

## The Report of Expertise in the Criminal Process, between Reality and Possibility<sup>1</sup>

<sup>1</sup> Dr. Mihaela AGHENIȚEI, <sup>2</sup> Dr. Monica Buzea

<sup>1</sup>Lecturer PhD -"Dunărea de Jos" University – Galati – Romania, Director of the Research Center - Faculty of Law and Administrative Sciences, Legal Research Institute – Romanian Academy, ESIL member, ELI member

<sup>2</sup>Lecturer PhD at Dunărea de Jos" University – Galati – Romania  
Judge at the Galati Court of Appeal

### Abstract

In judicial processes, the task of judicial experts (hereinafter – expert) is to contribute to the explanation of some issues indispensable to the solution of the case. The expert has an important role, and in numerous cases, the forensic expert report is a decisive means of evidence when formulating the elements of the court decision. Therefore, the activity of the expert must comply with the general principles that underpin any judicial procedure and, first, the fairness of the process. As in the administration of other means of evidence, both in civil matters and in criminal matters, the states are obliged to organize the expertise in such a way that they respect the principles of adversity and equality of arms.

The exact ignorance of the object of the judicial expertise leads to the incorrect orientation of the criminal investigation bodies and the court if an expertise is ordered, since the object of each type of judicial expertise is not always known (technical, forensic, medico-legal, accounting) or of each type of forensic expertise (chemical, trajectory, ballistic, etc.). Also, not knowing the object of the judicial expertise also leads to the confusion of the expertise with various purely procedural actions (for example, the experiment within the investigation), the unfounded disposition or rejection of the expertise, its replacement with other ways of knowing the opinion of some specialists - for example, requesting a technical-scientific finding or a simple technical opinion.

**Key words:** judicial experts, legal principles, judicial practice, expertise, proceedings

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