

Expert in criminal proceedings with a focus on healthcare

Abstract

The thesis deals with the evaluation of the legal regulation of expert activities in criminal proceedings according to Act No. 254/2019 Coll., on Experts, Expert Offices and Expert Institutes and Act No. 141/1961 Coll., Criminal Procedure Code. It is divided into five chapters, which deal with the history of expert activities, expert, expert opinion, expert evidence, and opinions from the field of healthcare. The first chapter maps the history of expert activities on a global scale and the gradual development of expert activities in our country. The second chapter is devoted to the expert, his status, conditions of practice and his rights and duties. Among the most important rights of an expert is the right to expert fees, which is thoroughly discussed in the thesis. The third chapter deals with the expert opinion, its differences from a professional statement, its form and requirements. A lot of emphasis is placed on the requirements of the expert opinion, and their changes, due to the entry into effect of the new legislation. The third chapter also includes the electronic register of expert opinions, which was created for the purpose of digitisation of public administration and in accordance with enabling the submission of expert opinions in electronic form. The fourth chapter deals with expert evidence in criminal proceedings. First, a general introduction to evidence is outlined to place the issue in a broader framework. After that, the process of expert evidence is discussed, starting with the invitation of an expert by measures, through his or her actions in connection with the preparation of the expert opinion, to the interrogation of the expert during the proceedings. Finally, the issue of evaluation of the factual aspect of the expert's opinion in different types of proceedings depending on the case law is presented. The last chapter deals with expert opinions in the field of healthcare. The issues of opinions concerning the assessment of the correctness of a medical procedure, the definition of the terms *lege artis* and *non lege artis* are discussed in depth.

Key words: expert – expert opinion – expert evidence – lege artis