

The organizational fault in non-profit felonious organizations

- Bedecarratz Scholz F.J.

Abstract

This article examines the organizational fault as a rule of attribution in the context of non-profit felonious organizations. I contend that the phenomenon of the felonious organization manifests itself in a different way in non-profits in comparison to corporations, having consequences in a different interpretation of article 3 and article 4 of Act No. 20.393. In conclusion, these organizations must implement special corporate governance principles and consider their inherent vulnerabilities in managing the risks of illegal acts, in order to fulfil their governance and compliance duties in accordance with the criminal law. © 2021 Centro Estudios Derecho Penal. All rights reserved.

Author keywords

Compliance; Corporate governance; Criminal liability; NGO; Nonprofits