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**CRIMINALISTIC INNOVATION: MODERN PROBLEMS OF FORMATION
AND PROSPECTS FOR RESEARCH**

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Summary. The article examines the scientific prerequisites for the formation of criminalistic innovation, analyzes the trends, prospects for its development and the most relevant discussion questions of the research issues. It's justified that in criminalistics today there are many discussion problems research of criminalistic innovations that require active scientific development. Currently, theoretical knowledge and certain experience in the practice of developing, implementing and applying criminalistic innovations in practical activities have been accumulated, which makes it possible to establish the existence of the prerequisites for the formation of the theory of criminalistic innovation. It's argued that very important and decisive for further research on the problems of innovation in criminalistics in the framework of the formation of a private criminalistic theory that, first of all, questions regarding the subject, object and method of this theory. Currently, scientific prerequisites have been created for its elaboration and formation, which is a representing innovative area of modern criminalistic research.

Key words: criminalistic innovation, innovations in criminalistic science, private criminalistic theory, innovative directions of criminalistics.

Introductions. In current realities, the tasks of criminalistics are determined by its social function - to promote their techniques, methods and means in countering criminal phenomena. In this regard, the foremost task of criminalistics is to assist law

enforcement agencies in the fight against crime, complete and timely technical and criminalistic support, and maintenance the investigation and prevention of crimes, their judicial review. This task can be realized on the basis of full use of the achievements of modern science and technology [2, p. 95-100]. As V.Y. Shepitko rightly points out, in the current conditions of the formation of criminalistic knowledge, this process is dependent on the scientific and technological progress of the human community. The development of criminalistics, its tendencies are caused by the influence of world information flows, the integration of knowledge about the possibilities of combating crime with the help of scientific and technical 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. Given the above, radical changes are currently underway and innovative approaches are being introduced in the criminalistic provision of law enforcement agencies [3, p. 89-93]. Therefore, the creation and introduction of innovative criminalistic products and technologies in the present-day context is one of the foremost challenges of criminalistic science at the present stage and an urgent need for practice.

At the same time, there are a number of discussion issues in the criminalistic doctrine regarding the study of criminalistic innovations and the problems of their introduction into the practice of investigative, judicial and expert activity. Thus, some in-depth study, critical analysis and further scientific developments require problems: research of theoretical foundations of innovations in criminalistics, determination of their place and role in the system of criminalistic knowledge; developing concepts and features of criminalistic innovations; defining criteria for attributing certain innovations to criminalistic innovations; identification and research of types of criminalistic innovations, their characteristics; problems and directions of creation of innovative criminalistic products and technologies; research of the implementation of criminalistic innovations in the practice of combating crime and other legal practices; research on innovations in criminalistic didactics; problems of efficiency and effectiveness of criminalistic innovations; definition and research of perspective

directions of innovative development of criminalistics, including prerequisites of formation of criminalistic innovation and prospects of its development[6, p.142-147].

Results and discussion. The study and analysis of criminalistic literature indicates that in criminalistics understand innovations differently, sometimes propose «innovations» that are not so, or are questionable and do not meet the requirements of innovations in criminalistics. The use of the term «innovation» in criminalistic theory and the practice of combating crime must be more than just the use of a fashionable term or a play on words, innovations in criminalistics must have a correctly understanding and interpretation. In this regard, relevant today there are problems of developing concepts and features of innovations in criminalistics, their classification and practical importance in crime investigation, court proceedings and other areas of law enforcement activity [8, p. 29-44]. Therefore, one of the priority tasks in today's context is the problem of developing and unifying the conceptual apparatus of criminalistics for the study of innovation in this field of knowledge .

First of all, it should be noted that innovations in criminalistics have different meanings: «innovative criminalistic product», «innovative criminalistic means», «innovative criminalistic technologies», «innovative means of investigation and prevention of crimes», «innovations of criminalistic techniques, tactics, methods», «innovative litigation tools», «innovations in criminalistics». Often they are associated with a variety of innovative technologies: «biometric», «genotype-scopic», «polygraph», «odorological», «holographic» innovative technology, etc.

However, we support the view that such innovation should be called criminalistic, thereby emphasizing its focus on criminalistic tasks, the purpose and ability to adapt individually to the subject, objects, functions and areas of all components of forensics, as well as their creation, implementation and application of law enforcement agencies in various activities. Therefore, in our opinion, the most successful, optimal, to indicate the process of development, implementation and application of criminalistic innovations in law enforcement practice, aimed at improving the efficiency and effectiveness of investigative, judicial and expert activity, should be recognized term «*criminalistic innovation*».

Except this, in the literature, the concept of "criminalistic innovation" is often mixed with the use of the term innovation in criminalistics or innovative directions of criminalistics, which is not correct because these concepts are different in substance and content, although interrelated. Criminalistic innovations should be understood literally as innovations in criminalistics, as a system of knowledge about criminalistic innovations, their development, implementation and application both in practice and in criminalistics as a science. In the second case, we are talking about innovative trends in the development of criminalistics as new scientific criminalistic developments, new approaches to solving individual problems in criminalistics, new in criminalistics and its adjacent structural parts, ie the latest modern approaches in criminalistics. It is important to note that not all criminalistic innovations, novelties become criminalistic innovations, do not acquire the properties and characteristics of this criminalistic category.

In criminalistics theory and law practice, the question of the concept of criminalistic innovation and its features remains debatable. It is worth noting that the vast majority of scientists who have researched this problem define the concept of innovation as the end result of an innovation that has been acquired and embodied in the form of an innovative product (new or improved), a new approach to technological process, solutions, organization, service delivery, problem solving tools used in practical activities aimed at optimizing and improving the efficiency of such activities (G.K. Avdeeva, T.V. Averyanova, M.V. Zhyzhyna, V.A. Zhuravel, N.B. Nechaeva, V.Y. Shepitko etc.). Generally, in such cases, innovation is associated with the creation of a new or improved criminalistic innovation product and the implementation, application and distribution in law enforcement.

In a broad sense, an innovative criminalistic product is a collection of materialized and non-materialized new modern methods, techniques, tools, products, technologies, operations, solutions, services, etc., which are used by qualified special entities and aimed at effectively solving criminalistic problems, ensuring enhancement the quality and effectiveness of law enforcement activities and the innovative and further, sustainable development of criminalistics as a science. In this case, *new or improved*

non-materialized criminalistic products in criminalistics should be taken away technological processes (technologies), services, decisions (technical, tactical, methodical), the newest approaches to the organization of work of the subjects of such activity (investigative, judicial, expert, etc.), which are the results of the implemented in practice, as experimental-design and research-science, including criminalistics. Apparently, in addition to materialized objects, there are also non-materialized, unsettled objects, such as technologies, services, solutions, etc.

In theoretical-methodological and practical terms, in our view, the approach is more correct when the innovative criminalistic product is considered in the broad sense. In this regard, it is rightly stated that innovative criminalistic products should include developments in the field of criminalistic technology, tactics and methods of crime investigation, namely: new or already existing and adapted to the needs of investigative practice, technical and criminalistic tools, modern information technologies, electronic knowledge bases, methods of recording, analyzing and evaluating evidential information, new tactical techniques, their complexes, tactical combinations and operations, algorithms of primary investigative (search) and search of typical investigative versions, methods of investigating new types of crimes, etc. [4, p. 13-19]. In this regard, in criminalistics should distinguish three directions of development and introduction of innovations — technical-criminalistic, tactical-criminalistic and direction of providing a methodology of investigation of certain types of crimes.

Thus, an *innovative criminalistic product* — is developed and put into practice the newest technical-, tactical-, methodological-criminalistical tools, which are the result of research or experimental development, embodied in the form of new technology, products, services, solutions, etc., for the practical application of which is an effective solution of criminalistic problems, providing improving the quality and effectiveness of law enforcement practices and further innovative development of criminalistics as a science.

Explaining a meaningful understanding of the concept of «innovative criminalistic product" gives the opportunity to move to the study of such a phenomenon as

«criminalistic innovation". Obviously, that knowledge of the essence of such innovations involves the study and research of the properties and features of this concept. To the *properties* of criminalistic innovation can be attributed such as: innovation (novelty), objectivity, subjectivity, purposefulness, demand, practical applicability, efficiency.

The formulation of a unified definition of the concept of criminalistic innovation is possible by highlighting its most essential features. The essential features of criminalistic innovation, in our opinion, include such as: 1) a set of developed and put into practice the latest technical-, tactical-, methodological-criminalistic tools (innovative criminalistic means), which are embodied and applied in the form of new technology, products, services, solutions, etc.; 2) developed and put into practice the newest technical-, tactical-, methodological-criminalistic means are the result of research-development or experimental-design, in demand and applied in practice; 3) technical-, tactical-, methodological-criminalistic means are newly created, or newly applied, or improved, forms of realization of such innovative means are new technologies, production (products), services, solutions, etc.; 4) the use of innovation is carried out by special entities, which ensures the qualification, efficiency and effectiveness of the use of innovative means developed and put into practice; 5) the focus of innovative tools on the effective solution of criminalistic problems, ensuring optimization, improving the quality and effectiveness of law enforcement practices and further innovative development of criminalistics.

In our opinion, *criminalistic innovation* — is a set of innovative and criminalistic means developed and put into practice, embodied in the form of new technology, products, services, solutions, etc., which are applied by qualified special subjects and aimed at providing optimization, improvement of quality and efficiency in law enforcement practices and solving criminalistic problems.

Today in criminalistics the created of scientific prerequisites for the development and formation of criminalistic innovation, and such research in modern conditions represent a promising innovative direction for the development of criminalistics, which requires scientific development. These issues are on the agenda, forming the

basis for further scientific research of criminalistic scientists. Therefore, at the present stage of the development of criminalistics, is quite relevant problem of developing a separate forensic theory of innovations — *criminalistic innovations*.

In our opinion, today it's especially promising to research criminalistic innovations on the basis of general theoretical approaches, which provide an explanation and justification of such fundamental principles of any particular scientific theory as its genesis, essence, fact, hypothesis and theoretical construction.

Guided by the above statements, R.S. Belkin states that any set of separate theoretical provisions, even if very significant and relevant to the subject area of criminalistics, cannot be a separate criminalistic theory. Separate theoretical constructs can only then be combined into a separate criminalistic theory, when they relate only to a well-defined set of phenomena related to the same organically. Within the framework of certain theoretical provisions, knowledge can come to the knowledge of the individual laws of the subject; the objective correlation of these laws, that is, knowledge of the laws of a deeper nature, is already the level of a separate criminalistic theory [1, c. 285]. These provisions should be considered as fundamental to the further research of the problems of criminalistic innovation within the framework of the formation of a separate criminalistic theory, which first of all raises questions about the subject, object and method of this theory [2, c. 19-23].

Considering that the subject of a separate criminalistic theory are certain patterns of objective reality from those studied in criminalistics as a whole. The subject of criminalistic innovation is the laws for the development of criminalistic innovations, the introduction, implementation and application of them in law enforcement practice and their reflection in sources of information. Considering the subject of criminalistic innovation, we consider it possible to join the viewpoint of V.Y. Sokol's and to assign to the subject of the theory of criminalistic innovation three groups of laws: 1) regularities of development of criminalistic innovations, in particular, research of stages and features of creation (development) of such innovations, correlation of innovative approaches with traditional ones, influences of factors-determinants that lead to the development of such innovations; legal support for creation of

criminalistic innovations, sources of innovative ideas in criminalistics, subjects of development of criminalistic innovations, etc.; 2) regularities and peculiarities of perception and evaluation of criminalistic innovations by scientists and practitioners, their readiness for acceptance and evaluation of proposed criminalistic innovations, etc.; 3) regularities and peculiarities of implementation and application of criminalistic innovations in practice, reasons for non-implementation and ineffective application thereof, recommendations for increasing the efficiency of the process of implementation of such innovations [5, c. 218-220].

The object of criminalistic innovation has a complex structure and represents both the criminalistic innovation itself, and those connections and relationships that are manifested in the process of its development, implementation and practical implementation and application are on the one hand, and on the other – criminal activities closely related to the activities of detecting, investigating, prosecuting and preventing crimes in particular, and enforcement activities in general. The object of the above separate theory are two types of activity, criminal activity and law enforcement, which influence the peculiarities of development, implementation and application of criminalistic innovations, stages of their life cycle, forms and possibilities of formation and realization of innovations in criminalistics, determinants of factors that determine and the implementation of various types of such innovations into practice, the mechanism of their implementation and functioning. In our view, within the scope of law enforcement activities we can speak of a special type of activity – innovative criminalistic activity, which should mean the activities of authorized persons for the development, implementation and implementation of criminalistic innovations. Obviously that innovative criminalistic activity, as an independent object of criminalistic investigations, bears a support (servicing) in relation to the activity of investigation of crime and trial, law enforcement activity.

Method – is a system of cognitive techniques that are used both to construct the theory itself and to apply its provisions in a particular practice [2, p. 22]. With regard

to criminalistic innovation theory, it serves both as an object of research for this theory and as its own method.

Therefore, in view of the stated methodological provisions, in our opinion, it is too early to speak today about the creation of a separate criminalistic theory of innovation. Apparently, in the realities of today, a new theoretical construction is being formed, which allows us to figuratively represent a separate criminalistic theory of innovation in the criminalistics system. Now the theoretical knowledge and extensive experience of practice of development and introduction of innovations in activity of law-enforcement bodies are accumulated, which allows to establish the existence of prerequisites for formation of criminalistic theory of innovations.

Criminalistic innovation should be considered as one of the rather 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 integrates not only the criminalistic knowledge of innovation, but also the position of other fields of knowledge.

Conclusions. *Criminalistic innovation* – separate criminalistic theory, containing a system of theoretical and practical knowledge about criminalistic innovations, their features, types, role and purpose, stage of development, implementation and application, features of functioning, communications and relationships between the subjects of such innovations (developers and consumers), based on the study of the laws of development, implementation, realization and application of such innovations, their reflection in the sources of information that serve as the basis for the creation of innovative tools, techniques and methods of marketing early, investigating, evaluating and using evidence to optimize, improve the quality and effectiveness of law enforcement, and solve criminalistic problems.

As it seems, criminalistic innovation should be considered as a *scientific direction*, as well as the *specific activity* of persons authorized by law, which is carried out on the basis of the use of innovative criminalistic means embodied in the form of new technology, products, services, solutions, etc., aimed at providing optimizing,

improving the quality and effectiveness of law enforcement practices and solving criminalistic problems.

The practical application of criminalistic innovations is carried out by special entities, which ensures the qualification, effectiveness and efficiency of the use of innovative means developed and put into practice. In this case, the subjects of criminalistic innovation in the appropriate types and forms of its application are investigator, expert, prosecutor, judge, staff of operational units. In this regard, it's necessary to distinguish between such types of innovation activities: 1) investigative innovation — is carried out by the investigator during the investigation of crimes; 2) expert innovation — takes place when a specialist or expert is involved and forensic examinations are carried out; 3) judicial innovation — is conducted in the course of criminal proceedings in court; 4) operative innovation — is used by employees of operational divisions in conducting unspoken investigative (search) actions, operational and search activities. A new area of research may be the use of criminalistic innovation in the activities of NABU detectives, etc.

Thus, criminalistic and law enforcement practices have accumulated, systematized, and summarized enough voluminous empirical material, which is the starting point for the creation of a separate theory — criminalistic innovation, the relevance of which is beyond doubt. Provisions of criminalistic innovation form first of all a system of knowledge that characterizes the subject-practical, providing-improving and improving-optimizing sides of investigative judicial, expert and other types of activity [7, p. 187-194]. Like criminalistics in general, criminalistic innovation theories are of applied nature because they are the scientific basis for the development and application of innovative criminalistics means criminal proceedings, litigation, various types of litigation, and legal practice to optimize, improve efficiency and effectiveness.

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