

THE WEAKNESSES OF KOSOVO PENAL CODE REGARDING THE PENAL RESPONSIBILITY OF THE LEGAL PERSONS IN THE SPHERE OF THE BUSINESS RELATIONS

Abstract

Our country from the end of the war is passing a social transition period that except the completion of the juridical system in general, in accordance with the modern elections, in the last years is distinguished for the new elections for the penal legislation. Among the innovations, that should be welcomed, is the fact that in the penal legislation with a special law for the first time in the history has been sanctioned the criminal liability of legal persons. Independently of theoretical overview for the quality and efficiency of the Penal Code and the Law for Penal Responsibility of legal persons, is evaluated that only partially this field has been regulated and exactly in the definition of penal responsibility of economic subjects. On the other side, the solution offered by the Law for penal responsibility of legal persons is obvious that the uncertainties and the gaps are really deep. According to the Law the Commercial societies, Individual Enterprises, Partners Societies and Commendatory Societies are legal business formations but to those has been removed the quality of legal person. This indicates that the Penal Code and the law in question do not consider these enterprises with penal responsibility if they if they commit penal acts. For this reason the incompatibility of these laws represents a risk and the state administrative institutions, Prosecutors and courts are in a difficult position on how to handle and set the matter. To eliminate this weakness it is necessary to be revised the Law on Penal Liability of legal entities for the above mentioned weaknesses and over all this law has to be considered as a special juridical act in conformity with the European standards.

Key words: Legal entity code, enterprise business, criminal responsibility,