

The indetermination of the criminal compliance and the principle of legality [La indeterminación del criminal compliance y el principio de legalidad]

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This paper is a critical analysis of the statutory regulation of criminal compliance models in criminal law. In the following pages, the author maintains that the model imposed in Act No. 20.393 has serious determination problems, which affect the principle of legality in its attribute of *lex certa*. The creation of an enforced self-regulation model with unclear or incomplete obligations, cannot justify the imposition of criminal sanctions in the case of their infraction. An analysis of other criminal compliance models in Chile and in other jurisdictions shows, that there are alternative regulatory techniques that preserve the legality principle. The author proposes the specification of the criminal compliance mandates through infra-legal provisions dictated by sectorial regulators, while respecting the constitutional requisites for incomplete penal statutes. © 2018 Centro Estudios Derecho Penal.

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Compliance

Corporate governance

Lex certa

Prevention models

Self-regulation