

CRIMINAL CODE (with the latest amendment of 2023)

## **CRIMINAL CODE**

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## **GENERAL PART**

### **1. GENERAL PROVISIONS**

#### **Legality in the determining of crimes and the prescribing of criminal sanctions**

##### **Article 1**

Nobody can be sentenced to a punishment or some other penal sanction for an act, which before it was committed, was not determined by law or the international agreements ratified in accordance with the Constitution of the Republic of Macedonia to be a crime and for which no punishment was prescribed by law.

#### **Fundaments and limits of criminal-legal coercion**

##### **Article 2**

The protection of human freedoms and rights and of other basic values, and the implementation of criminal legal coercion, when this is within an extent that is necessary to prevent socially damaging activities, represent the fundament and limit for determining the crimes and the prescription of criminal sanctions.

#### **Obligatory implementation of a more lenient criminal law**

##### **Article 3**

(1) The law that was applicable at the time when a crime was committed shall be applied upon the person who has committed the crime.

(2) If the law has changed once or several times after the crime was committed, that law shall be applied which is more lenient towards the perpetrator.

(3) Should this law proscribe any new alternative measure, a security measure or an educational measure, any such measure may be ordered only if it corresponds to some previously proscribed specific measure and only if such a measure shall be not less favorable for the perpetrator.

## **Criminal sanction**

### **Article 4**

Criminal sanctions shall be: punishments, alternative measures, security measures and correctional measures.

## **Limitations in the execution of criminal sanctions**

### **Article 5**

A perpetrator can be deprived or limited in certain rights in the execution of a criminal sanction only to the extent that corresponds to the nature and contents of this sanction, and only in a manner that provides respect of the perpetrator's personality and his human dignity.

## **Applicability of the General Part**

### **Article 6**

The provisions from the General Part of this Code are applicable to all crimes determined by the laws of the Republic of Macedonia.

## **Application of the Criminal Code on minors and young persons of legal age**

### **Article 6-a**

(1) The Criminal Code shall not be applied on a minor who at the time when the crime was committed, which is defined as a crime by the law, was under the age of fourteen.

(2) The provisions of this Law shall apply on minors and young persons of legal age for criminal acts envisaged by law or the international agreements ratified in accordance with the Constitution of the Republic of Macedonia, if not otherwise proscribed by law.

2. CRIME AND CRIMINAL RESPONSIBILITY
1. General provisions on crime and criminal responsibility

## **Crime**

### **Article 7**

Crime is an unlawful act which is determined by law to be a crime, and which characteristics does law determine.

### **Act of minor significance**

#### **Article 8**

(1) An act is not a crime even though it contains characteristics of a crime, when it is an act of minor significance, because of the lack or insignificance of the damaging consequences and the low level of criminal responsibility of the perpetrator.

(2) The provision of paragraph shall be also applicable to a crime punishable with a fine or imprisonment of up to 3 years.

## **Self-defense**

### **Article 9**

(1) An act is not a crime if it was committed in self-defense.

(2) Self-defense is that defense, which is necessary for the perpetrator to avert a simultaneous unlawful attack upon himself or upon another.

(3) The perpetrator who has exceeded the limits of self-defense may be punished more leniently, and if the exceeding was done because of a strong irritation or fear caused by the attack, he may be acquitted from punishment.

## **Extreme necessity**

### **Article 10**

(1) An act is not a crime, which was committed in extreme necessity.

(2) Extreme necessity exists when the crime was committed in order for the perpetrator to avert from themselves or from another, a simultaneous danger which could not be averted in some other way, and thereby the perpetrated evil is not larger than the evil that had threatened.

(3) A perpetrator who themselves caused danger by negligence, or who have exceeded the limits of extreme necessity, may be punished more leniently, and if the exceeding was committed under especially alleviating circumstances - they can even be acquitted from punishment.

(4) Extreme necessity does not exist if the perpetrator was obliged to expose himself to danger.

## **Criminal responsibility**

### **Article 11**

(1) A perpetrator bears criminal responsibility if they are mentally competent and if they have committed the crime with intent or out of negligence and while being aware or being obliged to be and could have been aware of the illegality of the deed.

(2) The perpetrator bears criminal responsibility for a crime committed out of negligence only when this is so determined by the law.

## **Mental competence**

### **Article 12**

(1) The perpetrator shall be mentally incompetent if at the time when they performed the crime they could not understand the significance of his act or if they could not control their actions because of a permanent or temporary mental illness, temporary mental disorder or retarded mental development (mental incompetence), or any other especially grave mental impediments.

(2) The perpetrator of a crime whose ability to understand the significance of their action or the ability to control their actions was significantly decreased because of some situation from paragraph 1, may be punished more leniently (significantly decreased mental competence).

(3) The perpetrator of a crime bears responsibility if with the use of alcohol, drugs or in some other manner, they bring themselves into a situation where they could not understand the significance of their act or control their actions, if before they brought themselves into such a situation the act was present in their intent, or in relation to the crime they were negligent, and the law prescribes for such an act criminal responsibility also for negligence.

## **Intent**

### **Article 13**

A crime was committed with intent when the perpetrator was aware about his act and he wanted it to be committed; or when he was aware that because of his act or omission, there could be a damaging consequence, but he agreed for it to happen.

## **Negligence**

### **Article 14**

A crime is committed out of negligence when the perpetrator was aware that because of his act or omission, a damaging consequence could happen, but lightheartedly he thought he could prevent it or that it would not happen; or when he was not aware of a possible damaging consequence, even though according to the circumstances and according to his personal features he was obliged to be and he could be aware of this possibility.

## **Responsibility for a more severe consequence**

### **Article 15**

When the result of a crime was a more severe consequence, for which the law prescribes a more serious punishment, this punishment may be pronounced if the perpetrator acted out of negligence in relation to this consequence.

## **Real mistake**

### **Article 16**

(1) The perpetrator is not criminally responsible, when at the time the crime was committed, he had no knowledge of some of its characteristics, determined by law; or if he wrongly considered that there are circumstances according to which, if they had existed, this would have been permissible.

(2) If the perpetrator was under mistaken notion out of negligence, he is criminally responsible for the crime committed out of negligence, if the law determines a criminal responsibility for such an act.

## **Mistake of law**

### **Article 17**

(1) The perpetrator of a crime is not criminally responsible for an act if for justified reasons he did not know and he could not have known that this act is prohibited.

(2) If the perpetrator could have known that this act is prohibited, he may be punished more leniently.

## 2. Preparation and attempt of a crime

### **Preparation**

#### **Article 18**

- (1) A person intentionally preparing a crime shall be punished only when this is explicitly so determined by law.
- (2) The preparation of a crime may be determined by law as a special crime, or it may be prescribed by law that the preparation of a certain crime is punishable.
- (3) When the law prescribes punishment for the preparation of a certain crime, the preparation may consist of procurement or adaptation of means for the perpetration of a crime; of removing hindrances for committing the crime; of making agreements, planning or organizing together with other perpetrators of a crime; as well as of other activities with which conditions are created for direct perpetration of the crime, and which do not represent an action of perpetration.

### **Attempt**

#### **Article 19**

- (1) A person that intentionally starts the perpetration of a crime, but who does not complete it, shall be punished for an attempted crime for which according to the law a sentence could be pronounced of five years of imprisonment or a more severe punishment, and for the attempt of some other crime only when the law explicitly prescribes the punishment of an attempt.
- (2) The perpetrator shall be punished for an attempt within the limits of the punishment prescribed for the crime, and he may be punished more leniently.

### **Unsuitable attempt**

#### **Article 20**

The perpetrator who attempts to perpetrate a crime with unsuitable means or towards and unsuitable object may be acquitted from punishment.

### **Voluntary calling off**

#### **Article 21**

- (1) A perpetrator who was preparing or who attempted to commit a crime, but who voluntarily called off its perpetration may be acquitted from punishment.
- (2) A perpetrator shall be considered to have given up preparations for committing a crime when he/she terminated all further preparations or has prevented or has seriously tried to prevent the commencement of commission of a crime.

(3) In case of voluntary calling off, the perpetrator shall be punished for those activities that represent some other independent crime.

### 3. Accessory in crime

#### **Joint perpetration**

##### **Article 22**

If two or more persons, by participation in an act of perpetration or with any other particular contribution to the commission of a crime, commit jointly a crime, each one of them shall be punished with the punishment that is prescribed for that crime.

#### **Instigation**

##### **Article 23**

(1) A person that instigates, with intent, another to committing a crime, shall be punished as if he had perpetrated the crime himself.

(2) A person that instigates, with intent, another to commit a crime, for which a sentence of five years of imprisonment or a more severe sentence could be pronounced, and there is not even an attempt of this crime, shall be punished as for an attempted crime.

#### **Accessory**

##### **Article 24**

(1) A person who with intent assists in the perpetration of a crime shall be punished as if he had committed the crime himself, and he may be punished more leniently.

(2) As accessory to perpetrating a crime shall be considered especially: giving advice or instructions how to commit the crime; making available to the perpetrator means for committing the crime; removal of hindrances for perpetrating the crime; as well as giving promise in advance for covering up the crime, the perpetrator, the means with which the crime was perpetrated, the traces of the crimes or the objects obtained through the crime.

#### **Limits of criminal responsibility and possibility of punishing the accomplices**

##### **Article 25**

(1) The joint perpetrator is criminally responsible within the limits of his intent or negligence, and the instigator and accessory - within the limits of their intent.

(2) The joint perpetrator, instigator or accessory that voluntarily prevented the perpetration of a crime may be acquitted from punishment. This is also applicable in the case of preparation of a crime, regardless whether it is determined by law as a special crime, or whether the law prescribes as punishable the preparation of a certain crime (article 8 paragraph 2).

(3) Personal relations, characteristics and circumstances because of which the law excludes criminal responsibility, or it permits acquittal from punishment, a more lenient or a more severe punishment, may be taken into consideration only for that perpetrator, joint perpetrator, instigator or accessory where such relations, characteristics and circumstances exist.

#### **4. Special provisions on criminal responsibility for crimes perpetrated through the public media**

##### **Criminal responsibility of the Chief Editor**

###### **Article 26**

(1) The Chief Editor, respectively the person substituting for him at the time when the information was published, is criminally responsible for crimes committed through a newspaper or some other periodical publication, through radio, television or through film news, if:

- 1) the author remained unknown until the conclusion of the main hearing before the court of first instance;
- 2) the information was published without consent from the author;
- 3) at the time of publication of the information actual or legal hindrances existed for the persecution of the author, which continue to last.

(2) The Chief Editor, respectively the person substituting for him, is not criminally responsible if for justified reasons he did not know about one of the circumstances listed in points 1, 2 and 3 of paragraph 1.

##### **Criminal responsibility of the publisher, printer and producer**

###### **Article 27**

(1) When the circumstances from article 26 exist, criminal responsibility is born by:

- 1) the publisher - for a crime committed through a non-periodically printed publication, and if there is no publisher or if actual or legal hindrances exist for his persecution - by the printer who knew about it;

2) the producer - for a crime committed through a record, a tape, a film for private or public presentation, slides, phonograms, video and audio means or similar communication means intended for a wider circle of people.

(2) If the publisher, printer or producer is a legal entity or a state agency, criminal responsibility is born by the person responsible for the publication, printing or production.

### **Criminal liability of an Importer and of a Distributor of means of public information**

#### **Article 27-a**

(1) If a crime was committed through means of public information (media) – whether published, printed, produced or broadcast abroad and distributed in-country under conditions set in Article 26, the importer or the distributor of such a mean of public information shall be hold liable.

(2) If an importer or distributors are legal entities or state organs, a responsible person of such legal entity or of state organ shall be hold liable.

### **Application of the general provisions on criminal responsibility**

#### **Article 28**

The provisions on criminal responsibility for the persons listed in articles 26, 27 and 27-a shall apply only if these persons are not criminally responsible according to the general provisions for criminal responsibility in this Code.

## **5. Criminal Liability of Legal Entity**

### **Conditions for Criminal Liability of Legal Entity**

#### **Article 28-a**

(1) In the cases determined by law, the legal entity shall be held liable for the criminal act committed by the legal entity, within the legal entity in behalf of, on the account of or for the benefit of the legal entity.

(2) The legal entity shall be held liable for the criminal act, resulting in significant property benefit or in significant damages caused to another person, committed by its employee or representative of the legal entity if:

1) the execution of a conclusion, order or another decision or approval of an administrative body, management body or a supervisory body represents committing a criminal act or

- 2) the criminal act was provoked by lack of mandatory supervision by the administrative body, the management body or the supervisory body or
- 3) the administrative body, the management body or the supervisory body has not prevented the criminal act or covered it or failed to report it before the initiation of a criminal procedure against the perpetrator.
- (3) Under the conditions referred to in paragraphs (1) and (2) of the present Article, the criminal liability shall fall on all legal entities, except the state.
- (4) The local self- government units shall be liable only for the acts committed outside their authorizations.
- (5) Under the conditions stated in paragraphs (1) and (2) of the present Article, a foreign legal entity shall be criminally liable if the act has been committed on the territory of the Republic of Macedonia, regardless of whether the legal entity has its own representative office or a branch office performing the activity on its territory.

#### **Limitations of the liability of the legal entity**

##### **Article 28- b**

- (1) The liability of the legal entity shall not exclude the criminal liability of the natural entity as a perpetrator of the criminal act.
- (2) Under the conditions referred to in Article 28- a, paragraphs (1) and (2) of the present Article, the legal entity shall be liable for the criminal act even with existence of actual or legal hindrances to determine the criminal liability of the natural entity as a perpetrator of the criminal act.
- (3) If the criminal act has been committed due to negligence, the legal entity shall be held liable under the conditions referred to in Article 28-a of the present Code, if the law has not envisaged penalty for a criminal act committed due to negligence.

#### **Liability in case of bankruptcy and change of status of the legal entity**

##### **Article 28-c**

- (1) He legal entity that is under bankruptcy shall be held liable for the criminal act committed until the adoption of a decision for initiation of a bankruptcy procedure under the conditions referred to in Article 28-a of the present Code, if the act resulted in acquiring significant property benefit or causing significant damages to another person.

(2) If prior to the finalization of the criminal procedure against the legal entity a merger, division or another modification of the status occur in accordance with law due to which the status of a legal entity is list, the criminal procedure shall continue against the legal successor or successors.

6. Manner, time and place of perpetration of a crime

#### **Manner of perpetration of a crime**

##### **Article 29**

(1) A crime can be perpetrated by act or omission.

(2) A crime can be perpetrated by omission only when the perpetrator omitted the act that he was legally bound to commit, and the omission has equal significance as causing the consequence of the crime by act.

#### **Time of perpetration of a crime**

##### **Article 30**

The crime was perpetrated at the time when the perpetrator acted, or was obliged to act, regardless when the consequence appeared.

#### **Place of perpetration of a crime**

##### **Article 31**

(1) The crime was perpetrated both at the place where the perpetrator acted or was obliged to act, as well as at the place where the consequence appeared.

(2) The preparation and the attempt of a crime shall be considered to be perpetrated both at the place where the perpetrator acted, as well as at the place where according to his intent the consequence should have or could have appeared.

(3) An accessory act shall be considered to have been committed both at the place where the perpetrator or the co-conspirator acted and at the place where an accomplice acted or was supposed to act

### **3. PUNISHMENTS**

1. The aim of punishment, the types of punishments and pronouncing conditions

#### **The aim of punishment**

## **Article 32**

Besides the realization of justice, the aim of punishment is:

- 1) To prevent the perpetrator from committing crimes and his correction;
- 2) Educational influence upon others, as not to perform crimes.

## **Types of punishments**

### **Article 33**

(1) Following punishments may be imposed upon criminally liable perpetrators:

1. Imprisonment;
2. Fine;
3. Prohibition to exercise a profession, a business activity or duties;
4. Prohibition to drive a motor vehicle;
5. Expulsion of a foreigner from the country and
6. Prohibition to attend sports competitions.

(2) An imprisonment sentence may only be imposed as a main punishment.

(3) A fine may be imposed both as a main and as an auxiliary punishment, along with an imprisonment punishment or with a conditional sentence determined as a potential imprisonment.

(4) If both an imprisonment punishment and a fine are proscribed as sanctions for a crime, only one of them may be imposed as a main one, except in cases for which the law provides that both punishments may be imposed simultaneously.

(5) Along with a main punishment, one or several auxiliary punishments may also be imposed, under conditions set by the law. The law may also proscribe obligatory imposition of an auxiliary punishment.

(6) A punishment of prohibition to exercise a profession, a business activity or duties may only be imposed as an auxiliary one, along with an imprisonment punishment or with a conditional sentence determined as imprisonment.

(7) A punishment of prohibition to drive a motor vehicle and expulsion of a foreigner from the country may be imposed if imprisonment punishment, fine, a conditional sentence or a court reprimand were imposed upon a perpetrator.

(8) A punishment of prohibition to drive a motor vehicle may also be imposed as a singular punishment upon a perpetrator who has committed a crime out of negligence punishable with a fine or with an imprisonment of up to 1 year, if the crime has been committed under particularly mitigating circumstances.

(9) The punishment of prohibition to attend sports competitions may be imposed if the convicted has been sentenced with imprisonment, a fine, conditional sentence or a court reprimand.

## **Legality in the pronouncing of a punishment**

### **Article 34**

(1) The perpetrator is sentenced to the punishment prescribed for the perpetrated crime, and a more lenient punishment may only be pronounced under the conditions foreseen by this Code.

(2) For crimes perpetrated from self-interest, a fine may be pronounced as secondary punishment even if law does not prescribe it, or when it is prescribed by law that the perpetrator shall be sentenced with imprisonment or with a fine, and the court pronounces a punishment of imprisonment as the main punishment.

## **Imprisonment**

### **Article 35**

(1) Imprisonment may not be shorter than thirty days, or longer than 20 years. For crimes punishable with life imprisonment, a punishment of 40 year imprisonment may be imposed.

(2) If a punishment of 20 years of imprisonment is prescribed for a premeditated crime, a punishment of life imprisonment may be prescribed for severe forms of this crime.

(3) The punishment of life imprisonment may not be prescribed as the only main punishment.

(4) The punishment of life imprisonment may not be pronounced for a perpetrator who at the time the crime was committed has not attained the age of 21 years.

(5) Imprisonment is pronounced with full years and months, and up to six months, also with full days.

(6) When a punishment of imprisonment is prescribed for crimes without appointing a minimal measure, and when the maximum measure is no longer than three years, it is compulsory to also pronounce a fine besides the punishment of imprisonment.

(7) Imprisonment shall be conducted in special institutions for that purpose, determined by law.

## **Parole**

### **Article 36**

(1) The convicted may be released from serving a punishment of imprisonment under the condition that until the expiration of the period for which the punishment was pronounced they do not perpetrate a new crime; if they have corrected themselves so that it can be expected with justification that they would behave well free, and especially that they would not commit crimes. The evaluation whether the

convicted shall be set free on parole their conduct during the serving of their sentence, their performance in the work duties considering their work capability, and other circumstances which show that the aim of the punishment has been achieved shall be taken into consideration.

(2) The convicted that has served one half of a punishment of imprisonment may be released on parole.

(3) As an exception, a convicted who has served one third of a punishment of imprisonment may also be released on parole, under the conditions from paragraph 1, and if special circumstances concerning the personality of the convicted evidently show that the aim of the punishment has been attained.

(4) The convicted sentenced to life imprisonment may not be released on parole before he serves at least 25 years of the punishment of imprisonment.

(5) A Court may order that a measure of protective supervision be imposed upon a conditionally released perpetrator - the protective supervision meaning special measures of assistance, care, attention or protection to be provided by an organ in accordance with law. When sentencing for crimes of violence, the court may order a prohibition to attend sports competitions implemented by the Ministry of Interior.

(6) A minor may be released on parole from serving a punishment of juvenile imprisonment if they have served one third of the punishment, but not before the passing of one year since the commencement of the punishment, and if grounds exist to expect that according to the results achieved in correction and reeducation, they would behave well free, continue their education and work, and would not commit crimes in the future. During the parole, the court may determine a measure of intensified supervision conducted by the competent body, in accordance with law.

## **Revoking parole**

### **Article 37**

(1) The court shall revoke the parole if during the time the convicted is under parole he commits one or more crimes for which a sentence of imprisonment has been pronounced or of juvenile imprisonment longer than two years.

(2) The court may revoke the parole if the person on parole commits one or more crimes for which a sentence of imprisonment or juvenile imprisonment of up to two years has been pronounced, or, if after two written notices of the competent body the perpetrator fails to fulfill the obligations set by the measure of protective supervision (Art.36, par.5). In the evaluation whether it shall revoke the parole, the court shall especially take into consideration the similarity of the perpetrated crimes, their significance, the motives why they were perpetrated, and other circumstances that show the justification for revoking the parole.

(3) When the court revokes the parole, it shall pronounce a punishment with applying the provisions from Articles 44 and 46 paragraph 2, taking the previously pronounced punishment as already confirmed. The part of the punishment that the convicted has already served according to the previous

sentence shall be calculated into the new punishment, and the time passed on parole shall not be considered.

(4) The provisions from paragraphs 1,2 and 3 shall be applied also when the person under parole is tried for a crime that they perpetrated before being put on parole.

(5) If the person on parole is sentenced to a punishment of imprisonment or to a juvenile imprisonment of up to two years, and the court does not revoke the parole, the parole shall be extended for the time, which the convicted has spent serving the punishment of imprisonment, i.e. of juvenile imprisonment.

*Note: In accordance with Article 1 from the Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 226/15) in Article 37, paragraph (1) the words "two written notices" should be replaced with words "written notice", but those words are not consisted in Article 37 from the main text of the law.*

## **Fine**

### **Article 38**

(1) A fine shall be determined in daily penalties, while the number of daily penalties may neither be lesser than five, nor larger 360 daily penalties.

(2) The Court met out the number of daily penalties following the general rules for meting out punishments.

(3) While meting out the amount of a daily penalty, a Court shall particularly consider perpetrator's property assets and personal circumstances, taking as a starting paragraph the net daily income which the perpetrator normally earns or could earn, as well as his/her family and other obligations and his/her property (assets) at the time of making the court verdict. The least daily penalty amount may be one euro in denar equivalent and the maximum one, 5.000 euros in denar equivalent.

(4) A Court verdict shall determine the daily penalty amount, by multiplying the number of daily penalties with the determined amount of a daily penalty.

(5) For the purpose of determining the amount of a daily penalty, a Court may require relevant data from banks, financial and other institutions, state organs and legal entities, which are obliged to deliver the information required and may not call upon protection of a business or another secret.

(6) In cases in which a fine is imposed as an auxiliary punishment along with imprisonment, the Court shall mete out the fine in monetary amount, without applying the provisions of par.1 to 5. A fine imposed as an auxiliary punishment may neither be set in an amount less than 20 euros, nor larger than 5.000 euros, in denar counter value.

## **Collecting a Payment of a Fine**

### **Article 38-a**

(1) The verdict shall specify a period of time granted for payment of a fine, this time period being no shorter than 15 days and no longer than 3 months, but in some justified cases the Court may allow the convicted person to pay the fine in several allotments, so that such period of payment granted does not exceed 2 years. If the person convicted is a foreigner, the Court shall make a decision that the fine be paid without any delay or assure its payment in another manner.

(2) If a convicted person does not pay the fine in the determined period of time, the Court may grant a new (an additional) period of time or if the Court's assessment is that the person convicted does not want to pay the fine, it shall order compulsory execution of a fine in a procedure determined by law. Should payment of the fine be not completed within the newly approved period of time or should the order for compulsory payment fail to collect payment of the fine, the Court shall execute the payment of the fine in a manner that for each daily penalty a day of imprisonment shall be ordered or if the fine was imposed as an auxiliary punishment, for each amount of 20 euros one day of imprisonment shall be ordered, while considering the limit that such an imprisonment may not last longer than 6 months.

(3) If the convicted person pays only a portion of the fine, the rest of the fine shall proportionally be transferred into a punishment of imprisonment and if the person convicted pays the rest of the fine, serving of imprisonment shall be stopped.

(4) Payment of a fine may not be executed after the convicted person has died.

### **Prohibition to Exercise Profession, Business Activity or Duty**

#### **Article 38-b**

(1) Court may decide to prohibit exercise of certain profession or individual business activity, of duties or affairs related to disposing, using, managing or handling or keeping property to a perpetrator punished to a sentence of imprisonment or to a conditionally sentenced one, if the perpetrator has abused his/her profession, business or duties for the purpose of committing the crime and if the nature of the crime committed and the circumstances under which it has been committed, raise a suspicion that the perpetrator would abuse their position to commit another crime.

(2) The punishment referred to in paragraph (1) of the present Article shall refer also to prohibition to perform duty to an official person, responsible person within a legal entity or a person performing activities of public interest.

(3) In the cases determined with law, a compulsory imposition of the prohibition may be proscribed, along with the imprisonment penalty, when the perpetrator has been sentenced to imprisonment with duration of a minimum of six months.

(4) The Court shall determine the duration of the prohibition provided in paragraph 1 above, this period of time may neither be shorter than one nor longer than ten years as of the day the verdict has come into effect. Time served in prison shall not be considered as included in the period of time determined for the prohibition itself.

(5) When ruling a conditional sentence, the Court may decide that the conditional sentence be revoked should the perpetrator violate the prohibition to exercise a profession, a business activity or duty.

## **Prohibition to Drive a Motor Vehicle**

### **Article 38-c**

(1) The Court may impose a punishment of prohibition to drive a motor vehicle of certain type or category upon a perpetrator who committed a crime that has endangered public traffic, if the Court finds that circumstances under which the crime was committed or perpetrator's previous traffic violations raise a suspicion that the perpetrator might commit such crime again.

(2) While passing the sentence provided in paragraph 1 above, the Court may order that driving license be taken away or prohibit issuance of a driving license to a perpetrator for the effective time of the prohibition.

(3) The Court shall impose the punishment provided in paragraph 1 above if the crime was committed in a state of inebriation.

(4) The Court shall determine the length of time of the prohibition, which may be neither shorter than 3 months nor longer than five years, as of the day of enforcement of the judgment. Time served in prison shall not be considered as included in length of time of the prohibition itself. If the perpetrator is a professional driver, the time of prohibition shall not be shorter than 1 year not longer than 10 years.

(5) If a person holding a foreign driving license is punished as provided in paragraph 1, the prohibition shall also refer to using such a driving license within the territory of the Republic of Macedonia.

(6) While imposing a conditional sentence, the Court may decide that the conditional sentence be revoked if the perpetrator violates the prohibition to drive a motor vehicle.

(7) When pronouncing the penalty of prohibition to drive a motor vehicle as a sole punishment, the court shall simultaneously determine a fine or imprisonment which shall be executed should the perpetrator violate the prohibition.

## **Expulsion of a Foreigner from the Country**

### **Article 38-d**

(1) A perpetrator of a crime who is not a citizen of the Republic of Macedonia, may be punished by the Court with a punishment of expulsion from the country, if the Court finds that the nature of the crime, perpetrator's motives and circumstances under which the crime has been committed, show that further stay of such a perpetrator in the country shall not be desirable.

(2) The punishment, as set in paragraph 1 above, may last between 1 and 10 years or permanently and shall become effective as of the day the perpetrator was expelled from the territory of the Republic of Macedonia.

(3) A perpetrator that enjoys protection in accordance with a ratified international treaty may not be punished to an expulsion from the country.

## **Prohibition to Attend Sports Competitions**

### **Article 38-e**

The penalty of prohibition to attend all or certain sports competitions, shall be pronounced for acts of violence on sports competitions and shall have a duration of one to three years.

## 2. Calculating punishment

### **General rules to calculate punishment**

#### **Article 39**

(1) The court shall calculate a punishment to the perpetrator within the limits prescribed by law for that crime, having in mind the criminal responsibility of the perpetrator, the weight of the crime and the aims of the punishment.

(2) Hereby, the court shall have in mind all the circumstances that have influence upon decreasing or increasing the punishment (extenuating or aggravating circumstances), and especially: the level of criminal responsibility, the motives for the perpetrated crime, the extent of endangerment or damage to the protected goods, the circumstances under which the crime was committed, the contribution of the victim in the perpetration of the crime, the previous life of the perpetrator, his personal circumstances and his behavior after the perpetrated crime, as well as other circumstances that concern the personality of the perpetrator.

(3) While determining the sentence, the court shall consider in particular the total action of the sentence and its consequences for the perpetrator's personality and the needs of his/ her resocialization.

(4) When the court calculates the punishment to the perpetrator for the repeated crime, it shall especially have in mind whether the type of the previous crime is the same as the type of the new crime, whether the crimes have been due to the same reasons and the amount of time that passed from the previous conviction, i.e. from the serving of the sentence or amnesty.

(5) When determining the sentence, the court shall especially consider whether the crime has been perpetrated against a person or a group of people or property, directly or indirectly because of their sex, race, skin color, belonging to a certain marginalized group, ethnics, language, citizenship, social origin, religion or religious persuasion, other types of persuasion, education, political affiliation, personal or social status, property, mental or physical impairment or any other basis envisaged by law or ratified international agreement.

(6) If the court fails to apply the provision from paragraph (5) of the present Article, it shall be obliged to elaborate the reasons for such decision.

(7) When it calculates a fine, the court shall have in mind also the state of wealth of the perpetrator, herewith considering his other incomes, his property and his family obligations.

## **Mitigation of punishment**

### **Article 40**

The court may determine a punishment for the perpetrator under the limit prescribed by law or apply a mitigated punishment in the following cases:

- 1) when the law envisages that the perpetrator may be punished less severely;
- 2) when it is established that there are especially mitigating conditions that show that the mitigated punishment too can reach the objective of the punishing or
- 3) while adopting a verdict based on an agreement between the public prosecutor and the suspect.

## **Limits of mitigation of the punishment**

### **Article 41**

(1) When circumstances exist for the mitigation of the punishment from article 40, the court shall mitigate the punishment within these limits:

- 1) If the smallest prescribed measure of punishment for the crime is imprisonment with a duration of ten years, the punishment may be mitigated to five years of imprisonment;
- 2) If the smallest prescribed measure of the punishment for the crime shall be imprisonment of eight years, the punishment may be mitigated to four years of imprisonment;
- 3) If the smallest prescribed measure of punishment for the crime is imprisonment with a duration of five years, the punishment may be mitigated to three years of imprisonment;
- 4) If the smallest prescribed measure of punishment for the crime is imprisonment of four years, the punishment may be mitigated to two years of imprisonment;
- 5) If the smallest prescribed measure of punishment for the crime is imprisonment with a duration of three years, the punishment may be mitigated to one year of imprisonment;
- 6) If the smallest prescribed measure of punishment for the crime is imprisonment with a duration of one year, the punishment may be mitigated to three months of imprisonment;
- 7) If the smallest prescribed measure of punishment for the crime is imprisonment of under one year, the punishment may be mitigated to 30 days of imprisonment;
- 8) If the prescribed punishment for the crime is imprisonment of up to three years, with a designated smallest measure, a fine may be pronounced instead of the punishment of imprisonment and
- 9) If a fine is prescribed for the crime, with a designated smallest measure, the punishment may be mitigated to the basic legal minimum.

(2) In deciding the extent to mitigate the punishment according to the rules from paragraph 1, the court shall especially have in mind the smallest and the largest measure of punishment prescribed for the crime.

## **Acquittal from punishment**

### **Article 42**

- (1) The court may acquit the perpetrator only when the law foresees this explicitly.
- (2) When the court is authorized to acquit the perpetrator, it may mitigate their punishment without the limitations that are prescribed for the mitigation of a punishment, or can impose a punishment of prohibition to drive a motor vehicle or expulsion of foreigner from the Country.

## **Special base for acquittal from punishment**

### **Article 43**

The court may acquit from punishment a perpetrator who committed a crime from negligence, when the consequences of the crime strike the perpetrator so hard that the pronouncing of the punishment in this case would not fit the aim of the punishment.

## **Acquittal from Punishment Because of Damage Compensation**

### **Article 43-a**

In case of a crime punishable with fine or with maximum 3 years of imprisonment, which was performed under especially alleviating circumstances the Court may acquit the perpetrator if by the closing of the trial the perpetrator returns the illegally acquired gains or compensates damages occurred or if in some other way repairs the detrimental consequences of the crime.

## **Concurrence of crimes**

### **Article 44**

- (1) If the perpetrator committed several crimes with one action or with several actions, for which they are tried simultaneously, the court shall previously determine the penalties for each one of these crimes, and then shall pronounce a single punishment for all of these crimes.
- (2) The single punishment shall be pronounced by the court according to the following rules:
  - 1) If it determines a punishment of life imprisonment or imprisonment with duration of 40 years for some crime in concurrence, it shall pronounce only this punishment;
  - 2) If it has determined a punishment of imprisonment for crimes in concurrence, the single punishment must be larger than each individual penalty but it must not reach the sum of the determined penalties, nor may it exceed 15 years of imprisonment;

- 3) If penalties of up to three years of imprisonment are prescribed for all the crimes in concurrence, the single punishment may not be larger than eight years of imprisonment;
- 4) If it has determined only fines for crimes in concurrence, it shall increase the largest determined fine, but this must not exceed the sum of the determined fines, nor 600 daily penalties, when fines are prescribed as main punishments, or 10.000 euros in denar counter value, when fines are prescribed as auxiliary punishments. If a crime tried in concurrence results in imposing a fine determined in daily penalties and another one results in imposing a fine determined in cash amount, this amount shall be turned into daily penalties and the cumulative punishment must not exceed neither the total of the determined daily penalties, nor 360 daily penalties;
- 5) If it has determined punishments of imprisonment for some crimes in concurrence and fines for other crimes, it shall pronounce one punishment of imprisonment and one fine, according to the provisions in points 2, 3 and 4 from this paragraph;
- 6) A secondary punishment shall be pronounced by the court if it has been determined even for a single crime in concurrence, and if it has determined several fines, it shall pronounce a single fine according to the provisions in paragraph 4 of this paragraph;
- 7) If the court has determined punishments of imprisonment and of juvenile imprisonment for crimes in concurrence, it shall pronounce imprisonment as the single punishment, by applying the rules from points 1, 2 and 3 of this paragraph.

## **Crime in continuation**

### **Article 45**

- (1) The perpetrator who intentionally commits two or more crimes, connected in time, which represent a multiple realization of the same crime, using the same permanent relation, same occasions or other similar circumstances, shall be sentenced by the court to a single punishment within the limits of the punishment prescribed for that crime.
- (2) The perpetrator who under the conditions from paragraph 1 commits two or more crimes, connected in time, which represents the realization of generic crimes, shall be sentenced by the court to a punishment within the limits of the punishment prescribed for the most severe crime.
- (3) Should the perpetrator's conduct as provided in paragraph 1 and 2 above, result in a total consequence corresponding to a consequence of a more serious crime, the perpetrator shall be punished with the punishment prescribed for the latter.
- (4) Provisions of paragraph 1 and 2 shall not apply to crimes committed after an indictment was raised.

## **Calculation of a sentence for a sentenced person**

### **Article 46**

(1) If the sentenced person is tried for a crime perpetrated before they started serving the punishment from a previous sentence, or for a crime committed during the serving of imprisonment or juvenile imprisonment, the court shall pronounce a single punishment for all the crimes, by applying the provisions from article 44, taking the earlier pronounced punishment as already confirmed. The punishment or a part of the punishment that the convicted has already served shall be calculated in the pronounced sentence of imprisonment.

(2) For a crime perpetrated during the serving of a punishment of imprisonment or of juvenile imprisonment, the court shall sentence the perpetrator to a punishment, regardless of the earlier pronounced punishment, if by applying the provisions from Article 44 the aim of the punishment would not be achieved, considering the duration of the part of the earlier pronounced measure that has not yet been served.

(3) The convict who commits a crime during the serving of the punishment of imprisonment or of juvenile imprisonment, for which the law prescribes a fine or imprisonment of up to one year, shall receive a disciplinary punishment.

#### **Calculation of Pre-Trial Confinement and Earlier Punishment**

##### **Article 47**

(1) The time passed in pre-trial confinement, as well as every deprivation of freedom in connection with a crime, is reckoned in the pronounced punishment of imprisonment, of juvenile imprisonment or of a fine.

(2) Imprisonment or a fine which the convicted has already served, respectively paid, for a misdemeanor shall be calculated in the punishment pronounced for a criminal act the characteristics of which are covered and the characteristics of the misdemeanor.

(3) For each reckoning, a day of pre-trial confinement, a day of deprivation of freedom, a day of juvenile imprisonment, a day of imprisonment and one daily penalty or 20 euros in denar counter value are all counted equal.

#### Chapter four

#### ALTERNATIVE MEASURES

##### 1. Aim and Type of Alternative Measures

#### **Aim of Alternative Measures**

##### **Article 48**

The aim of alternative measures is not to sentence the perpetrator to a sentence for less dangerous crimes in cases when which it is not necessary due to the criminal and legal protection and when it may be expected that the aim of punishing may be achieved through a warning of a threat of imposing a punishment (a conditional sentence) or a warning only (ex. court reprimand) or through measures of assistance, supervision and control over the conduct of a perpetrator at freedom.

## **Types of Alternative Measures**

### **Article 48-a**

Criminal perpetrators may be sentenced to the following alternative measures:

- 1) Conditional sentence;
- 2) Conditional sentence with protective supervision;
- 3) Conditional delay of criminal proceedings;
- 4) Community work;
- 5) Court reprimand;
- 6) House imprisonment.

## **2. Conditional sentence**

### **Conditional Delay of Execution of a Sentence**

#### **Article 49**

(1) With the conditional sentence, the court determines the punishment for the perpetrator and at the same time it determines that this punishment shall not be executed if the perpetrator does not commit a new crime during a period which the court determines, which cannot be less than one or longer than five years (control period).

(2) The court may determine in the conditional sentence that the punishment shall be executed also if the convicted does not repay the property gain gained by the perpetration of the crime, if he does not compensate the damages, which he caused by the crime, or if he does not fulfill the other obligations foreseen by the criminal-legal provisions. The time frame for fulfilling these obligations is determined by the court within the framework of the determined control period.

(3) The security measures, pronounced with the conditional sentence, are executed.

### **Conditions for pronouncing conditional sentence**

## **Article 50**

- (1) A conditional sentence may be pronounced when a punishment for the perpetrator was determined of imprisonment of two years or a fine.
- (2) A conditional sentence may be pronounced also when a punishment has been determined of imprisonment with duration of up to two years or a fine, by applying the provisions for mitigation of punishment (articles 40, 41 and 42 paragraph 2).
- (3) In the decision making process whether a conditional sentence shall be pronounced, and considering the aim of the conditional sentence, the court shall especially take into consideration the perpetrator's personality, his previous life, his behavior after the perpetrated crime, the extent of criminal responsibility, and other circumstances under which the crime was committed.
- (4) If a punishment of both imprisonment and a fine were determined for the perpetrator, a conditional sentence may be pronounced for both punishments, or just for the punishment of imprisonment.

## **Revoking a conditional sentence because of a new crime**

### **Article 51**

- (1) The court shall revoke the conditional sentence if during the control period, the convicted commits one or more crimes for which a punishment of imprisonment of two years or longer has been pronounced.
- (2) If during the control period the convicted commits one or more crimes for which a punishment is pronounced of imprisonment for less than two years or a fine, after it evaluates all the circumstances concerning the committed crimes and the perpetrator, and especially the relationship of the perpetrated crimes, their significance and the motives why they were committed, the court shall decide whether it shall revoke the conditional sentence. Hereby, the court is bound by a ban on pronouncing a conditional sentence if the perpetrator is to be sentenced to a punishment of more than two years of imprisonment for the crimes determined in the conditional sentence and for the new crimes (article 50, paragraph 1).
- (3) If it revokes the conditional sentence, and by applying the provisions from Article 44, the court shall pronounce a single punishment, both for the previously committed crime and for the new crime, taking the punishment from the revoked conditional sentence as confirmed.
- (4) If it does not revoke the conditional sentence, the court may pronounce a conditional sentence or punishment for the new committed crime. If the court finds that it should pronounce a conditional sentence for the new crime, also, by applying the provisions from Article 44 it shall determine a single punishment, both for the previously committed crime and for the new crime, and it shall determine a new control period which cannot be shorter than one and not longer than five years, counting from the day the new sentence comes into effect. For the perpetrator who is sentenced to imprisonment for a new crime, the time served for this punishment shall not be reckoned within the control period determined with the conditional sentence for the previous crime.

## **Revoking a conditional sentence because of a crime committed earlier**

### **Article 52**

(1) The court shall revoke the conditional sentence if it determines, after it is pronounced, that the convicted has committed a crime prior to being sentenced conditionally, and if it evaluates that there would be no reason for pronouncing a conditional sentence if it had been known about that crime. In that case, the provision from article 51, paragraph 3, shall be applied.

(2) If the court does not revoke the conditional sentence, it shall apply the provision from article 51, paragraph 4.

## **Revoking a conditional sentence because of non-realization of certain obligations**

### **Article 53**

If the conditional sentence determines that the convicted should realize some obligation from article 49, paragraph 2, and he does not fulfill this obligation within the time frame determined in the sentence, the court may, within the framework of the control period, extend the time frame for fulfillment of the obligation, or it may revoke the conditional sentence and pronounce the punishment that was determined by the conditional sentence. If the court determines that the convicted, for justified reasons, cannot fulfill the set obligation, the court shall exempt him from fulfillment of that obligation, or it shall substitute it with some other appropriate obligation, foreseen by law.

## **Time frames for revoking a conditional sentence**

### **Article 54**

(1) The conditional sentence may be revoked during the control period. If the convicted at that time commits a crime, which calls for revoking of the conditional sentence, and this was determined by the sentence only after the control period, the conditional sentence may be revoked at the latest within one year from the day the control period expired.

(2) If the convicted does not fulfill some obligation from article 49, paragraph 2, within the determined time frame, the court may decide, at the latest within one year from the day the control period expired, that the punishment determined in the conditional sentence should be executed.

3. Conditional sentence with protective supervision

## **Conditions for determining protective supervision**

### **Article 55**

(1) The court shall determine protective supervision when it finds that the conditional sentence shall not have sufficient influence upon the perpetrator not to commit new crimes, again, and the circumstances connected with the perpetrator's personality or his living environment justifies the expectation that the aim of the conditional sentence shall be achieved if measures of help, care, supervision or protection are determined.

(2) The court determines the duration of the protective supervision to a certain time during the control period.

### **Obligations in protective supervision**

#### **Article 56**

(1) When the court pronounces protective supervision, it may determine one or more of the following obligations for the convicted:

- 1) Training, specialization and learning a new trade, so that the convicted may retain the job they already have, or to create preconditions for employment;
- 2) Acceptance of an employment that corresponds to the capabilities and affinity of the convicted;
- 3) Attendance in a programme for work with convicts of crimes perpetrated in the performance of domestic violence.
- 4) Execution of the obligations for maintaining a family, raising children and other family obligations;
- 5) Enabling insight and counseling in connection with the distribution and spending of salary income and other revenues which they earn;
- 6) Not visiting certain types of premises or other places where alcoholic drinks are served and where games of chance are played;
- 7) Prohibition of using alcoholic drinks, narcotics or other similar psychotropic substances;
- 8) Using the free time according to the opinion of the social body, in compliance with law;
- 9) Avoiding and not socializing with persons that have a negative influence upon the convicted;  
and
- 10) Subjecting to medical treatment or social rehabilitation in appropriate specialized institutions;

(2) When it selects the type of obligation, the court shall take into consideration first of all the perpetrator's personality, their health situation and psychological characteristics, the age, the material and family conditions, the circumstances under which they committed the crime, the perpetrator's conduct after the crime was committed, the motives for committing the crime, and other circumstances regarding the perpetrator's personality, which are of significance for the selection of the type of obligation, taking care not to damage the human dignity, nor to cause unnecessary difficulties in his re-education.

(3) During the time of the conditional sentence executed with the protective supervision, the court may, upon proposition of a competent body, in line with the law, replace the determined obligation with another one and to continue the duration of the protective supervision within the control time or to stop the further execution of the protective supervision.

## **Body for Conducting Protective Supervision**

### **Article 57**

(1) Help and care, supervision and protection in the execution of the obligation by the perpetrator are performed by the social body in accordance with law.

(2) The social body shall be obliged:

1) To stimulate and to help the convicted, with practical advice, to fulfill the obligation determined by the court, to understand the meaning of the conditional sentence with the protective supervision, in order to achieve its aims; and

2) From time to time to inform the court about the state of fulfilling the determined obligation.

*Note: In accordance with Article 4 from the Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia", no. 228/15, in paragraph (2) of Article 57 the words "The social body shall be obliged" shall be replaced with the words "The competent body shall be obliged in accordance with law", however such words are not consisted in paragraph (2).*

## **Consequences from Non-Fulfillment of the Determined Obligation**

### **Article 58**

(1) If the conditionally convicted person does not fulfill the determined obligations, the court may reprimand them to fulfill the determined obligation or it may substitute it with some other one.

(2) If the convicted continues not to fulfill the determined obligation after the written reprimand, the court based on the proposition given by the competent body in accordance with law, shall revoke the conditional sentence.

(3) If more than six months pass after the decision, with which the protective supervision was determined, comes into effect and the supervision has not yet started, the court shall decide again about the need for executing it.

## **4. Conditional Termination of Criminal Proceedings**

### **Conditions for Termination**

## **Article 58-a**

(1) For crimes punishable with a fine or up to one year of imprisonment, after having questioned the defendant and heard and acquired the consent of the damaged party, the Court may decide to delay further criminal proceedings, under condition that the perpetrator does not commit any other crimes within the period for which further running of criminal proceedings was delayed.

(2) A Court decision may terminate criminal proceedings for a maximum period of one year. The period for which running of criminal proceedings was terminated, shall be not considered as relevant to the obsolescence of criminal prosecution.

(3) Should a perpetrator restrain from committing any new crime during the control period and should any other crimes be not detected during this control period, the Court shall stop criminal proceedings.

(4) While deciding for the application of this measure, the Court shall consider a repentant attitude of a perpetrator him/her having repaired the consequences of a crime, his/her apology to the victim of the crime and compensation for damages resulted from the crime.

## **5. Community work**

### **Conditions for Imposing a Measure of Community Work**

#### **Article 58-b**

(1) For crimes punishable with a fine or up to 3 year of imprisonment, after acquiring the consent of the perpetrator, Court may decide to impose a measure of community work in freedom, if a crime was committed under some mitigating circumstances and if the perpetrator has no prior convictions.

(2) Such a measure shall be imposed for at least 40 to 240 hours at maximum, the perpetrator having an obligation to work these hours for a state organ or for a public enterprise or for a public institution or for a humanitarian organization, without any remuneration, no less than 5 hours a day, for a maximum period of 12 months. In case there are some medical or other justified personal or family grounds, a Court may extend execution of the measure for another six months at maximum.

(3) Should the Court punish a perpetrator to a fine of 90 daily penalties or 1.800 euros in denar counter value, or to an imprisonment of 3 months at maximum, upon a request lodged by the perpetrator, the Court may decide to substitute the punishment with a measure of community. In such cases, one day of imprisonment, one daily penalty or 20 euros in denar counter value are substituted with three hours of community work, the total sum of hours not exceeding 240 hours. While deciding to substitute a punishment with a measure of community work, Court shall consider the gravity of the crime in question, the extent of perpetrator's criminal liability, and him/her having no prior conviction, as well as whether the perpetrator has compensated damages or has otherwise repaired the detrimental consequences of the crime committed.

(4) Supervision over whether the perpetrator fulfills the obligations determined shall be carried out by Court and by a procedure determined by law.

(5) Should a perpetrator fail to fulfill or irregularly fulfills his/her community work obligations, the competent body could reprimand him/her in writing and should the perpetrator continue with such a behavior, the Court, upon proposition of the competent body in accordance with law, may decide to substitute the unfulfilled portion of the measure with a fine or with an imprisonment by substituting every three hours of community work with one daily penalty or one day of imprisonment. While deciding of substituting a measure of community work with a fine or with an imprisonment, the Court shall consider the gravity of the crime, perpetrator's criminal liability, as well as perpetrator's attitude towards the imposed measure of community work.

(6) Should a perpetrator fail to fulfill his/her community work, which was imposed upon him/her as a substitute of a fine or of an imprisonment (paragraph 3 above), the Court shall make a decision to execute the imposed punishment. The work obligations already fulfilled by the perpetrator shall be included in the calculation of the punishment, while considering three hours of fulfilled community work as one day of imprisonment or as one daily penalty or as 20 euros in denar counter value.

## 6. Court reprimand

### **Conditions for pronouncing a court reprimand**

#### **Article 59**

(1) A court reprimand may be pronounced for crimes for which a punishment is prescribed of imprisonment of up to one year or a fine, and which were committed under such alleviating circumstances which make it especially light.

(2) For certain crimes and under conditions foreseen by law, a court reprimand may be pronounced also when an imprisonment of up to three years is prescribed.

(3) The court may pronounce a court reprimand for several crimes, committed in concurrence, if the conditions from paragraphs 1 and 2 exist for every one of these crimes.

(4) When deciding whether to pronounce a court reprimand, and considering the aim of the court reprimand, the court shall especially take into consideration the perpetrator's personality, his previous life, his behavior after the perpetrated crime, the extent of criminal responsibility and other circumstances under which the crime was committed.

## **7. House imprisonment**

## **Conditions for Imposing House Imprisonment**

### **Article 59-a**

(1) If a perpetrator of a crime punishable with a fine or with up to one year of imprisonment is an elderly and exhausted or a seriously ill person or a pregnant woman, a Court may sentence him/her to an imprisonment and to decide that the punishment be served as a house imprisonment, if the perpetrator agrees to this option.

(2) Court may substitute a punishment to imprisonment with house imprisonment if circumstances allow for modern electronic or telecommunication devices to be used for maintaining supervision over a perpetrator serving a house imprisonment punishment, i.e. whether the perpetrator respects the prohibition for not leaving his/her house.

(3) Court shall exercise supervision over a perpetrator serving a house imprisonment. Court may delegate some of its supervisory powers to a Police Service that has jurisdiction over the territory in which a perpetrator's house is located; the Police shall fulfill the obligation to inform the Court on regular basis regarding perpetrator's discipline while serving a sentence to house imprisonment.

(4) If a convicted perpetrator violates the prohibition for not leaving his/her house, Court may order, upon the proposition of a competent body in accordance with law, that previously substituted punishment to an imprisonment be fully served in a penitentiary institution.

## **5. SECURITY MEASURES**

### **Aim of the security measures**

#### **Article 60**

The aim of the security measures is to remove situations or conditions that can influence the perpetrator to commit crimes in the future.

### **Types of security measures**

#### **Article 61**

Perpetrators may be sentenced to the following security measures:

- 1) Compulsory psychiatric treatment and custody in a health institution;
- 2) Compulsory psychiatric treatment on freedom;
- 3) Compulsory treatment of alcoholics and drug addicts and
- 4) Medical and pharmaceutical treatment of perpetrators of sexual attack of a child under the age of 14.

## **Pronouncing a security measure**

### **Article 62**

(1) The court may pronounce one or more security measures for the perpetrator, when conditions foreseen by this Code exist for them to be pronounced.

(2) Compulsory psychiatric treatment and custody in a health institution, and compulsory psychiatric treatment in freedom, are pronounced for a mentally incompetent perpetrator of a crime, independently.

(3) While deciding for execution of the measures from paragraph 2, the Court may also order temporary prohibition to exercise a profession, a business activity or a duty or a prohibition to drive a motor vehicle, for as long as such measures shall be applied. The Court decision shall be submitted to the authorized body or company where the perpetrator is employed, to the registry Court or to the body authorized for supervision on the implementation of the prohibition to drive motor vehicle.

(4) An obligatory psychiatrist treatment and custody in a medical institution and an obligatory psychiatrist treatment at freedom are imposed upon a perpetrator whose accountability has been significantly diminished, and who is punished to imprisonment or to a conditional sentence determined as potential imprisonment or to a conditional sentence with protective supervision.

(5) Obligatory treatment of alcoholics and drug addicts, may be ordered if a Court punishes a perpetrator to sentence, to a conditional sentence, to a conditional sentence with protective supervision, to a court reprimand or if an acquittal from a sentence was granted by the Court.

## **Compulsory psychiatric treatment and custody in a health institution**

### **Article 63**

(1) The court shall pronounce a compulsory psychiatric treatment and custody in a health institution to the perpetrator who committed a crime in state of insanity or of significantly decreased mental competence, if it determines that because of this state, he may again commit a crime and that for the removal of this danger, it is necessary to treat him and put him under custody in such an institution.

(2) The court shall stop the measure from paragraph 1 when it determines that the need for treatment and custody of the perpetrator in a health institution has ceased.

(3) For the perpetrator who has committed a crime in a state of significantly decreased mental competence and who is sentenced to imprisonment, the time passed in a health institution is reckoned in the time of duration of the pronounced punishment. If this time is shorter than the duration of the pronounced sentence, the court may determine to send the convicted to serve out the remainder of the punishment, or to let him go on parole, regardless of the conditions prescribed in article 36. In deciding on parole, the court shall especially take into consideration the success of the treatment of the

convicted, his health situation, the time passed in the health institution, and the remainder of the punishment that the convicted has not served.

(4) The court shall review the need for treatment and custody of the perpetrator in a health institution every year.

### **Compulsory Psychiatric Treatment on freedom**

#### **Article 64**

(1) The court shall sentence the perpetrator who has committed a crime in the state of insanity or significantly decreased accountability to compulsory psychiatric treatment in freedom, if it determines that because of this state, they could commit a crime again, while their treatment in freedom is sufficient for removing this danger.

(2) The measure from paragraph 1 may be pronounced against an insane perpetrator or perpetrator with significantly decreased accountability, for whom a compulsory psychiatric treatment and custody in a health institution was determined, when based on the results of the treatment, the court finds that it is not necessary any more for them to be under custody and to be treated in a health institution, but only in freedom.

(3) Under the conditions from paragraph 1, the court may pronounce a compulsory psychiatric treatment in freedom also against a perpetrator whose mental competence is significantly decreased and who was put on parole based on Article 63, paragraph 3.

(4) A compulsory psychiatric treatment in freedom when imposed upon a perpetrator whose accountability has been significantly diminished may not last longer than two years.

(5) A perpetrator whose accountability has been significantly diminished and who has been punished to imprisonment, the time the perpetrator spent while being under obligatory psychiatrist treatment at freedom, shall not be calculated into the duration of the punishment itself.

(6) If in the cases from paragraphs 1, 2 and 3 the perpetrator does not submit themselves to treatment in freedom, or if they self-willingly abandon it, or if the conditions for pronouncing the measure from article 63 have been attained, the court may substitute it with this measure.

### **Compulsory Treatment of Alcoholics and Drug Addicts**

#### **Article 65**

(1) The court may pronounce compulsory treatment to a perpetrator because of addiction to continuous use of alcoholic drinks, narcotics and other psychotropic substances, where the danger exists that they shall continue to commit crimes because of this addiction.

(2) The measure from paragraph 1 shall be executed in an institution intended for the execution of a punishment or in a health or other specialized institution. The time spent in such an institution is reckoned within the punishment.

(3) When pronouncing a conditional sentence, the court may impose upon the perpetrator treatment in freedom, if the perpetrator agrees to submit themselves to such treatment. If the perpetrator do not submit themselves to treatment in freedom without justified reason, or if they abandon the treatment willingly, the court may determine to revoke the conditional sentence or to impose the execution of the measure of compulsory treatment of alcoholics or drug addicts in a health institution or in some other specialized institution.

(4) If this measure is pronounced with a punishment other than imprisonment or a conditional sentence or a conditional sentence with protective supervision or a court reprimand or acquittal from a punishment, it may last a maximum of two years.

## **Medical and pharmaceutical treatment**

### **Article 65-a**

(1) A perpetrator of a criminal act of sexual attack of a child under the age of 14, when there is a danger to repeat such acts, may be imposed, by the court, with a measure of medical and pharmaceutical treatment.

(2) If a punishment of life imprisonment has been prescribed for the act, the court may impose the perpetrator with a punishment of 40 years of imprisonment if they accept medical and pharmaceutical treatment which would progress until the end of their life or until the time the court deems necessary.

(3) If for the act a long term imprisonment of 40 years is prescribed, the perpetrator may be imposed with 20 years of imprisonment if they accept medical and pharmaceutical treatment which would progress until the end of their life or until the time the court deems necessary.

(4) If a punishment of 20 years of imprisonment is prescribed for the crime, the court may impose the perpetrator with the minimum punishment of imprisonment prescribed for the criminal act, if they accept medical and pharmaceutical treatment until the end of their life or until the time the court deems necessary.

(5) The measure referred to in paragraph (1) of the present Article shall be performed on freedom in specialized medical institutions after the endurance of the punishment of imprisonment, and the surveillance over the execution of the measure shall be conducted by the Administration for Execution of Sanctions. The Administration for Execution of Sanctions shall once in every six months notify the court on the condition of the measure stated in paragraph (1) of the present Article and on the need of its prolongation or termination.

(6) If the perpetrator in the cases mentioned in paragraphs (2), (3) and (4) of the present Article does not accept the measure medical and pharmaceutical treatment, or abandon the treatment willingly, the court may order enforced execution of the measure in a healthcare or another specialized institution.

(7) Notwithstanding paragraphs (2), (3) and (4) of the present Article, the court without the consent of the perpetrator shall mandatory pronounce the measure mentioned in paragraph (1) from the present

Article if the perpetrator of the act repeated the act. The measure of medical and pharmaceutical treatment shall be effective until the end of their life or until the time the court deems necessary.

(8) The manner of execution of the measure of medical and pharmaceutical treatment shall be regulated with the Law on Execution of Sanctions.

**Article 66 is deleted.**

**Article 67 is deleted.**

**Article 68 is deleted.**

**Article 69 is deleted.**

## **Chapter six**

### **EDUCATIONAL MEASURES AND PUNISHMENT OF MINORS**

**Article 70 is deleted.**

**Article 71 is deleted.**

**Article 72 is deleted.**

**Article 73 is deleted.**

**Article 74 is deleted.**

**Article 75 is deleted.**

**Article 76 is deleted.**

**Article 77 is deleted.**

**Article 78 is deleted.**

**Article 79 is deleted.**

**Article 80 is deleted.**

**Article 81 is deleted.**

**Article 82 is deleted.**

**Article 83 is deleted.**

**Article 84 is deleted.**

**Article 85 is deleted.**

**Article 86 is deleted.**

**Article 87 is deleted.**

**Article 88 is deleted.**

**Article 89 is deleted.**

**Article 90 is deleted.**

**Article 91 is deleted.**

**Article 91-a is deleted.**

**Article 92 is deleted.**

**Article 93 is deleted.**

**Article 94 is deleted.**

**Article 95 is deleted.**

**Article 96 is deleted.**

Chapter 6-a

## **PUNISHMENT OF LEGAL ENTITIES**

### **Types of Punishments**

#### **Article 96-a**

(1) For criminal acts perpetrated by legal entities a fine shall be imposed as primary punishment.

(2) The fine shall be pronounced in the amount that cannot be less than 100.000 denars, and higher than 30 million denars.

(3) For criminal acts perpetrated for own benefit, as well as criminal acts resulting in benefit or causing high scale damages, a fine doubling the amount of the maximum of this punishment or proportional to the amount of the caused damages may be imposed, i.e. the realized benefit, but at most to their amount increased ten times.

## **Auxiliary punishments**

### **Article 96- b**

Under the conditions determined with the present Code, when the court deems that the legal entity abused its activity and there is a danger that it might repeat the act in the future, it may pronounce one or several of the following punishments:

- 1) Prohibition to obtain a permit, licence, concession, authorization or another right determined by a separate law;
- 2) Prohibition to participate in public call procedures, public procurement agreement awards and public- private partnership agreements;
- 3) Prohibition to found new legal entities;
- 4) Prohibition to use subventions and other favorable funding or other forms of public assistance;
- 5) Prohibition to use funds to finance political parties from the Budget of the Republic of Macedonia;
- 6) Confiscation of a permit, licence, concession, authorization or another right determined by a separate law;
- 7) Temporary ban to perform a certain activity;
- 8) Permanent ban to perform a certain activity and
- 9) Termination for the legal entity.

## **Conditions for Pronouncement of Auxiliary Punishments**

### **Article 96- c**

- (1) Should the court decide that the pronouncement of one or several auxiliary punishments shall correspond to the gravity of the perpetrated criminal act and that it shall prevent the legal entity to perpetrate such acts in the future, it may pronounce the punishments mentioned in Article 96- b, paragraphs 1 through 5 of the present Code, along with a fine.
- (2) The court shall determine the duration of the punishments referred to in paragraph (1) of the present Article, the duration not being under one or over five years.
- (3) If the circumstances other act signal that the issued permit, licence, concession, authorization, or another has been abused, the court shall impose confiscation of the permit, licence, concession, authorization or another right determined by separate law, along with a fine.
- (4) If during the performance of the activity of the legal entity a criminal act has been perpetrated for which a fine or imprisonment up to three years have been pronounced to a natural entity and the

manner of perpetration of the act poses danger of repetition of such crime or a similar one, the court shall pronounce a temporary ban to perform a certain activity in duration of one to three years along with a fine.

(5) If the act for which imprisonment of a minimum of three years has been imposed on a natural entity, and the manner of perpetration poses a danger of repeating of such act or a similar one, the court shall pronounce permanent ban to perform a certain activity from the activities performed by the legal entity along with a fine.

(6) The court shall pronounce the punishment referred to in paragraph (5) of the present Article when a criminal act has been perpetrated after the effective verdict imposing the legal entity with a temporary ban to perform activity.

(7) If a crime has been perpetrated for which the natural entity has been imposed with imprisonment of at least five years, and the manner of perpetration poses a threat that it might be repeated or a similar one may occur, the court shall pronounce the punishment of termination of the legal entity along with a fine.

(8) The court shall pronounce the punishment referred to in paragraph (7) of the present Article when a criminal act has been perpetrated after the effective court verdict imposing the legal entity with a permanent ban to perform a certain activity.

(9) The punishment of temporary or permanent ban to perform a certain activity and termination of the legal entity may not be imposed on a legal entity established by law, or a political party.

(10) Based on an effective verdict pronouncing the punishment of termination of the legal entity, the court shall initiate a procedure determined by law for termination of the existence of the legal entity within 30 days from the day of enforcement of the verdict.

## **Punishment Entry and Erasing**

### **Article 96-d**

(1) The primary and auxiliary punishments referred to in Articles 96- a and 96- b from the present Code shall be entered by electronic means in the Registry of Punishments for Perpetrated Criminal Acts of the Legal Entities being kept in the Central Registry of the Republic of Macedonia.

(2) The primary punishment from Article 96-a of the present Code shall be erased ex- officio from the stated registry when three years from the day of the executed or obsolete punishment have passed.

(3) The auxiliary punishments from Article 96-b, items 1 through 6 from the present Code shall be erased ex- officio from the stated registry after the expiry of the period they have been imposed for.

(4) The providence of data from the Central Registry shall be performed in accordance with Article 106 from the present Code.

## **Public Announcement of an Enforced Court Decision**

### **Article 96- e**

(1) Upon request of the damaged party, the court may decide at the burden of the convicted person to announce the imposed effective court decision or a part of it in the “Official Gazette of the Republic of Macedonia” and in two daily newspapers, one of which is published in the language of the communities that are not the majority in the Republic of Macedonia.

(2) Upon request of the legal entity being released of charge or against who the procedure has been stopped by an enforced court decision, the court shall decide, at the burden of the Court Budget to publish the verdict or a part of it, in the “Official Gazette of the Republic of Macedonia” and in two daily newspapers, one of which is published in the language of the communities that are not the majority in the Republic of Macedonia.

## **Punishment Meting Out**

### **Article 96-f**

(1) When meting out a punishment the court shall consider the balance statement and the success balance of the legal entity in question, the type of the business and the nature and the gravity of the crime committed.

(2) When the Court imposes a fine for two or more crimes in concurrence, the joint fine shall not exceed the sum of separate fines, nor can exceed the legal maximum of fine for legal entities.

## **Meting Out a Fine**

### **Article 96-g**

(1) The legal entity shall be punished with a fine in the amount of a maximum of 500.000 denars for the criminal acts for which a fine or imprisonment of up to three years have been prescribed, if the act has been perpetrated out of benefit or has resulted in high scale damages, up to double the amount of the caused damage or realized benefit.

(2) The legal entity shall be punished with a fine in the amount of a maximum of one million denars for the criminal acts for which an imprisonment of up to three years has been prescribed, if the act has been perpetrated out of benefit or has resulted in high scale damages, up to five times the amount of the caused damage or realized benefit.

(3) The legal entity shall be punished with a fine in the amount of a minimum of one million denars for the criminal acts for which an imprisonment of at least five years has been prescribed, if the act has been perpetrated out of benefit or has resulted in high scale damages, up to ten times the amount of the caused damage or realized benefit.

## **Pronouncement of a Lenient Sentence**

### **Article 96-h**

(1) The court may impose a more lenient punishment to the legal entity than the one prescribed in Article 96- f from the present Code if:

- 1) The law envisages a more lenient punishment;
- 2) The law envisages an opportunity for acquittal, but the court shall not acquit the legal entity and
- 3) Deems that there are especially alleviating circumstances and that the aim of the punishment may be achieved with a more lenient punishment.

## **Limitations of the Pronouncement of a Lenient Fine**

### **Article 96-i**

(1) The court shall pronounce a more lenient punishment, when the conditions for lenient fine referred to in Article 96- g from the present Code are met, however within the following limitations:

- 1) For a criminal act for which the legal entity may be imposed with a fine in the amount of 500.000 denars or double the amount of the benefit or damages, a more lenient punishment of 100.000 denars may be imposed;
- 2) For the criminal act for which the legal entity may be imposed with a fine up to one million denars or five times the amount, the fine may be more lenient amounting 200.000 denars or double the amount of the benefit or damages and;
- 3) For a criminal act for which the legal entity may be imposed with a fine of at least one million denars or up to ten times the amount of the benefit or damage, the fine may be more lenient in the amount of 300.000 denars or up to five times the amount of the benefit or damages.

(2) If the court is authorized to acquit the legal entity, it may pronounce a lenient fine regardless of the limitations referred to in paragraph (1) of the present Article, to the lowest amount of the fine.

## **Acquittal from a Fine**

### **Article- 96- j**

The legal entity may be acquitted if the responsible person in the legal entity, the administration or management body or the supervisory body after the committed crime voluntarily report the perpetrator

of the criminal act and return the property benefit or eliminate the harmful consequences emerging from the act or in another manner compensate the harmful consequences emerging from the act.

## **Execution of a Fine**

### **Article 96-k**

- (1) If the convicted legal entity fails to pay the fine within a time limit determined by the court, which cannot be shorter than 15 days, nor longer than 30 days from the day of the enforcement of the verdict, it shall be executed by enforcement.
- (2) If the fine cannot be executed from the property of the legal entity, because the legal entity does not possess such property or ceased to exist prior to the execution of the punishment, the punishment shall be executed from their legal successor, if there is no legal successor of the property of the founder or founders of the legal entity, proportional to the invested shares, i.e. in the cases determined by law for a trade company from the property of the shareholders, i.e. partners proportionate to their shares, if by their decisions or actions they disabled or hindered the execution of the fine.
- (3) The fine imposed to foreign legal entities shall be executed from the property confiscated in the Republic of Macedonia or by application of an international agreement ratified in accordance with the Constitution of the Republic of Macedonia.

## **Conditional Delay of the Execution of the Fine**

### **Article 96- I**

- (1) The court may determine a conditional delay of the execution of the fine and fines consisted in prohibitions or confiscation of a permit, licence, concession, authorization or another right determined with a separate law within one to three years if the legal entity provides some assurance for the future payment of the fine, in case of revocation of the conditional verdict.
- (2) The conditional delay shall be revoked if within the control time limit, another criminal act has been perpetrated, if a previously committed criminal act by the legal entity is revealed or if the legal entity within the determined time limit fails to provide assurance for the future payment of the fine.
- (3) The conditional sentence may be revoked during the control time if the legal entity perpetrates a new criminal act during that time, which is determined by a sentence, even after the expiry of the control period, the conditional sentence may be revoked latest within one year after the expiry of the control period.

## **Confiscation of Property, Property Gain and Confiscation of Goods**

### **Article 96-m**

(1) Articles 97 – 100 of this Law shall be applied regarding confiscation of property and property gain acquired through crimes committed by legal entities.

(2) If no property or property gain can be confiscated from a legal entity because the legal entity ceased to exist prior to executing the confiscation, the founder or the founders, or shareholders or partners of the legal entity shall be obliged to common payment of an amount equal to the acquired property gain.

(3) Article 101-a of this Code shall also apply for confiscation of property from legal entities.

## **Special Provisions for Obsolesce of the Criminal Pursuit and Obsolesce of the Punishment Execution**

### **Article 96- n**

(1) The criminal pursuit of the legal entity shall not be undertaken after:

1) Three years from the perpetration of the criminal act for which a fine or imprisonment of up to three years have been prescribed;

2) Five years from the perpetration of the criminal act for which a fine or imprisonment of over three years have been prescribed;

3) Ten years from the perpetration of the criminal act for which imprisonment of over five years has been prescribed;

(2) The obsolesce of the execution of the fine and the punishment for confiscation of a permit, licence, concession, authorization or another right determined by a special law shall occur with the passing of three years from the day of enforcement of the verdict with which they have been imposed.

(3) The obsolesce of the execution of the punishments consisted of prohibitions shall occur after the expiry of the time they have been imposed for.

(4) Regarding the termination and course of obsolesce of the criminal pursuit and the course and termination of the obsolesce of the execution of the fine and auxiliary punishments the provisions from Articles 107 through 112 from the present Code shall apply.

Chapter seven

CONFISCATION OF PROPERTY AND PROPERTY GAIN AND TAKING AWAY OBJECTS

### **1. Confiscation of property and property gain**

## **Grounds for confiscating of property gain**

### **Article 97**

- (1) No one may retain the direct or indirect property gain gained through a crime.
- (2) The benefit from paragraph 1 shall be confiscated with the court decision with which the execution of the crime was determined, under the conditions foreseen by this Code.
- (3) A decision for confiscation shall be adopted by the court in a procedure determined by law when for actual or legal hindrances the progress of the criminal procedure against the perpetrator of the criminal act is not possible.
- (4) Under the conditions determined by a ratified international agreement, the confiscated property may be returned to another state.

## **Confiscation of Immediate Property Gain**

### **Article 97- a**

Aside to the immediate property gain, the indirect property gain shall be confiscated from the perpetrator, consisted in:

- 1) The property the benefit gained from the criminal act has been transformed in;
- 2) The property acquired from legal sources if the benefit gained from the criminal act is fully or partially mixed with such property, to the estimated value of the mixed benefit obtained from the criminal act.
- 3) The income of another benefit emerging from the benefit acquired from the criminal act, or property in which the benefit acquired from a criminal act is transformed or from a property in which the benefit acquired from a criminal act has been mixed, to the estimated value of the mixed use acquired from the criminal act.

## **Manner of Confiscation**

### **Article 98**

- (1) The immediate and indirect property benefit shall be confiscated from the perpetrator acquired with the criminal act consisted in cash, mobile or immobile valuable goods as well as all other property

or assets, material or non- material right and if their confiscation is not possible, another property shall be confiscated from the perpetrator which is proportionate to the value of the acquired benefit.

(2) The immediate and indirect property benefit shall be also confiscated by third persons for which it shall executed with the perpetration of the criminal act.

(3) The property benefit from paragraph (1) shall be confiscated from members of the family of the perpetrator to whom it has been transferred if it is evident that they have not paid a compensation proportionate to the value of the acquired property benefit or from a third party if not proven that they have paid a compensation for the property or goods proportionate to the value of the acquired property benefit.

(4) The goods that have been defined as cultural heritage and natural rarities, as well as those to which the damaged party has emotional sentiment, shall be confiscated by third parties, regardless of whether they have been transferred with appropriate compensation.

(5) The confiscated items shall be returned to the damaged party, and if there is no damaged party, they shall become state- owned.

(6) If the damaged party in the criminal procedure has been judged with a property and legal request, the court shall pronounce confiscation of the property benefit, should that exceed the amount of this request.

### **Extended confiscation**

#### **Article 98-a**

(1) Property acquired in time period prior to the verdict that the court shall determine in accordance with the circumstances of the case, no longer than five years prior to the perpetration of the criminal act, when based on all circumstances the court is convinced that the property exceeds the legal incomes of the perpetrator and stems from such act, shall be confiscated by the perpetrator of the criminal act perpetrated within criminal association resulting in property benefit for which a punishment of at least four years is realized, as well as a criminal act related to terrorism referred to in Articles 313, 394-a, 394-b, 394-c and 419 from the present Code, for which a punishment of five years of imprisonment is prescribed or a more severe punishment or it is related with criminal money laundering for which the prescribed punishment is imprisonment of a minimum of four years.

(2) The property referred to in paragraph (1) of the present Article shall be confiscated from third persons for which it has been realized to commit the criminal act.

(3) The property referred to in paragraph (1) of the present Article shall be confiscated from members of the family of the perpetrator to which it has been transferred when it is evident that they have not paid any compensation correspondent to it value or from a third party if not proven that for the item or property they have paid a correspondent compensation.

## **Protection of the Damaged Party**

### **Article 99**

(1) The damaged party who in the criminal procedure regarding their property and legal request has been referred to a dispute, may request leveling of the amount of the confiscated value, if a dispute within six months from the day of the enforcement of the decision referring them to a dispute is initiated and if within three months from the day of enforcement of the decision determining their request they request for leveling of the paid amount.

(2) The damaged party who in the criminal procedure has failed to report property and legal request may request for leveling of the confiscated value if due to determination of their request they have initiated a dispute within three months from the day of revealing of the verdict by which the property benefit is being confiscated, latest until two years from the enforcement of the decision for confiscation of the property benefit, and if within three months from the day of enforcement of the decision determining their request they ask for leveling of the confiscated amount.

## Confiscation

### **Taking away from a legal entity**

#### **Article 100**

If a legal entity gains property gain from the crime of the perpetrator, this gain shall be confiscated from it.

## **2. Seizure of Objects**

### **Conditions for seizure of objects**

#### **Article 100-a**

(1) No one can retain or assert ownership over the items emerging from the criminal act.

(2) The items intended or used to perpetrate the criminal act shall be confiscated from the perpetrator regardless of whether they are within their ownership or owned by a third party only if that's within the interest of the public security, health or ethics.

(3) The items intended or used to perpetrate the criminal act may be confiscated if there is a risk of them being reused to perpetrate a criminal act. The items owned by a third party shall not be confiscated, unless the party knew or was obliged to know that they have been used or intended to use to perpetrate the criminal act.

(4) When adopting a decision to confiscate the items from paragraph (3) of this Article, the court shall especially consider the principle of proportionality, accounting for the type and severity of the criminal act, the pronounced fine, the personal circumstances of the perpetrator or the third party and other circumstances connected to the manner of perpetrating the act and its consequences.

(5) The confiscation of items from a third party from paragraph (3) of this Article shall not imply reimbursement of damages to be done by the perpetrator of the criminal act.

(6) The court shall adopt a decision to revoke items in a separate confiscation procedure provided by law when due to factual or legal obstacles the criminal procedure cannot be initiated against the perpetrator of the criminal act.

(7) Under the conditions determined with an international agreement ratified in accordance with the Constitution of the Republic of North Macedonia, the items can be returned to another country.

(8) The mandatory confiscation of the items from paragraph (2) of this Article can be prescribed by law only if the people's interests, health, or ethics so require.

(9) The provisions from paragraphs from (1) to (9) of this Article shall apply accordingy to the confiscation of items from a legal entity.

## 8. LEGAL CONSEQUENCES OF THE SENTENCE

### **Setting in of legal consequences from the sentence**

#### **Article 101**

(1) The legal consequences from the sentence, which are attached to the sentences for certain crimes, may set in only when the perpetrator of a crime is sentenced to imprisonment.

(2) Legal consequences may be foreseen only by law and shall incur by force of the law they have been foreseen under.(The words: "and shall incur by force of the law they have been foreseen under"

shall be nullified by a Decision from the Constitutional Court of the Republic of Macedonia, published in the "Official Gazette of the Republic of Macedonia" no. 16/02).

### **Start and duration of legal consequences from the sentence**

#### **Article 102**

- (1) The legal consequences from the sentence set in on the day the sentence comes into effect.
- (2) The legal consequences from the sentence, which consist of prohibition on attaining certain rights, last at the most ten years from the day the punishment was served, pardoned or became obsolete.
- (3) The legal consequences from the sentence cease with the erasing of the sentence.

## Chapter 9

### REHABILITATION

#### **Rehabilitation**

##### **Article 103**

- (1) The rehabilitation of the convicted person may set in by force of law (legal rehabilitation), or based on a court decision (court rehabilitation).
- (2) Rehabilitation means a pre-term ceasing of the punishments consisted of prohibitions and punishment of expulsion of a foreigner from the Country and legal consequences from the sentence, and erasure of the sentence from the penal records.
- (3) The rehabilitated person shall be considered not to be sentenced, and the data about the erased sentence shall not be given to anybody.
- (4) The rehabilitation does not touch upon the rights of third persons, which are based on the sentence.

#### **Legal rehabilitation**

##### **Article 104**

- (1) The sentence of a pronounced alternative measure, except conditional sentence, and a sentence with which the perpetrator of a crime is acquitted from punishment are erased from the penal records if the convicted does not commit a new crime within one year from the day the court decision comes into effect.

- (2) The conditional sentence shall be erased from the penal records after one year from when the control time expired, if during this time the convicted does not commit a new crime.
- (3) The sentence to a fine and punishment of prohibition to drive a motor vehicle, pronounced as the only sentence, is erased from the penal records after three years pass from the day the punishment is served, becomes obsolete or is pardoned, if during this time the convicted does not commit a new crime.
- (4) The sentences to imprisonment of up to three years and to juvenile imprisonment shall be erased from the penal records after five years pass from the day the punishment is served, becomes obsolete or is pardoned, if during this time the convicted does not commit a new crime.
- (5) Several sentences to a single person may be erased from the penal records only at the same time, and then if conditions exist for erasing each one of these sentences.

## **Court rehabilitation**

### **Article 105**

- (1) After three years expire from the day the punishment is served, becomes obsolete or is pardoned, the court may determine that the legal consequences from the sentence cease, concerning the prohibition of attaining certain rights.
- (2) After expiration of two years from the enforcement of the punishment of prohibition to perform business of a legal entity, the Court may decide for casing the prohibition.
- (3) After two years expire from the day of implementation of punishments, of prohibition of obtaining permits, licences, concession, authorization or another right determined with a separate law, prohibition to participate in public call procedures, award of agreement for public procurement and agreements for public and private partnership, prohibition to found new legal entities or prohibition to use subvention and other favorable credits, the court may decide for them to stop prior to the expiration of the time they have been pronounced for.
- (4) After three years have passed from the day of application of the punishments of prohibition to perform profession, activity or duty and prohibition for driving a motor vehicle and temporary exile of a foreign citizen from the country, as well as the punishment of permanent prohibition to perform activity of the legal entity, the court may decide for them to stop.
- (5) When deciding about rehabilitation, the court shall take into consideration the behavior of the convicted after the sentence, the circumstance whether he has indemnified the damages, whether he has returned the property gain, as well as other circumstances of importance to this decision.
- (6) Upon the request from the convicted, the court may determine to erase from the penal records the sentence to imprisonment: more than three years and up to five years, within a period of five years; more than five years and up to ten years, within a period of ten years; more than ten years up to 20 years and within a period of 40 years, up to 20 years from the day the punishment is served, becomes obsolete or is pardoned, if during this time the convicted does not commit a new crime. When deciding to erase the sentence, the court shall take into consideration the conduct of the convicted after serving

the sentence, the nature of the crime and the other circumstances which may be of importance for the assessment of the justification for erasing the sentence.

## **Penal records**

### **Article 106**

- (1) The penal records shall be maintained by the court of first instance, competent according to the birthplace.
- (2) For persons born abroad, or those whose birthplace is unknown, as well as legal entities, the penal records are maintained in the court, which is determined by the law, unless otherwise stipulated by the present Code or another body for keeping of penal records.
- (3) The data from the penal records may be given to the court and to the public prosecutor's office, in connection with a criminal procedure that is carried out against the earlier convicted *person*, and to the competent bodies that participate in the procedure for granting an amnesty or a pardon.
- (4) Data from the penal records may also be given upon justified request to state bodies, legal entities and physical persons, if certain legal consequences from the sentence or punishments of prohibition are still in effect, or if there is a justified interest for this, based on the law.
- (5) No one has the right to demand from the citizens to submit proof of whether they have or they have not been sentenced.
- (6) Upon their request, the citizens may be given data about whether they have or have not been sentenced, only if they need this data because of realizing their rights abroad.

## **Special Registry**

### **Article 106-a**

- (1) The data about the enforced court decision for pronounced measure of security shall be submitted by the court to the state administrative body, competent about matters from the field of healthcare, due to registration in the healthcare records, as well as to the body of the state administration competent about matters in the field of labor and social policy, due to registration in a special registry.
- (2) The court to the state administration body competent for affairs on the field of labor and social policy shall submit data on persons convicted by enforced decision for criminal acts against the sex freedom and sex moral and the criminal act referred to in Article 418- d of the present Code committed against minors, for which a special registry is kept.

## **Obsolescence of criminal prosecution**

### **Article 107**

(1) If it is not determined otherwise by this Code, criminal prosecution may not be undertaken when the following expires:

1) Thirty years from when a crime was committed, for which according to the law, a punishment of life imprisonment may be pronounced;

2) Twenty years from when a crime was committed, for which according to the law, imprisonment of more than ten years may be pronounced;

3) Ten years from when a crime was committed, for which according to the law, imprisonment of more than five years may be pronounced;

4) Five years from when a crime was committed, for which according to the law, imprisonment of more than three years may be pronounced;

5) Three years from when a crime was committed, for which according to the law, imprisonment of more than one year may be pronounced; and

6) Two years from when a crime was committed, for which according to the law, imprisonment of one year or a fine may be pronounced;

(2) If several punishments are prescribed for a crime, the time frame is determined according to the most severe prescribed punishment.

## **Course and cessation of the obsolescence of the criminal prosecution**

### **Article 108**

(1) The obsolescence of the criminal prosecution starts on the day the crime was committed or the consequence occurred. If the act has been committed against a child, the obsolescence of the criminal prosecution shall commence on the day the child becomes of legal age.

(2) The obsolescence does not run at the time when, according to the law, the prosecution may not begin or continue.

(3) The obsolescence is interrupted by each process action that is undertaken in order to prosecute the perpetrator because of the committed crime.

(4) The obsolescence is interrupted also when the perpetrator, at the time while this time period of obsolescence is still going on, commits an equally severe or more severe crime.

(5) For each interruption, the obsolescence starts to run again from the beginning.

(6) The obsolescence of the criminal prosecution comes into effect in any case when a time period elapses which is twice as long as required by law for the obsolescence of the criminal prosecution.

## **Obsolescence of the execution of punishment**

### **Article 109**

If with this Code it is not determined otherwise, the pronounced punishment may not be executed when the following time period has elapsed:

- 1) Thirty years from a sentence to life imprisonment;
- 2) Twenty years from a sentence to imprisonment of more than ten years;
- 3) Ten years from a sentence to imprisonment of more than five years;
- 4) Five years from a sentence to imprisonment of more than three years;
- 5) Three years from a sentence to imprisonment of more than one year; and
- 6) Two years from a sentence of imprisonment of up to one year, or to a fine.

## **Obsolescence of execution of secondary punishments and security measures, alternative measures, confiscation of property and seizure of objects**

### **Article 110**

- (1) The obsolescence of execution of a fine as a secondary punishment sets in when two years expire after the day the sentence with which this punishment was pronounced comes into effect.
- (2) The obsolescence of the execution of the security measures - compulsory psychiatric treatment and custody in a health institution, compulsory psychiatric treatment in freedom shall commence when five years expire from the day the decision with which these measures were pronounced comes into effect.
- (3) The obsolescence of the execution of the punishment - prohibition on performing a profession, an activity or a function, prohibition on driving a motor vehicle, expulsion of foreigner from the country, shall commence when the time expires for which these measures were pronounced.
- (4) Execution of alternative measures of community work and of house imprisonment shall become obsolescent if a period of two years has passed after the verdict ordering such a measure came into effect.
- (5) Execution of special measures – confiscation of property and of property gain and taking away objects are not subject to obsolescence.

## **Course and cessation of the obsolescence of the execution of the punishment**

### **Article 111**

- (1) The obsolescence of the execution of the punishment starts on the day the sentence comes into effect, and if a conditional sentence has been revoked, from the day when the decision on revoking comes into effect.
- (2) The obsolescence shall not run when according to the law, the execution of the punishment cannot be undertaken.
- (3) The obsolescence shall be interrupted for each activity by the competent body, undertaken for the execution of the punishment.
- (4) For each interruption, the obsolescence starts to run from the beginning.
- (5) The execution of a punishment becomes obsolete in any case when a time period elapses which is twice as long as required by law for the obsolescence of the execution of the punishment.
- (6) The provisions from paragraphs 2 to 5, respectively, apply also for the obsolescence of the execution of security measures and alternative measures.

## **Non-Obsolesce Of The Criminal Acts Of Genocide, War Crimes And Torture**

### **Article 112**

The criminal prosecution and the execution of punishment do not become obsolete for crimes foreseen in articles 142 403 to 407-b and 416-a, as well as for crimes for which no obsolescence is foreseen with ratified international conventions.

## Chapter eleven

### AMNESTY AND PARDON

#### **Amnesty**

##### **Article 113**

Persons included in an act of amnesty are awarded acquittal from prosecution, or full or partial acquittal from execution of the punishment, the pronounced punishment is substituted with a lighter punishment, they are prescribed an erasing of the sentence, or a certain legal consequence from the sentence is revoked.

#### **Pardon**

##### **Article 114**

(1) With the pardon of an individually named person, they are awarded acquittal from prosecution, or full or partial acquittal from execution of the punishment, the pronounced punishment is substituted with a lighter punishment, or with alternative measures, or they are granted an erasing of the sentence, or a certain legal consequence from the sentence or the punishment is revoked, respectively it is determined that this should have a shorter duration.

(2) The pardon may determine the revoking or a shorter duration of the following security measures - prohibition on performing a profession, an activity or a function; prohibition on driving a motor vehicle for perpetrators who are drivers by profession; and expulsion of a foreigner from the country.

### **Action of the amnesty and pardon on the rights of third persons**

#### **Article 115**

The awarding of an amnesty or a pardon does not touch upon the rights of third persons that are based on the sentence.

## **12. APPLICATION OF THE CRIMINAL LEGISLATURE ACCORDING TO THE PLACE OF PERPETRATION OF THE CRIME**

### **Application of the criminal legislature to everyone who commits a crime on the territory of the Republic of Macedonia**

#### **Article 116**

(1) The criminal legislature is applicable to everyone who commits a crime on the territory of the Republic of Macedonia.

(2) The criminal legislature is also applicable to everyone who commits a crime on a domestic ship, regardless where the ship is at the time the crime is committed.

(3) The criminal legislature is also applicable to everyone who commits a crime in a domestic civil aircraft during flight, or on a domestic military aircraft, regardless where the aircraft is at the time the crime is committed.

### **Application of the criminal legislature to certain crimes committed abroad**

#### **Article 117**

The criminal legislature is applicable to everyone who commits a crime abroad, from Article 269 from the present Code, if the forgery concerns domestic currency from Articles 305 through 326, 357 through 359-a and 394-d and 403 through 422 of the present Code.

### **Application of the criminal legislature to a citizen of the Republic of Macedonia who commits a crime abroad**

#### **Article 118**

The criminal legislature is also applicable to a citizen of the Republic of Macedonia when he commits some crime abroad, except for the crimes listed in article 117, if he finds himself on the territory of the Republic of Macedonia or is extradited.

### **Application of the criminal legislature to a foreigner who commits a crime abroad**

#### **Article 119**

(1) The criminal legislature is applicable also to a foreigner who commits a crime outside the territory of the Republic of Macedonia but directed against her or against her citizen, also when this does not concern crimes listed in article 117, if he finds himself on the territory of the Republic of Macedonia or is extradited.

(2) The criminal legislature is also applicable to a foreigner who commits a crime abroad, against a foreign country or a foreigner, who according to that legislature may be sentenced to five years of imprisonment or to a more severe punishment, when he finds himself on the territory of the Republic of Macedonia, and when he is not extradited to the foreign country. If not otherwise determined by this Code, in such a case the court may not pronounce a punishment more severe than the punishment that is prescribed by law of the country in which the crime was committed.

### **Special conditions of prosecution**

#### **Article 120**

(1) If in the cases from article 116, the criminal procedure is violated or completed in a foreign country, the prosecution in the Republic of Macedonia shall be initiated only after approval from the Public Prosecutor of the Republic of Macedonia.

(2) In the cases from articles 118 and 119, no prosecution shall be initiated if:

- 1) The perpetrator has served out the punishment to which he was sentenced abroad;
- 2) An appropriate security measure consisted of freedom deprivation, has been applied upon a perpetrator who is in abroad
- 3) The perpetrator was acquitted abroad with a sentence that has come into effect, or his punishment has become null and void or it was pardoned;

4) According to the foreign law a crime is prosecuted upon request by the damaged party and no such request was submitted.

(3) In the cases from articles 118 and 119, prosecution shall be initiated only when the crime is punishable according to the law of the country in which the crime was committed. When in the cases from Article 118 and Article 119, paragraph 1, there is no punishment for that crime according to the law in the country in which it was committed, prosecution may be initiated only after approval from the Public Prosecutor of the Republic of Macedonia.

(4) Only after approval by the Public Prosecutor of the Republic of Macedonia may prosecution be initiated in the Republic of Macedonia in the cases from Article 119, paragraph 2, regardless of the law of the country in which the crime was committed, if this concerns a crime which, at the time it was perpetrated, was considered to be a crime according to the general legal principles, recognized by the international community.

(5) In the cases from article 116, the prosecution of a foreigner may be handed over to a foreign country, under the condition of reciprocity.

### **Reckoning pre-trial confinement and a punishment served abroad**

#### **Article 121**

The pre-trial confinement, the freedom deprivation during the extradition procedure, as well as the punishment or security measure of deprivation of freedom, which the perpetrator served according to a sentence by a foreign court, shall be reckoned in the punishment which shall be pronounced by the domestic court for the same crime, and if the punishments are not of the same kind, the reckoning shall be done according to the assessment of the court.

### **Implementation of provisions of this Code for criminal sanctions pronounced abroad**

#### **Article 121-a**

When the criminal sanction, which was pronounced abroad, is enforced in the Republic of Macedonia and based on an International Agreement, the provisions from this Code referring to conditional relief, rehabilitation, terms of limitation, amnesty and pardon shall apply.

## **Chapter thirteen**

### **DEFINITION OF EXPRESSIONS**

#### **Article 122**

(1) Criminal legislature of the Republic of Macedonia shall mean the provisions from this Criminal Code and the provisions contained in the other laws.

(2) The territory of the Republic of Macedonia shall mean the territory of dry land, the water surfaces inside its borders, as well as the airspace above them.

(3) The concept of a military person means: a cadet of a Military Academy; military officers; a soldier under contract; a soldier serving his military duty; a person from the reserve composition, while on military duty as a military conscript in the field of military defense regarding the execution of military duty; and civil persons on duty in the Army of the Republic of Macedonia.

(4) An official person, when marked as a perpetrator of a crime, is considered to be:

a) The President of the Republic of Macedonia, appointed representatives and Ambassadors of the Republic of Macedonia abroad and appointed persons by the President of the Republic, an elected or appointed officer in the Parliament of the Republic of Macedonia, in the Government of the Republic of Macedonia, in the state administration bodies, in the courts, Public Prosecution, the Court council of the Republic of Macedonia, the Public Prosecutors' Council of the Republic of Macedonia and other bodies and organizations which perform certain professional, administration or other matters within the framework of the rights and duties of the Republic, in the local self-government, as well as persons who permanently or periodically perform an official duty in these bodies and organizations;

b) A civil servant who performs expert, law- legal, executive, administrative-supervising and administrative work according to the Constitution and the law;

c) An authorized person in a legal entity which by law or by some other regulation adopted based on the law is entrusted with performing public authority, when they perform the duty within the framework of that authority, as well as a person authorized to represent the associations, foundations, unions and organizational forms of foreign organizations, sports associations and other legal entities in the field of sport;

d) A person performing certain official duties, based on the authorization given by law or by some other regulations adopted based on the law;

e) A military person, when considering crimes in which an official person is pointed out as perpetrator; and

f) A representative of a foreign country or an international organization in the Republic of Macedonia.

(5) A foreign official person, when pointed out as a perpetrator of a criminal activity, shall mean a person who in the European Union, international organization or a public institution performs some of the functions from paragraph a) to e) from paragraph 6 of this Article in a foreign country.

(6) A legal entity shall mean: the Republic of Macedonia, local self-government units, political parties, public enterprises, trade companies, institutions and other associations, foundations, unions and organizational forms of foreign organizations, sports associations, financial organizations, and other organizations determined by law, which are registered as legal entities, and other communities and organizations to which the characteristic of a legal entity has been recognized. A foreign legal entity shall mean public enterprise, an institution, a fund, bank, trade company or some other kind of organization according to laws of the European Union, a foreign state for performing economic, financial, banking, trade, service and other activities, who has a headquarter in another country or a representative office

in the Republic of Macedonia, or it is established as an international enterprise, foundation, bank or institution.

(7) A person in a legal entity shall be considered to be a responsible person, who considering their function or based on special authorization in the legal entity, is entrusted with a certain circle of matters which concern the execution of legal regulations, or of regulations that are adopted based on a law or a general act of the legal entity, use and disposition of property, the management of the production or other economic process, or the supervision over these. An official person shall also be considered to be an official person, when this concerns crimes where a responsible person is designated as the perpetrator, and which crimes are not foreseen in the chapter about crimes against official duty, i.e., as crimes by an official person, foreseen in some other chapter of this Code. When it is strictly determined with this Code, a responsible person shall also be the person that performs a special function or authority or who has an authority for an independent realization of a particular work in a foreign legal entity, as well as person who in Macedonia represents a foreign legal entity.

(8) When an official or responsible person is designated as the perpetrator, all the persons listed in paragraphs 4, 5 and 7 may be perpetrators of these crimes unless from the legal features of a certain crime it arises that just one of these persons may be the perpetrator.

(9) A person that performs a work of public interest is the one that professionally performs functions, duties or work for public-general interest such as: a teacher, educator, doctor, social worker, journalist, notary public, lawyer or other person who individually performs public work or who works in a legal entity that performs a public work i.e. work of general interest determined with a law.

(10) Elections and voting means the elections for representatives of the citizens in the Parliament of the Republic of Macedonia and in the local self-government, for the President of the Republic of Macedonia, and the declaration of the citizens at a referendum.

(11) A document shall be any object that is suitable or defined to serve as proof of any fact that is of value for the legal relations. Public document is a writing issued by an authorized body, organization or person who performs a public work determined by law or other regulation stipulated by law.

(12) Money shall be means of payment in cash, in denominations or electronic money that, in accordance with law, are in circulation in the Republic of Macedonia or in a foreign country.

(13) Marks of value also mean foreign marks of value.

(14) Securities shall be: shares, bonds and other securities that are traded based on a law of the Republic of Macedonia.

(15) Payment cards shall mean every kind of means of payment issued by banking or other financial institutions containing electronic data on persons and electronic generated numbers enabling the performance of any kind of financial transactions.

(16) An income from a punishable act shall mean each property or benefit acquired directly or indirectly by execution of a punishable act as well as income from a punishable act perpetrated abroad, under the condition that in the period when it was committed to have been envisaged as a punishable act according to the state laws where it has been perpetrated, as well as according the law of the Republic of Macedonia.

(17) A movable object shall also mean any produced or collected energy for providing light, heat or movement, as well as telephones impulses, other mechanisms for distant transmission of voice, picture or text and computer services, collected and distributed drinking water and other general use items.

(18) A force shall also mean the use of hypnosis and stunning means in order to bring another against their will into an unconscious state or to disable them for resistance.

(19) A social body shall mean the agencies for social work and other institutions that perform social activity.

(20) A motor vehicle shall mean any traffic means with a motor drive, in land, water and air traffic.

(21) Domestic violence shall imply maltreatment, verbal abuse, safety endangerment, bodily harm, sexual or psychological, physical or economic violence causing a sense of insecurity, endangerment or fear, including threats for such actions toward a spouse, parents, children or other persons that live in a marital or extramarital union or joint household, as well as against a current or former spouse, extramarital partner or persons that have a child together or are in close personal relations, regardless of whether the perpetrator shares or shared the same residence with the victim or not.

(22) A victim of a criminal act shall imply each person that sustained damages, including physical or mental injury, emotional suffering, material loss or other type of violation or endangerment of their basic freedoms and rights as a consequence on a perpetrated criminal act. A child- victim of a criminal act shall imply a minor under the age of 18. A victim of gender-based violence shall be any woman and all girls under 18 years of age against whom the crime has been committed under those circumstances.

(23) Several persons shall imply a minimum of three or more persons.

(24) Child pornography shall imply a pornographic material that visually displays evident sexual acts with a minor or a mature person that looks like a minor or display the minor or the mature persons looking like a minor in an evident sexual position or real images displaying evident sexual acts with a minor or display the minor or the mature person looking like a minor in an evident sexual position.

(25) a family shall imply the spouse, extra- marital partner, children, parents, brothers, sisters and other relatives the person lives with in a family unit.

(26) A computer system shall imply any type of device or a cluster of interconnected devices one or several of which performs automatic processing of data according to a certain programme.

(27) Computer data shall imply presenting of facts, information or concepts in the shape convenient to process through a computer system, including a programme that is convenient to put the computer system in function.

(28) The concept of a group, a gang or other criminal association or organization shall mean an association of at least three persons with the aim of committing crimes, considering the organizer of the association being as included in this minimum number.

(29) The concept of a court, judge and court (judicial) proceedings shall also pertain to an international court whose jurisdiction has been recognized by the Republic of Macedonia, as well as the judges and the proceedings in front of such court.

(30) Inebriation shall mean a state of alcohol in the blood exceeding 1.5 g-promiles.

(31) Explosive or other deadly device shall mean any kind of weapon or explosive or incendiary device that can cause death, bodily injuries or larger damage to property through physical injuries, emission or dispersion of detrimental chemical substances, biological substances, toxic or likewise substances or radiation of radioactive substances, as well as any weapon or device created for such purpose.

(32) The concept of a public place shall mean buildings, parts of buildings, yards, premises for conducting trade, cultural, official, educational, religious, recreational or other activity, public roads, open rooms, water surfaces and other places open and accessible to an unlimited number of persons.

(33) A smaller property gain, value or damage shall mean a gain, value or damage that corresponds to the amount of the officially announced average one-half monthly salary in the economy of the Republic of Macedonia, at the time when the crime was committed.

(34) A larger property gain, value or damage shall mean a gain, value or damage that corresponds to the amount of five average monthly salaries in the economy, at the time when the crime was committed.

(35) A significant property gain, value or damage shall mean a gain, value or damage that corresponds to the amount of 50 average monthly salaries in the economy, at the time when the crime was committed.

(36) A property gain, value or damage of a great extent shall mean a gain, value or damage that corresponds to the amount of 250 average monthly salaries in the economy, at the time when the crime was committed.

(29) A net daily income shall mean a net salary and remunerations, and other business or property income and income from property rights. Net daily income shall be calculated by deducting taxes and other legal dues. If the court cannot calculate the net daily income in such manner or this will cause big delay in the procedure, as a base for its determination shall be taken the daily income of average salary in the Republic of Macedonia for the last three months during the trial.

(38) Property shall mean money or other payment means, securities, deposits, other type of property of any kind such as material and non- material, movable or immovable, other rights on the objects, demands as well as travel documents and legal papers for ownership or interest in such property.

(39) Objects shall imply movable or immovable objects that are fully or partially used or should be used or have occurred by the execution of the criminal act.

(40) A stakeholder shall imply a person that has interest in the performance of the deal by the company if that person, their representative, spouse, parents, children, brothers/sisters from both parents or only one parent, adoptive parents, adopted children and/ or some person related with them:

- is a party in such deal, its user, representative or mediator in such deal or

- Individually or together they own 20% or more from the shares in the legal entity that is a party in the deal, its user, representative or mediator in such deal or

- is a member of the administrative body, i.e. supervisory body of the legal entity that is a party in the deal, its user or representative in such deal, or is a management person of that legal entity.

(41) Aside to the violence referred under paragraph (21) of the present Article, the violence against a child shall also encompass psychological violence, internet violence, bullying and child stocking and following.

(42) A criminal act against a natural or legal entity or related entities or property, committed entirely or partially due to real or hypothetical (imaginary) characteristic or connection of the entity with a certain race, skin color, nationality, ethnicity, religion or persuasion, mental or physical handicap, sex, gender identity, sexual orientation or political persuasion shall be considered a hate crime in accordance with the provisions of the present Code.

(43) Gender-based violence against women shall imply violence directed at women because they belong to the female gender that leads or could lead to physical, sexual, psychological, or economic harm or suffering of women, including direct and indirect threats and instilling fear in women for such acts, extortion or arbitrary deprivation of freedom, regardless of whether they occur in the public or private life.

## **SPECIAL PART**

### **14. CRIMES AGAINST LIFE AND BODY**

#### **Murder**

##### **Article 123**

(1) A person who takes the life of another shall be punished with imprisonment of at least five years.

(2) A punishment of at least ten years or with life imprisonment shall be imposed on the person who:

1. Takes the life of another in a cruel or treacherous manner;
2. Takes the life of another with an act of domestic violence;

2-a) another that takes the life of a woman or a girl under the age of 18 while committing gender-based violence

3. Takes the life of another and hereby, with intent, brings in danger the life of another person;
4. Takes the life of another for self-interest, because of committing or covering up some other crime, for ruthless revenge, due to hatred or for other low motives.

5. Takes the life of another on order;
  6. Takes the life of another due to removal of an organ, tissue or transplantation cells;
  7. Takes the life of a female knowing that she is pregnant or is a child and
  8. Takes the life of a judge, a public prosecutor while performing their function, i.e. activity, a lawyer, doctor or a different healthcare provider, journalist or another media-related professional or another person performing works of public interest while performing the professional assignments or regarding the performance of the professional assignments undertaken within their authorizations or an official or a military official in the performance of the works of the public order or state security or the duty of keeping the public order, capturing a perpetrator of a criminal act or keeping a person deprived of freedom.
- (3) Any person who with intent shall kill two or more persons, for whom he/she was not prosecuted before, shall be punished with imprisonment in duration from 10 years to life, except if it is not a crime from Article 9 paragraph (3), article 10 paragraph (3) and Articles 124, 125 and 127.

### **Murder with noble motives**

#### **Article 124**

A person who takes the life of another with noble motives shall be punished with imprisonment of six months to five years.

### **Momentary murder**

#### **Article 125**

The person who deprives another person of life in a moment in which they have been led in a state of strong irritation caused by an attack or severe verbal abuse or as a result of domestic violence, gender-based violence against women by the murdered person, shall be punished by imprisonment with duration from one to eight years.

### **Murder from negligence**

#### **Article 126**

A person who takes the life of another from negligence shall be punished with imprisonment of six months to five years.

### **Murder of a child at birth**

#### **Article 127**

- (1) A mother that takes the life of her child at birth or directly after giving birth, in a state of derangement caused by the birth, shall be punished with imprisonment of three months to three years.
- (2) The attempt is punishable.

### **Instigation to suicide and helping in suicide**

#### **Article 128**

- (1) A person who instigates another to suicide or helps him in committing suicide, and this was committed, shall be punished with imprisonment of three months to three years.
- (2) If the crime from paragraph 1 is committed against a juvenile who reached the age of fourteen or against a person who is in a state of decreased mental competence, the perpetrator shall be punished with imprisonment of one to ten years.
- (3) If the crime from paragraph 1 is committed against a juvenile who has not reached the age of fourteen years yet, or against a mentally incompetent person, the perpetrator shall be punished according to article 123.
- (4) A person behaving cruelly or inhumanely towards another who has a subordinate or dependent relationship to him, and if this person commits suicide because of this relationship, which could be attributed to negligence by the perpetrator, shall be punished with imprisonment of six months to five years.
- (5) If because of the crimes from paragraphs 1 to 4 the suicide was only attempted, the court may punish the perpetrator more leniently.

### **Cloning**

#### **Article 128-a**

The person who creates a human being genetically identical to another human being death or alive shall be punished with imprisonment of three to ten years.

### **Prohibited Genetic Manipulations of fertilization**

#### **Article 128-b**

The person who fertilizes an egg cell with a spermatozoid from an animal, or an animal egg cell with a spermatozoid of a man, or replaces the embryo with transplantation of parts of other human or animal embryos or human cells or puts a human embryo in an animal or an animal egg cell or embryo in a woman, shall be punished with imprisonment of three to ten years.

## **Unlawful Interruption of Pregnancy and Forced Sterilization**

### **Article 129**

(1) A person who in contrary to regulations on the termination of a pregnancy, with the consent from a pregnant woman performs, starts to perform or helps in performing termination of a pregnancy, shall be punished with imprisonment of three months to three years.

(2) A person who is engaged in performing the crime from paragraph 1 shall be punished with imprisonment of one to five years.

(3) A person who, without the consent from a pregnant woman, performs or starts to perform termination of a pregnancy shall be punished with imprisonment of one to five years.

(4) The person who without the consent of a woman or by leading into denial or using the ignorance of a woman, contrary to the law, by surgical intervention or in another manner terminates her ability for reproduction, shall be punished with imprisonment in duration of one to three years.

(5) If the criminal act from paragraph (1), (2), (3) and (4) from the present Article has been committed against a female person who is a minor or resulted in a severe health deterioration or death of the female person, the perpetrator shall be punished for the act referred to in paragraph (1) of this Article with imprisonment in duration from six months to five years, and for the acts from paragraphs (2), (3) and (4) of the present Article with a minimum of five years.

## **Female genital mutilation**

### **Article 129-a**

(1) The person who completely or partially cuts off, infibulates or in another way mutilates the external sexual organ of a woman shall be punished with imprisonment from six months to five years.

(2) The punishment from paragraph 1 of this Article shall be applied to a person forcing a woman to subject herself to the acts covered in paragraph (1) of this Article.

(3) The person who encourages or helps a woman to subject herself to the acts from paragraph (1) of this Article shall be punished with a fine or imprisonment of six month to three years.

(4) If the act from paragraphs (1), (2) and (3) of this Article has been committed due to hatred or against a girl or has caused severe bodily harm of the woman, the perpetrator shall be punished with imprisonment of one to eight years.

(5) If the death of the woman or girl occurred due to the criminal act from paragraphs (1), (2), (3) and (4) of this Article, the perpetrator shall be punished with imprisonment from one to ten years.

## **Body injury**

### **Article 130**

(1) A person who injures bodily another, or damages their health, shall be punished with a fine, or with imprisonment of up to three year.

(2) Whoever commits the criminal act from paragraph (1) of this Article while committing gender-based violence, violence against women or domestic violence or out of hatred or against a person who is particularly vulnerable due to their age, severe physical or mental disabilities or pregnancy, shall be punished with imprisonment from six months to five years.

(3) The punishment from paragraph (2) of the present Article shall be applied to the person who commits the criminal act out of hatred.

(4) The court may sentence the perpetrator of the crime from paragraph 1 to a court reprimand, if they were provoked with especially insulting or rude behavior by the damaged person.

(5) The prosecution for the crime from paragraph (1) shall be undertaken upon a private suit and for paragraph (2) upon a proposal.

## **A grave body injury**

### **Article 131**

(1) A person who gravely injures bodily another, or damages gravely their health, shall be punished with imprisonment of six months to five years.

(2) Whoever commits the criminal act from paragraph (1) of this Article while committing gender-based violence, violence against women or domestic violence or out of hatred or against a person who is particularly vulnerable due to their age, severe physical or mental disabilities or pregnancy, shall be punished with imprisonment from six months to five years.

(3) A person who gravely injures bodily another or damages gravely their health and if because of this the life of the injured person is brought into danger, or a vital part of the body or some important organ is destroyed, or is damaged permanently or to a significant extent, or a permanent disability for work is caused, in general or for the work for which they are trained, their health is damaged permanently or gravely, or they become disfigured, - shall be punished with imprisonment of one to ten years.

(4) If because of the grave body injury from paragraphs (1) to (3) the injured person dies, the perpetrator shall be punished with imprisonment of at least one year.

(5) A person that commits the crime from paragraphs 1, 2 and 3 from negligence shall be punished with a fine, or with imprisonment of up to three years.

(6) A person that commits the crime momentarily, brought without their fault into a state of great irritation by an attack or grave insult or as a result of an act of domestic violence by the damaged, shall be punished for the crime from paragraphs (1) and (2) - with a fine or with imprisonment of up to three years, and for the crime from paragraphs 3 and 4 - with imprisonment of one to five years.

## **Participation in a brawl**

### **Article 132**

(1) A person participating in a brawl in which another lost his life or another sustained a grave body injury, shall be punished with imprisonment of three months to three years.

(2) A crime from paragraph 1 does not exist for a person who was drawn into a brawl without his own will, or was only separating the other participants in the brawl.

## **Threatening with a dangerous instrument during a brawl or a quarrel**

### **Article 133**

A person who draws a weapon, a dangerous instrument or other mean during any kind of brawl or quarrel, with which they could harm the body gravely, or damage the health gravely, shall be punished with a fine, or with imprisonment of up to six months.

## **Exposure to danger**

### **Article 134**

(1) A person who leaves another without help, in a state dangerous to life, and which he has caused himself, shall be punished with imprisonment of three months to three years.

(2) If the person exposed to danger because of this loses his life, or becomes gravely bodily injured, or his health becomes gravely damaged, the perpetrator shall be punished with imprisonment of one to five years.

## **Deserting a feeble person**

### **Article 135**

(1) A person, who was entrusted or who is obliged to take care of a feeble person, and who leaves him without help under circumstances dangerous to life or to health, shall be punished with imprisonment of three months to three years.

(2) If the deserted person loses its life because of this, or is severely bodily injured, or his health is severely damaged, the perpetrator shall be punished with imprisonment of one to five years.

## **Not giving help**

### **Article 136**

A person who does not give help to a person who finds himself in a situation dangerous for life, even though he could have done this without the danger to himself or to others, shall be punished with a fine, or with imprisonment of up to one year.

## 15. CRIMES AGAINST THE FREEDOMS AND RIGHTS OF HUMANS AND CITIZENS

### **Injury to the equality of citizens**

#### **Article 137**

(1) A person who, based on a difference in sex, race, color of skin, gender, affiliation with a marginalized group, ethnics, language, citizenship, social origin, religious persuasion of faith standpoint, other persuasions, education, political belief, personal or social status, mental or physical impairment, family or marital status, property status, health conditions or on any other base takes away or limits the rights of humans and citizens, determined by the Constitution, by law or by ratified international covenant, or who based on all these differences gives citizens favors in contrary to the Constitution, some law or international ratified covenant, shall be punished with imprisonment of three months to three years.

(2) If the crime from paragraph (1) is committed by an official person while performing their duty, they shall be punished with imprisonment of six months to five years.

(3) If the crime from the present Article is committed by a legal entity, it shall be punished with a fine.

### **Violation of the right to use the language and the alphabet**

#### **Article 138**

(1) A person who takes away or limits the right of the citizens to use the language and the alphabet, guaranteed by the Constitution, by law or by international covenant, shall be punished with imprisonment of three months to three years.

(2) If the crime from paragraph 1 is committed by an official person while performing their duty, they shall be punished with imprisonment of six months to five years.

(3) If the crime of paragraph (1) above is committed by a legal entity, it shall be punished with a fine.

### **Coercion**

#### **Article 139**

(1) A person who, by force or by serious threat, forces another to do or not to do or to suffer something, shall be punished with a fine or imprisonment for up to one year.

(2) If the offense referred to in paragraph (1) of this Article is committed while committing gender-based violence against women, domestic or violence out of hate, or against a person who is particularly vulnerable due to their age, disability or pregnancy, the perpetrator will be punished with imprisonment of six months up to three years.

(3) With the penalty from paragraph (2) of this Article, whoever commits the crime from paragraph (1) of this Article against a lawyer, doctor or other health worker, journalist or other media worker or other person who performs work of public interest shall be punished during the performance of the professional tasks or in connection with the performance of the professional tasks that they undertake within their powers.

(4) If the offense referred to in paragraph (1) of this Article is committed by an official in the performance of their duties, they shall be punished with imprisonment from six months to five years.

(5) The prosecution for the crime from paragraph (1) of this Article shall be undertaken by a private lawsuit.

(6) The attempt of the acts from paragraphs (2) and (3) of this Article shall be punishable.

## **Unlawful Deprivation of freedom**

### **Article 140**

(1) A person who unlawfully deprives a person of freedom, keeps detained, or in some other way takes away or limits the freedom of movement of another, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the offense referred to in paragraph (1) of this Article is committed while committing gender-based violence against women, domestic or violence out of hate, or against a person who is particularly vulnerable due to their age, disability or pregnancy, the perpetrator will be punished with imprisonment of six months up to three years.

(3) The attempt is punishable.

(4) If the unlawful deprivation of freedom is performed by an official person, by misusing the official position or authorization, they shall be punished with imprisonment of six months to five years.

(5) If the unlawful deprivation of freedom lasted longer than thirty days, or if it was performed in a cruel manner, or if the health of the unlawfully freedom deprived person was seriously damaged because of this, or if some other serious consequences occurred as a result, the perpetrator shall be punished with imprisonment of one to five years.

(6) If the person who was unlawfully deprived of freedom lost his life because of this, the perpetrator shall be punished with imprisonment of at least four years.

## **Abduction**

## **Article 141**

(1) A person that commits an abduction of another, with the intention to force him or someone else to commit, not to commit or to endure something, shall be punished with imprisonment of one to ten years.

(2) A person that commits the crime from paragraph 1 against a minor, or the person who in order to achieve the aim of the abduction from paragraph 1 threatens to kill the abducted person, or to inflict grave body injury, shall be punished with imprisonment of at least four years.

(3) The perpetrator of the crime from paragraphs 1 and 2, who of own volition frees the abducted person before the demand is realized because of which they committed the abduction, may be acquitted from punishment.

## **Torture**

### **Article 142**

(1) Whoever, in the performance of their duties or any other person acting in an official capacity, as well as a person who, encouraged by an official or with their express or tacit consent, by the use of force, threat or any other illegal means or illegal means, causes physical or mental pain or suffering of another person, in order to obtain from them or a third person a confession or some other information, or to punish them for an act which they or a third person has committed or is supposed to have committed, shall be punished with imprisonment of at least five years.

(2) If the crime from paragraph (1) of this Article results in serious bodily injury, other particularly serious consequences or death for the victim, or the crime is committed out of hate, the perpetrator shall be punished with imprisonment of at least eight years.

(3) If, due to the crime from paragraph (1) of this Article, they intentionally caused serious bodily injury, the perpetrator will be punished with imprisonment of at least ten years. If the death of the woman or girl occurred due to the criminal act from paragraphs (1), (2), (3) and (4) of this Article, the perpetrator shall be punished with imprisonment from one to ten years.

(4) If during the committing of the crime from paragraph (1) of this Article the death of the victim is intentionally caused, the perpetrator shall be punished with imprisonment of at least ten years or with life imprisonment.

## **Mistreatment in performing a duty**

### **Article 143**

An official who, in the performance of their duties or any other person acting in an official capacity, as well as a person who, encouraged by an official or with their express or tacit consent, uses unauthorized force, threatens, or commits physical or mental violence in order to inflict physical or mental pain or

suffering on another person, which constitutes cruel, inhuman or degrading treatment or punishment, shall be punished with imprisonment from three to eight years.

## **Endangering security**

### **Article 144**

(1) Whoever seriously threatens another to attack their life or body or the life or body of a person close to them with the intention of disturbing or intimidating them, shall be punished with a fine or imprisonment for up to six months.

(2) If the crime from paragraph (1) of this Article causes a feeling of insecurity, threat or fear to the victim, the perpetrator shall be punished with a fine or imprisonment for up to one year.

(3) Whoever commits the crime from paragraph (1) of this Article while committing gender-based violence, violence against women or domestic violence or out of hatred or against a person who is particularly vulnerable due to their age, severe physical or mental disabilities or pregnancy, shall be punishable by imprisonment from three months to three years.

(4) With the penalty from paragraph (3) of this Article, whoever commits the offense from paragraph (1) of this Article against an official in the performance of their duties, a lawyer, a doctor or another healthcare provider, a journalist or another media professional or another a person who performs works of public interest during the performance of professional tasks or in connection with the performance of professional tasks undertaken within the framework of their powers or towards several persons.

(5) Whoever publicly, or through an information system, threatens to commit a criminal offense for which a prison sentence of five years or a heavier penalty is prescribed against a person because of their belonging to a certain race, skin color, origin, national or ethnic origin affiliation, sex, gender, sexual orientation, gender identity, belonging to a marginalized group, language, citizenship, social origin, education, religion or religious belief, political belief, other belief, disability, age, family or marital status, property status, health status, personal property and social status or any other basis provided by law or international agreement ratified in accordance with the Constitution of the Republic of North Macedonia, shall be punished with imprisonment from one to five years.

(6) The prosecution for the crime from paragraph (1) of this Article shall be undertaken by a private lawsuit.

## **Stalking**

### **Article 144-a**

(1) A person who repeatedly follows, persecutes or otherwise interferes in the personal life of another without authorization or establishes or tries to establish unwanted contact with them by moving in the

space where that person is, by abusing the use of personal data, with using means of public information or other means of communication, or otherwise psychologically abuses, harasses or intimidates them and thereby causes a feeling of insecurity, anxiety or fear for their safety or the safety of a person close to them, shall be punished with a fine or imprisonment for up to three years.

(2) If the crime referred to in paragraph (1) of this Article is committed against a person with whom the perpetrator is or was in an intimate relationship or against a child, they shall be punished with imprisonment from six months to five years.

(3) The prosecution for the offense from paragraph (1) of this Article shall be undertaken upon motion.

### **Violation of the inviolability of the home**

#### **Article 145**

(1) A person who without authorization enters another's home, or closed or fenced in area that belongs to that home, or private business premises that are designated as such, or if he does not remove himself from there upon the request from the authorized person, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 of this article is committed by an official person while performing his duty, he shall be punished with imprisonment of six months to five years.

(3) The attempt of the crimes from paragraphs 1 and 2 is punishable.

(4) The prosecution of the crime from paragraph 1 is undertaken upon a private suit.

### **Unlawful search**

#### **Article 146**

(1) A person who performs an unlawful search of another, of a home, of a closed or fenced in area that belongs to the home, or of business premises, shall be punished with a fine, or with imprisonment of up to one year.

(2) An official person who while performing his duty performs an unlawful search shall be punished with imprisonment of six months to five years.

(3) The attempt of the crimes from paragraphs 1 and 2 is punishable.

(4) The prosecution of the crime from paragraph 1 is undertaken upon private suit.

### **Violation of confidentiality of letters or other parcels**

#### **Article 147**

(1) A person who without a court decision or without the consent from the person they are sent to, opens someone else's letter, telegram, some other closed message in writing or parcel, or secured electronic mail, or in some other way violates their confidentiality, or withholds, covers up, destroys or hands over to a third person a letter, telegram, a closed message in writing or a parcel, or secured electronic mail, shall be punished with a fine or with imprisonment of up to six months.

(2) A person who informs another about the secret he found out by violating the confidentiality of another's letter, telegram or some other closed message in writing or parcel, or secured electronic mail, or who uses this secret, with the intention of attaining some benefit for himself or for another, or to inflict harm to another, shall be punished with a fine, or with imprisonment of up to one year.

(3) If the crime from paragraphs 1 and 2 is committed by an official person while performing his duty, he shall be punished for the crime from paragraph 1 with imprisonment of three months to three years, and for the crime from paragraph 2 with imprisonment of three months to five years.

(4) The prosecution of the crime from paragraphs 1 and 2 is undertaken upon private suit.

### **Unauthorized publication of personal notes**

#### **Article 148**

(1) A person who publishes a diary, a letter or some other personal record without the permission from the author, in the cases when such permission is required, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the criminal act from the present Article is committed by a legal entity, the person shall be punished with a fine.

(3) The prosecution is undertaken upon private suit.

### **Misuse of personal data**

#### **Article 149**

(1) A person who collects, processes or uses personal data from a citizen without his permission, contrary to the conditions determined by law, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from paragraph 1 shall apply to a person who penetrates a computerized information system of personal data, with the intention of using them in order to attain some benefit for them or for another, or to inflict some harm upon another.

(3) If the crime from paragraphs 1 and 2 is committed by an official person while performing their duty, they shall be punished with imprisonment of three months to three years.

(4) The attempt shall be punishable.

(5) If the criminal act in from the present Article is committed by a legal entity, the person shall be punished with a fine.

### **Prevention of Access to Public Information System**

#### **Article 149-a**

(1) The one who illegally prevents the access to public information system shall be punished with fine or imprisonment up to one year.

(2) When the crime from paragraph (1) is performed by an official person during the performance of their duties, or by a responsible person within the public information system, shall be punished with fine or imprisonment of three months to three years.

(3) If the criminal act from the present Article is committed by a legal entity, it shall be punished with a fine.

(4) The prosecution shall be initiated by private suit.

### **Unauthorized disclosure of a secret**

#### **Article 150**

(1) A lawyer, notary, defense counsel, doctor, midwife or some other health worker, psychologist, religious confessor, social worker or some other person who, even though unauthorized, discloses a secret he discovered while performing their profession, shall be punished with a fine, or with imprisonment of up to one year.

(2) The crime from paragraph 1 shall not exist if the secret was disclosed in general interest, or in the interest of some other person, when this has higher priority than the interest of keeping the secret.

(3) If the criminal act from the present Article is committed by a legal entity, it shall be punished with a fine.

(4) The prosecution shall be undertaken upon private suit.

### **Unauthorized tapping and audio recording**

#### **Article 151**

(1) A person who by using special devices illegally taps or records on audio a conversation or a statement, which is not intended for them, shall be punished with a fine, or with imprisonment of one to five years.

(2) The punishment from paragraph 1 shall apply to a person who enables an unauthorized person to become informed about a conversation or a statement, which is tapped or recorded on audio.

(3) The punishment from paragraph 1 shall also apply to a person who records on audio a statement that is intended for them, without the knowledge of the person giving the statement, with the intention of misusing it or to pass it on to third persons, or to the person who directly passes such a statement on to third parties.

(4) If the crime from paragraphs 1, 2 and 3 from the present Article is committed by a responsible person within a legal entity while performing their duty, they shall be punished with imprisonment of a minimum of four years.

(5) A person employed within a legal entity entrusted with implementation of the measure-communication monitoring shall be punished with the punishment provided in paragraph (4) of the present Article.

(6) The official mentioned in paragraph 4 who has committed a criminal act following an order from a superior and who had reported the crime prior to having learned that criminal proceedings were initiated against him/her, shall be acquitted from punishment.

(7) If the criminal act from the present Article is committed by a legal entity, it shall be punished with a fine.

(8) If the criminal act referred to in the present Article is committed by a legal entity the primary activity of which is to provide telecommunication services, they shall be punished with a fine in the amount of 10% of the total amount of income from the current year in which the act has been perpetrated.

## **Unauthorized recording**

### **Article 152**

(1) A person who without authorization makes photographs, film or video recordings of another or this person's personal premises, without their consent, and by violating this person's privacy, or the person who directly transfers these recordings to a third person, or shows them, or in some other way enables them to know about these paragraphs, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 is unlawfully committed by an official person when performing their duty, they shall be punished with imprisonment of three months to three years.

(3) If the criminal act from the present Article is committed by a legal entity, it shall be punished with a fine.

(4) The prosecution of the crime from paragraph 1 is undertaken upon private suit.

## **Violation of the right to submit a legal means**

### **Article 153**

(1) A person who prevents another in using their right to defense, to submit a complaint or some other legal means, by force or by serious threat, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 is committed by an official person by misusing their official position or authorization, they shall be punished with imprisonment of three months to three years.

(3) If the criminal act from the present Article is committed by a legal entity, it shall be punished with a fine.

(4) The prosecution of the crime from paragraph 1 is undertaken upon private suit.

### **Preventing the printing and distribution of printed matters**

#### **Article 154**

(1) A person, who by force or by serious threat prevents the printing, sale and distribution of books, magazines, newspapers or other printed matter, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from paragraph 1 shall apply to a person who unlawfully prevents the broadcasting, sale and distribution of recorded material.

### **Preventing or hindering a public gathering**

#### **Article 155**

(1) A person who by force, serious threat, deceit or in some other manner prevents or hinders the convening or the holding of a peaceful public gathering, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 of the present Article is committed due to hatred or by an official person by misusing his official position or authorization, he shall be punished with imprisonment of three months to three years.

### **Violation of the right to strike**

#### **Article 156**

(1) A person who by force or by serious threat takes away or limits the right to strike of another, shall be punished with a fine, or shall be imprisoned up to one year.

(2) If the criminal act from the present Article is committed by a legal entity, it shall be punished with a fine.

## **Violation of an author's right and related rights**

### **Article 157**

- (1) A person who in their own name or in the name of another, without authorization, publishes, shows, reproduces, distributes, performs, transmits or in some other way encroaches upon the author's right or some related right of another, respectively author's work, performance, or object of related right, shall be punished with a fine, or with imprisonment of from six months to one year.
- (2) A person that commits the criminal act referred to in paragraph 1 through a computer system, shall be punished with prison with duration from six months to three years.
- (3) A person who attained a larger property gain from the crime from paragraph 1 shall be punished with imprisonment of six months up to three years.
- (4) A person who attained a significant property gain from the crime from paragraph 1 shall be punished with imprisonment of one to five years.
- (5) The attempt shall be punishable.
- (6) The copies of the author's work, the objects of the related right, and the means for their reproduction shall be seized.
- (7) If the criminal act in paragraph (1) is committed by a legal entity, the person shall be punished with a fine.
- (8) The prosecution for violation of a moral right is undertaken upon a proposal.

## **Violation of the Right of the Distributor of Technically and Especially protected Satellite Signal**

### **Article 157-a**

- (1) The person who without the approval of the authorized distributor of technically and especially protected satellite signal shall produce, import, distribute, rent or in another manner makes available, i.e. provide services of putting on a material or non- material device or system due to penetrating such signal, shall be punished with imprisonment in duration of six months to three years.
- (2) If with the act referred to in paragraph (1) a significant property benefit has been acquired or significant damage has been caused, they shall be punished with imprisonment of one to five years.
- (3) The person receiving technically and especially protected satellite signal the protection of which has been penetrated without approval of its authorized distributor or performs further distribution of such signal, shall be punished with imprisonment in duration of six months to three years.

(4) If the criminal act referred to in paragraph 3 has resulted in acquiring significant property benefit or caused significant damages, the perpetrator shall be punished with imprisonment in duration of one to five years.

(5) If the criminal act of the present Article is perpetrated by a legal entity, it shall be punished with a fine.

### **Piracy of an Audio-Visual work**

#### **Article 157-b**

(1) The person who, without approval of the film producer or the authorized distributor of who the film producer has transferred their right to the audio-visual work, produces, imports, reproduces, distributes, stores, rents, puts in circulation or in another manner makes the work available to the public, or undertakes other actions due to distribution, renting, public display, putting in circulation, making it available to the public or in another manner illegally uses the audio-visual work i.e. the video gram or its copies multiplied without authorization, shall be punished with imprisonment in duration of six months to three years.

(2) If with the work mentioned in paragraph (1) property benefit has been acquired or significant damage has been caused, they shall be punished with imprisonment in duration of one to five years.

(3) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with a fine.

### **Phonogram Piracy**

#### **Article 157-c**

(1) The person who, without approval from the producer of a phonogram or the association for collective realization of the rights of the producers of phonograms, produces, reproduces, distributes, stores, rents, puts in circulation or in another manner makes available to the public or undertakes other actions due to distribution, renting, putting into circulation, making available to the public or in another manner illegally uses the program or its copies multiplied without authorization, shall be punished with imprisonment in duration of six months to three years.

(2) If with the criminal act referred to in paragraph (1) significant property benefit has been acquired or significant damage has been caused, the perpetrator shall be punished with imprisonment in duration of one to five years.

(3) If the criminal act from the present Article is perpetrated by a legal entity, they shall be punished with a fine.

## Chapter 16

### CRIMES AGAINST ELECTIONS AND VOTING

#### **Preventing elections and voting**

##### **Article 158**

- (1) A person who by using force, serious threat or in some other way makes impossible or prevents the holding of elections or voting, or makes impossible or prevents the determining or publication of the results from the voting, shall be punished with imprisonment of a minimum of three years.
- (2) A person that commits a crime as provided in paragraph (1) using weapons, explosive and other dangerous devices or using violence against two or more persons or commits the crime acting as an organized group or on the territory on two or more voting stations, shall be punished with a prison sentence of a minimum of five years.

#### **Violation of the voting right**

##### **Article 159**

- (1) A member of an electoral board or some other official person who in the performing of his duty in connection with elections or voting, with the intention of making it impossible for another to execute his electoral right, unlawfully does not register them in the voting list or in the list of candidates, or erases them from a voting list or from a list of candidates, or in some other way deprives the voter of the right to elect, to be elected, or to vote, shall be punished with a fine or with imprisonment of up to one year.
- (2) The punishment from paragraph 1 shall also apply to a member of an electoral board, electoral commission, or board for conducting a referendum, or some other official person, who in the performing of their duty in connection with the elections or voting enables another in an unlawful manner to use the voting right, even though knowing that this person does not have such a right.

#### **Violation of the voters' freedom of choice**

##### **Article 160**

- (1) A person who by using force, serious threat, deceit or in some other manner forces or prevents another from realizing or not realizing, or realizing their voting right in a specific sense, shall be punished with imprisonment of a minimum of three years.

(2) If the crime from paragraph 1 is committed by a member of an electoral board or some other official person, when performing their duty in connection with the elections or voting, they shall be punished with imprisonment of three months to three years.

### **Misuse of the voting right**

#### **Article 161**

(1) A person who, at elections or in voting, votes instead of another or votes more than once shall be punished with a fine or with imprisonment of up to three years.

(2) The punishment from paragraph 1 shall apply also to a person who participates in elections or voting even though they know they do not have a voting right.

### **Bribery at elections and voting**

#### **Article 162**

(1) A person who offers, gives or promises a present or some other personal benefit to a person with voting right, with the intention of attracting this person to perform or not to perform the voting right, or to perform it in a certain sense, shall be punished with imprisonment of a minimum of five years.

(2) The punishment from paragraph 1 shall also apply to a person with voting right who requests for themselves a present or some other benefit, or who receives a present or some other benefit, in order to perform or not to perform the voting right, or to perform it in a certain sense.

(3) If the benefit has smaller value, the perpetrator shall be sentenced with a fine, or with imprisonment in duration of up to one year.

(4) If the act in paragraph (1) is committed by a legal entity, it shall be punished with a fine.

### **Violation of the confidentiality of voting**

#### **Article 163**

(1) A person who violates confidentiality at elections or at voting shall be punished with a fine, or with imprisonment of a minimum of three years.

(2) If the crime from paragraph 1 is committed by a member of an electoral board, or some other official person, when performing their duty in connection with the elections or voting, they shall be punished with a fine or with imprisonment of a minimum of five years.

(3) The punishment from paragraph 2 shall apply also to a person who by using force, serious threat, or by using the official, work or economic dependence and in some other manner, obtains from another to tell them whether they had voted, or how they had voted.

### **Destruction of electoral documents**

#### **Article 164**

(1) A person who destroys, covers up, damages, modifies or in any other way makes unusable a document, book or papers which serves in the elections or in the voting, shall be punished with a fine or with imprisonment of a minimum of five years.

(2) If the crime from paragraph 1 is committed by a member of an electoral board, an or some other official person, when performing their duty in connection with the elections or voting, they shall be punished with a fine or with imprisonment of a minimum of five years.

### **Electoral deceit**

#### **Article 165**

A member of a electoral board, an electoral committee, a board for conducting a referendum, or some other official person, when performing his duty in connection with the elections or voting, who during elections or voting changes the number of the cast votes by adding or subtracting one or more voting papers, or changes the number of votes during counting or when announcing the results from the elections or voting, by adding or subtracting one or more votes, shall be punished with imprisonment of three months to five years.

### **Abuse of the funds for the electoral campaign**

#### **Article 165- a**

(1) the organized of the electoral campaign who by failing to report the source of the funds for the electoral campaign, by prevention of the supervision over the spending of the planed funds, by failing to submit a financial report for the spent funds, by violation of the legal restrictions of the funds allowed for the electoral campaign, by using unhallowed funds for the electoral campaign, by payments contrary to the campaign for campaign funding or in any other manner abuses their legally determined authorization as organizer of the campaign, shall be punished with imprisonment of a minimum of five years.

(2) The punishment referred to in paragraph (1) from the present Article shall be imposed on the responsible person within the legal person who fails to report donations and other funds for the

electoral campaign, prevents the surveillance over the financing or other type of assistance of the electoral campaign, fails to submit a financial report or provides false or partial data on the provided donations and other funds, violates the legal restrictions of the funds allowed for the electoral campaign, provides disallowed funds for the electoral campaign, pays funds contrary to the intention for campaign financing or in any other manner abuses their legally determined authorization.

(3) The person who contrary to the legal restrictions secretly makes a donation, for an electoral campaign of a third party or an electoral campaign for elections they themselves are included in, in the amount that largely exceeds the legal maximum, shall be punished with a fine or imprisonment with duration of three years.

(4) If the criminal act referred to in the present Article is perpetrated by a legal person. It shall be punished with a fine.

(5) The illegally provided funds shall be confiscated.

### **Obligatory Imposition of the Punishment of Prohibition of Performing a Profession, Activity or Duty**

#### **Article 165-b**

For the criminal acts referred to in Articles 158 through 165- a from the present Code, the court shall impose the perpetrator with the punishment of prohibition to perform profession, activity or duty from Article 38-b from the present Code.

### **Illegal Disposal of Budget Funds During Elections**

#### **Article 165- c**

(1) The holder of a public function who shall, contrary to the prohibitions determined in the Electoral Code, start constructing new facilities in the infrastructure, such as: roads, aqueducts, transmission lines, sewerage, sports play grounds and other facilities or facilities for social activities, such as: schools, kindergartens or other facilities using Budget funds or public funds, funds of public enterprises and other legal entities disposing of state capital, if no funds have been provided for such intentions from the Budget, i.e. the legally adopted program in the current year is not being realized, shall be punished with imprisonment with duration six months to one year.

(2) The holder of a public function who, contrary to the prohibitions determined with the Electoral Code, performs payment of salaries, pensions, subventions, social assistance or other material contributions provided from budget funds or public funds or single transfers from the budget funds or the public funds or expropriates state capital or signs collective agreements, shall be punished with imprisonment in duration of three to five years.

(3) The holder of a public function who, contrary to the prohibitions determined with the electoral Code, organizes a public event for the construction or use launch of the facility funded from Budget funds or public funds or with funds from public enterprises or other legal entities disposing of state capital, in infrastructure such as: roads, aqueducts, transmission lines, sewerage, sports playgrounds and other facilities or facilities for social activities such as : schools, kindergartens and other facilities, shall be punished with imprisonment with duration of six months to one year.

(4) The Minister of finance who on the day of adoption of the decision to announce the elections until the day of termination of the elections for President of the Republic of Macedonia, members of the parliament in the Assembly of the Republic of Macedonia and the elections for Government of the Republic of Macedonia, in accordance with the results from the elections, as well as on the day of adoption of the decision for announcement of the elections until the day of termination of the elections for a Major or council members, i.e. the constitution of the municipal councils and the council of the City Skopje, shall not publish all budget payments, except for the regular salaries, pensions and utility expenses, publicly on the web page in a special data base consisting the budget expenses, shall be punished with imprisonment with duration from six months to one year.

(5) The Minister of Finance who shall not submit or publish the pre- election financial report on the web page of the Ministry of Finance, within two weeks after the announcement of the elections covering all planned and realized incomes from the Budget, item by item, within the period from the beginning of the fiscal year until the day of submission of the report, in accordance with the Electoral Code, shall be punished with imprisonment from six months to one year.

*Note: Article 165-c was added in accordance with Article 1 of the Law amending and supplementing the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 14/14), although the same article number is already contained in the amendments to the law.*

## 17. CRIMES AGAINST WORK RELATIONS

### **Violation of the rights from a work relationship**

#### **Article 166**

(1) A person who consciously does not abide by the law, some other regulation or the collective agreement, about the establishing or terminating of a labor relation, about the salary and reimbursements from the salary, the work time, rest or absence, protection of the woman, the youth and the disabled persons, or about the prohibition of overtime or night work, and who herewith violates, takes away or limits the right which belongs to the worker, shall be punished with a fine, or with imprisonment of up to one year.

(2) The person requesting from an employee to return or receive a certain amount from the salary or other contributions paid by the employer, shall be punished with imprisonment in duration to one year.

(3) The punishment referred to in paragraph (2) shall be imposed on the employer who shall terminate the labor relation of an employee because the latter reported the former of has given a statement as a

witness that the employer has requested from the employee to return a certain amount of the salary or other contributions paid by the employer, or has failed to return the amount.

(4) If the criminal act from paragraph (1) is committed by a legal entity, the person will be punished with a fine.

### **Violation of the right of social security**

#### **Article 167**

(1) A person who consciously does not abide by the law, some other regulation or the collective agreement, about the health, pension and disability insurance, and other kinds of social security, and who herewith violates, takes away or limits the right which belongs to the worker, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the criminal act from paragraph (1) is committed by a legal entity, it shall be punished with a fine.

### **Misuse of social security rights**

#### **Article 168**

A person who, by simulation or by causing an illness or incapability for work, realizes a right to health, pension and disability insurance and other kinds of social security, which he does not have according to law, some other regulation or collective agreement, shall be punished with a fine, or with imprisonment of up to one year.

### **Violation of the rights during a temporary unemployment**

#### **Article 169**

A person who by abuse of official duty consciously does not abide by the law, some other regulation or a collective agreement, regarding the rights of citizens during temporary unemployment, and who herewith violates, takes away or limits a right that belongs to another, shall be punished with a fine, or with imprisonment of up to one year.

### **Not undertaking measures for protection at work**

#### **Article 170**

(1) A responsible person in a legal entity who consciously does not abide by the law, some other regulation or the collective agreement regarding measures for protection at work, shall be punished with a fine, or with imprisonment of up to one year.

(2) When pronouncing a conditional sentence, the court may order the perpetrator to act, within a determined time period, in conformity with the regulations regarding the measures of protection at work.

(3) If the criminal act from paragraph (1) is committed by a legal entity, the person will be punished with a fine.

### **Violation of the right to participate in management**

#### **Article 171**

(1) A person, who by violating regulations or general acts takes away or limits the right of another to participate in the management of a legal entity, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the criminal act from the present Article is committed by a legal entity, the person will be punished with a fine.

Chapter eighteen

CRIMES AGAINST HONOR AND REPUTATION

**Article 172 is deleted.**

**Article 173 is deleted.**

**Article 174 is deleted.**

**Article 175 is deleted.**

**Article 176 is deleted.**

**Article 177 is deleted.**

### **Offending the reputation of the Republic of Macedonia**

#### **Article 178**

A person, who with the intention to ridicule shall publicly make a mockery of the Republic of Macedonia, its flag, arm or anthem, shall be punished with a fine.

### **Ridiculing Macedonians and members of ethnic communities**

#### **Article 179**

A person, who with the intention to ridicule shall publicly make a mockery of the Macedonian people and the members of ethnic communities that live in the Republic of Macedonia, shall be punished with a fine.

**Article 180 is deleted.**

#### **Offending the reputation of a foreign state**

##### **Article 181**

A person, who with the intention to ridicule shall publicly make a mockery of a foreign state, its flag, arm or anthem, or the head of a foreign state or a diplomatic representative of a foreign state in the Republic of Macedonia, shall be punished with a fine.

#### **Offending the reputation of an international organization**

##### **Article 182**

A person, who with the intention to ridicule shall publicly make a mockery of an international organization, or its representatives, shall be punished with a fine.

#### **Exemption from liability for the criminal acts referred to in Articles 178, 179, 181 and 182**

##### **Article 182-a**

For the criminal acts referred to Articles 178, 179, 181 and 182 a reporter shall be exempt from liability due to performance of the journalistic profession as well as other persons if the stated degrading opinion has been posed in defense of the freedom for public expression of thought or other rights or protection of the public interest or other justified interests or with genuine intention or persuasion in the good intentions of their opinion.

**Article 183 is deleted.**

**Article 183 is deleted.**

**Article 185 is deleted.**

Chapter nineteen

## CRIMES AGAINST SEXUAL FREEDOM AND SEXUAL MORALITY

### **Sexual assault and rape Article 186**

- (1) A person who, contrary to the clearly expressed will of another, evaluated in the context of the circumstances of the case, performs sexual intercourse or another sexual act equivalent to it, which consists in vaginal, anal or oral penetration with any part of the body or object, or induces another person without their consent to perform sexual intercourse or other sexual act with a third person, or to perform sexual act on themselves, shall be punished by imprisonment from one to eight years.
- (2) If the crime from paragraph (1) of this Article is committed with a child who has reached the age of 15, the perpetrator shall be punished with imprisonment of at least three years.
- (3) If the crime referred to in paragraph (1) of this Article is committed by using force or threatening another to attack their life or body or the life or body of a person close to them, the perpetrator will be punished with imprisonment from three to ten years .
- (4) With the penalty from paragraph (3) of this Article, the person who commits the crime from paragraph (1) of this Article against another with a serious threat that they or a person close to them will reveal something that would harm their honor and reputation or that it will cause other grave evil.
- (5) If the crime from paragraphs (3) and (4) of this Article is committed against a child who has turned 15 years of age, the offender shall be punished with imprisonment of at least eight years.
- (6) If due to the crime from paragraphs (1) to (5) of this Article, serious bodily injury, death or other serious consequences occurred or the crime was committed by several persons or in a particularly cruel or humiliating manner or out of hate, the perpetrator shall be punished with imprisonment of at least ten years or with life imprisonment.
- (7) Whoever, in the cases from paragraphs (1) to (5) of this Article, performs only another sexual act that does not consist of vaginal, anal or oral penetration, shall be punished for the offense from paragraph (1) of this Article by imprisonment from six months to three years, for the crime from paragraph (2) of this Article with a prison sentence of one to three years, for the crime from paragraphs (3) and of this Article with a prison sentence of one to five years, and for the crime from paragraph (5) of this Article with a prison sentence of one to ten years.
- (8) If the offense referred to in paragraph (1) of this Article is committed by a current or former spouse or intimate partner, it shall be punished by imprisonment of at least three years.
- (9) If the offense referred to in paragraph (3) of this Article is committed by a current or former spouse or intimate partner, it shall be punished by imprisonment of at least three years.

### **Sexual abuse of a powerless person Article 187**

(1) Whoever has sexual intercourse or another sexual act equivalent to it consisting of vaginal, anal or oral penetration with any part of the body or object, or induces them to perform sexual intercourse or another sexual act with a third person, or to commit a sexual act on themselves, abusing the mental illness, mental disorder, infirmity, retarded mental development, physical disability or other state of infirmity of that person, shall be punished by imprisonment of at least four years.

(2) If the crime from paragraph (1) of this Article is committed against a child who has turned 15 years of age, the offender shall be punished with imprisonment of at least eight years.

(3) If the offense referred to in paragraph (1) of this Article is committed by using force or threatening another to directly attack their life or body or the life or body of a person close to him, the perpetrator shall be punished for the offense referred to in paragraph (1) of this Article with imprisonment of at least five years, and for the crime from paragraph (2) of this Article with at least ten years.

(4) If due to the offense referred to in paragraphs (1), (2) and (3) of this Article, serious bodily injury, death or other serious consequence occurred, or the offense was committed by several persons in a particularly cruel or humiliating manner, the offender shall be punished with imprisonment of at least ten years or life imprisonment.

(5) If the perpetrator of the crime from paragraphs (1), (2) and (3) of this Article commits only another sexual act that does not consist of vaginal, anal or oral penetration, they shall be punished with imprisonment from one to five years.

### **Rape of a child under the age of 15**

#### **Article 188**

(1) Whoever has sexual intercourse or any other sexual act equivalent to it consisting of vaginal, anal or oral penetration, with any part of the body or an object in the body on a child who has not reached the age of 15, shall be punished by imprisonment for at least eight years.

(2) Whoever committed the crime from paragraph (1) of this Article by using force or threatening to attack their life or body immediately or the life or body of a person close to them, or against a helpless child who has not reached the age of 15, shall be punished by imprisonment of at least ten years.

(3) If due to the crime from paragraphs (1) to (2) of this Article, serious bodily injury, death or other serious consequences occurred or the crime was committed by several persons or in a particularly cruel or humiliating manner or out of hate, the perpetrator shall be punished with imprisonment of at least ten years or with life imprisonment.

(4) To the perpetrator of the crime from paragraphs (1), (2) and (3) of this Article, the court shall impose a ban on performing a profession, activity or duty under the conditions of Article 38-b of this Code.

(5) If the perpetrator commits another sexual act that does not consist of vaginal, anal or oral penetration, with any part of the body or an object in the body, they will be punished with at least three years.

## **Statutory rape with misuse of position**

### **Article 189**

(1) A person who by misusing their position induces another, who is subordinated or dependent in relation to them or maltreats, intimidates or treats him/her with the same intentions, in a manner that is regarded as humiliating to human dignity and human personality, to intercourse or to some other sexual act shall be punished with imprisonment of a minimum of five years.

(2) If the criminal act referred to in paragraph (1) of the present Article is perpetrated by straight line relative, i.e. brother, sister, a teacher, educator, adoptive parent, guardian, stepfather, stepmother doctor or some other person who by misusing their position or as an act of domestic violence commits statutory rape or some other sexual act upon a child under the age of 14, who was entrusted to them for study, education, custody or care, shall be punished with imprisonment of a minimum of ten years.

(3) The perpetrator of the criminal act referred to in paragraph (2) shall be imposed with prohibition to perform profession, activity or duty under the conditions from Article 38-b of the present Code.

(4) The punishment of imprisonment shall be accompanied with a punishment stated in Article 33, paragraph (6)

## **Satisfying sexual passions in front of another**

### **Article 190**

(1) A person who performs a sexual act in front of another, in a public place, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who performs a sexual act in front of a child under the age of 14, or who induces a child to perform such an act in front of them or in front of another, shall be punished with imprisonment of three to eight years.

(3) The person who performs sexual action in front of a child under the age of 14 or induces the child to perform such action in front of them or another, shall be punished with imprisonment of a minimum of four years.

## **Sexual harassment**

### **Article 190-a**

(1) A person who by verbal, non-verbal or physical action, as well as through the use of electronic means of communication that have a direct or indirect, real or symbolic meaning of stating, indecent offer, luring, expression of sexual passion or any other action that clearly reminds of sexual intercourse or other sexual acts equated with them, and thus will injure their dignity, causing a feeling of discomfort, annoyance, humiliation or fear, shall be punished by a fine or by imprisonment for up to one year.

(2) A person who commits the offense referred to in paragraph (1) of this Article against a person who is subordinate to them or is dependent on them, another person at work or in a public place or a person

who is vulnerable due to age, illness, disability, drug addiction, pregnancy or severe physical or mental disabilities shall be punished with imprisonment from six months to three years.

### **Mediation in conducting prostitution**

#### **Article 191**

(1) A person who recruits, instigates, stimulates or entices another to prostitution, or a person who in any kind of way participates in handing over another to someone for performing prostitution, shall be punished with imprisonment of five to ten years.

(2) A person who because of profit enables another to use sexual services shall be punished with a fine, or with imprisonment of three to five years.

(3) Whoever organizes the commission of the acts from paragraphs (1) and (2) of this Article or commits the acts during the performance of family or gender-based violence against women, will be punished with imprisonment for at least ten years.

(4) If the criminal act referred to in the present Article is committed by a legal entity, it shall be punished with a fine.

(5) The real estate and the object used to perform the criminal act shall be confiscated.

(6) If the crime from paragraphs 1, 2 and 3 is committed with a child, the perpetrator shall be punished with imprisonment of one to five years.

(7) A person who organizes the crimes from paragraphs 1 to 5 or performs the crimes while practicing domestic violence shall be punished with imprisonment of one to ten years.

**Article 191-a is deleted.**

**Article 192 is deleted.**

### **Showing pornographic materials to a child**

#### **Article 193**

(1) A person who sells, shows or by public presentation in some other way makes available pictures, audio-visual or other objects with a pornographic content to a child under the age of 14, or shows them a pornographic performance, shall be punished with imprisonment six months to three years.

(2) If the crime was performed through the public media, the perpetrator shall be punished with a fine, or with imprisonment of three to five years.

(3) The punishment from paragraph 2 shall be applied to a person who abuses a child over the age of 14 in the production of audio-visual pictures or other objects with a pornographic content or for pornographic presentations, as well as their own participation in the presentation.

(4) If the criminal act referred to in paragraph (3) from the present Article has been committed upon a child under the age of 14, the perpetrator shall be punished with a minimum of four years of imprisonment.

(5) The person who forces a child under the age of 14 to produce and record images or other objects with pornographic contents or for pornographic presentation, shall be punished with imprisonment of at least eight years.

(6) If the criminal act from paragraph (4) of the present Article has been committed over a child under the age of 14, the perpetrator shall be punished with a minimum of ten years of imprisonment.

(7) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with fine.

(8) The objects referred to in paragraphs (1), (2), (3), (4), (5), (6), and (7) shall be confiscated.

### **Production and Distribution of Child Pornography**

#### **Article 193-a**

(1) The person producing child pornography with the purpose of its distribution or transfers it or offers it to another or in another manner makes it available, shall be punished with imprisonment of a minimum of five years.

(2) The person acquiring child pornography for themselves or another or possess child pornography, shall be punished with imprisonment from five to eight years.

(3) If the criminal act referred to in paragraphs (1) and (2) from the present Article has been committed through a computer system or another means of mass communication, the perpetrator shall be punished with imprisonment of a minimum of eight years.

(4) If the criminal act referred to in the present Article has been committed by a legal entity, it shall be punished with a fine.

### **Enticement to Intercourse or another Sexual Act of a Child under the Age of 14**

#### **Article 193-b**

The person that through a computer and communication means with appointment of a meeting or in another manner entices a child under the age of 14 to an intercourse or another sexual act or production of child pornography and if such intention resulted in direct meeting with the minor, the person shall be punished with imprisonment from one to five years.

## **Incest**

### **Article 194**

(1) A person who commits statutory rape upon a blood relative of the first line or with a brother, i.e. sister, shall be punished with imprisonment of five to ten years.

(2) If a crime as provided in paragraph 1 is committed against a minor under the age of 14 the perpetrator shall be punished with at least ten years of imprisonment.

*Note: In accordance with Article 32 of the Law amending and supplementing the Criminal Code ("Official Gazette of the Republic of Macedonia" No. 27/14), in paragraph (2) the words "minor who has not reached" should be replaced by the words "child who has not reached", however the text contains the words "minor who has reached".*

## **Announcement of a court decision**

### **Article 194- a**

While convicting for a criminal act referred to in the present Chapter committed against a minor under the age of 14, the court upon the Public Prosecutor's request, shall decide on account of the convicted to announce the enforced court decision or its record through the public information means, with protection of the personal information of the victim.

## Chapter twenty

### CRIMES AGAINST MARRIAGE, FAMILY AND YOUTH

## **Bigamy**

### **Article 195**

(1) A person who marries even though he is already married shall be punished with imprisonment of three months to three years.

(2) The punishment from paragraph 1 shall apply also to the person that marries a person for whom he knows is already married.

## **Enabling a marriage that is not allowed**

### **Article 196**

An official person who, when performing his official duty, enables a marriage even though he knew of legal obstacles because of which the marriage is prohibited or non-valid, shall be punished with a fine, or with imprisonment of up to three years.

## **Extra-marital life with a child**

### **Article 197**

(1) An adult who lives in an extra-marital union with a child who has reached the age of fourteen years, but not the age of eighteen, shall be punished with imprisonment of three months to three years.

(2) The punishment from paragraph 1 shall apply also to a parent, adoptive parent, or guardian, who allows a child who has reached the age of fourteen but not yet eighteen years, to live in an extra-marital community with another, or who induces them to this.

(3) If the crime from paragraph 2 is committed from self-interest, the perpetrator shall be punished with imprisonment of one to five years.

(4) If the act from paragraphs (1) and (2) has been committed with a minor who reached the age of sixteen, but has not yet reached the age of eighteen, the prosecution shall be initiated by proposition.

## **Taking away a child**

### **Article 198**

(1) A person who unlawfully takes away a juvenile from a parent, adoptive parent, guardian, from an institution or person to which the juvenile was entrusted, or who hinders the juvenile from being with the person who has a right to this, or who makes it impossible to execute a decision for assigning the juvenile that has come into effect, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 was committed from self-interest, or for some other low motives, or by using force, threat or deceit, or if because of this the health, upbringing, sustenance or education of the juvenile is threatened, the perpetrator shall be punished with imprisonment of three months to three years.

(3) When pronouncing a conditional sentence, the court may order the perpetrator to return the juvenile or to make possible the execution of the decision for assigning the juvenile that has come into effect.

(4) If the perpetrator of a crime from paragraph 1 returns the juvenile of own volition, or if they enable the execution of a decision that has come into effect, they may be acquitted from punishment.

## **Change of family situation**

### **Article 199**

- (1) A person who by planting, substituting or in some other way changes the family situation of a child, shall be punished with imprisonment of three months to three years.
- (2) The attempt is punishable.

## **Deserting a helpless child**

### **Article 200**

A parent, adoptive parent, guardian or any other person entrusted with a helpless child, who deserts it, with the intention of permanently getting rid of it, shall be punished with imprisonment of three to three years.

## **Neglecting and mistreating a child**

### **Article 201**

- (1) A parent, adoptive parent, guardian or some other person who by crudely neglecting their duty of caring and upbringing neglects a juvenile or mistreats them, shall be punished with imprisonment of a minimum of five years.
- (2) The punishment from paragraph 1 shall apply also to a parent, adoptive parent, guardian who forces a juvenile to work which does not correspond to their age and physical force, or from self-interest induces them to begging or performing other activities which are damaging to their development.
- (3) If because of the crimes from paragraphs 1 and 2 a serious body injury or a severe damage to the health of the child was caused, or the juvenile started with begging, prostitution, or other forms of asocial behavior, the perpetrator shall be punished with imprisonment of a minimum of five years.
- (4) If the criminal act referred to in paragraphs (1), (2) or (3) of the present Article has been committed against a child by inducing narcotics or psychotropic substances, the perpetrator shall be punished with imprisonment of a minimum of eight years.

## **Violence against a Child**

### **Article 201-a**

The person who subjects a child under physical, psychological or other type of violence shall be punished with a monetary penalty or imprisonment in duration from six months to three years.

## **Not paying sustenance**

### **Article 202**

- (1) A person who, avoids providing sustenance which was determined based on a court decision come into effect or a settlement, shall be punished with a fine, or with imprisonment of up to one year.
- (2) When pronouncing a conditional sentence, the court may order the perpetrator to pay out the matured obligations, and to pay regularly the sustenance in the future.

## **Violation of family obligations**

### **Article 203**

- (1) A person who by serious violation of their lawful family obligations leaves a member of the family in a serious situation, one who cannot take care for themselves, shall be punished with imprisonment of three months to three years.
- (2) If because of the crime from paragraph 1, the member of the family loses their life, or if their health is seriously damaged, the perpetrator shall be punished with imprisonment of one to five years.
- (3) When pronouncing a conditional sentence, the court may order the convicted to orderly fulfill their legal obligations.

## **Serving alcoholic drinks to children**

### **Article 204**

- (1) A person, who serves a child under the age of 14 in catering premises or in some other shop or place where alcoholic drinks are served and sold, shall be punished with a fine, or with imprisonment of three months to three years.
- (2) If the crime from paragraph 1 is committed against an inebriated child under the age of 14, the perpetrator shall be punished with imprisonment of six months to three years.
- (3) If a crime as provided in paragraph (1) shall be committed against a child under the age of 14, the perpetrator shall be punished with at least one up to five years of imprisonment.
- (4) Providing the criminal act outlined in the present Article is performed by a legal entity, then it shall be punished with a fine.
- (5) If a perpetrator was sentenced to a punishment of imprisonment or he/she has been put on probation from imprisonment, the Court shall also impose a punishment of prohibition to exercise and carry out business activity.

## 21. CRIMES AGAINST HUMAN HEALTH

### **Transmitting an infectious disease**

#### **Article 205**

(1) A person who by violating regulations or orders with which a competent body determines check-ups, disinfections, separation of the diseased, or some other measures for wiping out or preventing infectious diseases among people, or by employment or by keeping a person with an infectious disease, by performing a sexual activity or in some other way, causes a transmission of an infectious disease, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from paragraph 1 shall also apply for a person who does not act according to the regulations or orders from the previous paragraph, in regard to the wiping out or prevention of infectious diseases among animals, which could be transmitted to people and herewith cause a transmission of an infectious disease.

(3) If an incurable infectious disease was transmitted as a consequence of the crime from paragraph 1, the perpetrator shall be punished with imprisonment of one to ten years.

(4) The attempt of the crime from paragraph 1 of this article for transmitting an infectious disease shall be punishable.

(5) A person who affects the security of other by false treat for transmission or speeding a false statement of existence of incurable infectious disease, shall be punished with a fine or with imprisonment of up to six months.

(6) The person who shall perpetrate the criminal act referred to in paragraphs 1 and 2 due to negligence, shall be punished with a fine or imprisonment of up to six months.

(7) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with a fine.

### **Not reacting to health regulations during an epidemic**

#### **Article 206**

(1) A person who, during an epidemic of a dangerous infectious disease does not act according to the regulations and orders with which measures are determined for it to be wiped out or prevented, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the act outlined in paragraph (1) is carried out by a legal entity, then it shall be punished with a fine.

### **Unscrupulous treatment of the diseased**

#### **Article 207**

(1) A doctor who, when providing doctor's assistance, applies a clearly inadequate means or manner of treatment, or does not apply proper hygienic measures, or in general, acts unscrupulously and herewith causes deterioration in the health situation of another, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from paragraph 1 shall apply also for a midwife or some other health worker who, when providing medical assistance or care, behaves unscrupulously and herewith causes deterioration of the health situation of another.

(3) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to one year.

### **Not providing medical assistance**

#### **Article 208**

(1) A doctor or some other health worker who in contrary to his duty does not provide immediate medical assistance to another who is in life danger, shall be punished with a fine, or with imprisonment of up to one year.

(2) If because of the crime from paragraph 1 the person to whom medical assistance was not provided dies, the perpetrator shall be punished with imprisonment of six months to five years.

### **Quackery**

#### **Article 209**

A person, who without the prescribed qualification deals in treatment or in providing medical assistance, shall be punished with imprisonment of up to one year, and with a fine.

### **Disallowed transplantation of parts of the human body**

#### **Article 210**

(1) A person who takes a part from the body of another for the purpose of transplantation, or who transplants a part of the body even though the taking or the transplantation is contrary to the law, shall be punished with imprisonment of three months to five years.

(2) The punishment from paragraph 1 shall apply also to a person who, with the intention of transplantation, takes a part of the human body intended for transplantation before death was determined in a prescribed manner.

(3) A person who takes a part of the body of another or who transplants a part of the body, without consent from the donor or the recipient, or of their legal representative when the donor or the recipient was not in state to give such consent, shall be punished with a fine, or with imprisonment of a minimum of four years.

(4) The punishment from paragraph 3 shall apply also to a person who in contrary to the law, for a compensation, sells or mediates or announces the needs or availability of parts of the body of live or deceased persons for the purpose of transplantation.

(5) If the criminal act referred to in Article is committed by a legal entity, it shall be punished with a fine.

## **Illegal Acquiry and Use of Genetic and Biological Material**

### **Article 210- a**

The person who takes, stores with the intention to somehow use it or uses genetic and biological material, without authorization, shall be punished with a fine or with imprisonment of one to three years.

## **Unscrupulous performing of a pharmaceutical activity**

### **Article 211**

(1) A pharmacist or some other person, who is authorized to prepare or give out medicaments, and who prepares a medicament in contrary to the regulations for their profession or who gives out a wrong medicament, thus endangering the life or health of another, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to six months.

(3) If the criminal act referred to in Article is committed by a legal entity, it shall be punished with a fine.

(4) The medicaments that were prepared shall be confiscated.

## **Production and release for trade of harmful medical products**

### **Article 212**

(1) A person who produces, sells, or in some other way releases for trade medicaments or other means for treatment, which are harmful to the health, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the crime was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to one year.

(3) If the act outlined in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

(4) The products and the production means shall be confiscated.

## **Production and release for trade of harmful food and other products**

### **Article 213**

- (1) A person who produces for selling, sells or in some other way releases for trade harmful food products, or beverages, or products for personal hygiene, care or other harmful products, thus creating danger to life and health of the people, shall be punished with imprisonment of three months to three years.
- (2) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine or with imprisonment of up to six months.
- (3) If the act outlined in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.
- (4) The harmful food and other products shall be confiscated.

## **Unscrupulous inspection of meat for consummation**

### **Article 214**

- (1) A veterinarian or some other authorized veterinary worker who performs unscrupulously the inspection of cattle intended for slaughter or of meat intended for consummation, or contrary to the regulations, does not perform this inspection, thus enabling the release for trade of meat that is harmful to the health of people, shall be punished with imprisonment of six months up to three years.
- (2) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to six months.
- (3) The meat shall be confiscated.

## **Unauthorized production and release for trade of narcotics, psychotropic substances and precursors**

### **Article 215**

- (1) A person who without authorization produces, processes, sells or offers for sale, or who for the purpose of selling, buys, keeps or transports, or mediates in the selling or buying, or in some other way releases for trade, without authorization, narcotics, psychotropic substances and precursors, shall be punished with imprisonment of three to ten years.
- (2) If the criminal act referred to in paragraph (1) of the present Article has been committed with narcotics, psychotropic substances and precursors of a minor quantity, the perpetrator shall be punished with imprisonment of six months to three years.

(3) If the crime from paragraph 1 was committed by several persons, or if the perpetrator of this crime organized a network of resellers or mediators, or organized an action referred to in paragraph (1) of the present Article, the perpetrator shall be punished with imprisonment of at least five years.

(4) A person who without authorization manufactures, procures, mediates, or gives for use equipment, materials or substances, for which they know that they are intended for the production of narcotics, psychotropic substances and precursors, shall be punished with imprisonment of one to five years.

(5) A person as provided in paragraph 2, except for the organizer, that shall report the crime or significantly contribute to the detection of the crime, shall be acquitted from a punishment.

(6) A person who possesses narcotic drugs and psychotropic substances for personal use shall not be punished.

(7) If the act outlined in the present Article is carried out by a legal entity, it shall be punished with a fine.

(8) Narcotic drugs, psychedelic substances and precursors, as well as movable and non-movable objects used for their manufacture, transport and distribution shall be confiscated.

### **Enabling the taking of narcotics**

#### **Article 216**

(1) A person who induces another to taking narcotics, or who gives narcotics and precursors to another for this person or someone else, or who makes available premises for the taking of narcotics and precursors, or in some other way enables another to take narcotics and precursors, shall be punished with imprisonment of one to five years.

(2) If the crime from paragraph 1 is committed towards a child under the age of 14, or towards several persons, or if it caused especially severe consequences, the perpetrator shall be punished with imprisonment of one to ten years.

(3) If the criminal act referred to in paragraph (2) from the present Article has been committed against a child under the age of 14, the perpetrator shall be punished with a minimum of four years of imprisonment.

(4) If the criminal act referred to in Article is committed by a legal entity, it shall be punished with a fine.

(5) Narcotic drugs, as well as movable and non-movable objects used for their manufacture, transport, and distribution or were intended for particular use, shall be confiscated.

### **Severe crimes against the health of people**

#### **Article 217**

(1) If some person is severely injured bodily, or his health is severely damaged, because of the crimes from Article 205 paragraphs 1 and 2, Article 207 paragraphs 1 and 2, Article 209, Article 211 paragraph 1, Article 212 paragraph 1, Article 213 paragraph 1, Article 214 paragraph 1, Article 215 paragraph 1, and Article 216 paragraphs 1 and 2, the perpetrator shall be punished with imprisonment of one to ten years.

(2) If one or more persons died because of the crimes from Article 205 paragraphs 1 and 2, Article 207 paragraphs 1 and 2, Article 209, Article 211 paragraph 1, Article 212 paragraph 1, Article 213 paragraph 1, Article 214 paragraphs 1, Article 215 paragraph 1, and Article 216 paragraphs 1 and 2, the perpetrator shall be punished with imprisonment of at least four years.

(3) If another is severely injured bodily or his health is severely damaged because of the crimes from Article 205 paragraph 3, 207 paragraph 3, 211 paragraph 2, 212 paragraph 2, 213 paragraph 2, and 214 paragraph 2, the perpetrator shall be punished with imprisonment of three months to three years.

(4) If one or more persons died because of the crime from Article 205 paragraph 4, 207 paragraph 3, 211 paragraph 2, 212 paragraph 2, 213 paragraph 2, and 214 paragraph 2, the perpetrator shall be punished with imprisonment of six months to five years.

## Chapter twenty two

### CRIMES AGAINST THE ENVIRONMENT AND THE NATURE

#### **Pollution of the environment and nature**

##### **Article 218**

(1) The person who by emitting toxic or air gasses, in a quantity bigger than the allowed maximum of materials or ionizing radiation in air, water, soil or in another manner may cause or shall cause significant damage of the air quality, water or soil or endangers the fauna to a greater extent, or endangers rare types of vegetation or fauna shall be punished with imprisonment from four to ten years.

(2) The official or responsible person within a legal entity that shall fail to adhere to the prescriptions for protection of the environment, shall fail to set filtering devices or shall permit construction, launching or use of a drive that pollutes the environment or in any other manner shall fail to undertake measures to prevent or disable the pollution of the air, soil, water that exceeds the allowed limit or fails to prevent noise that significantly exceeds the allowed limit endangering the life or health of the people or deterioration of the flora and fauna to a great extent, or deteriorates rare types of animals and vegetation, shall be punished with imprisonment of a minimum of four years.

(3) The punishment referred to in paragraph (2) from the present Article shall be applied to the person who contrary to the prescriptions manages or operates within a plant where dangerous activities

are performed or dangerous material or substances are stored, that may outside the plant endanger human health or life or to a significant extent endanger the flora and fauna.

(4) If the crime from paragraph 1, 2 and 3 was committed out of negligence, the perpetrator shall be punished with a fine or with imprisonment of up to three years.

(5) When pronouncing a conditional sentence, the court may order the perpetrator of the crime from paragraphs 1 and 2 the condition to undertake the prescribed measures for protection and development of the human environment within a certain time frame.

(6) If the act provided in paragraph (1) is carried out by a legal entity, then the person shall be punished with a fine.

### **Production, trade or use of substances deteriorating the ozone layer**

#### **Article 218-a**

(1) The person that produces, imports, exports, places on the market or uses disallowed substances that deteriorate the ozone layer, shall be punished with imprisonment of three months to six years or with a fine.

(2) If the criminal act was perpetrated from negligence, the perpetrator shall be punished with a fine or imprisonment of up to one year.

(3) If the criminal act is perpetrated by a legal entity, it shall be punished with a fine.

(4) For the act referred to in paragraph (1) from the present Article, the one using appliances purchased prior to the enforcement of the present Law, shall not be punished.

### **Pollution of drinking water**

#### **Article 219**

(1) A person who with some harmful matter makes unusable drinking water in springs, wells, cistern, or reservoirs, or some other drinking water, shall be punished with a fine, or with imprisonment of up to three years.

(2) If because of the crime from paragraph 1 an epidemic of an infectious disease was caused, the perpetrator shall be punished with imprisonment of one to five years.

(3) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to six months.

(4) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Production of harmful products for treating livestock or poultry**

### **Article 220**

- (1) A person who, for the purpose of selling, produces or releases for trade products for treatment or for prevention of an infection among livestock or poultry that are dangerous for their life or health, shall be punished with a fine, or with imprisonment of up to three years.
- (2) If a larger number of livestock or poultry perishes because of the crime from paragraph, the perpetrator shall be punished with imprisonment of one to five years.
- (3) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to six months.
- (4) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Unscrupulous providing of veterinary assistance**

### **Article 221**

- (1) A veterinarian or an authorized veterinary worker who, when providing veterinary assistance, prescribes or applies an evidently unsuitable means or an evidently unsuitable manner of treatment, or in general, if he handles unsuitably during the treatment, thus causing the perishing of livestock or poultry to a larger value, shall be punished with a fine, or with imprisonment of up to three years.
- (2) If the crime from paragraph 1 is committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to six months.

## **Transmitting infectious diseases among animal and plant life**

### **Article 222**

- (1) A person who during an epidemic of some livestock disease that could endanger livestock breeding does not handle according to the decision of a competent agency, which is passed based on a regulation with which measures are prescribed for the wiping out or prevention of the disease, shall be punished with a fine, or with imprisonment of up to three years.
- (2) The punishment from paragraph 1 shall also apply to a person who, during the existence of the danger from disease or pests that could threaten the plant life, does not act according to the decision of a competent agency, which is passed based on a regulation that prescribes measures for the wiping out or prevention of the disease or pests.
- (3) If because of the crime from paragraph 1 and 2 a significant damage is caused, the perpetrator shall be punished with imprisonment of one to five years.

(4) If the crime from paragraphs 1 and 2 is committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to one year.

(5) If the act provided in the present Article is carried out by a legal entity, it shall be punished with a fine.

### **Pollution of livestock fodder or water**

#### **Article 223**

(1) A person who pollutes with some harmful matter the livestock fodder or water from rivers, streams, springs, wells, cisterns or some other water which serves for watering livestock, poultry or wild animals, thus endangering the life or health of animals, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from paragraph 1 shall also apply also to a person who with some harmful matter pollutes the water of fisheries, lakes, rivers and streams, and herewith causes a danger to the survival of fish.

(3) If because of the crime from paragraphs 1 and 2 a perishing of animals and fish was caused to a larger extent, the perpetrator shall be punished with imprisonment of three months to three years.

(4) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

### **Destruction of crops by using harmful matters**

#### **Article 224**

A person who with some harmful matter causes the destruction of plants, fruit trees or other crops, and herewith causes a damage of a larger extent, shall be punished with a fine, or with imprisonment of up to three years.

### **Usurpation of real estate**

#### **Article 225**

(1) A person who, with the intention of control, takes over another's real estate, which by a regulation has been declared a good in public usage, a good under temporary protection or cultural heritage, a natural rarity or some other natural wealth or agricultural land, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the criminal act has been perpetrated with the intention to use the land for construction or use with which the natural features of the real estate are permanently damaged, it shall be punishable with one to five years of imprisonment.

(3) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Illegal exploitation of mineral materials**

### **Article 225-a**

- (1) The person exploiting sand, gravel or stone or other mineral raw materials determined by law, with a significant value without concession or permit shall be punished with imprisonment of six months to three years and with a fine.
- (2) If due to the act referred to in paragraph (1) from the present Article the perpetrator acquires benefits or causes a damage to a great extent, they shall be punished with imprisonment in duration of three to eight years.
- (3) If the act referred to in the present Article is perpetrated by a legal entity, they shall be punished with a fine.
- (4) The objects made or used to perpetrate the criminal act, shall be confiscated.

## **Deterioration of forests**

### **Article 226**

- (1) A person who, contrary to a regulation or order from competent agencies or organizations, changes the purpose, cuts or digs out forests, or cuts off the bark of trees, or in some other way deteriorates forests, shall be punished with a fine, or with imprisonment of up to three years.
- (2) If the crime from paragraph 1 was committed in a protected forest, a national park, or in some other special purpose forest, the perpetrator shall be punished with imprisonment of one to five years.
- (3) A person shall be punished with a fine or an imprisonment of up to one year for the crime from paragraph (1) if they perform the crime in their own forest.
- (4) All instruments used for committing a crime shall be confiscated.
- (5) If the act provided in the present Article is carried out by a legal entity, it shall be punished with a fine.

## **Causing a forest fire**

### **Article 227**

- (1) A person who causes a forest fire, thus causing a damage of a larger extent, shall be punished with imprisonment of a minimum of eight years.
- (2) The same punishment shall apply to a person who causes a fire in a protected forest, a national park or in some other special purpose forest.

(3) A person who causes two or more forest fires shall be punished with imprisonment of at least three years.

(4) If the crime from paragraphs 1 and 2 is committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to three years.

## **Unlawful hunt**

### **Article 228**

(1) A person who hunts wild animals during a closed hunting season shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who without authorization hunts in prohibited hunting grounds, kills, wounds or catches alive a wild animal, shall be punished with a fine, or with imprisonment of up to three years.

(3) If the crime from paragraph 2 is committed against tall wild animals, the perpetrator shall be punished with imprisonment of six months to five years.

(4) A person who hunts rare or relatively rare wild animals for which the hunting is prohibited, or hunts without a special permission wild animals for which such a permission is required, or hunts in a manner or with means with which the wild animals are killed in large numbers, shall be punished with a fine, or with imprisonment of one to five years.

(5) The catch and the hunting means shall be confiscated.

## **Unauthorized breeding and expropriation of wild animals and birds**

### **Article 228-a**

(1) The person who, without authorization, hunts, transfers, covers, breeds, raises, buys, sells or in any manner acquires or mummifies wild animals and birds in large quantities or of a great value, shall be punished with a fine or imprisonment of up to three years.

(2) If the perpetrator of the criminal act referred to in paragraph (1) from the present Article organizes a network for perpetration of the criminal act or if the act has been committed by several persons or in another association or for export of the wild animals abroad, shall be punished with one to five years of imprisonment.

## **Unlawful fishing**

### **Article 229**

- (1) A person fishing with explosives, electricity, poison, intoxicating substances, instruments for under water hunting, spears, with bare hands, nets or in other forbidden manner shall be punished with a fine, or with imprisonment up to one year.
- (2) If the act from paragraph 1 from the present Article has caused a material damage to a large extent or a large extent of profit was collected, than the perpetrator shall be punished with a fine or imprisonment from six months to five years.
- (3) If the act from paragraph 1 of this Article has caused perishing of fish to a large extent, then the perpetrator shall be punished with imprisonment from six months to five years.
- (4) If the criminal act was caused by a legal entity, it shall be punished with a fine.
- (5) The catch and the fishing means shall be confiscated.

### **Endangering the environment and nature with waste materials**

#### **Article 230**

- (1) A person who by dumping, collecting, improper transport of one or several related packages, processing or waste disposal, creating wastelands contrary to the prescriptions of protection of the environment, failing to perform surveillance over the collection, transport and processing, improper waste management or in any manner causes or may cause significant damage of the quality of the soil, air or water or endanger the life or health of people or deteriorates the flora and fauna to a great extent, or endanger the existence of rare plants and animals, shall be punished with imprisonment of one to five years.
- (2) If the criminal act referred to in paragraph (1) from the present Article has been perpetrated with dangerous waste containing substances that have characteristics of explosives, reactivity, flammability, irritability, toxicity, infectivity, are cancerogenic, mutagenic, exotoxic or emit toxic gasses through chemical reaction or biological degradation, the perpetrator shall be punished with imprisonment of at least four years.
- (3) The person who trades with waste shall be punished with imprisonment of one to five years.
- (4) If the criminal act has been perpetrated by an organized group composed of three or more persons, the perpetrator shall be punished for the acts referred to in paragraphs (1) and (3) from the present Article with imprisonment of at least four years, and for the act referred to in paragraph (2) from the present Article, the perpetrator shall be punished with a minimum of eight years of imprisonment.
- (5) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

### **Unauthorized procurement and dispose of nuclear materials**

#### **Article 231**

(1) A person who by force or threat, by committing a crime or in some other manner, without authorization, procures, mediates, uses, transports or gives to another nuclear and radioactive materials, or , without authorization, takes nuclear devices or nuclear or radioactive substances or activation devices, or devices for degradation or emission of radioactive materials, shall be punished with imprisonment of one to ten years.

(2) The punishment referred to in paragraph (1) of the present Article, shall be imposed on the person who, without authorization, produces, processes, handles, uses, maintains, stores, transports, imports, exports, mediates in the circulation or removes nuclear materials or other dangerous radioactive materials that may cause significant deterioration of the quality of the soil, air or water or endanger the life or health of the people or destroys the flora or fauna to a great extent, or endangers the existence of rare plants or animals, shall be punished with imprisonment of one to five years.

(3) The official person, or responsible person within the legal entity that enables the perpetration of the act from paragraphs (1) and (2) from the present Article shall be punished with imprisonment of one to ten years.

(4) The person who with the act referred to in paragraphs (1), (2) and (3) from the present Article endangers the life of the people or property to a larger extent, shall be punished with imprisonment of at least three years.

(5) If due to the acts referred to in paragraphs (1), (2) and (3) from the present Article, one or several persons lose their lives, or property damage to a larger extent is caused, the perpetrator shall be punished with imprisonment of at least five years.

(6) If the crime from paragraph 1 is committed out of negligence, the perpetrator shall be punished with imprisonment of three months to three years.

(7) If the crime from paragraphs (1) and (2) caused death to several persons, or damages of a large extent, the perpetrator shall be punished with imprisonment from three months to three years.

(8) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Unauthorized production, handling and trading with dangerous materials or harmful organism or seed or planting material**

### **Article 232**

(1) The person who contrary to the prescriptions produces, processes, handles, uses, maintains, stores, packs, repacks, uses, transports, imports, exports or removes toxic and other hazardous materials or their leftovers or genetically modified or harmful organisms dangerous for human, plant or animal life and health or seeding or planting material or live plants and live plant parts, including seed, intended for reproduction and production of seeding material from agricultural plants or forest decorative trees of reproduction material, that have not been controlled, shall be punished with one to five years of imprisonment.

(2) The official person or responsible person within the legal entity who shall enable the perpetration of the criminal act referred to paragraph (1) from the present Article, shall be punished with imprisonment from one to ten years.

(3) If with the criminal act referred to in paragraphs (1) and (2) from the present Article the human life or property have been endangered to a large extent, or the animal and plant world have been deteriorated to a great extent, the perpetrator shall be punished with at least three years of imprisonment.

(4) If the criminal acts referred to paragraphs (1) and (2) from the present Article result in death of one or several persons, the perpetrator shall be punished with at least five years of imprisonment.

(5) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with a fine.

### **Killing or Destruction of Protected Varieties of Wild Flora or Fauna**

#### **Article 232- a**

(1) The person who kills deteriorates, keeps or takes representative samples of protected varieties of wild flora or fauna in a quantity significant for their protection, shall be punished with one to three years of imprisonment or with a fine.

(2) The person who by failing to adhere to the provisions from the present Law, undertakes activities of shooting, cutting or in another manner deteriorating representative samples or entire populations of an autochthonous wild life thus causing extinction of that wild kind on the territory of the Republic of Macedonia, shall be punished for the criminal act of extinction of an autochthonous wild kind with imprisonment from one to three years.

(3) If the act referred to in paragraph (1) from the present Article results in endangerment from extinction of an autochthonous kind on the Republic of Macedonia, the perpetrator shall be punished with imprisonment with duration from six months to one year.

(4) The person who shall commit the criminal actions referred to in paragraphs (1), (2) and (3) the present Article out of negligence shall be punished with imprisonment of one year or a fine.

### **Unauthorized Introduction of Wildlife in the Nature**

#### **Article 232-b**

(1) The person who contrary to the law, without permission introduces wildlife in the nature on the territory of the Republic of Macedonia shall be punished with imprisonment in duration of six months to one year.

(2) If the criminal act referred to in paragraph (1) from the present Article resulted in serious distortions in the natural balance, or biological diversity in the Republic of Macedonia, the perpetrator shall be punished with imprisonment of one to three years.

(3) If the criminal act referred to in paragraph (1) from the present Article, has been committed in a manner that the perpetrator did not adhere to the measures for preventive protection in certain activities, the perpetrator shall be punished with a fine or imprisonment of six months to one year.

### **Unauthorized Trade, Import or Transport of Wild Flora or Fauna**

#### **Article 232-c**

(1) The person who trades, exports, imports or transports a live or dead life form belonging to a protected kind of wild flora or fauna in a quantity that significantly influences their protection, or parts or derivatives from that life form, shall be punished with imprisonment of one to three years or with a fine.

(2) If the criminal act has been perpetrated out of negligence, the perpetrator shall be punished with imprisonment of up to one year or a fine.

### **Torturing animals**

#### **Article 233**

(1) A person who roughly abuses an animal, or exposes it to unnecessary torment, or causes unnecessary pain to it, or for the sake of pleasure makes it suffer, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who by not feeding, not providing water or in some other manner exposes an animal to an arduous situation for a longer period of time, shall be punished with or to imprisonment of up to one year.

### **Serious crimes against the environment and nature**

#### **Article 234**

(1) If because of the crimes from Article 218 paragraphs 1 and 2, Article 219 paragraph 1, Article 230 paragraphs 1 and 2, Article 232 paragraphs 1 and 2, a serious body injury or a serious damage to the health of several people is caused, or death is caused to one or more persons, or the changes from the pollution cannot be removed for a longer period of time, the perpetrator shall be punished with imprisonment of one to ten years.

(2) If because of the crimes from Article 218 paragraphs (3) and (4), Article 219 paragraph 3, and Article 230 paragraph 3, death is caused to one or more persons, or the changes from the pollution

cannot be removed for a long period of time, the perpetrator shall be punished with imprisonment of one to four years.

(3) If because of the crimes from Articles 220 paragraph 1, and 225-a paragraphs (1) and (2), 221, paragraph 1, 226 paragraph 1, and 230 paragraphs 1 and 2, a property damage of a large extent is caused, the perpetrator shall be punished with imprisonment of one to five years.

(4) If because of the crimes from Article 220 paragraph 3, Article 221 paragraph 2, Article 222 paragraph 4, Article 230 paragraph 3, a property damage of a large extent is caused, the perpetrator shall be punished with imprisonment of one to three years.

(5) If the criminal acts referred to in this Chapter result in a significant deterioration of the environmental conditions within the protected area, as determined by law, the perpetrator shall be punished with imprisonment of a minimum of three years.

## **Chapter twenty three**

### **CRIMES AGAINST PROPERTY**

#### **Theft**

##### **Article 235**

(1) A person, who takes away a movable object from another with the intention to unlawfully appropriate it, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the value of the stolen object is smaller and the perpetrator wanted to steal an object with such a value, they shall be punished with a fine, or with imprisonment of up to one year.

(3) The person taking wood from a forest belonging to a third party, shall be punished with imprisonment in duration of six months to three years.

(4) If the criminal act referred to in paragraph (3) from the present Article has been perpetrated with the intention to sell the wood taken, or if the criminal act has been perpetrated in forests in protected areas, in protected forests or with special intention, the perpetrator shall be punished with imprisonment of one to five years.

(5) The attempt of performing the crimes from paragraphs (1), (2), (3) and (4) from the present Article shall be punishable.

(6) The prosecution of the crime from paragraph 2 shall be undertaken upon private suit.

(7) If the criminal act referred to in paragraphs (3) and (4) from the present Article is perpetrated by a legal entity, it shall be punished with a fine.

## **Theft of Electricity, Heat Energy of Natural Gas**

### **Article 235**

(1) The person who shall, without consent of the proper operator and taking a measuring device, include in the system by elimination, disabling, transferring, modification and similar handling with a measuring device or in another manner, without authorization, uses electricity, heat energy or natural gas, with the purpose of obtaining illegal property gain for themselves or for another, shall be punished with imprisonment of up to three years or a fine.

(2) If the value of the stolen electricity, heat energy or natural gas is bigger, the perpetrator shall be punished with imprisonment of up to five years as well as a fine.

(3) The attempt to perpetrate the criminal acts referred to in paragraphs (1) and (2) of the present Article shall be punishable.

(4) If the criminal act is perpetrated by a legal entity, it shall be punished with a fine.

## **Severe theft**

### **Article 236**

(1) If the theft is committed:

1) by breaking and entering into closed premises, by overcoming obstacles or in some other way overcoming larger hindrances;

2) by several persons, joined for committing a theft;

3) in an arrogant manner;

4) by a person who carried some kind of weapon or dangerous tool for the purpose of attack or defense;

5) during a fire, flood or similar disaster;

6) by using the helplessness or misfortune of another; and

7) due to hatred the perpetrator shall be punished with imprisonment of one to five years.

(2) A punishment of imprisonment of one to ten years shall also apply to the perpetrator of a theft of objects of significant value.

(3) A punishment of imprisonment of one to ten years shall also apply to the perpetrator of a theft of objects of great value.

(4) If the stolen object is under temporary protection or if it is a cultural heritage, natural rarity or a device or another object of significant value for the safety of the people and property and safety of the public traffic or public interest object or general use object, the perpetrator shall be punished with imprisonment of at least four years.

(5) If the value of the stolen object referred to in paragraph (1) is small and the perpetrator had an intention to take an object with that value shall be punished with a fine or imprisonment up to three years.

## **Robbery**

### **Article 237**

(1) A person who by using force or by threatening to directly attack the life or body of another, takes another's movable object with the intention to unlawfully appropriate it, shall be punished with imprisonment of at least five years.

(2) If the value of the stolen object is of a large extent, or the act has been committed due to hatred the perpetrator shall be punished with imprisonment of at least eight years.

(3) If the value of the taken object is smaller and the perpetrator intended to appropriate an object with that value, they shall be punished with imprisonment of one to five years.

(4) If when committing the crime from paragraphs 1 through 3 from the present Article a severe body injury is inflicted upon another with intent, or if the crime was committed in a group or gang, or if a firearm or a dangerous tool were used, the perpetrator shall be punished with imprisonment of at least ten years.

(5) If when committing the crime from paragraph 1 another was killed with intent, the perpetrator shall be punished with imprisonment of at least ten years or with life imprisonment.

## **Armed robbery**

### **Article 238**

(1) A person caught in the act of a theft, who uses force or threatens to directly attack upon the life or body of another with the intention of retaining the stolen object, shall be punished with imprisonment of at least five years.

(2) If the value of the stolen objects is of a large extent, or the act has been committed due to hatred the perpetrator shall be punished with imprisonment of at least eight years.

(3) If the value of the taken object is smaller and the perpetrator intended to appropriate an object with such value, they shall be punished with imprisonment of one to five years.

(4) If when committing the crime from paragraphs 1 through 3 a severe body injury is inflicted upon another with intent, or if the armed robbery was committed in a group or gang, or if a firearm or some dangerous tool was used, or if during the perpetration of the act in a bank, exchange office, post office or a public place the life or body of one or several people was endangered, the perpetrator shall be punished with imprisonment of at least five years.

(5) If when committing the crime from paragraph 1 another is killed with intent, the perpetrator shall be punished with imprisonment of at least ten years or with life imprisonment.

## **Embezzlement**

### **Article 239**

(1) A person, who unlawfully, for him/her or for someone else, appropriates another's movable property that was entrusted to them, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the value of the embezzled objects is smaller and the perpetrator wanted to appropriate objects of such a value, they shall be punished with a fine, or with imprisonment of up to one year.

(3) If the crime from paragraphs 1 and 2 is perpetrated by a guardian, or a person within a legal entity, to whom the objects were entrusted in regard to their work, they shall be punished with imprisonment of three months to five years.

(4) The person who shall illegally appropriate movable property that belongs to another, that they have found or acquired by accident, shall be punished with a fine or imprisonment of up to one year.

(5) If the value of the embezzled objects is significant, or the objects are under temporary protection or if are a cultural heritage the perpetrator shall be punished with imprisonment of one to ten years.

(6) For the crimes from paragraphs 2 and 4 from the present Article, the prosecution shall be undertaken upon private suit, and for paragraphs 1 and 3 upon a proposal.

## **Helping oneself**

### **Article 240**

(1) A person who without authorization helps himself to money, securities or other movable objects, which are entrusted to him, or he gives these objects without authorization to another, shall be punished with a fine, or with imprisonment of up to one year.

(2) Prosecution is undertaken upon proposal.

## **Taking away another's objects**

### **Article 241**

(1) A person, who without the intention of appropriating unlawfully takes away a movable property from another in order to keep it under his control, shall be punished with a fine, or with imprisonment of up to one year.

(2) Prosecution is undertaken upon private suit.

## **Taking away a motor vehicle**

### **Article 242**

- (1) A person who takes away unlawfully a motor vehicle from another with the intention of using it for driving shall be punished with a fine, or with imprisonment of up to one year.
- (2) If the use of the vehicle lasted for a longer period of time, or if a larger damage was caused, the perpetrator shall be punished with imprisonment of three months to three years.
- (3) The attempt of the crime from paragraph 1 is punishable.

## **Damage to objects of others**

### **Article 243**

- (1) A person who damages, destroys or makes unusable the object of another shall be punished with a fine, or with imprisonment of up to three years.
- (2) If the damage has a significant value or the objects are under temporary protection or are cultural heritage or the act has been committed due to hatred, the perpetrator shall be punished with imprisonment of six months to five years.
- (3) The prosecution for the crime from paragraph 1 is undertaken upon private suit.

## **Damage to the rights of others**

### **Article 244**

- (1) A person who, with the intention of preventing the realization of the right over objects, sells, destroys, damages or takes away their own object, upon which another has a pledged right or the right of usage, shall be punished with a fine, or with imprisonment of one to ten years.
- (2) A person who embezzles, fictively sells, destroys, damages or makes unusable the total property or some part of it, or acknowledges a false claim, composes a false contract or with some other deceitful act seemingly or truthfully endangers their own state of wealth, and herewith decreases or prevents the possibility of settling with at least one of their creditors, shall be punished with a fine, or with imprisonment of three months to one year.
- (3) Prosecution for the crime from paragraphs 1 and 2 shall be undertaken upon private suit.

## **Illegal Construction**

### **Article 244- a**

(1) The person who constructs or performs construction or supervises the construction of their own or the land of another without construction approval or contrary to the construction approval issued by a competent body, shall be punished with imprisonment of three to eight years.

(2) If the criminal act referred to in paragraph (1) has been committed for sale, it shall be punishable with imprisonment of a minimum of four years.

(3) The person performing construction works contrary to the main project or reconstructs the construction elements of the construction without a main project and disrupts the mechanical resistance, stability of the construction and the seismic protection, shall be punished with the punishment referred to in paragraph (2).

(4) The official person in the local self-government or within a body of the state administration competent for the performance within the field of spatial planning, that adopts the decision for the location conditions contrary to the applicable urban plan or issues approval for construction contrary to the decision for location conditions and commits disruption of the planned space, and acquires for themselves or another illegal property gain or inflicts damages to a third party, shall be punished with imprisonment from three to eight years.

(5) If the criminal act from the present Article is committed by a legal entity, they shall be punished with a fine.

(6) The constructed real estate shall be expropriated.

## **Damage to housing and business buildings and premises**

### **Article 245**

(1) A user of a flat, a tenant or some other person, who from a housing or business building, or from housing or business premises, takes down or damages an external or internal device, installation, or a part of them, or in some other manner significantly decreases the usability of the building or the premises, shall be punished with a fine, or with imprisonment of up to one year.

(2) If because of the crime from paragraph 1, the building, the housing or the business premises become unusable, the perpetrator shall be punished with a fine, or with imprisonment of up to three years.

(3) The prosecution for the crime from paragraphs 1 and 2 is undertaken upon private suit.

## **Unlawful moving in**

### **Article 246**

(1) A person who unlawfully moves into another's flat, business premises or other premises, shall be punished with a fine, or with imprisonment of up to one year.

(2) The attempt is punishable.

(3) If the court pronounces a conditional sentence, it shall order the perpetrator to empty the flat, the business premises or other premises within a certain time frame.

(4) Prosecution is undertaken upon private suit.

## **Defraud**

### **Article 247**

(1) A person, who with the intention of attaining unlawful property gain for themselves or for another defrauds another by false presentation or by covering up facts, or keeps them him under denial and herewith induces them to do or not to do something which causes damage to their own or another's property, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the damage is of a smaller value, and the perpetrator wanted to attain such a value, they shall be punished with a fine, or with imprisonment of up to three years.

(3) If the damage is of a larger value, the perpetrator shall be punished with imprisonment of three months to five years.

(4) If the damage exceeds a significant value, the perpetrator shall be punished with imprisonment of one to ten years.

(5) A person who committed the crime from paragraph 1 only with the intention of damaging another shall be punished with a fine, or with imprisonment of up to one year.

(6) The attempt of the crime from paragraphs 1 and 5 shall be punishable.

(7) The person who intends to acquire property gain for themselves or another, and thereby brings someone in denial or keeps them that way by false representation or covering facts regarding a false sports competition or pre- set result of a sports game and thus induces them to perform some action at the expense of their own or the property of another shall be punished with the punishment referred to in paragraph (4) from the present Article.

(8) If the criminal act has been perpetrated by a legal person, they shall be punished with a fine.

(9) For the crime from paragraphs 2 and 5, the prosecution shall be undertaken upon private suit.

## **Defrauding buyers**

### **Article 248**

(1) A person who, with the intention of defrauding buyers, releases for trade products with a label in which data is entered that do not correspond to the contents, type, origin or quality of the product, or releases for trade products that according to their weight or quality do not correspond to what normally is assumed for these products, or products without a label about the contents, type, origin or quality of the product, when this demarcation is prescribed, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the act provided in paragraph (1) is carried out by manipulation of the cetane and octane number of the oil and oil derivatives, the perpetrator shall be punished with imprisonment of one to five years.

(3) If the act provided in the present Article is carried out by a legal entity, it shall be punished with a fine.

### **Fraud in receiving a loan or another benefit**

#### **Article 249**

(1) A person who, with the intention of procuring a loan, investment funds, subsidies or some other benefit, for themselves or for another, for performing an activity, provides the creditor or the competent person for approving such a benefit with untruthful or incomplete data about the state of wealth or other data which is important for receiving the credit or other benefit, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the act provided in the present Article is carried out by a legal entity, then the person shall be punished with a fine.

### **Fraud at the expense of European Union funds**

#### **Article 249-a**

(1) Whoever, by using or presenting false, incorrect or incomplete statements or correcting or omitting to provide information, unlawfully appropriates, retains or causes damage to funds, property or assets of the European Union, funds, property or assets managed by the European Union or managed in on their behalf, shall be punished with imprisonment from one to ten years.

(2) With the penalty from paragraph (1) of this Article, whoever used the funds, property and assets from paragraph (1) of this Article contrary to the approved purpose shall be punished.

(3) The penalty from paragraph (1) of this Article, shall be applied to a person who, by using or presenting false, incorrect or incomplete statements or correcting or omitting to provide data, unlawfully reduces the funds, property and assets of the European Union, funds, property and funds managed by the European Union or managed on their behalf.

(4) If the crime from this Article is committed by a legal entity, it shall be punished with a fine.

### **Insurance fraud**

#### **Article 250**

(1) A person who, with the intention of collecting insurance from an insurance company, destroys or damages an object that is insured shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from paragraph 1 shall also apply to a person who, with the intention of collecting insurance from the insurance company for body damage, body injury or damage to the health, causes such a damage, body injury or damage to the health.

(3) Prosecution shall be undertaken upon proposal.

(4) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

### **Damaging and braking into a computer system**

#### **Article 251**

(1) A person who without authorization erases, enters alterations, damages, hides or in other way makes useless a computer data or program or the maintaining information system device, or the one who disables or makes difficult the usage of computer system, computer data or program or computer communication, shall be punished with a fine or imprisonment of up to three years.

(2) The fine from paragraph (1) shall be imposed also to the person who without authorization breaks into someone else's computer or system is intending to use its data or programs for gaining property for themselves or other, or intending to cause property or another type of damage, or illegal transfer of computer data that have not been intended for them or has acquired the data without authorization.

(3) The punishment referred to in paragraph (1) from the present Article shall be imposed to the person who, without authorization, acquires technical means, transfer of computer data that are not of public character, to and from a certain computer system including electromagnetic emissions from a computer system that supports such computer data.

(4) A person who shall perform the crimes from paragraphs (1), (2) and (3) against specially protected computer system, data or programs, or against computer system, data or programs which are used by state bodies, public enterprises or public institutions, or used in international communication, or who acts as a member of a gang established for performing such crimes, shall be punished with imprisonment of one to five years.

(5) If the crime from paragraphs (1), (2) and (3) has caused greater property gain or greater damage, the perpetrator shall be punished with imprisonment of one to ten years.

(6) If the crime from paragraph (3) has caused greater property gain or greater damage, the perpetrator shall be punished with imprisonment from one to ten years.

(7) A person who unlawfully produces, acquires, sells, keeps or in some other way makes available special devices, resources, computer password, access code or similar data enabling access in the unit or part of the computer system, computer programs or computer data intended or suitable for the performance of the acts referred to in paragraphs (1), (2) and (3), shall be punished with a fine or imprisonment of up to one year.

(8) The attempt of the crime from paragraphs (1) and (2) shall be punishable.

(9) If the criminal act referred to in the present Article is committed by a legal entity, it shall be punished with a fine.

(10) Special equipment, means, computer programs or data intended to be used for performing the crime shall be seized.

### **Creating and installing computer viruses**

#### **Article 251-a**

(1) The one who creates or receives from another computer virus with intention to install it into someone else's computer or computer network shall be punished with fine or imprisonment up to one year.

(2) The one who shall cause damage onto someone else's computer, system, data or program, by using computer virus shall be punished with imprisonment of six months to three years.

(3) If the crime from paragraph (2) has caused larger damage or the crime is performed within a gang formed for performing such crime, the perpetrator shall be punished with imprisonment of one to five years.

(4) The attempt for performing the crime from paragraph (2) shall be punishable.

(5) If the criminal act referred to in the present Article has been perpetrated by a legal entity, they shall be punished with a fine.

### **Computer fraud**

#### **Article 251-b**

(1) The person who intends for them or for another to acquire illegal property gain by entry of inaccurate data in a computer or information system, by modification, erasing or covering computer data, by counterfeiting an electronic signature or in another manner causes inaccurate result during electronic processing and data transfer, shall be punished with a fine or a three years of imprisonment.

(2) If the perpetrator gains larger illegal property, they shall be punished with imprisonment from three months to five years.

(3) If the perpetrator gains significant property, they shall be punished with imprisonment from one to ten years.

(4) The one who shall perform the crime from paragraph (1) only with intention to cause damage to another, shall be punished with a fine or imprisonment up to one year.

(5) If the crime from paragraph (4) has caused larger damage, the perpetrator shall be punished with imprisonment of three months to three years.

(6) The one who unlawfully produces, buys, sells, keeps or in some other way makes available means, machinery, computer programs or computer data which purpose is to perform crimes from paragraphs (1) shall be punished with a fine or imprisonment up to one year.

(7) The attempt of the crime from paragraphs (1) and (4) shall be punishable.

(8) If the criminal act referred to in the present Article is perpetrated by a legal entity, they shall be punished with a fine.

(9) Special equipment, means, computer programs or data intended to be used for performing the crime shall be seized.

(10) The prosecution of the crime from paragraph (4) shall be initiated by a private suit.

### **Abuse of trust**

#### **Article 252**

(1) A person who, in representing the property interests of another or in taking care of this person's property, does not fulfill his duty or abuses the given authorizations, with the intention of procuring property gain or damaging the person whose property interests he is representing, or whose property he is taking care of, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 was committed by a guardian, authorized person, representative or lawyer, he shall be punished with imprisonment of three months to three years.

(3) Prosecution is undertaken upon private suit.

### **Unauthorized reception of gifts**

#### **Article 253**

(1) The person who, in the performance of the economy, finance, trade, service or another economic activity, directly or indirectly requests or agrees to receive for themselves or for another a gift or another direct or indirect benefit or a pledge or an offer for such benefit in order to neglect the interests of the legal or natural entity upon conclusion or extension of an agreement or undertaking another action or to acquire unjustified benefit or cause damages from a greater value for the legal or natural entity or a third party, shall be punished with imprisonment of one to five years.

(2) The punishment from paragraph (1) from the present Article shall be applied to the person who requires or agrees to receive, without authorization, a gift or another benefit for themselves or a third party or a pledge for such benefit, in order not to conclude or extend an agreement or to undertake another action for the benefit of the legal or natural entity the interests of which are being represented by them.

(3) If the perpetrator agrees to receive a gift, without authorization, or another benefit after the conclusion of the agreement or lack the of it, they shall be punished with a fine or imprisonment of up to three years.

(4) The organizer or participant in a sports competition who directly or indirectly shall require or shall agree to receive for themselves or another a gift or another direct or indirect benefit or a pledge or an offer for such benefit with the intention to neglect the interests of the legal or natural entity organizing the competition in order to achieve a result independent of the sports game and the rules of the sports competition, shall be punished with imprisonment of one to five years.

(5) The punishment referred to in paragraph (4) of the present Article shall be imposed to the person who mediates in the giving and receiving of the gift.

(6) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with a fine.

(7) The received gift or a different benefit shall be confiscated.

### **Unauthorized Gift Giving**

#### **Article 253- a**

(1) The person who shall directly or indirectly pledge, offer or give a gift to another or a pledge for such benefit, to, in the performance of the economy, finance, trade, service or another economic activity, neglect the interests of the legal or natural entity upon conclusion or extension of an agreement or undertake of another action or to realize unjustified benefit or to cause damage of a greater value for the legal or natural entity or a third party, shall be punished with imprisonment of one to five years.

(2) The punishment referred to in paragraph (1) of the present Article shall be imposed to the person that pledges, offers or gives a gift or another benefit or a pledge for a such an offer to another, so that they, in the performance of the economy, finance, trade, service or another economic activity, without authorization, to acquire for themselves or another unjustified benefit or to cause damages of bigger c\value by not concluding or not extending an agreement or not undertaking another action that they were obliged to undertake for the benefit of the legal or natural entity the interests of which are represented.

(3) If the perpetrator of the action referred to in paragraphs (1) and (2) from the present Article, reports the action before it is discovered or finds out that it has been discovered, they may be acquitted.

(4) The person who directly or indirectly shall pledge, offer or provide a gift or another benefit or an offer for such benefit to an organize or a participant in a sports competition with the intention to neglect the interests of the legal or natural entity that organizes the competition in order to achieve a result independent of the sports game and rules of the sports competition, they shall be punished with imprisonment from one to five years.

(5) The punishment referred to in paragraph (4) from the present Article, shall be imposed also on the person that mediates in the giving and receiving of the gift.

(6) If the criminal act from the present Article is perpetrated by a legal entity, they shall be punished with a fine.

(7) The gift given or another benefit shall be confiscated.

## **False bankruptcy**

### **Article 254**

(1) A person who, with the intention of avoiding an obligation to pay, causes a bankruptcy by seemingly selling property or a part of it, by transferring funds to other current accounts, by giving up without indemnity or expropriation at an extremely low value, by concluding false agreements for debt or acknowledging false claims, by covering up, destroying, changing or maintaining business books in a manner so that their true state of wealth cannot be determined, shall be punished with imprisonment of one to five years and with a fine.

(2) If the act provided in paragraph (1) is carried out by a legal entity, then the person shall be punished with a fine.

## **Causing bankruptcy by unscrupulous operation**

### **Article 255**

(1) A person who knows that they themselves or another as debtor is incapable of payment, and who causes a bankruptcy by unreasonable spending and selling objects and rights at an excessively low price, by excessive getting into debt, by undertaking excessive obligations, by concluding or renewing contracts with persons who are incapable of payment, by omitting to collect claims, or in some other manner violating their duties in management of the property or in managing the affairs thus causing bankruptcy, shall be punished with imprisonment of three months to three years.

(2) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Misuse of bankruptcy procedure**

### **Article 256**

(1) A person who in a bankruptcy procedure reports a false claim or a claim according to a false payment order, in order to realize a right that does not belong to them, shall be punished with a fine, or with imprisonment of up to one year.

(2) A creditor, member of a board of creditors, or a bankruptcy administrator, who for themselves or for another, receives a property gain or a promise of property gain, in order to pass or not to pass a decision in a certain sense, or in some other way damages at least one creditor in the bankruptcy procedure, shall be punished with a fine, or with imprisonment of up to three years.

(3) The punishment from paragraph 1 shall also apply to a person who gives or promises property gain to a creditor, member of the board of creditors, or bankruptcy administrator, in order to realize the crime from paragraph 1.

(4) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Damage or privilege of the creditors**

### **Article 257**

(1) A responsible person who, knowing that the legal entity has become incapable of payment, by paying out a debt or in some other way intentionally puts some creditor in a more privileged position, herewith damaging the other creditors, shall be punished with a fine, or with imprisonment of up to three years.

(2) A responsible person who, knowing that the legal entity has become incapable of payment, and with the intention of tricking or damaging the creditors, acknowledges a false claim, puts together a false contract, or by some other deceitful action damages the creditors, shall be punished with imprisonment of six months to five years.

(3) If because of the crime from paragraphs 1 and 2, property damage of a large extent was caused, or because of which the legal entity fell into bankruptcy, the perpetrator shall be punished with imprisonment of one to ten years.

(4) If the act provided in from the present Article is carried out by a legal entity, it shall be punished with a fine.

## **Extortion**

### **Article 258**

(1) A person who, intending to acquire unlawful property gain for himself or for another, by force or by serious threat, forces another to do or not to do something that damages his own or another's property, shall be punished with imprisonment of at least one year.

(2) A person who commits the crime from paragraph 1 in a group, gang or some other association, or by using a firearm or dangerous tool in an extremely violent way, or when herewith a significant property gain or a significant property damage was caused, or by intentional caused hard body injury or the act has been committed due to hatred, shall be punished with imprisonment of at least four years.

(3) The punishment from paragraph 2 shall also apply to a person who commits the crime from paragraph 1 for a reward.

(4) In case a person is intentionally murdered while committing a crime as provided in paragraph (1) above, a perpetrator shall be punished with at least ten years imprisonment or with imprisonment for life.

## **Blackmail**

### **Article 259**

(1) A person who, intending to acquire unlawful property gain for himself or for another, threatens another to disclose something about this person or about some person close to him, which could be damaging to his or their honor or to his or their reputation, and herewith forces this person to do or not to do something damaging to his own or another's property, shall be punished with imprisonment of three months to five years.

(2) A person who commits the crime from paragraph 1 in a group, gang or some other association, or when a significant property gain or damage was caused, shall be punished with imprisonment of one to ten years.

## **Usury**

### **Article 260**

(1) A person who receives or negotiates for himself or for another an excessive property gain for the service performed towards another, by using his difficult state of wealth, difficult housing conditions, need, lack of experience or frivolity, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from paragraph 1 shall also apply to a person who without authorization deals in borrowing money or other consumable objects with an agreement, and hereby negotiates an excessive property gain.

## **Covering up**

### **Article 261**

(1) A person who buys, receives as security, or in some other way procures, covers up or pushes through an object that he knows was acquired through a crime, or something that was received for this by selling or exchanging, shall be punished with a fine, or with imprisonment of up to three years.

(2) A person who commits the crime from paragraph 1 and who could have known that the property or object has been acquired through a crime, shall be punished with a fine, or with imprisonment of up to one year.

(3) If the value of the object from paragraphs 1 and 2 is significant or the object is temporary protected or it is a cultural heritage, or a device or another object especially significant for the safety of

the people and property and the safety of the public traffic or public installations object or general use object, the perpetrator shall be punished with imprisonment of three to eight years.

### **Effective repentance**

#### **Article 262**

The court may acquit from punishment the perpetrator of the crimes from articles 235, 239, 240, 241, 242, 243, 244, 245, 246, 248 and 255, if he has returned the object, has indemnified the damages, or in some other way has removed the harmful consequences from the crime, before finding out that he was discovered.

### **Prosecution of crimes among close relatives**

#### **Article 263**

Besides the crimes prosecuted upon private suit or upon proposal, for the crimes from articles 235, 236, 239 paragraph 3, 242, 252 paragraph 1 and 261, if they are committed against a marital partner, blood relation in first line, brother or sister, adoptive parent or adoptive child, or towards another person with whom the perpetrator lives in a joint household, prosecution is undertaken upon private suit.

## Chapter Twenty Four

### CRIMES AGAINST CULTURAL HERITAGE AND NATURAL RARITIES

#### **Damage or destruction of temporary protected objects or cultural heritage or natural rarities**

##### **Article 264**

(1) A person who damages or destroys a movable object, archeological site or another immovable temporary protected object, cultural heritage or natural rarities, shall be punished with a fine or with imprisonment of one to ten years.

(2) A person who performs conservation or restoration activities without permission from the competent authority, or without a license or contrary to a prohibition performs archeological excavations or research, or other disallowed research activities of temporary protected objects or cultural heritage or natural rarities, and while knowing that ad was obliged to know or could have known that it is a matter of such object, they shall be punished with imprisonment from three to ten years.

(3) If the criminal act referred to in paragraph (2) from the present Article results in damage or destruction of the object under temporary protection, cultural heritage or natural rarity, the perpetrator shall be punished with imprisonment of five to ten years.

(4) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

(5) The attempt for the criminal act referred to on paragraph (2) from the present Article shall be punishable.

(6) The means for the performance of the criminal acts and the objects acquired due to the act shall be confiscated.

### **Appropriation of temporary protected objects, or cultural heritage, or natural rarities**

#### **Article 265**

(1) A person who during archeological excavations, archives research, geological-paleontological and mineralogical-petrographic research, construction or agriculture excavations or other research operations in some other manner, usurps an excavated object, material or finding, which represents a temporary protected objects, or cultural heritage, or natural rarity, shall be punished with imprisonment of one to ten years.

(2) If the criminal act referred to in paragraph (1) from the present Article is perpetrated by the licence holder or the research manager, they shall be punished with imprisonment of at least four years.

### **Carrying abroad or export of temporary protected objects, or cultural heritage or natural rarity**

#### **Article 266**

(1) A person who without permission from competed body takes abroad or exports a temporary protected object, or cultural heritage or natural rarity shall be punished with imprisonment of three to ten years.

(2) The person who perpetrates the criminal act, referred to in paragraph (1) from the present Article, against a temporary protection object or cultural heritage, but it is also an archeological, ethnological, artistic, historic object or iconic work that is a significant or especially significant object for the Republic of Macedonia, they shall be punished with imprisonment of at least four years.

(3) If the act provided in the present paragraphs is carried out by a legal entity, it shall be punished with a fine.

### **Impropriation of cultural heritage of special importance from the state property**

#### **Article 266-a**

The one who shall sell, give or in other way permanently expropriate a cultural heritage of special importance from the state property shall be punished with imprisonment of one to five years.

### **Entry of Illegally Acquired Objects under Temporary Protection, Cultural Heritage and Natural Rarities**

#### **Article 266-b**

The person who shall enter in the Republic of Macedonia a movable object under temporary protection, a cultural heritage and natural rarities for which they know, or were obliged or could have known that it has been illegally acquired on the territory of another country, they shall be punished with imprisonment of three to ten years.

#### **Unauthorized Trade with Objects under Temporary Protection, Cultural Heritage, and Natural Rarity**

#### **Article 266- c**

(1) The person who, without authorization, purchases, sells, receives, receives as pledge or exchanges objects that represent objects under temporary protection, cultural heritage and natural rarity, the circulation of which has been prohibited or restricted, they shall be punished with a fine or imprisonment of one to five years.

(2) If the perpetrator of the criminal act referred to in paragraph (1) from the present Article committed the crime in order to take the objects abroad or the crime has been perpetrated by a group, a ganga or another association, or the perpetrator has organized a network of resellers or mediators, they shall be punished with a fine or with imprisonment from one to ten years.

(3) If the object referred to in the present Article has been perpetrated by a legal entity, they shall be punished with a fine.

(4) The objects and goods related to the unauthorized trade shall be confiscated.

#### **Destruction or covering up of unprocessed archive materials**

#### **Article 267**

A person who destroys or covers up document materials, before archive material is selected from it, so that it cannot be used as a source for archive material, shall be punished with a fine, or with imprisonment of up to three years.

#### Chapter Twenty five

#### CRIMES AGAINST PUBLIC FINANCES, PAYMENT OPERATIONS AND THE ECONOMY

#### **Counterfeiting money**

#### **Article 268**

- (1) A person who makes false money with the intention of releasing them in circulation as real, or a person who alters real money with the intention of releasing them in circulation, or a person who releases such false money in circulation, shall be punished with imprisonment of one to ten years.
- (2) The punishment from paragraph (1) shall also apply to the person who acquires false money with the intention of releasing them in circulation as real.
- (3) If because of the crimes from paragraphs 1 and 2 a disorder of the economy of the country was caused, the perpetrator shall be punished with imprisonment of at least five years.
- (4) A person who releases in circulation false money which they had received as real, or a person who knows that false money were made, or that false money were released in circulation, and who shall not report this, shall be punished with a fine, or with imprisonment of up to three years.
- (5) The false money shall be confiscated.

### **Counterfeiting securities**

#### **Article 269**

- (1) A person who makes false securities, or a person who alters a real security, with the intention of using it as real, or to give it to another for use, or a person who uses such false securities as real, shall be punished with imprisonment of one to ten years.
- (2) The punishment from paragraph 1 shall also apply to a person who acquires false securities with the intention of releasing them in circulation as real.
- (3) A person who releases in circulation false securities which he had received as real, or a person who knows that false securities were made or that false securities were released in circulation and who does not report this, shall be punished with a fine, or with imprisonment of up to three years.
- (4) The false securities shall be confiscated.

### **Falsified marks of value**

#### **Article 270**

- (1) A person who makes false tax stamps or postage stamps or some other marks of value, or a person who alters any of these real marks, with the intention of using them as real, or to give them to another to be used, or a person who uses such false marks as real, or procures them with that intention, shall be punished with a fine, or with imprisonment of up to three years.
- (2) The punishment from paragraph 1 shall also apply to a person who by removing the stamp that cancels out the marks from paragraph 1, or in some other manner makes the already used marks look as if they were not used, or to a person who uses these already used marks or sells them as if they were valid.
- (3) The false marks of value shall be confiscated.

## **Making, procuring or selling counterfeiting means**

### **Article 271**

- (1) A person who makes, procures, sells or gives for use means for making false marks of value, shall be punished with a fine, or with imprisonment of up to one year.
- (2) A person who without authorization, makes, procures, keeps, sells or gives for use instruments, objects, computer programs and other security protections or components that are intended for protection against counterfeiting as well as means for unauthorized acquiry of banking data, due to making false money or transformation of real money, other payment instruments, securities or false payment cards shall be punished with imprisonment from three to ten years.
- (3) The punishment from paragraph (2) from the present Article shall be imposed to the person that installs the means for preparation of false payment card on the banking devices or uses another manner intending to acquire banking data from real payment cards and data on the holders of such cards.
- (4) The means referred to in paragraphs (1) and (2) shall be confiscated.

## **Special Cases of Money Counterfeiting, Counterfeiting of Securities or Value Marks**

### **Article 271- a**

- (1) The following persons shall be punished for the criminal act of money counterfeiting, counterfeiting of securities of value marks, in accordance with Articles 268, 269 and 270 from the present Code:
  - 1) The person that makes money, securities or value marks, contrary to the decision of a competent body for their kind, quantity or other characteristics and
  - 2) The person who shall, contrary to a special authorization by a competent body for removal from circulation, shall leave in circulation securities or value marks.
- (2) For the criminal act from the present Article the legal entity shall be punished with a fine.

## **Falsifying marks for marking goods, measures and weights**

### **Article 272**

- (1) A person who with the intention of using them as real, makes false marks for marking domestic or foreign goods, such as seals, stamps or measures with which gold, silver, livestock, wood or some other kinds of goods are marked, or alters real marks, or a person who uses false marks as if they were real, shall be punished with imprisonment of three months to five years.
- (2) The punishment from paragraph 1 shall also apply to a person who does the falsifying of measures or weights.

(3) A person who without authorization makes, procures, sells or gives for use, means for making marks for the marking of goods, as well as for false measures and weights, shall be punished with a fine, or with imprisonment of up to three years.

(4) The false marks, measures and weights, as well as the means for making them, shall be confiscated.

## **Money laundering and other Unlawful property gain**

### **Article 273**

(1) A person who shall release in circulation, receive, take over, exchange or break into small change larger amount of money or another property which they acquired through criminal activity, or conversion, modification, transfer or, who shall cover up the criminal source of money, location, movement or ownership, shall be punished with imprisonment of one to ten years.

(2) The punishment from paragraph 1 shall also apply for a person who shall own or use property or objects acquired through crime or counterfeiting of documents, failing to report facts or in another manner covering the source of it, or in some other manner covers up such origin, or shall cover up their location, movement or ownership.

(3) If the crime from paragraphs 1 and 2 is committed in banking activity, financial work or other economic work, or if the transaction has been divided in order to avoid the legal obligation to report, the perpetrator shall be punished with imprisonment of at least three years.

(4) The one who commits the crime from paragraph 1, 2 and 3, and has been obliged and could have known that the money, or property or other property gain, or objects, originates from a criminal activity, shall be punished with a fine or imprisonment of up to three years.

(5) The one who commits the crime from paragraphs 1, 2 and 3 as a member of a group, gang or some other association dealing with money laundering and other illegal property gain, or by using foreign banks, financial institutions or persons shall be punished with imprisonment of at least five years.

(6) Official person or responsible person in a bank, insurance company, games of chance company, exchange office, stock market or other financial institution, attorney except when working as a defense attorney, notary publics, or other person who performs public authorities or activities of public interest, who shall enable or permit transaction of a business relationship, contrary to their legal obligation or performs a transaction contrary to the prohibition imposed by a competent body or a temporary measure determined by a court or who shall not report money laundering, property or property gain, for which they found out while performing their function or duty, shall be punished with imprisonment of at least three years.

(7) The official, responsible person in a bank or another financial institution, or a person who performs public interest assignments, who according to the law is an authorized subject for application of measures and actions for prevention of money laundering and other incomes from a criminal act, who shall, without authorization, disclose to a client data referring to the procedure for examination of

suspicious transactions or application of other measures and actions for the prevention of the money laundering, shall be punished with imprisonment of three months to five years.

(8) If the criminal act has been perpetrated for own gain, or due to use of data aboard, the perpetrator shall be punished with imprisonment of at least one year.

(9) If the criminal act referred to in paragraph (7) from the present Article, has been perpetrated due to negligence, the perpetrator shall be punished with a fine or imprisonment of up to three years.

(10) If there are actual or legal hindrances to determine the previous punishable criminal act and prosecution of its perpetrator, the existence of such act shall be determined based on the actual circumstances of the case and existence of a founded suspicion that the property has been acquired with such act.

(11) The knowledge of the perpetrator, i.e. their duty and opportunity to know that the property has been acquired with a punishable act may be determined based on the objective actual circumstances of the case.

(12) If the criminal act from paragraph (1) is perpetrated by a legal entity they shall be punished with a fine.

(13) The income from the punishable act shall be confiscated and if the confiscation is not possible, another property matching the income value shall be confiscated from the perpetrator.

### **Issuing a bad check and abuse of a credit card**

#### **Article 274**

(1) A person who with the intention of attaining unlawful property gain for themselves or for another, issues or releases in circulation a check for which they know there is no backing to an amount which is explicitly prohibited by the contract for using the check, and herewith acquires a larger unlawful property gain, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from paragraph 1 shall also apply to a person who with the intention of procuring unlawful property gain, uses a bank credit card or a cash-machine card for withdrawing money or payment for goods and services for which they know has no backing to the amount which is explicitly prohibited by the contract for using the card, and herewith acquires a larger property gain.

(3) If a significant property gain was attained through the crime from paragraphs 1 and 2, the perpetrator shall be punished with imprisonment of one to five years.

(4) If the perpetrator of the crime from paragraphs 1 and 2 provides backing before they find out they were discovered, they may be acquitted from punishment.

(5) When the crime from paragraph 1 is performed by a legal entity, it shall be punished with a fine.

### **Issuing a bad acceptance order**

### **Article 274-a**

The person that shall issue a bad acceptance order for which there are no money on his/her account shall be punished with a fine or imprisonment up to three years.

### **Making and use of a Bad Payment Card**

#### **Article 274- a**

- (1) The person who makes a false payment card intending to use it as an actual one, or acquires a false payment card with such intention, gives it to another to use it or the person that uses the false payment card as an actual one, shall be punished with imprisonment of five years and a fine.
- (2) The punishment referred to in paragraph (1) from the present Article shall be imposed to the person attaining banking data from actual payment cards and data of the holders of those payment cards with the intention to use them to prepare and use a false a false payment card or to give the data obtained in such manner to another person.
- (3) If the perpetrator referred to in paragraph (1) from the present Article acquires a significant property gain, they shall be punished with imprisonment of one to eight years.
- (4) If the criminal act from paragraphs (1), (2) and (3) from the present Article has been committed by a member of a group, gang or a different criminal association, the perpetrator shall be punished with imprisonment of at least four years.
- (5) If the criminal act from the present Article is perpetrated by a legal entity it shall be punished with a fine.

### **Fraud in operating with securities and shares**

#### **Article 275**

- (1) The one who during the takeover of a stock company, or when releasing in circulation securities and shares and other related documentation, makes false, incomplete and biased report on assets of a legal entity that puts securities into circulation, on the gains or losses, on its financial work or on some other data related to the legal entity's business that influence the market value of securities or shares and induces one or several persons to sell or buy the stocks, shall be punished with a fine or with maximum three years of imprisonment.
- (2) The punishment provided by paragraph 1 above, shall also apply to a person related to a legal entity and who contrary to his/her duty to business confidentiality, gives away information classified as a business secret to an unauthorized person or in some other way uses some information classified as business secret, that influences securities' or shares price and thereby brings interested physical and legal persons in an unequal position on the market of capital.

(3) A responsible person in a legal entity or a person with special authorizations, or employee or shareholders or partners within the legal entity or an external associate within the legal entity that obtains confidential information, who in their operation acquire confidential information or other internal information of significance to the legal entity's business activities and the value of securities and shares, and, by no authorization transfers them to a third party that acquires larger property gain resulting from transactions with securities and shares of the legal entity, or discloses other inaccurate data and acquires for him/ herself or another a significant property gain, shall be punished with one to five years of imprisonment.

(4) The person who on the securities market performs a transaction or gives a trade order containing inaccurate data on the supply, demand or price of the securities, provides inaccurate information or omits to provide the necessary information related to the securities' price or with another deceitful action causes denial to the seller or buyers of securities, shall be punished with a fine or imprisonment of up to three years.

(5) If the criminal act referred to in paragraphs (1), (2), and (3) caused for the perpetrator to acquire for themselves or another a greater property gain or caused a great property damage for another, or imposed damages to a number of persons or caused disruption or disorder to the securities market, the perpetrator shall be punished with imprisonment of one to ten years.

(6) If the crime from paragraph 1 has been performed by a legal entity, it shall be punished with a fine.

(7) The court shall impose the perpetrator with prohibition to perform profession, activity or duty under the conditions determined with Article 38-b from the present Code.

## **Violation of the Securities Rights**

### **Article 275- a**

(1) A responsible official in a legal entity, another employee of a legal entity, a shareholder or a partner or a person authorized by the responsible person who obstructs the owner of securities in the realization of rights from securities or commits a violation of rights from securities, shall be punished by imprisonment from six months to three years and a fine.

(2) If the crime referred to in paragraph (1) of this Article is committed against two or more persons, the perpetrator shall be punished with imprisonment from one to five years and a fine.

(3) Attempting the crime from paragraph (1) of this Article shall be punishable

## **Illegal Actions by an Auditor**

### **Article 275- b**

(1) A certified auditor who has signed a report for the performed audit of financial reports of a securities provider that are traded on a legal stock market, that is not accurate, is partial or causes denial or is contrary to the international audit standards, thus causing denial to a certain person who suffered damages or realize property gain through influence of the trade scale or the price of the securities of the provider in a manner that increases or decreases the price of the securities and induces the investors to buy or sell securities or causes a mirage of active trade with securities to state the investors who buy, i.e. sell securities shall be punished with imprisonment of up to five years and a fine.

(2) If the criminal act from paragraph (1) from the present Article has been committed by the representative of the audit firm who signed the report for the performed audit, an knew and was obliged to know that it is not accurate, complete causes denial or is contrary to the international audit standards, the perpetrator shall be punished with imprisonment of up to three years and a fine.

(3) If the criminal act has been perpetrated against several persons, the perpetrator shall be punished with a fine and imprisonment of one to five years.

(4) If the criminal act referred to in paragraphs (1) and (2) from the present Article resulted in significant property gain for the perpetrator or another, or significant property damages or a number of persons suffered damages, the perpetrator shall be punished with imprisonment of one to ten years.

(5) If the criminal act from the present Article is perpetrated by a legal entity it shall be punished with a fine.

(6) The court shall impose the perpetrator with a prohibition to perform profession, activity or duty under the conditions determined with Article 38-b from the present Code.

### **Abuse of the Public Call Procedure, Public Procurement Agreement, or Public- Private Partnership Agreement Award**

#### **Article 275- c**

(1) The person who intentionally violates the prescriptions for the public call procedure, the public procurement agreement award or the public- private partnership agreement award, by agreeing with other possible participants due to deceiving the procedure for public procurement agreement award, by failing to complete the contractual responsibilities with the intention to deceive it or in another manner intentionally violates the rules of that procedure thus acquiring a significant property gain for themselves or another, or causes great damages, if the conditions that constitute another severe crime are not met, shall be punished with a fine or imprisonment of up to three years.

(2) If the perpetrator by committing the criminal act referred to in paragraph (1) from the present Article acquired for themselves or another property gain of a great scale or caused significant damages, the perpetrator shall be punished with imprisonment of at least four years.

(3) If the perpetrator by committing the criminal act referred to in paragraph (1) from the present Article has realized for themselves or another a property gain of a large scale or caused significant damages, shall be punished with imprisonment of at least four years.

- (4) If the criminal act referred to in paragraph (1) is perpetrated by a legal entity, it shall be punished with a fine.
- (5) The attempt of the criminal act from paragraph (1) shall be punishable.
- (6) The court shall impose a prohibition to perform profession, activity or duty to the perpetrator referred to in paragraphs (1), (2) and (3) under the conditions from Article 38-b from the present Code.
- (7) A fine shall be imposed to the legal entity as well as prohibition to participate in procedures for public procurement contract award.

### **Abuse while concluding an Agreement between Interested Parties**

#### **Article 275- d**

- (1) The responsible person within the legal entity , that intentionally concludes an agreement as an interested party, contrary to the legal prescriptions to conclude such agreement or the interests of the legal entity, or an agreement accepting an apparent disproportion between the loans and actions and the value of the deal has not been determined upon market conditions and that cause significant property damages to the legal entity or a third party, or attains significant property gain for the legal entity or a third party, shall be punished with imprisonment of six months to three years and a fine.
- (2) If the by criminal act referred to in paragraph (1) of the present Article, the perpetrator has acquired for themselves or another a significant property gain for the legal entity or caused property gain of a large scale, the perpetrator shall be punished with imprisonment of one to five years and a fine.
- (3) If the criminal act from paragraph (1) from the present Article, the perpetrator has acquired significant property gain, the perpetrator shall be punished with imprisonment of three to ten years.
- (4) If the criminal act referred to in paragraph (1) from the present Article within the legal entity, it shall be punished with a crime.

### **Illegal actions of a certified assessor**

#### **Article 275- d**

- (1) An authorized assessor or assessor that performs assessment or audit contrary to the legally determined methods, rules or standards as well as international standards for assessment and with those activities causes property damage or realization of property gains, shall be punished with a fine and imprisonment of up to five years.
- (2) If the criminal act has been perpetrated against several natural or legal entities, the perpetrator shall be punished with a fine and imprisonment of one to five years.

(3) If by committing the criminal act from paragraphs (1) and (2) from the present Article, the perpetrator for themselves or another acquired significant property gains or causes significant property damages, they shall be punished with imprisonment of one to ten years.

(4) If the criminal act from the present Article is perpetrated by a legal entity, it shall be punished with a crime.

(5) The court shall impose the perpetrator with a prohibition to perform profession, activity or duty under the conditions determined with Article 38- b from the present Code.

*Note: Article 275-d has been added in accordance with the Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" no. 27/14), even though the law's novels contain the same article number.*

## **Prohibited production**

### **Article 276**

(1) A person who produces or processes goods for which production or processing is prohibited, if there are no indications of some other more severe crime, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph (1) has been performed by a legal entity, it shall be punished with a fine.

(3) Goods and production or processing means shall be confiscated.

## **Prohibited trade**

### **Article 277**

(1) A person who without authorization buys, sells or exchanges objects or goods with a larger value, whose trade is prohibited or limited, if no indications exist of some other crime, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the perpetrator of the crime from paragraph 1 organized a network of resellers or mediators, they shall be punished with a fine, or with imprisonment of up to three years.

(3) If the crime from paragraph 1 has been performed by a legal entity, it shall be punished with a fine.

(4) The objects and goods of the prohibited trade shall be confiscated.

## **Smuggling**

### **Article 278**

(1) A person that deals with transfer of goods or goods of larger value through a customs line, by avoiding customs control, or the person who avoiding the customs controls transfers unreported goods

or goods different from the reported one, with a bigger value shall be punished with a fine or with up to four years of imprisonment.

(2) If the goods are of significant value, the perpetrator shall be punished with a fine or imprisonment of six months to five years.

(3) If the goods are in large quantity, the perpetrator shall be punished with a fine and imprisonment of at least four years.

(4) A person that organizes a network of resellers or mediators to distribute goods without paying customs dues or the criminal act referred to in paragraph (1) from the present Article is committed by an armed person with fire arms or by using force or duress shall be punished with imprisonment of 1 to 5 years.

(5) An official that facilitates, conceals or does not prevent committing the criminal activities as defined in paragraphs 1 and 2 shall be punished with a prison sentence of at least one to ten years.

(6) An attempt for committing the crime from paragraph 1 shall be punishable.

(7) If the crime from the present Article has been committed by a legal entity, it shall be punished with a fine.

(8) The goods subject to customs duties referred to in paragraphs 1 through 3 and funds for its transfer and distribution are confiscated, and if they cannot be confiscated by the perpetrator, another property that matches their value at the moment of the perpetration of the criminal act shall be confiscated.

(9) The goods subject to customs duties and funds for its transfer and distribution are confiscated even when owned by a third party that knew, was obliged to know and could have known that they shall be used to transfer or distribution. The means shall always be confiscated if they are constructed, adapted, modified or adjusted in any manner in order to conceal goods.

## **Customs fraud**

### **Article 278-a**

(1) Whoever, with the intention of avoiding full or partial payment of duties and taxes payable during import or export to which he is obliged by law, has provided false, incorrect or incomplete statements, documents or data to the customs authority for goods and other facts affecting the calculation for the collection or refund of duties and taxes, or failed to fulfill an obligation under the law that affects the calculation of duties and taxes paid during import or export, or otherwise misled the customs authority, and the amount of duties and taxes paid during import or export is of greater value, will be punished with imprisonment from six months to five years and a fine.

(2) If the amount of duties and taxes paid during import or export is of significant value, the perpetrator will be punished with imprisonment from one to ten years and a fine.

(3) If the crime from this article is committed by a legal entity, it will be punished with a fine.

## **Hiding of smuggled goods or goods gained by performing customs fraud**

### **Article 278-b**

- (1) The one who buys, sells, distributes, receives as a gift, hides, receives for keeping, uses or accepts for storing goods of larger value, for which they knew or was obliged to know they result from the committed crime determined in Article 278 and 278-a, shall be punished with a fine or imprisonment up to three years.
- (2) The attempt for performing the crime from paragraph 1 shall be punishable.
- (3) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Tax evasion**

### **Article 279**

- (1) A person who, with the intention of avoiding full or partial payment of a tax, contribution or any other duty to which they are obliged by law, provides false, incorrect or incomplete statements, documents or data about their income or the income of the legal entity, objects or other facts influencing the determination of the amount of such obligations, or the person who, with the same intention, in the case of a mandatory reporting obligation, did not report income, i.e. an object or other fact influencing the determination of such obligations, and because of this, a reduction or non-determination of tax liability of greater value shall be punished by imprisonment from six months to five years and a fine.
- (2) If the amount of the obligation from paragraph (1) of this Article is of significant value, the perpetrator shall be punished with imprisonment from one to ten years and a fine.
- (3) If the amount of the obligation from paragraph (1) of this Article is large, the offender shall be punished with imprisonment of at least four years and a fine.
- (4) If the crime from this Article is committed by a legal entity, it shall be punished with a fine.

## **Tax fraud**

### **Article 279-a**

- (1) The person intending to acquire illegal property gaining for themselves or another, by providing false data to the tax body, in the tax return form, thereby misleading the tax body, with the purpose of groundless request for tax return or decrease of the tax liability, with significant value, shall be punished with imprisonment in duration from six months to three years and with monetary penalty.
- (2) If the amount of the liability from paragraph (1) of the present Article is of significant value, the perpetrator shall be punished with imprisonment in duration from one to ten years and with monetary penalty.

- (3) If the amount of the liability from paragraph (1) of the present Article is of significant proportions, the perpetrator shall be punished with imprisonment of a minimum of four years and with monetary penalty.
- (4) If the act from the present Article is committed by a legal entity, they shall be punished with monetary penalty.
- (5) The attempt for the act referred to under the present Article shall be also punishable.

### **Excise Payment Evasion**

#### **Article 279-b**

- (1) The person intending to, for themselves or another, fully or partially evade the excise payment, which is their legal obligation to meet, moves the goods, subject to excise payment, contrary to the law or release them from an excise storage into circulation without an excise stamp or transfers the excise permit or approval to others or uses the excise goods contrary to their purpose, whereby the excise value is of significant amount, shall be punished with imprisonment in duration from six months up to three years and with monetary penalty.
- (2) If the excise amount is significant, the perpetrator shall be punished with imprisonment from one to ten years and with a monetary penalty.
- (3) If the excise amount is of great proportions, the perpetrator shall be punished with imprisonment of at least four years and with monetary penalty.
- (4) The attempt for the act referred under the present Article shall also be punishable.
- (5) If the act from the present Article is committed by a legal entity, it shall be punished with a monetary penalty.
- (6) The excise goods subject to the act from paragraphs 91), (2) and (3) of the present Article and the means used for their movement and release into circulation shall be confiscated.

### **Falsifying or destruction of business books**

#### **Article 280**

- (1) A person who enters false, inaccurate or incomplete statements, documents or data or does not enter some important data in a business document, book or paper, which they are obliged to keep based on a law or some other regulation, or who with their signature or stamp verifies a business document, book or paper with false contents, or who with his signature or stamp makes it possible to prepare a document, book or paper with false contents, shall be punished with imprisonment from one to five years.

(2) The punishment from paragraph 1 shall also apply to a person who uses a false business document, book or paper as if it were real, or who destroys, covers up, damages or in some other way makes unusable a business document, book or paper.

(3) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

### **Disclosing and unauthorized acquisition of a business secret**

#### **Article 281**

(1) A person who unauthorized tells, hands over or in some other way makes available to another unauthorized data which by law has been declared to be a business secret, as well as a person who acquires such data with the intention of handing it over to another unauthorized person, shall be punished with imprisonment of one to five years.

(2) A person who tells, hands over or in some other way makes available to an unauthorized person data which by regulation or decision of a competent administration organ has been declared to be a business secret, if the disclosing of this data caused or could have caused more serious harmful consequences, as well as a person who acquires such data with the intention of handing it over to an unauthorized person, shall be punished with imprisonment of three months to three years.

(3) If the data from paragraphs 1 and 2 are of special importance, or the disclosing, respectively the acquisition of the data was done with the purpose of carrying them abroad, they shall be punished with imprisonment of one to ten years.

### **Violation of the equality in performing an economic activity**

#### **Article 282**

(1) A person who by misusing his official position or authorization limits the free movement of reproduction means in a certain area, takes away or limits the right of an enterprise or some other legal entity in a certain area to deal in trade of goods and services, puts a legal entity in an unequal position in regard to other legal entities concerning the working conditions or in trade with goods and services, or limits the free performing of the activity or the free exchange of goods and services, shall be punished with imprisonment of six months to five years.

(2) The punishment from paragraph 1 shall apply to a person who uses his social position or influence for the crime to be committed.

### **Hindering, Restriction or Disruption of the Competition**

#### **Article 283**

(1) The responsible person within the legal entity who concludes an agreement or takes part in the conclusion of an agreement, decision or aligned behavior, prohibited by law, having the aim of hindering,

restriction or disruption of the competition, this bringing to the legal entity a significant property gain or property damage, shall be punished with imprisonment in duration of one to ten years.

(2) The responsible person within the legal entity shall be acquitted if they discover or significantly contribute in the discovery of the concluded agreement, adopted decision or aligned behavior prohibited by the law, that resulted in acquittal or decrease of the fine for the legal entity granted by the competent body, in a procedure for determination of the existence of a cartel, in accordance with the rules for protection of the competition

## **Unfair competition in foreign trade**

### **Article 284**

(1) A representative or agent of a domestic legal entity who, knowing that some other domestic person has previously reached an agreement with a foreign company about foreign trade activities, or that the concluding of an agreement for that deal is pending, gives an offer to that company for buying or selling the same kind of goods, i.e. for performing the same service, and because of this the foreign company gives up concluding the agreement or the agreement is concluded under less favorable conditions for the domestic legal entity, shall be punished with imprisonment of six months to five years.

(2) If the perpetrator of the crime from paragraph 1 acquired a larger gain, or another sustained a larger damage, they shall be punished with imprisonment of one to ten years.

(3) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Performance of Public Transportation without Licence**

### **Article 284-a**

The person who performs public transportation without a licence, shall be punished with a fine.

## **Violation of Industrial Property rights and Unauthorized Use of Another's Company**

### **Article 285**

(1) A person who with the intention of deceiving buyers or users of services, violates another's company stamp or trademark, or another's protected trade mark, protected industrial design, protected mark on the origin of the product and geographical mark shall be punished with a fine, or with imprisonment of at least three years.

(2) The punishment from paragraph 1 shall also apply to a person who with the intention of deceiving buyers, produces, releases, and imports, exports offers for sale or stores products subject to protection of the rights referred to in paragraph (1) from the present Article.

(3) The person who, without authorization, uses another's company or enters features from the rights mentioned in paragraph (1) of the present Article in their own company, shall be punished with a fine or imprisonment of up to three years.

(4) The person who by perpetrating the criminal act referred to in paragraphs (1), (2) and (3) from the present Article has gained significant property benefit or caused significant property damage, shall be punished with imprisonment of one to five years and a fine.

(5) If the criminal act referred to in paragraphs (1), (2) and (3) of the present Article is perpetrated by an organized group or the act caused danger for human life and health, the perpetrator shall be punished with imprisonment of at least five years.

(6) If the act provided in paragraph (1) is carried out by a legal entity, then the person shall be punished with a fine.

(7) The objects made or used to perpetrate the criminal act shall be confiscated.

### **Violation of the Right from Reported or Protected Invention and Topography of Integral Circuits**

#### **Article 286**

(1) The person who, intending to cause damage to another or acquire illegal property gain, without authorization submits a report to a patent or fails to state or falsely states the inventor or makes the essence of the invention unavailable to the general public prior to its release in a manner determined by law, shall be punished with a fine or with imprisonment of up to three years.

(2) The punishment from paragraph (1) from the present Article shall be imposed also to the person intending to damage another person or acquire illegal property gain or shall release, import, export, offer for sale, store or use a product or a procedure being subject to protection with a patent or uses, without authorization, reproduces, imports, exports or distributes a protected topography of an integral circuit or software.

(3) The person that by perpetrating the criminal act referred to in paragraphs (1) and (2) from the present Article has attained significant property gain or caused a significant damage, shall be punished with imprisonment of one to five years and a fine.

(4) If the criminal act referred to in paragraphs (1) and (2) from the present Article has been perpetrated by an organized group or if it caused danger to human life and health, the perpetrator shall be punished with a fine or imprisonment of at least three years.

(5) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with a fine.

(6) The objects made or used to perpetrate the criminal act shall be confiscated.

## **Misuse of authorization in the economy**

### **Article 287**

(1) A responsible person who with the intention of acquiring unlawful property gain for a legal entity where they work or for some other legal entity, creates or keeps funds in the country or abroad which are not permitted; or by composing a document with false contents, with a false financial statement, evaluation or inventory, or with some other false presentation or by covering up facts shows untruthfully the situation and the flow of funds and the results from work, and in this way misleads the management organs in the legal entity when making decisions, shall be punished with imprisonment of one to five years.

(2) The punishment from paragraph (1) shall be imposed also to the responsible person in the legal entity, who is a counter partner in a contract for storage of goods, and who without authorization has used, gave to another or changed the using purposes of the stored goods or has changed the storing premises, of in some other manner, contrary to the agreement, has operated with the stored goods.

(3) If a significant property gain was acquired through the crime from paragraph 1, the perpetrator shall be punished with imprisonment of one to ten years.

## Chapter Twenty Six

### CRIMES AGAINST THE GENERAL SAFETY OF PEOPLE AND PROPERTY

#### **Creating a general danger**

##### **Article 288**

(1) A person who by fire, flood, explosion, poison or poisonous gas, ionizing radiation, motor power, electrical or other energy, or by some generally dangerous action or means causes a significant danger for the life or body of people, or for property to a large extent, shall be punished with imprisonment of six months to five years.

(2) The punishment from paragraph 1 shall apply to an official or responsible person who does not set up the prescribed devices for the protection from fire, explosion, flood, poisons, poisonous gases or ionizing radiation, or does not maintain these devices in a proper functioning state, or if in the case it is needed they do not activate them or in general, do not act according to the regulations or technical rules concerning protective measures, and herewith causes a danger for the life and body of people, or for property to a large extent.

(3) If the crime from paragraphs 1 and 2 is committed in a place where a larger number of people are gathered, the perpetrator shall be punished with imprisonment of one to five years.

(4) A person who commits the crime from paragraphs 1, 2 and 3 out of negligence shall be punished with a fine, or with imprisonment of up to three years.

(5) If the act provided in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

### **Causing danger during construction work**

#### **Article 289**

(1) A responsible person who during designing, management or execution of some construction or construction work acts contrary to the regulations or to the generally acknowledged technical rules, and herewith causes a danger for the life and body of people, or for property to a large extent, shall be punished with imprisonment of three months to five years.

(2) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to three years.

(3) If the act provided in paragraph (1) is carried out by a legal entity, then the person shall be punished with a fine.

### **Damaging protective devices**

#### **Article 290**

(1) A person who in mines, factories, and workshops or generally during work, destroys, damages, makes unusable or removes the protective devices, and herewith causes a danger for the life and body of people or for property to a large extent, shall be punished with imprisonment of one to five years.

(2) The responsible person in a mine, factory, workshop, or generally at work, who does not set up protective devices, or does not maintain them in a proper functioning state, or in the case when it is needed does not activate them, or in general does not act according to the regulations and technical rules for protection at work, and herewith causes a danger for the life and body of people, or for property to a large extent, shall be punished with imprisonment of four months to five years.

(3) If the crime from paragraphs 1 and 2 is committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to three years.

(4) When pronouncing a conditional sentence for the crime from paragraphs 1, 2 and 3, the court shall impose upon the convicted the condition to set up the protective devices or to make them functional within a fixed time period.

### **Destruction or damage to public installations**

#### **Article 291**

(1) A person who destroys, damages, removes, changes or makes unusable installations of public utilities for water, heat, gas or energy, or the installations of communication systems, and herewith causes a significant disturbance in the regular life of citizens or of the economic activities, shall be punished with imprisonment of six months to five years.

(2) A person who commits the crime from paragraph 1 out of negligence shall be punished with a fine, or with imprisonment of up to one year.

### **Severe crimes against general safety**

#### **Article 292**

(1) If because of the crime from article 288 paragraphs 1, 2 and 3, 289 paragraph 1, 290 paragraphs 1 and 2, and article 291 paragraph 1, a serious body injury to another or a larger property damage was caused, the perpetrator shall be punished with imprisonment of one to ten years.

(2) If because of the crime from article 288 paragraphs 1, 2 and 3, article 289 paragraph 1, 290 paragraphs 1 and 2, and 291 paragraph 1, death is caused to one or more persons, the perpetrator shall be punished with imprisonment of at least three years.

(3) If because of the crime from article 288 paragraph 4, 289 paragraph 2, 290 paragraph 3, and 291 paragraph 2, a serious body injury to another or a larger property damage is caused, the perpetrator shall be punished with imprisonment of three months to five years.

(4) If because of the crime from article 288 paragraph 4, 289 paragraph 2, 290 paragraph 3, and 291 paragraph 2, death is caused to one or more persons, the perpetrator shall be punished with imprisonment of one to five years.

### **Damaging dams**

#### **Article 293**

A person who damages dams or devices that serve as protection against natural disasters shall be punished with a fine, or with imprisonment of up to one year.

### **Failure to remove a danger**

#### **Article 294**

(1) A person who does not undertake measures by timely report to the competent authority or in some other manner, for removing a fire, flood, explosion, traffic accident or some other danger to the life and body of people or for the property to a significant extent, even though he could have done this without risk to himself or to others, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who by dissuading or in some other manner prevents another from undertaking measures for the removal of a flood, explosion, traffic accident or some other danger to the life and body of people or for the property to a large extent, shall be punished with imprisonment of three months to three years.

## **Unauthorized production and release for trade of generally dangerous materials**

### **Article 295**

(1) A person who without authorization manufactures, produces, collects or hides ionizing or other materials which could cause a general danger for the life of people and property with a significant value, or enables another to acquire them without authorization or to transfer them improperly, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from paragraph 1 shall apply to a person who, contrary to the regulations for trade in explosives or inflammable materials, hands over such materials for transportation in public means of transportation, or carries them themselves, using public means of transportation.

(3) If the criminal act from the present Article is perpetrated by a legal entity, it shall be punished with fine.

## **Failure to participate in removing a general danger**

### **Article 296**

A person who, in contrary to an order or a call from a competent authority or organization, without justified reason, refuses to participate in the removal of a danger from fire, flood or similar general disaster, shall be punished with a fine, or with imprisonment of up to one year.

## **27. CRIMES AGAINST SAFETY IN PUBLIC TRAFFIC**

### **Endangering traffic safety**

#### **Article 297**

(1) A participant in traffic on the public roads, who does not adhere to the regulations, and herewith endangers the public traffic in such a way as to endanger the life and body of people, and property to a significant extent, and because of this another sustains a body injury or a significant property damage is caused, shall be punished with a fine, or with imprisonment of up to three years.

(2) A person who does not adhere to the safety regulations for traffic by bus, railroad, air and ship, cable railway or traffic with other means for public mass transportation, and herewith causes a danger to the life and body of people, or for property to a significant extent, shall be punished with imprisonment of six months to five years.

(3) A person who commits the crime from paragraphs 1 and 2 out of negligence shall be punished with a fine, or with imprisonment of up to one year.

## **Endangering traffic safety with a dangerous act or means**

### **Article 298**

(1) A person who destroys, removes or damages more seriously a traffic device, means or sign, or a signalization device which serves for traffic safety, or gives a wrong signal or sign, or sets up an obstacle on the traffic artery, or in some other way endangers traffic safety, and herewith causes a danger for the life and body of people, or for the property to a significant extent, shall be punished with a fine, or with imprisonment of up to three years.

(2) A person who commits the crime from paragraph 1 out of negligence shall be punished with a fine, or with imprisonment of up to one year.

## **Unscrupulous traffic supervision**

### **Article 299**

(1) A responsible person who is entrusted with supervising the state and maintenance of traffic arteries and facilities on them, the means of transportation or the public transportation, or the fulfillment of prescribed work conditions for drivers, or who is entrusted with managing transportation, who by unscrupulous performing of his duty causes a danger for the life and body of people or for property to a significant extent, shall be punished with imprisonment of six months to five years.

(2) The punishment from paragraph 1 shall apply to the responsible person who issues a driving order or who gives permission for transportation, even though he knows that the driver, because of weariness, illness, dizziness or for other reasons, is incapable of safely driving the vehicle, or that the vehicle is not in order, and herewith causes a danger for the life and body of people, and for property to a significant extent.

(3) A person who commits the crime from paragraph 1 out of negligence shall be punished with a fine, or with imprisonment of up to three years.

## **Severe crimes against safety of people and property in traffic**

### **Article 300**

(1) If because of the crime from Articles 297 paragraphs 1 and 2, 298 paragraph 1, and 299 paragraphs 1 and 2, either some person sustains severe body injury or a property damage of a large extent is caused, then the perpetrator shall be punished with imprisonment of one to ten years.

(2) If because of the crime from Articles 297 paragraphs 1 and 2, 298 paragraph 1, and 299 paragraphs 1 and 2, death is caused to one or more persons, the perpetrator shall be punished with imprisonment of at least four years.

(3) If because of the crime from Articles 297 paragraph 3, 298 paragraph 2, and 299 paragraph 3, some person sustains a severe body injury or a property damage is caused of a large extent, the perpetrator shall be punished with imprisonment of three months to three years.

(4) If because of the crime from Articles 297 paragraph 3, 298 paragraph 2, and 299 paragraph 3, death is caused to one or more persons, the perpetrator shall be punished with imprisonment of one to five years.

### **Failure to help a person injured in a traffic accident**

#### **Article 301**

(1) A driver of a motor vehicle or of some other transportation means who leaves without help a person that was injured by that means of transportation, shall be punished with a fine, or with imprisonment of up to one year.

(2) If because of failure to provide help, a serious body injury or death was sustained by the injured, the perpetrator shall be punished with imprisonment of three months to five years.

### **Attack against an Aircraft or Stationary Platform**

#### **Article 302**

(1) A person, who by force or by serious threat takes over the control over an aircraft during flight or over a ship when sailing, shall be punished with imprisonment of between three and fifteen years.

(2) The person who applies force or serious duress against an aircraft while flying, a ship while sailing or stationary platform or sets a device or an object that may destroy or damage the aircraft, the ship or the stationary platform, thus endangering the flight or sail safety, shall be punished with imprisonment of one to ten years.

(3) The person who in order to destroy or damage an aircraft while flying, a ship while sailing or its load or a stationary platform, uses fire arms or causes explosion or fire, shall be punished with imprisonment of three to fifteen years.

(4) If because of the crime from paragraphs 1, 2 and 3 death to one or more persons was caused, or the aircraft or the ship or the stationary platform were destroyed, or if a significant property damage has been caused the perpetrator shall be punished with imprisonment of at least five years.

(5) If when committing the crime from paragraph 1, 2 and 3 of the present Article the perpetrator kills another with intent, they shall be punished with imprisonment of at least ten years.

### **Endangering air traffic safety**

#### **Article 303**

(1) A person who brings into an aircraft an explosive or similar device or substance, destroys or damages the navigation equipment or causes other damage to the aircraft, gives false information about the flight, improperly or incorrectly controls the flight, is violent toward somebody during the flight in

the aircraft, omit their duty of supervision over the air traffic safety, or in some other way endangers the safety of the aircraft flight, shall be punished with imprisonment of one to ten years.

(2) The person who endangers or may endanger the safety at an airport for international air traffic by using a device, substance or weapons, illegally and with the intention to perpetrate an act of violence against a person at the airport for international air traffic thus causing or could cause a serious injury or death or destroy or damage devices, facilities or a stationary aircraft, located on an international air traffic airport or obstructs the airport services for international air traffic, shall be punished with imprisonment of at least five years.

(3) If because of the crime from paragraphs 1, 2 and 3 a person lost their life with intention the perpetrator shall be punished with life imprisonment or at least ten years.

(4) If when the crime from paragraphs 1, 2 or 3 was committed, another was killed with intent, the perpetrator shall be punished with imprisonment of at least ten years, or with life imprisonment.

(5) If the crime from paragraph 1, 2 and was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to three years.

(6) If because of the crime from paragraph 5, one or more persons died, or the destruction of the aircraft was caused, the perpetrator shall be punished with imprisonment of one to five years.

#### **Destruction or removal of a sign that serves for air traffic safety**

##### **Article 304**

A person who destroys, damages or removes a safety sign for air traffic shall be punished with a fine, or with imprisonment of up to three years.

## 28. CRIMES AGAINST THE STATE

#### **High treason**

##### **Article 305**

A person who, by using force or serious threat, tries to change the constitutional system of the Republic of Macedonia, or to bring down the highest state authorities, shall be punished with imprisonment of at least five years.

#### **Acknowledging occupation**

##### **Article 306**

A citizen of the Republic of Macedonia, who acknowledges the occupation of the Republic of Macedonia, or a certain part of it, shall be punished with imprisonment of at least ten years, or with life imprisonment.

### **Endangering the territorial integrity**

#### **Article 307**

(1) A person who, by the use of force or serious threat to use force, attempts to conquer, to secede a part of the territory of the Republic of Macedonia, or to annex a part of this territory to some other country shall be punished with imprisonment of at least five years.

(2) A person who, by the use of force or serious threat to use force, attempts to change the borders of the Republic of Macedonia, shall be punished with imprisonment of at least four years.

### **Endangering the independence**

#### **Article 308**

A citizen of the Republic of Macedonia, who places the Republic of Macedonia in a position of subordination or dependence in relation to some other country, shall be punished with imprisonment of at least five years.

### **Murder of representatives of the highest state authorities**

#### **Article 309**

A person who, with the intention of endangering the constitutional system or security of the Republic of Macedonia, kills the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, shall be punished with imprisonment of at least ten years, or with life imprisonment.

### **Abduction representatives of the highest state authorities**

#### **Article 310**

(1) A person who, intending to endanger the constitutional system or the security of the Republic of Macedonia, kidnaps the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, shall be punished with imprisonment of at least three years.

(2) The perpetrator of the crime from paragraph 1 who of own volition lets the kidnapped person go free before being discovered, may be acquitted from punishment.

## **Violence against representatives of the highest state authorities**

### **Article 311**

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, by force or by serious threat prevents the President of the Republic, of the Parliament, of the Government, of the Constitutional Court, or of the Supreme Court of the Republic of Macedonia, or the Public Prosecutor in the performing of their duty, from doing something, or forces them to do or not to do something, shall be punished with imprisonment of at least four years.

## **Armed rebellion**

### **Article 312**

(1) A person, who participates in an armed rebellion directed at endangering the constitutional system or the security of the Republic of Macedonia, shall be punished with imprisonment of at least four years.

(2) The organizer or instigator of the rebellion shall be punished with imprisonment of at least five years.

## **Terrorist Endangerment of the Constitutional System and Security**

### **Article 313**

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, causes or seriously threatens to cause an explosion, fire, flood, or some other generally dangerous act or act of violence, creating a sense of insecurity or fear among the citizens, shall be punished with imprisonment of at least four years.

## **Diversion**

### **Article 314**

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, destroys or damages an industrial, agricultural or other economic facility, traffic means, communication system, system for supplying water, heat, gas or some other type of energy, a dam or some other facility of a larger importance for the economy or for the regular life of the citizens, shall be punished with imprisonment of at least four years.

## **Sabotage**

### **Article 315**

A person who, when performing their work duty, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, in a covered up, deceitful or some other way, causes a significant damage to a state authority, institution or legal entity where they work, or to some other state authority, institution or legal entity, shall be punished with imprisonment of at least four years.

## **Espionage**

### **Article 316**

- (1) A person, who discloses a state secret, hands it over or makes it available to a foreign state, organization or to a person that serves them, shall be punished with imprisonment of at least four years.
- (2) A person, who creates an intelligence service for a foreign state inside the Republic of Macedonia and manages it, shall be punished with imprisonment of at least four years.
- (3) A person, who enters a foreign intelligence service, collects information for it, or in some other way assists in its work, shall be punished with imprisonment of one to ten years.
- (4) A person who collects secret information or documentation, with the intention of telling or handing them over to a foreign state, organization or to a person that serves them, shall be punished with imprisonment of one to ten years.
- (5) If the crime from paragraph 1 and 4 is committed during war or direct military threat, or if it caused serious consequences for the security, or for the economic or military power of the Republic, the perpetrator shall be punished with imprisonment of at least four years.
- (6) A state secret is considered to be the information or documents which by law or by some other regulation, or by the decision of a competent authority which is passed based on the law, are declared to be a state secret, and whose disclosure has or could have damaging consequences for the political, economic or military interests of the Republic of Macedonia.

## **Disclosing a state secret**

### **Article 317**

- (1) A person who tells, hands over or makes available an entrusted state secret to the public or to an unauthorized person, shall be punished with imprisonment of one to ten years.
- (2) A person who tells, hands over or makes available to the public or to an unauthorized person, information or documents for which they know are a state secret, and which they acquired in an unlawful manner, shall be punished with imprisonment of one to five years.
- (3) If the crime from paragraph 1 is committed during war or direct military danger, or which has caused an endangering of the security, of the economic or military power of the Republic of Macedonia, the perpetrator shall be punished with imprisonment of at least four years.

(4) If the crime from paragraph 1 is committed out of negligence, the perpetrator shall be punished with imprisonment of six months to five years.

### **Calling out for a violent change of the constitutional system**

#### **Article 318**

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, publicly or by spreading papers, calls out for or instigates a direct perpetration, or supports the perpetration of the crimes from articles 307 to 317, shall be punished with imprisonment of three months to five years.

### **Causing national, racial or religious hate, discord and intolerance**

#### **Article 319**

(1) A person who by force, mistreatment, endangering the security, ridicule of the national, ethnic or religious symbols, by igniting or in another manner destroying a flag of the Republic of Macedonia or flags of other countries, damaging other people's objects, by desecration of monuments, graves, or in some other manner causes or excites discord and intolerance based on sex, race, skin color, gender, membership in a marginalized group, ethnicity, language, citizenship, social origin, religion or religious persuasion or other kinds of persuasions, education, political affiliation, family or marital condition, property status, health condition or any other basis envisaged by law or by a ratified international agreement, shall be punished with imprisonment of one to five years.

(2) A person, who commits the crime from paragraph 1 from the present Article by misusing their position or authorization, or if because of these crimes, riots and violence were caused among people, or a property damage with a large extent was caused, shall be punished with imprisonment of one to ten years.

### **Violation of the territorial sovereignty**

#### **Article 320**

A person who, with the intention of endangering the constitutional system or the security of the Republic of Macedonia, enters onto the territory of the Republic of Macedonia by violating the regulations of international law, shall be punished with imprisonment of one to five years.

### **Preventing combat against the enemy**

#### **Article 321**

(1) A citizen of the Republic of Macedonia who, during war or during an armed conflict, prevents the citizens of the Republic of Macedonia or the citizens of its allies to carry on combat against the enemy shall be punished with imprisonment of at least four years.

(2) A citizen of the Republic of Macedonia who, during war or during an armed conflict, dissuades the citizens of the Republic of Macedonia or the citizens of its allies, to carry on combat against the enemy, shall be punished with imprisonment of at least one year.

### **Service in an enemy army**

#### **Article 322**

(1) A citizen of the Republic of Macedonia who, during war or during an armed conflict, serves in an enemy army or in some other military formation of the enemy, or participates in a war or an armed conflict as a soldier against the Republic of Macedonia or its allies, shall be punished with imprisonment of at least three years.

(2) A person who recruits a citizen of the Republic of Macedonia for service in an enemy army or in some other armed formation of the enemy, or for participation in a war or armed conflict against the Republic of Macedonia or its allies shall be punished with imprisonment of at least four years.

### **Participation in a Foreign Army, Police, Paramilitary or Para- police Formations**

#### **Article 322- a**

(1) The person who contrary to the law creates, organizes, recruits, transports, organizes transport, equips, trains or in another manner prepares a person or a group for participation in a foreign military, police, paramilitary or para- police formations, organized groups or individuals, outside the territory of the Republic of Macedonia, shall be punished with imprisonment of at least five years.

(2) The person who, contrary to the law, in any manner, directly or indirectly, offers, gives, provides, collects or conceals financial means, funds, material means or equipment that are fully or partially intended for the perpetration of the criminal act referred to in paragraph (1) from the present Article, shall be punished with at least five years of imprisonment.

(3) A citizen of the Republic of Macedonia who contrary to the law participates in or is being trained by a foreign military, police, paramilitary or para- police formations, organized groups or individuals outside the territory of the Republic of Macedonia, shall be punished with imprisonment of at least four years.

(4) The person who, contrary to the law for public gathering, through a written text, audio- visual records, through the social networks or in any other form of communication calls by spreading of making available a message or persuades or incites another to perform the acts referred to in paragraphs (1), (2) or (3) from the present Article, shall be punished with imprisonment of at least four years.

- (5) If the act referred to in paragraphs (1), (2), (3) or (4) from the present Article has been committed against a child, the perpetrator shall be punished with imprisonment of at least five years.
- (6) The person that covers for the perpetrator of the criminal acts referred to in paragraphs (1), (2), (3), (4) or (5) from the present Article or helps in the prevention of the discovering of the act or the perpetrator through concealing the means with which the act has been perpetrated, the evidence or in any other manner, shall be punished with imprisonment of one to five years.
- (7) The perpetrator of the act referred to in the present Article who reveals the perpetrators referred to in paragraphs (1), (2), (3), (4) or (5) from the present Article.
- (8) The citizen who does not possess a citizenship from the country where they participate in the regular military or police formations, or is a member of military or paramilitary formations or police forces controlled by internationally acknowledged governments or international organizations.
- (9) The attempt for the criminal act in question shall be punishable.
- (10) The resources and objects used to perpetrate the criminal act shall be confiscated.

## **Helping the enemy**

### **Article 323**

A citizen of the Republic of Macedonia, who during war helps the enemy in conducting a requisition, confiscation of food or other goods, or in implementing other measures of coercion against the population, shall be punished with imprisonment of at least one year.

## **Association for enemy activity**

### **Article 324**

- (1) The person that shall conspire, create a gang, group or any other association or persons or an organization intended for carrying out the criminal activities outlined in Articles 305 to 311, 313, 314, 315, 321 and 322 paragraph (2), shall be issued a prison sentence of at least four years.
- (2) A person, who becomes a member of the association from paragraph 1, shall be punished with imprisonment of one to five years.
- (3) The perpetrator of the crime from paragraph 1, who by disclosing the association or in some other way prevents the perpetration of the crimes foreseen in paragraph 1, shall be punished with imprisonment of three months to three years, and they may be acquitted from punishment.
- (4) A member of an association from paragraph 1, who discloses the association before they commit some crime foreseen in that paragraph, as a member of this association or for it, shall be acquitted from punishment.
- (5) The objects and funds intended for preparing the criminal activities, as well as the association's funds should be confiscated.

## **Sheltering and assisting a perpetrator after a crime was committed**

### **Article 325**

(1) A person who hides a perpetrator of a crime from articles 305 to 317 and 324, gives him shelter, food, money or other means, serves him for maintaining contact, performs actions for preventing his discovery or capture, or in some other way provides assistance to him, shall be punished with imprisonment of one to ten years.

(2) The punishment from paragraph 1 may not be more severe, by kind nor by degree, than the punishment prescribed for the crime that was perpetrated by the perpetrator to whom help was provided.

(3) A person shall not be punished, for whom the perpetrator of the crimes listed in paragraph 1 is a marital partner, a person living with him in a permanent extra-marital community, a blood relation of the first degree, a brother or a sister, an adoptive parent or adoptive child, as well as their marital partners or the persons who live in a permanent extra-marital community with them.

## **Punishment for preparation**

### **Article 326**

A person who prepares the committing of a crime (Article 18 paragraph 3) from Articles 309, 312, 313 and 314, shall be punished with imprisonment of three to ten years.

## **Punishment for the most severe forms of crimes**

### **Article 327**

(1) If by the crime from article 305, article 307, and from articles 312 to 315, a death of one or more persons was caused, or if a property damage of a large extent was caused, the perpetrator shall be punished with imprisonment of at least ten years.

(2) If during the perpetration of the crime from paragraph 1 the perpetrator killed one or more persons with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

(3) The punishment from paragraph 2 shall apply also to a person who commits a crime from articles 305, 306 and 307, articles 312 to 316 and article 324, during war or under direct military danger.

## **Failure or refusal to execute a command**

### **Article 328**

- (1) A military person who does not execute or refuses to execute an order from his superior, in connection with his duty, and herewith causes more serious consequences for the service, or the service was endangered more seriously, shall be punished with imprisonment of three months to three years.
- (2) A military person, who out of negligence does not execute the order from his superior from paragraph 1, shall be punished with a fine, or with imprisonment of up to one year.
- (3) There is no crime if the military person refuses to execute an unlawful command.

## **Refusal to accept or use arms**

### **Article 329**

- (1) A military person, who except for the case determined by law, refuses to accept arms or to use them, on command or according to the regulations of the service, shall be punished with imprisonment of one to five years.
- (2) A military conscript who without justified reason refuses to accept arms from the competent authority, which outside the circumstances regulated by law, are issued to them in connection with the service in the reserves of the military forces shall be punished with imprisonment of three months to three years.

## **Opposing a superior**

### **Article 330**

- (1) A military person, who together with other military persons opposes an order from a superior in connection with the duty, and who does not want to execute or refuses to execute his duty, shall be punished with imprisonment of three months to five years.
- (2) If the crime from paragraph 1 is committed in an organized manner, the perpetrator shall be punished with imprisonment of one to ten years.
- (3) If the crime from paragraphs 1 and 2 is committed with the use of arms, the perpetrator shall be punished with imprisonment of at least one year.
- (4) The military person who during the perpetration of the crime from paragraph 3 kills another because of negligence, shall be punished with imprisonment of at least three years.
- (5) A military person who during the perpetration of the crime from paragraphs 1 and 2 kills another with intent, shall be punished with imprisonment of at least five years, or with life imprisonment.

(6) A military officer, who in the case of the crime from paragraphs 1, 2 and 3 and paragraph 5 fails to undertake the necessary measures to restore order, shall be punished with imprisonment of one to five years.

### **Opposition to a sentry, guard, patrol, duty officer or other military person on similar duty**

#### **Article 331**

A military person who opposes a sentry, guard, patrol, or duty officer, or some other military person on similar duty, while performing his official duty, as well as a military person who does not answer their call or does not execute or refuses to execute their order, and because of this more serious consequences for the service are caused or the service was more seriously endangered, shall be punished with imprisonment of six months to three years.

### **Coercion towards a military person in performing his official duty**

#### **Article 332**

(1) A person who, by force or by threatening to directly use force, prevents a military person in performing an official duty, or forces him to perform an official duty, shall be punished with imprisonment of six months to three years.

(2) The attempt of the crime from paragraph 1 is punishable.

(3) If because of perpetration of the crime from paragraph 1 serious consequences for the service were caused, the perpetrator shall be punished with imprisonment of six months to five years.

### **Attack upon a military person while performing his official duty**

#### **Article 333**

(1) A person who attacks or seriously threatens to attack a military person who is performing his duty, shall be punished with a fine, or with imprisonment of up to three years.

(2) If when the crime from paragraph 1 was committed, the perpetrator caused a body injury to the military person, or threatened with the use of a weapon, he shall be punished with imprisonment of six months to five years.

(3) If when the crime from paragraph 1 was committed, a military person sustained a serious body injury, or serious consequences for the service were caused, the perpetrator shall be punished with imprisonment of one to ten years.

(4) If when the crime from paragraph 1 was committed, the perpetrator killed a military person with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

## **More lenient punishment for crimes from article 328 and articles 330 to 333**

### **Article 334**

If the perpetrator of the crimes from article 328 paragraphs 1 and 3, article 330 paragraph 1, article 331, article 332 paragraphs 1 and 2, and article 333 paragraphs 1 and 2, was provoked by an unlawful or rude behavior by the military person, he may be punished more leniently or acquitted from punishment.

## **Mistreatment of a subordinate or younger person**

### **Article 335**

- (1) A military officer who, in the service or in connection with the service, mistreats a subordinate or a younger person, or behaves with him in a manner insulting to human dignity, shall be punished with imprisonment of three months to three years.
- (2) If the crime from paragraph 1 was committed against several persons, the perpetrator shall be punished with imprisonment of one to five years.

## **Violation of a guard, patrol or similar duty**

### **Article 336**

- (1) A military person who acts in contrary to the regulations for guard patrol duty, for duty of a duty officer or for other similar duty, and because of this more serious consequences for the service are caused, or the service was more seriously endangered, shall be punished with a fine, or with imprisonment of up to one year.
- (2) If the crime from paragraph 1 was committed at a warehouse for arms, ammunition or explosive materials, or at some other facility of a great importance, the perpetrator shall be punished with imprisonment of three months to three years.
- (3) If because of the crime from paragraphs 1 and 2, some person sustained a serious body injury, or a property damage of a large extent was caused, or some other serious consequences were caused, the perpetrator shall be punished with imprisonment of six months to five years.
- (4) If because of the crime from paragraphs 1 and 2, some person died, the perpetrator shall be punished with imprisonment of one to ten years.
- (5) If the crimes from paragraphs 1 to 4 are committed out of negligence, the perpetrator shall be punished for the crime from paragraph 1 with imprisonment of up to six months; for the crime from paragraph 2 with a fine or with imprisonment of up to one year; for the crime from paragraph 3 with a fine or with imprisonment of up to three years; for the crime from paragraph 4 with a fine or with imprisonment of up to five years.

## **Violation of guarding the state border**

### **Article 337**

- (1) A military person who, while performing his duty at the border, acts in contrary to the regulations for guarding the state border, and because of this more serious consequences for the service are caused, or the service was more seriously endangered, shall be punished with imprisonment of three months to three years.
- (2) If because of the crime from paragraph 1 a serious body injury was sustained, or a property damage of a large extent or some other serious consequences were caused, the perpetrator shall be punished with imprisonment of six months to five years.
- (3) If because of the crime from paragraph 1 another died, the perpetrator shall be punished with imprisonment of one to ten years.
- (4) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to one year.
- (5) If because of the crime from paragraph 4, the consequence from paragraph 2 was caused, the perpetrator shall be punished with a fine, or imprisonment of up to three years; and if the consequence from paragraph 3 was caused, the perpetrator shall be punished with imprisonment of one to five years.

## **Submitting untruthful reports and statements**

### **Article 338**

- (1) A military person who, while performing his duty, submits a report or statement with untrue contents, or in a report or statement omits some fact which should not have been omitted, and because of this more serious damaging consequences are caused for the service, or the service was more seriously endangered, shall be punished with a fine, or with imprisonment of up to one year.
- (2) If the crime from paragraph 1 was committed by submitting a report or statement of special importance, because of which serious consequences were caused, the perpetrator shall be punished with imprisonment of one to five years.
- (3) If the crime from paragraph 2 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to one year.

## **Failure to undertake measures for protection of a military unit**

### **Article 339**

- (1) A military officer who does not undertake the prescribed, ordered or other evidently necessary measures for protection of the lives and health of the people that are entrusted to him, for the safety and maintenance in good functioning order of the facilities, objects and equipment which serve for combat readiness, for an orderly supply of the unit entrusted to him with food, equipment and material,

for keeping and care of livestock, or for a timely and regular execution of security actions or guarding of the facilities that are entrusted to him, and with this brings into danger the life of the people or seriously endangers the health of people or the property of a large value, shall be punished with a fine, or with imprisonment of up to three years.

(2) If because of the crime from paragraph 2, a serious body injury was sustained, or if a property damage of a larger extent or other serious consequences were caused, the perpetrator shall be punished with imprisonment of six months to five years.

(3) If because of the crime from paragraph 1 another dies, the perpetrator shall be punished with imprisonment of one to ten years.

(4) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to one year.

(5) If because of the crime from paragraph 4, the consequence from paragraph 2 was caused, the perpetrator shall be punished with a fine, or with imprisonment of up to three years; and if the consequence from paragraph 3 was caused, the perpetrator shall be punished with imprisonment of one to five years.

### **Lack of security during military exercises**

#### **Article 340**

(1) A military person who during exercises, training or in performing an experiment, does not undertake the prescribed, ordered or evidently necessary measures of security or precaution, and herewith brings into danger the life of people or seriously endangers the health of people or property of a large value, shall be punished with a fine, or with imprisonment of up to three years.

(2) If because of the crime from paragraph 2, a serious body injury was sustained, or if a property damage of a larger extent or other serious consequences were caused, the perpetrator shall be punished with imprisonment of six months to five years.

(3) If because of the crime from paragraph 1 another dies, the perpetrator shall be punished with imprisonment of one to ten years.

(4) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to one year.

(5) If because of the crime from paragraph 4, the consequence from paragraph 2 was caused, the perpetrator shall be punished with a fine, or with imprisonment of up to three years; and if the consequence from paragraph 3 was caused, the perpetrator shall be punished with imprisonment of one to five years.

### **Not responding to a summons and avoiding military service**

#### **Article 341**

(1) A person who without justified reason and called with a personal invitation or public invitation, does not come at the determined time in the authorized state body for notification in the military records, medical examination, recruiting, serving the military service, announcing a military timetable or participation in a military exercise, shall be punished with a fine or with imprisonment of up to one year.

(2) A person who hides in order to avoid the obligation from paragraph 1, even though they were summoned with an individual or with a general summons, shall be punished with imprisonment of three months to three years.

(3) A person who leaves the country, or remains abroad, in order to avoid recruitment or serving the military service, military exercise or some other military service, shall be punished with imprisonment of one to five years.

(4) A person who calls out or instigates several people to commit the crimes from paragraph 1, 2 and 3, shall be punished for the crime from paragraph 1 with a fine or with imprisonment of up to three years; and for the crime from paragraphs 2 and 3, with imprisonment of one to ten years.

(5) The punishment against the perpetrator of the criminal activities outlined in paragraphs (2) and (3), who shall report their crimes voluntarily to the competent state body, shall be either lenient or withdrawn.

### **Avoiding military service by incapacitating or deceit**

#### **Article 342**

(1) A person who, with the intention of avoiding military service or to be dispositional to an easier duty, wounds himself or in some other manner incapacitates himself for military service temporarily, or who permits another to incapacitate him temporarily, as well as a person who, with or without his permission, incapacitates temporarily another with the same intention, shall be punished with imprisonment of three months to five years.

(2) If by committing the crime from paragraph 1 a permanent disability for military service was caused, the perpetrator shall be punished with imprisonment of one to five years.

(3) A person who, with the intention from paragraph 1, simulates an illness, or for himself or for another uses a false document, or acts in some other deceitful manner, shall be punished with imprisonment of three months to three years.

### **Unlawful exemption from military service**

#### **Article 343**

A person who by misusing his position or authorization enables exemption from duty, or disposition to an easier duty, of a military person or a person who is subject to military duty, shall be punished with imprisonment of one to five years.

## **Self-willed going away or escape from the armed forces**

### **Article 344**

- (1) A military person who leaves his unit or service of his own will and who does not return to duty within ten days, or within the same period does not return from a leave of absence from the unit or service, shall be punished with a fine, or with imprisonment of up to one year.
- (2) The punishment from paragraph 1 shall apply also to a military person who more than twice and less than ten days remains away from his unit or service without permission.
- (3) A military person who abandons his unit or service of his own will, during the execution of an important task or during an increased level of combat readiness of the unit, shall be punished with imprisonment of three months to three years.
- (4) A military person who hides in order to avoid service in the armed forces, or who abandons his unit or service of his own will and does not return to duty within thirty days, or who does not return from a leave of absence from the unit or service within the same period, shall be punished with imprisonment of six months to five years.
- (5) A military person, who leaves the country or remains abroad in order to avoid the service in the armed forces, shall be punished with imprisonment of one to ten years.
- (6) A military person, who prepares an escape abroad in order to avoid service in the armed forces, shall be punished with imprisonment of six months to five years.
- (7) The perpetrator of the crime from paragraphs 3 and 4, who of own volition reports himself to the competent state authority, may be punished more leniently.

## **Unscrupulous manufacturing and taking over of military material**

### **Article 345**

- (1) A military person or some other person who - in an enterprise, in some other organization, community or institution which works for the needs of defense - is entrusted with the management and control of the production or with some other economic process, or with supervision over them, who performs unscrupulously the task entrusted to him, and because of this, the weapons, ammunition, explosives and other combat materials are not manufactured on time, or they do not correspond to the prescribed quality, shall be punished with imprisonment of three months to three years.
- (2) The punishment from paragraph 1 shall apply to a military person who, unscrupulously performing his duty, accepts supply goods, equipment or army weapons that do not correspond to the prescribed conditions or to the agreement.
- (3) If because of the crime from paragraphs 1 and 2, serious consequences were caused, the perpetrator shall be punished with imprisonment of one to five years.
- (4) If the crimes from paragraphs 1 and 2 are committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to one year.

(5) If because of the crime from paragraph 4, the consequence from paragraph 3 was caused, the perpetrator shall be punished with imprisonment of three months to three years.

### **Irregular and careless conduct towards the entrusted weapons**

#### **Article 346**

(1) A person who irregularly or carelessly holds, keeps or handles the entrusted weapons, ammunition or explosives, which belong to a military unit or to a military institution, and herewith causes their damage to a larger extent, destruction or disappearance, shall be punished with a fine, or with imprisonment of up to one year.

(2) An operator of a warehouse for weapons, ammunition, explosives and other combat equipment, who does not undertake measures for their security or maintenance, and because of this, a damage, destruction or disappearance of this combat equipment is caused, shall be punished with imprisonment of three months to five years.

(3) If because of the crime from paragraph 2 a property damage of a large extent was caused, the perpetrator shall be punished with imprisonment of one to ten years.

(4) If the crime from paragraph 2 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to three years.

(5) If because of the crime from paragraph 4, the consequence from paragraph 3 was caused, the perpetrator shall be punished with imprisonment of three months to five years.

### **Unlawful disposing over entrusted weapons**

#### **Article 347**

A person who usurps, transfers, pawns, hands over to another for use, damages or destroys weapons, ammunition or explosives which are entrusted to him for use, and which serve for the needs of defense of the Republic of Macedonia, shall be punished with imprisonment of six months to five years.

### **Theft of weapons or of part of combat equipment**

#### **Article 348**

(1) A person who steals weapons, ammunition, explosives or a part of combat equipment that serves for the needs of defense of the Republic of Macedonia, shall be punished with imprisonment of three months to five years.

(2) If the value of the objects from paragraph 1 exceeds a larger property value, or if the theft was committed by breaking in or by burglary into closed buildings, rooms, cash registers, closets or other closed premises, or by several persons who associated themselves for committing the theft, or in an especially dangerous and insolent manner, or by a person who carried a weapon or dangerous tool for

attack or defense, or during a fire, flood or similar disaster, the perpetrator shall be punished with imprisonment of one to ten years.

(3) If the value of the objects from paragraph 1 is significant, the perpetrator shall be punished with imprisonment of at least five years.

### **Disclosing a military secret**

#### **Article 349**

(1) A military or some other person, who in contrary to his duties of keeping a military secret, tells, hands over to another or in some other way makes available information which is a military secret, or who acquires such information with the intention of handing it over to an unauthorized person, shall be punished with imprisonment of three months to five years.

(2) If the crime from paragraph 1 was committed out of self-interest, or in regard to especially confidential information, or because of publication or use of the information abroad, the perpetrator shall be punished with imprisonment of at least one year.

(3) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to three years.

(4) A military secret is considered to be information and documents which by law, by some other regulation or by decision of a competent authority, passed based on a law, have been declared to be a military secret, and whose disclosure has or could have more serious damaging consequences for the armed forces, or for their preparation for defense of the Republic of Macedonia.

### **Unauthorized entry into military facilities and making sketches or drawings of military facilities and combat equipment**

#### **Article 350**

(1) A person who enters without authorization a military facility for the purpose of reconnaissance, even though he knows that entrance is prohibited, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who without authorization makes sketches or drawings of military facilities, or of combat equipment, or photographs, respectively in some other manner records them, shall be punished with a fine, or with imprisonment of up to three years.

### **Conditions for pronouncing a disciplinary punishment, respectively measure**

#### **Article 351**

A military person may be sentenced to a disciplinary punishment, respectively to a measure determined by law, instead of to a criminal sanction, for a crime against the armed forces for which a punishment of up to three years is prescribed, if the crime received an especially light form, and if the interests of the service request this.

## **Responsibility for a crime committed on orders from a superior**

### **Article 352**

A subordinate shall not be punished if he commits a crime on orders from his superior, while that order concerned the official duty, except if the order was directed towards committing a war crime or some other serious crime, or if he knew that the execution of the order represents a crime.

## **30. CRIMES AGAINST OFFICIAL DUTY**

### **Misuse of official position and authorization**

#### **Article 353**

(1) An official person who, by using their official position or authorization, by exceeding the limits of their official authorization, or by not performing their official duty, acquire for themselves or for another some kind of benefit, or cause damage to another, shall be punished with imprisonment of six months to three years.

(2) If the perpetrator of the crime from paragraph 1 acquires a larger property gain, or causes a larger property damage, or violates the rights of another more severely, they shall be punished with imprisonment of six months to five years.

(3) If the perpetrator of the crime from paragraph 1 acquires a significant property gain or causes a significant damage, they shall be punished with imprisonment of at least years.

(4) The punishment from paragraphs 1, 2 and 3 shall be also imposed on the responsible person, responsible person in a foreign legal entity that has representative office or performs an activity in Macedonia, or a person that performs a job of public interest, if the crime is perpetrated in his/her special authorization and duty framework.

(5) If the crime defined in paragraphs (1) and (4) was committed in a process of a public procurement or to the detriment of the State Budget of Republic of Macedonia, public funds finances or to the detriment of other state assets, the perpetrator shall be punished with at least five years of imprisonment.

### **Violating Obligation to Safeguard State Border**

#### **Article 353-a**

(1) An official exercising his/her duties at the border, that acts contrary to the regulations for safeguarding the state border, thus causing serious negative consequences upon the Service itself or the Service shall be thus put into danger, shall be punished with at least three months up to three years of imprisonment.

(2) If the crime as provided in paragraph (1) above results in causing serious bodily injury or major damages to property or other grave consequences occurred thereof, the perpetrator shall be punished with at least six months up to five years of imprisonment.

(3) If a person dies as a direct consequence of the criminal activities outlined in paragraph (1), the perpetrator shall be punished with at least one up to ten years of imprisonment.

(4) If the crime defined in paragraph (1) has been committed out of negligence, the perpetrator shall be punished either with a fine or with maximum one year of imprisonment.

(5) If the crime defined in paragraph (4) causes a consequence of paragraph (2), the perpetrator shall be punished with a fine or with maximum three years of imprisonment, and if it has caused a consequence of paragraph (3), the perpetrator shall be punished with prison sentence of one to five years.

#### **Failing to execute an order**

##### **Article 353-b**

(1) An official exercising duties related to preventing and detecting crimes and criminal perpetrators or related to maintenance of the public peace and order and the peace and security of the country, that fails to or refuses to execute his/her superior's order to carry out any official duty, so that another person's rights are seriously violated, or major breach of the public peace and order or significant damages to property occur thereof, then the official shall be punished with at least three months up to three years of imprisonment.

(2) An official that fails to execute his/her superior's order due to negligence as defined in paragraph (1) shall be punished with a fine or with maximum one year of imprisonment.

(3) An official refusing to execute unlawful order shall not be considered as a crime.

#### **Malpractice of official duty**

##### **Article 353-c**

(1) An official or an authorized person in a public enterprise or a public institution that shall misuse his/hers official position or authorization thereby acting against all legal provisions regarding conflict of interests or during the execution of discretionary authorization or by failing to perform mandatory surveillance or in another manner negligently performs their authorizations and duties, thus acquiring some gain for themselves or imposes damages to another, shall be issued a prison sentence of three months to three years.

(2) If the perpetrator of the criminal activity defined in paragraph (1) shall gain larger property gain or shall instigate larger property damage or shall heavily violate the rights of a third party, shall be issued a prison sentence of six months to five years.

(3) If the perpetrator of the criminal activity defined in paragraph (1) shall gain significant property use or shall cause significant damage, shall be issued a prison sentence of one to ten years.

(4) The punishment defined in paragraphs 1, 2 and 3 also applies to an authorized person, also an authorized person for a foreign legal person that has a representative office in the Republic of Macedonia, or a person that carries out activities that are off public interest, providing the criminal activity has been executed as a result of the persons approval and authorization or duty determined by law.

(5) The official or responsible person within a state administration body or another legal entity that by violating the legal prescriptions for implementation of an administrative procedure by omitting the mandatory surveillance or in another manner negligently performs their authorizations and duties, shall be punished with imprisonment of six months to three years and a fine.

(6) The person who shall perpetrate the criminal act referred to in Article (5) due to negligence, shall be punished with imprisonment of six months to two years and a fine.

## **Embezzlement in the service**

### **Article 354**

(1) An official person who, with the intention of acquiring unlawful property gain for themselves or for another, usurps money, securities or other movable objects that are entrusted in the service, shall be punished with imprisonment of six months to five years.

(2) If the perpetrator of the crime from paragraph 1 acquired a larger property gain, they shall be punished with imprisonment of one to ten years.

(3) If the perpetrator of the crime from paragraph 1 acquired a significant property gain, they shall be punished with imprisonment of at least four years.

(4) If the perpetrator of the crime from paragraph 1 acquired a small property gain, and if they wanted to acquire such a property gain, they shall be punished with a fine or with imprisonment of up to one year.

(5) The punishment from paragraphs (1), (2) and (3) from the present Article shall also be imposed to the responsible person, the responsible person within a foreign legal person with a representative office in the republic of Macedonia or a person performing tasks from public interest, if the criminal act has been perpetrated in the performance of their special authorization determined by law.

## **Defraud in the service**

### **Article 355**

(1) An official person who, when performing their service, with the intention to acquire an unlawful property gain for themselves or for another, by submitting false invoices or in some other way, deceives the authorized person to effect an unlawful payment, shall be punished with imprisonment of six months to five years.

(2) If with the crime from paragraph 1 a larger property gain was acquired, the perpetrator shall be punished with imprisonment of one to ten years.

(3) If with the crime from paragraph 1 a significant property gain was acquired, the perpetrator shall be punished with imprisonment of at least three years.

(4) With the punishment from paragraphs 1, 2 and 3 shall be also imposed to the responsible person, responsible person in a foreign legal entity that has representative office or performs an activity in Macedonia, or a person that performs a job of public interest, if the crime is performed in his/her special authorization and duty framework.

### **Helping oneself in the service**

#### **Article 356**

An official person who without authorization helps himself to money, securities or other movable objects entrusted in the service, or he gives these objects without authorization to another to help himself, shall be punished with imprisonment of three months to five years.

### **Receiving a bribe**

#### **Article 357**

(1) An official person who directly or indirectly requests or receives a present or some other benefit, or receives a promise for a present or some other benefit, in order to perform an official act within the framework of their own official authorization which they should not perform, or not to perform an official act which they otherwise must do, shall be punished with imprisonment of four to ten years.

(2) An official person who directly or indirectly requests or receives a present or some other benefit, or receives a promise for a present or some other benefit, in order to perform an official act within the framework of their own official authorization which they must perform, or not to perform an official act which they otherwise should not perform, shall be punished with imprisonment of six months to five years.

(3) An official person who, after the official act listed in paragraphs 1 and 2 of this Article is committed or not committed, requests or receives a present or some other benefit in connection with this, shall be punished with imprisonment of three months to three years.

(4) If the criminal resulted in the acquiry of a large property gain, the perpetrator shall be punished with imprisonment of at least four years.

(5) If the criminal resulted in the acquiry of a large property gain, the perpetrator shall be punished with imprisonment of at least five years.

(6) The punishment referred to in paragraphs (1), (2), (3), (4) and (5) from the present Article shall be imposed also to a responsible person, a person performing tasks from a public interest as well as foreign official person.

(7) The received present or acquired property gains shall be confiscated.

### **Giving a bribe**

#### **Article 358**

(1) A person who, directly or indirectly, gives or promises an official person a present or other benefit, so that they would perform an official act within the framework of their official authorization which they should not perform, or not to perform an official act which they should perform, or a person who mediates for this, shall be punished with imprisonment of six months to ten years.

(2) A person who, directly or indirectly, gives or promises an official person a present or other benefit, so that they would perform an official act within the framework of their official authorization which they must perform, or not to perform an official act which they should not perform, or a person who mediates for this, shall be punished with a fine, or with imprisonment of one up to five years.

(3) The person who gave or promised a bribe upon the request from the official person, and who reports this before they finds out that the crime was discovered, may be given a more lenient punishment for the offence from paragraphs 1 and 2.

(4) The provisions from paragraphs 1, 2 and 3 shall apply also when the bribe was given or promised to a responsible person, responsible person in a foreign legal entity, person that performs a job of public interest and foreign official person in connection with the crime from Article 357.

(5) If the act outlined in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

(6) The given present or property gain shall be confiscated.

### **Awarding an Illegal Influence**

#### **Article 358- a**

(1) The person who directly or indirectly provides and award, a gift or another gain or a promise for the providence of such gain to another person, for them or a third person in order for them to use their actual or assumed influence, official or social position and reputation, requests, intervenes, incents or in other manner impacts the performance or the lack of it, of a certain official act that has to be done, or the non- performance of an official act that must not be done, shall be punished with imprisonment of one to three years.

(2) The person who directly or indirectly provides and award, a gift or another gain or a promise for the providence of such gain to another person, for them or a third person in order for them to use their actual or assumed influence, official or social position and reputation, requests, intervenes, incents or in other manner impacts the performance or the lack of it, of a certain official act that has to be done, or the non- performance of an official act that must not be done, shall be punished with imprisonment of one to five years.

(3) If the criminal act referred to in paragraph (2) from the present Article has been committed regarding the initiation or administration of a criminal procedure against a certain person, the perpetrator shall be punished with imprisonment from one to five years.

(4) The person who directly or indirectly provides and award, a gift or another gain or a promise for the providence of such gain to another person, for them or a third person in order for them to use their actual or assumed influence, official or social position and reputation, requests, intervenes, incents or in other manner impacts the responsible person, a responsible person within a foreign legal entity performing an activity in the Republic of Macedonia or a person that performs tasks of public interest to perform or not to perform an action that is contrary to their duty, shall be punished with a fine or imprisonment of up to three years.

(5) If the criminal act referred to in paragraphs (1), (2), (3) and (4) from the present Article has been perpetrated upon request of the person that is to mediate illegally, and the perpetrator has reported them prior to the discovery of the act or before they know it was the discovered, they may be acquitted.

(6) The reward, gift or other gaining shall be confiscated.

## **Receiving a Reward for Illegal Influence**

### **Article 359**

(1) A person who receives a reward or some other benefit by using his official or social position and influence, in order to mediate for some official act to be executed or not, shall be punished with a fine, or with imprisonment of up to three years.

(2) A person who, by using his official or social position or influence, mediates for the performing of an official act which should not be performed, or not to perform an official act which otherwise should be performed, shall be punished with imprisonment of six months to five years.

(3) If the crime from paragraph 2 was committed in connection with initiating or carrying on a criminal procedure against a certain person, the perpetrator shall be punished with imprisonment of one to five years.

(4) The person who directly or indirectly provides and award, a gift or another gain or a promise for the providence of such gain to another person, for them or a third person in order for them to use their actual or assumed influence, official or social position and reputation, requests, intervenes, incents or in other manner impacts the responsible person, a responsible person within a foreign legal entity performing an activity in the Republic of Macedonia or a person that performs tasks of public interest to

perform or not to perform an action that is contrary to their duty, shall be punished with a fine or imprisonment of up to one years.

(5) If the crime from paragraph 4 has caused an illegal gaining or loosing rights, or gaining a larger material benefit or causing a larger damage to another domestic or foreign legal entity, the perpetrator shall be punished with imprisonment from three months to three years.

(6) If the criminal act has been perpetrated by a legal entity, it shall be punished with a fine.

(7) If a reward or some other benefit was received for the mediation from paragraphs 2 and 3, the perpetrator shall be punished with imprisonment of one to ten years.

(8) If the criminal act has been perpetrated by a legal entity, it shall be punished with a fine.

### **Illegal Acquiry and Concealing of Property**

#### **Article 359-a**

(1) An official and an authorized person in a public enterprise or a public institution or another legal entity disposing of state owned capital that shall act against the legal obligation for reporting property or its modification, thus reporting false or partial documents for his/her income, or when it is determined that his/her property or the property of their family significantly exceeds their legal and reported taxable income, shall be issued a six months to five year prison sentence and with a fine.

(2) The punishment from paragraph (1) from the present Article shall be imposed on an official or responsible person within a public enterprise, public institution or another legal entity disposing of state owned capital, when in a legally regulated procedure, it shall be determined that during the performance of the function or obligation the perpetrator or their family member has acquired property that significantly exceeds their legal incomes, provides false data or conceals their actual sources.

(3) If the criminal act referred to in paragraphs (1) and (2) from the present Article has been perpetrated regarding the property that largely exceeds their legal incomes, the perpetrator shall be punished with imprisonment from one to eight years and with a fine.

(4) The perpetrator of the criminal acts referred to in paragraphs (2) and (3) from the present Article shall not be punished if during the procedure, they provide acceptable explanation on the property origins before the court.

(5) The property that significantly exceeds the amount of attained and reported income subject to taxation for which the perpetrator conceals its actual origin, however confiscating the property is impossible, then other property registered to the perpetrator that correspond to the value of the former property, is subject to confiscation. The property shall be confiscated also from third parties to whom it was transferred without proper compensation.

(6) The property referred to in paragraph (5) from the present Article shall be confiscated by the perpetrator's family members for who it has been attained of has been transferred to if it is evident that they have not provided a compensation matching its value, as well as third persons if they do not prove that they have provided a suitable compensation for the object or property matching their value.

## **Disclosing an official secret**

### **Article 360**

- (1) A person who tells, hands over, or in some other manner makes available information to the public or to an unauthorized person, which represents an official secret, or acquires such information with the intention to tell or hand over to the public or to an unauthorized person, shall be punished with imprisonment of three months to five years.
- (2) If the crime from paragraph 1 was committed out of self-interest, or for the use of the information abroad, the perpetrator shall be punished with imprisonment of at least one year.
- (3) If the crime from paragraph 1 was committed out of negligence, the perpetrator shall be punished with a fine, or with imprisonment of up to three years.
- (4) An official secret is considered to be information or documents which by law, by some other regulation or by decision of a competent authority, passed based on a law, have been declared to be an official secret, and whose disclosure has or could have damaging consequences for the service.

## **Misuse of state, official or military secret**

### **Article 360-a**

- (1) The official person who will misuse data and information that represent a state, official or military secret, with intention of gaining personal profit for themselves or for another, or damaging another party's interests, shall be given a prison sentence of three months to five years.
- (2) The punishment from paragraph (1) shall be imposed also to the one who after retirement from the service, with the same intention, shall use such information, or shall give the information to someone else for usage.

## **Falsifying an official document**

### **Article 361**

- (1) An official person who in an official document, book, or paper, enters untruthful information, or does not enter some important data, or with his signature, respectively with an official stamp, verifies an official document, book or paper with untruthful contents, or with his signature, respectively an official stamp, enables the making of an official document, book or paper with untruthful contents, shall be punished with imprisonment of three months to five years.
- (2) The punishment from paragraph 1 shall apply also to an official person who uses the documents from that paragraph in the service as if they were real, or destroys them, covers them up, or damages them to a larger extent or in some other way makes them useless.

(3) A responsible person in a legal entity which disposes over state or social property, who commits the crimes from paragraphs 1 and 2, shall be punished with the punishment that is prescribed for those crimes.

### **Unlawful collection and payment**

#### **Article 362**

An official person or responsible person in a legal entity which disposes over state or social property, who collects an amount from another which this person is not obliged to pay, or collects more than this person is obliged to pay, or who during pay out or handing over of objects, pays out or hands over less than he was obliged to do, shall be punished with a fine, or with imprisonment of up to three years.

### **Prosecution for the Criminal Acts Perpetrated against an Official duty**

#### **Article 362- a**

The prosecution for the criminal acts referred to in Articles 357, 358 and 359 from the present Code, perpetrated abroad by a person who is not a citizen of the Republic of Macedonia, shall be undertaken upon approval by the Public Prosecutor of the Republic of Macedonia.

### **Obligatory Pronouncement of the Punishment Prohibition to Perform Profession, Activity or duty**

#### **Article 362-b**

Under the conditions determined with Article 38- b from the present code, the court shall impose prohibition to perform profession, activity or duty to the perpetrator with duration of one to ten years for the criminal acts from Articles 357, 358 and 359.

## **31. CRIMES AGAINST THE JUDICIARY**

### **Failure to report the preparation of a crime**

#### **Article 363**

(1) A person who knows that the perpetration of a crime is being prepared, for which according to the law a punishment of imprisonment of five years or more may be pronounced, and who did not

report this during the time when it was still possible to prevent its perpetration, while the crime was attempted or committed, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the preparation of a crime was not reported, for which according to law a punishment may be pronounced of life imprisonment, the perpetrator shall be punished with imprisonment of one to five years.

(3) A person shall not be punished for not reporting the preparations for a crime from paragraph 1 for whom the perpetrator is a marital partner, blood relation of the first line, brother or sister, adoptive parent or adoptive child, or a person living with the perpetrator in a permanent extra-marital community.

### **Not reporting a crime or a perpetrator**

#### **Article 364**

(1) An official person who consciously fails to report a crime that they found out about while performing their duty, if according to the law a punishment of imprisonment of five years or more may be pronounced for this crime, while the crime is prosecuted in line of duty, shall be punished with a fine, or with imprisonment of one to three years.

(2) The punishment defined in paragraph (1) shall apply to the person that shall intentionally avoid reporting a criminal activity from Articles 123,141, 142, 158, 162, 165, 165- a, 186, 187, 188, 215, 216, 231, 232, 236, 237, 238, 258, 259, 268, 269, 273, Articles 305 to 326, 348, 349, Articles 353 to 362, 382, 383, 394, 394-a, 396 and Articles 403 to 422.

(3) A person shall not be punished for the crime from paragraphs (1) and (2), for whom the perpetrator is a marital partner, blood relation of the first line, brother or sister, adoptive parent or adoptive child, or a person living with the perpetrator in a permanent extra-marital community.

### **Helping a perpetrator after a crime was committed**

#### **Article 365**

(1) A person who hides the perpetrator of a crime for which prosecution is undertaken in line of duty, or by covering up the tools, traces, objects, or in some other way helps him not to be found, or the person who hides a sentenced person or undertakes other actions that are directed towards a non-execution of the sentence, of the pronounced security measures or not to apply the educational measures - sending to an educational institution or to an educational-correctional home, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who provides help to a perpetrator of a crime, for which a punishment is prescribed of imprisonment of five years or more, shall be punished with imprisonment of three months to five years.

(3) A person who provides help to a perpetrator of a crime for which a punishment is prescribed of life imprisonment, shall be punished with imprisonment of one to ten years.

(4) The punishment from paragraph 1 may not be more severe either by type or by level of punishment that is prescribed for the crime that was committed by the perpetrator.

(5) A person shall not be punished for the crime from paragraphs 1 to 3 for whom the perpetrator is a marital partner, blood relation of the first line, brother or sister, adoptive parent or adoptive child, or a person living with the perpetrator in a permanent extra-marital community.

### **False reporting of a crime**

#### **Article 366**

(1) A person who reports that another committed a crime for which the prosecution is undertaken in line of duty, and he knows this person is not a perpetrator, shall be punished with imprisonment of three months to three years.

(2) A person who by planting traces or objects of a crime, or in some other manner causes the initialization of a criminal procedure for a crime for which prosecution is undertaken in line of duty, against a person for whom he knows has not done it, shall be punished with imprisonment of one to three years.

(3) A person who reports that he has committed a crime, for which prosecution is undertaken in line of duty, even though he had not committed it, shall be punished with a fine, or with imprisonment of up to three months.

(4) The punishment from paragraph 3 shall apply also to a person who reports that a crime has been committed, for which prosecution is undertaken in line of duty, even though he knows that this crime has not been committed.

### **Submitting false evidence**

#### **Article 366-a**

(1) The person that shall intentionally submit false evidence before the court or during an administrative procedure shall be given a prison sentence of one to three years.

(2) The punishment from paragraph (1) also applies to the person that shall either remove or destroy evidence significant to the court procedure or administrative procedure.

### **Giving a false statement**

#### **Article 367**

(1) A witness, expert, translator or interpreter who gives a false statement before the court, public prosecutor, notary public, a certified enforcer, administrative body or another body that adopts decisions in a legally determined procedure shall be punished with a fine, or with imprisonment of up to three months.

(2) The punishment from paragraph 1 from the present Article shall apply also to an expert that provides a false opinion and findings in the cases determined by law, or upon request of an interested person- requestor.

(3) The punishment referred to in paragraph (1) shall be applied to a party that by providing evidence in a hearing with third parties, in a litigation or administrative procedure shall provide false statement on which the decision adopted in that procedure is based.

(4) If the false statement from paragraph (1) from the present Article has been provided in a criminal procedure, the perpetrator shall be punished:

1) with imprisonment of one to three years if for the criminal act for which a criminal procedure is being carried out, a punishment of imprisonment of six months to five years has been prescribed;

2) with imprisonment of one to five years if for the criminal act for which a criminal procedure is being carried out, a punishment of imprisonment of up to ten years has been prescribed;

3) with imprisonment of at least four years if for the criminal act for which a criminal procedure is being carried out, a punishment of imprisonment of twenty years or life imprisonment has been prescribed;

(5) If because of the crime from paragraph 3, of the present Article a conviction was adopted or there were especially serious consequences for the accused, the perpetrator shall be punished with imprisonment of one to ten years.

(6) If the perpetrator of the act referred under paragraphs (1), (2) and (3) of the present Article calls off their false statement of own volition, before a decision that has come into effect is passed, they may be acquitted from punishment.

(7) If the criminal act from the present Article is perpetrated by a legal entity, they shall be punished with a fine.

## **Preventing the collection of evidence**

### **Article 368**

(1) A person who with the intention of preventing or hindering the collection of evidence, hides, destroys, damages or makes useless, partially or completely, another's document or object that is serves as evidence, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from paragraph 1 shall apply also to a person who, with the same intention, removes, destroys, damages, shifts or moves a boundary, land-measurement or other sign, regarding ownership, or some other right based on real estate or the rights for the use of water, or to a person who with the same intention falsely sets up such a sign.

## **Obstruction of Justice**

## **Article 368-a**

(1) The person intending to persuade a person that might be called as a witness, witness or expert to provide false statement, or prevent or obstruct the collecting of evidence or proving process in the criminal procedure or a procedure before a court or another body administering a procedure according to the law, largely threatens the life and body or property of a person that might be called as a witness, witness or expert or close persons thereof, or influences them by applying force, illegal deprivation of freedom, by offering bribe or by using other means prevents the person from attending as a person that cannot be called as a witness, witness or expert in the procedure or if they are called as a witness, witness or expert to provide or not provide a statement in a certain context, shall be punished with imprisonment from one to five years .

(2) The punishment from paragraph (1) of the present Article shall apply to the person who victimizes or physically injures or deprives the person from paragraph (1) of the present Article from a certain right, due to revenge for the given statement.

(3) If, due to the criminal act from paragraphs (1) and (2) of the present Article, there were especially hard consequences for the accused in the criminal procedure or a person from paragraph (1) of the present Article suffered a heavy bodily injury, or the act has been committed against a protected or vulnerable witness or a person close thereto, the perpetrator shall be punished with imprisonment from one to ten years.

(4) If, due to the criminal act from paragraphs (1) and (2) of the present Article, the person from paragraph (1) of the present Article has been deprived of his/ her life, the perpetrator shall be punished with a minimum of ten years up to life imprisonment.

(5) The person that forcibly, with serious threat or promising or providing some benefit influences a judge, public prosecutor or another official or a lawyer to take or not to take legally envisaged actions before a court or another competent body for administering a procedure regulated by law, contrary to their official or legal duty and authorizations or prevents the performance of such actions shall be punished with imprisonment of one to ten years.

(6) If, in the performance of the act from paragraph (5), the persons from the stated paragraph or persons close thereto suffer a bodily injury, the perpetrator shall be punished with imprisonment of a minimum of four years.

(7) If, in the performance of the act from paragraph (5), the persons from the stated paragraph or persons close thereto suffer a heavy bodily injury, the perpetrator shall be punished with imprisonment of a minimum of five years.

(8) The punishment of paragraph (5) of the present Article shall apply to the official or responsible person that denies or groundlessly postpones to perform an order or a legally based request of a court, public prosecutor or another competent body or a lawyer for gathering, storing or submitting written documents, papers or cases or intends to prevent or obstruct the proving process by covering, destroying, counterfeiting or in another manner making the written documents, papers or cases unusable, which could have served as evidence in the procedure before the court or another body competent for administration of the procedure determined by law.

(9) If the act from paragraph (8) of the present Article has been committed in a previous criminal procedure or in a criminal procedure, the perpetrator shall be punished with imprisonment of four to ten years.

(10) If the act from paragraphs (8) and (9) of the present Article is committed by a legal entity, they shall be punished with a monetary penalty.

(11) Under the conditions determined with Article 38-b of the present Code, the court shall impose to the perpetrator a ban for performing a profession, activity or duty with duration of one to ten years for the criminal act referred under the present Article.

(12) The attempt for the stated criminal act shall also be punishable.

### **Violation of the confidentiality of the procedure**

#### **Article 369**

(1) A person who without authorization discloses what he found out during a court procedure, or in an administrative, petty offense or disciplinary procedure, when this has been declared a secret by law or by decision of the court or the authority that carries out the disciplinary procedure, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment of paragraph (1) of the present Article shall apply to the person who, without permission of the court, publishes information, a document or another data on the procedure, that according to the law is a secret or has been declared a secret with a court decision, or publishes information, a document or another data regarding a procedure involving a child, where the child is the damaged party or in which a decision is being made on the rights and interests of a child or the decisions in such procedures.

### **Revealing of the Identity of a Vulnerable Witness or Protected Witness, Collaborator of Justice or a Victim in the Capacity of a Witness**

#### **Article 369-a**

(1) The person who, without authorization, reveals to another or make available, hand over or announces data on the identity or data that can enable revelation of the identity of a protected witness included in the witness protection programme, a person for which the procedure for inclusion o\in the witness protection programme has already commenced or for application of process protection measures according to the law, or takes another activity due to revealing data on the identity of that person or their localizing shall be punished with imprisonment of one to five years.

(2) If the person from paragraph (1) of the present Article, the identity of which has been revealed or a person close thereto has been severely injured or certain rights of theirs have been taken or restricted or other severe consequences took place, the perpetrator shall be punished with imprisonment of at least four years.

(3) The punishment from paragraph (2) of the present Article shall be applied to the perpetrator who by revealing the identity of the person prevents or significantly obstructs the administration of the criminal procedure for criminal acts for which a prison sentence of five years or a more severe punishment has been envisaged.

(4) If the revealing of the identity of the person from paragraph (1) of the present Article resulted in their or a close person's death, the perpetrator shall be punished with imprisonment of at least ten years or life imprisonment.

### **Rebellion by freedom deprived people**

#### **Article 370**

(1) A person who organizes a rebellion of freedom deprived, in an institution where he finds himself based on a lawful decision for deprivation of freedom, with the intention to free themselves by force, or together to attack the official persons in this institution, or by force or with serious threat to use force, to coerce them to do or not to do something that is contrary to their duty, shall be punished with imprisonment of six months to three years.

(2) A participant in the rebellion from paragraph 1 shall be punished with imprisonment of three months to one year.

(3) The perpetrator of the crime from paragraphs 1 and 2, who uses force, shall be punished with imprisonment of six months to five years.

(4) The perpetrator of the crime from paragraphs 1 and 2, who gives up the rebellion of his own volition before force or a serious threat is applied, shall be acquitted from punishment.

### **Escape of a freedom deprived person**

#### **Article 371**

A person who escapes from an institution in which he is deprived of freedom by a lawful decision, by using force or a serious threat to directly attack upon the life or body of another, shall be punished with imprisonment of three months to five years.

### **Enabling the escape of a freedom deprived person**

#### **Article 372**

(1) A person who by force, serious threat, defraud or in some other way enables the escape of a person who is deprived of freedom by a lawful decision, shall be punished with imprisonment of three months to five years.

(2) If the crime from paragraph 1 is committed in a group, or with the use of firearms or some other dangerous utensil, the perpetrator shall be punished with imprisonment of one to ten years.

## **Illegal freeing of a freedom deprived person**

### **Article 373**

An official person who, in contrary to the law, frees a person deprived of freedom that was entrusted to him for guarding, or helps him escape, shall be punished with imprisonment of three months to five years.

## **Unlawful usurpation of objects during search or in a procedure for execution**

### **Article 374**

An official person who, during the search of a home, premises or persons, or in a procedure of execution, unlawfully takes away another's movable object, with the intention of usurpation, shall be punished with imprisonment of one to ten years.

**Article 375 is deleted.**

## **Evading prohibitions from security measures and legal consequences from a sentence**

### **Article 376**

(1) A person who enables another to perform a certain vocation, professional activity or function, or other matters, even though they know that this is prohibited to them by a pronounced sentence, or by legal consequences from a sentence, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime from paragraph 1 was committed by an official person, they shall be punished with a fine, or with imprisonment of up to three years.

(3) If the act outlined in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

## **Failure to execute a court decision**

### **Article 377**

(1) An official or responsible person, who does not act upon a court decision that has come into effect, with which the decision was given to return a worker to work, shall be punished with a fine, or with imprisonment of up to one year.

(2) An official person, or a responsible person in a legal entity, who refuses to execute a court decision that has come into effect and is executable, which they are obliged to do, shall be punished with a fine, or with imprisonment of up to three years.

(3) The official or responsible person who refuses to execute a decision that has come into effect of the Constitutional Court of the Republic of Macedonia, which they are obliged to execute shall be imposed with a punishment of imprisonment of one to five years.

(4) If the crime from paragraphs 1, 2 and 3 from the present Article caused a more serious violation of the rights of another or significant property damage, the perpetrator of crimes shall be punished with imprisonment of one to ten years.

(5) An official or a responsible person or a person authorized by a court order that fails to act in accordance with an effective court decision passed in a procedure for issuing an order for protection of rights, shall be punished with at least one to five years of imprisonment.

(6) If the act outlined in the present Article is carried out by a legal entity, it shall be punished with a fine.

## Chapter Thirty Two

### CRIMES AGAINST LEGAL TRAFFIC

#### **Falsifying a document**

##### **Article 378**

(1) A person who prepares a false document, or alters a real document with the intention to use such a document as real, or who uses the false or altered document as if it was real, shall be punished with a fine, or with imprisonment of up to three years.

(2) The attempt is punishable.

(3) If the crime from paragraph 1 was committed in regard to a public document, will, bond, check, public or official book, or some other book that must be maintained based on the law, the perpetrator shall be punished with imprisonment of three months to five years.

(4) If the act outlined in paragraph (1) is carried out by a legal entity, then the person shall be punished with a fine.

#### **Special cases of falsifying documents**

##### **Article 379**

(1) The following shall be considered to have committed an act of falsifying a document, and shall be punished according to Article 378:

- 1) a person who without authorization fills in a statement that is of importance for the legal relations onto some paper, form, or some other object, on which another has already placed their signature;
- 2) a person who deceives another about the contents of a document, in order for this person to place their signature on it, thinking that they are signing some other document or some other contents;
- 3) a person who issues a document in the behalf of another, without their authorization, or in the name of a person who does not exist;
- 4) a person who as issuer of a document, adds to their signature that they has some position, title or rank, even though they do not have such a position, title or rank, and which has a significant influence upon the force of evidence of that document; and
- 5) a person who makes the document in such a way as to use, without authorization, a real stamp or sign.

(2) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with a fine.

## **Computer Falsification**

### **Article 379-a**

(1) The one who illegally produces, imports, changes, erases, or makes useless computer data or programs, chosen or appropriate to be used as an evidence for facts important in the legal relations, with intention to use it as real or which has been used as real, shall be punished with a fine or imprisonment of up to three years.

(2) If the crime from paragraph (1) is performed on computer data and programs used by state bodies, public institutions, enterprises or other legal entities and physical persons that perform public work, or which are used in the exchange of legal data with foreign countries, or when with their usage has been caused significant property damage, the perpetrator shall be punished with imprisonment of one to five years.

(3) The one who without authorization, produces, buys, sells, poses or makes available to another special devises, computer programs or computer data intended or applicable for performing the crime from paragraph (1) shall be punished with a fine or imprisonment of up to three years.

(4) The attempt for performing the crime from paragraphs (1) and (3) is punishable.

(5) Special devises, computer programs or data for performing the crime shall be confiscated.

## **Use of a document with false contents**

### **Article 380**

(1) A person who uses as proof in the legal traffic a document, book or paper, for which they know that it is false, shall be punished with a fine, or with imprisonment of up to three years.

(2) If the act outlined in paragraph (1) is carried out by a legal entity, it shall be punished with a fine.

### **Issuing and use of a false doctor's or veterinary certificate**

#### **Article 381**

(1) A doctor or veterinarian, who issues a false doctor's or veterinary certificate, shall be punished with a fine, or with imprisonment of up to three years.

(2) The punishment from paragraph 1 shall apply also to a person who uses a false doctor's or veterinary certificate as if it was real.

### **False attorney**

#### **Article 381-a**

A person that without a registered activity, gives expert and legal advice for money to legal and physical persons, and is not an attorney, shall be punished with fine or imprisonment of up to one year.

## Chapter Thirty Three

### CRIMES AGAINST THE PUBLIC ORDER

### **Preventing an official person in performing an official act**

#### **Article 382**

(1) A person who by force or by serious threat to directly attack the life or body, prevents an official person in performing their official act or forces them to perform the official act, shall be punished with a fine, or with imprisonment of up to three years.

(2) If when the crime from paragraph 1 was committed, the perpetrator offended or mistreated the official person, or caused them body injuries, or threatened them with the use of a weapon, they shall be punished with imprisonment of three months to three years.

(3) Whoever commits the crime from paragraphs (1) and (2) of this Article against an official, lawyer, doctor or other health worker, journalist or other media worker or another person who performs work of public interest in the performance of professional tasks or in connection with the performance of the professional tasks that they undertake within their powers or a person who helps in the performance of public security or the protection of the constitutional order of the Republic of North Macedonia that relate to the prevention or detection of a crime, the capture of a perpetrator of a crime act, maintaining

public order and peace or keeping a person deprived of liberty, will be punished by imprisonment from six months to five years.

(4) The attempt of a crime from paragraphs 1 and 2 is punishable.

(5) If the perpetrator of a crime from paragraphs 1, 2 and 3 was provoked by unlawful or rude conduct by the official person or the person that assisted, they may be acquitted from punishment.

### **Attack upon an official person, when performing security activities**

#### **Article 383**

(1) A person who attacks or seriously threatens to attack an official person or a person that assists them in the performing of activities of public safety or protection of the constitutional system of the Republic of Macedonia, referred to preventing or discovering a crime, catching a perpetrator of a crime, maintaining the public peace and order, or guarding a person that was deprived of freedom, shall be punished with a fine, or with imprisonment of up to three years.

(2) If when the crime from paragraph 1 was committed, the perpetrator by using a weapon or some other dangerous utensil, mistreats or insults the official person or the person who assists, or inflicts body injury, they shall be punished with imprisonment of six months to five years.

(3) If when the crime from paragraph 1 was committed, the official person or the person who assists them sustained a serious body injury, the perpetrator shall be punished with imprisonment of one to ten years.

(4) If the perpetrator of the crime from paragraphs 1 and 2 was provoked by the unlawful or rude conduct of the official person or the person that assists, they may be acquitted from punishment.

### **Participation in a crowd, which prevents an official person to perform an official act**

#### **Article 384**

(1) A person who participates in a crowd which with joint action prevents or attempts to prevent an official person in performing an official act, or in the same way coerces them to perform an official act, shall be punished with imprisonment of three months to three years.

(2) The leader of the crowd shall be punished with imprisonment of one to five years.

### **Participation in a crowd which commits a crime**

#### **Article 385**

(1) A person who participates in a crowd, which with joint action performs acts of violence against people, or damages or destroys property to a larger extent, shall be punished with a fine, or with imprisonment of up to three years.

(2) If during the action of the crowd, some person was killed or sustained serious body injury, or a damage to a large extent was caused, the participant in the crowd, for the participation itself, shall be punished with imprisonment of three months to five years.

(3) The leader of the crowd shall be punished with imprisonment of one to ten years.

## **Act of violence**

### **Article 386**

(1) A person who mistreats, roughly insults, endangers the safety or performs rough violence upon another, and with this causes a feeling of insecurity, threat or fear among the public, shall be punished with imprisonment of three months to three years.

(2) A person that by throwing pyrotechnical means or objects with which the life or body of another may be endangered or the property of facilities in a sports field or viewing point by entry in the sports field intending to cause a fight or another act of violence, shall be punished with imprisonment of three months to three years.

(3) If the act referred to in paragraphs (1) and (2) from the present Article has been perpetrated in a group of two or more persons, or the violence was committed upon several citizens, or the perpetrator injured bodily another, they shall be punished with imprisonment of six months to five years.

(4) The punishment from paragraph (1), (2) and (3) from the present Article shall be imposed on the perpetrator of the criminal act referred to in paragraph (1), related to sports competitions and was committed during, before or after the competition.

(5) If the criminal act referred to in paragraphs (1), (2) and (3) from the present Article has been committed out of hatred and resulted in a fight, disorder and damage of property of a significant value, the perpetrator shall be punished with imprisonment from one to five years.

(6) If the criminal act referred to in paragraphs (1), (2) and (3) from the present Article resulted in a serious injury or death, the perpetrator shall be punished with imprisonment of three to ten years.

(7) The punishment referred to in paragraph (5) from the present Article shall be imposed to the organizer of group that performed the act from paragraphs (2) and (3) from the present Article, as well as the organizer of the sports competition who failed to take measures to prevent the crime.

(8) The legal entity participating in the organization of the competition shall be punished for the criminal act from paragraphs (2) and (3) from the present Article with a fine.

## **Organizing resistance**

### **Article 387**

(1) A person who organizes others to resistance or to disobedience towards lawful decisions or measures by a state authority, shall be punished with a fine, or with imprisonment of up to three years.

(2) If because of the crime from paragraph 1, the implementation of a lawful decision or measure from the state organ failed or was rendered significantly more difficult, or he committed the crime as leader of a group, the perpetrator shall be punished with imprisonment of one to five years.

## **Unlawful change of the territorial partition of the Republic of Macedonia**

### **Article 388**

A person who by use of force or serious threat to use force, or in some other unlawful manner, changes the territorial partition of the Republic of Macedonia that was determined by law, shall be punished with imprisonment of one to five years.

## **Taking down or damaging an official stamp or sign**

### **Article 389**

(1) A person who takes down or damages an official stamp or sign which was placed by an official person for the security of the object or premises, or a person who without taking down or damaging the stamp or sign enters such premises or opens the secured object, shall be punished with a fine, or with imprisonment of up to three years.

(2) The attempt is punishable.

## **Taking away or destroying an official stamp or paper**

### **Article 390**

(1) A person who illegally takes away, hides, destroys, damages or in some other way makes unusable an official stamp, book or paper, or document, that belongs to a state authority or to some other legal entity that performs public authorizations, or which is located with them, shall be punished with a fine, or with imprisonment of up to three years.

(2) The attempt is punishable.

## **False presentation**

### **Article 391**

(1) A person who, with the intention to, for themselves or for another, acquire gain or to cause damage to another, presents themselves as an official or military person, or who carries the signs of an official or military person without authorization, shall be punished with a fine, or with imprisonment of up to one year.

(2) The punishment from paragraph 1 shall apply also to a person who commits an act for which only a specific official or military person is authorized to do.

## **Autocracy**

### **Article 392**

- (1) A person who autocratically procures some right of their own, or a right that they consider that belongs to them, shall be punished with a fine, or with imprisonment of up to six months.
- (2) A person who autocratically procures some right of their own, or a right which they consider that belongs to them, by using force or a serious threat to attack the life and body, shall be punished with a fine, or with imprisonment of six months to three years.
- (3) The punishment from paragraph 2 shall apply to a person who commits the crime from paragraph 1 and 2 for another.
- (4) Prosecution for the crime from paragraph 1 is undertaken upon private suit, and for paragraph 2 and 3 upon proposal.

## **Conspiracy to commit a crime**

### **Article 393**

- (1) A person who conspires with another to commit a crime, for which a punishment of imprisonment of three years or more may be pronounced, shall be punished with a fine, or with imprisonment of up to one year.
- (2) The punishment defined in paragraph (1) also applies to the person that shall agree to carry out a criminal act for which the punishment is a prison sentence of up to 4 years or a more rigorous punishment.

## **Criminal association**

### **Article 394**

- (1) A person who creates a group or gang that has the aim of committing crimes for which a punishment of imprisonment of three years or more may be pronounced, shall be punished with imprisonment of one to five years.
- (2) The member of the group or gang shall be punished with imprisonment of three months to three years.
- (3) If the purpose of a gang or a group is to commit crimes, for which the punishment is at least 8 years imprisonment, the organizer shall be given a prison sentence of up to four years and the group member or the gang shall be given a prison sentence of 1 to 5 years.
- (4) A member of the group or gang, who discloses the group, i.e. the gang, before they commit some crime in it or for it, shall be acquitted from punishment.

(5) Objects and means used by a gang or a group and intended for the preparation of the criminal activities, as well as the financial means for financing the crime, shall be seized.

## **Terrorist organization**

### **Article 394-a**

(1) A person that creates a group, gang or any other felonious organization that intends to carry out criminal activities such as: murders, bodily harm, abduction, destroying public objects, transport systems, infrastructures, information systems and other objects that are in general use, hijacking of airplanes and other public means of transport, production, ownership and trade in nuclear, biological and chemical weapons and other types of weapons and dangerous materials, releasing dangerous, radioactive, toxic and other dangerous substances into the air, inducing fires or explosions, destroying water-supply stations, electrical energy plants or other types or main natural resources, with the intention of endangering the life and body and creating an atmosphere of insecurity or fear in the citizens shall be imprisoned for no less than a period of 8 years.

(2) The members of the group, the gang or any other felonious organization, as well as the person that assists the organization shall be given a prison sentence of at least 4 to 10 years.

(3) The punishment defined in paragraph (2) shall apply to the person that publicly calls upon, initiates or supports the creation of a terrorist organization.

(4) The perpetrator of the criminal activities defined in paragraph (1) that, by detecting the organization, or in any other manner prevents the realization of the organization's planned criminal activities shall be punished with a prison sentence of three months to three years, and the sentence against the person can be revoked.

(5) The perpetrator defined in paragraph (2) who will report the organization before he/she will carry out any of the organization's planned criminal activities defined in paragraph (1), shall be acquitted from the punishment.

(6) The objects and the means intended for preparation of the criminal activities referred to in paragraphs 1,2 and 3 and the organization's financial means shall be confiscated.

## **Terrorism**

### **Article 394- b**

(1) The person that shall threat, order or perpetrate one or more acts of murder, bodily harm, abduction, destruction of public facilities, transport systems, infrastructuiral facilities computer systems and other general use facilities, abduction of aircrafts and other means of public transport, production, possession, transport, trade, procurement or application of nuclear weapon or nuclear material, biological, chemical weapons and other types of weapons and dangerous materials, planting bombs and other explosive devices at a public place, as well as researches directed to development of biological and

chemical weapons, release of dangerous radioactive, toxic and other dangerous substances or causing fire or explosion, destruction of plants for water supply, supply of electricity or other main natural resources intending to create a feeling of insecurity or fear in the citizens or force a natural or legal entity, an international organization or a state to perform or not to perform certain activities, shall be punished with imprisonment of at least ten years of life imprisonment.

(2) The person that seriously threatens to perform the criminal act referred to in paragraph (1) from the present Article, directly or indirectly, using electronic means or in another manner intending to endanger the life and body and create a feeling of insecurity or fear in the citizens shall be punished with imprisonment of at least eight years.

(3) The person that publicly calls, spreads or in any manner makes publically available a message intending to encourage the perpetration of some of the activities envisaged with paragraph (1) from the present Article, when the call itself poses a danger from the perpetration of such action, shall be punished with imprisonment of four to ten years.

(4) The punishment referred to in paragraph (1) from the present Article shall be imposed to the person that forces another to perform the criminal act referred to in paragraph (1) from the present Article or poses a serious threat that shall attack against their life and body of persons close to them.

(5) The punishment referred to in paragraph (2) shall be applied to the person who makes an agreement with another to perpetrate the act referred to in paragraph (1) or calls another to include in the association or group with the purpose of perpetrating the act referred to in paragraph (1).

(6) The person that organizes the production, preparation, produces, sells, purchases, transfers or holds explosives. Fire arms or other weapons or dangerous substances intended to perform the act referred to in paragraph 1, as well as the person training another or in another manner preparing them to perpetrate the act referred to in paragraph 1, shall be punished with imprisonment of at least four years.

(7) The person that commits the act of robbery in order to attain objects to perpetrate the criminal act referred to in paragraph (1) from the present Article, shall be punished with imprisonment of at least four years.

(8) If the act is committed by a legal entity, it shall be punished with a fine.

(9) The real- estate used and the objects and means intended to prepare and perpetrate the criminal acts, shall be confiscated.

## **Funding Terrorism**

### **Article 394-c**

(1) The person who in any manner directly or indirectly provides, gives or collects money or other property regardless of the manner of acquiry, with the intention to use them or knowing that they are going to be used fully or partially for the perpetration of the criminal act of Unauthorized Acquiry and Disposal of Nuclear Materials referred to in article 231, Abduction of an Aircraft, a Ship or a Stationary Platform referred to in Article 302, Endangering of the Security of Air Traffic referred to in Article 303,

Terrorist Endangerment of the Constitutional System and Safety referred to in Article 313, Terrorist Organization referred to in Article 394-a, Terrorism referred to in Article 394-b, Crimes against Humanity referred to in Article 403-a, International Terrorism referred to in Article 421 or another act of terrorism envisaged with the present Law or another act perpetrated with the intention to cause death or serious bodily harm of the citizens or other persons that are not included in a conflict having features of an armed conflict according to international law, with the intention to create feeling of insecurity or fear in the citizens or force some state or international organization to perform or not perform a certain action, shall be punished with imprisonment of at least ten years.

(2) The person that in any manner, directly or indirectly provides, gives or collects money or property regardless of the manner of acquire intending to use them or knowing that they shall be used fully or partially for the preparation of the acts referred to in paragraph (1) from the present Article, regardless of whether the money or other assets have been used or utilized to perpetrate such act, shall be punished with imprisonment of at least eight years.

(3) The person that publicly calls, by spreading or in any manner making available to the public a message intending to encourage the perpetration of some of the acts envisaged with this Article, when the call itself poses a danger from the perpetration of such act, shall be punished with imprisonment of at least five years.

(4) The punishment referred to in paragraphs (3) from the present Article shall apply to the person who shall make an agreement with another to perpetrate the act referred to in the present Article or shall call upon another to include in the association or group with the purpose of perpetrating the act referred to in the present Article.

(5) The person who creates a group or a gang having in focus to perpetrate a criminal act from the present Article, shall be punished with imprisonment of at least ten years.

(6) The member of the group or gang referred to in paragraph (5) from the present Article shall be punished with imprisonment of at least five years.

(7) The member of the group or the gang that shall reveal the group, i.e. the gang before committing some criminal act within its composition or for it, may be acquitted.

(8) The official person, responsible person in a bank or another financial institution or a person that performs public interest work that according to the law is authorized to undertake measures and activities to prevent the financing of terrorism, who shall knowingly fail to undertake these measures determined by law, thus enabling the perpetration of the act referred to in the present Article, shall be punished with imprisonment of at least three years.

(9) The punishment referred to in paragraph (8) from the present Article, shall be imposed to an official person or a responsible person who shall, without authorization reveal to a client or a called person data referring to the procedure of examination of suspicious transactions or application of other measures and acts to prevent the financing of terrorism.

(10) The person who shall perpetrate the criminal acts referred to in paragraphs (8) and (9) from the present Article, although not being aware of the possibility of occurrence of a harmful

consequence, and according to the circumstances and their own personal features was obliged and could have been aware of that possibility, shall be punished with imprisonment from one to ten years.

(11) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with a fine and termination of the legal entity.

(12) The money and property intended to prepare and perform the acts referred to in the present Article shall be confiscated.

### **Speeding Racist and Xenophobic Material by Means of Computer System**

#### **Article 394-d**

(1) The person who through a computer system spreads resist and xenophobic written material, images or other representation of an idea or theory that assists, promotes or encourages hatred, discrimination or violence against any person or group based on their sex, race, skin color, gender, membership in a marginalized group, ethnicity, language, citizenship, social origins, religion or religious persuasion, other types of persuasion, education, political affiliation, personal or social status, mental or physical disability, age, family or marital condition, property status, health condition or any other base envisaged with the law or ratifies international agreement, shall be punished with imprisonment of one to five years.

(2) The punishment referred to in paragraph (1) from the present Article shall apply to the person that commits the act through other means of public information.

(3) The person who shall perpetrate the criminal act referred to in paragraphs (1) and (2) from the present Article, by abusing their position or authorization or if those actions resulted in disorder, and violence against people or significant property damage, they shall be punished with imprisonment of one to ten years.

### **Manufacture and acquisition of weapons and means intended for committing a crime**

#### **Article 395**

(1) A person who manufactures, procures, hides or enables another to get weapons, munitions, explosive materials, or means required to manufacture them, as well as poisons for which they know were intended for committing a crime, shall be punished with imprisonment of three months to five years.

(2) If fire arms, weapons the use of which is prohibited or explosives or other materials of a larger quantity are subject to the act referred to in paragraph (1) of the present Article, the perpetrator shall be punished with imprisonment of three to eight years.

(3) The person who shall produce or provides to another a false key or another burglary tool, knowing that it is intended to perpetrate a crime, shall be punished with imprisonment of three months to three years.

(4) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with a fine.

(5) The objects from paragraphs 1 to 3 and the means for their manufacture, transfer and distribution shall be confiscated.

### **Unlawful production, keeping, mediation and trade with weapons or explosive materials**

#### **Article 396**

(1) A person who without authorization manufactures, keeps and sells, procures or does an exchange with firearms, ammunition or explosive materials, shall be punished with imprisonment of one to ten years.

(2) If the subject of the crime from paragraph 1 is a larger quantity of firearms, ammunition or explosive materials, which are forbidden for the citizens, the perpetrator shall be punished with imprisonment of at least five years.

(3) If the criminal act referred to in paragraphs (1) and (2) of the present Article is perpetrated in a group, gang or another criminal association, the perpetrator shall be punished with imprisonment of at least eight years.

(4) If a larger quantity of explosive materials intended for legitimate entertaining, celebratory and other activities are subject to the criminal act referred to in paragraph (1), the perpetrator shall be punished with at least eight years of imprisonment or a fine.

(5) The objects from paragraphs 1 and 2, and the means for their manufacture, transfer and distribution shall be confiscated.

### **Fire Arms Counterfeit**

#### **Article 396- a**

(1) The person who counterfeits marks of fire arms by erasing, destruction or alteration of fire arms or its parts or fails to brand and label the fire arms, its parts, components and ammunition, shall be punished with imprisonment of one to ten years.

(2) If the act referred to in the present Article is perpetrated by a legal entity it shall be punished with a fine.

### **Abuse of a sign for help and danger**

#### **Article 397**

A person who by abusing a help sign or a danger sign, or with an unfounded calling for help, needlessly causes the going out of the state organs, the fire brigade, or some other competent help services, shall be punished with a fine, or with imprisonment of up to one year.

## **Gambling**

### **Article 398**

- (1) A person who without authorization organizes gambling or some other game of chance that is prohibited, shall be punished with a fine, or with imprisonment of up to one year.
- (2) The punishment from paragraph (1) shall be applied also to the person who for certain gaining provides premises for gambling or in another manner enables gambling or induces others to gamble.
- (3) The punishment from paragraph 1 shall apply also to a person who, for a reward, makes available premises for gambling or in some other manner, for a reward, enables the gambling or attracts others for gambling.
- (4) A person who during gambling uses false or marked playing cards or some other defraud, while no other more serious crime is involved, shall be punished with imprisonment of one to five years, and with a fine.
- (5) The objects from the gambling, as well as the money of the perpetrator present at the gambling, shall be confiscated.

## **Hindering a religious ceremony**

### **Article 399**

A person who unlawfully hinders the performance of a religious ceremony shall be punished with a fine, or with imprisonment of up to one year.

## **Desecration of a grave**

### **Article 400**

- (1) A person who without authorization digs out, destroys or damages a grave or some other place where the deceased are buried, or roughly harms them, shall be punished with a fine, or with imprisonment of up to one year.
- (2) The person, who commits the criminal acts from paragraph (1) of the present Article out of hatred or by performing the actions from paragraph 1 desecrates two or more graves, shall be punished with a fine, or with imprisonment of up to three years.

## **Desecration of a deceased**

#### **Article 401**

A person who unlawfully hides, carries away, damages, destroys or in some other way desecrates the remains of the deceased, shall be punished with a fine, or with imprisonment of up to one year.

#### **Illegal crossing of the state border**

##### **Article 402**

(1) A person who without the prescribed permission crosses or tries to cross the border of the Republic of Macedonia, armed or with the use of violence shall be punished with a fine, or with imprisonment of up to one year.

(2) A person dealing in illegal transfer of other persons across the border of the Republic of Macedonia shall be punished with imprisonment of six months to five years.

(3) A person that organizes a group, a gang or any other type of association to the aim of committing crimes defined in paragraphs (1) and (2), shall be punished with five years of imprisonment.

#### 34. CRIMES AGAINST HUMANITY AND INTERNATIONAL LAW

##### **Genocide**

##### **Article 403**

A person who with the intention of complete or partial destruction of some national, ethnic, racial or religious group, orders the murder or infliction of serious body injuries, or serious harm to the physical or mental health of members of a group, or forced resettlement of population, or to place the group under such living conditions as to bring about the complete or partial extermination of the group, or to apply measures that prevent birth among the members of the group, or to perform forced moving of the children to some other group, or a person who with the same intention, commits some of the above mentioned crimes, shall be punished with imprisonment of at least ten years, or with life imprisonment.

##### **Crimes against humanity**

##### **Article 403-a**

The persons that intend to systematically destroy civilians, give an order for homicides, inflict grievous bodily harm, physical extermination, enslave, deportation or forceful displacement of persons, imprisoning or other types of freedom deprivation that are against international law, torturing, rape, sexual exploitation or slavery, forceful prostitution, forced pregnancy or forced sterilization, or any other type of serious sexual violence, pursuing any group or community on the basis of their political, ethnic,

national, religious, cultural or sexual grounds, abduction and disappearance or persons, discrimination and segregation based on the race, or his/her nationality, ethnicity, political affiliation, culture or other basis and other inhuman acts intentionally causing physical and psychological suffering, or a person that with the same intention carries out any of the above mentioned criminal activities, shall be given a prison sentence of no less than ten years or a life sentence.

## **Crimes of Aggression**

### **Article 403-b**

(1) The person who has actual power to supervise or manage political or military actions in the country, uses the armed forces of a country against the sovereignty, territorial integrity and political independence of another country on in any other manner contrary to the United Nations Chart, commits an act of aggression, that by its own features, gravity and scale represent special breach of the United Nations Chart, shall be punished with imprisonment of at least five years.

(2) The person who participates in the actions of the armed forces referred to in paragraph (1) from the present Article, shall be punished with imprisonment of three to five years.

(3) The person who directly or indirectly encourages aggression, shall be punished with imprisonment of one to ten years.

(4) Aggression, referred to in paragraph (1) from the present Article, regardless of whether war has been announced or not shall be considered to be the following:

- 1) Invasion or attack of the armed forces of a country on the territory of another country or war occupation, even temporary, that is a result from such invasion or attack or accession of the entire territory or a part of the territory of another country by force;
- 2) Bombarding by the armed forces of a country on the territory of another country or use of any weapons of a country on the territory of another country;
- 3) Blocking of a port or shoreline of a country with the armed forces of another country;
- 4) Attack of the armed forces of a country on the land, marine and air forces of another country;
- 5) Use of armed forces of a country that are in the territory of another country, with its permission, contrary to the conditions envisaged by their agreement or prolongation of the presence of the armed forces in the territory of another country after the termination of the agreement;
- 6) Issuance of permission to use the territory of a country at the disposal of another country, for aggression against a third country or
- 7) Deployment of armed gangs, groups, paramilitary forces or mercenaries by, or in the behalf of a country, to perform armed actions against another country, that by their gravity match the previously stated actions or its significant participation in such actions.

## **War crimes against the civil population**

### **Article 404**

(1) A person who, by violating the rules of international law, during a war, armed conflict or occupation, orders an attack upon civil population, a settlement, certain civil persons or persons incapacitated for combat, which had as consequence death, serious body injury or serious disturbance to the health of the people; an attack without choosing the target, which strikes the civil population; to commit against the civil population murder, torture, inhuman acts, biological, medical or other scientific experiments, taking tissue or organs for the purpose of transplantation, inflicting grave suffering or injury to the body integrity or the health; resettlement and moving or forced denationalization or transfer to some other religion; coercion to prostitution or rape, sexual slavery or inducing unsolicited pregnancy, sterilization or other type of sexual violence; the implementation of measures of fear and terror, taking hostages, collective punishment, illegal taking to concentration camps and other illegal freedom deprivations, depriving of the right to a proper and unbiased trial or carry out punishment or execution without prior verdict passed by a court of law in a procedure in which all generally accepted legal borders are accepted; coercion for service in the armed forces of the enemy or in its intelligence service or administration enrolling and recruiting minors younger than 15 into the armed forces of the country or recruiting persons under the age of 18 in armed forces that are not armed forces of the country and using them by active participation in conflict activities contrary to the conditions determined with the rules of the international law; using civilians or other persons as live shield in specific places or regions where armed forces are present; coercion to forced labor, starving of the population, obstruction of humanitarian aid; confiscation of property, pilfering of property of the population, illegal and self-willed destruction or usurpation of a larger extent of properties which is not justified by the military needs, taking an unlawful and excessive contribution and requisition, decreasing the value of the domestic currency or unlawful issue of money; or the person who commits some of the above mentioned crimes - shall be punished with imprisonment of at least ten years, or with life imprisonment.

(2) The punishment from paragraph 1 shall apply to a person who commits some of the further mentioned crimes, by violating the rules of international law, during a war, an armed conflict or an occupation orders: an attack upon cultural items under high protection or other objects under special protection, facilities specially protected by international law, buildings, transport vehicles, materials and medical units that use identifiable signs and marks that are determined by international law or personnel, installations, materials units or vehicles included in the security of the humanitarian aid or peace missions, and upon facilities and plants with a dangerous power, such as dams, embankments and nuclear power plants; without a choice of the targets to strike: hospitals and places where the wounded and ill are gathered, civil constructions, which are under special protection by international law, prohibited places or demilitarized zones, cities, villages, estate or buildings that are not defended and do not represent military targets; long lasting and extensive destruction of the natural environment that could be damaging to the health or the survival of the population; or to the cultural heritage under high protection or its surrounding to be used for a military action, destruction or conquering larger extend of cultural items protected by international law, stealing or taking away or vandal attacks on a cultural heritage protected by international law.

(3) A person who, by violating the rules of international law, as a conqueror, during a war, an armed conflict or an occupation, orders or executes a resettlement or deportation of the all or parts of the civil population to the occupied territory or shall move parts of the its own civilians to the occupied territory, shall be punished with imprisonment of at least five years.

### **War crime against wounded and ill**

#### **Article 405**

A person who, by violating the rules of international law, during a war or an armed conflict, and against wounded, ill, castaways or medical personnel, orders the committing of murders, torture, inhuman actions, biological, medical or other scientific experiments, taking of tissue or organs for transplantation, or inflicting grave suffering or injury to the body integrity or health, or illegal and self-willed destruction or usurpation of a large extent of materials, means for medical transport and stores from medical or religious institutions, or from units, which is not justifies by the military needs, or the person who commits any of the above mentioned crimes, shall be punished with imprisonment of at least ten years, or with life imprisonment.

### **War crimes against prisoners of war**

#### **Article 406**

A person who by violating the rules of international law, and against prisoners of war, orders the committing of murders, torture, inhuman behavior, biological, medical or other scientific experiments, taking of tissues or organs for transplantation, inflicting grave suffering or injury to the body integrity or to health, forcing to serve in the armed forces of the enemy, or depriving of the right to a proper and unbiased trial, or order punishment or execution without prior verdict passed by a court of law in a procedure in which all generally accepted legal borders are accepted, or illegal deportation, displacement or hold them imprisoned or the person who commits any of the above mentioned crimes, shall be punished with imprisonment of at least ten years, or with life imprisonment.

### **Use of unalloyed combat means**

#### **Article 407**

(1) A person who during a war or an armed conflict orders the use of toxic or toxic weapons, toxic gas causing choking or any other types of gas or similar liquids, materials or devices, mines used against infantry regiments, bullets that easily spread in the human body, bullets of hard capsules that does not cover the entire grain or it is punctured, arms, missiles, materials or any other manner used in military action, and by using them, unnecessary wounds or torment is inflicted, or whose characteristics are against international military law, not differentiating between military and civil targets, and other, combat means or a manner of combat which are prohibited by the rules of international law, or uses them himself, shall be punished with imprisonment of at least one year.

(2) The punishment from paragraph 1 shall apply also to a person who by violating international law during a war or an armed conflict, orders that in the war there should be no surviving members of the enemy, or that the combat against the enemy should be on those principles.

(3) If because of the crime from paragraph 1 many people died, the perpetrator shall be punished with imprisonment of at least ten years, or with life imprisonment.

### **Approving or justifying genocide, crimes against humanity or war crimes**

#### **Article 407-a**

(1) The person that shall deny, minimize, approve or justify the criminal activities defined in Articles 403 to 407 by using public information system shall be given a prison sentence of 1 to 5 years.

(2) If the denying, minimizing, approval or justification has been performed to stimulate hatred, discrimination or violence against some person or group of persons because of their race, skin color, nationality, ethnicity, religion or persuasion, mental or physical difficulty, sex, gender identity, sexual orientation and political persuasion, the perpetrator shall be punished with imprisonment of at least four years.

### **Misuse of biological or chemical weapons**

#### **Article 407-b**

(1) The one who produces or prepares, provides, stores, sells or purchases, or mediates for sale or purchase, or owns, or transports biological or any kind fighting means forbidden with international law shall be punished with imprisonment of at least one year.

(2) The one who during the war or an armed conflict files an order about usage of chemical or biological weapon, or any other means for fight, or shall fight in a way that is forbidden with the international law, shall be punished with imprisonment of at least one year.

(3) If the crime from paragraph (1) and (2) causes death of more persons, the perpetrator shall be punished with imprisonment of at least five years or life imprisonment.

(4) Objects from paragraphs (1) and (2), and the resources used for their preparation, as well as means of transportation and spreading, shall be confiscated.

**Article 408 is deleted.**

### **Unlawful killing and wounding of an enemy**

#### **Article 409**

(1) A person who by violating the rules of international law during a war or an armed conflict, kills or wounds an enemy who has laid down their weapons, or who unconditionally surrendered, or remained without defense means, shall be punished with imprisonment of at least one year.

(2) The one who shall wound or kill an enemy in a cruel or subversive manner, out of self-interest or with other low motives, or if several persons are killed, the perpetrator shall be punished with imprisonment of at least ten years, or with life imprisonment.

### **Unlawful confiscation of objects from killed and wounded on the battleground**

#### **Article 410**

(1) A person who orders the unlawful taking away of objects from the killed or wounded on the battleground, or the person who commits such a taking away, shall be punished with imprisonment of one to five years.

(2) If the crime from paragraph 1 was committed in a cruel way, the perpetrator shall be punished with imprisonment of one to ten years.

### **Violation of a parliamentarian**

#### **Article 411**

A person who by violating the rules of international law during a war or an armed conflict insults, mistreats or holds a parliamentarian or his escort, or who hinders their return, or in some other way violates their inviolability, shall be punished with imprisonment of six months to five years.

### **Cruel behavior with wounded, ill or with prisoners of war**

#### **Article 412**

A person who by violating the rules of international law behaves cruelly with the wounded, the ill or with the prisoners of war, or who makes it impossible or who prevents them from using the rights which belong to them according to those rules, shall be punished with imprisonment of six months to five years.

### **Unjustified delay in repatriation of prisoners of war**

#### **Article 413**

A person who by violating the rules of international law, after the termination of the war or the armed conflict, orders or executes an unjustified delay in the repatriation of the prisoners of war or of civilians, shall be punished with imprisonment of six months to five years.

## **Destruction of temporary protected goods or cultural heritage**

### **Article 414**

(1) A person who by violating the rules of international law during a war or an armed conflict destroys temporary protected goods or cultural heritage and constructions, religious objects, or institutions intended for science, art, education or for humanitarian purposes, shall be punished with imprisonment of at least one year.

(2) If with the crime from paragraph 1 a clearly distinctive facility is destroyed, which is under special protection of international law as a cultural and spiritual heritage of the people, the perpetrator shall be punished with imprisonment of at least five years.

## **Instigation to aggressive war**

### **Article 415**

A person who calls out or instigates to aggressive war shall be punished with imprisonment of one to ten years.

## **Abuse of international signs**

### **Article 416**

(1) A person who abuses or without authorization carries the flag or the sign of the United Nations Organization, or the signs or flag of the Red Cross, or signs that correspond to them, international telecommunication signs, signs of cultural heritage or other acknowledged international signs with which certain facilities are marked, shall be punished with imprisonment of three months to three years.

(2) The punishment from paragraph (1) shall also apply to the person that by misusing a ceasefire flag, military signs or an enemy's uniform shall instigate death or grievous bodily harm to another person.

(3) A person, who commits the crime from paragraphs 1 and 2 in a zone of military operations, shall be punished with imprisonment of six months to five years.

## **Organizing a group and instigating genocide and war crimes**

### **Article 416-a**

(1) The one who organizes a group for performing crimes from Article 403 to 416 shall be punished with imprisonment of up to eight years.

(2) The one who shall become member of the group from paragraph (1) shall be punished with imprisonment of at least four years.

(3) The member of the group from paragraph (2), who shall disclose the group before the crime was committed, shall be acquitted of punishment.

(4) The one who provokes or instigates on performance of crimes from Article 403 to 416 shall be punished with imprisonment of one to ten years.

### **The responsibility of the commanding officers and other superiors**

#### **Article 416-b**

(1) The military commanding officer or the person acting in that position shall be responsible for the criminal acts defined in Articles 403 to 416-a, carried out by regular or paramilitary armed forces under the superior's command or control, during a war or an armed conflict, regardless of whether it is an international or internal situation, and regardless of whether the superior has had any knowledge of all the criminal activities, they were obliged to know or they could have been aware of such activities taking place, or they has failed to take the necessary measures and prevent the activities taking place, or they has failed to bring charges against the perpetrators of the criminal activities.

(2) The superiors shall be responsible for all the criminal activities in Articles 403-416-a that have been carried out by the subordinates on duty, during an armed conflict or peaceful circumstances, providing they have been aware of the activities taking place or based upon all circumstances, the superior person was obligated and could have known that such activities are prepared to be carried out, or he has failed to take the necessary and reasonable measures to prevent their execution, or prevent or has failed to bring charges forward against the perpetrators of the crimes.

### **Responsibility of the subordinates for a criminal activity executed on orders given by the superior**

#### **Article 416-c**

(1) The execution of the criminal activities from Articles 403 to 416-a, subsequent to an order given by the commanding officer or any other official person does not release the subordinates from responsibility for their criminal actions.

(2) The subordinate that shall execute a criminal activity defined in Articles 404 to 416-a acting on order given by a superior or based upon a legal decision shall not be punished, providing the person has had a legal obligation to obey the order or the decision, and has not been aware that the they are acting against the law and given all the circumstances, the decision or the order seemed in compliance with the law.

### **Racial or other discrimination**

#### **Article 417**

(1) A person who based on the difference in race, color of skin, nationality or ethnicity belonging to a marginalized group, language, citizenship, social origin, religion or religious persuasion, other types of

persuasions, education, political affiliation, personal or social status, mental or bodily disability, age, family or marital status, property condition, health condition or any other basis envisaged by law or a ratified international agreement, violates the basic human rights and freedoms, acknowledged by the international community, shall be punished with imprisonment of six months to five years.

(2) The punishment from paragraph 1 shall apply also to a person who persecutes organizations or individuals because of their efforts for equality of the people.

(3) A person who spreads ideas about the superiority of one race above some other, or who advocates racial hate, or instigates to racial discrimination, shall be punished with imprisonment of six months to three years.

### **Founding a slave relationship and transportation of persons in slavery**

#### **Article 418**

(1) A person who by violating the rules of international law places another in slavery or in some similar relationship, or keeps him under such relationship, buys him, sells him, hands him over to another, or mediates in the buying, selling or handing over of such a person, or instigates another to sell his freedom or the freedom of a person he is keeping or caring for, shall be punished with imprisonment of one to ten years.

(2) A person, who transports persons under a slavery or similar relationship from one country to another, shall be punished with imprisonment of six months to five years.

(3) A person, who commits the crime from paragraphs 1 and 2 against a juvenile, shall be punished with imprisonment of at least five years.

### **Human Trafficking**

#### **Article 418-a**

(1) The person who, by using force, serious threats, delusions or other forms of forcefulness, abduction, deception, misusing their position, or misuse of pregnancy, powerless position, or physical or mental disability of another, or, by giving and receiving money or other means by which they gain approval of a person that has the power to control over another person, persuades, transports, transfers, purchases, sells, shelters or accepts persons for the purposes of exploitation by prostitution or other forms of sexual exploitation, pornography, forced labor, slavery, forcefully arranged marriages, forced pregnancy, illegal adoption or similar actions or illegal human organ transplantation, shall be given a prison sentence of at least four years.

(2) The one who will take or destroy an ID, passport or other identification paper because of realization of the crime from paragraphs (1) and (2) of this Article, shall be punished with imprisonment of at least four years.

(3) The one who uses or makes it available for another to use sexual services from people, when it is known that they are victims of a trade with people shall be punished with imprisonment from six months to five years.

(4) If the crime from paragraphs (1), (2) and (3) is performed with a child or a minor, the perpetrator shall be punished with imprisonment of at least five years.

(5) The consent given by the victim of human trafficking for the purpose of exploitation envisaged in paragraph (1) shall not be significant to the existence of the criminal act referred to in paragraph (1).

(6) Providing the criminal act defined in the present Article is perpetrated by a legal entity, it shall be punished with a fine.

(7) The victim of human trafficking who was coerced to commit a criminal or another punishable act which was directly related to their position of victim, while he/ she was a victim.

(8) Objects and vehicles used for executing the criminal activities shall be confiscated.

## **Smuggling of Migrants**

### **Article 418-b**

(1) The person that, by using force or serious threat shall make an assault on a person's life or body, by abduction, deception, manipulation, misuse of their position or the inferior powerless position of another person, illegally transports migrants over the state border, as well as the one who prepares, purchases or possesses false passport for such purpose, shall be punished with a prison sentence of at least four years.

(2) The person that shall persuade, transport, transfer, purchase, provides shelter or accept migrants shall be given a prison sentence of 1 to 5 years.

(3) If during the execution of the criminal activities defined in paragraphs (1) and (2), the life or the health of a migrant is threatened, or the migrant is subject to particularly degrading conduct or brutality, or they are prevented from exercising their rights determined by international law, the perpetrator shall be imprisoned for a period of at least five years.

(4) Provided that the criminal activity defined on paragraphs (1) and (2) is executed by a minor, the perpetrator shall be imprisoned for at least eight years.

(5) Provided that the criminal act defined in paragraphs (1), (2), (3) and (4) of the present Article is perpetrated by an official during the performance of their duty, they shall be punished with imprisonment of at least ten years.

(6) Objects and vehicles used for executing the criminal activities shall be confiscated, according to Article 100- a of the present Code.

## **Organizing a group and abetment in performing crimes of human trafficking, trafficking with minors and smuggling of migrants**

### **Article 418-c**

- (1) The one who organizes a group, gang or other association for performing the crimes from Articles 418-a and 418-b, 418- d and 428- e shall be punished with imprisonment of at least eight years.
- (2) The one who shall become member of the group, gang or other association from paragraph (1), or in some other way helps the group, the gang or the association, shall be punished with imprisonment of at least one year.
- (3) The member of the group from paragraph (1), who shall disclose the group before it commits the crime shall be acquitted from punishment.
- (4) The one who shall invoke, abet or support the perpetration of crimes from paragraphs 418-1, 418-b, 418- d and 428- e shall be punished with imprisonment of one to ten years.

## **Child Trafficking**

### **Article 418- d**

- (1) The person who shall deceive a child to perform sexual acts or enables performance of sexual acts with a child or entices, transport, purchases, sells or offers for sale, acquires, provides, shelters or accepts a child due to exploitation by means of their use in sexual exploitation, pornography, forced labor or slavery, begging, for exploitation due to legally prohibited activity, slavery, forced marriages, forced fertilization, illegal adoption or extortion of consent as mediator to adopt a child, disallowed transplantation of human body parts, shall be punished with imprisonment of at least eight years.
- (2) The person that shall perpetrate the action from paragraph (1) by force, serious threat, delusion, or other form of forcefulness, abduction, fraud, by abuse of their position or pregnancy, powerlessness or physical or mental inability of another, or by provision or receipt of money or another use due to acquiescence of a person that has control over another one, or the act has been perpetrated against a child under the age of 14, shall be punished by imprisonment of at least ten years.
- (3) The person who uses or enables another person to use for sexual services or other kind of exploitation of a child for whom they knew, or was obliged to know that is a victim of human trafficking shall be punished with imprisonment of at least eight years.
- (4) The user of sexual services from a child under the age of 14, shall be punished with imprisonment of at least 12 years.
- (5) The person who shall take away or destroy a personal ID card, passport or identification paper of another due to perpetration of the act from paragraphs (1) and (2), shall be punished with imprisonment of at least four years.
- (6) If the act from paragraphs (1), (2), (3) and (4) from the present Article is committed by an official person in their official operation, shall be punished with imprisonment of at least ten years.

- (7) The consent of the child to the actions envisaged with paragraph shall not be relevant to the existence of the criminal act from paragraph (1).
- (8) A child- victim of human trafficking shall not be punished in the cases in which the law envisages punishment OF a child, when the perpetrator of the criminal act coerced the child to commit the crime, if such action is an immediate result of their position of a victim.
- (9) If the criminal act from the present Article is perpetrated by a legal entity, it shall be punished with a fine.
- (10) The real estate, objects and transportation means used to perpetrate the act shall be confiscated.

### **Abuse of the Visa- Free Regime with the Member- States of the European Union and the Schengen Agreement**

#### **Article 418- e**

- (1) The person who entices, organizes, shelters or transports persons in a member- state of the European Union and the Schengen Agreement, in order to acquire or realize social, economy and other rights, contrary to the European Union legislation, the regulations of the EU member- states and the Schengen Agreement and international law, shall be punished with imprisonment of at least four years.
- (2) If the perpetrator to the act of paragraph (1) has been obliges to know and could have known that the transportation is performed due to acquiry or realization of the rights referred to in paragraph (1), contrary to the legislation of the European Union, the regulations of the member- states of the European Union and the Schengen Agreement and the international legislation, shall be punished with imprisonment of one to five years.
- (3) If the act perpetrated due to self-interest of the perpetrator, they shall be punished with imprisonment of at least eight years four the act from paragraph (1) and with imprisonment of at least four years for the act referred to in paragraph (2).
- (4) If the criminal act is perpetrated by a legal entity, it shall be punished with a fine.
- (5) The objects and means of transport used for the perpetration of the criminal act shall be confiscated.

### **International terrorism**

#### **Article 419**

- (1) A person who with the intention of harming a foreign state or some international organization, commits a abduction of another or some other act of violence, causes an explosion or fire, or with some

other generally dangerous act or by generally dangerous means causes a danger to the life of people and to property to a significant value, shall be punished with imprisonment of at least three years.

(2) If because of the crime from paragraph 1, one or more persons died, or a damage was caused of a large extent, the perpetrator shall be punished with imprisonment of at least five years.

(3) If when committing the crimes from paragraph 1, the perpetrator kills another with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

## **Endangering persons under international protection**

### **Article 420**

(1) A person who commits abduction or some other act of violence against a person under international legal protection, or who attacks his official premises, private home or transportation means, shall be punished with imprisonment of at least one year.

(2) If because of the crimes from paragraph 1, one or more persons died, the perpetrator shall be punished with imprisonment of at least five years.

(3) If when committing the crime from paragraph 1, the perpetrator kills another with intent, he shall be punished with imprisonment of at least ten years, or with life imprisonment.

(4) A person who endangers the safety of a person from paragraph 1 with a serious threat to attack him, his official premises, private home or transportation means, shall be punished with imprisonment of one to ten years.

## **Taking hostages**

### **Article 421**

(1) A person who commits a abduction of another and threatens to kill them, to hurt them, or to keep them hostage, with the intention of coercing some state or international organization to do or not to do something, as an explicit or silent condition for freeing the hostage, shall be punished with imprisonment of at least one year.

(2) If because of the crime from paragraph 1, the abducted person dies, the perpetrator shall be punished with imprisonment of at least five years.

(3) If during the committing of the crime from paragraph 1 the perpetrator killed the kidnapped person with intent, they shall be punished with imprisonment of at least ten years, or with life imprisonment.

## **Piracy**

### **Article 422**

(1) A member of the crew or a passenger of a ship or an aircraft, who with the intention of acquiring gain for himself or for another, or to cause damage to another, at a place which does not fall under the authority of any state, who commits an act of violence or some other coercion against some other ship or aircraft, or against the persons who find themselves in it, or a plundering of the objects from the ship or the aircraft, shall be punished with imprisonment of at least one year.

(2) If because of the crimes from paragraph 1, one or more persons die, or the destruction of the ship or aircraft was caused, or some other property damage was caused to a large extent, the perpetrator shall be punished with imprisonment of at least five years.

## 35. TRANSITION AND FINAL PROVISIONS

### **Instruction for court operation in maintaining penal records**

#### **Article 423**

*The Minister of Justice shall issue instructions for the operation of the courts in maintaining penal records within 30 days from the day this Code comes into effect.*

*(Nullified by a Decision from the Constitutional Court of the Republic of Macedonia published in the "Official Gazette of the Republic of Macedonia" no. 40/04).*

**Article 423-a is deleted.**

### **Transfer of data from the penal records**

#### **Article 424**

(1) The Ministry of Internal Affairs shall be bound within one year from the coming into effect of this Law to transfer to the penal records of the competent courts all the data from the penal records maintained by the authorities of that Ministry.

(2) After this period from paragraph 1 expires, the Ministry of Justice shall review the records of the Ministry of Internal Affairs in order to determine whether the data on convicted persons has been removed, and it shall inform about this the Parliament of the Republic of Macedonia.

### **Termination of criminal-legal provisions**

#### **Article 425**

On the day this Code comes into effect, the criminal-legal provisions of the Criminal Code of the Republic of Macedonia - General and Special Part ("Official Bulletin of SFRY", No. 44/76, 34/84, 74/87, 57/89, 3/90, and 38/90, and "Official Bulletin of the Republic of Macedonia ", No. 25/92 and 32/93), and the Criminal Code of the Republic of Macedonia ("Official Bulletin of SRM" No. 25/77, 23/84, 50/87, 36/89, 7/90, and "Official Bulletin of the Republic of Macedonia " No. 28/91, 24/92, and 49/93), as well as paragraph 1 - Crimes, and articles 278, 279, 280, 281 and 282 of the Law on Customs ("Official Bulletin of the Republic of Macedonia", No. 20/93), and articles 26, 27 and 28 of the Law on the Conditions for Taking, Exchange, Transfer and Transplantation of Parts of the Human Body for Medical Treatment ("Official Bulletin of the Republic of Macedonia ", No. 30/95), cease to be in effect.

### **Coming into effect of the Code**

#### **Article 426**

This Code comes into effect on the eighth day from the day it is published in the "Official Bulletin of the Republic of Macedonia", and it shall be applied from 1 November 1996.

### **APPLICABLE AND TRANSITIONAL PROVISIONS FROM THE NOVELS OF THE LAW**

I. "Official Gazette of the Republic of Macedonia" no. 19/04

#### Article 234

The safety measures pronounced with an enforced decision from the day of enforcement of the present Law, shall be executed in line with the Criminal code applicable in the period of their pronouncement.

II. "Official Gazette of the Republic of Macedonia", no. 21/11

#### Article 35

The provision from Article 3 from the present Law, shall start to be implemented from the day of enforcement of the special law regulating the procedure for keeping a special registry for persons convicted with an enforced verdict for criminal acts against the sexual nature and sexual moral and the criminal act from Article 418 – d perpetrated against minors.

III. "Official Gazette of the Republic of Macedonia", no. 142/12

#### Article 7

With the day of enforcement of the present Law, the pronounced punishments or compensations of damages for perpetrated criminal acts from Chapter Eighteen – Criminal Acts Against Honor and Reputation from the Criminal code (“Official Gazette of the Republic of Macedonia”, no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 87/2007, 7/2008, 139/2008, 114/2009, 51/11, 135/2011 and 185/2011) shall be nullified.

The criminal or civil procedures for perpetrated criminal acts from Chapter Eighteen, “Criminal Acts against Honor and Reputation” from the Criminal Code which stated prior to the enforcement of the present Law, and are not legally finished, shall be stopped and the plaintiff, within one month from the receipt of the decision to stop the procedure may initiate a procedure to determine liability for offence or defamation and compensation of damages in accordance with the law.

Regarding the defamation or offence committed prior to the enforcement of the present Law, the procedure against the perpetrator of the criminal act may be initiated by raising a claim to determine the liability and compensation of damages from the damaged party, within three months from the day when they found out or should have found out about the offence or the defamation statement and the identity of the person causing the damage, but no later than one year from the day of perpetration of the offence or defamation, in accordance with law.

IV. “Official Gazette of the Republic of Macedonia”, no. 143/12

#### Article 25

(of the Law on Civil Responsibility for Offence and Defamation)

(1) With the day of enforcement of the present Law, the pronounced punishments or compensations of damages for perpetrated criminal acts from Chapter Eighteen – Criminal Acts Against Honor and Reputation from the Criminal code (“Official Gazette of the Republic of Macedonia”, no. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 87/2007, 7/2008, 139/2008, 114/2009, 51/11, 135/2011 and 185/ 2011) and the provisions from another law shall stopped from execution.

(2) The criminal or civil procedures for perpetrated criminal acts from Chapter Eighteen, “Criminal Acts against Honor and Reputation” from the Criminal Code which stated prior to the enforcement of the present Law, and are not legally finished, shall be stopped and the plaintiff, within one month from the receipt of the decision to stop the procedure may initiate a procedure to determine liability for offence or defamation and compensation of damages in accordance with the law.

(3) Regarding the defamation or offence committed prior to the enforcement of the present Law, the procedure against the perpetrator of the criminal act may be initiated by raising a claim to determine the liability and compensation of damages from the damaged party, within three months from the day when they found out or should have found out about the offence or the defamation statement and the identity of the person causing the damage, but no later than one year from the day of perpetration of the offence or defamation. If the perpetrator of the act is a journalist, the amount of the non- material damages may not exceed 2.000 euro in denar counter value.

V. "Official Gazette of the Republic of Macedonia", no. 55/13

Article 9

This Law shall enter into force on the day of its announcement in the "Official Gazette of the Republic of Macedonia", except for the provisions from Article 1 that shall start to be applied with the day of application of the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia", no. 150/10 and 100/12).

VI. "Official Gazette of the Republic of Macedonia", no 27/14

Article 89

Article 230 in the part of causing or possibility of causing significant damage to the soil quality due to release of urban waste waters shall start to be applied after the expiry of the time limit for establishment of systems for disposal and treatment of urban waste waters determined in Article 255 from the Law on Water ("Official Gazette of the Republic of Macedonia", no. 87/2008, 6/2009, 161/2009, 83/10, 51/11, 44/12, 23/13 and 163/13).

VII. "Official Gazette of the Republic of Macedonia", no. 199/14

Article 4

Until the commencement of the application of the Law on Deterring of the Kind and measuring the Amount of the fine, the Rulebook on the manner of Measuring of the Punishments shall apply ("Official Gazette of the Republic of Macedonia", no. 64/14).

Article 5

This Law shall enter into force on the eight day from its publishment in the ("Official Gazette of the Republic of Macedonia", and Article 1 shall start to apply with the day of commencement of the application of the Law on Determining the Kind and Measuring the Amount of the Punishment.

VIII. "Official Gazette of the Republic of North Macedonia", no. 36/23

Article 33

The laws by which misdemeanor provisions have been determined shall be aligned with Article 2 of this Law (Article 100-a paragraph (8) of the Criminal Code) within six months as of the day of enforcement of this Law.