

Evidence in civil proceedings

Abstract

This diploma thesis deals with the issue of evidence in civil proceedings as a key phase of civil court proceedings. The aim of this diploma thesis is to recall the basic doctrinal position regarding procedural evidence, especially the definition of procedural evidence, the subject of evidence and the basis of the basic principles of the civil process, which is fulfilled in the first part of the thesis. In addition, this part of the work mentions the basic procedural obligations of the parties to the proceedings and the related procedural burdens. A considerable part is then made up of the mention of means of evidence, which are demonstratively calculated in the Code of Civil Procedure, including the repetition of general concepts related to this issue. Part of this part of the work is also a brief description of the course of procedural evidence, which breaks down into several phases.

The second part of the thesis focuses on selected issues of procedural evidence contained in the jurisprudence of the Czech courts, especially the Supreme Court of the Czech Republic, which fulfills the role of the unifier of judicial practice and also the Constitutional Court of the Czech Republic as a defender of constitutionality. Through the analysis of selected jurisprudence, some problems and trends in decision-making practice are identified in the second part of the thesis, which have a fundamental influence on the course of the evidence process. In this way, the jurisprudence concerning some basic principles of the civil process and the jurisprudence concerning the procedural rights and related procedural burdens of the parties to the proceedings were mentioned in particular. A significant part of this work was devoted to the jurisprudence relating to certain means of evidence, which are demonstratively calculated in the Code of Civil Procedure, as well as to the jurisprudence relating to the means of evidence, the use of which in evidentiary proceedings affects the right to the protection of the personality and its privacy. The conclusion of the work was then devoted to selected decisions defining the last and, let's say, the highest phase of the evidentiary proceedings, namely the phase of evidence evaluation.

The conclusion of this diploma thesis emphasizes the essential and irreplaceable role of the decision-making activity of the Supreme Court of the Czech Republic in particular, which has a significant role in unifying the decision-making practice of the courts, as well as the role of the Constitutional Court of the Czech Republic, which, although outside the system of

general courts, acts as a defender of constitutionality, which is particularly significant from the point of view of violation of the constitutional principle of the right to a fair trial.