

Europeanisation of Criminal Law

Summary

Through the use of common adaptation of the basic principles of criminal law in the European dimension there is a possibility to remove an opacity and inefficiency of individual national and international instruments of criminal law so far. This effort can be the best observed in the procedures of the European Community or European Union. It should all happen by harmonizing laws and strengthening cooperation between the European Union member states.

Integration of criminal law is pointed to be done in three main directions. First, it affects substantive criminal law by harmonizing particular merits of criminal offences. Second, it already affected criminal procedure by achieving mutual recognition of judicial decisions. The third way of integration is the institutional framework for judicial cooperation in criminal matters, followed-up by institutions of criminal cooperation.

Criminal law as a public law is closely related to the state sovereignty. This fact, even today, suspends the opportunity to create sort of unified system of transnational criminal law within the European Union. Moreover, the very concept of criminal law is not clearly established in European law as it is in Czech law. For example, it includes even different illegal dealings than regular criminal offence as we know in Czech law. That is the reason why we could not unambiguously speak about substantive criminal law and criminal procedure in European context.

On the other hand, efforts coming from European Community and European Union towards the harmonization of criminal law between European Union member states are not negligible. Recent level of integration in addition to expansion of cross-border crime would not allow European Union member states to stay cold about this issue.