

CRIMINAL LIABILITY OF THE LEGAL PERSON

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ABSTRACT: *If we consider that in the past, the fact that “societas delinquere non potest” (the companies can not commit criminal offenses) was held true, the time and the evolution of things have shown the opposite, namely “societas delinquere potest” (the companies can commit criminal offenses).*

Moreover, the criminal law intended, and still does, to demonstrate that “societas delinquere potest et punire potest” (the companies can commit criminal offenses and thus they can be punished).

The current Romanian legislation, doctrine and jurisprudence have shown that the criminal liability of the legal persons is no longer a theory of fiction, being on the contrary, an independent institution under the criminal law, with all the opinions and controversies raised by the enforcement of legal norms in this matter.

KEY WORDS: *legal person, criminal liability, natural person, criminal offence, guilt, penalty, preventive measures*

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