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## **CORPORATE CRIMINAL LIABILITY IN MACEDONIA - JUDICIAL AND LEGAL-POLITICAL PERSPECTIVE**

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### **Abstract:**

Modern legal systems are increasingly abandoning the concept of "exclusion from legal liability" of legal entities, confirming their role as significant entities in legal and economic life.

Under the influence of numerous international conventions and the emergence of new and frequent forms of collective and transnational economic crime, the need to introduce criminal liability of legal entities and a system of sanctions that adapts to the nature of legal entities and covers their property, reputation and business operations has also become necessary.

With the amendments to the Criminal Code of 2004, Macedonian legislation accepted the concept of corporate criminal liability. However, there is a lack of research on the criminality of legal entities, the effectiveness and penal policy of the courts towards legal entities as perpetrators of criminal offenses, and there are no official statistical data on legal entities – perpetrators of criminal offenses.

This paper, based on theoretical analysis and original empirical data from the judicial practice throughout the territory of the country, reviews the criminal offenses of legal entities, presents data on the number of legal entities – perpetrators of criminal offenses and examines the penal policy towards legal entities as perpetrators of criminal offenses, including the most common forms of criminality, the type and amount of the applied sanctions.

Based on the obtained data and analysis, the authors believe that there is an exceptionally lenient penal policy and rare application of secondary penalties towards legal entities, which calls into question the effectiveness and applicability of the concept of corporate criminal liability.

***Keywords:** corporate liability, criminal offense, legal entity, case law, punishment*

## **КОРПОРАТИВНА КАЗНЕНА ОДГОВОРНОСТ ВО МАКЕДОНИЈА - СУДСКА И ПРАВНО-ПОЛИТИЧКА ПЕРСПЕКТИВА**

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### **Апстракт:**

Современите правни системи сè повеќе го напуштаат концептот на „исклучување од правна одговорност“ на правните лица, потврдувајќи ја нивната улога како значајни субјекти во правниот и економскиот живот.

Под влијание на бројни меѓународни конвенции и појавата на нови и зачестени форми на колективен и транснационален економски криминал, се наметна и потребата од воведување на

казнена одговорност на правните лица и систем на санкции што се прилагодува на природата на правните лица и го зафаќа нивниот имот, репутација и деловно работење.

Со измените на Кривичниот законик од 2004 година, македонското законодавство го прифати концептот на корпоративна казнена одговорност. Сепак, недостасуваат истражувања за криминалитетот на правните лица, ефективностa и казнената политика на судовите кон правните лица како сторители на казнени дела, а не постојат ниту официјални статистички податоци за правни лица – сторители на казнени дела.

Овој труд, врз основа на теоретска анализа и оригинални емпириски податоци од судската практика на целата територија на државата, прави преглед на казнените дела на правни лица, презентира податоци за бројот на правни лица – сторители на казнени дела и ја испитува казнената политика кон правните лица како сторители на казнени дела, вклучувајќи ги најчестите форми на криминалитет, видот и висината на применетите санкции.

Потпирајќи се на добиените податоци и анализа, авторите се на став дека постои исклучително блага казнена политика и ретка примена на споредните казни кон правни лица, што ја доведува во прашање ефективностa и применливоста на концептот на корпоративна казнена одговорност.

**Клучни зборови:** *корпоративна одговорност, казнено дело, правно лице, судска практика, казна*



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