This thesis deals with the topic of privilege against self-incrimination of legal entity in administrative proceedings and in offence proceedings. The following reasons led me to the choice of this topic. First of all, it is a multidisciplinary topic involving criminal law, criminal administrative law, constitutional law, and private law, especially the regulation of legal entities. Furthermore, with the exemption of decision-making praxis of courts, and a few academic essays, attention hasn't been paid to this topic in its complexity. For this reason, this topic has offered novelty and the possibility of observing the progressive development of judicature, especially the decision-making praxis of the Supreme Court of the Czech Republic, the Supreme Administrative Court of the Czech Republic as well as the Constitutional Court of the Czech Republic and the European Court of Human Rights.

The first part deals with the historical origins of privilege against self-incrimination and development of the criminal proceedings over the centuries. Special attention is paid to the fact, that privilege against self-incrimination was originally part of criminal proceedings until the 12th century, when this privilege was removed from the canon law and replaced with the inquisitional process which was linked with the torture of the accused. Later, this new type of process permeated into criminal law. This new type of process became under criticism especially in England in the 16th century and later, when some attorneys advocated for its abolition. Finally, English law was the first law system which accepted the fact that no one could be forced to produce evidence against himself in criminal proceedings. This restored principle was later adopted in the United States of America because of the fact that this principle was an original part of the law in the first English colonies in New World. The impact of the aforementioned process in England and the United States of America was not isolated; Europe followed this development over the 18th and 19th century, firstly through France, followed by German speaking countries - among them the Habsburg empire. The most important conclusion of this part is the fact that privilege against self-incrimination was originally intended only to protect human beings, not legal entities. The result of the renaissance of the privilege against self-incrimination was the protection of human beings, its corporate integrity and human dignity, not the protection of economic interests of legal persons. This conclusion is supported by fact that privilege against self-incrimination appears in the criminal law in 16th century in England, in the era of renaissance, which was focused of human beings. In continental law, privilege against self-incrimination, and the removal of the inquisitional process from criminal proceedings, is

connected especially with the 18th century, with the era of enlightenment which was focused again on human beings, its corporate integrity and human dignity.

The second part of thesis is dedicated to the definition of privilege against self-incrimination in Czech law. Czech law reflects international treaties and other legal documents (like the European Convention on Human Rights or the International Covenant on Civil and Political Rights) which (implicitly or explicitly) define basic human rights and among them, the right to judicial protection and the procedural rights of the accused. In this context, the Czech Bill of Rights sets in its articles 37 (1) and 40 (4) privilege against self-incrimination as a basic right in criminal proceedings. The Bill of Rights and its definition of privilege against self-incrimination forms the constitutional ground of this principle in Czech law. On the lower level of the system of law, this principle is defined in various procedural acts like the Rules of Criminal Proceedings, the Rules of Civil Proceedings, the Act on administrative proceedings, the Tax Procedure Code etc. Due to this fact there is no comprehensive definition of privilege against self-incrimination. Interpretation of this principle always depends on the circumstances of the specific case as well as on its legal regulation. Despite this fact the privilege against self-incrimination could be defined as a basic principle of any proceedings in which the accused faces state power, and its result could be a punishment of the accused, irrespective of the nature of the punishment, which could be in the form of a fine, or imprisonment or the imposition of disciplinary measures. privilege against self-incrimination could be basically defined through its 3 basic elements: (i) the right to be silent, (ii) the right not to be forced to make statement and (iii) the right not to be compelled to produce incriminating evidence. Various types of courts (for example the Court of Justice of the European Union, the Court of Justice of the European Union) ruled that the application of privilege against self-incrimination of legal entities in various types of proceedings like criminal or administrative proceedings is limited due to the specific nature of legal entities and the position of supervisory authorities which are authorised to request the supervised entities for evidence and information. In one criminal matter the Constitutional Court hold that legal entities are not covered by privilege against self incrimination, and natural persons, which are authorised to act on behalf of these persons or are theirs owners are obliged to produce required information and document without any respect to the potential criminal consequences to these persons.

The main topic of the third part of the thesis is the theme of state supervision over particular areas like economic competition, the financial market, environmental protection etc. The specific feature of the regulation of state supervision is the fact that supervised entities are obliged to cooperate with supervisory authorities and provide them with the required information and documents irrespective of the fact that these information and documents can produce incriminating evidence. It has to be noted that the Supreme Administrative Court ruled that in this situation the supervised entities are not covered by privilege against in its full scope self-incrimination and they are obliged to cooperate with the supervision authorities. In its decision making process the Supreme Administrative Court backed his decision with previous decisions made by the Court of Justice of the European Union. Finally, this chapter pays attention to the fact that in the course of supervision, no distinctions are made between legal entities and natural persons.

The fourth part of this thesis consists of four chapters: (i) the nature of legal entities and their specific features, (ii) the application of privilege against self-incrimination in the administrative proceedings and application of supervisory legislation in these proceedings, (iii) the provision of reasonable advice on rights and duties, including reasonable advices on the privilege against self-incrimination, (iv) newly adopted act on offences and its impact on application of privilege against self-incrimination. The final conclusion of this part is fact that the privilege against self-incrimination doesn't apply to legal entities in its full scope, but it is strictly limited due to the following reasons: (i) the nature of legal entities, (ii) supervisory powers of particular supervisory authorities (iii) public interest in regulation and supervision of particular areas like the financial market, environmental protection or economic competition.

The fifth part of this thesis deals with the foreign experience with the application of privilege against self-incrimination in administrative proceedings or similar types of proceedings. This part is especially focused on the American experience with the utilization of privilege against self-incrimination to legal entities due to the fact that the US law has a long tradition of prosecution of legal entities as well as the application of this principle to the persons entitled to act on behalf of the legal entity. In the context of US law and decision-making praxis of the Supreme Court of the United States of America one case from the United Kingdom of Great Britain and Northern Ireland is presented as well as some aspects of Australian legislation.

The final conclusion of this thesis contains the key arguments to why privilege against self-incrimination doesn't apply to the legal entities in administrative proceedings in its full scope. First of all, it is emphasised that legal entities differ from natural persons in their rights. This fact has a significant impact on the position of persons which act on behalf of legal persons because of the fact that they are not in some specific situations covered by the privilege against self-incrimination despite the fact that information produced by legal entity could cause harm to these persons. Finally, an attention is payed to the above mentioned three segments of the privilege against self-incrimination. Firstly, the legal person is not entitled to remain silent in the administrative proceedings or in the course of the process of supervision carried out by the supervisory authority or administrative body. Particular acts provide supervision authorities or administrative bodies with the power to request supervised subjects or participants for information and documents and these subjects have to produce them without any respect to potential consequences. The only exemption identified by the Court of Justice of the European Union is the situation when the participant or supervised subject is requested for information which corresponds with a statement. A typical example of this situation is a question formulated in following way: "How was the cartel agreement reflected in your manufacturing process?" or "Which types of measures were adopted as a result of the concluded cartel agreement?" On the other side, the legal persons have to cooperate with administrative bodies and supervision authorities whenever the legislation empowers them for requesting for information and cooperation and imposes duty of cooperation on supervised bodies or participants in proceedings. The legal entities could be forced by the supervisory authorities or administrative bodies to provide cooperation by penalty, which represents maybe the only means of compulsion.