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MODERN PROBLEMS OF RESEARCH OF SEPARATE CRIMINALISTIC METHODICS: DEFINITION OF THE CONCEPT AND ESSENTIAL SIGNS

***Abstract.** The article is devoted to the study of the problems of a separate criminalistic methodics, its concepts and features, the formation of its theoretic-methodological foundations and prospects of certain areas of modern criminalistic research. A critical analysis of scientific approaches to the studied concepts of "separate criminalistic methodics" and proposed the author's definition of understanding of this criminalistic category. It's proposed to consider a separate criminalistic methodics as an information-cognitive model that contains a system of methods, tools, techniques, recommendations, investigative and forensic technologies of a standardized nature, set out in descriptive or formalized form for the organization and optimal implementation of the process of collecting, evaluating and using evidence information committing criminal offenses in order to ensure their effective investigation, prevention and trial of criminal proceedings. It is substantiated that the essential features of a separate criminalistic methodics should include the following: information; systematicity; structure; formality; manufacturability; recommendation; efficiency. It's noted that the modern development of criminalistic methodics requires expanding the boundaries of research and clarification of its subject and modern understanding.*

Keywords: *criminalistic methodics, concepts and features of a separate criminalistic methodics, criminalistic methodics of investigation, criminalistic methodics of trial, promising areas of research in criminalistic methodics.*

Introduction. In modern criminalistics, the issue of criminalistic methodics is one of the most relevant and researched, due to the urgent needs of practice in the need to improve and enhance the effectiveness of discovery, detection, investigation and prevention of certain types of criminal offenses. In this regard, correctly emphasized the attention of V.P.Bakhin that the state and conditions of the fight against modern crime are constantly facing criminalistics with new tasks that need to be addressed. Among them, they are the most significant in the field of criminalistic methodics, because it's here that the main lag of the level of scientific-methodological recommendations from the urgent needs of practice. First of all, this is due to the lack of methods for investigating new criminal offenses or methods for investigating criminal acts that change significantly. In this regard, the questions about the place and role of certain theoretical concepts in the formation and improvement of criminalistic methodics are quite significant and relevant. [2, c.176].

Considering the relevance of modern criminalistic research on criminalistic methodics, B.V. Schur rightly notes that today scientific developments on this issue should be carried out in several areas:

- 1) further formation of the methodological foundations of criminalistic methodics – its general provisions (conceptual approaches, principles, functions, structure, etc.);
- 2) creation of separate criminalistic methodics (concerning categories, types, subtypes of crimes, etc.);
- 3) development of criminalistic methodics for various activities (investigative, judicial, prosecutorial, advocacy);
- 4) offering certain means of criminalistic methodics – methodological recommendations, methods, techniques, technologies, etc. [15, c. 25].

Given the above, we can conclude that in today's realities, in our opinion, one of the priorities of criminalistic science is the study of conceptual theoretical-

methodological foundations of criminalistic methodics, the development of which now has many hidden and untapped reserves and practical capabilities to optimize the activities of law enforcement agencies to counter modern challenges of crime. It seems that there are many debatable and unresolved issues in the study of this issue that need special study and resolution.

Results and discussion. Separate criminalistic methodics are independent internally structured sets of criminalistic recommendations for the organization and implementation of detection, investigation and prevention of certain types (groups) of crimes, developed in accordance with the needs of practice. Within the subdivision, separate methodics are divided according to criminal law and criminalistic classification criteria, according to certain types and groups. This allows you to immediately determine the general purpose and degree of specification of methodological-criminalistic recommendations, which contains criminalistic methodics of a certain classification level and type. As noted by R.S. Belkin¹, the end "product" of criminalistic science, which comes into the hands of investigative practice, are separate criminalistic methodics, the content of which on the basis of the provisions and conclusions of general and individual criminalistic theories are complexed criminalistic recommendations for judicial investigation and crime prevention [4, c. 298].

The study and analysis of criminalistic sources shows the ambiguity and different scientific approaches in defining the concept of "separate criminalistic methodics", which often generates discussions among scientists, some misunderstandings in the study of this criminalistic category and ambiguous approaches among practitioners in its application in practice. This situation complicates the process of formation and unification of understanding and application in practice of the studied concept.

In the criminalistic literature there are different approaches to defining the concept of a separate criminalistic methodics. In particular, V.P. Bakhin noted that the criminalistic methodics is a system of scientific provisions and, developed on their basis, practical recommendations for the optimal investigation of crimes [3, c. 23]. R.S. Belkin pointed out that a separate criminalistic methodics is a system of scientific

provisions and recommendations developed on their basis for the organization and implementation of the investigation and prevention of crimes. A specific separate criminalistic methodics should not be understood as a mechanical combination, a set of investigative actions, techniques and tactics necessary for the successful investigation of a particular type of crime. In separate methodics we are talking not only about the most effective tools and recommendations in this case, but also about the methods of their use, the peculiarities of the investigation - planning this process, typical investigative versions, the use of certain expertise, public assistance and the social media etc. The content of specific individual criminalistic methodics and is something special, for the development of which there is this section of criminalistic science [1, c. 692].

It is seen that a certain novella, which has scientific and practical interest, is the definition and scientific approach proposed by B.V. Schur, in which the scientist proposes to consider a separate criminalistic methodics as a set of guidelines and investigative technologies in the form of typical information models aimed at disclosure and investigation of a certain type or group of crimes and their prevention [15, c. 102]. In our opinion, such a scientific approach and author's understanding of this criminalistic category, in which a separate criminalistic methodics is considered as a set of guidelines and investigative technologies in the form of typical information models aimed at identifying, investigating and preventing certain types and groups of criminal offenses in modern conditions quite promising, which determines the priorities of further criminalistic research. Investigative technologies as varieties of criminalistic technologies reflect a new important aspect in the study and improvement of the development of separate criminalistic methodics of criminal offenses.

In turn, O.V. Luskatov points out that separate criminalistic methodics are independent internally structured sets of recommendations for the organization and implementation of detection, investigation and prevention of certain types (groups) of crimes, developed in accordance with the needs of practice. Within the unit, individual techniques are divided into types. This allows you to immediately determine the general purpose and the degree of specification of the recommendations contained in

the methodics of a particular type [6, c. 400]. As we can see, the author focuses on the comprehensive nature of the recommendations for the organization and implementation of detection, investigation and prevention of certain types of criminal offenses. It is important to note that such tactical- criminalistic recommendations are developed in accordance with the needs of investigative, expert and judicial practice.

As noted by V.V. Tishchenko, separate criminalistic methodics are recommendations and programs for investigating specific types of crime. Separate methodics are divided into two groups:

1) typical, or species,

2) special. Typical methodics are based on certain types of crimes established by criminal law, and special (non-specific) methods – on such grounds as: the place of the crime; characteristics of the offender; the amount of time that has elapsed since the crime was committed; the number of investigators involved in the investigation [9, c. 117]. Separate criminalistic methodics determine their structure and develop programs for the detection of certain types and groups of crimes (murder, rape, theft, robbery, official, economic and other categories of crimes). At the same time, the scientific provisions of criminalistic techniques and tactics in practice are implemented through the methodics of investigation. They acquire the appropriate specificity in the methodics of investigation of certain groups and types of crimes [5, c. 18-19].

Given the above, we can conclude that in modern criminalistic doctrine there is no unambiguous understanding of the concept of "separate criminalistic methodics", which necessitates the development and formation of the essence and concept of this criminalistic category. In this regard, A.V. Shmonin rightly emphasizes that the formulation of the definition of a particular criminalistic methodics involves taking into account the following provisions:

1) in contrast to the general provisions of criminalistic methodics, individual techniques are standardized models of methodical (scientific and practical) recommendations for organizing and investigating certain categories of crimes;

2) almost all authors propose to consider the methodics of crime investigation as a functionally conditioned system; 3) a separate criminalistic methodics is an



information model of certain elements [13, c. 62, 63].

Besides, it should also be borne in mind that the term and the concept of "separate criminalistic methodics" in its understanding covers not only the system of methods, techniques and means of investigation and prevention of certain types and groups of criminal offenses, but also criminalistic recommendations addressed to the investigator, detective, prosecutor, judge regarding the most optimal and rational organization of the process of investigation of certain types (groups) of criminal offenses and judicial review of criminal proceedings.

V.G. Goncharenko noted that a separate methodics of investigation is a kind of special part of criminalistic methodics, which, in fact, covers its main content and is the final element of criminalistics in general. In separate methodics the data of all sections of criminalistics are accumulated, transformed taking into account criminalistic specifics of various types of crimes. When developing appropriate scientific recommendations for the investigation of certain types of crimes, criminalistic methodics uses the following data: criminal law (in the form of criminal law characteristics of crimes under investigation, primarily to identify the features of the circumstances to be proved); criminological (issues of crime prevention, prospects for the emergence of new types of crimes, ways to commit them; forecast the emergence or disappearance of such crimes in the future or improve the actions of those who commit them - to eliminate or prevent "lag" of scientific recommendations from the most essential needs of practice - the presence of a reasonable criminological forecast of the emergence of new crimes creates the conditions for the formation of appropriate criminalistic methodics, including on the basis of the experience of criminalistic scientists from other countries who have already "suffered" from the emergence of such crimes); criminal procedure (on the subject of evidence, the sequence of individual investigative actions, etc.). The main sources of criminalistic methodics are: scientific provisions of the theory of criminalistics and data from other sciences; results of generalization of experience of investigative practice and practice of judicial consideration of criminal cases; norms of separate legislative and other normative acts [7, c. 362].



It should be noted that in solving the problem of unification of modern views on the definition of "separate criminalistic methodics" we must proceed from the fact that this concept should be based primarily on the essential features of the criminalistic category. In this regard, B.V. Schur notes that a separate criminalistic methodics is a set of methodical recommendations and investigative technologies in the form of typical information models aimed at detecting and investigating a particular type or group of crimes and their prevention. Signs of criminalistic methodics should be defined: systemic, informative, comprehensive, integrative. The definition of a separate criminalistic methodics should be based on the following essential features: complexity and systematization of criminalistic (methodological) recommendations; informativeness of the proposed model; focus on the optimal detection and investigation of certain types of crimes [14, c. 902].

Among the most significant features of a separate criminalistic methodics, which should be reflected in its definition, V.A. Zhuravel includes the following:

1) a separate criminalistic methodics is a scientific abstract category, which is an information model of cognitive orientation, which reflects the typical information about the crime, the process of its investigation and trial;

2) the basis of its content are complexes of ordered methods, techniques, tools and recommendations of a standardized nature, which are reflected in such levels of their ordering as basic, species, subspecies, genus, intergeneric and complex techniques;

3) information in criminalistic methodics may be presented in a descriptive and formalized form in the form of appropriate programs of investigation, trial of criminal proceedings or algorithmic schemes of actions of the investigator (judge);

4) the ultimate goal of the methodics of criminal investigation should be the detection, collection, evaluation and use of evidence in the pre-trial investigation, and the purpose of criminalistic methodics of trial is to organize the optimal procedure for examining evidence provided by prosecutors and defense;

5) areas of implementation of criminalistic methodics are pre-trial investigation and trial of criminal proceedings of various categories.

In view of the above, in our opinion, the essential features of a separate criminalistic



methodics include such:

1) *the informativeness* of a particular criminalistic methodics is an information-cognitive model;

2) *systemation* of actions, measures, methods, techniques, means, methodical-criminalistic recommendations of a standardized nature, which are included in a separate criminalistic methodics;

3) *the structuration* of a separate criminalistic methodics, which involves the inclusion of interdependent location of its structural elements, which together form the methodical-criminalistic recommendations;

4) *formalization* of a separate criminalistic methodics, which provides a formalized form of presentation of methodical-criminalistic recommendations, which are offered in the form of appropriate criminalistic programs and algorithms [13, c. 298-311];

5) *manufacturability* of a separate criminalistic methodics, which can be considered as a technology for collecting, evaluating and using evidence in the pre-trial investigation and trial of criminal proceedings;

6) *recommendation* of a separate criminalistic methodics, the development and implementation of the provisions of which are of a recommendatory nature for persons conducting pre-trial investigation and trial;

7) *the effectiveness* of a separate criminalistic methodics implies the presence of a stable positive effect in the process of its implementation, which is associated with improving the quality and effectiveness of the investigation of criminal offenses, court proceedings, optimization of criminal proceedings.

Thus, in our opinion, a *separate criminalistic methodics* is an information-cognitive model that contains a system of methods, tools, techniques, recommendations, investigative and judicial technologies of a standardized nature, set out in a descriptive or formalized form for the organization and optimal implementation of the collection, evaluation and the use of evidence regarding the specifics of the commission of criminal offenses in order to ensure their effective investigation, prevention and trial of criminal proceedings.

Conclusions. Given the above, the modern development of criminalistic methodics

requires expanding the boundaries of research and clarification of its subject and modern understanding. It is seen that appropriate methodical-criminalistic recommendations are needed for all participants in criminal proceedings in order to implement their criminal procedural functions for an objective, complete, comprehensive and impartial investigation of the circumstances of a criminal offense in the process of pre-trial investigation and trial [10, 11]. Such criminalistic recommendations are needed both for the judge (court), and for the prosecutor-accuser, and for the defense lawyer, which should be included in the full-fledged subject of criminalistic methodics. This approach, in our opinion, covers the entire process of criminal proceedings (pre-trial investigation and trial), is logical, reasonable and reflects the modern understanding of the subject and objects of criminalistics. Therefore, criminalistics should develop practical methodical-criminalistic recommendations not only for the subjects of pre-trial investigation, but also for the trial of criminal proceedings addressed to a judge (court), prosecutor, defense counsel, which are included in the subject matter of criminalistic methodics. Based on this, it is obvious that the criminalistic methodics, respectively, should consist of two subsystems: a) criminalistic methodics for the investigation of criminal offenses; and b) criminalistic methodics of judicial review of criminal proceedings (cases). Such approaches determine the prospects of scientific development of conceptual foundations of research, formation and improvement of criminalistic methodics.

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TABLE OF CONTENTS

MARKETING, ADVERTISING AND PR		
Петропавловська С.Є. Безніцька Д.О.	ІНТЕРНЕТ ЯК КАНАЛ ПРОСУВАННЯ У СФЕРІ РОЗДРІБНОЇ ТОРГІВЛІ	6
FINANCE AND CREDIT		
Ганущак В.Ю.	СТРАТЕГІЧНІ ВЕКТОРИ РОЗВИТКУ АУДИТОРСЬКОЇ ФУНКЦІЇ В ДЕРЖАУДИТСЛУЖБІ УКРАЇНИ	15
Кур'янов В.В.	НЕОБХІДНІСТЬ УНІФІКАЦІЇ СИСТЕМИ ДЕРЖАВНОГО ФІНАНСОВОГО КОНТРОЛЮ	23
ACCOUNTING AND AUDITING		
Шара Є.Ю.	ДО ПИТАННЯ ЯКОСТІ ІНФОРМАЦІЙНОГО ЗАБЕЗПЕЧЕННЯ АНАЛІЗУ ФІНАНСОВИХ РЕЗУЛЬТАТІВ	32
PEDAGOGY AND EDUCATION		
Redkina L.I. Vishnevskij V.A. Seleznyova N.E.	USE OF INFORMATION TECHNOLOGIES IN THE PROCESS OF SPIRITUAL AND MORAL EDUCATION	35
Tkachenko E.V. Sokolenco V.N.	STUDENTS' EDUCATION APPROACHES SOME ETHNIC PECULIARITIES TAKING INTO ACCOUNT OTHER TYPOLOGIES BELONGING	45
Потапова Н.В.	ВИКОРИСТАННЯ ЕЛЕКТРОННОЇ ПЛАТФОРМИ ERUDITO У НАВЧАННІ МОЛОДШИХ ШКОЛЯРІВ ЗА КОНЦЕПЦІЄЮ NUШ	53
POLITICAL SCIENCE AND PUBLIC ADMINISTRATION		
Шупта І. М. Чайка А. В.	СТРЕС У ПРОФЕСІЙНІЙ ДІЯЛЬНОСТІ ПУБЛІЧНОГО СЛУЖБОВЦЯ	57
PSYCHOLOGY AND PSYCHIATRY		
Кернас А.В.	ПСИХОЛОГИЧЕСКИЕ ОСОБЕННОСТИ РАЗВИТИЯ БУЛЛИНГА В ШКОЛЕ И МЕТОДЫ ПРЕДОТВРАЩЕНИЯ	65
PHILOLOGY AND LINGUISTIC		
Чарікова І.В. Мазурик І.В.	МАНІПУЛЯЦІЇ У ПЕРЕКЛАДІ ЗАГОЛОВКІВ ТА ЛІДІВ МЕДІАТЕКСТІВ ПРО РОЗПОВСЮДЖЕННЯ КОРОНАВІРУСНОЇ ІНФЕКЦІЇ COVID-19	75
Ткач Л.О. Косован Т.Д. Штефанюк М.І.	ОЗНАЧАЛЬНІ КОМПОНЕНТИ В ТЕКСТАХ УКРАЇНСЬКОЇ РЕКЛАМИ КОСМЕТИЧНИХ ЗАСОБІВ (ЗА ГАЗЕТНИМИ ПУБЛІКАЦІЯМИ ПОЧАТКУ І МІЖВОЄННОГО ДВАДЦЯТИЛІТТЯ XX СТ.)	81

JOURNALISM AND TELECOMMUNICATIONS

Терещенко К.В.	ПИСЬМО КАК ЖАНР ЖУРНАЛИСТИКИ: ХАРАКТЕРИСТИКА И ОСОБЕННОСТИ	96
----------------	--	----

LAW AND INTERNATIONAL LAW

Cisko Lukáš	ENVIRONMENTAL PROTECTION WITH A SPECIAL EMPHASIS ON SUSTAINABLE ENTREPRENEURSHIP	100
Shevchuk V. Kotiuk M.	MODERN PROBLEMS OF RESEARCH OF SEPARATE CRIMINALISTIC METHODICS: DEFINITION OF THE CONCEPT ANDESENTIAL SIGNS	104
Маринчак Є.С.	ОСОБЛИВОСТІ ОПОДАТКУВАННЯ ІНВЕСТИЦІЙНОГО ПРИБУТКУ ПОДАТКОМ НА ДОХОДИ ФІЗИЧНИХ ОСІБ	114
Шевчук В.М.	ПРОБЛЕМИ ФОРМУВАННЯ ТА УДОСКОНАЛЕННЯ ОКРЕМИХ КРИМІНАЛІСТИЧНИХ МЕТОДИК	119

ASTRONOMY, SPACE AND AVIATION

Bereznyakovsky V.V.	WHAT DO WE KNOW ABOUT DARK MATTER AND DARK ENERGY, WHICH MAKE UP 96% OF THE COSMOS?	128
Kuliyeva K.B	ESTIMATION OF ENERGY RESERVES AND ECOLOGICAL STATE BASED ON SATELLITE INFORMATION LANSAT8 AND AZER SKY(SPOT-6)	132

MEDICINE AND PHARMACY

Bobokhanova N. Karimov H. Boboev K.	STUDY OF THE CONNECTION OF POLYMORPHISM rs1801133 (C677T) OF MTGFR GENE WITH HEMOSTASIS SYSTEM DISORDERS IN CHILDREN WITH ACUTE LEUKOSIS	134
Koshanov A.	ANESTHESIA OF PATIENTS WITH DIABETES MELLITUS	137
Латыпова Л.Ф. Галиакберова А.Р. Мингазова А.Р. Шарафутдинова А.Д.	АНАМНЕСТИЧЕСКАЯ ОТЯГОЩЕННОСТЬ ПРИОБРЕТЕННЫХ ЛЕЙКОПЕНИЙ У ДЕТЕЙ	144
Тиллабаева А.А.	ОСОБАЯ РОЛЬ МЕДСЕСТЕРЫ В УХОДЕ ЗА БОЛЬНЫМИ С АРТЕРИАЛЬНОЙ ГИПЕРТОНИЕЙ	151

NATURE MANAGEMENT, RESOURCE SAVING AND ECOLOGY

Давыдова А.Л. Штерн С.С. Скаредина Е.В. Шувалова В.А. Бровкин С.А. Буркина А.А. Тарасенко Е.Ю Чесакова С.А.	ОТРАСЛЕВЫЕ РИСКИ ЛЕСНОЙ ПРОМЫШЛЕННОСТИ КРАСНОЯРСКОГО КРАЯ, СВЯЗАННЫЕ С НИЗКИМ УРОВНЕМ РАЗВИТИЯ ДЕЯТЕЛЬНОСТИ ПО ПЕРЕРАБОТКЕ ДРЕВЕСИНЫ	156
--	--	-----

AGROTECHNOLOGIES AND AGRICULTURAL INDUSTRY

Kovalenko O.A.	IMPACT OF BIOPREPARATIONS AND MICRO-FERTILIZERS ON PRODUCTIVITY OF WINTER WHEAT IN THE CONDITIONS OF THE STEPPE OF UKRAINE	163
----------------	--	-----

INFORMATION AND WEB TECHNOLOGIES

Курбанова Ф.Ч.	ОБЪЕКТЫ И СРЕДСТВА ТЕХНИЧЕСКОЙ ЗАЩИТЫ ИНФОРМАЦИОННОЙ БЕЗОПАСНОСТИ	169
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MILITARY AFFAIRS AND NATIONAL SECURITY

Фаріон О.Б.	МОДЕЛЬ ЗАСТОСУВАННЯ РОЗВІДУВАЛЬНОГО АНАЛІЗУ ОПЕРАТИВНО-РОЗШУКОВИМИ ПІДРОЗДІЛАМИ ДЕРЖАВНОЇ ПРИКОРДОННОЇ СЛУЖБИ УКРАЇНИ	174
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