

# **Defence of a legal person in criminal proceedings and issues related to the defence**

## **Abstract**

The rigorous thesis deals with the definition of problems of the procedural part of the law on criminal liability of legal persons and related problems arising from the Criminal Procedure Code. Problems related to the criminal liability of legal persons appear in the Czech legislation and in the legislation of other countries of the continental legal culture mainly due to the adoption of the institute from the Anglo-American legal culture. The Czech legal system was based on the criminal liability of natural persons only and the incorporation of the new institute thus requires a certain adaptation of the legal system. Moreover, the nature of a legal person is inherently problematic given its specific nature. The author selects the most important problems of the procedural part of the law, analyses them and assesses the suitability of the current legal regulation. Subsequently, the author compares the identified problems with foreign legislation of the countries of the continental legal system. The author considers the most significant problems of the Czech legislation to be the absolute exclusion of the institute of necessary defence for legal persons, problems related to the person of the guardian and problems related to the conduct of joint proceedings of the accused natural and legal person. In the context of the institute of necessary defence for legal persons, the author deals primarily with the reasons why the introduction of the institute would be both possible and desirable, taking into account their special nature. According to the author, such reasons include, in particular, situations where there is no person authorised to act on behalf of the legal person in court proceedings, or where the representative does not sufficiently defend the interests of the legal person, and situations where an agreement on guilt and punishment is negotiated. In the conclusion of the thesis, the author proposes some solutions to selected problems of the legal regulation, including consideration of the possibility of applying elements of legal regulations of selected foreign countries. Taking into account the complexity of the legal regulation, the author also discusses the nature of the legal person and the scope of rights belonging to the legal person.

**Keywords:** Criminal law, criminal proceedings, defence, legal entity