

## **Abstract**

This master's thesis focuses on the topic of criminal liability of legal entities, particularly on the concept of exculpation within the meaning of Section 8 subsection 1 paragraph b) and subsection 5 of the Act No. 418/2011 Coll., Act on Criminal Liability of Legal Entities and Proceeding Against Them. The reason for our focus rests in fact that the legal rules regulating the concept of exculpation in this act are highly controversial among legal scholars and legal practitioners where there is usually no relevant case law providing answers for resolving such controversies so far.

The aim of this thesis is to introduce to the domestic law a not very familiar instrument of a compliance program consisting of preventive, detective and reactive measures designed to prevent criminal behaviour within legal entities, to eventually detect such behaviour and to respond to such behaviour. Concurrently, an effective compliance program can fulfil conditions for the application of the exculpation provisions. Even though the focus of this thesis is on criminal liability of legal entities, it does not omit the context of administrative and civil liability.

The thesis is divided into four chapters. The first chapter introduces the concept of criminal liability of legal entities in a broader historic, legal and international context. This chapter also describes the circumstances related to the enactment of criminal liability of legal entities in the Czech Republic.

The second chapter focuses on legal rules regulating the rise and expiry of criminal liability of legal entities, thus especially on the relevant provisions of the Act No. 418/2011 Coll., Act on Criminal Liability of Legal Entities and Proceeding Against Them. On top of that, this chapter explains other provisions of this act relevant to compliance programmes. It is this chapter which mostly point out the controversies relating to criminal liability of legal entities in the domestic law.

The third chapter raises questions about causes of corporate criminality because the knowledge about these causes is desirable for preparation of particular measures implemented then in a legal entity. This chapter is, therefore, focused especially on criminological theories on corporate crime and criminogenic factors influencing genesis of this kind of crime.

Compliance programmes are the topic of the last chapter. It is the last chapter which seeks to achieve the aim of this thesis resting in the proposal of a system of appropriate measures, which not only fulfil the conditions for application of the exculpation provisions, but also genuinely prevent criminal behaviour within a legal entity.