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សូមជម្រាបជូន

ឯកឧត្តម ឯកអគ្គរដ្ឋទូតសាធារណរដ្ឋហ្ស៊ីលីពីន ប្រចាំនៅប្រទេសកម្ពុជា

កម្មវត្ថុ ៖ ស្តីពីការស្នើសុំរបស់ស្ថានទូតហ្ស៊ីលីពីន សុំឲ្យក្រសួងយុត្តិធម៌ផ្តល់ជូននូវសេចក្តីចម្លងផ្លូវការនៃបទប្បញ្ញត្តិច្បាប់កម្ពុជាពាក់ព័ន្ធនឹងអាពាហ៍ពិពាហ៍ និងការលែងលះ។

យោង ៖ លិខិតលេខMMF-០១៧-២០១៨ ចុះថ្ងៃទី១៣ ខែកម្ភៈ ឆ្នាំ២០១៨ របស់ស្ថានទូតសាធារណរដ្ឋហ្ស៊ីលីពីន។

តបតាមកម្មវត្ថុ និងយោងខាងលើ ខ្ញុំសូមជម្រាបជូន **ឯកឧត្តម** មេត្តាជ្រាបថា ក្រសួងយុត្តិធម៌បានទទួលលិខិតលេខ MMF-០១៧-២០១៨ ចុះថ្ងៃទី១៣ ខែកម្ភៈ ឆ្នាំ២០១៨ របស់ស្ថានទូតសាធារណរដ្ឋហ្ស៊ីលីពីន ដែលបានស្នើសុំឲ្យក្រសួងយុត្តិធម៌ផ្តល់ជូននូវសេចក្តីចម្លងផ្លូវការនៃបទប្បញ្ញត្តិ ច្បាប់កម្ពុជាពាក់ព័ន្ធនឹងអាពាហ៍ពិពាហ៍ និងការលែងលះ។

អាស្រ័យហេតុនេះ សូម **ឯកឧត្តម** ចាត់តំណាងមកទទួលយកឯកសារច្បាប់ពីក្រសួងយុត្តិធម៌ នៅអគ្គនាយកដ្ឋានកិច្ចការរដ្ឋប្បវេណីនៃក្រសួងយុត្តិធម៌។

សូម **ឯកឧត្តម** ទទួលនូវការគោរពរាប់អានដ៏ជ្រាលជ្រៅអំពីខ្ញុំ។

រដ្ឋមន្ត្រី

អ្នក ទៀ ១ឌឿ ១ឌ្ឍ្យាន

-ឯកសារ-កាលប្បវត្តិ

CERTIFIED TRUE COPY
DEPARTMENT OF FOREIGN AFFAIRS
Office of Legal Affairs

22 FEB 2019

JONATHAN A. HIPE
Signing Officer

Kingdom of Cambodia

Nation Religion King

Ministry of Justice

No: 0532 /18

Phnom Penh, 26 March, 2018

Minister of Justice

To

His Excellency Ambassador of the Republic of the Philippines in Cambodia

Objective: Upon the Philippine Embassy's request for an official copy of pertinent provisions of Cambodian laws on marriage and divorce.

Reference: Note No. MMF-017-2018 issued on February 13, 2018 from the Embassy of the Republic of the Philippines.

According to the abovementioned objective and reference, we would like inform Your Excellency that the Ministry of Justice has received Note MMF-017-2018 issued on February 13, 2018 from the Embassy of the Republic of the Philippines, which requests the Ministry of Justice for an official copy of pertinent provisions of Cambodian laws on marriage and divorce.

Therefore, may Your Excellency send a representative to get the documents from the Ministry of Justice at the General Department of Civil Affairs.

Please accept, Your Excellency, the assurances of my highest consideration.

Minister

Ang Vong Vathna

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DEPARTMENT OF FOREIGN AFFAIRS
Office of Legal Affairs

22 FEB 2019

JONATHAN A. HIPE
Signing Officer

The Compendium of Cambodian Laws, Council for the Development of Cambodia, UNDP Project CMB96-005

LAW ON THE MARRIAGE AND FAMILY

- Seen the Constitution of the State of Cambodia
- Seen the Law on Organization of the National Assembly and the Council of the State of the People's Republic of Cambodia promulgated by Decree No.04 Kr. dated February 10, 1982.

We hereby decide to promulgate the Law of the Marriage and Family which has been passed by the National Assembly of the State of Cambodia on July 18, 1989, during the first session of the 17th ordinary meeting of the National Assembly.

Phnom Penh July 26, 1989

President of the State of Cambodia

Seal and Signature

HENG SAMRIN

LAW ON MARRIAGE AND FAMILY

This law is passed by the National Assembly of the State of Cambodia

on July 17, 1989 during the 17th ordinary session of the first legislature.

CHAPTER I: GENERAL DISPOSITIONS

Article 1:

Pursuant to the Articles 7 and 8 of the Constitution of State of Cambodia (SOC), the purpose

of the Law on Marriage and Family is to regulate and protect the marriage and family, to ensure equality of the spouses in marriage and family, to strengthen the responsibility of the parents in raising up and taking care of their children, and to promote the moral and educational development of children to become good citizen imbued with a sense of responsibility for the nation and society, and the love of work.

Article 2:

A marriage of a too young couple and marriage by force shall absolutely be prohibited.

CHAPTER II: CONDITIONS REQUIRED FOR MARRIAGE

Article 3:

A marriage is a solemn contract between a man and a woman in a spirit of love in accordance with the provisions of law and with the understanding that they cannot dissolve it as they please.

A marriage shall have legal effect only if such marriage is conducted in accordance with the provisions provided in this law.

Article 4:

A man and woman reaching legal age have the right to self-determine the marriage. One party may not force another party to marriage against his/her will. No one can be forced to marry or prevented from having marriage as long as such marriage is in compliance with standards provided by this law.

Article 5:

A marriage may be allowed for a man whose age is 20 years or more and a woman whose age is 18 years or more.

In a special case where a man does not reach the age of 20 years and where a woman does not reach the age of 18 years, a marriage may be legitimized, upon the consent by the parents or guardians, if the woman becomes pregnant.

Article 6:

A marriage shall be prohibited as to:

- a person whose sex is the same sex as the other;
- a person whose penis is impotent;

  a person who has leprous, tuberculosis, cancer or venereal diseases which are not completely cured;

- a person who is insane, and a person who has mental defect;
- a person who was bound by prior marriage which is not yet dissolved.

Article 7:

A marriage is prohibited between persons who are relatives by blood or who are relatives by

marriage in direct line of all levels, whether or not legitimate or adoptive.

Article 8:

A marriage is prohibited between the collateral, whether legitimate, illegitimate or adoptive, or whether from the same mother, the same father or the same parents, or whether relatives by blood or relatives by marriage up to the third level inclusively.

In a special case where any one of spouses dies, a spouse who stays alive may remarry to collateral by marriage of sixth or third level.

Article 9:

After dissolution of a marriage resulting from the death of a husband, annulment of marriage or divorce, a woman may remarry. However, she shall remain in a legal period of conception until at least 300 days after the death of her husband, or 300 days after the judgment annulling the marriage, or 300 days after the judgment granting a final divorce. In a case in which the People's Court adjudicates the separation, the judgment of divorce shall take into account the legal period of conception counting from the day of issuing such judgment.

But, if the woman remarry prior to termination of the 300 days period, the new married husband shall be considered as a natural father of the child who is born during the marriage, unless there is an objection, supported by sufficient evidence, from her former husband.

Article 10:

In a case where any one of the spouses has disappeared for more than one year counting from

the day of disappearance, without the knowledge of the other spouse or without the knowledge of any person, causing uncertainty as to whether he/she is dead or alive or has remarried, a judgment adjudicating that he/she has disappeared can be filed after 15 days thereof.

No one may be allowed then to file a complaint for opposition of the new marriage even though the disappeared person reappears.

Article 11:

Before a new marriage ceremony takes place, a future couple with the participation of their

parents or guardians may file an application for remarriage with the People's Committee of

Commune or Section in the jurisdiction where the bride resides.

Article 12:

The Chief or member of the People's Committee of the Commune or Section Registrar Office (in French "officer d'Etat Civil") must make a public announcement of the marriage ceremony by posting a publication at the house of the bride and at the office of Commune or Section in the jurisdiction where the bride resides.

The publication shall contain the followings:

1. family name, name, age, occupation and place of abode of the future husband and wife;

2. family name, name, age, occupation and place of abode of the parents of the future spouses (if father or mother deceased, it must be written down as "deceased").

3. timeliness of complaint.

Article 13:

Such publication shall be posted within 10 days in such a way to communicate to any interested person so that she or he may, if she or he objected the marriage, file a complaint against such marriage. If there is no objection, the marriage ceremony may take place after a ten day period lapsed.

Article 14:

A marriage shall be considered as legitimate only when a man and woman who voluntarily takes each other as husband and wife enter into a marriage arrangement before the registrar in the jurisdiction where the bride resides.

SECTION II: COMPLAINTS AGAINST MARRIAGE

Article 15:

Either his or her relatives or interested persons may file a complaint against a marriage within 10 days counting from the day of the posting of the marriage announcement.

Article 16:

The complaint shall not be valid unless it is signed by the complainant him/herself. The complaint must indicate the ground for objection.

The ground for objections can be the incapacity of a man or woman or otherwise provided by

this law under the Article 5 of paragraph 1, and the Articles 6, 7 and 8 .

Article 17:

A complaint against marriage shall be brought by a person who objects personally or by his or her representative to the People's Committee of the Commune or the Section in the jurisdiction where the future wife resides. This Committee must make a decision within 3 days counting from the day of the receipt of the complaint.

If the person who objects or the future couple disagree with the decision, the People's Committee of the Commune or the Sector must, within 5 days counting from the day of the receipt of the disagreement, send the case file (dossier) to the People's Court.

Article 18:

The People's Court must decide on the complaint within at most 7 days counting from the

day of the receipt of the case.

The judgment of the People's Court cannot be challenged even if such judgment is a judgment by default.

Article 19:

If the People's Court denies the complaint against marriage, the future couple may marry.

If the People's Court grants the complaint against marriage, the registrar must issue an order against the marriage ceremony.

Article 20:

When it is known that a man or woman is incompetent or otherwise provided in Article 16, the registrar has the right to object to the marriage by making a report of the objection to the marriage and send it to the People's Court within at most 2 days for the court to make a decision.

The People's Court must decide in accordance with the provisions provided under the Articles 18 and 10 above.

SECTION III: VOID OF MARRIAGE

Article 21:

A marriage shall be voidable if a party to the marriage is insane or has a mental disease. However, if such party recovers, the marriage may become valid.

Article 22:

A marriage between a man under 20 years and a woman under 18 years shall be voidable. The voidable marriage may become valid when the man and woman reaches the age allowed

by law or by cases provided under the Article 5, paragraph 2.

Article 23:

Where any one of the spouses claims that he or she has been forced to marry, such marriage

shall be void.

The time of complaint annulling the marriage shall lapse if such complaint is not lodged within 6 months counting from the day she or he has been forced .

Article 24:

A marriage shall be void if either one of the spouses is already married and such marriage has not officially been dissolved by divorce.

The complaint annulling the second marriage may not be allowed if the first marriage is dissolved after the day of the second one is registered.

Article 25:

A marriage between a relatives by blood or relatives by marriage in all levels which is not allowed by law shall be considered void except in any case provided under Article 8, paragraph 2.

No statute of limitations applies for the above annulment complaints.

Article 26:

Only the spouse, the prosecutor and the legally interested person may lodge the marriage annulment complaints.

If the person who lodged the complaint dies, his legal representative may continue to lodge the complaint on his or her behalf.

Article 27:

A child born during a marriage which the court has pronounced to be void shall be considered as a legitimate child even if the marriage is not valid.

Rights and obligations of the father and the mother with regards to the child are equal in the

case of a divorce.

Division of properties between a husband and wife whose marriage has been pronounced to be void shall be divided as the same manner as the case of a divorce.

Article 28:

The People's Court shall reproduce copies of the dissolution of marriage which has been adjudicated void and then certify on the margin of the marriage certificate indicating that the marriage is void.

SECTION IV: RIGHTS AND DUTIES OF THE SPOUSES

Article 29:

In a family, a husband and wife are equal in all aspects.

Article 30:

A husband and wife have the duties to love, respect for, take care and help each other in order to promote prosperity as well as to build up one family with cooperation and happiness.

Article 31:

A husband and wife have the rights to freely choose a job and participate in political, cultural

and social activities.

Article 32:

A husband and wife have equal rights to use, obtain interests, and manage the joint properties. Each of the spouses is entitled to use, obtain interests and manage his/her own properties.

Article 33:

Joint properties are every properties which have been obtained or earned by the spouses or by any one of the spouses during their marital union.

Article 34:

The followings shall be considered as the sole property belonging to only one spouse:

1. any property which a spouse "possesses prior to the marriage",

2. any property which a spouse receives as a gift, an inheritance, or a legacy during their marriage union.

Article 35:

The followings shall be considered as the joint responsibilities of the spouses:

1. Expenses incurred for family supplies and expenses incurred for educational and development of the child's knowledge;

2. any debts and other obligations which both spouses have agreed together during their union or any debts or obligations either one of the spouses has agreed to during the union,

with the consent by another spouse,

3. the maintenance and supervision of the joint properties.

Article 36:

Each spouse is allowed to use the joint properties in accordance with his or her needs.

The spouses shall supervise the joint properties together. Any spouse may demand another spouse to agree upon any necessary measures to take care of the joint properties or keep the joint properties safe.

Article 37:

Joint properties may be sold or given away with the consent of both spouses, otherwise they may not.

CHAPTER IV: DIVORCE

section i: grounds for divorce

Article 38:

A divorce is the legal termination of a marriage between a husband and wife who have been legitimately married and they are both still alive.

Article 39:

A husband or wife may file a complaint for divorce if there are enough grounds which indicate that he or she cannot continue the conjugal cohabitation.

The grounds for divorce are:

1. desertion without a good reason and without maintenance of and taking care of the child;
2. cruelty and beatings, persecutions and looking down on the other spouse or his or her ancestry;
3. immoral behavior, bad conduct;
4. impotence of penis; and
5. Physical separation for more than one year.

Article 40:

A husband and wife may agree to divorce by mutual consent.

SECTION II: PROCEDURES FOR DIVORCE

Article 41:

The adjudicating jurisdiction for divorce lies with the People's Provincial or Municipal Court

where a defendant resides.

Article 42:

The complaint for divorce shall be in writing and shall indicate the reasons for divorce. Such complaint shall be filed by the complainant himself or herself directly with the People's Provincial or Municipal Court or to the People's Committee of the Commune or the Section in which jurisdiction the defendant resides.

In the latter cases, where the complaint is filed with the People's Committee of the Commune or the Section, the People's Committee of the Commune or the Section must reconcile the case within 15 days of the receipt of the complaint. If the case cannot be reconciled, it shall be forwarded immediately to the People's Provincial or Municipal Court .

Article 43:

The People's Provincial or Municipal Court shall invite the complainant to come before the court, and, if appropriate tries to convince the complainant not to proceed further with the case, unless the Court finds that such complaint is based on serious circumstances.

Article 44:

Upon the receipt of the complaint, the People's Provincial or Municipal Court, if necessary, may take temporary measures such as issuing a separation order, an order with respect to the taking care of the children, an order with respect to taking care of the properties, or an order with respect to alimonies, or child support. In such cases, lawyers of both parties may be allowed to listen to

Article 45:

If a complainant insistently requests a divorce, the People's Provincial or Municipal Court shall invite the husband and wife to come immediately before the court for reconciliation. In such case, the lawyers of the parties may not be allowed to listen to.

Article 46:

If after the first reconciliation, the complainant and defendant have not yet reached an amicable agreement, the People' Provincial or Municipal Court may reconcile for a second time.

Article 47:

If the complainant and defendant after receiving the invitations fail to appear at the first reconciliation in the court, the court may issue a second summons inviting the parties to appear in the court for reconciliation.

Article 48:

If a complainant has properly received the first and second writ of invitations but without showing any good cause still fails to appear both times before the court, the People's Provincial or Municipal Court shall consider the complaint to be withdrawn.

Article 49:

If a defendant has properly received the first and second writ of invitations but without showing any good cause still fails to appear both times before the court, the People's Provincial or Municipal Court shall consider him or her as not contesting the divorce.

Article 50:

If a person fails to appear first time before the court in accordance with the writ of invitation,

but appears second time before the court, the People's Provincial or Municipal Court shall issue summons inviting him or her to appear before the Court for the third reconciliation.

Article 51:

The period between each reconciliation shall be at least one month and at most two months.

Article 52:

In each reconciliation, in any circumstances, there shall be a reconciliation record noting either the outcome of the reconciliation or the appearance or non-appearance of any party, and the judge responsible for the reconciliation shall sign on the reconciliation record in front

of the parties present and the clerk.

Article 53:

If the reconciliation did not reach an agreement, the People's Provincial or Municipal Court

shall issue a summons inviting both husband and wife to appear in court for trial.

Article 54:

A complainant who has properly received an invitation issued by the People's Court, and fails to appear before the People's Court without an explanation for the absence or without requesting an adjournment shall be considered as withdrawing the complaint. In such case, a dismissal order shall be entered by the court.

Article 55:

If a defendant does not appear in the People's Court, under the same circumstances above and

if it appears to the Court that there is sufficient evidence to support the complaint, the Court may grant the divorce. If there is insufficient evidence, the People's Court shall conduct further investigations.

Article 56:

If a defendant denies the grounds alleged in the complaint against him or her, the People's Court shall order further investigations.

Article 57:

In case of a divorce, the People's Court may, if necessary, immediately conduct an investigation of the case, order both parties to bring necessary evidence to the court, issue summons inviting witnesses who are interested in the case and an order if appropriate.

Article 58:

In a case of divorce requested by both parties upon their mutual consent , the People's Court may grant the divorce if, after investigation, it finds that such request for divorce is voluntary or without coercion.

Article 59:

In a case of a divorce requested by one party, the People's Court may grant the divorce if, after investigation, it finds that there are serious circumstances indicating that both parties can no longer continue their conjugal cohabitation.

Article 60:

The People's Court may conduct an investigation and a trial in private

Article 61:

The finding of facts must be made within 15 days following the investigations.

Article 62:

As a general principle, a divorce judgment must be decided in front of both parties. If such judgment is entered by default, a party may file a complaint against such judgment within 15 days after the judgment entered by default has been served to both parties or to the residence of both parties.

Article 63:

A complaint against the judgment entered by default must be filed by a party himself or herself, in writing or by verbal complaint directly to the People's Provincial or Municipal Court. Such complaint may stop the enforcement of the judgment.

Article 64:

The judgment entered by default shall become final only when no complaint against such judgment is made within the time specified.

Article 65:

If a petitioner files a complaint within the time specified but fails to attend a trial without a good reason, the judgment entered by default shall become valid and final.

Article 66:

If a complaint against the judgment is filed according to the correct procedure, the People's Provincial or Municipal Court must review on the question of fact and retrial. The People's Provincial or Municipal Court may reaffirm, change or reverse the judgment entered by default which was decided during the first trial as long as the Court does not violate the law or principles of law.

Article 67:

If a judgment of divorce becomes final, the People's Provincial or Municipal Court records the decision of the final judgment and write on the margin of the marriage certificate indicating that the marriage is dissolved.

Article 68:

If a wife is pregnant, a husband may not allowed to request divorce until one year after she

has delivered the child.

The above condition shall not apply to women. A woman may request divorce while she

pregnant.

SECTION III: EFFECTIVENESS OF DIVORCE

Article 69:

A divorce ends a marriage from the day when the final judgment is announced.

Article 70:

In a case of divorce, the division of properties shall be divided in accordance with the mutual

agreement of both parties.

If there is no agreement, each spouse takes only his or her own properties which he or she has had prior to marriage and any properties which he or she has received by inheritance, gift or devise during the existence of the marriage.

In addition to these, each spouse is entitled to receive one-half of the joint property.

In special circumstances and according to a request of any one of the spouses , the People's Court may divide the joint properties differently from the above principles by taking into account the interests of the children and outside employment. A household job shall be considered as valuable as an outside employment.

Article 71:

If any properties belonging to one of the spouses are damaged by the other spouse, the spouse who commits the damage shall be liable for the damages.

Article 72:

The divorce judgment shall be based on the parental power to determine who should receive the custody of the children and to determine the relationship between the father, mother and children.

Article 73:

For the children interests, a decision to which party will receive the custody of the children shall be determined in accordance with an agreement of the divorcing husband and wife.

According to general principles, a baby who is still breast feeding shall be under the custody of the mother.

In a case where there is no agreement between the parties regarding the custody of the children, the custody shall be determined by the court.

Article 74:

The divorcing father or mother must support, take care of, bring up and provide their children money for the children's education and schooling as much as they can.

The amount of child support shall be determined according to an agreement between the divorcing spouses.

In a case where there is no agreement between the spouses the People's Court shall determine according to abilities of each spouse. The child support shall be given to the children until they become major.

Article 75:

A party who does not receive custody of the children has the right to visit his or her children.

The party who is entitled to receive custody of the children must make it easy for the other party to come to visit the children.

The party who does not receive custody of the children has the right to file a complaint at any

time with the People's Court to revoke the other party's right to custody of the children if the children's interests is violated.

Article 76:

In a case of divorce where a party is not at fault and is in need, he may request the other party to provide alimony. The latter party shall support the party in need according to his or her abilities.

The amount of alimony shall be determined according to the agreement between both parties.

In the event there is no agreement, alimony shall be determined by the People's Court. If the party who is entitled to receive alimony remarry, such party may no longer receive alimony.

Article 77:

The People's Provincial or Municipal Court may change, increase or decrease the amount of alimony if there is a request of any party. The increasing or decreasing alimony shall be made according to the abilities of the party paying alimony and according to the party in need who is entitled to alimony. Alimony may be in money or properties.

Article 78:

Failure to pay alimony as provided above shall be considered as a crime and shall be punishable according to existing laws if there is sufficient evidence proving that the person who is bound to pay alimony is dishonest.

CHAPTER IV: MARRIAGE IN FOREIGN COUNTRY AND MARRIAGE WITH A FOREIGNER

section i

Article 79:

Marriage between a Cambodian citizen and Cambodian citizen or between a Cambodian citizen and foreigner living in a foreign country must be held before the registrar of the embassy or consulate of the State of Cambodia which is located in the country where both party reside.

Marriage between a Cambodian and Cambodian or Cambodian citizen and foreigner, which is formally held according to marriage procedure described by the law of the marriage, shall be recognized as being valid in the State of Cambodia as long as such marriage is not against the provisions of the laws of the State of Cambodia. A marriage certificate or a copy of the marriage certificate must be registered in a registration book of the embassy or consulate of the State of Cambodia.

The State of Cambodia shall enter the marriage certificate or copy of the marriage certificate in the registration book of the Commune or Section in the jurisdiction where both spouses reside.

Article 80:

Marriage between a Cambodian citizen and foreigner in Cambodia shall be held according to

laws of the State of Cambodia.

SECTION II: DISSOLUTION OF MARRIAGE

Article 81:

Dissolution of marriage between a Cambodian citizen or Cambodian citizen and foreigner residing in a foreign country is recognized as being valid in the State of Cambodia.

Dissolution of marriage between a Cambodian citizen and foreigner or dissolution of marriage between foreigners in the State of Cambodia shall be dissolved according to the laws of the State of Cambodia.

The People's Court of the State of Cambodia has the competency to decide on the dissolution complaint of any one of the spouses who reside in the State of Cambodia.

CHAPTER IV: FAMILY

section i: legitimate child

Article 82:

A child shall be considered legitimate only if such child was born of parents who both were married to each other and only if the child's mother is pregnant during that union; that is, the child was born to a woman at least 180 days as from the day of marriage or 300 days as from the day of termination of divorce.

Article 83:

A child was born less than 180 days as from the day of marriage shall be considered as a child of the mother's husband when there is sufficient evidence proving that the husband knew that his wife became pregnant prior to the marriage, or he accepts the child is his. Otherwise the husband of the child 's mother may deny that he is the father of the child, without having to prove with evidence that he is not the father of the child.

Article 84:

The fact that a child is born under circumstances as provided under Article 82 will constitute sufficient evidence enough to prove that the mother's husband is the father of the child. That is, the law will presume that the mother's husband is the father of the child. The mother's husband may deny that he is the father of the child unless he files a complaint denying paternity.

Article 85:

A complaint denying paternity against the child's mother and child shall be filed with the People's Court in the jurisdiction where the mother resides, within two months after the child is born.

Article 86:

When his wife gets pregnant within a legal period of conception specified by law, a husband

wishing to deny paternity must prove that he had a bad physical condition such that he was not able to have sex with the child's mother. The bad physical condition may result from 2 types:

1. A husband and wife have live separately;
2. A husband's impotence or disability which makes him unable to produce a child.

Article 87:

A husband's relative may file a complaint denying paternity of the child on behalf of the husband within the period as specified under Article 85 if the husband is incapable of suing or if he has disappeared or has become insane.

If a husband files a complaint within the period as specified under Article 85 and subsequently dies, disappears or becomes insane, the husband's heirs may continue to prosecute the complaint denying paternity.

Article 88:

A decision granting the complaint denying paternity shall be considered legal. It shall have the effect of renouncing the husband's name from the child birth certificate and revoking the husband's family name from the child and replacing it with the mother's name.

Article 89:

The decision granting the complaint denying paternity must be sent to the Registrar who recorded the birth certificate in the registration book so that the Registrar may write on the margin of the birth certificate indicating that certificate has been corrected.

section ii: illegitimate child

Article 90:

An illegitimate child is a child born of parents who have united without marrying.

Article 91:

When a declaration of birth certificate is made and if the parents whose marriage is not legitimate recognize before the Registrar that that child belongs to them, they shall be considered as the parents of the child.

Article 92:

If only the father or only the mother recognizes the child, the child shall be considered to belong to one who recognizes the child.

Article 93:

After the birth certificate has been registered, a father or mother who is not recognized as a father or mother may later claim for recognition of the child .

Article 94:

An illegitimate child who has been recognized by parents shall become legitimate if the child's parents, after the child was born, file a complaint for registration of their marriage. The recognition may be filed before, during or after the registration is registered.

section iii: paternal or maternal declaration of illegitimate child

Article 95:

If no recognition declaration is voluntarily recognized by the parents, the People's Court may require the father or mother to recognize the child.

Article 96:

An illegitimate child whose father or mother did not recognize him or her has the right to file a complaint of paternity or maternity with the People's Court.

Article 97:

A complaint of maternity or paternity may be filed with the People's Court within 2 years from the day that the child becomes major.

The age of majority is 18 years or more. While the illegitimate child is still minor, the child's guardian has the right to file a complaint of maternity with the People's Court on behalf of the child.

Article 98:

The People's Court may require the woman who is the illegitimate child's mother to recognize him if there is sufficient evidence proving that:

1. the woman has really delivered the child,
2. there is no significant difference between the identification of the child born out of the woman and that of the child who claims for maternity, and
3. evidence can be proved by all means.

Article 99:

The People's Court may require the father to recognize the illegitimate child if:

1. The man eloped or raped the woman and if the woman has become pregnant within the same period when she has been eloped or raped by the man,
2. The man had sex with a woman by deceit, by force or get married to her.
3. There is written evidence proving that the man is really the child's father.
4. A man and woman who are the father and mother of the child cohabited and did have conjugal relations during the period she became pregnant.
5. The man acting as a father supported or took part in bringing up and educating the child.

Article 100:

A paternal complaint may not be accepted unless:

1. There is evidence proving that the child's mother had sexual relation with the man within the legal period of conception when she became pregnant.

2. Within the legal period of conception the woman became pregnant and the man who is claimed to be father of the child has no ability to have a sex with the child's mother because he lives separately or because he is under circumstances as provided in Article 86.

Article 101:

During the period when an illegitimate child is still minor, the child's mother or guardian may file a complaint of paternity.

The evidence proving the paternity may be proved in any method.

Article 102:

A judgment adjudicating paternity of the illegitimate child shall have the same effectiveness as the letter of the child recognition which is voluntarily made by the father. The family name of the illegitimate child shall follow the line of the father or mother.

Article 103:

If both father and mother recognize the child, the family name of the child shall follow the line of the father.

If the People's Court requires a father or mother to recognize the child, the family name of the child shall follow the line of the one who is required to recognize the child.

If the People's Court requires both father and mother to recognize the child, the family name of the child shall follow the line of the father.

Article 104:

An illegitimate child who has been recognized has the same duty and right as a legitimate child.

Article 105:

The People's Court shall order a father or mother to always provide for child support in proportion to the resources of the father or mother.

Such child support shall be paid at periodic time as specified by the court order until the child becomes major.

The father or mother shall be discharged from this obligation if he or she agrees to take care

of and bring up the child.

Article 106:

A judgment adjudicating paternity of the child may impose a father to pay the child's mother compensation for expenses of the baby delivery and expenses of bringing up the child from the day the child was born.

Article 107:

One of the copies of a final judgment adjudicating paternity shall be sent to the Registrar in the jurisdiction where the child resides so that the Registrar may write on the margin of the birth certificate stating about the paternity.

SECTION IV: ADOPTION

Article 108:

Adoption is a contract between two persons, called an adoptive father or mother and another person, called an adoptee, establishing identical relationship in order to establish legitimacy.

Article 109:

An adoptive father or mother must be more than 25 years of age and must be at least 20 years older than an adoptee. The adoptive father or mother may be a Cambodian or foreigner.

Article 110:

Only two adoptees may be adopted by an adopter. If one of two adoptees dies, an adopter may be allowed to adopt another one. The adoptee must be less than 8 years of age.

Article 112:

To adopt an adoptee, there must be an agreement of the parent or guardian of the adoptee. If a baby who will be adopted is an abandoned baby, the agreement to the adoption shall be given by the authority of the Commune or Section.

Article 113:

An adoptive contract must be in writing and certified by the Committee of the Commune or the Section in the jurisdiction where an adopter or adoptee resides. Text of the adoptive contract shall be recorded in the registration book.

The People's Court may rescind the above contract according to a complaint of an adoptee, person or other organizations for the adoptee's interests.

Article 114:

The family name of the adoptee shall follow the line of the adoptive father, and has the same

rights and duties as an natural child.

SECTION V: RELATIONSHIP OF FATHER, MOTHER AND CHILD

Article 115:

Parents have obligation to love, bring up and take care of their child's education; that is, to develop the idea of patriotism, love of education, love of work in the spirit of international cooperation and respect for the State properties, rights and properties of others.

A child is bound to love, respect for, take care his or her parents, and support the parents in need.

Article 116:

Parent shall not mistreat his or her child, child-in-law, adopted child or step child of his or her former spouse.

Article 117:

A son and daughter have equal rights and obligations in the family.

Article 119:

A major living with his or her parent has freedom of employment, freedom of participation in political activity and freedom of supervision of their own properties, particularly he or she

has obligation to be responsible for the common living facility of the family.

SECTION V: REVOCATION OF PARENTAL POWER

Article 119:

Parental power shall be revoked and transferred to any organization or relative by blood, from parent who is at fault as follows:

- The parents fail to educate their child;
- The parents use improper power in violation of the child rights or forcing him to commit crimes or acts against society;
- The parents treat badly their children,
- The parents behave against the moral standards which have a bad influence over their children.

Article 120:

The People's Court may withhold the power from the parents who committed a fault if there is a complaint brought by the state organization, the mass organization, the authorities attached to the people's court or any relatives of the parents.

Article 121:

The withholding of power from the parents make them powerless toward their children that they were previously powerful toward them, but the parents still have obligation to bring up the children until they come of age. In this case, the People's Court shall limit the food ration to be provided by the parents to the authorities or the relatives who are responsible for the children.

Article 122:

For the interests of the children, the law allows the People's Court to give new power to the parents whose power had been previously withheld if they regain good moral conduct that they are able to educate and be responsible for their children, except the children are adoptive

children.

This law is passed by the National Assembly of the State of Cambodia on July 17, 1989 during the 17th ordinary session of the first legislature.

Phnom Penh, July 20, 1989

The Chairman of the National Assembly

Signature and Seal

CHEA SIM

ANNEXES

TABLE OF LINE OF PARENTS

Father's line Mother's line

Great-grand parents Great-grand parents

third level third level

Grand-parents Grand-parents

second level second level

* *

* *

Parent

Parent

first level first level

CHILDREN (First Level)

Grand children (Second Level)

Collateral line of KINSHIP PARENTS

*

* **offspring *second le**

*** Cousin * forth level**

A direct line as well as collateral line consist of relatives by blood and relatives by marriage.

A relative by blood: A relative who has the same blood line.

A relative by marriage: A relative-in-law (that is, brother-in-law , son-in-law, grand father-in-law, grand mother-in-law and grand children-in-law.)

Collateral line: relatives who are divided like branches rooting from the person giving birth such as an uncle, aunt, niece, nephew, offspring and cousin.)

Offspring: A person who was born from the same mother or father that is, the same] parents or only one parent- that is, the same father but different mother, or only one mother- that is, the same mother but different father.

Unofficial English Translation (April. 27, 2015)
The official version of this Law is Khmer

Law

on

Procedures in Actions Relating to Personal Status

Legal and Judicial Cooperation Project
Ministry of Justice - JICA

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Table of Contents

CHAPTER 1

GENERAL PROVISIONS

Section 1: General Provisions

Article 1. Tenor of Law

This law applies to the special case of procedures in actions relating to personal status under the **Code of Civil Procedure.**

Article 2. Spirit of Law

This Law concerns procedures to resolve litigation concerning one's person, and in the spirit of suitably carrying out such actions.

Article 3: Scope of Law

Within this law, "actions relating to personal status" refers to the following actions and any other action that has the purpose of creating or confirming the existence or non-existence of personal status relationships.

a) Actions with the purpose to nullify a marriage under **Article 958 Nullity of marriage** of the **Civil Code;**
b) Actions with the purpose to annul a marriage under **Article 959 Annulment of marriage** to **Article 963 Annulment of marriage based on fraud or duress** of the **Civil Code;**
c) Actions with the purpose to divorce under **Article 978 Grounds for divorce** of the **Civil Code;**
d) Actions with purpose of denying paternity under **Article 989 Denial of paternity** and **Article 990 Suit of denial of paternity by husband** of the **Civil Code;**
e) Actions with the purpose to acknowledge under **Article 1001 Suit of acknowledgement** of the **Civil Code;**

f) Actions with the purpose to confirm the absence of parenthood under **Article 1002 Suit confirming absence of parenthood** of the **Civil Code;**
g) Actions with the purpose to confirm the existence or non-existence of maternity under **Article 1004 Suit by child seeking confirmation of maternity; Suit by mother seeking confirmation of maternity** of the **Civil Code;**
h) Actions with the purpose to dissolve a full adoption under **Article 1016 Dissolution of full adoption** of the **Civil Code;**
i) Actions with the purpose to dissolve under **Article 1031 Grounds for dissolution** of the **Civil Code.**

Section 2: Prosecutorial Presence

Article 4. Assertion of Fact by Public Prosecutor

In cases where a public prosecutor attends the proceeding under Paragraph 2 of **Article 6 Attendance of Public Prosecutor** of the **Code of Civil Procedure,** the public prosecutor may make an assertion of fact or request for examination of evidence.

Section 3: Court

Article 5. Jurisdiction

1. Actions relating to personal status shall be under the exclusive jurisdiction of the court of first instance, which shall be based on the address of the parties of the action or the domicile of the deceased.

2. Should the domicile determined in Paragraph 1 not be located in Cambodia or where his/her domicile is unknown, jurisdiction shall be based on the location of residence.

3. Should jurisdiction be unable to be determined under Paragraphs 1 and 2, jurisdiction shall be based on the location of residence. Where there is

no location of residence or location of residence is unknown, jurisdiction shall be based on the last known domicile.

4. Should jurisdiction not be able to be determined under Paragraphs 1 and 2, the action relating to personal status shall fall under the exclusive jurisdiction of the Phnom Penh court of first instance.

Article 6. Transfer to Avoid Delay

The court of first instance may, even where an action relating to personal status falls under its jurisdiction, upon a motion or on its own authority, transfer all or part of such action to another court having jurisdiction if it determines that such transfer is necessary in order to avoid significant delays in the processing of the action, or in the interest of fairness to the parties. Such transfer shall take into account the location of the domiciles of the parties and the witnesses to be examined, the location of the objects to be inspected and any other relevant matters.

Section 4: Parties

Article 7. Defendant

1. For actions relating to personal status, the party filing the action shall be considered as the plaintiff and the other party shall be considered as the defendant, except where otherwise indicated in special provisions.

2. For actions relating to personal status filed by incompetent persons who are not part of the personal status relationship under the action, both parties shall be considered as defendants, and if one of the parties dies, the rest will become defendants, except where otherwise indicated in special provisions.

3. Under Paragraphs 1 and 2, in cases where the defendant has died, the prosecutor shall become the

defendant should there be no other person who is entitled to serve as the defendant.

Article 8. Capacity to Litigate for Actions Relating to Personal Status

1. For acts of litigation of actions relating to personal status, the provisions of **Article 18 Right to rescind act, Article 26 Right to rescind act and Article 30 Right to rescind act** of the **Civil Code,** and Paragraph (3) of **Article 32 Capacity to be a party, capacity to litigate, representation of person lacking capacity to litigate** and **Article 33 Special provisions regarding acts of litigation performed by person under partial guardianship or legal representative** of the **Code of Civil Procedure** shall not apply.

2. The president of the panel may, upon a motion, appoint a lawyer as representative if it determines that such appointment is necessary in cases where a person with restricted capacity to litigate wishes to conduct an act of litigation that is stipulated in Paragraph 1.

3. The president of the panel may, even where the person who has restricted capacity to act did not file a motion as stipulated in Paragraph 2, order the appointment of a lawyer as representative or appoint a lawyer on its own authority.

4. Pursuant to the provisions of Paragraph 2 or 3, the amount of money for services that shall be paid by the incompetent person to his/her lawyer who is appointed by the president of the panel shall be the appropriate amount determined by the court.

5. Among of money for services and expenditure that is already paid to the lawyer who is appointed by the president of panel under Paragraph 2 or 3, or lawyer who is appointed by the incompetent person, in cases where the president of the panel orders the appointment of a lawyer under the provision of Paragraph 3, litigation costs shall be the appropriate amount determined by court.

Article 9. Rights of Person Under General Guardianship

1. Should the person to be the plaintiff or the defendant of an action relating to personal status is a person under general guardianship, the general guardian of that person may file to be, or shall be filed as, the representative of the person under general guardianship. In cases where the general guardian is the adversarial party in the litigation, this provision shall not apply.

2. In cases as described in the second sentence of Paragraph 1, the general guardian's supervisor may file to be, or may be filed as, the representative of the person under general guardianship.

Section 5: Litigation Cost

Article 10. Litigation Cost

In actions relating to personal status in which the public prosecutor is a party, the litigation cost that shall be paid by the public prosecutor shall be imposed on the National Treasury under the provisions of Paragraphs 1 to 3 of **Article 64 Apportionment of burden and compensation for costs** of the **Code of Civil Procedure.**

Section 6: Litigation Proceedings

Article 11. Consolidation of Related Actions

Demands in actions relating to personal status, and demands relating to compensations which arose from a fact that was the grounds of a demand relating to personal status, shall be consolidated into one suit even if there exists grounds under **Article 77 Joinder of Claims** of the **Code of Civil Procedure.**

Article 12. Aiding or Amendment of a Claim, and Cross-Complaints

Although there are the provisions of Paragraphs 1 and 4 of **Article 84 Amendment of action**, Paragraph 1 of **Article 86 Cross-action, and Article 276 Filing of cross-action** of the **Code of Civil Procedure**, the plaintiff may, in an action relating to personal status, aid or amend the claim or grounds of the claim. The defendant may file a cross-complaint at any time up until the conclusion of oral arguments or the adjudication on an *Uttor* appeal.

Article 13. Non-applicable Provisions of the Code of Civil Procedure

1. **Article 94 Dismissal of allegations or evidence for late advancement**, Paragraph 1 of **Article 96 Constructive Admission**, Paragraph 2 of **Article 140 Examination of party, Article 153 Effect of party's failure to comply with ruling to submit documents**, Paragraph 4 of **Article 156 Proof by handwriting comparison, Article 200 Default judgment against plaintiff**, Paragraph 2 of **Article 201 Default judgment against defendant**, and facts admitted to by a party in court which are mentioned in Paragraph 2 of **Article 123 Principle of decision based on evidence** of the Code of Civil Procedure shall not apply to the procedures in an action relating to personal status.

2. Provisions from **Articles 220 Settlement of action in court** through **Article 222 Effect of settlement protocol** of the **Code of Civil Procedure** shall not apply to the object of claims in an action relating to personal status.

Article 14. Ex officio examination by court

The court may, in an action relating to personal status, base its judgment on any fact that has not been alleged by either party. In such cases, the court shall hear the opinions from the parties regarding any such fact.

Article 15. Summoning of Parties

1. In actions relating to personal status, in cases where the court examines said parties, the court may summon that parties to appear in person on a set date.

2. The provisions from Paragraphs 2 to 4 of **Article 132 Duty of witness** of the **Code of Civil Procedure** shall apply *mutatis mutandis* to any party who was ordered by the court to appear based on the provision of Paragraph 1 but who failed to appear without reasonable cause.

Article 16. Closed Court for Oral Arguments

1. Oral arguments in actions relating to personal status shall be held in closed court.

2. Under special circumstances, the court may hold oral arguments in open court or allow persons to join as an observer when the court determines that this is suitable.

Article 17. Scope of Persons Bound by Final Judgment

1. Despite the provisions of **Article 198 Scope of persons subject to final and binding judgment** of the **Code of Civil Procedure**, the final judgment of an action relating to personal status shall also be binding on third parties.

2. In cases demanding to rescind a marriage based on the provision of **Article 949 Prohibition against bigamy** of the **Civil Code**, where such demand was dismissed despite the provisions of Paragraph 1, the final judgment that dismissed the demand shall be effective upon the spouse of the preceding marriage only when she intervenes in the action relating to the demand, based on the provision of the Code of Civil Procedure.

Article 18. Prohibition against Filing Litigation Relating to Personal Status After Judgment Becomes Final and Binding

1. After a judgment of an action relating to personal status becomes final and binding, the plaintiff shall not be allowed to file a new action relating to personal status having the same subject-matter as the prior action based on facts that he/she could have asserted for amendment of claims or the grounds of demands in the action relating to personal status.

2. After the judgment of an action relating to personal status becomes final and binding, the defendant shall not be allowed to file a new action relating to personal status based on facts that he/she could have asserted for filing cross-litigation in the action relating to personal status.

3. The provisions of Paragraphs 1 and 2 shall not apply for judgments that are dismissed an actions due to the illegality of such action.

Article 19. Death of Plaintiff

In cases where the plaintiff of an action relating to personal status dies during the action, the action will be automatically completed, except as otherwise specified by special law.

Article 20. Death of Defendant

1. In cases where both parties of an action relating to personal status became defendants according to the provision of Paragraph (2) of **Article 7 Defendant,** if one of the parties is deceased, the litigation shall still proceed by designating another party to succeed as defendant. In such case, the provision of Item (a) of **Article 173 Interruption of and succession to litigation** of the **Code of Civil Procedure** shall not apply.

2. In cases stated in Paragraph 1 or Paragraph 2 of **Article 7 Defendant,** if all of the defendants are deceased, the litigation will still proceed by designating the public prosecutor to succeed as defendant.

3. The court may take into account the preferences of the child in accordance with his/her age and maturity when concerning a decision regarding the custody of the child or parental authority under Paragraph 1.

Section 7: Preservative Relief

Article 21. Preservative Relief

1. In cases where the action relating to personal status has been filed, the court may, on its own authority, order the conducting of provisional attachment, provisional disposition or any other necessary procedures of preservative relief mentioned in **Book Seven PRESERVATIVE RELIEF** of the **Code of Civil Procedure** notwithstanding the provision of Paragraph 1 of **Article 532 Organ granting preservative relief** of the **Code of Civil Procedure.**

2. The provision of Paragraph 1 shall apply simultaneously to **Article 558 Cancellation of preservative relief due to change of circumstances** and **Article 559 Cancellation of ruling of preservative relief due to special circumstances** of the **Code of Civil Procedure.**

Section 8: Special Cases of Actions on Matrimonial Relationships

Article 22. Decision for Incidental Disposal

1. Upon the petition or ex officio, the court shall adjudicate the parental authority, custody of children or disposition regarding the division of property; if the court issues a judgment in which

it recognized plaintiff's demand in an action demanding annul of marriage or divorce.

2. In cases stipulated in Paragraph 1, the court may order a party to deliver the child, to pay money or to provide other performance in its judgment stated in Paragraph 1.

3. The provision of Paragraph 2 of **Article 182 Matters for judgment** of the **Code of Civil Procedure** shall not apply to any decision stated in Paragraph 1 or 2.

4. When the court adjudicates the parental authority or disposition for custody of children as stipulated in Paragraph 1, the court, in its decision, shall take into consideration the age and understanding of the children.

Article 23. Ruling of Execution

1. In cases where a person fails to perform his/her obligations under Paragraph 2 of **Article 22 Decision for Incidental Disposal**, the court that released such decision, upon the petition of person having the right, may issue an order requiring the person to perform his/her obligation within an appropriate time if the court deems such appropriate.

2. Under the provision of Paragraph 1, if the court orders a person to perform a duty, the court shall hear a statement from such person.

3. If a person who is ordered to perform a duty under Paragraph 1 fails to do so without proper reason, the court that ordered the person to perform the duty may fine that person an amount not exceeding 1,000,000 Riel.

4. A Chomtoah appeal may be made against the ruling described in Paragraph (3).

Section 9: Special Cases of Actions on Parent-Child Relationships

Article 24. Parties of Suit for Denial of Paternity by Husband

1. In cases where the husband died before the birth of the child or in cases where the husband dies during the period determined in Paragraph 2 of **Article 990 Suit of denial of paternity by husband** of the **Civil Code** without filing a suit of denial of paternity, person who is suffered infringe on succession rights by child or another relative of the husband up to a 3rd degree relationship may file a suit of denial of paternity. In such case, the action shall be filed no later then 1 year from the date of the husband's death.

2. In cases where the husband dies after filing a suit of denial of paternity and while the case is still pending, any person who could succeed to the proceedings must do so not later than one year from the date of the husband's death. The provision of Paragraph 2 of **Article 173 Interruption of and succession to litigation** of the **Code of Civil Procedure** shall not apply.

Article 25. Parties of Suit of Denial of Paternity by Child

1. In cases where a minor child dies without filing a suit of denial of paternity or fails to file a suit within the period stated in Paragraph 3 of **Article 991 Suit of denial of paternity by child** of the **Civil Code**, the lineal decedent of the deceased child could file a suit of denial of paternity. In such cases, the action shall be filed not later then 1 year from the date of the child's death.

2. In a case where the child dies after the suit of denial of paternity was filed but the case is still pending, a lineal descendent of the deceased child could succeed to the proceedings of the action if they do so not later than 1 year from the date of the child's death. The provision of Paragraph 2 of **Article 173 Interruption of and succession to**

litigation of the **Code of Civil Procedure** shall not apply.

Article 26. Parties to Suit of Acknowledgement

1. A child, in a suit of acknowledgement, shall file the suit against the father as defendant. If the father died before the suit was filed, the child can file the suit against a public prosecutor.

2. If the father, the defendant, dies while the court is processing the action, the public prosecutor shall succeed to the litigation.

3. In cases where the child dies after filing a suit of acknowledgement, the lineal descendant of such child could succeed to the litigation if they do so not less than 6 months from the date of the child's death upon the lapse of the period determined in Paragraphs 3 and 5 of **Article 1001 Suit of Acknowledgment** of the **Civil Code**. The provision of Paragraph 2 of **Article 173 Interruption of and succession to litigation** of the **Code of Civil Procedure** shall not apply.

Section 10: Transitional Provisions

Article 27 Principles of Transitional Provisions

1. This law shall apply to all cases regarding personal status petitioned after this Law comes into force.
2. Regarding cases petitioned for prior to this Law coming into effect, notwithstanding the amendments to the marriage and family laws of the Civil Code, shall be according to prior practice.

Article 28 Provision non-applicable to prohibitions on the filing of appeals following final judgment

In relation to judgments on cases adjudicated prior to this Law coming into effect, **Article 18 Prohibition against Filing Litigation Relating to Personal Status After Judgment Becomes Final and Binding** shall not apply.

Section 11: Final Provisions

Article 29 Application of Procedures

This Law shall take effect from the day on which the Civil Code takes effect.

Article 30 Abrogation of other laws

The provisions of other laws that are in effect at the time of the application of this Code, but which are inconsistent with the provisions of this Code, shall become invalid to the extent of inconsistency from the date of the application of this Code.

ច្បាប់
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ខេមរាស្រីពិរាស្ត្រ ព្រះចៅក្រុងកម្ពុជាធិបតី

- បានទ្រង់យល់ រដ្ឋធម្មនុញ្ញនៃព្រះរាជាណាចក្រកម្ពុជា
- បានទ្រង់យល់ ព្រះរាជក្រឹត្យលេខ នស/រកត/០៩០៨/១០៥៥ ចុះថ្ងៃទី២៧ ខែកញ្ញា ឆ្នាំ២០០៨ ស្តីពីការតែងតាំងរាជរដ្ឋាភិបាលនៃព្រះរាជាណាចក្រកម្ពុជា
- បានទ្រង់យល់ ព្រះរាជក្រមលេខ ០២/នស/៩៤ ចុះថ្ងៃទី២០ ខែកក្កដា ឆ្នាំ១៩៩៤ ដែលប្រកាសឱ្យប្រើច្បាប់ស្តីពីការរៀបចំនិងការប្រព្រឹត្តទៅនៃគណៈរដ្ឋមន្ត្រី
- បានទ្រង់យល់ ព្រះរាជក្រមលេខ នស/រកម/០១៩៦/០៤ ចុះថ្ងៃទី២៤ ខែមករា ឆ្នាំ១៩៩៦ ដែលប្រកាសឱ្យប្រើច្បាប់ស្តីពីការបង្កើតក្រសួងយុត្តិធម៌
- បានទ្រង់យល់ សេចក្តីក្រាបបង្គំទូលថ្វាយ របស់សម្តេចអគ្គមហាសេនាបតីតេជោ ហ៊ុន សែន នាយករដ្ឋមន្ត្រី នៃព្រះរាជាណាចក្រកម្ពុជា និងរដ្ឋមន្ត្រីក្រសួងយុត្តិធម៌

ប្រកាសឱ្យប្រើ

ច្បាប់ ស្តីពីនីតិវិធីបណ្តឹងទាក់ទងនឹងហានៈបុគ្គល ដែលរដ្ឋសភាបានអនុម័ត កាលពីថ្ងៃទី២៦ ខែមេសា ឆ្នាំ២០១០ នាសម័យប្រជុំរដ្ឋសភាលើកទី៥ នីតិកាលទី៥ និងដែលព្រឹទ្ធសភាបានយល់ស្រប តាមទម្រង់ និងគតិនៃច្បាប់នេះទាំងស្រុង ដោយគ្មានការកែប្រែអ្វីឡើយ កាលពីថ្ងៃទី២០ ខែឧសភា ឆ្នាំ២០១០ នាសម័យប្រជុំពេញអង្គព្រឹទ្ធសភាលើកទី៧ នីតិកាលទី២ ហើយដែលមានសេចក្តីទាំងស្រុងដូចតទៅនេះ :

ជំពូកទី ១
បទប្បញ្ញត្តិទូទៅ

មាត្រា ១._ គោលដៅនៃច្បាប់នេះ:

ច្បាប់នេះ: មានគោលដៅបញ្ជាក់នូវករណីពិសេសនៃក្រមនីតិវិធីរដ្ឋប្បវេណី ចំពោះនីតិវិធីបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ។

មាត្រា ២._ គោលបំណងនៃច្បាប់នេះ:

ច្បាប់នេះ: មានគោលបំណងធានាការអនុវត្តឱ្យបានត្រឹមត្រូវនូវនីតិវិធីក្នុងការដោះស្រាយបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល។

មាត្រា ៣._ វិសាលភាពនៃច្បាប់នេះ:

ច្បាប់នេះ: មានវិសាលភាពអនុវត្តលើបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ដែលរួមមានបណ្តឹងដូចខាងក្រោមនេះ ៖

ក- បណ្តឹងទាមទារឱ្យបញ្ជាក់អំពីមោយភាពនៃអាពាហ៍ពិពាហ៍ តាមបញ្ញត្តិនៃមាត្រា ៩៥៨ (មោយភាពនៃអាពាហ៍ពិពាហ៍) នៃក្រមរដ្ឋប្បវេណី ។

ខ- បណ្តឹងទាមទារលុបចោលអាពាហ៍ពិពាហ៍ តាមបញ្ញត្តិចាប់ពីមាត្រា ៩៥៩ (ការលុបចោលអាពាហ៍ពិពាហ៍) ដល់មាត្រា ៩៦៣ (ការលុបចោលអាពាហ៍ពិពាហ៍ ដោយការឆបោក ឬការគំរាម) នៃក្រមរដ្ឋប្បវេណី ។

គ- បណ្តឹងទាមទារលែងលះគ្នា តាមបញ្ញត្តិនៃមាត្រា ៩៧៨ (មូលហេតុនៃការលែងលះគ្នា) នៃក្រមរដ្ឋប្បវេណី ។

ឃ- បណ្តឹងបដិសេធបិតុភាព តាមបញ្ញត្តិនៃមាត្រា ៩៩០ (បណ្តឹងបដិសេធបិតុភាពពីជនដែលត្រូវបានសន្មតថាជាឪពុក) និងមាត្រា៩៩១ (បណ្តឹងបដិសេធបិតុភាពពីកូន) នៃក្រមរដ្ឋប្បវេណី ។

ង-បណ្តឹងទាមទារឱ្យទទួលស្គាល់ តាមបញ្ញត្តិនៃមាត្រា ១០០១ (បណ្តឹងទាមទារឱ្យទទួលស្គាល់) នៃក្រមរដ្ឋប្បវេណី ។

ច- បណ្តឹងដែលមានគោលបំណងបញ្ជាក់អំពីនត្ថិភាពនៃបុគ្គភាព តាមបញ្ញត្តិនៃមាត្រា ១០០២ (បណ្តឹងទាមទារឱ្យបញ្ជាក់អំពីនត្ថិភាពនៃបុគ្គភាព) នៃក្រមរដ្ឋប្បវេណី ។

ឆ- បណ្តឹងដែលមានគោលបំណងបញ្ជាក់អំពីអត្ថិភាពនៃមាតុភាព តាមបញ្ញត្តិនៃមាត្រា ១០០៤ (បណ្តឹងទាមទារឱ្យបញ្ជាក់អំពីអត្ថិភាពនៃមាតុភាពពីកូន) និង មាត្រា ១០០៥ (បណ្តឹងទាមទារឱ្យបញ្ជាក់

អំពីអត្ថិភាពនៃមាតុភាពពីម្តាយ) នៃក្រមរដ្ឋប្បវេណី ។

ជ- បណ្តឹងទាមទារកាត់ការ តាមបញ្ញត្តិនៃមាត្រា១០១៦ (ការកាត់ការនៃស្ពំកូនពេញលេញ) នៃក្រមរដ្ឋប្បវេណី ។

ឈ- បណ្តឹងទាមទារកាត់ការ តាមបញ្ញត្តិនៃមាត្រា ១០៣១ (មូលហេតុនៃការកាត់ការ) នៃក្រមរដ្ឋប្បវេណី។

ញ- បណ្តឹងផ្សេងទៀតដែលមានគោលបំណងបង្កើត បញ្ជាក់អត្ថិភាព ឬ នត្ថិភាពនៃទំនាក់ទំនងនឹងឋានៈបុគ្គល។

ជំពូកទី ២
ការចូលរួមរបស់តំណាងអយ្យការ

មាត្រា ៤._ ការអះអាងអង្គហេតុដោយតំណាងអយ្យការ ជាអាទិ៍

ចំពោះបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ក្នុងករណីដែលតំណាងអយ្យការបានចូលរួមក្នុងនីតិវិធីតាមបញ្ញត្តិនៃកថាខណ្ឌទី ២ មាត្រា ៦ (ការចូលរួមរបស់តំណាងអយ្យការ) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី តំណាងអយ្យការនោះ អាចធ្វើការអះអាងអង្គហេតុ ឬ អាចស្នើសុំឱ្យពិនិត្យកសុតាងបាន ។

ជំពូកទី ៣
តុលាការ

មាត្រា ៥._ សមត្ថកិច្ច

១- បណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលត្រូវស្ថិតនៅក្រោមសមត្ថកិច្ចផ្តាច់មុខរបស់សាលាដំបូងដែលមានសមត្ថកិច្ចនៅលំនៅឋានរបស់ភាគីនៃទំនាក់ទំនងនឹងឋានៈបុគ្គលពាក់ព័ន្ធនឹងបណ្តឹងនោះ ឬ លំនៅឋាននៅពេលដែលភាគីនោះទទួលមរណភាព ។

២- បើលំនៅឋានដែលកំណត់ក្នុងកថាខណ្ឌទី ១ ខាងលើនេះ ពុំស្ថិតនៅក្នុងព្រះរាជាណាចក្រកម្ពុជា ឬ លំនៅឋាននៅក្នុងព្រះរាជាណាចក្រកម្ពុជាមិនពិតប្រាកដទេ សមត្ថកិច្ចសាលាជម្រះក្តីត្រូវកំណត់តាមទីសំណាក់ ។ បើពុំមានទីសំណាក់ ឬ ទីសំណាក់មិនពិតប្រាកដទេ សមត្ថកិច្ចនោះ ត្រូវកំណត់តាមលំនៅឋានចុងក្រោយ ។

៣- ក្នុងករណីមិនអាចកំណត់តុលាការមានសមត្ថកិច្ច តាមបញ្ញត្តិនៃកថាខណ្ឌទី ១ និង កថាខណ្ឌទី ២ ខាងលើនេះ បណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលត្រូវស្ថិតនៅក្រោមសមត្ថកិច្ចផ្តាច់មុខរបស់សាលាដំបូងរាជធានីភ្នំពេញ ។

មាត្រា ៦._ ការផ្ទេរបណ្តឹងដើម្បីចៀសវាងការយឺតយ៉ាវ

ទោះបីបណ្តឹងទាក់ទងនឹងហានៈបុគ្គលណាមួយស្ថិតនៅក្រោមសមត្ថកិច្ចរបស់ខ្លួនក៏ដោយ ប្រសិនបើតុលាការយល់ឃើញថាចាំបាច់ដើម្បីចៀសវាងការយឺតយ៉ាវហួសហេតុនៃនីតិវិធី ឬ ដើម្បីធ្វើឱ្យមានសមធម៌រវាងគូភាគី ដោយពិចារណាអំពីលំនៅឋានរបស់ភាគី និង សាក្សីដែលត្រូវសាកសួរ និង កាលៈទេសៈផ្សេងៗ តុលាការនោះអាចផ្ទេរបណ្តឹងទាក់ទងនឹងហានៈបុគ្គលទាំងមូល ឬ ផ្នែកណាមួយ ទៅតុលាការផ្សេងទៀតដែលមានសមត្ថកិច្ចបានតាមពាក្យសុំ ឬ ដោយឆន្ទានុសិទ្ធិរបស់ខ្លួន ។

ជំពូកទី ៤
ភាគី

មាត្រា ៧._ ចុងចម្លើយ

១- ក្នុងបណ្តឹងទាក់ទងនឹងហានៈបុគ្គល ដែលបានធ្វើឡើងដោយភាគីម្នាងនៃទំនាក់ទំនងហានៈបុគ្គលពាក់ព័ន្ធនឹងបណ្តឹងនោះ ភាគីម្នាងទៀតត្រូវក្លាយជាចុងចម្លើយ លើកលែងតែមានបញ្ញត្តិពិសេស ។

២- ក្នុងបណ្តឹងទាក់ទងនឹងហានៈបុគ្គល ដែលបានធ្វើឡើងដោយជនដែលមិនមែនជាភាគីនៃទំនាក់ទំនងហានៈបុគ្គលពាក់ព័ន្ធនឹងបណ្តឹងនេះ ភាគីទាំងសងខាងនៃទំនាក់ទំនងហានៈបុគ្គលនេះ ត្រូវក្លាយជាចុងចម្លើយ ហើយនៅក្រោយពេលដែលភាគីណាមួយបានទទួលមរណភាព ភាគីម្នាងទៀតត្រូវក្លាយជាចុងចម្លើយ លើកលែងតែមានបញ្ញត្តិពិសេស ។

៣- ក្នុងករណីដែលជនដែលត្រូវក្លាយជាចុងចម្លើយនៃបណ្តឹង តាមបញ្ញត្តិនៃកថាខណ្ឌទី ១ ឬ កថាខណ្ឌទី ២ ខាងលើនេះ ទទួលមរណភាព ហើយគ្មានជនណាត្រូវក្លាយជាចុងចម្លើយទេនោះ តំណាងអយ្យការត្រូវក្លាយជាចុងចម្លើយ ។

មាត្រា ៨._ សមត្ថភាពក្នុងការធ្វើបណ្តឹង ក្នុងបណ្តឹងទាក់ទងនឹងហានៈបុគ្គល ជាអាទិ៍

១- ចំពោះសកម្មភាពបណ្តឹងក្នុងនីតិវិធីបណ្តឹងនៃបណ្តឹងទាក់ទងនឹងហានៈបុគ្គល បញ្ញត្តិនៃមាត្រា ១៨ (សិទ្ធិលុបចោលសកម្មភាព) មាត្រា ២៦ (សិទ្ធិលុបចោលសកម្មភាព) និង មាត្រា ៣០ (សិទ្ធិលុបចោលសកម្មភាព) នៃក្រមរដ្ឋប្បវេណី និង កថាខណ្ឌទី ៣ នៃមាត្រា ៣២ (សមត្ថភាពភាគី សមត្ថភាពក្នុងការធ្វើបណ្តឹង ការតំណាងដែលច្បាប់បានកំណត់សម្រាប់ជនដែលគ្មានសមត្ថភាពក្នុងការធ្វើបណ្តឹង) និង មាត្រា ៣៣ (បញ្ញត្តិពិសេសស្តីពីសកម្មភាពបណ្តឹងរបស់ជននៅក្រោមហិតូបត្ថម្ភ និង អ្នកតំណាងដែលច្បាប់បានកំណត់) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី មិនត្រូវយកមកអនុវត្តឡើយ ។

២- ក្នុងករណីជនដែលត្រូវបានកម្រិតសមត្ថភាពក្នុងការធ្វើសកម្មភាពបណ្តឹង មានបំណងធ្វើសកម្មភាពបណ្តឹងដែលកំណត់ក្នុងកថាខណ្ឌទី ១ ខាងលើនេះ ប្រសិនបើយល់ឃើញថាចាំបាច់ ប្រធានក្រុមប្រឹក្សាជំនុំជម្រះអាចជ្រើសតាំងមេធាវីឱ្យធ្វើជាអ្នកតំណាងតាមពាក្យសុំបាន ។

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DEPARTMENT OF FOREIGN AFFAIRS
Office of Legal Affairs

22 FEB 2019

JONATHAN A. HIPE
Signing Officer

៣- ទោះបីជាជនដែលត្រូវបានកម្រិតសមត្ថភាពក្នុងការធ្វើសកម្មភាពបណ្តឹង មិនដាក់ពាក្យសុំដែលកំណត់ក្នុងកថាខណ្ឌទី ២ ខាងលើនេះក៏ដោយ ក៏ប្រធានក្រុមប្រឹក្សាជំនុំជម្រះអាចបង្គាប់ឱ្យជ្រើសតាំងមេធាវីជាអ្នកតំណាង ឬ អាចជ្រើសតាំងមេធាវីជាអ្នកតំណាងដោយឆន្ទានុសិទ្ធិបាន ។

៤- ចំនួនទឹកប្រាក់នៃកម្រៃដែលជនដែលត្រូវបានកម្រិតសមត្ថភាពក្នុងការធ្វើសកម្មភាពបណ្តឹងត្រូវបង់ឱ្យមេធាវីដែលប្រធានក្រុមប្រឹក្សាជំនុំជម្រះបានជ្រើសតាំងជាអ្នកតំណាង ដោយយោងតាមបញ្ញត្តិនៃកថាខណ្ឌទី ២ ឬ កថាខណ្ឌទី ៣ ខាងលើនេះ ត្រូវជាចំនួនទឹកប្រាក់ដែលតុលាការយល់ឃើញថាសមរម្យ ។

៥- ក្នុងចំណោមកម្រៃនិងសោហ៊ុយដែលបានបង់ឱ្យទៅមេធាវី ដែលប្រធានក្រុមប្រឹក្សាជំនុំជម្រះបានជ្រើសតាំង ដោយយោងតាមបញ្ញត្តិនៃកថាខណ្ឌទី ២ ឬ កថាខណ្ឌទី៣ខាងលើនេះ ឬ បង់ឱ្យទៅមេធាវីដែលជនត្រូវបានកម្រិតសមត្ថភាពក្នុងការធ្វើសកម្មភាពបណ្តឹងបានជ្រើសតាំង ក្នុងករណីដែលប្រធានក្រុមប្រឹក្សាជំនុំជម្រះបង្គាប់ឱ្យជ្រើសតាំង ដោយយោងតាមបញ្ញត្តិនៃកថាខណ្ឌទី ៣ ខាងលើនេះ ចំនួនទឹកប្រាក់ដែលតុលាការយល់ឃើញថាសមរម្យ ត្រូវក្លាយជាប្រាក់ប្រដាប់ក្តី ។

មាត្រា ៩... សិទ្ធិអំណាចរបស់ជននៅក្រោមអាណាព្យាបាលទូទៅ ជាអាទិ៍

១- ប្រសិនបើជនដែលត្រូវក្លាយជាដើមចោទ ឬ ចុងចម្លើយនៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ជាជននៅក្រោមអាណាព្យាបាលទូទៅ អ្នកអាណាព្យាបាលទូទៅសម្រាប់ជននោះអាចប្តឹង ឬ អាចត្រូវបានប្តឹងដោយតំណាងឱ្យជននៅក្រោមអាណាព្យាបាលទូទៅនោះបាន ។ ប៉ុន្តែបញ្ញត្តិនេះមិនត្រូវយកមកអនុវត្តឡើយ ចំពោះករណីដែលអ្នកអាណាព្យាបាលទូទៅនោះ ជាភាគីម្ខាងទៀតនៃបណ្តឹងនោះ ។

២- ក្នុងករណីដែលកំណត់ក្នុងវាក្យខណ្ឌទី ២ នៃកថាខណ្ឌទី ១ ខាងលើនេះ អ្នកត្រួតពិនិត្យអ្នកអាណាព្យាបាលទូទៅអាចប្តឹង ឬ អាចត្រូវបានប្តឹងដោយតំណាងឱ្យជននៅក្រោមអាណាព្យាបាលទូទៅបាន ។

ជំពូកទី ៥
ប្រាក់ប្រដាប់ក្តី

មាត្រា ១០... ប្រាក់ប្រដាប់ក្តី

ក្នុងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ដែលមានតំណាងអយ្យការជាភាគី ប្រាក់ប្រដាប់ក្តីដែលតំណាងអយ្យការត្រូវទទួលបន្ទុកដោយយោងតាមបញ្ញត្តិពីកថាខណ្ឌទី ១ ដល់កថាខណ្ឌទី ៣ មាត្រា ៦៤ (ភាគដែលត្រូវទទួលបន្ទុក និង ការសងវិញនូវប្រាក់ប្រដាប់ក្តីដែលបានបង់រួចហើយ) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី គឺជាបន្ទុករបស់រដ្ឋ ។

ជំពូកទី ៦
នីតិវិធីនៃបណ្តឹង

មាត្រា ១១._ ការរួមបញ្ចូលការទាមទារដែលពាក់ព័ន្ធ

ការទាមទារពាក់ព័ន្ធនឹងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល និង ការទាមទារពាក់ព័ន្ធនឹងសំណងការខូចខាតដែលកើតមានឡើងដោយអង្គហេតុដែលជាមូលហេតុនៃការទាមទារ ពាក់ព័ន្ធនឹងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលនោះ អាចធ្វើដោយបណ្តឹងតែមួយបាន ទោះបីមានបញ្ញត្តិមាត្រា ៧៧ (ការបញ្ចូលការទាមទារច្រើនចំណុចទៅក្នុងបណ្តឹងតែមួយ) នៃក្រមនីតិវិធីរដ្ឋប្បវេណីក៏ដោយ ។

មាត្រា ១២._ ការបន្ថែម ឬ ការផ្លាស់ប្តូរនូវកម្មវត្ថុនៃបណ្តឹង និង បណ្តឹងតប

ទោះបីជាមានបញ្ញត្តិនៃកថាខណ្ឌទី ១ និង ទី ៤ នៃមាត្រា ៨៤ (ការបន្ថែម ឬ ការផ្លាស់ប្តូរនូវកម្មវត្ថុនៃបណ្តឹង) កថាខណ្ឌទី ១ នៃមាត្រា ៨៦ (បណ្តឹងតប) និង មាត្រា ២៧៦ (ការដាក់ពាក្យបណ្តឹងតប) នៃក្រមនីតិវិធីរដ្ឋប្បវេណីក៏ដោយ នៅក្នុងនីតិវិធីពាក់ព័ន្ធនឹងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ដើមចោទអាចបន្ថែម ឬ ផ្លាស់ប្តូរនូវការទាមទារ ឬ មូលហេតុនៃការទាមទារបាន ហើយចុងចម្លើយអាចប្តឹងតបបានរហូតដល់ពេលចប់ ការចេញហេតុផលដោយផ្ទាល់មាត់នៃការជម្រះក្តីលើកទី ១ ឬ ការជំនុំជម្រះលើបណ្តឹងឧទ្ធរណ៍ ។

មាត្រា ១៣._ បញ្ញត្តិនៃក្រមនីតិវិធីរដ្ឋប្បវេណីដែលមិនត្រូវយកមកអនុវត្ត

១- មាត្រា ៩៤ (ការលើកចោលមធ្យោបាយតវ៉ា ឬ ការពារខ្លួនដែលបានដាក់យឺតយ៉ាវមិនត្រូវនឹងពេលសមមេ្ស) កថាខណ្ឌទី ១នៃមាត្រា ៩៦ (ការចាត់ទុកថាបានសារភាព) កថាខណ្ឌទី ២ នៃមាត្រា ១៤០ (ការសាកសួរសាមីភាគី) មាត្រា ១៥៣ (អានុភាពនៅក្នុងករណីដែលភាគីមិនអនុវត្តតាមដីកាសម្រេចបង្គាប់ឱ្យផ្តល់ឯកសារ ជាអាទិ៍) កថាខណ្ឌទី ៤ នៃមាត្រា ១៥៦ (ការបញ្ជាក់ដោយប្រៀបធៀបអក្សរដែលសរសេរដោយដៃ) មាត្រា ២០០ (សាលក្រមកំចាំងមុខដើមចោទ) កថាខណ្ឌទី ២ នៃមាត្រា ២០១ (សាលក្រមកំចាំងមុខចុងចម្លើយ) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី ព្រមទាំងផ្នែកទាក់ទងនឹងអង្គហេតុដែលភាគីបានសារភាពចំពោះមុខតុលាការ នៅក្នុងកថាខណ្ឌទី ២ នៃមាត្រា ១២៣ (គោលការណ៍សម្រេចសេចក្តីដោយកសុតាង) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី មិនត្រូវយកមកអនុវត្តឡើយ ចំពោះនីតិវិធីបណ្តឹងនៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ។

២- បញ្ញត្តិពីមាត្រា ២២០ (ការផ្សះផ្សាលើបណ្តឹង) ដល់មាត្រា ២២២ (អានុភាពនៃកំណត់ហេតុស្តីពីការសេះជា ជាអាទិ៍) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី មិនត្រូវយកមកអនុវត្តឡើយ ចំពោះកម្មវត្ថុនៃបណ្តឹង នៅក្នុងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ។

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Signing Officer

មាត្រា ១៤._ ការស្រាវជ្រាវដោយឆន្ទានុសិទ្ធិ

នៅក្នុងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល តុលាការអាចយកអង្គហេតុដែលមិនបានអះអាងដោយភាគីមកធ្វើជាមូលដ្ឋាននៃសាលក្រមបាន ។ ក្នុងករណីនេះ តុលាការត្រូវសួរមតិពីភាគីអំពីអង្គហេតុនោះ ។

មាត្រា ១៥._ ការបង្គាប់ឱ្យសាមីភាគីមកបង្ហាញខ្លួន ជាអាទិ៍

១- នៅក្នុងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល ក្នុងករណីដែលសាកសួរសាមីភាគី តុលាការអាចបង្គាប់ឱ្យភាគីនោះមកបង្ហាញខ្លួនតាមកាលបរិច្ឆេទបាន ។

២- បញ្ញត្តិពីកថាខណ្ឌទី ២ ដល់កថាខណ្ឌទី ៤ នៃមាត្រា ១៣២ (ករណីយកិច្ចរបស់សាក្សី) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី ត្រូវយកមកអនុវត្តដូចគ្នាផងដែរ ចំពោះករណីដែលភាគីដែលត្រូវបានបង្គាប់ឱ្យមកបង្ហាញខ្លួន ដោយយោងតាមបញ្ញត្តិនៃកថាខណ្ឌទី ១ ខាងលើនេះ មិនបានបង្ហាញខ្លួនដោយគ្មានមូលហេតុត្រឹមត្រូវ ។

មាត្រា១៦._ ការមិនធ្វើជាសាធារណៈនៃការទាញហេតុផលដោយផ្ទាល់មាត់

១- ការទាញហេតុផលដោយផ្ទាល់មាត់នៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល មិនត្រូវធ្វើជាសាធារណៈឡើយ ។

២- ទោះបីជាមានបញ្ញត្តិនៃកថាខណ្ឌទី ១ ខាងលើនេះក៏ដោយ ក៏តុលាការអាចធ្វើការទាញហេតុផលដោយផ្ទាល់មាត់ដែលបានកំណត់នៅក្នុងកថាខណ្ឌទី ១ ដោយធ្វើជាសាធារណៈ ឬ អាចអនុញ្ញាតឱ្យជនណាដែលតុលាការយល់ឃើញថាសមរម្យ ចូលស្តាប់ជាអ្នកសង្កេតការណ៍បានដែរ ។

មាត្រា ១៧._ វិសាលភាពនៃបុគ្គលដែលទទួលនូវអានុភាពនៃសាលក្រម ឬ សាលដីកាស្ថាពរ

១- ទោះបីជាមានបញ្ញត្តិនៃមាត្រា ១៩៨ (វិសាលភាពបុគ្គលដែលត្រូវទទួលអានុភាពរបស់សាលក្រមស្ថាពរ) នៃក្រមនីតិវិធីរដ្ឋប្បវេណីក៏ដោយ ក៏សាលក្រម ឬ សាលដីកាស្ថាពរនៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលមានអានុភាពចំពោះតតិយជនដែរ ។

២-ក្នុងករណីដែលមានការទាមទារឱ្យលុបចោលនូវអាពាហ៍ពិពាហ៍ដោយយកមូលហេតុផ្ទុយនឹងបញ្ញត្តិនៃមាត្រា ៩៤៩ (ការហាមឃាត់មិនឱ្យមានទ្វេពន្ធភាព) នៃក្រមរដ្ឋប្បវេណី ហើយបើការទាមទារនេះត្រូវបានច្រានចោល ទោះបីជាមានបញ្ញត្តិនៃកថាខណ្ឌទី ១ ខាងលើនេះក៏ដោយ ក៏សាលក្រម ឬ សាលដីកាស្ថាពរដែលច្រានចោលការទាមទារនោះ មានអានុភាពចំពោះសហព័ទ្ធនៃអាពាហ៍ពិពាហ៍មុន លុះត្រាតែសហ-ព័ទ្ធនៃអាពាហ៍ពិពាហ៍មុននោះ បានចូលរួមអន្តរាគមន៍ក្នុងបណ្តឹងដែលពាក់ព័ន្ធនឹងការទាមទារនោះ ដោយយោងតាមបញ្ញត្តិនៃក្រមនីតិវិធីរដ្ឋប្បវេណី ។

មាត្រា ១៨._ ការហាមមិនឱ្យដាក់ពាក្យបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលក្រោយពេលសាលក្រម ឬ សាលដីកាចូលជាស្ថាពរ

១- ក្រោយពេលសាលក្រម ឬ សាលដីកានៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលបានចូលជាស្ថាពរ ដើមចោទមិនអាចដាក់ពាក្យបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលស្តីពីទំនាក់ទំនងឋានៈបុគ្គលដដែល ដោយផ្អែកលើអង្គហេតុដែលខ្លួនអាចអះអាងបាន ដោយការបន្ថែម ឬ ការផ្លាស់ប្តូរនូវការទាមទារ ឬ មូលហេតុនៃការទាមទារ ក្នុងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលនោះបានឡើយ ។

២- ក្រោយពេលសាលក្រម ឬ សាលដីកានៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលបានចូលជាស្ថាពរ ចុងចម្លើយមិនអាចដាក់ពាក្យបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលស្តីពីទំនាក់ទំនងឋានៈបុគ្គលដដែលដោយផ្អែកលើអង្គហេតុដែលខ្លួនអាចអះអាងបាន ដោយការដាក់ពាក្យបណ្តឹងតបក្នុងបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលនោះបានឡើយ ។

៣- បញ្ញត្តិនៃកថាខណ្ឌទី ១ និង កថាខណ្ឌទី ២ ខាងលើនេះ មិនត្រូវយកមកអនុវត្តឡើយ ចំពោះសាលក្រម ឬ សាលដីកាដែលបានលើកបណ្តឹងចោលដោយហេតុថាបណ្តឹងនោះមានលក្ខណៈផ្ទុយនឹងច្បាប់ ។

មាត្រា ១៩._ មរណភាពរបស់ដើមចោទ

ក្នុងករណីដែលដើមចោទនៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលទទួលមរណភាព នៅពេលដែលបណ្តឹងនោះកំពុងត្រូវបានចាត់ការ នោះបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលនោះត្រូវចប់ដោយស្វ័យប្រវត្តិ លើកលែងតែករណីដែលមានបញ្ញត្តិពិសេស ។

មាត្រា ២០._ មរណភាពរបស់ចុងចម្លើយ

១- ក្នុងករណីដែលភាគីទាំងសងខាងនៃទំនាក់ទំនងឋានៈបុគ្គល ត្រូវក្លាយជាចុងចម្លើយ តាមបញ្ញត្តិនៃកថាខណ្ឌទី ២ នៃមាត្រា ៧ (ចុងចម្លើយ) នៃច្បាប់នេះ ហើយប្រសិនបើភាគីណាមួយទទួលមរណភាព បណ្តឹងនេះត្រូវបន្តនីតិវិធី ដោយយកភាគីម្នាក់ទៀតនោះមកធ្វើជាចុងចម្លើយ ។ ក្នុងករណីនេះ បញ្ញត្តិនៃចំណាច ក កថាខណ្ឌទី ១ នៃមាត្រា ១៧៣ (ការផ្អាក និង ការទទួលបន្តនូវនីតិវិធីនៃបណ្តឹង) នៃក្រមនីតិវិធីរដ្ឋប្បវេណីមិនត្រូវយកមកអនុវត្តឡើយ ។

២- ក្នុងករណីដែលកំណត់ក្នុងកថាខណ្ឌទី ១ ឬ កថាខណ្ឌទី ២ នៃមាត្រា ៧ (ចុងចម្លើយ) នៃច្បាប់នេះ ហើយប្រសិនបើចុងចម្លើយទាំងអស់ទទួលមរណភាព បណ្តឹងនេះត្រូវបន្តនីតិវិធី ដោយយកតំណាងអយ្យការមកធ្វើជាចុងចម្លើយ ។

៣- ក្នុងករណីដែលចុងចម្លើយនៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលដែលមានគោលបំណងលែងលះគ្នា ឬ កាត់ការ ទទួលមរណភាព នៅពេលដែលបណ្តឹងនេះកំពុងត្រូវបានចាត់ការបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលនេះ ត្រូវចប់ដោយស្វ័យប្រវត្តិ ទោះបីមានបញ្ញត្តិនៃកថាខណ្ឌទី ២ ខាងលើនេះក៏ដោយ ។

ជំពូកទី ៧
ការចាត់ចែងរក្សាការពារ

មាត្រា ២១._ ការចាត់ចែងរក្សាការពារ

១- ក្នុងករណីដែលមានពាក្យបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គល តុលាការអាចបង្គាប់ឱ្យធ្វើការបែងអូសជាបណ្តោះអាសន្ន ការចាត់ចែងជាបណ្តោះអាសន្ន ឬ ការការពារផ្សេងទៀតដែលចាំបាច់ ដែលកំណត់ក្នុងគន្លឹះទី ៧ (ការចាត់ចែងរក្សាការពារ) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី ដោយឆន្ទានុសិទ្ធិបាន ទោះបីជាមានបញ្ញត្តិនៃកថាខណ្ឌទី ១ មាត្រា ៥៣២ (ស្ថាប័នចាត់ចែងរក្សាការពារជាបណ្តោះអាសន្ន) នៃក្រមនីតិវិធីរដ្ឋប្បវេណីក៏ដោយ ។

២- បញ្ញត្តិនៃកថាខណ្ឌទី ១ ខាងលើនេះ ត្រូវយកមកអនុវត្តដូចគ្នាផងដែរចំពោះករណីនៃមាត្រា ៥៥៨ (ការលុបចោលដីកាសម្រេចរក្សាការពារ ដោយសារការផ្លាស់ប្តូរស្ថានភាព) និង មាត្រា ៥៥៩ (ការលុបចោលដីកាសម្រេចរក្សាការពារដោយសារស្ថានភាពពិសេស) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី ។

ជំពូកទី ៨
ករណីពិសេសនៃបណ្តឹងស្តីពីទំនាក់ទំនងអាពាហ៍ពិពាហ៍

មាត្រា ២២._ សេចក្តីសម្រេចស្តីពីការចាត់ចែងបន្ទាប់បន្សំ ជាអាទិ៍

១-ប្រសិនបើតុលាការចេញសាលក្រម ឬ សាលដីកាដែលទទួលស្គាល់ការទាមទារបស់ដើមចោទនៅក្នុងបណ្តឹងទាមទារលុបចោលនូវចំណងអាពាហ៍ពិពាហ៍ ឬ លែងលះគ្នា តុលាការត្រូវធ្វើការសម្រេចសេចក្តីអំពីការកំណត់អ្នកមានអំណាចមេបាដោយឆន្ទានុសិទ្ធិ ហើយបើមានពាក្យសុំរបស់ភាគី ត្រូវធ្វើការសម្រេចសេចក្តីអំពីការចាត់ចែងទាក់ទងនឹងការបីបាច់ក្សាកូន ឬ ការចាត់ចែងទាក់ទងនឹងការបែងចែកទ្រព្យសម្បត្តិ ។

២-ក្នុងករណីដែលកំណត់ក្នុងកថាខណ្ឌទី១ខាងលើនេះ តុលាការអាចបង្គាប់ឱ្យភាគីប្រគល់កូន ឬ បង់ប្រាក់ ឬ ផ្តល់តាវកាលិកផ្សេងទៀត ក្នុងសាលក្រម ឬ សាលដីកា ដែលកំណត់ក្នុងកថាខណ្ឌទី ១ នោះ បាន។

៣-បញ្ញត្តិនៃកថាខណ្ឌទី ២ មាត្រា ១៨២ (ចំណុចដែលត្រូវនិច្ឆ័យដោយសាលក្រម) នៃក្រមនីតិ-វិធីរដ្ឋប្បវេណី មិនត្រូវយកមកអនុវត្តឡើយ ចំពោះការសម្រេចសេចក្តីដែលកំណត់ក្នុងកថាខណ្ឌទី ១ និងកថាខណ្ឌទី ២ ខាងលើនេះ ។

៤-នៅពេលដែលតុលាការធ្វើការសម្រេចសេចក្តីអំពីការកំណត់អ្នកមានអំណាចមេបា ឬ ការចាត់ចែងទាក់ទងនឹងការបីបាច់ក្សាកូន ដែលកំណត់ក្នុងកថាខណ្ឌទី ១ ខាងលើនេះ យោបល់របស់កូនត្រូវបានយកទៅពិចារណា ផ្ទឹងផ្ទៃងសមស្របទៅតាមអាយុ និង សភាពចាស់ទុំរបស់កូននោះ ។

មាត្រា២៣._ ដីកាសម្រេចបង្គាប់ឱ្យអនុវត្ត

១-ក្នុងករណីដែលមានបុគ្គលណាធ្វេសប្រហែសមិនអនុវត្តនូវករណីយកិច្ចដែលមានគោលបំណងឱ្យបង់ប្រាក់ ឬ ឱ្យផ្តល់តាវ៉ាលិកនូវទ្រព្យសម្បត្តិផ្សេង ដែលកំណត់ដោយសេចក្តីសម្រេច ដោយយោងតាមបញ្ញត្តិនៃកថាខណ្ឌទី ២ មាត្រា ២២ (សេចក្តីសម្រេចស្តីពីការចាត់ចែងបន្ទាប់បន្សំ ជាអាទិ៍) ខាងលើនេះ ប្រសិនបើយល់ឃើញថាសមរម្យ តុលាការដែលបានធ្វើការសម្រេចសេចក្តីនេះ អាចចេញដីកាសម្រេចបង្គាប់ឱ្យអ្នកមានករណីយកិច្ច អនុវត្តករណីយកិច្ចនោះ ដោយកំណត់អំឡុងពេលសមរម្យមួយតាមពាក្យសុំរបស់អ្នកមានសិទ្ធិបាន ។

២- ដើម្បីបង្គាប់ឱ្យអនុវត្តករណីយកិច្ច ដោយយោងតាមបញ្ញត្តិនៃកថាខណ្ឌទី ១ ខាងលើនេះ តុលាការត្រូវស្តាប់សេចក្តីថ្លែងការណ៍របស់អ្នកមានករណីយកិច្ចនោះ ។

៣- ប្រសិនបើបុគ្គលដែលត្រូវបានបង្គាប់ឱ្យអនុវត្តករណីយកិច្ច ដោយយោងតាមបញ្ញត្តិនៃកថាខណ្ឌទី ១ ខាងលើនេះ មិនបានធ្វើតាមការបង្គាប់នោះដោយគ្មានមូលហេតុត្រឹមត្រូវ តុលាការដែលបានបង្គាប់ឱ្យអនុវត្តករណីយកិច្ចនោះ អាចបង្គាប់ឱ្យពិន័យជាប្រាក់ចំនួនមិនលើសពី ១.000.000 (មួយលាន) រៀលដោយដីកាសម្រេចបាន ។

៤- ចំពោះដីកាសម្រេចដែលកំណត់ក្នុងកថាខណ្ឌទី ៣ ខាងលើនេះ អាចប្តឹងជំទាស់បាន ។

ជំពូកទី ៩
ករណីពិសេសនៃបណ្តឹងអំពីធំនាក់ធំនងឪពុកម្តាយ និង កូន (បុត្តភាព)

មាត្រា ២៤._ ភាគីនៃបណ្តឹងបដិសេធបិតុភាពពីជនដែលត្រូវបានសន្មតថាជាឪពុក ជាអាទិ៍

១- ក្នុងករណីដែលជនដែលត្រូវបានសន្មតថាជាឪពុក បានទទួលមរណភាពមុនកំណើតរបស់កូន ឬ ក្នុងករណីដែលជននោះបានទទួលមរណភាពក្នុងអំឡុងពេលដែលកំណត់ក្នុងកថាខណ្ឌទី ២ នៃមាត្រា ៩៩០ (បណ្តឹងបដិសេធបិតុភាពពីជនដែលត្រូវបានសន្មតថាជាឪពុក) នៃក្រមរដ្ឋប្បវេណី ដោយមិនបានដាក់ពាក្យបណ្តឹងបដិសេធបិតុភាព ជនដែលត្រូវបានបំពានសិទ្ធិសន្តតិកម្មដោយសារកូននោះ ឬ ញាតិសោ-ហិតផ្សេងទៀត ក្នុង ៣ (បី) ថ្នាក់របស់ជនដែលត្រូវបានសន្មតថាជាឪពុកអាចដាក់ពាក្យបណ្តឹងបដិសេធបិតុភាពបាន ។ ក្នុងករណីនេះ ត្រូវដាក់ពាក្យបណ្តឹងក្នុងអំឡុងពេល ១ (មួយ) ឆ្នាំ គិតពីថ្ងៃដែលជនត្រូវបានសន្មតថាជាឪពុកនោះបានទទួលមរណភាព ។

២- ក្នុងករណីដែលជនដែលបានត្រូវសន្មតថាជាឪពុក បានទទួលមណោភាពក្រោយពេលបានដាក់ពាក្យបណ្តឹងបដិសេធបិតុភាព ជនដែលអាចដាក់ពាក្យបណ្តឹងបដិសេធបិតុភាព ដោយយោងតាមបញ្ញត្តិនៃកថាខណ្ឌទី ១ ខាងលើនេះ អាចទទួលបន្តនូវនីតិវិធីនៃបណ្តឹងនោះបាន ក្នុងអំឡុងពេល ១ (មួយ)ឆ្នាំ គិតពីថ្ងៃដែលជនដែលត្រូវបានសន្មតថាជាឪពុក បានទទួលមរណភាព ។ បញ្ញត្តិនៃកថាខណ្ឌទី ២ នៃមាត្រា

១៧៣ (ការផ្ទាក និង ការទទួលបន្ត នូវនីតិវិធីនៃបណ្តឹង) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី មិនត្រូវយកមកអនុវត្តចំពោះករណីនេះឡើយ ។

មាត្រា ២៥._ ភាគីនៃបណ្តឹងបដិសេធបិតុភាពពីកូន ជាអាទិ៍

១- ក្នុងករណីដែលកូនបានទទួលមរណភាព ដោយមិនបានដាក់ពាក្យបណ្តឹងបដិសេធនូវបិតុភាពមុននឹងក្លាយជានីតិជន ឬ ដោយមិនបានដាក់ពាក្យបណ្តឹង ក្នុងអំឡុងពេលដែលកំណត់ក្នុងកថាខណ្ឌទី ៣ នៃមាត្រា ៩៩១ (បណ្តឹងបដិសេធបិតុភាពពីកូន) នៃក្រមរដ្ឋប្បវេណី បក្ខញ្ញាតិផ្ទាល់របស់កូនដែលបានទទួលមរណភាពនោះ អាចដាក់ពាក្យបណ្តឹងបដិសេធបិតុភាពបាន ។ ក្នុងករណីនេះ ត្រូវដាក់ពាក្យបណ្តឹងក្នុងអំឡុងពេល ១ (មួយ) ឆ្នាំ គិតពីថ្ងៃដែលកូននោះបានទទួលមរណភាព ។

២- ក្នុងករណីដែលកូនបានទទួលមរណភាព ក្រោយពីបានដាក់ពាក្យបណ្តឹងបដិសេធបិតុភាព បក្ខញ្ញាតិផ្ទាល់របស់កូនដែលទទួលមរណភាពនោះ អាចទទួលបន្ត នូវនីតិវិធីបណ្តឹងនោះបាន ក្នុងអំឡុងពេល ១ (មួយ) ឆ្នាំ គិតពីថ្ងៃដែលកូននោះបានទទួលមរណភាព ។ បញ្ញត្តិនៃកថាខណ្ឌទី ២ នៃមាត្រា ១៧៣ (ការផ្ទាក និង ការទទួលបន្ត នូវនីតិវិធីនៃបណ្តឹង) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី មិនត្រូវយកមកអនុវត្តចំពោះករណីនេះឡើយ ។

មាត្រា ២៦._ ភាគីនៃបណ្តឹងទាមទារឱ្យទទួលស្គាល់ ជាអាទិ៍

១- នៅក្នុងបណ្តឹងទាមទារឱ្យទទួលស្គាល់ កូនត្រូវដាក់ពាក្យបណ្តឹង ដោយយកឪពុកមកជាចុងចម្លើយ ។ ក្រោយមរណភាពរបស់ឪពុក ត្រូវយកតំណាងអយ្យការមកជាចុងចម្លើយ ។

២- ប្រសិនបើឪពុកដែលជាចុងចម្លើយ ទទួលមរណភាព នៅពេលដែលតុលាការកំពុងចាត់ការបណ្តឹងទាមទារឱ្យទទួលស្គាល់នោះ តំណាងអយ្យការត្រូវទទួលបន្ត នូវនីតិវិធីបណ្តឹងនោះ ។

៣- ក្នុងករណីដែលកូនបានទទួលមរណភាព ក្រោយពីបានដាក់ពាក្យបណ្តឹងទាមទារឱ្យទទួលស្គាល់ បក្ខញ្ញាតិផ្ទាល់របស់កូននោះ អាចទទួលបន្ត នូវនីតិវិធីនៃបណ្តឹងនោះ ក្នុងអំឡុងពេល ១ (មួយ) ឆ្នាំ គិតពីថ្ងៃដែលកូននោះទទួលមរណភាព ទោះបីអំឡុងពេលដែលកំណត់ក្នុងកថាខណ្ឌទី ៣ ឬ កថាខណ្ឌទី ៥ នៃមាត្រា ១០០១ (បណ្តឹងទាមទារឱ្យទទួលស្គាល់) នៃក្រមរដ្ឋប្បវេណី បានកន្លងផុតក៏ដោយ ។ បញ្ញត្តិនៃកថាខណ្ឌទី ២ នៃមាត្រា ១៧៣ (ការផ្ទាកនិងការទទួលបន្ត នូវនីតិវិធីនៃបណ្តឹង) នៃក្រមនីតិវិធីរដ្ឋប្បវេណី មិនត្រូវយកមកអនុវត្តចំពោះករណីនេះឡើយ ។

ជំពូកទី ១០
អន្តរប្បញ្ញត្តិ

មាត្រា ២៧._ គោលការណ៍នៃវិធានការអន្តរកាល

១- ច្បាប់នេះត្រូវអនុវត្តចំពោះរឿងក្តីនៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលដែលពាក្យ បណ្តឹងត្រូវបាន

ដាក់ក្រោយពេលដែលច្បាប់នេះត្រូវបានអនុវត្ត ។

២- ចំពោះរឿងក្តីនៃបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលដែលពាក្យបណ្តឹងត្រូវបានដាក់មុនពេលដែលច្បាប់នេះត្រូវបានអនុវត្ត ត្រូវអនុលោមតាមកិច្ចការដែលបានធ្វើពីមុនមក ទោះបីមានបញ្ញត្តិស្តីពីការធ្វើវិសោធនកម្មនូវច្បាប់ស្តីពីអាពាហ៍ពិពាហ៍ និង គ្រួសារនៃច្បាប់ស្តីពីការអនុវត្តក្រមរដ្ឋប្បវេណីក៏ដោយ ។

មាត្រា ២៨.- ការមិនអនុវត្តបញ្ញត្តិស្តីពីការហាមមិនឱ្យដាក់ពាក្យបណ្តឹងក្រោយពេលសាលក្រម ឬ សាលដីកាចូលជាស្ថាពរ

បញ្ញត្តិនៃមាត្រា ១៨ (ការហាមមិនឱ្យដាក់ពាក្យបណ្តឹងទាក់ទងនឹងឋានៈបុគ្គលក្រោយពេលសាលក្រម ឬសាលដីកាចូលជាស្ថាពរ) នៃច្បាប់នេះ មិនត្រូវយកមកអនុវត្តឡើយ ចំពោះករណីដែលសាលក្រម ឬ សាលដីកានៃរឿងក្តីដែលពាក្យបណ្តឹងត្រូវបានដាក់មុនពេលដែលច្បាប់នេះត្រូវបានអនុវត្ត បានចូលជាស្ថាពរ ។

ជំពូកទី ១១
អវសានប្បញ្ញត្តិ

មាត្រា ២៩.- ការអនុវត្តច្បាប់នេះ

ច្បាប់នេះ ត្រូវអនុវត្តចាប់ពីកាលបរិច្ឆេទនៃការអនុវត្តក្រមរដ្ឋប្បវេណី ។

មាត្រា ៣០.- អានុភាពនៃបញ្ញត្តិដែលមានភាពផ្ទុយពីច្បាប់នេះ

បញ្ញត្តិនៃច្បាប់ផ្សេងទៀត ដែលមានអានុភាពនៅពេលច្បាប់នេះត្រូវបានអនុវត្ត ហើយផ្ទុយនឹងបញ្ញត្តិនៃច្បាប់នេះ ត្រូវចាត់ទុកថាគ្មានអានុភាពត្រឹមទំហំដែលផ្ទុយនឹងច្បាប់នេះ ចាប់ពីថ្ងៃដែលច្បាប់នេះត្រូវបានអនុវត្ត។

ធ្វើនៅព្រះបរមរាជវាំងរាជធានីភ្នំពេញថ្ងៃទី០៤ ខែមិថុនាឆ្នាំ ២០១០

ព្រះហស្តលេខា និងព្រះរាជលញ្ឆករ

ព/ល.១០០៦.៤៩៤

នរោត្តម សីហមុនី

បានយកសេចក្តីក្រាបបង្គំទូលថ្វាយ
សូមឡាយព្រះហស្តលេខាព្រះមហាក្សត្រ
នាយករដ្ឋមន្ត្រី

ហត្ថលេខា

សម្តេចអគ្គមហាសេនាបតីតេជោ ហ៊ុន សែន

បានជម្រាបជូនសម្តេចអគ្គមហាសេនាបតីតេជោ ហ៊ុន សែន
នាយករដ្ឋមន្ត្រី នៃព្រះរាជាណាចក្រកម្ពុជា
រដ្ឋមន្ត្រីក្រសួងយុត្តិធម៌

ហត្ថលេខា

អង្គ វង្ស វឌ្ឍនា

លេខ: ៤៤០ច.ល

ដើម្បីចម្លងចែក

រាជធានីភ្នំពេញ ថ្ងៃទី ១៦ ខែ មិថុនា ឆ្នាំ២០១០

អគ្គលេខាធិការរងរាជរដ្ឋាភិបាល

ស៊ុន ជិនគេន

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Office of Legal Affairs

22 FEB 2019

JONATHAN A. HIPE
Signing Officer