Moroccan Criminal Code

Reference: Dahir No. 1-59-413 of 26 November 1962 approving the Criminal Code

Practice areas: Criminal law

> The Criminal Code defines punishable conduct and the penalties attached to it. It classifies offences as felonies, misdemeanours and petty offences, sets the general rules of criminal liability and lists the circumstances that aggravate or mitigate a sentence. This is an unofficial explanatory note; only the Arabic text published in the Official Bulletin is authoritative.

Who this law applies to

Moroccan criminal law applies to anyone who commits an offence on Moroccan territory, whether Moroccan or foreign. In some cases it also applies to acts committed abroad by a Moroccan national. Legal entities may also be prosecuted and given certain penalties.

The key rules

- Principle of legality: no one may be convicted for an act that is not expressly defined and punished by law.
- Offences are classified as felonies (crimes), misdemeanours (délits) and petty offences (contraventions) according to the seriousness of the penalty.
- Criminal liability is personal and may be reduced or excluded in cases of mental disorder, duress or self-defence.
- Judges have discretion: mitigating circumstances, suspended sentences and now alternative sentences for certain offences.
- The victim may join the proceedings as a civil party to obtain compensation before the criminal court.

Key deadlines and figures

- Three categories of offence: felonies, misdemeanours, petty offences.
- Limitation periods for prosecution and sentences are not in the Criminal Code but in the Code of Criminal Procedure.
- An attempted felony is punished as if completed; an attempted misdemeanour only where the law says so.
- Reoffending increases the applicable penalty under the conditions set by the Code.

What it means in practice

The same situation (a business dispute, a family conflict, a bounced cheque) can have both a civil and a criminal dimension. Filing a complaint is not always the most effective way to obtain compensation, and an unfounded complaint can expose its author to prosecution.

A person under investigation remains presumed innocent until a final conviction.

Reforms and recent developments

The Criminal Code has been supplemented by many laws, including Law No. 103-13 on combating violence against women (2018). Law No. 43-22 on alternative sentences, in force since August 2025, allows certain prison sentences to be replaced by community service, electronic monitoring, restrictions of rights or day fines. A broader overhaul of the Criminal Code is in preparation.

When to consult a lawyer

As soon as you are summoned by the judicial police, taken into police custody or a complaint is filed against you, or when you are a victim and wish to file a complaint and join the proceedings as a civil party. A lawyer explains your rights and assists you at every stage.

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