

Law
on
Methods of Implementation
of Civil Judgements

General Provisions

Article 1. The properties of the debtor, such as furniture and real estate, concrete or abstract, shall be security for payment to the obligees. Therefor, these properties may be confiscated in order to be sold and the proceeds paid to the obligee. However, the following property may not be confiscated:

1. Property necessary for the debtor or his/her family to sleep (?) used by the entire family together;
2. Tables, cupboards, clothes which are necessities for the debtor and his/her family living with him;
3. Manpower instruments and other equipment needed for the work or profession of farmers and craftsmen;
4. Enough food for the debtor and his family (living with him) to last 3 months;
5. Materials necessary for family use; and
6. Anything for use in a religious ceremony.

Art. 2. Wages, pay of civil servants and employees. The pay of servants/workers, including bonuses shall be confiscated only according to the following proportional system, on a monthly basis:

1. Less or equal to 5,000 riels cannot be confiscated at all;
2. From 5,001 to 15,000 riels - maximum of 1/5 may be confiscated;
3. From 15,001 to 50,000 riels - maximum of 2/5 may be confiscated;
4. From 50,001 to 100,000 riels - maximum of 1/2 may be confiscated;
5. From 100,001 to 160,000 riels - maximum of 2/3 may be confiscated; and
6. 160,001 onward - maximum of 3/4 may be confiscated.

Art. 3. Only a maximum of 1/5 of any personal loans or loans paid in food may be confiscated, in addition to salaries and wages, as state in article 2.

Chapter I
Confiscation of Movable Property
Part I: Manner of Confiscation

Art. 4. Obligee can file a complaint for confiscation of the debtor's property only when the obligee has a judgment which orders such payment.

- Art. 5. If the court's decision is that the debtor is allowed to find money to pay back the loan in a specific time, the obligee can file a complaint for confiscation only when the specified time has lapsed.
- Art. 6. If, during the specified time, the obligee has cause to suspect the security may be lost in whole or in part, s/he can file a complaint to the president of the court to take temporary measures to preserve the security.
- Art. 7. The obligee may not ask for confiscation until s/he receives the final decision from the court specifying the amount owed and the date it is due.
- Art. 8. The president of the court order temporary measures if s/he thinks such are required to prevent a loss of the security as s/he sees fit.
- Art. 9. The court may not order such measures unless the obligee has a complaint pending at the office of the clerk of court.
- Art. 10. In any lawsuit concerning debts and movable property, the court need issue a copy of only the excerpt of the judgment establishing the formula for enforcement. If the case involves immovable property, the court must issue a copy of the complete judgment stating the formula to be enforced.
- Art. 11. Cases involving forced physical imprisonment also require the court to issue a copy of the complete judgment.
- Art. 12. Confiscation of real estate is when the obligee requests that personal property of the debtor be put in the court's hands for the latter to sell; the proceeds of the sale will be used to repay the debt.
- Art. 13. Confiscation can be done wherever the debtor has personal property.
- Art. 14. Procedure for confiscation is as follows:
1. Bringing the summary of the judgment to inform the debtor and ordering that he pay back or not pay back the debt;
 2. Order to pay back;
 3. Report about confiscation and assignment of a person to maintain the property;
 4. Announcement; and
 5. Review of the confiscated property (whether it is recorded) and the sale of the property.
- Art. 15. Confiscation of personal property can only be done when the debtor is informed about the court's decision prior to the confiscation.
- Art. 16. A copy of the court's decision with the order to pay must be given directly to the debtor or posted to his/her residence. The person who implements the judgment is the one who hands over the judgment and orders the payment, informing the

debtor that is s/he does not pay, movable property will be confiscated, and s/he may be subjected to physical forced imprisonment.

- Art. 17. After informing the debtor about the judgment, no second notification is needed, but the officer in charge of enforcement must inform the debtor of the specific time limit for him/her to pay before confiscation will take place.
- Art. 18. If the person who implements the judgment does not take action on confiscation in 30 days, the order for paying back the debt becomes null/void.
- Art. 19. The order shall contain:
1. announcement about the decision of the court. If the decision is already known to the debtor, then a reminder about it, indicating the amount due will suffice.
 2. an order to pay the amount due, and a notice that failure to pay within the specified time will lead to the court taking action according to the law.
- Art. 20. If the obligee transfer his/her rights to the debt to another person, that person must inform the debtor about the transfer. If the original obligee dies, and transfer the right to the debt by inheritance, or by gift, the heir or person receiving the gift shall inform the implementor/court about the death (providing the death certificate); his/her personal background and the "message" of the decedent which indicates the background of the person receiving the gift.
- Art. 21. The above notice can be given at the same time notice of judgment is given.
- Art. 22. If the debtor is a minor or disabled, the confiscation will be made on the property of his/her legal representative.
- Art. 23. If the court's decision requires another debtor to pay instead of the debtor him/herself, then the person who requests confiscation shall inform the other debtor about the judgment.
- Art. 24. If the order for paying back the debt has been made once or twice without results, the person implementing the judgment must make a report.
- Art. 25. In that case, the person who implements the judgment shall write that the debtor's movable property must be confiscated.
- Art. 26. Then, all properties shall be put in the court's hands. Anyone who changes, defrauds or embezzles these properties will face imprisonment from 6 months to 7 years.
- Art. 27. In that case, all events happening during the confiscation period (such as names and description of the confiscated property) must be clearly recorded.

- Art. 28. If the names/description of the confiscated property have not been recorded in detail, the confiscation will be considered null.
- Art. 29. If the properties are of the same type and of little value, all must be gathered and confiscated.
- Art. 30. Goods, or things that may be traded, shall also be confiscated. These goods must be weighed and measured to know the quantity.
- Art. 31. The amounts of precious metals, stones and pearls which have been confiscated must be listed and described. If the properties are stamped or otherwise marked, the markings/stamps should also be recorded. Silver items also need to be weighed.
- Art. 32. If there are bank notes, the quantity and denominations must be recorded. The official enforcing the judgment may keep the money in his/her department or any other place s/he considers safe.
- Art. 33. Person implementing the judgment shall leave money sufficient for food for 3 months for the debtor and his/her family.
- Art. 34. Person who implements the judgment shall not search the debtor or his/her servants, but if the debtor is wearing gold/silver items or other valuables, the implementor may confiscate those items, except those on which a prayer has been inscribed for protection from an enemy.
- Art. 35. During the confiscation, the implementor must have 2 witnesses present (they will be considered his witnesses). Witnesses should be of legal age, and not related (up to cousins, and not even by marriage) to or a servant of the implementor.
- Art. 36. Without witnesses, the confiscation is null.
- Art. 37. If implementor sees that the debtor's house is closed, he shall find a person to guard that house to prevent anyone from breaking in and stealing something, while he goes to call a skilled person/inhabitant to open the door, in the presence of the commune chief/deputy chief or committee. Other closed movable property will also be opened, recorded and confiscated.
- Art. 38. If the debtor is home and the door is opened with or without force, the implementor will order him/her once more to pay the debt at that place. The order has to be mentioned in the report to be made by the implementor under Art. 25, but his failure to do will not invalidate his report.
- Art. 39. Implementor may open all rooms, cupboards, tables as well as rooms being rented. If the tenant refuses to open the door, the implementor will follow the procedure in Art. 37. The report must state the day, month, year on which the confiscated property will be sold.

- Art. 40. Implementor shall choose a person to maintain the property. That person shall administer and safeguard the property, and must take care so the debtor or any other person does not break in, steal or exchange something of lesser value with the confiscated property.
- Art. 41. The debtor may suggest a responsible person with sufficient wealth who is willing to safeguard the property, and the implementor may accept the suggestion.
- Art. 42. Debtor him/herself, or his/her relative by marriage (up to cousins) can safeguard the property, if the obligee agrees. This agreement can be verbal.
- Art. 43. If the confiscated property is worth less than the expenses in having someone safeguard the property, the debtor (who stays in the house) can safeguard the property, even without the obligee's agreement.
- Art. 44. Report should generally be made at the place of confiscation, signed and finger-printed by the person safeguarding the property, who must be given a copy of the report. The report should also be signed and finger-printed by the implementor and the witnesses.
- Art. 45. If the confiscation takes place at the debtor's house and in his/her presence, s/he should also be given a copy of the report, to avoid charges of exchange, counterfeiting, or theft of the confiscated property.
- Art. 46. If the debtor was not there, the implementor shall give a copy of the report to the commune chief/deputy who were witnesses to the confiscation. The Chief/deputy will give this report to the debtor when s/he returns.
- Art. 47. If the confiscation was made outside of the debtor's house, and the debtor is not there, the implementor must file a suit with the president of the court to request an order.
- Art. 48. The person safeguarding the property may not lease or loan it out. Keeper shall guard the property as if it were his/her own. If the keeper does not do this, s/he will be liable for damages, and shall be discharged from his/her responsibility.
- Art. 49. Person safeguarding property will be paid a maximum of 1,500 riels a week.
- Art. 50. Implementor will estimate the value of the confiscated items, and mention the estimated amount of each item in his/her report.
- Art. 51. If the estimated value of the movable property is less than 15,000 riels, the implementor will report that the property is of too little value, insufficient to pay back the debt, and shall not be confiscated. The report shall state this reason (insufficient amount of movable property) and give the report to the clerk of court to keep on record.

- Art. 52. Implementor who estimates value of confiscated property shall indicate in his/her report the day, month and year on which the movable property will be sold.
- Art. 53. Implementor will take a copy of the record to be immediately posted at the sangkat/commune committee office or the residence of the debtor. If this is not done, confiscation is null and cannot proceed.
- Art. 54. Public sale of confiscated movable property should take place not more than 30 days after the implementor makes the list of estimated value of the property.
- Art. 55. On the day of the sale, the implementor has to check and count the confiscated property, comparing it with the list he made earlier, to ensure that no items were lost or exchanged.
- Art. 56. If the implementor finds any loss, s/he shall immediately conduct an inquiry. If any property was exchanged or stolen, s/he shall ask the competent authority to bring the person who committed the offense to the court.
- Art. 57. Implementor will sell off confiscated property on the date ordered and recorded in the list. If the confiscated property is worth more than the debt, including interest and costs, then the debtor may request that certain items be sold before others, so s/he may keep the items s/he likes most.
- Art. 58. If the sale is disrupted, the implementor shall record the incident and ask the competent authority to bring the offender to the court.
- Art. 59. When enough property is sold to pay for the capital, interest and expenses of the obligee, then the sale shall be stopped (even if more confiscated property exists).
- Art. 60. All sales must be in cash, when the items are given to the buyer, s/he should pay immediately.
- Art. 61. Money obtained from the auction sale will be given to the obligee, who shall write in the report on the sale that s/he received the money, and shall sign his/her name. The report should be made immediately. If the obligee is illiterate, the money should be given to him/her in the presence of 2 witnesses.
- Art. 62. If the implementor cannot give the money immediately to the obligee because of the existence of a refusal complaint (see Arts. 70/72), implementor will keep the money at the clerk's office, for 3 days at the most.
- Art. 63. If no one bids at the auction sale, the confiscated items must be sold to the obligee, with the price determined in advance and recorded in the list, to pay the whole debt or part of it according to the sale price. If the selling price is insufficient to meet all debts, the debtor is required to pay the balance. The implementor must record the amount given the obligee on the back of the letter

of debt, if one exists. If the selling price covers all debts, the implementor shall give the letter of debt to the debtor.

Part II Incidents (Opposition)

- Art. 65. The following people may file an opposition to the confiscation:
1. The debtor;
 2. Another creditor (who did not file the suit for confiscation);
 3. Person who says s/he is the true owner of all/some of the movable property.
- Art. 66. Any of the above may file opposition while implementor is conducting the confiscation. The implementor should immediately include the opposition in his report. If the implementor sees the opposition has no basis (specific grounds); s/he may continue with the confiscation, and state the reasons for doing so in his report. The debtor, after the implementor executes confiscation, has the right to request the court to immediately issue a decision regarding the opposition.
- Art. 67. If the opposition is filed after the implementor has reported the confiscation, the debtor must submit the complaint him/herself to the court. When the president of the court receives the opposition, s/he must immediately decide on the matter.
- Art. 68. If the opposition is filed before confiscation, and the president of the court doesn't decide on the matter before the auction sale, the debtor shall give the implementor a receipt from the court clerk certifying the filing of the complaint. When the implementor receives the receipt, s/he may not sell the items at auction. If no receipt is given him, the implementor may continue with the auction sale.
- Art. 69. When the court admits the opposition, the implementor must stop the auction.
- Art. 70. The other creditor (who did not file the complaint for confiscation) may not request that the auction sale be prohibited, but s/he may request that the money obtained from the sale not be distributed to the first creditor. The other creditor must file his/her opposition on the day of, or before the auction sale. The implementor has to record the opposition in the report of the auction sale.
- If such a opposition is filed the implementor cannot give the money from the sale to the creditor who asked for confiscation. The implementor should keep the money at the court clerk's office or any other safe place. Within 10 days, the creditor making the opposition must submit to the court an application for a decision about the complaint.
- Art. 71. If the creditor who filed the opposition does not submit the application to the court within 10 days, the creditor who asked for confiscation may ask for the money deposited with the clerk.

- Art. 72. Person who says s/he is the true owner of all/some of the confiscated property can file a opposition to stop the auction sale, which, to be valid, must be filed on or before the date of the auction sale.
- Art. 73. The person who claims to own the property must submit an application to the implementor as well as other papers which identify his/her ownership, if any exist, or some other evidence proving his/her ownership claim.
- If the person who makes a opposition is illiterate, s/he may verbally make the complaint to the implementor, who shall take down that person's answers. 2 witnesses must certify the complainant's history.
- Art. 74. If the opposition concerns only certain items, only those will not be sold, and the auction sale of the other items may be held.
- Art. 75. If the opposition concerns all or most of the items, the implementor shall halt the sale temporarily.
- The implementor must send the opposition/report on it to the president of the court, for the latter to decide by issuing an immediate writ on whether to continue with the auction sale. The confiscated items will be given by the implementor to a keeper to safeguard the same until the court issues its decision.
- Art. 76. If the president of the court issues a judgment that the items must be sold at auction, the auction sale must push through, despite the opposition.
- Art. 77. However, the money from the auction sale should be kept at the clerk's office, until the court decides the opposition.
- The person making the opposition may appeal the decision of the president of the court within 10 days. Failure to file an appeal within this period will render the decision final.
- The appeal should contain a copy of the original opposition. No conciliation is necessary prior to appeal.
- Art. 78. If any other creditor files a suit before or during the auction sale, requesting that the money from the sale not be given to the first creditor (who filed the confiscation suit), the clerk (within 15 days after receiving the proceeds of the auction sale from the implementor) shall call the debtor, the first creditor and the creditor who filed the opposition to come to the court, and the president of the court, or a judge s/he may designate should bring and divide the money equally among the creditors.
- Art. 79. If there is still a dispute after the division, any creditor who filed an opposition may file another complaint asking for a final decision on the division.

- Art. 80. All parties must sign a report on the division of money to repay the debt. The original report should be kept at the court clerk's office.
- Art. 81. A person who files suit after the auction sale has already taken place may only file suit for damages.

CHAPTER II Confiscation of Immovable Property

- Art. 82. Implementor shall order creditor who files complaint for confiscation of immovable property to give him a copy of the judgment which orders the confiscation.
- If the immovable is land registered in the cadastral office, a copy of the registration with a copy of a location map should be given as well.
- Implementor shall also order the creditor who files the complaint to state whether there are improvements on the land; and if there are, the creditor should provide a list of the improvements.
- Art. 83. If the implementor receives these documents from the creditor, s/he should issue a receipt to him/her. If the implementor finds these documents him/herself, s/he need not issue any receipts.
- Art. 84. The debtor should first be informed about the judgment and ordered to pay back the debt (as stated in Art. 16) before the confiscation can take place.
- Art. 85. If the debtor doesn't obey the order, the implementor will report on the confiscation at least 30 days after the order to pay back the money has been made. The report shall have attached 4-5 copies of a list describing the size, nature and location of the confiscated immovable, and should also include:
- names and addresses of creditor who filed the complaint, as well as of the debtor;
 - document showing registration of the land in the cadastral survey list;
 - price of the land requested by creditor asking for confiscation; and
 - Date, time and place of the auction sale.
- Art. 86. If the land to be sold at auction is less than a hectare and contains no house (structures/improvements?), and is considered natural immovable property, then the chief/deputy of the people's committee (what is the present equivalent?) shall ask for the auction sale to take place at the commune office in the presence of the implementor. Otherwise, all auction sales should take place at the court.
- Art. 87. Implementor must bring the list of immovable property to be posted at the commune or sangkat office where the property is located, at the land to be sold and at the market. If the auction sale will be held at the court, a copy of the list should be posted there as well.

- Art. 88. The list shall be put in the case file. This will be considered the original and it must state at the end that the implementor posted copies at specific places.
- Art. 89. If the immovable property has been registered, the implementor, after posting the list of immovable property, should furnish a copy of the record of confiscation to the register of the cadastral office, or should at least make an inscription of such confiscation so that third persons who want to buy the immovable property will know about it.
- If the immovable isn't registered in the cadastral survey list, the same inscription should be recorded in the register of the provincial/district cadastral office.
- Art. 90. Within 5 days from the date of posting the list stating the items of immovable property, the implementor shall notify the debtor and the creditor who gave a pledge and whose mortgage paper is registered in the book for registering pledges of the confiscation of the immovable, for him/her to attend the auction. At the end of the notification delivered to the debtor and creditor (pledge) the implementor shall record information about the auction, the list of immovable property confiscated and the original order. This shall be kept in the case file by the clerk of court, if the auction will be done at the court.
- Art. 91. From the date these persons are given notice about the confiscation, the debtor or his/her tenant shall be assigned to legally safeguard the products and rentals from the immovable property.
- Art. 92. If the creditor who files a complaint for confiscation, or any other person who has interest in this case requests that another person besides the debtor or the tenant to safeguard the property, the request shall be accepted.
- Art. 93. The creditor or other person must make this application to the president of the court where property to be confiscated is located. The president shall decide the matter in an urgent order. The complainant and debtor all be called, and the other party will be represented by the implementor. The caretaker shall be chosen from persons having a good reputation.
- Art. 94. Compensation for the caretaker shall be decided by the president of the court upon the former's proposal, after s/he is through safeguarding the property, and after the president decides the income/expenses of the safeguarding.
- Art. 95. The caretaker, should, in principle, receive as compensation, 5% of the money received from the claim and 5% of expenses.
- Art. 96. The auction sale may be conducted after 30 days from the date notice is posted in all the required locations (see Arts. 86-87).

Immovable property located in an urban area of the province, town or centre of the city, the announcement must also be done by news agent, radio and t.v.

- Art. 97. Sale must be done in public, and by bidding. The person who bids the highest at the end shall be awarded the property.
- Art. 98. After opening the bid, the auctioneer shall order the lighting of a candle or lamp successively, until the candle or each light has been burned up for at least one minute.
- When the 3rd candle or light burned successively is extinguished, then the decision will be made to award the immovable property to the highest bidder.
- Art. 99. If no one bids during this entire period, the creditor who filed for confiscation shall be the buyer of the immovable property at the price s/he asked for in the complaint.
- Art. 100. If the auction sale is adjourned to a later date for any reason, the sole bidder or the last person who offered a bid shall not be awarded the immovable property and his/her bid shall be nullified.
- Art. 101. Persons who bid at the auction sale shall pay a guarantee fund to the implementor before being allowed to bid. The fund shall consist of 10% of the asking price for the land. The money shall be returned to the bidder in full if s/he does not win the bid. If s/he does, the implementor shall take the fund to the clerk's office and include it in the price of the property won.
- Art. 102. If the auction sale takes place in the court's office, the money for the land (in full) shall be given to the clerk. If the auction sale is conducted at the commune office, the money will be given to the chief/deputy of commune.
- Art. 103. The person winning the bid should pay the sale price, including all taxes or duties, and fees for bidding, within 10 days from the date s/he wins the bid. These expenses/fees shall be announced by the chief/deputy or judge prior to the sale.
- If the sale is held at the court, the president shall handle the matter alone.
- The report on the auction can be given to the person who won the bid after s/he has paid all expenses.
- Art. 104. Person who wins bidding will receive it only when s/he had paid the complete price, as well as all expenses, and as long as no other complaint for re-conducting the bidding has been filed. If s/he does not pay for the property, the latter still belongs to the debtor.
- Art. 105. Person who wins bidding shall accept it as it is, on the date the complete price is paid. S/he may not protest to obtain a guarantee and some other expenses on the property before the time s/he pays the complete price.

- Art. 106. If any tax on the property is due the government, payment for the tax will be taken from the purchase price.
- Art. 107. 3 days after bidding, any person may request the clerk/implementor to hold another auction of the property already sold; if that person deposits the full purchase price and an additional 1/5 of the purchase price with the clerk.
- Art. 108. If the clerk receives such an application, s/he shall inform and give a copy of the application to the implementor who will furnish the application to the previous buyer, obligee, debtor and others interested in the sale.
- Art. 109. President of the court shall issue a writ on the new auction sale (date) and order the implementor to post notices of the sale at the required areas. Notice should state that the price of the land will be 1/5 more than the previous sale price.
- Art. 110. Resale must be done within a month from the date the application is filed at the clerk's office or with the implementor.
- Art. 111. Even if no one requests resale or gives 1/6 more of the previous sale price, if the buyer fails to pay the full purchase price within 10 days, the debtor, creditor (who filed for confiscation), any other creditor of person interested in the matter may make a complaint for resale due to the buyer's failure to pay the money.
- Art. 112. For the re-sale, the starting price of bidding is the same as before.
- Art. 113. If the second auction sale produces a lower amount than the first sale (in sale price and expenses); the previous buyer who failed to pay must and can be made to pay the difference in the amounts.
- If the second auction produces a higher amount, the extra money will be given to the registered creditor. The rest, if any, should be given to the debtor.
- Previous buyer cannot claim expenses of the last sale from the new buyer, creditor or debtor. These expenses will be given to the registered creditor and the remainder to the debtor.
- Art. 114. Persons with interest in the matter may apply to the court for a review of the auction sale.
- Art. 115. The court will conduct trial about the complaint as soon as possible, after calling the previous buyer who did not pay as the defendant. If the court finds for the applications, the new auction sale must be held on the date posted in the announcement.
- Art. 116. 10 days before the auction sale, the person with interest in the confiscation (registered creditor or any other creditor with a final and absolute judgment) may make a opposition regarding the confiscation.

- Art. 117. Announcement for auction which must be posted in the places specified earlier, must be of a size that is easily seen so the public will know of the loss of the right and may file a opposition.
- Art. 118. Regardless of where the sale is to be held, it is the president of the court who decides the opposition, by issuing an urgent writ within 10 days from the date the opposition was property submitted to the day scheduled for the auction sale. The court must decide in enough time so that the commune chief will know about the decision before the date of the auction sale.
- Implementor must be immediately informed if the application is rejected. S/he will then inform the chief of commune that the sale is to continue. Any expenses from this incident will be charged to the losing party.
- If the confiscation is rejected for failing to accord with procedure, the president of the court will decide from where the procedure must re-start.
- Art. 119. If the confiscation is rejected for being contrary to law, the auction sale will be postponed until the conflict is resolved.
- Art. 120. Person who claims ownership of the immovable property put up for auction has to file a opposition within 6 months from the date of the sale. Complaints filed outside of this time will be considered frivolous.
- After the 6 month period, the person claiming ownership of the property may only file a complaint for damages against the person who has caused the loss of ownership of the property.
- Art. 121. If a person claims ownership of the property prior to the auction sale, the latter is not automatically cancelled. The court will decide on this (according to Art. 116).
- Art. 122. If there is no opposition requesting the proceeds of the sale, the person who filed the original complaint for confiscation shall be named in the judgment on the auction, ordered to come to the court to receive the full amount of the money owed him/her obtained from the sale, after removing expenses and taxes, if any.
- If there is an opposition requesting the proceeds of the sale, the money shall be kept by the clerk until the court (president or delegated judge) decides the complaint.
- Art. 123. The President of the Court of the judge s/he assigns to the case, should decide the request in accordance with law, so that the creditor with mortgage papers or a creditor of a debt which has priority due to equity shall have preference. This decision shall be recorded in the cadastral registry. For ordinary debts, the decision shall be recorded in the minutes done at the time. The originals shall be kept at the office of the clerk of court.

Art. 124. If any party does not agree with the decision, the president of the court or the assigned judge shall tell that person to file a complaint with the court.

Chapter 3 Forced Imprisonment

Art. 125. Forced imprisonment is coercion of an obstinate debtor to fulfill his/her obligation.

Art. 126. Even if the debtor has already served his prison term, s/he is still liable for any part of the debt that has not yet been paid back.

Art. 127. Forced imprisonment does not prevent a creditor from claiming the debt or asking for confiscation. Creditor may request either imprisonment or confiscation.

Art. 128. Forced imprisonment may only be imposed if a creditor files a written complaint or makes a verbal complaint at trial. The verbal complaint must be written in the hearing book of the court.

Art. 129. Imprisonment can be requested any time before judgment is issued.

Art. 130. Court can suspend imprisonment for 6 months to give the debtor time to find money to pay back the debt, but this needs detailed reasoning in the judgment.

Art. 131. For forced imprisonment, the debtor shall be held in the prison in the area where the debtor lives.

Art. 132. Forced imprisonment shall not be imposed on:

- a. Minors under 18 years of age;
- b. Persons over the age of 65 for women, and 70 for men;
- c. The disabled;
- d. Pregnant women, or women having child/ren under 3 years of age;
- e. Guarantor;
- f. Person related to the creditor (until 4th degree);
- g. Debtor who owes money less than 100,000 riels; and
- h. Any child of the debtor.

Art. 133. Length of prison term depends on the amount of the debt:

- a. 1 month for debt of 100,000 to 200,000 riels;
- b. 2 months for debt of 200,001 to 400,000 riels;
- c. 3 months for debt of 400,001 to 600,000 riels;
- d. 4 months for debt of 600,001 to 1,200,000 riels;
- e. 5 months for debt of 1,200,001 to 3,000,000 riels;
- f. 6 months for debt of 3,000,001 to 6,000,000 riels; and
- g. 8 months for debt of 6,000,001 riels and higher.

- Art. 134. An imprisoned debtor who is sick or who may suffer loss of life due to imprisonment may be released upon his/her request or that of the prison chief, as long as a medical certificate is attached.
- Art. 135. The creditor may also request the release of the debtor, even if the debt has not been paid back. In this case, the President of the Court shall order the release of the debtor.
- Art. 136. Imprisonment will be done upon the creditor's request. Implementor shall give application to court, with other attached documents (judgment for imprisonment, receipt for food money to the government) at least one month in advance.
- Art. 137. When the president of the court sees that the documents are complete, he shall order the debtor to be brought to prison.
- Art. 138. If the debtor protests imprisonment, implementor shall bring him/her to the president of the court, who shall decide the protest (written or verbal) by issuing a writ. Implementor will represent the creditor during this procedure.
- Art. 139. If the debtor's arguments are not valid, the president of the court will issue an order to detain the debtor. The Prison Chief, upon seeing the order, shall accept and imprison the debtor. The order must be implemented immediately.
- Art. 140. Money for food must be paid in advance, or paid monthly.
- Art. 141. If the creditor fails to pay money for food, the debtor shall be released 1 day after the last day of the month for which food money was paid expires.
- Art. 142. If the creditor him/herself requested the release of the debtor because the former could not pay food money, the creditor cannot file another complaint to return to the debtor to prison for the same debt.

Adopted by the National Assembly of the State of Cambodia on 6 April 1992 at the extraordinary session of the 1st legislature.

Phnom Penh, 06 April 1992
for National Assembly
Signature of President
Signature and Stamp
CHEA SIM