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ROLE OF TACTICAL OPERATIONS IN FORENSIC SYSTEM

Issues of finding the place of tactical operations in the criminalistics system and the criminal proceedings process are considered. It is proved that in solving this issue it is necessary to proceed from the nature of tactical operations, the prospects for their development, as well as the specifics of the relationship of forensic tactics and methods of investigating certain types of crimes. The development of tactical operations as a scientific concept serves as a kind of bridge, which combines tactics and investigation techniques that enriched the investigation as a whole. It is substantiated that the tactical operation belongs to the means of forensic tactics and already in this capacity, as well as other tactical and forensic means, is realized in the forensic method. The necessity of creation of a separate forensic theory of tactical operations, the creation of which will help to level the controversial positions of scientists in determining the place of tactical operations in the criminalistics system, is proved. Proposed directions of further scientific developments from the considered problem are offered.

Keywords: tactical operations, place of tactical operations in the criminalistics system, formation and implementation of tactical operations, forensic theory of tactical operations.

Formation of the concept of tactical operations involves finding out the place of this category in the criminalistics system and the criminal proceedings. This question directly influences the construction of tactical operations and their implementation in the practice of investigators and judicial authorities. In this regard, M. P. Yablokov rightly argued that the completeness and orientation of these developments depends on the part of Criminalistics that will develop the problems of tactical operations that are carried out to solve various tasks and separate investigatory actions of the investigation in general¹.

¹ Yablokov P. (1985) *Kriminalisticheskaja metodika rassledovanija (nekotorye teoreticheskie polozenija)* [Forensic investigation technique (some theoretical positions)]. Moscow : MGU, p. 76 [in Russian].

At the same time, tactical operations, being an important forensic category and an effective means of solving tactical tasks, have not yet found their final place in the criminalistics system. This is evidenced by the various, sometimes contradictory judgments of criminologists. Thus, some scholars believe that the tactical operation acts as a category of forensic tactics, belongs to the subject of the latter, and its main theoretical provisions should be developed precisely in this section of the criminalistics system. In particular, I. F. Panteleyev notes that the tactical operation is not due to the peculiarities of the investigation of any particular group of crimes, is more general in nature, and because the necessary category of forensic science belongs to the subject of investigative tactics¹.

Investigating considered problems, R. S. Belkin incorporates tactical combinations (operations) into the general provisions of forensic tactics². V. I. Komissarov takes a similar position on this issue, according to which tactical combinations (operations) are likely to be considered in the section of investigative tactics. Although he draws attention to the fact that the problems of the relationship of investigative actions (that is, the definition of the circle of primary and subsequent) in a particular criminal proceeding in the subject of investigative tactics should not be studied³.

S. I. Tsvetkov notes that the basis for the inclusion of tactical operations in the content of forensic tactics may be a close relationship between their purpose and content and separate investigative actions, between tactical operation, investigative situation and tactical decisions that are considered within the framework of forensic tactics⁴. S. F. Zdorovko convinces that in determining the place of tactical operations in the criminalistics system, one should proceed from the general principles of the relation of forensic tactics and methods, and concludes that the tactical operation is a category of forensic tactics⁵. Some scholars refer to the subject of forensic tactics to determine the purpose and set of actions in the planning and implementation of tactical

¹ Pantelev I. F. (1980) *Teoreticheskie problemy sovetskoj kriminalistiki : ucheb. posobie* [Theoretical issues of Soviet Criminalistics: tutorial]. Moscow : Press: TASS, p. 21 [in Russian].

² Averianova T. V. Belkin R. S. Korukhov Yu. G. Rossinskaya E. R. (1999) *Kriminalistika : ucheb. dlja vuzov* [Criminalistics: manual for High Schools / edited by R. S. Belkin]. Moscow : NORMA-INFA-M, p. 211 [in Russian].

³ Komissarov V. I. (1987) *Teoreticheskie problemy sledstvennoj taktiki : monografiya* [Theoretical problems of investigative tactics : monograph]. Saratov : Publishing house of Saratov University, p. 107–110 [in Russian].

⁴ Tsvetkov S. I. (1986) *K voprosu o formirovanii chastnoj kriminalisticheskoj teoriiya takticheskikh operacij. Problemy pervonacha-l'nogo jetapa rassledovaniya : sb. nauch. tr.* [Towards formation of a specific forensic theory of tactical operations. Issues of investigation initial stage : collection of scientific papers]. Tashkent: TVSH MVD SSSR, p. 31–39 [in Russian].

⁵ Zdorovko S. F. (2002) *Taktychni operatsii pry rozsliduvanni vybystv, shcho vchyniaintsia orhanizovanyimi hrupamy i zlochynnymy orhanizatsiyami: avtoref. dys. ... kand. yuryd. nauk* [Tactical operations while investigation of murders committed by organized groups and criminal organizations : extended abstract of candidate thesis]. 12.00.09. Kharkiv, p. 7 [in Russian].

operations¹. V. Yu. Shepitko also believes that tactical operation is a category of forensic tactics. As for the forensic methodology, then, according to the scientist, the tactical operation finds its concrete manifestation in relation to a specific type of crime, type orientation and content².

Criminalists believing that a tactical operation should find its place in the method of investigating certain types of crime, occupy another position on this issue. In this regard, in literary sources, it was suggested that, along with the development of general provisions of the theory of tactical operations, as well as typical tactical operations that have a high level of community, there is a tendency to study the possibilities and conditions of their use in investigating certain types of crimes. Emergence of tactical operations on the implementation scale beyond tactics of individual investigative actions led to a fairly active dissemination in criminology of the thought of the need to exclude this category from forensic tactics and attributing it to the subject of the method of investigation of certain types of crime³.

According to A. V. Shmonin, planning of investigations and tactical complexes can be considered as means (resources) of certain forensic methods, the system of which can be imagined as a triad: investigative situations — tactics — the subject of evidence. investigation situations — tactics — the subject of evidence⁴. In his opinion, the functional structure of a separate forensic methodology consists of elements such as investigative situation, planning of investigations and tactical complexes.

In turn, G. A. Matusovskyi tactical operation considered tactical operation as a category of forensic methodology⁵; I. F. Gerasimov and O. D. Trubachov attributed it to the constituent part of the methodology

¹ Bakhin V. P. Hora I. V. Tsymbal P. V. (2002) *Kryminalistyka: kurs lektsii* [Criminalistics: cycle of lectures]. Irpin: Academia of SBGS of Ukraine, p. 1. P. 170 [in Russian].

² Shepitko V. Yu. (2007) *Kryminalistychna taktyka (systemno-strukturnyi analiz): monohrafiia* [Forensic tactics (system and structural analysis) : monograph]. Kharkiv : Kharkiv, yurid. P. 176, 177; The same author [in Russian]. (2007) Rol typovykh taktychnykh operatsii v systemi zabezpechennia efektyvnosti dosudovoho slidstva. Pytannia borotby zi zlochynnistiu : zb. nauk. pr. Kharkiv [Role of typical tactical operations in the system of ensuring the effectiveness of preliminary investigation. Issues of fighting crime: Scientific paper collection]. Kharkiv : Krossroud, Issue 14. P. 194, 199 [in Ukrainian].

³ Kanevsky L. L. (1982) *Planirovanie rassledovaniia i razrabotka takticheskikh operatsii po delam nesovershennoletnih. Algoritmy i organizatsiia reshenii sledstvennykh zadach : sb. nauch. st.* [Planning investigation and developing tactical operations for juveniles. Algorithms and organization of solutions to investigative tasks : collection of scientific papers]. Irkutsk: Publishing house of Saratov Irkutsk, p. 67–69; Yakushin S. Yu. (2004) *Takticheskie sredstva rassledovaniia prestuplenii: poniatie i sootnoshenie* [Tactical means of crime investigation: concept and ratio]. Ross. Sledovatel. № 10, p. 2–4 [in Russian].

⁴ Shmonin A.V. (2006) *Metodika rassledovaniia prestuplenii : ucheb. posobie* [Methodology for investigating crimes: tutorial]. Moscow : Yustitsinform, p. 128–137 [in Russian].

⁵ Matusovskyi G. A. (1999) *Jekonomicheskie prestupleniia: kriminalisticheskii analiz : monografija* [Economic crimes: forensic analysis : monograph]. Kharkov : Consum, p. 149–156 [in Russian].

for investigating crimes¹; V. O. Obaztsov and O. V. Lagutin tactical operations included in the subject matter of an investigation method of certain types of crimes²; from the point of view of M. O. Selivanov, tactical operations in criminal proceedings system as a unit of investigators and other actions provided for by law are nothing more than part of the methodology of the investigation³.

By the definition of B. V. Shchur, consideration of tactical operations as part of a separate forensic methodology is fair, since their implementation takes place at the level of application of forensic methods of a certain type, and such elements of the latter as its initial and subsequent stages should cover not only the possibility of holding separate investigative actions and their tactics, but also the agreed complexes of these actions, as well as necessary operational-search, organizational, technical and other measures⁴. The content and direction of the tactical operation, as noted by L. Ya. Drapkin and V. M. Karagodin, due to the investigative situation and the group (specific) features of the crime under investigation. Although these operations are of a general nature, at the same time, they must be developed directly in the forensic methodology according to the specifics of the investigation of a particular group of crimes.

As M. P. Yablokov emphasizes, the method of investigation of various types of crimes is largely due to the clear interconnection of the system of complexes of urgent, urgent and other investigative actions in the system of operations. Emphasizing the importance of tactical operations in this process, he concludes that techniques and means of conducting operations should be developed within the framework of the investigation of certain types of crime⁵.

M. P. Yablokov's opinion was supported by some scholars who indicate that today she most clearly outlines the place of tactical operations in the criminalistics system, namely, in the methodology for investigating certain types of crimes. Tactical operation — is the search and development of scientific and technical recommendations on effective methods and methods of

¹ Gerasimov I. F. Trubachev A. D. (1976) *O sovershenstvovanii metodik raskrytija i rassledovaniya hishhenij. Profilaktika i rassledovanie posjaga-tel'stv na socialisticheskiju sobstvennost'* : sb. nauch. tr. About improvement of disclosure methods and larceny investigation. Prevention and investigation of encroachments on socialist property: Collection of scientific papers Gorky; Gorky : VSH MVD SSSR. Issue 5. P. 78 [in Russian].

² Obaztsov V. A. (1977) *K voprosu o metodike raskrytija prestuplenij. Vopr. bor'by s prestupnost'ju* [About the methods of crime disclosure. Issues regarding the fight against crime]. Moscow : Yurid. lit. Issue 27. P. 168; [in Ukrainian]. Lagutin A. V. (1990) *Takticheskie operacii pri rassledovanii prestuplenij. Kriminalistika i sudebnaja ekspertiza* [Tactical operations while crime investigation. Forensic science and criminalistics]. Kyev : Vyshcha Shkola, Issue 20. P. 16 [in Ukrainian].

³ Selivanov N. A. (1982) *Sovetskaja kriminalistika: sistema ponjatij* [Soviet Criminalistics: concept system]. Moscow : Yurid. lit. P. 92 [in Ukrainian].

⁴ Shchur B. V. (2010) *Teoretichni osnovi formuvannja ta zastosuvannja kriminalistichnih metodik : monografija* [Theoretical bases of formation and application of forensic methods : monograph]. Kharkiv : Kharkiv, yurid., p. 185 [in Ukrainian].

⁵ Yablokov M. P. Papers mentioned above, p. 79, 80 [in Ukrainian].

determining the direction of investigation of certain types of crimes at one stage or another. Consequently, scientific developments of the types of such operations fully and completely meet the requirements of the methodology for investigating crimes and should in principle be an integral part of this section of Criminalistics¹.

M. O. Marochkin convinces that the tactical operation is a development of scientific and practical recommendations on effective methods and methods of determining the direction of investigation at one or another stage of the investigation of certain types of crimes, and thus, scientific developments of typical tactical operations with regard to specific types of crimes fully and completely meet the requirements of the methodology for investigating crimes and should become its integral part². V. I. Kuklin notes that tactical operations should take the appropriate place in the method of investigating certain types of crime, because only here they can be filled with concrete theoretical and practical content³.

According to Ye. Kornukhov, in the method of investigation of crimes should not be about the method, but about tactical operation aimed at solving a particular tactical task. While investigating the same crime specific, in the presence of a real investigative situation, there is an adaptation of the typical method (operation, a set of investigative actions) to the conditions of the individual investigator or the need to develop a heuristic method of action. Scientist distinguishes between the science of criminology and the system of textbooks on Criminalistics. The point is that the reflection (systematization) of forensic knowledge in these systems is significantly different. If the science system reflects the objective patterns of the object of knowledge, the system of textbooks is based on another principle didactic, and therefore one can raise the question of the place of teaching about tactical operations in the system of textbooks on Criminalistics. Scientist substantiates the position that this knowledge should be part of the structure of the general theory of criminology⁴.

A certain scientific interest is the opinion of V. A. Zhuravel who emphasizes the fact that in the forensic method of investigation of crimes as

¹ Astashkina E. N. Marochkin N. A. Mihalchuk A. E. Reshetnikov V. Ya. (2003) *Rassledovanie prestuplenij: kriminalisticheskie komplekсы: uchebno.-prakt. posobie* [Crime investigation: forensic complexes: Educational and practical textbook]. Moscow : Prior, p. 23 [in Russian].

² Marochkin N. A. (1999) *Teoreticheskie problemy takticheskikh operacij v kriminalistike* [Theoretical issues of tactical operations in criminalistics]. Saratov: Publishing house of Saratov University, p. 29 [in Russian].

³ Kuklin V. I. (1983) *Metodika rassledovanija otdel'nykh vidov prestuplenij* [Method of investigation of certain types of crimes]. Ivanovo: Publishing house of Ivanovo University, p. 90–91 [in Russian].

⁴ Kornouhov V. E. (2008) *Metodika rassledovanija prestuplenij: teoreticheskie osnovy* [Methodology for investigating crimes: Theoretical bases]. Moscow : Norma, pp. 94–97, 110–112; *Kurs kriminalistiki. Osobennaja chast' / pod red. V. E. Kornouhova* (2001) [Criminalistics course. General part / edited by V. E. Kornoukhov]. Moscow : Yourist, vol. I, p. 194–206 [in Russian].

informational and cognitive model¹, special investigative situations and typical versions, typical systems of investigative actions and tactical operations acquire special significance. All of these categories have a significant impact on the formation of modern concepts of certain forensic methods, are their inalienable components, determine the effectiveness of a specific act of investigation. In his opinion, tactical operations should be developed in the context of the formation of the appropriate species or subspecies methodology (micromethods), that means to be maximally tied to typical investigative situations and to proceed from the competitive tactical tasks facing the investigator. This is connected, first of all, with the needs of practice, with the need for comprehensive conduct of investigations, operational search, auditing and other actions to solve tactical tasks².

In turn, I. M. Komarov, O. O. Cheburenkov, V. I. Shikanov, reflecting on the place of tactical operations in the criminalistics system, indicate that the tactical means considered are a connecting link between investigative tactics and the methodology for investigating certain types of crimes. In particular, V. I. Shikanov noted that there are enough grounds to argue that tactical operations are increasingly becoming a manifestation as a rather important structural element of investigative tactics and methods of investigating certain types of crimes³. Afterwards the scientist argues that a separate forensic theory of tactical operations is a new essential part of Criminalistics which content fills the gap between tactics and investigative method⁴.

According to I. M. Komarov, forensic operations, depending on the types that reflect the content and structure of the laws of the subject of criminalistics, *can and should be developed within the framework of both forensic tactics and methods of investigation of certain types of crimes* (italics of ours — V. Sh.). Arguing his position, the scientist emphasizes that in Criminalistics, the term “tactics”, is a doctrine of the tactics of conducting

¹ Zhuravel V. A. (2008) *Problemy formuvannia bazovoi metodyky rozsliduvannia zlochyniv. Visn. Akad. prav. nauk Ukrainy* [Problems of forming basic method of crime investigation. Bulletin of the Academy of Legal Sciences of Ukraine]. Issue 1 (52), p. 231–242 [in Ukrainian].

² The same author. (2009) *Systemy slidchykh dii ta taktichni operatsii v strukturi okremoi kryminalistychnoi metodyky rozsliduvannia zlochyniv. Visn. Akad. prav. nauk Ukrainy* [Systems of investigative actions and tactical operations in the structure of a separate forensic methodology of investigation of crimes. Bulletin of the Academy of Legal Sciences of Ukraine]. № 2(57), p. 197–208 [in Ukrainian].

³ Shikanov V. I. (1978) *Aktual'nye voprosy ugovnogo sudoproizvodstva i kriminalistiki v uslovijah sovremennogo nauchno-tehnicheskogo progressa : monografija* [Actual issues of criminal legal proceedings and criminalistics in the conditions of modern scientific and technological progress : monograph]. Irkutsk: Publishing house of Irkutsk, pp. 115 [in Russian].

⁴ The same author. *Teorija takticheskikh operacij sledovatelja (perspektivy razvittija). Algoritmy i organizacija reshenija sledstvennykh zadach : sb. nauch. tr.* (1982) [The theory of tactical operations of the investigator (prospects of development). Algorithms and organization of solutions to investigative tasks: Collection of scientific papers]. Irkutsk : Publishing house of Irkutsk University, pp. 65 [in Russian].

individual investigative actions as a means of solving problems. The task of the same tactical operations is much wider than the tasks of investigative actions. In fact, it is a systemic system, which investigatory actions cannot be solved on their own, and it is comprehensively solved by all components of the structure of forensic operations (actions of various character). That is why the patterns on which the forensic operation is based are different from the regularities of investigative actions. In this regard, the classification of the study of forensic operations only to the section *Tactics of Science*, according to I. M. Komarov, is a mistake. At the same time, according to the scientist, certain types of forensic operations can be attributed to the subject of forensic tactics and are developed only within this section. This applies to types of operations that cover only a few tactical techniques within one or a variety of (homogeneous or dissimilar) investigative actions. Certain types of forensic operations really should be considered in the section *Methods of science*, but this only applies to those containing various structure components and fit with their content in the laws of forensic methodology. It is about such components as separate investigative actions, forensic combinations and operations, organizational, technical and other actions¹.

Offering to consider “methodological and forensic operations”, I. M. Komarov convinces that the subject of evidence in his practical activity in the system of pre-trial proceedings, along with technical and tactical and forensic operations, can use both methodological and forensic methods, which they understand under conditions investigation of the criminalistic method of cognition in the practical activity of the subject of evidence, a component of the system of forensic methods of investigation of certain types of crimes, which provides the possibility of solving the specialty the system of pre-trial tasks².

As O. O. Cheburenkov emphasizes, without denying the importance of the tactical operation for the method of investigating certain types of crimes and the possibility of its inclusion in the structure of a separate forensic methodology, tactical operations, even as part of the investigation methodology, primarily provide tactical tasks. These are compared with the ultimate objectives of the investigation, which require the full and reliable establishment of all circumstances in the criminal proceedings, are more restrictive and therefore require the use of means of tactical significance involved in tactical operations, rather than methodological recommendations that form the methods of investigating certain types of crime. In addition, tactical operations may be

¹ Komarov I. M. (2010) *Osnovy chastnoj teorii kriminalisticheskikh operacij dosudebnogo proizvodstva: monografija* Fundamentals of forensic operation specific theory in pre-trial proceedings : monograph. Moscow : Yurlitinform, pp. 129–145 [in Russian].

² The same author. (2002) *Kriminalisticheskie operacii v dosudebnom proizvodstve: monografija* [Forensic operations in pre-trial proceedings : monograph]. Barnaul : Publishing house Altai State University, pp. 175 [in Russian].

general in nature, not due to peculiarities of investigation of a certain type of crime, and repeated in the investigation of various criminal cases, regardless of the nature of the crime. Obviously, in this case, the issues of their organization and conduct are not covered by the subject of the method of investigation of certain types of crimes. Consequently, the notion of “tactical operation”, directly corresponds to the section of forensic science *Forensic tactics*. Within the existing system of science of Criminalistics, it is expedient to consider all common issues in the development and implementation of tactical operations for investigated crimes: Within the existing system of science of Criminalistics, it is expedient to consider all common issues in the development and implementation of tactical operations for investigated crimes: It is possible to process and accordingly study the content of tactical operations of the most general nature, which do not depend on the type of various categories of investigated crimes and criminal cases. However, not all questions of tactical operations can be considered in forensic tactics. Specific tactical operations carried out on specific categories of criminal cases should be considered within the framework of separate criminalistic methods, the structured elements of which are these operations. This will take into account, to a large extent, all the features of the specific objects, conditions and tasks of investigation of the corresponding types of crimes in the course of processing certain tactical operations¹.

A. V. Dulov and E. O. Loginov occupy a separate position on the considered issue, they consider that tactical operations should be investigated in an independent, special section of the system of science of criminalistics. In particular, according to AV Dulov, main theoretical issues of the tactical operation should be placed in the section of investigative tactics, and with the development of forensics to separate them into an independent section *Organizational Principles of the Investigation*². Ye. O. Loginov also notes that in the tactics section it is necessary to concentrate on the study of the tactics of individual investigative actions, and all other problems including tactical operations, should be included in the section *Organizational basis of the investigation*³. Regarding stated opinions, it was noted in the forensic literature that today it is unlikely that the section *Organizational Principles of the Investigation* actually formed in the criminalistics system is unlikely to be recognized. Therefore, tactical operations need to be developed in one of the

¹ Cheburenkov A. A. (2008) *Obshheteoreticheskoe polozhenie i prakticheskie aspekty kriminalisticheskoy taktiki* [General theoretical provisions and practical aspects of forensic tactics]. Moscow : Yurlitinform, pp. 105–106 [in Russian].

² Dulov A. V. (1979) *Takticheskie operacii pri rassledovanii prestuplenij* [Tactical operations while crime investigation]. Minsk : Publishing house: BGU, pp. 46–53 [in Russian].

³ Loginov E. A. (1996) *Teoreticheskie osnovy takticheskikh operacii i ih proizvodstvo na pervonachal'nom jetape rassledovaniya umyslennykh ubijstv : dis. ...kand. jurid. nauk* [Theoretical bases of tactical operations and their proceedings at the initial stage of intentional murder investigation : Candidate thesis]. Volgograd, pp. 43 [in Russian].

existing sections of science, until the issue of reorganization of the entire criminalistics system is finally resolved¹.

Consequently, the analysis of literary sources gives grounds to conclude that there is still no single, coherent position among criminologists to determine the place of tactical operations in the criminalistics system in scientific doctrine. It seems that in resolving this issue it is necessary to proceed from the nature of tactical operations, the prospects for their development, as well as the specifics of the relationship of forensic tactics and methods of investigation of certain types of crimes. Regarding the nature of the origin of tactical operations, they have always been considered as means of forensic tactics, were included in the subject of study of this section of the science of Criminalistics. It was within the framework of forensic tactics that the process of formation of the scientific concept of tactical operations, in particular, the concept, features, functions, types, structure, principles and other theoretical positions, took place. At the same time, the main area of the implementation of tactical operations is the forensic technique, and this is justified, since the provisions of forensic tactics are implemented in life, in practice, only through forensic techniques acquiring those specific features that reflect their adaptation to the conditions and objectives of the fight against a particular type of crime². The essence of the relationship of methodology and investigative tactics is that tactics provides the necessary information for the organization of investigative activities, determines the direction of the investigator in a particular situation. The methodology provides for the establishment of a general direction of investigation, and tactics implements it in accordance with the situation and the data obtained at the same time, supplements and changes the instructions of the methodology³. In this regard, it is necessary to agree with it should be agreed with V. O. Konovalova, who emphasizes that the development of tactical operations as a scientific concept has become a kind of bridge, which combines tactics and investigation techniques that enriched the investigation as a whole⁴.

Relying on the above, scientific research in this direction should be focused on the development of tactical operations in relation to the

¹ Astashkina E. N. Marochkin N. A. Mihalchuk A. E. Reshetnikov V. Ya. Papers mentioned above. pp. 23 [in Ukrainian].

² Belkin R. S. (1997) *Kurs kriminalistiki: v 3 t. T. 1: Obshhaja teorija kriminalistiki* [Criminalistics course: Composed of 3 vol. vol. 1. General theory of Criminalistics], Moscow : Yourist, s. 295 [in Russian].

³ Konovalova V. E. (1976) *Vzaimosvjaz' metodiki i taktiki rassledovanija. Metodika rassledovanija prestuplenij (obshhie polozenija): materialy nauchno-prakt. konf.* Correlation of the methodology and tactics of investigation. Methodology of investigating crimes: Scientific and practical content Conf. Odessa, November. Moscow : All-Soviet Union Bureau of Criminalistics, p. 28 [in Russian].

⁴ Konovalova V. E. (2010) *Genезis kriminalisticheskoi taktiki. Kriminalistika XXI stolitija: materialy mizhnar. nauk.-prakt. konf* [Genesis of criminalistic tactics. Criminalistics of the XXI century: Content of international sci. pract. Conf]. November 25–26. 2010, Kharkiv : Pravo, p. 348 [in Ukrainian].

investigation of certain types of crimes. For this, tactical operations require typing, since certain forensic techniques are designed to implement typical tactical operations, just as they take into account typical versions, typical situations, contain a typical sequence of investigative actions, and so on. It is in this capacity that tactical operations as a category of forensic tactics play an important role in the construction of certain techniques and are part of their structure as an independent element. But from this they do not lose their tactical nature.

Thus, the tactical operation belongs to the means of forensic tactics and already in this capacity, as well as other tactical and forensic means, is realized in the forensic method.

The above judgments characterize the current level of scientific views on the location of tactical operations in the criminalistics system. But they, in the opinion of I. M. Komarov are incomplete, truncated, since they lack the main link, which provides harmonious development of conceptual and special knowledge about forensic operations. Such a link, in the opinion of the scientist, is the general theoretical and general methodological provisions of forensic operation¹, that is, the provisions that form the basis of forensic theory of tactical operations, the need to create which has been repeatedly discussed in the special literature². In particular, S. I. Tsvetkov states that it is logical to recognize the fact of forming a separate forensic theory of tactical operations³. In turn, I. M. Komarov states that today a new theoretical construction is being formed, which allows figuratively to imagine a separate theory of tactical operations in the criminalistics system⁴.

These trends can have a significant impact on the science of Criminalistics in general, as well as stimulate a review of the views on the definition of the place of tactical operations in. In this regard, V. I. Shikanov noted that it is not yet possible to foresee in detail the consequences of this process. However, it is clear that significant changes will

¹ Komarov I. M. (2002) *Kriminalisticheskie operacii v dosudebnom proizvodstve : monografiya* [Forensic operations in pre-trial proceedings : monograph]. Barnaul : Publishing house Altai State University, p. 119 [in Russian].

² Shikanov V. I. (1983) *Teoreticheskie osnovy takticheskikh operacij v rassledovanii prestuplenij* Irkutsk: Publishing house of Irkutsk University, p. 5; [in Russian]. N.P. Yablokov (1985) *Kriminalisticheskaja metodika rassledovaniya (nekotorye teoreticheskie polozheniya)* Forensic investigation method (some theoretical positions). Moscow : Publishing house Altai State University, p. 80 [in Russian]. Obratsov V. A. (1995) *Kriminalisticheskoe uchenie o takticheskoi operacii. Kriminalistika / pod red. V. A. Obratsova* [Forensic doctrine of tactical operation. Criminalistics edited by V. A. Obratsov] Moscow : Yourist, p. 75–86; [in Russian]. V. N. Isaenko (2004) *Problemy teorii i praktiki ispol'zovaniya takticheskikh kompleksov v rassledovanii ubijstv. «Chernye dyry» v rossijskom zakonodatel'stve* [Issues of theory and practice of using tactical complexes while murder investigation. "Black holes", in Russian legislation]. № 1. P. 368–382 [in Russian], and others.

³ Tsvetkov S. I. Papers mentioned above, p. 31–39 [in Russian].

⁴ Komarov I. M. (2012) *Kriminalisticheskie operacii dosudebnogo proizvodstva v sisteme metodiki rassledovaniya prestuplenij : monografiya* [Forensic operations in pre-trial proceedings in the methodology system of investigating crimes : monograph]. Moscow : Yurlitinform, p. 141 [in Russian].

affect the system of Criminalistics. In particular, it can be assumed that the theory of emerging tactical operations, together with the theory of investigative versions, will be the main sections of the doctrine of investigation and prevention of crimes¹. At the same time, M. P. Yablokov argues with regard to the theory of tactical operation, which is in a state of origin, which, obviously, will correctly develop it within the framework of the general methodological part of Criminalistics². I. M. Komarov concludes that the general theoretical and general methodological provisions on forensic operations can be harmoniously inserted into the section of the general theory of criminology as a separate forensic theory³. These judgments of scholars have found supporters in their view that tactical operations as a means of solving tactical tasks and as one of the most effective forms of interaction between investigators and other bodies should be investigated in the general methodological part of Criminalistics⁴.

Indeed, forensic science and practice of investigation and judicial consideration of certain types of crimes accumulated, systematized and generalized enough volume empirical material, which is a starting point for the creation of a separate forensic theory of tactical operations, the urgency of which does not cause any doubts. The provisions of the forensic theory of tactical operations form, first of all, a system of knowledge (theoretical generalizations, explanations, conclusions) that characterizes the subject-practical and informative-cognitive aspects of the activity of investigation and judicial review of crimes. Like Criminalistics as a whole, a separate theory of tactical operations is applied because it is a scientific basis for the development and application of organizational and tactical means of criminal proceedings, the optimization of investigative and judicial activity, and the implementation of the needs of modern practices in the fight against crime. In addition, the creation of this theory will help to eliminate the controversial positions of scientists in determining the place of tactical operations in the criminalistics system.

It should be noted that until now the positions of criminologists and the place of tactical operations in the process of investigation and judicial proceedings remain uncoordinated. We can say that there are two most

¹ Shikanov V. I. (1983) *Teoreticheskie osnovy takticheskikh operacij v rassledovanii prestuplenij* [Theoretical bases of tactical operations while crime investigation]. Irkutsk: Publishing house of Irkutsk University, p. 44 [in Russian].

² Yablokov M. P. (1985) *Kriminalisticheskaja metodika rassledovanija (nekotorye teoreticheskie položenija)* [Forensic investigation method (some theoretical positions)]. Moscow : Publishing house: MSU, p. 80 [in Russian].

³ Komarov I. M. (2002) *Kriminalisticheskije operacii v dosudebnom proizvodstve : monografija* [Forensic operations while pre-trial proceedings : monograph]. Barnaul : Publishing house Altai State University, p. 119 [in Russian].

⁴ Astashkina E. N. Marochkin N. A. Mihalcut A. E. Reshetnikov V. Ya. Papers mentioned above, p. 23 [in Ukrainian].

generalized approaches to resolving this issue. Advocates of the first approach consider the investigation process (court proceedings) as a continuous procedure for the implementation of a list of tactical operations. Thus, A. V. Dulov at one time expressed a very courageous idea that the methodology of investigating various categories of crimes to a large extent should be based on the development of only complexes of tactical operations, which would significantly change the content of the methodology, make it more useful for practical investigation of crimes¹. V. Ye. Kornoukhov on this issue notes that the investigator in the process of investigation mainly operates on the side evidence, and therefore the proof of the legal purposes of the investigation is through the establishment of interim facts, which determine the tactical tasks of the investigation, and thus the need for tactical operations². Moreover, in his opinion, in the methodology in general should not be a method, but a tactical operation aimed at solving a particular task of investigation³. According to O. Ya. Baev, crime investigation of crimes can be imagined in the form of a sequential or parallel solution by the investigator of a number of local tasks that ensure the disclosure of a crime and a comprehensive, complete and objective study of the circumstances of the subject of evidence in a criminal case. At the same time, it is far from always possible to solve one or another problem by means of one investigative action, tactical reception, crime detection and investigation action. In such cases, investigator plans and implements a tactical operation⁴. But, as it is emphasized in forensic literature, so far neither theory nor practice has supported the categorical proposals of the cited authors⁵.

In the second approach, tactical operations are considered as the appropriate subsystems of the investigation and litigation process. In particular, L. Ya. Drapkin regards tactical operations as efficient *subsystems* (italics ours. — *V. Sh.*) of investigation procedure⁶. Later, L. Ya. Drapkin and V. M. Karagodin investigative, organizational preparatory, other actions and crime detection and investigation activities conducted under a single plan and aimed at solving certain intermediate tasks subordinated to the general objectives of the investigation of a criminal case⁷. This idea is supported

¹ Dulov A. V. Papers mentioned above, p. 53 [in Ukrainian].

² Kornoukhov V. E. (2008) *Metodika rassledovaniya prestuplenij: teoreticheskie osnovy* [Methods of crime investigation: Theoretical bases]. Moscow : Norma, p. 93 [in Russian].

³ *Ibidem*, p. 117.

⁴ Baev O. Ya. (2003) *Osnovy kriminalistiki : kurs lekciy* [The essentials of Criminalistics: cycle of lectures]. 2nd ed revised supplemented. M. Examen, p. 252 [in Russian].

⁵ Zhuravel V. A. (2006) *Taktychni operatsii v systemi kryminalistychnykh zasobiv protydiv zlochynnosti. Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky : zb. nauk.-prakt. materialiv* [Tactical operations in the system of forensic means of combating crime. Theory and Practice of Forensic Science and Criminalistics Collection of scientific papers]. Kharkiv : Pravo, Issue 6. P. 32 [in Ukrainian].

⁶ Drapkin L. Ya. (1995) *Takticheskie operatsii — jeffektivnye podsistemy processa. Sledovatel': teoriya i praktika dejatel'nosti* [Tactical operations are effective process subsystems. Investigator: theory and practice of activity]. № 1. P. 7 [in Russian].

⁷ Drapkin L. Ya. Karagodin V. V. Papers mentioned above, p. 179 [in Ukrainian].

by I. M. Komarov, noting that, being *subsystems* (the letter of ours — *V. Sh.*) The system of criminal proceedings, forensic operations, isolated from the general connection of this system, are initially perceived as an indivisible whole¹.

The most categorical regarding this question is opinion of V. A. Zhuravel emphasizing that in the structure of the forensic methodology, there must be two constructions: systems of investigative actions and tactical operations. Each of them has its own functional purpose. If the first is aimed at solving general, strategic tasks of investigation, then the second — to solve tactical tasks. In this case, tactical operations as selective, situationally determined education occupy an intermediate link among the elements of the optimal system of investigative actions and operational-search activities, supplement them and address the specific intermediate task. It is under such conditions that it is possible to form tactical operations, the parallel conduct of which will not lead to a repetition (duplication) of individual investigative actions and operational-search activities that are part of their structure. At the same time, attempts to hyperbolize the value of tactical operations, to develop certain criminalistic methods only on the basis of their complexes will lead to the formation of such scientific abstraction, which will be separated from the needs of practice and which simply will not be possible to be implemented in the activities of investigating authorities².

It should be noted that V. A. Zhuravel is not a single in his opinions. In particular, according to G. A. Matusovsky, crime investigation requires the solution of complex tasks of a different nature and scope: from general tasks that relate to the full disclosure and investigation of the crime, establishment of all the circumstances to be proved in this case, disclosure of the perpetrators, to the tasks that are being done to establish the individual sides of the investigated event, to provide conditions for achieving the overall goal of the investigation. In this regard, we can talk about a strategic line in the investigation and resolution of tactical tasks and two interrelated directions in the activities of the investigator, due to his authority to make decisions on the direction of pre-trial investigation³. Moreover, even the founder of the idea of tactical operations A. V. Dulov noted that in the structure of the method of investigation of certain types of crimes in addition to the primary investigative actions, groups of tactical operations carried out under a certain category of criminal cases will be considered, which will contribute to the strengthening of the

¹ Komarov I. M. (2002) *Kriminalisticheskie operacii v dosudebnom proizvodstve : monografija* [Forensic operations while pre-trial proceedings : monograph]. Barnaul : Publishing house Altai State University, p. 44 [in Russian].

² Zhuravel V. A. (2012) *Kriminalistichni metodiki: suchasni naukovi koncepcii: monografija* [Forensic methods: modern scientific concepts : monograph]. Kharkiv : Publishing house: Apostil, p. 221 [in Ukrainian].

³ Matusovsky H. A. Papers mentioned above, p. 152.

scientific basis of the investigation crime, to improve the activities of investigating authorities¹.

According to our conviction, the position of the second group of scientists should be recognized more convincingly, since it is difficult to imagine the process of investigation, judicial review of crimes, which consists of conducting only one tactical operation. Nevertheless, it should be agreed that pre-trial investigation and judicial proceedings are primarily the implementation of an optimal system of investigative (courtroom) actions² and other measures determined by the subject of evidence and the investigative (courtroom) situation, and tactical operations specify this system, optimize it through an integrated approach to solving separate tactical tasks. Thus, tactical operations are effective subsystems of the criminal proceedings, which include tactical operations of pre-trial investigation and tactical operations of court proceedings.

Thus, the problem of determining the role of tactical operations in the criminalistics system and the criminal proceedings is not only a matter of theory but also of practice. The correct solution also depends on the completeness of the practical tasks of investigation and judicial review of crimes. Therefore, today a promising direction is the development of a separate forensic theory of tactical operations, which will further contribute to the enrichment of the general theory of Criminalistics, will provide an increase in the efficiency and rationalization of criminal proceedings.

МІСЦЕ ТАКТИЧНИХ ОПЕРАЦІЙ У СИСТЕМІ КРИМІНАЛІСТИКИ

В. М. Шевчук

Досліджено проблеми з'ясування місця тактичних операцій у системі криміналістики та процесі кримінального провадження. Доведено, що при розв'язанні цього питання необхідно виходити з природи тактичних операцій, перспектив їх розвитку, а також специфіки взаємозв'язку криміналістичної тактики й методики розслідування окремих видів злочинів. Розроблення тактичних операцій як наукової концепції виступає своєрідним мостом, який з'єднує тактику й методику розслідування, що збагатило розслідування в цілому. Обґрунтовано, що тактична операція належить до засобів криміналістичної тактики й уже в цій якості, як і інші тактико-криміналістичні засоби, реалізується в криміналістичній методичі. Доведено необхідність створення окремої криміналістичної теорії тактичних операцій, створення якої сприятиме нівелюванню спірних позицій науковців щодо визначення місця тактичних операцій у системі криміналістики. Запропоновано перспективні напрями подальших наукових розробок з розглядуваної проблематики.

¹ Dulov A. V. Papers mentioned above, p. 52.

² Konovalova V. O. (2007) *Metodyka rozsliduvannia zlochyniv: optymalni systemy slidchykh dii. Visn. Akad. prav. nauk Ukrainy* [Methods of crime investigation: optimal systems of investigative actions. Bulletin of the Academy of Legal Sciences of Ukraine]. № 4(43). P. 155–160 [in Russian].

Ключові слова: тактичні операції, місце тактичних операцій у системі криміналістики, формування та реалізація тактичних операцій, криміналістична теорія тактичних операцій.

МЕСТО ТАКТИЧЕСКИХ ОПЕРАЦИЙ В СИСТЕМЕ КРИМИНАЛИСТИКИ

В. М. Шевчук

Исследованы проблемы определения места тактических операций в системе криминалистики и процессе уголовного производства. Доказано, что при решении этого вопроса необходимо исходить из природы тактических операций, перспектив их развития, а также специфики взаимосвязи криминалистической тактики и методики расследования отдельных видов преступлений. Разработка тактических операций как научной концепции является своеобразным мостом, который соединяет тактику и методику расследования, что обогащает расследования в целом. Обосновано, что тактическая операция относится к средствам криминалистической тактики и уже в этом качестве, как и другие тактико-криминалистические средства, реализуется в криминалистической методике. Тактические операции выступают эффективными подсистемами системы уголовного производства, которая включает тактические операции досудебного расследования и тактические операции судебного производства. Доказано, что криминалистическая наука и практикой расследования и судебного разбирательства отдельных видов преступлений накоплен, систематизирован и обобщен довольно объемный эмпирический материал, являющийся отправным для создания частной криминалистической теории тактических операций, актуальность построения которой не вызывает сомнений. Положения криминалистической теории тактических операций образуют, прежде всего, систему знаний (теоретических обобщений, объяснений, выводов), которая характеризует предметно-практическую и информационно-познавательную сторону деятельности по расследованию и судебному разбирательству преступлений. Как и криминалистика в целом, частная теория тактических операций имеет прикладной характер, поскольку является научной основой для разработки и применения организационно-тактических средств уголовного производства, оптимизации следственной и судебной деятельности, реализации нужд современной практики борьбы с преступностью. Доказана необходимость создания отдельной криминалистической теории тактических операций, создание которой будет способствовать нивелированию спорных позиций ученых по определению места тактических операций в системе криминалистики. Предложены перспективные направления дальнейших научных разработок по рассматриваемой проблематике. Сегодня перспективным направлением является разработка частной криминалистической теории тактических операций, которая в дальнейшем будет способствовать обогащению общей теории криминалистики, обеспечит повышение эффективности и рационализации уголовного производства.

Ключевые слова: тактические операции, место тактических операций в системе криминалистики, формирование и реализация тактических операций, криминалистическая теория тактических операций.

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