

Title of dissertation: Defense of a legal person in criminal proceedings

Key words: defense of a legal entity, criminal proceedings, criminal liability of legal persons

Abstract

The topic of the rigorous thesis is the Defense of a legal entity in criminal proceedings. The first chapter deals with the basic concepts and concepts that the rigorous work deals with in its content, specifically it deals mainly with the concept and concept of a legal entity and its concept and defining features, then briefly outlines the history of legal entities. The second chapter of the submitted rigorous thesis is devoted to Act No. 418/2011 Coll., On the criminal liability of legal persons and proceedings against them. This law is first briefly characterized, then this chapter deals with topics directly related to this law, namely the analysis of key provisions of this law, the amendments made and their consequences for legal practice, reasons for punishing legal entities, the extent of criminalization of legal entities and finally and what vicissitudes accompanied the adoption of this law and what controversies surrounding it were discussed within the legal community. The last subchapter of the second chapter compares the state of this issue in the Czech Republic with other selected countries of the European Union. The third chapter deals with selected aspects of liability of legal entities. Within the characteristics of criminal liability of legal persons, the concept of true and false criminal liability is mentioned here. Subsequently, the third chapter deals with the issue of the imputability of the offense to a legal person and the possibility of "evolving" from criminal liability. Of course, the topic of so-called compliance programs and internal investigations is not neglected, and the specifics of the institute of the transfer of responsibility to the legal successor of a legal entity are also discussed. The conclusion of this subchapter also discusses the termination of criminal liability of legal entities. The following fourth chapter deals with the topic of persons acting on behalf of a legal entity in relation to the possible imputability of an illegal act of a legal entity. The main chapters of the thesis are the fifth and sixth part. The fifth chapter focuses on the defense of a legal entity in criminal proceedings, and in this context deals with the differences from the defense of natural persons and subsequently selected aspects of the chapter, namely the right to defense, material defense, formal defense, necessary defense and the person appointed lawyer.

The sixth part presents the specifics of criminal proceedings against a legal entity, while the work further focuses on selected specifics of criminal proceedings against a legal entity (for example, the relationship between administrative and criminal proceedings for the same act, material and local jurisdiction, reporting obligations, etc.) and the course of criminal proceedings. proceedings against a legal person (the stages of criminal proceedings are described here with emphasis on their specifics). In the final, seventh chapter, the work deals with issues related to the imposition of penalties on legal entities, there are also selected types of individual penalties that can be imposed on legal entities.