

## Criminal liability of commercial companies

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### Abstract

The criminal responsibility of commercial companies is one of the innovations brought from the economic development of companies, creating the possibility of sanctioning legal entities due to the criminal offenses they could commit. Discussions related to the criminal responsibility of legal entities have existed since the first moment when the law recognized the possibility of creating (founding) legal persons. The dilemmas continue to be at the center of discussions not only in terms of the national aspect, but also in the international aspect.

In the framework of international law, the concept of criminal liability of legal persons constitutes an issue which continues to not receive a precise and definitive answer. None of the contemporary international criminal courts have explicitly jurisdiction over legal entities, they are mainly based on the principle of the individual criminal responsibility. The difficulties have resulted from the conceptually different approaches of the states, some of which have gainsaid the recognition of their criminal responsibility.

Despite all the difficulties, however, the International Criminal Court in the "New TV SAL" case for the first time envisaged the possibility of criminal responsibility of a corporation, affirming the jurisdiction over corporations of an international criminal court. Through this decision, it was testified that the criminal responsibility of corporations under international law is not conceptually impossible.

**Keywords:** Criminal liability, commercial companies, international law, EU, Albania.

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