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**Shevchuk V. M.**

ORCID: ID 0000-0001-8058-3071

Doctor of Legal Sciences, Professor, Professor of Criminalistics of the Yaroslav the Wise National Law University, Honored Lawyer of Ukraine

## **GENESIS, TRENDS AND DEVELOPMENT PROSPECTS CRIMINALISTIC TACTICS**

***Abstract.** The article is devoted to the research of current problems of genesis, trends and prospects of criminalistic tactics. The modern understanding of the concept of criminalistic tactics is considered, its definition taking into account traditional and innovative approaches in criminalistic science is offered. The modern tendencies of development of criminalistic tactics are analyzed, the basic innovative directions of its research are defined. It's substantiated that one of the most important tasks of further development of criminalistics is to improve the structure of criminalistic tactics. It is noted that the current trends in the development of criminalistic tactics require the expansion of its research boundaries, require innovative approaches to solving these problems. Scientific approaches and proposals for solving the researched problems are formulated, innovative directions of development of criminalistic tactics are defined.*

***Keywords:** criminalistic tactics, innovations in criminalistic tactics, limits of application of criminalistic tactics, new branches of criminalistic tactics, means of criminalistic tactics.*

**Introduction.** In modern conditions of aggravation of social-economical and political problems in a society development of criminalistics and prospects of formation of criminalistic knowledge to a large extent depend on tendencies of development of criminalistic science [6; 11; 14], transformation of crime and global and information threats in society. The effects of the Covid-19 coronavirus epidemic

have had a significant impact on the global economy, consciousness and human behavior, which in turn has been reflected in the trends and characteristics of crime and activity of law enforcement bodies. Such trends in the dynamics and structure of crime have posed challenges of new tasks to criminalistics, which are related to the "social order" of practice to find adequate means and methods to stand against the modern challenges of crime.

In this regard, in our opinion, the priority areas of research in criminalistics are innovative areas of criminalistic tactics, which necessitate the intensification and enhancement of the role of practical research in this area, there is a need to develop and apply effective tools of criminalistic tactics in practical activities. At the same time, the study and analysis of criminalistic sources, investigative and judicial practice, allows to identify a number of significant problems in the use of tools and methods of criminalistic tactics by practitioners, which in most cases is the result of insufficient criminalistic support of such activities. Now, It seems that there are many discussional and unresolved questions in the study of this issue that need special study and resolution.

**Results and discussion.** The genesis, origins, development and current state of criminalistics indicate that criminalistic tactics in its history has come a long and difficult way and today is a well-established system of scientific knowledge, it is the intellectual core of criminalistics and is its logical-psychological basement [13, p. 3]. At the same time, criminalistic tactics and its means have an innovative character and are developed according to the innovative script. As V.Yu. Shepitko notes that the means of criminalistic tactics are not rigid, they have different manifestations, differ in dynamism. The creation, development and proposal for the use of new tactic reception, their systems or tactical operations are caused by the modernization of crime and its increasing adaptation to new conditions. Therefore, the effectiveness of the use of criminalistic tactics involves their improvement, implementation of new developments, scientific substantiation [12, c. 174].

The emergence, formation and current trends in the development of criminalistic tactics are closely linked with the use of modern advances in science and technology, have a significant impact and integration processes of scientific interaction of other sciences and fields of knowledge. As noted V.A. Zhuravel, the process of integration and differentiation of growing scientific knowledge is characteristic of the development of criminalistics. The integrative process is associated with the penetration and assimilation of information from one science to another, acts as a kind of catalyst that contributes to the emergence and formation of new branches of knowledge. Clarification of the essence and significance of these processes is very important for determining the genetic nature of the emergence and functioning of new scientific directions in criminalistics [4, p. 191-192]. It should be borne in mind that the integration of sciences gives the most effective results in solving butt problems, often so far from each other that the idea of combining them at first seems absurd [5, p. 115].

Such integration processes of scientific interaction of other sciences fully apply to criminalistic tactics, the emergence and formation of which is a genetic prerequisite and the result of integration and differentiation of knowledge in criminalistics. It's seen that the scientific sources of criminalistic tactics are modern achievements of philosophy, logic, psychology, management science, computer science and computer technique, game theory, decision making and other fields of knowledge, which indicates the impact of integration processes on the development of criminalistic knowledge and formation of criminalistics.

Traditionally, criminalistic tactics are often associated with military tactics. This approach is based on the etymology of the origin of the term "tactics". It's believed that the term "tactics" first appeared in military science, where it is defined as the theory and practice of training, organizing and conducting combat formations, units (ships) and units of various types of armed forces, types of troops (forces) and special troops on land, in the air and at sea [3, p. 21]. As we can see, the concept of "tactics" is

borrowed by criminalistics from the military sphere. Today, this concept is widely used in various spheres of human activity (politics, sports, etc.), including in the practice of crime investigation and judicial process.

Exploring the definition of criminalistic tactics, we can note that some criminalistic scientists emphasize that tactics are present only where there is a real need to overcome the direct or prevent indirect confrontation of the participants in the investigation [1, p. 111; 2, p. 237]. However, in our opinion, in defining the concept and modern understanding of criminalistic tactics is not entirely correct to link this criminalistic category only with the fight and opposition to the tasks of criminal justice, as such an approach narrows the scope of tactics in solving important law enforcement problems. As V. Yu. Shepitko notes, such a position reflects only one aspect of criminalistic tactics related to overcoming the opposition of stakeholders. However, tactics also exist where it is not necessary to overcome opposition (for example, to assist a conscientious interrogator in remembering the forgotten or to establish psychological contact with the victim of a criminal assault, etc.). Therefore, tactics are not only a counteracting force, but also a reliable tool in the hands of judicial-investigational and operatives employees [13, p. 16].

Indeed, on the one hand, the structure and content of this section of the science of criminalistics makes it possible to talk about a fairly wide range of issues studied by criminalistic tactics, which go beyond the issue of overcoming criminal counteraction. Therefore, as a criminalistic category, the concept of "tactics" should, in our opinion, be understood in a broad sense. It's necessary to approach accordingly at definition of system of separate branches and names of divisions of criminalistic tactics. This approach makes it possible to expand the scope of criminalistic tactics and take into account its division into investigative tactics, judicial tactics (prosecutorial tactics, professional defense tactics), investigative tactics, criminal tactics, and not only consider it as tactics of separate investigative (search) actions, as is often the case in criminalistic literature.

With a narrow approach to determining the understanding of criminalistic tactics, in our opinion, it is advisable to apply it in the case when it comes directly to the purely tactical aspect of the investigative (search) action. Eventually, as scientists define, not all provisions developed in the section of criminalistic tactics, have tactical character [2, p. 237]. Undoubtedly, the organizational and analytical-mental aspects of investigative activity play an important role in ensuring its effectiveness and in creating the necessary conditions for the use of tactical tools, but in themselves they do not have a tactical nature [1, p. 113]. With this traditional approach, judicial tactics, professional defense tactics, prosecutorial tactics, criminal tactics, etc. are ignored. In addition, organizational, technological and other aspects and innovative directions of development are not taken into account, which are also very important to take into account when studying the modern understanding of criminalistic tactics.

The study and analysis of definitions of the concept of criminalistic tactics shows that in almost all textbooks on criminalistics there was a unification of criminalistic terminology and the use of the term "criminalistic tactics". At the same time, as V. Yu. Shepitko notes, all at once in many definitions of the concept of criminalistic tactics the old meaning remained — restriction only to investigative activity or investigation of crimes [14, p. 13].

Recently, there have been significant changes in the understanding of criminalistic tactics, as a rule, it is considered in two ways, both in scientific and practical terms. *First*, criminalistic tactics is seen primarily as a branch of criminalistic science, which is a system of scientific provisions and developed on their basis recommendations for organizing and planning investigations and trials, determining the optimal behavior of persons conducting judicial research, and methods of conducting individual procedural (investigative (search), unspoken investigative (search) and judicial) actions aimed at collecting and examining evidence, establishing the causes and conditions that contribute to the commission of crimes.

*Secondly*, criminalistic tactics are understood as a specific activity of legally authorized entities, carried out on the basis of the use of tactical-criminalistic tools, embodied in the form of tactic admission, tactical combinations, tactical operations, recommendations, tactics of investigative (search) actions, etc., which are aimed at solving criminalistic problems and ensuring the effectiveness of law enforcement practice. The subjects of application of criminalistic tactics in the appropriate types and forms are the investigator, prosecutor, operatives, judge, defense counsel, etc. In addition, criminalistic tactics should study the tactics of all participants in criminal proceedings — judge, court, investigator, detective, prosecutor, operational staff, specialist, expert, accused (suspect), victim, witness and others. In this regard, a distinction should be made between the following sub-branches of criminalistic tactics: investigative tactics, judicial tactics, tactics of search activity, prosecutorial tactics, professional defense tactics, and criminal tactics.

Considering criminalistic tactics taking into account complex, system-structural and activity approaches, in our opinion, in the defined concepts of this criminalistic category it is necessary to consider two important aspects. *On the one hand*, criminalistic tactics is a system of scientific provisions and practical recommendations developed on their basis for the organization and planning of investigation and trial, determining the optimal course of conduct of criminal proceedings (investigator, detective, prosecutor, lawyer, court (judge) and etc.) and methods of conducting certain procedural actions aimed at collecting, recording and seizing evidentiary information, establishing the causes and conditions that contribute to the commission of criminal offenses. *On the other hand*, criminalistic tactics should be considered as a system of scientific provisions and practical recommendations developed on their basis for tactical influence on persons whose behavior is associated with the formation of sources of criminalistic information (suspects, accused, victims, witnesses, understood persons) for the purpose of overcoming opposition or establishing effective interaction with them by involving them in the investigation (trial), establishing psychological



contact and using optimal forms of tactical and psychological influence and managing their behavior in the interests of establishing objective truth.

Given the above, *criminalistic tactics* is a relatively independent section of criminalistics, which includes a system of theoretical scientific provisions and tactical tools developed on their basis and practical recommendations for organizing and planning investigations and trials, determining the optimal course of conduct of criminal proceedings, aimed at collecting, recording, seizing and examining evidence, as well as exercising tactical influence on persons whose behavior is associated with the formation of sources of criminalistic information in order to overcome opposition or establish effective interaction with them in the interests of establishing objective truth and solving problems criminal proceedings.

One of the most important tasks of further development of criminalistics is to improve the structure of criminalistic tactics in view of the emergence, development and current state of certain innovative areas of this branch of criminalistics. At the same time, it should be noted that today in criminalistics the problem of the structure of criminalistic tactics is debatable and insufficiently developed, which necessitates addressing the issue of systematization of this section, updating its structure taking into account modern approaches.

Traditionally, in the structure of criminalistic tactics there are two parts: 1) general and 2) special. Thus, in the content of criminalistic tactics there are two parts: 1) general provisions; 2) tactics of conducting individual investigative actions. General provisions include, first of all, general theoretical provisions, which are an introduction to the theory of criminalistic tactics (subject, principles, system, basic concepts of tactics). The tactics of conducting individual investigative actions are a subsystem of scientific provisions and recommendations for conducting such investigative actions as inspection, interrogation, presentation for identification, search and investigative experiment [1, p. 113].

In our opinion, the traditional definition and structure of criminalistic tactics in most criminalistic textbooks do not correspond to the current level of development of criminalistics and its subject. In most cases, in the educational and methodological literature, scientists limit themselves to considering the general provisions of criminalistic tactics and coverage of tactics of individual investigative (search) actions, that is to say problems of investigative tactics, which does not really reflect the full content and structure of this section of criminalistics. In addition, today there is another negative trend — the desire of some scholars to significantly expand and sometimes even "blur" the subject of criminalistic tactics, which usually does not contribute to the formation of established views on its structure and proper understanding of its subject.

In addition, it's necessary to be quite prudent to expand the boundaries of the application of criminalistic tactics, taking into account the subject and object of criminalistic science and criminalistic tactics. Therefore, the improvement of the system and structure of criminalistic tactics should be carried out taking into account the existing scientific paradigms regarding its subject and object. Criminalistic tactics, being one of the subsystems of criminalistics, the object-subject area of which includes a dual object of study — criminal activity and its consequences, as well as activities to detect, investigate, prevent crime and trial, tactics should be considered as a system-structural a phenomenon designed by its tactical means to ensure the effective solution of problems in law enforcement bodies.

Innovative areas of criminalistic tactics should include issues of professional defense tactics, prosecutor and judge (court). Therefore, in the system of criminalistic tactics it is expedient to distinguish judicial tactics (or tactics of judicial activity) as its important separate branch, which studies tactics of adversarial process and investigates tactics of prosecution and professional defense tactics, court (judge) tactics, and tactics of separate judicial actions in particular, the tactics of judicial review, the tactics of cross-examination, the tactics of simultaneous interrogation, the tactics of presentation for identification, etc. An innovative area of research on the problems of judicial tactics



is the development and implementation of tactical operations in court proceedings [7; 9]. In addition, in the structure of judicial tactics it is also necessary to consider the tactical foundations of the organization and conduct of tactical-criminalistic complexes (tactical combinations and tactical operations) as effective and efficient means of solving tactical tasks in court [8; 10]. It seems that today the problems of judicial tactics in the theoretical aspect still remain underdeveloped.

In our opinion, in addition to investigative and judicial tactics, other separate sub-branches, in particular, such as tactics of public prosecution, tactics of professional defense, tactics of search activity, tactics of criminal activity, are also innovative directions of research of criminalistic tactics in today's realities. Further scientific developments require problems of individual scientific theories (the doctrine of the criminalistic version, the theory of tactical operations, the theory of the investigative situation, the theory of tactical decision-making, the theory of systematization of tactics, etc.), the tactics of investigative (search), unspoken investigative (search) and judicial action. Particular attention is paid to the study of tactics of organization and conduct of tactical-criminalistic complexes (tactical combinations and tactical operations). Thus, current trends in criminalistic tactics today require expanding its boundaries and border of research, require innovative approaches to solving these problems, which necessitate further development of its theoretical-methodological foundations and intensification of practical research in this area of knowledge.

**Conclusions.** In modern realities, a comprehensive approach to the study of the problems of the use of criminalistic tactics in various activities, both law enforcement and criminal, is quite relevant. Obviously, it is a question of application of system-structural, activity, technological and other approaches to studying of prospects and possibilities of expansion of limits of application of criminalistic knowledge and means of criminalistic tactics in modern conditions. 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 incorrect and today needs

clarification, revision of such approaches and further research on this issue. As can be seen, they often largely determine the promising innovative areas of criminalistic research in this area.

In our opinion, today in modern criminalistics and practice all the prerequisites for a thorough study of new areas of criminalistic tactics and the feasibility of their introduction into its structure. In particular, we are talking about such areas as: judicial tactics (court tactics (judges), public prosecution tactics, professional defense tactics, search tactics, criminal tactics. Problems of investigative tactics also need further improvement, taking into account changes in modern crime, reform of the judiciary and law enforcement agencies, the emergence of new trends in criminalistic science, the introduction of the provisions of "competitive" criminalistics, etc. It's seen that the current trends in the development of criminalistic tactics today require the expansion of its boundaries of research, require innovative approaches to solving this problem.

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