

The Interest of the Business Corporation and its Protection

Abstract

This thesis is about the general interests of business corporations. It creates a comprehensive overview, designed to enable the reader to become acquainted with the basic factors which are shaping such interests. While maintaining the link to Czech legal regulation and jurisprudence, it describes the nature of business corporations' interests at a basic level and it points to legal institutions that might indirectly complement this idea.

The objectives detailed above are pursued in three ways, each of which is considered in one of the three parts of the thesis. The three parts follow each other sequentially, leading the reader through a comprehensive path to understanding some areas of the law that, at first, might seem unrelated. It sets basic distinguishing criteria for the different types of business corporations. These criteria are important for the thesis' eventual conclusions, which are in the theoretical level related primarily to capital companies.

In the first part of the thesis, there is a brief summary of the historical development the economic aspect of business corporations and a discussion on conflict of interest issues, both inside and outside the corporation, which influence corporate interest. The second part deals with the mechanism of an actual formation of the interest of the corporation and offers the summary of the theoretical concepts representing the effort to define the interest of the business corporation on the academic level. The third part of the thesis presents some of existing examples of corporate interest's protection.

The thesis then combines a summary of basic doctrinal attitudes with a cross-sectional analysis of main elements of corporation's legal status. In conclusion, it proposes that it might be appropriate to perceive the independent self-standing interest of business corporation as one of its essential characteristics, and to reflect this legally. Furthermore, it proposes an extensive approach to the interest of the business corporation through the analysis of the protective regulation of the interest groups, which may represent the final element of truly protecting the business corporation's interests.

Keywords:

Corporate interest; interest of business corporation; corporate interest protection; model of corporate governance; Entity Maximisation and Sustainability Model.