

Judicial Expertise (B001363)

Course size *(nominal values; actual values may depend on programme)*

Credits 4.0 **Study time 120 h**

Course offerings and teaching methods in academic year 2026-2027

A (semester 2)	Dutch	Gent	lecture
			independent work

Lecturers in academic year 2026-2027

Tack, Sylvie	RE23	lecturer-in-charge
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Offered in the following programmes in 2026-2027

Master of Science in Teaching in Social Sciences (main subject Laws)	4	A
Master of Laws in Laws	4	A

Teaching languages

Dutch

Keywords

Procedural law, civil procedure, criminal procedure, investigation, expert.

Position of the course

The main objective of this course is to let students gain insight in the role, the importance and the method of judicial expertise in civil and criminal procedures. It is a fact that progress of science and technology - and the complexity of our society - have an impact on the handling of civil and criminal cases. This leads to more judicial experts being appointed and raises questions regarding their position and their relationship vis-a-vis judges and the office of the public prosecutor.

Contents

The judicial expertise is explained and examined thoroughly through the various procedural stages. Because of the elaborate regulation of this investigative measure in the Belgian Judicial Code, Article 2 of this Code and the case law of the Belgian Constitutional Court, the judicial expertise in civil matters is analyzed first before turning to the judicial expertise in criminal matters. Attention is paid to the appointment of a judicial expert, the procedure of a judicial expertise, the evidential value of an expert report, legal remedies against the expert and his/her report and his/her costs. The focus is also on the position of the judicial expert and his/her professional confidentiality and responsibility. Finally, attention is given to the expertises in certain fields of special penal law, such as accounting law, company law and financial law.

The preceding will off course be approached from the point of view of supranational law and, more specific, the ECHR. Attention is given to aspects of comparative law. An active participation of the students is expected.

Initial competences

It is recommended to have the final attainment levels of the courses penal law, criminal procedure and civil procedure. In general, they are expected to have a sufficient knowledge of Belgian positive law, as taught in the bachelor of law program.

Final competences

1 Having a thorough knowledge of and insight in the functioning of judicial expertises in civil and criminal matters, including the relevant notions of supranational law, such as the provisions of the European Convention on Human

- Rights, and the position of the judicial expert.
- 2 Resolving questions and problems regarding judicial expertise in civil and criminal matters.
- 3 Resolving concrete questions regarding the mission of the expert and the delineation of his/her mission vis-a-vis the mission of the judge and/or officers of the public prosecutor's office.
- 4 Finding and consulting relevant national and international sources, in particular the law, the literature in manuals and law reviews, case law, databases and the internet.
- 5 Forming an own funded opinion about issues relating judicial expertise.
- 6 Reflecting orally and in writing about the issues that were treated.
- 7 Having a critical attitude towards the various sources.

Conditions for credit contract

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

Conditions for exam contract

Access to this course unit via an exam contract is unrestricted

Teaching methods

Lecture, Independent work

Extra information on the teaching methods

Guided self-study and lectures. During classes concrete cases and (published) case law are used interactively.

Study material

None

References

The references are included in the learning material.

Course content-related study coaching

Feedback during office hours of teacher and assistants or on appointment. Tools of Ufora are used.

Assessment moments

end-of-term assessment

Examination methods in case of periodic assessment during the first examination period

Written assessment

Examination methods in case of periodic assessment during the second examination period

Written assessment

Examination methods in case of permanent assessment

Possibilities of retake in case of permanent assessment

not applicable

Extra information on the examination methods

The written exam is a closed book exam and consists of knowledge, insight and application questions.

Calculation of the examination mark

60 % written exam and 40 % oral exam

Facilities for Working Students

No