

Chapter nineteen

CRIMINAL OFFENSES AGAINST MARRIAGE AND FAMILY

Double marriage

Article 187

- (1) Whoever enters into a new marriage even though he is already married, shall be punished by a fine or imprisonment for a term not exceeding two years.
- (2) The punishment referred to in paragraph 1 of this Article shall also be imposed on whoever concludes a marriage with a person whom he knows to be married.

Forced marriage

Article 187a

- (1) Whoever, by force or threat, forces another person to conclude a marriage, shall be punished by imprisonment for a term between three months and three years.
- (2) Whoever, for the purpose of committing the act referred to in paragraph 1 of this Article, takes another person abroad or causes him to go abroad for the same purpose, shall be punished by imprisonment for a term not exceeding two years.

Art. 188 and 189

(Deleted)

Extramarital union with a minor

Article 190

- (1) An adult living in an extramarital union with a minor, shall be punished by imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall also be imposed on a parent, adoptive parent or guardian who enables a minor to live in an extramarital union with an adult or induces him to do so.

(3) If the act referred to in paragraph 2 of this Article was committed out of greed, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(4) If the marriage is concluded, the prosecution will not be undertaken, and if it is undertaken, it will be suspended.

Seizure of a minor

Article 191

(1) Whoever unlawfully retains or deprives a minor of a parent, adoptive parent, guardian or other person, or institution to whom he or she is entrusted or prevents the execution of a decision by which a minor is entrusted to a certain person, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) If the act referred to in paragraph 1 of this Article was committed against a newborn, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) Who prevents the execution of the decision of the competent body which determines the manner of maintaining the personal relations of the minor with the parent or other relative, shall be punished by a fine or imprisonment for a term not exceeding two years.

(4) If the act referred to in paragraphs 1 and 2 of this Article was committed out of greed or other low motives or the health, upbringing or education of a minor is seriously endangered as a result of the act or the act was committed by an organized criminal group, the perpetrator will be sentenced to one to ten years in prison.

(5) The perpetrator of the offense referred to in paragraphs 1, 2 and 4 of this Article who voluntarily surrenders a minor to the person or institution to whom he is entrusted or enables the execution of the decision on entrusting a minor, may be released from punishment by the court.

(6) If it pronounces a suspended sentence for the act referred to in paragraphs 1 to 4 of this Article, the court may impose an obligation on the perpetrator to hand

over the juvenile, person or institution entrusted to the juvenile or enable execution of the decision entrusting the juvenile. to a certain person or institution, i.e. a decision which determines the manner of maintaining the personal relations of a minor with a parent or other relative.

Change in marital status

Article 192

(1) Whoever, by substituting, replacing or in any other way changes the family status of a child, shall be punished by imprisonment for a term between six months and five years.

(2) The punishment referred to in paragraph 1 of this Article shall also be imposed on a doctor of a health institution who declares a living newborn dead in order to change the family situation.

(3) Whoever commits the act referred to in paragraphs 1 and 2 of this Article out of selfishness, abuse of position, engages in the commission of the act or the act was committed by an organized criminal group, shall be punished by imprisonment for a term between one and ten years.

(4) Whoever, through negligence or in any other way out of negligence, changes the family status of the child, shall be punished by imprisonment for a term not exceeding three months.

Neglect and abuse of a minor

Article 193

(1) A parent, adoptive parent, guardian or other person who, by gross neglect of his/her duty of care and upbringing, leaves a minor whom he / she is obliged to take care of, shall be punished by imprisonment for a term not exceeding three years.

(2) A parent, adoptive parent, guardian or other person who abuses a minor or forces him to excessive work or work that does not correspond to the age of the minor or to beg or out of selfishness leads him to perform other actions that are

harmful to his development, shall be punished by imprisonment for a term between three months and five years.

Domestic violence

Article 194

(1) Whoever, by the use of violence, by threatening to attack life or body, by insolent or reckless conduct, endangers the tranquility, physical integrity or mental state of a member of his family, shall be punished by imprisonment for a term between three months and three years.

(2) If a weapon, dangerous tool or other means suitable for seriously injuring the body or seriously damaging health has been used in the commission of the act referred to in paragraph 1 of this Article, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) If, as a result of the act referred to in paragraphs 1 and 2 of this Article, a serious bodily injury or serious impairment of health has occurred or has been committed against a minor, the perpetrator will be sentenced to two to ten years in prison.

(4) If, as a result of the act referred to in paragraphs 1 and 2 of this Article, the death of a family member occurred, the perpetrator shall be punished by imprisonment for a term between five and fifteen years, and if the family member is a minor, the perpetrator shall be punished by imprisonment for a term not less than ten years.

(5) Whoever violates the measures of protection against domestic violence determined by the court on the basis of the law governing family relations, shall be punished by imprisonment for a term between three months and three years and by a fine.

Non-maintenance

Article 195

(1) Whoever does not provide maintenance for a person who is obliged to support by law, and that duty is determined by an executive court decision or executive

settlement before a court or other competent body, in the amount and in the manner determined by the decision or settlement, shall be punished by a fine or imprisonment for a term not exceeding two years.

(2) The perpetrator of the act referred to in paragraph 1 of this Article shall not be punished if he did not provide support for justified reasons.

(3) If, as a result of the act referred to in paragraph 1 of this Article, severe consequences have occurred for the dependent person, the perpetrator shall be punished by imprisonment for a term between three months and three years.

(4) If it pronounces a suspended sentence, the court may impose an obligation on the perpetrator to settle the due obligations and to provide maintenance properly.

Violation of family obligations

Article 196

(1) Whoever, by violating the family obligations established by law, leaves a family member in a difficult position who is unable to take care of himself, shall be punished by imprisonment for a term between three months and three years.

(2) If, as a result of the act referred to in paragraph 1 of this Article, a serious impairment of the health of a family member has occurred, the perpetrator will be sentenced to one to five years in prison.

(3) If, as a result of the act referred to in paragraph 1 of this Article, the death of a family member occurred, the perpetrator will be sentenced to one to eight years in prison.

(4) If it pronounces a suspended sentence for the act referred to in paragraphs 1 and 2 of this Article, the court may impose an obligation on the perpetrator to perform his family obligations established by law.

Incest

Article 197

An adult who commits sexual intercourse or a sexual act equated with it with a minor blood relative in a direct line or with a minor brother or sister, shall be punished by imprisonment for a term between six months and five years.