

## Abstract

This diploma thesis deals with the analysis of the issue of sanctioning of legal persons as well as with selected aspects of criminal liability of legal persons. The main reason why I chose this topic is my deep interest in analyzing the discussed issues together with the evaluation of the current state of the Act No. 418/2011 Coll., On Criminal Liability of Legal Persons and the Proceedings against them, and on the basis of this evaluation to submit proposals for improvement.

At the beginning of this work, the reader will find a presentation of the basic structure, along with an outline of the main goals of the thesis, and then it will be divided into five basic chapters.

The first chapter defines the basic concepts of criminal liability of legal persons related to their sanctioning. There is a theoretical definition of a legal person due to the absence of a definition of this term in czech criminal law. After defining the theoretical basis of criminal liability of legal persons, the development of this institute is outlined, together with the question of sanctioning the legal persons that are primarily involved in this work.

The second chapter focuses on the development of criminal liability of legal persons. Due to the fact that origin of the criminal liability of legal persons is in the Anglo-American system of law this chapter is devoted to the development of this concept in the United States of America. There is also a discussion about the development within Europe, which is followed by the analysis of a rather complicated process of admission, which has undergone the criminal liability of legal persons in the Czech Republic.

The third chapter analyzes in detail the structure the Czech Criminal Liability Act. In addition, there are analyzed analytically the issues of personal competence of ZTOPO, the scope of criminalization of the criminal liability of legal persons and the analysis of imputability of the criminal act to a legal person.

Chapter Four focuses primarily on sanctioning legal persons. There are analyzed the criteria and principles of sanctioning legal persons, together with pointing out the deficiencies of the legal regulation. Primarily, there are analyzed the penalties and protective measures found in Czech Criminal Liability Act. There are also considerations of legal regulation that are enriched with lessons learned from practice. The chapter also contains draft *de lege ferenda* solutions along with relevant case law and an introduction to conditional sentencing for US legal entities.

The fifth chapter analytically presents the sanctioning system of legal persons and its origins in the United States of America. Great attention is paid here to the importance of compliance programs, which is very eminent in conjunction with the comparative knowledge in the US sanctioning system of legal entities. The separate subchapters deal with the dynamic development of criminal liability of legal persons in the United States and with prosecution agreements (DPA, NPA), where after the analysis are also reported significant cases from the practice of these negotiated agreements in the USA.

The conclusion of the thesis contains the knowledge gained during the work and follows logically inferred conclusions from this fact.