

Selected issues of criminal liability of legal persons in the Czech Republic and in the Federal Republic of Germany

Abstract

In this diploma thesis, the author deals with the issue of criminal liability of legal persons in the Czech Republic and in the Federal Republic of Germany. The aim of the thesis is to define certain key issues of the legal regulation of criminal liability of legal persons in the Czech Republic and within them to analyze controversial points, including the proposal of possible options of *de lege ferenda* solutions. In this context, the thesis is also focused on a comprehensive treatise on the legal regulation of tortious liability of legal persons in the Federal Republic of Germany. The work consists of three chapters. The first chapter is devoted to the general definition of criminal liability of legal persons and its basic concepts, the historical development of criminal liability of legal persons within continental and Anglo-Saxon legal culture and international legal obligations of the Czech Republic arising from international treaties and European Union legislation. The second chapter focuses on the substantive legal regulation of criminal liability of legal persons in the Czech Republic, specifically on its basic characteristics, the scope of Act No. 418/2011 Coll., on criminal liability of legal persons and proceedings against them, conditions of criminal liability of legal persons, possibilities of its exemption, the transfer of criminal liability to a legal successor and the cessation of criminal liability of a legal persons. The third chapter deals with the legal regulation of tortious liability of legal persons by the provisions of administrative law in the Federal Republic of Germany with emphasis on the nature of this liability, the conditions of its origin, possible sanctions and the regulation of proceedings against legal persons. The third chapter also pays attention to reform initiatives with a focus on the recently published government bill on sanctions of associations and the analysis of its basic elements. In this chapter, the author also compares the two discussed legal regulations and seeks ways in which they can be a mutual source of inspiration.