

Influential person

Abstract

The thesis Influential Person deals with the meaning of the rule contained in the regulation of business groups under the Companies Act, although the author does not consider this systematic classification to be correct. The thesis begins by discussing the meaning of the rule from the perspective of protecting the very legal personality of the business corporation, since, as he shows, the fulfillment of the act of influencing constitutes a failure of the very elementary rules on which the construction of the legal personality of the business corporation is built on. It also points to new phenomena in the law of business corporations that are closely related to the law of business groups, such as rational apathy or single-member corporations. Indeed, these phenomena are closely related to the law of business groups and, as in the case of affectation, have the effect of weakening the business corporation as a separate legal entity. The second part of the thesis is devoted to the sources of the regulation of influence. Here the author discusses the most important continental approaches, be it German concern law, the French concept of Rosenblum or partial adjustments within the framework of community law, but also Anglo-American doctrine. All of these have influenced domestic law to varying degrees. The author also deals with the development of Czech legislation in this area. In terms of the origin of the rule of influence, he concludes that its primary source of inspiration was the regulation of the institute of *beeinflussung* in German stock law. In the final part of the thesis, the author discusses the currently applicable regulation of influence itself, the definition of an influential person and the consequences that the law draws from the exercise of harmful influence. Particular attention is then paid to persons who influence a business corporation indirectly, without being part of any of its bodies, and finally also to the relationship of the institute of influence with other institutes of private law, whether it is a silent company or a *de facto* manager. The author also points out the area of start-ups, a new way of functioning of a commercial corporation, which he considers to be extremely risky in terms of the influence of external harmful influences.

Key words: influential person, influenced person, influencing