

Abstract

Law of evidence is a legal-based procedure for collecting and presenting proof. The aim of the process is to follow the basic principle of legal administrative proceedings, the principle of material truth. My thesis is based on the Administrative Code regulations, although I was also pointing to the fact that there are specific regulations that restrict or exclude the use of the Administrative Code. Despite the above-mentioned, the general and theoretical ideas of the law of evidence are applicable for all administrative proceedings.

Except the principle of material truth there are other basic principles of vital importance to administrative proceedings, particularly the principle of legality and the principle of working out the case without undue delay. The core of law of evidence, however, is contained in provisions of the Administrative Code dealing with the bases for a decision in the administrative proceedings at first instance.

For the law of evidence in administrative proceedings it is also often applicable doctrinal and judicial knowledge of civil and criminal law, as a connecting element between these different areas of law is the principle of material truth. The decision-making practice of the administrative courts respects the similarities between criminal and administrative punishment, and draw on the knowledge of civil and criminal law concerning the applicability, presentation and evaluation of certain proof.

All means of evidence appropriate to determine the facts of the case and which are not obtained or presented contrary to law are acceptable. The Administrative Code contains a non-exhaustive list of means of evidence, which includes writings, examination, witness testimony and expert opinion. I gave a few examples of other possible means of evidence in the thesis: I mentioned official records and inspecting protocols, audio and audio-video recordings and a proceeding participant testimony. In terms of frequency of use and relevance to the findings it is no coincidence that the greatest attention is paid to the writings and witness testimony evidence.

I indicated various matters connected with some application problems of using particular means of evidence in the thesis; at the same time it is true that most of them are already satisfactorily resolved by practice of the courts. Case law also enriches the list of the means of evidence itself, which has important implications for the proper presentation of proof and the right approach for their evaluation. On the other hand, I came across some material bases for decision, that are still somewhat problematic as means of evidence; in this case I tried to formulate a clear opinion on the nature of these means, exploiting doctrinal knowledge of law of evidence.