

LAW OF TURKMENISTAN On the introduction of amendments and additions to the Criminal Code of Turkmenistan and its approval in a new edition

Article 1. To amend and supplement the Criminal Code of Turkmenistan and approve it in a new edition (attached).

Article 2. The following shall be declared null and void:

Part One of the Law of Turkmenistan "On Introduction of Amendments and Additions to Certain Legislative Acts of Turkmenistan", adopted on March 26, 1998;

The Law of Turkmenistan "On Amendments and Additions to the Criminal Code of Turkmenistan", adopted on March 23, 2000;

Part five of the Law of Turkmenistan "On Amendments and Additions to Certain Legislative Acts of Turkmenistan", adopted on December 19, 2000; the

Law of Turkmenistan "On Amendments to the Criminal Code of Turkmenistan", adopted on December 14, 2002;

The Law of Turkmenistan "On Amendments to the Criminal Code of Turkmenistan", adopted on June 14, 2003;

The Law of Turkmenistan "On Amendments to the Criminal Code of Turkmenistan", adopted on October 21, 2003;

Part two of the Law of Turkmenistan "On Amendments and Additions to Certain Legislative Acts of Turkmenistan", adopted on March 16, 2004;

paragraph 2 of the Law of Turkmenistan "On the abolition of criminal liability for violations of the legislation on religious organizations", adopted on May 13, 2004;

The Law of Turkmenistan "On Amendments to Certain Legislative Acts of Turkmenistan", adopted on October 10, 2004;

Part 1 of the Law of Turkmenistan "On Amendments and Additions to Certain Legislative Acts of Turkmenistan", adopted on October 25, 2004; The

Law of Turkmenistan "On Amendments and Additions to the Criminal Code of Turkmenistan", adopted on March 8, 2005;

Part seven of the Law of Turkmenistan "On Amendments and Additions to Certain Legislative Acts of Turkmenistan", adopted on December 14, 2007;

Part Two of the Law of Turkmenistan "On Amendments and Additions to Certain Legislative Acts of Turkmenistan", adopted on June 25, 2008;

Part one of the Law of Turkmenistan "On Amendments to the Criminal Code of Turkmenistan and Invalidation of Certain Laws of Turkmenistan", adopted on July 2, 2009;

Part 1 of the Law of Turkmenistan "On Amendments to the Criminal Code of Turkmenistan and the Invalidation of Certain Laws of Turkmenistan", adopted on August 15, 2009.

Article 3. This Law shall enter into force on July 1, 2010.

President of Turkmenistan Gurbanguly BERDIMUHAMEDOV.

Translation from the state language of Turkmenistan.

CRIMINAL CODE OF TURKMENISTAN

GENERAL PART

SECTION I. CRIMINAL LEGISLATION OF TURKMENISTAN

CHAPTER 1. OBJECTIVES AND PRINCIPLES OF CRIMINAL LEGISLATION

Article 1. Criminal legislation of Turkmenistan

(1) The criminal legislation of Turkmenistan is based on the Constitution of Turkmenistan, generally recognized principles and norms of international law and consists of this Code.

(2) Certain laws establishing criminal liability shall be included in this Code.

Article 2. Objectives of criminal legislation

(1) The criminal legislation of Turkmenistan has the task of protecting the individual, the rights and freedoms of citizens, the interests of society and the state, property, public order, independence, constitutional order and neutral status of Turkmenistan, peace and security of mankind from criminal encroachments, as well as the prevention of crimes.

(2) In order to implement these tasks, the criminal legislation of Turkmenistan establishes the grounds and principles of criminal liability, determines which socially dangerous acts are crimes, and establishes penalties and other measures of criminal law influence for their commission.

Article 3. Principles of criminal legislation

(1) The criminal legislation of Turkmenistan shall be based on the principles of legality, equality of citizens before the law, culpable responsibility, justice and humanism.

(2) The criminality of an act, its punishability and other criminal law consequences shall be determined by the criminal law.

(3) A person shall be subject to criminal liability only for those actions (inaction) that have occurred harmful consequences in respect of which his/her guilt has been established.

(4) No one may be found guilty of committing a crime and subjected to criminal punishment except by a court verdict and in accordance with the law.

(5) Persons who have committed crimes are equal before the law and are subject to criminal liability regardless of sex, race, nationality, language, property and official status, attitude to religion, beliefs, party affiliation.

(6) Punishment and other criminal law measures to be applied to a person who has committed a crime must be fair, strictly correspond to the gravity of the crime, the circumstances of its commission and the personality of the perpetrator.

(7) Punishments and other criminal-legal measures applied to persons who have committed a crime may not be aimed at causing physical suffering or humiliation of human dignity.

(8) No one may be held criminally liable twice for the same crime.

Article 4. Grounds for criminal liability

The basis for criminal liability is the commission of an act containing all the elements of a crime provided for by criminal law.

CHAPTER 2. EFFECT OF CRIMINAL LAW IN TIME AND SPACE

Article 5. Effect of criminal law in time

(1) The criminality and punishability of an act shall be determined by the law in force at the time of the commission of this act.

(2) The time of the commission of a crime is the time of the occurrence of its consequences, and in cases where responsibility is established for the very fact of committing an action (inaction) provided for by criminal law, the time of committing this action (inaction).

Article 6. Retroactive force of criminal law

(1) A law that excludes criminal liability, mitigates punishment or otherwise improves the situation of a person who has committed a crime shall have retroactive effect, i.e. it shall apply to persons who committed the relevant act before the entry into force of such law, including persons serving a sentence or having served a sentence, but have a criminal record. Law establishing the criminality of an act, increasing the punishment or otherwise worsening the position of the person, does not have retroactive effect.

(2) If the new criminal law mitigates the punishment of the act for which the person is serving the sentence, the imposed punishment shall be reduced in accordance with the limits provided for by the new law.

Article 7. Effect of the criminal law in relation to persons who have committed crimes in the territory of Turkmenistan

(1) Persons who have committed crimes in the territory of Turkmenistan shall be liable under the criminal law of Turkmenistan.

(2) Crimes committed within the territorial waters or airspace of Turkmenistan shall be recognized as committed on the territory of Turkmenistan. This Code shall also apply to crimes committed on the continental shelf and in the maritime economic zone of Turkmenistan.

(3) A person who has committed a crime on a vessel registered in a port of Turkmenistan located in the water or airspace outside Turkmenistan shall be liable under the criminal law of Turkmenistan, unless otherwise provided by an international treaty of Turkmenistan.

(4) When a crime is committed in the territory of two or more states, liability arises under the criminal law of Turkmenistan, if the crime is completed or suppressed in the territory of Turkmenistan.

(5) The issue of criminal liability of diplomatic representatives of foreign states and other persons who enjoy immunity in the event that these persons commit a crime in the territory of Turkmenistan shall be resolved on the basis of the norms of international law and international treaties of Turkmenistan.

Article 8. Effect of the Criminal Law in Respect of Persons Who Have Committed Crimes Outside Turkmenistan

(1) Citizens of Turkmenistan, as well as stateless persons permanently residing in Turkmenistan, who have committed a crime provided for by the criminal law of Turkmenistan outside Turkmenistan, shall be liable under the criminal law of Turkmenistan, if the responsibility for the committed act is provided for by the criminal law of the state on the territory of which it is has been committed and if the persons have not been convicted in a foreign country. At the same time, a punishment exceeding the upper limit of the punishment provided for by the law in force at the place where the crime was committed may not be imposed.

(2) Foreign citizens, as well as stateless persons who do not permanently reside in Turkmenistan, shall be liable under the criminal law of Turkmenistan for a crime committed outside Turkmenistan in cases where the crime is directed against Turkmenistan or its citizens, as well as in cases provided for by international treaties of Turkmenistan, if they have not been convicted in a foreign state and have not been prosecuted in the territory of Turkmenistan Turkmenistan.

Article 9. Extradition of persons who have committed a crime

(1) Citizens of Turkmenistan who have committed a crime in the territory of a foreign state shall not be extradited to that state.

(2) Foreign citizens and stateless persons who have committed a crime outside Turkmenistan and are on the territory of Turkmenistan may be extradited to a foreign state for criminal prosecution or serving a sentence in accordance with international treaties and agreements of Turkmenistan, as well as conventions and other international legal acts to which Turkmenistan has acceded.

SECTION II. CRIME

CHAPTER 3. CONCEPT OF CRIME, CATEGORIES AND TYPES OF CRIMES

Article 10. Concept of crime

A crime is a committed guilty socially dangerous act (action or inaction) that causes damage or creates a threat of causing damage to objects protected by criminal law.

Article 11. Categories of Crimes

(1) Depending on the degree of gravity and form of guilt, the acts provided for by this Code shall be divided into crimes of minor gravity, medium gravity, grave and especially grave.

(2) Crimes of minor gravity are intentional and reckless acts, for the commission of which the criminal law provides for a maximum punishment in the form of imprisonment for a term not exceeding two years.

(3) Crimes of medium gravity are intentional and reckless acts, for the commission of which the criminal law provides for a maximum penalty of imprisonment for up to eight years.

(4) Serious crimes are intentional and reckless acts, for which the criminal law provides for a maximum penalty of imprisonment for up to fifteen years.

(5) Especially grave crimes are considered to be intentional crimes for which the criminal law provides for punishment in the form of imprisonment for up to twenty-five years.

Article 12. Completed and Incomplete Crime

(1) A crime is considered completed if the act committed by a person contains all the elements of a crime provided for by criminal law.

(2) Preparation for a crime or an attempt to commit a crime shall be deemed to be an incomplete crime.

(3) Responsibility for preparation for a crime or an attempt to commit a crime shall arise under the same article of the criminal law as for a completed crime, with reference to Articles 13 and 14 of this Code.

Article 13. Preparation for a crime

(1) Preparation for a crime is the search, manufacture or adaptation of means or tools, conspiracy to commit a crime or other deliberate creation of conditions for the commission of a crime, if the crime was not completed due to circumstances beyond the control of the person.

(2) Criminal liability arises only for preparation for a crime of medium gravity, grave and especially grave crime.

Article 14. Attempted crime

An attempt to commit a crime is a deliberate action or inaction directly aimed at committing a crime, if the crime was not completed due to circumstances beyond the control of the person.

Article 15. Continuing Crime

(1) A continuing crime is an act, the elements of which are provided for in one article or part of an

article of the criminal law, consisting in the performance of this act for an indefinite period of time.

(2) A continuing crime shall be deemed to have ended from the moment of cessation of the commission of the act or the moment of the occurrence of an event that prevents its continuation.

Article 16. Continuing Crime

(1) A continuing crime is an act the elements of which are provided for in one article or part of an article of the criminal law, and consisting of two or more identical acts covered by a single intent and having a common goal.

(2) A continuing crime shall be deemed to have been completed from the moment of the commission of the last criminal act.

Article 17. Repetition of crimes

(1) The commission of two or more crimes provided for by one article or part of an article of the Special Part of this Code shall be recognized as repetition of crimes. The commission of two or more crimes provided for by different articles of the Criminal Code of Turkmenistan may be recognized as repetition only in cases specifically specified in the Special Part of the Criminal Code of Turkmenistan.

(2) A crime shall not be recognized as repeated if the person who committed the crime has been released from criminal liability or punishment for previously committed crimes, or if the conviction for these crimes has been expunged or expunged in accordance with the procedure established by law.

Article 18. Cumulative Crimes

(1) Cumulative crimes are the commission of two or more acts provided for by different articles or parts of an article of the criminal law, for none of which a person has been convicted.

(2) Cases when a person commits one act provided for by two or more articles of the criminal law shall also be recognized as a combination of crimes.

(3) If a crime is provided for by a general and a special norm, there is no totality, and liability arises according to a special norm.

(4) In the case of a combination of crimes, a person shall be liable for each crime committed under the relevant article or part of an article of the criminal law.

Article 19. Recidivism

(1) Recidivism is the commission of an intentional crime by a person who has been convicted of a previously committed intentional crime.

(2) Recidivism of crimes shall be considered dangerous:

a) in the commission of an intentional crime, if the person has previously been sentenced to imprisonment for an intentional crime twice;

b) when committing an intentional grave crime, if the person has previously been convicted of an intentional grave or especially grave crime.

(3) Recidivism of crimes shall be recognized as particularly dangerous:

a) when a person commits an intentional crime for which he/she is sentenced to imprisonment, if the person has previously been sentenced to imprisonment three or more times for an intentional grave or medium crime;

b) when a person commits a particularly grave crime, if he/she has previously been convicted of a particularly grave crime.

(4) Convictions for crimes committed under the age of eighteen, as well as convictions expunged or

expunged in accordance with the procedure established by Article 81 of this Code, shall not be taken into account when recognizing recidivism.

CHAPTER 4. PERSONS SUBJECT TO CRIMINAL

LIABILITY Article 20. General Conditions of Criminal Liability

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

Article 21. Age of criminal responsibility

(1) Persons who have reached the age of sixteen before committing a crime shall be subject to criminal liability.

(2) Persons who have committed crimes at the age of fourteen to sixteen shall be subject to criminal liability for premeditated murder (Article 101), intentional infliction of grievous bodily harm (Article 107), intentional infliction of moderate bodily harm (Article 108), rape (Article 134), theft (Article 227), robbery (Article 230), robbery (Article 231), extortion (Article 232), unlawful seizure of someone else's vehicle (Article 234), intentional destruction of or damage to property (Article 235 § 2), theft or extortion of weapons, ammunition, explosives and explosive devices (Article 291), illegal manufacture, processing, acquisition, storage, transportation, transfer of narcotic drugs or psychotropic substances for the purpose of sale (Article 292), theft or extortion of narcotic drugs or psychotropic substances (Article 294).

Article 22. Sanity

A person is recognized as sane who, at the time of committing a crime, was aware of the nature and significance of his actions (inaction) and directed them.

Article 23. Insanity

(1) A person who, at the time of committing an act provided for by criminal law, could not realize the nature and significance of his actions (inaction), their public danger, or direct them due to mental illness, temporary painful mental disorder or dementia, shall not be subject to criminal liability.

(2) A person who has committed an act provided for by criminal law in a state of insanity may be imposed by the court on coercive measures of a medical nature provided for by this Code.

Article 24. Criminal Liability of Mentally Retarded Persons

A person who, at the time of committing a crime, was sane, but had difficulty in understanding the nature and significance of his actions (inaction) or in directing them due to mental retardation or a sick mental state, shall be subject to criminal liability. These circumstances shall be taken into account when assigning the type and amount of punishment.

Article 25. Criminal Liability of Persons Who Have Committed a Crime in a State of Intoxication

(1) A person who has committed a crime in a state of intoxication caused by the use of alcohol, narcotic or other intoxicating substances shall be subject to criminal liability.

(2) The causes of intoxication, the degree of intoxication and its impact on the commission of a crime shall be taken into account when imposing a sentence.

CHAPTER 5. GUILT

Article 26. Guilt and its forms

(1) Guilt is a conscious-volitional mental attitude of a person to the crime committed, expressed in the form of intent or negligence.

(2) Only a person who has committed a socially dangerous act intentionally or through negligence may be found guilty of a crime.

(3) An act committed through negligence shall be recognized as a crime only in cases where it is expressly provided for by criminal law.

Article 27. Crime committed intentionally

(1) A crime committed intentionally is a socially dangerous act committed with direct or indirect intent.

(2) A crime is recognized as committed with direct intent if the person who committed it was aware of the socially dangerous nature of his action or inaction, foresaw its socially dangerous consequences, desired their occurrence or foresaw the inevitability of the occurrence of these consequences.

(3) A crime shall be deemed to have been committed with indirect intent if the person who committed it was aware of the socially dangerous nature of his action or inaction, foresaw its socially dangerous consequences, did not want to, but consciously allowed the occurrence of these consequences or was indifferent to them.

Article 28. Crime committed through negligence

(1) A crime committed through negligence is a socially dangerous act committed through arrogance or negligence, which entails the onset of socially dangerous consequences.

(2) A crime shall be deemed to have been committed through presumption, if the person who committed it was aware of the public danger of his action or inaction, foresaw the possibility of the occurrence of socially dangerous consequences, but thoughtlessly hoped to prevent them.

(3) A crime shall be deemed to have been committed through negligence, if the person who committed it was not aware of the public danger of his action or inaction, did not foresee the possibility of the occurrence of socially dangerous consequences, although with the necessary care and foresight he should and could have foreseen them.

Article 29. Liability for a crime committed with a combination of intent and negligence (double form of guilt)

(1) The double form of guilt is characterized by the intentional commission of a crime and negligence in relation to the consequences resulting from this crime. In general, such a crime is recognized as committed intentionally.

(2) If, as a result of the commission of an intentional crime, there are consequences to which the law associates a more severe punishment, criminal liability for such consequences may arise only if the person did not foresee, but should and could have foreseen the possibility of such consequences, or if the person foresaw the possibility of their occurrence, but thoughtlessly hoped to prevent them.

Article 30. Innocent Infliction of Harm (Case)

(1) An act shall be deemed to have been committed innocently if the person was not aware of its danger to society or did not foresee the possibility of the occurrence of socially dangerous consequences of his action (inaction) and, under the circumstances of the case, should not or could not have foreseen them.

(2) An act is also recognized as committed innocently if the person who committed it, although he foresaw the possibility of the occurrence of socially dangerous consequences, could not prevent them as a result of the discrepancy of his psychophysiological qualities with extreme conditions or nervous and psychological overload.

Article 31. Legal and factual error

(1) If a person, while committing an act provided for by criminal law, was not aware and could not be aware of its illegality under the circumstances of the case, he is not subject to criminal liability.

(2) If a person, while committing an act provided for by criminal law, was mistaken in good faith about the factual circumstances related to the corpus delicti of this crime, he cannot be held responsible for the intentional commission of this act.

(3) If the law links a more severe punishment to the existence of certain factual circumstances, but the person who committed the crime was mistaken in good faith about these circumstances, then he is not subject to more severe liability.

CHAPTER 6. COMPLICITY IN A CRIME

Article 32. The concept of complicity in a crime

Complicity in a crime is the deliberate joint participation of two or more persons in the commission of an intentional crime.

Article 33. Types of Accomplices

(1) Along with the perpetrator, the organizer, instigator and accomplice are recognized as accomplices.

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

(3) A person who has organized the commission of a crime or directed its execution, as well as a person who has created or led an organized group for the commission of a crime or a criminal association shall be recognized as an organizer.

(4) An instigator is a person who has induced to commit a crime by persuasion, bribery, threat or in any other way.

(5) An accomplice is a person who has assisted in the commission of a crime by giving advice, instructions, providing information, instruments or means of committing a crime, or removing obstacles, as well as a person who has promised in advance to conceal the offender, weapons or other means of committing a crime, traces of a crime or objects obtained by criminal means, as well as a person who has promised in advance to purchase or sell such objects.

Article 34. Commission of a crime by a group of persons by prior conspiracy, by an organized group or by a criminal association

(1) A crime shall be deemed to have been committed by a group of persons by prior conspiracy if two or more persons participated in it and agreed in advance to commit it jointly.

(2) A crime shall be deemed to have been committed by an organised group if it has been committed by a stable group of persons who have united in advance to commit one or more crimes.

(3) A crime shall be deemed to have been committed by a criminal association if it has been committed by persons who have previously organized themselves into a stable, cohesive and manageable organization established for the purpose of committing grave and especially grave crimes.

(4) A person who has organized or led a criminal association shall be liable for the organization and management of the criminal association, as well as for all crimes committed by the association, if they were covered by its intent. Other members of a criminal association shall be liable for participation in it and for the crimes in the commission or preparation of which they participated.

(5) The commission of a crime by a group of persons by prior conspiracy, an organized group or a criminal association shall entail a more severe punishment on the basis and within the limits established by this Code.

Article 35. Liability of accomplices

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

(2) Co-perpetrators shall be liable under one article of the criminal law for a crime committed jointly

by them.

(3) The organizer, instigator and accomplice shall be held liable under the same Article of the Special Part of the Criminal Code as the perpetrator, with reference to Article 33 of this Code.

(4) If the perpetrator fails to complete the crime due to circumstances beyond his control, the other accomplices of the crime shall be liable for complicity in the preparation for the commission of the crime or in the attempt to commit the crime.

Article 36. Excess of the perpetrator

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

CHAPTER 7. CIRCUMSTANCES EXCLUDING THE CRIMINALITY OF AN ACT

Article 37. Necessary defense

(1) The protection of the person, rights and legitimate interests of the defender, another person, society and the state by causing any harm to the attacker is not a crime and is recognized as lawful, if the attack was committed with violence dangerous to the life of the defender or another person, or with an immediate threat of the use of such violence.

(2) Defence against an attack that does not involve violence that is dangerous to the life of the defender or another person, or with the threat of the use of such violence, is lawful if the limits of necessary defence have not been exceeded, i.e. deliberate actions that are clearly inconsistent with the nature and danger of the attack.

(3) The right to necessary defence belongs to a person regardless of the possibility to avoid an encroachment or to seek assistance from other persons or authorities.

Article 38. Causing Harm during the Detention of a Person Who Has Committed

a Crime (1) It is not a crime to cause harm to a person who has committed a crime when he is detained for the purpose of bringing him to the authorities and preventing the possibility of committing new crimes, if they resisted and it was not possible to detain such a person by other means, and at the same time the measures necessary for this were not exceeded.

(2) Exceeding the measures necessary to detain a person who has committed a crime shall be deemed to be their obvious inconsistency with the nature and danger of the act committed by the detained person and the circumstances of detention, when the person is unnecessarily inflicted with clearly excessive damage not caused by the situation. Such excess shall entail liability only in cases of intentional infliction of damage.

Article 39. Extreme necessity

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

(2) Exceeding the limits of extreme necessity shall be deemed to be the infliction of damage that clearly does not correspond to the nature and degree of the threatening danger and the situation in which the danger was eliminated, when the damage to the legally protected interests is clearly greater than the preventable one. Such exceeding shall entail liability only in cases of intentional infliction of damage.

Article 40. Physical and Mental Coercion

(1) An action (inaction) of a person who has caused harm to legally protected interests as a result of physical or mental coercion shall not be considered a crime, if as a result of such coercion he could not control his actions.

(2) In other cases, the issue of liability for causing damage to legally protected interests as a result of physical or mental coercion shall be resolved taking into account the provisions of Article 39 of this Code.

Article 41. Justified risk

(1) It is not a crime to cause harm to legally protected interests with an objectively justified risk to achieve a socially useful goal.

(2) A risk shall be deemed justified if the set goal could not be achieved by actions not related to the risk and the person who allowed the risk has taken the necessary measures to prevent harm to the legally protected interests.

(3) A risk shall not be recognized as justified if it was knowingly associated with a threat to the health or life of people, an environmental catastrophe or a public disaster.

Article 42. Execution of an Order

(1) It shall not be a crime to cause harm to legally protected interests by a person acting in pursuance of an order or other instruction that is binding on him/her and issued in accordance with the established procedure and in compliance with the proper form.

(2) Causing damage to legally protected interests as a result of the execution of an unlawful order or other instruction excludes liability if the person was not aware of its unlawful nature. In this case, the person who gave such an order or instruction shall be liable for the act committed in execution of the unlawful order or instruction.

(3) Execution of a knowingly criminal order or other instruction shall entail criminal liability, but may be recognized as a circumstance mitigating punishment.

(4) Failure to comply with a knowingly unlawful or criminal order or other instruction excludes criminal liability.

SECTION III. PUNISHMENT

CHAPTER 8. CONCEPT, GOALS AND TYPES OF PUNISHMENT

Article 43. Concept and Purposes of Punishment

(1) Punishment is a punishment for a crime committed. As a measure of state coercion, a punishment imposed by a court sentence is applied to a person found guilty of committing a crime, and consists in the deprivation or restriction of the rights and freedoms of this person provided for by criminal law.

(2) Punishment shall be applied for the purpose of restoring social justice, as well as reforming the convicted person and preventing the commission of new crimes.

Article 44. Types of punishment

(1) The types of punishment are:

- a) imposing an obligation to make amends for the harm caused;
- b) a fine;
- c) deprivation of the right to hold certain positions or engage in certain activities;
- d) deprivation of state awards, military and other ranks;
- e) correctional labor;
- f) the imposition of the obligation to live in a certain area;

g) confiscation of property;

h) deprivation of liberty.

(2) Military servicemen may be punished with restriction of military service and detention in a military correctional unit.

Article 45. Basic and Additional Punishments

(1) Correctional labor, restriction of military service, detention in a military correctional unit, imprisonment shall be applied only as basic punishments.

(2) Imposition of the obligation to make amends for the damage caused, fine, deprivation of the right to hold a certain position or engage in a certain activity, imposition of the obligation to reside in a certain area shall be applied both as basic and additional punishments.

(3) Deprivation of state awards, military and other ranks, confiscation of property shall be applied only as an additional punishment.

Article 46. Imposition of the Obligation to Make Amends

(1) The obligation to make amends consists in the direct elimination of the damage caused, compensation for material and moral damage and a public apology to the victim.

(2) Punishment in the form of imposition of an obligation to make amends for the damage caused may be imposed when the court, taking into account the nature of the damage, the existence of a real possibility to make amends for it and the identity of the perpetrator, recognizes that he is able to eliminate the damage caused.

(3) If the convicted person evades the obligation to make amends for the damage caused, the court may replace this punishment with a fine or correctional labor within the limits established by the article of the Special Part of this Code under which the person was convicted. If the above types of punishments are not provided for in the sanction of the article, they shall be imposed in the minimum amount established by Articles 47 and 50 of this Code.

Article 47. Fine¹¹

(1) A fine is a pecuniary penalty imposed within the limits provided for by this Code, in the amount corresponding to a certain number of average monthly wages established by the legislation of Turkmenistan at the time of imposition of punishment.

(2) The fine shall be established in the amount of five to two hundred average monthly wages.

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

(4) A fine as an additional punishment may be imposed only in cases where it is provided for as an additional punishment directly in the norm establishing responsibility for the relevant crime.

(5) In case of deliberate evasion of payment of a fine imposed by the court as the main punishment, the fine may be replaced by the court with the types of punishment specified in the relevant article or the relevant part of the article of the Special Part of this Code.

(6) A fine in the form of punishment shall not be applied to persons who do not have an independent income, as well as to military servicemen performing military service under conscription.

Article 48. Deprivation of the Right to Hold a Certain Position or Engage in a Certain Activity

(1) Deprivation of the right to hold a certain position or engage in a certain activity shall consist in the prohibition to hold positions in the civil service, in local self-government bodies, in enterprises of any form of ownership or in public associations, or to engage in a certain professional or other activity.

(2) Deprivation of the right to hold certain positions or engage in certain activities shall be imposed for a period of one to five years as a principal punishment and for a period of one to three years as an additional punishment.

(3) Deprivation of the right to hold a certain position or engage in a certain activity may be imposed as an additional punishment even in cases where it is not specified as a form of punishment for the relevant crime, if, taking into account the nature of the committed crime and the identity of the perpetrator, the court finds it impossible to retain the right to hold a certain position or engage in a certain professional or other activity.

(4) If this punishment is imposed as an additional punishment to the fine and correctional labor, as well as in the case of a suspended sentence, its term shall be calculated from the moment the sentence enters into force. If this punishment is imposed as an additional punishment to imprisonment or sending to a military correctional unit, its term shall be calculated from the moment of serving the main sentence.

Article 49. Deprivation of State Awards, Military or Other Rank

(1) In case of conviction for a grave or especially grave crime, a person with a military or other rank may be deprived of this rank by a court sentence.

(2) When a person who has been awarded an order, medal of Turkmenistan or an honorary title, or a military or other rank conferred by the President of Turkmenistan is convicted of committing a grave or especially grave crime, the court, when passing a sentence, taking into account the data on the personality of the perpetrator, decides on the expediency of making a submission to the President of Turkmenistan on the deprivation of the convicted person of an order, medal, honorary title, military or other rank.

Article 50. Correctional labor

(1) Correctional labor shall be established for a period of two months to two years and shall be served on the basis of a court verdict at the place of work of the convicted person or in other places in the territory of residence of the convicted person. Deduction of earnings of a convicted person for correctional labor shall be made to the state in the amount established by a court verdict in the range of five to twenty percent.

(2) Correctional labor shall not be applied to persons who are incapacitated for work, to persons under sixteen years of age, to pregnant women and women on childcare leave, to persons who have reached retirement age, as well as to military personnel, pupils and students of higher educational institutions.

(3) In case of willful evasion of correctional labour, the court, upon the joint recommendation of the body in charge of the execution of the sentence and the body supervising the execution of the criminal punishment, may replace the unserved term of correctional labour with a sentence of imprisonment at the rate of one day of imprisonment for three days of correctional labour.^[21]

Article 51. Restriction on Military Service

(1) Restriction on military service shall be applied to convicted military officers and servicemen performing military service under obligation for a period of two months to two years in the cases provided for by this Code, as well as when the court, taking into account the circumstances of the case and the personality of the convicted person, deems it expedient to apply a restriction on military service for the same period instead of imprisonment for a term not exceeding two years term.

(2) A person sentenced to restriction of military service shall be deducted from the monetary allowance of a person sentenced to restriction of military service in the amount determined by a court verdict in the range of five to twenty percent. While serving a sentence in the form of restriction on military service, a convicted person may not be promoted in position, military rank, and the term of punishment shall not be counted towards his/her length of service for the purpose of conferring the next military rank and for granting a pension.

Article 51.1. Imposition of the obligation to reside in a certain locality

(1) The imposition of the obligation to reside in a certain locality consists in the removal of the convict from his/her place of residence with the obligatory settlement in a certain locality.

(2) The obligation to reside in a particular locality shall be imposed for a period of five to fifteen years as the principal punishment and for a period of two to five years as an additional punishment.

(3) The obligation to reside in a particular area shall not apply to persons who have not reached the age of eighteen at the time of the commission of the crime, as well as to disabled persons of the first and second groups, persons who have reached retirement age, pregnant women and women with children under the age of eight.

(4) In case of willful evasion of serving a sentence in the form of imposing the obligation to reside in a certain area and leaving the compulsory place of residence for this purpose, the court, upon the joint recommendation of the body in charge of the execution of the sentence and the body supervising the execution of the criminal punishment, has the right to send such a person to serve the sentence of imprisonment in a correctional colony by its ruling. of residence is counted in the term of imprisonment at the rate of one day of compulsory residence in a certain area for one day of imprisonment. The time of leaving the place of compulsory residence for the purpose of evading serving the sentence is not counted in the period of compulsory residence in a certain area.

(5) If a convicted person who is obliged to reside in a certain area has committed a crime, the court shall impose a punishment on him/her in accordance with the provisions of Article 64 of this Code.

Article 52. Confiscation of Property

(1) Confiscation of property is the forcible gratuitous seizure into the ownership of the state of property that is the property of the convicted person and acquired in a manner prohibited by law.

(2) Confiscation of property shall be established for crimes of medium gravity, grave and especially grave crimes committed for mercenary purposes and may be imposed only in cases provided for by criminal law.

(3) The property necessary for the convicted person or his/her dependents in accordance with the list given in the Annex to this Code shall not be subject to confiscation.

Article 53. Deprivation of liberty

(1) Deprivation of liberty consists of isolating a convicted person by placing him/her in a correctional institution or prison.

(2) Imprisonment shall be imposed for a term of six months to fifteen years. In exceptional cases provided for by this Code, imprisonment shall be established for a term of up to twenty-five years.

(3) In case of partial or complete addition of terms of imprisonment when imposing sentences for cumulative crimes and cumulative sentences, the maximum term of imprisonment may not exceed fifteen, and in exceptional cases provided for by this Code, twenty-five years.

Article 54. Detention in a military correctional unit

(1) Detention in a military correctional unit shall be imposed for a period of three months to two years for a conscripted serviceman in cases provided for by criminal law for the commission of a military crime, as well as in cases where the nature of the crime and the identity of the perpetrator indicate the possibility of replacing the punishment in the form of imprisonment for a term not exceeding two years with confinement of the convicted person in the military correctional unit.

(2) In the case of detention in a military correctional unit in lieu of imprisonment, the period of detention in this unit shall be determined on the basis of one day for the day.

Article 55 is deleted.

CHAPTER 9. IMPOSITION OF THE TYPE AND AMOUNT OF PUNISHMENT

Article 56. General Principles of Sentencing

(1) A person found guilty of committing a crime by a court shall be sentenced to a punishment

determined within the limits established by the relevant article of the Special Part of this Code, taking into account the provisions of the General Part of this Code.

(2) A more severe punishment than the one provided for by the relevant article of the Special Part of this Code for a crime committed may be imposed on the aggregate of crimes and cumulative sentences in accordance with Articles 63 and 64 of this Code. The basis for imposing a type of punishment that is more lenient than that provided for by criminal law for a committed crime is determined by Article 59 of this Code.

(3) When assigning the type and amount of punishment, the nature and gravity of the crime, the goals and motives of its commission, the consequences, mitigating and aggravating circumstances, the personality of the perpetrator, as well as the impact of the imposed punishment on the re-socialization of the perpetrator and the living conditions of his family shall be taken into account.

(4) A person who has committed a crime shall be given a just punishment necessary and sufficient for his correction.

Article 57. Circumstances mitigating responsibility

(1) Circumstances mitigating responsibility shall be:

- a) commission of a crime of minor gravity for the first time;
- b) the minor age of the perpetrator;
- c) pregnancy;
- d) the perpetrator has a large family or young children;
- e) commission of a crime due to a confluence of difficult life circumstances;
- f) commission of a crime under the influence of blackmail, threat, coercion or by virtue of material, official or other dependence, as well as in the event of the execution of a criminal or illegal order or instruction;
- g) commission of a crime under the influence of strong emotional excitement caused by violence, grave insult or other unlawful actions of the victim;
- h) commission of a crime in violation of the conditions of the lawfulness of necessary defense, detention of a person who has committed a crime, in case of extreme necessity, justified risk;
- i) commission of a crime under the influence of a sickly mental state or mental retardation that does not exclude sanity;
- j) the illegality or immorality of the victim's actions that were the reason for the commission of the crime;
- k) confessing, actively assisting in the disclosure of the crime, the exposure of other participants in the crime and the search for property acquired as a result of the crime;
- l) provision of medical and other assistance to the victim immediately after the commission of the crime, voluntary compensation or elimination of material and moral damage caused by the crime, other actions aimed at making amends for the harm caused to the victim.

(2) If the circumstance specified in paragraph one of this Article is provided for by the relevant article of the criminal law on liability for the committed crime, it may not be taken into account again as a circumstance mitigating the punishment.

(3) When imposing a punishment, circumstances not specified in Paragraph 1 of this Section may also be taken into account as mitigating circumstances.

Article 58. Aggravating Circumstances

(1) Aggravating circumstances shall be:

- a) repetition of crimes, recidivism, commission of crimes in the form of trade;
- b) the infliction of grave consequences by the crime;
- c) commission of a crime by two or more persons without prior conspiracy, commission of a crime as part of a group of persons by prior conspiracy, an organized group or a criminal association;
- d) a particularly active role in the commission of a crime;
- e) involvement in the commission of a crime of persons who are known to the perpetrator to suffer from painful mental disorders or were in a state of intoxication, as well as persons who have not reached the age of criminal responsibility;
- f) commission of a crime on the grounds of national or religious enmity, revenge for the lawful actions of other persons, as well as for the purpose of facilitating or concealing another crime;
- g) commission of a crime against a woman who was known to be pregnant by the perpetrator, as well as against a minor, other defenseless or helpless person or a person who was dependent on the perpetrator;
- h) commission of a crime with particular cruelty, mockery or torment for the victim or his/her relatives;
- i) commission of a crime with the use of weapons or the use of physical or mental violence;
- j) commission of a crime using the conditions of a state of emergency, natural or other public disaster, as well as during mass riots;
- k) commission of a crime against a person performing an official or public duty;
- l) commission of a crime in a generally dangerous way;
- m) commission of a crime for mercenary motives.

(2) If the circumstance specified in the first paragraph of this Article is provided for by the relevant article of this Code on liability for the committed crime, it may not be taken into account again as an aggravating circumstance.

(3) When imposing a sentence, the court has the right, depending on the circumstances of the case, not to recognize the circumstances listed in paragraph one of this Article as aggravating.

Article 59. Imposition of a milder punishment than that provided for the crime (

1) In the presence of exceptional circumstances related to the goals and motives of the act, the role of the perpetrator, his behavior during the commission or after the end of the crime, and other circumstances that significantly reduce the degree of public danger of the act, as well as with the active assistance of a participant in a group crime in the disclosure of crimes committed by a group:

- (a) The punishment may be imposed below the lowest limit provided for in the relevant article of the criminal law, or the court may impose a milder punishment than provided for in this article;
- b) the court may not apply an additional punishment provided for as mandatory.

(2) Both individual mitigating circumstances and the totality of circumstances provided for in Article 57 of this Code may be recognized as exceptional.

Article 60. Imposition of punishment for an incomplete crime

(1) When imposing a punishment for an incomplete crime, the circumstances due to which the crime

was not completed shall be taken into account.

(2) The punishment for preparation for a crime may not exceed half of the amount of the most severe punishment provided for by the relevant article of the criminal law for a completed crime.

(3) The punishment for an attempted crime may not exceed three-fourths of the amount of the most severe punishment provided for by the relevant article of the criminal law for the completed crime.

Article 61. Imposition of Punishment for a Crime Committed in Complicity

(1) When imposing a punishment for a crime committed in complicity, the nature and degree of the person's actual participation in its commission, the significance of this participation for achieving the purpose of the crime, its impact on the nature and extent of the damage caused or possible shall be taken into account.

(2) Mitigating or aggravating circumstances related to the act and personality of one of the accomplices shall be taken into account when imposing punishment only on this accomplice.

Article 62. Imposition of Punishment in Case of Recidivism

(1) When imposing punishment in case of recidivism, dangerous recidivism and especially dangerous recidivism, the number, nature, gravity and consequences of the committed crimes, the circumstances due to which the corrective effect of the previous punishment was insufficient, as well as the nature, gravity and consequences of new crimes shall be taken into account.

(2) The punishment for recidivism may not be less than half of the maximum amount of the punishment of the corresponding type provided for by the criminal law for the committed crime; in case of dangerous recidivism - not less than two thirds, in case of especially dangerous recidivism - not less than three fourths of the maximum amount of the most severe punishment provided for the committed crime.

(3) In the event of the exceptional circumstances provided for in Article 59 of this Code, the punishment for recidivism, dangerous recidivism, especially dangerous recidivism shall be imposed without taking into account the restrictions provided for by Paragraph 2 of this Article.

Article 63. Imposition of Punishment for Cumulative Crimes

(1) In case of cumulative crimes, punishment shall be imposed separately for each crime.

(2) If the combination of crimes includes a crime of minor or medium gravity, the final punishment shall be imposed by the absorption of a less severe punishment by a more severe one, or by partial or complete addition of punishments. In such cases, the final punishment may not exceed the maximum punishment provided for the most serious of the crimes committed.

(3) If the combination of crimes includes a grave and especially grave crime, the final punishment shall be imposed by partial or full addition of punishments. At the same time, the final punishment in the form of imprisonment may not exceed fifteen years, and for especially grave crimes - not more than the maximum punishment for the committed crime.

(4) Additional punishments may be added to the main punishments. The final additional punishment may not exceed the maximum term or amount established for this type of punishment by the General Part of this Code.

(5) A sentence shall be imposed according to the same rules if, after the judgement has been pronounced in the case, it is established that the convicted person has also been guilty of another crime committed by him/her before the judgement in the first case. In this case, the sentence served under the first sentence shall be included in the final term of the sentence.

Article 64. Imposition of Sentence on the Basis of Cumulative Sentences

(1) When imposing a sentence on the basis of cumulative sentences, the unserved part of the sentence under the previous sentence shall be added to the punishment imposed under the last sentence in part or in full.

(2) The final punishment on the aggregate of sentences, if it is not less severe than sending to a military correctional unit or imprisonment, may not exceed the maximum term or amount of punishments prescribed for these types of punishments by the General Part of this Code.

(3) The final sentence in the aggregate of sentences in the form of imprisonment may be higher than the maximum term of punishment prescribed by criminal law for the crime under the last sentence, but not more than fifteen years, and in exceptional cases provided for by this Code, not more than twenty-five years.

(4) The final sentence for cumulative sentences shall be greater than both the sentence imposed for a new crime and the unserved part of the sentence under the previous sentence.

(5) The addition of additional punishments when imposing a sentence on the basis of cumulative sentences shall be carried out in accordance with the rules provided for by Article 63(4) of this Code.

Article 65. Procedure for determining the terms of punishment when they are added together

(1) When adding up punishments for a combination of crimes and a combination of sentences, one day of imprisonment shall correspond to:

- a) one day of detention in a military correctional unit;
- b) one day of residence if the obligation to reside in a certain area is imposed;
- c) three days of corrective labor or restrictions on military service.

(2) Punishment in the form of imposition of an obligation to make amends for the damage caused, a fine, confiscation of property, deprivation of state awards, military or other ranks, imposition of the obligation to reside in a certain area, as well as deprivation of the right to hold certain positions or engage in certain activities when combined with imprisonment, detention in a military correctional unit, restriction of military service or correctional labor shall be carried out independently.

Article 66. Calculation of Sentence Terms and Credit of Punishments

(1) The terms of deprivation of the right to hold certain positions or engage in certain activities, correctional labor, restriction of military service, detention in a military correctional unit, imposition of the obligation to reside in a certain area, imprisonment shall be calculated in months and years.

(2) In case of commutation or addition of the punishments specified in paragraph one of this Article, as well as in case of offset of the punishment, the terms may be calculated in days.

(3) Detention during the period of inquiry, preliminary investigation and trial shall be counted as a term of punishment at the rate of one day of detention for two days of imprisonment, or one day of detention for two days of the obligation to reside in a certain locality, or one day of detention for two days of detention in a military correctional unit.

(4) Detention before the sentence becomes enforceable and the serving of a sentence of imprisonment imposed by a court sentence for a crime committed abroad shall be counted as a day for a day.

(5) When sentencing a convicted person in custody to a penalty in the form of a fine, deprivation of the right to hold certain positions or engage in certain activities, the court shall, taking into account the period of detention, mitigate the imposed sentence or release from serving it.

(6) The time spent in custody of a person sentenced to correctional labour shall be counted towards the term of the sentence imposed by the court judgement at the rate of one day of detention for three days of correctional labour.

Article 67. Assignment of a type of correctional institution to a person sentenced to imprisonment

(1) A person convicted of intentional crimes shall be sentenced to serve a sentence of imprisonment in the form of:

a) men sentenced to imprisonment for the first time for intentional crimes of minor or medium gravity, as well as women sentenced to imprisonment for the first time for intentional crimes or for crimes in case of recidivism, or in case of dangerous recidivism, - in correctional colonies of general regime;

(b) Men sentenced for the first time to deprivation of liberty for premeditated serious or particularly serious offences or for offences committed in the course of recidivism or dangerous recidivism, who have previously served a sentence of deprivation of liberty for intentional offences, as well as women sentenced to deprivation of liberty for offences committed with a particularly dangerous recidivism - in strict-regime correctional colonies;

ç) men sentenced to imprisonment for crimes committed with a particularly dangerous recidivism - in correctional colonies of a special regime.^[3]

(2) Persons who have reached the age of eighteen and have been sentenced to a term of more than eight years for a particularly serious crime, as well as in the case of a particularly dangerous recidivism, may be sentenced to serve part of the sentence in prison, but not more than five years.

(3) Juveniles sentenced to imprisonment shall serve their sentence in a young offenders' colony.

(4) A person convicted of a crime committed through negligence shall be sentenced to serve a sentence of imprisonment in a penal colony.

(5) A change in the type of correctional institution imposed by a sentence shall be made by the court in accordance with the penitentiary legislation of Turkmenistan.

Article 68. Suspended Sentence

(1) If, after imposing a sentence of imprisonment or detention in a military correctional unit, the court concludes that the convicted person can be rehabilitated without serving the sentence, it shall decide to consider the imposed sentence conditional.

(2) When imposing a suspended sentence, the court shall take into account the nature, gravity and consequences of the crime committed, the identity of the perpetrator, mitigating and aggravating circumstances. A suspended sentence shall not be applied to persons who have committed a particularly serious crime.

(3) When imposing a suspended sentence, the court shall establish a probationary period, during which the convicted person shall prove his/her correction by his/her conduct. In the case of a conviction to detention in a military correctional unit or imprisonment for a term of up to one year, the probation period shall be not less than six months and not more than three years, and in the case of a sentence to imprisonment for a term of more than one year, not less than nine months and not more than five years.

(4) In case of imposition of a suspended sentence, additional punishments may be imposed.

(5) When imposing a suspended sentence, the court may impose certain obligations on the convicted person: to remedy the damage caused, to enter a job or study, not to change his/her permanent place of residence without the permission of the body supervising the behaviour of the conditionally convicted person, not to visit certain places, to stay at his/her place of residence after a certain time, to undergo a course of treatment for alcoholism, drug addiction, substance abuse or venereal disease, to provide material support to the family. The court may impose on the conditionally convicted person the performance of other obligations that contribute to his correction.

(6) Control over the behaviour of a conditionally convicted person shall be exercised by the internal affairs bodies, and in the case of military personnel, by the command of military units and institutions.

(7) During the probationary period, the court, upon the recommendation of the body supervising the behaviour of the conditionally convicted person, may revoke in whole or in part or supplement the obligations previously imposed on the convicted person.

Article 69. Cancellation of a suspended sentence or extension of the probation period

(1) If, before the expiry of the probationary period, the conditionally convicted person has proved his/her correction by his/her behavior, the court, upon a joint recommendation of the body supervising the behaviour of the conditionally convicted person and the body supervising the execution of the criminal punishment, may decide to revoke the suspended sentence and expunge the conviction of the convicted person.

(2) If a conditionally convicted person evades the performance of his/her obligations or commits a violation of public order for which an administrative penalty has been imposed on him/her, the court may, upon the joint recommendation of the body referred to in paragraph one of this Article and the body supervising the execution of criminal punishment, extend the probation period, but not more than for one year.

(3) In the event of systematic or persistent failure of a convicted person to perform the obligations imposed on him by the court during the probationary period, the court, upon the joint recommendation of the body referred to in paragraph one of this Article and the body exercising control over the execution of criminal punishment, decides to revoke the suspended sentence and execute the sentence imposed by the judgement.

(4) If a conditionally convicted person commits a new negligent crime during the probationary period, the court shall decide whether to revoke or maintain the suspended sentence.

(5) If a conditionally convicted person commits an intentional crime during the probationary period, the court shall impose a punishment on him/her in accordance with the rules provided for in Article 64 of this Code. A punishment shall be imposed according to the same rules in the case of committing a new negligent crime, if the court revokes the suspended sentence.

Article 691 is deleted.

SECTION IV. EXEMPTION FROM CRIMINAL LIABILITY AND PUNISHMENT

CHAPTER 10. EXEMPTION FROM CRIMINAL LIABILITY

Article 70. Exemption from criminal liability in connection with voluntary renunciation of a crime

(1) A person shall be exempted from criminal liability for an incomplete crime if he voluntarily and finally refused to bring this incomplete crime to an end.

(2) A person who voluntarily refuses to complete an incomplete crime shall be subject to criminal liability only if the act actually committed by him/her contains the elements of another crime.

(3) Voluntary refusal of the organizer of the crime and the instigator of the crime shall be grounds for exemption from criminal liability if these persons have prevented the perpetrator from completing the crime by timely reporting to the authorities or other timely measures taken. An accomplice shall be exempt from criminal liability if his subsequent behaviour shows that he or she has taken all measures in his power to prevent the commission of a crime crimes.

(4) If the actions of the organiser or instigator referred to in paragraph three of this section have not led to the prevention of a crime by the perpetrator, they shall not be exempt from criminal liability, but the measures taken by them may be recognised as mitigating circumstances in the imposition of punishment.

Article 71. Exemption from Criminal Liability in Connection with Sincere Repentance

(1) A person who has committed a crime of minor gravity for the first time may be released from criminal liability if, after committing the crime, he/she repented, voluntarily confessed, actively contributed to the disclosure of the crime, compensated for the damage caused or otherwise made amends for the damage caused by the crime.

(2) A person who has committed a crime of another category may be exempted from criminal liability only in cases specifically provided for by criminal law, subject to the conditions provided for in paragraph one of this Article.

Article 72. Exemption from Criminal Liability in Connection with Reconciliation with the

Victim A person who has committed crimes for the first time under Articles 111, 112, 115, Parts 1 and 2 of Article 132, as well as Article 133 of this Code, may be released from criminal liability if he/she has reconciled with the victim and made amends for the harm caused to the victim.

Article 73. Exemption from Criminal Liability in Connection with a Change in the Situation

A person who has committed a crime of minor or medium gravity for the first time may be released from criminal liability if it is established that as a result of a change in the situation, this person or the act committed by him has ceased to be socially dangerous.

Article 74. Exemption from criminal liability due to the expiration of the statute of limitations

(1) A person shall be exempted from criminal liability if the following periods have expired from the date of the commission of the crime:

- a) two years - after the commission of a crime of minor gravity;
- b) eight years - after the commission of a crime of medium gravity;
- c) fifteen years - after the commission of a grave or especially grave crime.

(2) The statute of limitations shall be calculated from the date of commission of the crime until the date of entry into force of the judgement. In the event that a person commits a new crime, the statute of limitations for each crime shall run independently.

(3) The running of the statute of limitations shall be suspended if the person evades investigation or trial. In this case, the running of the statute of limitations shall be resumed from the moment of the person's arrest or surrender.

(4) The issue of the application of the statute of limitations to a person who has committed a particularly grave crime shall be decided by the court.

(5) The statute of limitations shall not apply to persons who have committed crimes against the peace and security of mankind.

CHAPTER 11. RELEASE FROM PUNISHMENT

Article 75. Conditional early release from punishment

(1) A person serving a sentence in the form of correctional labor, restriction of military service, imprisonment or detention in a military correctional unit may be released from punishment on parole if the court recognizes that he does not need to serve the full sentence imposed by the court for his correction. In this case, the person may be fully or partially released from additional punishment.

(2) When applying conditional early release from punishment, the court may impose on the person the obligations provided for by Paragraph 5 of Article 68 of this Code, which the person must perform during the remaining unserved part of the sentence.

(3) Conditional early release from punishment may be applied only after the convict has actually served the sentence

: a) at least half of the sentence imposed for a crime of minor or medium gravity;

b) at least two-thirds of the sentence imposed for a serious crime;

c) at least three quarters of the term of the sentence imposed for a particularly grave crime, as well as the punishment imposed on a person who was previously released on parole, if the parole was revoked on the grounds provided for in paragraph six of this article.

(4) The term of the sentence actually served by a person in the form of imprisonment may not be less

than six months.

(5) Conditional early release shall be applied by the court at the place where the convicted person is serving the sentence upon the joint recommendation of the body in charge of the execution of sentences of the body exercising control over the execution of criminal punishment.

(6) Control over the behavior of a person released on parole shall be carried out by the internal affairs bodies, and in relation to military personnel - by the command of military units and institutions.

(7) If, during the remaining unserved term of the sentence:

a) the convicted person commits a violation of public order for which an administrative penalty has been imposed on him/her, or maliciously evades the performance of the obligations imposed on him/her by the court when applying conditional early release, the court shall, upon the joint recommendation of the bodies referred to in paragraph five of this Article, decide to revoke the conditional early release and execute the remaining unserved part punishment;

b) the convict commits a new reckless crime - the issue of cancellation or maintenance of parole is decided by the court;

c) the convicted person commits an intentional crime, the court shall impose a punishment on him/her in accordance with the rules provided for in Article 64 of this Code. According to the same rules, punishment is imposed in the case of a negligent crime, if the court cancels parole.

(8) Conditional early release shall not apply to a person who has been previously convicted of committing a particularly serious crime and has committed a serious or especially serious crime again, or who has committed a crime with a particularly dangerous recidivism.

Article 751 is deleted.

Article 76. Replacement of the unserved part of the sentence with a milder one

(1) A person serving a sentence of imprisonment for a crime of minor or medium gravity, the court, upon the joint recommendation of the body in charge of the execution of sentences, the body supervising the execution of the criminal sentence, taking into account his/her behavior during the serving of the sentence, may replace the remaining unserved part of the sentence with a milder one. At the same time, the person may be fully or partially released from the additional punishment.

(2) Commutation of the unserved part of the sentence with a milder one may be applied after the convicted person has actually served at least one third of the sentence.

(3) When commuting the unserved part of the sentence, the court may choose any milder measure in accordance with the types of punishment listed in Article 44 of this Code, within the limits established for the respective type of punishment.

Article 77. Release from Punishment in Connection with a Serious Illness

(1) A person who falls ill after committing a crime with a mental disorder that deprives him of the ability to realize the actual significance of his actions or to direct them shall be released from punishment, and the person serving the sentence shall be released from further serving it. The court may impose coercive measures of a medical nature on such a person.

(2) A person who falls ill after committing a crime with another serious illness that prevents him from serving the sentence may be released from serving the sentence by the court.

(3) Persons who have lost the ability to work or have reached the retirement age after committing a crime may be released from the punishment of correctional labor by the court.

(4) The persons specified in paragraphs one and two of this Article may be punished in case of recovery, if the statute of limitations provided for by Articles 74 and 79 of this Code has not expired.

Article 78. Deferral of Serving a Sentence for Pregnant Women and Women with Young Children

(1) A convicted pregnant woman and a woman with children under the age of eight, except for those sentenced to imprisonment for a term of more than five years for grave or especially grave crimes against the person, may be deferred by the court until the child reaches the age of eight.

(2) If the convict referred to in paragraph 1 of this Article has abandoned the child or continues to evade the upbringing of the child after a warning issued by the body exercising control over the behaviour of the convict whose sentence has been deferred, the court may, upon the joint recommendation of this body and the body supervising the execution of the criminal sentence, cancel the deferment of serving the sentence and send the convict to serve punishment in the place appointed in accordance with the court verdict.

(3) Upon the child's attainment of the age of eight, the court, upon the joint recommendation of the body supervising the behaviour of the convicted person and the body supervising the execution of the criminal sentence, shall release the convicted person from serving the remaining part of the sentence or replace the remaining part of the sentence with a milder punishment, or make a decision to return the convicted person to the appropriate institution to serve the remaining part of the sentence.

(4) If a convicted person commits a new crime during the period of deferment of sentence, the court shall impose a sentence on her/him in accordance with the rules provided for in Article 64 of this Code.

Article 79. Release from Serving a Sentence in Connection with the Expiration of the Statute of Limitations for a Conviction

(1) A person convicted of a crime shall be released from serving a sentence if the judgement of conviction has not been carried out within the following periods, counting from the date of its entry into force:

- a) two years - in case of conviction for crimes of minor gravity;
- b) eight years - if convicted for a crime of medium gravity;
- c) fifteen years - in case of conviction for a grave or especially grave crime.

(2) The running of the statute of limitations shall be suspended if the convicted person evades serving the sentence. In this case, the running of the statute of limitations shall be resumed from the moment of the person's arrest or surrender.

(3) Persons convicted of crimes against the peace and security of mankind shall not be subject to the statute of limitations.

CHAPTER 12. AMNESTY, PARDON, CONVICTION

Article 80. Amnesty and pardon

(1) On the basis of an amnesty act, a person who has committed a crime shall be released from criminal liability. A person convicted of a crime may be completely released from punishment in accordance with the amnesty act, the imposed punishment may be reduced or replaced by a milder one, and such a person may be released from additional punishment.

(2) On the basis of an act of pardon, a person convicted of a crime may be conditionally or unconditionally released from further serving the sentence, and the sentence imposed on him/her may be reduced or commuted to a milder one.

(3) If a person who has been pardoned on probation commits a new intentional crime during the probationary period, the court shall impose a sentence on him/her in accordance with the rules provided for in Article 64 of this Code.

Article 81. Criminal record¹⁴¹

(1) A person convicted of committing a crime shall be deemed to have been convicted from the date of entry into force of the judgement of conviction until the moment the conviction is expunged or expunged.

(2) A conviction shall be expunged:

a) in the case of a conditionally convicted person - upon expiry of the probation period;

b) in relation to persons sentenced to milder punishments than imprisonment - after serving the imposed main and additional punishment;

c) in relation to persons sentenced to imprisonment for crimes of minor or medium gravity - upon the expiry of two years after serving the main and additional sentences;

d) in relation to persons sentenced to imprisonment for serious crimes - upon the expiry of four years after serving the main and additional sentences;

e) in relation to persons convicted of especially serious crimes - upon the expiry of six years after serving the main and additional sentences.

(3) If a person has been released from punishment early in accordance with the procedure prescribed by law or the unserved part of the sentence has been commuted to a milder one, the term of expiry of the conviction shall be calculated on the basis of the actual main and additional punishment.

(4) If a person who has served a sentence commits a new crime before the expiry of the term of expiry of the conviction, he/she shall be deemed to have been convicted of two crimes before the expiry of the term of expiry of the conviction for the more serious of them, the term of expiry of the conviction for both crimes shall be calculated after the sentence (principal and additional) for the last offence has been served.

(5) If a convicted person has shown irreproachable behaviour after serving the sentence, the court may, upon his/her request, expunge his/her conviction before the expiry of the period for expiry of the conviction, but not earlier than half of this period.

SECTION V. LIABILITY OF MINORS

CHAPTER 13. FEATURES OF CRIMINAL RESPONSIBILITY AND PUNISHMENT OF MINORS

Article 82. Criminal Responsibility of Minors

(1) Minors are persons who at the time of committing a crime have reached the age of fourteen but have not reached the age of eighteen. The moment of reaching the appropriate age is the beginning of the day following the day on which the date of birth falls.

(2) The criminal liability of persons under the age of eighteen who have committed crimes shall be determined by the articles of this section and the general provisions of this Code.

(3) Minors who have committed crimes may be punished or subjected to compulsory educational measures.

Article 83. Sentencing

(1) When sentencing a minor, account shall be taken of the conditions of his or her life and upbringing, the degree of mental development, other personality traits, the motives for the crime, as well as the influence of adults and other minors.

(2) Being a minor as a circumstance mitigating responsibility shall be taken into account in conjunction with other circumstances mitigating and aggravating liability.

Article 84. Types of punishment

(1) The types of punishment for minors are:

a) a fine;

- b) correctional labor;
- c) deprivation of liberty.

Article 85. Fine

The fine shall be applied only to minors who have an independent income and shall be imposed in the amount of two to one hundred average monthly wages.

Article 86. Correctional Labor

(1) Correctional labor shall be applied only to able-bodied minors who have reached the age of sixteen at their place of work, and if the minor is not working or studying, in other places in the area of residence of the convicted person - for a period of up to one year.

(2) In case of willful evasion of correctional labour by a minor, the court may replace the unserved term of correctional labour with imprisonment, but for a term not exceeding four months. Correctional labour shall be replaced by imprisonment in accordance with the rules provided for in Article 50(4) of this Code.

Article 87. Deprivation of liberty

(1) Deprivation of liberty shall be imposed on minors for a term not exceeding ten years, and for particularly serious crimes - not more than fifteen years.

(2) A person who has not reached the age of eighteen at the time of sentencing shall be sentenced to serve a sentence of imprisonment in a young offending colony.

Article 88. Release from punishment

of a minor who has committed a crime of minor or medium gravity for the first time, if the nature of the committed act and its consequences, personal data and other circumstances of the case make it possible to correct him/her without the application of punishment, the court may release him/her from punishment and apply coercive measures of an educational nature to him/her.^[5]

Article 89. Application of coercive measures of educational influence

(1) A minor who has committed a crime of minor gravity for the first time may be released from criminal liability if it is recognized that his correction can be achieved through the application of coercive measures of educational influence.

(2) The following educational measures may be imposed on a minor:

- a) a warning;
- b) transfer under the supervision of parents, persons substituting them, or internal affairs bodies;
- c) imposition of an obligation to make amends for the damage caused;
- d) restriction of leisure and establishment of special requirements for behavior.

(3) Several compulsory educational measures may be imposed on a minor at the same time. The duration of the period for the application of compulsory educational measures provided for in paragraphs two (b) and (d) of this Article shall be determined by the body imposing these measures.

(4) In case of systematic failure by a minor to comply with the requirements provided for by the compulsory educational measure imposed on him/her, this measure shall be cancelled upon the recommendation of the authorized state body and the materials shall be sent for criminal prosecution of the minor.

Article 90. Content of coercive measures of educational influence

(1) Prevention consists in explaining to a minor the harm caused by his or her act and the consequences of repeated commission of acts provided for by criminal law.

(2) Placement under supervision consists in imposing on the persons specified in Article 89(2) of this Code the obligation to exert an educational influence on the minor and to control his or her behaviour.

(3) The imposition of the obligation to make amends for the damage caused shall be determined taking into account the property status of the minor and his/her relevant work skills.

(4) Restriction of leisure time may include a ban on visiting certain places, the use of certain forms of leisure, in particular those related to driving a motor vehicle, restriction of staying away from home after a certain time of the day, and travel to other areas without the permission of the internal affairs authorities. A minor may also be required to return to an educational institution or to find a job with the help of an authorised state body.

This list is not exhaustive.

Article 91. Conditional early release from punishment

Conditional early release from punishment may be applied to minors sentenced to correctional labor or imprisonment after actually serving:

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

Article 92. Statute of Limitations

The release of persons who committed a crime before reaching the age of eighteen from criminal liability or punishment in connection with the expiration of the statute of limitations shall be carried out with the application of periods twice less than those provided for by Articles 74 and 79 of this Code.

Article 93. For

persons who have committed crimes before reaching the age of eighteen, the terms of expiry of the conviction provided for by Part 2 of Article 81 of this Code shall be reduced and accordingly equal to:

- a) one year - after serving imprisonment for a crime of minor or medium gravity;
- b) three years - after serving a sentence for a serious crime;
- c) five years - after serving a sentence for a particularly serious crime.

SECTION VI. GROUNDS AND PROCEDURE FOR THE APPLICATION OF COERCIVE MEASURES OF A MEDICAL NATURE

CHAPTER 14. COERCIVE MEASURES OF A MEDICAL NATURE

Article 94. Grounds for the application of coercive measures of a medical nature

(1) Coercive measures of a medical nature may be imposed by the court on persons:

- a) who have committed acts provided for by criminal law in a state of insanity;
- b) who fell ill after committing a crime with mental disorders that make it impossible to impose or execute a punishment.

(2) Measures of a medical nature may be imposed by the court along with punishment on persons suffering from alcoholism, drug addiction or substance abuse who have committed crimes, for the

purpose of treatment and creation of conditions conducive to the achievement of the goals of punishment.

(3) The procedure for the execution of coercive measures of a medical nature shall be determined by the penal legislation of Turkmenistan.

(4) With respect to the persons listed in part one of this article, who have committed crimes of minor gravity, as well as persons who do not pose a danger due to their mental state, the court may transfer the necessary materials to the health authorities to resolve the issue of their treatment or referral to a psychiatric institution in the manner established by the legislation of Turkmenistan on psychiatric care and guarantees of the rights of citizens in its provision.

Article 95. Purposes of the application of coercive measures of a medical nature

Coercive measures of a medical nature shall be applied in order to prevent the persons to whom they are applied from committing new acts provided for by criminal law, as well as to cure these persons or improve their mental state in such a way as to eliminate their danger to themselves or other persons or the danger of causing other serious harm.

Article 96. Types of coercive measures of a medical nature

(1) The court may impose the following types of coercive measures of a medical nature:

- a) outpatient compulsory observation and treatment;
- b) compulsory treatment in a general psychiatric hospital;
- c) compulsory treatment in a specialized psychiatric hospital;
- d) compulsory treatment in a specialized psychiatric hospital with intensive supervision.

(2) For persons convicted of acts provided for by criminal law and committed in a state of sanity, but in need of treatment for alcoholism, drug addiction or substance abuse, the court may, along with punishment, impose a compulsory medical measure in the form of outpatient compulsory observation and treatment.

CHAPTER 15. IMPOSITION AND TERMINATION OF COERCIVE MEASURES OF A MEDICAL NATURE

Article 97. Imposition of coercive measures of a medical nature

(1) Outpatient compulsory observation and treatment may be prescribed if there are grounds provided for by Article 94 of this Code, if the person does not need to be placed in a psychiatric hospital due to his mental state.

(2) Compulsory treatment in a psychiatric hospital may be prescribed on the grounds provided for in Article 94 of this Code, if the nature and severity of the person's mental disorder require conditions of treatment, care, maintenance and supervision, which can be carried out only in hospital conditions.

(3) Compulsory treatment in a general psychiatric hospital may be prescribed to a person who, due to his mental state, needs to be admitted to a hospital, but does not require intensive supervision.

(4) Compulsory treatment in a specialized psychiatric hospital may be prescribed to a person who, due to his mental state, requires constant supervision.

(5) Compulsory treatment in a specialized psychiatric hospital with intensive supervision may be prescribed to a person who, due to his mental state, poses a special danger to himself or herself or other persons and requires constant and intensive supervision.

Article 98. Extension, Modification and Termination of the Application of Coercive Measures of a Medical Nature

(1) The extending, modification and termination of coercive measures of a medical nature shall be

carried out by the court upon the recommendation of the administration of the institution providing psychiatric care, on the basis of the opinion of the commission of psychiatrists.

(2) A person who has been assigned a coercive measure of a medical nature shall be examined by the commission referred to in paragraph one of this article at least once every six months in order to decide whether there are grounds for making a submission to the court to terminate or change such a measure. In the absence of grounds for terminating or changing a coercive measure of a medical nature, the administration of the institution providing psychiatric care, submits to the court a conclusion for the extension of compulsory treatment. The first extension of compulsory treatment may be made after six months from the date of commencement of the execution of a compulsory medical measure.

(3) A compulsory medical measure shall be changed or terminated by the court in the event of such a change in the mental state of a person in which there is no need to apply a previously imposed measure or there is a need to impose another medical measure.

(4) When terminating compulsory treatment in a psychiatric hospital, the court may impose compulsory outpatient observation and treatment on a person in accordance with Article 97(1) of this Code.

Article 99. Credit for the Time of Application of Coercive Measures

of a Medical Nature The time during which coercive measures of a medical nature were applied to a person who fell ill with a mental disorder after committing a crime, in the event of his recovery and the imposition of a punishment or the resumption of its execution, shall be counted towards the term of punishment.

Article 100. Compulsory Treatment Combined with the Execution of Punishment

(1) In the cases provided for by Paragraph 2 of Article 96 of this Code, coercive measures of a medical nature shall be carried out at the place where the sentence in the form of deprivation of liberty is served, and in respect of persons sentenced to other types of punishment - in institutions of health care bodies providing outpatient psychiatric care.

(2) On the basis of the opinion of the commission of psychiatrists, the court may send such a person to a psychiatric hospital or other medical institution, if it is justified by the mental state of the convicted person and the interests of treatment. In this case, the terms of the examination provided for by Paragraph 2 of Article 98 of this Code must be observed.

(3) The time spent in these institutions shall be counted towards the term of serving the sentence. If there is no longer a need for further treatment of a convicted person in these institutions, he/she shall be sent to serve his/her sentence by a court decision in accordance with the procedure provided for in paragraph four of this Article.

(4) Termination of a coercive measure of a medical nature combined with the execution of a sentence shall be carried out by the court upon the recommendation of the body executing the sentence based on the opinion of the commission of psychiatrists.

SPECIAL PART

SECTION VII. CRIMES AGAINST THE PERSON

CHAPTER 16. CRIMES AGAINST LIFE AND HEALTH

Article 101. Premeditated murder

(1) Premeditated murder

is punishable by imprisonment for a term of eight to fifteen years with or without the obligation to reside in a certain area for a period of two to five years.

(2) Intentional murder:

a) of two or more persons;

- b) a person or his/her relatives in connection with the performance by this person of official or public duty;
- c) a person known to be in a helpless state for the perpetrator, as well as associated with kidnapping or hostage-taking;
- d) a woman who is known to be pregnant for the perpetrator;
- e) associated with rape or violent acts of a sexual nature;
- f) committed with particular cruelty;
- g) committed in a way that is known to be dangerous to the lives of many people;
- h) committed by two or more persons without prior conspiracy or by a group of persons by prior conspiracy, an organized group or a criminal association:
- i) for mercenary motives, as well as for hire;
- j) out of hooligan motives;
- k) for the purpose of concealing another crime or facilitating its commission;
- l) on the basis of social, national, racial or religious hatred or enmity;
- m) on the basis of blood feud;
- n) committed repeatedly, except for the acts provided for by Articles 102 and 103 of this Code;
- o) committed with a particularly dangerous recidivism is

punishable by imprisonment for a term of ten to twenty-five years with or without the obligation to reside in a certain area for a period of two to five years.

Article 102. Murder committed in a state of passion

A murder committed in a state of sudden strong emotional excitement (affect) caused by violence, mockery or grave insult on the part of the victim or other illegal or immoral actions (inaction) of the victim, as well as a prolonged psycho-traumatic situation that arose in connection with the systematic illegal or immoral behavior of the victim,

is punishable by imprisonment for up to five years.

Article 103. Murder in excess of the limits of necessary defense or in excess of the measures necessary to detain a person who has committed a crime

(1) Premeditated murder committed in excess of the limits of necessary defense

is punishable by correctional labor for up to two years or imprisonment for up to three years.

(2) Premeditated murder of a person who has committed a crime, if the measures necessary for his detention are exceeded,

shall be punished by correctional labor for up to two years or imprisonment for up to three years.

Article 104. Intentional murder by a mother of a newborn child

Intentional murder by a mother of her newborn child, committed during childbirth or immediately after childbirth,

is punishable by imprisonment for up to five years.

Article 105. Causing death by negligence

(1) Causing death by negligence

is punishable by imprisonment for up to three years.

(2) Causing death by negligence to two or more persons

shall be punished by imprisonment for up to five years.

Article 106. Inducement to suicide and incitement to suicide

(1) Inducement to suicide, i.e. inciting another person to commit suicide by persuasion, deception or other means, if the person has committed suicide or attempted suicide,

shall be punished by imprisonment for up to three years.

(2) Driving a person to suicide or attempted suicide by means of threats, slander, cruel treatment or systematic humiliation of personal dignity

shall be punished by imprisonment for up to five years.

(3) The act provided for in paragraph two of this Article, if committed against a minor,

shall be punished by imprisonment for up to eight years.

Article 107. Intentional infliction of grievous bodily harm

(1) Intentional infliction of bodily injury that is life-threatening or resulting in the loss of sight, speech, hearing or any organ, or the loss of functions of an organ, or expressed in permanent disfigurement of a person, as well as the infliction of other harm to health, life-threatening or causing a disorder thereof, combined with a permanent loss of general ability to work by at least one third or with total loss professional ability to work, or resulting in the termination of pregnancy, or mental illness,

is punishable by imprisonment for a term of three to eight years.

(2) The same act if it is committed:

a) against a woman known by the perpetrator to be pregnant;

b) in relation to a person or his/her relatives in connection with the performance by this person of his/her official or public duty;

c) by two or more persons without prior agreement or by a group of persons by prior agreement;

d) in a way that had the nature of torture or torture;

e) in a generally dangerous way;

f) out of hooligan motives;

g) on the basis of social, national, racial or religious hatred or enmity;

h) by an organized group;

i) in relation to two or more persons;

j) repeatedly,

shall be punished by imprisonment for a term of five to ten years.

(3) The acts provided for in paragraphs one or two of this Article, committed by a criminal association or resulting in the death of the victim through negligence,

shall be punished by imprisonment for a term of six to fifteen years.

Article 108. Intentional Infliction of Moderate Damage to Health

(1) Intentional infliction of bodily injury or other harm to health that is not life-threatening and did not entail the consequences provided for by Article 107 of this Code, but which caused a long-term health disorder or a significant permanent loss of general working capacity by less than one third,

is punishable by correctional labor for up to two years or imprisonment for up to three years.

(2) The same act if it is committed:

a) against a woman known by the perpetrator to be pregnant;

b) in relation to two or more persons;

c) in relation to a person or his/her relatives in connection with the performance by this person of his/her official or public duty;

d) by two or more persons without prior conspiracy or by a group of persons by prior conspiracy;

e) in a way that had the nature of torture or torture;

f) out of hooligan motives;

g) on the basis of social, national, racial or religious hatred or enmity;

h) repeatedly,

is punishable by imprisonment for up to five years.

Article 109. Intentional infliction of grievous or moderate bodily harm in a state of passion

Intentional infliction of grievous or moderate bodily injury or other harm to health, committed in a state of sudden strong emotional agitation (affect) caused by violence, mockery or grave insult on the part of the victim, or other illegal or immoral actions (inaction) of the victim, as well as prolonged a psycho-traumatic situation that has arisen in connection with the systematic unlawful or immoral behavior of the victim

is punishable by correctional labor for up to two years or imprisonment for up to two years.

Article 110. Intentional infliction of grievous or moderate bodily harm in excess of the limits of necessary defence or in the detention of a person who has committed a crime

(1) Intentional infliction of grievous or moderate bodily harm committed in excess of the limits of necessary defence

shall be punishable by correctional labour for up to one year or imprisonment for up to one year.

(2) Intentional infliction of grievous or moderate bodily harm to the health of a person who has committed a crime, in excess of the measures necessary for his/her detention,

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

Article 111. Intentional infliction of minor harm to health

Intentional infliction of bodily injury or other harm to health, resulting in a short-term health disorder or insignificant permanent loss of general ability to work,

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to one year, or imprisonment for up to six months.

Article 112. Battery

Battery or other violent acts that caused physical pain, but did not entail the consequences provided for in Article 111 of this Code,

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

Article 113. Torture

(1) Infliction of physical or mental suffering by systematic beating or other violent means, if it did not entail the consequences provided for by Articles 107 and 108 of this Code,

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

(2) The same acts, if they are committed:

a) against a woman known by the perpetrator to be pregnant;

b) in relation to a person or his/her relatives in connection with the performance by this person of his/her official or public duty;

c) in relation to a minor or a person known by the perpetrator to be in a helpless state or in material or other dependence on the perpetrator, as well as a person abducted or taken hostage;

d) by two or more persons without prior conspiracy or by a group of persons by prior conspiracy;

e) by torture;

f) on the basis of social, national, racial or religious hatred or enmity,

shall be punished by imprisonment for a term of three to seven years.

Article 114. Cruel treatment of a person in a dependent or helpless state

(1) Cruel treatment of a person in a dependent position or in a helpless state due to illness, disability or old age

is punishable by correctional labor for up to one year or imprisonment for up to two years.

(2) The same act, if it has caused the death of a person or other grave consequences through negligence,

shall be punished by imprisonment for up to four years.

Article 115. Negligent infliction of grievous or moderate bodily harm

(1) Negligent infliction of grievous bodily harm

is punishable by a fine in the amount of twenty to fifty times the average monthly wage, correctional labor for up to two years, or imprisonment for up to two years.

(2) Negligent infliction of moderate damage to health

shall be punished by a fine in the amount of ten to thirty times the average monthly wage or correctional labor for a term of up to one year.

Article 116. Threat of murder or grievous bodily harm

A threat of murder or grievous bodily harm, if there were grounds to fear that this threat would be carried out,

shall be punishable by correctional labour for up to two years or imprisonment for up to two years.

Article 117. Infection with a venereal disease

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

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

(2) The same act committed against two or more persons or a minor shall

be punished by correctional labor for up to two years or imprisonment for up to five years.

Article 118. Malicious Evasion of Treatment of a Venereal Disease

Evasion of treatment of a venereal disease, continued after a warning issued by a health care body or institution,

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to one year.

Article 119. Infection with AIDS

(1) Knowingly exposing another person to the risk of contracting AIDS is

punishable by imprisonment for up to three years.

(2) Infection of another person with AIDS by a person who knew that he or she had the disease

shall be punished by imprisonment for up to five years.

(3) The acts provided for in paragraph two of this Section, committed against two or more persons or a minor,

shall be punished by imprisonment for up to eight years.

(4) Infection of another person with AIDS as a result of improper performance by a medical or pharmaceutical worker of his/her professional duties

shall be punished by imprisonment for up to five years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 120. Illegal Abortion

(1) Abortion by a person with a higher medical education in the relevant field, outside a hospital or other medical institution or in a medical institution, but without a legal basis,

shall be punished by a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it.

(2) Abortion by a person who does not have a higher medical education in the relevant field

shall be punished by a fine in the amount of ten to fifty average monthly wages or correctional labor for a term of one to two years, or imprisonment for a term of up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(3) Repeated acts provided for in paragraphs one or two of this Article shall

be punished by imprisonment for up to three years, with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(4) The actions provided for in paragraphs one, two or three of this Article, if they negligently caused the death of the victim or the infliction of serious or moderate harm to her health,

shall be punished by imprisonment for up to five years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 121. Failure to provide assistance to a patient

(1) Failure to provide assistance to a patient without valid reasons by a person obliged to provide it in accordance with the law or a special rule, resulting in the infliction of moderate harm to health,

is punishable by a fine in the amount of twenty to fifty average monthly wages or correctional labor for up to two years with deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years or without it.

(2) The same act, if it has caused the death of a patient or serious harm to his/her health through negligence,

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

Article 122. Improper performance of professional duties by a medical worker

(1) Failure to perform or improper performance of professional duties by a medical worker due to negligent or unfair attitude towards them, which caused moderate harm to health,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or correctional labor for up to two years.

(2) The same acts, if they have caused serious harm to health or the death of the victim through negligence,

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

Article 123. Improper performance of duties to protect the life and health of minors

(1) Failure to perform or improper performance of professional duties to protect the life and health of minors by an employee of a children's or adolescent institution to whom such duties are assigned by service, as a result of negligent or unscrupulous attitude towards them, which caused moderate harm to the health of a minor,

is punishable by correctional labor for up to one year with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(2) The same acts, if they have caused the death of a minor or serious harm to his/her health through negligence,

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

Article 124. Illegal Medicine

(1) Practice of medicine by a person who does not have a special permit or proper medical education, resulting in negligent infliction of moderate harm to health,

shall be punished by a fine in the amount of ten to fifty times the average monthly wage or correctional labor for up to two years.

(2) The same act, if it has caused the death of the victim through negligence or serious harm to his/her health,

shall be punished by imprisonment for up to three years.

Article 125. Leaving in danger

Knowingly leaving without help a person who is in a life-threatening or health-threatening condition and is deprived of the opportunity to take measures for self-preservation due to minority, old age, illness or due to his helplessness, in cases where the perpetrator had the opportunity to provide assistance to this person and was obliged to take care of him, or himself put him in a life-threatening state,

is punishable by correctional labor for up to two years or imprisonment for up to two years.

CHAPTER 17. CRIMES AGAINST FREEDOM, HONOR AND DIGNITY OF THE PERSON

Article 126. Kidnapping

(1) Kidnapping is

punishable by imprisonment for a term of four to ten years.

(2) The same act committed:

a) by a group of persons by prior agreement or by an organized group;

b) repeatedly;

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

d) with the use of weapons or other objects used as weapons;

e) in relation to two or more persons;

f) related to the illegal export of the stolen goods outside the border or their illegal return from abroad;

g) in relation to a woman who is known to be pregnant by the perpetrator;

i) for the purpose of removing organs or tissues from the stolen person for transplantation;

j) for mercenary motives,

is punishable by imprisonment for a term of ten to fifteen years.

(3) The acts provided for in paragraphs one and two of this Article, if they are committed:

a) by a criminal association;

b) negligently caused the death of the victim or the infliction of serious harm to his health or other grave consequences;

c) in relation to a minor,

shall be punished by imprisonment for a term of fifteen to twenty-five years.

Note

A person who voluntarily releases a kidnapped person is exempt from criminal liability if his actions do not contain other *corpus delicti*.

Article 127. Abduction of a woman for the purpose of entering into de facto marital relations

Kidnapping of a woman against her will in order to enter into de facto marital relations with her

is punishable by imprisonment for up to three years.

Article 128. Substitution of a child

Intentional substitution of a child

is punishable by correctional labor for up to two years or imprisonment for up to two years.

Article 129. Unlawful deprivation of liberty

(1) Unlawful deprivation of liberty of a person, not related to his abduction,

shall be punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) The same act committed:

a) by a group of persons by prior agreement or by an organized group;

b) repeatedly;

c) with the use of violence dangerous to life and health;

d) with the use of weapons or other objects used as weapons;

e) in relation to a minor;

f) in relation to two or more persons,

shall be punished by imprisonment for a term of three to five years.

(3) The actions provided for in paragraphs one or two of this Article, if they have caused the death of the victim through negligence or the infliction of serious harm to his/her health or other grave consequences,

shall be punished by imprisonment for a term of four to eight years.

Article 129.1. Trafficking in human beings

(1) Trafficking in human beings, i.e. the purchase and sale of a person or his/her recruitment, transportation, harbouring or transfer to another person, committed for the purpose of exploiting him/her,

is punishable by imprisonment for a term of four to ten years.

(2) The same act committed:

- a) against two or more persons;
 - b) in relation to a person who is known to be a minor for the perpetrator;
 - c) with the use of official powers;
 - d) related to the illegal export of the stolen person outside the State Border of Turkmenistan or his illegal retention outside the State Border of Turkmenistan;
 - e) with the use of violence or the threat of its use;
 - f) for the purpose of removing organs or tissues from a stolen person for transplantation,
- shall be punished by imprisonment for a term of eight to fifteen years.

(3) Actions provided for in paragraphs one or two of this Article:

- a) if they caused the death of the victim or the infliction of serious harm to his/her health or other grave consequences by negligence;
 - b) if committed in a way that is dangerous to the life and health of several persons;
 - c) by a criminal group or a criminal association,
- shall be punished by imprisonment for a term of fifteen to twenty-five years.

Note

1. A person who has committed an act specified in part one and paragraph two (a) of this article, who has voluntarily released the victim and contributed to the disclosure of the crime committed, shall be exempt from criminal liability, if his actions do not contain other corpus delicti.
2. In this Article, the exploitation of a person is understood as the use of a person by other persons for the purpose of prostitution and other forms of his sexual exploitation, slave labor (services), and servitude.

Article 130. Hostage-taking

(1) Taking or holding a person as a hostage, combined with the threat of murder or causing bodily harm, committed with the aim of forcing a state, international organization, legal entity or individual to perform or refrain from performing any action as a condition for the release of a hostage, in the absence of signs of crimes provided for by Articles 232 (extortion) and 271 (terrorism) of this Code, shall be punished by imprisonment for a term of five to ten years.

(2) The same acts, if they are committed:

- a) by a group of persons by prior agreement or by an organized group;
- b) repeatedly;
- c) with the use of physical violence;
- d) with the use of weapons or other objects used as weapons;
- e) in relation to a minor;
- (e) In respect of two or more persons,

shall be punished by imprisonment for a term of eight to fifteen years.

(3) The acts provided for in paragraphs one or two of this Article, if they are committed:

a) by a criminal association;

b) caused the death of the victim by negligence or caused serious harm to his health or other grave consequences,

is punishable by imprisonment for a term of ten to twenty years.

Note

A person who voluntarily frees a hostage is exempt from criminal liability if his actions do not contain the elements of another crime.

Article 131. Compulsory Treatment of a Person Known to Be Healthy

(1) Placement in a psychiatric hospital or other closed-type medical institution of a person who knowingly does not need this form of treatment

is punishable by imprisonment for up to three years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(2) The same act, if it has caused the death of the victim through negligence or the infliction of serious harm to his/her health or other grave consequences,

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

Article 132. Slander

(1) Defamation, i.e. the dissemination of knowingly false information that humiliates the honour and dignity of another person or undermines his reputation,

is punishable by the imposition of an obligation to make amends for the harm caused or by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

(2) Defamation in a public speech, publicly displayed work or mass media

shall be punishable by a fine of ten to twenty times the average monthly wage or correctional labour for up to two years or imprisonment for up to one year.

(3) Slander that entails grave consequences or is combined with a charge of committing a particularly serious crime shall

be punished by imprisonment for up to three years.

Article 133. Insult

(1) Insult, i.e. deliberate humiliation of the honour and dignity of another person, expressed in an indecent form,

is punishable by the imposition of an obligation to make amends for the harm caused or by a fine in the amount of five to ten average monthly wages.

(2) Insult in a public speech, publicly displayed work or mass media

shall be punished by a fine in the amount of ten to twenty average monthly wages or correctional labor for a term of up to one year.

CHAPTER 18. CRIMES IN THE FIELD OF SEXUAL RELATIONS

Article 134. Rape

(1) Rape, i.e. sexual intercourse with the use of physical violence, the threat of its use, as well as the use of the victim's helpless state,

is punishable by imprisonment for a term of three to ten years with or without the obligation to reside in a certain area for a period of two to five years.

(2) Rape:

a) repeated rape;

b) committed by two or more persons without prior conspiracy or by a group of persons by prior conspiracy;

c) combined with torture of the victim;

d) caused the victim to be infected with a venereal disease;

e) known to be a minor,

is punishable by imprisonment for a term of five to fifteen years with or without the obligation to reside in a certain area for a term of two to five years.

(3) Rape:

a) negligently causing the death of the victim or causing serious harm to her health or contracting her with AIDS;

b) the victim, who is known to have not reached the age of fourteen,

is punished by imprisonment for a term of ten to twenty-five years with or without the obligation to reside in a certain area for a term of two to five years.

Article 135. Sodomy

(1) Sodomy, i.e. sexual intercourse between a man and a man,

is punishable by imprisonment for up to two years, with or without the obligation to reside in a certain area for a period of two to five years.

(2) Sodomy with the use of physical violence, the threat of its use, as well as the use of the helpless state of the victim,

is punishable by imprisonment for a term of three to six years with or without the obligation to reside in a certain area for a term of two to five years.

(3) An act provided for in paragraph two of this Article, if it is committed:

a) repeatedly;

b) by two or more persons without prior conspiracy or by a group of persons by prior conspiracy;

c) in relation to a known minor;

d) causing the victim to become infected with a venereal disease,

is punishable by imprisonment for a term of five to ten years with or without the obligation to reside in a certain area for a term of two to five years.

(4) Acts provided for in paragraphs two or three of this Article, if they:

a) are committed against a person known to be under the age of fourteen;

b) negligently caused the death of the victim or the infliction of grievous bodily harm or infection with AIDS,

shall be punished by imprisonment for a term of ten to twenty years with or without the obligation to reside in a certain area for a period of two to five years.

Article 136. Satisfaction of sexual need in perverted forms

(1) Satisfaction of sexual need in perverted forms with the use of physical violence, the threat of its use, as well as taking advantage of the helpless state of the victim (victim)

is punishable by imprisonment for a term of two to six years.

(2) The same act if it:

a) is committed repeatedly;

b) committed by two or more persons without prior conspiracy or by a group of persons by prior conspiracy;

c) entailed grave consequences,

is punishable by imprisonment for a term of three to eight years.

(3) The acts provided for in paragraphs one and two of this Article committed against a minor (minor)

shall be punished by imprisonment for a term of five to ten years.

Article 137. Coercion of a person to sexual intercourse

Coercion of a person to sexual intercourse, sodomy or other acts of a sexual nature by blackmail, threat of destruction of property or use of material or other dependence,

is punishable by correctional labor for up to two years or imprisonment for up to two years.

Article 138. Prostitution

Prostitution committed repeatedly within a year after the imposition of an administrative penalty

is punishable by a fine in the amount of twenty to forty average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

Article 139. Involvement in prostitution

(1) Involvement in prostitution

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

(2) The same act, if it is committed:

a) repeatedly;

b) by a group of persons by prior conspiracy;

c) in relation to a minor;

d) with the use of physical violence or the threat of its use;

e) with the use of blackmail or deception,

is punishable by imprisonment for a term of three to eight years.

Note

In Articles 139, 140, 141 and 142, a crime committed by a person who has previously committed any of the crimes provided for in these articles of this Code is recognized as a repeated crime.

Article 140. Organization or maintenance of brothels for debauchery or prostitution

(1) The organization or maintenance of brothels for debauchery or prostitution

shall be punishable by imprisonment for up to five years, with or without confiscation of property and with or without the obligation to reside in a certain area for a period of two to five years.

(2) The same acts, if committed repeatedly,

shall be punished by imprisonment for a term of three to eight years, with or without confiscation of property, and with or without the obligation to reside in a certain locality for a period of two to five years.

Article 141. Procuring

(1) Procuring for the purpose of debauchery or prostitution

shall be punishable by imprisonment for up to five years, with or without confiscation of property.

(2) The same act committed repeatedly shall

be punished by imprisonment for a term of three to eight years, with or without confiscation of property.

Article 142. Pimping

(1) Pimping, i.e. the use of a person engaged in prostitution for the purpose of sexual exploitation, committed for mercenary motives,

shall be punishable by imprisonment for a term of two to six years, with or without confiscation of property.

(2) The same act committed repeatedly shall

be punished by imprisonment for a term of three to eight years, with or without confiscation of property.

Article 143. Sexual intercourse with a person under the age of sixteen

Sexual intercourse with a person under the age of sixteen

is punishable by imprisonment for up to three years.

Article 144. Indecent assault

The commission of lewd acts without the use of violence against a person known to be under the age of sixteen

is punishable by imprisonment for up to three years.

CHAPTER 19. CRIMES AGAINST CONSTITUTIONAL HUMAN AND CIVIL RIGHTS AND FREEDOMS

Article 145. Violation of the equality of citizens

(1) Direct or indirect violation or restriction of human and civil rights and freedoms on the basis of sex, race, nationality, language, origin, property or official status, place of residence, attitude to religion, beliefs, membership of political parties,

shall be punished by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

(2) The same acts, if they have entailed grave consequences,

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

Article 146. Violation of the inviolability of private life

(1) Illegal collection, storage, or dissemination of information about the private life constituting a personal or family secret of another person without his/her consent

shall be punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

(2) Dissemination of the information referred to in the first paragraph of this Article in a public speech, a publicly exhibited work or in the mass media

shall be punished by a fine in the amount of ten to twenty average monthly wages or correctional labor for a term of up to two years.

Article 147. Violation of the secrecy of correspondence, telephone conversations, postal, telegraph or other communications

Deliberate violation of the secrecy of correspondence, telephone conversations, postal, telegraph or other communications of citizens

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

Article 148. Violation of the inviolability of the home

(1) Illegal entry into the home or other violation of the inviolability of the home committed against the will of the person living in it

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

(2) The same acts committed with the use of physical violence or the threat of its use

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

Article 149. Obstruction of the Exercise of the Right to Vote and the Right to Participate in a

Referendum (1) Obstruction of the exercise of the right to vote or the right to participate in a referendum

shall be punishable by a fine in the amount of five to ten times the average monthly wage or correctional labor for a term of up to one year.

(2) The same act combined with bribery, deception, use of physical violence or threat thereof

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

Article 150. Violation of the law in the organization and conduct of elections or referendum

Violation of the law in the organization or conduct of elections or referendum by falsification of electoral documents, referendum documents, knowingly incorrect counting of votes or incorrect establishment of the results of an election, referendum, violation of the secrecy of voting committed by a member of an election commission, initiative group or referendum commission,

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to two years or imprisonment for up to one year.

Article 151. Violation of Labor Protection Rules

(1) Violation of labor safety rules or other labor protection rules committed by a person who was responsible for observing these rules, if it could lead to accidents with people,

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to two years.

(2) The same act that caused harm to human health

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

(3) An act provided for in paragraph one of this Section, if it has caused the death of a person through negligence,

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

Article 152. Unjustified refusal to hire or unjustified dismissal of a pregnant woman

Unjustified refusal to hire a woman on the grounds of her pregnancy, as well as unjustified dismissal of a woman from work on the same grounds,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of five to ten average monthly wages.

Article 153. Infringement of Copyright and Related Rights, Rights

of Patent Holders (1) Misappropriation of authorship, illegal use of objects of copyright or related rights, as well as inventions, utility models or industrial designs protected by a patent, if these actions have caused major damage, shall be punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to one year.

(2) The same acts committed repeatedly or by a group of persons by prior conspiracy

shall be punished by a fine in the amount of fifteen to thirty times the average monthly wage or correctional labor for a term of up to two years.

Article 154. Obstruction of the Exercise of the Right to Freedom of Conscience and Religion

Obstruction of the exercise of the right to freedom of conscience and religion

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

CHAPTER 20. CRIMES AGAINST MINORS, FAMILY AND MORALS

Article 155. Involvement of a minor in the commission of a crime

(1) Involvement of a minor in the commission of a crime by a person who has reached the age of eighteen

is punishable by imprisonment for up to three years.

(2) The same act committed by a parent, teacher or other person who is obliged by law to take care of a minor

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

(3) The actions provided for in paragraphs one or two of this section, committed with the use of physical violence or the threat of its use,

shall be punished by imprisonment for a term of four to eight years.

(4) The actions provided for in paragraphs one, two or three of this Article, related to the involvement of a minor in an organized criminal group or criminal association, or in the commission of a particularly grave crime,

shall be punished by imprisonment for a term of five to ten years.

Article 156. Involvement of a minor in the commission of anti-social acts

(1) Involvement of a minor in the systematic use of alcoholic beverages, non-medical consumption of intoxicating substances, vagrancy or begging

is punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) The same act committed:

a) repeatedly;

b) with the use of physical violence or the threat of its use,

is punishable by imprisonment for up to four years.

Article 157. Disclosure of the Secret of Adoption

(1) Disclosure of the secret of adoption against the will of the adoptive parent

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

(2) The same act committed by a person who is obliged by the nature of his/her service or profession to keep the fact of adoption secret

shall be punished by a fine in the amount of fifteen to thirty times the average monthly wage or correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 158. Abuse of Guardianship

Rights The use of guardianship, guardianship or patronage for mercenary purposes to the detriment of the ward or patron, as well as leaving the ward or patron without supervision and necessary assistance,

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years.

Article 159. Malicious violation of the obligation to take care of the upbringing of a minor

by a parent or a person entrusted with this obligation, as well as by a teacher or other employee of an

educational or educational institution, if this act is combined with cruel treatment of a minor or has caused significant harm to his health, is punishable by imprisonment for up to two years with deprivation of liberty the right to hold certain positions or engage in certain activities for up to three years or without it.

Article 160. Willful Evasion of Payment of Funds for the Maintenance of Children or Parents Unable

to Work (1) Malicious evasion of parents from payment by a court decision of funds for the maintenance of minor children, as well as disabled children who have reached the age of eighteen,

is punishable by a fine in the amount of fifteen to thirty times the average monthly wage or correctional labor for up to two years.

(2) Willful evasion of able-bodied adult children from payment of funds for the maintenance of incapacitated parents by a court decision

shall be punished by a fine in the amount of fifteen to thirty times the average monthly wage or correctional labor for a term of up to two years.

Article 161. Malicious violation of the rights of a person entrusted with the upbringing of a minor

A malicious violation of the rights of a parent or other person to whom a minor has been handed over by a court decision, committed with the use of violence or humiliation of the honor and dignity of a minor or a person entrusted with his upbringing,

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years.

Article 162. Forcing a woman to marry or preventing her from entering into marriage

(1) Forcing a woman to marry or continue marital cohabitation, as well as preventing a woman from entering into a marriage of her choice, combined with violence or the threat of violence, is

punishable by imprisonment for up to two years.

(2) Coercion of a person who has not reached the marriageable age to enter into de facto marital relations

shall be punished by imprisonment for up to three years.

Article 163. Polygamy

Polygamy, i.e. cohabitation with two or more women in the joint management of a common household,

is punishable by correctional labor for up to two years.

Article 164. Production or distribution of pornographic items

(1) Production for the purpose of demonstration or distribution, as well as demonstration, trade or other distribution of pornographic printed materials and other items

shall be punishable by a fine in the amount of twenty to forty average monthly wages or correctional labor for up to two years.

(2) The same acts committed repeatedly, by an organized group or a criminal association shall

be punished by imprisonment for up to five years with or without confiscation of property.

Article 165. Desecration of the grave

(1) Desecration of the grave

is punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) Desecration of a grave involving the theft of monuments or other objects on or in a grave, or desecration of a corpse, shall

be punished by imprisonment for up to five years.

Article 166. Intentional destruction, destruction or damage to historical and cultural monuments

Intentional destruction, destruction or damage to historical and cultural monuments or natural objects taken under state protection

shall be punishable by a fine in the amount of twenty to forty average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

SECTION VIII. CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND

CHAPTER 21. CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND

Article 167. War propaganda

War propaganda, that is, the dissemination of calls for aggressive war through the media or by other means,

is punishable by correctional labor for up to two years or imprisonment for up to five years.

Article 168. Genocide

Genocide, i.e. deliberate actions committed with the aim of total or partial destruction of any national, ethnic, racial or religious group of persons, expressed in the murder of members of such a group, infliction of bodily harm on them, creation of living conditions calculated for their complete or partial physical destruction, forcible reduction of childbirth, or forcible transfer of children from one human group to another, as well as giving an order to commit such actions,

is punishable by imprisonment for a term of fifteen to twenty-five years.

Article 169. Mercenary activity

(1) Recruitment, training, financing or other material support of a mercenary, as well as his use in an armed conflict or other military operations,

shall be punishable by imprisonment for a term of three to eight years.

(2) Participation of a mercenary in an armed conflict or hostilities

shall be punished by imprisonment for a term of five to ten years.

Note

A mercenary is a person who acts for the purpose of receiving material remuneration and is not a citizen of a state participating in an armed conflict or hostilities, does not permanently reside in its territory, and is not a person sent to perform official duties.

Article 170. Attack on Persons Enjoying International Protection

(1) An attack on a representative of a foreign state or an employee of an international organization enjoying international protection, as well as on the office or living quarters or vehicle of persons

enjoying international protection, if these actions are committed with the aim of provoking war or complicating international relations,

shall be punishable by imprisonment for a term of five to ten years.

(2) The same act resulting in the death of a person or other grave consequences

shall be punished by imprisonment for a term of ten to twenty-five years.

SECTION IX. CRIMES AGAINST THE STATE

CHAPTER 22. CRIMES AGAINST THE STATE

Article 171. Treason against the state

Treason against the state, i.e. espionage, disclosure of state secrets or other assistance to a foreign state in conducting hostile activities to the detriment of the independence, territorial integrity and inviolability, state security, neutrality or defense capability of Turkmenistan, committed by a citizen of Turkmenistan,

shall be punished by imprisonment for a term of ten to twenty-five years.

Article 172. Espionage

Transfer, as well as collection, theft or storage for the purpose of transfer to a foreign state, foreign organization or their representatives of information constituting a state secret, as well as transfer and collection on the instructions of foreign intelligence of other information for their use to the detriment of the independence, state sovereignty, neutrality, territorial integrity, national security or defense capability of Turkmenistan, if these actions committed by a foreigner or a stateless person,

are punishable by imprisonment for a term of ten to twenty-five years.

Article 173. Sabotage

(1) Sabotage, i.e. actions aimed at destroying people, causing harm to their health, damaging or destroying property with the aim of destabilizing the activities of state bodies or the socio-political situation, or undermining the economy or defense capability of Turkmenistan,

is punishable by imprisonment for a term of eight to fifteen years.

(2) The same act resulting in the death of a person or other grave consequences

shall be punished by imprisonment for a term of ten to twenty-five years.

Article 174. Conspiracy to seize power

(1) Conspiracy to seize power by force and/or to change the constitutional order by force shall

be punishable by imprisonment for a term of eight to fifteen years.

(2) The same act resulting in the death of a person or other grave consequences

shall be punished by imprisonment for a term of ten to twenty-five years.

Article 175. Calls for forcible change of the Constitutional Order

(1) Public calls for the forcible seizure of power and/or forcible change of the constitutional order

shall be punishable by correctional labor for up to two years or imprisonment for up to three years.

(2) The same act committed repeatedly or by an organized group or with the use of mass media shall

be punished by imprisonment for up to five years.

Article 176. Attempts on the President of Turkmenistan

(1) Attempts on the life and health of the President of Turkmenistan

shall be punished by imprisonment for a term of fifteen to twenty-five years.

(2) Insulting or defaming the President of Turkmenistan

shall be punishable by imprisonment for up to five years.

Article 177. Incitement of Social, National or Religious Hatred

(1) Deliberate actions aimed at inciting social, national, ethnic, racial or religious enmity or discord, humiliation of national dignity, as well as propaganda of the exclusivity or inferiority of citizens on the basis of their attitude to religion, social, national, ethnic or racial affiliation,

shall be punished by a fine in the amount of twenty to forty average monthly wages or imprisonment for up to three years.

(2) The same acts committed with the use of mass media shall

be punished by a fine of twenty-five to fifty times the average monthly wage or imprisonment for a term of two to four years.

(3) Actions provided for in paragraphs one or two of this Article, committed with the use of physical violence or the threat of its use, as well as committed by an organized group,

shall be punished by imprisonment for a term of three to eight years.

Article 178. Desecration of the symbols of the state

Desecration of the State Flag of Turkmenistan, the State Emblem of Turkmenistan or the National Anthem of Turkmenistan

shall be punishable by a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

Article 179. Disclosure of State Secrets

(1) Disclosure of information constituting a state secret by a person who has access to state secrets, if this act has caused harm to the interests of the state, in the absence of signs of treason against the state,

shall be punished by imprisonment for up to five years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(2) The same act, if it has entailed grave consequences,

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

Article 180. Loss of Documents Containing State Secrets

(1) Loss of documents containing state secrets, as well as items the information about which constitutes a state secret, by a person to whom they were entrusted in connection with official or professional activities, if the loss was the result of violation of the established rules for the storage of these documents or items,

is punishable by correctional labor for up to two years or imprisonment for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(2) The same act, if it has entailed grave consequences,

shall be punished by imprisonment for up to five years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

SECTION X. CRIMES AGAINST THE ORDER OF FUNCTIONING OF STATE AUTHORITIES AND ADMINISTRATION CHAPTER

23. CRIMES AGAINST THE INTERESTS OF THE CIVIL SERVICE

Article 181. Abuse of official powers

(1) Abuse of official powers, i.e. the use by an official of his official powers contrary to the interests of the service, if this act was committed out of mercenary or other personal interest or entailed a significant Violation of the rights and legitimate interests of citizens, organizations or the state

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of twenty to forty average monthly wages or correctional labor for up to two years or imprisonment for up to three years.

(2) The same act that has entailed grave consequences

shall be punished by a fine in the amount of fifty to two hundred average monthly wages with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it, with the imposition of the obligation to reside in a certain area for a period of five to eight years or imprisonment for up to eight years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Note

In the articles of this chapter, officials are persons who permanently, temporarily or by special authority perform the functions of representatives of the authorities, as well as perform organizational, administrative, economic or control and auditing functions in state bodies, local self-government bodies, state enterprises, institutions or organizations, as well as in the Armed Forces, other troops and military formations.

Article 1811. Illegal Transfer of Land

(1) Illegal transfer into private ownership, lease or use of land owned by the state by an official out of mercenary or other personal interest

is punishable by a fine in the amount of fifty to one hundred average monthly wages or imprisonment for up to one year.

(2) The same act, if it is committed:

a) repeatedly;

b) by a group of persons by prior conspiracy,

is punishable by a fine in the amount of seventy-five to one hundred and fifty average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years or imprisonment for up to three years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 1812. Illegal Transfer of Land for Lease

(1) Illegal transfer of land in state ownership by an official out of mercenary or other personal interest

for lease or use without the execution of appropriate documents, or by entering knowingly false information into documents,

is punishable by a fine in the amount of twenty to seventy-five average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years or imprisonment for up to one year with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(2) The same act, if it is committed:

a) repeatedly;

b) by a group of persons by prior conspiracy,

is punishable by a fine in the amount of fifty to one hundred average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to three years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 182. Abuse of official powers

(1) Exceeding official powers, i.e. the commission by an official of actions that clearly exceed the limits of his official powers, and resulting in significant violations of the rights and legitimate interests of citizens, organizations or legally protected interests of society or the state,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of twenty to forty average monthly wages or correctional labor for up to two years or imprisonment for up to three years.

(2) The same act if it:

a) was accompanied by actions insulting the personal dignity of the victim;

b) was committed with the use of physical violence;

c) was committed with the use of weapons or special means;

d) entailed grave consequences,

is punishable by a fine in the amount of fifty to two hundred average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years, or deprivation of the right to hold certain positions or engage in certain activities for up to three years with the imposition of the obligation to reside in a certain area for a period of five to eight years, or imprisonment for a period of three to eight years with deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 183. Misappropriation of the powers of an official

by a civil servant who is not an official and the commission of actions by him/her using these powers, which entailed a significant violation of the rights and legitimate interests of citizens, organizations or the state,

is punishable by a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it.

Article 184. Bribe-taking

(1) Receipt by an official, personally or through an intermediary, of a bribe in the form of money, securities, other property or property-related benefits for actions (inaction) in favor of the bribe-giver or the persons represented by him/her, if such actions (inaction) are within the official powers of the official or he/she by virtue of his/her official position can contribute to such actions (inaction),

is punishable by the imposition of the obligation to reside in a certain area for a period of five to eight years with deprivation of the right to hold certain positions or engage in certain activities for up to three years with or without confiscation of property, or imprisonment for up to eight years with deprivation of the right to hold certain positions or engage in certain activities for up to three years with or without confiscation of property.

(2) The same act, if it is committed:

- a) repeatedly;
- b) by a group of persons by prior conspiracy or by an organized group;
- c) an official holding a responsible position;
- d) extortion of a bribe;
- e) on a large scale,

is punishable by the imposition of the obligation to reside in a certain area for a period of five to fifteen years with or without confiscation of property, or imprisonment for a term of five to fifteen years with or without confiscation of property.

Note

1. A large amount of bribe is a sum of money, the value of securities, other property or benefits of a property nature, exceeding one hundred average monthly wages.

2. In Articles 184, 185 and 186 of this Code, the commission of a crime is recognized as repeated if it was preceded by the commission of one or more crimes provided for by these articles.

Article 185. Bribery

(1) Giving a bribe to an official, either personally or through an intermediary,

is punishable by imprisonment for up to five years.

(2) The same act committed repeatedly shall

be punished by imprisonment for a term of five to ten years.

Note

A person who has given a bribe shall be exempt from criminal liability if a bribe has been extorted against him or if this person has voluntarily informed the body or official entitled to initiate a criminal case about giving a bribe.

Article 186. Mediation in Bribery

(1) Mediation in receiving or giving a bribe

shall be punishable by imprisonment for up to five years.

(2) The same act, committed repeatedly or by an official,

shall be punished by imprisonment for a term of five to ten years, with or without confiscation of property.

Note A

person who acted as an intermediary in receiving or giving a bribe is exempt from criminal liability if he voluntarily informed the body or official entitled to initiate a criminal case about mediation in

bribery.

Article 187. Official forgery

Official forgery, i.e. the introduction of knowingly false information into official documents by an official, as well as by a civil servant who is not an official, as well as the introduction of corrections to these documents that distort their actual content, if these acts are committed out of mercenary or other personal interest,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years, or a fine in the amount of ten to thirty average monthly wages, or correctional labor for up to two years, or imprisonment for up to two years.

Article 188. Negligence

(1) Negligence, i.e. failure to perform or improper performance by an official of his/her duties as a result of unfair or negligent attitude to service, if this resulted in a significant violation of the rights and legitimate interests of citizens, organizations or legally protected interests of society or the state,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years.

(2) The same act resulting in the death of a person or other grave consequences by negligence

shall be punishable by a fine in the amount of twenty to one hundred average monthly wages - deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it, or imprisonment for up to five years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

CHAPTER 24. CRIMES AGAINST JUSTICE

Article 189. Obstruction of the Administration of Justice and the Conduct of Preliminary Investigation

(1) Interference in the activities of the court in any form for the purpose of obstructing the administration of justice

shall be punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years.

(2) Interference in any form whatsoever with the activities of a prosecutor, investigator or person conducting an inquiry in order to impede the comprehensive, complete and objective investigation of a case

shall be punished by a fine in the amount of ten to twenty average monthly wages or correctional labor for a term of up to two years.

(3) The acts provided for in paragraphs one or two of this section, committed by a person using his official position,

shall be punished by correctional labor for up to two years or imprisonment for up to two years, with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 190. Threat or Violent Actions Against a Person Administering Justice or Preliminary Investigation

(1) Threat of murder, infliction of harm to health, destruction or damage to property against a judge, people's assessor, prosecutor, investigator, person conducting an inquiry, defence counsel, expert, as well as their relatives in connection with the consideration of cases or materials in court or the conduct of a preliminary investigation or inquiry,

is punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) The use of violence not dangerous to life or health against the persons specified in paragraph 1 of this Article in connection with the consideration of cases or materials in court or the conduct of a preliminary investigation or inquiry shall be punished by imprisonment for up to five years.

(3) The use of violence dangerous to life or health against the persons specified in paragraph one of this Article in connection with the consideration of cases or materials in court or the conduct of preliminary investigation or inquiry shall be punished by imprisonment for a term of five to ten years.

Article 191. Contempt of Court

(1) Contempt of court expressed in insulting the participants in the trial, or in disobeying the order of the presiding judge, if this led to the disruption of the court session,

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to one year.

(2) The same act of insulting a judge or a people's assessor in connection with their activities in the administration of justice

shall be punished by a fine in the amount of fifteen to thirty times the average monthly wage or correctional labor for a term of up to two years.

Article 192. Defamation of a judge, people's assessor, prosecutor, investigator or person conducting an inquiry

(1) Defamation of a judge or people's assessor in connection with their activities in the administration of justice

shall be punishable by a fine in the amount of twenty to forty average monthly wages or correctional labor for up to two years.

(2) The same act committed against a prosecutor, investigator or person conducting an inquiry in connection with the conduct of a preliminary investigation or inquiry

shall be punished by a fine in the amount of fifteen to thirty times the average monthly wage or correctional labor for a term of up to two years.

(3) The actions provided for in paragraphs one or two of this Article, combined with the accusation of a person of committing a grave or especially grave crime,

shall be punished by imprisonment for up to five years.

Article 193. Bringing a knowingly innocent person to criminal responsibility

(1) Bringing a knowingly innocent person to criminal responsibility

is punishable by imprisonment for up to three years.

(2) The same act combined with accusation of a person of committing a grave or especially grave crime shall

be punished by imprisonment for a term of three to ten years.

Article 194. Unlawful exemption from criminal liability

Unlawful release from criminal liability of a person suspected or accused of committing a crime by a prosecutor, investigator or person conducting an inquiry

is punishable by imprisonment for up to five years.

Article 195. Unlawful Detention, Detention or Detention

(1) Knowingly unlawful detention

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or correctional labor for up to two years or imprisonment for up to one year.

(2) Knowingly unlawful arrest or detention

shall be punishable by imprisonment for up to three years.

(3) The actions provided for in paragraphs one or two of this Article, which have entailed grave consequences,

shall be punished by imprisonment for a term of three to eight years.

Article 196. Unlawful Release from Custody or Places of Deprivation of Liberty

Knowingly unlawful release from or from places of deprivation of liberty, as well as assistance in escaping from or from places of deprivation of liberty,

shall be punishable by imprisonment for up to five years.

Article 197. Coercion to Testify

(1) Coercion of a suspect, accused, victim, witness to testify, or an expert to give a conclusion through the use of threats, blackmail or other unlawful actions on the part of a prosecutor, investigator or person conducting an inquiry

shall be punishable by imprisonment for up to three years.

(2) The same act combined with the use of violence or mockery of a person

shall be punished by imprisonment for a term of three to eight years.

Article 198. Issuance of a Knowingly Unjust Verdict, Decision, Ruling or Decision

(1) The issuance of a knowingly unjust verdict, decision, ruling or ruling by a judge (judges)

shall be punishable by imprisonment for up to five years.

(2) The same act related to the issuance of an unlawful court sentence to imprisonment or entailing grave consequences

shall be punished by imprisonment for a term of three to ten years.

Article 199. Provocation of a bribe or commercial bribery

Provocation of a bribe or commercial bribery, i.e. an attempt to transfer money, securities, other property to an official or a person performing managerial functions in commercial or other organizations, without his consent, or to provide him with property-related services for the purpose of artificially creating evidence of the commission of a crime or blackmail,

is punishable by correctional labor for up to two years or imprisonment for up to three years.

Article 200. Knowingly false denunciation

(1) Knowingly false denunciation of the commission of a crime

is punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) The same act combined with the accusation of a person of committing a grave or especially grave crime or with the artificial creation of evidence of the accusation, as well as committed for mercenary purposes,

shall be punished by imprisonment for a term of two to seven years.

Article 201. Knowingly False Testimony, Expert's Conclusion or Incorrect Translation

(1) Knowingly false testimony of a witness or victim or knowingly false conclusion of an expert given during the inquiry, preliminary investigation or in court, as well as knowingly incorrect translation made by an interpreter in the same cases,

shall be punished by correctional labor for up to one year or imprisonment for up to one year.

(2) The same acts combined with the accusation of a person of committing a grave or especially grave crime, or with the artificial creation of evidence of the accusation, as well as committed for mercenary purposes,

shall be punished by imprisonment for a term of two to five years.

Article 202. Refusal of a witness or victim to

testify Refusal of a witness or victim to testify

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year.

Note

: A person is not subject to criminal liability for refusing to testify against himself or his close relatives.

Article 203. Bribery or coercion to give false testimony or a false conclusion or to mistranslate

(1) Bribery of a suspect, an accused, a witness, a victim for the purpose of giving false testimony or an expert for the purpose of giving a false conclusion or false testimony, as well as an interpreter for the purpose of making an incorrect translation,

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years.

(2) Coercion of a suspect, accused, witness, victim to give false testimony, an expert to give a false conclusion or an interpreter to make an incorrect translation, combined with blackmail, threat of murder, infliction of harm to health, destruction or damage to the property of these persons or their relatives,

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

(3) An act provided for in paragraph two of this section committed with the use of violence that is not dangerous to the life or health of the said persons

shall be punished by imprisonment for up to five years.

(4) An act provided for in paragraph two of this Article, committed with the use of violence dangerous to the life or health of these persons,

shall be punished by imprisonment for a term of three to eight years.

Article 204. Disclosure of data of preliminary investigation or inquiry

(1) Disclosure of data of preliminary investigation or inquiry by a person who has been warned in accordance with the established procedure about the inadmissibility of their disclosure, if it is committed without the consent of the prosecutor, investigator or person conducting the inquiry, is punishable by a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years.

(2) The same act that has entailed grave consequences

shall be punished by imprisonment for up to five years.

Article 205. Disclosure of Official Secrets

(1) Disclosure by an employee of the Prosecutor's Office, Internal Affairs, National Security or a person conducting an inquiry of information constituting an official secret, or other information that was entrusted or became known to these persons in the course of their service or work in connection with the detection, suppression or investigation of crimes,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of twenty to forty average monthly wages.

(2) The same act, if committed out of mercenary or other personal interest,

shall be punished by imprisonment for up to five years.

(3) The acts provided for in paragraphs one or two of this Article, which have entailed grave consequences,

shall be punished by imprisonment for a term of two to seven years.

Article 206. Illegal Actions in Relation to Property Subject to Inventory or Arrest or Subject to Confiscation

(1) Embezzlement, alienation, concealment or illegal transfer of property subject to inventory or arrest committed by a person to whom this property is entrusted, as well as the performance by an employee of a credit institution of banking operations with funds (deposits) that have been seized,

shall be punished by a fine in the amount of twenty to forty average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

(2) Concealment or misappropriation of property subject to confiscation by a court judgement, as well as other evasion of execution of a court judgement that has entered into legal force on the imposition of confiscation of property,

shall be punished by a fine in the amount of twenty-five to fifty times the average monthly wage or correctional labour for up to two years or imprisonment for up to two years.

Article 207. Escape from Places of Imprisonment or Custody

(1) Escape from places of deprivation of liberty or from custody committed by a person serving a sentence or being in pre-trial detention

shall be punished by imprisonment for up to three years.

2) The same act committed:

a) repeatedly;

b) by a group of persons by prior conspiracy or by an organized group;

c) with the use of violence dangerous to life or health;

d) with the use of weapons or objects used as weapons,

is punishable by imprisonment for a term of three to six years.

Article 2071. Malicious evasion of serving a sentence in the form of imposing the obligation to reside in a certain area

Malicious evasion of serving a sentence in the form of imposing the obligation to reside in a certain area

is punishable by a fine in the amount of twenty-five to fifty average monthly wages or imprisonment for up to three years.

Note

: Malicious evasion of serving a sentence in the form of imposing the obligation to reside in a certain area within the meaning of this article is understood as evasion from serving the specified type of punishment committed by a person to whom administrative penalties for the same violation have been applied twice within one year.

Article 208. Evasion of serving a sentence of imprisonment

Evasion of serving a sentence of a person sentenced to imprisonment who is allowed to leave places of detention for a short period of time

is punishable by imprisonment for up to one year.

Article 209. Failure to execute a court decision

Failure by a government official, civil servant, or employee of a commercial or other organization to execute a court verdict, decision, ruling or ruling that has entered into legal force, as well as obstruction of their execution,

shall be punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or by a fine in the amount of ten to thirty average monthly amounts remuneration or correctional labor for up to two years.

Article 210. Failure to Report a Crime or Concealment of a

Crime (1) Failure to report a grave or especially grave crime that is known to be prepared or committed

shall be punished by correctional labor for up to two years or imprisonment for up to five years.

(2) Concealment of grave or especially grave crimes that has not been promised in advance

shall be punished by correctional labor for up to two years or imprisonment for up to eight years.

CHAPTER 25. CRIMES AGAINST THE ORDER OF ADMINISTRATION

Article 211. Threat of murder or use of violence against a law enforcement officer or a military serviceman

(1) Threat of murder or use of violence, not dangerous to life or health, against a law enforcement officer, a military serviceman or their relatives in connection with the performance of their duties to protect law and order,

is punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) The use of violence that is dangerous to the life or health of the persons specified in paragraph one of this Article

shall be punished by imprisonment for a term of three to eight years.

Article 212. Public insult of a

representative of the authorities in the performance of his official duties or in connection with the performance of their duties

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to two years.

Note

A representative of the authorities is a person who represents a body of state power, permanently or temporarily performs certain functions and, within the limits of his competence, enjoys the right to perform actions or give orders that are binding on the majority or all citizens or officials.

Article 213. Disruption of the normal activities of institutions providing isolation from society

(1) The use of violence against an employee of a place of deprivation of liberty or a place of detention by a person serving a sentence of imprisonment or being held in custody, as well as the use of violence by such a person against a convict in order to prevent his/her correction or in revenge for the performance of his/her public duty,

is punishable by imprisonment for a term of three to eight years.

(2) The same acts committed repeatedly, by a group of persons by prior conspiracy or by an organized group, or with the use of violence dangerous to life or health,

shall be punished by imprisonment for a term of ten to twenty years.

Article 214. Illegal Crossing of the State Border of Turkmenistan

(1) Crossing the guarded State Border of Turkmenistan without the established documents and proper permission

shall be punishable by correctional labor for up to two years or imprisonment for up to five years with or without the obligation to reside in a certain area for a period of two to five years.

(2) Illegal crossing of the guarded State Border of Turkmenistan, committed repeatedly or by a group of persons by prior conspiracy or by an organized group with the use of violence or the threat of its use,

is punishable by imprisonment for up to ten years with or without the obligation to reside in a certain area for a period of two to five years.

Note

: This article shall not apply to cases of arrival in Turkmenistan in violation of the rules for crossing the State Border of Turkmenistan of foreign citizens and stateless persons to exercise the right of political asylum in accordance with the Constitution of Turkmenistan, if the actions of these persons do not contain other corpus delicti.

Article 215. Unlawful Change of the State Border of Turkmenistan

(1) Withdrawal, movement or destruction of border signs for the purpose of unlawful change of the State Border of Turkmenistan

shall be punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) The same acts, committed repeatedly or resulting in grave consequences,

shall be punished by imprisonment for up to four years.

Article 216. Illegal Actions in Relation to Official Documents or State Awards

Purchase, sale, exchange or other paid transfer of official documents granting rights or releasing from obligations, as well as state awards of Turkmenistan, the USSR or the Turkmen SSR,

shall be punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years.

Article 217. Theft or damage of documents, stamps, seals or forms

(1) Theft, destruction, damage or concealment of official documents, stamps, seals or forms committed out of mercenary or other personal interest shall

be punishable by a fine in the amount of fifteen to thirty times the average monthly wage or correctional labor for up to two years or imprisonment for up to one year.

(2) The same acts committed in relation to documents, stamps, seals, forms of special importance or entailing grave consequences shall

be punished by imprisonment for up to two years.

(3) Theft of a passport or other important personal document from a citizen

shall be punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years or imprisonment for up to one year.

Article 218. Forgery, production, sale of forged documents, stamps, seals, forms or use of a forged document

(1) Forgery of a certificate or other official document granting rights or releasing from obligations, for the purpose of its use, or sale of such a document, as well as production for the same purpose or sale of forged stamps, seals, forms,

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

(2) The same acts committed repeatedly

shall be punished by imprisonment for up to four years.

(3) The use of a knowingly forged document

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to one year or imprisonment for up to one year.

Article 219. Evasion of conscription for military service

(1) Evasion of conscription for military service in the absence of legal grounds for exemption from this service

is punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) The same act committed by inflicting bodily injury on oneself or by feigning illness, by forgery of documents or by other fraudulent means shall be

punished by imprisonment for one to four years.

(3) Evasion of conscription for military service on mobilization or in wartime

shall be punished by imprisonment for a term of three to ten years.

Article 220. Unauthorized appropriation of the title or authority of an

official Unauthorized appropriation of the rank or authority of an official, accompanied by the commission of any socially dangerous actions on this basis,

is punishable by correctional labor for up to two years or imprisonment for up to two years.

Article 221. Arbitrariness

, i.e. the unauthorized exercise of one's actual or supposed right in violation of the procedure established by law or other normative legal act, which has caused significant harm to a citizen or an organization,

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years.

Article 222. Malicious Violation of the Rules of Administrative Supervision

(1) Malicious violation of the rules of administrative supervision for the purpose of evading such supervision

shall be punished by correctional labor for up to two years or imprisonment for up to one year.

(2) Unauthorized abandonment of the place of residence by a person under supervision for the purpose of evading administrative supervision, as well as failure to arrive at the chosen place of residence within a certain period of time within a certain period of time, in respect of whom administrative supervision has been established upon release from places of imprisonment,

shall be punished by imprisonment for a term of one to three years.

Note

A malicious violation of the rules of administrative supervision within the meaning of part one of this article is understood as a violation of these rules committed by a person to whom administrative penalties for the same violations were applied twice within one year.

Article 223. Violation of the Procedure for Organizing and Holding Meetings, Rallies, Street Processions and Demonstrations

Violation of the procedure established by law for organizing or holding meetings, rallies, street processions and demonstrations, committed by the organizer of an assembly, rally, street procession or demonstration after the application of administrative penalties for the same actions,

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to one year or imprisonment for up to six months.

Article 2231 deleted

Article 2232 deleted

Article 224. Illegal hoisting of the State Flag of Turkmenistan on a merchant vessel

Raising of the State Flag of Turkmenistan on a merchant vessel without the right to this flag

is punishable by a fine in the amount of twenty-five to fifty average monthly wages or imprisonment for up to one year.

Article 225. Illegal Use of Red Cross and Red Crescent Signs

Illegal use of Red Cross and Red Crescent signs, as well as the name of the Red Cross and Red Crescent, is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to one year.

Article 226. Violation of the legislation on the registration of civil status acts

Concealment of circumstances preventing marriage or reporting false information to the civil registration authorities

is punishable by a fine in the amount of five to twenty average monthly wages or correctional labor for up to one year.

SECTION XI. ECONOMIC CRIMES

CHAPTER 26. CRIMES AGAINST PROPERTY

Article 227. Theft

(1) Theft, i.e. the secret theft of another's property,

shall be punishable by a fine in the amount of ten to fifty times the average monthly wage, or correctional labor for up to two years, or imprisonment for up to two years.

(2) Theft committed:

- a) by a group of persons by prior conspiracy;
- b) repeatedly;
- c) with penetration into a dwelling, other premises or storage;
- d) causing damage to a citizen in a significant amount,

is punishable by imprisonment for a term of three to eight years with or without confiscation of property.

(3) Theft committed:

- a) causing damage on a large scale;
- b) by an organized group,

is punishable by imprisonment for a term of six to twelve years with or without confiscation of property.

(4) Theft committed:

- a) causing damage on an especially large scale;
- b) by a criminal association,

is punishable by imprisonment for a term of eight to fifteen years with or without confiscation of property.

Note

1. In the articles of this Code, theft is understood as an unlawful, gratuitous seizure and (or) conversion of someone else's property in favor of the guilty person or other persons, committed for mercenary purposes, causing damage to the owner or other owner of this property.

2. In the articles of this Chapter, the value of property exceeding one hundred average monthly wages is recognized as a large amount; two hundred average monthly wages are considered to be especially large.

In calculating the amount of damage caused, the average monthly wage is understood to be the average level of wages established by the legislation of Turkmenistan at the time of the commission of the crime, and in the case of continuing and continuing crimes, respectively, at the time of the end of the criminal act or at the time of the commission of the last crime.

3. In Articles 227-233 of this Code, the commission of a crime is recognized as repeated if it was preceded by the commission of one or more crimes provided for by these Articles, as well as by the Articles of this Code providing for liability for banditry, theft or extortion of radioactive materials, theft or extortion of weapons, ammunition, explosives or explosive devices, theft or extortion of narcotic drugs or psychotropic substances.

Article 228. Fraud

(1) Fraud, i.e. the theft of another's property or the acquisition of the right to another's property by deception or breach of trust,

shall be punishable by a fine of thirty to sixty times the average monthly wage, or correctional labour for up to two years, or imprisonment for up to two years.

(2) Fraud committed:

- a) by a group of persons by prior conspiracy;
- b) repeatedly;
- c) causing damage to a citizen in a significant amount,

is punishable by correctional labor for a term of one to two years or imprisonment for a term of up to five years with or without confiscation of property.

(3) Fraud committed:

- a) causing damage on a large scale;
- b) by an organized group,

is punishable by imprisonment for a term of five to ten years with or without confiscation of property.

(4) Fraud committed with the infliction of damage on an especially large scale

shall be punished by imprisonment for a term of eight to fifteen years with or without confiscation of property.

Article 229. Misappropriation or embezzlement

(1) Misappropriation or embezzlement, i.e. theft of someone else's property entrusted to the guilty person or under his control,

is punishable by a fine in the amount of thirty to sixty average monthly wages with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or correctional labor for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it or imprisonment for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(2) The same acts committed:

- a) by a group of persons by prior conspiracy;
- b) repeatedly;

c) with the use of official powers;

d) causing damage to a citizen in a significant amount,

shall be punished by a fine in the amount of fifty to one hundred average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years with or without confiscation of property or imposition of the obligation to reside in a certain area for a period of five to seven years with deprivation of the right to hold certain positions or engage in certain activities activities for up to three years with or without confiscation of property or imprisonment for up to five years with deprivation of the right to hold certain positions or engage in certain activities for up to three years with or without confiscation of property.

(3) The acts provided for in paragraphs one or two of this Article, committed with the infliction of damage on a large scale,

shall be punished by a fine in the amount of one hundred to one hundred and fifty average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years with or without confiscation of property, or the imposition of the obligation to reside in a certain area for a period of five to eight years with confiscation property or without it or imprisonment for a term of three to eight years with or without confiscation of property.

(4) Actions provided for in paragraphs one, two or three of this Article, committed:

a) with the infliction of damage on an especially large scale;

b) by an organized group or a criminal association,

shall be punished by the imposition of the obligation to reside in a certain area for a period of six to twelve years with or without confiscation of property, or imprisonment for a term of six to twelve years with or without confiscation of property.

Article 230. Robbery

(1) Robbery, i.e. open theft of another's property,

is punishable by correctional labor for a term of one to two years or imprisonment for a term of up to three years.

(2) Robbery committed:

a) by a group of persons by prior conspiracy;

b) repeatedly;

c) with penetration into a dwelling, other premises or storage;

d) with the use of violence that is not dangerous to the life or health of the victim, or the threat of such violence;

e) causing damage to a citizen in a significant amount,

is punishable by imprisonment for a term of three to eight years with or without confiscation of property.

(3) Robbery committed:

a) on a large scale;

b) by an organized group,

is punishable by imprisonment for a term of six to twelve years with or without confiscation of property.

(4) Robbery committed:

a) causing damage on an especially large scale;

b) by a criminal association,

is punishable by imprisonment for a term of eight to fifteen years with or without confiscation of property.

Article 231. Robbery

(1) Robbery, i.e. an attack with the aim of stealing someone else's property, committed with the use of violence dangerous to life or health, or with the threat of such violence,

is punishable by imprisonment for a term of three to eight years, with or without confiscation of property.

(2) Robbery committed:

a) by a group of persons by prior conspiracy;

b) with penetration into a dwelling, other premises or storage;

c) with the use of weapons or other objects used as weapons;

d) repeatedly;

e) causing damage to a citizen in a significant amount,

is punishable by imprisonment for a term of five to ten years with or without confiscation of property.

(3) Robbery committed:

a) with the infliction of damage on a large scale;

b) by an organized group,

is punishable by imprisonment for a term of six to twelve years with or without confiscation of property.

(4) Robbery committed:

a) causing damage on an especially large scale;

b) a criminal association;

c) with the infliction of serious harm to the health of the victim,

is punishable by imprisonment for a term of eight to fifteen years with or without confiscation of property.

Article 232. Extortion

(1) Extortion, i.e. demanding the transfer of someone else's property or the right to property or the performance of any other actions of a property nature under the threat of violence against the victim or his relatives or the destruction or damage of someone else's property, as well as under the threat of dissemination of information that disgraces the victim or his relatives,

is punishable by correctional labor for up to two years or imprisonment for up to four years with or

without confiscation of property.

(2) The same act committed:

- a) by a group of persons by prior conspiracy;
- b) repeatedly;
- c) with the use of violence,

is punishable by imprisonment for a term of three to eight years with or without confiscation of property.

(3) Extortion committed:

- a) by an organized group or criminal association;
- b) with the infliction of serious harm to the health of the victim;
- c) for the purpose of obtaining property on a large scale,

is punishable by imprisonment for a term of five to twelve years with or without confiscation of property.

Article 233. Theft of Objects of Special Value

(1) Theft of objects or documents of special historical, scientific, artistic or cultural value, regardless of the method of theft,

shall be punished by imprisonment for a term of five to ten years with or without confiscation of property.

(2) The same act committed:

- a) repeatedly;
- b) by an organized group or criminal association,

is punishable by imprisonment for a term of eight to fifteen years with or without confiscation of property.

Article 234. Unlawful seizure of someone else's vehicle

(1) Unlawful seizure of someone else's vehicle without the purpose of its theft (theft)

is punishable by a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years or imprisonment for up to three years.

(2) The same act committed:

- a) repeatedly;
- b) by a group of persons by prior conspiracy;
- c) with the use of violence that is not dangerous to the life or health of the victim, or the threat of such violence;
- d) causing damage on a large scale;
- e) with penetration into the repository,

is punishable by a fine in the amount of fifty to one hundred average monthly wages or imprisonment for a term of two to five years.

(3) The actions provided for in paragraphs one or two of this Section, committed with the use of violence dangerous to the life or health of the victim, or the threat of such violence,

shall be punished by imprisonment for a term of five to ten years.

Article 235. Intentional Destruction of or Damage to Property

(1) Intentional destruction of or damage to another's property causing significant damage

shall be punishable by a fine in the amount of five to twenty-five average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

(2) The same acts:

a) committed by arson, explosion or other generally dangerous means;

b) resulting in the death of a person through negligence or other grave consequences,

shall be punished by imprisonment for a term of three to eight years.

Article 236. Destruction of or Damage to Property by Negligence

(1) Destruction or damage to someone else's property on a large scale, committed through negligence,

is punishable by the imposition of an obligation to make amends for the damage caused or a fine in the amount of five to fifteen times the average monthly wage or correctional labor for up to two years.

(2) The same acts committed by careless handling of fire or other source of increased danger or entailing grave consequences

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

Article 237. Acquisition or sale of property knowingly obtained by criminal means

(1) Acquisition or storage of property knowingly obtained by criminal means, which was not promised in advance,

is punishable by a fine in the amount of ten to twenty average monthly wages or correctional labor for up to one year.

(2) The same acts committed on a large scale

shall be punished by a fine of thirty to seventy-five times the average monthly wage, correctional labor for up to two years, or imprisonment for up to two years.

(3) Sale of property knowingly obtained by criminal means, which has not been promised in advance,

shall be punished by a fine in the amount of forty to one hundred times the average monthly wage or correctional labor for up to two years or imprisonment for up to three years.

(4) An act provided for in paragraph three of this article committed:

a) repeatedly;

b) on a large scale;

c) by a group of persons by prior conspiracy or by an organized group,

is punishable by a fine in the amount of fifty to one hundred and fifty average monthly wages or imprisonment for up to five years.

CHAPTER 27. CRIMES AGAINST THE PROCEDURE FOR CARRYING OUT ECONOMIC ACTIVITY

Article 238. Obstruction of lawful entrepreneurial activity

Unlawful refusal to register a subject of entrepreneurial activity or evasion of its registration, unlawful refusal to issue a special permit (license) to carry out certain activities or evasion of its issuance, unlawful restriction of the rights of an individual entrepreneur or illegal interference in their activities, if these actions are committed by an official using his official position,

are punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of five to twenty average monthly wages or correctional labor for up to two years.

Article 239. Illegal Entrepreneurial Activity

(1) Carrying out entrepreneurial activity without registration or without a special permit (license) in cases where such a permit (license) is mandatory, or in violation of the licensing conditions, if this act has caused major damage to citizens, organizations or the state, or is associated with the extraction of income on a large scale,

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to one year.

(2) The same acts:

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

b) associated with the extraction of income on an especially large scale,

shall be punished by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for up to two years.

Note

In Articles 239 and 240 of this Code, income on a large scale is recognized as income, the amount of which exceeds one hundred average monthly wages, income on an especially large scale is income, the amount of which exceeds two hundred average monthly wages.

Article 240. Illegal Banking Activity

(1) Carrying out banking activities (banking operations) without registration or without a special permit (license) in cases where such permission (license) is mandatory, or in violation of licensing conditions, if this act has caused major damage to citizens, organizations or the state, or is associated with the extraction of income on a large scale,

is punishable by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for up to two years or imprisonment for up to one year.

(2) The same act:

a) committed by a group of persons by prior agreement or by an organized group;

b) associated with the extraction of income on an especially large scale,

is punishable by a fine in the amount of one hundred to two hundred average monthly wages or imprisonment for up to three years with or without confiscation of property.

Article 241. Pseudo-entrepreneurship

Pseudo-entrepreneurship, i.e. the creation of a commercial organization without the intention to carry out entrepreneurial or banking activities, with the aim of obtaining loans, tax exemption, deriving other property benefits or covering up prohibited activities, causing major damage to citizens, organizations or the state,

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years or imprisonment for up to one year.

Article 242. Legalization of Money or Other Property Acquired by Illegal Means

(1) Performance of financial transactions or other transactions with money or other property acquired by knowingly illegal means, as well as the use of these funds or property for the implementation of entrepreneurial or other economic activities, as well as concealment or concealment of the illegal origin of these funds or property for the purpose of Giving legal character to the possession, use and disposal thereof, or deriving profit or other benefit from these actions,

is punishable by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for up to two years or imprisonment for up to two years.^[6]

(2) The same acts, if they are committed:

a) repeatedly;

b) by a group of persons by prior conspiracy or by an organized group;

c) by a person using his/her official position,

shall be punished by a fine in the amount of seventy-five to one hundred and fifty average monthly wages with or without confiscation of property or imprisonment for a term of two to five years with or without confiscation of property.

(3) The acts specified in paragraphs one and two of this section in relation to money or other property acquired by criminal means, committed on a large scale,

shall be punished by imprisonment for a term of three to eight years with confiscation of property.

Note

A large amount of money and other property acquired by criminal means specified in this article is an amount exceeding one hundred average monthly wages.

Article 243. Illegal receipt of credit

(1) Illegal receipt of credit, i.e. receipt by an individual entrepreneur or the head of an organization of a loan or preferential lending terms by providing a bank or other creditor with knowingly false information about the economic situation or financial condition of an individual entrepreneur or organization, if these actions caused damage to the creditor on a large scale,

is punishable by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

(2) Illegal receipt of a state special-purpose loan, as well as the use of a lawfully obtained state special-purpose credit for purposes other than its intended purpose, if these acts have caused damage on a large scale to citizens, organizations or the state,

shall be punished by a fine in the amount of one hundred to two hundred average monthly wages or imprisonment for a term of two to five years.

Article 244. Malicious evasion of repayment of accounts payable

Malicious evasion of the head of an organization, an individual entrepreneur or a citizen from repayment of accounts payable in a large amount or from payment for securities after the entry into force of the relevant court decision

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years.

Note: Accounts

payable in a large amount are recognized as the debts of an individual entrepreneur or a citizen in the amount exceeding one hundred average monthly wages, and of an organization - in the amount exceeding two hundred average monthly wages.

Article 245. Monopolistic Actions and Restriction of Competition

(1) Establishment and maintenance of monopolistically high or monopolistically low prices, as well as restriction of competition by collusion or concerted actions aimed at dividing the market, restricting access to the market, excluding other economic entities from it, establishing or maintaining uniform prices,

shall be punished by a fine in the amount of twenty to forty average monthly wages.

(2) The same acts committed:

- a) repeatedly;
- b) with the use of violence or the threat of its use;
- c) with the use of official position;
- d) by a group of persons by prior agreement or by an organized group,

shall be punished by a fine in the amount of twenty-five to seventy-five average monthly wages or imprisonment for up to three years.

Article 245.1. Manipulation of the securities market¹²¹

(1) Manipulation of the securities market, i.e. dissemination through the mass media, public information and telecommunication networks, in any other way of false or misleading information that has or may affect supply and demand, the price of securities or the volume of trading, as well as the performance of transactions with securities at a price having a significant deviation from the price valid for the same securities at auctions organized on the same day, provided that the transactions were made on behalf of or at the expense of persons or their employees between whom there was a prior agreement on this, if these actions were performed out of mercenary or other personal interest causing damage to other participants of the securities market,

shall be punished by a fine in the amount of twenty to forty average monthly wages or correctional labor for a term of up to two years.

(2) The same acts committed:

- a) repeatedly;
- (b) Using his or her official position;
- h) by a group of persons by prior conspiracy or by an organized group,

shall be punished by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years or imprisonment for up to three years with or without confiscation of property.

Article 246. Coercion to make a transaction or to refuse to make it

(1) Coercion to make a transaction or to refuse to make it under the threat of violence, destruction or damage to someone else's property, as well as dissemination of information that may cause significant harm to the rights and legitimate interests of the victim or his relatives, in the absence of signs of extortion,

shall be punished by a fine in the amount of twenty-five to seventy-five times the average monthly wage, or correctional labor for up to two years, or imprisonment for up to two years.

(2) The same acts committed:

a) repeatedly;

b) with the use of violence;

c) by a group of persons by prior conspiracy or by an organized group,

shall be punished by a fine in the amount of fifty to one hundred and fifty average monthly wages or imprisonment for up to five years.

Article 247. Illegal Use of

a Trademark Illegal use of someone else's trademark, service mark, registered name of a company, appellation of origin or marking of goods, if these actions have caused damage on a large scale,

is punishable by a fine in the amount of twenty-five to fifty average monthly wages or correctional labor for up to two years.

Article 248. Violation of the Rules for the Manufacture and Use of State Assay Marks

(1) Illegal manufacture, sale or use of the State Assay Mark, as well as its forgery, committed out of mercenary or other personal interest,

shall be punishable by a fine in the amount of twenty-five to seventy-five times the average monthly wage or correctional labor for up to two years, or imprisonment for up to two years.

(2) The same acts committed repeatedly or by a group of persons by prior conspiracy or by an organized group

shall be punished by a fine in the amount of forty to one hundred average monthly wages or imprisonment for up to five years.

Article 249. Knowingly False Advertising

The use in advertising of knowingly false information regarding goods, works or services, as well as their manufacturers (performers, sellers), committed out of mercenary interest, causing significant damage,

is punishable by a fine in the amount of twenty-five to fifty average monthly wages or correctional labor for up to two years.

Article 250. Illegal Receipt and Disclosure of Information Constituting Commercial or Bank Secrets

(1) Collection of information constituting commercial or bank secrets by stealing documents, bribing or threatening persons possessing commercial or bank secrets or their relatives, interception in means of communication, as well as by other means for the purpose of disclosure or illegal use of this information,

shall be punished by a fine in the amount of twenty-five to fifty times the average monthly wage or correctional labor for a term of up to two years.

(2) Unlawful disclosure or use of information constituting a commercial or bank secret without the consent of its owner, committed out of mercenary or other personal interest and causing damage on a large scale,

shall be punished by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for a term of up to two years.

Article 2501. Insider Transactions in the Securities Market^[8]

(1) Conducting insider transactions in the securities market, i.e. carrying out transactions or operations with the use of insider information without the consent of the issuer, if these actions are committed out of mercenary or other personal interest,

is punishable by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for up to two years or imprisonment for up to one year.

(2) The same acts:

a) committed by a group of persons by prior conspiracy or by an organized group;

(b) Involving the extraction of income on an especially large scale,

shall be punished by imprisonment for up to three years, with or without confiscation of property.

Note

Insider information means information that is not publicly available, including in a certain period of time, as well as information about the issuer or securities issued by it, if this information puts persons who possess it by virtue of their official position, labor duties or concluded contracts in a preferential position compared to other participants in the securities market.

Article 251. Abuse in the Issuance of Securities (Issuance)

Introduction of knowingly inaccurate information into the prospectus of the issue of securities, as well as approval of the prospectus containing knowingly unreliable information, or approval of knowingly unreliable results of the issue, if these actions have caused damage to the investor on a large scale,

shall be punished by a fine in the amount of twenty-five to fifty times the average monthly wage or correctional labor for a term of up to two years.

Article 252. Production for the purpose of sale or sale of counterfeit money or securities

(1) Production for the purpose of sale or sale of counterfeit bank notes of the Central Bank of Turkmenistan, metal coins, state securities or other securities in the national currency of Turkmenistan, or foreign currency or securities in foreign currency,

shall be punished by imprisonment for a term of three to ten years with or without confiscation of property.

(2) The same acts committed:

a) repeatedly;

b) on a large scale;

c) by an organized group,

shall be punished by imprisonment for a term of eight to fifteen years with or without confiscation of property.

Article 253. Production for the purpose of sale or sale of counterfeit credit or payment cards and other payment documents

(1) Production for the purpose of sale or sale of counterfeit credit or payment cards, as well as other payment documents that are not securities,

is punishable by imprisonment for up to five years.

(2) The same acts committed repeatedly or by a group of persons by prior conspiracy or by an organized group

shall be punished by imprisonment for a term of four to seven years with or without confiscation of property.

Article 254. Smuggling

(1) Smuggling, i.e. transportation on a large scale across the customs border of Turkmenistan of goods or other items in respect of which special rules for movement across the customs border of Turkmenistan have been established, with the exception of goods and items specified in part three of this Article, committed in addition to or concealed from customs control or with the fraudulent use of documents or means of customs identification, or accompanied by with non-declaration or false declaration,

is punishable by a fine in the amount of twenty-five to fifty average monthly wages with or without confiscation of property, or correctional labor for up to two years with or without confiscation of property, or imprisonment for up to three years with or without confiscation of property.

(2) An act provided for in paragraph one of this article committed:

a) repeatedly;

b) by a group of persons by prior conspiracy or by an organized group;

c) by an official using his official position or by a person exempted from customs control;

d) with the use of violence against a person exercising customs control,

shall be punished by a fine in the amount of fifty to one hundred and fifty average monthly wages with or without confiscation of property or imprisonment for a term of two to five years with or without confiscation of property.

(3) Movement across the customs border of Turkmenistan of narcotic drugs, psychotropic, potent, poisonous, radioactive or explosive substances, weapons, explosive devices, firearms or ammunition, nuclear, chemical, biological and other types of weapons of mass destruction, materials and equipment that can be used in the production of weapons of mass destruction, in respect of which special rules have been established for the movement of the customs border of Turkmenistan, strategically important raw materials, cultural values, in respect of which special rules for movement across the customs border of Turkmenistan have been established, if this act is committed in addition to or concealed from customs control or with the fraudulent use of documents or means of customs identification, or is associated with non-declaration or false declaration,

is punishable by imprisonment for a term of three to eight years with or without confiscation of property.

(4) An act provided for in paragraph three of this article committed:

a) repeatedly;

b) by a group of persons by prior conspiracy or by an organized group;

c) by an official using his official position or by a person exempted from customs control;

d) with the use of violence against a person carrying out customs control,

shall be punished by imprisonment for a term of five to ten years with or without confiscation of property.

Note

An act provided for in part one of this article shall be deemed to have been committed on a large scale if the value of the goods moved exceeds thirty average monthly wages.

Article 255. Illegal Circulation of Precious Metals, Natural Precious Stones or Pearls

(1) Making a transaction related to precious metals, natural precious stones or pearls in violation of the rules established by the legislation of Turkmenistan, as well as their illegal transportation or transfer in any form, condition, with the exception of jewelry and household products and scrap of such products,

shall be punished by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

(2) The same acts committed:

a) repeatedly;

b) on a large scale;

c) by a group of persons by prior conspiracy or by an organized group,

shall be punished by a fine in the amount of seventy-five to one hundred and fifty average monthly wages with or without confiscation of property, or imprisonment for a term of two to five years with or without confiscation of property.

Note

: The acts provided for in this article shall be deemed to have been committed on a large scale if the value of the precious metals, natural precious stones or pearls in respect of which the illegal circulation has been committed exceeds one hundred times the average monthly wage.

Article 256. Violation of the Rules for the Delivery of Precious Metals and Precious Stones to the State

Evasion of the mandatory surrender to the state of precious metals and precious stones extracted from the subsoil, obtained from secondary raw materials, as well as fossil and found precious metals and precious stones, committed on a large scale,

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years or imprisonment for up to one year.

Note

Violation of the rules for the delivery of precious metals and precious stones to the state is recognized as committed on a large scale, if the value of the items specified in this article that have not been handed over to the state exceeds fifty average monthly wages.

Article 257. Unlawful Actions in Bankruptcy

(1) Concealment of property or property obligations, information about property, its size, location or other information about property, transfer of property into other possession, alienation or destruction of property, as well as concealment, destruction, falsification of accounting and other accounting documents reflecting economic activity, if these actions are committed by the head or owner of the debtor organization, or An individual entrepreneur in bankruptcy or in anticipation of bankruptcy who caused damage on a large scale

is punishable by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for up to two years.

(2) Unlawful satisfaction of property claims of individual creditors by the director or owner of the debtor organization or an individual entrepreneur who is aware of his actual insolvency (bankruptcy) knowingly to the detriment of other creditors, as well as the acceptance of such satisfaction by a creditor who is aware of the preference given to him by the insolvent debtor to the detriment of other creditors, if these actions have caused damage on a large scale, shall be punished by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years.

Article 258. Deliberate bankruptcy

Deliberate bankruptcy, i.e. the deliberate creation or increase of insolvency, committed by the head or owner of a commercial organization, as well as by an individual entrepreneur in his personal interests or in the interests of other persons, which caused damage on a large scale or other grave consequences,

is punishable by a fine in the amount of fifty to one hundred average monthly wages or imprisonment for up to two years.

Article 259. Fictitious bankruptcy

Fictitious bankruptcy, i.e. knowingly false declaration by the head or owner of a commercial organization, as well as by an individual entrepreneur of his insolvency in order to mislead creditors in order to obtain a deferral or installment plan of payments due to creditors or to reduce the amount of debts, as well as for non-payment of debts, which caused damage on a large scale,

is punishable by a fine in the amount of fifty to one hundred average monthly wages or imprisonment for up to two years.

Article 260. Failure to return funds in foreign currency from abroad

on a large scale by the head of an organization of funds in foreign currency that are subject to mandatory transfer to accounts with an authorized bank of Turkmenistan in accordance with the legislation of Turkmenistan shall be punished by a fine in the amount of one hundred to two hundred average monthly wages or correctional labor for a period of up to two years.

Note

An act provided for by this article shall be deemed to have been committed on a large scale if the amount of unreturned funds in foreign currency exceeds three thousand average monthly wages.

Article 261. Evasion of Customs Payments

Evasion of customs payments on a large scale

is punishable by a fine in the amount of twenty-five to fifty average monthly wages or correctional labor for a term of up to two years.

Note

Evasion of customs payments is recognized as committed on a large scale, if the value of unpaid customs payments exceeds fifty average monthly wages.

Article 262. Tax Evasion by Individuals

(1) Intentional concealment or understatement of income or other taxable items by an individual, as well as the inclusion of knowingly distorted data in the tax return, settlement documents, resulting in non-payment of taxes on a large scale,

is punishable by a fine in the amount of thirty to one hundred average monthly wages or correctional labor for up to two years or imprisonment for up to one year six months.

(2) The same act, if it is committed:

- a) repeatedly;
- b) by a group of persons by prior conspiracy;
- c) on an especially large scale,

is punishable by a fine in the amount of fifty to one hundred and fifty average monthly wages or correctional labor for up to two years or imprisonment for up to three years.

Note

1. Tax evasion by an individual is recognized as committed on a large scale if the amount of unpaid tax exceeds sixty average monthly wages.
2. Tax evasion by an individual is recognized as committed on an especially large scale, if the amount of unpaid tax exceeds two hundred average monthly wages.
3. A person who has committed a crime under this Article for the first time shall be released from punishment in the form of imprisonment if he/she has contributed to the disclosure of the crime and fully compensated for the damage caused.

Article 263. Corporate Tax Evasion

(1) Large-scale tax evasion committed by including knowingly distorted data on income or expenditure in financial documents, by destroying financial documents and by concealing other taxable items or in any other way, committed on a large scale,

is punishable by a fine in the amount of fifty to two hundred average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years, or correctional labor for up to two years, or imprisonment for up to three years.

(2) The same act, if it is committed:

- a) repeatedly;
- b) by a group of persons by prior conspiracy;
- c) on an especially large scale,

is punishable by a fine in the amount of one hundred to two hundred average monthly wages with or without confiscation of property and with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for a period of three to five years with or without confiscation of property and with deprivation of the right to hold certain positions or engage in certain activities for a period of time up to three years.

Note

1. Tax evasion from organizations is recognized as committed on a large scale if the amount of unpaid tax exceeds one hundred and fifty average monthly wages.
2. Tax evasion from organizations is recognized as committed on an especially large scale, if the amount of unpaid tax exceeds five hundred average monthly wages.
3. An official who has committed a crime under this Article for the first time shall be exempted from punishment in the form of imprisonment if he/she has contributed to the disclosure of the crime and fully compensated for the damage caused.

Article 264. Deception of consumers

(1) Measurement, weighing, calculation, misleading regarding the consumer properties or quality of goods (services) of consumers in organizations selling goods or providing services to the population, as well as by citizens registered as individual entrepreneurs in the field of trade (services),

shall be punished by a fine in the amount of five to ten average monthly wages or correctional labor for up to two years.

(2) The same acts committed:

a) repeatedly;

b) by a group of persons by prior conspiracy;

c) on a large scale,

shall be punished by a fine in the amount of twenty to seventy average monthly wages with or without confiscation of property and with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to two years with or without confiscation of property and with deprivation of the right to hold certain positions or engage in certain activities for up to three years years or without it.

Note

Large-scale consumer fraud is a fraud that has caused damage to consumers in an amount exceeding five times the average monthly wage.

Article 265. Violation of the Rules of Trade

(1) Sale of goods from warehouses, bases, shops and ancillary premises of enterprises (organizations) of state trade (public catering) in violation of the established rules, as well as concealment of goods from buyers,

shall be punished by a fine in the amount of ten to twenty average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for a period of up to three years, or correctional labor for up to two years or imprisonment for up to two years.

(2) The same acts committed:

a) repeatedly;

b) by a group of persons by prior conspiracy or by an organized group;

c) on a large scale,

shall be punished by a fine in the amount of twenty to forty average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for a term of two to five years with or without confiscation of property.

(3) Actions provided for in paragraphs one or two of this Article, committed on an especially large scale,

shall be punished by a fine in the amount of fifty to one hundred and fifty times the average monthly wage with or without confiscation of property, or imprisonment for a term of three to eight years with or without confiscation of property.

Note

1. Part one of this Article shall apply if the amount of sale or concealment of goods for food products is more than ten average monthly wages, and for other goods - more than thirty average monthly wages.

2. Sale or concealment of food products in the amount of at least twenty average monthly wages,

other goods - at least fifty average monthly wages, shall be considered a large amount of sale or concealment of goods.

3. The sale or concealment of food products in the amount of at least fifty average monthly wages, and other goods in the amount of at least one hundred average monthly wages shall be considered a particularly large amount of sale or concealment of goods.

Article 266. Forgery of Postal Payment Signs and Travel Documents

Production for the purpose of sale or sale of knowingly forged postage marks, international response coupons, stamps of marking machines or stamps, as well as tickets and other documents for the passage of passengers or transportation of goods by rail, water, air or road,

is punishable by a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

CHAPTER 28. CRIMES AGAINST THE INTERESTS OF SERVICE IN COMMERCIAL AND OTHER ORGANIZATIONS

Article 267. Abuse of authority

(1) Abuse of authority, i.e. the use by a person performing managerial functions in a commercial or other organization of his powers contrary to the legitimate interests of this organization and for the purpose of obtaining benefits and advantages for himself or other persons or causing harm to other persons, if this act has resulted in the infliction of significant harm to the rights and legitimate interests of citizens, organizations or the state,

is punishable by a fine in the amount of twenty to forty average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

(2) The same act that has entailed grave consequences

shall be punished by a fine in the amount of fifty to one hundred times the average monthly wage or imprisonment for up to four years.

Note

1. In the articles of this chapter, a person who permanently, temporarily or by special authority performs organizational, administrative or economic duties in a commercial organization regardless of the form of ownership, as well as in a non-profit organization that is not a body of state power, a body of local self-government, a state institution, is recognized as performing managerial functions in a commercial or other organization.

2. If an action provided for by this Article or other articles of this Chapter has caused damage to the interests of a commercial organization that is not a state enterprise, criminal prosecution shall be carried out at the request of this organization or with its written consent.

3. If an action provided for by this Article or other articles of this Chapter has caused harm to the rights and legitimate interests of citizens, other organizations or the state, criminal prosecution shall be carried out on general grounds.

Article 268. Bribery

(1) Bribery, i.e. the illegal transfer of money, securities, other property to a person performing managerial functions in a commercial or other organization, as well as the illegal provision of property services to him/her for the performance or non-performance in the interests of the giver of a certain action that the said person should or could have performed using his/her official position,

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years or imprisonment for up to one year.

(2) The same act committed:

a) repeatedly;

b) by a group of persons by prior conspiracy,

is punishable by a fine in the amount of fifty to one hundred average monthly wages or imprisonment for up to three years.

A

person guilty of committing a crime under this article shall be exempt from criminal liability if extortion has taken place against him or if this person has voluntarily declared bribery to the body entitled to initiate criminal proceedings.

Article 269. Receipt of Illegal Remuneration

(1) Illegal receipt by a person performing managerial functions in a commercial or other organization of money, securities, other property, as well as illegal use of services of a property nature for the performance or non-performance in the interests of the giver of a certain action that the said person should or could have performed using his official position,

is punishable by a fine in the amount of one hundred to two hundred average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years, or correctional labor for up to two years, or imprisonment for up to three years with or without confiscation of property.

(2) The same acts committed repeatedly or by a group of persons by prior conspiracy or involving extortion

shall be punished by imprisonment for up to five years with or without confiscation of property.

Article 270. Abuse of Powers by an Auditor, Arbitrator or Lawyer

The use by an auditor, arbitrator or lawyer of the powers available to them contrary to the objectives of their activities in order to obtain benefits and advantages for themselves or other persons or to cause harm to other persons, if this act has caused significant harm to the rights or legitimate interests of citizens, organizations or the state,

is punishable by a fine in the amount of fifty to one hundred and fifty average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years, or correctional labor for up to two years, or imprisonment for up to three years with or without confiscation of property.

SECTION XII. CRIMES AGAINST PUBLIC SECURITY AND PUBLIC HEALTH

CHAPTER 29. CRIMES AGAINST PUBLIC SECURITY AND PUBLIC ORDER

Article 271. Terrorism

(1) Terrorism, i.e. the commission of an explosion, arson or other actions that create a danger of loss of life, causing significant property damage or the occurrence of other socially dangerous consequences, if these actions are committed for the purpose of violating public intimidation of the population or influencing the decision-making of the authorities, as well as the threat of committing these actions for the same purposes,

is punishable by imprisonment for a term of five to ten years.

(2) The same act committed:

a) repeatedly;

b) with the use of firearms;

c) by a group of persons by prior conspiracy,

shall be punished by imprisonment for a term of eight to fifteen years.

(3) The acts provided for in paragraphs one or two of this Section, which have caused the death of a person or have been committed by an organized group or a criminal association,

shall be punished by imprisonment for a term of ten to twenty-five years.

Note

A person who participated in the preparation of an act of terrorism is exempt from criminal liability if he/she contributed to the prevention of an act of terrorism by timely warning of the authorities or in any other way, and if the actions of this person do not contain any other corpus delicti.

Article 2711. Financing of terrorism

(1) Financing of terrorism, i.e. the collection or provision of monetary, logistical and other means or the provision of financial services with the knowledge that they are intended for the financing of an organization or the commission of terrorism, as well as an action (inaction) to ensure activities related or not related to a terrorist act of a terrorist, terrorist group, terrorist organization or organized A group, an illegal armed formation or a criminal association created to achieve these goals is

punishable by imprisonment for a term of four to ten years, with or without confiscation of property.^[9]

2) The same act committed:

a) repeatedly;

b) by a group of persons by prior conspiracy;

c) with the use of official powers,

is punishable by imprisonment for a term of eight to fifteen years with confiscation of property.

Note

If a person who has committed an offence referred to in this article has contributed to the prevention of an act of terrorism by alerting the authorities or by other means, and if there is no other corpus delicti in the person's actions, he shall be exempt from criminal liability.

Article 272. Knowingly false report of an act of terrorism

Knowingly false report of an impending explosion, arson or other actions that create a danger of loss of life, significant property damage or the occurrence of other socially dangerous consequences

is punishable by correctional labor for up to two years or imprisonment for up to two years.

Article 273. Organization of or participation in an illegal armed formation

(1) The creation of an armed formation not provided for by the legislation of Turkmenistan, as well as the leadership of such a formation,

shall be punishable by imprisonment for a term of three to eight years.

(2) Participation in an illegal armed group

is punishable by imprisonment for up to five years.

Note

A person who voluntarily ceases to participate in an illegal armed formation and surrenders his weapons is exempt from criminal liability if his actions do not contain other *corpus delicti*.

Article 274. Banditry

(1) The creation of a stable organized armed group (gang) for the purpose of attacking citizens or organizations, the leadership of such a group (gang), as well as participation in attacks committed by the gang,

shall be punishable by imprisonment for a term of ten to twenty-five years with or without confiscation of property.

(2) Participation in an armed group (gang)

is punishable by imprisonment for a term of five to fifteen years with or without confiscation of property.

Article 275. Organization of a criminal association or participation in a criminal association

(1) Creation of a criminal association for the purpose of committing grave or especially grave crimes, as well as leadership of a criminal association,

shall be punishable by imprisonment for a term of eight to fifteen years with or without confiscation of property.

(2) Participation in a criminal association

shall be punished by imprisonment for a term of three to ten years with or without confiscation of property.

Article 276. Mass Disorder

(1) The organization of mass disorder accompanied by violence, pogroms, arson, destruction of property, the use of firearms, explosives or explosive devices, as well as armed resistance to a representative of the authorities,

shall be punished by imprisonment for a term of five to fifteen years.

(2) Participation in mass riots provided for in paragraph one of this Article

shall be punished by imprisonment for a term of three to eight years.

Article 277. Hijacking or hijacking of an aircraft, water vessel or railway rolling stock

(1) Hijacking of an aircraft, water vessel or railway rolling stock, as well as seizure of such a vessel or train for the purpose of hijacking,

shall be punishable by imprisonment for a term of three to eight years.

(2) The same acts committed:

a) by a group of persons by prior conspiracy;

b) repeatedly;

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

d) with the use of firearms,

shall be punished by imprisonment for a term of five to ten years.

(3) The actions provided for in paragraphs one or two of this Section, if committed by an organized group or have caused the death of a person or other grave consequences through negligence,

shall be punished by imprisonment for a term of eight to fifteen years.

Article 2771. Illegal seizure of a platform^[10]

(1) Illegal seizure of a floating or stationary platform for the purpose of exercising control over it, as well as the installation or placement on it of explosive or other devices that pose a threat to its safe navigation, causing damage or destruction of the platform, as well as action (inaction) to achieve these goals,

is punishable by imprisonment for a term of three to eight years with or without confiscation of property.

(2) The same acts committed:

a) by a group of persons by prior conspiracy;

(b) Repeatedly;

h) with the use of violence dangerous to life or health, or with the threat of the use of such violence,

shall be punished by imprisonment for a term of five to ten years, with or without confiscation of property.

(3) The actions specified in paragraphs one and two of this Section, if committed by an organized group or have caused the death of a person or other grave consequences through negligence,

shall be punished by imprisonment for a term of eight to fifteen years with confiscation of property.

Article 278. Blocking of transport communications

(1) Deliberate blocking of railway, water, air or road transport communications, as well as main pipeline transport by placing obstacles or in any other way, resulting in a break in traffic or other disruption of transport activities,

shall be punished by a fine in the amount of twenty-five to fifty times the average monthly wage or correctional labor for a term of up to two years.

(2) The same act, if committed with the creation of a threat to the life and health of people or by a group of persons by prior conspiracy,

shall be punished by correctional labor for up to two years or imprisonment for up to three years.

(3) The actions provided for in paragraphs one or two of this Section, if they have caused accidents to people or other grave consequences,

shall be punished by imprisonment for a term of five to ten years.

Article 279. Hooliganism

(1) Hooliganism, i.e. a gross violation of public order expressed in obvious disrespect for society, accompanied by the use of violence against citizens or the threat of its use, as well as the destruction or damage of other people's property,

is punishable by a fine in the amount of ten to thirty times the average monthly wage or correctional labor for up to one year or imprisonment for up to one year.

(2) The same act if it:

a) is committed by two or more persons without prior conspiracy or by a group of persons by prior conspiracy;

b) is related to resistance to a representative of the authorities or another person performing the duties of protecting public order or preventing a violation of public order;

c) is committed repeatedly,

is punishable by imprisonment for up to five years.

(3) Hooliganism committed with the use of weapons or objects used as weapons shall

be punished by imprisonment for two to seven years.

Article 280. Violation of safety rules in the conduct of mining, construction or other works

(1) Violation of safety rules in the conduct of mining, construction or other works, if it resulted in negligent infliction of serious or moderate harm to human health,

shall be punished by correctional labor for up to two years or imprisonment for up to one year with deprivation of the right to hold certain positions or engage in certain activities for a period of time up to three years or without it.

(2) The same act, if it has caused the death of a person or other grave consequences through negligence,

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

Article 281. Violation of Safety Rules at Explosive Facilities

(1) Violation of the rules ensuring safety at explosive facilities or in explosive workshops, if this violation could lead to the death of a person or other grave consequences,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of ten to thirty average monthly wages or correctional work for a period of up to two years.

(2) The same act, if it has caused the death of a person or other grave consequences through negligence,

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

Article 282. Violation of fire safety rules

(1) Violation of fire safety rules committed by a person who was obliged to comply with them, if it resulted in negligent infliction of serious or moderate harm to human health,

is punishable by correctional labor for up to two years or imprisonment for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it.

(2) The same act, if it has caused the death of a person or other grave consequences through negligence,

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

Article 283. Illegal handling of radioactive or nuclear materials¹¹¹

(1) Illegal acquisition, storage, use, transfer, destruction, industrial enrichment, modification, destruction or dispersal of radioactive or nuclear materials

shall be punished by imprisonment for up to two years.

(2) The same acts, if they have caused the death of a person or other grave consequences through negligence,

shall be punished by imprisonment for up to five years with or without confiscation of property.

Article 284. Violation of the rules for handling radioactive or nuclear materials^[12]

Violation of the rules for the storage, transfer, use, accounting, transportation of radioactive or nuclear materials and other rules for handling them, if these actions have led to the destruction of the physical protection of radioactive or nuclear materials or have entailed other grave consequences,

is punishable by imprisonment for a term of two to seven years with or without confiscation of property.

Article 285. Theft or extortion of radioactive or nuclear materials^[13]

(1) Theft or extortion of radioactive or nuclear materials

shall be punishable by imprisonment for a term of two to seven years, with or without confiscation of property.

(2) The same acts committed:

a) repeatedly;

(b) By a group of persons by prior agreement;

h) with the use of official position;

(d) With the use of violence not dangerous to life or health, or with the threat of such violence,

shall be punished by imprisonment for a term of three to ten years, with or without confiscation of property.

(3) Theft or extortion of radioactive or nuclear materials committed with the use of violence dangerous to life or health, or with the threat of such violence, or by an organized group or criminal association,

shall be punished by imprisonment for a term of six to fifteen years with confiscation of property.

Note: In

this Article, as well as in Articles 291 and 294 of this Code, the commission of a crime is recognized as repeated if it was preceded by the commission of one or more crimes provided for by these Articles, as well as by Articles 227-233 and 271-274 of this Code.

Article 286. Violation of the rules for handling explosives, flammable substances or pyrotechnic articles Violation of the rules for the

storage, accounting, use and transportation of explosive, flammable substances or pyrotechnic articles, as well as the illegal transfer of these substances and articles by mail or luggage, if these actions have caused grave consequences through negligence,

are punishable by imprisonment for a term of two to seven years.

Article 287. Illegal acquisition, sale, storage, transportation, transfer or carrying of weapons, ammunition, explosives or explosive devices¹⁴¹

(1) Illegal acquisition, sale, storage, transportation, transfer or carrying of firearms, ammunition, explosives or explosive devices (except for smooth-bore hunting rifles and ammunition)

are punishable by imprisonment for up to five years.

(2) The same acts committed by a group of persons by prior conspiracy or repeatedly

shall be punished by imprisonment for a term of two to seven years.

(3) The actions provided for in paragraphs one or two of this Section, committed by an organized group or a criminal association,

shall be punished by imprisonment for a term of five to ten years.

(4) Illegal sale or carrying of daggers, Finnish knives or other bladed weapons, including throwing weapons, as well as illegal sale of gas pistols, spray cans or other gas weapons, shall

be punishable by a fine in the amount of twenty-five to fifty times the average monthly wage or correctional labor for up to two years or imprisonment for up to two years.

Note

A person who voluntarily surrenders the items specified in this article shall be exempt from criminal liability if his actions do not contain other corpus delicti.

Article 288. Illegal Manufacture of Weapons

(1) Illegal manufacture or repair of firearms, their components, as well as illegal manufacture of ammunition, explosives or explosive devices

shall be punished by imprisonment for up to three years.

(2) The same acts committed by a group of persons by prior conspiracy or repeatedly shall

be punished by imprisonment for a term of two to five years.

(3) Illegal manufacture of gas weapons, daggers, Finnish knives or other bladed weapons, including throwing weapons,

shall be punishable by correctional labour for up to two years or imprisonment for up to three years.

Note

A person who voluntarily surrenders the items specified in this article shall be exempt from criminal liability if his actions do not contain other corpus delicti.

Article 289. Negligent storage of firearms

Negligent storage of firearms, which has created conditions for their use by another person, if this has entailed serious consequences,

is punishable by correctional labor for up to one year or imprisonment for up to one year.

Article 290. Improper performance of duties on the protection of weapons, ammunition, explosives and explosive devices

Improper performance of duties by a person who has been entrusted with the protection of firearms, ammunition, explosives or explosive devices, if this has resulted in their theft or destruction or the occurrence of other grave consequences,

shall be punished by correctional labor for up to two years or imprisonment for up to two years.

Article 291. Theft or extortion of weapons, ammunition, explosives and explosive devices

(1) Theft or extortion of firearms, their components, ammunition, explosives or explosive devices

shall be punished by imprisonment for a term of three to eight years.

(2) The same acts, if they are committed:

a) by a person to whom weapons, ammunition, explosives or explosive devices have been entrusted in connection with his official position or under protection;

b) repeatedly;

c) by a group of persons by prior conspiracy;

d) with the use of violence that is not dangerous to life or health,

shall be punished by imprisonment for a term of five to ten years.

(3) The actions provided for in paragraphs one or two of this Article, if committed with the use of violence dangerous to life or health, by an organized group or a criminal association,

shall be punished by imprisonment for a term of eight to fifteen years.

CHAPTER 30. CRIMES AGAINST PUBLIC HEALTH

Article 292. Illegal manufacture, processing, acquisition, storage, transportation, transfer of narcotic drugs or psychotropic substances for the purpose of sale

(1) Illegal manufacture, processing, acquisition, storage, transportation or transfer for the purpose of sale, as well as illegal sale of narcotic drugs or psychotropic substances,

shall be punished by imprisonment for a term of three to ten years with or without confiscation of property and with or without the obligation to reside in a certain area for a period of two to five years.

(2) The same acts committed repeatedly or by a group of persons by prior conspiracy, or if the subject of these actions were narcotic drugs or psychotropic substances on a large scale,

shall be punished by imprisonment for a term of six to fifteen years with or without confiscation of property and with or without the obligation to reside in a certain area for a period of two to five years.

(3) The acts provided for in paragraphs one or two of this Article, committed by a person to whom narcotic drugs or psychotropic substances were entrusted in connection with his official position or under protection, or by an organized group or criminal association, as well as if the subject of these actions was narcotic drugs or psychotropic substances on an especially large scale,

shall be punished by imprisonment for a term of twelve to twenty-five years with or without confiscation of property and with or without the obligation to reside in a certain area for a period of two to five years.

Note

1. A person who voluntarily surrendered narcotic drugs or psychotropic substances and actively contributed to the disclosure or suppression of crimes related to the illegal trafficking of narcotic drugs or psychotropic substances, the exposure of persons who committed them, the discovery of property

obtained by criminal means, shall be exempt from criminal liability for the acts provided for in parts one or two of this Article.

2. In Articles 292, 294, 295, 296, 297 of this Code, a crime committed by a person who has previously committed any of the crimes provided for by these Articles shall be recognized as a repeated crime.

3. Large and especially large amounts in case of illegal handling of narcotic drugs or psychotropic substances shall be determined by the conclusion of the relevant state body.

Article 293. Illegal manufacture, processing, acquisition, storage, transportation or transfer of narcotic drugs or psychotropic substances without the purpose of sale

(1) Illegal manufacture, processing, acquisition, storage, transportation or transfer without the purpose of sale of narcotic drugs or psychotropic substances

is punishable by a fine in the amount of forty to one hundred average monthly wages or imprisonment for up to five years.

(2) The same acts committed repeatedly or by a group of persons by prior conspiracy

shall be punished by imprisonment for a term of three to ten years.

Note

1. A person who voluntarily surrendered narcotic drugs or psychotropic substances and actively contributed to the disclosure or suppression of crimes related to the illegal circulation of narcotic drugs or psychotropic substances, the exposure of persons who committed them, the discovery of property obtained by criminal means, shall be exempt from criminal liability for this crime.

2. In this article, a crime committed by a person who has previously committed any of the crimes provided for by Articles 292, 293, 294, 295, 296, 297 of this Code shall be recognized as a repeated crime.

Article 294. Theft or extortion of narcotic drugs or psychotropic substances

(1) Theft or extortion of narcotic drugs or psychotropic substances

is punishable by imprisonment for a term of five to ten years with or without confiscation of property and with or without the obligation to reside in a certain area for a period of two to five years.

(2) The same acts, if they are committed:

a) repeatedly;

b) by a group of persons by prior conspiracy;

c) by a person to whom narcotic drugs or psychotropic substances have been entrusted in connection with his official position or under protection;

d) with the use of violence that is not dangerous to life or health,

shall be punished by imprisonment for a term of six to twelve years with or without confiscation of property and with or without the obligation to reside in a certain area for a period of two to five years.

(3) The acts provided for in paragraphs one or two of this Article, committed by an organized group, as well as with the use of violence dangerous to life or health, or if the subject of these actions was narcotic drugs or psychotropic substances on a large scale,

shall be punished by imprisonment for a term of eight to fifteen years with or without confiscation of property and with the imposition of the obligation to reside in a certain area for a period of two to five years, or without it.

(4) The acts provided for in paragraphs one, two or three of this Article, committed by a criminal association, or if the subject of these acts were narcotic drugs or psychotropic substances on an especially large scale,

shall be punished by imprisonment for a term of twelve to twenty-five years, with or without confiscation of property and with or without the obligation to reside in a certain area for a period of two to five years.

Article 295. Illegal cultivation of plants containing narcotic substances prohibited for cultivation

(1) Sowing or growing poppy, hemp or other plants containing narcotic substances prohibited for cultivation, as well as the cultivation of varieties of these plants,

is punishable by correctional labor for up to two years with the imposition of the obligation to live in a certain area for a period of two to five years or without it, or imprisonment for up to three years with or without the obligation to reside in a certain area for a period of two to five years.

(2) The same acts, if they are committed:

a) repeatedly;

b) by a group of persons by prior conspiracy;

c) on a large scale,

shall be punished by imprisonment for a term of three to eight years with or without the obligation to reside in a certain area for a term of two to five years.

Article 296. Inducement to Use Narcotic Drugs or Psychotropic Substances

(1) Inducement to use narcotic drugs or psychotropic substances

is punishable by imprisonment for up to five years with or without the obligation to reside in a certain area for a period of two to five years.

(2) The same act, if it is committed:

a) repeatedly;

b) in relation to a minor or two or more persons;

c) with the use of physical violence or the threat of its use,

is punishable by imprisonment for a term of three to ten years with or without the obligation to reside in a certain area for a term of two to five years.

(3) The actions provided for in paragraphs one or two of this Article, if they negligently caused the death of the victim or caused serious harm to the victim's health,

shall be punished by imprisonment for a term of six to twelve years, with or without the obligation to reside in a certain area for a period of two to five years.

Article 297. Organization or maintenance of dens for the consumption of narcotic drugs or psychotropic substances

(1) The organization or maintenance of dens for the consumption of narcotic drugs or psychotropic substances

is punishable by imprisonment for a term of three to eight years with or without the obligation to reside in a certain area for a period of two to five years.

(2) The same acts committed repeatedly

shall be punished by imprisonment for a term of five to ten years, with or without confiscation of property and with or without the obligation to reside in a certain area for a period of two to five years.

(3) Provision of premises for the consumption of narcotic drugs or psychotropic substances

shall be punished by imprisonment for up to three years with or without the obligation to reside in a certain area for a period of two to five years.

Article 298 deleted

Article 299. Violation of the rules for the production, acquisition, storage, accounting, release, transportation or transfer of narcotic drugs or psychotropic substances

Violation of the rules for the production, acquisition, storage, accounting, release, transportation or transfer of narcotic drugs or psychotropic substances, if this act is committed by a person whose duties include compliance with these rules,

is punishable by correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to three years.

Article 300. Illegal Issuance or Forgery of Prescriptions or Other Documents Entitling to Receive Narcotic Drugs or Psychotropic Substances

Illegal issuance or forgery of prescriptions or other documents entitling to receive narcotic drugs or psychotropic substances

is punishable by correctional labor for up to two years or imprisonment for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it.

Article 301. Organization of the Consumption of Narcotic Drugs or Psychotropic Substances during Mass Events

The organization of the consumption of narcotic drugs or psychotropic substances during family celebrations, festivities, festivities or other mass events

is punishable by a fine in the amount of one hundred to two hundred average monthly wages with or without the obligation to reside in a certain area for a period of two to five years or imprisonment for up to five years with or without the obligation to reside in a certain area for a period of two to five years.

Article 302. Illegal Trafficking in Potent or Poisonous Substances

(1) Illegal manufacture, processing, acquisition, storage, transportation or transfer for the purpose of sale, as well as illegal sale of potent and poisonous substances that are not narcotic drugs or psychotropic substances,

shall be punished by correctional labor for up to two years or imprisonment for up to three years.

(2) The same acts, if they are committed:

a) repeatedly;

b) by a group of persons by prior conspiracy,

shall be punished by imprisonment for a term of two to five years.

Article 303. Violation of the rules for handling potent or poisonous substances

Violation of the rules for the production, acquisition, storage, accounting, release, transportation or transfer of potent or poisonous substances that are not narcotic drugs or psychotropic substances, if this resulted in their theft or causing significant damage,

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to two years.

Article 304. Illegal Manufacture and Sale of Home-Made Strong Alcoholic Beverages

(1) Illegal production or storage for the purpose of sale of home-made strong alcoholic beverages, or manufacture or storage for the purpose of sale of devices for their production, as well as the sale of these alcoholic beverages or devices,

shall be punished by a fine in the amount of fifty to one hundred and fifty times the average monthly wage or imprisonment for a term of up to two years with or without confiscation of property.

(2) The same acts committed repeatedly or by a group of persons by prior conspiracy

shall be punishable by a fine in the amount of seventy-five to two hundred average monthly wages with or without confiscation of property, or imprisonment for a term of two to five years with or without confiscation of property.

Article 305. Organization or maintenance of dens for drinking

alcoholic beverages The organization or maintenance of dens for drinking alcoholic beverages, as well as the systematic provision of premises for these purposes,

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

Article 306. Illegal extraction, acquisition, sale of snake venom

Illegal extraction, acquisition or sale of snake venom

is punishable by a fine in the amount of forty to eighty average monthly wages or correctional labor for up to two years or imprisonment for up to two years with or without confiscation of property.

Article 306.1. Manufacture, acquisition, storage, transportation, transfer of nasa for the purpose of sale

Manufacture, acquisition, storage, transportation or transfer of nasa for the purpose of sale, as well as the sale of nas, committed by a person to whom administrative penalties have been applied twice within one year for the same violations,

are punishable by a fine in the amount of fifty to one hundred average monthly wages or correctional labor for up to two years or deprivation of life freedom for up to one year.

Note

: A person who voluntarily surrenders his or her possession is exempt from criminal liability for this crime.

Article 307. Illegal Engaging in Private Medical Practice or Private Pharmaceutical Activity

(1) Engaging in private medical practice or private pharmaceutical activity by a person who does not have a license for the chosen type of activity, if as a result of such activity slight harm to human health was caused by negligence, is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or by a fine of in the amount of ten to thirty average monthly wages or correctional labor for up to two years.

(2) The same act that has caused serious or moderate damage to human health

shall be punished by a fine in the amount of forty to one hundred times the average monthly wage, with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to three years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(3) The acts provided for in paragraphs one or two of this Section, which caused the death of the victim through negligence,

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

Article 308. Violation of Sanitary and Epidemiological Rules

(1) Violation of sanitary and epidemiological rules, which negligently caused mass disease or poisoning of people,

is punishable by correctional labor for up to two years or imprisonment for up to two years.

(2) The same act resulting in the death of a person through negligence shall

be punished by imprisonment for up to five years.

Article 309. Concealment of Information on Circumstances Endangering Human Life or Health

(1) Concealment or distortion of information on accidents with harmful environmental consequences, on the levels of pollution of the environment, as well as on other events, facts or phenomena that pose a danger to human life or health, committed by a person obliged to provide the population with such information,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of ten to twenty average monthly wages or correctional labor for up to two years.

(2) The same acts that have caused harm to human health or other grave consequences

shall be punished by a fine in the amount of fifty to one hundred times the average monthly wage or imprisonment for up to three years, with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 310. Release or sale of goods, provision of services that do not meet safety requirements

(1) Release or sale of goods, performance of work or provision of services that do not meet safety requirements for the life or health of consumers, as well as unlawful issuance or use of an official document certifying the compliance of these goods, works or services with safety requirements, if these actions negligently caused harm to human health,

shall be punishable by a fine in the amount of twenty-five to seventy-five times the average monthly wage with deprivation of the right to hold certain positions or engage in certain activities for up to three years or imprisonment for up to two years.

(2) The same acts, if they have caused the death of a person through negligence or caused damage to the health of two or more persons through negligence,

shall be punished by a fine in the amount of forty to one hundred average monthly wages or imprisonment for up to five years.

CHAPTER 31. ENVIRONMENTAL CRIMES

Article 311. Violation of environmental safety rules during the performance of work

Violation of environmental protection rules during the design, placement, construction, commissioning of industrial, agricultural, scientific and other facilities by persons responsible for their observance, if this act has resulted in a significant change in the radioactive background, harm to human health, mass death of animals or other grave consequences,

is punishable by imprisonment for up to five years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Article 312. Violation of the rules for transportation, storage, burial and disposal of environmentally hazardous substances and wastes

(1) Transportation, storage, burial or disposal in violation of the established rules of substances and wastes that are dangerous to life or harmful to human health, which have created a threat of causing significant harm to human health or the environment,

shall be punished by a fine in the amount of ten to thirty times the average monthly wage or correctional labor for a term of up to two years.

(2) The same acts that have caused pollution, poisoning or contamination of the environment, mass death of animals or caused harm to human health

shall be punished by imprisonment for up to three years.

(3) The acts provided for in paragraph one of this section, which have caused mass illness of people or the death of a person through negligence,

shall be punished by imprisonment for a term of three to eight years.

Article 313. Water pollution

(1) Pollution, clogging, depletion of surface or underground waters, sources of drinking water supply or other changes in their natural properties, if these actions have caused significant damage to fauna or flora, fish resources, forestry or agriculture,

shall be punished by deprivation of the right to hold certain positions or engage in certain activities for up to five years or by a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years.

(2) The same acts that negligently caused harm to human health or mass death of animals, as well as committed on the territory of a reserve or wildlife refuge or in an environmental emergency zone,

shall be punishable by a fine in the amount of twenty-five to seventy-five average monthly wages with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for term up to three years.

(3) The actions provided for in paragraphs one or two of this Article, which caused the death of a person by negligence,

shall be punished by imprisonment for a term of two to five years.

Article 313.1. Plundering Water Resources

(1) Plundering water resources by digging the banks of irrigation canals, opening sluices, using special devices, using drinking water for irrigation, as well as other forms and methods of stealing water

is punishable by a fine in the amount of fifty to one hundred average monthly wages or imprisonment for up to three years.

(2) The same actions combined with violence (or the threat of violence against a person guarding the object, or resulting in damage to irrigation facilities or human casualties, as well as other grave consequences,

shall be punished by imprisonment for a term of five to ten years.

Article 314. Pollution of the atmosphere

(1) Pollution or other changes in the natural properties of the air in excess of the established standards as a result of violation of the rules for the operation of installations, structures or other facilities, if these actions have caused significant damage to the environment,

shall be punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or by a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years.

(2) The same acts that have caused damage to human health through negligence

shall be punished by a fine in the amount of twenty-five to seventy-five times the average monthly wage, with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to three years.

(3) The actions provided for in paragraphs one or two of this Article, which caused the death of a person by negligence,

shall be punished by imprisonment for a term of two to five years.

Article 315. Pollution of the marine environment

(1) Pollution of the internal sea or territorial waters of Turkmenistan, as well as of the waters of the high seas from land-based sources or as a result of violation of the rules for the burial or discharge of substances, wastes and materials harmful to human health and living resources of the sea from vehicles or artificial structures erected at sea,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years.

(2) The same act that has caused significant damage to human health, fauna or flora, fish resources, the environment, recreation areas or other interests protected by law

shall be punished by a fine in the amount of twenty-five to seventy-five average monthly wages or imprisonment for up to three years.

(3) The actions provided for in paragraphs one or two of this Article, which caused the death of a person by negligence,

shall be punished by imprisonment for a term of two to five years.

Article 316. Violation of the legislation on the continental shelf

(1) Illegal construction of structures and other installations on the continental shelf of Turkmenistan, illegal creation of security zones around them or in the exclusive economic zone of Turkmenistan, as well as violation of the rules for the construction, operation, protection and liquidation of such structures, installations and means of ensuring the safety of maritime navigation,

shall be punished by a fine in the amount of ten to thirty times the average monthly wage or correctional labor for a term of up to two years.

(2) Research, exploration, development of natural resources of the continental shelf of Turkmenistan or the exclusive economic zone of Turkmenistan, carried out without appropriate permission,

shall be punishable by a fine in the amount of twenty to forty average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it, or correctional labor for up to two years.

Article 317. Damage to land

(1) Poisoning, pollution or other damage to land by harmful products of economic or other activities as a result of violation of the rules for handling pesticides, fertilizers, plant growth stimulants and other dangerous chemical or biological substances during their storage, use and transportation, resulting in damage to the environment or agriculture,

shall be punished by a fine in the amount of ten to thirty times the average monthly wage or correctional labor for a term of up to two years.

(2) The same acts that negligently caused harm to human health, as well as committed in an environmental disaster zone or in an environmental emergency zone,

are punishable by a fine in the amount of twenty-five to seventy-five average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years or imprisonment for up to three years.

(3) The actions provided for in paragraphs one or two of this Article, which caused the death of a person by negligence,

shall be punished by imprisonment for a term of two to five years.

Article 317.1. Unauthorized seizure of land

Unauthorized seizure, plowing and sowing of land used by peasant and other public associations, as well as state enterprises, institutions and organizations

is punishable by a fine in the amount of twenty to fifty times the average monthly wage with confiscation of the harvest or imprisonment for up to three years.

Article 318. Illegal Hunting of Aquatic Animals and Plants

(1) Harvesting of fish, sea animals and other aquatic animals or commercial marine plants, committed in violation of the established rules,

is punishable by a fine in the amount of five to ten average monthly wages.

(2) The same act committed in spawning areas or on migration routes to them or with the use of self-propelled floating vehicles, explosives and chemical substances, electric current or other methods of mass extermination

shall be punishable by a fine in the amount of ten to thirty times the average monthly wage or correctional labor for up to two years or imprisonment for up to two years.

(3) The actions provided for in paragraphs one or two of this Article, committed by a group of persons by prior conspiracy or with the use of official position, as well as those that have caused damage on a large scale,

shall be punished by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years or imprisonment for up to three years.

Article 319. Violation of the Rules for the Protection and Use

of Subsoil Violation of the Rules for the Protection and Use of Subsoil in the Design, Location, Construction, Commissioning and Operation of Mining Enterprises or Underground Structures Not Related to the Extraction of Minerals, as well as Unauthorized Development of Areas of Occurrence of Minerals, if these actions have caused significant damage,

shall be punished by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of ten to thirty average monthly wages or correctional labor for up to two years.

Article 320. Violation of the Rules for the Protection of Fish Resources

Construction of bridges, dams, carrying out blasting and other works, as well as the operation of water intake structures and pumping mechanisms in violation of the rules for the protection of fish resources, if these actions have resulted in mass death of fish or other aquatic animals, destruction of fodder stocks in a significant amount or other grave consequences,

shall be punished by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years.

Article 321. Illegal hunting

(1) Hunting for animals and birds committed in violation of the established hunting rules

is punishable by a fine in the amount of five to ten average monthly wages or correctional labor for a term of up to one year.

(2) The same act if it is committed:

a) with the infliction of major damage;

b) with the use of motor vehicles, explosives, gases and other methods of mass extermination of animals and birds;

c) on the territory of a reserve or wildlife refuge;

d) in relation to wild animals and birds, hunting for which is completely prohibited;

e) with the use of official position;

f) by a group of persons by prior conspiracy,

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years or imprisonment for up to two years.

Article 322. Illegal felling of trees and shrubs

(1) Illegal felling, as well as damage to the extent of stopping the growth of trees and shrubs in forests of the first group or in specially protected areas of forests of all groups, as well as trees and shrubs that are not included in the state forest fund or prohibited for felling, if these actions have caused significant damage,

shall be punished by a fine in the amount of ten to twenty times the average monthly wage or correctional labor for a term of up to two years.

(2) Illegal felling, as well as damage to the extent of stopping the growth of trees and shrubs in forests of all groups, as well as plantations not included in the state forest fund, if these actions are committed:

a) repeatedly;

b) by a person using his official position;

c) on a large scale,

shall be punished by a fine in the amount of twenty-five to fifty average monthly wages or correctional labor for up to two years.

Note: In

this article, a significant amount is recognized as the damage calculated according to the established rates, five times higher than the average monthly wage established by the legislation of Turkmenistan at the time of the commission of the crime, a large amount - twenty-five times.

Article 323. Destruction of or Damage to Forests

(1) Intentional destruction or damage to forests or other objects of nature by arson or other generally dangerous means

is punishable by imprisonment for a term of two to five years.

(2) Destruction of or damage to forests as a result of careless handling of fire or other source of increased danger

shall be punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for a term of up to two years.

Article 324. Violation of the Regime of Specially Protected Natural Territories and Natural Objects Violation of

the regime of reserves, wildlife sanctuaries, national parks, natural monuments and other specially protected natural territories, which caused significant damage,

is punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or by a fine in the amount of twenty to forty average monthly wages labor or correctional labor for up to two years.

CHAPTER 32. CRIMES AGAINST THE SAFETY OF TRAFFIC AND OPERATION OF TRANSPORT

Article 325. Violation of the rules of traffic safety or operation of railway, water or air transport

(1) Violation of the rules of safety of movement and operation of railway, air, sea or river transport by a person who is obliged by virtue of the work performed or position to comply with these rules, resulting in negligent infliction of damage in a large is

punishable by deprivation of the right to hold certain positions or engage in certain activities for up to five years or a fine in the amount of twenty-five to fifty average monthly wages with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or correctional labor for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it.

(2) The same act that negligently caused serious or moderate harm to the health of the victim

shall be punished by correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to three years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(3) An act provided for in paragraph one of this Article, which negligently caused the death of a person,

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

(4) An act provided for in paragraph one of this Article, which negligently caused the death of two or more persons,

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

Note

In this article, a large amount of damage is recognized as damage caused in an amount exceeding one hundred average monthly wages.

Article 326. Violation of the rules of the road and the operation of vehicles

(1) Violation by a person driving a car, motorcycle or other motor vehicle of the rules of the road or the operation of vehicles, which caused damage on a large scale by negligence,

is punishable by a fine in the amount of twenty-five to fifty average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it, or correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

Note

1. In this article, a large amount of damage is recognized as damage caused in the amount exceeding seventy-five average monthly wages.

2. A person who has voluntarily compensated for the damage caused in full shall be exempt from criminal liability provided for by Part 1 of this Article.

(2) The same act that negligently caused serious or moderate harm to human health

shall be punished by a fine in the amount of forty to one hundred average monthly wages with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or correctional labor for up to two years with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it or imprisonment for up to five years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(3) An act provided for in paragraph one of this Section, which caused the death of a person by negligence,

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

(4) An act provided for in paragraph one of this Article, which caused the death of two or more persons through negligence,

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

Note

If a person who has committed an act provided for in part two, three or four of this article has taken all possible measures to provide assistance to the victim, the punishment may not exceed half of the maximum amount provided for by the sanction of the relevant part of this article.

Article 327. Defective Repair of Vehicles and Putting Them into Operation with Technical Defects

(1) Defective repair of vehicles, means of communication, signaling or communication facilities or other transport equipment, as well as the release into operation of technically defective vehicles by a person responsible for the technical condition of vehicles, if these actions caused damage on a large scale by negligence,

shall be punished by a fine in the amount of twenty-five to fifty times the average monthly wage with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(2) The same acts that negligently caused serious or moderate harm to human health

shall be punished by correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(3) The actions provided for in paragraph one of this Article, which caused the death of a person by negligence,

shall be punished by imprisonment for up to five years.

(4) The acts provided for in paragraph one of this Section, which negligently caused the death of two or more persons,

shall be punished by imprisonment for a term of three to eight years.

Article 328. Rendering Vehicles or Means of Communication Unusable

(1) Destruction, damage or otherwise rendering unusable a means of transport, means of communication, means of signalling or communication or other transport equipment, if these actions have caused damage on a large scale,

shall be punished by a fine in the amount of twenty-five to fifty times the average monthly wage, or correctional labor for up to two years, or imprisonment for up to two years.

(2) The same actions that negligently cause serious or moderate harm to human health

shall be punished by correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to four years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(3) The actions provided for in paragraph one of this Article, which caused the death of a person through negligence,

shall be punished by imprisonment for a term of two to seven years.

(4) The actions provided for in paragraph one of this Section, which caused the death of two or more persons through negligence,

shall be punished by imprisonment for a term of four to eight years.

Article 329. Violation of the Rules Ensuring the Safe Operation

of Transport (1) Violation by a passenger, pedestrian or other road user (except for the persons specified in Articles 325 and 326 of this Code) of the rules of traffic safety or operation of vehicles, if this action resulted in negligent infliction of serious or moderate harm to human health,

is punishable by a fine in the amount of twenty to forty average monthly wages or correctional labor for a term of up to two years.

(2) The same act resulting in the death of a person through negligence shall

be punished by correctional labour for up to two years or imprisonment for up to three years.

(3) An act provided for in paragraph one of this Article, which caused the death of two or more persons through negligence,

shall be punished by imprisonment for a term of three to six years.

Article 330. Violation of safety rules during the construction, operation or repair of main pipelines

(1) Violation of safety rules during the construction, operation or repair of main pipelines, if this act has caused damage on a large scale,

is punishable by a fine in the amount of twenty to forty average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it or correctional labor for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(2) The same act that negligently caused serious or moderate harm to human health

shall be punished by correctional labour for up to two years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or imprisonment for up to three years with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years.

(3) An act provided for in paragraph one of this Article, which caused the death of a person by negligence,

shall be punished by imprisonment for up to five years.

(4) An act provided for in paragraph one of this Article, which caused the death of two or more persons by negligence,

shall be punished by imprisonment for a term of three to eight years.

Article 331. Failure by the Master of a Vessel to Render Assistance

to Persons in Distress at Sea or on any other waterway, if such assistance could be rendered without serious danger to his vessel, its crew and passengers,

shall be punished by a fine in the amount of twenty-five to seventy-five times the average monthly wage, or correctional labor for up to two years, or imprisonment for up to two years.

Article 332. Violation of the rules of international flights

Failure to comply with the routes, landing points, air gates, flight altitude or other violation of the rules of international flights specified in the permit

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages with deprivation of the right to hold certain positions or engage in certain activities for up to three years or without it, or correctional labor for up to two years, or imprisonment for up to two years.

SECTION XIII. CRIMES IN THE FIELD OF COMPUTER INFORMATION

CHAPTER 33. CRIMES IN THE FIELD OF COMPUTER INFORMATION

Article 333. Violation of the legislation on the legal protection of algorithms, programs for electronic computers (computers), databases and topographies of integrated circuits

Issuance under one's own name of someone else's algorithms, computer programs, databases and topographies of integrated circuits or illegal reproduction or distribution of such works,

shall be punished by a fine in the amount of twenty to forty average monthly wages or correctional labor for up to one year.

Article 334. Unlawful access to computer information

(1) Unlawful access to computer information protected by law, i.e. information on a computer carrier, in a computer, computer system or their network, if this act resulted in the destruction, blocking, modification or copying of information, disruption of the operation of a computer, computer system or their network,

is punishable by a fine in the amount of fifteen to thirty average monthly wages or correctional labor for up to one year.

(2) The same act committed by a group of persons by prior conspiracy or by a person using his official position, as well as having access to a computer, computer system or their network,

is punishable by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for a term of up to two years.

Article 335. Creation, Use and Distribution of Malicious Computer Programs

(1) Creation of computer programs or making changes to existing programs that knowingly lead to unauthorized destruction, blocking and modification or copying of information, disruption of the operation of a computer, computer system or their network, as well as the use or distribution of such programs or computer media with such programs,

shall be punished by a fine in the amount of twenty-five to seventy-five average monthly wages or correctional labor for up to two years or imprisonment for up to one year.

(2) The same acts that have caused grave consequences through negligence shall

be punished by correctional labor for up to two years or imprisonment for up to two years.

SECTION XIV. MILITARY CRIMES

CHAPTER 34. MILITARY CRIMES

Article 336. The Concept of Military Crimes

(1) Military crimes are the crimes provided for by this Chapter against the established order of military service, committed by military personnel serving in the Armed Forces, border troops, internal troops of the Ministry of Internal Affairs, troops and bodies of the Ministry of National Security, troops of other ministries and departments of Turkmenistan, in which military service is provided for by law, as well as citizens who are in reserve, during their military training.

(2) Criminal liability for crimes against military service committed in wartime shall be determined by the wartime legislation of Turkmenistan.

Article 337. Failure to Execute an Order

(1) Failure by a subordinate to comply with an order of a superior issued in accordance with the established procedure, which has caused significant harm to the interests of the service,

shall be punished by restriction on military service for up to two years or detention in a military correctional unit for up to two years, or imprisonment for up to three years.

(2) The same act committed by a group of persons by prior conspiracy, as well as entailing grave consequences,

shall be punished by imprisonment for a term of three to eight years.

(3) The acts provided for in paragraphs one or two of this Article, committed in a combat situation,

shall be punished by imprisonment for a term of five to fifteen years.

(4) Failure to execute an order due to negligent or unfair attitude to service, which has entailed grave consequences,

shall be punished by restriction on military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to two years.

(5) An act provided for in paragraph four of this Article committed in a combat situation

shall be punished by imprisonment for a term of three to eight years.

Article 338. Resistance to a superior or coercion to violate the obligations of military service

(1) Resistance to a superior, as well as to another person performing the duties of military service assigned to him, or coercion to violate these duties, accompanied by violence or the threat of its use, shall be punished by restriction on military service for up to two years or detention in a military correctional unit for up to two years, or imprisonment for up to five years.

(2) The same acts:

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

b) committed with the use of weapons;

c) Those who have caused serious or moderate harm to health or entailed other grave consequences

shall be punished by imprisonment for a term of three to eight years.

(3) The acts provided for in paragraphs one or two of this Article, committed in a combat situation,

shall be punished by imprisonment for a term of five to fifteen years.

Article 339. Violent Acts Against a Superior

(1) Battery or other violence against a superior committed during the performance of military service duties or in connection with the performance of these duties

shall be punishable by restriction on military service for up to two years or detention in a military correctional unit for up to two years, or imprisonment for up to five years.

(2) The same acts:

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

b) committed with the use of weapons;

c) Those who have caused serious or moderate harm to health or entailed other grave consequences

shall be punished by imprisonment for a term of three to eight years.

(3) The acts provided for in paragraphs one or two of this Article, committed in a combat situation,

shall be punished by imprisonment for a term of five to fifteen years.

Article 340. Violation of the Statutory Rules of Relations between Servicemen in the Absence of Subordination Relations between Them

(1) Violation of the Statutory Rules of Relations between Servicemen in the absence of subordination relations between them, associated with humiliation of honor and dignity or mockery of the victim, resulting in the infliction of minor harm to health,

is punishable by detention in a military correctional unit for up to two years or imprisonment for up to three years.

(2) The same act committed:

a) repeatedly;

- b) in relation to two or more persons;
- c) by a group of persons by prior conspiracy;
- d) causing moderate harm to health,

is punishable by imprisonment for up to five years.

(3) The acts provided for in paragraphs one or two of this Section, committed with the use of weapons or resulting in grave consequences,

shall be punished by imprisonment for a term of three to ten years.

Article 341. Insult of a Serviceman

(1) Insult by one serviceman to another during or in connection with the performance of military service duties, committed after the imposition of a disciplinary sanction for the same act,

shall be punished by restriction on military service for up to one year or detention in a military correctional unit for up to one year.

(2) Insult by a subordinate of a superior, as well as by a superior of a subordinate during the performance of or in connection with the performance of military service duties, committed after the imposition of a disciplinary sanction for the same act, shall be punished by restriction of military service for up to two years or detention in a military correctional unit for up to two years.

Article 342. Unauthorized abandonment of a unit or place of service

(1) Unauthorized abandonment of a unit or place of service, as well as failure to appear for service on time without valid reasons upon dismissal from the unit, upon appointment, transfer, from a business trip, vacation or medical institution for a period of more than three days, but not more than ten days, committed by a serviceman undergoing military service under conscription,

is punishable by detention in a military correctional unit for up to two years.

(2) The same acts committed by a serviceman serving a sentence in a military correctional unit shall

be punished by imprisonment for up to two years.

(3) Unauthorized abandonment of a military unit or place of service, as well as failure to appear for service without valid reasons for a period of more than ten days, but not more than one month, committed by a serviceman undergoing military service by conscription or by obligation,

shall be punished by restriction on military service for up to two years or detention in a military correctional unit for up to two years, or imprisonment for up to three years.

(4) The actions provided for in paragraph three of this section, if the unauthorized absence lasted more than one month,

shall be punished by imprisonment for up to five years.

(5) The acts provided for in this Article committed in a combat situation, if the unauthorized absence lasted more than one day,

shall be punished by imprisonment for a term of three to eight years.

Note

A serviceman who has committed the acts provided for in part one of this article for the first time may be exempted from criminal liability if the unauthorized abandonment of the unit or place of service was the result of a confluence of difficult circumstances.

Article 343. Desertion

(1) Desertion, i.e. unauthorized abandonment of a unit or place of service for the purpose of evading military service, as well as failure to appear for service for the same purpose,

shall be punishable by imprisonment for a term of two to seven years.

(2) Desertion with weapons entrusted to the service, as well as desertion committed by a group of persons by prior conspiracy,

shall be punished by imprisonment for a term of five to ten years.

(3) Desertion committed in a combat situation

shall be punished by imprisonment for a term of eight to twenty years.

Note

: A serviceman who has committed desertion for the first time, provided for in part one of this article, may be exempted from criminal liability if the desertion was the result of a confluence of grave circumstances.

Article 344. Evasion of Military Service Duties by Feigning Illness or Other Means

(1) Evasion of military service by a serviceman by feigning illness or causing himself any injury (self-mutilation) or forgery of documents, or other deception, as well as refusal to perform military service duties,

shall be punished by restriction on military service for up to two years or detention in a military correctional unit for up to two years.

(2) The same acts committed for the purpose of complete exemption from military service shall be punished by imprisonment for up to seven years.

(3) The acts provided for in this Article committed in a combat situation shall be punished by imprisonment for a term of five to fifteen years.

Article 345. Violation of the Rules of Combat Duty

(1) Violation of the rules of combat duty (combat service) for the timely detection and repulsion of a surprise attack on Turkmenistan or for ensuring its security, if this act has entailed or could have caused harm to the interests of the security of the state,

is punishable by restriction on military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to five years.

(2) The same act entailing grave consequences shall be punished by imprisonment for a term of three to ten years.

(3) The acts provided for in paragraphs one or two of this Article, committed in a combat situation, shall be punished by imprisonment for a term of five to fifteen years.

(4) Violation of the rules of combat duty (combat service) due to negligent or unfair attitude towards them, which has entailed grave consequences,

shall be punished by restriction of military service for up to two years or detention in a military

correctional unit for up to two years or imprisonment for up to three years.

(5) An act provided for in paragraph four of this Article committed in a combat situation

shall be punished by imprisonment for a term of three to eight years.

Article 346. Violation of the Rules of Border Service

(1) Violation of the rules of border service by a person who is a member of a border detachment or performs other duties of the border service, if this act has caused or could have caused harm to the interests of the security of the state,

shall be punished by restriction on military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to three years.

(2) The same act that has entailed grave consequences

shall be punished by imprisonment for a term of three to eight years.

(3) Violation of the rules of border service due to negligent or unfair attitude towards them, which entailed grave consequences,

shall be punished by restriction of military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to two years.

Article 347. Violation of the Statutory Rules of Guard Service

(1) Violation of the statutory rules of guard (watch) service by a person who is a member of the guard (watch), if this act caused damage to the objects guarded by the guard (watch),

is punishable by restriction on military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to two years.

(2) The same act that has entailed grave consequences

shall be punished by imprisonment for a term of three to eight years.

(3) The acts provided for in paragraphs one or two of this Article, committed in a combat situation,

shall be punished by imprisonment for a term of five to fifteen years.

(4) Violation of the statutory rules of guard (watch) service as a result of negligent or unfair attitude towards them, which entailed grave consequences,

shall be punished by restriction of military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to two years.

(5) An act provided for in paragraph four of this Article committed in a combat situation

shall be punished by imprisonment for a term of three to eight years.

Article 348. Violation of the rules of service for the protection of public order and ensuring public safety

(1) Violation of the rules of service by a person who is a member of a military detachment for the protection of public order and ensuring public safety, if this act has caused harm to the rights and legitimate interests of citizens,

is punishable by restriction on military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to two years.

(2) The same act that has entailed grave consequences

shall be punished by imprisonment for a term of two to five years.

Article 349. Violation of the Statutory Rules of Internal Service and Patrolling in the Garrison

(1) Violation of the statutory rules of internal service by a person who is a member of the daily duty of the unit (except for the guard and watch), as well as violation of the statutory rules of patrolling in the garrison by a person who is a member of the patrol detachment, if these acts have entailed grave consequences,

are punishable by restriction on military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to two years.

(2) The same acts committed in a combat situation shall

be punished by imprisonment for a term of one to five years.

Article 350. Abandonment of a sinking warship

(1) Abandonment of a sinking warship by a commander who has not fully fulfilled his official duties, as well as by a member of the ship's crew without a proper order from the commander,

shall be punished by imprisonment for a term of three to eight years.

(2) The same act committed in a combat situation

shall be punished by imprisonment for a term of five to fifteen years.

Article 351. Intentional destruction of or damage to military property

(1) Intentional destruction of or damage to weapons, ammunition or items of military equipment

shall be punishable by restriction of military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to five years.

(2) The same acts that have entailed grave consequences

shall be punished by imprisonment for a term of three to eight years.

(3) The acts provided for in paragraphs one or two of this Article, committed in a combat situation,

shall be punished by imprisonment for a term of five to fifteen years.

Article 352. Destruction of or Damage to Military Property by Negligence

(1) Destruction or damage by negligence of weapons, ammunition or items of military equipment, which entailed grave consequences,

shall be punished by restriction on military service for up to two years or detention in a military correctional unit for up to two years, or imprisonment for up to two years.

(2) The same acts committed in a combat situation shall

be punishable by imprisonment for up to five years.

Article 353. Negligent Attitude to Military Property

(1) Violation of the rules for the preservation of weapons, ammunition or items of military equipment entrusted for official use, if this has resulted in their loss,

shall be punishable by restriction on military service for up to two years or detention in a military correctional unit for up to two years or imprisonment for up to two years.

(2) The same act committed in a combat situation

shall be punishable by imprisonment for a term of two to seven years.

(3) Selling, pledging or transferring for use to a conscript serviceman an item of uniform or equipment issued to him for personal use

shall be punished by detention in a military correctional unit for up to one year.

(4) The actions provided for in paragraph three of this Article committed in a combat situation

shall be punished by imprisonment for up to five years.

Article 354. Violation of the rules for handling weapons and objects that pose an increased danger to others

(1) Violation of the rules for handling weapons, ammunition, explosives or other substances and objects that pose an increased danger to others, if this resulted in negligent infliction of serious or moderate harm to human health, the destruction of military equipment or other grave consequences,

is punishable by detention in a military correctional unit for up to two years or imprisonment for up to three years.

(2) The same act resulting in the death of a person through negligence shall

be punished by imprisonment for up to five years.

(3) An act provided for in paragraph one of this Article, which caused the death of two or more persons by negligence,

shall be punished by imprisonment for a term of three to fifteen years.

Article 355. Violation of the Rules of Driving or Operating Machinery

(1) Violation of the rules of driving or operating a combat, special or transport vehicle, resulting in negligent infliction of serious or moderate harm to human health,

shall be punishable by detention in a military correctional unit for up to two years or imprisonment for up to three years.

(2) The same act that caused the death of a person by negligence shall

be punished by imprisonment for a term of two to five years.

(3) An act provided for in paragraph one of this Article, which caused the death of two or more persons by negligence,

shall be punished by imprisonment for a term of four to ten years.

Article 356. Violation of the rules of flight or preparation for

them Violation of the rules of flight or preparation for them or other rules for the operation of military aircraft, resulting in the death of a person or other grave consequences by negligence,

is punishable by imprisonment for a term of three to ten years.

Article 357. Violation of the rules of navigation Violation of the

rules of navigation or operation of warships, resulting in the death of a person or other grave consequences by negligence,

is punishable by imprisonment for a term of three to ten years.

Article 358. Abuse of power or official authority

(1) Abuse of power or official authority by a superior or other official, excess of power or official authority, inaction of power, if these acts are committed for mercenary motives or other personal interest or have caused significant harm to the interests of the service, the rights and legitimate interests of military personnel and other citizens,

shall be punished by a fine in the amount of fifty to one hundred and fifty average monthly wages with or without deprivation of the right to hold certain positions or engage in certain activities for up to three years, or restriction on military service for up to two years, or detention in a military correctional unit for up to two years, or imprisonment for up to three years.

(2) The same acts involving violence dangerous to life and health shall

be punished by imprisonment for up to five years.

(3) The acts provided for in paragraphs one or two of this section, which have caused the death of a person or other grave consequences,

shall be punished by imprisonment for a term of three to ten years.

(4) The acts provided for in paragraphs one, two or three of this Article, committed in a combat situation,

shall be punished by imprisonment for a term of five to fifteen years.

Article 359. Negligent attitude to service

(1) Failure to perform or improper performance by a superior or other official of his/her official duties as a result of negligent or unscrupulous attitude to service, resulting in significant harm to the interests of the service, the rights and legitimate interests of military personnel and other citizens,

is punishable by a fine in the amount of forty to one hundred average monthly wages or restriction on military service for up to two years or detention in a military correctional unit for up to two years.

(2) The same acts resulting in the death of a person or other grave consequences

shall be punished by imprisonment for a term of two to five years.

(3) The acts provided for in this Article committed in a combat situation

shall be punished by imprisonment for a term of three to ten years.

Annex to the Criminal Code of Turkmenistan

LIST of property not subject to confiscation by court verdict

The following types of property and items necessary for the convicted person and his dependents that belong to him on the right of private property or are his share in common property are not subject to confiscation:

1. A residential house, apartment or parts thereof, if the convicted person and his family permanently reside in them.

2. For persons whose main occupation is agriculture - farm buildings and livestock in the amount necessary to meet the needs of the family, as well as fodder for livestock.

3. Seeds necessary for the next sowing of crops.
4. Household furnishings, utensils, clothing:
 - a) clothes, shoes, linen, bedding, kitchen and dining utensils that were in use. Items made of precious materials, as well as those of artistic value, may be confiscated;
 - b) furniture that is minimally necessary for the convict and members of his family;
 - c) felts, two carpets, two carpets;
 - d) all children's accessories.
5. Food in the amount necessary for the convict and his family until the new harvest, if the main occupation of the convict is agriculture, and in other cases - food and money in the total amount of up to five average monthly wages.
6. Fuel intended for cooking and heating of living quarters.
7. Inventory (including manuals and books) necessary for the continuation of the professional activities of the convict or members of his family.
8. Vehicles specially designed for the movement of disabled people.

LAW OF TURKMENISTAN On Introduction of Amendments and Additions to Certain Legislative Acts of Turkmenistan

To introduce amendments and additions to the following legislative acts of Turkmenistan:

I. In the Criminal Code of Turkmenistan, approved by the Law of Turkmenistan of June 12, 1997, which was approved in a new edition with amendments and additions by the Law of Turkmenistan of May 10, 2010 (Vedomosti Mejlis of Turkmenistan, 2010, No 2, Article 28):

1. In Article 47:

Paragraph Five shall be worded as follows:

"(5) In the event of deliberate evasion of payment of a fine imposed by a court as the main punishment, the fine may be replaced by the court with the types of punishment specified in the relevant Article or the relevant part of the Article of the Special Part of this Code.";

Part six shall be excluded, and Part Seven shall be considered Part Six.

2. In Article 81,

after the third paragraph, the following paragraph four shall be supplemented:

"(4) If a person who has served a sentence commits a new crime before the expiry of the term of expiry of the term of expiry of the conviction, he shall be deemed to have been convicted of two crimes before the expiry of the term of expiry of the term of expiry of the conviction for the more serious of them, the period of expiry of the conviction for both crimes shall be calculated after the completion of the sentence (principal and additional) for the last crime.";

Part four shall be considered part five.

3. The first part of Article 228 shall be worded as follows:

"(1) Aldamak ya-da ynamy hyyanatly peydalanmak yoly bilen basga birinin emlagini eyelane ya-da sol emlage bolan hukugy alana, yagny kezzapcylyk edene,

zahmete hak tolemegin ortaca aylyk mocberinin otuzysyndan altmysysyna cenli bolan mocberde jerime salynyar ya-da iki yyla cenli duzedis islerinde isletmek ya-da iki yyla cenli azatlykdan mahrum etmek jezasy berilyar."

4. Article 244 shall be worded as follows:

"244 madda. Kreditorlyk bergini uzmekden zannyamanlyk bilen boyun gacyrylmagy

Degisli kazyyet cazgudi kanuny guyje gireninden sonra, guramanyň yolbascysy, hususy telekeci ya-da rayat tarapyndan uly mocberdaki kreditorlyk bergini uzmekden ya-da gymmatly kagyzlary tolemekden zannyamanlyk bilen boyun gacyrylanlygy ucun,

zahmete hak tolemegin ortaca aylyk mocberinin yigirmi basisinden yetmis basisine cenli bolan mocberde jerime salynyar ya-da iki yyla cenli duzedis islerinde isletmek jezasy berilyar.

Bellik

Uly mocberdaki kreditorlyk bergi diylip hususy telekecinin ya-da rayatyn zahmete hak tolemegin ortaca aylyk mocberinin yuzusinden yokary bolan mocberdaki bergisi, guramanyňky bolsa zahmete hak tolemegin ortaca aylyk mocberinin iki yuzusinden yokary bolan mocberdaki bergisi hasap edilyar.».

5. Paragraph one of Article 287 shall be worded as follows:

"(1) Illegal acquisition, sale, storage, transportation, transfer or carrying of firearms, ammunition, explosives or explosive devices (except for smooth-bore hunting rifles and ammunition)

shall be punished by imprisonment for up to five years."

^[1] Law of 26.11.2010

^[2] Law of 26.03.2011

^[3] Law of 26.03.2011

^[4] Law of 26.11.2010

^[5] Law of 26.03.2011

^[6] Laws of 26.03.2011 and 04.08.2011

^[7] Law of 04.08.2011

^[8] Law of 04.08.2011

^[9] Law of 04.08.2011

^[10] Law of 04.08.2011

^[11] Law of 04.08.2011

^[12] Law of 04.08.2011

^[13] Law of 04.08.2011

^[14] Law of 26.11.2010