

The Evolution of Corporate Criminal Liability in Romanian and European Criminal Law. A Comparative Study on The Effectiveness Of Sanctions

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Abstract

This paper examines the evolution of corporate criminal liability in Romanian and European criminal law, highlighting the shift from the traditional principle *societas delinquere non potest* to the contemporary recognition of corporate criminal responsibility. The primary aim of the study is to assess the effectiveness of the current sanctioning mechanisms applicable to legal persons, through a comparative analysis of Romanian and selected European legal systems. The research traces the normative development of corporate liability in Romania, especially following the 2004 Criminal Code, and analyzes its alignment with European Union directives and Council of Europe standards.

Through comparative examination of jurisdictions such as France, Germany, and the Netherlands, the study evaluates the structure, proportionality, and practical enforcement of sanctions imposed on corporate entities. It also explores doctrinal and jurisprudential debates on the attribution of criminal liability to legal persons, evidentiary challenges, and the impact of corporate compliance programs in mitigating responsibility.

Special emphasis is placed on the interpretative role of the European Court of Human Rights (ECHR) and the Court of Justice of the European Union (CJEU), whose rulings increasingly shape national approaches. By integrating legal theory with case law analysis, the paper aims to determine whether current mechanisms serve their preventive and deterrent functions effectively, and to identify areas where further harmonization or reform is necessary.

The findings contribute to the ongoing European discourse on corporate accountability and the need for coherent, functional, and just responses to corporate crime.

Keywords: deterrence, compliance, attribution, harmonization, liability mechanisms