

## **Abstract**

This diploma thesis deals with bribery offences which constitute the core of the criminal law prosecution of corruption in our country. Initially, the text discusses the notion of corruption and bribery, then it deals with the development of legislation in this area from 1852 to the present time. The paper also analyses the consequences of changes in the concept of criminal offence under the current Criminal Code (Act No. 40/2009 Coll.) in comparison with the previous one (Act No. 140/1961 Coll.). Attention should be given mainly to the fact that formalizing the concept of crime did not bring desired clarification to the facts of crime of the criminal bribery offences. The goal of this diploma thesis is a deeper analysis of the current regulation concerning bribery offences. The Criminal Code which is currently in force recognizes crimes of Accepting Bribes, Bribery and Indirect Corruption. The core part of this work presents an analysis of key notions in the field of bribery offences such as bribe, general interest, official and business person. The text also contains a treatise on the regulation of bribery offences in the Slovak Republic and the Federal Republic of Germany. In conclusion, there are presented some proposals *de lege ferenda*, which are based on a detailed analysis of the Czech legislation and the legal treatises on foreign legal regulations. These proposals would lead to more accurate and more transparent bribery offences and ultimately to extension of the number of crimes affecting the core of the corruption in the Criminal Code.

Criminal law should act as an *ultima ratio*. The means of criminal law are to be applied only if an offence is not punishable by any other less invasive means of law. Bribery as a negative phenomenon is not only a very serious topic, but also a very current topic as shown by nationwide discussion. Regarding the concept of criminal law as a tool of *ultima ratio* in connection with the principle of subsidiarity of criminal repression as a resulting principle from this concept, it is doubtful that in the field of punishing bribery do not exist relevant administrative offences or relevant private law penalties (provisions regulating unfair competition might be an exception). The facts of crime in the offences of bribery are not specific enough and in conjunction with legally undefined concept of general interest, the addressee may not be certain whether he is

practicing according to the law. The question is whether these facts of crime are in compliance with the constitutional principle *nullum crimen sine lege certa*. All these issues are pointed out in the text.