

Criminal proceedings against legal entities

Abstract

Regarding the character of a legal entity as a fiction, criminal proceedings against legal entities differ in many ways in comparison with standard criminal proceedings against a natural person. The aim of this work is to analyze certain specific institutes, whose interpretation and application is problematic with respect to the interweaving of the procedural regulation contained in Act No. 418/2011 Coll. on penal liability of legal entities and proceedings against them, with the classic regulation contained in the Criminal Procedure Act.

This thesis is divided into two main parts. The theoretical one, which serves as the introduction of the whole work, briefly discusses traditional topics related to the substance of penal liability of legal entities, i.e. reasons for its adoption, its concept, its sources and legislation, including their ongoing changes. The merit of the work is, however, its special part, which in six chapters deals with specific institutes and issues of criminal proceedings against legal entities.

Gradually, in the special part of this thesis, the issue of the representation of a legal entity in proceedings is analyzed and individual subject that can perform acts on behalf of a legal entity in criminal proceedings are discussed. Furthermore, the work deals with the right of a legal entity to refuse to testify in proceedings against itself and it also analyzes the related principle of the prohibition of coercion of self-blame. The special part also includes the summarization of topics like joint proceedings against natural person and legal entity or the issue of detention institutes applicable against legal entities, which are dealt with in terms of those applicable from the general regulation of criminal proceedings, those excluded by nature and finally those concerning exclusively legal entities. The existence of the burden of proof lying with a legal entity in relation to proving certain facts during proceedings is further analyzed and refuted. The final chapter of the special part contains the analysis of the relationship between criminal and misdemeanor proceedings with an indication of situations that may occur in practice.

Klíčová slova: criminal proceedings, legal entity, criminal procedure