for calculations with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years or restraint of liberty for up to three years or imprisonment for the same period **(ZRT dated 05.17. N35, dated 6.10.2008 No. 422, dated 21.07.2010 No. 617)**.

Article 292. Evasion of taxes and (or) fees from a legal entity (ZRT from 17.05.2004 N35)

1) Evasion of taxes and (or) fees established by law from a legal entity, by including deliberately distorted data on income and expenses in accounting documents or tax returns, or by hiding other objects of taxation, committed on a large scale,

- is punished with a fine in the amount of five hundred forty-seven to nine hundred and twelve indicators for calculations or imprisonment for a term of three to five years with the deprivation of the right to hold certain positions or engage in certain activities for the same period (**ZRT dated July 21, 2010, No. 617**).

2) The same act committed:

a) by a person previously convicted of a crime provided for by this Article or Articles 291 or 293;

b) on an especially large scale,

- is punished with a fine in the amount of nine hundred and twelve to one thousand four hundred and sixty indices for calculations or imprisonment for a term of five to eight years with the deprivation of the right to hold certain positions or engage in certain activities for the same period (**ZRT dated July 21, 2010 No. 617**) ...

Note: 1) Criminal liability for evasion of customs payments, taxes and (or) fees provided for in Articles 291, 292 and 293 of this Code, occurs only if the person first committed this act and within forty-eight banking days after the relevant decision of the customs, tax and (or) other relevant authorities has not paid in full the entire amount of customs payments, taxes and (or) fees with interest and fines, as well as who repeatedly committed these violations, within twenty four banking days after the relevant decision of the authorities customs, tax and (or) other relevant authorities, did not pay the entire amount of customs payments, taxes and (or) fees with interest and fines (**as amended by the Law of 11/14/2016 No. 1359**).

2) If a criminal case has been initiated against a person under Articles 291, 292 and 293 of this Code and during the investigation or trial of a criminal case, the person pays the entire amount of customs payments, taxes and (or) fees with interest and fines, he is released from criminal liability on the basis of Article 72 of this Code.

3) In the event that, after the verdict of the court, the convicted person has paid in full the entire amount of customs payments, taxes and (or) fees with interest and fines, then by the decision of the court that passed the sentence or the court at the place of execution of the sentence or a higher court, he is released from criminal punishment.

4) Evasion of customs payments, taxes and (or) fees provided for in Articles 291, 292 and 293 of this Code is recognized as committed on a large scale if the amount of unpaid customs fees, taxes and (or) fees exceeds twenty thousand indicators for calculations, and on an especially large scale, exceeds thirty-seven thousand five hundred indicators for calculations (**as amended by the Law of 11/14/2016 No. 1359**).

Article 293. Evasion of taxes and (or) fees by an individual (ZRT from 17.05.2004 N35, from 11.03.2010 # 600)

1) Evasion of an individual from paying taxes and (or) fees by not submitting a declaration and (or) other tax reporting if the submission of such a declaration and (or) other tax reporting is required, or inclusion in the declaration and (or) other tax reporting of deliberately distorted information, resulting in non-payment of taxes and (or) fees on a large scale,

- is punished with a fine in the amount of one hundred to two hundred and fifty indicators for calculations or correctional labor for a period of up to two years (**ZRT from 21.07.2010, No. 617**).

2) The same acts committed:

a) by a person previously convicted of a crime under this Article or Articles 291 or 292 (**ZRT of 17.05.2004 N35**)

b) on an especially large scale,

- are punished with a fine in the amount of two hundred and fifty to five hundred and forty-seven indicators for calculations, or imprisonment for a term of up to three years (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

Deleted (**as amended by the Law of 14.11.2016, No. 1359**).

Article 294. Deception of consumers

1) Measuring, weighing, calculating, misleading about consumer properties or quality of goods (services) or other deception of consumers in enterprises, regardless of the form of ownership, that sell goods or provide services to the population, as well as citizens, committed in a significant amount,

- are punished with a fine in the amount of up to three hundred indicators for calculations or correctional labor for up to two years (**ZRT dated 6.10.2008, No. 422**).

2) The same acts committed:

a) by prior conspiracy by a group of persons;

b) on a large scale;

c) as well as by a person previously convicted of cheating consumers, shall be punished by imprisonment for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

3) The acts provided for in the first or second part of this article, committed:

a) by an organized group;

b) on an especially large scale,

- are punished with imprisonment for a term of two to five years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Note: Deception of consumers in a significant amount is considered to be a deception that has caused damage to consumers in an amount exceeding one tenth of the indicators for calculations, in a large amount - in an amount exceeding one and a half indicators for calculations (ZRT dated 6.10.2008, No. 422).

Article 295. Abuse of powers by employees of commercial and other organizations

1) Employees of a commercial or other organization use their administrative or other managerial powers against the interests of this organization and in order to derive benefits and advantages for themselves and others, or harm others, if this act entailed causing significant harm to the rights and legitimate interests of citizens, organizations either the state

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or correctional labor for up to two years or imprisonment for the same period (ZRT dated 6.10.2008 No. 422, dated 21.07.2010 No. 617).

2) The same act, entailing grave consequences,

- is punished with a fine in the amount of three hundred and sixty-five to five hundred and forty-seven indicators for calculations or imprisonment for a term of up to three years (ZRT of 05.17.2004 N35, of 6.10.2008 # 422, of 21.07.2010 # 617).

Note:

1) In this article, employees of commercial and other organizations are persons who permanently, temporarily or by special authority perform administrative or other managerial functions in commercial organizations, regardless of their form of ownership, as well as in non-commercial organizations that are not state authorities.

2) If the act provided for in this article caused harm exclusively to a commercial organization that is not a state enterprise, criminal prosecution is carried out at the request of this organization or with its consent. In the event of harm to the interests of other organizations, as well as the interests of citizens, society or the state, criminal prosecution is carried out on a general basis.

Article 296. Abuse of powers of auditors, arbitrators or arbitrators of international commercial arbitration (ZRT from 17.05.2004 N35, from 23.07.2016 No. 1330)

1) The use by an auditor, arbitrator or arbitrator of international commercial arbitration of his powers contrary to the objectives of his activities and in order to derive benefits and advantages for himself or others, or harm to others, if this act has caused significant harm to the rights or legitimate interests of citizens, organizations society or state (ZRT dated 23.07.2016 No. 1330),

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or imprisonment for up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (ZRT from 17.05.2004 N35, from 6.10.2008. No. 422).

2) The same act committed repeatedly:

- is punished with a fine in the amount of one thousand to two thousand indicators for calculations or imprisonment for a period of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (ZRT from 05.17.2004, N35, from 6.10.2008 # 422).

Article 297. Excess of authority by employees of private security or detective services

1) Exceeding the head or employee of a private security or detective service of the powers granted to him in accordance with the license, contrary to the tasks of his activities, if this act was committed with the use of violence or the threat of its use,

- is punished with correctional labor for a term of up to two years or imprisonment for a term of up to two years with the deprivation of the right to occupy certain positions or engage in certain activities for a term of up to three years (ZRT of 05.17.2004, N35).

- 2) The same act:
a) committed with the use of weapons or special means;
b) causing grave consequences,
- is punished by imprisonment for a term of five to eight years.

SECTION XII. CRIMES AGAINST INFORMATION SECURITY

CHAPTER 28. CRIMES AGAINST INFORMATION SECURITY

Article 298. Illegal access to computer information

- 1) Unlawful access to information stored in a computer system, network or on machine media, accompanied by a violation of the security system,
- is punished with a fine in the amount of two hundred to four hundred indices for calculations or imprisonment for a term of up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).
- 2) The same acts that, by negligence, entailed a change, destruction or blocking of information, as well as the disabling of computer equipment, or significant damage,
- are punished with a fine in the amount of three hundred to five hundred indices for calculations or correctional labor for a term of up to two years or imprisonment for a term of up to three years (**ZRT of 17.05.2004 N35, of 6.10.2008 No. 422**).
- 3) The acts provided for in the first or second part of this Article, which, by negligence, entailed grave consequences,
- are punished with a fine in the amount of four hundred to seven hundred indices for calculations or imprisonment for a term of up to four years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

Article 299. Modification of computer information

- 1) Modification of information stored in a computer system, network or on machine media, as well as the introduction of deliberately false information into them, which caused significant damage or created a threat of its causing,
- is punished with a fine in the amount of three hundred to five hundred indices for calculations, or correctional labor for a term of up to two years or imprisonment for the same term (**ZRT of 17.05.2004 N 35, of 6.10.2008 No. 422**).
- 2) The same act:
a) associated with illegal access to a computer system or network;
b) entailed by negligence grave consequences,
- is punished with a fine in the amount of five hundred to one thousand indices for calculations or imprisonment for up to three years (**ZRT dated 6.10.2008 # 422**).

Article 300. Computer sabotage

- 1) Destruction, blocking or rendering unusable computer information or programs, disabling computer equipment, as well as destruction of a computer system, network or machine medium,
- is punished with a fine in the amount of two hundred to five hundred indices for calculations or restraint of liberty for a term of up to two years or arrest for a term of up to four months (**ZRT dated 6.10.2008 No. 422**).
- 2) The same act:
a) associated with illegal access to a computer system or network;
b) entailed by negligence grave consequences,
- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or imprisonment for up to three years (**ZRT dated 6.10.2008 # 422**).

Article 301. Illegal possession of computer information

- 1) Illegal copying or other illegal seizure of information stored in a computer system, network or on computer media, as well as interception of information transmitted using computer communications,
- is punished with a fine in the amount of two hundred to five hundred indices for calculations or imprisonment up to two years (**ZRT dated 6.10.2008 # 422**).
- 2) Coercion to transfer information stored in a computer system, network or machine media, under the threat of disclosing disgraceful information about a person or his relatives, disclosing information about such circumstances that the victim wishes to keep secret, as well as under the threat of violence against by a person or his

relatives or under the threat of destruction or damage to the property of a person, his relatives and other persons in whose jurisdiction or protection this information is,

- is punished by restraint of liberty for a term of up to five years or imprisonment for a term of two to four years.

3) The acts provided for in the first or second part of this article:

a) associated with the use of violence against a person or his relatives;

b) committed by prior conspiracy by a group of persons;

c) caused significant damage to the victim;

d) committed with the aim of obtaining especially valuable information,

- are punished with imprisonment for a term of five to seven years.

4) The acts provided for in the first, second or third parts of this Article:

a) committed repeatedly;

b) committed by an organized group;

c) entailed by negligence the death of a person or other grave consequences,

- is punished with imprisonment for a term of seven to ten years.

Article 302. Manufacture and sale of special means for obtaining illegal access to a computer system or network

Manufacturing for the purpose of marketing, as well as the sale of special software or hardware for obtaining unauthorized access to a protected computer system or network,

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or restraint of freedom for a term of up to two years (ZRT of 05.17.2004, N35, of 6.10.2008, N422).

Article 303. Development, use and distribution of malicious programs

1) Development of computer programs or modification of existing programs for the purpose of unauthorized destruction, blocking, modification or copying of information stored in a computer system, network or on machine media, as well as the development of special virus programs, their deliberate use or distribution of media with such programs ,

- is punished with a fine in the amount of three hundred to five hundred indices for calculations or restraint of liberty for a term of up to two years (ZRT dated 6.10.2008, # 422).

2) The same act, which through negligence has entailed grave consequences,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or imprisonment for up to three years (ZRT dated 6.10.2008 # 422).

Article 304. Violation of the rules for the operation of a computer system or network

1) Violation of the rules for the operation of a computer system or network by a person who has access to this system or network, if this entailed by negligence the destruction, blocking, modification of computer information, disruption of the operation of computer equipment or causing other significant damage,

- is punished with a fine in the amount of up to three hundred indicators for calculations, or restraint of liberty for a term of up to two years (ZRT dated 6.10.2008 No. 422).

2) The same act committed while operating a computer system or network containing information of particular value,

- is punished with a fine in the amount of three hundred to five hundred indices for calculations or correctional labor for up to two years or imprisonment for the same period (ZRT dated 6.10.2008, # 422).

3) The acts provided for in the first or second part of this Article, which, by negligence, entailed grave consequences,

- are punished with a fine in the amount of five hundred to one thousand indicators for calculations or imprisonment for up to three years (ZRT dated 6.10.2008, # 422).

SECTION XIII. CRIMES AGAINST STATE POWER

CHAPTER 29. CRIMES AGAINST THE FOUNDATIONS OF THE CONSTITUTIONAL ORDER AND STATE SECURITY

Article 305. Treason to the State

1) Treason to the state, that is espionage, issuance of state secrets or other assistance to a foreign state, foreign organization or their representatives in carrying out hostile activities to the detriment of the sovereignty,

territorial inviolability, defense capability or external security of the Republic of Tajikistan, committed by a citizen of the Republic of Tajikistan,

- is punished with imprisonment for a term of twelve to twenty years (**ZRT dated 13.06.2013, # 966**).

Note: A person who has committed a crime under this Article, as well as Articles 306 and 308 of this Code, is exempt from criminal liability if he voluntarily and timely communicated to the authorities or otherwise contributed to the prevention of further damage and if his actions do not contain a different corpus delicti. ...

2) These acts committed (**as amended by the Law of 14.11.2016, No. 1359**) :

- a) repeatedly;
- b) servicemen;
- c) using the official position;
- d) in a combat situation or in wartime;
- e) in case of a dangerous or especially dangerous relapse, -

are punished with imprisonment for a term of fifteen to twenty-five years or life imprisonment (**as amended by the Law of 11/14/2016 No. 1359**).

Article 306. Forcible seizure of power or violent retention of power

1) Actions aimed at violent seizure of power or forcible retention of power contrary to the Constitution of the Republic of Tajikistan, as well as aimed at violent change of the constitutional order of the Republic of Tajikistan or violent violation of the territorial integrity of the Republic of Tajikistan,

- are punished with imprisonment for a term of twelve to twenty years (**ZRT from 01.08.2003, N45, from 13.06.2013, No.966**).

2) The same acts committed (**as amended by the Law of 14.11.2016, No. 1359**) :

- a) repeatedly;
- b) servicemen;
- c) using the official position;
- d) in a combat situation or in wartime;
- e) in case of a dangerous or especially dangerous relapse, -

are punished with imprisonment for a term of fifteen to twenty-five years or life imprisonment (**as amended by the Law of 11/14/2016 No. 1359**).

Article 307. Public calls for violent change of the constitutional order of the Republic of Tajikistan

1) Public calls for the violent seizure of state power or its forcible retention or violent change of the constitutional order, or violent violation of the territorial integrity of the Republic of Tajikistan, as well as assistance in the commission of these acts (**as amended by the Law of 14.11.2016 , No. 1359**) ,

- are punished with imprisonment for a term of three to eight years (**ZRT from 13.06.2013, # 966**).

2) The same action performed:

- a) repeatedly;
- b) by an organized group;
- c) using his official position;
- d) using the mass media or the Internet (**ZRT dated 30.07.2007, # 301**);
- e) in case of a particularly dangerous recidivism, - is punishable by imprisonment for a term of eight to

fifteen years with deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years or without it (**ZRT of December 2, 2002, N89**).

3) Acts provided for in the first or second parts of this article, committed on the instructions of hostile organizations or representatives of foreign states,

- are punished with imprisonment for a term of fifteen and twenty years, or with the deprivation of the right to hold certain positions or engage in certain activities for a period of three to five years (**ZRT of December 2, 2002 N89, of June 13, 2013 No. 966**).

Section 307 (1). Public calls for extremist activities and public justification of extremism (as amended by the Law of 14.11.2016 No. 1359)

1) Public calls to carry out extremist activities and (or) public justification of extremism are punishable by imprisonment for a term of three to five years.

2) The same acts committed using the mass media or the Internet are punishable by imprisonment for a term of five to ten years.

3) The acts provided for in parts 1 or 2 of this article, if they are committed:

a) repeatedly;

b) in case of a dangerous or especially dangerous relapse, -

shall be punishable by imprisonment for a term of eight to twelve years, with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Note: The concept of public justification of extremism is understood as public propaganda on the recognition of the correctness of the ideology and practice of extremism, proposals for imitation and its support (**as amended by the Law of 11/14/2016 No. 1359**).

Article 307 (2). Organization of an extremist community

1) Creation of an extremist community, that is, an organized group of persons for the preparation or commission based on ideological, political, racial, national, regional or religious hatred or enmity, as well as on the basis of hatred or enmity in relation to any social group of crimes provided for in Articles 157, 158, 160, 185, 188, 189, 237, 237 (1), 242, 243 of this Code (crimes of an extremist nature), as well as the leadership of such an extremist community, its part or structural subdivisions of such a community, as well as the creation of associations of organizers, leaders or other representatives of units or structural units of such a community in order to develop plans and (or) conditions for committing extremist crimes,

- are punished with imprisonment for a term of eight to twelve years with the deprivation of the right to hold certain positions or engage in certain activities for a term of two to five years (**ZRT dated 25.12.2015 # 1261**).

2) Participation in an extremist community,

is punishable by imprisonment from four to seven years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (**ZRT dated 6.10.2008 No. 422, dated 25.12.2015 No. 1261**).

3) Acts provided for in the first or second parts of this Article, committed repeatedly or using their official position,

are punishable by imprisonment for a term of twelve to fifteen years with the deprivation of the right to hold certain positions or engage in certain activities for a term of three to five years (**ZRT dated 25.12.2015 # 1261**).

Note: A person who has voluntarily ceased participation in an extremist community is exempt from criminal liability, unless his actions contain a different corpus delicti (**ZRT of 17.05.2004 N35**).

Article 307 (3). Organization of activities of an extremist organization

1) Organization of the activities of political parties, a public or religious association or other organization, in respect of which the court has adopted a final decision on the liquidation or prohibition of their activities in connection with the implementation of extremist activities,

- is punishable by imprisonment for a term of seven to ten years with the deprivation of the right to hold certain positions or engage in certain activities for a term of two to five years (**ZRT dated 25.12.2015 # 1261**).

2) Participation in the activities of political parties, a public or religious association or other organization, in respect of which the court has taken a final decision on the liquidation or prohibition of their activities in connection with the implementation of extremist activities, as well as assistance in their activities using the mass media information, the Internet or in any other way (**as amended by the Law of 14.11.2016 No. 1359**),

- is punished with imprisonment for a term of five to eight years (**ZRT from 25.12.2015, # 1261**).

Note: A person who voluntarily ceased participation in the activities of political parties, a public or religious association or other organization, in respect of which a court has taken a final decision on the liquidation or prohibition of their activities in connection with the implementation of extremist activities, is exempt from criminal liability if in his actions do not contain a different corpus delicti (**ZRT from 17.05.2004 N35**).

Article 307 (4). Organization of a study or study group of a religious and extremist nature (ZRT dated 02.08.2011 # 750).

1. Organization of study or educational group of religious - extremist and p Manual or participation in such training, regardless of the place of study,

is punishable by deprivation of liberty for a term of eight to twelve years (**ZRT of 13.06.2013, No. 966, of 25.12.2015, No. 1261**).

2. The same act:

- committed with the use of official position;

- related to the financing of such groups,
is punishable by imprisonment for a term of twelve to fifteen years, with the deprivation of the right to hold certain positions or engage in certain activities for a period of five years (**ZRT dated 02.08.2011 No. 750, dated 13.06.2013 No. 966, dated 25.12.2015 No. 1261**).

Article 308. Espionage

Transfer, as well as collection, theft or storage for the purpose of transferring information constituting a state secret to a foreign state, a foreign organization or their representatives, as well as transfer or collection of other information on behalf of foreign intelligence for their use to the detriment of sovereignty, territorial inviolability, defense or foreign security of the Republic of Tajikistan, if these acts were committed by a foreign citizen or stateless person,

- are punished with imprisonment for a term of twelve to twenty years (**ZRT dated 13.06.2013, # 966**).

Article 309. Sabotage

1) Committing an explosion, arson or other actions aimed at destroying or damaging enterprises, structures, routes and means of communication, communication facilities, life support facilities of the population in order to undermine the economic security and defense capability of the Republic of Tajikistan,

- is punished with imprisonment for a term of twelve to fifteen years (**ZRT of 05.17.2004, N35, of 13.06.2013, N966**).

2) The same acts committed:

a) repeatedly;

b) by an organized group,

- are punished with imprisonment for a term of twelve to twenty years (**ZRT dated 13.06.2013, # 966**).

Article 310. Encroachment on the life of a state or public figure of the Republic of Tajikistan

Encroachment on the life of a state or public figure of the Republic of Tajikistan with the aim of weakening the foundations of the constitutional order and security of the state, as well as with the aim of stopping state activity or other political activity, or committed as revenge for this activity (terrorist act),

- is punished with imprisonment for a term of twelve to twenty years, (**ZRT from 01.08.2003, N45**).

Article 311. Disclosure of state secrets

1) Disclosure of information constituting a state secret by a person to whom it was entrusted or became known to him through service or work, if this information became the property of other persons, in the absence of signs of treason to the state in his act,

- shall be punished by restraint of liberty for a term of up to three years, or arrest for a term of four to six months, or imprisonment for a term of up to three years, with the deprivation of the right to hold certain positions and engage in certain activities for a term of up to three years.

2) The same act, which through negligence has entailed grave consequences,

- is punishable by imprisonment for a term of five to ten years with the deprivation of the right to hold certain positions and engage in certain activities for a term of up to five years (**ZRT from 17.05.2004, N35**).

Article 312. Loss of documents containing state secrets

Violation by a person who has access to state secrets of the established rules for handling documents containing state secrets, as well as objects, information about which constitutes a state secret, if this entailed, by negligence, their loss or the onset of grave consequences,

- is punishable by imprisonment for a term of up to two years with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT of 17.05.2004 N 35**).

Article 313. Armed mutiny

Organization of an armed rebellion or active participation in it for the purpose of overthrowing or forcibly changing the constitutional order of the Republic of Tajikistan, or violation of the territorial integrity of the Republic of Tajikistan,

- are punished with imprisonment for a term of twelve to twenty years (**ZRT dated 13.06.2013, # 966**).

CHAPTER 30 CRIMES AGAINST STATE AUTHORITIES, INTERESTS OF THE STATE SERVICE

Article 314. Abuse of official powers

1) The use by an official of his official powers contrary to the interests of the service, if this act (action or inaction) is committed out of selfish or other personal interest and entailed a significant violation of the rights and legitimate interests of citizens or organizations or the interests of society or the state protected by law,

is punished with a fine in the amount of three hundred to five hundred and forty-seven indicators for calculations, or by deprivation of the right to hold certain positions or engage in certain activities for up to five years, or imprisonment for up to three years (**as amended by the Law of the Republic of Tajikistan dated 07.08.2020 No. 1717**).

2) The same act committed by a person holding a public office of the Republic of Tajikistan or by the head of a local government body and self-government bodies of villages and villages (**as amended by the Law of the Republic of Tajikistan dated 02.01.2018, # 1472**), -

is punished with a fine in the amount of five hundred forty-seven to one thousand ninety-two indicators for calculations or imprisonment for a term of three to six years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**as amended by the Law of the Republic of Tajikistan dated 07.08. No. 1717**).

3) The acts provided for in the first or second part of this Article, entailing grave consequences, - are punished with a fine in the amount of one thousand ninety-two to one thousand eight hundred and twenty indicators for calculations or imprisonment for a period of six to ten years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**as amended by the Law of the Republic of Tajikistan dated 07.08. №1717**).

Note:

1) The concept of an official in this Code means an appointed or elected person who permanently, temporarily or under special authority functions as a representative of state power, that is, endowed, in accordance with the procedure established by the legislation of the Republic of Tajikistan, with administrative powers in relation to persons who are not in his official subordination, as well as a person performing, on a paid or gratuitous basis, organizational and administrative, administrative and economic functions in state authorities, state institutions and self-government bodies of settlements and villages, as well as in state economic entities and other business entities in which the state's share is at least half, and persons equated to them (**ZRT dated February 24, 2017 No. 1380**).

2) Persons holding public offices of the Republic of Tajikistan in the articles of this chapter and other articles of this Code are understood as persons holding positions established by the Constitution of the Republic of Tajikistan and other laws of the Republic of Tajikistan for the direct execution of the powers of state bodies.

3) Civil servants and servants of the self-government bodies of settlements and villages, who are not among the officials, bear criminal responsibility under the articles of this chapter in cases specifically provided for by the relevant articles (**LRT dated February 24, 2017, No. 1380**).

4) Organizational and administrative functions - the authority to manage the labor collective, a specific area of work, individual employees, the selection and placement of personnel, the organization of work of subordinates, control and verification of labor discipline, the use of incentives and the imposition of disciplinary sanctions (**ZRT of February 24, 2017**) . # 1380).

5) Administrative and economic functions - powers to manage and dispose of property (**ZRT dated February 24, 2017 No. 1380**).

Article 315. Inaction in service

1) Failure of a civil servant who is not an official out of selfish, other personal or group interest to fulfill their official duties, if this entailed a significant violation of the legitimate interests of citizens, organizations, society and the state,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or correctional labor for a term of up to two years, or imprisonment for a term of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT from 6.10 .2008 No. 422, dated 21.07.2010 No. 617**).

part 2 is excluded (**ZRT from 17.05.2004 N35**)

Article 316. Exceeding official powers

1) The commission by an official of actions that clearly go beyond his powers and entail a significant violation of the rights and legitimate interests of citizens or organizations or the interests of society or the state protected by law,

- is punished with a fine in the amount of two hundred and fifty to seven hundred and thirty indicators for calculations or by deprivation of the right to hold certain positions or engage in certain activities for up to five years or imprisonment for up to four years (**ZRT from 05.17.2004, N35, from 21.07.2010 . # 617**).

2) The same action committed by a person who holds a public office of the Republic of Tajikistan or who is the head of the local government body and self-government bodies of villages and villages (**ZRT dated 02.01.2018 , # 1472**),

- is punished with a fine in the amount of seven hundred thirty to one thousand two hundred and seventy seven indicators for calculations or imprisonment for a term of four to seven years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT of 05.17.2004, N35 , dated 6.10.2008 No. 422, dated 21.07.2010 No. 617**).

3) The action provided for in the first or second part of this article, if committed,

a) with the use of violence or with the threat of its use;

b) with the use of weapons or special means;

c) causing grave consequences,

- are punished with a fine in the amount of nine hundred and twelve to one thousand eight hundred and twenty-five indicators for calculations or imprisonment for a term of five to ten years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT of 05.17.2004, N35 , dated 21.07.2010 No. 617**).

Article 317. Assignment of powers of an official

Assigning to civil servants or employees of local government bodies and self-government bodies of settlements and villages, who are not an official, the powers of an official and in this regard, the commission by him of actions that entailed a significant violation of the rights and legitimate interests of citizens or organizations (**ZRT dated 02.01.2018 .№1472**),

- is punished with a fine in the amount of up to five hundred indices for calculations or correctional labor for a period of up to two years (**ZRT dated 05.17.2004, N35, dated 6.10.2008, No. 422**).

Article 318. Illegal participation in entrepreneurial activity

The establishment by an official of an organization carrying out entrepreneurial activity, or participation in the management of such an organization personally or through a proxy, contrary to the prohibition established by law, if these acts are associated with the provision of such an organization with benefits and advantages or with patronage in another form,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or imprisonment for up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT dated 21.07.2010 No. 617**).

Article 319. Taking a bribe

1) Receipt by an official, an official of a foreign state or an official of an international organization, personally or through an intermediary, of a bribe in the form of money, securities, other property or property benefits for actions (inaction) in favor of the bribe giver or persons represented by him, if such actions (inaction) are included in the official powers of an official, or they, by virtue of their official position, can contribute to such actions (inaction), as well as for general patronage and connivance in the service (**ZRT dated 12.11.2013, No. 1028**),

- is punished with a fine in the amount of three thousand six hundred and fifty to nine thousand one hundred twenty-five indicators for calculations or imprisonment for a term of up to five years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years (**ZRT dated 03/15/2016 No. 1274**).

2) Receipt of a bribe by an official, an official of a foreign state or an official of an international organization for an illegal act (inaction) (**ZRT dated 12.11.2013, No. 1028**),

- is punished with a fine in the amount of five thousand four hundred seventy-five to twelve thousand seven hundred and seventy-five indicators for calculations or imprisonment for a period of three to seven years with deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT dated 03.15. No. 1274**).

3) Acts provided for by the first or second paragraph of this article, committed by a group of persons by prior conspiracy, or by a person holding public office or the Republic of Tajikistan is a local organ of state power and

local government bodies of settlements and villages (as amended by Act s PT by 02.01.2018g.№ 1472, dated 03.08.2018, # 1538),

- is punishable by imprisonment for a period of five to ten years with the deprivation of the right to hold certain positions or engage in certain activities for a period of three to five years (ZRT dated 03/15/2016 No. 1274, dated 08/03/2018 No. 1538).

4) Acts provided for in the first, second or third parts of this Article, if they are committed:

a) repeatedly;

b) by an organized group (as amended by the Law dated 03.08.2018 # 1538) ;

c) with extortion of a bribe;

d) on a large scale,

- shall be punished by imprisonment for a term of seven to twelve years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of five years (as amended by Act s PT by 15.03.2016g.№1274 from 03.08.2018g.№1538).

Note: 1) In Article 319 of this Code, a large amount is recognized as the amount of money, the value of securities, other property or benefits of a property nature, exceeding one thousand indicators for settlements (ZRT dated 05.17.2004, N35, dated 6.10.2008, # 422).

2) The commission of a crime is recognized as repeated in Articles 319, 320, 324 and 325 of this Code if it was preceded by the commission of one or more crimes provided for by these Articles.

3) Under the concept of an official of a foreign state in Articles 319-321 of this Code is meant any person who holds (appointed or elected) any position in the legislative, executive, administrative or judicial bodies, and another person who performs any public function for these bodies of a foreign state (ZRT dated 12.11.2013, No. 1028).

4) An official of an international organization means an employee of an international organization or another person who is authorized to act on behalf of this organization (ZRT of 12.11.2013, No. 1028).

Article 320. Giving a bribe

1) Giving a bribe to an official, an official of a foreign state or an official of an international organization, personally or through an intermediary (ZRT of 12.11.2013, No. 1028),

- is punished with a fine in the amount of three thousand six hundred and fifty to nine thousand one hundred and twenty-five indicators for calculations or imprisonment for a term of up to five years (ZRT dated 03/15/2016 # 1274).

2) Giving a bribe to an official, a foreign public official or an official person of the international organization for the commission of deliberately illegal actions (inaction) or repeatedly (PFA from 12.11.2013g.№1028)

- is punished with imprisonment for a term of five to ten years (ZRT dated 03/15/2016 No. 1274, dated 08/03/2018 No. 1538).

Note: 1) A person who has given a bribe, shall be exempt from criminal liability, if there has been soliciting bribes from the side of the official person, a foreign public official or official of an international organization, or if the person voluntarily informed the body, having the right to initiate criminal proceedings (PFA from 17.05. 2004 N35, dated 12.11.2013 No. 1028).

2) Under the extortion, provided by Articles 319 and 320 of the Code, it should be understood requirement of official person, the official face of a foreign state or an official of an international organization a bribe under the threat of such acts of service, which may cause damage to the legitimate interests of the briber, as well as intentional ordination of citizen in such conditions under which he is forced to give a bribe to prevent harmful consequences for his law-enforced interests (ZRT from 17.05.2004, N35, from 12.11.2013, No. 1028).

Article 321. Provoking a bribe

Trying to transfer an official person, an official person of a foreign state or an official person of an international organization without the consent of money, securities, other property or rendering of his services to the property nature with the aim of creating artificial evidence of bribe-taking (PFA from 12.11.2013g.№1028)

- is punished with imprisonment for a term of five to ten years (ZRT dated 03/15/2016 No. 1274, dated 08/03/2018 No. 1538).

Article 322. Negligence

1) Negligence, that is, failure to perform or improper performance by an official of his duties as a result of an unfair or negligent attitude towards service, if this entailed a significant violation of the rights and legitimate interests of citizens or organizations or the interests of society or the state protected by law,

- is punishable by a fine in the amount of one hundred to two hundred and fifty indicators for calculations or compulsory labor for a period of one hundred twenty to one hundred and eighty hours or correctional labor for a period of up to two years (**ZRT dated July 21, 2010 No. 617**);

2) The same act, which negligently entailed the death of a person or other grave consequences,

- is punished with a fine in the amount of two hundred and fifty to nine hundred and twelve indicators for calculations or imprisonment for a term of up to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years or without it (**ZRT of 05/17/2004, N35, dated 21.07.2010 No. 617**).

Article 323. Official forgery

Official forgery, that is, introduction of deliberately false information by an official, as well as a civil servant or an employee of a local government authority and self-government bodies of villages and villages, who is not an official, into official documents, as well as making corrections to these documents that distort their actual content or the issuance of knowingly forged documents, if these acts were committed out of mercenary or other personal interest (**ZRT dated 02.01.2018 # 1472**),

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or correctional labor for a term of one to two years, or imprisonment for a term of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years or without such (**ZRT from 17.05.2004 N35, from 6.10.2008 No. 422, from 21.07.2010 No. 617**).

Article 323 (1) Illegal issuance of a passport of a citizen of the Republic of Tajikistan, as well as making deliberately false information in the documents that are the basis for obtaining citizenship of the Republic of Tajikistan

1) Illegal issuance by an official or civil servant of a passport of a citizen of the Republic of Tajikistan to a foreign citizen or stateless person, as well as the introduction by an official, as well as a civil servant or an employee of a local government body and self-government bodies of villages and villages, who is not an official, knowingly false information in the documents that are the basis for obtaining citizenship of the Republic of Tajikistan (**ZRT dated 02.01.2018 # 1472**),

are punished with a fine in the amount of five hundred to one thousand indicators for calculations, or imprisonment for a term of up to five years, with or without deprivation of the right to hold certain positions or engage in certain activities for up to five years.

2) Failure to perform or improper performance by an official or a civil servant of his duties due to an unfair or negligent attitude towards the service, if this resulted in the illegal issuance of a passport of a citizen of the Republic of Tajikistan to a foreign citizen or stateless person, or illegal acquisition of citizenship of the Republic of Tajikistan,

is punished with a fine in the amount of two hundred to five hundred indicators for calculations or imprisonment for a term of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for up to five years, or without it (**ZRT dated December 31, 2008, No. 451**).

Article 324. Receiving remuneration by extortion

1) Receiving remuneration by extortion, that is, the demand for material remuneration or property benefits from an employee, an enterprise that is not an official of a state body, regardless of the form of ownership, for performing a certain work or providing services that are part of the official duties of this employee, as well as deliberate substitution of a citizen in such conditions when, in order to prevent an offense and interests protected by law, he is forced to provide him with this remuneration,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or imprisonment for a period of up to two years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years or without it (**ZRT dated 6.10.2008, # 422**).

2) The same act committed:

a) repeatedly;

b) on a large scale,

- is punishable by imprisonment for a term of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT from 17.05.2004, N35**).

Article 325. Bribery of an employee

1) Bribery of an employee, that is, the provision of material remuneration or property benefit to an employee of an enterprise who is not an official of a state body, regardless of the form of ownership, for committing an illegal act in the interests of the bribery person,

- is punished with a fine in the amount of five hundred to eight hundred indices for calculations or correctional labor for a period of up to two years (as amended by the Law of 17.05.2004 N35, of 6.10.2008 N 422).

2) The same act committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) on a large scale;

d) in the interests of an organized group, - shall be punishable by imprisonment for a term of up to three years.

Note: In Articles 324 and 325 of this Code, a large amount is recognized as the amount of money, the value of securities, other property or benefits of a property nature, exceeding five hundred indices for settlements (ZRT from 17.05.2004 N35, from 6.10.2008 N 422).

Article 326. Illegal issuance of permits for carrying and keeping firearms

Illegal issuance of permits for the carrying and storage of firearms,

- is punished with imprisonment for a term of two to five years.

Article 327. Illegal maintenance of personal protection (bodyguards) and the use of military equipment for these purposes

Illegal maintenance of personal protection (bodyguards), as well as the use of military equipment for these purposes,

- is punished with imprisonment for a term of two to five years.

CHAPTER 31. CRIMES AGAINST GOVERNANCE ORDER

Article 328. Use of violence against a government official

1) Violence that is not dangerous to life or health, or the threat of violence, as well as the threat of destruction of property in relation to a representative of the government or his relatives in connection with the performance of his duties,

- is punished with a fine in the amount of up to five hundred indices for calculations or correctional labor for a term of up to two years or imprisonment for a term of up to two years (ZRT dated 6.10.2008 No. 422).

2) The use of violence dangerous to life and health in relation to the persons specified in part one of this article,

- is punished with restraint of liberty for a term of two to five years or imprisonment for a term of two to five years.

Note: In this article and other articles of this Code, a person who serves in public authorities and who is endowed in the manner prescribed by law with administrative powers in relation to persons who are not in official dependence on him is recognized as a representative of the authorities.

Article 329. Threats against law enforcement officers or military personnel

Threats of murder, harm to health, destruction or damage to property in relation to law enforcement officers, military personnel, as well as in relation to their relatives in order to obstruct the lawful activities of these persons to maintain public order or ensure public safety or out of revenge for such activities,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or correctional labor for a term of up to two years or imprisonment for a term of up to three years (ZRT from 17.05.2004, N35, from 6.10.2008, No. 422).

Article 330. Insulting a representative of authority

1) Public insult of a representative of authority in the performance of his official duties or in connection with their fulfillment,

- is punished with compulsory labor for a term of one hundred and eighty to two hundred and forty hours or a fine in the amount of five hundred to one thousand indicators for calculations or arrest for a term of up to six months or correctional labor for a term of two months to one year (ZRT dated 05.17. N35, dated 6.10.2008, # 422).

2) Insults contained in a public speech, a publicly displayed work, the media or the Internet (**ZRT dated 30.07.2007, No. 301**),
- are punished with a fine in the amount of one thousand to one thousand five hundred indices for calculations or arrest for a term of two to six months or imprisonment for a term of up to two years (**ZRT dated 6.10.2008, # 422**).

Article 331. Obstruction of the activities of institutions executing punishment, and pretrial detention facilities

1) Threats of violence against an employee of the institution executing the sentence or an employee of a preliminary detention facility in order to interfere with the normal operation of these institutions,
- is punished with restraint of liberty for a term of up to three years or imprisonment for a term of up to two years (**ZRT of 17.05.2004 N35**).

2) The use for the same purposes of violence, not dangerous to life and health, in relation to the persons specified in part one of this article,

- is punished with imprisonment for a term of up to two to five years (**ZRT from 05/17/2004, N35**)

3) The acts provided for in the first or second part of this Article, committed:

a) with violence dangerous to human life and health;

b) by an organized group;

c) in case of a dangerous or especially dangerous relapse

- is punished with imprisonment from five to ten years (**ZRT from 17.05.2004 N35**)

Article 332. Actions disrupting the work of places of deprivation of liberty

1) Actions committed by a person serving a sentence in places of deprivation of liberty, expressed:

a) terrorizing convicts;

b) in an attack on representatives of the administration of places of deprivation of liberty;

c) in the organization for these purposes of groups or in active participation in their activities,

- are punished with imprisonment for a term of two to five years.

2) The same acts committed by a person convicted of a grave or especially grave crime,

- is punished by imprisonment for a term of five to eight years.

Article 333. Illegal use of emblems and signs of the Red Cross and Red Crescent

Illegal use of the emblems and distinctive signs of the Red Cross and Red Crescent, as well as the name of the Red Cross and Red Crescent,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or correctional labor for a term of up to two years or imprisonment for a term of up to two years (**ZRT dated 6.10.2008, # 422**).

Article 334. Arbitrariness

1) Self-ruling, that is, unauthorized, contrary to the procedure established by law or other regulatory legal act, the exercise of an actual or perceived right that has caused significant harm to the rights or legally protected interests of citizens or state or public interests,

- is punished with a fine in the amount of up to two hundred indicators for calculations or correctional labor for a period of one to two years (**ZRT dated 6.10.2008 No. 422, dated 31.12.2008 No. 451**).

2) The same act committed with the use of violence or with the threat of its use,

- is punished with restraint of liberty for a term of up to three years or imprisonment for a term of up to five years (**ZRT of 17.05.2004, N35**).

Article 335. Illegal crossing of the state border of the Republic of Tajikistan (ZRT from 17.05.2004 N35)

1) Illegal crossing of the state border of the Republic of Tajikistan, without certain documents and the necessary permission,

- is punished with a fine in the amount of five hundred to one thousand indices for calculations or imprisonment for a term of two to five years (**ZRT from 31.12.2008, # 451**).

2) Illegal crossing of the state border of the Republic of Tajikistan by prior conspiracy by a group of persons or an organized group, with the use of violence or with the threat of its use,

- is punished with imprisonment for a term of five to ten years.

Non official translation based on the source in Russian language from the National Center of Legislation under the President of the Republic of Tajikistan http://ncz.tj/system/files/Legislation/574k_ru.doc

3) The acts provided for in the first or second parts of this Article, committed in connection with trafficking in persons -

are punished with imprisonment for a term of ten to fifteen years with the deprivation of the right to occupy certain positions or engage in certain activities for a period of five years (ZRT dated 02.01.2019, No. 1554).

Note: This article does not apply to cases of arrival in the Republic of Tajikistan in violation of the rules for crossing the state border of foreign citizens and stateless persons to use the right of political asylum in accordance with the Constitution of the Republic of Tajikistan (ZRT from 17.05.2004 N35).

Article 335 (1) Organization of illegal entry into the Republic of Tajikistan of foreign citizens or stateless persons or illegal transit through the territory Republic of Tajikistan

1) Organization of illegal entry into the Republic of Tajikistan of foreign citizens or stateless persons or illegal transit of these persons through the territory of the Republic of Tajikistan,

shall be punished with a fine in the amount of three hundred to five hundred indices for calculations, or correctional labor for a term of six months to one year, or imprisonment for a term of up to two years with the deprivation of the right to hold certain positions, or engage in certain activities for up to three years, or without it.

2) The same act committed:

a) repeatedly;

b) by a group of persons in a preliminary conspiracy or by an organized group;

c) causing significant damage to a citizen;

d) using the official position;

e) for the purpose of engaging in illegal activities,

is punishable by imprisonment for a term of two to five years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (ZRT dated 31.12.2008, # 451).

3) The acts provided for in the first or second parts of this Article, committed in connection with trafficking in persons -

are punished with imprisonment for a term of five to ten years with the deprivation of the right to hold certain positions or engage in certain activities for a period of five years (ZRT dated 02.01.2019, No. 1554).

Article 335 (2). Organization of illegal migration

1) Organization of illegal sending and employment of citizens of the Republic of Tajikistan abroad, shall be punished with a fine in the amount of three hundred to five hundred indices for calculations, or correctional labor for a period of six months to one year, with or without deprivation of the right to hold certain positions or engage in certain activities for a period of up to two years.

2) Employment of migrants by a person who does not have an appropriate license to carry out this type of activity,

is punished with a fine in the amount of five hundred to one thousand indicators for calculations, or correctional labor for a period of one to two years with deprivation of the right to occupy certain positions, or engage in certain activities for a period of up to three years, or without it (ZRT dated 31.12. . # 451).

Article 336. Violation of the state border regime

Violation of the regime of the State Border, border regime and regime at checkpoints across the State Border, committed repeatedly within a year after imposing an administrative penalty for the same violations,

- is punished with a fine from three hundred to eight hundred indices for calculations or arrest from three to six months or imprisonment for a term of up to two years (ZRT dated 6.10.2008 # 422).

Article 337. Theft of state awards

Theft of state awards,

- is punished with restraint of liberty for a term of one to three years or imprisonment for a term of up to two years.

Article 338. Unauthorized occupation of a land plot and unauthorized construction on it

1) Unauthorized occupation of a land plot committed within a year after the application of an administrative penalty for the same violation,

shall be punishable by a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations, or by imprisonment for a term of up to two years.

2) Unauthorized construction on an unauthorizedly occupied land plot, regardless of the application of an administrative penalty,

shall be punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indices for calculations, or imprisonment for a term of two to five years.

3) The acts provided for in the first or second part of this Article, committed:

a) repeatedly;

b) by a group of persons by prior agreement,

shall be punished with a fine in the amount of nine hundred and twelve to one thousand four hundred and sixty indicators for calculations, or imprisonment for a term of five to eight years.

Note: Crimes provided for in Articles 338 and 3381 of this Code are recognized as committed repeatedly, if the person has previously committed one or more crimes provided for by the above articles (**ZRT dated March 25, 2011, No. 694**).

Section 338 (1). Illegal provision of a land plot

1) Illegal provision of a land plot,

- is punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indicators for calculations or imprisonment for a term of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

2) The acts provided for in part one of this article, committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) using official powers,

is punished with a fine in the amount of nine hundred and twelve to one thousand four hundred and sixty indices for calculations, or imprisonment for a term of five to eight years with deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years (**ZRT dated March 25, 2011, No. 694, dated 13.06.2013 No. 966**).

Article 339. Theft or damage to documents, stamps, seals

1) Theft from a citizen of a passport or other important personal document,

- is punished with compulsory labor for a period from eighty to one hundred and twenty hours or a fine in the amount of up to two hundred indices for calculations or correctional labor for a period of up to one year (**ZRT from 17.05.2004 N35, from 6.10.2008 # 422**).

2) Theft, destruction, damage or concealment of official documents, stamps or seals, committed with a selfish purpose or other personal interest,

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or correctional labor for a period of up to two years or imprisonment for a period of up to one year (**ZRT dated 6.10.2008, No. 422**).

3) Acts provided for in the first or second part of this Article, committed for the purpose of trafficking in persons

are punished with imprisonment for a term of two to five years (**ZRT from 01.08.2003 N33**)

Article 340. Forgery, production or sale of forged documents, state awards, stamps, seals, forms

1) Forgery of a passport of certificates or other official document representing rights or relieving from obligations, for the purpose of using it by the counterfeiter himself or by another person, or selling such a document, making or selling counterfeit state awards of the Republic of Tajikistan, the Tajik SSR, USSR, stamps, seals, forms for the same purposes, as well as the use of a knowingly forged document (**ZRT dated 01.08.2003 N33**),

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or correctional labor for a term of up to two years or imprisonment for the same term (**ZRT dated March 25, 2011, No. 694**),

2) The same acts committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) using computer technology,

- is punished with a fine in the amount of three hundred and sixty-five to nine hundred and twelve indices for calculations or imprisonment for a term of two to five years (**ZRT dated 25.03.2011 # 694**)

3) Acts provided for in the first or second part of this Article, committed for the purpose of trafficking in persons are punished with imprisonment for a term of five to seven years (**ZRT from 01.08.2003 N33**)

Article 340 (1). Manufacture, sale of counterfeit excise duty stamps, special stamps or conformity marks or their use

1. The production or use of counterfeit-proof fake excise stamps, special stamps or conformity marks for the purpose of marketing or marketing, is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years, or imprisonment for a period of up to two years (**ZRT dated 6.10.2008 No. 422, dated 21.07.2010. No. 617**).

2. The same acts committed by a group of persons by prior conspiracy or by an organized group, is punished with a fine in the amount of three hundred sixty-five to nine hundred and twelve indicators for calculations with the deprivation of the right to hold certain positions or engage in certain activities for a period of up to five years or imprisonment from two to five years (**ZRT from 25.07.2005 N97, from 6.10. No. 422, dated July 21, 2010 No. 617**).

Article 341. Acquisition or sale of official documents and state awards

Illegal acquisition or sale of official documents granting or releasing from duties, as well as state awards of the Republic of Tajikistan, Tajik SSR, USSR,

- is punished with compulsory labor for a period from one hundred and twenty to one hundred and eighty hours or a fine in the amount of up to five hundred indices for calculations (**ZRT from 17.05.2004 N35, from 6.10.2008 N 422**).

Article 341¹. Violation of the requirements of regulatory legal acts of the Republic of Tajikistan on connecting a SIM card to the electrical communication network and its sale

1. Violation of the requirements of regulatory legal acts of the Republic of Tajikistan on connecting a sim card to an electrical communication network, committed within one year after the application of an administrative penalty for the same act, shall -

is punishable by a fine in the amount of six hundred to eight hundred calculation indices or restraint of liberty for a term of up to two years.

2. Illegal connection of simkarty to telecommunications networks or user sales simkarty if simkarty used in the commission of terrorist or extremist crimes -

is punished with a fine in the amount of eight hundred to one and a half thousand indicators for calculations or imprisonment for a term of two to three years. (**ZRT dated 20.06.19, No. 1609**)

Article 342. Desecration of state symbols

Desecration of the state symbols of the Republic of Tajikistan,

- is punished with a fine in the amount of five hundred indicators for calculations or restraint of liberty for a term of up to two years, or arrest for a term of three to six months, or imprisonment for a term of up to one year (**ZRT from 17.05.2004, N35, dated 6.10.2008, No. 422**).

Article 343. Evasion of military and alternative service

1) Evasion of the next draft for active military service, as well as the evasion of a person liable for military service from training or verification military fees in the absence of legal grounds for exemption from this service,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculating fees or imprisonment for up to two years (**ZRT dated 06.10.2008 No. 422**).

2) Evasion of alternative service by persons exempted from military service,

- is punished with compulsory labor for a period from one hundred and eighty to two hundred and forty hours or a fine in the amount of three hundred to eight hundred indices for calculations (**ZRT of 05.17.2004, N35, of 6.10.2008, No. 422**).

3) Evasion of conscription for military service or alternative service committed:

a) by harming oneself;

b) by forging documents or other deception,

- is punished with imprisonment for a term of two to five years.

Note: A conscript is released from criminal liability if, before the case is sent to court, he appears at the recruiting station.

Article 344. Draft evasion for mobilization

Evasion of draft for mobilization into the ranks of the Armed Forces of the Republic of Tajikistan,
- is punished with imprisonment for a term of two to five years.

CHAPTER 32. CRIMES AGAINST JUSTICE

Article 345. Obstruction of the administration of justice, conducting an inquiry and preliminary investigation

1) Interference, in whatever form, in the activities of the court in order to obstruct the administration of justice,

- is punished with a fine in the amount of five hundred to one thousand indices for calculations or correctional labor up to two years, or imprisonment for a term of up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

2) Interference, in any form, in the activities of the prosecutor, investigator or interrogator, with the aim of obstructing a comprehensive, full and objective inquiry or preliminary investigation of the case (**ZRT of 03/15/2016 No. 1274**),

- is punished with a fine in the amount of five hundred to one thousand indices for calculations or correctional labor for a period of up to two years or imprisonment for a period of up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

3) The acts provided for in the first or second part of this Article, committed by a person using his official position,

- are punished with imprisonment for a term of two to five years with or without deprivation of the right to hold certain positions and engage in certain activities for a term of up to three years.

Article 346. Knowingly false denunciation

1) Knowingly false denunciation of a crime,

- is punished with a fine in the amount of five hundred to one thousand indicators for calculations or restraint of freedom for a period of up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

2) The same act committed:

a) charged with a grave or especially grave crime;

b) with artificial creation of prosecution evidence;

c) from selfish motives;

d) in the interests of an organized group,

- is punished with correctional labor for a term of up to two years or imprisonment for a term of up to five years (**ZRT dated 13.06.2013, No. 966**).

3) The actions provided for in parts one or two of this article:

a) committed against a judge, prosecutor, investigator or interrogating officer (**ZRT dated 03/15/2016 # 1274**);

b) entailing grave consequences,

- are punished with imprisonment for a term of five to seven years (**ZRT from 17.05.2004 N35**).

Article 347. Failure to report a crime or its concealment

1) Failure to report a reliably known impending or committed grave or especially grave crime, as well as failure to report a reliably known person who committed this crime, or the location of his location,

- is punished with a fine in the amount of five hundred to one thousand indices for calculations, or imprisonment for a term of up to two years (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

2) Concealment of a grave or especially grave crime, not promised in advance,

- is punished with imprisonment for a term of up to five years.

Note:

1) The spouse and close relatives of the person who committed the crime are not subject to criminal liability for failure to report a crime and for concealment not promised in advance. *Also, a victim of human trafficking is not subject to criminal liability for failure to report a crime or for concealment of crimes related to her stay as a victim of human trafficking, which was not promised in advance (ZRT dated 02.01.2019, No. 1554).*

2) A clergyman of the church is also not subject to criminal liability for failure to report a crime that became known to him in confession.

Article 348. Bringing a knowingly innocent person to criminal liability

1) Bringing a knowingly innocent person as an accused to criminal liability by an inquiry officer, investigator or prosecutor,

- is punished with imprisonment for a term of up to two years.

2) The same act:

a) combined with an accusation of committing a grave or especially grave crime;

b) combined with the artificial creation of prosecution evidence;

c) entailed grave consequences,

- is punished with imprisonment for a term of three to five years with the deprivation of the right to hold certain positions and engage in certain activities for a term of up to five years.

Article 349. Deliberation of a knowingly unlawful sentence, decision or other judicial acts

1) The pronouncement by a judge (judges) of a knowingly unlawful sentence, decision or other judicial act,
- is punished with a fine in the amount of one thousand to one thousand five hundred indicators for calculations or imprisonment for a term of up to two years (ZRT from 17.05.2004, N35, from 6.10.2008, # 422).

2) The same act:

a) connected with the imposition of a sentence of imprisonment;

b) associated with the creation of artificial evidence of the prosecution;

c) entailed other grave consequences,

- is punishable by imprisonment for a term of three to five years with deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Article 350. Obstruction of the appearance of a witness or victim in court, authorities preliminary investigation or inquiry

Obstruction of the appearance of a witness or victim in court, bodies of inquiry or preliminary investigation (ZRT of 03/15/2016 No. 1274),

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or imprisonment for a term of up to two years (ZRT of 05.17.2004 N35, of 6.10.2008 N422)

Article 351. Perjury

1) Deliberately false testimony of a witness, victim or expert opinion, as well as deliberately incorrect translation during an inquiry, preliminary investigation or in court,

- are punished with restraint of liberty for a term of one to three years or imprisonment for a term of up to two years,

2) The same action:

a) combined with an accusation of committing a grave or especially grave crime;

b) combined with the artificial creation of prosecution evidence;

c) committed with a selfish purpose;

d) committed in the interests of an organized group,

- are punished with imprisonment for a term of two to five years (ZRT from 17.05.2004 N35).

Note: 1. A witness, victim, expert or translator shall be released from criminal liability if they voluntarily, during an inquiry, preliminary investigation or trial, before a court verdict or a court decision, declared that their testimony, conclusion or deliberately incorrect translation was false (ZRT from 02.01.2019, No. 1554).

2. A victim of trafficking in persons is not prosecuted for false testimony about a crime related to her stay as a victim of trafficking in persons (ZRT dated 02.01.2019, No. 1554).

Article 352. Refusal to appear or to give evidence, opinions or translation

1) Refusal of a witness or victim to appear to summon the bodies of inquiry, investigation or to court, or refusal to testify,

- is punished with compulsory labor for a period from one hundred and twenty to one hundred and eighty hours or a fine in the amount of up to five hundred indices for calculations (ZRT from 17.05.2004 N35, from 6.10.2008 N 422).

2) Refusal of an expert, a specialist of an interpreter or attesting witnesses to appear to be summoned to the same authorities, or refusal to fulfill his duties (**ZRT dated 31.12.2008, No. 451**),
- is punished with a fine in the amount of up to five hundred indices for calculations (**ZRT dated 6.10.2008 # 422**).

Note: 1. A person is not held criminally liable for evading testimony against himself or herself and close relatives (**ZRT dated 03/15/2016 No. 1274 ; dated 02.01.2019, No. 1554**).

2. A victim of human trafficking is also not prosecuted for refusing to appear to summon the inquiry, investigation or court, or to testify regarding a crime related to his or her stay as a victim of human trafficking (**ZRT dated 02.01.2019, no. 1554**).

Article 353. Bribery or compulsion to give false testimony, false conclusion or to wrong translation

1) Bribery of a victim's witness for the purpose of giving him false testimony or an expert for the purpose of giving a false opinion or false testimony, as well as an interpreter for the purpose of making him an incorrect translation,

- is punished with compulsory labor for a period from one hundred twenty to one hundred and eighty hours or a fine in the amount of up to five hundred indices for calculations (**ZRT of 05.17.2004 N35, of 6.10.2008 # 422**);

2) Coercion of a witness, a victim to give false testimony, an expert to give a false opinion, or an interpreter to make an incorrect translation, as well as coercion of these persons to evade testimony, combined:

a) with blackmail;

b) with the threat of murder (**ZRT of 05.17.2004, N35**);

c) with the threat of harm to health;

d) with the threat of destruction of the property of these persons or their relatives,

- is punished with restraint of liberty for a term of one to three years, or imprisonment for a term of up to three years.

3) The act provided for in part two of this article, committed with the use of violence not dangerous to the life or health of the said persons,

- is punished with imprisonment for a term of two to five years (**ZRT from 17.05.2004, N35**).

4) The acts provided for in the first or second parts of this Article, committed:

a) by an organized group;

b) with the use of violence dangerous to the life and health of these persons,

- is punished with imprisonment for a term of five to ten years.

Article 354. Compulsion to give evidence by an inquiry officer, investigator or court (ZRT 05/17/2004, N35, from 03/15/2016, N1274)

1) Coercion of a suspect, accused, defendant, victim or witness to testify or an expert to give an opinion by means of threat, blackmail or other illegal actions on the part of an inquiry officer, investigator or court (**ZRT dated 03/15/2016 No. 1274**),

- is punishable by imprisonment for a term of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT from 17.05.2004 N35**).

2) Deleted (**ZRT dated 04.16.2012 # 808**).

Article 355. Contempt of court

1) Disrespect for the court, expressed in insulting the participants in the trial,

- is punished with compulsory labor for a period from one hundred and eighty to two hundred and forty hours or a fine in the amount of up to five hundred indices for calculations (**ZRT of 05.17.2004 N35, of 6.10.2008 # 422**);

2) Insulting a judge, assessor or other person involved in the administration of justice,

- is punished with correctional labor for up to two years or imprisonment for the same period.

Article 356. Threat or violence in connection with the administration of justice, inquiry or preliminary investigation

(**ZRT from 03/15/2016 # 1274**)

1) Threat of murder, harm to health, damage or destruction of property in relation to a judge, lay judge, prosecutor, investigator, interrogator, lawyer, expert, translator, bailiff or court secretary, bailiff, as well as their relatives in connection with the production of the inquiry , preliminary investigation, consideration of cases or materials in court or execution of a sentence, a court decision or other judicial act (**ZRT of 03/15/2016 No. 1274**),

- is punished with a fine in the amount of five hundred to one thousand indices for calculations or correctional labor for a period of up to two years or imprisonment for the same period (**ZRT from 17.05.2004, N35, from 6.10.2008, No. 422**).

2) The use of violence, not dangerous to life or health, against the persons specified in part one of this article, in connection with the production of an inquiry, preliminary investigation, consideration of a case or materials in court, or the execution of a sentence, court decision or other judicial act,

- is punished with imprisonment for a term of two to five years.

3) Acts provided for in the first or second part of this Article, with the use of violence dangerous to life and health,

- are punished with imprisonment for a term of five to ten years (**ZRT from 17.05.2004 N35**).

Article 357. Deleted

(**ZRT from 17.05.2004 N35**)

Article 358. Unlawful arrest or detention

1) Knowingly illegal detention,

- is punished with restraint of liberty for a term of up to three years, or arrest for a term of three to six months, or imprisonment for a term of up to two years, with or without the deprivation of the right to hold certain positions or engage in certain activities for a term of up to two years.

2) Knowingly unlawful detention or detention,

- is punishable by imprisonment for a term of two to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years (**ZRT from 17.05.2004 N35**).

3) The acts provided for in the first or second part of this Article, which entailed grave consequences,

- are punished with imprisonment for a term of five to seven years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years (**ZRT of 05.17.2004, N35**).

Article 359. Falsification of evidence

1) Falsification of evidence in a civil case by a person participating in the case, or his representative,

- is punished with compulsory labor for a period from one hundred sixty to two hundred and forty hours or a fine in the amount of five hundred to one thousand indices for calculations or correctional labor for a period of one to two years (**ZRT from 05.17.2004, N35, dated 6.10.2008 No. 422**).

2) Falsification of evidence in a criminal case by an inquiry officer, investigator, prosecutor or defense attorney (**ZRT of 03/15/2016 No. 1274**),

- is punished with a fine in the amount of from one to two thousand indicators for calculations or imprisonment for up to three years with the deprivation of the right to hold certain positions or engage in certain activities for up to three years (**ZRT from 17.05.2004 N35, from 6.10. No. 422**).

3) Falsification of evidence in a criminal case by persons specified in part two of this article:

a) about a grave or especially grave crime;

b) entailing, by negligence, grave consequences,

- is punishable by imprisonment for a term of five to eight years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Article 360. Unlawful release from criminal liability

Unlawful release from criminal liability of a person suspected or accused of committing a crime by a prosecutor, investigator or interrogating officer (**ZRT dated 03/15/2016 # 1274**),

- is punished with imprisonment for a term of up to five years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

Article 361. Disclosure of data of inquiry or preliminary investigation

Disclosure of data of inquiry or preliminary investigation by a person warned in accordance with the established legal procedure about the inadmissibility of their disclosure without the permission of the inquiry officer, investigator or prosecutor,

- is punished with a fine in the amount of up to five hundred indices for calculations or correctional labor for a term of up to two years or imprisonment for a term of up to two years (**ZRT dated 6.10.2008 No. 422**).

Article 362. Illegal actions in relation to property subject to inventory or seizure or subject to confiscation

1) Embezzlement, alienation or concealment of property subject to inventory or seizure, committed by the person to whom this property is entrusted, as well as the performance by an employee of a credit institution of banking operations with seized money (deposits),

- is punished with a fine in the amount of five hundred to one thousand indices for calculations or imprisonment for a term of up to two years (**ZRT from 17.05.2004 N35, from 6.10.2008 # 422**)

2) Concealment or misappropriation of property subject to confiscation by a court verdict, as well as other evasion of the execution of a court verdict that has entered into legal force on the appointment of confiscation of property,

- is punished with a fine from one thousand to two thousand indices for calculations or imprisonment for a term of up to three years (**ZRT dated 6.10.2008 No. 422**).

Article 363. Failure to execute a court judgment, court decision or other judicial act

Malicious failure by a representative of the government, civil servants of local government bodies and self-government bodies of villages and villages, as well as employees of a state institution, commercial or other organization, a court verdict, court decision or other judicial act that has entered into legal force, as well as obstruction of their execution (**ZRT from 02.01.2018 # 1472**),

- is punished with a fine in the amount of two hundred to five hundred indices for calculations or imprisonment for a term of up to two years (**ZRT of 05.17.2004 N35, of 6.10.2008 N422**)

Article 364. Evasion from serving a sentence of imprisonment

Evasion of a person sentenced to deprivation of liberty, who is allowed a short-term departure outside the places of deprivation of liberty, or is granted a deferral of the execution of the sentence, from serving the sentence after the expiry of the period of departure or deferral

- is punished with imprisonment for a term of up to two years.

Article 365. Escape from places of deprivation of liberty or from custody

1) Escape from places of deprivation of liberty or from custody, committed by a person serving a sentence or being in pre-trial detention,

- is punished with imprisonment for a term of two to five years (**ZRT of 17.05.2004 N 35**).

2) The same act committed:

a) by prior conspiracy by a group of persons;

b) with the use of violence dangerous to the life or health of other persons, or with the threat of such violence;

c) with the use of weapons or objects used as weapons,

- is punished with imprisonment for a term of five to ten years.

Note: A person who has voluntarily returned within three days to places of imprisonment or custody is released from criminal liability for escape, unless the actions of this person contain a different corpus delicti (**ZRT of 17.05.2004, N35**).

SECTION XIV. CRIMES AGAINST THE MILITARY SERVICE

CHAPTER 33. CRIMES AGAINST THE MILITARY SERVICE

Article 366. Concept of crimes against military service

1) Crimes against military service are recognized as crimes against the established procedure for military service, provided for by this Chapter, committed by military personnel who are doing military service by conscription or on a voluntary basis in the Armed Forces of the Republic of Tajikistan and other military formations of the Republic of Tajikistan, by citizens in reserve during the passage of military training by them, as well as by persons endowed with the status of a soldier in accordance with the current law (**ZRT of 05.17.2004, N35**).

2) Persons not mentioned in this article are liable under the relevant articles of this Code for complicity in the commission of crimes against military service as organizers, instigators and accomplices.

Article 367. Deleted

(**ZRT from 17.05.2004 N35**)

Article 368. Failure to execute an order

1) Failure by subordinates of the order of the superior, given in the prescribed manner, causing significant harm to the interests of the service, with the exception of cases of failure to comply with a knowingly criminal order,

- is punishable by restriction in military service for a term of up to two years, or by keeping in a disciplinary military unit for a term of up to two years (**ZRT of 05.17.2004, N35**).

2) The same deed committed in a combat situation or in wartime,

- is punished with imprisonment for a term of five to ten years (**ZRT from 17.05.2004, N35**).

Article 369. Resistance to a superior or forcing him to violate his official duties

1) Resistance to the chief, as well as to another person performing the duties of the chief assigned to him, as well as forcing him to violate these duties, associated with violence or with the threat of its use,

- is punishable by restriction in military service for a term of up to two years, or detention in a disciplinary military unit for a term of up to two years, or imprisonment for a term of up to three years (**ZRT of 05.17.2004, N35**).

2) The same acts committed:

a) by a group of persons, by a group of persons by prior agreement or by an organized group;

b) with the use of weapons, military equipment or explosives (**ZRT from 17.05.2004, N35**);

c) with the infliction of grave or moderate harm to health or other grave consequences,

- are punished with imprisonment for a term of five to ten years.

3) The same actions committed in a combat situation or in wartime,

- are punished with imprisonment for a term of five to fifteen years.

Article 370. Use of force against a superior

1) Beating or using other violence against a superior in connection with the performance of his duties in military service or during the performance of these duties,

- is punishable by restriction in military service for a term of up to two years, or detention in a disciplinary military unit for a term of up to two years, or imprisonment for a term of up to five years (**ZRT of 05.17.2004, N35**).

2) The same actions committed:

a) by a group of persons, by a group of persons by prior agreement or by an organized group;

b) with the use of weapons;

c) with the infliction of grave or moderate harm to health or other grave consequences,

- are punished with imprisonment for a term of five to ten years.

3) The actions provided for in the first or second parts of this article, committed in a combat situation or in wartime,

- are punished with imprisonment for a term of ten to fifteen years.

Article 371. Threat to superior

1) The threat of murder, harm to health or the threat of beating to the chief in connection with the performance of his duties in military service, if there are sufficient grounds to fear the implementation of this threat,

- is punishable by detention in a disciplinary military unit for a term of up to two years or imprisonment for the same term.

2) The same acts committed in a combat situation or in wartime,

- is punished with imprisonment for a term of three to five years.

Article 372. Insult of a serviceman

1) Insult by one soldier of another during the performance or in connection with the performance of duties of military service,

- is punishable by restriction in military service for a term of up to six months or by keeping in a disciplinary military unit for the same term.

2) Insult to a subordinate of a superior, as well as a superior of a subordinate during the performance or in connection with the performance of military service duties,

- is punishable by restriction in military service for a term of up to one year, or by keeping in a disciplinary military unit for the same term.

Article 373. Violation of the statutory rules of relations between servicemen in lack of subordination relations between them

1) Violation of the statutory rules of relations between servicemen in the absence of relations of subordination between them, expressed in systematic mockery, humiliation of honor and dignity, torture, causing minor harm to health with a disorder of health or illegal imprisonment,

- is punished with detention in a disciplinary military unit for a term of up to two years or imprisonment for a term of up to three years (**ZRT from 17.05.2004, N35**).

2) The same act committed:

a) repeatedly;

b) in relation to two or more persons;

c) by a group of persons, by a group of persons by prior agreement or by an organized group;

d) with the use of weapons;

e) with the infliction of grave or moderate harm to health or other grave consequences,

- is punished with imprisonment for a term of five to ten years (**ZRT from 17.05.2004, N35**).

Article 374. Unauthorized abandonment of a military unit or place of service

1) Unauthorized abandonment of a unit or place of service, as well as failure to appear on time without good reason for service upon dismissal from a unit, appointment or transfer, from a business trip, vacation or a medical institution lasting more than three days, but not more than ten days, committed by military personnel passing conscription military service, as well as evasion from military service for the same period by forging documents or other deception,

- is punished by detention in a disciplinary military unit for up to one year (**ZRT from 17.05.2004, N35**).

2) The same acts committed by a serviceman serving a sentence in a disciplinary military unit,

- are punished with imprisonment for up to two years.

3) Unauthorized abandonment of a unit or place of service, as well as failure to appear on time without good reason for service for more than ten days, but not more than one month, committed by a conscript soldier, a person of an officer corps, a warrant officer or a soldier performing military service on a voluntary basis, as well as evasion from military service for the same period by forging documents or other deception,

- is punishable by restriction in military service for a term of up to two years or imprisonment for the same term (**ZRT of 05.17.2004, N35**).

4) Unauthorized abandonment of a unit or place of service, as well as failure to appear on time without good reason for service for more than ten days, as well as evasion from military service for the same period by providing forged documents or other deception, committed by servicemen serving a sentence in a disciplinary military unit,

- is punished with imprisonment for a term of two to four years (**ZRT from 12.03.2001 N 498**) (**ZRT from 17.05.2004 N35**).

5) Unauthorized abandonment of a unit or place of service, as well as failure to appear on time without good reason for service for more than one month, committed by the persons specified in part one or three of this article,

- is punished with imprisonment for a term of up to five years (**ZRT from 12.03.2001 N 498**) (**ZRT from 17.05.2004 N35**).

6) The acts provided for in this article, committed in a combat situation or in wartime, regardless of duration, - are punished with imprisonment for a term of five to ten years.

Note:

A soldier who for the first time committed the acts provided for in parts one, two, three, four and five of this article may be exempted from criminal liability if the unauthorized abandonment of a part was the result of a combination of difficult circumstances (**ZRT of 12.03.2001, N 498**).

Article 375. Desertion

1) Desertion, that is, the unauthorized abandonment of a unit or place of service in order to evade military service, as well as failure to appear for the same purpose in service, committed by a serviceman doing military service by conscription,

- is punished with imprisonment for a term of up to five years.

2) The same act, committed by a person of an officer corps, a warrant officer or a soldier performing military service on a voluntary basis,

- is punished with imprisonment for a term of three to seven years (**ZRT dated 26.12.2005, # 125**).

3) Desertion with weapons entrusted in the service, as well as desertion committed by a group of persons by prior conspiracy or by an organized group,

- is punished with imprisonment for a term of three to ten years.

4) Desertion committed in a combat situation or in wartime,

- is punished with imprisonment for a term of eight to twelve years (**ZRT from 05.17.2004, N35**).

Note: A serviceman who first committed desertion under the first part of this article may be released from criminal liability if he voluntarily surrendered within three days or the desertion was the result of a combination of grave circumstances (Law of the Republic of Tajikistan dated 10.12.1999, No. 877) ...

Article 376. Evasion of military service duties by self-harm or otherwise

1) A serviceman's evasion of the duties of military service by causing himself any harm (self-harm) or evasion by simulating illness, or other deception,

- is punishable by restriction in military service for a term of up to two years, or by keeping in a disciplinary military unit for a term of up to two years, or by imprisonment for the same term (**ZRT of 17.05.2004, N35**).

2) The same act committed for the purpose of complete release from the performance of military service duties,

- is punished with imprisonment for a term of two to five years (**Law of the Republic of Tajikistan from 10.12.1999, No. 877**) (**ZRT from 17.05.2004, N35**).

3) The same act committed in a combat situation or wartime,

- is punished with imprisonment for a term of eight to twenty years (Law of the Republic of Tajikistan dated 10.12.1999, No. 877).

Article 377. Violation of the rules for carrying out combat duty

1) Violation of the rules for carrying out combat duty (combat service) for the timely detection and repulse of a surprise attack on the Republic of Tajikistan or for ensuring its security, if this act entailed or could entail harm to the security interests of the state,

- shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by imprisonment for a term of up to five years.

2) The same act, which entailed grave consequences or was committed in a combat situation or in wartime,

- is punished by imprisonment for a term of ten to fifteen (Law of the Republic of Tajikistan dated 10.12.1999, No. 877).

3) Violation of the rules for carrying out combat duty (military service) as a result of a careless or dishonest attitude towards them, which entailed grave consequences,

- shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by imprisonment for a term of up to three years.

Article 378. Violations of the rules for carrying out the border service

1) Violation of the rules for carrying out the border service by a person who is part of the border guard or performing other duties of the border service, if this act has entailed or could have caused harm to the interests of state security,

- shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by imprisonment for a term of up to three years.

2) The same act, which has entailed grave consequences, or committed in a combat situation or in wartime, shall be punishable by imprisonment for a term of five to ten years.

3) Violation of the rules for carrying out the border service as a result of a negligent or unfair attitude towards them, which entailed grave consequences,

- shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by imprisonment for a term of up to two years.

Article 379. Violation of statutory rules of guard duty

1) Violation of the statutory rules of the guard (watch) service by a person who is part of the guard (watch), if this act entailed causing harm to the objects guarded by the guard (watch),

- shall be punishable by restriction in military service for a term of up to two years, or by custody in a disciplinary military unit for a term of up to two years, or by imprisonment for a term of up to two years.

2) The same act, which entailed grave consequences or was committed in a combat situation or in wartime,

- is punished with imprisonment for a term of five to ten years.

3) Violation of the statutory rules of the guard (watch) service as a result of a negligent or dishonest attitude towards them, which entailed grave consequences,

- is punished with imprisonment for up to one year.

Article 380. Violation of the statutory rules for carrying out internal service and patrolling in the garrison

Violation of the statutory rules of the internal service by a person who is part of the daily order, as well as violation of the statutory rules for patrolling in the garrison by a person who is part of the patrol squad, if these acts entailed grave consequences,

- shall be punishable by restriction in military service for a term of up to two years, or arrest for a term of up to six months, or confinement in a disciplinary military unit for a term of up to two years.

Article 381. Violation of the rules for the maintenance of public order and public safety

1) Violation of the rules for the maintenance of public order or ensuring public safety, if this act has caused harm to the rights and legitimate interests of citizens,

- shall be punishable by restriction in military service for a term of up to two years, or by arrest for a term of up to six months, or by custody in a disciplinary military unit for a term of up to two years, or by imprisonment for a term of up to two years.

2) The same act, entailing grave consequences,

- is punished with imprisonment for a term of two to five years.

Article 382. Voluntary transfer of firearms, ammunition to servicemen, explosives, explosive devices and military equipment

Voluntary transfer of firearms, ammunition, explosives, explosive devices or military equipment to another person by military personnel entrusted to him for official use, if this entailed grave consequences,

- is punished with imprisonment for a term of three to seven years.

Article 383. Surrender or abandonment of means of warfare to the enemy

The surrender to the enemy by the chief of the military forces entrusted to him, as well as the abandonment of fortifications, military equipment or other means of war to the enemy, which was not caused by a combat situation, if these actions were not committed in order to assist the enemy,

- is punished with imprisonment for a term of ten to fifteen years (Law of the Republic of Tajikistan dated 10.12.1999, No. 877).

Article 384. Unauthorized abandonment of the battlefield or refusal to use weapons

Unauthorized abandonment of the battlefield during a battle or refusal to use weapons during a battle,

- is punished with imprisonment for a term of five to ten years.

Article 385. Voluntary surrender

Voluntary surrender due to cowardice or cowardice,

- is punished with imprisonment for a term of five to ten years.

Article 386. Destruction or damage of military property

1) Destruction or damage by negligence of weapons, ammunition or items of military equipment, resulting in grave consequences,

- is punished with a fine in the amount of up to five hundred indices for calculations or restriction on military service for a period of up to two years, or arrest for a period of up to six months, or detention in a disciplinary military unit for a period of up to two years (ZRT dated 6.10.2008 No. 422).

2) Intentional destruction or damage of weapons, ammunition or items of military equipment,

- is punished with a fine in the amount of one thousand five hundred to two thousand indices for calculations or restriction on military service for a period of up to two years, or detention in a disciplinary military unit for a term of up to two years, or imprisonment for a term of up to three years (ZRT dated 6.10. .№422).

3) The same actions provided for in part two of this article, which entailed grave consequences,

- are punished with imprisonment for up to five years.

4) The same actions provided for in part two of this article, committed in a combat situation or in wartime,

- are punished with imprisonment for a term of ten to fifteen years.

Article 387. Violation of the rules for handling weapons and objects representing increased danger to others

1) Violation of the rules for handling weapons, ammunition, radioactive materials, explosives or other substances and items that pose an increased danger to others, if this entailed, by negligence, the infliction of grave and moderate harm to the victim's health, destruction of military equipment or other grave consequences,

- is punished by detention in a disciplinary military unit for a term of up to two years, or imprisonment for a term of up to three years.

2) The same act, which negligently entailed the death of the victim,

- is punished with imprisonment for a term of up to five years.

3) The act provided for in the first part of this article, which negligently entailed the death of two or more victims,

- is punished with imprisonment for a term of five to ten years (**ZRT of 05.17.2004, N35**).

Article 388. squandering or loss of military property

1) squandering , that is, selling, transferring for use to other persons or as a pledge to servicemen of military equipment issued for personal use, as well as the loss or damage of these items due to violation of the rules for their saving,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indicators for calculations or maintenance in a disciplinary military unit for a period of up to two years (**ZRT dated 6.10.2008 No. 422, dated 21.03.2010 No. 617**).

2) Violation of the rules for saving weapons, ammunition or items of military equipment entrusted for official use, if this entailed their loss,

- is punished with a fine in the amount of two hundred and fifty to three hundred and sixty-five indices for calculations or restriction in military service for a period of up to two years or detention in a disciplinary military unit for a period of up to two years (**ZRT dated July 21, 2010 No. 617**).

3) The acts provided for in this article, committed in a combat situation or in wartime,

- is punished with imprisonment for a term of two to five years.

Article 389. Violation of the rules for driving or operating machines

1) Violation of the rules for driving or operating a combat, special or other transport vehicle, which, by negligence, entailed infliction of less serious or moderate harm to the health of the victim,

- is punishable by arrest for a term of four to six months, or detention in a disciplinary military unit for a term of up to two years, or imprisonment for a term of up to two years, with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

2) The same act, which, through negligence, entailed the death of a person,

- is punishable by imprisonment for a term of two to five years with or without deprivation of the right to hold certain positions or engage in certain activities for a term of up to three years.

3) The act provided for in the first part of this article, which negligently entailed the death of two or more victims,

- is punished with imprisonment for a term of four to ten years with the deprivation of the right to hold certain positions or engage in certain activities for a term of five years.

Article 390. Violation of flight rules or preparation for them

Violation of the rules of flights or preparation for them, as well as violation of the rules for operating aircraft, resulting in the death of a person or other grave consequences by negligence,

- is punished with imprisonment from five to ten years.

Article 391. Abuse of power or official position, excess official or official powers or inaction of the authorities

1) Abuse of a chief or other official of power or official position, abuse of power or official powers, as well as inaction of the authorities, causing major damage or substantial harm to the Armed Forces, rights or legally protected interests of military personnel or other citizens,

- is punished with a fine in the amount of two hundred and fifty to nine hundred and twelve indicators for calculations, or restriction in military service for a term of up to two years, or arrest for a term of up to six months, or imprisonment for a term of up to five years, with deprivation of the right to hold certain positions or engage in certain activities for period up to three years or without it (**ZRT from 05.17.2004, N35, from 21.07.2010, No.617**).

2) The same acts involving the infliction of moderate or serious harm to health,

- are punished with imprisonment for a term of five to eight years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

3) The same acts that entailed:

a) by negligence, the death of a person;

b) other grave consequences,

- are punished with imprisonment for a term of eight to twelve years.

4) The acts provided for in this article, committed in a combat situation or in wartime,

- are punished with imprisonment for a term of twelve to fifteen years.

Article 392. Negligence in service

1) Failure to perform or improper performance by a superior or other official of his official duties due to a negligent or dishonest attitude towards them, which entailed major damage or other grave consequences,

- is punishable by restriction in service for a term of up to two years, or arrest for a term of up to six months, or imprisonment for a term of up to five years (Law of the RT of December 10, 1999, No. 877).

2) The same deed committed in a combat situation or in wartime,

- is punished with imprisonment for a term of five to ten years.

Article 393. Theft of firearms, ammunition and military equipment

1) Theft of firearms, ammunition, military equipment, explosives or other military equipment located in military warehouses or other storage facilities, in official use or from other military personnel,

- is punished with imprisonment for a term of three to seven years (**ZRT from 05.17.2004, N35**).

2) Theft committed:

a) repeatedly;

b) by a group of persons by prior agreement;

c) with the use of violence not dangerous to life and health or with the threat of such violence;

d) on a large scale or entailed grave consequences,

- is punished with imprisonment for a term of seven to twelve years (**ZRT from 05.17.2004, N35**).

3) Theft committed:

a) by an organized group;

b) on an especially large scale;

c) with the use of violence dangerous to life and health, or with the threat of such violence,

- is punished with imprisonment for a term of twelve to twenty years (**ZRT from 05.17.2004, N35, from 13.06.2013, N966**).

Article 394. Deleted

(**ZRT from 02.12.2002 N64**)

SECTION XV. CRIME AGAINST PEACE AND SECURITY OF HUMANITY CHAPTER 34. CRIME AGAINST PEACE AND SECURITY OF HUMANITY

Article 395. Aggressive war

1) Planning or preparing an aggressive war,

- is punished with imprisonment for a term of twelve to fifteen years (**ZRT of 05.17.2004, N35, of 13.06.2013, N966**).

2) Unleashing or waging an aggressive war,

- is punished with imprisonment for a term of fifteen to twenty years (**ZRT from 01.08.2003, N45, from 13.06.2013, No.966**).

Article 396. Public calls to unleash an aggressive war

1) Public calls for unleashing an aggressive war,

- are punished with a fine in the amount of five hundred to one thousand indicators for calculations or imprisonment for a term of two to five years (**ZRT dated 6.10.2008, # 422**).

2) The same actions committed using the mass media or the Internet, or by persons holding public positions of the Republic of Tajikistan (**ZRT dated 30.07.2007, No. 301**),

- are punished with imprisonment for a term of five to ten years with the deprivation of the right to hold certain positions or engage in certain activities for a term of up to five years.

Note: The list of persons holding public positions of the Republic of Tajikistan is determined by the legislation of the Republic of Tajikistan (**ZRT from 17.05.2004, N35**).

Article 397. Illicit traffic and financing of proliferation of weapons of mass destruction (ZRT dated 05.17.2018, # 1515)

1) Illegal creation, production or acquisition, storage, transportation, transfer or sale of nuclear, neutron, chemical, biological (bacteriological), climatic, as well as other types of weapons of mass destruction prohibited by international treaties, as well as transfer to any state that does not possess nuclear weapons, initial or special fissionable material or technologies that can be knowingly used to create weapons of mass destruction, or the provision to any person of other types of weapons of mass destruction or components necessary for their production, prohibited by international treaties, -

are punished with imprisonment for a term of twelve to twenty years.

2) Direct or indirect provision, or collection of funds, for the purpose of their full or partial use, or with the knowledge that they will be used in the illegal creation, production, acquisition, storage, transportation, transfer or transfer to another person in the possession of the nuclear, neutron, chemical, biological (bacteriological), climatic, as well as other types of weapons of mass destruction prohibited by international treaties, as well as in the transfer to any state that does not possess nuclear weapons of initial or special fission material or technologies that can obviously be used to create weapons of mass destruction, or in providing any person with other types of weapons of mass destruction or components necessary for their production, prohibited by international treaties -

are punished with imprisonment from five to ten years.

3) The acts provided for in part two of this article, committed:

a) repeatedly;

b) by a group of persons or by a group of persons by prior agreement;

c) by a person using his official position;

d) with the use of legalized (laundered) proceeds from crime, are punished by imprisonment from ten to fifteen years.

4) The acts provided for in parts two and three of this article, committed:

a) by an organized group, criminal community (criminal organization);

b) with a particularly dangerous relapse, -

are punished with imprisonment for a term of fifteen to twenty years.

Note: The concept of "funds" in this article means assets of any kind, tangible or intangible, movable or immovable, regardless of the method of their acquisition, as well as legal documents or acts in any form, including electronic or digital, certifying the right to such assets or participation in them, including bank loans, traveler's checks, bank checks, postal orders, shares, securities, bonds, bills of exchange, letters of credit and others (**ZRT dated 17.05.2018, No. 1515**).

Article 398. Genocide

Actions aimed at the complete or partial destruction of a national, ethnic, racial or religious group by their complete or partial physical extermination, violent obstruction of childbirth, or the transfer of children from one human group to another, causing grievous harm to their health, or otherwise creating living conditions designed for physical destruction of members of this group,

- is punished with imprisonment for a term of fifteen to twenty-five years or the death penalty or life imprisonment (**ZRT from 05.17.2004 N35**) (**ZRT from 15.07.2004 N46**) (**ZRT from 01.03.2005 N86**)

Article 399. Biocide

The use of nuclear, neutron, chemical, biological (bacteriological), climatic or other weapons of mass destruction in order to destroy people and the natural environment,

- is punished with imprisonment for a term of fifteen to twenty-five years or the death penalty or life imprisonment (**ZRT of 07.15.2004 N46**) (**ZRT of 03.01.2005 N86**).

Article 400. Ecocide

Mass destruction of flora or fauna, poisoning of the atmosphere or water resources, as well as the commission of other actions capable of causing an ecological disaster,

- is punished with imprisonment for a term of fifteen to twenty years.

Article 401. Mercenary

1) Recruitment, training, financing or other material support of mercenaries, as well as their use in an armed conflict or military operations,

- is punished with imprisonment for a term of five to twelve years (**ZRT of 05.17.2004 N35**).

2) The same acts committed by a person using his official position or against a minor,

- are punished with imprisonment for a term of seven to fifteen years with confiscation of property.

3) Participation of a mercenary in an armed conflict or hostilities,

- is punished with imprisonment from twelve to twenty years.

Note: A mercenary is a specially recruited person acting for the purpose of obtaining material reward and a non-citizen state participating in an armed conflict or hostilities, not residing permanently on its territory, not a member of the armed forces of a state at war, and not sent by another state to perform official duties in the armed forces (**ZRT from 17.305.2004 N35**).

Article 401 (1) Illegal involvement and participation of citizens of the Republic of Tajikistan and persons without

citizenship in armed units, armed conflict or military

actions on the territory of other states

(ZRT dated 07.26.2014 # 1088)

Illegal involvement of Tajik citizens and permanent residents in the Republic of Tajikistan of stateless persons for participation in armed units, armed conflicts or military actions on the territory of other states, as well as the illegal participation of citizens of the Republic of Tajikistan and permanently residing in the Republic of Tajikistan, persons without citizenship in the military units, armed conflict or military actions on the territory of other states ,

- is punished with imprisonment for a term of twelve to twenty years (**ZRT dated July 26, 2014, # 1088**).

Note: A person who voluntarily renounced illegal participation in an armed formation, armed conflict or hostilities on the territory of other states until the termination of the activities of an armed formation, the end of an armed conflict or hostilities, if his actions do not contain signs of a different corpus delicti, is exempt from criminal liability (**ZRT of 18.03.2015 No. 1176**) .

Article 402. Attack on persons and institutions enjoying international protection

1) A deliberate attack on a representative of a foreign state or an employee of an international organization enjoying international protection or family members living with him, as well as on the office or living quarters or a vehicle of persons enjoying international protection, if these actions are committed in connection with their official status or in order to provoke a war or complicate international relations,

- is punished with imprisonment from five to ten years (**ZRT from 18.06.2008, # 386**).

2) The threat of attack, provided for in the first part of this article,

- is punished with imprisonment from two to five years.

3) The acts provided for in the first part of this article, committed (**ZRT dated 13.06.2013, No. 965**):

a) armed attack;

b) by an organized group;

c) entailing the death of a person or other grave consequences, are punishable by imprisonment for a term of twelve to twenty years (**ZRT dated 13.06.2013, # 965**).

Article 403. Intentional violation of the norms of international humanitarian law, committed in an armed conflict

1) Intentional violation of the norms of International Humanitarian Law committed during an international or internal armed conflict, that is, an attack on a civilian population or individual civilians, indiscriminate attacks affecting the civilian population or civilian objects, attacks on installations or structures containing dangerous forces, attacks on a person who has ceased to take part in hostilities, the transformation of non-defended areas and demilitarized zones into an object of attack, the destruction or damage of historical monuments, works of art or places of worship that are the cultural or spiritual heritage of peoples, the perfidious use of the distinctive sign of the Red Cross and Red Crescent and other protective signs and signals recognized in accordance with international humanitarian law, the transfer of a part of its civilian population by the occupying Power to the territory it occupies, or deportation or relocation the admission of all or part of the population of the occupied territory within or outside this territory, unjustified delay in the repatriation of prisoners of war or civilians, the practice of apartheid or other inhuman and degrading acts offending the dignity of the person, based on racial discrimination and resulting in death or serious damage the physical and mental state of any person or who caused major damage,

- is punished with imprisonment for a term of ten to fifteen years (**ZRT of 05.17.2004, N35**).

2) Intentional violations of the norms of International Humanitarian Law, committed during an international or internal armed conflict, directed against persons who do not take part in hostilities or do not have the means to protect themselves, as well as against the wounded, sick, as well as against medical and religious personnel, sanitary units or sanitary vehicles, against prisoners of war, civilians, civilians in the occupied territories or in war zones, against refugees and stateless persons, as well as against other persons enjoying protection during hostilities, expressed in:

- a) torture and inhuman treatment, including biological experiments conducted on humans;
- b) causing severe suffering or actions that threaten the physical or mental state;
- c) forcing a prisoner of war or protected person to serve in the armed forces of the enemy;
- d) deprivation of a prisoner of war or other protected person of the rights to an impartial and normal legal procedure;
- e) deportation or illegal expulsion or detention of protected persons;
- f) taking hostages;
- g) arbitrary and large-scale destruction or appropriation of property not caused by military necessity,

- is punished with imprisonment for a term of fifteen to twenty years, (**ZRT from 01.08.2003 N45**) (**ZRT from 17.05.2004 N35**).

Article 404. Intentional violation of the norms of international humanitarian law, committed during an international or internal armed conflict with a threat to health or resulting in physical injury

Application to persons who are in the power of the opposing party, detained or otherwise deprived of their liberty, any medical procedure that is not required for the state of health of these persons and does not comply with generally accepted medical standards applicable to similar, from a medical point of view, circumstances to the citizens of the country performing this procedure, in particular, the application to such persons, even with their consent, of actions resulting in physical injury, medical or scientific experiments, operations to remove tissues or organs for transplantation,

- is punished with imprisonment for a term of seven to ten years.

Article 405. Other violations of the norms of international humanitarian law

In the absence of signs of crimes provided for in Articles 403 and 404 of this Code, looting, that is, taking possession of the things on the killed or wounded in a combat situation, as well as the property of citizens left in the area of hostilities, the use of these persons to cover their troops or objects from hostilities, the use in hostilities or armed conflict of means and materials prohibited by an international treaty, the use of weapons of mass destruction prohibited by an international treaty is punishable by imprisonment for a term of ten to twenty years.

Appendix # 1.

List and size of narcotic drugs, psychotropic substances and precursors in illicit traffic

(**ZRT from 17.05.2004 N35**)

Table # 1.

	The name of narcotic drugs and ps and hotropic substances	Small pa of measures "From above" - "until (incl th Chi-tion)"	Bol s Chiyah sizes "above" - "up to (and including tion)"	Large sizes "Over" - "up to (inclusive)"	Especially large size -measures "over"
1	2	3	4	five	6
1.	Cannabis				
	Cannabis plant	5 - 10 stretching e Nij	10 - 50 plants	50 - 500 plants	500 plants
	Cannabis no height at				

	the Weighted	500 - 1000 gr.	1 - 5kg.	5kg - 50kg .	50 kg .
	Cannabis dry n ny	100 - 200 gr.	200 - 1000 gr.	1 - 10 kg .	10 kg .
	Hashish (tops of the cannabis plant)	20 - 100 gr.	100 - 500 gr.	500 gr. - 5 kg .	5 kg .
	Cannabis resin	10 - 25 gr.	25 - 125 gr.	125 gr. -1 kg.	1 kg .
	Hash oil	10 - 25 gr.	25 - 125 gr.	125 gr. -1 kg.	1 kg .
2.	Opium poppy				
	Opium poppy plant	10 - 25 plants	25 - 125 plants	125 - 1250 plants	1250 plants
	The mixture is dried n GOVERNMENTAL stems, leaves to about robochek and other parts of the opium poppy plants	100 - 500 gr.	500 gr. - 2.5kg.	2.5 - 25 kg .	25 kg .
	A mixture of dried stems, leaves, box on the check and other parts of the RA with poppy opium taenia	20 - 100 gr.	100 - 500 gr.	500 g . - 5 kg .	5 kg .
	Tinctures, infusions and decoctions of opium, including cooked bush p nym way	20 - 100 ml.	100 - 500 ml.	500 ml - 5 l .	5 l .
	Opium	5 - 100 gr.	100 - 1000 gr.	1 - 10 kg .	10 kg .
3.	Coca				
	Coca plant	1 tensile e of	1 - 5 plants	5 - 50 pa to teny	50 plants
	Coca leaves are not in s dried	100 - 500 gr.	500gr - 2.5kg.	2.5 - 25 kg .	25 kg .
	The coca leaf height in shennyne	20 - 100 gr.	100 - 500 gr.	500 gr. - 5 kg .	5 kg .
	Coca paste	5 - 25 gr.	25 - 125 gr.	125 gr. -1 kg.	1 kg .
4.	Morphine-like substances of natural and synthetic origin that have no use in medicine				
	Acetorphin	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Desomorphine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Etorphine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Heroin (diacetyl l morphine)	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
five.	Derivatives of fentanyl , with no medical use				
	Alpha- methylfentanyl	0.0002-0.01 gr.	0.01 -01 g	0.1 -1.0 g	1.0 gr.
	MPPP (MPRR)	0.0002-0.01 gr.	0.01 -0.1 gr.	0.1 -1.0 g	1.0 gr.
	Thiofentanyl	0.0002-0.01 gr.	0.01 -0.1 gr.	0.1 -1.0 g	1.0 gr.
6.	Substances of a number of amphetamines that have no use in medicine				
	Cathinone	0.02 - 1.0 gr.	1.0 - 10 gr.	10-100 gr.	100 g
	MDMA (MDMA)	0.02 - 1.0 gr.	1.0 - 10 gr.	10 - 100 gr.	100 g
	Tenamphetamine	0.02 - 1.0 gr.	1.0 - 10 gr.	10 - 100 gr.	100 g
7.	Lysergide (LSD)	0.02 - 1 mg.	0.001 - 0.01g.	0.01 - 0.1 gr.	0.1 gr.
eight.	Tetragidrokann a binol, other isomers and stereochemical Var and Antes	0.1 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
nine.					

	Morphine-like substances of natural or synthetic origin, having etc. and application in medicine				
	Acetylmethadol	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Dihydromorphine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Dimepheptanol (Methadol)	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Hydrocodone	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Hydromorphone	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Isomethadone	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Methadone	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Morphine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Normethadone	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Normorphin	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Tebain	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Codeine	1 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Ethylmorphine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Norcodeine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Falkodin	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Trimeperidine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
ten.	Fentanyl	0.001 - 0.1 g	0.1 -1.0 g	1.0 - 10 gr.	10 gr.
eleven.	Substances like cocaine				
	Cocaine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Ecgonin	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
12.	Substances of a number of amphetamines with medicinal uses				
	Amphetamine (hair dryer and min)	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Katin	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
	Methamphetamine	0.5 - 10 gr.	10 - 100 gr.	100 - 1000 gr.	1000 gr.
13.	Substances of the barbituric series with limited use in medicine				
	Amobarbital	2 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
	Cyclobarbital	2 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
	Pentobarbital	2 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
fourteen.	Substances of the barbituric series, which are widely used in medicine				
	Allobarbital	5 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
	Butobarbital	5 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
	Barbital	5 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
	Phenobarbital	5 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
	Sekbutabarbital	5 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
	Glutethimide	10 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
	Pentazocine	2 - 100 gr.	100 - 1000 gr.	1 kg . - 10 kg.	10 kg .
fifteen.	Substances of the benzodiazepine series, which are widely used in medicine				
	Alprazolam	0.1 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Bromazepam (6 mg * 50)	0.6 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Chlordiazepoxide (Elenium)	1 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Clobazam	0.5 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Clonazepam (2 mg * 50)	0.2 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .

				kg .	
	Clorazepate (Tran to Sen) (15 mg * 50)	1.5 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Clotiazepam	0.5 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Clozazolam	0.5 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Delorazepam	0.5 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Diazepam (Relan and Um) (5 mg * 50)	0.5 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Estazolam (2 mg * 50)	0.2 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Flunitrazepam (1 mg * 50)	0.1 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Lorazepam (2 mg * 50)	0.2 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Medazepam (Mez a pam) (10 mg * 50)	1 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Nitrazepam (Rad e dorm) (10 mg * 50)	1 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Oxazepam (Taz e pam) (10 mg * 50)	1 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Temazepam (10 mg * 50)	1 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Tetrazepam (50 mg * 50)	5 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
	Triazolam (0.25 mg * 100)	0.05 - 25 gr.	25 - 250 gr.	250 g - 2.5 kg .	2.5 kg .
sixteen.	Meprobamate (400 mg * 50)	40 - 100 gr.	100 - 1000 gr.	1 - 10 kg .	10 kg .

NOTE:

1. Narcotic drugs, psychotropic substances also include those drugs and substances that are not included in this List, but are included in the corresponding Lists of International Conventions and the National List of the Republic of Tajikistan, or are included in them after the publication of this List and in the prescribed manner are classified as narcotic drugs, psychotropic substances and precursors.

2. The absence in this List of the name of a particular narcotic drug, psychotropic substance or a synonym for the corresponding narcotic drug, psychotropic substance does not mean that this drug, the substance represented by this name or its synonym in the "National List of Narcotic Drugs, Psychotropic Substances and Precursors" is not a narcotic drug or psychotropic substance. In this case, it must be assigned to a certain group of substances isolated in this List and in accordance with this qualifies.

3. When tampons, gauze, bandages and other materials are found impregnated with narcotic drugs and psychotropic substances, their compliance with one or another size is determined by the dry residue of a particular agent or substance extracted from the starting material, excluding neutral impurities.

DEFINITIONS

Narcotic drugs - substances of synthetic or natural origin, their preparations, as well as plants classified as such in the relevant International Conventions and the National List;

Psychotropic substances - substances of synthetic or natural origin, their preparations classified as such in the relevant International Conventions and the National List;

Preparations - a mixture of substances in any physical state or dosage form containing one or more narcotic drugs, or psychotropic substances in any dosage (with the exception of substances specified in List IV).

Cannabis plant - (any plant of the genus Cannabis)

Cannabis - The tops of a cannabis plant with flowers or fruits (excluding seeds and leaves, unless accompanied by tops) from which no resin has been extracted, by whatever name they are designated.

Hashish is a specially prepared mixture of resin, pollen or crushed tops of the cannabis plant (hemp) containing narcotic cannabinoids, regardless of the form given to the mixture - tablets, pills, pressed tiles, pastes, etc.

Hash oil is a narcotic drug obtained from parts of any cannabis plant (hemp) by extraction (extraction) with various solvents or fats.

Cannabis resin - means separated resin, purified or unrefined, obtained from the cannabis plant (hemp).

Poppy straw concentrate is a material obtained by the concentration of alkaloids contained in poppy straw. Any artisanal preparations from poppy straw, no matter how terminologically designated, from the perspective of this Consolidated List, also refer to narcotic drugs.

Table 2

No.	Name of precursors	Large "Over - before" (inclusive), kg	Extra large (over), kg
1	2	3	4
1.	Lysergic acid	0.0001 - 0.001	0.001
2.	Pseudoephedrine	0.03 - 0.3	0.3
3.	1-phenyl-2-propanone	0.04 - 0.4	0,4
4.	Ergometrine (ergonovine)	0.01 -0.05	0.05
five.	Ergotamine	0.01 -0.05	0.05
6.	Ephedrine	0.03 - 0.3	0.3
7.	N - Acetylanthranilic sour about that	0.3 - 3.0	3.0
eight.	Isosafrol	0.5 - 5.0	5.0
nine.	3,4-methylenedioxyphenyl-2-propanone	0.1 - 0.5	0.5
ten.	Piperonal	0.2 - 2.0	2.0
eleven.	Safrol	1.0 - 10	10.0
12.	Ephedra herb (Ep hedra equesitina Bunge) not dried dried	2.5 - 12.5 2.0 - 10.0	12.5 10.0
13.	Norephedrine	0.03 - 0.3	0.3

Table 3

No.	Name of precursors	Large "Over - before" (inclusive), kg	Especially large (over), kg
1	2	3	4
1.	Acetic acid anhydride	2.0 - 4.0	4.0
2.	Anthranilic acid	2.5 - 25.0	25.0
3.	Acetone	50.0 - 200.0	200.0
4.	Piperidine	0.2 - 2.0	2.0
five.	Ethyl ether	20.0 - 200.0	200.0
6.	Phenylacetic acid	1.0 - 10.0	10.0
7.	Methyl ethyl ketone	50.0 - 200.0	200.0
eight.	Potassium permanganate	1.0 - 5.0	5.0
nine.	Sulphuric acid	100.0 - 500.0	500.0
ten.	Hydrochloric acid	100.0 - 500.0	500.0
eleven.	Toluene	50.0 - 200.0	200.0

NOTE:

1. The substances listed in Tables 2 and 3 are under national control (included in List 4 of the National List of narcotic drugs, psychotropic substances and precursors, approved by the decree of the Government of the Republic of Tajikistan No. 390 dated 09.21.2000), as well as they, for except grass ephedra, under international control (included in Tables I and II of the Convention of the United Nations on combating the illicit trafficking in narcotic drugs and psychotropic substances, 1988). These substances, in accordance with the legislation of the Republic of Tajikistan, are called "precursors". Precursors of substances classified in the relevant International Convention and the National List as initial or auxiliary in the production, manufacture and processing of narcotic drugs and psychotropic substances.

2. Table 1 includes substances from which it is possible to manufacture narcotic drugs and psychotropic substances.

3. Table 2 includes substances with which it is possible to manufacture narcotic drugs and psychotropic substances.

4. In determining the size of precursors, recommendations, developments and reference materials of the International Committee for the Control of Precursors (Vienna, Austria), the Committee on Drug Abuse and Drug Trafficking of the Ministry of Justice of the Republic of Kazakhstan were used: the legislative and regulatory acts of the Organization of American States (OAS) were used. European Union (EU), Ukraine. Also, when calculating large and especially large sizes of precursors, the following were guided: M.D. Mashkovsky "Medicines", Vol. 2, Vol. 1. - 14th ed. Rev. rev. and add. - M.: LLC Publishing House "New Wave". 2000. -- 540 s; Precursors (handbook), Ed -I Saidmuradov Sh.D., DCA, Publishing House of the State Enterprise "Vostokredmet", 2001 - "80 sec.;" Collection of clinical practice guidelines for primary health care services of the Republic of Tajikistan", by ed. Professors a. Akhmedova, Dushanbe. 2002 g: Chemicals used in the production of drugs clandestine /USDepartment of Justice Drug Enforcement Administration in 1997; Merck Index, 11th edition. Merck and Co, Inc... United States of America, 1989.

5. When seizing liquid precursors, presented in liters, their transfer to TVSFDOS substance for determination of weight in kilograms use the chemical formula "density". Density is the mass (weight) of a substance per unit volume. Below is the corresponding formula:

$$\text{Density (d)} = \frac{\text{Mass (m)}}{\text{volume (v)}}$$

The unit of density is usually expressed in kg / l or g / ml. For consistency, in this recommendation, all densities are expressed in kg / l. The density formula is used to calculate the weight of a substance at a known volume, or its volume at a known weight. Below are examples of calculations using this formula for the weight and volume of a substance:

AND). If 2,500 liters of **methyl ethyl ketone** are seized, what is the weight in kilograms (kg)? $m = dxv$,

Find the density of **methyl ethyl ketone**. It is 0.81 kg / l.

0.81 kg / l (d) multiplied by 2500 l (v) equals approximately 2025 kg (m).

Therefore, 2500 liters of **methyl ethyl ketone** weighs 2025 kg.

Below are some precursors densities (based on the density data contained in the publication Merck Index, 11th edition, Merck and Co., Inc., United States America, 1989):

Name of precursors	Density, kg / l
1-phenyl-2-propanone	1.02
Isosafrol	1.12
3,4-methylenedioxyphenyl-2-propanone	1.20
Safrol	1.10
Acetic acid anhydride	1.08
Acetone	0.79
Piperidine	0.86
Ethyl ether	0.71
Methyl ethyl ketone	0.81
Toluene	0.87
Concentrated sulfuric acid 98%	1.84
Concentrated hydrochloric acid 38%	1.19

6. When determining the dimensions of sulfuric acid and hydrochloric acid, the indicated dimensions refer to concentrated acids - 98% sulfuric acid and 38% hydrochloric acid. In the case of withdrawal of dilute solutions of these acids, it is necessary to establish the percentage concentration of these solutions and to recalculate the amount of withdrawn dilute acid to the amount of concentrated acid required to prepare the withdrawn amount of dilute acid.

For instance:

With the seizure of 100 liters of 25% sulfuric acid (acid density 1.18 kg / l). it is necessary to calculate the amount of acid in kg.

For instance:

When removing 100 liters of 25% sulfuric acid (acid density 1.18 kg / l), RA must perform with odd number acid in kg.

A is the amount of acid withdrawn in liters;
d - density of the withdrawn acid in kg / l;

$$X = \frac{A \times d \times c}{98\%}$$

c - concentration of withdrawn acid in%;
98% X is the amount of acid in kilograms;

$$X = \frac{100 \times 1.18 \text{ kg / l} \times 25\%}{98\%} = 30.1 \text{ kg concentrated sulfuric acid.}$$

LAW OF THE REPUBLIC OF TAJIKISTAN
On the adoption of the Criminal Code of the Republic of Tajikistan

Majlisi Oli of the Republic of Tajikistan decides:

- 1) Adopt the Criminal Code of the Republic of Tajikistan.
- 2) are repealed from the date of entry into force of this Code, the Criminal Code of the Republic of Tajikistan, approved by the Law of the Republic of Tajikistan dated August 17, 1961 the year "On approval of the Criminal Code," as well as all the laws that the Criminal Code of the Republic of Tajikistan amended and additions from August 17, 1961 to May 21, 1998.

THE PRESIDENT
REPUBLIC OF TAJIKISTAN E.RAKHMONOV

Dushanbe,
dated May 21, 1998, No. 574