

Sanctioning of legal persons

Abstract

This thesis focuses on criminal responsibility of legal persons, with an emphasis on sanctioning. The thesis examines the Act No. 418/2011 Coll., On Criminal Liability of Legal Persons and the Proceedings against them (hereinafter as “the Act”). Further it evaluates how is the Act applied by the courts and what are the problems resulting from the application of the Act, with focus on sanctioning. The thesis further proposes ideas for improvements, including changes in legislation *de lege ferenda*.

The diploma thesis consists of three parts. In the first part the author addresses the basic concepts of criminal responsibility of legal persons, its roots in foreign and international law, and the development of the concept in the Czech Republic. This part further describes the basic institutes of corporate criminal liability, including imputability of criminal act to the legal person, followed by explanation of the concept of exculpation and related case law. Part Two focuses on sanctioning of legal persons from the theoretical perspective. It addresses the basic institutes of sanctioning of legal persons, the purpose and the principles of sanctioning, followed by the analysis of each sanction included in the Czech Act on Criminal Liability of Legal Persons and the Proceedings against them. Part Three is the main part of the thesis, and it addresses sanctioning of legal persons from the court perspective. This part is based on the analysis of Czech Criminal Register of legal persons, and it contains information from case law issued by lower and higher courts. Information were obtained by requests according to the Act No. 106/1999 Sb., On a Free Access to Information. This part focuses on the main problems resulting from imposing the most common types of sanctions, and it further suggests improvements. Another analysed topic is the change of legislation *de lege ferenda* and the option of incorporation of a new sanction - court supervision - to the sanctions system. The conclusion of the thesis encompasses summary of information gathered in the thesis and evaluation of the effectiveness of the Act, with the emphasis on sanctioning.

Key words:

Criminal liability of legal persons, sanctioning, legal person