

Abstract

Criminal proceedings against legal entities

This diploma thesis focuses on procedural provisions of Act No. 418/2011 Coll., On Criminal Liability of Legal Entities and Proceedings against them, which has undergone many changes since the 1st January 2012 and is constantly evolving since the criminal liability of legal persons is in the legal order of the Czech Republic still a relatively novelty and therefore a current topic. The Act has been subject to criticism prior to its entry into force, which in some aspects is still up to date even today. Simultaneously with the development and changes of the law itself, the opinions of the professional public and professional literature are developing, which responds to these changes, but on some issues, it still awaits the relevant case law of higher courts.

The work is divided into three parts. The first chapter deals with general issues of criminal liability of legal persons and their development in the Czech Republic. This part contains also a brief summary of the development of the Slovak regulation of the criminal liability of legal persons, which has been influenced and inspired by the Czech legislation, and it is interesting to see their mutual development in the future as well.

In the second chapter, the diploma thesis deals with reasons of different legal regulation of criminal liability of legal entities and proceedings against them. In particular, the nature of legal entities as such which arises from their understanding by the civil law, and also its relation to the legal regulation of administrative punishment.

The third chapter builds on the second chapter when it discusses the individual provisions of the Criminal Liability Act of the legal entities and points out the differences in the treatment of criminal proceedings against individuals. This chapter also focuses on some legal gaps criticized by the professional public and their possible future case law.

The conclusion of the thesis contains a summary of the problem areas of the legal regulation, evaluation of its current development and also some considerations regarding the possible and suitable future development and amendment of the law.