

Abstract

The primary focus of this thesis is a state-owned enterprise, its basic characteristics, the State-Owned Enterprise Act as its principal source of legislation and its status given by some other laws.

The state-owned enterprise is a state organization and a specific organizational legal form of business through which the state carries out management of its property, carries on a business and thereby fulfills the purpose for which state-owned enterprise was founded. Specificity is manifested mainly by its property itself, the relationship to that property, the way of establishment and by performance of quasi-shareholders' rights. The main attribute of state-owned enterprises and state organizations in general is incapacity of possession of property rights. Inability of ownership does not only contrast with the ability to bind, but also raises questions concerning the legal personality. The relationship to the property has been expressed by rather vague "right to manage", which has not been used yet.

The state-owned enterprise is regulated mainly by the State-Owned Enterprise Act. This regulation, though very brief in scope, has the ambition to be comprehensive legislation for state-owned enterprises. Nevertheless it is not sufficient for the treatment of all possible legal relations arising from the business. Therefore, in my thesis I deal with the possibility of applying other legislation and its potential impact.

The special nature of the state-owned enterprise raises the discussion of private or public nature of state-owned enterprise, which is crucial in case of further legislation. The dissertation looks at how, under which conditions and with which consequences other legislation falls on the state-owned enterprises in comparison with other alternative legal forms of business – state organizational units, contributory organizations and joint stock companies owned by the state.

Finally, I summarize the shortcomings of the legislation, the current situation of state-owned enterprises and the possible scenarios of future development of the legal form of state-owned enterprise.