

Compliance programs and their usage to protect legal entities against corruption

English Abstract

The main aim of the thesis is to describe the phenomenon of compliance programs and its meaning for corporate entities, since nowadays in the Czech Republic, the criminal compliance takes more dominant part in the corporate culture. Described theme is actual mainly after the legislation changes of the criminal liability act and criminal prosecution against it act n. 418/2011 Sb. made by amendment n. 183/2016 Sb. The new version of the act includes § 8 art. 5, which means, that corporate entity can exculpate its liable criminal behaviour, if it exercises the maximum effort which may be demanded from it to prevent such criminal action. Thesis aims to describe this theme, compare the legal solutions in international scale and suggest possible legal changes for problematic parts of the act de lege ferenda.

The first chapter describes corruption and its structure in general and from the perspective of the czech legal system. Corruption and the fight against it is described also from the international point of view.

The second chapter adds the description of corrupt criminal offences and states some of consequential definitions needed for work with the term.

The third chapter contains the description of corporate criminal liability in the Czech Republic and uneasy, complicated development of the legislative procedure. The part of the chapter is devoted to some of the current questions in everyday legal experience.

The fourth chapter aims to explain compliance programs, how it should work, how is it executed in legal experience and the institute of the criminal exculpation from the point of view of the czech prosecution office.

The fifth chapter compares the international comparation of compliance programs in USA and United Kingdom.

The sixth chapter contains ending and suggestions for possible legal improvements of current act.

Key words – compliance program, corruption, prevention