

CRIMINAL INTENT AS CONDITION OF LIABILITY OF PERSONS RESPONSIBLE FOR DELICTA PROPRIA

Summary: *The paper deals with the issue of determining the criminal liability of the responsible persons, who appear to be perpetrators of a series criminal offenses from a special part of the Criminal Code of the Federation of BiH, particularly economic ones. In determining their guilt, in addition to complex evidence-based actions for the purpose of economic crimes, the law also prescribes direct intent in some places. It is reflected in the knowledge of the responsible person about his personal capacity and knowledge of the illegality of the offense. However, in delicta propria, as most of the economic crimes, the determination of knowledge as a condition for criminal responsibility of the responsible person relativizes the possibility to punish them, which leads to legal insecurity that leads to the consequence leaving unsanctioned responsible person and legal persons in which the responsible persons represent one kind of alter ego. Such de lege lata provisions are the result of dynamic changes in criminal legislation as a result of new forms of crime, criminal offenses and their perpetrators. Therefore, the paper deals with several, seemingly, separate, but necessarily related, issues that need to be matched. Based on the analysis of individual institutes of criminal responsibility, the type of criminal offenses with regard to the perpetrator's circle, and especially the concept of responsible person, the work claims to offer de lege ferenda solutions in relation to the notion of responsible person, but especially the conditions and the way of determining its punishability. The aim is with dogmatic approach to these institutes facilitate the way of finding and detecting the perpetrators of serious criminal offenses from a special part of the Criminal Code, and thereby enabling the purpose of punishment and the purpose of imposing criminal sanctions.*

Key words: *responsible person, criminal responsibility, direct intent, indirect intent, delicta propria, economic crimes, legal person.*