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SCIENTIFIC APPROACHES TO UNDERSTANDING TACTICAL AND CRIMINALISTIC COMPLEXES AND PROBLEMS OF THEIR PRACTICAL APPLICATION

The paper examines theoretical foundations of tactical and criminalistic complexes and their practical application in the criminal proceedings. Scientific approaches to understanding notion "tactical and criminalistic complex", its functional purpose in the investigative and judicial activities are analyzed. It is proved that the doctrinal approaches to the definition of the notion under consideration should be based on the differentiated understanding of such organizational and tactical means as a tactical operation and tactical combination.

Keywords: tactical and criminalistic complex, complex means of criminalistic tactics, criminalistic complex, tactical operations, tactical combinations, criminalistic theory of tactical operations.

One of the defining trends of the modern development of Criminalistics and practice of counteraction to criminality is a comprehensive realization of investigative (search), covert investigative (search) activities, operational-search, provisional, organizational-technical and other measures in order to resolve individual tactical tasks whose solution by another way is ineffective or impossible at all in a specific investigatory situation. Therefore, the statement of B. V. Schur is justifiable that time has come to move from segmental methodological recommendations for tactical expediency of certain investigative actions to the relevant complex approach, to the establishment of specific dependencies with intermediate (tactical) task of investigation¹. Wherein, one should keep in mind that tactical and criminalistic complexes in the investigation of crimes (techniques, combinations, operations) are certain instruments of evidence collection and verification. They are considered as procedural and organizational tactical form of exercising optimal, allowable methods of action, line of conduct in the process of solving tactical problems, being realized in order to achieve purposes crime investigation².

In the special literature and practice of criminal proceedings different terms are used in order to indicate complex tactical means. Often they are referred as

¹ See: *Щур Б. В.* Теоретичні основи формування та застосування криміналістичних методик : монографія / Б. В. Щур. — Х. : Харків юрид., 2010. — С. 185.

² See: *Якушин С. Ю.* Криминалистическая тактика: вопросы теории и практики : учеб. пособие / С. Ю. Якушин. — Казань : Казан. ун-т, 2010. — С. 50.

“tactical complex”¹ “criminalistic complex”², “tactical-criminalistic complex” or “tactical (criminalistic) complex”³, “organizational-tactical complex”⁴ and others. In most cases, there are different approaches to the interpretation of notions under consideration, some discussions on their essence and content. At the same time, unfortunately, there is no unambiguous understanding of the essence considered actions and measures, methods until now, as well as, there is no single scientific approach to their research.

So, one of the urgent tasks of development of the theoretical problems of complex use of tactics is to solve the problems of the conceptual apparatus. After all, at the beginning of any scientific research, it is necessary to determine the significance, position and relationship of the phenomenon (category) under study, to understand the general theoretical positions, to formulate original notions and only then to initiate directly scientific solution of the problem. Flouting this rule leads only to confusion and, sometimes, causes to “reject” the existing experience of the theoretical and applied researches and to begin consideration of certain issues from the very beginning, from the first principles. In this aspect, undoubtedly a considerable scientific and practical interest is in depth study of the notion “tactical-criminalistic complex”, its structure, and relation of the components that are combined in it, their influence on each other and so forth.

Formulation of the notion “tactical-criminalistic complex” requires first of all a thorough analysis and clarification of the essence of the term “complex” which is defined as (English – Complex, Latin – Complexus – interlacement, combination, link) a set of objects, notions or associations which constitute one whole⁵. In the explanatory dictionaries the term “complex” is defined as a set, combination of phenomena and properties⁶ or a set of objects, devices, programs,

¹ See: *Селиванов Н. А.* Советская криминалистика: система понятий / Н. А. Селиванов. — М. : Юрид. лит., 1982. — С. 92; *Исаенко В. Н.* Тактические комплексы в расследовании убийств с использованием сведений о материальных ценностях, похищенных преступниками у потерпевших : дис. ... канд. юрид. наук : 12.00.09 / В. Н. Исаенко. — М., 1990. — С. 77; *Головин А. Ю.* Криминалистическая систематика / А. Ю. Головин / под ред. Н. П. Яблокова. — М. : ЛексЭкст, 2002. — С. 216–221; *Шмонин А. В.* Методология криминалистической методики : монография / А. В. Шмонин. — М. : Юрлитинформ, 2010. — С. 321–333 та ін.

² See: *Сорокотягин И. Н.* Использование специальных познаний в криминалистическом комплексе «установление неопознанного трупа или его частей» / И. Н. Сорокотягин, А. А. Шмидт. — Свердловск : Изд-во Свердлов. юрид. ин-та, 1986. — С. 98; *Матусовский Г. А.* Экономические преступления: криминалистический анализ / Г. А. Матусовский. — Харьков : Консум, 1999. — С. 155.

³ See: *Асташкина Е. Н.* Расследование преступлений. Криминалистические комплексы : учеб.-практ. пособие / Е. Н. Асташкина, Н. А. Марочкин, А. Е. Михальчук. — М. : Приор-издат, 2003. — С. 5.

⁴ See: *Шепітько В. Ю.* Організаційно-тактичні засоби: поняття та значення / В. Ю. Шепітько, В. А. Журавель // Питання боротьби зі злочинністю : зб. наук. пр. — Х. : Право, 2009. — Вип. 18. — С. 185–192.

⁵ See: *Большой словарь иностранных слов* / сост. А. Ю. Москвин. — М. : Центр полиграф : Полус, 2001. — С. 299.

⁶ See: *Толковый словарь русского языка* / под ред. Д. Н. Ушакова. — М. : Астрель : АСТ, 2000. — Т. 1. — С. 1428.

phenomena, actions, properties that make up one whole, work in a single system, have a common purpose, “in complex” – together, into one, instead of separating anything¹, or a set, a combination of anything; a group, a set of objects, phenomena of a single purpose².

In the psychological literature complex is understood as a combination of individual mental processes into a single whole different from the sum of its elements³; a set of mental elements united around some thematic kernel and associated with certain feelings⁴. In psychology – a set of psychic processes that cause an inadequate response to any external or internal psychic irritant⁵ or a set of any psychic elements which is characteristic to someone that is grasped by him and determine his behavior⁶.

In the conceptual apparatus of Criminalistics the term “tactical (criminalistic) complex” appeared as a consequence of scientists attempt to unite all existing organizational and tactical means under “one roof”⁷. In this sense, O. Yu. Holovin fairly notices that in the modern Criminalistics the problem of constructing clear and logical system of notions necessitates introduction of a special term which denotes different complexes of investigator's actions united by necessity of solving definite problems of investigation⁸.

Along with it, in the theory of Criminalistics the question concerning notion “tactical (criminalistic) complex” remains debatable. In particular, M. O. Selivanov understands conjunction (combination) of tactical methods within the frames of a single procedural act as a tactical complex⁹. V. I. Sorokotiagin and O. A. Schmidt, on the contrary, believe that the criminalistic complex is a combination of the set of investigative, organizational-checking, control-revising measures, as well as actions with applying special knowledge carried out by investigators and other participants in the criminal proceedings with the purpose of timely execution of certain problems significant in terms of content¹⁰.

According to Ye. H. Dzhakishev, the notion “tactical-criminalistic complex” combines per se two categories – “tactical operation” and “tactical combination”. This approach, as the scientist notices, to denote different sets of investigative

¹ See: Великий тлумачний словник сучасної української мови / уклад. і голов. ред. В. Т. Бусел. — К. ; Ірпінь : ВТФ «Перун», 2002. — С. 445.

² See: *Ожегов С. И.* Толковый словарь русского языка / С. И. Ожегов, Н. Ю. Шведова. — 3-е изд. — М. : АЗЪ, 1995. — С. 282.

³ See: *Юридична психологія : словник / [Д. О. Александров, В. Г. Андросюк, Л. І. Казміренко та ін.]*. — Вид. 2-ге, уточ. та допов. — К. : КНТ, 2008. — С. 79.

⁴ See: *Столяренко Л. Д.* Психологія : учебник для вузов / Л. Д. Столяренко. — СПб. : Питер, 2008. — С. 269.

⁵ See: *Большой словарь иностранных слов*. — С. 299.

⁶ See: Великий тлумачний словник сучасної української мови. — С. 445.

⁷ See: *Колдин В. Я.* Логико-информационная структура следственного действия и тактической комбинации / В. Я. Колдин // *Криминалистика : учебник для вузов ; отв. ред. Н. П. Яблоков*. — М., 1996. — С. 369.

⁸ See: *Головин А. Ю.* Indicated work. — С. 216–217.

⁹ See: *Селиванов Н. А.* Indicated work. — С. 92.

¹⁰ See: *Сорокотягин И. Н., Шмидт А. А.* Indicated work. — С. 98.

actions is optimal because tactical operation and tactical combination mutually complement each other, and can be used simultaneously for the characteristics of the entire system from the set of investigative measures¹. Some scientists believe that the tactical-criminalistic complex is a set of investigative actions, operational-search, control-revisory, technical and other measures, as well as a set of tactical methods that are realized within the framework of a separate investigation. These complexes are used to solve concrete problems that arose at certain stages of investigation of crimes in the conditions of various investigative situations².

In his turn S. Yu. Yakushin³ in system tactical and criminalistic complexes distinguish separate tactical methods and complex tactical means – combinations tactical and tactical operations. In doing so, the scientist emphasizes that the notion of tactical-criminalistic complex should not be identified with the notion a criminalistic complex which is wider in its content. According to O. Yu. Golovin, tactical complexes – multilevel systems of investigative, operational-search and organizational actions, methods aimed at solving problems under investigation of the criminal case⁴.

Exploring the issues under consideration, A. V. Shmonin notes that the term “tactical complex” – is organizationally-ordered set (system) of tactical methods and/or procedural actions and/or operational-search and/or other measures aimed at solving problems of preliminary investigation or stipulated by this task and investigative situation. In his opinion, tactical complexes may include in their structure the following elements: tactical methods; investigative actions; other procedural acts; organizational activities; technical measures; operational-search measures; revisions and documentary checkings (tax audits), measures on the study of documentary information; measures on the use of mass media and Internet technologies in the process of crimes investigation; activities related to the use of public assistance (non-governmental organizations, other associations of citizens, etc.)⁵.

Stated position of A. V. Schmonin has been criticized on the pages of criminalistic editions. In particular, B. V. Schur believes that it is difficult to imagine a combination of multi-ordinal means of criminalistic tactics – systems of tactical methods (or separate tactical methods) and procedural (investigative) actions or other measures because tactical methods do not exist by themselves; they are used within the limits of investigative action. Therefore, there may be a combination of investigative and others (procedural and non-procedural) measures. Another thing is that there are varieties of tactical operations – 1) the system of investiga-

¹ See: *Джакишев Е. Г.* Проблемы совершенствования криминалистических приемов и средств борьбы с хищениями и иными корыстными преступлениями в сфере экономики : автореф. дис. на соискание уч. степени д-ра юрид. наук : спец. 12.00.09 «Уголовный процесс; криминалистика и судебная экспертиза» / Е. Г. Джакишев. — Алматы, 1994. — С. 25.

² See: *Асташкина Е. Н., Марочкин Н. А., Михальчук А. Е.* Indicated work. — С. 5.

³ See: *Якушин С. Ю.* Тактические задачи и средства их решения при расследовании преступлений / С. Ю. Якушин // Криміналіст першодрукований. — 2011. — №3. — С. 63–66.

⁴ See: *Головин А. Ю.* Indicated work. — С. 216.

⁵ See: *Шмонин А. В.* Методология криминалистической методики. — С. 346–347.

tive actions; 2) complex of investigative actions and operational-search measures; 3) complex of investigative actions, organizational and technical measures and so forth. Such combinations could be attributed to tactical complexes used as an element of separate criminalistic methods¹. Various positions of scholars on the integrated use of tactical-criminalistic means of crimes investigation were expressed in the criminalistic literature. Thus, some forensic scientists² offer to consider tactical combination as the most common collective notion of the whole entirety of combinational tactical actions in Criminalistics, that is, they, in fact, equate such notions as “tactical combination” and “tactical-criminalistic complex”. An active supporter of this position was R. S. Bielkin, who initially proposed the term “tactical combination” to describe the tactical means of interrogation which were called “psychological trap” or “investigative tricks”, and later, having expanded the notion of tactical combinations included combination of not only tactical methods but also the investigative acts in it. In his opinion, “tactical combination” – it is some combination of tactical methods of or investigative actions aims to solve a particular task of investigation caused by this purpose and investigative situation”³. R. S. Bielkin divided all tactical combinations at simple (consisting from the system of tactical methods which are applied within the frames of a single investigative action) and complex (systems of investigative actions and other measures).

The peculiarity of the above concept is that a single term – “tactical combination” refers to two different notions: a system of tactical methods of that are used in the fulfillment of one investigative action, and a set of investigative, operational-search and other actions aimed at solving certain tactical tasks. According to the stated position, in the criminalistic literature critical remarks were expressed to the address of its supporters. In particular, M. P. Maliutin thinks that notions under consideration are different in their scope and combination of them into one definition is hardly appropriate⁴. V. Yu. Sokol notes that the overall directivity on the solution of emerging tactical tasks can not be the basis for unification of the system of tactical methods and the system of investigative actions within the frames of a single theoretical construction⁵.

Other scientists defend the thought which is common in criminalistic science, according to which, the separate organizationally- tactical means of investigation are the tactical operation and tactical combination. With this in mind, the terms “tactical combination” and “tactical operation” reflect certain types of tactical

¹ See: *Шур Б. В.* Indicated work. — С. 188–189.

² See: *Криминалистика : учеб. для вузов / [Т. В. Аверьянова, Р. С. Белкин, Ю. Г. Корухов, Е. Р. Россинская]*; под ред. Р. С. Белкина. — М. : НОРМА – ИНФРА-М, 1999. — С. 507–514; *Чурилов С. Н.* Криминалистическая методика: история и современность / С. Н. Чурилов. — М. : Маркетинг, 2002. — С. 343–356.

³ See: *Белкин Р. С.* Криминалистика: проблемы, тенденции, перспективы. От теории к практике / Р. С. Белкин. — М. : Юрид. лит., 1988. — С. 140.

⁴ See: *Малиutin М. П.* Тактические приемы в расследовании преступлений / М. П. Малиutin. — М. : Юрлитинформ, 2009. — С. 25–31.

⁵ See: *Сокол В. Ю.* Методологические и организационные аспекты тактико-криминалистического обеспечения раскрытия преступлений / В. Ю. Сокол. — Краснодар : Изд-во Кубан. гос. ун-та, 1998. — С. 162.

complexes. “Tactical combination and tactical operation, – S. Yu. Yaku-shev marks – are a form of tactical complexes or complex tactical means”¹.

Along with that, in Criminalistics there were expressed various, not unambiguous views on the understanding and relationship between the notions “tactical operation” and “tactical combination”. In their studies, scientists consider these categories as either independent, or, conversely, equate, mix them seeing only the difference in terminology. Thus, Ye. H. Dzhakishev combines the notions “tactical combination” and “tactical operation” in one term, and offers such complexes of actions to call “tactical combinational operation”, noting that namely in this form the notions “... do not contradict each other, but on the contrary, they complement each other and can be used simultaneously to characterize the overall system from the combination of investigative actions, operational-search and other measures”². V. I. Shykanov also considered that combination is the attribute of the theory and practice of operative-investigative activities, and in Criminalistics the term “tactical combination” is used only when one stresses that the tactical operation is related with very difficult “multi-level” estimations based on the possibilities of reflective analysis, and involves extensive use of the operational capabilities of the inquiry body³. In other words, he considered tactical combination to be a kind of tactical operation.

Along with this the vast majority of scientist-criminalists believe that tactical operations and tactical combinations are independent means and offer their own criteria of their differentiation. Thus, A. V. Shmonin supports the position on distinction of these complexes and their independent status. Such a conclusion, in his opinion, is considered to be important in terms of methodology and mainly affects upon the research results of the problem under consideration⁴.

Individual authors provide us with other points of view on the understanding of the tactical combination and tactical operation. Thus, O. O. Mykhalchuk and V. V. Stepanov believe that the tactical combination and tactical operation are two independent of each other substantive criminalistic categories, but tactical combination, in addition, besides having an independent nature, may also be a structural element of a tactical operation⁵.

Certain scientific interest is deserved by position V. Yu. Shepitko who believes that systems of tactical methods (tactical combination) and tactical ope-

¹ See: *Асташкина Е. Н., Марочкин Н. А., Михальчук А. Е.* Указ. праця. — С. 44; Дулов А. В. *Тактические операции при расследовании преступлений* / А. В. Дулов. — Минск : Изд. БГУ, 1979. — С. 45; *Чебуренков А. А.* Основы теории расследования : монография / А. А. Чебуренков. — М. : Юрлитинформ, 2010. — С. 68 та ін.

² See: *Джакишев Е. Г.* Indicated work. — С. 25–26.

³ See: *Шиканов В. И.* Теоретические основы тактических операций в расследовании преступлений / В. И. Шиканов. — Иркутск : Изд-во Иркут. гос. унта, 1983. — С. 18–19.

⁴ See: *Шмонин А. В.* Методика расследования преступлений : учеб. пособие / А. В. Шмонин. — М. : Юстицинформ, 2006. — С. 331–343.

⁵ See: *Михальчук А. Е.* Соотношение тактических операций и комбинаций в криминалистике / А. Е. Михальчук, В. В. Степанов // *Проблемы интенсификации деятельности по расследованию преступлений* : сб. науч. тр. — Свердловск : Изд-во Свердлов. юрид. ин-та, 1987. — С. 36.

ration as its independent elements belong to the organizational and tactical means of investigation realization as one of the varieties of criminal tactics means¹. In his opinion, the definition of the notion “tactical combination” comprising combination of investigative actions, raises objections. Moreover, he believes that it is inappropriate to combine two separate categories – “a combination of tactical methods” (system of means) and “combination of investigative (or other) actions” (tactical operation) into one notion. The combination of tactical means and investigative actions has different purposes and is not equivalent. In the etymological sense the term “combination” is identical to the term “system of means to achieve something”. Tactical combination is possible only within the same investigative (judicial) action and does not imply combination with tactical methods of other procedural act, therefore it should be considered as a synonym of tactical methods. Tactical operation involves combination of similar and dissimilar investigative actions, operational-search, organizational and other measures aimed at fulfillment of the interim investigation task in a particular investigative situation². S. B. Rossynskiy considers tactical operation and tactical combination in a slightly renewed interpretation. In his opinion, tactical combination – is a definite set of tactical methods, investigative and judicial actions, which is aimed at solving concrete task of the preliminary investigation or judicial consideration, and is stipulated by this purpose and investigative situation. Inclusion of court procedures into the elements that constitute tactical combination is motivated by scientists by the following reasons: a) procedural differentiation between investigative and judicial actions that cause their criminalistic differentiation; b) range expansion of the subjects of tactical combinations realization, among which one may attribute a court and a judge; c) the possibility of realizing not only at the pretrial investigation but also at the court³.

In our opinion expanding the scope of applying tactical combinations and operations by introducing the court into the subjects of their realization, we can talk about tactical combinations and operations in the court proceedings. A vivid example of the support of this position is the assertion S. Yu. Yakushyn that with regard to the stage of judicial investigation, as an example of the practical realization of complicated tactical combination may serve choosing optimal tactical methods and line of conduct with the participants of the investigation in conditions of conflict situation (for example, refusing to testify, giving false testimony, self-incrimination, and so on) by the court (and parties).

¹ See: *Шепитько В. Ю. Познавательные функции деятельности следователя и средства криминалистической тактики / В. Ю. Шепитько // Актуальные вопросы применения уголовно-процессуального и уголовного законодательства в процессе расследования преступлений : сб. материалов межвуз. науч.-практ. конф. : в 2 ч. — М. : Акад. упр. МВД России, 2009. — Ч. 2. — С. 95–97.*

² See: *Криміналістика : підручник / [В. Ю. Шепітько, В. О. Коновалова, В. А. Журавель та ін.] / за ред. В. Ю. Шепітька. — 4-те вид., переробл. і допов. — Х. : Право, 2008. — С. 145.*

³ See: *Россинский С. Б. Обыск в форме специальной операции : учеб. пособ. для вузов / С. Б. Россинский ; под ред. В. Н. Григорьева. — М. : ЮНИТИ-ДАНА : Закон и право, 2003. — С. 19–20.*

The solution of this situation may be application of the system of judicial, organizational-technical actions and activities, including: a) initial judicial questioning of individuals who give consistent and truthful testimonies; b) leaving of the composition of the court to the crime scene; c) carrying out judicial inspection; g) production for inspection of physical evidence; d) carrying out identification in court; e) applying (if necessary) disciplinary measures to the violators of the order in the courtroom and others¹.

The scientist notes further that as a general rule for the trial it is not characteristic any operative support of the criminal case being in proceedings. Application of the state measures of protection, stipulated by the legislation, for witnesses often takes place in the pre-trial investigation. At the same time in the situation of change of crime eyewitness testimony in the courtroom in the criminal case proceedings, the court and the prosecution party may apply the tactical means of provisional nature within the framework of peculiar tactical operation². Therefore, in our view, the proposal on expanding the scope of applying tactical combinations and operations in court proceedings in the court is one of the promising directions of tactical operations theory that requires further depth consideration and reflection.

Considering the ratio of the tactical operation and tactical combination, S. B. Rossynskiy notes that the main difference of the tactical complexes under consideration is the availability operational-search activities in the structure of tactical operation while the tactical combination is a set of tactical means or investigative actions³. The scientist underlines that tactical operation combines both elements of tactical combinations which consist in the complex of investigative actions and the elements of operative combination which consist in the complex of operational-search combinations. The author notes that the results of conducting tactical combinations can fully be the evidence in the case as they are obtained from the investigative (court) actions, but the results of the tactical operation are the evidence only partially as the data obtained in the course of operational-search activities which do not meet the requirements of the criminal procedural law, are prohibited at all to use in the process of proving in a criminal case. Finally, tactical combination differs from the tactical operation in a range of participants. In the tactical combination there are participating an investigator (there may be a group of investigators), prosecutor and a court, on their own or, acting upon authorization, exercise certain investigative (court) actions aimed at achievement of intermediate result in a case⁴.

It should be noted that the judicial actions are also interrelated in a certain way between themselves, and should be selected taking into account the expedient sequence. Therefore, we can talk about systems (complexes) of judicial actions as important means of criminalistic tactics. On this occasion, it is true that the

¹ See: Якушин С. Ю. Криминалистическая тактика: вопросы теории и практики. — С. 50.

² See: Ibid. — С. 137–138.

³ See: Россинский С. Б. К вопросу о соотношении понятий «тактическая комбинация» и «тактическая операция» / С. Б. Россинский // Известия ТулГУ. — Тула, 2001. — Вып. 5. — С. 102–103.

⁴ See: Россинский С. Б. Обыск в форме специальной операции. — С. 19–20.

success of the trial depends on the selected evidence examination order by the court. If the sequence of the proceedings is regulated by law, and the court cannot change it under any circumstances, the order of the proceedings is determined by the court taking into account the circumstances of the criminal proceedings.

Certain scientific interest constitutes attempts of O. D. Trubachov and M. Ye. Meretskiy to introduce the term “operational-tactical combination” into the conceptual apparatus of Criminalistics and again with its various interpretations. Thus, O. D. Trubachov understands “operational-tactical combination” a certain set of investigative and operational actions, which are based on reflexive control over behavior of an interrogated person¹. In his turn M. Ye. Meretskiy concludes that operational-tactical combination is a certain regulary complex set of several tactical and operative combinations, planned and carried out with taking into account (by using) the surprise factor to address the specific problems of the investigation stipulated by a particular investigative situation².

In our opinion, development of problems of using tactical operations and tactical combinations is definitely necessary for the further improvement of scientific bases of the investigation process in order to optimize it. Along with this, we fully agree with R. S. Bielkin who cautioned against enthusiasm on desire to create new terms and neglect balanced approach to their development. He rightly pointed out that the replacement of an existing term (terms) is fully justified only if the new term denotes a new definition of the notion whose content has been changed or significantly updated. If the notion denoted by the term has been changed, but it has not lost its essential characteristics, that is, if the changes were made, for example, only for the content of the term, then it is advisable to save the term given the strength of linguistic tradition³.

So, given the above analysis, it can be argued that the categories of “tactical combination” and “tactical operation” reflect certain types of means of tactical-criminalistic complexes. They are relatively new, specific activistic categories revealing the functional side of the complex means of the criminalistic tactics used by an investigator (prosecutor, court) during the criminal proceedings. Tactical combination and tactical operation – dynamical categories, the essence of which is the system of procedural and non-procedural actions (measures), interaction and influence. Despite the external similarity, they are autonomous tactical means and their distinction occurs on the basis of the following criteria: 1) essence and content; 2) a system of goals and tasks; 3) complexity of the structure components; 4) the functional purpose; 5) range and duration of the execution; 6) complexity of organization; 7) subject composition of

¹ See: Трубачев А. Д. Влияние научно-технического прогресса на развитие методики расследования хищений, совершаемых с использованием служебного положения / А. Д. Трубачев // Проблемы развития криминалистики в условиях научно-технического прогресса : сб. науч. тр. — Свердловск : Изд-во Свердлов. юрид. ин-та, 1982. — С. 115–116.

² See: Мерецкий Н. Е. Криминалистика и оперативно-тактические комбинации : науч.-практ. пособие / Н. Е. Мерецкий. — М. : Юрлитинформ, 2007. — С. 21–31.

³ See: Белкин Р. С. Ленинская теория отражения и методологические проблемы советской криминалистики / Р. С. Белкин. — М. : Высш. шк. МВД СССР, 1970. — С. 63–64.

the participants¹. However, not paying attention to certain criteria of differentiation of these complexes, it is necessary to agree with the V. A. Zhuravel who notes that the proposed means should not be considered as criminalistic categories competing between themselves but rather as complements to each other which together create a single, the most effective mechanism for obtaining information necessary for the detection, investigation and prevention of criminal manifestations².

Thus, the doctrinal approaches to the definition of “tactical-criminalistic complex” should be based on a differentiated understanding of organizational and tactical means as the tactical operation and tactical combination. In our opinion, in this case, the most successful term for designation of the complex of procedural and non-procedural actions and measures aimed at solving separate (intermediate) tactical problems, is still a “tactical operation” as this term reveals the essence and contents of criminalistic means. In order to unify notions, it is advisable to apply the term “tactical operation” only when we are talking about the system of investigative (search), covert investigative (search) activities, operational-search, organizational-technical and other activities (in court proceedings – on the system of judicial actions of organizational-technical and other measures), and the term “tactical combination” – only on the system of tactical methods in the framework of carrying out a separate investigative or judicial action.

Herewith tactical operation should be considered as an independent category of Criminalistics and as a special kind of tactical-criminalistic complexes of investigation and judicial consideration of crimes. The complex of actions that are included in the structure of tactical operation, does not replace the tactics of investigative or judicial actions, and forms a more complex construction, the content of which does not exhaust tactical methods, but also includes investigative (search) actions, covert investigative (search) actions, operative-search and other activities contributing to their realization³, and in legal proceedings – court actions and organizational-technical and other measures aimed at solving separate (intermediate) tactical tasks. Compared with the tactical methods and combinations thereof, tactical operations differ in scale and duration of actions, in a broader range of participants and in the high degree of organized nature of their activities. All this necessitates further active development of the problem of Criminalistic theory of tactical operations, has not only theoretical but also practical importance making it possible to include scientific recommendations capable to play a significant role in improving efficiency of criminal proceedings, and ultimately in establishing the truth, into the tactical arsenal of an investigator (judge). A clear understanding of the essence of the tactical operation and its relationship with

¹ See: *Шевчук В. М.* Тактичні операції у криміналістиці: теоретичні засади формування та практика реалізації: монографія / В. М. Шевчук. — Х.: Вид. агенція «Апостіль», 2013. — С. 86–88.

² See: *Журавель В. А.* Системи слідчих дій та тактичні операції в структурі окремої криміналістичної методики розслідування злочинів / В. А. Журавель // Вісн. Акад. прав. наук України. — 2009. — № 2(57). — С. 197–208.

³ See: *Шиканов В. И.* Indicated work. — С. 16–17.

other means of criminalistic tactics, tactical-criminalistic complexes serves for the further development of the theory of Criminalistics, for the improvement of the judicial and investigative practice. Therefore, in modern conditions of updating criminal procedural legislation, reforming criminal justice, researches and developments on the problems of tactical-criminalistic complexes and their application in counteraction to criminality are relevant and stipulated by the needs of modern practice.

НАУКОВІ ПІДХОДИ ДО РОЗУМІННЯ ТАКТИКО-КРИМІНАЛІСТИЧНИХ КОМПЛЕКСІВ І ПРОБЛЕМИ ЇХ ПРАКТИЧНОГО ЗАСТОСУВАННЯ

Шевчук В. М.

Досліджено теоретичні засади тактико-криміналістичних комплексів і практику їх застосування в кримінальному провадженні. Проаналізовано наукові підходи до розуміння поняття «тактико-криміналістичний комплекс», його функціонального призначення в слідчій і судовій діяльності. Обґрунтовано, що доктринальні підходи до визначення зазначеного поняття мають базуватися на диференційованому розумінні таких організаційно-тактичних засобів, як тактична операція й тактична комбінація.

Ключові слова: тактико-криміналістичний комплекс, комплексні засоби криміналістичної тактики, криміналістичний комплекс, тактичні операції, тактичні комбінації, криміналістична теорія тактичних операцій.

НАУЧНЫЕ ПОДХОДЫ К ПОНИМАНИЮ ТАКТИКО- КРИМИНАЛИСТИЧЕСКИХ КОМПЛЕКСОВ И ПРОБЛЕМЫ ИХ ПРАКТИЧЕСКОГО ПРИМЕНЕНИЯ

Шевчук В. М.

Исследованы теоретические основы тактико-криминалистических комплексов и практика их применения в уголовном производстве. Проанализированы научные подходы к пониманию понятия «тактико-криминалистический комплекс», его функционального назначения в следственной и судебной деятельности. Обосновано, что доктринальные подходы к определению указанного понятия должны основываться на дифференцированом понимании таких организационно-тактических средств, как тактическая операция и тактическая комбинация.

Ключевые слова: тактико-криминалистический комплекс, комплексные средства криминалистической тактики, криминалистический комплекс, тактические операции, тактические комбинации, криминалистическая теория тактических операций.

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