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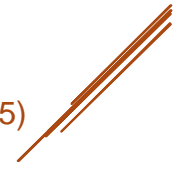
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SCIENTIFIC PREREQUISITES FOR THE FORMATION OF CRIMINALISTIC INNOVATION AND SOME PROSPECTIVE DIRECTIONS OF ITS DEVELOPMENT

***Abstract.** The problems of scientific preconditions for the formation of criminalistic innovation as a separate criminalistic theory are studied. The methodological bases of development and formation of criminalistic innovation as a new direction in criminalistics, its functions, tasks and prospects of introduction of its provisions in law enforcement are defined and covered. The most promising areas of research in criminalistic innovation are researched and considered. It is noted that the study of criminalistic innovation on the basis of general theoretical approaches that provide an explanation and justification of such fundamental principles of any particular scientific theory as its genesis, essence, fact, hypothesis and theoretical construction deserve attention. New scientific approaches to the solution of researched debatable questions of this concept are substantiated.*

***Keywords:** criminalistic innovation, innovations in criminalistics, tasks and functions of criminalistic innovation, criminalistic innovations.*

Formulation of the problem. The current stage of development of criminalistics, its prospects and objectives are determined by the social function - to promote their techniques, methods and tools to combat criminal phenomena. Given the above, the main task of criminalistics is to assist law enforcement agencies in the fight against crime, full and timely technical-criminalistical support and accompaniment the investigation of criminal offenses, their trial [1; 2]. This task can be realized on the basis of comprehensive use of the achievements of modern science and technology [3; 4; 5].



The formation of criminalistic knowledge in modern conditions, as noted by V. Yu. Shepitko, depends on the scientific and technological progress of the human community. In addition, the development of criminalistics, its trends are due to the influence of global information flows, the integration of knowledge about the possibilities of combating crime through scientific and technological achievements of modern society. The informatization of the social environment has actually led to the "technologicalization" of criminalistics, the development and implementation of information, digital, telecommunications and other technologies. In this regard, radical changes are taking place and innovative approaches are being introduced in the criminal support of law enforcement agencies. [6, c. 144; 7], which necessitates criminalistic research in this area of knowledge.

Creation and introduction of innovative criminalistic products in modern conditions is one of the priority tasks of criminalistics and an urgent need of practice. Therefore, the development of this issue is quite relevant and significant, both in theoretical and practical sense [8; 9; 10]. At the same time, it is seen that special in-depth study, critical analysis and further scientific development require methodological problems of developing and forming the scientific foundations of criminalistic innovation, as one of the relatively new scientific directions in emerging criminalistics.

Presenting main material. Analysis of criminalistic literature and investigative and judicial practice shows that today there is a paradoxical situation in which modern criminalistics, developing its recommendations, including criminalistic innovations aimed at optimizing criminal proceedings, does not specifically engage in targeted research on issues related to their implementation in practice [11; 12; 13;14]. However, it is obvious that the problems of implementation of criminalistic innovations in practice are fundamentally important, as, firstly, it is related to the applied function of criminalistics, and secondly, recent decades are characterized by the fact that many criminalistic innovations have not been implemented in practice. The reasons for the latter are different, they can be both objective and subjective. In particular, this may be a clear impracticality or far-fetchedness of such criminalistic recommendations, innovations, as well as the lack of opportunities for their use in practice or their

unclaimed, and so on. The reasons for non-implementation and unclaimed criminalistic innovations, in our opinion, should be the subject of separate criminalistic studies.

In view of the above, the solution of the problem of *implementation of criminalistic innovations developed by criminalistics* involves the distinction and comprehensive study in the subject of criminalistics on an independent, homogeneous group of patterns that characterize the use in practice of criminalistic methods, techniques and tools to optimize pre-trial investigation and trial development of forensic innovations and their introduction into the practice of counteracting modern challenges of crime. Therefore, in our opinion, in criminalistics there should be a system of scientific provisions, combined into criminalistic theory, which ensure the transition from the system of scientific knowledge and their implementation in practice in order to optimize the process of implementation of criminalistic recommendations. In our opinion, such a theory can be called "criminalistic innovation". Criminalistic innovation is a separate branch of scientific knowledge, it is related to the theory of innovation, social and legal innovation. Therefore, there is a need to develop and form criminalistic innovation as a separate criminalistic theory.

Today, the vast majority of issues that are crucial in the formation of criminalistic innovation, which necessitates the development of theory and methodology of this scientific concept. In this regard, it is worth noting the study of criminalistic innovation on the basis of general theoretical approaches that provide an explanation and justification of such fundamental principles of any particular scientific theory as its genesis, essence, fact, hypothesis and theoretical construction [15; 16]. In this case, the full development of a particular theory in criminalistics must be justified by the subject and object of its study, as well as the methods used. The issues of determining the place of this theory in criminalistic taxonomy, its structure and functions are also significant.

In view of the above, in our opinion, this process of constructing such a criminalistic theory cannot yet be considered complete due to the significant number of uncoordinated, undeveloped and debatable issues that have already been mentioned. In this regard, we believe that today the concept of criminalistic innovation has not till

now reached the level of a separate criminalistic theory and is still in the process of formation.

In determining the level of formation of a particular criminalistic theory, it is necessary to proceed from general philosophical approaches to solving this problem. In particular, P.V. Kopnin noted that knowledge, in order to become a theory, must reach a certain maturity in its development. The theory should include not only a description of a known set of facts, but also their explanation, highlighting the patterns to which they are subject. There is no explanation - there is no theory [17, c. 260]. Guided by the above provisions, R.S. Belkin states that a separate criminalistic theory can not be any set of individual theoretical provisions, even very significant and those that relate entirely to the subject area of criminalistic science. Individual theoretical constructions can be combined into a separate criminalistic theory only when they relate only to a clearly defined set of phenomena that are organically connected to each other. Within the framework of separate theoretical positions of cognition can reach knowledge of separate laws of a subject; the objective connection of these laws, that is to say knowledge of the laws of a deeper essence - this is the level of a separate criminalistic theory [18, c. 285]. These provisions should be considered fundamental, starting to further study the problems of criminalistic innovation in the formation of a separate criminalistic theory, which primarily raises questions about the subject, object and method of this theory.

Given that the subject of a separate criminalistic theory are certain patterns of objective reality of those studied by criminalistics in general. The subject of criminalistic innovation is the patterns of development of criminalistic innovations, implementation, providing and application in law enforcement practice and their reflection in information sources. Considering the subject of criminalistic innovation, we consider it possible to join the point of view of V. Yu. Sokol and attribute to the subject of the theory of criminalistic innovation three groups of patterns:

- 1) patterns of criminalistic innovation, in particular, the concept of criminalistic innovation, their features, criteria, research of stages of creation of such innovations,



their classification, sources of innovative ideas in criminalistics, legal maintenance of creation of criminalistic innovations, subjects of development of criminalistic innovations, etc. (criminalistic neology);

2) patterns and features of perception and evaluation of criminalistic innovations by scientists and practitioners, their readiness to accept and evaluate the proposed criminalistic innovations, etc. (*criminalistic axiology*);

3) patterns and features of implementation and application in practice of criminalistic innovations, the reasons for non-implementation and their ineffective application, recommendations for improving the effectiveness of the process of implementation of such innovations (*criminalistic praxeology*) [19, c. 218-220].

The object of forensic innovation has a complex structure and represents both the criminalistic innovation itself and the connections and relationships that are manifested in the process of its development, implementation and practical implementation and application - on the one hand, and on the other hand - criminal activities that are closely related to crime detection, investigation, prosecution and prevention

activities in particular, and law enforcement activities in general. The object of this separate theory are two types of activity, criminal activity and law enforcement, which affect the features of development, implementation and application of criminalistic innovations, stages of their life cycle, forms and possibilities of formation and implementation of innovations in criminalistics, determinants of development and implementation of certain types of such innovations in practice, the mechanism of their implementation [20; 21].

In our opinion, within the law enforcement activity we can talk about a special type of activity - innovative criminalistic activity - the activities of authorized persons to create (develop), implement, implement and apply in practice criminalistic innovations. We are talking, on the one hand, about such special subjects as developers, and on the other - consumers of such innovations. Developers are entities involved in the process of creating, implementing and implementing innovation (scientists,

technicians, innovators, etc.). Consumers are special entities (investigator, judge, expert, etc.), which are endowed with special functional powers for their application, who have undergone qualified professional training, have the knowledge and practical skills to use such innovations. In other words, consumers are entities involved in the process of applying criminalistic innovation. Moreover, they can regulate, stimulate, control and ensure innovation in the process of using such innovations [22, p. 63-66]. It is obvious that innovative criminalistic activity, as an independent object of criminalistic research, has a security (service) in relation to the activities of criminal investigation and trial, law enforcement activities. *The method* is a system of cognitive techniques that are used both to build the theory itself and to apply its provisions in a particular practice. As for the theory of criminalistic innovation, it acts both as an object of study of this theory, and as its own method. [23, p. 94-104].

Thus, given the stated methodological provisions, today it is too early to talk about creating a separate criminalistic theory of innovation. As can be seen, in today's realities, a new theoretical construction is being formed, which allows figuratively representing a separate criminalistic theory of innovation in the criminalistic system. Now accumulated theoretical knowledge and extensive experience in the practice of development and implementation of innovations in the activities of law enforcement agencies, which allows to state the existence of prerequisites for the formation of criminalistic theory of innovation.

Criminalistic innovation should be considered as one of the relatively new scientific directions in emerging criminalistics. Such a scientific concept has a pronounced synthetic character, and its creation is the result of the law of integration and differentiation of knowledge in criminalistics. Criminalistic innovation combines not only criminalistic knowledge about innovation, but also the position of other fields of knowledge. Among all the specific branch knowledge about innovation integrated into the structure of criminalistics, the provisions of innovation have a special place, which contributed to the separation of criminalistic innovation as an independent object



of scientific knowledge, formation and derivation of a separate criminalistic dedicated to this object.

The main functions of criminalistic innovation as a scientific field include:

1) study of patterns of development, implementation, providing and application of criminalistic innovations, their reflection in sources of information that serve as the basis for the creation of innovative criminalistic tools;

2) intensification of research on the phenomenon of criminalistic innovation in the process of pre-trial investigation, trial, law enforcement activities, its role and purpose, functional analysis of innovative criminalistic activities;

3) development and research of features of development, introduction and functioning of separate kinds of criminalistic innovations, stages of their life cycle, forms and possibilities of their realization and application for the effective decision of criminalistic problems, maintenance of optimization, increase of quality and efficiency of law enforcement activity;

4) development of recommendations for the construction of prognostic models regarding the probable results and effectiveness of the application of innovations in the process of investigation, trial and prevention of crimes and law activities;

5) research by means of criminalistic analysis of relations and connections manifested in the process of its development, implementation and practical implementation and application of "developer - consumer - innovation-result" in order to improve the quality and effectiveness of law enforcement practice and solve criminalistic problems;

6) development and study of patterns of influence of criminal activity on the need and demand for the development and use of certain innovative criminalistic products and their relationship with law enforcement activities and the practice of their application;

7) identification and study of determinant factors that determine the development and implementation of innovations in practice, as well as the effectiveness of their application;

8) improvement of classifications of types of innovations taking into account certain criteria and directions of application in practice and in criminalistic science;

9) development of innovative principles of criminalistic support of law enforcement, which includes, on the one hand, a set of innovative criminalistic tools and methods of their application and the activities of certain entities to use innovations in practice, and on the other - a system of scientific provisions studying the laws of innovative criminalistic activities, the results of which are aimed at effectively solving practical problems.

Criminalistic innovation should also be considered as a specific activity of legally authorized entities, carried out on the basis of the use of innovative criminalistic tools, embodied in the form of new technology, products, services, solutions, etc., aimed at optimizing, improving the quality and effectiveness of law enforcement practice and solving criminalistic tasks [24]. The practical application of criminalistic innovations is carried out by special entities, which ensures the qualification, efficiency and effectiveness of the use of developed and implemented innovative tools. In this case, the subjects of criminalistic innovation in the relevant types and forms of its application are the investigator, expert, prosecutor, judge, employees of operational units. At the same time, it is not necessary to limit oneself to the field of pre-trial investigation, as traditionally in many criminalistic sources this issue is considered, which, in our opinion, is not entirely correct and today needs clarification, revision of such approaches and further research on this issue.

It should be noted that a promising area in criminalistics is the use of *criminalistic innovation in various areas of law enforcement*, thereby expanding the application of criminalistic knowledge in various types of legal practice, which in today's reality is quite relevant and requires further research. This can be confirmed by numerous studies of criminalistic scientists theoretical and applied problems of application of the achievements of criminalistics in litigation, criminal and civil proceedings, administrative proceedings, prosecutors, lawyers and notaries, etc. [25; 26]. Therefore, in our opinion, it is necessary to intensify research on the problems



of *criminalistic innovation* in the prosecutor's office, advocacy and notarial activities, etc.

Conclusions. In view of the above, it can be concluded that today criminalistics and law enforcement practice has accumulated, systematized and generalized a fairly large amount of empirical material, which is the starting point for creating a separate theory - criminalistic innovation, the relevance of which is beyond doubt. The provisions of criminalistic innovation form primarily a system of knowledge that characterizes the subject-practical and information-cognitive side of the investigative judicial, expert and other activities [27; 28]. Identical to criminalistics in general, theories - criminalistic innovation has an applied nature, as it is the scientific basis for the development and application of innovative criminalistic tools of criminal proceedings, trials, various types of proceedings and legal practice (investigative, judicial, expert, prosecutorial, legal, notarial and etc.), in order to optimize them, increase efficiency and effectiveness. The final formation of this theory will help to level the controversial positions of scientists to determine the place of criminalistic innovations in criminalistics, will enrich the general theory of criminalistics, optimize, improve the quality and effectiveness of law enforcement and further innovative, sustainable development of criminalistic science. Therefore, the successful solution of practical problems of criminalistic innovation involves the development and formation of methodological foundations of this scientific concept, its conceptual and categorical apparatus, as well as taking into account the peculiarities of this process and prospects for their development, implementation and application problems.

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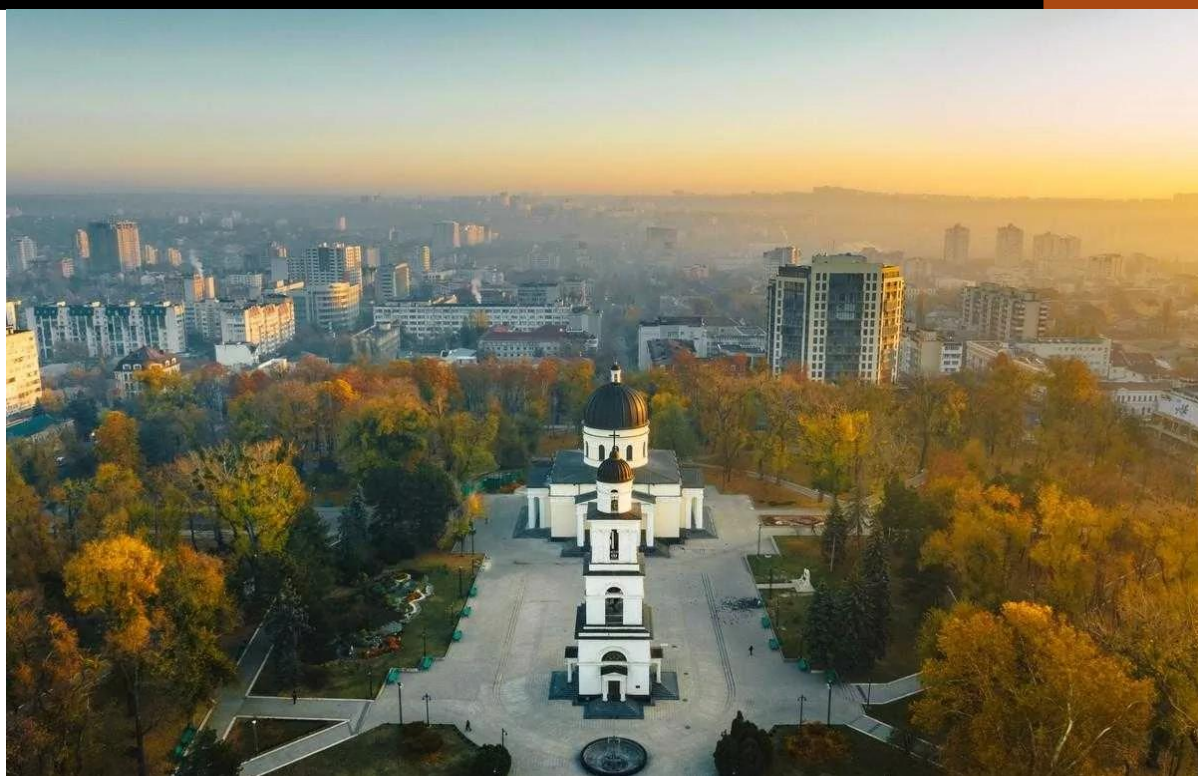
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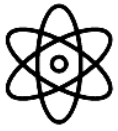
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