

ABSTRACT IN ENGLISH

Criminal liability for breach of the duty of due managerial care

The aim of this thesis is to analyze the duty of due managerial care and its attributes for the members of the statutory bodies of the capital companies including the rule of entrepreneurial judgment, the instructions of the General Meeting, the delegation of powers of the statutory body of entrepreneurial judgment and the criminal law aspects of the violation of the care of a goodman. The diploma thesis consists of four chapters. The first chapter briefly describes the basic issues of capital companies. The second chapter deals with the duty of due managerial care of the statutory bodies of capital companies and its attributes, emphasizing the changes brought about by the recodification of private law. First, the duty of loyalty is analyzed, as one of the basic stones of duty of care of a good manager, then attention is paid to the expected care and the approach of its definition. The third chapter deals with general parts of criminal law, which first deals with the possibility of using criminal law, and the attention is then paid to the subjective side and unlawful circumstances. The circumstance of exclusion of illegality is highlighted by a mistake, especially in the context of expert advice, by its influence on criminal liability. The fourth chapter is devoted to a specific part of the Criminal Code and deals with basic crimes connected with activities within the territorial functions of statutory bodies, namely offense of embezzlement, violation of the obligation to administer foreign property, violation of the obligation to manage the foreign property due to negligence, causing bankruptcy, misrepresentation of the state of the economic result and wealth, and misuse of information and position in the business.