

Abstract

Topic of my diploma thesis is The Administrative punishment of legal persons. Liability of legal entities is considered to be very actual and controversial at the present time not only in the Czech republic, in connection with criminal law reform, but in the whole Europe. The solution of problematic question of effective sentencing legal persons and deterring them from other illegal activities, has been a frequent issue of political professional a nonspecialists discussion during the last ten years.

This thesis describes czech system of public liability of legal entities, which is suffering from numerous imperfections.

In the first chapter I define and specify administrative punishment and its basic principles, focusing on principle of humanity, principle of legality in its four forms (*nulla crimen sine lege stricta, scripta, certa, praevia*) and principle of subsidiarity of criminal repression.

The following chapter is focused on administrative liability of legal person. The theory of legal persons as a mere fictions is obsolete and they are considered to be real and self-dependent legal subjects with potency to act. Unfortunately, very often they act unlawfully. The consequences of this conduct may often be huge and very difficult to restore. In this chapter I define legal entity, using civil and corporation law, because administrative law either criminal law doesn't contain definition of this basic institute. Then I define administrative misconduct with using its signs.

Third chapter involves sanctions, which administrative body can impose for delict to legal entities. Basic principles of punish are not declare in administrative law, so we have to use principles of criminal law. The most used sanction is fine. In acts are fines define with using the upper limit of rate. Administrative body have to impose fine within this limit using basic principles of punishment, which means they have to take account on proportion of offenders and relevance of committed delict, special case is when offender commits more delicts earlier than he is for one of them punished. In this case can administrative body exceed the upper limit of rate.

In the next chapter I outline how is the delictual liability of legal persons solved in the chosen European states, including England, the country of anglo-american legal system, where criminal liability of legal persons is traditional legal institute. Whereas

the choice whether to punish legal persons in criminal, administrative, or private law is absolutely left on the consideration of the states, no world unified type of delictual liability of legal persons has been created and there are many types of delictual liability of legal persons even in the Europe. We are meeting with type of true criminal liability of legal persons (England), type of pseudo-criminal liability of legal persons (Slovakia) and type of administrative liability of legal persons (Germany).

In fifth chapter I focused on the criminal liability of legal persons in Czech republic given The criminal liability of legal persons and procedure against them act, which is effective from 1st of January 2012. I summarize reasons for and against introduction of criminal liability. With introduction of criminal liability is connected another problem, contradistinction of criminal and administrative delicts, it is what my final chapter is about.

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