



CR Art. 4

Legality and Non-Retroactivity

TITLE 01 — GENERAL PROVISIONS · CHAPTER 02 — FUNDAMENTAL PRINCIPLES

- 1 No person shall be held criminally responsible for any act or omission that did not constitute a criminal offence under the law in force at the time it was committed. The principle of legality (*nullum crimen sine lege*) is a foundational guarantee of the Kaharagian legal order, enshrined in [Article 35\(3\)](#) of the Fundamental Laws.
 - 2 No sanction shall be imposed for a criminal offence except pursuant to a law that prescribes both the offence and the applicable sanction. The principle *nulla poena sine lege* requires that the nature and maximum severity of any sanction be ascertainable from the law at the time of the conduct in question.
 - 3 Criminal laws shall not be applied retroactively to the detriment of the accused. A law that creates a new offence, increases the severity of an existing offence, or introduces or increases a sanction shall have no application to conduct that occurred before its entry into force.
 - 4 Where the law in force at the time of the commission of an offence differs from the law in force at the time of judgment, the law that is more favourable to the accused shall apply. This principle of *lex mitior*, guaranteed by [Article 35\(4\)](#) of the Fundamental Laws, extends to all elements of the offence, defences, and sanctions, and applies at every stage of proceedings, including appeal.
 - 5 No offence shall be established, and no sanction imposed, by analogy to an existing provision of criminal law where such analogical application operates to the detriment of the accused. Penal provisions shall be strictly construed; any ambiguity shall be resolved in favour of the accused (*in dubio pro reo*).
 - 6 The principles set out in this Article are non-derogable. They may not be suspended, limited, or overridden in any circumstances, including during a state of emergency or any other exceptional condition, in accordance with [Article 32\(5\)\(d\)](#) of the Fundamental Laws.
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DOCUMENT INFORMATION	
CITATION	CR Art. 4 — “Legality and Non-Retroactivity”, <i>Criminal Code of Kaharagia</i> (2026).
STATUS	In force
SOURCE	https://kahalex.kaharagia.org/article/criminal/4