

The Urgency of Expert Witnesses in Settlement of Cases in The Egyptian Judicial Legal System

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Abstract: This research seeks to describe the presence of expert witnesses in the Egyptian court system. They are utilizing a literature study whose primary data comes from books, journals, reports, and laws. Then, the data is processed descriptively and analytically to explain the subject matter described. The results showed that expert witnesses, or in Egyptian terms referred to as Expert Witness Reports, are enshrined in the Egyptian Evidence Law, No. 25 of 1968, used in Egyptian courts to obtain specialized advice on specific legal issues. Legal regulations govern the procedure for selecting expert witnesses and require the court to appoint one or three experts who must meet specific criteria. The whole process of the expert report must be conducted within the courtroom. The rules regarding the presence of expert witnesses in Egyptian courts also underline the importance of expert witnesses in legal proceedings. The rules emphasize the efforts made to ensure transparency, accuracy, and excellence in expert witness reports, essential to facilitate dispute resolution in court. The government takes a role in this matter through payment facilities for expert witnesses, not all of which is borne by the parties to the dispute.

Keywords: Expert Witnesses; Courts; Egyptian Government.

Introduction

In a court environment, expert witnesses are those who have special knowledge or skills in a particular context that is important to the legal case being discussed.¹ They are asked to provide their perspective or evaluation of the relevant facts or relevant technical data discussed in the trial.²

An expert witness is someone who, although not directly involved in

¹ Windu Kisworo, "Aplikasi Prinsip-Prinsip Terkait Bukti Ilmiah (Scientific Evidence) di Amerika Serikat dalam Pembuktian Perkara Perdata Lingkungan di Indonesia," *Jurnal Hukum Lingkungan Indonesia* 5, no. 1 (2018): 24–59.

² Khafifah Nuzia Arini dan Herman Sujarwo, "Kedudukan Saksi Ahli dalam Persidangan Perkara Pidana," *Syariat: Jurnal Studi Al-Qur'an dan Hukum* 7, no. 2 (2021): 245–56.

the case, is recognized as one of the authorities needed based on their expertise.³ They provide testimony based on their knowledge, experience and professional competence.⁴ Expert witnesses may be called to provide testimony on a variety of subjects such as forensics, medicine, psychology, technology, finance, and other disciplines.⁵

Expert witnesses are presented to increase the judge's or parties' understanding of the case being examined, especially regarding elements that require technical interpretation or explanation.⁶ Expert witnesses have the potential to shape the court's understanding or influence about the evidence or events in the case under consideration.⁷ It is important to recognize that expert witnesses provide their opinions and not objective facts, and there may be variations in opinion among expert witnesses based on their specialized knowledge and personal understanding of the information provided.⁸

From the explanation above, one of the countries that in the process of resolving cases in court provides space for expert witnesses is Egypt, which is stated in the Egyptian Evidence Law No. 25 of 1968.⁹ Egypt was a pioneer among Arab countries and the second country, after Turkey, to carry out reforms. One of them is in the field of family law.¹⁰ The judiciary in Egypt in handling family law requires three judges and two social and psychological experts appointed by the three judges, one of the two experts must be a woman.¹¹ This reform is a reaction to the current situation and is

³ Ruslan Abdul Gani, "Peranan Keterangan Ahli Dalam Proses Perkara Pidana Pengadilan Negeri," *Legalitas: Jurnal Hukum* 5, no. 2 (2017): 27-43.

⁴ I. Kadek Aryatmaja, I. Nyoman Gede Sugiarta, dan I. Made Minggu Widyantara, "Kedudukan Keterangan Ahli Sebagai Alat Bukti Dalam Penyelesaian Perkara Tindak Pidana Korupsi di Pengadilan Tipikor," *Jurnal Interpretasi Hukum* 4, no. 1 (2023): 14-19.

⁵ Catur Nugroho Jati, "Kajian Kekuatan Pembuktian Saksi Ahli Sebagai Alat Bukti Dalam Pemeriksaan Sengketa Perdata (Studi Perkara Nomor: 19/Pdt. G./2011/Pn. Ska)," *Verstek* 1, no. 2 (2013).

⁶ Didik Sudyana dan Soni Soni, "Etika Dan Profesionalisme Saksi Ahli Forensik," *Jurnal CoSciTech (Computer Science and Information Technology)* 1, no. 1 (2020): 13-20.

⁷ Nixon Wulur, "Keterangan Ahli Dan Pengaruhnya Terhadap Putusan Hakim," *Lex Crimen* 6, no. 2 (2017).

⁸ Auria Patria Dilaga, "Pengaruh Keterangan Ahli terhadap Keyakinan Hakim dalam Putusan Tindak Pidana Korupsi," *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 2, no. 1 (2013): 1-11.

⁹ "Lihat the Egyptian Evidence Law no. 25 of the year 1968," t.t.

¹⁰ Ahmad Masfuful Fuad, "Pergolakan Politik Mesir Masa Kolonial dan Dampaknya terhadap Reformasi Hukum Keluarga Islam," *Mahkamah: Jurnal Kajian Hukum Islam* 1, no. 2 (2016).

¹¹ Ron Shaham, "Chapter Three. Women as expert witnesses in pre-modern islamic courts,"

a movement from traditional jurisprudence towards contemporary family law structures, especially in matters that equalize and improve the position of women in marriage, which is considered marginalized.¹²

Therefore, several studies focus on Egypt as one of the focuses of the study, such as Nurinayah who explains several family law products in Egypt compared with Indonesia.¹³ Of the family law reform products, the reform models used include takhayyur, siyasah syar'iyah, and text reinterpretation.¹⁴ Then there are also more specific ones, such as comparing polygamy regulations based on Egyptian and Indonesian law. Where the regulations for polygamous marriages in Indonesia are more comprehensive and complicated than the regulations in Egypt. The similarities between polygamous marriage arrangements between the two countries are that the husband must obtain legal permission to carry out polygamy and the requirement to notify or obtain consent from the first wife. In addition, there are justifications for the practice of polygamy as well as penalties for individuals who violate regulations related to polygamy.¹⁵ In a study on the khulu case that occurred in Egypt, apart from involving the judge, he was also required to involve other parties, one of which was an expert witness in the trial process.¹⁶

Methods

This research makes an important contribution to the legal literature by focusing on the presence of expert witnesses in the context of the Egyptian justice system. Although many previous studies have discussed the role of expert witnesses in various legal systems, this study enriches our understanding by detailing how the Egyptian justice system manages the

dalam *Law, Custom, and Statute in the Muslim World*, ed. oleh Ron Shaham (BRILL, 2007), 41–65, <https://doi.org/10.1163/ej.9789004154537.i-263.16>.

¹² Ahmad Zayyadi, "Reformasi Hukum Di Turki Dan Mesir (Tinjauan Historis-Sosiologis)," *Al-Mazaahib: Jurnal Perbandingan Hukum* 2, no. 1 (2014).

¹³ Nurinayah Nurinayah, "HUKUM KELUARGA DI MESIR," *Familia: Jurnal Hukum Keluarga* 1, no. 2 (2020): 93–108.

¹⁴ Muhammad Syamsul Amin dan Armi Agustar, "PEMBARUAN HUKUM KELUARGA ISLAM DI REPUBLIK ARAB MESIR," *Jurnal Akademika Kajian Ilmu-Ilmu Sosial, Humaniora Dan Agama* 4, no. 1 (t.t.): 75–91.

¹⁵ Raka Haikal Anfasya dan Natasya Yunita Sugiastuti, "PERBANDINGAN HUKUM KETENTUAN PERKAWINAN POLIGAMI DI INDONESIA DAN MESIR," *Reformasi Hukum Trisakti* 5, no. 2 (2023): 340–49.

¹⁶ Monika Lindbekk, "Implementing the Law of khul' in Egypt: Tensions and Ambiguities in Muslim Family Law," *Hawwa* 18, no. 2–3 (28 Oktober 2020): 265–94, <https://doi.org/10.1163/15692086-12341379>.

presence of expert witnesses. There are significant differences between the Egyptian context and previous studies, most of which were general in nature and did not specialize in a particular country.

Involving a comprehensive literature study approach, this research collected its primary data from various sources, including books, journals, reports, and the Egyptian Evidence Law. This approach provides a strong basis for explaining in depth the existence of expert witnesses in the Egyptian justice system. The data is then processed using descriptive-analytic methods, allowing researchers to describe and analyze the main problems described carefully.

This research not only describes the formal and legal aspects of the presence of expert witnesses, but also provides insight into the proactive practices implemented by the authorities, especially in terms of selecting expert witnesses and the procedures that must be followed in the courtroom. The research results highlight the key role of the Egyptian Evidence Law no. 25 of 1968 in regulating the presence of expert witnesses, emphasizes the importance of transparency, accuracy and superiority in expert witness reports to ensure fair and equitable dispute resolution.

The importance of this research lies not only in furthering understanding of the Egyptian justice system but also in contributing to the broader discussion on the role of expert witnesses in the global legal context. This research provides a new and in-depth perspective that can serve as a basis for further research and even help improve or adapt the Egyptian justice system to achieve its legal goals more effectively.

Results and Discussion

Evolution and Development of The Egyptian Legal System

Egypt's legal system is based on a merger of Islamic law (Sharia) and the Napoleonic Code, which was initially implemented during Napoleon Bonaparte's invasion of Egypt in 1798 and the education and training of Egyptian jurists in France.¹⁷ Egypt's legal system is classified as a civil law system and is based on a well-codified legal framework, where the written constitution is the highest legal authority in Egypt.¹⁸ The Egyptian Civil Code of 1948 ("ECC") is the main law governing transactions between

¹⁷ Meyka Diyah Ayu Anggraini, "MESIR DI BAWAH KEKUASAAN NAPOLEON BONAPARTE TAHUN 1798-1801 M" (UIN SUNAN KALIJAGA YOGYAKARTA, 2020).

¹⁸ Ahmed Ezzat, "Law and Moral Regulation in Modern Egypt: Hisba from Tradition to Modernity," *International Journal of Middle East Studies* 52, no. 4 (2020): 665-84.

individuals or organizations. This law serves as the basic authority for the legal regulation of contracts.¹⁹ The ECC draws heavily from the French Civil Code and, to a lesser extent, from other European codes and Islamic law (Shariah), especially in relation to civil status.²⁰

It is important to mention that the division between public law and private law in Egypt has led to the development of a different set of legal standards involving the State (or an institution, subsidiary, or state-owned company) acting as a sovereign power.²¹ The Egyptian State Council, which was formed through Law no. 112 of 1946 as amended by Law no. 9 of 1949, consists of administrative courts which have the authority to resolve administrative disputes related to contracts and administrative decisions issued by government officials.²² These courts use administrative law principles that are not yet fully codified. As a result, in the absence of specific legislative requirements, judges have broad discretion based on principles established by the highest court.²³

The Egyptian uprising, known as the "Revolution", occurred on January 25, 2011, and dramatically changed the political situation in the country.²⁴ This revolution resulted in the overthrow of the previous regime, led by the now-disbanded National Democratic Party, which had held power for a long time.²⁵ . On February 11, 2011, eighteen days after the Revolution began, former President Mohamed Hosni Mubarak resigned in response to the Revolution's demands. The Supreme Council of the Armed

¹⁹ "Women's property and use rights in personal laws," *Food and Agriculture Organization of the United Nations*, 2023, https://www.fao.org/gender-landrights-database/country-profiles/countries-list/national-legal-framework/womens-property-and-use-rights-in-personal-laws/en/?country_iso3=EGY.

²⁰ Hossam A. El-Saghir, "The CISG in Islamic Countries: The Case of Egypt," dalam *International Sales Law: A Global Challenge*, ed. oleh Larry A. DiMatteo (Cambridge: Cambridge University Press, 2014), 505–17, <https://doi.org/10.1017/CBO9781139103923.038>.

²¹ Samy A. Ayoub, "A Theory of a State? How Civil Law Ended Legal Pluralism in Modern Egypt," *Journal of Law and Religion* 37, no. 1 (2022): 133–52.

²² Nathalie Bernard-Maugiron dan Badouin Dupret, *Egypt and Its Laws* (Leiden, The Netherlands: Brill, 2021).

²³ Abdelrazek Wahba Sayed, "Civil liability for breach of information prior to electronic contracting" *Comparative Analytical Study*," *Journal of Namibian Studies: History Politics Culture* 34 (2023): 268-291-268–91.

²⁴ T. Editors of Encyclopaedia Britannica, "Egypt Uprising of 2011," *Encyclopedia Britannica*, Agustur 2023, <https://www.britannica.com/event/Egypt-Uprising-of-2011>.

²⁵ Sarah Childress, "Timeline: What's Happened Since Egypt's Revolution?," *FRONTLINE*, 17 September 2013, <https://www.pbs.org/wgbh/frontline/article/timeline-whats-happened-since-egypts-revolution/>.

Forces (SCAF) is then given responsibility for governing the country until an elected President can take over.²⁶

After the January 2011 Revolution, the Supreme Council of the Armed Forces (SCAF) issued a constitutional declaration on 13 February 2011 ("Declaration 1").²⁷ Deklarasi ini menghasilkan beberapa tindakan declaration results in the following actions:²⁸

1. Suspension of the 1971 Egyptian Constitution.
2. Temporary delegation of State affairs to SCAF for a period of six months or until the election of the Parliament, Shura Council and President.
3. Dissolution of the existing Parliament and Shura Council.
4. Establishment of committees to amend certain provisions of the Constitution.

The Supreme Council of the Armed Forces (SCAF) made a second constitutional declaration on 30 March 2011, known as "Declaration 2". This declaration outlines the basic principles of the interim constitution, which includes arrangements for presidential elections, legislative elections, and Shura Council elections.²⁹ Article 60 of Declaration 2 outlines the process for creating a new constitution. This declaration stated that elected members of Parliament and the Shura Council would gather, at the invitation of SCAF, to elect a constituent assembly consisting of 100 members.³⁰ This assembly will be responsible for drafting a new constitution within a maximum period of six months. The approved draft constitution will be submitted to the public for voting within a period of fifteen days, and will come into force after receiving popular approval in a referendum.³¹

²⁶ Carnegie Endowment for International Peace, "The SCAF: An Overview of its Actions," *The Cairo Review of Global Affairs*, 10 Januari 2012, <https://www.thecaireview.com/tahrir-forum/the-scaf-an-overview-of-its-actions/>.

²⁷ Sahar F. Aziz, "Bringing Down an Uprising: Egypt's Stillborn Revolution," *Conn. J. Int'l L.* 30 (2014): 1.

²⁸ Intisar Rabb, "THE LEAST RELIGIOUS BRANCH? JUDICIAL REVIEW AND THE NEW ISLAMIC CONSTITUTIONALISM," *UCLA Journal of International Law and Foreign Affairs* 17, no. 1/2 (2013): 75-132.

²⁹ Daniel L. Tavana, "Party proliferation and electoral transition in post-Mubarak Egypt," dalam *North Africa's Arab Spring* (Routledge, 2013), 51-67.

³⁰ Jan Claudius Völkel, "Sidelined by design: Egypt's parliament in transition," *The Journal of North African Studies* 22, no. 4 (2017): 595-619.

³¹ Noha El Mikawy, Mohamed Mohieddin, dan Sarah El Ashmaouy, "Egypt: The protracted transition from authoritarianism to democracy and social justice," *Democratic*

According to an additional constitutional declaration released on 17 June 2012 ("Declaration 3"), it was stipulated that the SCAF would have the power to make laws until a parliament was elected and began carrying out its duties.³² According to Declaration 3, if any difficulties prevent the constitutional drafting committee from carrying out its duties, the SCAF has the authority to elect a new drafting committee. Declaration 3 authorizes the SCAF, the President, the Prime Minister, the Supreme Council for Judicial Entities, or one-fifth of the members of the drafting assembly to request a committee to review provisions that it believes violate the goals and principles of the Revolution, its main objectives, or the main principles of the constitution Egypt before.³³

Parliament formed a constitution writing committee, which was later disbanded due to a court decision, then parliament formed a new committee to handle the drafting process. Declaration 3 was revoked by the then elected President on 12 August 2012.³⁴ As a result, the President was given the authority to appoint a new drafting committee if the existing committee faced obstacles in carrying out its duties. The committee formed at that time provided an initial version of the Constitution, which was later ratified by a public vote. Subsequently, the text was legally ratified as the country's Constitution on December 25, 2012.³⁵

Egypt experienced a new Revolution on 30 June 2013, which led to the temporary suspension of the 2012 Constitution.³⁶ The powers of the President were temporarily transferred and taken over by the Chairman of the Supreme Constitutional Court, Advisor Adly Mansour, in accordance with applicable constitutional norms.³⁷

President Adly Mansour issued a decree on 20 July 2013, establishing a committee consisting of ten experts with the aim of suggesting changes to

Transitions in the Arab World, 2017, 133–83.

³² Sahar F. Aziz, "Revolution without Reform: A Critique of Egypt's Election Laws," *Geo. Wash. Int'l L. Rev.* 45 (2013): 1.

³³ Tamir Moustafa, "Law in the Egyptian revolt," *Middle East Law and Governance* 3, no. 1–2 (2011): 181–91.

³⁴ Shahjahan H. Bhuiyan, "Can democratic governance be achieved in Egypt?," *International Journal of Public Administration* 38, no. 7 (2015): 496–509.

³⁵ Andrej Zwitter, "Constitutional Reform and Emergency Powers in Egypt and Tunisia," *Middle East Law and Governance* 7, no. 2 (2015): 257–84.

³⁶ Deasy Silvy Sari, "Indonesian Foreign Policy Towards Egypt Post-Husni Mubarak Administration," *Jurnal ICMES* 2, no. 2 (2018): 108–30.

³⁷ Shams Al Din Al Hajjaji, "Reform of Judicial Independence Rules in Egypt," *Indon. J. Int'l & Comp. L.* 5 (2018): 101.

the Constitution. This group completed its work on 20 August 2013.³⁸ President Adly Mansour issued a decree on 1 September 2013, to form a second committee called the "Committee of 50". This committee consists of fifty people representing various sectors of Egyptian society. The aim of this committee is to contribute to amendments to the Constitution. The Committee of 50 started its operations on September 8 2013 and successfully completed its tasks within a period of 60 days. The new constitution was prepared by the Committee of 50 and received approval via a public referendum in 2014, with 98.1% voting in favour.³⁹

In May 2014, President Abdel Fatah El-Sisi assumed office as president of Egypt after receiving overwhelming support, with 97% of the vote in his favor. President Abdel Fatah El-Sisi was re-elected for a second term in office in the 2018 presidential election.⁴⁰ In November 2018, a group of members of the House of Representatives proposed changes to certain articles in the 2014 Constitution.⁴¹ After careful consideration, these amendments were approved in mid-April 2019. Subsequently, a public referendum took place on 19–22 April 2019, resulting in an approval rate of 88.83% of the vote. These changes are referred to as the "2019 Constitutional Amendments". Important amendments include the provision that women are guaranteed at least a quarter of the seats in the House of Representatives (Article 102).⁴²

Additionally, the presidential term has been extended to six years instead of four, and no president may be re-elected for more than two consecutive terms (Article 140(1)). It is important to note that the current president's second term will last six AD years starting from his election in 2018, and he can be re-elected for one consecutive term (Article 241 bis).⁴³ In addition to other changes, the 2019 Constitutional Amendment stipulates

³⁸ Nicolas Heliotis, "A Textual Analysis of Presidential Policy under the 2014 Egyptian Constitution," *Int'l Law*. 48 (2014): 127.

³⁹ M. Cherif Bassiouni, "Egypt in Transition," *PRISM* 4, no. 4 (2014): 2–20.

⁴⁰ Ziad Koussa, "Revolution, Change, and Democratic Transition in Egypt Since 2011: A Critical Political Economy Approach," *Contemporary Review of the Middle East*, 2023, 23477989231154359.

⁴¹ Ashley Johnson, "The Historical Evolution of State Capacity and Its Effect on Democratization: a Case Study of Egypt" (Illinois State University, 2023).

⁴² Koussa, "Revolution, Change, and Democratic Transition in Egypt Since 2011: A Critical Political Economy Approach."

⁴³ KAREM SAYED ABOELAZM, "THE DEVELOPMENT OF THE PRESIDENT'S AUTHORITIES IN THE EGYPTIAN CONSTITUTIONS," *Russian Law Journal* 11, no. 2 (2023).

that the President is responsible for appointing leaders of judicial organizations or authorities and chairs the Supreme Council for Judicial authorities.⁴⁴ The council consists of the following members: the chairman of the Supreme Constitutional Court, the heads of other judicial bodies, the chairman of the Cairo Court of Appeals, and the Prosecutor General. Article 248 of the 2019 Constitutional Amendment has restored the second house of Parliament called the Senate Council.⁴⁵

Structure and Challenges of the Egyptian Judicial System

The Egyptian judiciary, as the country's third independent autonomous body, consists of administrative and non-administrative courts. These include the Supreme Constitutional Court, criminal courts, civil and commercial courts, personal and family status courts, national security courts, labor courts, military courts, and various other specialized courts or circuits.⁴⁶

The Egyptian judicial system consists of several levels, including the Court of First Instance, the Court of Appeals, and the Court of Cassation, which is the highest authority in the judiciary.⁴⁷ The division between public law and private law has led to the creation of the Council of State (Conseil d'Etat), which consists of administrative courts that have the authority to resolve administrative disputes related to contracts and administrative decisions issued by government officials and public law bodies.⁴⁸ The Supreme Constitutional Court was established in 1970, replacing the Supreme Court which was previously established in 1960. This Court has the sole authority to determine the constitutionality of laws

⁴⁴ International Commission of Jurists, "Egypt Constitutional Amendments: Unaccountable Military. Unchecked President and a Subordinated Judiciary," April 2019, <https://www.icj.org/wp-content/uploads/2019/04/Egypt-Constitutional-amendments-advocacy-analysis-brief-2019-ENG.pdf>.

⁴⁵ Gamal Essam El-Din, "Egypt parliament approves Senate law," *ahramonline*, 15 Juni 2020, <https://english.ahram.org.eg/NewsContent/1/64/372192/Egypt/Politics-/Egypt-parliament-approves-Senate-law.aspx>.

⁴⁶ Mohamed S. Abdel Wahab, "An Overview of the Egyptian Legal System and Legal Research," *Hauser Global Law School Program*, Oktober 2006, <https://www.nyulawglobal.org/globalex/Egypt.html>.

⁴⁷ Marianus Tefi, S. N. Tunggul Anshari, dan Riana Susmayanti, "Comparison of the Legal Conditions of the State and the Division of Powers in the Constitution of Indonesia and Egypt," *Asian Journal of Management, Entrepreneurship and Social Science* 3, no. 02 (2023): 756–80.

⁴⁸ Mona Oraby, "Law, the state, and public order: regulating religion in contemporary Egypt," *Law & Society Review* 52, no. 3 (2018): 574–602.

and regulations, as well as resolve jurisdictional conflicts.⁴⁹

In general, judges in Egypt are knowledgeable about the ideas found in the civil law system. Despite the large number of pending cases and the length of legal proceedings, the norms of due process and judicial review are naturally respected and respected. Access to justice is an important principle in the Egyptian legal system.⁵⁰ Judges have judicial immunity and cannot be removed by the Executive Authority. However, the large number of cases pending in courts leads to a backlog of cases, which has a negative impact on the efficiency of the legal system as a whole.

The Important Role of Expert Witnesses in Egyptian Judiciary: History, Development and Legal Regulations

The history of expert witnesses in Egyptian judiciary has an important role in the legal process, especially in cases that require certain technical or specialized knowledge that judges do not possess. Expert witnesses assist the court in understanding the technical aspects of a case, which can include areas of medicine, finance, construction, and others.⁵¹

In the Egyptian legal context, the role of expert witnesses has evolved over time. Expert witnesses are used to provide their opinions based on special knowledge to assist the court in determining the facts relating to the case at hand. They may be called to testify on a variety of issues, including medical errors, which is one area where expert testimony is often crucial.⁵²

Expert witnesses provide their testimony based on professional analysis and assessment of the evidence presented. In medical error cases, for example, expert witnesses can help determine whether there was a standard of care that was not followed or whether there was negligence that caused harm to the patient.⁵³

The use of expert witnesses in Egypt is regulated by a legal framework that determines how and when they can be called, as well as the criteria

⁴⁹ Rachel M. Scott, "Arranging Religion in Egypt: New Alignments Between the Egyptian State, al-Azhar, and the Coptic Orthodox Church," dalam *The Palgrave Handbook of Religion and State Volume II: Global Perspectives* (Springer, 2023), 607–32.

⁵⁰ Brian Wright, "Debating Shari'a in Egypt's National Courts," *Journal of Islamic Law* 4, no. 1 (2023).

⁵¹ Colleen D Clements dan J Richard Ciccone, "Ethics and Expert Witnesses: The Troubled Role of Psychiatrists in Court," *Bull Am Acad Psychiatry Law* 12 (1984).

⁵² Hussein A. Abdou, "Genetic Programming for Credit Scoring: The Case of Egyptian Public Sector Banks," *Expert Systems with Applications* 36, no. 9 (November 2009): 11402–17, <https://doi.org/10.1016/j.eswa.2009.01.076>.

⁵³ Darrel W Amundsen dan Gary B Ferngren, "THE FORENSIC ROLE OF PHYSICIANS IN PTOLEMAIC AND ROMAN EGYPT," 2023.

they must meet to be considered experts in a particular field. Their role is critical in helping courts make fair and appropriate decisions based on accurate and reliable information.⁵⁴

The Regulation and Role of Expert Witness Reports in the Egyptian Legal System: An In-Depth Analysis

In certain cases that give rise to disputes, it is often necessary for the parties involved to seek guidance from an expert who can provide them with advice and guidance on how to resolve the problem.⁵⁵ "Expert Witness Report" is the term used to refer to this type of report. Expert Reports serve to articulate the Expert's professional judgment on a subject within their field of knowledge, be it in the legal, commercial, medical, technological, or other domains, after being subpoenaed by a court or parties involved in a legal dispute. Regulation of expert reports in Egypt is regulated in the Egyptian Evidence Law, No. 25 of 1968.⁵⁶ If deemed important, the court has the authority to appoint one or three experts through a court decision. This decision should include the following:⁵⁷

1. Accurate articulation of the member's purpose and the actions he is permitted to take.
2. The court required a deposit to the state treasury to cover expenses and expert fees. The party responsible for making these deposits, the time period for doing so, and the amount that the expert can withdraw for expenses are all specified.
3. Deadline for submission of Expert reports
4. Court date for depositing the trust and alternative date for non-depositing

The points above provide an outline of the methods of appointment, functions, responsibilities and obligations of expert witnesses in Egyptian courts. Egyptian Evidence Law, no. 25 of 1968, emphasizes a clear explanation of the purpose of involving expert witnesses in certain court processes. It contains what an expert witness is authorized and permitted

⁵⁴ Khaled Fahmy, "The Anatomy of Justice: Forensic Medicine and Criminal Law In Nineteenth-century Egypt," *Islamic Law and Society* 6, no. 2 (1999): 224-71, <https://doi.org/10.1163/1568519991208682>.

⁵⁵ Abdul Rahim, "Perlindungan Hukum Terhadap Ahli Dalam Proses Peradilan," *The Prosecutor Law Review* 1, no. 2 (2023): 36-66.

⁵⁶ Maha Ibrahim, "Egypt: Expert Witness Report In Egypt," *mondaq Connecting knowledge & people*, Desember 2017, <https://www.mondaq.com/disclosure-amp-electronic-discovery-amp-privilege/653658/expert-witness-report-in-egypt>.

⁵⁷ "Lihat the Egyptian Evidence Law no. 25 of the year 1968."

to do in the circumstances of the case at issue. This precise articulation is essential so that the role of the expert witness is well defined in the court process.

Furthermore, the court has jurisdiction to ask the parties involved to make deposits into the state treasury. The aim is to cover the costs and expenses of engaging expert witnesses. This includes identifying the party responsible for making the deposit, time limits for doing so, as well as the amount that the expert witness can collect for costs. This demonstrates efforts to ensure transparency and proper payment arrangements around expert witness participation. Regarding deadlines, expert witnesses must comply with them in submitting their reports. This highlights the requirement for time discipline and adherence to prescribed time frames to enable the smooth running of the judicial process.

Egyptian Evidence Law, no. 25 of 1968, above also provides a specified hearing date for saving guardianship. In addition, alternative dates are also provided if the parties concerned are unable to deposit on the specified day. This shows flexibility but with definite time limits regarding administrative and financial tasks.

Overall, the court's authority to appoint one or three expert witnesses through a court decision represents a fundamental characteristic of expert witness involvement in the judicial process in Egypt. This involvement is not mandatory but is facilitated by the Egyptian judiciary.⁵⁸ It consists of specific financial, time and responsibility arrangements to ensure that expert witness contributions are made openly, appropriately and efficiently according to the law. This law intends to facilitate fair and orderly court procedures by ensuring that expert witness contributions are appropriately controlled and supervised.

The plaintiff has the right to choose an expert or three experts, and in such case, the court is obliged to validate their agreement. The procedures for selecting expert witnesses in Egypt can be described as follows:⁵⁹

1. The court selects experts either independently or based on the plaintiff's preferences.

⁵⁸ Baudouin Dupret dkk., "Filling Gaps in Legislation: The Use of Fiqh by Contemporary Courts in Morocco, Egypt, and Indonesia," *Islamic Law and Society* 26, no. 4 (18 September 2019): 405–36, <https://doi.org/10.1163/15685195-00264P03>.

⁵⁹ "Lihat the Egyptian Evidence Law no. 25 of the year 1968."

2. One of the parties involved in the lawsuit must place the necessary funds into the court's treasury.
3. Within 48 hours of placing the funds, the court clerk will formally request the expert, using the registered book, to examine the documents in the lawsuit file and obtain a copy of the judgment.
4. If the expert is not listed in the table, they must swear an oath before the summary judge, otherwise the entire process will be cancelled.
5. Experts must set a start date for their employment within 15 days of being invited. He will also give an invitation to the litigants for an initial meeting, which must be held within 7 days before the appointed day, using the book that has been registered.
6. Experts are required to provide a signed concise and systematic report detailing the results of their work and their professional opinion.
7. If there are three experts, each must provide an individual report unless they decide to collaborate and submit a joint report combining the opinions of all three.
8. The expert must submit his report to the registrar, together with all documents he has received.

In Egypt, costs for expert witnesses are usually borne by the party requesting the expert testimony. In a judicial context, the party requesting the use of an expert witness, whether the plaintiff or defendant, will be responsible for the costs associated with the expert witness's services, including an honorarium for the time and expertise provided by the expert witness.⁶⁰

However, in some cases, the court may decide to appoint expert witnesses independently, and in such situations, the costs of expert witnesses may be borne by the state or the court itself. The decision about who should pay expert witness fees can depend on a variety of factors, including applicable law, court policy, and the particular circumstances of each case.⁶¹

If the trial judge appoints the expert, he must estimate the costs and expenses by order issued after receiving the application. Therefore, the

⁶⁰ Amr Omran, "The Appearance of Foreign Counsel in International Arbitration: The Case of Egypt," *Journal of International Arbitration* 34, no. Issue 5 (1 Oktober 2017): 901-20, <https://doi.org/10.54648/JOIA2017041>.

⁶¹ Izzy Maire, "ELIZABETH GARRETT ANDERSON, HAKIMAS AND 'ENLIGHTENED' BRITISH MEN: FEMALE MEDICAL PROFESSIONALS IN MIDCENTURY GREAT BRITAIN AND EGYPT," t.t.

entire Expert report procedure in Egypt must be carried out in court, where a decision is issued to appoint an expert, most likely a citizen.⁶²

The report from the expert is not binding on the court, meaning that the court judge will still decide whether or not to accept the report provided by the expert witness. The response to whether or not the results of an expert witness' report are accepted cannot be appealed, or a request to terminate the expert's action from the plaintiff.⁶³

The procedure for selecting expert witnesses in Egypt exemplifies the existence of careful and precise protocols regarding expert witness participation in the Egyptian legal system. Financial matters, time, responsibilities and procedures are regulated to enable efficient execution of expert work in accordance with relevant legal provisions. Transparency, reporting quality and responsibility of the parties involved are important aspects of this process.⁶⁴

Meanwhile, at the international level, many countries use Expert Witness Reports in a broader scope. The court may request a report from a legal expert in another jurisdiction that may be relevant to the case in question. It is clearly recognized that it would be more useful if the Egyptian legal system embraced wider use of Expert Reports to facilitate the resolution of cases especially when they involve foreign parties or when they relate to foreign law.⁶⁵

Closing

Overall, researchers can conclude that throughout its historical trajectory, Egypt experienced many political and legal transformations, including a revolution that led to the implementation of constitutional revision. The legal system in Egypt consists of several levels, which include administrative and non-administrative courts. Then "Expert Witness Report" in the Egyptian Evidence Law, No. 25 of 1968 is used in Egyptian courts to obtain specific advice on certain legal issues. The procedure for selecting expert witnesses is regulated by legal regulations and requires the

⁶² Maha Ibrahim, "Egypt: Expert Witness Report In Egypt."

⁶³ Ron Shaham, "Law versus Medical Science: Competition between Legal and Biological Paternity in an Egyptian Civil Court," *Islamic Law and Society* 18, no. 2 (2011): 219-49, <https://doi.org/10.1163/156851910X537775>.

⁶⁴ Susan Hascall, "Book Reviews," *American Journal of Comparative Law* 60, no. 3 (1 Juli 2012): 851-72, <https://doi.org/10.5131/AJCL.2012.005>.

⁶⁵ W.A. Wagenaar, "Expert Witness in International War Crimes Tribunals," *Psychology, Crime & Law* 15, no. 7 (September 2009): 583-96, <https://doi.org/10.1080/10683160802438338>.

court to appoint one or three experts who must meet certain criteria. The complete process of the expert report must be carried out in the courtroom. Regulations regarding the presence of expert witnesses in Egyptian courts such as the Egyptian Evidence Law, No. 25 of 1968 underlines the importance of expert witnesses in the legal process. The rule emphasizes the efforts made to ensure transparency, accuracy and excellence in expert witness reports, which are critical to facilitating the resolution of disputes in court. The government takes a role in this matter through payment facilities for expert witnesses, not all of which is borne by the parties to the dispute.

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