

The legal person's criminal responsibility

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Abstract:

This paper aims to highlight a person's criminal responsibility. If this responsibility is determined, it is subject to a variety of different penalties. Some of them undermine its existence, some its financial integrity and others, as well as a series of measures of kind, all to reduce its criminal seriousness, such penalties would also serve the purposes of deterrence, reform and justice for long-term purposes, hand in hand with the reduction of crimes committed as a proximate purpose.

It also applies to the provisions that impose the penalty and affect it both existentially and quantum. Thus, the provisions on the criminal responsibility of moral persons have become more complete and clear and that diligence and disagreement have not remained about the possibility of establishing such responsibility, but the scope of difference is available with respect to the conditions and scope of such responsibility.

Key words: Criminal responsibility, Moral Person, Penalties.

ملخص:

تهدف هذه الورقة البحثية إلى إبراز المسؤولية الجنائية للشخص المعنوي، فمتى تقررت في حقه هذه المسؤولية، يخضع لجملة من العقوبات المختلفة والمتنوعة، بعضها يمس بوجوده والبعض بدمته المالية وبعضها الآخر تمس باعتباره، وكذا مجموعة من التدابير العينية، كل ذلك للحد من خطورته الإجرامية، كما أن هذه العقوبات من شأنها أن تحقق في مواجهته الأغراض المبتغاة منها وفق معطيات علم العقاب من تحقيق الردع والإصلاح وتحقيق العدالة كأغراض بعيدة، وكذا الحد من الجرائم التي يرتكبها كغرض قريب. كما تنطبق عليه الأحكام التي تلحق العقوبة فتتمس بها وجوداً ومقداراً، وهكذا أصبحت أحكام المسؤولية الجنائية للأشخاص المعنوية أكثر اكتمالاً ووضوحاً وأن الاجتهاد والاختلاف لم يبق دائراً حول إمكان إقرار هذه المسؤولية وإنما مجال الاختلاف متاح فيما يتعلق بشروط هذه المسؤولية و نطاقها.

كلمات مفتاحية: المسؤولية الجنائية، للشخص المعنوي، العقوبات.

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1-Introduction:

The evolution of social and economic life in different societies has increased the need to undertake large projects which the natural person is unable to carry out alone due to his limited potential.

Like the rest of the world, Algeria has seen a remarkable expansion in all fields, from politics to technologies, arriving to business and financial field, which led to a multiplicity of economic enterprises, commercial companies and different types of factories that spread like never before, this situation had a great effect on economic and social life of the Algeria society globally.

Following this growth, civil accountability can no longer be sufficient alone, as the penal method may be deterrent and more effective than the other method, thus, in this matter, the Algerian legislator found himself thinking of more accurate methods to combat and respond to corruption resulting from the actions of those institutions and legal entities, including his recognition as the rest of the world legislators regarding criminal responsibility.

The development of these institutions and their intervention in various areas of economic life has led to an increase in their desire to achieve material profit, which led to the intensification of competition among them, and this competition can occur under financial interests conflicts and the desire to get rich quickly, often resulting in breaking some laws , and harming social and economic life, and in the face of all these risks, the legislators found themselves in a situation that calls for thinking about how to confront the dangers that might come from these entities after it became clear to the eyes of the legislators that it is no longer sufficient to hold these entities responsible as a civil responsibility only .

Compensation for the damage that might be caused by the legal persons is no longer sufficient to combat its mere crimes, so the punishment of the natural persons who are responsible, especially under the light of jurisprudential opinion, completely rejects the idea of attributing these criminal behaviours to them due to several justifications that they cling to, such as the nature of the moral person in general, which makes it impossible to attribute the crime to it.

Also, the matters related to the type of penalties that made the principle of their approval a subject of jurisprudential controversy and legislative hesitation, except that the Algerian legislator acknowledged that its criminal responsibility which is a very excellent step, given the fact that the crimes committed brings harms the entire society and is at the expense of the interest of individuals.

Following the fact that the Algerian legislator defined many stages in the consecration of this criminal accountability and under the light of the ongoing topic, the main ambiguities that we will focus on during this study can be resumed in the following questions:

- How was the criminal accountability of legal persons established in Algerian legislation?

- What are the crimes that legal persons can be responsible for?

To answer the main problem of the topic with the questions that arise from it, this study has been divided to may chapters that includes explanation of the nature of the moral person and the penal responsibility, followed-up with the types of crimes occurring and the different sanctions that might be applied depending on the law and criminal code.

Finally, the study of the topic ends with a conclusion, which includes a brief presentation of the ideas contained in the study, and we explain what was drawn from the results that were reached through the research process.

2 – The concepts of moral person and criminal responsibility

In the following chapter, we will focus on the definition of both legal person entity and the criminal responsibility as they are the main topic of this study, also, we will bring the light upon different opinion of jurisprudence regarding the subject of the matter.

2-1- The definition of legal person:

A - Concept and notions of a legal person

The term “Legal person” has been mentioned and defined by numerous legislators and laws, all of which are afflicted to the same context, from legal person to the presumptive person but who was generally agreed by the jurist regarding the person of concern. However, knowledge of a person's idea comes only forms while addressing the

concept of the person concerned, by indicating the "definition of the person concerned" and his statement, but also by its characteristics. The expression of a person in the language of the law differs from its meaning in the ordinary language. When the word "person" is mentioned in the ordinary language, it means a person of reasonable consciousness.

As for the language and terminology of the law, it means the being with the power to acquire the right and assume the obligations, not only to a natural person but also to a group of persons or a group of funds called "legal persons"¹

The jurisprudential opinions did not agree on a unified definition of the moral person due to the difference between political tendencies and legal doctrines, and the following are some of the most known definitions:

Dr. Amar Awabdi defined the moral personality in the law as " every group of private persons or collective of funds intended for a common purpose, to be monitored for a specific period of time in order to achieve a defined purpose, to which the members of the group would have individual independent legal effect than the Group of persons or funds in the interest of a joint group , knowing that each of the group members' own and individual interests."²

Dr. Mohammed Al-Saghir Baali defined the moral personality as : "The person concerned is a group of persons or a group of funds that intensify, cooperate or monitor to achieve a legitimate purpose and purpose under the acquisition of legal personality , the legal personality relates to the ability or potential to acquire rights and assume the obligation."³

It can also be defines as a group of persons or funds that seeks the fulfilment of a particular purpose, such as some special organisms that fulfil a particular job, this idea results in a set of legal effects of its own,

¹Mabrouk Boukhazina, The Penal Responsibility of the Legal Person in Algerian Legislation, Al-Wafaa Law Library, Egypt, p.25, 2010

² - Amar Awabdi, Administrative Law, University Publications office, Algeria, 1995, p. 182.

³-Mohammed Sagir Baali, Administrative Law, Science Publishing and Distribution House, Algeria, p. 33.

such as being part of contract , and also enjoys the competence of litigation.⁴

This idea has been embraced to give legal personality a range of persons and funds, both in the field of public law such as the State, Wilaya, Commune, country or in private law, such as corporations and associations, this leads us to discover the types of legal person

B- Types of Legal person :

There are two main types of legal persons: public legal persons, and private legal persons, acknowledging the importance of private legal persons within the scope of private law, as they appear in the form of companies, institutions, and associations that are established by individuals' initiatives to achieve profit at times and achieve public benefit or public interest.

From the other side, the public legal persons occupy a much greater importance within the scope of the general law, although the moral personality theory rises under the private law. Jurisprudence divide the general legal persons into three types:

Regional Legal Persons:

They are the legal persons whose jurisdiction is related to a geographical area from the state, and it includes the state itself, and other local units that allows each region of the state to manage its local affairs through its representatives from the region's residents in the area.

Attached Public Legal Persons:

These entities shall be established in order to achieve the general interests of individuals under the control of the State or of one of its moral subordinate persons, these persons are called public bodies, enterprises or corporations.

These persons differ from regional legal persons in the fact that they are restricted to the purpose for which they were established, while the regional legal persons are restricted to the geographical boundaries of the territory they represent.

⁴ - Amar Boudayaf, Brief on Administrative Law, Djoussour Publishing and Distribution, Second Edition, Algeria, 2007, p. 1

Professional moral persons:

It is represented in organizations and unions of a professional nature, which undertake the management of public facilities established by the legislator to achieve public interests, this includes the General Union of Students, the Union of Writers, and the Professional Conference for Teachers. These persons have independence and may issue regulations for disciplining their members and practicing the profession they supervise.

2-2 The concept of criminal responsibility:

Legal responsibility is generally defined as the obligation to apply the penalty established by legal rules as the effect of an act which is derogating from its provisions, or rather as the responsibility of the wrongful act.

Criminal responsibility is a form of legal responsibility defined as the obligation to bear the legal consequences of the offence and becomes the subject of the penal obligation to impose a penalty or precautionary measure predetermined by the legislator.

Criminal responsibility is also defined as a person's obligation to bear the result of acts prohibited by law in the case of his conviction, and is also defined as the responsibility of the person for his or her criminal act by the sanction prescribed in the Penal Code, thus it is characterized by the following characteristics:

It is obvious that criminal matters are personal, so that no one can be held accountable for an offence that he has not committed or engaged in, and this idea is one of the basic principles in criminal code materials, It is intended that in modern criminal legislation only the human person is asked in general, whether it is by doing it or by being part of the offence, that is, whether it relates to positive or passive offences, punishment can only be carried out against those who have been held responsible by the judiciary for the offence.

Criminal responsibility means taking or assuming subordination, in the moral and legal situation, in which entities are responsible and demanded for the things and actions caused by a breach of law, Ethical,

social and legal rules and provisions, and responsibility in this sense may be responsible.

Through all the definitions of jurisprudence, we can define that it is the obligation to bear the effects of the law exerted from the of the elements of the offence, and the subject matter of this obligation is the imposition of a penalty or precautionary measures established by the legislature in the event of any person's held responsible .⁵

This definition means that responsibility is one of thereasons of the elements of the crime and does not fall within it, rather, it is the effect resulting from gathering all the elements of the crime in its legal formation, and when the elements of the crime are proven, it leads to the perpetrator being subjected to the penalty approved by the law according to a judicial ruling.

This definition is compatible with the derivation of the word " responsibility " to" accountability", such as asking the responsible why he chose the crime as a behaviour that contradicts the systems of the Society and reconciliation, this behaviour which result on the punishment as a social manifestation. However, the difference is clear between the criminal responsibility and the moral pillar of the crime itself, because the pillar of a crime is a beginning that demands determination of proof first before claiming the criminal responsibility.

This requirement is stipulated in article 51 bis, paragraph 1, of the Penal Code: "Legal person is responsible for offences committed on his behalf "which is also mentioned in the French legislature article 121/2 of the Penal Code.

Following the text of this article, the penal responsibility of the person concerned requires that the offence is committed on behalf of the moral person, thus, if the offence is committed on behalf of another person, penal responsibility for the moral person shall not be imposed.

The person concerned is responsible for an offence for personal benefit, for example: crimes committed for the purpose of obtaining direct or indirect advantage , however, it is noted through the application

⁵ Abdul Rahman Saleh, Criminal Responsibility for the Act of Others in Jordanian Law, Journal of Studies, Jordan, Journal 17, Ed 4, 1990, pg. 32,

of the text that it would pose a difficulty in distinguishing between the private interest and the public interest, thus making this requirement less strong than if the if the offense was by and on behalf of his representatives and in the interest of its members.

Therefore, in order for the person's penal responsibility to be held upon , the crime must be confirmed by gathering all Its material and moral elements in regards of the legal person by an organ or representative of the law, either for the goal of making a financial profit or as a bribe for an economic institution to get a deal, or to get a benefit or avoid a loss, as long as he commits this act within the exercise of his management or under management powers, even if he didn't accomplish any financial profit.⁶

3- Types of crimes and punishment prescribed:

Three main important stages of the Penal Code can be distinguished regarding crimes and penalties than can be help upon legal persons : the first provided for the Act of 10th November 2004, then second stipulated by the Act of 20 December 2006, and most recently, the 25 February 2009 law guaranteeing the moral person's accountability for new crimes.

3-1 Types of crimes in which Legal Persons can be Responsible

The Algerian legislator has adopted recently new amendments to the Penal Code with different ways of introducing provisions that stipulate for each particular offence responsibility regarding legal persons, following these amendments from the Penal Code's revision, these offences for which the person in question can be questioned are can be classified into three types:

a - Crimes against State Security and against Public Order:

Such as , spying, falsifying money, imitating official stamps, forging stamps, marks and, official , False testimony, impersonation of functions, surnames, names or abuse, also crimes against national defence interests or the national economy and crimes against State authority and the safety of the national territory, crimes of terrorism, sabotage and infringement of the national interest and contribution In the insurgency

⁶Ahcen Bousqiaâ , Brief in Special Criminal Law, Crimes against Persons and Crimes against Money, Part I, Houma House , P224

movement and the formation of a wicked, murderous and subversive association to destabilize the State and crimes committed against the system, and demobilization of houses and crimes of disturbance of the systems of Industry, Commerce, Auction and Desperate Crimes Considering the Honour of Persons and Institutions , disrespecting prophets , desecration and subversion of holy places and national symbols and crimes regarding divulging secrets.

b- Crimes against Persons :

Such as manslaughter, beatings, unintentional wounds, violence or the use of force against a judge, public officer, public agents in the exercise of their functions, arrest or imprisonment of a person, breaking into homes, trafficking in persons and trafficking in organs, smuggling migrants and infringing upon the inviolability of the dead.

c- Funds related Crimes:

Such as theft and robbery, concealment of stolen objects and monuments, issuance of an unchecked cheque, infringement of real estate property, money laundering , compromising the automatic processing systems of the food, changing the direction of the plane, poisoning, spreading infectious diseases within animals, cheating and indulgence in medicine.

There are several special laws outside the penal code that stipulate the report of penal accountability. These law are displayed according to the historical sequence of their issuance, since the issuance of Article 10 bis of the Act of 2004 November 51 establishing and enshrining the principle of criminal accountability for legal persons in the Penal Code.

The Algerian legislature even before it adopts the penal responsibility of the legal person as a general rule In the Penal Code, the procedure for its follow-up is set out in some of the provisions of the Penal Code, These special laws are :

Direct Taxes and Similar Charges Act No. 90.36 , Finance Act of 1991, amended by Act No. 91-25 of 18/12/1991 , contains Financial Act of 1992:⁷

Article 303-09 stipulates: "When violations are committed by a company or another legal person under the law , penalties and

⁷ Act No. 90-36 of December 1990, containing Finance Act 1991, Official journal No. 57 of 199

imprisonment shall be imposed against, lawful or legal representatives , and against the legal person without prejudice to the latter's penalties.”
Ordinance No. 96.22 of 09/07/1996 amending Order No. 0301 of 19/02/2003 On the Suppression of Violation of the Law and Regulation of Disposal and Movement of Funds to and from abroad

Article 5 of the Ordinance stipulates that: "A moral person who offend the set forth in articles 1 and 2 of this Ordinance are punishable by the following penalties, without prejudice to the penal responsibility of his legitimate representatives ".

Law No. 03- 09 of 19/07/2003 on offences in regards to the prohibition of provisions of the Convention of development and, production, stockpiling and use of chemical weapons and their destruction

Article 18 of the Code stipulates: "A moral person who commits an offence shall be punished. the offence provided for in Article 9 above is a fine of 5000.000. DZD to 15.000.000 DZD, a moral person who commits one or more of the offences set forth in articles 10, 11, 12, 13, 14, 15, 16 and 17 of this Act are fined five times the fine prescribed for the natural person.

Following the amendment and supplement of Law No. 04/15 of 10/11/2004, Algerian legislature adopts several penal responsibilities for the moral person as a general rule, it begins progressively expands the scope of this responsibility from criminality to certain special laws these are:

Drug and psychotropic substances offences:

offences under Act No. 04 - 18 of 25 December 2004 on drug prevention, psychotropic substances and suppression of Illegal use and trafficking⁸.

⁸ Act No. 04- 18 of the 25 of December 2004 on the prevention of narcotic drugs and psychotropic substances, the suppression of illicit use and trafficking in narcotic drugs and psychotropic substances is a formal inventory of the number of 83 issued in 26 December 2004

Smuggling offences:

offences under Ordinance No. 05-06 of 23 August 2005 on combating smuggling⁹.

Corruption offences:

offences under Act No. 06-01 of 20 on preventing and combating corruption. 1 February 2006

It should be noted that this Act has been amended. Article 53 of the Act stipulates that:

" Legal person are responsible for the offences provided for in this Act in accordance with the established rules In the penal code", the offences often related to corruption are: Bribery offence, Abuse of professional post, Misappropriation of property, Covering up corruption offences, money laundering.

3-2 punishments prescribed for legal persons:

First, the representation of legal person is determined by a particular natural person upon the President of the Court, at the request of the Public Prosecution Office, the establishment of penal responsibility of the person concerned requires the commission of the offence by his representative on his own account, and thus a person's partial accountability does not preclude penal responsibility for his representative.

The person who committed the offence accordingly, when following up on the person and his legal representative at the same time, attending natural person, cannot be represented for a legal person, this due to the conflict between the interests of the legal person himself and the natural person he represents which is excluded in some cases.

After checking the Penal Code, we find that the legislator has identified a full section relating the penalties and the punishments related to crimes related to the legal persons we find that the penalties are divided into financial and non-financial.

⁹ Anti-smuggling order, journal official, n59, 28/08/2005

A - Financial penalties:

The criminal activity committed by the legal person concerned is a cause of material or financial profit that it always seeks to realize the greatest benefit as quickly as possible, as It is the primary drive of the person concerned and it may result in a violation of the law. thus pushing him to commit fraud, fiscal evasion or disposal of toxic or chemical waste harmful to the environment and surroundings at the lowest cost and shortest Roads.... etc.

Therefore, money itself can be an effective means of deterring and punishing the mischief, and as regards to stop the person in concern to return to his criminal activities, as the general financial penalty is the imposition of the court on him by a payment of a sum of money determined by the judgement and valued and refunded to the State's treasury,

The result is an increase in the negative elements of the financial integrity of the person concerned and a redemption of the person concerned regarding positive elements, such as severe financial penalties and confiscation of elements and materials and this will have focused it in the following sections:

***The fine:**

The fine is to oblige the sanctioned person to pay a sum of money to the State's treasury, the fine is one of the most important penalties applicable to the person concerned and its attribution, so it applies on crimes, misdemeanours and infractions, as stipulated in Algerian legislation as an original punishment¹⁰ As mentioned in Articles 18 bis, 18 bis1, 18 bis 2 of the Penal Code : “The penalties applicable to the legal person in criminal and misdemeanour articles are: a fine equal to one to five times the maximum fine prescribed for a natural person in the law punishing the offence..”¹¹

To determine the fine imposed on a legal person who commits a crime or misdemeanour which the punishment is physical in relation to

¹⁰ Mohammed Hasham Mohammed Riyadh, "Criminal responsibility of the Person Concerned" Doctorate letter, Cairo University, 2000, 2001

¹¹ Articles 18 bis 02 of Act No. 06/23 of 20 December 2006, containing the Penal Code, promulgated In the Official journal No. 84, 02/12/2006

the natural person, when not stipulated in this article, the law is punishable by severe punishments, both in crimes and offences, in accordance with the provisions of article 51 bis, the question has been given to the person concerned, as The maximum amount calculated for the application of the established legal proportion of the sentence in respect of the person moral is as follows:

- 2.000.000. DZD when the offence is punishable by death or life imprisonment.

- 1.000.000. DZD when the offence is punishable by temporary imprisonment.

- 1.000.00. DZD for the misdemeanour. "

***Confiscation**

Confiscation is the dispossession of materialistic money or funds from its owner in order to forcibly add it to the State's property without compensation, confiscation is effective penalties involving a damage of a financial nature , confiscation and fine are both a financial obstacle, but they differ as the fine arises for the state as an inventory of a creditor's right, which is the right of a person to be held in court, while the confiscation has the same characteristics because it creates a right over money in one side, and from the other side, the fine is an original punishment and may be supplementary periods when confiscated are punishable by either an alternative in the material of the offences, or a supplement in the crimes, misdemeanours, or certain infractions, or precautionary measures.¹²

The Algerian legislature considered the confiscation of the object used to commit the offence or resulting from a supplementary sentence for crimes and offences under article 18 bis of the Code of crimes as to the substance of the offences were deemed to have been imposed on the confiscation of the object used in the offence, the commission of an offence or the result there shall also be a supplementary punishment in accordance with article 18 bis 01, confiscation is characterized by the advantages of being non-satisfactory in regards of the opinion of the legal person , and does not contain any compensation, also by being of legal nature , which means that it occur under the court's decision.

¹² Cherif Sayid Kamil , Criminal responsibility for Moral Persons, Dr. Aras, Dar alnahda al-Arabiya, First Edition, Egypt, 1997 , p 150

b – Non-financial penalties:

There are several repartitions of the penalty applicable to the person concerned that differ according to the standard applied by the legislator, thus, we find that Algerian legislation define its sections following the classification of the offence punishable by penalties established in the criminal, misdemeanours and penalties prescribed in the offences.

***Penalties affecting the legal person's existence:**

This means the dissolution of the person concerned or the termination of the person's existence from political or economic life, which means that it does not have any presence anymore, this penalty, "dissolution of the person concerned", is stipulated in article 18 bis of the Criminal Code.

The judge was given the authority to choose between this penalty and the other ones, namely, the closure of the entity, enterprise or one of its branches, and the exclusion from public transactions, and the prohibition from activity or a number of professions or social activities, suspension of productivity status, which is punishable by an amendment (06, 23 dated 20/12/2006), this penalty is supplementary and usually imposed besides a fine.

***Reputational penalties (publication of the judgment):**

A person's commercial reputation is the primary and main factor for attracting its customers and consumers of the commodity they produce, so it is considered to have a significant impact on his future and his activity, through the publication of convictions rendered against the person concerned, this penalty plays an effective role in deterring a legal person and preventing it from committing any criminal act that reflects on the person reputation.

The publication of the judgment means rendering it public, thus giving the right to public media and newspaper to share these information, Algerian legislation indicate this penalties prescribed for moral persons in the article 18 bis of the Penal Code regarding the publication of the judgment, without any other detailed provisions explaining how to apply the penalty or the duration of the sentence or the

C- Penalties upon the Professional Activity:

Penalties for a legal person's professional activities are based on the deprivation of his rights to engaging in the activity again, whether in the closure of the establishment or attending the professional or social activity, the penalties are frequently applied to their ease and ensure their implementation and treatment by:

***The Closure of the Shop or Establishment:**

In accordance with article 18 bis from the Algerian Penal Code, as amended (04/15 of 10 November 2004), the legislator considers it to be an original punishment, however, he limited it to a period not exceeding five years by stating: "The closure of the institution or one of its branches for a period not exceeding 5 years."¹⁴

***Prohibition of professional or Social Activity:**

Algeria's legislation has provided details for the prohibition of a supplementary penalty in article 18 bis from the Penal Code, prohibiting the legal person in concern from engaging in activities or several professional or social activities. directly or indirectly, definitively or for a period not exceeding five years, the ban can be definite or for a maximum period of five years, including one or more activities, professional or social, the prohibition may be direct or indirect, and this prohibition includes the activity in which offence is established by or on behalf of the offender, as well as other activities determined by the judge, since the text of the paragraph was broad and unlimited, it left the judge with authority to decide on the activity to which prevention refers .

D- Penalties affecting certain other rights:

There are some penalties affecting the rights of legal person which include freedom of action to achieve the goals created for her, these penalties tend to tightens more as a punishment that follow the court's decision, these penalties are:

¹³ Idriss Qarafi, Criminal responsibility of a legal Person, Doctorates thesis, University of Biskra , Algeria, 2010-2011. P 385

¹⁴ Mohamed mhedda, The penal Responsibility of the legal Person, Mohammed kheidar Universit , Ed 1, 2006, p54

***Judicial Supervision:**

Judicial supervision means placing a moral person under custody, which is a system of judicial control usually applied natural persons, as the Algerian legislature has made it possible to restrict the freedom of the person concerned by means of the situation, Judicial custody is one of the complementary penalties that may be imposed on legal person, aside with the Original Penalties.

***Removal from the public market:**

It is intended to prevent or deprive the person concerned of entry or transaction in any operation the State party is a subject of common law and this penalty is stipulated by the legislator. In article 18 bis of the Code of Penalties as a supplementary punishment "For the elimination of public transactions for a period not exceeding five years." ¹⁵

4 – Conclusion

At the conclusion of our study on this subject, we conclude that the idea of Penal responsibility for legal persons has become factual and reality within the Algerian legislature , In line with the recent global changes, and within the framework of the reform of the legislative system, the principle of the criminal accountability of persons was recognized as a general rule under Act No 15-04 and under the act 18 amending and supplementing the Penal Code, which stipulates the principle and the conditions for its application.

However, this subject still under growth and development, and needs to follow the steps applied by the juridical entities of Legislature to account for his gaps, and make it inclusive of all the legal issues raised related to it so that it becomes an effective tool in the face of the reality of the growing crime of legal persons, as one of the most important activity.

Penal responsibility for legal persons has gone beyond all stages of doctrinal controversy on the idea of adopting them or not and they have become a legitimate reality in accordance with the amendment of the Penal Code in 2004.

¹⁵ - Idris Qarfi, op.cit, p. 292

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