



REPUBLIKA E SHQIPËRISË

ASSEMBLY OF THE REPUBLIC OF ALBANIA

DRAFT-LAW

No. , dated .2023

CRIMINAL CODE OF THE REPUBLIC OF ALBANIA

Pursuant to Article 81, paragraph 2, and Article 83, paragraph 1, of the Constitution,
upon the proposal of the Council of Ministers,

THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA

DECIDED:

I

GENERAL PART

TITLE I

CRIMINAL LAW AND ITS IMPLEMENTATION

CHAPTER I

GENERAL PRINCIPLES

Article 1

The principle of lawfulness

The criminal law defines criminal offenses, sentencing and other measures taken against their perpetrators.

Article 2

No impunity without law

1. No one shall be criminally sentenced for a fact that was not previously expressly provided for in the law as a criminal offense.
2. No one shall be sentenced to a punishment type and extent not provided for by law.

Article 3

Classification of criminal offenses

1. Criminal offenses are classified into offences and contraventions. In any case their classification is made in the provisions of the special part of this Code.
2. When the criminal provision does not make the distinction according to the first paragraph of this article, the criminal offense shall be considered a contravention if the provided sentencing measure is non-imprisonment punishment or, the provided imprisonment sentence is no higher than two years.
3. Penalties for contraventions cannot exceed the maximum limit of the amount of the fine provided for in Article 71 herein.
4. For purposes of the clear individualization of the sentencing, for the implementation of the circumstances that mitigate or aggravate the sentencing, for the implementation of alternatives to imprisonment and for every other element mentioned herein related to the offense and the criminal policy, the court shall assess it as a serious offense as well when it provides the possibility of an imprisonment sentence of more than 4 years and as a light criminal offense when it provides an imprisonment sentence of less than 4 years or any other lighter sentence.

Article 4

Interpretation of criminal law

1. The implementation of criminal law by analogy shall not be allowed.
2. The court shall interpret the law providing meaning to the criminal norm and its content within the goals and principles of the Criminal Code.

Article 5

Principles of criminal legislation

1. The Criminal Code is supported on the principles of the Constitution of the Republic of Albania, on the general principles of international criminal law, on international agreements ratified by Albania and European Union legislation.
2. The Criminal Code supports the equality of citizens before the law, justice in determining culpability, protection of the best interest of children and victims of criminal offenses, humanity and proportionality of criminal punishment.

Article 6

Purposes of criminal legislation

The criminal legislation of the Republic of Albania aims to prevent the commission of criminal offenses and to protect the independence of the Albanian state, the entirety of its territory, the dignity of human beings, their rights and freedoms, the constitutional order, the property, the environment, coexistence and understanding of Albanians with national minorities and religious coexistence from their commission.

Article 7

Criminal law and its implementation

1. The substantive criminal legislation consists of this Code and other laws with the same force that provides for criminal offenses.
2. The provisions of the general part of this Code shall also apply to other criminal offenses provided for as such by separate laws.

CHAPTER II

IMPLEMENTATION OF CRIMINAL LAW IN TIME

Article 8

Time of committing the criminal offense

1. The criminal offense shall be considered to have been committed at the time when the perpetrator acted or finished acting and, in the case of omission, when he should have acted.
2. When the criminal offense is persistent or the impact of the perpetrator's actions entails the consequences of the offense at a later time, the time when the consequences of the criminal offense occurred or continue to have an impact shall be considered as the time of the commission of the criminal offense.
3. In terms of criminal law, a criminal offense shall be considered persistent when the violation of the law is extended in time, does not end in a single episode, when the perpetrator limits the right of the victim continuously, causing the consequence to occur throughout the entire time of the actions committed by him.

Article 9

Action in time of the criminal law

1. No one shall be punished for a fact that did not constitute a criminal offense according to the law of the time when it was committed.
2. The new law that does not punish the criminal offense has retroactive effect. The initiated criminal proceedings shall cease, whereas in case the person has been convicted, the execution of the sentence cannot begin and, if it has begun, it shall cease.
3. When the law of the time when the criminal offense was committed and the subsequent law are different, the law whose provisions are more favorable to the person having committed the criminal offense shall be applied, except in cases where the court decision is final. Any petition that refers to the different content of the criminal provisions or to the extent of the different types of criminal punishment that they provide, when the right arises in the stage of serving the sentence, shall be resolved by the criminal courts of the stage during the execution of the sentences.
4. Other criminal institutes, either material or procedural, the content and nature of which directly refers to the criminal sentence or are related to the initiation of criminal prosecution, execution of the criminal sentence, rights during the time of the execution of the sentence, as well as the manner of trial when this affects the measure of the criminal sentence, shall be accepted to have the beneficial effect of the retroactive power.
5. A law which has been in force temporarily shall be applied to those criminal offenses committed during the time when it was in force, except in cases where the law itself provides otherwise.

CHAPTER III

TERRITORIAL APPLICATION OF THE CRIMINAL LAW

SECTION I

CRIMINAL OFFENSES COMMITTED WITHIN THE TERRITORY OF THE REPUBLIC OF ALBANIA

Article 10

Application of the criminal law in the territory of the Republic of Albania

1. The criminal law of the Republic of Albania shall apply to any criminal offense committed within the territory of the Republic of Albania.
2. The Criminal Law of the Republic of Albania shall apply in the land space, the width of the territorial and internal maritime waters, the air space extending over the land space and the territorial and internal maritime waters, as well as any other place under the sovereignty of the Albanian state, such as the seats of Albanian diplomatic and consular missions, ships flying the

flag of the Republic of Albania, ships of the military navy, military or civil aviation wherever they are.

SECTION 2

CRIMINAL OFFENSES COMMITTED ABROAD

Article 11

Criminal offenses committed abroad by Albanian citizens

1. The criminal law of the Republic of Albania shall be also applicable to the Albanian citizen committing a serious criminal offense according to the Albanian criminal law in the territory of another country, concurrently punishable by the legislation of two countries and, when the Albanian citizen resides in the Republic of Albania, even temporarily, at the time of the proceedings and, until a final decision has been issued against him according to the law of the state where the foreign court is located.
2. The condition for concurrent conviction in the territory of another state shall not apply in cases of offenses related to corruption in the public or private sector, exercise of unlawful influence, any type of trafficking or sexual exploitation of minors, as well as laundering the proceeds of the criminal offense or criminal activity.
3. In the view of this article, Albanian citizens shall also be considered those persons who, in addition to Albanian citizenship, shall also enjoy other citizenships.

Article 12

Criminal offenses committed abroad by foreign citizens and stateless persons

1. The criminal law of the Republic of Albania shall be also applicable to foreign or stateless citizens committing abroad one of the following offenses to the detriment of the interests of the state or the Albanian citizen:
 - a) crimes against humanity;
 - b) crimes against independence and constitutional order;
 - c) offenses with terrorist purposes;
 - ç) organization of prostitution, illegal trafficking of people, children and women, illegal manufacturing and trafficking of weapons, narcotics, other narcotic and psychotropic substances, nuclear substances, pornographic materials, as well as illegal trafficking of art works and objects of historical, cultural and archaeological value;
 - d) counterfeiting of the Albanian state seal, Albanian currency and securities;
 - dh) crimes violating the life and health of the Albanian citizen, for which the law provides for a punishment by imprisonment of five years or any other more severe punishment;
 - e) laundering the proceeds of the criminal offense or criminal activity;

ë) offenses related to corruption in the public or private sector, as well as exercising of illicit influence;

f) criminal offenses in the field of information technology.

Article 13

Universal jurisdiction

1. The criminal law of the Republic of Albania shall also be applicable to foreign citizens or stateless persons located in the territory of the Republic of Albania having not been extradited, or cannot be extradited, having committed abroad one of the following offenses:

a) crimes against humanity;

b) war crimes;

c) genocide;

ç) offenses with terrorist purposes;

d) torture;

dh) financing of terrorism

e) laundering the proceeds of the criminal offense or criminal activity.

2. The criminal law of the Republic of Albania shall also be applicable to foreign or stateless citizens committing any of the criminal offenses abroad, for which special laws or international agreements to which the Republic of Albania is a party, provide for the applicability of Albanian criminal legislation.

Article 14

Criminal offenses against internationally protected persons

1. The provisions of this Code shall also apply to criminal offenses committed against internationally protected persons.

2. Unless the international agreements ratified by the Albanian state provide otherwise, an internationally protected person shall be:

a) the head of a state, including a member of the collegial body that carries out the functions of the head of the state, according to the constitution of that state, the head of the government or the minister of foreign affairs, when they are in another state, as well as family members accompanying them;

b) any representative or official of a state or any official or agent of an international organization with an intergovernmental nature, who, at the time and place of the commission of the criminal offense against him, his office, private residence or means of transportation, enjoys, in accordance with international law, special protection from any assault on his person, freedom and dignity, as well as his family members.

Article 15

Criminal offenses committed by persons enjoying immunity

Criminal liability for foreign citizens committing a criminal offense in the territory of the Republic of Albania and enjoying immunity under the international law, shall be resolved through diplomatic channels.

Article 16

Validity of criminal decisions of foreign courts

Criminal decisions issued by foreign courts against Albanian citizens confirming the commission of a criminal offense, unless provided otherwise by bilateral or multilateral agreements, shall also be valid in Albania with regard to:

- a) to the effect of qualifying the person having committed the criminal offence as recidivist;
- b) for enforcing the decisions containing ancillary penalties;
- c) for implementing security measures;
- d) for the recovery of damages or other civil law effects.

Article 17

Extradition

1. Extradition may be granted only when it is expressly provided for in international agreements where the Republic of Albania is a party.
2. Extradition shall be granted when Albanian law and foreign law concurrently provide for the criminal offence, constituting the subject matter of the extradition request.
3. Extradition shall not be allowed:
 - a) if the person to be extradited is an Albanian citizen, unless the agreement provides otherwise;
 - b) if the criminal offense constituting the subject matter of the request for extradition has a political or military nature;
 - c) when there are reasonable grounds that the person requested to be extradited shall be persecuted, punished or wanted due to his political, religious, national, racial or ethnic beliefs.
 - ç) if the person requested to be extradited has been tried by a competent Albanian court for the criminal offense for which extradition is requested.

TITLE II
CRIMINAL OFFENSES AND CRIMINAL LIABILITY

CHAPTER I
CRIMINAL OFFENSES

Article 18
Criminal offense

1. A criminal offense shall be any socially dangerous action or omission provided for by the criminal law, committed with culpability and which violates the Constitution of the Republic of Albania, the rights and freedoms of citizens, and other objects protected by the criminal law.
2. **OPTION 1** In case it is assessed that the action or omission, although it is provided as such in the criminal law, contains low risk, the judge of the preliminary hearing shall decide to suspend the proceedings. It is mandatory to obtain the victim's opinion whether to continue the proceedings.
2. **OPTION 2.** *The action or omission containing low risk, which although provided as such in the criminal law, shall not constitute a criminal offense.*
3. Low risk shall be considered when the offense is insignificant due to its nature or gravity, lack of consequences or their minimal occurrence, incidental circumstances whereby it was committed, low level of criminal liability of the perpetrator, his personal circumstances leading him in committing the offense, or when the costs of criminal proceedings exceed the value of the damaged material object.
4. The second paragraph of this article shall not apply in the case of criminal offenses of corruption of any type, in case of serious criminal offenses and in case of recidivists in the commission of offenses.

Article 19
Place of commission of the criminal offense

1. The criminal offense is considered to have been committed in any place where its perpetrator acted, or in case of omission, where he should have acted, or in that place where the consequence, which is an element of the criminal offense, appeared or should have appeared, as was the will of the perpetrator of the offense.
2. Cybercrimes or through any electronic communication, provided for in the special part of this Code, or in other criminal laws, shall be assessed as having been committed in the territory of the Republic of Albania if they were attempted or committed to the detriment of the interests to the Albanian State, to a natural person residing or a legal entity with registered seat in the Republic of Albania.
3. The actions of accomplices, regardless of their quality, are carried out not only in the place where the criminal offense was committed, but in any place where the accomplice acts or, in

the case of omission, should have acted or where, in accordance with his will, the criminal offense had to be committed.

4. If the accomplice of an offense committed abroad acts in its internal territory, Albanian law shall apply to him even in case the offense committed abroad is considered a criminal offense only by the Albanian law.

5. In the case of an attempt, the offense shall be considered committed in the respective places provided for in the first paragraph of this article.

Article 20

Causal relation

1. No one shall be sentenced for a criminal offense if there is no direct, necessary or sufficient causal connection between the action and the harmful or dangerous consequence that occurred, to bring about the consequence.

2. When the determination of a consequence expressly requires risk as an element, the criminal offense shall exist only if the action caused the harmful consequence or increased the risk of its occurrence.

3. The direct causal terms, necessary or sufficient, are evaluated by the court for their existence and influence in a criminal offense committed even when the consequence is due to other causes, casual circumstances or, even when it did not occur due to causes independent from the person's action.

Article 21

Causation relation in omission

1. No one shall be held criminally liable if there is no causal relation between the omission and the consequence or the possibility of its occurrence, as a direct, necessary or sufficient condition to bring about the consequence.

2. Any failure to prevent a consequence, for which the subject is bound to prevent its occurrence, shall be equated to the commission of a criminal offense if the performance of the missing action would have prevented the consequence from occurring with high probability.

Article 22

Liability sources

1. A criminal offense shall be considered committed by omission when a person intentionally fails to carry out his duty to prevent damage to a legal interest protected by the criminal law, when he has a duty to act, owing to:

- a) Obligation deriving by law;
- b) Contractual obligation under Article 25 herein;
- c) Obligations undertaken voluntarily or due to the nature of the activity performed;

- d) Parental or guardianship obligations towards minors or disabled persons when their fulfillment is the result of normal parental care.

Article 23

Obligations arising by law

1. Subjects belonging to the police force, in the exercise of their duties, have the obligation to prevent criminal offenses, except in cases where the impossibility to such action is objective.
2. Subjects exercising public control functions over objects, activities related to the protection of life, public health, public safety and environmental protection, have the obligation to prevent the consequences of death, injuries, or acts against public safety, except in cases where the inability to such action is objective.
3. Subjects who while practicing the profession of a doctor or another activity in the health field, have undertaken the treatment of someone, have the obligation to observe the actions clearly defined in the relevant treatment protocols, to the purpose of preventing the consequences in the life of the patient's health which, with a very high probability, would be avoided if the obligation was met, except in cases where the impossibility to its avoidance is objective.

Article 24

Obligations of governing bodies of legal entities in preventing consequences

1. Legal persons that bear criminal liability have the obligation to implement organizational models capable of preventing the commission of criminal offenses related to failure of compliance with the provisions in the field of exercising their activities in accordance with the law, by undertaking the measures or decisions necessary to avoid the consequences.
2. Individuals who, although not having the statutory right to manage, manage the legal person in a continuous and dominant way, are likewise subject to this liability.
3. The governing bodies of the legal person shall be bound to undertake all material, organizational measures and behavioral protocols aimed at exercising their activity in compliance with the law, as well as finding out and avoiding any undue or risk carrying situation.
4. In order to prevent the commission of criminal offenses, in proportion to the nature and size of the legal person, the type of activity, the organizational patterns must contain:
 - a) a more detailed separation of the duties of the legal person's bodies, allowing possession of technical competencies and rights for risk control, evaluation, or administration;
 - b) training and information as appropriate as possible of the personnel on the most important issues of law enforcement during the exercise of the activity of the legal person;

- c) the possession of a control system for the implementation of the organizational patterns that guarantees the continuity in time of the capability of the measures undertaken;
- ç) re-examination and revision of the organizational pattern, when violations of the criminal law are found out, or when there have been changes in the nature, form of the legal person or economic activity, or when there have been innovations due to scientific and technical achievements;
- d) an appropriate disciplinary system.

Article 25

Obligations arising from the contract

1. Entities having undertaken specific duties under any contract for the safeguarding or protection of certain persons, or of certain items, within the exercise of their duty, shall have the obligation to prevent criminal offenses committed by third parties to the detriment of the person or item whose safeguarding or protection they are charged.
2. Entities having undertaken specific tasks under any contract, with whatever title, on the control of dangerous items or dangerous sources, have the obligation to prevent the occurrence of harmful or dangerous consequences of life or health, or events that constitute criminal offenses against public safety or against the environment.

Article 26

Obligations due to the nature of the activity or volunteering

1. Entities having undertaken in sports, educational, school activities the role of guide or supervisor in the exercise of their duty or, according to the nature of the activity, in areas of activity that carry a risk, have the obligation to prevent actions that harm the life, health or integrity of the person they have taken in charge, or consequences that these persons may bring to third parties.
2. This obligation shall hold responsible persons regardless of whether the task was undertaken voluntarily or performed by them permanently.

Article 27

Parental or guardianship obligations

1. Parents exercising parental authority for minors have the legal obligation to prevent any action that violates the life, physical integrity, personal freedom, and sexual integrity of the minors.

2. Persons having undertaken under the law or contract the role of guardian of a minor, a disabled person, or an elderly person, even temporarily, have the obligation to prevent any action mentioned in the above paragraph.

Article 28

Attempt

1. A person attempts to commit a crime when he undertakes direct, sufficient or necessary measures, appropriate to lead certainly to the accomplishment of the desired offense, but which does not finish due to circumstances independent of his will.
2. When the perpetrator seeks to commit the crime by omission, the attempt shall remain only when the omission is the result of premeditation to achieve the consequence of the criminal offense.
3. If the person has provided accomplices, data, means or plans to commit a crime, it shall not be considered an attempt, except when he has initiated to carry out essential actions towards its accomplishment.
4. Direct, sufficient or necessary non-exhaustively actions that lead to the accomplishment of the offense shall be considered:
 - a- those constituting an essential element of the type of offense to be committed;
 - b- those appropriate to produce a clearly desired result;
 - c- those having initiated towards the desired target, occurring without any doubt to aiming his swift violation.
5. No criminal attempt shall be considered if the person seeks to commit the offense by using scientifically inappropriate means to bring about a criminal consequence to the actual target or addresses a material object that is missing or impossible to be violated as a result of his action, unless there is even a minimal probability for the consequence to occur based on the circumstances of the case.
6. In terms the attempt is indictable under paragraph 5 of this article, the court, supported on the relevance of the performed action, the means used by the perpetrator, the object sought to be violated by him, shall order the correctional measures against the person attempting to commit the offense. In case there is even a minimal probability of the consequence, the court shall order an alternative imprisonment sentence. The request of the prosecutor for the appropriate measure shall be examined according to the general rules of the criminal trial on the merits.

Article 29

Liability for the attempt

1. Anyone attempting to commit a crime shall be held liable.
2. The court shall mitigate the punishment and may reduce it below the minimum provided by law or impose a punishment type more lenient than the one provided for by law, depending on

the degree of occurrence of the consequence and the reasons for which the offense was attempted, unless the Special Part of this Code provides otherwise.

3. In case the offense remained in attempt, for which the relevant provision of the Special Part of the Criminal Code provides for a sentence of no higher than 10 years of imprisonment, in the analysis of the terms provided for in paragraph 2 of this article, the court shall issue a decision of no more than one-third of the sentence provided for in the provision.

4. In case the offense is sentenced from at a minimum of 10 years to 35 years at its maximum, in the analysis of the terms provided for in paragraph 2 of this article, the court shall issue a decision from 1/3 to 1/2 of the sentence provided for in the provision.

5. In case the offense is also sentenced by life imprisonment, in the analysis of the terms provided for in paragraph 2 of this article, the court shall issue the minimum sentence of up to 20 years imprisonment.

6. The Court decision to impose ancillary penalties shall not be affected by the fact that the criminal offense remained in attempt.

Article 30

Relinquishing to commit a criminal offense

1. No one shall be held criminally liable when, on his own will and conclusively, relinquishes to commit a criminal offence, despite the opportunity to commit it.

2. When the actions carried out so far contain elements of another criminal offence, the person shall be held liable for the offence committed.

3. In the context of the first paragraph of this article, a person who, despite having committed a minor criminal offence, avoids all consequences immediately after committing it, or does not allow their occurrence, and immediately reports the offence committed to public order bodies, shall be considered relinquishing to commit a criminal offence. There shall be no relinquishment if the failure of the consequence to occur is not due to the conduct of the perpetrator of the criminal offence.

CHAPTER II

CRIMINAL LIABILITY

Article 31

Age of criminal liability

1. Any person having reached the age of fourteen at the time of committing an offense or has reached the age of sixteen at the time of committing a criminal contravention shall be held criminally liable.

2. For persons aged 14-16 years old committing an offense, the court must assess the level of the minor's will on the basis of his capability to understand the importance of the fact and the consequence of the offense, to the purpose of reaching the conviction beyond any doubt about the maturity in view of the committed fact and his culpability. In case of doubt, the offense shall be considered to have been committed negligently or, when the minor poses a danger to himself, the court may apply the ordering of paragraph 4 of this article.

3. If a young adult between the ages of 18 and 21 has committed a criminal offense when he was a minor or, if he committed a criminal offense during the time period from 18 to 21 years old, he shall be treated as a minor as provided for in the provisions of this Code, regardless of the time of initiation of criminal proceedings against him.

4. A minor between the ages of 12 and 14 committing an offense shall not be held criminally liable, but if he poses a danger to himself or to society, he shall be subject to the implementation of correctional measures, and if he is mentally incapable of understanding his actions, he shall be subject to the medical/curative measures under Articles 104 and 105 herein.

Article 32

Culpability

1. No one shall be sentenced for an action or omission provided for by law as a criminal offence, as far as the offence has not been committed because of one's culpability.

2. No one shall be sentenced for committing an offense unless it was committed intentionally or negligently.

3. No one shall be sentenced for committing a criminal contravention if it was not committed intentionally.

4. After examining the factual circumstances, the evidence and the conduct of its perpetrator, the court shall determine in each case the type and degree of culpability manifested in the commission of a criminal offense. In case of negligence, the court shall take into account the nature of the duties or functions of the perpetrator, his capacities, as well as the competences and means he had available to carry out the task.

Article 33

Intention

1. A criminal offense is committed intentionally, when the person foresees the consequence of the offense, wishes its occurrence or, although he foresees it and does not intend it, allows its occurrence.

2. The criminal offense may be committed with direct or indirect intention.

Article 34

Direct intention

A criminal offense shall be committed with direct intention as a consequence of an action or omission, when its perpetrator foresees the consequence of the actual fact constituting a criminal offense, or willingly intends to commit it, or when he is also influenced by motives such as internal motivation for its commission.

Article 35

Indirect intention

A criminal offense shall be committed with indirect intention when the person has foreseen the occurrence of the consequence as a result of his action or omission and, despite not intending it, consciously allows its occurrence.

Article 36

Negligence

1. A criminal offense may be committed with conscious or unconscious negligence.
2. The criminal offense is committed with conscious negligence when the person, although not wishing the consequences that may occur as a consequence of his actions or omissions, is aware of the possibility of their occurrence and recklessly assumes that it shall not occur or that he would be able to prevent its occurrence. The fact that constitutes a criminal offense in this case occurs due to negligence, excessive self-confidence, lack of proficiency or due to failure to comply with the rules provided for in the legislation in force.
3. The person acts with unconscious negligence when he is not aware of the possibility of the consequences that may occur as a consequence of his action or omission even though under the circumstances and according to his personal qualities or capacities he could or should have been aware for the possibility of their occurrence.

Article 37

Mistake of fact

1. A person who unavoidably and reasonably makes a mistake in the lawfulness of the action carried out shall not be held criminally liable.
2. Anyone committing a criminal offense while mistakenly believing he is committing a mild criminal offense shall be held liable for the offense committed, and if he commits a lenient criminal offense other from the one he planned to commit, he shall be liable for the offense he committed.

Article 38

Mistake of law

1. Ignorance of the law that punishes the criminal offense shall not be a reason for exemption from criminal liability, except in cases where honest and reasonable ignorance is objectively unavoidable.
2. If the mistake was avoidable, the perpetrator shall be held liable for the committed offense, but it shall be assessed as a mitigating circumstance, except when the person may easily understand the unlawfulness of the conduct or when the perpetrator, due to the profession, work or service he performs, is capable to understand the unlawfulness of the conduct.

Article 39

Lack of criminal liability due to mental disorder

1. A mentally disabled person suffering at the time of the commission of the criminal offense from a permanent or temporary mental condition or, if he suffered a disorder or low level of mental development, shall not be held criminally liable if this condition has completely disturbed his balance and due mental functioning and, as a consequence of such influence, he has been unable to understand the nature, significance or consequence of the actions or omissions and has been unable to control his actions or omissions, or to understand he is committing a criminal offense.
2. Any person suffering from a mental illness, temporary mental disorder, intellectual disability or any other mental disturbance of a serious degree at the time of the commission of the criminal offense shall be considered mentally disable.
3. A person with low mental capacity suffering at the time of the commission of the criminal offense from a mental or psychic disorder that reduced his balance and regular mental functioning to fully understand and control his actions or omission, and as a consequence of this influence, had partial capacity to be able to understand the nature, importance or consequence of his actions or omissions, shall be held criminally responsible.
4. The court, in cases of irresponsibility of the person, shall apply the appropriate medical measures for the case, provided for in Article 101 of the Criminal Code.
5. The court, in cases of irresponsibility mentioned in the third paragraph of this article, may reduce the amount of the sentence from 1/3 to 1/2. Depending on the degree and type of illness, disorder, intellectual disability or any other condition, the court shall decide that the person receives necessary therapeutic treatment for his recovery, under the ancillary penalties provided for in Article 87 of this Code.

Article 40

Committing a criminal offense while inebriated and intoxicated

1. A person committing the offense while inebriated due to the consumption of alcoholic beverages shall not be exempted from liability, unless it caused the condition provided for in the first paragraph of Article 39 of the Criminal Code.
2. When inebriation is caused by the circumstances of the case and has led to a decrease in mental balance, this circumstance is taken into account for mitigating the sentence.
3. When the inebriation was carried out with the intention of committing the criminal offense, this circumstance shall be taken into account for aggravating the sentence.
4. The above rules shall also apply when the criminal offense is committed in a state of intoxication due to consumption of toxic drugs, narcotics, psychotropic substances or other substances that cause similar effects or under the influence of an abstinence syndrome due to addiction to such substances, impeding the person from understanding the nature, importance of his actions or omissions and the corresponding consequences, as well as controlling his actions or omissions.
5. In any case, when the criminal offense was committed under the state of inebriation or intoxication with narcotic and psychotropic substances, the court shall decide the ancillary measure of the obligation to participate in therapeutic sessions under Article 87 of this Code.
6. When the state of inebriation or intoxication was provoked by a third party with the intention that the perpetrator commits the criminal offense and, the inebriation or intoxication was caused without the will and awareness of the perpetrator, when it completely disrupted the balance and due mental functions, the person provoking the inebriation or intoxication shall be held criminally liable for the criminal offense committed.

Article 41

Physical coercion

1. A person committing the offense by being coerced by another person through physical violence or threats, the nature, degree of brutality and intensity of which was not possible to withstand or in any case was not able to circumvent shall not be held criminally liable.
2. In this case, the person using violence shall be held criminally responsible for the offense committed, while the provisions of Article 48, paragraph 4 of this Code shall apply to the perpetrator.

Article 42

Granting consent by the right holder

1. A person violating or endangering with his behavior the life, health or a right available to the victim, with the consent of the latter, granted upon his free will and with the full capacity to understand and assess the consequences of consent, shall not be held criminally liable.

2. The rules related to violation of life and health of the victim with his consent are regulated by a separate law. Until the adoption of the special law, but no later than one year from the adoption of the Criminal Code, the first paragraph of this article shall have no effect in case of violation of the life and health of the victim.

Article 43

Exercising a right or accomplishing a task

1. No one shall be held criminally liable for performing an action provided for or permitted by a legal norm.
2. No one shall be held criminally liable for carrying out an action pursuant to a lawful order issued by the competent authority under which he serves.
3. If the fact constituting a criminal offense was committed on the basis of an order, the public official issuing the order shall be the one liable for the criminal offense.
4. The person having executed the order shall also be responsible for the criminal offense, except for the case when, due to mistake of fact, he has sincerely and reasonably assessed that he is obeying a legal order.
5. Anyone executing an unlawful order shall not be sentenced when the law itself does not allow him any possibility of control or annulment of the lawfulness of the order.

Article 44

Necessary defense

1. No one shall be held criminally liable when having committed a fact that constitutes a criminal offense, being obliged to act to protect his life, health, rights or that of another person, from the actual risk of an unjust, real, instantaneous and continuous assault, provided that the defense is proportionate to the dangerousness of the assault.
2. The defending reaction to entering the person's house at night, or by violence, breaking or fraud shall be considered as necessary defense.
3. If the assaulted person has concrete, easily usable opportunities to avoid the danger by withdrawing without suffering any consequences, he should avoid the defensive reaction.
4. To the purpose of the assessment of the proportionality of the defense with the assault, the rights in conflict, the means available to the person being defended, the conditions and the concrete method of the assault must be taken into account.
5. The person provoking the assault shall not be in the conditions of the necessary defense. In terms of criminal law, the provocation shall mean the performance of one or several actions or conduct by the victim capable of causing an immediate, unthinkable and understandable reaction by the person.
6. The obvious inconsistency of the defense with the degree of dangerousness of the attack, its consequences, or the means used, shall constitute exceeding the limits of the necessary defense.

Article 45

Extreme need

1. No one shall be held criminally liable for committing the offense due to the need to face a real and immediate risk that threatens him, another person or property from serious and unavoidable damage in other ways, provided that he shall not be the one provoking and the damage caused should not be greater than the damage averted.
2. For the damage caused beyond the averted damage, the person shall be held liable for the criminal offense committed through negligence.
3. The first paragraph of this article does not apply to anyone in charge of carrying out risk-aversion or risk-management activities.

Article 46

Legal use of weapons

1. No one shall be held criminally liable, in order to fulfill his duty, uses or orders the use of weapons or other means of physical coercion, being forced by the need to repel an act of violence or opposition to the employee exercising a state office and, in any case, to prevent the commission of terrorist crimes, flood, road, air, sea or rail disasters, manslaughter, armed robbery and kidnapping.
2. This provision shall also apply to any person assisting the public official, following the lawful request of the latter.
3. The law shall define other cases in which the use of weapons or other means of physical coercion is allowed or limited, always observing the principles defined in this Code regarding the necessary defense and complicity of persons in the commission of the criminal offense.

Article 47

Whistleblower Reporting

No one shall be held criminally liable when, in accordance with the provisions of law “On Whistleblowing and Protection of Whistleblowers” meets the criteria to be a whistleblower, when he violates a secret protected by law, provided that such disclosure is necessary and in proportion to the protection of interests included in the purpose of the special law and, to be carried out in accordance with the forms and content of the whistleblowing.

CHAPTER III

PERSONS CRIMINALLY LIABLE FOR COMMITTING CRIMINAL OFFENSES

Article 48

Complicity

1. Complicity shall be the commission of a criminal offense by two or more people in agreement with one another.
2. In terms of the criminal law, agreement shall mean any joining of forces to achieve or attempt a criminal outcome, regardless of the role or form of performance of the duties of the accomplices, their general abilities to contribute to the commission of the criminal offense or, even when only one of the accomplices is aware of the agreement of the perpetrators goals to carry out the offense and acts using their contribution.
3. A person exploited to commit a criminal offense without his knowledge, regardless of the contribution he made in its commission, shall be considered an innocent intermediary.
4. In terms of this provision, the agreement of persons to commit the offense shall be considered a criminal offense according to the provisions of the special part of this Code.
5. All accomplices shall be responsible for a certain offense even in case it was attempted to be committed or remained in a development stage as provided for as a criminal offense in the Special Part of the Criminal Code.

Article 49

Accomplice types

1. Accomplices in committing a criminal offence shall be: organizers, executors, instigators, assistants, supporters, provocateurs, encouragers and external accomplices.
2. Organizers are persons organizing and managing the activity for the commission of the criminal offense.
3. Executors are persons performing direct actions to carry out the criminal offense.
4. Instigators are persons instigating or attracting other accomplices to commit the criminal offense, through words or actions influencing in involving other accomplices in the commission of the criminal offense.
5. Assistants and supporters are persons help in the commission of the criminal offense, upon advice, instructions, the provision of means, removal of obstacles, making promises to hide accomplices, traces or items deriving from the criminal offense.
6. Provocateurs are persons publicly approach or create circumstances that clearly encourage the commission of a crime through disinformation of any kind, through direct incitement, open or indirect contacts, mass communication media, press or broadcast on communication waves, or any similar means.
7. Encouragers are persons providing security, trust, hope and support to the actions of other accomplices so that they commit or continue to commit the criminal offense, helping or stimulate them in all ways.

8. An external accomplice shall be a person participating partially in the commission of the criminal offense, in one of the side roles of the above accomplices, due to his special qualities, profession or knowledge about the mechanism of the commission of the offense. This quality excludes him from the participation or the formation of the special complicity, the general goals of the accomplices, the recognition of the membership or the continuation in the activity of the special complicity, otherwise he will be assessed as a regular accomplice.

Article 50

Accomplices liability

1. All accomplices shall be held as much liable as executors for the criminal offense committed by them, except when the executor is in a state of excess.
2. For the purposes of this law, the executor shall be in excess when the perpetrator of the criminal offense has committed it in excess of what he agreed to commit in agreement with the accomplices and when the other accomplices' foreseeability of the commission of the offense in excess was entirely impossible.
3. The court, in determining the sentence for accomplices, must take into account their primary or secondary role in the commission of the criminal offense, the each one's level of participation, the ability of the accomplices to contribute to the commission of a particular offense, the manner and level of organization, their relationship, the structure, the conduct towards the consequences of the offense, the continuity and the role played in the commission of the criminal offense.

Article 51

Liability of organizer

1. The court shall determine the organizer's central role amongst other accomplices given his contribution on the commission of the criminal offense, since the borne of the idea to its commission, the elaboration of the plan, the luring of other accomplices, their conviction of the need and the benefits expected from the commission of the offense, the sharing of roles for each of them in accordance with the need to commit the criminal offense, planning the distribution of profits and, as the case it may be, the way of investing the proceeds in the subsequent activities.
2. For the purposes of this provision, organizer to all effects shall be considered also the person who only funds the commission of the offense knowing clearly its complexity, the need to involve as many people as possible in the commission of the offense, the necessary division of their roles and even if he only benefits income from the commission of the criminal offense.
3. It will be considered an organizer even when the person secretly exploits the goals of the executor, without the knowledge of the latter, provides him with relevant assistance, without which the criminal offense could not be carried out.

4. The court, after identifying the primary role of the organizer, shall impose against him a sentence higher than for the other accomplices.

Article 52

Liability of executor

1. The court, due to the commission of the criminal offense, the skills required for its commission, depending on the type of complicity, the number of persons participating therein, the level of their organization, the difficulty of the commission of the offense, consequently as well the dangerousness of the formed group of accomplices, when all the elements altogether do not bring out the primary role of the organizer in the commission of the offense, then it shall determine the role of the executor as the primary one.

2. In case the commission of the criminal offense is part of the activity of structured criminal groups, the court shall determine the role of the executor in the same dangerousness level as the organizer of the commission of the criminal offense.

3. In individualizing the sentence for the executor, the court shall also take into account the way he committed the criminal offense, the ability to achieve the goal or the continuation in the commission of criminal offenses in this role.

4. In case the two qualities of an accomplice, as executor and organizer, are combined in the same person, the court shall consider it as an aggravating circumstance with the effects under Article 118 of this Code and shall issue a sentence of no less than three-fourths of the maximum penalty provided for in the provision for the offense committed.

Article 53

Liability of instigator, aider and abettor

1. Instigators, aiders and abettors are secondary accomplices in the commission of the criminal offense and shall be held liable for the offense committed in accordance with the assigned role and contribution in one of the ways provided for in Article 49 of this Code.

2. The court, after clearly determining each one's concrete contribution, the proximity to the organizer or the executor of the commission of the offense, the importance of the role of each in the fulfillment of the criminal offense, shall issue a sentence lenient compared to the primary accomplices.

3. In case the same person comprises some of the qualities of a secondary accomplices, then the sentence for him shall be higher than the sentence issued by the court to someone who performs a single role.

4. The person instigating to commit a criminal offense that cannot be charged or sentenced, shall be held responsible for the criminal offense committed by him in complicity, adding up to one-third of the sentence from the court. If the offenses committed are provided for to a minimum of 10 years of imprisonment, the sentence shall be increased from one-third to its one-half.

5. In case this accomplice exploits the executor as a means to commit the offense, due to the dependence and control he has over him, he shall be considered in the role of the organizer of the commission of the offense and will be individualized as such by the court in determining the sentence imposing no less than 3/4 of the sentence provided for by the provision for the offense committed.

6. In case the secondary accomplice exploiting another person for the commission of the criminal offense is his parent or guardian, the specified sentence shall be increased by 1/2t or if the offenses committed for which a minimum of 5 years of imprisonment has been provided for, the specified sentence shall be increased with from 1/3 to 2/3.

Article 54

Liability of provocateur and encourager

1. Given the secondary role in the commission of the criminal offense, the provocateurs shall be sentenced according to the provisions of the special Part of this Code for a specific offense if they lack knowledge about the executors or the manner in which the criminal offense will be committed. If the offense occurs, the provocateur shall be considered as an instigator, aider or abettor in complicity.

2. The encouragers of the criminal offense shall be sentenced according to the special criminal offense provided for in the Special Part of this Code. If they fail to stop encouraging the commission of a criminal offense within 24 hours from the notification of the prosecuting body, they shall be considered as accomplices in its commission same as instigators, aiders or abettors.

Article 55

Liability of external accomplice

1. The external accomplice shall be subject only to the special complicity and shall be held criminally liable for the committed offense for which he was called for assistance by his contact, provided that the assistance delivered has influenced the commission of the criminal offense by the other accomplices.

2. Depending on the consequences of the criminal offense committed by this accomplice, the court shall issue the individual sentence according to the general criteria for the commission of a criminal offense committed in normal complicity.

3. When the participation of the external accomplice in the commission of criminal offenses becomes continual, under the ordering and contact of the same person or persons who, due to the task, are known to him, also for the activity between them, the possibility of considering such person as a regular accomplice and no longer on a casual basis shall increase.

Article 56

Special forms of complicity

1. The criminal organization is the highest form of complicity, composed of three or more persons being distinguished by the special degree of organization, structure, stability, duration, as well as by the purpose of committing one or more criminal offenses, to carry out and increase material and non-material benefits, mainly, but not necessarily, in the field of trafficking, high-risk crimes against minors, laundering the proceeds of criminal offenses and criminal activity, embezzlement of public funds through the corruption, coercion, obstruction of justice or other related offenses. Its activity can also be extended to the international level.

The members of the criminal organization are joint by a common goal, are fully aware of the nature of the criminal offenses they will commit and are willing to commit them in exchange for a contribution in accordance with the nature of the offense or individual capabilities, the creation of material or other benefits. They support each other to achieve their aims or conceal the criminal activity through the transition to the legal economy market or free commerce.

2. The terrorist organization is a special form of criminal organization, consisting of two or more persons, having a stable complicity over time, with the aim of committing acts with terrorist purposes.

The members of the terrorist organization are joint by a common goal, are fully aware of the nature of the criminal offenses they will commit and are willing to commit them in exchange for a contribution in accordance with the nature of the offense or individual capabilities, the creation of benefits of various kinds that derive from the purpose of forming the terrorist organization.

3. The armed gang is a special form of complicity that, by the possession of weapons, combat ammunition and other necessary means, aims to commit the criminal offenses, but not necessarily, provided for in *chapters V, VI and VII* of the special part of this Code.

The members of the armed gang are united by a common goal, are fully aware of the nature of the criminal offenses they will commit and are willing to commit them in exchange for a contribution in accordance with the nature of the offense or individual capabilities, the creation of benefits of various kinds that derive from the purpose of forming an armed gang.

4. A structured criminal group is a special form of complicity composed of three or more persons, for the commission of one or more criminal offenses, to carry out material and immaterial benefits, mainly, but not necessarily, in the field of traffics and high-risk offenses. The structured criminal group may be grouped temporarily to commit a criminal offense or regroup later to commit other offenses.

For the commission of a criminal offense the structured criminal group is formed with the full awareness of their members about the type of activity or the goals of the group. This form of complicity is not necessarily distinguished by stable membership, hierarchy in the division of tasks, organization and developed structure.

The members of the structured criminal group are united by a common goal, are fully aware of the nature of the criminal offenses they will commit and are willing to commit them in exchange for a contribution in accordance with the nature of the offense or individual

capabilities, the creation of benefits of various kinds that derive from the purpose of forming the structured group.

5. Creation and participation in a criminal organization, terrorist organization, armed gang or structured criminal group shall be considered criminal offense and shall be sentenced according to the provisions of the special part of this Code or other special criminal provisions.

6. Members of the criminal organization, terrorist organization, armed gang or structured criminal group shall be held liable for all criminal offenses committed in the fulfillment of the goals of the criminal activity of the special groups in accordance with their role in each offense committed.

Members of special criminal groups shall be held criminally liable for offense committed by criminal organizations, terrorist organizations, armed gangs or structured criminal groups, even when they did not participate in their commission, only in case they provided prior approval or support for their commission.

7. The member of the criminal organization, the terrorist organization, the armed gang or the structured criminal group, shall benefit from the exemption from the sentence or its reduction, when he provides assistance considered decisive for the acknowledgement of their activity, of other accomplices, assets owned directly or indirectly by them, as well as for investigative activities carried out against criminal organizations, terrorist organizations, armed gangs and structured criminal groups.

Exemption from sentencing of a member of a criminal organization, terrorist organization, armed gang or structured criminal group, is an exceptional case and is carried out only when the member contributes before the criminal proceedings have initiated against him. The information provided, which was previously known and was already in the data of the proceeding bodies, shall not be regarded decisive assistance unless it provides substantial evidence to prove the guilt of the perpetrators and the assistance clearly serves the success of the proceedings.

Article 57

Renouncing the complicity

1. It will be considered as renunciation of committing the offense, even in the case of creation of groups to commit a criminal offense, provided as punishable under the provisions of the Special Part of this Code, if the person willingly reports the accomplices and their plans, his role and the criminal offense planned to be committed.

2. It shall be deemed renunciation of committing the offense if the accomplice, regardless of his role until then, makes substantial steps of his own free will to prevent the commission of the offense and reports it to public order bodies before the criminal offense is performed.

Article 58

Criminal liability of legal persons

1. Legal persons shall be held criminally liable for the offenses committed in their name, on their account and for their benefit by their bodies and representatives, legal or factual, regardless of whether they meet the conditions or qualities to carry out the assigned task, even in case where it is impossible to initiate or terminate a criminal proceeding against the specific perpetrators.
2. The criminal liability of legal persons does not exclude the liability of perpetrators having committed or are accomplices in the commission of the same offenses with other perpetrators. It shall be applied even when the responsible physical perpetrator is not individualized.
3. In terms of criminal law, a legal person will be considered to be not a physical entity known to exercise commercial activity in accordance with the Law on Commercial Companies, but one containing in its organizational structure a broad organization, division of works according to policies or organizational patterns based on the relevant Law and this Code.
4. With regard to small legal entities, the supervisory functions mentioned in this Code and the special law may be taken over directly by the administrative body. In terms of this provision, small-size legal entities shall be considered those that, according to the legislation in force, have simplified tax liability.
5. Circumstances of a special nature that mitigate or aggravate the criminal sentence attributed to a physical perpetrator shall not be evaluated vis-a-vis the liability of the legal person or to avoid his responsibility.

Article 59

Criminal offenses which the legal person is liable

1. Legal entities shall have criminal liability for committing the offense cited in this provision:
 - Premeditated murder;
 - a) -Criminal offenses against property and in the economic sphere, including theft, fraud, intentional destruction of property;
 - b) -Criminal offenses committed in commercial companies;
 - c) -Criminal offenses in the field of customs;
 - d) -Criminal offenses related to the exercise of banking and financial activities;
 - e) -Criminal offenses related to taxes and dues, counterfeiting currency and securities;
 - f) -Criminal offenses in the field of bankruptcy;
 - g) -Criminal offenses in the field of gambling;
 - h) -Criminal offenses against the environment;
 - i) -Criminal offenses of terrorism and its financing;
 - j) -Offenses in violating the equality of citizens;
 - k) -Criminal offenses in the field of violating the equality of participants in public bids or auctions;

- l) -Criminal offenses in the field of corruption in the public and private sector, active and passive;
- m)-Criminal offenses related to the protection of the free market and competition;
- n) -Offenses related to illegal or unauthorized trade;
- o) -Criminal offenses in the field of safety at work;
- p) -Criminal offenses that protect products and food safety;
- q) -Criminal offenses in the field of territory protection and illegal constructions;
- r) -Criminal offenses related to economic crime and organized crime;
- s) -Laundering of the proceeds of a criminal offense or criminal activity;
- t) -Criminal offense of opening anonymous accounts;
- u) -Criminal offense of embezzlement of money or goods deriving from criminal offense or criminal activity;
- v) -Criminal offense of hiding funds and other assets that finance terrorism;
- w)-Criminal offense of performing services and actions with **wanted** persons;
- x) -Criminal offense of providing assistance for illegal border crossing;
- y) -Criminal offense of production, transportation of military, chemical, biological, nuclear, poison-based, explosive or nuclear weapons.

Article 60

Legal persons not subject to criminal liability

1. In addition to state institutions, the following shall also be exempted from the application of criminal liability of legal persons:
 - a) central or local state authority;
 - b) regulatory entities;
 - c) agencies, business entities or public commercial companies that implement or offer services of general economic interest.
 - ç) international or similar public law organizations that exercise the competence of sovereignty or governance;
2. Local government units shall be held criminally liable only for actions carried out during the exercise of their activity through the delegation of public services.
3. Special law no. 9754, dated 14.6.2007, “On the criminal liability of legal persons”, shall be applied as far as it does not conflict with the provisions of this Code.

TITLE III
PENALTIES

CHAPTER I

Article 61

Purpose of penalty

1. The purpose of the criminal penalty aims to punish the criminal offense committed, to isolate the culprit for the time needed to achieve public security, to influence his reintegration into society through serving the penalty, to aim at preventing the commission of criminal offenses in society, compensation and protection of victims, minors and other subjects from exploitation.
2. Insofar as this law regulates the types of sentencing measures and their issuing, it shall also include the Prosecution Office.
3. The argued request of the prosecutor in the hearing regarding the quantity and type of sentence that the perpetrator must serve or its alternatives, is mandatory and derives from his responsibility for criminal prosecution, representing the interests of the state in court and in particular, criminality control.

Article 62

Sentencing criminal offenses and contraventions

In meeting the objectives of criminal punishment, the court shall issue the main, ancillary penalties or shall undertake criminal measures against persons committing criminal offenses or contraventions. In their selection, it shall adhere to the need to control criminality, it shall be supported on the relevance of the criminal offense, on the principles of individualization as a way of issuing criminal sentencing and the general principles of this Code.

Article 63

Serious criminal offences

In addition to the provisions of Article 61 and 62 herein, the court, during the process of examining the elements related to the imposition of the criminal sentence, shall take into account the separation of offenses into serious and light ones and the impact they have respectively on the way of the criminal sentence is served, in the application of alternatives to imprisonment sentences or even circumstances that mitigate or aggravate the sentence.

CHAPTER III
PENALTIES AGAINST NATURAL PERSONS

Article 64

Main penalties

1. The following principal punishments shall apply to persons having committed crimes:
 - a. Life imprisonment
 - b. Imprisonment
 - c. Fine
2. The following principal punishments shall apply to persons having committed criminal contraventions:
 - a. Imprisonment
 - b. Fine
3. For persons having committed crimes or criminal contraventions, the court may also assign ancillary penalties, depending on and in accordance with the provisions of this law and the nature of the committed offense.
4. The types of criminal penalties for minors provided for in the Criminal Justice Code for juveniles shall be applicable regardless of the provisions in this Code.

Article 65

Ancillary penalties for offenses

1. The ancillary punishments provided for the commission of crimes are as follows:
 - a. Banning the right to exercise public functions.
 - b. Confiscation of means committing the criminal offense and the proceeds of the criminal offense.
 - c. Prohibition to drive.
 - ç. Prohibition to carry weapons with a permit.
 - d. Removal of decorations and honorary titles.
 - dh. Removal of the right to exercise an activity or skill.
 - e. Prohibition to participate in competitions for public jobs or to benefit public funds.
 - ë. Prohibition of the right to exercise managerial position at legal entities, even private.
 - f. Prohibition to reside, or obligation to reside in one or several administrative units.
 - g. Prohibition to live in certain premises.
 - gj. Expulsion from the territory.
 - h. Compulsion to publish the court decision in media and community.
 - i. Loss of parental responsibility.
 - j. Prohibition to approach the victim, her relatives or communicate with them.
 - k. Compulsion to participate in social therapeutic sessions, detoxification or education courses.
 - l. Compulsion to register in public institutions due to intoxication, rape, pedophilia.

- ll. Compulsion not to visit certain premises and persons.
2. For persons having committed offense for which the law stipulates a sentence of up to three years of imprisonment or a lighter sentence, the court, in special cases, when issuing the main punishment is considered inappropriate, may be satisfied only with the imposition of no less than two ancillary penalties that correspond to the nature of the offense committed.
3. For persons having committed offenses for which the law provides a sentence of up to six years of imprisonment, the court, along with the main sentence, may also impose one or more ancillary sentences that correspond to the nature of the offense committed.
4. For persons having committed offense for which the law provides a sentence of more than six years of imprisonment, the court, along with the main sentence, shall also impose one or more ancillary sentences that correspond to the nature of the offense committed.
5. When the court deems it necessary due to the nature of the offense, the effects of ancillary penalties, the need for the best possible compliance of the criminal punishment with the goals intended by it, and when it creates the conviction about the effectiveness of the ancillary penalties, it shall impose it also for offenses where the Special Part of this Code does not expressly provide for.

Article 66

Ancillary penalties for criminal contraventions

1. The ancillary penalties issued to persons committing criminal contraventions are as follows:
 - a. Confiscation of means committing the criminal offense and the proceeds of the criminal offense.
 - b. Prohibition to drive.
 - c. Removal of the right to exercise an activity or skill.
 - ç. Removal of the right to exercise managerial duties at legal entities, even private.
 - d. Obligation to publish the court decision in media and community.
 - dh. Compulsion to participate in social therapeutic sessions, detoxification or education courses.
2. In special cases when the court assesses that the main sentence is inappropriate, it is satisfied in issuing an ancillary penalty that corresponds to the nature of the offense committed.
3. When the court deems it necessary due to the nature of the criminal offence, the effects that the ancillary penalty have, the need for the best possible compliance of the criminal punishment with the purposes intended by it and when it creates the conviction about the effectiveness of the ancillary penalty, it shall impose it also for contraventions that the provisions of the Special Part of this Code have not expressly provided for.

Article 67

Supplementary measures

1. Supplementary measures issued to persons committing criminal offenses are as follows
 - a. payment of the caused damage.
 - b. payment of the costs of the proceedings.
2. When the case is obvious, the court may impose the obligation to pay for the damage caused ex officio, regardless of whether there is a particular request from the victim or the civil plaintiff in the criminal proceedings. In terms of this supplemental provision, it shall also include the victim's medical treatment expenditures until his full physical or psychological recovery.
3. The court shall impose the obligation to pay the expenses of the entire criminal proceedings upon filing of the parties' petitions, or even ex officio where the case is obvious.

Article 68

Life imprisonment

1. The life imprisonment sentence is issued by a court decision for the commission of a serious crime that has caused particularly serious consequences.
2. The life imprisonment shall not be issued to persons who at the time of committing the crime have not reached the age of eighteen, or when there are cases provided for in this Code, even for persons having not reached the age of twenty-one, as well as to women.

Article 69

Imprisonment

1. Imprisonment for crimes shall be issued for a period ranging from thirty days to thirty years, except in cases where the sentences are combined under Articles 128, 129 and 131 of this Code.
2. For a criminal contravention, imprisonment shall be issued for a period ranging from fifteen days to two years, except in cases where the sentences are combined under Articles 128, 129 and 131 of this Code.

Article 70

Execution of life imprisonment and imprisonment sentences

1. Life imprisonment and imprisonment sentences shall be served in institutions specially established for this purpose.
2. The rules on the way the sentences are served, the rights and duties of the convicts shall be determined by a separate law.
3. Juveniles shall serve their imprisonment sentences in premises separate from adults.
4. Women shall serve their imprisonment sentences in institutions separate from men.

Article 71

Penalty by fine

1. Penalty by fine consists of paying an amount of money to the benefit of the state within the limits provided by law.
2. Penalty by fine shall be issued to persons committing criminal offenses or contraventions.
 - a. Persons committing offenses shall be subject to a fine ranging from ALL 100,000 to 10 million.
 - b. Persons committing criminal contravention shall be subject to a fine ranging from ALL 50,000 to 3 million.

FINE MEASURES TO BE REVISED

3. For persons committing crimes for the purpose of obtaining property or securing any other type of material benefit, the court shall compulsorily order the confiscation of the means of committing the criminal offense and the proceeds of the criminal offense or, in their absence or impossibility, an additional imprisonment up to 1/3 of the one issued, exchanged into a fine according to the rules of Article 124, paragraph 1 of this Code.
4. The court shall impose a fine only after investigating the person's solvency. Solvency shall be determined by the person's personal and financial situation. The fine shall be paid within the term specified in the court decision.
5. The court, taking into account the economic situation of the convicted person, may allow the fine to be paid in installments, specifying the installments and the deadline for their payment.
6. When the convicted person fails to pay the fine and the fine cannot be collected through mandatory execution, the court shall decide to replace the fine with imprisonment, calculating it according to the rules of Article 124, paragraph 1 of this Code.
7. Where a convicted person fails to pay the fine in due time for no fault of his and if the criteria on which the fine was determined have changed after the decision was issued, and do not obviously justify payment of the fine, the convicted person may request:
 - a. postponement of the fine payment deadline for up to six months;
 - b. performance a work of public interest.
8. If the court orders the performance of a work in the public interest, the relevant rules contained in this law regarding work in the public interest shall be applied.
9. If the fine is not paid even after the deadline has been postponed or if the convict fails to perform the work in public interest, the court shall decide to replace the fine with imprisonment. The revocation of the imprisonment sentence shall not be allowed as it replaced the fine or the alternative of work in public interest.
10. When the fine was issued for the commission of a crime, its replacement by imprisonment cannot exceed three years, whereas when it was issued for the commission of a criminal contravention, the replacement cannot exceed one year of imprisonment, always without exceeding the maximum of the imprisonment provided for in the relevant provisions. If the criminal provision provides no imprisonment sentence, the maximum imprisonment sentence shall be considered to be six months.

Article 72

Removal of the right to exercise public functions

1. Removal of the right to exercise public functions, for a period of no less than five years to 25 years, shall be issued to a person having committed an office related crime abusing the public office or having committed a crime for which the court has imposed an imprisonment sentence of no less than ten years.
2. Removal of the right to exercise public functions may be issued for a period ranging from 10 to 20 years, when the court has issued a sentence of five to ten years of imprisonment, and from 5 to 15 years, when the sentence issued is up to three years imprisonment.
3. In any case, the execution of the ancillary sentence shall begin after the execution of the main sentence.

Article 73

Confiscation of the means of committing the criminal offense and the proceeds of the criminal offense

1. Confiscation is mandatorily imposed by the court and pertains to obtaining and transferring to the benefit of the state:
 - a) items that served or were designated as tools for committing the criminal offense;
 - b) proceeds of the criminal offense, including any type of assets, as well as documents or legal instruments that certify titles or other interests in the assets deriving or acquired directly or indirectly from the commission of the criminal offense;
 - c) rewards, given or promised, for committing the criminal offense;
 - ç) any other asset, the value of which corresponds to the proceeds of the criminal offense;
 - d) items, the production, use, possession or alienation of which constitute a criminal offense, even when no sentencing decision has been issued.
2. If the proceeds of the criminal offense have been partially or entirely transformed or alienated into other assets, the latter shall be subject to confiscation.
3. If the proceeds of the criminal offense are merged with legally acquired assets, the latter shall be confiscated up to the value of the proceeds of the criminal offense.
4. Income or other benefits from the proceeds of the criminal offense, from the assets into which the products of the criminal offense have been transformed or alienated or from the assets with which these products have been merged, shall also be subject to confiscation, to the same extent and manner as the proceeds of the criminal offense.
5. In terms of this ancillary sentence, the natural person shall be considered the same as the legal person.

Article 74

Confiscation to the third parties

1. Proceeds or other assets whose value corresponds to these proceeds, which have been transferred to third parties by the perpetrator of the criminal offense, or which third parties have purchased directly or indirectly from the perpetrator, shall also be subject to confiscation, provided that third parties knew or should have known that the purpose of the transfer of ownership or purchase was to avoid confiscation, based on concrete facts and circumstances, as well as when the transfer or purchase was made for free or for a value several times lower than the market value.
2. The same measure shall also be imposed on items or property deriving from the commission of a criminal offense, is a proceed or means of its commission, when they are found in the possession of third parties for any reason.
3. Confiscation under the first paragraph of this article does not affect the rights of third parties in bona fide.

Article 75

Prohibition to drive

1. The court shall issue the ban to drive for a period of one to five years, against persons having committed a serious criminal offense, when it is held that it shall have a preventive effect or complies with the nature of the offense committed.
2. This sentence is mandatory to be issued by the court even in case of committing a light criminal offense when the perpetrator was assisted by the use of the vehicle for its commission.
3. Upon the announcement of the main decision, the court shall determine the time of the initiation of the execution of the sentence.

Article 76

Prohibition to carry firearms

1. The court shall issue the ancillary penalty of the prohibition to carry firearms against persons having abused with the permit to carry them by committing a serious criminal offense with the use of the weapon.
2. The term of removal of the right to carry arms is from five to ten years, or permanent.
3. Persons having committed a crime through the use of a firearm held without the permission of the state bodies can never be provided with the relevant permit for their possession.

Article 77

Removal of decorations and titles

1. The removal of decorations and honorary or academic titles shall be issued to persons having committed a serious crime punishable by imprisonment and deemed that their retention does not comply with the nature of the offense committed.
2. The removal of decorations and honorary or academic titles is permanent when the person is convicted of a crime over ten years of imprisonment and, from one to five years when sentenced to ten years of imprisonment.

Article 78

Removal of the right to exercise a profession or an activity

1. The removal of the right to practice a profession or an activity bans the convicted person from practicing the profession or activity, for which a special permit, certificate, authorization or license has been issued by the competent body.
2. The removal of the right to exercise an activity or a profession is compulsorily issued for a period of two to five years, or permanent, and is the result of any punishment for serious criminal offenses committed by abusing the office that requires special permission, or persons sentenced to imprisonment for more than ten years, or when held that the further exercise of the activity or profession conflicts with the legal relationship that the specific criminal offenses aim to protect.
3. The special permit, certificate, authorization or license of the competent body that conditions the performance of a professional activity cannot be issued in favor of persons previously convicted for serious criminal offenses related to the content of those mentioned in the second paragraph of this article, regardless of whether they are rehabilitated according to the provisions of this Code.
4. In terms of this ancillary penalty, the public and private sectors shall be considered equal, as will the natural and legal person.

Article 79

Prohibition to participate in competitions for jobs or benefit public funds

1. The prohibition to participate in competitions for public jobs or benefit public funds is compulsorily issued by the court to persons having committed an office-related serious criminal offense or directed against the authority of the state, the constitutional order, the state activity, order and legal security, against justice, in the field of corruption or committed by persons in complicity with one another.
2. The term of application of this ancillary sentence is from five to ten years, or permanent.
3. In terms of this ancillary penalty, the public and private sectors shall be considered equal, as will the natural and legal person.

4. This ban shall also apply to natural or legal persons convicted of the serious criminal offenses mentioned in the first paragraph of this article, when after the termination of the sentence or the rehabilitation period, they seek to participate in public competitions.

Article 80

Removal of the right to exercise managerial duties

1. The removal of the right to exercise managerial duties at legal entities, removes the opportunity for the convicted person to exercise the duties of director, administrator, liquidator, as well as any other duties related to the capacity of the representative of the legal entity.
2. The removal of the right to exercise managerial duties in legal entities is a consequence of any sentencing for serious criminal offenses when the convicted person has abused the functions or acted contrary to the rules related to the duty. The removal term shall be for a period of one to five years if the imprisonment sentence issued by the court is up to 5 years.
3. When the sentence issued by the court is no less than five years of imprisonment, this right is removed for a period of five to ten years.
4. In terms of this ancillary penalty, the public and private sectors shall be considered equal, as will the natural and legal person.
5. This prohibition shall also apply to natural or legal persons convicted of serious criminal offenses according to the second paragraph and their perpetrator played a primary role in the commission of the serious criminal offense even when he has finished serving his sentence.

Article 81

Prohibition to dwell or reside in one or several administrative units

1. The prohibition to reside in one or several administrative units shall be issued by the court for a period of one to five years, when it is considered that the convict's residing in these places poses a risk to public security.
2. The dwelling of the convict in one or several administrative units is granted by the court for a period of one to five years, when it is held that the residing in these places serves public security.
3. In cases of serious crimes with consequences in the community where they occurred, or of repeated violence in the family, the application of this ancillary sentence is mandatory, except in case the relations between the parties in conflict appear clearly, beyond any doubt, to be normalized.
4. In crimes related to violation of public order, sexual crimes committed against minors or indecent behavior, when serious consequences for public life have been caused, the application of this penalty is mandatory.

Article 82

Prohibition to live in certain places

The prohibition to live in certain places shall be imposed on the convicted person and is related to the place where the criminal offense was committed or to the place where the victim or his family lives. In case the existence of an intellectual disability or a disability that originates in a mental disorder has been proven for the convicted person, in determining this sentence, the court must take into account the legal rights that must be protected and the highest interest of the disabled person, who must have the necessary means of accompaniment and support to serve this penalty.

Article 83

Expulsion abroad

1. The court shall issue the expulsion abroad to a foreign citizen and a stateless person committing a crime, and when deemed that his further accommodation in the territory of the Republic of Albania should not continue in the future.
2. The decision shall be revoked by the court, at the request of the convicted person, when the foreign or stateless citizen acquires the Albanian citizenship. In this case, if the conditions for the implementation of Article 81 of this Code are met, the court shall revoke the first decision and, depending on the crime committed, shall apply the ordering of this provision, if the criteria provided therein are in accordance with the nature of the committed offense.

Article 84**Publication of the court decision in the media and community**

1. A court decision is issued by the court for publication when the latter considers that the knowledge of the content of the decision is of public interest and the victim requests such an obligation.
2. The publication of the court decision, in whole or in part, ordered by the court, is carried out at the expense of the convict, in one or several means of mass communication or radio and television stations and/or in special places in the community.
3. The date of publication and its duration are determined by the court.
4. The means of communication and radio and television, local government bodies are obliged to publish the court decision sent by the court. After the deadline set by the court regarding the publication of the court decision, the bodies, regardless of the means that published it, are obliged to remove, delete or prevent the judicial act from being accessible by third parties.
5. The publication of the court decision is not made when it exist the risk of spreading a state secret, when the personal life of persons, minors is prejudiced or social morality is affected.
6. The publication of the court decision is mandatory when the serious criminal offense is related to cases for which high public interest has been shown, for cases that are deemed to demonstrate the purpose of preventing the sentence, for cases where it is estimated that the publication of the decision will positively influence the behavior of the convict or will influence the public to show proper care towards persons with criminal behavior. In any case, the court takes into account the obligations set out in the fifth paragraph of this provision.
7. As a result of this complementary sentence, the public and private sectors will be equalized, as well as the natural person and the legal person.

Article 85**Loss of parental responsibility**

1. The loss of parental responsibility is rendered by the court to the person who exercises parental responsibility, when he is convicted as a perpetrator or accomplice in a criminal offense against the minor victim or as an accomplice with the minor in the commission of a crime.
2. The same provisions apply even when the minor's guardian is subject according to the first paragraph of this article.

Article 86**Prohibition to approach the victim, his/her relatives or communicate with them**

1. The prohibition to approach the victim, his/her relatives or to communicate with them in any way can be rendered by the court in cases where the convict has committed a crime related to violence in the family, community, social, educational, work premises, persecution or, regardless of the type of crime, it results in the trial that pressure has been exerted by him/her to reach a favor throughout the time from the commission of the offense until the decision is rendered by the court.
2. When the court assesses that the pressure exerted on the victim was made to achieve procedural favors which cause the withdrawal from the appeal or even the suspension of the case, in addition to the rejection of the withdrawal from the appeal and the order of criminal prosecution, it shall mandatorily apply this complementary punishment.
3. The prohibition to approach the victim or his/her relatives or other persons determined by the court prevents the convicted person from approaching them, wherever they are, as well as approach their place of residence, place of work and any other places where they usually go, except when he/she exercises the right of visits, communication and stay with his/her children.
4. The prohibition to communicate with the victim, or with his/her relatives or with other persons determined by the court, prevents the convicted person from communicating with them, by any means of communication or computer or telematic means, written, verbal or visual communication.
The court may order that the control of these measures be carried out through electronic means that make possible such an activity.
5. The court must also decide on the reasonable term of this prohibition. After the requests of the victim and the assessment of his/her condition, permanent detention is not excluded.

Article 87

Obligation to participate in social therapeutic, detoxification programs or education courses

1. The obligation to participate in social therapeutic, detoxification programs or education courses shall be observed by the convicts who have committed the criminal offense also as a result of the visible influence of violent tendencies, personality disorders up to the accepted limit of responsibility for the criminal offense, intemperate anger, use of alcohol or narcotics, low educational, cultural level or cases of absence of a family capable of educating the person.
2. The court must also decide on the reasonable timeline for such an obligation based on the specific case and the opinion of the specialists who ensure the application of the complementary sentence.

Article

Obligation not to visit certain places and persons

Article 88**Obligation to pay for the damage caused**

1. The complementary measure of the obligation to pay for the damage caused is given by the court to the convict, mainly when the criminal offense has caused a property damage.
2. If the convicted person is a minor up to 18 years old, or is up to 21 years old, has no means of living and lives with his parents or guardian, has no assets to replace the damage caused, or is criminally irresponsible and, medical measures were ordered for him, then the court can order that the damage be paid by:
 - a) parents or guardians for damages and losses caused to the victim if their carelessness in fulfilling the obligations of education or controlling the behavior of minors or young people up to 21 years of age, is clear and constitutes the cause of the damage caused;
 - b) natural or legal persons who own publishing houses, newspapers, magazines, any type of means of communication, radio stations or television channels, or any other means of written, spoken or visual dissemination, for criminal offenses committed using their media. In this case, their civil liability is covered jointly with the convicted person.
 - c) natural or legal persons of any industry or trade, when the criminal offense has been committed, by their employees, representatives or administrators in fulfillment of obligations or services;
 - d) natural or legal persons who own machines capable of creating a risk for third parties for criminal offenses committed by their assistants, representatives or other authorized persons.
 - e) the public institutions of the country, according to the affiliation, will be subsidiarily (additionally) responsible for the damages caused by those who have committed the criminal offense, when the convicts are authorities, agents and employees of public institutions or civil servants who are committing their duties or the functions of the office and, the damages were caused directly by the actions of the public services entrusted to them. If civil liability is required in the criminal process, it is jointly addressed to the public administration and the subject of the criminal proceedings.
3. The complementary measure of the obligation to pay for the damage caused also includes the payment of expenses for the medical treatment of the victim incurred as a result of the need to recover his/her mental and physical health due to the damage caused by the actions of the perpetrator of the criminal offense as well as any other expenses incurred for the same reason.

Article 89**Obligation to pay for procedural expenses**

The obligation to pay for the costs of the entire criminal proceeding is given in each case by the court upon submission of requests by the parties, or, even ex officio, when the case is presented clearly.

Article 90**Time for beginning the settlement of additional penalties**

When the court, along with a prison sentence, also gives one or several of the complementary punishments mentioned in this Code, it simultaneously orders the time and manner of beginning the settlement of the complementary punishment, in accordance with the nature of their content, application and effect.

Article 91**Non-execution of additional penalties**

The non-application by the convict of the court's decision on the complementary punishments due to the lack of control or the regular performance of the duty by the personnel of the probation service, constitutes a criminal offense for the last subjects, according to the provisions in the special part of this Code.

CHAPTER III

MEDICAL AND EDUCATIONAL MEASURES

SECTION I

*EDUCATIONAL MEASURES FOR MINORS***Article 92****Educational measures and their purpose**

1. Educational measures aim to ensure/guarantee the physical, mental, spiritual, moral and social development of minors in the age group of 12-14 years who are under the age of criminal responsibility, who have committed a crime, minors who have criminal responsibility and are excluded from punishment, or minors who pose a danger to themselves and others. They aim to treat and include these categories of minors in concrete programs for correction, resocialization, rehabilitation and prevention of further criminal activity, offering minors attention, care, assistance and supervision, as well as providing education, professional training, developing his sense of personal responsibility and his future involvement in a more useful role in society.

2. During the examination of the request for the assignment of educational measures to the minor, the court evaluates the reports of the special structures recognized by law or recommends the interventions that their services should provide for the reintegration of the minor, evaluating:

- a) the conditions, which facilitated the child's involvement in crime;
- b) the level of social danger and the offense committed;

- c) the environment in which the child grew up and lived;
- ç) the risk or possibility that the child commits another criminal offense;
- d) any other factor, which can help to understand and evaluate the child's situation.

Article 93

Educational measures

1. Educational measures can be assigned to minors under the age of criminal responsibility, in the age group from 12 to 14 years old who have committed a crime, to minors who have criminal responsibility and are exempt from punishment, or to minors who pose a danger to themselves or for others because of the actions they have performed.
2. The types of educational measures that can be assigned by the court to minors are:
 - a. counseling of minors;
 - b. special supervision of the minor by the parent, adoptive parent or guardian;
 - c. supervision of minors in alternative care;
 - c. placement of the minor in an institution of educational-corrective care;
2. The court decision on educational measures is revocable at any time when the circumstances for which it was rendered change or disappear. In any case, the court is obliged to review the first decision after 6 months from the day the decision was given to the minor.
3. The rules for revoking the court decision containing educational measures are provided in the following provisions of this Code and in the Criminal Procedure Code.

Article 94

Determination of educational measures

1. In determining the educational measure against the minor, the court takes into account the circumstances of the crime, the personality of the minor, the needs related to age, education, personal, family, social and environmental conditions, developmental needs, and other needs of the minor including, if applicable, special needs.
2. The court respects the sequence of educational measures as far as is reasonable, supporting the principle that the most severe educational measure cannot be assigned, if the goal can be achieved through a milder educational measure for the minor.
3. In every case and procedure that is followed against the minor for the determination of educational measures, there are applied the principles, guarantees and provisions of the Code of Criminal Justice for Children and the law in force for the rights and protection of the child as far as they do not fall into contradiction.

Article 95

Counseling of minors

1. Judicial counseling is assigned to the minor when his educational-corrective needs are fulfilled through the implementation of such a short-term educational measure because the crime was committed due to recklessness or negligence.
2. Counseling consists of informing and explaining to the minor in the court hearing about the dangerousness of his actions, the negative consequences they cause for the victim and the community, the importance of respecting the rules, the violation of which constitutes a crime, and the information about the consequences of such violation for his future, the rights of the victim and the affected public interest.
3. The court shall assign the educational measure of judicial counseling when this measure is considered sufficient and in the best interest of the minor to positively influence and correct his behavior. He is informed that he has committed a harmful and dangerous act which constitutes a crime, he is informed that if he commits the same or another offense again, the Court will impose a more serious educational measure on him.
4. Counseling shall be accompanied by the minor's obligation to regularly follow the educational process in the relevant educational institution and shall be monitored.
5. The court shall assign the Unit for the Protection of Children's Rights or the social and/or psychological services to draw up a plan regarding the way of implementing and monitoring the counseling of the minor, and measuring its effects step by step.

Article 96

Special supervision of the minor by the parent, adoptive parent or guardian

1. The educational measures of the special supervision of the minor by the parent, adoptive parent or guardian and the supervision of the minor in alternative care shall be assigned to the minor when his educational/corrective needs are met through their implementation, for a period from 3 months to 2 years, do not require isolation from his previous family-social environment and guarantee to the minor the required social treatment.
2. The special supervision of the minor consists in allowing the minor to stay in the family, provided that one or more of the following activities are closely supervised:
 - a) continuation of the educational process in the relevant educational institution in a regular manner;
 - b) participation in activities of pre-social services;
 - c) following a medical treatment or psychological counseling;
 - ç) prohibition to go or visit certain places and persons.
3. The court shall assign this type of educational measure to the minor even when the parent, adoptive parent or guardian who have been negligent in the exercise of parental supervision, are fully capable and ready to carry out the supervision of the minor and, when that measure is most appropriate in the best interest of the minor to ensure his correction and education.
4. The minor is informed that he has committed a harmful and dangerous offense which constitutes a crime, he is informed that if he commits a criminal offense again, the Court will assign a more severe educational measure to him.

5. The educational measure is monitored and contains the necessary instructions for the minor and the parent, as well as the orders for the fulfillment of certain tasks that are part of the educational measure in order to guarantee the ongoing care, education and supervision of the minor.
6. The court shall assign the Unit for the Protection of Children's Rights or social and/or psychological services to draw up a plan regarding the implementation and monitoring of the special supervision of the minor, to provide the necessary assistance to the parent, adoptive parent or caregiver, and to measure its effects step by step.

Article 97

Supervision of minors in alternative care

1. The supervision of the minor in alternative care consists in the relocation/transfer of the minor from his family to a relative, to another close foster family that takes care of him or even to a care institution according to Articles 224 and 271 of other applicable provisions of the Family Code, if the parent, adoptive parent or guardian is incapable of carrying out special supervision over the minor and if he states that he is unable to exercise parental responsibility or supervise and correct his behavior and education and, when such measure is in the best interest of the minor. The measures mentioned in the second paragraph of Article 96 shall also apply to this supervision.
2. The court shall assign the educational measure to the minor only with the proposal of the child protection structures or the proposal of the parent, adoptive parent or guardian, in case it is impossible for the child to be left with his family or when the child poses a danger to himself and after hearing the parent, adoptive parent or guardian about his/her incapacity and impossibility in exercising special supervision for the education of the minor. In such a case, the preliminary assessment of the aid and social services sector is mandatory, according to the provisions on guardianship.
3. The educational measure is monitored and contains the necessary instructions for the minor, relative/custodial family and orders for the fulfillment of certain tasks that are part of the educational measure in order to guarantee the ongoing care, education and supervision of the minor.
4. The duration of the educational measure is determined by the needs of the minor and its effects terminate even before the end of the term of its implementation, when the parent, adoptive parent or guardian of the minor expresses readiness and is capable and able to exercise special supervision to the minor or when, according to the results monitored from the execution of this measure, it is clear that there is no longer a need for special supervision of the minor because he has been corrected.
5. The court, for the implementation of the educational measure, shall assign the Unit for the Protection of the Children's Rights to draw up a plan regarding the implementation and

monitoring of the special supervision of the minor by the relative, other close family, or the institution of care, to provide the necessary assistance and to measure its effects step by step.

Article 98

Placing the minor in a special institution of educational-corrective care

1. The educational measure of placing the minor in an educational-corrective care institution is determined when his educational-corrective needs are met, as a last alternative, only through the implementation of detachment from the previous environment and, for a long-term period, that offers minors the possibility of education, reintegration and rehabilitation through the necessary organized institutional treatment.
2. The educational measure of sending the minor to a special care institution shall be determined by the court in the cases when:
 - a. the minor has committed a serious crime, the minor needs specialized education to correct his behavior and for his re-socialization, and, when such a measure is in the best interest of the minor;
 - b. the minor who has committed a light crime, the needs of the minor are not provided by any of the alternatives of the above educational measures previously applied to him, and when such a measure is in the best interest of the minor;
 - c. the minor with his behavior and actions poses a risk of harming himself, endangers his health, life, normal physical, mental, emotional and social development and, the needs of the minor are not provided by any of the alternatives of the above educational measures previously applied to him and, when such a measure is required by the child protection structures or the parent himself, the adoptive parent, the guardian expressly declaring the inability to supervise and correct the behavior and education of the minor and when, such a measure is in the best interest of the minor.
2. In assigning this type of educational measure, the court shall take into account the importance and nature of the criminal offense and whether an educational measure was previously assigned to the minor.
3. This educational measure is given for a period of up to 2 years.
4. The educational institutions are obliged to send to the court every 3 months a report with detailed information containing a description on the progress of the implementation of the educational measure assigned to the minor and its corrective effects achieved. In cases when the court is convinced that the process of educating the minor has positive results and he/she has changed his/her behavior, has become aware in order to understand the importance of complying with the law and the rules, it shall order the summoning of the minor in the hearing and, in the presence of the parents/the guardian, it shall determine the revocation of the educational measure by assigning, as applicable, special obligations for his education.

Article 99

Special provisions related to the implementation of educational measures

1. Subject to the execution of educational measures for minors, the court shall assign tasks to the relevant child protection structure at local level or any other body competent in monitoring the educational measure, including:
 - a. treatment of the minor's psycho-emotional condition and supervision of his education;
 - b. helping and creating opportunities for parents to maintain contact and personal relationships with their children;
 - c. ensuring the removal of the minor from any negative influence;
 - c. facilitating access to necessary medical care;
 - d. providing possible solutions to any problem that may appear in the life of the minor,
 - dh. any other duty deemed to be in the interest of the minor.
2. The relevant child protection structure at local level or any other competent body shall report every 2 months to the Court that has assigned the educational measure, on the effects that have resulted from the execution of the court decision pursuant to the educational measure.
3. Taking the educational measure for placing the child in alternative care takes into account, as far as possible, the maintenance of contacts between sisters and brothers.
4. The persons or the institution, at which the child is placed in alternative care, have the same duties, responsibilities and rights as those of the guardian, provided in the Family Code, while the child's parents, during the period of validity of the educational measure according to articles 97, 98 of this Code, cannot exercise their parental responsibility.

Article 100

Special obligations to minors

1. When assigning one of the educational measures provided in articles 97, 98 of this Code, the court, depending on the nature of the criminal offense committed, shall determine one or more special obligations to the minor, if it considers that it is necessary for achieving the goal of the measure, provided that the special obligations are fulfilled within the deadline of the given educational measure.
2. The special obligations are the following:
 - a. the minor shall personally apologize to the victim;
 - b. compensate the damage to the victim depending on the solvency, the financial situation of the minor. If he/she has no possibilities for compensation, the rules of Article 88, paragraph 2 of this Code shall apply;
 - c. regularly follow the educational process;
 - c. conduct an educational, corrective and/or medical program;
 - d. fulfill other obligations that will reinforce his reintegration and prevention of re-offending.
 - dh. accept psychological counseling;
 - e. not visit certain places or premises that have a negative impact on the minor;
 - e. not contact/meet certain persons;

- f. not leave a country or a defined administrative region without permission;
 - g. not change the place of residence;
 - gj. not leave the house during a certain period/time;
 - h. stop the use of narcotic substances, other stimulants or alcohol and, if necessary, undergo a medical treatment program.
3. The court can at any time terminate or change the special obligations assigned to the minor, when the circumstances for which they were set do not exist anymore.
4. If the minor does not fulfill the special obligations provided in paragraph 2 of this article, the court may replace the educational measure with another more severe educational measure.
5. For the obligations specified under paragraphs c; c; d; dh; h, of this article, the notification of the binding measure is forwarded to the responsible authority in the field of education and/or the educational program, health, any other service involved and the Unit for the Protection of Children's Rights.
6. When ordering the special obligations provided in paragraph 2 of this article, the court shall inform the minor that their non-fulfillment may lead to the replacement of the given educational measure with another more severe educational measure.

SECTION II

MEDICAL MEASURES AND MANDATORY TREATMENT

Article 101

Medical measures

1. Medical measures are taken by the court for irresponsible adults who have committed a criminal offense and, due to irresponsibility, are excluded from further prosecution or from punishment and serving such punishment.
2. Medical measures are also taken for irresponsible minors who have reached the age of criminal responsibility and have committed a criminal offense, as well as for irresponsible minors under the age of criminal responsibility in the 12-14 age group who have committed a criminal offense and, for this reason, they pose a danger to themselves or others.
3. Medical measures taken for adults are the following:
- a. mandatory outpatient treatment under the care of a family member and mandatory follow-up by a specialist doctor;
 - b. mandatory treatment in a special medical institution.
4. Medical measures taken for minors are the following:
- a. mandatory outpatient treatment, under the care of a parent, adoptive parent or guardian and mandatory follow-up by a specialist doctor;
 - b. placement for mandatory treatment in a special medical institution suitable for minors.
5. For persons of any age group who have committed a crime due to lack of responsibility as a result of full intoxication, the court shall determine:
- a. The medical measure of mandatory treatment for their detoxification for a period necessary for rehabilitation from addiction to the substances that caused the intoxication. Such a measure

is applied in special institutions known for the service provided and under the care of specialists in the field.

6. The personnel in charge of the follow-up and treatment of persons placed in mandatory treatment or medication must notify the court every 3 months of the progress of each person being treated. The report contains the necessary elements of the methodology, treatment and the change that the subject has shown due to the treatment.

Article 102

Revocation of measures

1. The court decision on educational and medical measures of any kind is revocable at any time when the circumstances for which it was given change or disappear. In any case, based on paragraph 6 of article 101, but also ex officio, the court is obliged, after 6 months from the day of rendering the decision to the minor and after 1 year from the day of rendering the decision to the adult, to review its first decision.

2. The rules for revoking the court decision containing the medical and educational measure are provided in the following provisions of this Code and in the Criminal Procedure Code.

Article 103

Subjects and procedure for taking medical measures

1. When it is concluded that the conditions are met for taking a medical measure against the person who has committed a criminal offense, the prosecutor shall submit to the court a request to judge the criminal fact. After verifying that the person committed the act, the dangerousness and the fact of his irresponsibility, the court shall order the determination of a medical measure in accordance with the needs of rehabilitation. The person's guilt for the committed offense is not declared.

2. Under the same procedure, as far as it is applicable, the prosecutor shall request the imposition of an appropriate medical measure also against the person who falls into a state of irresponsibility during the time of serving the criminal sentence.

3. The procedure for determining the medical measure provided in this provision, due to the nature of the case, bypasses the examination of the case by the judge of the preliminary session.

4. The rules provided in Article 46 of the Criminal Procedure Code are applicable insofar as they do not fall into contradiction with this provision.

Article 104

Medical measure of mandatory outpatient treatment for minors

1. The court for minors shall determine the measure of mandatory outpatient treatment under the care of the parent, adoptive parent or guardian and mandatory follow-up by the specialist

doctor of the minor who exhibits or suffers from mental health disorders, when he is provided with specialized medical assistance and special medical treatment, while being in free state, for the recovery of mental health and, when this is in his best interest. They aim to ensure specialized treatment and appropriate medical care of the minor.

2. The court that has taken the medical measure for the minor is obliged to review the need for its continuity or not every 6 months. The doctor responsible for the minor's mental health is obliged to refer to the Court within the terms and rules defined in Article 101 paragraph 6 of this Code.

Article 105

The medical measure of placing the minor in a special medical institution

1. The court shall determine the measure of placement for mandatory treatment in a special medical institution of the minor who exhibits or suffers from mental health disorders when his needs for specialized medical assistance cannot be met through the measure of mandatory outpatient treatment, the minor needs specialized institutional medical treatment for the recovery of mental health and, when this is in his best interest. They aim to ensure specialized treatment and appropriate medical care of minors.

2. The court that has assigned the medical measure to the minor is obliged to review the need for its continuity or not every 6 months. The doctor responsible for the minor's mental health is obliged to refer to the Court within the terms and rules defined in Article 101 paragraph 6 of this Code.

Article 106

Subjects and procedure for assigning educational and medical measures to minors

1. In any situation that dictates taking of educational or medical measures for minors under the age of criminal responsibility, as applicable, the prosecutor or the judicial police shall notify the Unit for the Protection of Children's Rights, and have the legal obligation to coordinate their activities to ensure the effectiveness and minimization of the duration of the procedure for the search and assignment of the educational or medical measure to the minor.

2. In examining cases involving minors, for the protection of their best interests and justice, the court shall take maximum care to find out the truth, beyond any reasonable doubt, whether or not he/she has committed a criminal offense, with the aim of avoiding any attribution, self-incrimination or use of minors by third parties.

3. When it is concluded that there are conditions for taking measures against a minor who has committed a criminal offense, the prosecutor shall submit to the court a request to judge the criminal fact. After verifying the commission of the act by the minor and the fact of his irresponsibility, the court shall order the assignment of medical or educational measures in accordance with the needs of the minor's rehabilitation. His guilt for the committed criminal offense is not declared.

4. The respective prosecutor at the Court of Minors has the obligation to submit to the Court a request for the assignment of a medical measure for minors who have reached the age of criminal responsibility and the need to assign a medical measure to him is dictated, based on the provisions of Article 46 of the Criminal Procedure Code.

5. The respective prosecutor at the Court of Minors has the obligation to present to the Court the request for the assignment of educational or medical measures for minors under the age of criminal responsibility. The judicial police officer specialized in juvenile matters and/or the Unit for the Protection of Children's Rights, when during their activity find cases for the implementation of such measures, they address a request to the prosecutor for setting such measures, including the following obligations:

a) accompany the request with all the necessary documentation;

b) participate in the trial of the examination of the request;

c) take protective measures for the minor if these are necessary according to the legislation on the rights and protection of the child and the Code of Criminal Justice for Minors, in cooperation with the defense counsel or, in his absence, in cooperation with the minor and the legal representative, to guarantee legal, psychological, social, medical and any other necessary services according to the case and the needs of the minor throughout the entire process;

6. The Specialist/Representative of the Unit for the Protection of Children's Rights is the minor's support person and, inter alia, is responsible for:

a) supporting the minor emotionally;

b) providing support throughout the judicial process. This assistance may include measures to minimize the negative consequences of the criminal offense, measures to help the minor in daily activities, and measures in relation to administrative issues related to the circumstances of the specific case;

c) providing advice, whether following a therapy or professional counseling is necessary;

ç) maintain communication with the relatives, friends and the defense counsel of the minor;

d) inform/access the minor to legal, health, psychological or social services;

dh) inform the minor about his procedural position, the importance of the educational measure, the duration, the form, and about the procedural rules of its assignment;

e) inform the minor about the right to appeal against the court decision.

7. The parent, adoptive parent, guardian have the right to submit a request to the court for the assignment or replacement of educational or medical measures against minors under the age of criminal responsibility.

8. In the procedure of assigning or replacing and examining the request for educational or medical measures against minors, the participation and supervision of the prosecutor and the Unit for the Protection of Children's Rights are mandatory, and the coordination of the activity between them is also mandatory. .

Article 107

Non-execution of decisions for educational or medical measures

Non-execution of the special obligations set by the court subject to the execution of decisions on the assignment of educational or medical measures, by the subjects charged by the court decision to follow them, constitutes a criminal offense according to the provision in the special part of this Code.

CHAPTER IV
CRIMINAL PUNISHMENTS AGAINST LEGAL PERSONS

Article 108

Punishments for legal persons

1. In the execution of certain punishments against legal persons, all the rules on the imposition of punishments provided in this Code will be taken into account, as far as they are applicable.
2. Regardless of the punishments provided in the law no. 9754, dated 14.6.2007, "On the criminal liability of legal persons", the court can also apply the following sentences:
 - a. Fines according to quotas or proportional to them;
 - b. Termination of legal person, which causes the loss of legal personality, the capacity to act in any legal transaction, or to undertake any activity, even if it is legal;
 - c. Suspension of activity for a period of more than 5 years;
 - c. Closing the company's work premises for a period not exceeding 5 years;
 - d. Prohibition to carry out in the future the activity through which the criminal offense was committed. The ban can be permanent or temporary. When it is temporary, the ban does not exceed 10 years;
 - dh. Prohibition to benefit aid from the state, to enter into a contractual relationship with the public sector or to benefit from fiscal relief for a period of 10 years;
 - e. Assignment of a legal supervisor to take care of the protection of the rights of employees or creditors until the term deemed necessary by the court.
2. During the preliminary investigations, the closure of the company's work premises, the suspension of the activity and the appointment of a legal supervisor or the prohibition of the development of promotion, publicity or advertising of the company's services for a certain period of time, may be imposed as measures of security by the judge of preliminary investigations.

Article 109

Grounds for assigning a sentence to a legal person

1. For criminal penalties against legal persons, other than fines, the court, in addition to the general rules on the manner of determining the penalty and the grounds on which it is based provided in this Code, shall also take into account
 - a. the need to prevent the continuation of criminal activity or its consequences;
 - b. economic and social consequences;

- c. consequences for the workers;
 - d the position in the structure of the legal person and the relevant body that has committed the violation;
2. The court, in order to determine the proportional type of criminal punishment provided in Article 108 of this Code, against the legal person who has committed a criminal offense, shall also assess:
- a. the fact whether or not he was a repeat offender in committing criminal offenses;
 - b. if it was used as a tool by the perpetrators to hide their criminal responsibility or shifted the legal purpose of the formation of the legal person towards illegal activity.

Article 110

Criteria for setting and paying the fine

1. The court, in determining the value of the fine against the legal person, beyond the confiscation of the proceeds from the criminal offense, will assess the benefit received from it, the damage caused, the value of the item or the amount obtained illegally. These criteria do not exclude the general rules noted in this Code for the way of determining the criminal sentence.
2. For legal persons, the amount of the fine that can be imposed on them is 5 times the amount stipulated in article 71 paragraph 2.a of this Code. When, as a result of the same facts, a fine will be imposed on the perpetrator and the legal person, the court shall take care in such a way that the respective final amount is not disproportionate in relation to the seriousness of the facts.
3. The payment method of the fine, in installments, to the legal person within a period of up to 5 (five) years from the day when the criminal decision becomes executable is allowed when:
 - a) it endangers the survival of the legal person;
 - b) protection of existing job positions;
 - c) when it serves the general interest.

Article 111

Exclusion of legal persons from criminal liability

1. Legal persons, previously unconvicted, in cases where the criminal offense was committed by their representatives, shall be discharged from responsibility if they jointly make:
 - a) reporting of the criminal offense to the authorities before they become aware of it;
 - b) cooperate in every phase of the preliminary investigation of the case by presenting new and decisive evidence to clarify the criminal liability stemming from the facts;
 - c) replace or reduce the damage caused by the criminal offense at any stage of the proceedings, but before the judicial review of the evidence begins;
 - ç) decide, before the judicial review of the evidence begins, effective measures to prevent and detect criminal offenses that may be committed in the future with the means or under the shadow of the legal person.

2. The rules and criteria provided in this Code regarding the exclusion from criminal punishment of natural persons are also applicable to legal persons insofar as they comply with the logic of things.

Article 112

Execution of sentence for legal persons

1. The execution of criminal sentences against the legal person, as far as they are applicable, follows the rules defined in the law on the Execution of Criminal Sentences.
2. All regulatory or controlling entities operating in the relevant fields of activity of the legal person, depending on the type of criminal sentence to be executed, take the relevant measures to execute the sentence decision in accordance with the execution order issued by the prosecutor.

CHAPTER V

DETERMINING THE SENTENCE

SECTION I

INDIVIDUALIZATION OF THE CRIMINAL SENTENCE

Article 113

General rules for determining a sentence

1. The court shall determine the sentence while respecting the provisions of the general part of this Code and the penalty range prescribed by law for criminal offenses.
2. Generally, in determining a sentence, the court shall consider the dangerousness of the criminal offense and of its perpetrator, the degree of guilt, and shall clearly identify the effect of aggravating and mitigating circumstances as provided for in the following provisions.
3. In the case at hand, the court shall ascertain the principal objective underlying the primary justifications for imposing the criminal sentence, with particular emphasis on the inherent severity of the committed criminal offense, followed by its additional factors.
4. When a criminal offense remains in the attempt stage, the court shall ascertain the criminal sentence based on the gravity of the criminal offense, the proximity or likelihood of the intended consequences, and the mitigating factors outlined in the provisions of this Code pertaining to attempts. Additionally, the provisions set forth in Article 50 of this Code regarding the accountability of accomplices shall be applicable in instances where the offense remains in the attempt stage.

Article 114

The impact of circumstances on the determination of the punishment

1. Mitigating or aggravating circumstances that pertain to personal factors shall serve to mitigate or aggravate the liability of individuals who possess such circumstances.
2. In cases where the criminal act is committed in collaboration, the court shall not consider reasons exclusively attributed to one person as a mitigating or aggravating circumstance for the punishment of other collaborators.
3. In the absence of mitigating or aggravating circumstances, the court shall determine the punishment for the committed criminal act based on its discretion, considering the gravity of the offense, the particular circumstances surrounding the act, the resulting consequences, and the individual characteristics of the offender.
4. When mitigating and aggravating circumstances are in conflict, they shall be evaluated and balanced in a rational manner to individualize the punishment, considering their respective significance in relation to the severity of the committed act. If one prevails over the other, the court shall apply the rules stipulated in this law regarding the respective effect.

Article 115

Mitigating circumstances

1. The following circumstances shall serve to mitigate the punishment:
 - a) when the act is committed under the influence of mental shock caused by provocation or unjust actions of the victim or any other person related to them;
 - b) When the act is committed under the influence of unjust actions or instructions of a superior;
 - c) When the person who committed the act demonstrates deep remorse through a sincere change in behaviour towards the victim and the act they have committed, provides reliable evidence of positive reflection, contributes to the discovery of the truth, and takes other actions that inspire confidence that the perpetrator will refrain from further criminal acts;
 - ç) When the person has compensated for the material and/or moral damage caused by the criminal act or actively assisted in eliminating or mitigating the consequences of the act;
 - d) When the person presents themselves to the competent authorities after committing the criminal act and cooperates in uncovering the circumstances of the act;
 - dh) When the relationships between the person who committed the criminal act and the victim have been normalized.
 - e) When both the natural person and the legal person are punished together;
 - ë) When, depending on the criminal act, the person publicly expresses, at their own expense, remorse for the harm inflicted upon the dignity, personality, reputation, or family life of the victim;
 - f) When the author of the criminal act presents a mental disorder but is not in a state of incapacity regarding the criminal act.
2. Regarding the mitigating circumstances outlined in letters "c" and "d" of this article, the parties, under the authority of the prosecutor, shall establish the essential conditions necessary for the substitution of damages or the normalization of relationships, ensuring a proper and voluntary agreement.
3. Except for the circumstance specified in letter "h" of this article, all other circumstances must be present from the preliminary investigation stage.
4. In cases involving domestic violence or criminal acts that harm minors, the application of mitigating circumstances is subject to specific provisions governing their comprehensive treatment, as provided in the Special Part of this Code.

5. In determining the punishment for a legal person, the mitigating circumstances mentioned in the first paragraph of this article shall be applied to the extent that they align with the nature of the subject and other applicable rules as prescribed by the provisions of this Code.

Article 116

Application of judicial practice

1. The court shall, in addition to the mitigating circumstances stated in Article 115, shall also consider other circumstances as specified in this Code's other provisions or as recognized by judicial practices that justify the mitigation of the punishment.

2. The Special Part of this Code or other criminal laws pertaining to the relevant subject matter may include additional mitigating circumstances that the court shall consider when determining the punishment.

Article 117

The impact of mitigating circumstances in the determination of a punishment

1. If the court determines the presence of two mitigating circumstances and no aggravating circumstance, it shall impose a punishment that does not exceed half of the prescribed penalty stated in the respective provisions. However, this rule shall not apply in cases where the criminal offense carries a maximum punishment exceeding 15 years of imprisonment.

2. If the court finds one mitigating circumstance and the criminal offense is committed out of negligence or is a criminal contravention, the rule in the above paragraph shall apply.

3. When the offender of the criminal offense is between the ages of 18 and 21, the presence of three or more mitigating circumstances and no aggravating circumstance may allow the court to treat the convicted individual as a minor. However, this rule shall not apply to criminal offenses that, according to specific provisions, are punishable by up more than 10 years of imprisonment.

4. In cases where the circumstance outlined in letter "f" of Article 115 is present, and after evaluating all the relevant circumstances to determine the appropriate punishment, the court may reduce the penalty by up to one-fourth, depending on the degree of the person's mental disorder.

5. The mitigating circumstance specified in letter "dh" of the first paragraph of Article 115 mitigates the punishment for an individual who has committed a criminal offense against children or a domestic violence offense, provided that the corresponding provision in the Special Part of this Code allows for such mitigation or regulates the procedure if the criminal offense is pursued upon the complaint of the victim. Otherwise, the mitigating circumstance under letter "dh" shall have no effect.

Article 118

Aggravating Circumstances

The circumstances that shall aggravate the punishment, except when they constitute elements of the offense, any other criminal offense, or circumstances specified in the Special Part of this Code, are as follows:

a) committing the offense driven by motives that qualify the culpability for its commission.

- b) committing the offense to evade responsibility, conceal the criminal responsibility of another person, avoid punishment for another criminal offense, or achieve or secure material gain or any other form of material benefit for oneself or others.
- c) intentionally and inhumanely causing the victim to suffer unnecessary suffering and harm to achieve the purpose of committing the offense;
- ç) committing a crime after having already been sentenced for a previously committed crime. For the purposes of this provision, a previous punishment that has been annulled or should have been annulled due to rehabilitation or statute of limitation of its execution shall not be considered under this article;
- d) committing a criminal offense after the imposition of electronic surveillance on the person;
- dh) committing acts that aggravate or increase the consequences of the criminal offense, provided that subsequent acts do not constitute elements of any other criminal offense or circumstances specified therein;
- e) abusing public office or religious service to commit a criminal offense;
- ë) committing the offense against children, pregnant women, or persons who, due to vulnerability, cannot defend themselves;
- f) committing the offense during or after the issuance of protection orders against domestic violence when the offender and victim are in a relationship with each other;
- g) directing the offense against representatives of other states;
- gj) when the offense is committed exploiting family relationships, cohabitation, friendship, hospitality;
- h) the criminal offense is committed in collaboration, except in cases where the offense is specifically designated as a distinct form of collaboration and is punished separately under the provisions of the Special Part of this Code.;
- i) committing the offense more than once. The second offense, which is the same as the first or falls within the same category of objects protected by criminal law, shall be considered an offense committed more than once.
- j) using weapons, war ammunition, explosive, incendiary, toxic, and radioactive substances to commit the offense;
- k) when the offense is motivated by factors related to gender, race, colour, ethnicity, language, gender identity, sexual orientation, political, religious or philosophical beliefs, health status, genetic predispositions, disability, or any other unacceptable motive under international law;
- l) when the criminal offense is committed with premeditation through the deliberate concealment of abuse of superiority or exploitation of circumstances related to place, time, or assistance from other individuals that undermine the victim's defence or enable the perpetrator to avoid punishment.
- ll) when the criminal offense is committed with the intention of gaining a reward, any kind of benefit, or the promise thereof;
- m) exploiting one's public status to commit a criminal offense;
- n) Committing the criminal offense openly, challenging the legal and public order, the need for citizens' security, and obedience to the system of legal norms;
- nj) in the case where two qualities of an accomplice, as an executor and an organizer, are combined in the same person,
2. For the purposes of criminal law, the motive mentioned in letter "ä" of paragraph 1 of this article shall be understood as any internally distorted drive of social dysfunction that forms the reason why the perpetrator seeks to achieve the goal of committing the criminal offense, and includes, but is not necessarily limited to, jealousy, rage, envy, revenge, blood feud, wickedness, greed, laziness, lust, anger, or pride.

3. When determining the punishment for legal entities, the aggravating circumstances specified in the first paragraph of this article shall be considered to the extent that they are applicable.
4. The prosecuting authority shall clearly indicate the aggravating circumstances in the indictment after thoroughly investigating and examining them throughout the investigation of the entire criminal act.

Article 119

The impact of aggravating circumstances on the determination of the punishment.

1. When the presence of at least one aggravating circumstance is proven, the court shall impose a criminal sentence that is not less than 1/2 of the punishment prescribed by the specific penal provision.
2. If there are three or more aggravating circumstances, the court shall impose a sentence that is not less than 3/4 of the maximum punishment stipulated by the special provision.
3. In cases where an aggravating circumstance is present, indicating the repeated commission of the same criminal act or acts of the same nature involving the same affected object, the court shall, in addition to sentencing the person for each act committed, increase the punishment by up to 1/5 of the total number of sentences imposed.
4. If an aggravating circumstance is present, indicating the commission of a crime for which the person has previously been convicted, the court shall, in addition to sentencing the person, increase the punishment by up to 1/8 of the new sentence based on the principle of general repetition.
5. If an aggravating circumstance is present, indicating the commission of a deliberately committed crime of the same type or nature for which the person has previously been convicted, the court shall increase the imposed sentence by 1/4 due to the principle of special repetition.
6. The provisions of the above paragraphs shall not apply to criminal acts committed out of negligence.
7. For the purpose of this provision, a previous sentence that has been extinguished or should have been extinguished due to rehabilitation or statute of limitation of execution thereof shall not be taken into account.

Article 120

Imprisonment sentence for minors

1. For minors who have not reached the age of 18 at the time of committing a criminal offense, the court shall impose an imprisonment sentence in accordance with the provisions of the Criminal Justice Code for Minors. In cases where a minor has committed two or more criminal offenses, the court shall apply the provisions of this Code concerning the consolidation of sentences as specified in Articles 128, 129, and 131 of this Code, ensuring that the total sentence does not exceed 25 years of imprisonment under any circumstances.
2. Individuals up to 21 years of age shall be treated as minors up to the age of 18 when they satisfy the criteria specified in the provisions of this law.

Article 121

Exemption of minors from punishment

1. In cases where, for any reason, it is not possible to exempt minors from criminal proceedings, the court shall consider the seriousness of the offense, the specific circumstances of its commission, the minor's prior behaviour, their upbringing and education, challenges faced within the family environment, the necessity of undergoing essential educational, instructional, or social processes, living arrangements with siblings, or other reasons stipulated in the Criminal Code for Minors. Based on these considerations, the court may, in its discretion, exempt them from punishment, considering the individual circumstances of the minor.
2. In such cases, if other alternative measures prescribed in the Criminal Code for Minors are found ineffective in reintegrating and rehabilitating the minor, the court shall have the authority to decide on placing them in an educational institution. The court shall always prioritize the best interests of the minor in making this determination.

Article 122

Exclusion or reduction of punishment for collaborators of justice and victims.

1. A person who has promised or provided a reward or other benefits, as specified in Articles 164/a, 244, 244/a, 245, 312, 319, 319/a, 319/b, 319/c, and 328 of this Code, shall be eligible for exemption from punishment or reduction thereof if they file a complaint and actively assist in the criminal proceedings related to these offenses, provided that they are not the party who made the promise, offered the reward, or obtained the benefit in advance. The court shall consider the timeliness of filing the complaint in relation to the offense, the person's contribution to the investigation, the presence or absence of consequences, and the gravity of the specific criminal offense when determining the outcome.
2. Even a person serving a prison sentence for committing one of the crimes specified in the first paragraph of this article shall be eligible for a reduction or suspension of the sentence if, during the serving of the criminal sentence, they make a substantial contribution to the investigation of other cases involving such crimes.
3. The victim of crimes related to human trafficking may be exempt from criminal proceedings for offenses committed during the period of trafficking when the reasons behind their unlawful acts or omissions are closely linked to their position as a trafficking victim and influenced by it. In such cases, at the preliminary hearing, the prosecutor shall request a suspension of the proceedings by presenting all the reasons that led the victim to engage in acts contrary to the law.
4. A person who has committed one of the criminal offenses related to drug trafficking, firearms or ammunition trafficking, human trafficking, or crimes committed by a criminal organization and cooperates with law enforcement authorities in combating these offenses or in identifying other individuals involved in such crimes shall not receive a sentence exceeding half of the prescribed punishment for the offense they committed. In exceptional cases, this person may be exempted from punishment when there are also mitigating circumstances in their favour, and they fully cooperate in every phase of the proceedings by providing new and decisive information to clarify the criminal liability arising from the facts.
5. The provisions of the first and fourth paragraphs of this article shall also apply to a collaborator who, with their full consent, takes serious actions to prevent the commission of the criminal offense, regardless of the role they played until that moment, even if the offense was committed by others or remained in the attempted stage, by reporting it to the law enforcement authorities,

Article 123

The reduction of the punishment within the limits prescribed by law.

1. In cases where the criminal offense committed by the defendant is punishable by a minimum term of no more than 5 years of imprisonment, the court shall have the discretion to impose a sentence below the minimum or a milder form of punishment, provided that it determines the offense was committed under accidental circumstances and the author is involved due to serious economic, family, or personal reasons, demonstrates deep remorse for the committed act, poses no significant risk, and has contributed to the development of investigations by providing evidence to the prosecuting authority, and when more than three mitigating circumstances are present and no aggravating circumstances..
2. This provision shall not apply to repeat offenses, individuals who have committed criminal offenses related to any form of corruption, individuals who have committed criminal offenses related to drug trafficking, crimes against justice, or criminal offenses committed by individuals in special forms of cooperation.

Article 124

Substitution of imprisonment with the payment of a sum of money in favour of the state.

1. In cases where a minor offense has been committed and its author fulfils all the other criteria described in paragraph one of Article 123, the court shall, upon the request of the defendant, have the authority to substitute imprisonment with the payment of a sum of money in favour of the state, with each day of imprisonment being calculated as six thousand lek. The payment of the sum of money in favour of the state shall be made prior to the delivery of the court decision.
2. This substitution shall not be imposed without hearing the victim, if there is one, and the prosecutor.
3. This provision shall not apply to cases of criminal offenses committed by public officials, acts of corruption, offenses against justice, trafficking, and offenses against the person or domestic violence.

Article 125

Acceptance to pay a fine

1. In criminal offenses where a concurrent prison sentence is prescribed in addition to a fine, the court shall, upon the request of the offender, be authorized to accept immediate payment of a sum in favour of the state budget, equivalent to half of the maximum fine prescribed for such criminal offenses in the General Part of this Code.
2. The request may be submitted at any stage of the trial until the pronouncement of the final judgment of the first instance.

Article 126

Calculation of pretrial detention

1. The duration of pretrial detention shall be calculated in cases involving imprisonment, fines, as well as mandatory work for the public interest, as follows:

- One day of pretrial detention shall be deemed equal to one day of imprisonment.
- One day of pretrial detention shall be deemed equal to a fine of seven thousand lekë.
- One day of pretrial detention shall be deemed equal to twenty hours of mandatory work for the public interest.
- One day of house arrest shall be deemed equal to one day of imprisonment.
- One day of house arrest shall be deemed equal to a fine of three thousand lekë.
- One day of house arrest shall be deemed equal to fifteen hours of mandatory work for the public interest.

SECTION II

PENALTIES FOR SEVERAL CRIMINAL OFFENSES

Article 127

Concurrence of Criminal Norms

1. Actions that can be legally classified under two or more provisions of this Code shall be deemed separate criminal offenses if they have affected or have risked to affect different scopes of norms protected by criminal law.
2. In cases of norm concurrence, the specific criminal offense shall take precedence over the general one, and a single penalty shall be imposed.
3. The more severe or definitive criminal norm shall encompass the other norms violated during the commission of the more serious criminal offense, when they are prescribed as unlawful acts or omissions and are inherent to the nature of the more severe norm.
4. The auxiliary norm shall be applied only in the absence of the principal norm, both in cases where substitution is expressly mentioned in the norm and when it is implied.
5. In the absence of the above criteria, the criminal norm that imposes a more severe punishment shall prevail over those that provide lighter penalties for the same act constituting a criminal offense.

Article 128

Determination of Penalties for an Action

1. When an action or inaction contains elements of multiple criminal offenses, when multiple criminal offenses are committed with a single action, or when one offense has been used to commit another inseparably, the court shall first determine the penalty for each criminal offense. Ultimately, a single penalty shall be imposed, which shall consist of:
 - a. the most severe punishment determined for one of the offenses, except if one of them is punishable by a maximum of ten years of imprisonment,
 - b. alternatively, an additional and more severe punishment when one of them is punishable by more than 10 years of imprisonment.
2. In cases where three or more criminal offenses are committed with a single action, the imposed sentence shall not be lower than the arithmetic sum of the two highest penalties imposed, regardless of the maximum imprisonment limit specified in Article 69 of this Code. However, the sentence shall not exceed 45 years of imprisonment.

3. In the final judgment, the court shall impose one or more supplementary penalties for each specific offense.

Article 129

The Determination of Sentencing for Multiple Actions

1. When a person has committed multiple actions that give rise to multiple criminal offenses, each of which has not yet been adjudicated, the court shall first determine the penalty for each individual offense. Ultimately, a single combined penalty shall be imposed, which shall consist of an additional and more severe punishment.
2. The additional and more severe punishment, in cases where a person has committed a deliberate crime against life or where the loss of life of the victim results from the person's deliberate actions, shall be the total sum of the penalties imposed for each individual offense. This is applicable when at least two of the offenses carry a maximum possible sentence of twenty years of imprisonment. The total sum of penalties shall be determined irrespective of the maximum term of imprisonment specified in Article 69 of this Code, but it shall not exceed 45 years of imprisonment.
3. For all other different criminal offenses not specified in the second paragraph, the additional and more severe punishment shall not exceed the total sum of the individual penalties imposed, nor shall it exceed the highest limit prescribed for the type of punishment imposed.
4. In cases where three or more criminal offenses have been committed, the imposed sentence shall not be lower than the arithmetic sum of the two highest penalties imposed. This is irrespective of the maximum term of imprisonment specified in Article 69 of this Code, but it shall not exceed 45 years of imprisonment.
5. In the final judgment, the court shall impose one or more additional penalties for each individual offense.

Article 130

Continuing Crime

1. When an individual, with the same criminal intent, commits the same crime that can typically only be accomplished in this manner, through repeated acts or similar ones, against the same injured party, it shall be considered a continuing crime. The offender shall be punished once for these acts as a single offense, based on the most severe consequence that occurred. In such cases, the court may, depending on the punishable acts committed by the perpetrator, increase the sentence up to three times the specified punishment. However, the increased penalty shall not exceed twice the maximum penalty provided for the crime in the respective criminal provision.
2. The Special Part of this Code does not include qualifying circumstances concerning the repetition or commission of the criminal act multiple times. Therefore, the specific criminal act shall be applied as many times as it has been committed, taking into account the number of victims involved, except for the situation described in the first paragraph of this article.
3. In property crimes, the punishment shall consider all the resulting damage.
4. The rule stated in the first paragraph shall not apply to crimes against honour and dignity, offenses related to sexual freedom, domestic violence, or cases involving minor victims.

Article 131

The combination of punishments

1. In cases where the convicted person is sentenced for a criminal offense committed prior to the first judgment but before serving the complete sentence, the same provisions applicable to the determination of penalties for multiple criminal offenses shall be used. Depending on the nature of their concurrence, the portion of the sentence already served shall be considered in the new sentence, following the methods outlined in Articles 128 and 129 of this Code.
2. In the event that the convicted person commits a subsequent criminal offense following the judgment but before completing the full sentence, the court shall combine the new sentence with the remaining portion of the previous sentence, adhering to the guidelines specified in Articles 128 and 129 of this Code.

Article 132

Security period

1. When determining the security period, the court must consider the preventive effect of this element of the decision, its impact on the overall rehabilitation of the victim, the need to improve public order and security, as well as the prevention of further criminal activity by the convicted individual.
2. For imprisonment sentences of 20 years or more, or for life imprisonment, the court establishes a security period during which conditional early release is not permitted.
3. In cases where the court imposes a prison sentence on a convicted person for a serious offense, it shall, when deemed beneficial, determine a security period during which conditional early release is not allowed, particularly when one of the following circumstances is present:
 - a) The perpetrator of the criminal act intentionally and inhumanely targeted the victim, causing unnecessary suffering and harm to achieve the objective of committing the offense;
 - b) The commission of the criminal act is motivated by factors related to gender, race, religion, nationality, language, political beliefs, religion, or social status;
 - c) When the commission of the criminal act is motivated by factors related to gender, race, religion, nationality, language, political beliefs, religion, or social status.
 - ç) The offense is committed by exploiting family or cohabitation relationships;
4. The security period shall be determined for a duration ranging from three-fourths of the sentence imposed by the court to the full duration of the criminal sentence.
5. The convicted person shall have the right to challenge the court's decision regarding the determined security period.

SECTION VI

SUBSTITUTION AND ALTERNATIVES TO IMPRISONMENT

SECTION I

Article 133

Substitution of short-term imprisonment with another type of punishment

1. When the court imposes a final sentence of imprisonment up to 3 years, it shall have the authority to substitute it with supervised release. The court shall be obliged to hear the views of the prosecutor and the victim of the criminal offense during the hearing.
2. The convicted person may request the application of the provisions stated in the first paragraph of this article even before the commencement of the imprisonment sentence, prior to the execution court.
3. No alternative measure for the substitution of imprisonment shall be granted unless it is requested by the perpetrator of the criminal offense.
4. The victim of the criminal offense shall have the right to appeal the judicial decision that approves the substitution of imprisonment with an alternative measure and early conditional release.

Article 134

General criteria for the substitution of imprisonment

1. The court shall evaluate the feasibility of replacing short-term imprisonment with an alternative form of punishment, applying the general criteria for determining and individualizing the punishment. It shall choose the most appropriate penalty to facilitate the offender's reintegration into society.
2. If the court determines that the offender will not comply with the obligations related to the substitution of short-term imprisonment with another type of punishment, or if it undermines public safety, it shall not authorize the substitution.

Article 135

Conditions for substituting short-term imprisonment with another type of punishment

1. Individuals who have been convicted of multiple criminal offenses, even if the total sentences do not exceed a maximum of 2 years of imprisonment, or those who have committed a crime within a five-year period following a previous conviction, shall not qualify for the option of substituting short-term imprisonment with an alternative form of punishment.
2. Individuals who have been convicted of criminal offenses involving physical or psychological violence, sexual crimes against minors, domestic violence, collaboration with organized crime organizations, structured criminal groups or gangs, various forms of corruption, crimes against the justice system and public order, or financial crimes and offenses in the fields of taxation and commercial companies, shall not qualify for the possibility of substituting short-term imprisonment with another type of punishment.
3. The court may decide to deny the substitution of imprisonment for an individual, even for other criminal offenses not specified in the preceding paragraph, when there are justified reasons related to specific preventive measures during the execution phase of the sentence.

Article 136

Substitution of imprisonment for young individuals

1. When delivering a sentence, if the court establishes a prison term of up to three years for young individuals up to the age of 21, it shall have the option to replace the imprisonment with alternative forms of punishment, such as converting community service into equivalent days

of imprisonment or implementing weekend-only imprisonment until the prescribed duration of imprisonment is fulfilled.

2. The conditions and criteria specified in Articles 133 and 135 of this Code shall be obligatory, even in the situations mentioned in the preceding paragraph.

Article 137

Types of alternative sentences

The court, when it finds that the conditions and criteria for the substitution of imprisonment have been met, may impose one of these alternative sentences:

- a. Supervised release
- b. Semi-liberty
- c. Home confinement
- c. Suspension of the execution of the prison sentence and probation of the offender
- d. Mandatory condition to abstain from the use of alcohol or drugs
- dh. Suspension of the execution of the sentence and obligation to perform community service.
- e. Suspension of proceedings and probation of the accused;
- e. Payment of a fine for criminal offenses;
- f. Judicial admonition.

Article 138

Supervised release

1. Supervised release entails the mandatory fulfilment of the following primary obligations by the offender:

- a) Not leave the designated place of residence or stay, except in cases where prior authorization has been granted by the supervisory authority for valid reasons such as study, work, professional development, treatment, health needs, or family matters.;
 - b) leave or not stay in a specific administrative unit for a specified duration as determined by the court;
 - c) appear once a day to the judicial police at a specified time. The supervision authorities shall take note of the time and reasons of study, employment, and health-related commitments;
 - d) not carry any firearms, cold weapons, ammunition, or explosives;
 - e) comply with the prohibition on driving vehicles when the driving license has been suspended;
 - f) comply with the prohibition on leaving the country without authorization;
 - g) fulfil the obligation to promptly inform the judicial police about any changes in addresses or reasons for relocation.
 - h) attend scheduled counselling sessions with the probation service to receive guidance on reintegrating into society and fulfil any additional obligations imposed by the court.
2. The court shall impose one or more obligations on the defendant that are most closely aligned with the objective of their reintegration into society, taking into account the type of criminal offense committed, the personal characteristics of the defendant, and the anticipated impact of fulfilling the obligations outlined in the first paragraph of this article.

Article 139
Semi-liberty

1. When the court considers imposing a final sentence of imprisonment up to three years, it shall have the discretion to substitute the sentence with semi-liberty, considering the specific personal circumstances of the convicted person, such as their employment, education, professional qualifications, significant family responsibilities, or the need for medical treatment or rehabilitation. The circumstances shall be evaluated on their own merits if their relevance is crucial to the person's future in the case at hand.
2. The conditions and criteria stipulated in Articles 134 and 135 of this Code shall be obligatory even in the cases mentioned in the preceding paragraph.
3. The convicted person serving a semi-liberty sentence shall be required to return to the correctional facility after fulfilling their obligations outside of prison within a specific time period, typically from 8:00 p.m. to 7:00 a.m., or during a similar time period determined by the court.
4. For young individuals up to 21 years old, in accordance with the provisions of the first paragraph of Article 136 of this Code, semi-liberty shall commence from Friday at 7:00 p.m. until Monday at 9:00 a.m.
5. If the convicted person fails to fulfil the obligations for which the main sentence has been substituted according to this article, the provisions pertaining to the violation of conditions and obligations during probation shall apply.
6. Generally, the court shall impose a semi-liberty sentence only if it deems other alternatives to be unsuitable.
7. The imposition of a semi-liberty sentence can also be applicable to individuals who have served up to two years of imprisonment, regardless of the primary sentence imposed at the time of conviction. In such cases, the criteria set forth in Articles 134 and 135 of this Code shall be binding, and the provisions related to conditional early release shall apply to the extent they are applicable to semi-liberty.
8. The way the court decision regarding semi-liberty is executed and supervised shall be determined by the Law on the Execution of Criminal Decisions.

Article 140
Home confinement

1. For prison sentences of up to three years, or when the remaining part of the sentence, based on a decision for a longer period of imprisonment, is three years, the court shall have the discretion to order the serving of the sentence through home confinement of the convicted person or in a designated health care centre responsible for medical or rehabilitative treatment, when the following circumstances exist:
 - a) for pregnant women or mothers with children under the age of 16 who reside with them.
 - b) for fathers who have parental responsibility for a child under the age of 16 who resides with them, when the child's mother has deceased or is unable to care for them.
 - c) for individuals with serious health conditions that require continuous care from the healthcare service outside the correctional facility or those suffering from serious illnesses that necessitate specialized assistance.
 - ç) For individuals who are physically or mentally incapable.

- d) For young individuals up to the age of 21 with documented health, educational, work-related, or family responsibilities.
2. In the circumstances specified in subparagraphs "a" and "b" of the first paragraph of this article, the court shall not impose home confinement on convicts who have committed a crime against their spouse, cohabitant, or their child.
3. The conditions and criteria stipulated in Articles 134 and 135 of this Code shall be mandatory even in the case of home confinement.
4. The court may authorize persons serving their sentence under home confinement to leave their place of residence for essential family needs, work activities, education, or training programs, but for no longer than necessary to fulfil the need. The opinion of the probation service shall be binding and must be considered. In this case, the rules regarding obligations during the probation period shall apply, and the court shall determine the measures that the probation service should take.
5. If the convicted person departs from the place of residence without the authorization of the court or violates the obligations specified in the court's decision, the provisions regarding the violation of conditions and obligations during the probation period shall apply.
6. In cases where the reason for allowing the convicted person to stay at home has ceased or been eliminated, they may apply to the court for an alternative form of imprisonment if the conditions and circumstances for the requested alternative are met. Until a new court decision is reached, the convicted person shall remain under home confinement.
7. The way the court decision on home confinement is executed and supervised shall be determined by the Law on the Execution of Criminal Decisions.

Article 141

Suspension of the enforcement of imprisonment sentence and placing the convict on probation

1. Due to the low dangerousness of the person, his age, health and mental condition, life style, and the needs especially of those related to the family, education or work, the circumstances under which the criminal offence was committed, as well as the conduct after its commission, reparation of the damage to the victim, the court may, while imposing an imprisonment sentence up **to four years**, order for the convict to be placed on probation and meet the obligations connected thereto. In such an instance, the court shall suspend the enforcement of the sentence, provided that, during the probation period, the convict shall not commit another criminal offence and meet the obligations imposed by it.
2. The circumstances referring to in the first paragraph shall also be evaluated separately, as long as their relevance is vital for the future of the person in the case under consideration, however, as long as it is always certain that the alternative serves the social reintegration of the convict.
3. The conditions and criteria set out in Articles 134 and 135 of this Code shall also be mandatory in the instances of the provisions of the above paragraph.
4. The court shall order that the convict meet no less than three of the mandatory conditions, provided for in Article 142 of this Code, regarding the obligations of the convict placed on

probation. The type of obligations to be met shall be determined by the court depending on the criminal offense having been committed, his personality the convict, their need for reintegration and public safety

5. The probation period for the sentences up to two years of imprisonment, being suspended by the court, shall be double the period of the imposed imprisonment sentence, however, never less than 3 months.

6. The probation period, except for the rules foreseen in the above paragraph of this Article, shall be from 25 months to 5 years. The probation period may be shortened or extended depending on the way of enforcement of probation and the personal conditions of the convict, however, not affecting the minimum and maximum period provided for in this paragraph.

7. The prosecutor at the court having pronounced the decision on the suspension of imprisonment and placing the convict on probation shall, despite the fact that the decision may not have become final, enforce it immediately after the pronouncement of the decision by the competent court, as long as the convict agrees to go over to probation, even if a higher court will have to review that decision. If the enforced decision will be amended subsequently, the general criteria of compensating sentences against each other or, as appropriate, of compensation due to imprisonment based on the calculations under Article 126 of this Code and the separate law shall be applied.

Article 142

Mandatory conditions for placing the convict on probation

1. The convict placed on probation shall be obligated by the court to meet one or more of the following mandatory conditions:

a. To carry out a professional activity or to receive an education or a professional or university training;

b. To make use of his salary and other income or property to meet the financial and family obligations. c. To compensate for the incurred civil damage;

c. To be banned on driving specific vehicles;

d. Not to carry out professional activities when the criminal offence is related to such activity;

e. Not to visit or stay in certain places.

e. Not to visit bars that serve alcoholic beverages, or not to abuse with alcohol.

f. To remain in his residence during specified hours;

g. Not to associate with specific individuals, mainly convicts or accomplices in the criminal offence.

gj. Not to possess, carry or use firearms or cold weapons;

h. To leave or not stay in a certain administrative unit for a period of time determined by the court up to 5 years;

j. To be medicated or rehabilitated in a healthcare institution or to be subject to a treatment, medical or rehabilitating program,

- i. Be subject to a treatment or medical or rehabilitating program to the effect of dropping the use of alcohol or narcotic substances, or the dependency or abuse with medical drugs.
2. The types of conditions mentioned in the first paragraph of this Article shall not be imposed in situations where the court has applied similar complementary sanctions to the convict.
3. In imposing the obligations on the convict, the court takes into consideration his age, his mental condition, life style and needs, especially the ones related with his family, education or work, the motives for committing the criminal offence, his attitude after the commission of the criminal offence, as well as other circumstances that influence imposition of obligations according to this Article and their surveillance.
4. The period for meeting an obligation provided for in paragraph 1 of this Article shall be determined by the court within the specified trial period.

Article 143

The mandatory condition to the chronic dependence on alcohol or drug use

1. The court shall, regarding a convict having been placed on probation, who is under the circumstances of chronic dependence on alcohol or narcotic drugs, impose the obligation to undergo medical treatment for giving up the use of alcohol or drugs.
2. The medical treatment for giving up the use of alcohol or drugs shall take place in a specialized medical institution as determined by the Ministry of Justice.
3. The obligation under this Article shall not be imposed in situations where the court has applied similar complementary sanctions to the convict.
4. During the probation period for detoxication, the convict shall be obliged:
 - a) to appear regularly and continuously inform the probation service on the fulfillment of the conditions and obligations having been set out by the court. The information shall be associated by the relevant reports of the responsible persons who deal with the detoxification of the convict;
 - b) to obtain the consent from the probation service for changing residence, employment entity or for frequent movements within the country. In such a case, he shall disclose all the reasons why he is moving from his place of residence, employment entity or abroad.
5. The probation service shall closely supervise the execution of the court's decision and immediately report to the prosecutor, as long as the convict does not fulfill the imposed obligation or visits places that facilitate the violation of the probation condition. In such a case, the provisions provided in this Code regarding the violation of the conditions and obligations of the convict during the probation service period shall be applied.

Article 144

Suspension of the enforcement of the imprisonment decision and the obligation to perform a community work

1. The court may, due to the circumstances of the commission of the minor criminal offense and due to the low risk of the person, when imposing a sentence of up to 2 years of

imprisonment, decide to suspend the enforcement of the imprisonment decision and replace it with the obligation of the convict to perform community work.

2. Community work implies the performance by the convict of a work, which he is able to do upon his consent and without remuneration, to the benefit of the public interest or of the association specified in the court's decision, for a period of forty to two hundred and forty hours.

3. The conditions and criteria set out in Articles 134 and 135 of this Code shall also be mandatory in the instances of the provisions of the above paragraph.

4. The community work shall be performed within a period of six months from the day of its initiation.

5. In its decision, the court shall determine the number of working hours and the obligation for the convict to maintain contact with the probation service. The probation service shall, if the court has not stated this, determine the type of work to be performed, determine the place of performance of the work and the days of the week when it will be performed, taking into account, as far as possible, the appropriate employment of the convict or his family obligations. The duration of community work shall not exceed eight hours a day.

5. Regarding the type and place of community work, the court shall take into account the choice made by the convict regarding his abilities and skills, as well as the annual list sent by the Regional Probation Service, containing the eventual places of jobs to be performed.

6. Following the completion of the work, the conviction shall be expunged.

7. The enforcement of the court decision imposing community work shall be done according to the provisions of the Law on the Enforcement of Criminal Decisions.

8. The prosecutor at the court having pronounced the decision shall, despite the fact that the decision may not have become final, enforce it immediately after the pronouncement of the decision by the competent court, as long as the convict agrees to go over to probation, even if a higher court will have to review that decision. If the enforced decision will be amended subsequently, the general criteria of compensating sentences against each other or, as appropriate, of compensation due to imprisonment based on the calculations under Article 126 of this Code and the separate law shall be applied.

Article 145

Violation of the conditions and obligations during the probation period

1. If the convict, during the term of probation, commits another criminal offence, the court shall change the imposed obligations, replace the sentence having been rendered with another one or revoke fully or partly the suspension decision. If the other criminal offense is more serious than the one due to which the person was previously convicted, the court shall revoke the suspended decision.

2. If the convict, during the probation term, violates the conditions or obligations that were set, the probation services shall, unless he proves that it was not possible for him to meet them, report immediately to the prosecutor.

3. Due to minor violations of conditions and obligation decided by the court, which were committed for the first time, the prosecutor has the right to give a warning, which is registered in the personal file of the convict.
4. Due to severe and repeated violations, the prosecutor shall request the court to change the imposed obligation, add up other obligations, replace them with others or revoke the decision for the suspension of the sentence and get the remainder of the sentence to be served in jail. In the case of revocation, the court shall recalculate the remaining part of the prison sentence, taking into account the time period spent in the probation service, the restrictions on the personal freedom of the convict during this period, the behavior of the convict and the evaluations of the probation service.
5. The competent court for reviewing any circumstances related to the way of meeting the obligations or the general control of the probation period shall be the court of the territory where the alternative sentence is being enforced.

Article 146

Suspension of proceedings and placing the defendant in probation

1. In proceedings regarding minor criminal offenses or regarding criminal offenses followed up by the accusing victim according to Article 59 of the Criminal Procedure Code, the defendant conceding guilt may ask the judge of the preliminary session to suspend the proceedings while being placed on probation.
2. Regarding the criminal offenses being prosecuted at the request of the accusing victim according to Article 59 of the Criminal Procedure Code, the suspension of the proceedings cannot be applied if their consent is not granted, while regarding other offenses the consent of the prosecutor or the victim, as appropriate, it is not mandatory.
3. The defendant's request shall be submitted at the outset of the preliminary hearing and, if deemed reasonably grounded, the judge shall decide to suspend the proceedings and place the defendant on probation, as long as this serves non-infliction of his work, study, family or health needs. Repentant behavior throughout the time since the commission of the criminal offense is essential in accepting his request.
4. The judge shall order the defendant to undertake actions during the probationary period, aimed at eliminating the harmful or dangerous consequences stemming from the criminal offense, as well as, as appropriate, at the compensation for the damage caused by it. Probation involves placing the defendant under the supervision of the probation service to complete a program being appropriate for his person, which may include, among others, voluntary work of social relevance, or compliance with the orders related to residence, freedom of movement, prohibition to visit certain places. The general rules provided for in Articles 141 and 142 of this Code shall apply, as appropriate.
5. If the defendant does not fulfil the imposed obligations or he commits another criminal offense, the rules provided in Article 145 of this Code shall be applied.
6. The suspension of the proceedings while placing the defendant on probation cannot be granted more than once or in cases where he has been previously convicted.

Article 147**Consequences to fulfilment of obligations**

1. Following the completion of the probation period, where the judge finds that the obligations imposed on the defendant have been fulfilled completely, he shall, after taking the opinion of the other parties in the trial, decide to terminate the criminal proceedings. The termination of criminal proceedings does not prevent the implementation of additional administrative sanctions, if they are provided for by law.

Article 148**Payment of fines for criminal contraventions**

1. Regarding the criminal contravention, wherefore the law provides only for a fine, the perpetrator shall, in addition to procedural costs, be allowed to pay, before the initiation of the court debate or before the announcement of the final decision of the first instance, an amount corresponding to 1/3 of the maximum penalty provided for by law regarding the contravention having been committed.
2. The payment of the fine shall incur the termination of criminal proceedings.

Article 149**Judicial reprimand**

1. Judicial reprimand is an alternative to criminal imprisonment sentence for the perpetrator of a criminal offense, wherefore the law provides for a prison sentence of up to one year or a fine and, taking into account the way of committing the criminal offense, its particularly minor character of it, the insignificant consequence having been caused, the random situation in the commission of the offence, the low degree of guilt, as well as all the circumstances that pertain to the personality of the perpetrator. In particular, his relationship with the victim and the compensation for damages are considered as essential elements that meet the conditions for achieving the goal of punishment without imposing a prison sentence.
2. Judicial reprimand cannot be imposed by the court, if the defendant refuses this alternatives of criminal punishment. Upon giving his consent, there shall the court order the publishing of the judicial decision at the place where the criminal offense was committed, or as appropriate, even beyond. The court shall also decide regarding the relevant expenses, the time and the way of publishing the court decision as obligations to the convict. The rules provided for in Article 84 of this Code shall apply, as appropriate.

Article 150

Effects of commuted punishment

The sentence to semi-freedom, to controlled freedom, as well as to community work, having been converted from the imprisonment days, or staying in prison only on weekends shall, for any legal effects, be considered to be the type of prison sentence which they have replaced.

Article 151

Obligations of the probation service

1. The Probation Service shall, in relation to the alternatives of imprisonment, continuously follow up the progress of serving the court decision by the convicted person and submit periodic reports to the court regarding his behavior and compliance with his obligations for periods of time being considered appropriate by the court decision or determined by this Code, based on the type of the criminal offense committed by the convict and the obligations imposed on him.
2. The Probation Service shall accurately record the time of serving the alternative sentence to imprisonment by way of compiling a joint report in the presence of the convict and public or private entities, where the alternative sentence has been served. The report shall be filed with the prosecutor, who shall ascertain the completion of serving the alternative sentence.
3. The written reports of the probation service shall, where summoned to trial, before the court issues the judicial decision regarding the matters regulated by this section, not have a binding effect. The reports shall, even when submitted ex officio the Probation Service, be subject to the general rules for handling the evidence in criminal proceedings.
4. Any violation in the course of performance of the tasks of supervision, treatment or controlling the convict, committed by the responsible persons charged upon the court decision or an act stemming therefrom, impose criminal liability according to the provisions in the Special Part of this Code.

SECTION II

Article 152

Conditional release

1. The person serving a prison sentence may, while having established evidence of active participation in the treatment program, positive behavioral progress, having accepted the psychological training program, while benefiting from it, having established correct and constructive relations with the system employees of re-education, other convicts, family members, friends and the community, having compensated the caused damage and having

made continuous efforts to normalize relations with the victim, having cut off contacts with the world of crime and yielding confidence for his re-education, all these being objectively relied on the facts before the completion of the enforcement of the sentence, be released on parole while interrupting the further enforcement, as long as there is no other security period, and having served:

a- not less than two-third of the sentence imposed for crimes punishable by up to five years of imprisonment;

b- not less than three-fourth of the sentence imposed for crimes punishable by more than 5 years up to the maximum provided for by law.

2. The time benefited by way of amnesty or pardon period shall be calculated into the extent of punishment.

3. The days that the convict has benefited from the usual or special permits granted by the penitentiary administration shall not be counted into the extent of the sentence served.

Article 153

Procedure for examining the request

1. The request for early release on parole shall be submitted personally by the convict. It shall be addressed to the court of the territory, where the convict is serving his sentence. The Institute for the Enforcement of Criminal Decisions, where the convict is serving his sentence, shall take measures for immediately forwarding the request to the competent court, while notifying without delay the prosecutor at the court of the territory of the enforcement and the respective Probation Service. The authorities of the Institute for the Enforcement of Criminal Decisions shall associate the request with a detailed report containing the detailed data as required by the content of Article 152 of this Code and the obligations arising from the Law on the Execution of Criminal Decisions for the participating entities.

2. The court shall, in the court session of early conditional release, in addition to the convict, the prosecutor and the Probation Service, hear the opinion of the victim of the criminal offense. The court shall, through the judicial debate, examine in detail whether the criteria for early release regarding the conditions stated in Article 152 have been met.

3. In the general assessment of all the circumstances noted in paragraph 1 of Article 152, the court shall conclude whether the purpose of the punishment for his education has been achieved and, based on this evaluation, it shall pronounce its decision. The situation of criminality in the country and the trends in the criminal policy implemented by the courts in rendering decisions regarding crimes committed generally shall be elements that are taken into account in the implementation of early conditional release. The other parties in these proceedings shall, according to the interests they represent, value the same circumstances.

4. The decision of the court ordering the early conditional release shall be enforced immediately.

5. The court shall, in its decision, in addition to the special obligations that the convict must fulfill, determine even the time period of the parole for the conditionally released convict, being

equal to the remaining time of the sentence, except in cases where the time can be extended according to the provision of the Article 156, paragraph 2, of this Code. The successful completion of the parole period by the released convict shall expunge the remainder of the execution of the prison sentence.

Article 154
Rejection of request

The court may, in addition to the situations where the convict has not fulfilled the criteria provided for in Article 152 of this Code, decide to refuse the replacement of the prison sentence with the early conditional release, as long as there are well-founded reasons related to public safety in the country and to the specific prevention regarding causes having emerged in the course of the enforcement phase of the imprisonment decision.

Article 155
Prohibition of benefiting conditional release

The conditional release shall not be allowed for the recidivist offenders regarding crimes committed intentionally, as well as for the convicts regarding the commission of criminal offences containing a motive or premeditation, serious terrorist crimes, criminal offenses demonstrating special forms of complicity, being heads of organizations, direction and enforcement, the crimes regarding sexual or homosexual relations with minors, having incurred the death death or suicide of the minor child.

Article 156
Obligations of conditional release

1. The court shall order the convict to maintain contacts with the Probation Service during the period of time specified in the condition and to fulfill the obligations that the court decision has set out for the convict during the probationary period provided for by this Code. The type of obligations shall be determined in accordance with the need for reintegration of the convict in the society, improvement of the relations with the victim or the community, attending to the process of education or employment etc., such being elements that go alongside the nature of the person and the possibilities of public institutions to follow the reintegration process.
2. Where the convict does not maintain contacts with the Probation Service or when he does not fulfill the obligations determined according to the provisions on the conditions and obligations of the convict during the probation service provided for by this Code and ordered by the court, except where the convict proves that he was unable to fulfill them, the court shall extend the term of the condition, or add obligations to him, or it may decide to revoke the decision on early conditional release and to proceed with the execution for the remainder of the sentence, as long as it is estimated that the first alternatives have been ineffective.

3. The extension of the term of the condition cannot exceed one year beyond the general term provided for in Article 153, paragraph 5, of this Code.
4. As long as the case according to the second paragraph of this article as been established, the convict cannot submit a new request for early conditional release within one year from the day of revocation of the previous court decision.

Article 157

Revocation of conditional release

1. The conditional release shall be revoked by the court, as long as the person convicted of a crime committed intentionally has, during the probation period, committed another crime intentionally, or is under the conditions of Article 156, paragraph 2, of this Code.
2. The court shall calculate the remaining part of the prison sentence, taking into account the time period spent in the probation service, the restrictions on the personal freedom of the conditionally released convict during this period, the behavior of the conditionally released convict and the evaluations of the probation service.
3. For the remaining part of the sentence and the sentence for the criminal offense committed afterwards, the provisions for merging the sentences shall be applied.

Article 158

Possibility for conditional release regarding the convict sentenced to life imprisonment

1. The conditional release of a person sentenced to life imprisonment may be allowed, after he has served no less than 35 years of imprisonment until the day of filing the request and, only if during the service of the sentence he has proved participation in the treatment program, has shown a certain remorse being demonstrated in his behavior as a whole, his will to integrate into society, which results from his interest in ethical and social values, proved kindness and solidarity, in the attitude held to the victim of the crime committed from him, compensation of the damage he caused them, cutting off contacts with the world of crime, and aiming to erase the harmful consequences of the criminal offense, not just economic, but also social, psychological or public order.
2. . The request for early release on parole shall be submitted personally by the convict. It shall be addressed to the court of the territory, where the convict is serving his sentence. The Institute for the Enforcement of Criminal Decisions, where the convict is serving his sentence, shall take measures for immediately forwarding the request to the competent court, while notifying without delay the prosecutor at the court of the territory of the enforcement and the respective Probation Service. The authorities of the Institute for the Enforcement of Criminal Decisions shall associate the request with a detailed report containing the detailed data as required by the contents of the first paragraph of this Article and Article 152 of this Code and the obligations arising from the Law on the Enforcement of Criminal Decisions for the participating entities.
3. The court shall, in the court session of early conditional release, in addition to the convict, the prosecutor and the Probation Service, hear the opinion of the victim of the criminal offense.

The court being composed of three judges shall, through the judicial debate, examine in detail whether the criteria for early release have been met regarding the conditions provided for in this Article and Article 152 of this Code.

4. In the general assessment of all the circumstances, the court must examine whether the purpose of the punishment for his education has been achieved and, based on such an evaluation, render its decision. The situation of criminality in the country and the trends in the criminal policy implemented by the courts in rendering decisions regarding crimes committed generally shall be elements that are taken into account in the implementation of early conditional release. The other parties in these proceedings shall, according to the interests they represent, value the same circumstances.

5. The decision of the court ordering the early conditional release shall be enforced immediately.

Article 159

Obligations of the persons sentenced to life imprisonment and released on parole

1. The court shall, when accepting the request, order the person having been sentenced to life imprisonment to maintain contact with the probation service for a period of five years from the day the decision becomes final and to fulfill some of the obligations of the convicted person while being under the probation service as provided for by this Code.

2. When the person having been sentenced to life imprisonment does not maintain contact with the probation service or when he does not fulfill the obligations determined according to the provisions on the obligations of the convicted person being under the probation service provided for by this Code, except when the non-fulfilment is due to objective circumstances being reasonable, the court shall decide the revocation of the decision and the continuation of the execution of the decision to life imprisonment. The convict cannot re-submit the request for his early conditional release.

Article 160

Obligations of the probation service

1. As long as there is a relevance to the early conditional release, the Probation Service shall continuously follow up the progress of implementation of the court decision by the convicted person and submit periodic reports to the court regarding his behavior and compliance with his obligations for periods of time being considered appropriate by the service, based on the type of the criminal offense committed by the convict and the obligations imposed on him.

2. The Probation Service shall accurately record the time of serving the alternative sentence to imprisonment by way of compiling a joint report in the presence of the convict and public or private entities, where the obligations having been imposed have been performed during the probation period. The report shall be filed with the prosecutor, who ascertains the completion of the performance of the alternative of early conditional release.

3. The written reports of the probation service shall, where summoned to trial, before the court issues the judicial decision regarding the matters regulated by this section, not have a binding effect. The reports shall, even when submitted ex officio the Probation Service, be subject to the general rules for handling the evidence in criminal proceedings.

4. Any violation in the course of performance of the tasks of supervision, treatment or controlling the convict, committed by the responsible persons charged upon the court decision or an act stemming therefrom, imposes criminal liability according to the provisions in the Special Part of this Code.

TITLE IV

EXPUNGE OF CRIMINAL OFFENCES AND SENTENCES

CHAPTER I

EXPUNGE OF CRIMINAL OFFENCES

Article 161

Causes for the expunge of criminal offences and non-enforcement of the sentence

1. The Criminal Offences shall expunge:

- a) due to statute of limitations,
- b) due to amnesty,
- d) due to the death of the perpetrator of the offence,
- c) due to the death of the victim of the criminal offense that is prosecuted upon the complaint or request of the accusing victim, as long as they have not submitted the request before their death.

Article 162

Lapse of criminal prosecution

A criminal offense shall be expunged, where from the time of its commission or attempted commission up to the time of filing the charge by the prosecutor, the following time periods have passed:

- a) forty years in the event of the crimes being sentenced to life imprisonment;
- b) twenty-five years for crimes being sentenced to more than ten years imprisonment or another more severe punishment;
- c) ten years for crimes being sentenced to more than five to ten years imprisonment;
- c) five years for crimes being sentenced up to five years imprisonment or a fine;
- d) three years for criminal contraventions being sentenced up to two years imprisonment;
- dh) two years for criminal contraventions being sentenced to a fine.

Article 163

Initiation of statute of limitations periods

1. The period of the statute of limitations for the criminal offense begins to run the moment all the elements of the criminal offense are fulfilled or when the last action that is part of the criminal offense has been established.
2. Regarding the permanent or continuous criminal offenses, the statute of limitation period shall begin to run at the time of completion of the last actions being part of those offenses. Where the consequence of such criminal offences, consisting an element of the criminal offense, has emerged later, then the period shall start from the moment of the emergence of such consequence.
3. Where the criminal offense was committed against a minor, the statute of limitations period begins to run at the moment the latter reaches the age of 18.

Article 164

Suspension of statute of limitations

1. The statute of limitations period for the criminal offense shall be suspended in the following instances:
 - a) for the time period that the prosecuting body faces a legal prohibition to exercise or continue the criminal prosecution;
 - b) for the time period that is necessary to execute a letter of request addressed to foreign authorities for notifications and obtaining the evidence;
 - c) in the instance where the defendant is abroad and the competent body submits a request for his extradition, the statute of limitation period shall be suspended:
 - i) until the defendant has been handed over to the Albanian authorities;
 - ii) until the rejection of the extradition request has been notified to the Albanian authorities;
 - iii) until the request for extradition has been withdrawn;
 - iv) until the defendant has left the territory of the requested state.
2. Despite the suspension, the maximum statute of limitations period cannot exceed 1/2 of the periods provided for in Article 162 of this Code.

Article 165

Interruption of statute of limitations

The statute of limitations period for the criminal offense shall be interrupted upon the decision of the prosecutor for the effect of the notification of the charge or the submission of the request for trial by the accusing victim.

Article 166

Non-lapsing of criminal prosecution

War crimes and crimes against humanity, provided for in this Code, and crimes being sentenced to life imprisonment shall not lapse.

CHAPTER II

EXPUNGE OF PUNISHMENT

Article 167

Causes of expunge of punishment

The sentence shall not be enforced:

- a) due to statute of limitations,
- b) amnesty,
- c) pardon
- c) the death of the convict.

Article 168

Lapse of sentence enforcement

1. The sentence shall not be enforced when the following time periods have passed since the day it became final:

- a) thirty-five years for the decision containing a life imprisonment;
- b) twenty-five years for the decision containing a sentence of more than fifteen years of imprisonment;
- b) fifteen years for the decision containing a sentence of more than five up to fifteen years of imprisonment;
- c) five years for decisions containing a prison sentence of up to five years or other more lenient penalties.

2. The above terms shall be doubled if the convict has evaded or escaped to circumvent the enforcement of the sentence.

Article 169

Initiation of statute of limitations periods

1. The statute of limitations period for the execution of the sentence shall start from the day the sentence has become final.
2. In the event of revocation of alternatives to imprisonment, the statute of limitation period starts from the day the revocation decision has become final.

3. In the event of pardoning or sentence mitigation due to other legal reasons, the statute of limitations period shall be calculated based on the new sentence, while the duration of the time period shall be from the previous sentence.

Article 170

Suspension and interruption of the lapse of sentence enforcement

1. The statute of limitations period for the enforcement of the sentence shall be suspended in the following instances:
 - a) If the convict is abroad and the competent body submits a request for his extradition, the statute of limitations period shall be suspended:
 - i) until the convict has been handed over to the Albanian authorities;
 - ii) until the rejection of the extradition request has been notified to the Albanian authorities;
 - iii) until the request for extradition has been withdrawn;
 - iv) until the defendant has left the territory of the requested state;
 - b) in the instances where a postponement of the enforcement of the sentence has been decided, starting from the moment of submission of the request by the convict;
 - c) in the instances of punishments to fines, during the time of the judicial review of complaints to enforcement measures;
2. Despite the suspension, the maximum period of the statute of limitations of enforcement cannot exceed twice the periods provided for in Article 168 of this Code.
3. The statute of limitations period for the enforcement of the sentence shall be interrupted, if the convict leaves his place of stay.
4. After each interruption, a new statute of limitations period shall begin.

Article 171

Non-lapsing of sentence enforcement

The enforcement of the sentence for war crimes and crimes against humanity shall never lapse.

Article 172

Amnesty

1. The competent authority shall, through the act of amnesty, affect the exclusion from criminal prosecution, from serving the sentence completely or partially, or shall substitute the sentence with a more lenient one.
2. Amnesty includes all those criminal offences committed up to one day prior to its announcement, unless otherwise provided for by the respective act.
3. Criminal offenses committed up to one day before the announcement of the amnesty are those offenses which appear to be registered with the public order or prosecution bodies.

Article 173

Pardon

1. The competent authority shall, through the act of pardon, affect the exclusion from serving the sentence completely or partially having been imposed upon a judicial decision, or shall substitute the sentence with a more lenient one.
2. As far as it is applicable, the competent body that exercises the right of pardon cannot ignore the orientations guaranteed by this law regarding the criminal policy as a whole.
3. Pardoning of suspects shall occur under specific circumstances and upon a specific law.

Article 174

Rehabilitation

1. There shall be considered to be without criminal record:
 - a) those who have been sentenced to imprisonment for a period of up to six months or with any other more lenient punishment and, during two years from the day of repayment, lapse of time, amnesty or pardoning of the sentence or from the day of the end of the probation period, have not committed other criminal offenses;
 - b) those who have been sentenced to imprisonment for a period of more than six months to five years and who have not committed another criminal offense during the five years from the day of completion, lapse of time, amnesty or pardoning of the sentence or from the day ending the probation period;
 - c) those who have been sentenced to imprisonment for a period of more than five to ten years and who have not committed another criminal offense during the seven years from the day of completion, lapse of time, amnesty or pardoning of the sentence or from the day ending the probation period;
 - d) those who have been sentenced to imprisonment for a period of more than ten to twenty years and who have not committed another criminal offense during the ten years from the day of completion, lapse of time, amnesty or pardoning of the sentence or from the day ending the probation period;
2. Rehabilitation does not apply to those convicted of war crimes and crimes against humanity, to those convicted of sexual crimes against minors, domestic violence and to those sentenced to more than 20 years in prison.
3. In the event that, in addition to the prison sentence, a supplementary sentence has also been imposed to the convict, the period of rehabilitation starts from the day of serving the supplementary sentence.
4. Regarding the convicts who were minors at the time of committing the criminal offense, the rehabilitation terms provided for in par 1 of this Article shall be halved.

5. If during the rehabilitation period the convict commits another criminal offense, then the rehabilitation period for the first sentence shall be doubled, while a new rehabilitation period shall begin for the new sentence.
6. In the event that after the end of the rehabilitation period, the convict commits another criminal offense, the rehabilitation period for the new sentence shall be twice the periods provided for in par 1 of this Article.
7. Interested persons may approach the Criminal Court regarding the incorrect implementation of this provision by public institutions.