

Criminal aspects of public procurement in the construction sector

Abstract

The thesis deals with the issue of criminal aspects of public procurement in the construction sector that affects at least three legal sectors, namely criminal law, business law and administrative law. Due to the complexity of the chosen topic, the aim of the thesis is to identify the limits in the framework of public procurement of construction works, the exceeding of which is a violation of criminal law. Therefore, the thesis provides a brief outline of the legal regulation of public procurement. It further accentuates the specifics of the construction market in the Czech Republic and maps out the facts of offences specifically related to public procurement as well as the facts of other related offences.

The introduction of the thesis offers, among other things, an insight into the summary of the state of knowledge of the issues of this thesis that is further divided into four chapters.

The first chapter deals with the appropriate definition of the relevant terms, the exact meaning of which needs to be properly set and understood for the analysis of the related offences.

The second chapter deals with the definition of the theoretical concept of perpetration in relation to the relevant offences and in a broader context, for example, the specifics of the construction market in the Czech Republic.

The third and most comprehensive chapter is devoted to a detailed analysis of the facts of the relevant offences, taking into account the most recent case law of the Supreme Court. Particular attention is paid to terminological inaccuracies used in criminal law. In the second part of the third chapter, the most frequent concurrences of the relevant offences with other offences are discussed. The interpretation also reflects the recent case law of the Supreme Court.

The subject of the fourth and final chapter is, in the first part, a probe into the application practice of the courts of the general judicial system in terms of statistics. In Part Two, Chapter Four examines the legal and factual status of some Supreme Court decisions.

The conclusion of the thesis further provides a conceptual summary of the whole issue and some *de lege ferenda* considerations.

Klíčová slova: public procurement in the construction sector, criminal law, criminal liability of legal persons, concurrent of offences, terminological nuances