

Abstract (Summary)

The presented paper focuses on adjusting a state enterprise (state – owned enterprise) as a receding form of public enterprise. It sets upon itself a task of clarification, whether this legal form, which has been dominant in the past, is henceforth suitable for use in the present body of laws.

Professional literature was studied to acquire relevant knowledge, legal provisions, judicial decisions, and other documents.

State enterprise is a specific legal entity conducting business with national property, which has a unique public function and is supposed to generate net operating income. Its institutor can only be a state, that has a similar status as a sole partner of a business entity. Unlike other legal entities engaging in business, the state enterprise doesn't have a legal capacity to acquire assets for itself, but does acquire assets for the state. It is not liable for state obligations and state is not liable for obligations of the enterprise at the same time. This structure causes problems, because it is not consistent with a current legal rule.

The paper examines general characteristics of state enterprise, historical development, effective legal enactment, property status of state enterprise, definition of sphere of authority between a founder and business bodies, and business relations status. Furthermore, it pursues a context in valid legal order, especially the right to information, placing public contracts, and external audit of management.

The next part of the paper briefly presents some of the most notable state enterprises and state enterprises, which are terminating business activity. State enterprises are compared with other legal forms, that are an alternative to them, with joint-stock companies and state-funded institutions, just as well as with Slovakian enactment, that is based on formerly active federal law.

The last chapters describe state enterprises in European and international context, and evaluates the impact of recodification of private law on legal regulations of state enterprises.