

Proved Value of the Testimony in the Civil Affairs in Iran's and Egypt Laws

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ABSTRACT

Testimony witnesses as an evidence to prove the claim has been interest and attention human societies since past time. But with handwriting invention and its spread among the public were reduced the credibility of the witnesses' statements and subsequently some of the world's legal systems to the testimony this issue to the very few cases. Iranian Legislative acting to reform the civil code of after the Islamic Revolution and was influenced from Shia school. Revocating articles of 1306 to 1311 of this code (except 1309 article) caused to removing a positive testimony prove limits of testimony, so that is possible to prove all claims through testimony.

In this study survey proved scope of the testimony in Iran's law and legal system governing in Egypt for Amount of impact by the two systems adapted as two Islamic countries of the commandments of God. In contrast, Egyptian law is combination of French and Hanafi School. Of course conducted study show that producing legislation at least about testimony the greatest inspiration is derived from French law. Egyptian legislature has census few cases in proved law, knows provable with witnesses testimony and determination of quorum (500 Egyptian Jonaih) is trying restriction proving range of testimony.

KEYWORDS: Evidence law, Witnesses' Testimony, False Testimony, The Authority of a Judge, Hearing the Testimony, Proved Law of Egypt.

1. INTRODUCTION

The history of the claim alleges the issue and rights convention is equal human life and testimony is one of the oldest reasons that all Nations from long periods of history so far to prove their claims, have made use of it. In ancient times, before the invention of writing, citing testimony for the truth, has flourished a lot and were allowed unlimited value for it.

The development of general learning science and promoting set the document in communities on legal action and criticism that in terms of science of psychology in connection with the presented testimony and likely lies and unrealistic statements of witnesses, overwhelming countries has seeking restriction of proved areas the testimony and determining of certain criteria for witnesses. Despite these decisions is considered yet in some of testimony, reasons proved unique.

Quran book away from any distortion and robbery, as the most reliable humanity guide book mention to in many cases to prove the claims and cases referred to the testimony and witnesses situation and has express a brief but clear and rational. Jurists Grand Ayatollahs in their religious books concerning independent chapter to're allocated testimony.

Iranian legislator at the time adoption of third volume of civil law in 1935, while relying on the jurisprudence, to coordinate with the advanced countries law in terms of possible witnesses faltered has limited its proved value, But after the Islamic Revolution and the years 1982 and 1991 reforms of the civil law of various substances, that proved value of the testimony was limited to less important cases (1306, 1307, 1308, 1310, 1311, 1313, repeated extension) can be removed. The fate article 1309 law, despite the will of the legislature on the survival of this article, views Guardian Council on non-religious terms; it still has an aura of ambiguity.

We had it with on importance of this comparative study of Iranian civil law that inspired from France civil law and Shiite Jurisprudence and civil rights in Egypt has adopted that legal text of France law and has vanguard Sunni jurisprudence, to review proved value of the testimony in civil matters deal with in both mentioned legal system.

In this study, two basic questions arise:

- 1- What is the credibility of testimony in conflict official with written documents in the law of Iran and Egypt?
- 2- What are similarities and differences of testimony proved territory in two the legal system in Iran and Egypt?

2. Research Hypotheses:

- 1- On Iran's law to qualify testimony can undermined provision of formal documents or documents that its validity is confirmed in court. Documents proved values in the Egyptian law; among other evidence proving of the claim is first-order and cannot discredit it through the testimony.
- 2 – In Iran testimony of witnesses has proven a variety of the ability to testify in the Iran's claims, but in Egypt in addition to the testimony of determining quorum, according to the certificate is limited to specific cases.

3. Word and term meaning of testimony:

Word testimony (Shahadat [Persian]) in the vocabulary is taken Root of a single triad of "shaheda" and derivatives are abundant, When shaheda' come along "with" as: "shaheda' bekaza" It is meant to give evidence and use the term shaheda' along preposition "ala' " For example: "Fa shaheda'a ala' ieh" is means overwhelming decisive news against a person, If no preposition is used, The concept of perception by the senses, it can be inferred (Najar,1972,497). Testimony in vocabulary is meaning give evidence and sworn, presence and awareness, in the principles give notice something with knowledge and certainty information say witnesses (Ansari & Taheri, 2005, 1193).

Saheb Javaher with accept above definition of the final reference for defining the witness knows norm (Najafi, 1396 H.A, P41). Dr.Langeroudi in book culture of knowing elements focuses on explaining several categories to the testimony that is the following:

- 1) The testimony is generally made of news, so the narrator's story, lawsuit claims, confession, translated for the court and comment judge... then witness should be going the news.
- 2) If have a professional don't inform to rely on their expertise, so experts translated and say came out because they inform cited their expertise. The judges announced vote is documentary to their expertise and is the outside from a testimony definition.
- 3) Witness news be from science and without intermediaries or documented to others say.
- 4) His knowledge, personal knowledge, not kind science, so cannot admit the other confession it is kind science useful interrupted about testimony to be found. Science from sight of a document and lining is such it.
- 5) Witness News must be originally not with proxy.
- 6) The news is witness to be part of, such as news human true reasonable of justice, witness the lawsuit.
- 7) News (ekhbar) shouldn't be from the verb reporter's (mokhber) thus news of the judge to another judge don't testimony because the news is from the verb own.
- 8) Witness should not be interest in their news thus the news claim person in express claims that is in his/her benefit in result is out of definition witness.
- 9) Witness news should not be loss own the witness that this subject supposed to be considered.
- 10) News witness should be the originally intended to company in adjudication thus news cabala narrator does not have as a witness (Langeroudi, 2003, 397).

Iran's testimony is not defined in the law, in jurisprudential and legal definitions reached common points regardless of the differences, but can be presented as short sentences, a definition that seems to be comprehensive and prevent. Testimony is final news obtained from five senses in profit appeal for another. Harm to another, whether or not to be. In Egyptian civil rights has not been provided definition of testimony.

Egyptian authors and lawyers have been expressed closely meaning to present meanings in Iran's rights, So that "the testimony in word news knows from observation and clear and examination and in terms, human news in order to attract interest for another and against other person». (Alamrosi, 1966, 727).

Table (1) Similarities and differences between Iran and Egypt laws

Similarities and differences	Iran laws	Egypt laws	
Witness Conditions	1- Maturity	Under Article 1313 C.L and the first paragraph of Article 155 Cr.L ¹ maturity is census as a condition of a witness. Article 1314 C.L states that: "testimony children who have not reached to age of 15 years may only download information for the hearing, unless law is validated testimony such children."	Article 64 E.P.L ² laws, doesn't know suitable for the testimony person under age 15 and its words are heard without swear for add information. This minimum age is special to time a witness to testimony not for the time of incident and its tolerance (Alamrosi, 1966, 730).
	2- Intellect	Based on second paragraph of Article 155 Cr.L and Article 1313 C.L. The witness should be wise. Appreciation insane person due to his/her inability to perceive accurately event and recording and maintaining of accurate happening, is not valid.	Despite lack of the law stipulates of proof to mentioned condition including provisions for the witness can be seen in books Egyptian lawyers is condition of perfection of wisdom, and tolerance in a state utterance of testimony.
	3- Justice	Virtue of fifth paragraph of Article 155 Cr.L and Article 1313 C.L. Witness should be fair.	Despite the consensus of Muslim jurists on the condition witness justice due to documentation (verses and hadith) incurred in the legal texts of Egypt, is not a reference to the foregoing condition.
	4- Faith	Another condition from the third paragraph of Article 155 Cr.L and Article 1313 C.L.. Are intended to witness is the faith (Full accept Islam).	In rights of Egypt except refers respective Jurists, Faith condition are not seen in Witness conditions.
	5- Lack of Interest	Note 2 Articles 1313 C.L is expressed as "testimony that self-interest as the same benefit or right in fight may not be accepted."	In law of Egypt established, condition of no charge (no interest), witness is not mentioned. But the book osoul Almorafat does not consider acceptable partner testimony.
	6- Lack of hostility	Including provisions in Article 155 Cr.L, but the testimony in favor of the enemy, is accepted.	In law, proven Egypt has not been referring to this requirement.
	7- Witness cleanliness	Accordance paragraphs four of Article 155 Cr.L and the 1313 C.L. The witness must be legitimate and doesn't be illegitimate.	Egyptian law is silent in this case.
	8- no Panhandle	The second note part article 1313 at the latest and the eighth paragraph of Article 155 Cr.L , the testimony of people who are engaged beggar not be accepted.	Egyptian law is silent in this case.
Testimony Conditions	1- Being definite and certain	According to Article 1315 C.L witness testifies to something that is certain.	Despite the lack of Egyptian law, in writings religious books of Hanifieh religion, certainly and surely is conditions of testimony utterance true.
	2- according to claim	Witness provisions should be consistent with the claim. (1315 C.L)	in Egyptian rights, one of the conditions accepting testimony is related to claim of testimony with lawsuit
	3- Agreement witnesses on the testimony	Testimony of witnesses should be provisions and in means same. If difference in testimony of witnesses cannot achieved so sure, to certificate mentioned is not given effect. (Article 1318 C.L)	Egyptian law does not mention but courts does not give effect various testimony (in a lawsuit)

4. Provable cases with testimony in civil law in Iran:

Legislative to the reforms in 1982 and 1991 and the removal of article 1306 and 1307 and 1308 and 1310 and 1311 in civil law in circle of credit testimony extended legal system in Iran. So all claims can be proved by referring to the testimony. There is against credibility of the witnesses' testimony in article 1309, C.L only limitation which requires.

The only limitation is who against credibility of the witnesses' testimony in 1309 C.L which is provided in the a formal document or who validity of document in the litigious court found who it is contrary to the provisions or contents is not proof of the testimony. Guardian Council in 1988 over doctrine, article judge declared mentioned contrary. Carefully consider in article at 1309 C.L and even regardless of the Guardian Council objections, we understand who disregard this article limits against credibility of testimony, because article 1309 only things that opposed to "provision and content" is a formal document with the testimony of witnesses is not verifiable, not inconsistent with

¹ Criminal law

² Egypt proved law

testimony any a formal document. In fact testimony is not accepted, who its provisions is in conflict with official document. Moreover, document meaning of particular words used in article 1309, in this sense, document is involves a legal act and such document is involved a written confession signed of document. Chapter conflict admits with testimony, confession is a priority, particularly who testimony government officials also attached admit in document (Karimi, 2008, 83).

Acts of judicial procedure against the Guardian Council and contrast testimony of witnesses does not accept the terms and content of a formal document. But in cases that in official document done false or forged, to accept the testimony isn't without benefit. For example, in voting public delegation the Supreme Court precedents No. 224 dated 08/15/1349 Despite two name in the person's birth certificate has accepted eliminating one of two names being known with prove through testimony one of the names (Bazgir, 1998, 256).

5. Provable cases with testimony in civil law in Egypt:

Before examining the cases provable, first deal with non-provable cases with the testimony. Article 60 the proved law of Egypt expresses: "In noncommercial cases, civil legal possession, which be its price more than 500 pound or indeterminable be the testimony cannot be proven. Whether to establish whether the expiry of its existence ..."

Regarding mentioned article is obtained that "testimony is accepted in trade issues and in non-business issues and legal possession, acceptance of testimony as evidence to prove limited to the quorum"³.

In cases where is not legal possession of more than 500 pound is proved by the testimony. On the basis of price possession, time of issuance of contract (contract contract) is the judge to calendar will pay the price and it can take help from experts. Possession price if after the contract time is less or more isn't criteria but when the benefits and accessories are added to original right (such as paying loan installments) in this case are valid extensions.

Article 61 to prove the Egyptian law, cases is not proved by the testimony of census and even if its price is less than 500 pounds.

Paragraph 1: opposition to or aggression the provisions of reason written notice (document).

For the defeasance provisions of the document cannot be cited to testimony. But should be written reason another search of profit, due to the low levels value of the written testimony is proof. To deal with the present document should be level with reason. Against with document can be raised that what review and recorded by law officer is wrong and against the reality. Here only way to modify the document is the lawsuit deception (fraud).

Claims is rapist the provisions of the document, only document or proved origin (with evidence or testimony) is probable (Moemen, 1972, 645).

Noteworthy point is that document necessary proved regarding claim against the aggressor with from provisions of the document, time are discussed that one negotiating, it is claimed. But third parties have no a role in concluding the transaction (and is not vice president and representative of both parties to the transaction.), can be used to prove their claims from all the reasons. However legislature permitted proved of contrary to public order through all claims as proved reasons. But proved illegitimate for mentioned transaction in contract, through testimony and the evidence, it is possible. But when something as for the cause is not mentioned in contract, otherwise the legitimate claim that it is possible only with document (Marghas, 1989, 450).

Paragraph 2: If the desired is part of right who proving it only through scribe (document) is impossible.⁴

This paragraph is followed and completed the last paragraph of Article 60 the law. In cases that the claim is proven to be a part of the whole situation, is obedient whole situation.

Dr.Sanhori express: proved what belongs to is something has been proven by the document, but the opposition and is not exceed the provisions document, according to general rules isn't necessary providing document (Absolutely Law possession of material facts and that quorum predicted in the act exceed is not by the testimony of witnesses and the evidence are verifiable.) For example: expire claim and complete obligations that it document was set, and rape is not only opposed, but rather to emphasize principle of commitment.

Paragraph 3: If the claims of some of the demand (claim) that was more than 500 pounds to avoid, compared to the rest of his quest that is less than 500 ponds cannot make use of testimony.⁵(Ghasem, 2009, 309). So person

³ Stipulates Articles 40-52 of the Act that the contracts for commercial companies and solidarity input and recommendation shall be in to book And Article 3.3 of the commercial maritime law that the sale of Fools all or some of the need to bail shall have a formal(Nashat Bek,1955,224)

⁴ article 1307 (eliminated) C.L "in the contracts, the obligations mentioned in Article 1306 C.L. The person claims who do to its obligation, or a way of deviation from the law is not be prove their claims only by testimony. "

must provide written reasons to prove their claim quest. But in the middle understand their inability in reason provide writing. Inevitably some will reduce their quest for achieve quorum and about claim is proved by the testimony. In this case there is a likelihood of deception.

Now we study the cases proved by the testimony, according to provisions of proved law in Egypt, there are five cases that can be proven through testimony:

Commercial issues:

Article 60 from proved law expresses "In other articles commercial ... may not be the testimony of witnesses ..." Egyptian legislators, commercial cases need to prove the rule; the scribe (document) is an exception. Reason of exception is in speed important business transactions, and profitable time for traders that to adjust the document, the cost (financial - time) are eliminate significant them. But according to Egypt's commercial law other items of understand limits the scope of this exception: Sell or lease all or some of the ship should be a formal document. Contracts of general partnership and joint stock companies and.... It is essential be made through document. Egyptian sea commercial law, borrow nautical should be by virtue a formal or unofficial document and so on. The permission of the legislature to prove through testimony cannot be prevented Set document, if there are two traders who trade affairs between them must be the proof, commitment to the agreement is necessary. When the difference before to testimony cited through scribe to be proved, it is impossible proved otherwise, except through the document⁶. If complex contract is concluded so that be considered a commercial side to the other a civil side it is should be noted here that defendant is a trader or non-trader. Trader for litigation against the non-trader is obliged to prove the alleged fact in civil law and in reverse state, to prove the claim against the trader can testimony, without limitation and can be used according to the legal quorum (Nashat bek,1955,200).

Law possession with 500 pound Egypt or less than it

Criterion for determining the value of claim is concluded time of contract. However, these price increases or decreases later unless when prices rise something is imminent, and attainable as a condition of criminal delay in marriage promises, if the credit contract to be concluded for several consecutive installments. All installments are calculated in determining the value testimony. In cases about testimony claims to be several obligation, any obligation alone is the criterion. Citing the testimony of witnesses in cases property prices are not set, it is not permissible. Calendar value of about testimony is done by the judge (alone or with the help from the experts)⁷

Egyptian legislature cases the document may be not obtained only as absolute census proved in paragraph 1 of Article 63 of law, has to this mentioned. Egyptian authors, identify obstacles to access to the document on the criteria are considered. The obstacles are divided into three categories of material and literary and habits.

Material obstacle

Material obstacle is something that, according to its essence, a person forbids from access to document. Such as crime and tort and quasi contract and reluctantly, and fainting and error....

Crime and Tort: The nature of the person preparing the document is preventing. It is not possible for a person before rape against life and rub document adjust. After the occurrence of crime and tort, not a wise person should be able to provide required document. In these cases we must admit hearing the witnesses.

Literary obstacle

Other cases Article 63 rights E.P.L is considered as obstacle acquisition document, is the literature obstacle. Literary obstacle, spiritual and emotional relationship is most visible people in family relationships. The presence of in close relationship, the person will needless to document. Relationship of couples and father and son, between nephew and aunt and wife relationship with husband father, including of this relations are considered. The relationship brotherhood and sisterhood cannot be considered literary obstacles unless that older brother is in order dignity father. But this is absolutely not acceptable, because in some the contracts other reason will not be accepted unless a written document (Pishin, 213).

⁵ article 1310 C.L: "If the lawsuit contract or commitment over five hundred riyals is not it just by witnesses proved, however, claim person, their claim reduced five hundred rials or Regardless of its excess."

⁶Article 61 prove law: May not prove the testimony of witnesses and or increase if the value on the average of five hundred pounds law

⁷ Article 60 prove law : In non-commercial materials if legal action more than five hundred pounds or an unspecified value, may not be the testimony of witnesses to prove its existence or its expiry unless there is agreement or text without requiring commitment to its value as the time of the act. Testimony of witnesses shall be permitted if increased commitment on the five hundred pounds did not come only from the inclusion of benefits and extensions to the original. The case included if multiple requests arising from the multiple sources of evidence may the testimony of witnesses in each request not more than \$ five pounds and if these requests in the aggregate more than this value and if the originating relations between the litigants themselves or the actions of one nature. Lesson is in the partially met if the value of the original obligation.

Habit obstacle:

Another obstacle that Egyptian legislature has not called, it is habit obstacle. In these cases, due to the current custom and habit among the people setting document does not perform. For example, giving money to the employee from trader to perform duties and Home spending and expenses or that amount of sales and buy is part of over the quorum of regulation in civil law (for proved about testimony). However, these can be considered part of the domain of obstacles literature.

If a reason is proven conclusively that document has been lost through force majeure.

Article 63 rights E.P.L. in second paragraph, it is noted: "When the power Creditor according violent Force or lost foreign document ..." in cases proved is not possible prove a written document, can be used from the testimony of witnesses.

When document be issued following the conclusion of the contract. For a legal document holder gives fulfillment from their quest but the operation of the document is subject to the offer document. Whenever promising person due to negligence in maintenance from document grounds provide the missing, thus from its privileges Deprived. But when document by interference force from violent or human resource disposal of this such that it out of document holder disappears, it should to make arrangements for a document holder that they achieve to the proper rights. The document holder must prove two cases: 1 - The presence of document past 2 - lost its force of violent (Pishin, 214).

Document holder must prove the presence of documents to occurrence of violent force. This document can be, quest document or payment of all or part from its obligation. What second paragraph of Article 63 from mentioned law⁸ comes on is that If there is a definite reason the judge (and total), on missing document, proved (the provisions of the document) through the testimony of witnesses as permitted.

The presence of proved origin of Scribe (document):

Article 62 E.P.L express; "If the source document is found proved in cases are not permitted except with written reasons, with testimony of witnesses is permissible" and the following article deals with the definition proved origin." Every document from the defendant (the opponent) is issued and represents occurrence of relative probability alleged...

What comes to mind the provisions of this article is that this document does not have the complete circumstances a document (the writing reason), the only thing that will persuade the judge, this is proved that this document (scribe) issued by the defendant and from seizure of the story claim relative probability. In fact origin of proved along with testimony witnesses or the evidence, the complete reason to be considered, that proved ability 1) Law possession more than quorum 2) opposition and rape to document provisions 3) Law possession that legislature clearly proving knows it only through appropriate document. Including, surety and peace (but due to the nature of difference gift and mortgage a formal, proving it is not possible through mentioned.) (Sanhoury, 2009, 415).

For be reliable proved source (scribe), three conditions are necessary: 1) The presence of a written paper 2) from mentioned paper is issued. 3) Claims person event about, is impending.

With this three conditions are fulfilled, the justices voted to hear the testimony of witnesses and in case accept testimony as the complete reason, as Judgment lawsuit (Ghasem, 2009, 324-326).

6. Hypotheses Results:

The first hypothesis suggests that, in Iran's law can qualify testimony of witnesses for official documents and in court documents that its validity has been confirmed to discredit. But in the Egyptian law, official documents have credibility than the testimony thus witnesses testimony cannot make them invalid.

Despite legislative reforms and the extensive testimony proved territory and also the survival of in 1309 article C.L., this comment would strengthen on credibility of formal documents. Absolute accept the testimony of witnesses to discredit formal documentation is something unreasonable, but in some cases to prove the unreliability of formal documents (non-compliance with legal formalities and the forging material and spiritual); we are forced to resort to proof witnesses.

Egypt, are allowed many valid for documents and contrary proved of terms and it cancellation may not align with the reason, but in exceptional cases such as: contracts of contrary to public order and ...referring to accept testimony of witnesses. Finally, relevant hypothesis is partly confirmed.

⁸ Article 63 E.P.L: may it proof testimony of witnesses, which also must be demonstrable evidence written, If may obligator person because of its chain written alien who does not discount the hands of the faithful.

Second hypothesis: in law of Iran can be proved claims by the testimony of witnesses, but in Egyptian law according to testimony is limited to certain cases.

Except in cases stipulated in proved law of claims types in Iranian law with the testimony of witnesses is possible, Egyptian legislator by limiting the domain of proved testimony to specific cases and set the quorum is trying testimony to the qualities of proving Stricture field theory has recently been demonstrated.

7. Conclusion

Testimony has long been considered as almost one of reasons to prove claim in most legal systems the world. Proportional to kinds of attitude to human and the importance of ethics and dominant ideology on society range of testimony demonstrability will be limited and broad. Given that religion of Islam invites human to righteousness and righteousness is allowed worth and great valid for a Muslim person. This way that all of appreciation and behave in Muslims is consider accuracy. Former Iranian civil law in concerning the testimony is consider cases proved by the testimony of witnesses, but with the removal of article 1306 to 1311 aforesaid legal (Except 1309 C.L) Would eliminate the existing limitations and the wider area has provided for citing the testimony of witnesses. Proven law of Egypt in the third chapter, as detailed the enumerated of provable cases by the testimony, and has subject to the proof in civil matters threshold (500 Egyptian Pound). Egyptian law as limiting the scope of proved testimony taken away from Islamic law and had tried to get the most inspiration from the French legal system. Circumstances such as maturity, wisdom, justice, faith, lack of hostilities secular and beneficiaries witnessed, as announced is seen in between Shiite scholars religious books and religious Five. Iranian legislators with census these conditions in civil law and criminal law, is trying to be close to Islamic law. But above cases (other than the condition of maturity and wisdom) in the Egyptian law is not clear, although other conditions such as justice, hostility of secular and beneficiaries witnesses are seen in the writings of Egyptian lawyers. In conflict assuming between the testimony of witnesses and documents, should be noted that, on legal acts and create documents in the time of the conclusion of legal events set and has not happened dispute and conflict yet. In this regard, there is less likelihood of collusion at the time of its composition, is important. If there is conflict between the testimonies of ordinary documents, appears to be a qualified witness to prove lack of correctness of the common document, because its validity is not supposed as official documents but in law of Egypt, although referred to Article 61 E.P.L. Proving the cancellation by certified document is not allowed except in cases stipulated by law. But acceptance of absolute nature of the violation of official documents with the testimony of witnesses, a matter far from the logic, it seems, perhaps by accepting the terms set common to find claims of forging documents and subsequently various claims to be paved. Not unlikely that they ever judicial procedure and legislative despite possibility of law reform in theory guardian Council do not react. However, modification and cancellation of official documents that are set without observing legal formalities or items that is done forged of the moral and material in the documents setting, seems to be proved by the testimony of witnesses "Although 1309 C.L referred to Article before the announcement of Guardian Council theory was not cited, including forgery and failure to observe legal formalities in setting official documents was proved by the testimony of witnesses (Shams, 2005, 247). Egyptian law, a certificate does not have proving the power contrary of documents cases (especially official documents). Mentioned country legislature, being contrary to public order, the contract can be proven with the testimony of witnesses as well as, the proving the of loss document (including both regular and official documents) by force majeure. It is worth noting that there is the correction of errors and mistakes in the content in an official document (whether by mistake or error made by the official agent is the announcement of person) is not considered against the provisions of the document and prove it is possible by the testimony.

In general, in most cases, the Egyptian law has been done described articles and legislation as a specialist. Perhaps its main reason there are numerous laws in the country's law, for example, the evidence will proving the claim from some law (civil law, lawsuit, proving the law) has been considered. Of course did it ignore that rights of Egypt is an Islamic country, but despite this the greatest inspiration is taken in the compilation of the laws of France, so that in some cases, the article is extracted French law and translated.

Iran laws after the Islamic Revolution try to the Islamic law and with broader realm of proved testimony of the French rights has little more color from legal texts in Iran. But given the vacuum existing in the law and removing the brevity and ambiguity of it seems to be essential because existing of incomplete law in the society is more lawlessness lead to mess in legal system. On the other hand Iran as the vanguard of promoting Islamic culture takes action more precise to formulate and coordinate the rules with God command and requirements currently.

Today, most Roman Germanic legal systems are moves to minimize constraints and identify the most valuable testimony and legal system of the Common Lu, testimony considered as the most important reason and widely uses it, Hence, the Iranian legislative reforms in 1982 and 1991 years is coordinated with Evolution system or free reasons or reasons the spiritual in developing the world (Saferi, 2002, 112).

8. Suggestions:

- With regard to the issuance of conflicting votes of courts and different theories of lawyers, determination of legislative policy conflicts towards testimony and official documents is essential. Although much has been discussed in this issue but as still skeptical it is stated about it and their validity is depends judge's discretion.
- Iranian legislators to impact on Shiite Jurisprudence are considered justice as component of attestation conditions. Appropriate that its proving cases was stipulated in the law. Considering that all claims have proven capabilities with the testimony, is better that more will be considered witnesses qualify because don't distance Trial process from truth path.
- With broad scope adoption of witnesses' testimony in the legal system, use of Legal experts and psychologists to assess the witnesses' mental Status and diagnosing health and mental fitness and to achieve fair trial seems essential.

REFERENCES

- Alamrosi,anvar, (1966). Assets of pleadings legitimacy in personal status issues,third edition, akeskandarieh,1966.
- Almoemen,h, (1972) ,Theory of proof in Arab laws, second Edition,darolfekr alarabi.
- Ansari,m & taheri,m.a, (2005). Encyclopedia of Private Law,vol II
- Bagher mousavi,m.(1999). The judiciary and the judicial system at Imam Ali (AS) , first Printing, Publishing Ghadir, Beirut.[Arabian].
- Bazgir,y,(1998). Supreme Court opinions in legal affairs, first Printing, Publishing Phoenix,
- Ghasem,m.h, (2009). Publications Halabi human rights law of evidence in civil and commercial, Beirut.
- Jafari Langeroodi,M.(2003). Elements science culture (civil rights - Criminal), publication ganje danesh ,Tehran.[Persian].
- Karimi,a.(2008). Evidence to prove the a fight, first printing , mizan Publication.
- Kjansari,s.a,(1405) AH Collector documents in a brief explanation of the useful, third Printing, Publishing Saduq Tehran, 1405 AH.
- Marghas,S.(1924). Theory of proof, Volume II, Fourth Edition.[Arabian]
- Moghadas Ardabili,Ahmad, (1416 AH) Compound Interest and proof to explain the minds, Volume 11, first edition, Islamic Publications, 1416 AH.
- Najafi,M.H, (1396 AH) Alkalam jewels,vol 41,second edition, Library Islamic.,Tehran,1396 AH.
- Nashat bek,ahmad,(1955). proof in pledges,first vol,third edition, darolfekr alarabi, Cairo.
- Safari,M.(2002). Conflict between the documents and testimony in the civil rights of Iranian and Shiite Jurisprudence, Journal of Legal Studies and Political Science of Law Faculties, shahid Beheshti University, No. 56, Tehran.[Persian].
- Sanhoury,A.(2009). Mediator in the explanation of the new Civil Code and to prove the effects of commitment, vol II, third edition, legal Halabi publications, Beirut.
- Shams, A. (2007). Civil legal procedures, Eighth Edition, Volume III, Derak Publications, Tehran.[Persian].