

Criminal liability of legal entities

Abstract

The diploma thesis is focused on criminal liability of legal entities, which was incorporated into Czech law by Act No. 418/2011 Coll, on Criminal Liability of Legal Entities and Proceeding Against Them (hereinafter "the Act"), which came into effect on 1 January 2012. The phenomenon of criminal liability of legal entities is a controversial topic, because it conflicts with many traditional principles of criminal law in the continental legal culture, which also includes the Czech Republic. Even after eight years since the introduction of criminal liability of legal entities into the Czech legal order, this topic is given constant attention in the field of doctrine and practice.

The aim of the diploma thesis is to present a complex issue of the rise and expiry of criminal liability of legal entities in the Czech Republic and to evaluate the practical and theoretical problems that this law institute brings.

The diploma thesis is divided into five chapters. The first chapter presents the reasons that led the legislature to introduce criminal liability of legal entities and presents also counter-arguments of opponents that the legislature had to deal with. The circumstances of the legislative process of the adoption of the Act and its subsequent amendments are also described. The second chapter of the diploma thesis focuses on the possible ways in which illegal acts of legal entities can be regulated by means of public law. The topic of the third chapter is a legal entity as a subject of law in general from the point of view of the effective legislation. Attention is focused on the legal definition of a legal entity, but also on the process of formation and types of legal entities. The main chapter of the diploma thesis is the fourth one, which analyzes selected substantive provisions of the Act concerning the conditions of rise and expiry of criminal liability of legal entities. The fourth chapter also points out the shortcomings of the Act and presents a solution *de lege ferenda* for problematic provisions. The last chapter of the diploma thesis describes the process of introducing criminal liability of legal entities in the Slovak Republic and describes the current Slovak legislation.