

SANCTIONS ENFORCEABLE ON LEGAL PERSONS

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ABSTRACT. *The controversial Criminal Law problem of whether and how the legal person is criminally liable and punishable, which revolves around the *societas delinquere non potest* theory, seems to have been abandoned to history, as foreign specialty literature of the past centuries mostly gravitates around the identification of optimal and efficient mechanisms of punitive sanction. If initially, in choosing and applying sanctions the non-repressive ones were prioritized, these have proved insufficient and inefficient in the face of the increasingly more elaborate unlawful activities of legal persons, and thus the necessity to identify more energetic and legally restrictive measures. Recent legal literature seems to have accepted the idea that respect for the law under threat of sanction (punishment) is accomplished independently of its recipient. The retributive and intimidating or inhibitive of deviant behavior effect is also achieved in the case the legal person. The mediated purpose (to prevent commission of offences by incriminating dangerous acts and to provide appropriate punishment), and the immediate purpose of punishment (special and general prevention by correct enforcement of punishment) are attainable in the case of the legal person as well. Under threat of fine the legal persons will repress unlawful behavior, a legal person once sanctioned will attempt not to break criminal law again, and shareholders will determine the legal person to organize its activity in accordance with the law.*

KEYWORDS: *legal persons, fine, dissolution, suspension of one or all activities, closing down branches, interdiction to participate to public acquisition procedures, display or broadcast the conviction order, placement under legal surveillance.*

JEL CLASSIFICATION: *K 14, K 22.*