



Research Article

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Criminal liability of legal entities

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Abstract

This article dwells on the criminal liability of legal entities, especially of well-organized companies, such as second-tier banks, for the very position they occupy in a market and in the economy of a given country. We would like to emphasize the distinction of criminal responsibility of the employee (employees) and how it is linked and separated from that of the legal entity. In the following analysis, we will show the Prosecutor's interpretation of the criteria prescribed by ad hoc law. Specifically, Articles 3 and 4 of Law 9754/2007 "On the criminal liability of legal entities", which provides the legal basis on which is founded the criminal liability of any legal organization, in the form of a legal entity, according to the provisions of the Civil Code, Law on Non-Profit Organizations (8788/2001) and Law on Commercial Companies (9901/2008). In addition, we must point out the arguments that show that the evidence brought during trial, is not placed in the context of the criminal fact alleged to have been committed by the legal entity, or when in some cases those were deliberately distorted.

The article presents a concrete analysis of the legal interpretation of the legal person's criminal liability, but also of the evidence taken in its function during trial. We would like to elaborate on some general considerations of criminal theory and practice, on the criminal liability of the legal entity, such as when it was born as such, how it has been developed and adopted in practice in our jurisdiction upon the entry into force of Law 9754/2004 "On the criminal liability of legal entities", analysing it in the context of the charge brought by the Prosecution.

Keywords: criminal liability; legal entity; commercial fraud; financial institutions; joint stock ventures.

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