

Theoretical concept of legal acts of juristic person

Abstract

This diploma thesis aims to analyze the legal acts of juristic persons from a theoretical point of view and also what practical implications this concept brings.

It is divided into three chapters, while the first chapter is divided into three subchapters and is devoted to basic concepts in law and their concept in connection with juristic person. The first subchapter deals with legal personality, especially the subjectivity of a juristic person. The second subchapter deals with legal acts and how legal acts differs from behavior. The third subchapter focuses on legal capacity. Particular emphasis is placed on the legal capacity of juristic persons and on whether it is possible to speak of legal capacity in their context.

The second chapter is divided into two subchapters. The first subchapter concerns the development of the very concept of a juristic person. The second subchapter describes selected theories of juristic persons. These are theories of will, interest, combined and modern theories, with emphasis on the theory of fiction and organic theory. The conclusion of the second chapter consists of a treatise on how the theory of fiction and organic theory have been reflected in the Czech legal system over time.

The third chapter deals with selected practical issues related to the legal conduct of juristic person. It is divided into three subchapters. The first subchapter is devoted to the legal regulation of the statutory body and the nature of the representation of a juristic person as a member of the statutory body. Whether it is a legal, contractual or sui generis representation. The second subchapter concerns the power of attorney, whether it is possible for a procurator to exceed his representative authority and whether Czech legislation allows a member of a statutory body and a procurator to act together. The third subchapter deals with other possible representatives of a juristic person or entrepreneur.

The conclusion is a summary of findings and answers to the questions asked in the introduction.