

## Abstract

This thesis deals with the issue of house search and search of other premises where the attorney carries out advocacy, regulated in § 85b of Act No. 141/1961 Coll., Criminal Proceedings. The said institute, which is used by law enforcement authorities, has proved more problematic in recent years than before. This is mainly because the public prosecutors are increasingly abusing this institute to obtain valuable information held by the attorney at the place where he carries out advocacy. A similar problem then arises with the judges who decide whether the required documents found at the attorney's place where he carries out advocacy will be obtained by the public prosecutor or the police body for examining, because they themselves are not entirely sure how to proceed in such a case and how to decide in accordance with the law. This often results in many disputes, aggrieved attorneys, but especially aggrieved clients who lose documents handed over in good faith to the attorney for defence purposes. Ultimately, the representative of the state interferes with the confidential attorney-client relationship and the fundamental right of defence as one of the basic human rights and pillars of a democratic society and the rule of law. By doing so, the state, instead of protecting the attorney's clients, illegally interferes with their rights and undermines its own legitimacy.

The essence of the thesis is to investigate professional sources and practices of attorneys and law enforcement authorities and describe in a clear manner the above-mentioned search institute along with other related law institutes, to evaluate it subjectively, to draw attention to the found shortcomings and to continuously question experts' conclusions and to submit reasoned conclusions. By analysing the issue, I have come to a conclusion that in order to remedy the above-mentioned maladministration of the law enforcement authorities, it will not be necessary to change the rules of house search and search of other premises where the attorney carries out advocacy, but rather to improve the procedures of the law enforcement authorities.

As improving the situation is only possible by changing the procedures and decision-making practices of the law enforcement bodies, the aim of the thesis lies in the theoretical level. This is represented by the above-mentioned continuous proposals, controversies with the described conclusions and situations and by the text of the rigorous thesis as a whole. This is also where its contribution lies. In terms of the doctrine, the presented comprehensive text describes one of the institutes of criminal procedural law. From the point of view of the attorney's practice, the text can be used for better orientation in the said issue as well as for a certain degree of prevention or, as a "guide" on how to act when the law enforcement authority

"knocks" at the door of the attorney's office with an order to search the place where he carries out advocacy. Finally, the thesis can be also useful to law enforcement authorities in the sense of avoiding undesirable misconduct.