

Abstract

Legal professions and their role in combating money laundering

The submitted thesis deals with the topic of combating the legitimisation of proceeds of crime for which the term 'anti-money laundering' (AML) is appropriate, while focusing on the role of legal professions represented by lawyers and notaries. This is a controversial topic because lawyers and notaries can act in different roles. On the one hand, when performing monitored activities, they have the status of an obligated person who applies AML measures in relation to their clients and their businesses in order to prevent the abuse of the financial system for money laundering. On the other hand, they fulfil the role of “*gatekeepers*” to money laundering efforts, due to the varied nature of services they provide. The aim of the thesis is to present these different roles of legal professions and to find out whether the Czech legislation in the area of AML has any significant shortcomings. In this context, it is also a task to evaluate the functioning of the AML system in the Czech Republic with a focus on legal professions and their most vulnerable services. To achieve the set goals in the thesis the methods of description, analysis, synthesis and comparison is mostly applied.

The thesis provides an overview of the process of money laundering, the institutions that are involved in the fight against this criminal activity, and the obligations arising from the AML Act. It therefore focuses on an analysis of the practice of law and notary with reference to the institute of professional secrecy and summarizes the analysis of the risks of the legal profession in relation to money laundering. Providing services related to the safekeeping of money presents a significant risk of money laundering. The level of risk differs for lawyer and notary safekeeping, which is caused by different rules. The reflection of this fact in practice is demonstrated by a selected case study. The application and practical problems that detected in the fulfilment of AML obligations by the legal professions, and the issue of the effectivity of administrative supervision performed by professional chambers, form the basis for the subsequent analysis and evaluation of the Czech AML law *de lege lata*. Reflections on the need for new legislation are continuously outlined in the thesis. *De lege ferenda* solution is, among other things, based on a comparison of the Czech legislation in the area of combating money laundering with the German legislation, which is in some ways inspiring.