

**Address of the intervention:
The human right to understand
expert science: the standard of
modernity of the law?**

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Introduction

Two decades later, participatory democracy emerged in public law, posing the need for the law to be written by demanding the administration of truth, and the words of the law itself can no longer be tolerated in today's society except through a genuine discourse.

The law becomes the element that increases the performance of an evidentiary group to produce facts. Inference here with the science where the law is united by science or mingling through the resort to objectivity, which is the fruit of scientific experience to bring the legal system to the system of interpretation of honest and legitimate, the law to provide models and systems in the form of a set of rules and answers adapted to this extent or that with the development Science .

For example, the use of DNA in the criminal justice process gradually evolved in less than 20 years, the least controversial scientific material in criminal justice to prove and understand the physical evidence of the crime scene.

The use of lab evidence has grown in scientific innovations and practical applications. The analysis of the PC and mobile phone segments has become a physical guide to the suspect's cybercrime, giving the prestige and prestige of science and technology to understand And proof of physical evidence



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The criminal biology of toxicology also provides a scientific explanation for the crimes of . •
suicide or intentional murder. However, the risk community destabilizes the science system by
diagnosing the risk situation in the context of uncertainty in order to prove the probability of
an accident. The case of the global pandemic risk of avian influenza through the
transformation of the H5N1 virus is a complete example, as the science has not provided a real
explanation and has been associated with time Relative science.

And for this reason was the expert science to provide his guesses and pre-emptive •
assumptions of the partner recommended (human)? And to present the law with risky practice?
Science will open possibilities, through its technical applications, through new uses and new
practices that are allowed? Then come to regulate these practices. The power of undisciplined,
immoral and political science will be organized and directed by law.

Problematic study

Based on the problematic nature of the study, this situation urges the need for scientific expertise to adopt a social perception of risk, to open up an area in which values of all kinds are discussed, and to create an institutional dynamic for a reference frame. The process of adaptation and adjustment is directed to explain the facts according to scientific rules. On a special methodology, it is at the beginning, knowledge derived from the facts of the experiment and a discovery generated by the observation, and extrapolation, which is feasible to verify then the scientific expertise should submit to the law an objective note contributes to clarify the decision or judgment, On the truth and Ant Therefore, this situation calls for the existence of counter-experience, which is viewed as another authority to reveal the truth, an authority that strengthens or distorts the original experience. It has a positive dimension to compare the declared facts according to the logic of the available science. In accordance with the principle of the right to inquire and the right to participation arising from a special category of third-generation human rights created by the European Court of Human Rights and enshrined in the Aarhus Convention signed on 25 June 1998 on access to information and participation in the process public

This reflection allows for the ongoing reflection of the late 1960s in scientific rationality and its inevitable entrenchment in the political system, which then faced conflicts of interest and the logic of power.

It is about allowing an ideal contact unit to move away from Western technical thought in that it opens up a legitimate space for the democratic work of the citizen.

The question of the possibility of acceptance of risks finds itself uniquely beacon at a time when the logic of accepting authoritarian law is no longer the only one, but the logic of participation where many circles of activity created by the system of organization interfere with the exercise of the right to understand through the acceptance of science as a ruling between the parties authority on the one hand And the time of risk acceptance by individuals on the other hand.

The legal understanding of risk responds to compulsory warning in view of the science of society and participation in the responsibilities of actors under indictment, from the institutional decision expert and participatory democracy?

Scientific uncertainty has been transferred to the theater of democracy to become an element of social hesitation in the face of dangers. The state of scientific knowledge at a particular moment becomes a modern standard of law in the society in which technology is controlled. Thus the logic of the European Community judge's interpretation of the principle of precaution follows: Is based on hypothetical risk as abstract, it must take into account presumed risks based on reliable, clear, and objective scientific data. Even in the absence of absolute scientific certainty, the law passes judgment in the depths of science by defining the framework of good scientific experience , And its forecasts

The expert science is determined by counter-experience, debate and scientists

Where the judge of the European Community wants to say without making sure that there is great scientific certainty, counter-experience remains an experience that reduces the deviations of the original experience and corrects a scientific persuasion that allows the division of objective data, beliefs and values as an open space to confront science. Is the refinement of the objective difficulties of the choices and in this capacity are often regulated by the law through the adoption of the administrative authority of the scientific laboratories to do the right to listen in scientific sessions or counter experiences ... etc

The claim of a real right to independent and independent experience is based on the need to extend the rights of the defense to the circle of science, which may constitute an extension of the measurement method to the system of positive law

Scientific uncertainty and scientific expertise

In his normative interpretation of the principle of precaution, the European Community Judge also states that the justification for the existence of expertise even in the context of scientific uncertainty lies in clarifying the facts by bringing his lights to the judge on a factual or technical issue with reason, objectivity and abstraction.

Scientific experience focuses on the rational, objective, and technical truth whose purely cognitive elements tend to be judged by the judge, and their validity outside the law can replace judicial truth.

For example, what can the judge do without scientific expertise in estimating the seriousness of a genetically modified organism, rather in the context of scientific uncertainty?

The power of government, under the jurisdiction of my own interpretation, has the inherent competence to attack its own system and to strengthen the legal system. This is the stabilizing function. It can only produce its scientific truth and is a legal fact.

Comparative countries' experiences in identifying expert science

In the comparative aspect, specifically in North America, to obtain the expert's testimony by the court, it must first meet many rules. The judgments of the United States Supreme Court have provided for the conditions of the authorized expert's certificate to the extent that the theory or techniques relied on are:

- a. Verifiable and achievable. •
- B. Accompanied by error rate statement. •
- C. Scientific knowledge should be supported by the consent of scientists, for example, published in a peer-reviewed scientific journal. •
- Dr.. Generally accepted in the scientific community from the field of his experts •

Union of expert science and law

However, the integration of the scientific dimensions in law-making, the mutual adaptation of the law to science and the integration of scientific technology into legal techniques conflicts with respect for the right to privacy with the risks of medical information, as revealed on the basis of genetic analyzes, Databases . ●

Thus, the administrative judge clearly showed, with regard to the commercialization and commercialization of genetically modified organisms in the market, his confusion, hesitation, impossibility of stating a legal fact in substance, and merely by referring to an initial issue by drawing procedural lessons from the jurisprudence of the European Court of Justice Evidence of genetically modified organisms has become a source not only for law but also for knowledge-seeking to justify the legitimacy of a societal option and to make a risk socially acceptable. ●

This brings up the scientific experience in modern law, after the phenomena of Phenomenology and produce reality from reality, and say what is true, and what is other to the public. ●

There are those who call for the expert to be responsible for his civil responsibility to formulate a certain wrong. However, the best is to resort to the establishment of a common method and compounded by a hearing among experts. ●

The technology used must be testable, tested and validated as an appropriate result. ●

The scientific knowledge contributes to the support of the case with real and objective certainty, and proves the stability of the legal system. Thus, the scientific truth ends the repeated phrase in the law which is the term interest. This scientific illumination allows the vague and vague facts to recognize the legal system by receiving this fact The fact that facts are facts and impose a necessary necessary union between law and science. ●

Conclusion: The right to understand expert science is a social necessity?

In order to accept risk, modern democracies must devise mechanisms to approximate perceived risks and objective risks. New forms of participation: investigations, public hearings, non-technical summaries, citizen meetings, etc.? However, the open and varied ways of active media commitment by the state to the public, but this freedom should not interfere with the inviolability of private and family life, including the interpretations of the European Court of Human Rights in its decision on the carcinogenic risks of ionizing radiation, The Court certainly does not have a general obligation to participate, rather than a general power to search for truth, but it would have been otherwise had the State, at the moment of exposing people, had information to highlight the possibility of acceptance. •

In another case, the Italian International was convicted for failing to provide the necessary information to assess the risks of residence in the vicinity of a potentially dangerous chemical industry classified as very dangerous under the terms of the Suvisu collective directive. The wisdom devoted the State's obligation to provide risk information to determine conditions
Possibility of acceptance •



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