

# **Criminal Liability of Elected Civil Servants in Local Governments**

## **Abstract**

This thesis reopens a theme of criminal liability of selected special legal entities active in local governments. The issue is namely characterized by a great interdisciplinary crossover, which leads to numerous misunderstandings in legal practice and therewith to a faulty ensuing criminal liability of local civil servants. We shall, with the help of the opening chapters, devoted to constitutional, administrative and civil laws, lay trully interdisciplinary foundations, which depict the topic as an issue interweaving through the whole legal system. It is an unfailing fact, that isolation of any kind or any research limitation to the solely perspective of criminal law shall not hold.

We progresivelyly study: constitutionally guaranteed right to local government, beares and administrators of local government and a presentation of local governments in private law relationships, including e. g. the theory of forced membership of statutory corporations.

All the previously mentioned basic pieces of knowledge which naturally shaped and narrowed the subject of our study are consequently subsumed into two key chapters focusing on criminal law. The first chapter dealing with criminal law devotes itself to a systemic and logical defining of a general conception of actus reus, subsequently used as a research method in the second chapter dealing with criminal law focusing on the core of the topic, where a number of interesting insights are arrived at.

It is worth mentioning subchapters devoted to the subjective aspects of a criminal offence. Namely, guilt as an obligatory feature of the subjective aspect of a criminal offence shows in real as highly ambiguous, to say the least, as it is the most frequent reason for a withdrawal from prosecution or a dismissal of charges. Therefore, selected authors have shaped theoretical approaches which work on the assumption of the civil liability for due care of a prudent manager, which should help to unveil the two main elements of mens rea - perception and intention - therewith strenghtening the legal certainty in all the participants. Standards of care constructs, as all the above stated theoretical approaches serving the purpose of finding out the specific ways of culpability may be generally referred to, then conclude the theoretical part of the work.

The last chapter represents the practical part, offering a general analytical perspective of the subject matter. It provides a basic overview and selected data, including their description, which are typical for the topic. a part of the enumerated pieces of knowledge served for the final conclusion, which creates a symbolic ending of the entire thesis.