

## Abstract

This university thesis came as a continuation of previous university theses, as it dealt with the role of scientific and expert evidence in uncovering the truth and assisting the judiciary in its work.

This study also focused on the scientific role and what experience plays in this regard. I hope that I have succeeded in addressing the legal loopholes and alerting the legislator to them.

The modern scientific evidence means the definitive evidence that confirms the validity of the fact, or is the legal power of data and information extracted from the means of scientific progress in proving various legal and material actions such as: genetic imprinting, proof of lineage, human cloning, electronic documents, and the experience of the handwriting analyst as science has proven. The efficiency of these means and the accuracy of the data and information extracted from them as evidence.

The researcher concluded that the judge has broad authority to derive scientific evidence, as he / she is free to choose the proven fact, from among the multiple facts that he\she deems to draw the evidence from, and has the right to assess the significance of this incident, and the court of cassation cannot comment on this assessment as long as the presumption that the judge counted as evidence to prove the fact leads reasonably to prove it.

The legislator and the judge have an important role in organizing evidence, by organizing the burden of proof, and restoring balance between the parties to the conflict, as the legislator assesses and stipulates legal evidence, and the judge extracts the judicial evidence, and assigns the holder of scientific evidence to present it to the court, and considers the inaction and non-response of judicial presumption that shifts the burden of proof from the defendant to the plaintiff.

We hope that the Iraqi and Jordanian legislators will explicitly stipulate modern scientific evidence, as we hope to raise the scientific evidence to the level of legal evidence, as well as regulate the procedural provisions that must be followed when proving with scientific evidence.

The study recommends that Iraqi and Jordanian legislators address the basis on which the scientific evidence is based, as well as clarify its pillars.