

Criminal proceedings against law entities

Summary

The Act no. 418/2011 Coll., Act on Criminal Liability of Legal Entities and Proceedings Against Them came into force on 1st January 2012. Up until that point the legal entities could not have been prosecuted for crimes, because we had only personal liability in our country.

The purpose of this diploma thesis is to research the procedural part of Act no. 418/2011 Coll., the criminal liability of legal entities and proceedings against them in more detailed way, especially discuss the specific differences in criminal procedure against legal entities, which differ from the general provisions in criminal procedure against natural persons. These specific differences contain provisions of provisional and protective measures, acts of legal entities, defense of legal entities and specific executions of punishments, which can be inflicted only to legal entities.

This thesis mentions legal acts of international law, legal acts of European Union law and legal acts of national law. Moreover, the thesis contains references to articles and publications by notorious Czech criminal law experts, who research the problematics of the criminal responsibility of legal entities. This thesis includes some important judicial decisions, which were issued and are related to criminal procedure against legal entities.

Moreover, the work mentions except for the above mentioned provisions even those, which are not mentioned in the Act, but they can be used during the criminal procedure as well (for example compliance program, diversions in criminal proceeding including statistical data of usability, principle of prohibition of forcing self-incrimination, institution of criminal procedure against juveniles and legal entities together).

Thesis also mentions some of the institutions of substantive law, those however are mentioned only marginally and only in such cases, where a significant relevance to the procedural law can be spotted.

In the end of the thesis, the author of it judges the Act and he proposes new approaches *de lege ferenda*, which could benefit the Act in his humble opinion.