

Abstract

Liability of a legal person in perspective of the doctrine of vicarious liability

The purpose of this thesis is to present a comparative analysis of the doctrine of vicarious liability with the Czech legal regulation of legal liability of legal persons. The doctrine of vicarious liability has been developed in the common law and is applied mainly in the field of liability of an employer (typically a legal person) for the torts of an employee or an agent of the employer. It has a long tradition in the common law, as the origins of the doctrine can be traced back to the 13th century. On the other hand, the Czech legal regulation of legal liability of legal persons has been established relatively recently. This means that a comparative study of these two legal systems may provide possible *de lege ferenda* suggestions for the Czech legal system, which may find inspiration in the common law.

In connection with this aim of the rigorous thesis, two partial aims can be outlined, which are necessary for the comparative study itself. These aims are the analysis of the doctrine of vicarious liability and the analysis of the Czech legal regulation of legal liability of legal persons.

The first part of the rigorous thesis is an introduction to the issue of legal liability, as it deals with legal liability in general. It deals with the functions and elements of legal liability as well as its conceptions.

The following is a comprehensive analysis of the common law doctrine of vicarious liability. At first, the concept of the doctrine itself is explained, followed by a focus on its historical genesis, which is of key importance, as the doctrine of vicarious liability was developed within the framework of precedents and its present form has been shaped by individual cases. The analysis then examines the prerequisites that must be complied with in order for the doctrine to apply. The conclusion of this part of the thesis is devoted to the theories that explain and justify the creation and existence of the vicarious liability doctrine.

Next chapter of the thesis is devoted to the Czech legal regulation of the legal liability of legal persons. This issue is analysed comprehensively from the point of view

of private law regulation, but also from the point of view of public law regulation (in this area the analysis is focused mainly on criminal and tort liability).

The following chapter deals with the comparative analysis of the legal regulations and whether the construction of the liability of legal persons in the case of the vicarious liability doctrine is similar to the construction of the liability of legal persons in the Czech legislation. In other words, whether both legal systems are built on the same principles.

Klíčová slova: legal liability, legal person, the doctrine of vicarious liability