

Libero convincimento del giudice e automatismi probatori

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Free Evaluation of Evidence and Statutory Automatism

Abstract: The principle of free evaluation of evidence is one of the fundamental principles of the law of evidence. It is also analyzed in an important book of Nicolò Zanon and Francesca Biondi about the constitutional system of the judicial power, which focuses on the most significant exception to the above mentioned principle: the concept of statutory automatism. Starting from the thesis of both scholars, I will try to clarify two aspects of the principle of free evaluation of evidence: on the one hand, its legal nature and rank; on the other hand, its relationship with the statutory automatism, in particular with the concept of evidentiary presumption.

Keywords: Judicial power, Judicial independence, Free evaluation of evidence, Statutory automatism, Evidentiary presumptions.

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