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The Legal Doctrine of Forgery and Fraud in Roman Criminal Law with Special Reference to Counterfeiting

István Hottó
PhD student, University of Pécs, Faculty of Law, Criminology and Penal Execution Law Department, Hungary, hotto.istvan@ajk.pte.hu

Abstract: This paper examines the regulation of falsum in Roman law, with particular regard to forgery and counterfeiting. It outlines the gradual development of the relevant legal framework from the late Republic to the Imperial period, with special attention to the role of the Lex Cornelia de falsis and subsequent imperial legislation. Certain forms of fraudulent conduct, especially those associated with dolus malus, were originally treated as private-law delicts and sanctioned through praetorian remedies. Only later did such conduct come to be regarded, in specific cases, as a matter of criminal law. The study also considers the principal categories of offences traditionally grouped under falsum, including testamentary forgery, falsification of documents, and offences connected with coinage. Within this framework, particular emphasis is placed on counterfeiting and its transformation from a property-related offence into a form of crimen laesae maiestatis. The analysis is based primarily on the relevant passages of the Digesta and the Pauli sententiae, and seeks to identify the main elements of the Roman legal approach to falsification.

Keywords: Roman law; falsum; forgery; counterfeiting; dolus malus; Lex Cornelia de falsis

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Introduction

Roman law developed its rules on punishable conduct without establishing criminal law as a separate and systematically elaborated branch of jurisprudence in the modern sense. The distinction between ius publicum and ius privatum provided the general framework within which different forms of unlawful behaviour were assessed. This distinction has been extensively analysed in modern Roman law scholarship. Within this framework, particular importance was attached to acts affecting legal certainty and public order.[1]

Among these, offences grouped under the concept of falsum occupied a distinct position. The term covered a wide range of conduct involving deception and misrepresentation, without a clearly delimited doctrinal structure.[2]

Its legal contours were progressively shaped by statutory regulation, most notably by the Lex Cornelia de falsis, and further refined through imperial legislation and juristic interpretation.[3]

At the same time, certain forms of fraudulent conduct, especially those associated with dolus malus, originally belonged to the sphere of private law and were sanctioned through praetorian remedies.[4]

Only in a later phase did such conduct come to be regarded, in specific manifestations, as a matter of criminal law. This development reflects the gradual expansion of public intervention in the protection of legal and economic relations.[5]

[1] Kunkel, Wolfgang: An Introduction to Roman Legal and Constitutional History (Oxford, Oxford University Press, 1973).
[2] Dig. 48.10 (De falsis).
[3] Lintott, Andrew: Crime and Punishment in the Roman Republic (Oxford, Oxford University Press, 1999).
[4] Dig. 4.3 (De dolo malo).
[5] Zimmermann, Reinhard: The Law of Obligations: Roman Foundations of the Civilian Tradition

The present paper examines the legal treatment of forgery and fraud in Roman law, with particular emphasis on counterfeiting. The analysis is based primarily on the relevant passages of the Digesta, the Pauli sententiae, and related sources, and takes into account selected positions in modern Roman law scholarship, particularly the analyses of Roman criminal law and legal development found in modern literature.[6]

1. The Concept and Development of Forgery and Fraud in Roman Criminal Law

Roman juristic thought did not provide a general or abstract definition of fraud or falsification. Instead, the scope of punishable conduct was determined through concrete cases and the gradual development of legal practice.[7] In this context, the notion of falsum emerged as a category encompassing various forms of misrepresentation that affected legal certainty. A frequently cited formulation is attributed to Julius Paulus, according to whom an act constituted falsum where it misrepresented reality while being presented as true.[8]

The passage, preserved in the Collatio Legum Mosaicarum et Romanarum, does not offer a systematic definition in the modern sense, but rather reflects a functional approach: the emphasis lies not on abstract conceptualization, but on the practical identification of conduct that undermines trust in legal relations. This suggests that falsum was understood as a result-oriented category, focusing on the distortion of legally relevant reality rather than on the subjective intention alone.

The significance of the Collatio as a source must also be taken into account. Although it is not an original work of Paulus, it preserves fragments that are considered reliable for reconstructing his legal thought.[9]

Its comparative character, juxtaposing Roman and Mosaic law, further indicates that the interpretation of legal norms in late antiquity was shaped by broader intellectual and religious contexts.

The absence of a general concept of fraud is further illustrated by early Roman law. The Twelve Tables provided sanctions only in specific cases, such as false testimony, judicial misconduct, or breaches of trust, without developing a unified doctrine of fraud or falsification.[10] As a result, the boundaries of punishable conduct were defined casuistically, through individual legal provisions rather than through overarching principles. Such a development reflects the typically pragmatic and case-based character of Roman legal thinking.[11]

This casuistic approach is closely connected to the role of magistrates. The decision whether a given act of deception warranted legal sanction depended on its qualification within existing procedural and substantive frameworks. Roman law thus did not punish deceit as such, but only those forms that were recognized as legally relevant within the evolving system of remedies and criminal sanctions.[12]

At the same time, it is essential to distinguish between private and public responses to fraudulent conduct. Acts associated with dolus malus were originally treated within the sphere of private law and addressed through praetorian remedies.[13]

Only in a later phase did certain forms of such conduct acquire a criminal character, particularly where they affected public interests or the integrity of legal transactions.

A decisive stage in this development was marked by the Lex Cornelia de falsis, which provided a more structured framework for the repression of falsification.[14]

Although initially limited in scope, its application was gradually extended in legal practice. Over time, it came to encompass a broader range of offences, including testamentary forgery, document falsification, and certain forms of counterfeiting. This expansion reflects the increasing importance attached by Roman

(Oxford, Oxford University Press, 1996) 636–650.

[6] Robinson, Olivia F.: The Criminal Law of Ancient Rome (Baltimore, Johns Hopkins University Press, 1995).

[7] Zimmermann, The Law of Obligations, 636–650.

[8] Collatio Legum Mosaicarum et Romanarum 8.6.1.

[9] Hyamson, Moses: Mosaicarum et Romanarum Legum Collatio: With Introduction, Facsimile and Transcription of the Berlin Codex, Translation, Notes and Appendices (London, Society for Promoting Christian Knowledge, 1949).

[10] Zlinszky János: Római büntetőjog (Budapest, Nemzeti Tankönyvkiadó, 1995) 122–126.

[11] Watson, Alan: The Spirit of Roman Law (Athens, University of Georgia Press, 1995).

[12] Dudás, Róbert Gyula: "A római büntetőjog kezdetei," Újkor.hu (2021), https://ujkor.hu/content/a-romai-buntetojog-kezdetei

[13] Dig. 4.3 (De dolo malo)

[14] Csoknya, Tünde Éva – Jusztinger, János (eds.): A római jog alapfogalmai (Budapest–Pécs, Dialóg Campus Kiadó, 2018).

law to the protection of public trust and the stability of legal and economic relations.
This development can be further illustrated through the analysis of primary sources. In the Digest, the category of dolus malus is treated primarily within the framework of private law remedies, particularly in connection with the actio doli (Dig. 4.3). The juristic material indicates that fraudulent conduct was not originally conceptualized as a separate criminal offence, but rather as a form of unlawful behaviour addressed through procedural mechanisms aimed at restoring the injured party's position. By contrast, other passages of the Digest, especially in the later books, demonstrate a gradual shift toward the criminalization of certain forms of falsification. In particular, provisions relating to falsum (Dig. 48.10) reveal an increasing concern with conduct affecting public trust, including the falsification of documents and monetary instruments. A similar development can be observed in the Pauli sententiae, where acts of falsification are already treated within a more explicitly penal framework. These sources suggest that Roman law did not operate with a unified concept of fraud, but rather developed distinct responses depending on whether the conduct primarily affected private or public interests. Modern scholarship has emphasized this transition from private delict to public crime. While earlier interpretations, such as those reflected in Zlinszky's analysis, underline the functional unity of falsum, other authors point to the gradual differentiation between dolus malus and criminal falsification. This indicates that the evolution of Roman criminal law in this field was neither linear nor conceptually uniform, but rather characterized by the coexistence of multiple normative approaches. This duality forms a key methodological point for understanding the Roman concept of falsum.

2. Testamentary Forgery under the Lex Cornelia de falsis

The first category of offences covered by the Lex Cornelia de falsis concerned acts of falsification and destruction relating to wills and legally relevant documents. Within this field, Roman law developed a relatively detailed set of rules aimed at protecting the authenticity and integrity of testamentary dispositions.
One of the central forms of punishable conduct was the unlawful destruction or suppression of a will. The sources indicate that liability arose not only where a testament was destroyed, but also where it was unlawfully opened during the lifetime of the testator, contrary to his expressed will.[15] The protection thus extended beyond the physical document itself to the procedural conditions under which it could be accessed.
Closely connected to this was the falsification of testamentary documents. Roman law treated as falsum not only the creation of a forged will, but also a wide range of related acts, including signing, sealing, witnessing, or otherwise authenticating a false document, as well as tampering with an existing testament.[16] This broad understanding reflects the functional approach of Roman criminal law: the decisive factor was not the formal classification of the act, but its capacity to undermine trust in legally relevant instruments.
A further development is represented by the Senatusconsultum Libonianum, which addressed abuses connected with the drafting of wills. Under this decree, criminal liability attached to those who inserted provisions in a testament for their own benefit or that of their relatives.[17] The rule indicates a heightened concern for the integrity of the testamentary process, particularly in cases where the person preparing the document could influence its content. Exceptions were admitted only where the scribe acted under the explicit authority of the testator or where the disposition was directly confirmed by him.
The extension of these rules beyond testamentary documents can be observed in early imperial senatorial decrees. These measures broadened the scope of protection to include other legal instruments and official records, such as public documents and witness attestations.[18] At the same time, the sources suggest a differentiation in penalties: while testamentary forgery remained subject to stricter sanctions, certain forms of falsification of public records, especially where committed by officials in the course of administrative practice, could be treated more leniently.
The development of these rules demonstrates that the Lex Cornelia de falsis did not merely define a closed category of offences, but rather provided a flexible framework capable of expansion. In this respect, testamentary forgery represents an early and paradigmatic example of how Roman law responded to the need to protect legal certainty through criminal sanctions. The importance of testamentary formalism and authenticity has been emphasized in modern analyses of Roman private law.[19]

[15] Dig. 48.10 (De falsis).
[16] Dig. 48.10 (De falsis).
[17] Dig. 48.10 (De falsis).
[18] Dig. 48.10 (De falsis).
[19] Crook, John A.: Law and Life of Rome (London, Thames and Hudson, 1967).

The regulation of testamentary forgery under the Lex Cornelia de falsis thus reveals a broader tendency within Roman criminal law to protect the authenticity of legal acts and the reliability of written instruments. This approach is reflected in juristic interpretation and in later compilatory sources preserving earlier material on falsum[20]. At the same time, the gradual extension of these rules beyond wills to other legal documents indicates an increasing concern for the protection of legally relevant declarations,[21] a development emphasized in modern scholarship as a characteristic feature of the evolution of Roman criminal law.[22]

3. Counterfeiting and Precious Metal Offenses (Crimina Falsi in Nummis et Metallis)

The phenomenon of coin counterfeiting emerged in ancient Rome as early as the fifth century B.C., coinciding with the introduction of coins bearing images on both sides. One face typically displayed the emblem of Rome, while the reverse depicted a deity such as Jupiter or Minerva. At that time, the value of money was not determined by counting individual coins but by weighing the metal content, reflecting the intrinsic value of the currency.

The earliest written record of coin counterfeiting as a distinct criminal offense dates from the praetorship of Marius Gratidianus, under whose authority legal action could be brought against offenders through a quaestio or penal complaint. This precedent marked the beginning of the independent legal treatment of monetary forgery in Roman criminal law, foreshadowing the later comprehensive regulation established by the Lex Cornelia de falsis.[23]

Counterfeiting of money was by no means a modern crime; it was treated with gravity already in ancient Rome. During the Republican period, it was initially classified merely as an offense against property, and counterfeiters could expect monetary fines or exile.

A decisive shift occurred in 81 B.C., when Lucius Cornelius Sulla enacted the Lex Cornelia de falsis, elevating counterfeiting to a serious public offense punishable even by death. In the Imperial era, legislation imposed progressively harsher sanctions on offenders.

A crucial turning point came with Emperor Constantine's edict of A.D. 326, which reclassified counterfeiting as crimen laesae maiestatis—high treason against the emperor and the state. The prescribed punishments were exceptionally severe, including complete confiscation of property and execution by burning alive.

Later, under Emperor Theodosius II in A.D. 438, the law was further reinforced. His decrees prohibited the melting down of coins, criminalized the possession of minting instruments, and extended liability to accomplices and accessories.[24]

In A.D. 529, Emperor Justinian further refined the legal definition of counterfeiting in his Codex Iustinianus. The imperial legislation expanded criminal liability to include not only those who produced counterfeit coins but also those who traded or circulated them. Moreover, the punishments were differentiated according to the nature and gravity of the offense, establishing a more precise system of sanctions.

The codification thus represents the culmination of a long legal evolution that began with the Lex Cornelia de falsis and continued through successive imperial reforms.[25]

In Rome, preventive measures were also introduced to combat coin counterfeiting. Specialized offices known as monetary inspection bureaus (officia ad probandam monetam) were established, whose primary function was to examine and verify the authenticity of coins in circulation. Their task was to determine whether a particular coin was genuine or counterfeit, thereby safeguarding the integrity of the Roman currency system and maintaining public confidence in the monetary economy.[26]

During the rule of Lucius Cornelius Sulla, a period of comprehensive criminal law reform took place. The Roman statute enacted in 81 B.C., known as the Lex Cornelia testamentaria nummaria (also referred to as the Lex Cornelia de falsis)[27], provided a detailed regulation of the delict of falsum, specifically addressing

[20] Hyamson, Mosaicarum et Romanarum Legum Collatio.
[21] Dig. 48.10 (De falsis).
[22] Zlinszky, Római büntetőjog, 122–126.
[23] Pál Angyal, A Magyar Büntetőjog Kézikönyve, vol. 17, A pénzhamisítás, hamis tanúzás, hamis eskü, hamis vád (Budapest: Attila-nyomda Részvénytársaság, 1940), 5.
[24] Zlinszky, Római büntetőjog, 122-123.
[25] Hermann Michaell, "Falschmünzer und Falschgeld in Ostfriesland," Ostfriesische Geschichte (blog), 2021, accessed February 19, 2025, https://ostfrhist.hypotheses.org/180.
[26] Theodor Mommsen, Römisches Strafrecht (Leipzig: Verlag von Duncker und Humblot, 1899), 673.
[27] Digest 48.10.9, in Corpus Iuris Civilis, accessed February 16, 2025, http://droitromain.upmf-

the offense of coin counterfeiting.

Under this law, the following acts were declared punishable:
- the mixing of base or inferior metals into coin casts,
- the reduction of the weight or substance of minted coins,
- the imitation or reproduction of coins in circulation, and
- the intentional distribution or circulation of counterfeit money.

These provisions reflected the Roman state's growing concern with the protection of monetary integrity and public trust in the currency system.
The perpetrators of this delict were subjected to relegatio—a form of exile or banishment imposed as a penal sanction under Roman law.[28]
In the Roman Imperial period, the reverse side of coins began to bear the image of the emperor, which fundamentally changed the criminal law perception of counterfeiting. From that time onward, coin forgery was no longer treated merely as falsum—an act of falsification—but rather as crimen laesae maiestatis, an offense against the majesty of the emperor.[29]
From this period onward, coin counterfeiting came to be regarded as a delictum infidelitatis—an offense of disloyalty or treason. It was also punishable to refuse acceptance of coins bearing the emperor's image as legal tender, since such an act was interpreted as a denial of imperial authority.[30]
High treason was punishable by death. During the reign of Emperor Constantine, penalties for coin counterfeiting were determined according to the offender's social status. Members of the honestiores class were punished by relegatio (exile), while plebeians (humiliores) faced deportation and confiscation of property. Slaves (servi) convicted of the same offense were sentenced to death. An acquittal could only be granted in cases of voluntary withdrawal from the act (voluntaria regressio), which was considered a form of repentance acknowledged by imperial clemency.[31]
The severity of the regulations continued to increase in the later Imperial period. The Codex Theodosianus also prescribed the death penalty for coin counterfeiting, while Emperor Justinian went even further by excluding the possibility of imperial pardon or public clemency for the offenders.[32]
As summarized by János Zlinszky in his work Római büntetőjog (Roman Criminal Law), the principal offenses relating to coin counterfeiting and precious metals under Roman law included the following:
- the adulteration of gold bars by mixing them with other metals,
- the mutilation or reduction of coins,
- the counterfeiting of money, which also encompassed imitation by private individuals even when the counterfeit coins were of the same precious metal content and value as official currency,
- the deliberate use or circulation of counterfeit coins,
- the conscious refusal to accept genuine state-issued currency, and
- the withdrawal of small denominations (nummus minutus) from circulation.

From the reign of Emperor Constantine onward, these offenses — and coin counterfeiting in general — were frequently classified under crimen laesae maiestatis and were subject to aggravated capital punishment. Several passages of the Codex Theodosianus bear witness to this development. Even Emperor Justinian explicitly excluded counterfeiters from eligibility for imperial pardon.[33]
The punishment for coin counterfeiting varied considerably over time, depending on the historical period and the perceived gravity of the offense. Among the mildest sanctions were monetary fines and relegatio (exile). In more severe cases, counterfeiters were sentenced to forced labor, often being sent to work in mines.

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grenoble.fr/Corpus/d-48.htm#16.
[28] Dávid Tóth, A pénz- és bélyegforgalom biztonsága elleni deliktumok büntetőjogi és kriminológiai aspektusai (Pécs: Pécsi Tudományegyetem Állam- és Jogtudományi Kar, 2020), 20.
[29] Elemér Balogh, "A pénzhamisítás bűncselekménye a XIX. század első felének néhány német kódexében és a korabeli magyar büntetőtörvény-könyv tervezetekben," in Emlékkönyv Dr. Meznerics Iván egyetemi tanár születésének 80. évfordulójára, ed. Károly Tóth (Szeged, 1988), 21.
[30] Angyal, A Magyar Büntetőjog Kézikönyve,
[31] Wilhelm Rein, Das Criminalrecht der Römer von Romulus bis auf Justinianus (Leipzig: Verlag von K. F. Köhler, 1844), 787–788.
[32] Zlinszky, Római büntetőjog, 135.
[33] Zlinszky, Római büntetőjog, 123-124.

The offender's social status also played a decisive role in the determination of punishment. While free citizens typically faced severe but not necessarily capital penalties, slaves (servi) convicted of counterfeiting could be subjected to the ultimate punishment — crucifixion.[34]
These draconian penalties were justified on several grounds. This development has been interpreted in modern scholarship as reflecting the increasing identification of monetary integrity with state authority.[35] First, they served to protect imperial authority, since the right of minting coins belonged exclusively to the emperor, and any infringement of this prerogative undermined the dignity and legitimacy of the state. Second, the aim was to preserve economic stability, as the circulation of counterfeit money could destabilize the monetary system and disrupt commercial exchange.
Finally, strict repression was also deemed necessary for the maintenance of public order, as counterfeiting generated social tension and eroded public trust in the currency.

4. Judicial and Advocacy Offenses

According to Roman criminal law, several delicts were associated with the administration of justice and legal representation. Among the most significant were the deliberate rendering of an unlawful judgment (iniusta sententia consulto lata), as well as the active or passive bribery of judges in connection with the delivery or omission of a judgment.[36] Such acts were regarded as particularly serious, as they directly undermined the authority of the judicial system and the legitimacy of legal decision-making. The repression of judicial corruption formed a central element of Roman criminal law policy.[37]
The severity of these offences is reflected in later sources. Under the Edictum Theodorici, judicial bribery in capital cases was punishable by death, while in other proceedings it entailed a pecuniary sanction amounting to four times the value of the bribe.[38] Participation in, mediation of, or facilitation of such acts likewise attracted criminal liability, indicating that Roman law extended responsibility beyond the immediate perpetrator to all those contributing to the corruption of judicial proceedings.
Further delicts were closely connected to procedural conduct and the integrity of evidence. These included bribery aimed at initiating or abandoning prosecution, as well as influencing testimony, whether by inducing false statements or suppressing true evidence.[39] In later legal development, such acts were frequently subsumed under the scope of the Lex Cornelia de falsis, demonstrating the expanding application of the concept of falsum within the sphere of judicial procedure.
Roman law also sanctioned forms of procedural abuse that did not necessarily involve monetary corruption. Collusion between a party and jurors with the aim of securing the conviction of an innocent person constituted a serious violation of judicial fairness. Similarly, the disclosure by an advocate of documents received from a client to the opposing party was treated as a breach of professional confidentiality, reflecting an early recognition of duties comparable to modern legal privilege.
Additional offences included unlawful agreements with prosecutors in certain criminal proceedings and the improper handling of deposited documents. These rules reveal a consistent effort to regulate not only the outcome of judicial proceedings but also their procedural integrity. As emphasized in modern scholarship, the Roman legal system imposed strict limitations on contact between parties and adjudicators during the trial, even prohibiting visits to jurors under penalty of a substantial fine.[40]
Taken together, these provisions demonstrate that Roman criminal law addressed corruption and abuse within the judicial process through a combination of specific prohibitions and broader conceptual categories. The protection of judicial integrity thus formed an essential component of the Roman approach to maintaining public trust in legal institutions.

5. Simulation of Kinship or Rank (Simulatio Cognationis aut Dignitatis)

Roman criminal law also addressed cases involving the false assumption of personal or social identity. Such

[34] "Counterfeit According to Roman Law," Imperium Romanum, 2021, accessed February 18, 2026, https://imperiumromanum.pl/en/curiosities/counterfeit-according-to-roman-law/.
[35] Lintott, Andrew: Crime and Punishment in the Roman Republic (Oxford, Oxford University Press, 1999).
[36] Dig. 48.10 (De falsis).
[37] Bauman, Richard A.: Crime and Punishment in Ancient Rome (London, Routledge, 1996).
[38] Cod. Theod. 9.27.
[39] Digesta. 48.10 (De falsis).
[40] Zlinszky, Római büntetőjog, 122–126.

delicts included the substitution of a child (commutatio liberorum), in which only the directly affected parties were entitled to bring an accusation, and which was not subject to any statute of limitation.[41] Further offences included the feigning of family relationships for the purpose of obtaining unlawful benefits or inheritance, as well as the fraudulent assumption of rank or office (simulatio dignitatis vel officii).

At the same time, the sources indicate that not all forms of misrepresentation of status were treated uniformly. In particular, the pretended claim of free birth (ingenuitas) or civil status was not originally covered by the Lex Cornelia de falsis in the Republican period, reflecting the gradual expansion of the scope of falsum in later legal development.[42] These provisions reveal a broader concern of Roman law with the protection of social hierarchy and the legitimacy of public authority.

6. Use of False Weights and Measures (Falsum in Ponderibus et Mensuris)

During the Republican period, agents and public officials found guilty of using false weights or measures were subject to fines amounting to half of their property. Under Emperor Trajan, this offence came to be explicitly sanctioned within the framework of the Lex Cornelia de falsis, thereby extending the scope of falsification to economic and commercial practices.

The same penalty applied to those who falsified officially standardized weights and measures used in public trade, whereas the mere use of such instruments without direct falsification did not in itself constitute a criminal offence. This distinction illustrates the Roman tendency to focus on the act of falsification rather than on its indirect consequences.

Under Sulla, such offences were punishable by relegatio, while in later periods members of the higher classes could face deportatio, often accompanied by confiscation of property. For ordinary citizens, sanctions could include forced labour or even capital punishment, whereas slaves were regularly subjected to the most severe penalties. This differentiation reflects the well-known stratification of Roman criminal sanctions according to social status.

7. Calumnia (Malicious or False Litigation)

Under this designation, Roman law recognized a praetorian delict aimed at repressing the abuse of legal procedure. In particular, it prohibited the acceptance of money in exchange for initiating a lawsuit or influencing proceedings already in progress.[43]

While the Lex Cornelia de falsis addressed specific forms of judicial falsification, the delict of calumnia functioned as a broader instrument for sanctioning dishonest litigation. Any sum unlawfully received in this context could be recovered by an action for fourfold restitution within the first year, and for single restitution thereafter, regardless of whether the payer had participated in the corrupt act. This remedy demonstrates the dual civil and penal character of Roman responses to procedural abuse.

8. Dolus and Stellionatus

In connection with fraudulent conduct not covered by specific statutory provisions, Roman law developed more general categories such as dolus and stellionatus, which functioned as residual offences.[44] The introduction of the actio doli, traditionally attributed to Aquilius Gallus, provided a remedy in cases where no other legal action was available.

Judgments in such cases entailed infamia, reflecting the moral condemnation attached to fraudulent conduct, while the primary consequence remained restitution corresponding to the damage caused. The category of stellionatus encompassed various forms of deceit, including false oaths and procedural fraud, where no specific criminal norm could be applied. Typical sanctions included relegatio or forced labour, and in all cases conviction resulted in loss of civil honour.

These categories illustrate the flexibility of Roman criminal law, which was capable of addressing new forms of fraudulent behaviour even in the absence of detailed statutory regulation.

[41] Dig. 48.10 (De falsis).
[42] Zlinszky, Római büntetőjog, 122–126.
[43] Dig. 3.6 (De calumniatoribus).
[44] Dig. 4.3 (De dolo malo).

Conclusion

The analysis undertaken in this study demonstrates that the Roman regulation of counterfeiting cannot be understood merely as a set of isolated criminal prohibitions, but must be interpreted as part of a broader transformation of Roman criminal law. While in the early Republic counterfeiting was treated predominantly as an offence against property, its later reclassification as crimen laesae maiestatis reflects a fundamental shift in legal thinking, whereby the protection of the monetary system became inseparable from the protection of imperial authority and public order.[45] This development illustrates the capacity of Roman law to respond to structural changes in the political and economic organization of the state. The progressive intensification of sanctions, particularly under Constantine and Justinian, indicates that counterfeiting was no longer perceived merely as a private harm, but as a threat to the stability of the imperial system itself. In this sense, the repression of falsification formed part of a wider process of the "publicization" of criminal law, in which conduct previously governed by private remedies came to be incorporated into the sphere of public prosecution.[46] At the same time, the Roman treatment of falsum reveals a sophisticated and functionally oriented approach to legal regulation. Rather than relying on rigid conceptual definitions, Roman jurists developed a flexible framework capable of encompassing a wide range of fraudulent practices. This adaptability made it possible to extend the scope of criminal liability to new forms of economic misconduct, including counterfeiting, without the need for constant legislative redefinition. The law thus operated through a combination of casuistic reasoning and principled extension, ensuring both stability and responsiveness within the legal system.[47] The significance of these developments extends beyond the historical context of Roman law. The conceptual linkage between monetary integrity, public trust, and state authority established in Roman jurisprudence continued to shape medieval and early modern legal systems, and remains visible in contemporary criminal law. Modern scholarship has repeatedly pointed to the lasting influence of Roman legal concepts on European criminal law.[48] The persistent treatment of counterfeiting as a serious public offence reflects an enduring legal insight: that the credibility of a currency is not merely an economic matter, but a fundamental condition of political and social order. Roman law, in this respect, laid the doctrinal foundations for a legal understanding of economic crime that continues to inform modern jurisprudence.[49] Ultimately, the Roman regulation of counterfeiting demonstrates that criminal law, even in its earliest developed forms, was deeply intertwined with the structural needs of the state. The evolution of falsum from a loosely defined category of deception into a central instrument of public protection underscores the capacity of Roman law to integrate legal, economic, and political considerations into a coherent normative framework. This synthesis remains one of the most enduring legacies of Roman legal thought.

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