

Summary:

The diploma thesis deals with one of current subject matter in civil law, a problem of evidence used in the civil procedures. This issue is in the centre of civil procedure because we can resolve any case with fair decision only by clarifying the factual situation between litigants. The importance of this issue isn't just for civil procedure, but for every legal action as well.

The basics of the legal regulation represent two main civil codes. First of all it is Act. No. 99/1963 Coll., Code of Civil Procedure, as amended, which regulates the most important part of all civil procedures, in Czech legal theory so-called „dispute civil procedure“. The second Act. No. 292/2013 Coll, special civil procedure, regulates other civil procedure with different principles, Czech legal theory called them „undisputed civil procedures“. The aim of thesis is to analyse all the problems in regulation of evidences (law regulations, jurisprudence and Czech legal theory). The thesis also points out possible future changes in regulations. The thesis is divided into three basic parts. The first part explains the basic legal terms like a burden of proof and evidence. There are explained the most important terms.

The second part of the thesis deals with evidences, which are regulated by Code of Civil procedure. It is the longest part and it is the heart of the matter. There is analysis of particular paragraphs, which regulate the particular evidences. First chapter deals with witness testimony, second chapter with a testimony of the former executives, third chapter with an expert reports, fourth chapter with an expert report presented by litigants, fifth chapter with a report provided by a state or a private person, sixth chapter with evidence by an act, seventh chapter with inspection and the last eighth chapter deals with a testimony of litigants.

The third part of the thesis contains an analysis of evidences, which are not regulated by the Code of Civil procedure. The first chapter is devoted to an evidence in form of audio recordings, the second chapter is devoted to an evidence in form of audio/video recordings, third is devoted to an evidence in electronic form of document and fourth is devoted to an evidence which legal theory called as „prima facie“.

In conclusion the author of the thesis tries to suggest solution of the most significant problems of current legal regulation.

Key words: [civil procedure, evidence, means of evidence]

Název práce v anglickém jazyce / Thesis title: Means of evidence in civil procedure