Mohamed Khider University of Biskra

Faculty of Law and Political Science

Law Department

Second semester

handout in module:

Criminal Law terminology

Directed to first-year Master of Criminal Law students

Prepared and Compiled By

Dr : lazhar benaissa

University Season : 2024/2025

LAW

The Fourth lecture

تابع مقدمة عامة حول وسائل الإثبات

Following to general introduction to means of proof

3- القـــرائن : القرينة هي استخلاص واقعة مجهولة من واقعة معلومة، وهي عبارة عن نشاط ذهني عقلي يقوم على الاستنتاج المنطقي يقوم به القاضي لاستخراج صحة أو عدم صحة ما يدعيه الخصوم إنطلاقا من وقائع أخرى ثابتة لديه، كأن يستنتج القاضي أن المتهم هو القاتل من واقعة أن بصماته وجدت على السكين المغروس في جثة الضحية، وكأن يستنتج القاضي أن الولد لا ينسب للمدعى عليه من واقعة أن المدعية قد ولدته بعد أربعة أشهر من الدخول.

3- Evidences: Evidence is the extraction of an unknown fact from a known fact. It is a mental activity based on logical deduction carried out by the judge to extract the validity or invalidity of what the opponents claim based on other facts established for him, such as the judge concluding that the accused is the killer based on the fact that his fingerprints were found on the knife implanted in the victim's body, or the judge concluding that the child is not attributed to the

defendant based on the fact that the plaintiff gave birth to him four months after the entring.

4- اليمين: وهي احتكام صاحب الحق الذي عازه الدليل إلى ضمير وعقيدة خصمه من أجل إثبات حقه فيوجه له اليمين بأن يحلف أمام القاضي بأنه غير مدين بالحق المدعى به عليه أو بأنه قام أو لم يقم بفعل معين، فإذا أداها خسر خصمه دعواه وإذا رفض أداءها ثبت الحق لخصمه، وإذا ردها على صاحبها وأداها ثبت لهذا الأخير أما إذا رفض أداءها خسر هذا الأخير دعواه.

4- The oath: It is the reliance of the right holder who lacks evidence on the conscience and belief of his opponent in order to prove his right. He directs the oath to him to swear in front of the judge that he does not owe the right claimed against him or that he did or did not do a certain act. If he performs it, his opponent loses his case, and if he refuses to perform it, the right is proven for his opponent. If he returns it to its owner and performs it, it is proven for the latter. However, if he refuses to perform it, the latter loses his case.

Terms: **مصطلحات:**

Means of proof	وسائل إثبات
Proof of right	إثبات حق
witness	شهادة
Direct judicial confession	إعتراف قضائي مباشر