THE PROBLEMIC ASPECTS OF THE CRIMINAL LIABILITY AND THE CRIMINAL LEGAL ESTIMATION IN THE CONTEXT OF GLOBALIZATION

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BAUDŽIAMOSIOS ATSAKOMYBĖS BEI BAUDŽIAMOJO TEISINIO VERTINIMO PROBLEMINIAI ASPEKTAI GLOBALIZACIJOS KONTEKSTE

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THE SUMMARY (THESES)

While the trends of globalization are of considerable importance worldwide, the analysis of criminal legal impact on them is not yet widely discussed. The globalization, as the process of maximizing profits and operating businesses is crucial in modern economy. The trends of economy are determined by logic of growth and profits. In a time of worldwide globalization legal regulations are not necessary in tact with dominating trends.

Lithuanian lawmaker is trying to create legal mechanisms on the basis of existing data and current social circumstances. The forecasting of future social circumstances does not necessarily lead to proper legal regulations. As Lithuanian experience shows, implementing of criminal responsibility of legal persons does not lead to a substantial change in criminal investigations or criminal statistics. Such responsibility even though much advocated by international agreements and institutions does not play major role in evaluating criminal behavior. Another considerable drawback of legal evaluation is to be related to narrow and formal approach to the legal processes which should be changed in favor of wider and more up to date case law approach. The standards of relative ethics also play negative role for proper legal establishment.

The presentation addresses problems related to legal evaluation of criminal side of processes of globalization and presents the point of

view on three problematic areas: the responsibility of legal persons and entities, the acting person as a special offender of criminal act and confiscation of property obtained from criminal transactions.

From the pint of view of the author, the norms and regulations of Criminal Code of Lithuania should be considered modern and up to date as they provide for detailed listing of those all specific spheres. Nonetheless the reality is rather static. The regulations of law are sometimes considered as too modern and too inoperable as there are no practical or theoretical basis form such implementation.

Criminal evaluation of acts thus should be considered in wider social scope with the emphasis on the future.