

## **Selected Issues of Criminal Proceedings against a Legal Entity**

### ***Abstract***

As the name implies, this work deals with selected issues of criminal proceedings against a legal entity. In the presented work, the author aims to draw attention to some difficulties that may arise in criminal proceedings due to the typical nature of legal entities, and to the selected institute of criminal procedural law comparison of the application of principles of criminal proceedings between natural person and legal entities.

In fact, the initial problem may be that the current criminal law relating to legal entities is launched briefly. Therefore, this work reflects the current special legislation governing criminal proceedings against legal entities in the sense of Act No. 418/2011 Coll., of criminal liability of legal entities and proceedings against them, applying the relationship of subsidiarity to the general legislation of criminal procedural law, namely Act No. 141/1961 Coll., of Criminal Procedure. At first, the author briefly addresses the question of whether the principles of criminal proceedings apply to criminal proceedings against a legal entity. For the purposes of further formulation of this work, the author simultaneously discusses in the first chapter the principle of equality before the law.

In other parts of the work, several institutes of criminal proceedings are discussed, where it is pointed out in particular to compare their applications in criminal proceedings against a natural person compared to proceedings against a legal entity, looking at the principle of criminal proceedings. However, the author also focused on selected institutes to compare their application in criminal proceedings between legal entities themselves.

Therefore, in the wording of this work, the author refers to a large extent to the opinions of the professional public, as well as to the conclusions of the decision-making practice of the Constitutional Court, the Supreme Court, but also the general courts. Decisions of the European Court of Human Rights and the Court of Justice of the European Union are also being worked on. For the purposes of the presented work, the author then selected several foreign countries, with which he compared both legislation and, in some cases, professional practice.

However, the author's attention is focused not only on the problems already appearing in practice, but also on those potentially impending. Thus, this work can be perceived as an effort to create a comprehensive analysis mapping the full, modified or limited application of the principles of criminal procedure in relation to legal entities, which reflects the current legislation, as well as professional practice. In some of his partial conclusions, the author resorts

to the search for solutions through legislation, other times there are *de lege ferenda* considerations.

**Key words:** criminal proceedings – legal entity – principles of criminal proceedings