

Abstract

This thesis deals in particular with the analysis of the process of presentation of evidence in penal proceedings, its basic principles, as well as the constitutional limitations within which the evidence-making process should be carried out. However, some other questions, especially legal and philosophical ones that are directly related to the presentation of evidence in the penal or legal proceedings cannot be ignored. The chosen topic can undoubtedly be considered to be very topical. This is because the presentation of evidence in penal proceedings is, besides the decision-making process itself, the most important procedural activity carried out by the bodies responsible for penal proceedings and participated by other entities involved in the penal proceedings.

The aim of this thesis is to give a brief and comprehensive overview of some specifically selected problems of presentation of evidence in penal proceedings. Naturally, with regard to the chosen topic and its scope, it is not possible to comprehensively process all the areas that are related to the issue of presentation of evidence. Chapter 5, 6 and 7 can be considered crucial to the thesis in question, as they provide, in particular, the analysis of existing evidence-making legislation in penal proceedings. The basic principles of presentation of evidence and its constitutional limits, as elaborated in chapters 3 and 4, are of the fundamental importance. The degree of attention paid to the basic principles is understandable, since they are the ones that should, among other things, govern the process of presentation of evidence. At present, their significance is even still increasing since according to the settled case law of the Constitutional Court of the Czech Republic, only such penal proceedings in which general courts fully respect the applicable principles of procedural law can be considered constitutionally conformable. Chapter 8 of the thesis deals with some legal and philosophical questions that are directly related to the process of presentation of evidence. The thesis analyzes concepts such as the truth and reality, since these are undoubtedly essential to the process of presentation of evidence. Within this chapter, attention is also paid to some of the views that relate to the notion of the material truth. The purpose of these final chapters is not to provide categorical conclusions and outputs to the concerned issue, but rather to provoke thoughts.

At the very end, the thesis contains a brief summary of the findings. This is followed by the evaluation of the existing legal regulations of the institutes that the thesis in question is focused on. Part of the conclusion contains also the *de lege ferenda* proposals, however not because the author considers the existing legislation to be inadequate or imperfect. It is obviously possible to say that, given the development of the penal proceedings, the

development of the society and its requirements for legal regulation, and last but not least, the requirements of settled case law and its interpretative rules, it is undoubtedly necessary to amend or improve some of the institutes.