

Admissibility Of Evidence in Criminal Proceedings

Abstract

This thesis deals with the issue of admissibility of evidence in criminal proceedings. In the current legislation, anything that can contribute to clarifying the matter can be considered as admissible evidence. Inadmissible evidence, on the other hand, is evidence whose use is prohibited by law for various reasons and is therefore ineffective. These basic theses and the following questions are the main topic of this thesis.

The diploma thesis entitled "Admissibility of evidence in criminal proceedings" is divided into seven chapters. The first chapter provides a general introduction to the issue of proof, introducing the reader to basic concepts and principles. The second chapter deals with the main ideas that pervade the entire issue of proof and explains what the key principles and approaches are in this area. The third chapter describes the procedural consequences of violating the rules of evidence, focusing on the legal consequences and possibilities for redress.

The fourth chapter outlines the legislation of evidence in Germany, the United States of America and France. This comparative analysis provides an insight into different legal systems and makes it possible to compare their approaches to the admissibility of evidence. The fifth chapter presents selected judgments and cases from practice that illustrate the specific application of the rules of evidence and their impact on criminal proceedings.

The penultimate, sixth chapter deals with the controversial issue of the applicability of evidence taken by a private person. This issue is not sufficiently regulated in the professional literature and raises a number of questions regarding legal regulation and ethical aspects. Finally, the seventh chapter outlines the regulation of evidence in the proposed recodification of the criminal code. Recodification is a significant legislative change that aims to modernize and streamline criminal proceedings in the Czech Republic. This chapter focuses on the key changes and innovations that should be introduced to the legal system and analyses their potential impact on the practice of evidence.

The aim of this thesis is to provide a comprehensive overview of the issue of admissibility of evidence in criminal proceedings, including an analysis of the current legislation, a comparison with selected foreign legal systems and an evaluation of the proposed changes within the framework of the recodification of the criminal code.