

Criminal Code

Reference: Dahir No. 1-59-413 of 28 Joumada II 1382 (26 November 1962) approving the text of the Criminal Code, as amended and supplemented

Official Bulletin: Official Bulletin (B.O.) No. 2640 bis of 5 June 1963

Practice areas: Criminal law and business crime, Business law

The Criminal Code defines offences (felonies, misdemeanours, petty offences), penalties and the rules of criminal liability. In business criminal law, the most frequent charges are fraud, breach of trust, forgery, corruption and offences relating to cheques and companies.

Principles

- Legality of offences and penalties (Art. 3) and non-retroactivity of harsher criminal laws (Art. 4).
- Three-tier classification: felonies (crimes, imprisonment of five years or more), misdemeanours (délits, imprisonment of more than one month up to five years), petty offences (contraventions) (Arts. 16 to 18).
- Criminal liability of legal persons (Art. 127), with fines, confiscation and dissolution as penalties.

Offences against property

- Theft (Art. 505 et seq.), fraud (escroquerie) (Art. 540), breach of trust (Art. 547), misappropriation of seized property, handling stolen goods (Art. 571).
- Forgery of public and private documents (Art. 351 et seq.), use of forged documents.

Economic and business offences

- Corruption and influence peddling (Arts. 248 to 256).
- Issuing a cheque without sufficient funds (Art. 316 of the Commercial Code), misuse of company assets (Law 17-95, Art. 384), bankruptcy offences.
- Money laundering (Art. 574-1 et seq., Law 43-05) and offences against automated data processing systems (Art. 607-3 et seq., Law 07-03).

Key articles

ART. 3

No one may be convicted for an act that is not expressly defined as an offence by law, nor punished with penalties that the law has not laid down.

ART. 540

Anyone who, in order to obtain an unlawful pecuniary gain for himself or for a third party, cunningly misleads a person by false statements or by concealing true facts, or cunningly exploits a person's mistaken belief, and thereby induces that person to perform acts prejudicial to his own pecuniary interests or to those of a third party, is guilty of fraud and is punishable by imprisonment of one to five years and a fine of 500 to 5,000 dirhams.

ART. 547

Anyone who, in bad faith, misappropriates or dissipates, to the detriment of the owners, possessors or holders, any goods, money or merchandise, notes, receipts or documents of any kind containing or effecting an obligation or a discharge, which were handed over to him only by way of hire, deposit, agency, pledge, loan for use or for paid or unpaid work, on condition that they be returned or produced or used or applied for a specific purpose, is guilty of breach of trust and is punishable by imprisonment of six months to three years and a fine of 200 to 2,000 dirhams.

Points to watch

- A criminal complaint is not a debt-collection tool: it must be based on precise factual evidence, failing which it may amount to malicious accusation.
- A settlement with the victim, even after a complaint has been filed, significantly influences the course of the proceedings and the sentence.

Sheet prepared by Maître Mouad Lahfaia, lawyer at the Rabat Bar. 69 Rue Tansift, Apt 6, Agdal, Rabat 10090, Morocco · +212 808-507367 · cabinetlahfaia@gmail.com

General information document and unofficial English translation. Only the version published in the Official Bulletin of the Kingdom of Morocco is authoritative; the articles cited may have been amended since this sheet was written. Last updated : 13 October 2026.