

Controversies Connected with the Admission of Illegally Gained Evidences in Polish Civil Proceedings

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Abstract : The need to present evidence in civil proceedings is essential for getting the right result. It is for this reason that it is particularly important for the parties to present the most relevant and convincing evidence to the Court. Therefore, parties often try to gain evidence, even when the acquisition of such evidence is in breach of the law. Firstly, there will be discussed how evidence is applied in the Polish civil process and the Polish regulations of the evidence proceedings; with specific reference to evidence of major importance in the developing world. Further, it will be discussed the controversies connected with the admission of illegally gained evidence in civil proceedings. The credibility of the various measures is circumstantial and can only be determined by factors related to the recognized problem. For that reason, it is not the amount of evidence, but the value and relevance of this evidence that should be considered in determining the right result. This paper will also consider whether the end justifies the means? How far should parties go in order to achieve a favorable sentence or to create stronger evidence? Methods of persuasion of the court, as well as the acquisition of evidence, are not always fair and moral. It is on this area of controversy that this essay will focus. This paper concludes by considering the value of evidence and the possibility of using it to achieve a just sentence. Examples are based on Polish law; nevertheless, they encompass ideas common to most civil jurisdictions.

Keywords : civil proceedings, Europe (Poland), evidence, law

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