

MODERN PROBLEMS OF CRIMINALISTIC METHODICS: TENDENCIES, INNOVATIONS, PERSPECTIVES

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Abstract. *The article is devoted to the study of current problems of criminalistic methodics, its subject and tasks. The author's vision is offered and the definition of the concept of criminalistic methodics is given. It is substantiated that recently a more extensive consideration of the subject of criminalistics in accordance with current trends in criminalistics and the urgent needs of practice (investigative, detective, judicial, prosecutorial, advocacy, etc.), which provides for pre-trial investigation to investigate, prosecutorial, advocacy, including the use of criminalistic knowledge in court, the activities of the prosecutor, defense counsel and other subjects of criminal proceedings, which in turn implies the need for a broader understanding of the subject of criminalistic methodics. An innovative approach and the author's vision of the modern system of criminalistic methodics are proposed.*

Introduction. Today's situation shows that in the outbreak and spread of Covid-19 coronavirus infection, as defined by the World Health Organization (WHO), created a "global emergency", the consequences of which significantly affected the world economy, consciousness and human behavior, which in turn found its impact on international and regional crime, the activities of law enforcement agencies and national security in the field of public health. In such conditions, there have been some changes in the structure of criminal activity and the emergence of new criminal manifestations, an increase in the number of crimes committed by organized criminal groups using the latest technologies. Modern crime has acquired new features, trends, features and characteristics.

The current realities in such conditions, street crime has significantly decreased,

while the number of crimes committed using Internet technologies has sharply increased. Fraud committed by organized criminal groups has become widespread. The criminals began to actively spread fake information about the coronavirus, directing it to increase fear and panic among the population. Against this background, a new negative phenomenon has emerged – "infodemia", which is associated with the spread of misinformation about the coronavirus, the spread of pseudo-scientific advice and interpretations, which causes fear and intimidation and often leads to mental illness and suicide. Such negative trends in the dynamics of crime have posed new tasks and functions to criminalistics, which are related to the "social order" of practice to find adequate means, techniques and methods to counter the modern challenges of crime.

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. Today, the problems of formation and improvement of certain criminalistic methodics are the priority tasks and promising areas of research in modern criminalistics.

Results and discussion. The successful solution of pre-trial investigation of criminal offenses can not be solved and ensured only through the application of theoretical-methodological provisions of general theory or criminalistic techniques and criminalistic tactics, as the investigation and prevention of certain crimes (theft, murder), fraud, traffic accidents, etc.) requires the use of criminalistic recommendations of the methodics of investigation of such criminal acts. It is the fourth, final section of criminalistic science – criminalistic methodics, which accumulates and synthesizes theoretical provisions and practical recommendations for the most effective use of tools and techniques of criminalistic techniques and criminalistic tactics in accordance with the specifics and features of the investigation of relevant crimes. As noted in the literature, criminalistic methodics, as the final section of criminalistics, combines the theoretical provisions and practical recommendations set out in previous sections of science, suggests how to use the achievements of criminalistic techniques and tactics in investigating crimes depending on their species or group affiliation. Thus, we can say that criminalistic techniques and tactics are correlated with criminalistic methodics as a general and special part of science [7, c. 398-399].

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 [7, 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 [8, 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 [18]. 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 [3].

As we can see, in criminalistic sources there are different names for this relatively independent part of criminalistics "criminalistic methodics" and "methodics for investigating certain types of crimes." One group of scientists believes that these concepts are identical and one-level, other authors (V.A. Zhuravel, I.I. Kohutych, 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" [6, 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 [17]. 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 [2; 9; 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 points out that 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 [4, 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 [1; 10; 14]. 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).

In view of the above, in our opinion, criminalistic methodics in a broad sense should consist of 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 (cases); c) criminalistic methodics of professional protection; d) criminalistic methodics of prosecution.

In the system of criminalistic knowledge, such subsystems of criminalistic methodics are a synthesizing level that combines the provisions and means of criminalistic techniques and criminalistic tactics in their refraction to the specifics and conditions of investigation and trial of certain types (groups) of criminal offenses a certain type of crime. Based on such provisions, it is necessary to talk about criminalistic methodics of a certain type of criminal offense, for example, criminalistic methodics of investigating murders with dismemberment of a corpse, criminalistic methodics of trial of murders with dismemberment of a corpse; criminalistic methodics of professional defense during the pre-trial investigation and trial of murders with dismemberment of the corpse; criminalistic methodics of activity of the prosecutor-

accuser during the pre-trial investigation and trial of murders with dismemberment of a corpse, etc.

Another very important problem of improving the development of theoretical-methodological foundations of criminalistic methodics is the study of the system of this relatively independent section of criminalistics. Today, traditionally in the system of criminalistic methodics of investigation consider its two subsystems: a) the general provisions of the methodics of investigation of crimes (criminalistic methodics) and b) the methodics of investigation of certain types or groups of crimes [8, c. 4].

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.

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 [15; 16]. 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. 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, in today's realities, one of the priority tasks of criminalistics is to study the problems of formation and improvement of certain criminalistic methodics, which now have a lot of hidden, unused reserves and promising practical opportunities that can optimize law enforcement.

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