Code of Ukraine on Administrative Offenses

Article 9. The notion of an administrative offense

An administrative offense (misdeed) shall be regarded as consisting of an unlawful, guilty (deliberate or negligent) act or failure to act, which infringes on public order, property, citizens’ rights and liberties, or established procedure of management, and for which administrative liability is provided for in the law.

Administrative liability for offenses provided for in this Code shall ensue if the offenses in their nature do not entail statutory criminal liability.

Article 10. Committing an administrative offense deliberately

An administrative offense shall be regarded as committed deliberately if the person that committed it realized unlawful nature of his/her act or failure to act, foresaw its harmful consequences and desired them, or knowingly allowed the consequences to occur.

Article 12. The age of administrative liability

Subject to administrative liability shall be persons who reached 16 years of age by the moment of committing an administrative offense.

Article 24. Types of administrative penalties

The following administrative penalties may be applied for committing an administrative offense:

1) warning;

2) fine;

3) paid seizure of the item that was the instrument of committing an administrative offense or its direct object;

4) forfeiture: of the item that was the instrument of committing an administrative offense or its direct object;

of the monies received due to committing an administrative offense;

5) deprival of a special right granted to the citizen concerned (the right of driving, the right of hunting);

6) correctional labor;

7) administrative arrest.

In addition to the types of administrative penalties specified in this Article, laws of Ukraine may establish other types.
Laws of Ukraine may envisage administrative expulsion from Ukraine of foreigners and stateless persons for having committed administrative offenses that constitute gross violation of legal order.

**Article 173. Minor hooliganism**

Minor hooliganism, that is unquotable abusive language in public places, insulting molestation to citizens, and other similar acts that violate public order and citizens’ tranquility, -

shall entail imposing a fine amounting to three to seven untaxed minimal personal incomes, or correctional labor for the period of one to two months with deduction of twenty percent of earnings, or, if application of such measures is deemed insufficient given circumstances of the case and the offender’s personality, administrative arrest for up to fifteen days.

**Article 185. Persistent defiance of an instruction or demand of a militia worker, a member of a public formation for protection of public order and state border, or a military man**

Persistent defiance of a lawful instruction or demand of a militia worker during his performance of official duties, as well as the same act concerning a member of a public formation for protection of public order and state border or a military man because of their participation in protection of public order -

shall entail imposing a fine amounting to eight to fifteen untaxed minimal personal incomes, or correctional labor for the period of one to two months with deduction of twenty percent of earnings, or, if application of such measures is deemed insufficient given circumstances of the case and the offender’s personality, administrative arrest for up to fifteen days.

**Article 202. Violation of the border regime or the regime in Ukrainian state border check-points**

Violation of the border regime or the regime in Ukrainian state border check-points –

shall entail a warning or imposing a fine amounting to up to three untaxed minimal personal incomes on individuals, and three to seven untaxed minimal personal incomes on officials.

**Article 203. Violation of the rules of stay in Ukraine and transit via the territory of Ukraine by foreigners and stateless persons**

Violation of the rules of stay in Ukraine by foreigners and stateless persons, that is living without documents entitling a person to live in Ukraine, with invalid or expired documents, or job placement without an appropriate permit if the need for such a permit is provided for in laws of Ukraine, or failure to comply with the established procedure of movement and residence change, or evasion from departure from
Ukraine after expiry of a respective period of stay, as well as violation of the rules of transit via the territory of Ukraine, except for the violations provided for by part 2 of this Article, -

shall entail imposing a fine amounting to twenty to forty untaxed minimal personal incomes.

Failure of foreigners and stateless persons to comply with the established procedure of registration, or violation of an established period of stay in Ukraine, revealed at Ukrainian state border check-points, -

shall entail imposing a fine amounting to twenty to forty untaxed minimal personal incomes.

This Article shall not apply to cases when foreigners or stateless persons, intending to acquire the refugee status, have illegally crossed the state border of Ukraine and have been staying in the territory of Ukraine during the period required for applying to a corresponding migration service body for granting the refugee status according to the Law of Ukraine on Refugees.

**Article 204. Violation of the procedures of job placement, admission for education, provision of habitation, registration or de-registration of foreigners and stateless persons, and of execution of documents for them**

Violation by officials of enterprises, institutions and organizations, irrespective of their ownership forms, including foreign economic entities operating in the territory of Ukraine, of the established procedures of job placement of foreigners and stateless persons, admission for education, provision of habitation, and other violations, if they in any way help foreigners and stateless persons evade from departure from Ukraine after expiry of their period of stay or if they aim at their illegal registration or illegal execution of residence documents, -

shall entail imposing a fine amounting to fifty to two hundred untaxed minimal personal incomes.

**Article 204-1. Illegal crossing or an attempt of illegal crossing of the state border of Ukraine**

Crossing or an attempt of crossing of the state border of Ukraine in any way outside a Ukrainian state border check-point, or crossing at a Ukrainian state border check-point with no proper documents or with documents containing invalid data on the crossing person or without permission of respective authorities –

shall entail imposing a fine amounting to fifty to one hundred untaxed minimal personal incomes, or correctional labor for the period of up to one month with deduction of twenty percent of earnings, or administrative arrest for up to fifteen days.

The same acts committed by a group of persons or by a person who was subject to an administrative penalty during the past twelve months for one of the violations provided for in part 1 of this Article, -
shall entail imposing a fine amounting to one hundred to two hundred untaxed minimal personal incomes, or correctional labor for the period of up to two months with deduction of twenty percent of earnings, or administrative arrest for up to fifteen days.

This Article shall not apply to the cases of return to Ukraine without prescribed documents of Ukrainian citizens who fell a victim to offenses related to human trafficking. Besides, it shall not apply to the cases of arrival in Ukraine of foreigners or stateless persons for the purpose of obtaining asylum or acquiring the refugee status if they applied to appropriate public authorities within the statutory term to obtain asylum or acquire the refugee status.

Article 206. Violation of the procedures of providing foreigners and stateless persons with habitation, means of transport, and promotion in provision of other services

Providing foreigners and stateless persons with habitation, means of transport, promoting their illegal registration, execution of documents for residence or education, job placement, as well as providing other services contrary to the established rules of stay of foreigners and stateless persons in Ukraine and rules of transit via Ukraine, if these actions are not connected directly with illegal forwarding of persons across the Ukrainian state border, -

shall entail imposing a fine amounting to fifty to one hundred untaxed minimal personal incomes.

Article 260. Measures to secure proceedings on administrative offenses

In cases explicitly provided for by laws of Ukraine, in order to bar administrative offenses when other measures of impact have been exhausted, to identify a person, to draw up an administrative offense report if it is not possible to draw it up at the offense site but drawing it up is mandatory, to ensure timely and correct case trial, and to execute administrative offense case rulings, the following shall be allowed: administrative detention of a person, personal examination, examination of belongings, and seizure of belongings and documents.

The procedure of administrative detention, personal examination, examination of belongings, and seizure of belongings and documents for the purpose provided for in this Article shall be defined by this Code and other laws of Ukraine.

Article 261. Administrative detention

A report on administrative detention shall be drawn up including the following data: date and place of drawing up; title and full name of the person who drew it up; detainee identity data; detention time and reasons. The report shall be signed by the official who drew it up and by the detainee. If the detainee refuses to sign the report an entry about that shall be made in the report.
The location of the person detained for having committed an administrative offense shall be immediately communicated to his/her relatives and, at his/her request, to the owner of a concerned enterprise, institution, organization, or a body authorized thereby.

Article 262. Bodies (officials) authorized to effectuate administrative detention

Administrative detention of a person who committed an administrative offense may be effectuated only by the bodies (officials) duly authorized by laws of Ukraine.

Administrative detention shall be effectuated:

1) by the bodies of internal affairs in the following cases: minor hooliganism; violation of the procedures of organization and holding of assemblies, meetings, street marches and demonstration; spreading of untrue rumors; persistent defiance of a lawful instruction or demand of a militia worker, a member of a public formation for protection of public order and state border, or a military man as well as insulting them; public calls to disobey a militia worker’s demands; contempt of court; illegal access to information in computer-aided systems; violation of the rules of currency operations; violation of the rules of circulation of narcotic agents or psychotropic substances; unlawful sale of goods or other items, minor speculation, off-hands trade in unauthorized places; drinking strong drinks in public places or coming to public places in the drunk appearance that abuses human dignity and public morals; in cases when there is a ground to believe that a person is engaged in prostitution; violation of road laws; violation of rules of hunting, fishing and fish stock protection as well as other violations of laws on protection and use of animal world; violation of the rules of stay of foreigners and stateless persons in Ukraine and the rules of transit via the territory of Ukraine; other cases explicitly provided for in laws of Ukraine;

2) by the border service bodies in the following cases: illegal crossing or an attempt of illegal crossing of the state border of Ukraine; violation of the border regime or the regime in Ukrainian state border check-points; persistent defiance of a lawful instruction or demand of a military man or employee of the State Border Service of Ukraine or a member of a public formation for protection of public order and state border; violation of the rules of use of animal world objects within the frontier and controlled border area, in territorial sea, internal waters, and the exclusive (sea) economic zone of Ukraine; violation of the rules of stay of foreigners and stateless persons in Ukraine and the rules of transit via the territory of Ukraine;

3) by the militarized guard official who is superior at the location of the guarded object: in cases of offenses connected with encroaching upon guarded objects or other property;

4) by officials of the Military Law Order Service in the Armed Forces of Ukraine in the following cases: committal of minor hooliganism by military men or by those liable for military service when on muster or by employees of the Armed Forces of Ukraine when fulfilling their official duties; their persistent defiance of a lawful instruction or demand of an official of the Military Law Order Service in the Armed Forces of Ukraine; public calls to disobey demands of such a person; violation of the rules of storage, bearing or transportation of firearms, cold arms, pneumatic arms and
ammunition; minor plundering of public or collective property; drinking strong drinks in public places; appearing drunk in public places; violation of road laws by drivers or other persons driving military means of transport;

5) by the bodies of the Security Service of Ukraine in the following cases: violation of state secrecy legislation; illegal access to information in computer-aided systems; purchase or storage of special technical means to take information from communications channels and other means for secretly obtaining of information.

**Article 263. Periods of administrative detention**

Administrative detention of a person that committed an administrative offense may last not longer than three hours. In exceptional cases due to a special need, the laws of Ukraine may establish other periods of administrative detention.

A person that violated the border regime or the regime in Ukrainian state border check-points may be detained for the period of up to three hours for drawing up a report, and in necessary cases for personal identification and offense circumstances ascertainment – for the period of up to three days with notifying a prosecutor on that in written within 24 hours after the moment of detention, or for the period of up to ten days given a prosecutor’s sanction if the offender has no document proving his/her identity.

The persons, who committed minor hooliganism, or committed persistent defiance of a lawful instruction or demand of a militia worker, a member of a public formation for protection of public order and state border, or a military man, or insulted them, or publicly called to disobey demands of a militia worker or an official of the Military Law Order Service in the Armed Forces of Ukraine, may be detained until the case is investigated by a judge or by a head (deputy head) of the internal affairs body. Detained until investigation of the case by a judge may also be the persons that illegally crossed or attempted to illegally cross the state border of Ukraine, committed persistent defiance of a lawful instruction or demand of a military man or an employee of the State Border Service of Ukraine or a member of a public formation for protection of public order and state border, violated the procedure of organization and holding of assemblies, meetings, street marches and demonstrations, or showed contempt of court, or traded off-hands in unauthorized places. Foreigners and stateless persons, who violated the rules of stay in Ukraine and transit via the territory of Ukraine, may be detained until the case is investigated by a judge or by an official of a body of the State Border Service of Ukraine.

The period of administrative detention shall be calculated from the moment of bringing the offender for drawing up of a report; if the offender had alcoholic intoxication the period is calculated from the moment he/she gets sobered up.

**Article 264. Personal examination and examination of belongings**

Personal examination may be conducted by duly authorized officials of the bodies of the Security Service of Ukraine, internal affairs, the Military Law Order Service in the Armed Forces of Ukraine, militarized guards, civil aviation, customs institutions, and border service, and, in cases explicitly envisaged by laws of Ukraine, of other bodies.
Personal examination may be conducted by a duly authorized person of the same sex as the examined person, in the presence of two examination witnesses of the same sex.

Examination of belongings may be conducted by duly authorized officials of the bodies of the Security Service of Ukraine, internal affairs, the Military Law Order Service in the Armed Forces of Ukraine, militarized guards, civil aviation, customs institutions, border service, environment protection, state inspectors for intellectual property, forest protection, fishing protection, bodies of state control over compliance with hunting rules, and, in cases explicitly envisaged by laws of Ukraine, of other bodies. If legislation on protection and use of animal world is violated, duly authorized officials of the bodies of state control over compliance with hunting rules, fishing protection bodies, as well as militia workers, military men, and employees of the State Border Service of Ukraine may conduct examination of means of transport according to the established procedure.

Examination of belongings, hand luggage, baggage, hunting and fishing gear, bagged products, means of transport and other items shall be conducted, as a rule, in the presence of the person who owns (possesses) them. In urgent cases, the said belongings and items may be subject to examination in the presence of two examination witnesses even if their owner (possessor) is absent.

Personal examination and examination of belongings shall be finalized with a report or with an appropriate entry in the administrative offense report or in the administrative detention report.

Personal examination and examination of belongings in customs institutions shall be conducted according to the procedure established by the Customs Code of Ukraine.

**Article 265. Seizure of belongings and documents**

Belongings and documents being an instrument or direct object of an offense, which were found during detention, personal examination or examination of belongings, shall be seized by officials of the bodies specified in Articles 2341, 2342, 2444, 262 and 264 hereof. The seized belongings and documents shall be kept until investigation of the administrative offense case in the places to be defined by the bodies (officials) authorized to seize belongings and documents, and after investigation of the case, depending on results of the investigation, they shall be forfeited, or returned to their owner, or destroyed, or – if the belongings were seized on the paid basis – sold, according to the established procedure. The seized orders, medals, breastplates to the USSR honorary ranks, to the Ukrainian SSR honorary ranks, to the Honorary Diplomas and Diplomas of the Ukrainian SSR Verkhovna Rada Presidium, to honorary ranks of Ukraine, and decorations from the President of Ukraine shall be returned to their legal owner after investigation of the case; if the owner is unknown they shall be sent to the Administration of the President of Ukraine. The seized samogon and other homemade strong drinks as well as machines to produce them shall be destroyed by militia workers after investigation of the case.
Seizure of belongings and documents shall be finalized with a report or with an appropriate entry in the administrative offense report, report on examination of belongings, or administrative detention report.

If an offense envisaged by Articles 174, 190-1954 hereof has been committed, a militia worker shall have the right to seize firearms, pneumatic arms of over 4.5 mm caliber and more than 100 mps bullet speed, cold arms, ammunition, electric shockers, and special facilities; if an offense envisaged by Articles 191, 195 hereof has been committed, the same right shall also be granted to a border service official. A militia worker or a border service official shall have the right to conduct personal examination and examination of belongings of the offender according to the procedure established by Article 264 of this Code. A person who committed an offense during performance of his/her official duties shall be subject to seizure of arms, personal examination, and examination of belongings only in urgent cases.

If any violation specified in part 2 Article 2061 hereof has been committed, a militia worker shall seize a means of transport until the matter is decided per se by the court. If a means of transport is seized an appropriate entry shall be made in the administrative offense report. Seizure of the means of transport shall be conducted according to the procedure specified by the Ministry of Internal Affairs of Ukraine.

**Article 267. Appeal against administrative detention, examination and seizure of belongings and documents**

Administrative detention, personal examination, examination of belongings, and seizure of belongings and documents may be appealed against by a person concerned to a superior body (a superior official) regarding the body (official) that applied these measures, to a prosecutor, or to a court.

**Article 268. Rights of the person being made administratively liable**

The person being made administratively liable shall have the right to: learn the case papers, give explanations, provide evidence, submit petitions; during investigation of the case use legal aid of an advocate or other expert in law who is authorized by law to provide legal aid personally or on a legal entity’s behalf, speak his/her native language and use an interpreter’s services if he/she does not know the language of proceedings; appeal against the ruling on the case. The case on an administrative offense shall be investigated in the presence of the person being made administratively liable. If the person is absent the case may only be investigated in the event that there is data that the person was timely informed on the time and place of the case investigation and if he/she submitted no petition to postpone the investigation.

(the provision of part 1 Article 268, which limits the right of the person being made administratively liable to freely choose, as defender of his/her rights, an advocate or other expert in law who is authorized by laws of Ukraine to provide legal aid personally or on a legal entity’s behalf, has been declared as failing to meet the Constitution of Ukraine (being unconstitutional), according to the Ruling by the Constitutional Court of Ukraine # 13-rp/2000 of 16.11.2000)
Presence of the person being made administratively liable during investigation of the cases on administrative offenses provided for by part 1 Article 44, Articles 51, 146, 160, 1602, 173, part 3 Article 178, Articles 185, 1851, part 1 Article 1853, 1857 and 187 hereof shall be compulsory. If the person evades appearing at the summons of an internal affairs body or a judge of a district court, city district court, city court, or district-city court, the person may be subjected to bringing to court by an internal affairs body (militia).

The laws of Ukraine may envisage other cases when appearance of the person being made administratively liable to the body (official) that decides the case shall be compulsory.

**Article 270. Legal representatives**

Interests of the person being made administratively liable and of the offended, who are minors or unable to exercise their rights in administrative offense cases due to their physical or mental disability, may be represented by their legal representatives (parents, adopters, tutors, guardians).

Legal representatives shall have the right to learn case papers; submit petitions; file complaints about the decisions of the body (official) investigating the case on behalf of the person whose interests they represent.

**Article 271. Defender**

Taking part in investigation of an administrative offense case may be an advocate or other expert in law who is authorized by law to provide legal aid personally or on a legal entity’s behalf. These persons shall be entitled to learn case papers; submit petitions; file complaints about the decisions of the body (official) investigating the case on behalf of the person who invited them; and have other rights provided for by laws of Ukraine.

An advocate’s powers to take part in case investigation shall be certified by the order issued by an advocates’ association or by an appropriate letter of attorney for case administration.

**Article 274. Interpreter**

An interpreter shall be appointed by the body (official) that conducts proceedings on the administrative offense case.

The interpreter shall be obliged to appear at the summons of the body (official) and make complete and accurate interpretation commissioned to him/her.

**Article 275. Reimbursement of expenses to the offended, witnesses, experts, and interpreters**

The offended, witnesses, experts, and interpreters shall be reimbursed, according to the established procedure, expenses incurred by them due to their appearance to the body (official) that conducts proceedings on the administrative offense case.
The persons summoned as the offended, witnesses, experts, or interpreters shall retain, according to the established procedure, their average wages at their place of employment for the whole period of their absence due to appearance to the body (official) that conducts proceedings on the administrative offense case.

**Article 277. Terms of investigation of administrative offense cases**

An administrative offense case shall be investigated within the 15-days term from the date on which the body (official) authorized to investigate the case received the administrative offense report and other case papers.

Cases on administrative offenses provided for by Article 422, part 1 Article 44, 441, 1061, 1062, Article 162, Articles 173, 1731, 178, 185 and part 1 Article 1853, Articles 1857, 18510, 18822, 203-2061, shall be investigated within 24 hours; those provided for by Articles 146, 160, 1602, 1851, 2127-21220 shall be investigated within three days; those provided by Articles 461, 51 and 176 shall be investigated within five days; those provided for by Articles 101-103 hereof shall be investigated within seven days.

Laws of Ukraine may envisage other terms of investigation for administrative offense cases.

**Article 278. Preparing to investigate an administrative offense case**

When preparing to investigate an administrative offense case, a body (or an official) shall solve the following issues:

1) whether investigation of the given case falls in its (his/her) competence;

2) whether the report and other papers of the administrative offense case are drawn up correctly;

3) whether the persons involved in the investigation of the case have been informed on the time and place of the investigation;

4) whether necessary additional materials have been requested;

5) whether the petitions filed by the person being made administratively liable, the offended person, their legal representatives and the advocate are subject to be satisfied.

**Article 279. Procedure of investigation of an administrative offense case**

Investigation of a case shall begin with announcement of membership of the collegial body or with introduction of the official investigating the case.

The chair of the collegial body meeting or the official investigating the case shall announce what case is subject to investigation and who is being made administratively liable as well as explains to the persons involved in the investigation their rights and responsibilities. After that, the administrative offense report shall be
read out. The meeting shall listen to the persons involved in the investigation, examine evidence, and decide about any petitions. If a prosecutor takes part his/her findings shall be listened to.

Article 280. Circumstances subject to ascertainment during investigation of an administrative offense case

When investigating an administrative offense case, the body (official) shall be obliged to ascertain the following: whether an administrative offense has been committed; whether the given person is guilty of having committed it; whether the person is subject to administrative liability; whether there are any circumstances mitigating or aggravating liability; whether any property damage has been caused; whether there is any ground to send materials about the administrative offense to a public organization or working body for consideration; as well as ascertain any other circumstances important for correct disposition of the case.

Article 283. Content of the ruling on an administrative offense case

Having investigated an administrative offense case, the body (official) shall pronounce its ruling on the case. The ruling of an executive body of a village, settlement or city council on an administrative offense case shall be made in the form of a decision.

The ruling shall contain the following: the name of the body (or official) that pronounced the ruling, the date of investigation; data of the person concerning which the case is investigated; statement of the circumstances ascertained during the investigation; indication of the regulatory act that envisages liability for the given administrative offense; the decision made on the case.

If, together with deciding about imposing a penalty for the administrative offense by the bodies (officials) listed in items 1-4 Article 213 hereof, the question about reimbursement of property damage by the guilty is decided, the ruling should indicate amount of the damage subject to be charged, procedure and term of its reimbursement.

The ruling on the case shall contain a decision on the question about any belongings and documents seized as well as indicate the procedure and term of appealing against it.

A collegial body shall pass its ruling by a simple majority of the body members present at the meeting.

The ruling on the administrative offense case shall be signed by the person who investigated the case, and the ruling of a collegial body shall be signed by the chair of the meeting and by the body’s secretary.

In cases envisaged by legislation of Ukraine, a penalty measure shall be appropriately recorded in the administrative offense report, or the ruling shall be drawn up in some other established way.
Article 284. Types of rulings on administrative offense cases

A body (official) shall pronounce one of the following rulings on an administrative offense case:

1) on imposing an administrative penalty;

2) on applying a measure of impact provided for in Article 241 hereof;

3) on closing the case.

The ruling on closing the case shall be pronounced if an oral reproof is declared, if the case materials are sent to a public organization or a working body for consideration or are transferred to a prosecutor, a body of prejudicial inquiry or inquest, or if there are circumstances envisaged by Article 247 hereof.

Article 285. Announcing the ruling on an administrative offense case and serving a copy of the ruling

The ruling shall be announced immediately upon completion of the case investigation. A copy of the ruling shall be served or sent within three days to the person concerning which it has been pronounced.

A copy of the ruling shall be served or sent to the offended person at his/her request within the same term.

A copy of the ruling shall be served against receipt. If the copy is sent then an appropriate mark shall be made in the case file to that effect.

Article 286. Bringing the ruling on imposing an administrative penalty to notice of the public

The body (or official) that investigates cases on administrative offenses envisaged by Article 51, parts 1 and 2 Article 129, parts 1 and 2 Article 130, Articles 173, 176, 177, 178 hereof, shall bring information on the penalty imposed on the offender to notice of the owner of the enterprise, institution, organization or the body authorized by him or the public organization at the offender’s place of employment, study, or residence; the rulings on the cases on administrative offenses envisaged by Articles 210 and 211 shall be brought to notice of the owner of the enterprise, institution, organization, collective agricultural enterprise and educational institution at the place of employment (study). On the cases on administrative offenses envisaged by Articles 51, 16412, 16414 hereof, the decision made shall also be brought to notice of the owner of the enterprise, institution, organization or the body authorized by him or the internal affairs body that sent a report to the court. On the cases on administrative offenses envisaged by Articles 43, 109-115, 120, parts 1, 2, 3 Article 133, part 1 Article 134, parts 1, 2, 3 Article 135, committed by persistent offenders, the decision made shall be brought to notice of the administration or public organization at the persistent offender’s place of employment, study or residence.
On the cases on violation of customs rules, a copy of the ruling shall be served to the persons concerning which it has been pronounced, according to the procedure established by the Customs Code of Ukraine.

On the cases on administrative offenses envisaged by Articles 174 and 191 hereof concerning the person whom firearms and ammunition have been entrusted in connection with performance of official duties or given for temporary use by an enterprise, institution, or organization, the court shall send a copy of the ruling also to a respective enterprise, institution or organization for notice, and to an internal affairs body for consideration of the question about barring the offender from using firearms.

Article 287. The right to appeal against the ruling on an administrative offense case

The ruling on an administrative offense case may be appealed against by the person concerning whom it was pronounced as well as by the offended person.

The ruling of a district, city district, city or district-city court (judge) on imposing an administrative penalty shall be final and without appeal according to the procedure of administrative offense cases except for situations envisaged by laws of Ukraine.

Article 288. Procedure of appealing against the ruling on an administrative offense case

The ruling on an administrative offense case may be appealed against as follows:

1) the ruling of an administrative commission – to the executive committee of the respective council or to the district, city district, city or district-city court the decision of which shall be final;

2) the ruling of the executive committee of a village, settlement, or city council – to the respective council or to the district, city district, city or district-city court the decision of which shall be final;

3) the ruling of other body (or official) on imposing an administrative penalty – to a superior body (superior official) or to the district, city district, city or district-city court the decision of which shall be final.

The ruling on simultaneous imposition of basic and additional administrative penalties may be appealed against at the option of the person concerning whom it was pronounced or of the offended person, according to the procedure established for appealing against a basic or additional penalty.

The petition of appeal shall be filed with the body (or official) that pronounced the ruling on the administrative offense case unless otherwise prescribed by the legislation of Ukraine. The received petition shall be sent, within three days, together with the case file to the body (or official) authorized to investigate it as per this Article.
The person who appealed against the ruling on an administrative offense shall be exempted from payment of state duty.

Article 289. The term of appealing against the ruling on an administrative offense case

The petition of appeal against the ruling on an administrative offense case may be filed within ten days after the ruling date. In case the said term is missed for some reasonable excuses, the term may be renewed by the body (official) authorized to investigate the case at the application of the person concerning which the ruling was pronounced.

Article 290. Protesting against the ruling on an administrative offense case

The ruling on an administrative offense case may be protested against by a prosecutor.

Article 291. Suspending execution of the ruling because of filing a petition of appeal or entering a protest

Filing a petition of appeal within the established term shall suspend execution of the ruling on imposing an administrative penalty until the petition has been considered, except for rulings on application of penalty measures envisaged by Articles 26 and 32 hereof as well as in cases of imposing a fine to be charged at the administrative offense site.

Entering a protest by a prosecutor shall suspend execution of the ruling until the protest has been considered.

Article 292. Terms of consideration of a petition of appeal and a protest against the ruling on an administrative offense case

A petition of appeal and a protest against the ruling on an administrative offense case shall be considered by authorized bodies (officials) within ten days after their receipt unless otherwise specified in the laws of Ukraine.

Article 293. Consideration of a petition of appeal and a protest against the ruling on an administrative offense case

When considering a petition of appeal and a protest against the ruling on an administrative offense case the appropriate body (official) shall check lawfulness and reasonableness of the ruling and shall make one of the following decisions:

1) leave the ruling unchanged and the petition or protest unsatisfied;

2) reverse the ruling and send the case for new investigation;

3) reverse the ruling and close the case;

4) change the penalty measure within the limits set forth by a regulatory act on liability for the administrative offense without, however, aggravating the penalty.
If it is established that the ruling was pronounced by the body (official) unqualified to decide the case the ruling shall be reversed and the case shall be sent to a competent body (official) for consideration.

**Article 294. The powers of a judge, an internal affairs body head, a superior court president, and a superior internal affairs body head concerning review of a case**

A judge’s rulings in cases on administrative offenses envisaged by part 1 Article 41, Articles 411-413, 421-423, part 1 Article 44, Articles 441, 461, 51-512, parts 2, 4 and 5 Article 85, Articles 851, 88-882, 90, 91, 961, 98, 101-103, part 1 Article 1061, Articles 1062, 1071, part 2 Article 112, Articles 121, 122, 1221, 1222, 123, 124, 130, 132, part 3 Article 133, Article 146, part 2 Article 154, Article 1551, parts 1, 3 and 4 Article 156, Articles 160, 1602, 162, 163-1634, 164, 1643, 1645-16414, 1661-1664, 1667-16610, 173-1732, 174, 1772, part 3 Article 178, parts 1, 2 and 3 Article 181, part 2 Article 182, Articles 184-18511, 1865-1881, 18813, 18814, 18816, 18817, 18819, 18822, part 1 Article 1891, Articles 190, 191, 193, 1951-1956, part 1 Article 203, Articles 204-2061, 2122-21220 hereof as well as rulings in cases on administrative offenses committed by persons of 16-18 years of age may be reversed or changed at a prosecutor’s protest by the judge him/herself and, irrespective of whether there is a prosecutor’s protest, by a superior court president, his/her first deputy or deputies.

The ruling pronounced by an internal affairs body head in the case of an administrative offense envisaged by Article 173 hereof may be reversed or changed at a prosecutor’s protest by the internal affairs body head him/herself and, irrespective of whether there is a prosecutor’s protest, by a superior internal affairs body head

**Article 296. Consequences of reversal of the ruling with closing the administrative offense case**

Reversal of the ruling with closing the administrative offense case shall entail return of any monies charged, return of any items seized on the paid basis and forfeited, as well as reversal of other restrictions connected with the said ruling. If returning an item is not possible its value shall be returned.

Reimbursement of any damage caused to a citizen by unlawful imposition of an administrative penalty in the form of administrative arrest or correctional labor shall be accomplished according to the procedure set forth by law.

**Article 297. Protesting against a decision on a petition of appeal**

The decision on a petition of appeal against the ruling on an administrative offense case may be protested against by a prosecutor.

The protest against the decision on a petition of appeal shall be entered to a superior body (a superior official) of the body (official) that made the decision on the petition.

**Article 298. Binding nature of a ruling on imposing an administrative penalty**
A ruling on imposing an administrative penalty shall be binding on state and public bodies, enterprises, institutions, organizations, officials, and citizens.

**Article 299. Charging execution of a ruling**

A ruling on imposing an administrative penalty shall be subject to execution upon the moment of its pronouncement, unless otherwise specified in this Code and other laws of Ukraine.

When a ruling on imposing an administrative penalty is appealed or protested against, the ruling shall be subject to execution if the petition or protest is left unsatisfied, except for the rulings on application of a penalty measure in the form of warning, as well as in cases of imposing a fine to be charged at the administrative offense site.

A ruling on imposing an administrative penalty in the form of a fine shall be subject to compulsive execution after expiry of the period set forth in part 1 Article 307 hereof.

A ruling on imposing an administrative penalty shall be charged for execution by the body (official) that pronounced the ruling.

(as amended by the Law of Ukraine # 2342-III of 5.04.2001)

**Article 300. Procedure of execution of a ruling on imposing an administrative penalty**

A ruling on imposing an administrative penalty shall be executed by the duly authorized body according to the procedure set forth in this Code and in other laws of Ukraine.

A ruling on administrative arrest shall be executed by an internal affairs body according to the procedure set forth in laws of Ukraine.

If several rulings on administrative penalties concerning one person are pronounced, each of them shall be executed separately.

**Article 306. Procedure of execution of a ruling on announcement of a warning**

A ruling on imposing an administrative penalty in the form of warning shall be executed by the body (official) that pronounced the ruling, by means of announcing the ruling to the offender.

If the ruling on imposing an administrative penalty in the form of warning is pronounced when the offender is absent he/she shall be served a copy of the ruling according to the procedure and terms set forth in Article 285 hereof.

If an administrative penalty in the form of warning is announced at the site of offenses envisaged by Articles 116, 1162, 117, 125, part 1 Article 127 hereof, it shall be drawn
up in a way established respectively by the Ministry of Internal Affairs of Ukraine or by the Ministry of Transport of Ukraine.

**Article 307. Terms and procedure of execution of a ruling on imposing a fine**

A fine must be paid by the offender not later than within 15 days from the date he/she was served a ruling on imposing a fine or, if such a ruling is appealed or protested against, not later than within 15 days from the date of notification on leaving the petition of appeal or protest unsatisfied.

In case persons of 16-18 years of age, who committed an administrative offense, have no independent earnings the fine shall be charged from their parents or persons who substitute for them.

A fine imposed for committing an administrative offense shall be deposited by the offender to an institution of the Savings Bank of Ukraine, except for the fine charged at the offense site unless otherwise specified in the legislation of Ukraine.

**Article 308. Compulsive execution of a ruling on imposing a fine**

If an offender fails to pay the fine within the term set forth in part 1 Article 307 hereof, the ruling on imposing the fine shall be sent for compulsive execution to the state executive service department at the offender’s place of residence or employment or at the location of his/her property according to the procedure specified in laws.

**Article 309. Execution of a ruling on imposing a fine that is charged at the administrative offense site**

If a fine is charged, according to Article 258 hereof, at the administrative offense site, the offender shall be given a receipt of the standard form, which is a document of strict financial reporting.

In case the fine is not paid at the administrative offense site, proceedings on the case and subsequent execution of the ruling shall be accomplished according to the procedure specified in this Code.

**Article 310. Concluding the proceedings for execution of a ruling on imposing a fine**

The ruling on imposing a fine, on which the fine has been completely charged, shall be returned to the body (official) that pronounced the ruling, with an execution mark.

**Article 322. Execution of a ruling on correctional labor**

A ruling on correctional labor pronounced by a district, city district, city or district-city court (judge) shall be sent to a body of the State Department of Ukraine for Punishments for execution not later than on the next day after it was pronounced.

Correctional labor according to Article 31 hereof shall take place at the offender’s place of permanent employment.
Based on the ruling on correctional labor, deductions from the offender’s earnings in the amount specified in the ruling shall be made to the state budget.

**Article 323. Calculation of the correctional labor service periods**

Service of correctional labor shall be calculated as the period during which the offender worked and deductions were made from his/her earnings.

The number of days during which the offender worked must be not less than the number of working days falling on the calendar period of penalty established by a district, city district, city or district-city court (judge). If the offender failed to work during the said number of working days and if there is no ground to include missed days in the penalty period, service of correctional labor shall continue until the offender has worked during the established number of working days in full.

The penalty service period shall include the time during which the offender did not work for reasonable excuses and he/she was paid a wage according to law. The service period also includes the time of sickness, patient care, and maternity leave. The time of sickness caused by alcoholic intoxication or by acts related to alcoholic intoxication shall not be included in the correctional labor service period.

**Article 324. Duties of the owner of an enterprise, institution, organization or the body authorized by the owner at the place of the offender’s correctional labor**

The owner of an enterprise, institution, organization or the body authorized by the owner at the place of the offender’s correctional labor shall be charged with:

- correct and timely deduction of the prescribed amounts from the offender’s earnings to the state budget as well as timely transfer of the deducted sums according to the established order;
- working education of the offender;
- notification of the bodies in charge of execution of this type of penalty about the offender’s evasion from serving the penalty.

**Article 325. Consequences of evasion from service of correctional labor imposed for minor hooliganism**

If a person evades from serving correctional labor imposed for minor hooliganism, a judge’s ruling may replace the unserved term of correctional labor with a fine amounting to three to seven untaxed minimal personal incomes or with administrative arrest calculated as one day of arrest for three days of correctional labor, but at most for fifteen days.

**Article 326. Execution of a ruling on administrative arrest**

The ruling of a district, city district, city, or district-city court (judge) on using administrative arrest shall be executed immediately after its pronouncement.
Article 327. Procedure of administrative arrest service

Persons subjected to administrative arrest shall be kept in custody in places defined by internal affairs bodies. When executing a ruling on administrative arrest, the arrestees shall be subjected to personal examination.

The period of administrative detention shall be included in the period of administrative arrest.

Administrative arrest shall be served according to the rules set forth in laws of Ukraine.

Article 328. Labor use of the persons subjected to administrative arrest

Persons subjected to administrative arrest for offenses envisaged by part 1 Article 44, Articles 173, 1732, part 3 Article 178, Article 185, part 2 Article 1851, and part 1 Article 1853 hereof shall be used in physical activities.

Organization of labor use of the persons subjected to administrative arrest shall be commissioned to executive bodies of village, settlement, and city councils.

Persons subjected to administrative arrest shall not be paid wages at the places of their permanent employment for the period of being under arrest.

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