

How to Cite:

Bounaanaa, M., & Karym, M. (2022). The role of forensic medicine in achieving criminal justice. *International Journal of Health Sciences*, 6(S9), 1421–1436.
<https://doi.org/10.53730/ijhs.v6nS9.12553>

The role of forensic medicine in achieving criminal justice

Mohamed Bounaanaa

College of Sharia, University of Sidi Mohamed Ben Abdellah, Fez, Morocco.

Mohamed Karym

College of Sharia, University of Sidi Mohamed Ben Abdellah, Fez, Morocco.

Abstract---Noting that the criminal justice system is concerned with the achievement of justice and restoring rights to their owners over the ages and times. Given the development that has taken place in the field of crime and the multiplicity of its forms and colors, and the difficulty of determining its merits by traditional means. Therefore specialists in various sciences have sought ways to solve thorny issues and invest that science to reduce and narrow crime in the service of justice and safeguard rights and freedoms. Since crime is an inevitable issue in different societies in keeping with human development and progress in different areas and levels, reducing it has been one of the major problems for States and individuals. Where states seek to reduce and mitigate their effects by providing security and safety to individuals and groups in order to preserve the safety of their lives, security for their lives and guarantee their right to life. So, specialists have developed more efficient alternatives to curbing crime and reducing its spread. Therefore, other sciences imposed by the development taking place in crime emerged, including forensic medicine or what is called medico-legal as a science of specialized medical sciences and other related branches of medicine.

Keywords---Forensic, Criminal Justice, Medicine.

Introduction

Criminal justice is one of the sections of the judiciary concerned with achieving justice and giving rights to its people. However, the development in various fields of life has also resulted in the development of crime and a multiplicity of its forms. As the criminal in advance used simple means to carry out his criminal behavior, and the judiciary had used traditional evidence such as testimony, confession, and prima facie evidence with them. The crime then took another direction with which it was evolving, until it became carried out in an orderly manner and

through international networks. Since crime is an inevitable issue in different societies, reducing it has been a major problem for States and individuals, where regimes seek to ensure security, provide reassurance and combat this abnormal human behavior. The most heinous forms of crime are aimed at and exposed to the human psyche, whether by murder, beatings, torture, rape, or other types of criminality. Hence the acceleration of specialists in various and specialized sciences to seek ways to solve thorny criminal cases and invest that science to limit and restrict crime in the service of justice and the safeguarding of rights. In parallel with the original sciences related to security and the judiciary, other sciences have emerged that have been imposed by the development of crime, including forensic medicine, or what is termed medico-legal as it is one of the specialized medical sciences and other branches of medicine related to it.

Based on what has been stated, the importance of talking about the topic of forensic medicine and its role in criminal proof, and its approach in the light of national criminal legislation and comparative law, appears.

Research Importance

This topic, which we are going to study, is of great importance, which is reflected in the following:

- This topic is associated with multiple poles of knowledge (law, judiciary, medicine).
- Evidence-based on forensic medicine is one of the delicate specialties that the elder does not know about.
- This topic includes multiple aspects related to this field in terms of definition, origin, divisions, and goal.
- The subject of forensic medicine is still young, especially since the regulating law 77 and 17 in Morocco has not been published for a whole year. Thus, this study came to remove the veil from a number of matters about this modern legislative text.
- This topic highlights criminal justice in the modern era and how it responds to the new interactions and developments of the criminality phenomenon.

Research Methodology

We thought that the approach taken on this topic should be descriptive, and that is through introducing forensic medicine and mentioning its divisions, and its emergence to the last of the topics that require us to describe, sometimes mixed with the historical approach. As for the inductive approach, it is reflected in the research when following the requirements and legislative texts, whether Moroccan or comparative law, in which he searches for what is close to the central problem of this research.

Research Problem

Evolution has the advantage of today's societies considerably from its predecessors, and development in criminal activity also takes place considerably, which imposes on the authorities concerned with establishing security and

achieving justice also to be more developed, and this raises the following question, What is the role of forensic medicine in achieving criminal Justice?

Research Plan

- Introduction

- The first requirement: What it's forensic medicine and its relationship to judicial work.

- The first paragraph: The concept of forensic medicine.
First: Definition of forensic medicine, its origins, and objectives.
Second: The objectives of forensic medicine.
- The second paragraph: Types of forensic medicine and its relationship to other medical specialties.

First: Types and sections of forensic medicine.

Second: The relationship of forensic medicine with other departments of medicine.

- The second requirement: The relationship of forensic medicine to the judiciary.

- The first paragraph: How to practice the profession of forensic medicine.
First: The legal framework for the work of forensic medicine.
Second: The general requirements of the forensic medicine profession in light of Law 17, 77.
- The second paragraph: the relationship of forensic medicine to the judiciary.
First: The judicial medical report and medical certificate.
Second: Medical experience.

- Conclusion

The first requirement: What it's forensic medicine and its relationship to judicial work

Since forensic medicine is a science developed in the field of criminal law in recent centuries, it has been very important to talk about it, and its truth and what it is can only be conceived after talking about its concept and its origin (first requirement) because the judgment on the object is a branch of its perception. As long as this section of medicine is linked to the judiciary, we have to look for the relationship between the judiciary and forensic medicine (second requirement).

The first paragraph: The concept of forensic medicine

Before going into this problem, it is necessary to first define forensic medicine, which leaves no room for doubt about its concept and work to define its objectives (first). Then address its most important types and divisions, and finally its relationship with the rest of other medical specialties (second).

First: Definition of forensic medicine, its origins, and objectives

A- The definition and origin of forensic medicine

Undoubtedly, the term "forensic medicine" is one of the most important concepts recently used in the judicial field, given its importance in the search for forensic evidence, and therefore it raises the rest of the other means of proof.

First: Definition of forensic medicine

1- Definition of medicine in language and terminology

Definition of medicine in language: The origin is self-medicates, including medical, where Al-Jawhari said in Mukhtar Al-Sahah: "The doctor: the one who knows medicine, and we said for gathering a few doctors (Atbeah), and many are doctors. Also, I say: that I was not a doctor and I was treated (by a fracture the word), and in the proverb: "If you have medicine, then it is good for your eyes." And medicine, every skillful person is a doctor among the Arabs (Al-Jawhari, Al-Sahih Taj Al-Lughah, 1/170). Medicine is a source of treatment, which two types: Experimental medicine which has more experience-based practice than scientific theory, and Ionic medicine is a treatment by analyzing liquid medicines by electric current, thus the medicine is distributed within the body of the esophagus, (Ahmed Mukhtar, Abdul Hamid Omar, Dictionary of Contemporary Arabic Language, 2008, 2/382).

Definition of medicine idiomatically: By referring to the books that are concerned with the basics of science and its definitions, both for the advanced and the late, we find the word medicine them a connotation, and among those definitions we find:

- A science in which the human body is researched in terms of what is healthy and sick to maintain health and eliminate disease (Abu al-Tayyib, Abjad al-Ulum, 2002 AD, 431).
- Galen said: Medicine is the preservation of health and the removal of illness, (Abjad Al-Ulum, Khan, 431). So medicine, according to the above definitions, is nothing more than one of the mental sciences related to the safety of bodies and the prevention of diseases. If the disease occurs, then the doctor and medicine are based on removing the harm that harms the self, and if health is safe, then medicine guides the person on how to maintain the integrity of his body

2- Definition of Al-Shara' in language and terminology

Definition of Al-Shara' in language: The Al-Shara' in the language of the law, and the shariah the law legislator of water, which is the resource of the drinker, and Al-Shara' also includes what Allah has legislated for his servants of religion, and it has legislated any age and (chapter of cut). The street is a great road. Proceeded in any matter went through in it (chapter of underwent), and the animals began in the water, and they entered (chapters of cut and underwent) and it begins (Zain Al-Din Al-Hanafi, Mukhtar Al-Sahah, 1999 AD, 1/163).

Definition of Al-Shara' in the idiomatically: The idiomatic use of the word Al-Shara' differs, especially between Sharia scholars and jurists, and if the origin of its use is the Al-Shara' side, then among its definitions on the religious side:

- What Allah Almighty has shown to worship from the legal religion: relative to the Sharia, which was following the requirements of the Al-Shara' (Kalaji, Dictionary of the Language of Jurists, 1988 AD, 210).

The definitions given to the term forensic medicine are numerous, and we will confine ourselves to one definition:

Forensic medicine is a branch of many branches of medicine, specialized in the application of medical sciences to serve many judicial issues that the judge cannot decide on far from him, so that the forensic doctor is familiar with all branches of medical sciences, as well as matters of the judiciary and the law, even in general.

Second: The origin of forensic medicine

It is known that science has evolved rapidly in various sciences in the past centuries and recent years especially s genes to organ transplantation and even cloning. By reference to his initial upbringing, we can say that forensic medicine was presented with the very existence of folding practiced by the priest when he practiced medicine in temples. The history books classified species for possible harm to people, whether by assault or therapeutic error and passed on to the doctor after the priests separated from him. Among the book are those who attributed it to the dawn of humankind's formation, and its development was accompanied by temptation. However, history has not recorded any of these matters, except as stated in the Old Testament. Forensic medicine entered another juncture in the era of the Roman Empire, where the Roman people delegated the philosopher Solon to set forth forensic medical principles in its 12 famous plates of forensic medicine. However, was only completed and consolidated in the early sixteenth generation (Ghosn, Forensic Medicine, and Toxicology, MS, 12). In France, this type of medicine also emerged in the eighteenth century, when studies appeared in various subjects, and in the late eighteenth century, a forensic chair was established at French universities including Paris, Strasbourg, and Montpellier. In Britain, care for forensic medicine was lower than in other former European countries. In the Arab countries, education related to forensic medicine began with the establishment of the Faculty of Eye Palace Medicine in 1825. The first author of the subject was Dr. Ibrahim Basha Hassan, Professor of Higher Medicine, in 1866. In 1928, forensic medicine in Egypt was separated from work in his field and attached to the Department of Justice. The development of research in this area has been hampered. As for Morocco, this type of medicine was not known until after the entry of colonialism and the establishment of medical and health institutions (Al-Qabsi, Forensic Medicine, MS, 23-24) 23, 24 adapted.

Third: The objectives of forensic medicine

The supreme objective of forensic medicine is the medicine of justice and medicine of a right. If there was no forensic medicine, the crime would have spread and the criminals' tricks would have increased to escape the security of punishment. Exposing the crime and knowing its causes and perpetrator greatly limits the commission of crimes, and if any crime is committed it must be revealed to obtain every unjust person who will be punished after a fair trial. The knowledgeable forensic doctors present sufficient evidence in addition to the evidence of the criminal investigation, for the judge to set the due punishment for any criminal (Zaki Muhammad,10/217).

In general, it is possible to talk about the following objectives of forensic medicine (Al-Qubsiyi, Forensic Medicine MS, (23.-24)):

- Facilitating the task of the judiciary in protecting the rights of individuals, preserving their rights and freedom, and solving their problems, is what made it a pillar of the judicial system.
- A forensic medicine subject is an act that took place in the past and the perpetrator does not know, and the doctor's mission here is to reconstruct that act and reach to know the sequence of events and the current roles, depending

on the traces left by the accident on the body, clothing or the place of the crime.

- Finding the causal relationship, as it is known, the causal relationship is an essential component of the crime in addition to the behavior and the result, and it means the relationship and the link between the offender, and the criminal consequence of the victim, (Law, Moroccan Criminal Procedure, 110). This law requires the existence of a causal relationship to inflict responsibility on the accused. The extent to which a causal relationship exists or not requires resorting to the expertise of specialists to determine the relationship between the offender and the crime and the means used to carry out that crime.

The second paragraph: Types of forensic medicine and its relationship to other medical specialties

First: Types and sections of forensic medicine

A- Sections of forensic medicine

From a scientific point of view, and in light of the reality of the medical forensic systems prevailing in different countries, including Morocco, the forensic medicine departments are two departments that specialize in the human body, whether it is alive or dead.

Many forensic sciences are related to these two sections, such as forensic evidence, forensic medical chemistry, fingerprints, weapons and explosives, and blood research (Adoum, 2014 AD, (9)). These two sections are Pathological Forensic Medicine and Clinical Forensic Medicine.

✓ **Pathological Forensic Medicine:**

It is also called the necrotic examination so that the appropriate place is taken into account in terms of capacity, lighting and ventilation, the availability of an autopsy table, and all other matters, the necessary appropriate utensils must also be available to preserve the samples taken from the corpse, along with sufficient quantities of preservatives that are usually added to those models. In any case, the autopsy of the dead aims to establish a personal right and a general criminal right, so it is a mandatory examination required by law, and the physician to whom such a request is addressed is obligated to conduct it, especially in the following cases:

- Deaths due to violence, and suspected accidents.
- Deaths from poisoning, drugs, and alcohol
- Ensuring the vitality of external damage and linking its relationship to deep damage
- Appointment of mortal organic insult
- Verify the types of injuries in cases of multiple.
- Determining the deceased's health condition, his structural resistance, and determining the degree to which all of this is related to causing death
- Deaths due to medical errors and practices such as abortion and surgery
- Sudden deaths
- Deaths in prisons

Second - Clinical Forensic Medicine

✓ This section is concerned with medical issues of a forensic or legal dimension in living persons, called "living issues", and includes:

- A. Cases of sexual assaults on females (rape) or males (sodomy).

- B. Cases of determining injuries and percentages of disability for the injured in the case of physical assaults, whether criminal or as a result of the error to find out the percentage of compensation.
- C. Assessing the age based on the assignment of judicial authorities, or at the request of any interested party, or in the cases provided for by law.
- D. Assessment of an individual's mental fitness - presented either for prosecution, disposition of property, or for punitive responsibility for crimes. All of these medical issues are considered among the important work of the forensic doctor, and fall within the scope of his work - with a section of countries, or entrusted to specialized doctors in the various medical branches through the mandate or in hospitals affiliated with the Ministry of Health - in other countries or sections pre-defined by the bodies Judicial - in other countries.

Each country has its instructions regulating some of these issues, such as cases of sexual assault in females, whereas some Arab countries, such as Saudi Arabia, for example, require a forensic medical examination by specialized gynecologists, with the approval of the Sharia judge. In the case of sexual assault in males, the doctor, and his assistant are examined only in the examination room, and acute or recent cases of the act are referred on the same day by the competent authorities to the dispensaries and government hospitals of the Ministry of Health, where the general physician can easily know the effects of the modern act of the victim, due to the presence of wounds, cracks, and bruises in the Anus as a result of the act, with contamination in the anus area or between the thighs, and signs of violence and resistance on the surface of the body, (Salah al-Din, forensic medicine and criminal investigations, undated, (48)). As the Moroccan legislator, he referred to this type of forensic medicine in Laws 77 and 17 and made it the task of forensic medicine to examine clinically injured persons, physically or mentally, to describe the injuries, define their nature and causes, assess the physical damage resulting from it, determines the date of its occurrence, the means used to create it, and writes medical reports or certificates, as the case may be, regarding it (Law 77.17(4)).

The Fields

Forensic medicine intervenes in a social framework, where every money studies the relationship between what is medical and between texts and between the texts of the labor law or social security, as these texts need a medical opinion to be applied, for example, resolving disputes between the Social Security Authority or insurance companies and social insured, In addition, all consultant doctors from or insurance companies carry out work related to forensic medicine while doing their work with these bodies.

Professional Forensic Medicine

Professional Forensic Medicine studies everything related to the medical systems and the principles that the forensic doctor must follow to practice his profession, taking into account the medical custom and the traditions and ethics of the medical profession, such as maintaining the secret of the profession. It also studies everything related to the rights and duties of doctors (Mazouz forensic

medicine as a mechanism of criminal investigation, 2019 AD, (9)). Regarding the comparative judicial and criminal organizations, they generally agree in determining the types of crimes and the cases in which the judiciary or supervisory bodies for investigation seek the assistance of forensic medicine and forensic doctors. These cases are often called forensic medical cases or criminal cases. And legal medical cases mean those cases in which judicial legislation needs to request an opinion regarding them because adjudication in them is often based on evidence, and if we want it to be every case arising from a crime or assault and its proof depends on the medical evidence, it is not limited to cases of deaths only as some people think, but also includes cases of assault or crime that befall the human being, whether he died or not or was injured only (Omar Al-Maaytah, Forensic medicine in the service of security and the judiciary, 2008, (29)), and in general, it can be classified into the following:

- Cases of harm to others or criminal injuries
- Murder cases
- Cases of suspicious deaths and suspicious deaths as stated in Article 17 of Law 17.77: "The Public Prosecution, the investigative judge or the ruling body, each within the limits of his competence, may in the case of death whose causes are unknown or suspected or cannot be determined by a medical examination. Assigning a physician practicing forensic medicine to perform an autopsy or take the necessary samples on corpses or body parts for analysis whenever the needs of research, investigation, or trial so require.
- Unidentified deaths
- Sexual offenses and sexual assault
- The crime of criminal abortion
- Any other crime depends on medical evidence.

Law 77.17 referred to cases in which a forensic medical mission is mandatory." Article 18 states the following: "With due regard to the provisions of Article 17 above, the competent judicial authorities must order a medical autopsy in the following cases:

- Death resulting from physical or sexual abuse.
- Death due to poisoning.
- Death that occurs in places of custody or retain or arrest or to institutions carrying out punishment or preventive measures or deposit centers.
- Death results from suspicion of torture
- Death resulting from suicide or upon suspicion of suicide (- Article 18 of Law No. 77 .17 1441 AH)from suicide or upon suspicion of suicide (-Article 18 of Law No. 77.17 1441 AH).

Second: The relationship of Forensic Medicine with other departments of medicine

The relationship between medicine and other branches of medicine can be described as strong, as it relates to the sciences of chemistry, botany, medical drugs, anatomy, physiology, obstetrics, general medicine, surgery, internal diseases, and other branches that the doctor must master and master in so that he chemically treats what is related to poisoning, so he helps him in cases of poisoning, including what paves the way for him to verify the effect of poisonous plants and examine the composition of medicines. As for the science of anatomy,

it helps to know the human remains and distinguish between the bones, whether they are of an animal or a human and physiology shows him the causes of growth in the human body and the various developments according to the circumstances. As for obstetrics, there is no separation between it and forensic medicine as well to identify accidents of artificial pregnancy and take advantage of the signs of natural pregnancy, and it has resolved many matters, such as illegal abortion punishable by the text of the criminal law. General medicine can contribute to the development of forensic medicine in terms of distinguishing between medical diseases caused by the effect of the poison on the body and other things.

Second requirement: the relationship of Forensic Medicine to the judiciary

As already mentioned with us in the first requirement explain what is meant by forensic medicine and its fields and types, it remains for us to talk about its relationship with forensic medicine, and this is only after talking about how to practice the profession of forensic medicine in Moroccan and comparative law (first paragraph), then we will talk about the relationship of the judiciary with forensic medicine (second paragraph).

The first paragraph: How to practice the forensic profession

Talking about the practice of the forensic profession and its important roles in achieving criminal justice requires the three researchers to study the general legal framework of forensic medicine in the Moroccan judiciary, based on the international and national references (first), then talk about the legislative requirements that Law No. **77,17** specifically mentions the practice of the forensic profession and the related provisions (Second).

First: the legal framework for the work of forensic medicine

Forensic medicine is one of the tools of assistance in detecting criminal facts, in light of the developments in crime in the global and Moroccan arena in particular and the emergence of a group of criminal acts that are sometimes ambiguous and in front of all these compulsions and obstacles that permeate the practice of forensic medicine in Morocco and without investigation Criminal justice, If a group of countries has been able to establish scientific and practical rules for forensic medicine for some time, the legislator has moved in this path to establishing a legal system for the practice of forensic medicine, and we can limit the legal framework for this type of medicine to the following:

1. International Legislation

Morocco has signed a set of international conventions that seek to guarantee justice and achieve the right, given what criminal justice plays in achieving national and international security. As Morocco is an influential member of international and international organizations, it invokes the issue of forensic medicine to a set of decisions issued in those institutions, including, (National Council for Human Rights, Forensic Medicine Activities in Morocco, 2013, (7)).

- Human Rights Committee Resolution No. **32/2000**, Concerning Human Rights and Forensic Medicine, Session No. 60 of April 20, 2000

- Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment adopted by the United Nations General Assembly in its resolution **43/173** of December **1988**.
- United Nations Principles on the Effective Investigation and Documentation of Torture and Other Cruel or Inhuman Punishment and Establishment of the Truth, adopted by the United Nations General Assembly in December **2000** Resolution No. **55/89**.

In this legislative arsenal, international organizations seek, among other things, within the framework of the forensic medicine service, including recognizing the importance of forensic medicine and encouraging its use as the main tool in cases of violations of human rights and international humanitarian law, (Human Rights Council, annual report of the United Nations High Commissioner for Human Rights, 2010, (4).

2. National legislation regulating the work of forensic medicine in Morocco

Concerning the legal framework of forensic medical expertise in Morocco, in the past, it knew the absence of a special text framing it, and it was subject to Dahir No. **1,02,255** issued in October **2002** as the Code of Criminal Procedure, it was also changed and supplemented by Laws Nos. **58**, **11**, Law **35.11**, Law **23.05**, **24.05**, and other amendments that followed it. Forensic medicine was subject to the general rules of this law, , especially what is related to it next to experience, which is known as the direct means of proof, so that the Code of Criminal Procedure separates the provisions of the expert procedure in Articles 194 to 200 (Navid, Criminal Forensic Medicine in Morocco: Reality and Prospects, 2018 (7/934), as well as Law 00.45 related to judicial experts, but the need to develop an integrated legislative and regulatory framework for forensic medical activities, and a desire to keep pace with workshops to modernize the legal arsenal in Morocco, especially the aspect related to strengthening fair trial guarantees and developing criminal justice mechanisms, and given the development that has taken place at the level of global criminal investigation, and after the formation of a series of seminars, we mention, for example the Republican Symposium held in Fez on 9 and 10 November 2012 on the topic “Modernization of criminal policy, development of criminal justice and strengthening of fair court guarantees”, During which the reality and prospects of the practice of forensic medicine in Morocco were discussed by specialists, doctors, jurists, jurists and professional bodies. The Ministry of Justice created a draft law regulating the practice of forensic medicine, Qom **06.14** in **2014**. A group of parties, including the Ministry of Justice and Health, doctors’ bodies, and the Public Prosecution, initiated the preparation of a draft law regulating the practice of forensic medicine in Morocco, in which a set of data and considerations were evoked during preparation, including the aforementioned international covenants mentioned above, foremost of which is the United Nations Guide to Effective Investigation and Documentation in Crimes related to torture or other cruel treatment.

The project was referred to the Government Council, which approved it at its meeting held on September **20**, **2018**. It was then referred to the House of Representatives, which ratified it on January 22, 2020. Royal Decree No. **1.20.08** issued on Rajab **11**, **1441** (March **6**, **2020**) was issued to implement Law No. **77.17** relating to the organization of the practice of forensic medicine tasks and

was published in the Official Gazette No. 6866 issued on Rajab **24, 1441 AH (19 March 2020)**.

Second: The general requirements of the forensic medicine profession in light of Law 17, 77.

As previously mentioned, the first indication of strengthening the legal arsenal in Morocco related to forensic medicine was the Fez seminar, after which the Ministry of Justice filed the legislative void to keep pace with developments in the field of global criminal investigation (Nafeed, Criminal Forensic Medicine in Morocco: Reality and Prospects, 2018, (7/937). Because Law 17.77 specifies the persons authorized to exercise the functions of forensic medicine and defines their duties, rights, and duties; Article 4 of this law stipulates that he exercises the duties of forensic medicine:

- Physicians specializing in forensic medicine who are registered according to the legislation in force in this capacity in the schedule of the National Authority for Female Physicians and Physicians.
- Physicians working in collective health-preservation offices and health facilities affiliated with the health sector, hold a special certificate of training in one of the fields of forensic medicine.
- Public or private legal persons established following the legislation in force provided that the persons practicing forensic medicine tasks therein hold a diploma of specialization in forensic medicine according to the first broadcast of this article.

The same draft specified the field of exercise of the tasks entrusted to the physician practicing forensic medicine in Article 3 thereof, which states:

- 1- Clinical examination of physically or mentally injured persons to describe injuries, determining their nature and causes, evaluating the resulting physical damage, determining the date of their occurrence and the method used in their occurrence, and issuing medical reports or certificates, according to the situation in this regard.
- 2- Expressing a technical opinion on the facts submitted to the judiciary and related to its field of competence, especially about examining and determining the effects observed on the bodies of victims resulting from crimes.
- 3- Age determination is based on the assignment of judicial authorities or at the request of any interested party or in the cases provided for by law.
- 4- Examining or taking samples of objective persons in custody, or who are kept or placed in an institution for the execution of punishment, to determine the nature, cause, and date of the injuries sustained by them.
- 5- Checking, examining, and dissecting the bodies and body parts to indicate the nature of death, its cause, and date, and to contribute, when necessary, to identifying the deceased, and describing the subsequent wounds and their causes.
- 6- Attending the process of exhuming the bodies of persons suspected of their death from the graves and inspecting them.
- 7- Go to previews and take useful samples for research.
- 8- Submitting the organic samples on the bodies, including sperm, blood, hair, and tissue samples, and expressing an opinion on them to the judiciary.

- 9- Giving a medical interpretation of the results of examinations and analyzes of various organic samples as well as various substances such as drugs, toxins, bodily secretions, and gunfire residues, which were carried out by accredited and delegated laboratories.
- 10- Carry out any other task that may be assigned to him by the competent judicial authorities related to the nature of his tasks.

This project has also empowered the doctor practicing the functions of forensic medicine with a set of rights and duties, as the doctor enjoys complete independence in forming his technical opinions regarding the tasks entrusted to him, as well as he must smile with modesty, impartiality, integrity, principles of honor and what is required by the ethics of the profession, and what the professional conscience dictates to him to highlight the truth and contribute to the achievement of justice.

Second paragraph: the relationship of forensic medicine to the judiciary

To highlight the close relationship between forensic medicine and the judiciary in general, we can only talk about that relationship that is reflected in the medical report of the forensic doctor and the medical certificate that he authorizes (first) as reflected in the medical experience (second).

First: the judicial medical report and the medical certificate

If the criminal courts must take a profession to meet the demands of the courts in different cases, then the life or death of the criminal often depends on that profession - the medical profession - and he must be prepared for the branches of his specializations. The course of justice in many cases depends on the doctors, and if not for them, the person who appears before the court is a victim, an accused, or someone acting on their behalf. Forensic medicine is extremely important for both types, before the judiciary, as the victim may seek revenge for himself against the accused, and the accused seeks to exonerate himself, and one of the most closely related matters between the judiciary and forensic medicine in this context is the medical report (1), the medical certificate (2).

A. Medical Report

The forensic report in its criminal sense is a written testimony related to a judicial incident that deals with the causes, circumstances, and consequences of the accident (Omar Al-Maaytah, Forensic Medicine in the Security and Judiciary Service, MSc, (27), or written and unwritten explanation and interpretation with technical medical expertise carried out by the expert at the request of the judiciary or his representative, related to the causes of an accident, which needs to explain its circumstances and consequences, (Shahrour, Forensic Medicine Principles, and Facts, MS, (17)). The forensic medical report is issued at the request of the security or judicial authorities and it aims to show the truth whatever it is, so it is of great importance because it may be the main basis for judgments issued in the various sections of the court (primary - appeal - cassation) as is the case in Morocco -The medical report is an official document that does not contain the results of the forensic medical examination in addition to the forensic doctor's opinion on the nature and origin of the injuries seen and determining the cause and nature of death.

The forensic medical report is divided into two types, the first of which is the definitive forensic medical report, in which the forensic doctor finalizes his report to request inspection by giving his medical expertise, indicating the recovery period, the period of suspension from work and the amount of disability if the injury leads to disability, and this is in the case of non-death. As for the second, it is the inconclusive medical report in which the doctor sets the date of the second examination because the examination request did not fulfill its required purpose from the first examination, and the report is divided into written and oral, as well as the test report (Fouad, Ghosn, Forensic Medicine, and Toxicology MS, (29). The relationship between the judiciary and forensic medicine is evident through the medical report because the latter aims to serve the judiciary. What should be described in the medical report is that the medical facts should be given their due in detail when writing and drafting, since it is necessary to attach the parts that the doctor uses from the scientific references to explain his observations and observations, in an easy and clear language so that the specialists can read, understand and comprehend them. Therefore, the Moroccan legislator first found the medical report very important, and we find it in Article **24** of Law **77.17** which specified the number of conditions that should be met in the medical report.

B. Medical Certificate

The Moroccan legislator attached great importance to the medical certificate issued by the forensic doctor, as was mentioned in the first clause of Article 4 of Law 17, 77. Among the tasks of the forensic doctor, in addition to the clinical examination of the physically or mentally injured persons, the purpose of describing the injuries, determining their nature and causes, evaluating the resulting physical damage, determining the date of their occurrence, the means used to create them, and issuing medical reports or certificates, as the case may be, regarding them.

The medical certificate requires many conditions, the most important of which are:

- Be careful in examining the victim before issuing any testimony, and do not neglect the performance of his task, especially since he is threatened with punitive penalties, as stated in Article **35** of Law **77.17**: Concerning forgery of certificates, "A doctor practicing forensic medicine delegated by a judicial decision gave a false opinion or in his report facts that he knows are contrary to the truth or deliberately concealed, he is considered to have committed the crime of perjury and shall be punished with the penalties prescribed for it in the Criminal Code.
- The forensic medical officer is obliged to keep professional secrets, except in cases stipulated by law.
- Being impartial when issuing the certificate and he should not be influenced by its content (Shaqqawi, Forensic Medicine and its Role in Proving the Crime, **2014**, (76).

Second: Medical Experience

It is known that the subjects of forensic medicine are diverse and numerous, and therefore the forensic doctor is supposed to have an encyclopedia in his duties, and the cases vary, including minor and serious wounds, poisonings, deaths, indecent assault, abortion and murder in all its forms, in addition to that it goes beyond the work of issuing assault and wounding certificates. On the living, to

mental expertise, dissection, and exhumation for the dead, which are areas that belong to him alone. In Article **2** of Law **00,45**, the Moroccan legislator defines the judicial expert as: "The specialist who, commissioned by the court, investigates technical and technical points, and is prohibited from expressing any opinion on legal aspects. be bound by it."

Comparative legislation has approved experience, including Algerian legislation, that the use of experts, at the stage of gathering inferences, is permissible for judicial officers, and this is what came in the context of Article 79 of the Code of Criminal Procedure (77) with its text: "If it is necessary to conduct inspections that cannot be delayed, the judicial police officer may seek the assistance of The same is true of Egyptian legislation, where Article **1** of Decree-Law No. **96 of 1952** regulating expertise before judicial bodies stipulate: "Experience work before judicial bodies are carried out by current roster experts, experts from the Ministry of Justice, the Forensic Medicine Authority and other interests entrusted with the work of Experience, and everyone whom the judicial authorities consider when necessary to seek the assistance of their technical opinion, other than those mentioned. And in Article 32 of the Egyptian law, "there shall be in the headquarters of each court of the first instance a forensic department, whose area of jurisdiction shall be appointed by a decision of the Minister of Justice." Referring to Law 77.17, Article 21 recognizes the importance of medical expertise in cases that require it. Especially if the autopsy process to determine the causes of death requires conducting analyzes or examinations on the samples and body parts that were taken for the needs of research or investigation, the doctor practicing forensic medicine may request from the judicial authority that assigned him to issue an order to assign specialized laboratories to keep those samples or initiate to be analyzed immediately.

Conclusion

Forensic medicine and its role in the criminal proof is a delicate part that combines judicial and medical specialization in its various branches, and we have concluded that this concept appeared in Europe, beginning to reach the rest of the world, and that was specifically in the nineteenth century. One of the most important objectives of this type of medicine is to assist the judiciary in achieving the truth and achieving criminal justice, as well as facilitating procedures and court procedures.

Despite the legislative vacuum that Morocco has known about forensic medicine, Law **77.17** was approved, which is legislation that defines the tasks of forensic doctors and the components of their reports, in addition to the rights, duties, and disciplinary measures that apply to them.

Results and Recommendations

The study concluded with many results and recommendations, the most important of which are:

First: Results

1. Reliance on the medical report is still subject to the authority of the judge.

2. Forensic medicine is an old new concept, which appeared in Aruba in the nineteenth century.
3. The purpose of forensic medicine is to achieve the right and achieve criminal justice.
4. Forensic medicine has many forms of crime.

Second: Recommendations

1. The necessity of activating judicial oversight to ensure the credibility of the medical report.
2. It is necessary to work on establishing medical expertise within the means of proof.
3. Forensic doctor is required to know what the law and the judiciary need.

References

1. A group of authors. (2010). Forensic Medicine and Toxicology, (2nd Edition). Lebanon, Beirut.
2. Abdel Azim, Bakh, Modern Forensic Evidence: Forensic Medicine in the Light of the Draft Law, Journal of Law and International Business, Hassan I University, Morocco, article link <https://cutt.us/Xiohw>
3. Abu Abdo, M. (D.S) Forensic Medicine and Forensic Evidence, (1st Edition).
4. Abu Al-Tayyib, M. (2002). Abjad Al-Ulum, (1st Edition). Dar Ibn Hazm.
5. Adoum, Hana, The Role of Forensic Medicine in Criminal Evidence, Master's Degree Research (unpublished), Faculty of Law and Political Science, Oum El Bouaghi University, Algeria, 2014-2015 season.
6. Al-Ansari, Z. (Discussing) Elegant Borders and Accurate Definitions, Z (1st Edition), Beirut: House of Contemporary Thought.
7. Al-Ansari, Zakaria bin Muhammad, elegant borders and precise definitions, first edition, without history, Beirut, Dar Al-Fikr Al-Mu'as.
8. Al-Farabi, A. (1987 AD). Al-Sahih Taj Al-Lughah, (4th Edition). Beirut: House of Science for Millions.
9. Al-Maaytah, A. (2008). Forensic Medicine in the Service of Security and the Judiciary, (1st Edition), Saudi Arabia: Fahd Library.
10. Al-Razi, Z.(1999 AD). Mukhtar Al-Sahah, (5th Edition). Beirut: Al-Dar Al-Tamajiyeh.
11. Al-Rocki, The Impact of Judicial Experience on the Conviction of the Criminal Judge, Journal of International Law and Business, <https://www.droitentreprise.com/%D8%A7%D8%AB%D8%B1-/> accessed on 25/5/2021 .
12. Al-Thaway, M. (1996 AD). Encyclopedia of Scouts Terminology of Arts and Sciences, (1st ed.). Beirut, Lebanon.
13. Annual Report of the Office of the United Nations High Commissioner for Human Rights, Human Rights Council, Fifteenth Session, August 2010
14. Dragomyretska, N., Matvieienko, I., & Samofalov, D. (2022). Systematic and educational influences of civil society on public administration communications organization in quarantine restriction COVID-19 condition. International Journal of Health Sciences, 6(1), 214–233. <https://doi.org/10.53730/ijhs.v6n1.3828>

15. Forensic activities in Morocco, National Council for Human Rights, Rabat, Morocco, July 2013
16. Ghosn, G. (1938 AD). Forensic medicine and toxicology, (DS). Lebanon: Beirut.
17. Kalaji, M. (1988 AD). Dictionary of the Language of Jurists, (2nd Edition). Dar Al-Nafais for Printing, Publishing, and Distribution.
18. Mazuz, A. (2019). Forensic medicine is a mechanism of a criminal investigation. Algeria, University of Oum El Bouaghi.
19. Mazuz, Ahmed, Forensic Medicine as a Mechanism of Criminal Investigation, Master's Degree Research (unpublished) Faculty of Law and Political Science, Oum El Bouaghi University, Algeria, 2019-2020 season
20. Mesbahi, Abdel Karim, a series of lectures in criminal law, Faculty of Law, University of Ibn Zohr-Agadir.
21. Navid, Younes, Criminal Forensic Medicine in Morocco: Reality and Prospects, Arab Journal of Forensic Sciences and Forensic Medicine, 2018 Vol. 1 No. 7.
22. Ogres, M. (D.S.) The Responsibility of the Doctor in Criminal Legislation, (1st Edition). Casablanca.
23. Report of the Committee on Justice, Legislation and Human Rights, on Draft Law No. 77.17 relating to regulating the practice of forensic medicine functions, the legislative year 2019-2020, October 2019 session.
24. Shahrour, H. (ds). Forensic Principles and Facts, (DS). Lebanon: Islamic Cultural Center.
25. Suryasa, I. W., Rodríguez-Gámez, M., & Koldoris, T. (2021). Get vaccinated when it is your turn and follow the local guidelines. *International Journal of Health Sciences*, 5(3), x-xv. <https://doi.org/10.53730/ijhs.v5n3.2938>
26. The crime of abortion in Moroccan law, Freedom Organization for communication between justice sector employees in Morocco, <https://alhoriyatmaroc.yoo7.com/t714-topic> . See it on (05-25-2021)
27. Wirawan, I. G. B. (2018). Surya Namaskara benefits for physical health. *International Journal of Social Sciences and Humanities*, 2(1), 43–55. <https://doi.org/10.29332/ijssh.v2n1.78>
28. Ykhalaf, Abdel Qader, The Role of the Forensic Doctor in Achieving Justice, *Journal of Judicial Jurisprudence*, Issue 17, September 2018
29. Zaki Muhammad, Shaima, The Role of the Forensic Doctor in the Criminal Investigation, *Journal of the College of Law for Legal and Political Sciences*, Issue 10.