

Sanctioning of legal persons

Abstract

Sanctioning of legal person is a topic that is more than relevant. Although the phenomena of criminal liability of legal person is not unknown to the continental Europe, rapid development can be seen in the second half of 20th century and in the beginning of the 21st century where most of European countries enacted laws regarding criminal liability of legal persons. The Czech Republic enacted the Act No. 418/2011 Coll. on the criminal liability of legal persons (hereinafter „ZTOPO“).

This diploma thesis is divided into six parts. The first part is about criminal liability of legal persons in general. It provides a quick historical evaluation and analysis of the term criminal liability of legal persons itself, then it is focused on the ZTOPO. The second part is focused on compliance program with regard to its function, preferable content and relevant case law. The third and fourth part is the core of this diploma thesis. The third part solely focuses on sanctioning of legal entities under the ZTOPO. It separately describes every sanction that could be imposed under the law and focuses on the deficits of the legislation. The fourth part describes the criminal liability of legal persons in France, Germany and Austria and thus provides international comparison with the ZTOPO, including relevant statistic data. The fifth part provides statistic data of the usage of the ZTOPO. The sixth part describes author's proposals *de lege ferenda* that could serve as an inspiration for the legislative body.

While evaluating the ZTOPO, the author praised its flexibility regarding very wide amount of possible sanctions that could be imposed under the law. On the other hand, the author criticized very benevolent conditions under which the sanction of dissolution of the legal person can be imposed or the secondary consequences that are tied to the sanction prohibition of participating in public tenders. New sanction could be placement under the judicial supervision.

Klíčová slova:

Sanction, Punishment, Criminal liability of legal persons