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**PROBLEMS OF CRIMINALISTIC METHODICS:  
MODERN UNDERSTANDING OF THE CONCEPT AND INNOVATIVE  
APPROACH TO THE FORMATION OF THE SYSTEM**

***Abstract.** The article is devoted to the study of current problems of criminalistic methodics, its subject and system. The modern understanding of the concept of criminalistic methodics is considered, its definition taking into account traditional and innovative approaches in criminalistic science is offered. The author's vision is offered and the definition of the concept of criminalistic methodics is given. It is noted that the traditional approach of identifying the understanding of the concepts "methodics of investigation of certain types of crimes" and "criminalistic methodics" today is somewhat outdated and does not correspond to the modern understanding and content of such a section of criminalistic science. It is proposed to consider the criminalistic methodics in a broad sense, which should include four subsystems: a) criminalistic methodics for the investigation of certain types of criminal offenses; b) criminalistic methodics of judicial review of certain categories of criminal proceedings; c) criminalistic methodics of professional protection; d) criminalistic methodics of prosecution. It is noted that current trends in the development of criminalistic methodics require the expansion of its research.*

***Keywords:** criminalistic methodics, innovations in criminalistic methodics, concepts of criminalistic methodics, limits of application of criminalistic methodics, new branches of criminalistic methodics.*

**Introduction.** Today criminalistic science and each of its sections are constantly faced with new challenges, important theoretical-methodological problems aimed at studying and taking into account current trends in scientific and technological progress, global and epidemic threats to the world community, their impact on criminalistic knowledge [16, c.142-147]. Therefore, in today's realities, one of the priority tasks of criminalistics is the research and development of methodological and criminalistic direction, which now has many hidden and unused reserves and practical opportunities that can optimize the activities of law enforcement agencies [13]. The modern development of criminalistic methodics requires expanding the boundaries of research and clarifying its subject and modern understanding.

Modern realities of Ukraine require criminalistics to improve, develop and implement in practice methods of investigation: crimes committed in emergencies; crimes against the foundations of national security of Ukraine in the field of health care; crimes related to the export (shipment) across the customs border of Ukraine of anti-epidemic goods or methods of investigating the smuggling of medical masks and other anti-epidemic goods, etc. The widespread use of computer information technology contributes to the further development of algorithms for the crime investigation process itself.

Today, the problems of formation and improvement of certain criminalistic methodics are the priority tasks and promising areas of research in modern criminalistics. At the same time, as the study and analysis of special literature and generalization of practice show, the methodics of investigation of certain types of crimes require further research and resolution of a number of debatable and unresolved issues that require research in this area. These issues are aimed at improving and further developing the theoretical-methodological foundations of criminalistic methodics and are among the most important areas of criminalistic doctrine.

**Results and discussion.** It should be noted that any crime is individual and unique, but in each of them there are similar features that form the basis for the definition and development of standard techniques and methods of investigation.

Therefore, within the criminalistic methodics, investigative practice on various types of criminal offenses is studied, the experience of effective use of tactics, scientific and technical means is studied and generalized, which allows to develop a system of recommendations for investigation, taking into account individual types or groups of such criminal manifestations. Moreover, the criminalistic recommendations contained in the final section of criminalistics (criminalistic methodics) are not a simple combination of criminalistic techniques and criminalistic tactics, but are a qualitatively new tool for solving investigative problems based on the adaptation of these provisions to specific conditions of detection, collection, research, evaluation and use of evidence in the investigation of certain types or groups of crimes [8, c. 399].

As rightly noted by V.Yu. Shepitko, 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 certain types of crimes. In the system of criminalistic knowledge, it is a synthesizing level that combines the provisions of criminalistic techniques and criminalistic tactics in their refraction to the conditions of investigation of a particular type of crime[9, c. 3]. In turn, B.V. Schur emphasizes that criminalistic methodics is a system of integrated scientific provisions and complexes of methodological recommendations and investigative technologies formed on their basis in the form of typical information models aimed at optimal investigation and preservation (prevention) of crimes [19, c. 902]. V.A. Zhuravel points out that criminalistic methodics is an information-cognitive model, which reflects a set of methods, tools, techniques and recommendations of a standardized nature, set out in descriptive or formalized form for the rational organization of the collection, evaluation and use of evidence on the specifics of investigating and investigating various criminal acts and trial of criminal proceedings [4, c. 198].

As we can see, in criminalistic sources there are different names for this relatively independent part of criminalistics "criminalistic methodics"[1, c. 176] and "methodics for investigating certain types of crimes"[12, c.102]. One group of scientists believes

that these concepts are identical and one-level, other authors (V.A. Zhuravel, I.I. Kohutych, O.V. Malyuga, etc.) justify the position that they are different in content and scope application. Sometimes we meet proposals for "new approaches" to the name of the final section of criminalistics. So, O.A. Kirichenko proposes to call this section "methodics of combating certain types of crime", while highlighting such separate methodics as "methodics of combating crimes against life, health, freedom and dignity of the individual", "methods of combating economic crimes", "methods of combating on crimes against public safety, public order and public health" [7, c. 173, 181] etc. In our opinion, it is seen that such propositions are inexpedient and insufficiently substantiated, they require additional study and in-depth analysis.

In criminalistics, the traditional approach of identifying the understanding of the concepts of "methodics of investigation of certain types of crimes" and "criminalistic methodics" has long dominated. In our opinion, such an approach today is somewhat outdated and does not correspond to the modern understanding and content of such a section of criminalistic science as "criminalistic methodics". Recently, in our opinion, it is justified to expand the subject of criminalistics in accordance with current trends in criminalistics and the urgent needs of practice (investigative, detective, judicial, prosecutorial, legal, etc.), which provides for pre-trial investigation to investigate and regularities of judicial, prosecutorial, advocacy activities, in particular the application of criminalistic knowledge in court proceedings, in the activities of the prosecutor, defense counsel, which in turn implies the need for a broader understanding of the actual subject of criminalistic methodics.

Therefore, appropriate criminalistic recommendations are needed for all participants in criminal proceedings in order to exercise their criminal procedure 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. Such criminalistic recommendations are needed for a judge (court), a prosecutor-accuser, and a defense lawyer, which should be part of a 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.

In view of the above, in our opinion, it is not necessary to equate the concept of "criminalistic methodics" and "criminalistic methodics of crime investigation", as these concepts are considered as general and separate, in which "criminalistic methodics of investigation" is a substructural system of the general concept in a broad sense "criminalistic methodics", which in turn includes such a subsystem as "criminalistic methodics of judicial review of criminal offenses". Therefore, criminalistics should develop practical recommendations not only for the subjects of pre-trial investigation, but also for the court and the trial of criminal proceedings. Based on this, it is obvious that the criminalistic methodics, respectively, should consist of two subsystems:

a) criminalistic methodics for the investigation of certain types of criminal offenses; and

b) criminalistic methodics of judicial review of certain categories of criminal proceedings (cases). It should be noted that such methods are the subject of criminalistic research [3; 10; 11]. This approach has recently been the subject of scientific discussions among scientists and some developments in this area.

In our opinion, the proposals of some scientists as a subsystem of criminalistic methodics, along with criminalistic methodics of investigation of certain types of criminal offenses and criminalistic methodics of judicial review of certain categories of criminal proceedings (cases) should be considered as a separate subsystem of criminalistic methodics. Thus, Ya. O. Ivanytsky analyzing the conceptual provisions of criminalistic methodics, the author defines the method of professional defense as a subsystem of criminalistic methodics, which includes a set of theoretical scientific provisions and provisions of advocacy practice, as well as developed on their basis practical recommendations for rational organization and implementation of defense attorney in criminal proceedings by certain categories (types) of criminal offenses

[5, c. 100-102]. In our opinion, such a move is promising, but it needs further study and additional argumentation.

Thus, criminalistic methodics of professional defense can be considered as a subsystem of criminalistic methodics and is the object of study of criminalistics and further research as one of the priority innovative areas of criminalistic research, taking into account some scientific advances on this issue [2; 6; 14;15]. In addition, in connection with the reform of the judiciary and law enforcement agencies, there are also new entities that use criminalistic knowledge: the parties to criminal proceedings, the procedural manager, the head of the pre-trial investigation body, the investigating judge, etc. Based on this, the new directions of development of criminalistic methodics should include issues of professional protection, prosecutor and judge (court). Therefore it is possible to consider in the order of statement of a problem also the criminalistic methodics of professional protection, the criminalistic methodics of activity of the prosecutor-accuser, the criminalistic methodics of activity of the judge (trial). It is clear that this approach is innovative and needs further study. In our opinion, it is necessary to be quite prudent in expanding the boundaries of the application of criminalistic knowledge in the field of criminalistic methodics, taking into account the subject and object of criminalistics.

Current trends in the development of criminalistics and criminalistic methodics require the expansion of its research. In our opinion, according to its content, criminalistic methodics in a broad sense should have a four-level structure:

1) *general provisions* (concept and subject of criminalistic methodics, principles of its formation, functions, system, tasks, structure of constituent elements, objects, history, sources, its connection with other sections of criminalistics, scope, criminalistic recommendations for the organization and planning of investigation and trial, etc.);

2) *separate subsystems (levels) of criminalistic methodics* (criminalistic methodics of investigation of certain types of criminal offenses; criminalistic methodics of judicial review of certain categories of criminal proceedings (cases);

criminalistic methodics of professional protection); criminalistic methodics of prosecution;

3) *some scientific theories* (theory of criminalistic characterization of crimes, doctrine of criminalistic situation (criminalistic situation), doctrine of criminalistic classification of crimes, criminalistic doctrine of crime detection, criminalistic doctrine of the organization of criminal investigations, criminalistic theory of tactical operations and tactical operations court proceedings, etc.);

4) *certain criminalistic methodics in relation to a certain type of criminal offense* (criminalistic methodics of investigating thefts, murders, rapes, etc; criminalistic methodics of judicial review of thefts, murders, rapes, etc; criminalistic methodics of professional defense during pre-trial investigation and pre-trial investigation consideration of theft, murder, rape, etc., criminalistic methodics of the prosecutor during the pre-trial investigation and trial of theft, murder, rape, etc.

It should be noted that criminalistic methodics, both a scientific category and a kind of practical activity, is an open and dynamic system, it is constantly evolving and replenished with new criminalistic methodics and scientific theories. In addition, it is seen that the expediency of the existence of such an innovative approach to the system of criminalistic methodics is logical and scientifically sound. At the same time, such an approach requires additional research and additional arguments in favor of such an understanding of the structure of criminalistic methodics as an innovative area of criminalistic research [17, c.903-913].

In our opinion, criminalistic methodics should be considered in three aspects: scientific, practical and educational-didactical.

First, the term "criminalistic methodics" refers primarily to an *independent section of criminalistic science*, which is a system of scientific provisions and recommendations based on them, aimed at studying the patterns of the mechanism of certain categories of criminal offenses and developing methods and technologies for their detection, investigation, prevention and trial. Criminalistic methodics is considered as a *scientific direction* and a relatively independent branch of



criminalistics, which has a pronounced synthetic character, and its emergence and formation is related to the needs of practice and is the result of the law of integration and differentiation of knowledge in criminalistics. Therefore, criminalistic methodics combines not only criminalistic knowledge, but also the position of other fields of knowledge. The use of such knowledge in criminalistics occurs as in their simple application in "pure form" – to their adaptation and creative adaptation to solve criminalistic problems related to the detection, investigation, prevention of criminal offenses and judicial review of criminal proceedings.

In the second sense, the term "criminalistic methodics" is understood as an optimally organized activity of the investigator (detective) and other subjects of criminal proceedings, the content and direction of which are determined by the principles of building a separate criminalistic methodics of investigation and trial appropriate level, that are adapted and individualized in relation to a specific criminal offense in the process of criminal proceedings. In this case, the criminalistic methodics is considered as a refraction of the criminalistic methodics species to a specific criminal offense, that is to say in practical terms. In this sense, criminalistic methodics is considered as a *practical direction*, which involves the application of practical recommendations and studies the patterns of all participants in criminal proceedings, which are related to the development of methods and technologies for detecting, investigating, preventing criminal offenses and criminal proceedings. In this regard, it is necessary to distinguish the following subsystems (levels) of criminalistic methodics: criminalistic methodics of investigation of certain types of criminal offenses; criminalistic methodics of judicial review of certain categories of criminal proceedings (cases); criminalistic methodics of professional defense; criminalistic methodics of supporting public prosecution, etc.

The third direction, criminalistic methodics is considered as an *educational-didactical discipline or a system of methodical-criminalistic knowledge*, which performs a didactic or educational function. Relevant textbooks, manuals, which contain separate recommendations on criminalistic methodics of investigation of



certain types of criminal offenses and trial of certain categories of criminal proceedings (cases) should play an important role in the implementation of the didactic (educational) function of criminalistic methodics. The implementation of this function of criminalistic methodics involves the possibility of studying its basic provisions, acquiring certain skills and abilities during the study of criminalistics, relevant special courses and during practical classes and laboratory tasks and work, which provides mastery of practical recommendations for such activities. Therefore, in our opinion, today a promising area of research is the scientific development of innovations in criminalistic didactics for the development, formation and application of methodical-criminalistic knowledge that requires further research. Thus, the consideration of criminalistic methodics in such three aspects is quite reasonable and can be used as a basis for understanding the essence of the concept under study.

Given the above, *criminalistic methodics* – is the final section of criminalistics, which includes a system of integrated scientific provisions and developed on their basis sets of methods, tools, techniques, recommendations and technologies in the form of information-cognitive models of a typical nature, set out in descriptive or formalized form on the organization and optimal implementation of the process of collecting, evaluating and using evidence regarding the specifics of criminal offenses in order to ensure their effective detection, investigation, prevention and trial and optimization of criminal proceedings.

The main purpose of criminalistic methodics as a branch of science is to develop, first of all, standard systems of actions and measures of the investigator, which help him choose the most optimal and effective course of action during pre-trial investigation and trial of certain types (groups) of crimes. The general task of criminalistic methodics, as well as all criminalistics, is to assist law enforcement agencies in the fight against crime. Special tasks of criminalistic methodics – the study of typical mechanisms of criminal offenses of certain types, typical source information and initial investigative situations, generalization of best practices and shortcomings of the practice of detection, investigation, prevention, prosecution of criminal offenses of

these types and on this basis – development of criminal investigations, detectives, prosecutors, operatives, defenders, experts and judges.

**Conclusions.** Thus, current trends in the development of criminalistics and criminalistic methodics require the expansion of its research. In our opinion, the content of criminalistic methodics in a broad sense should cover the activities of all participants in criminal proceedings in order to implement their criminal procedural functions for an objective, complete, comprehensive and impartial investigation of the criminal offense in the process of pre-trial investigation and trial. Such criminalistic recommendations are needed both for the judge (court), and for the prosecutor-accuser, and for the defense lawyer, which should be part of a full-fledged subject of criminalistic research. This approach, in our opinion, covers the entire process of criminal proceedings (pre-trial investigation and trial) and is logical and reasonable, reflecting the modern understanding of the subject and objects of criminalistics. Therefore, today, the problems of formation and improvement of certain criminalistic methodics are priority tasks and promising areas of research in modern criminalistics.

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