

Acting on behalf of a legal entity

Abstract

The rigorous thesis deals with acting on behalf of a legal entity after the recodification of private law. This recodification has brought a number of changes which is not different in the area of acting on behalf of a legal entity as well. The concept of a legal entity as a fictitious subject of law is intertwined with the whole concept of the institute of acting on behalf of a legal entity. The content of the thesis is structured into seven main chapters, which are elaborated in more detail in subchapters. After the introduction, which clarifies the reason for choosing the topic of this work and its outline, in the first chapter I deal to a general and necessary extent with basic terminology related to the topic of the work and then the legal proceedings themselves. The second chapter is devoted to a general description of legal entities, theories applied to the concept of legal entities and the basic division of legal forms of legal entities in our private law, not only in o.z., but also in ZOK. In the third chapter I approach the basic topic of this work, ie acting on behalf of a legal entity. I have divided this chapter into a general introduction to the actions of a legal entity in relation to representation and actions prior to the establishment of a legal entity, and then I describe the types of representation in legal proceedings on behalf of a legal entity. In the fourth chapter I deal with the bodies of legal entities and also with an overview of their usual structure, again taking into account the regulation in o.z. and ZOK, namely capital companies and cooperatives according to ZOK. In the fifth chapter, I deal with the power of attorney in the founding legal proceedings, including its restrictions, public registers and actual owners records register. In the sixth chapter I deal with the invalidity of legal acts, including partial invalidity and apparent or ostensible legal acts. In the last seventh chapter I deal with the invalidity of legal acts during acting on behalf of a legal entity and the differences in the legislation of the o.z. and ZOK in relation to the invalidity of legal acts while acting on behalf of a legal entity. At the end of the thesis I point out few current issues associated with a more significant application of the concept of fiction of a legal entity in relation to legal action on behalf of a legal entity, together with a question whether the current concept of a legal action on behalf of a legal entity is more appropriate than the concept before recodification of a private law. In both cases, the application of the principle of a legal entity as a fictitious, artificially created juridical person can be found, but after recodification with a significant shift to the application of this principle in the concept of legal action of a legal entity.