

# **Criminal liability of legal persons**

## **Abstract**

The thesis deals with the issue of criminal liability of legal persons. Author describes the basic institutes of the attributability of criminal liability and analyses in detail the issue of transfer of criminal liability to a legal successor.

The thesis is divided into five separate chapters. The first chapter deals with the introduction of the Act 418/2011 Coll. on Criminal Liability of Legal Persons and proceedings against them (hereinafter referred to as "ZTOPO") into the Czech legal system, together with a list of arguments for and against its implementation and describes the progressive development of the regulation and its application in practice.

In the second chapter, the author analyses the concept of criminal liability of legal persons as regulated in the ZTOPO. Form of criminal liability is called real, derivative, subjective and concurrently independent, where its form is compared with other concepts which are regulated to a certain extent differently across other European countries.

The third chapter focuses more closely on the very core of the regulation of corporate criminal liability, the attributability of criminal liability. As a legal person cannot act alone due to its nature, its liability for an unlawful act is derived from the actions of a natural person who acts on behalf of the legal person, provided that the legal criteria are met. The chapter also discusses the clause that allows a legal person to be exempted from criminal liability provided that certain requirements are fulfilled.

Chapter Four and Chapter Five are designed to introduce the reader to the issue of the transference of criminal liability. Unlike the regulation of natural persons, criminal liability does not have to expire with the dissolution of the legal person but passes to its eventual legal successor. Next, the chapter five analyses in detail transfer of criminal liability to singular legal successor, where author uses current case law and points out the weaknesses in the regulation.

**Key words: Criminal liability, attributability, legal succession,**