

Shevchuk V.M.

ORCID ID: 0000-0001-8058-3071

Doctor of Legal Sciences, Professor, Professor of Criminalistics

Yaroslav Mudryi National Law University, Honored Lawyer of Ukraine, Ukraine

PROBLEMS AND PROSPECTS FOR FORMATION THE CONCEPT OF CRIMINALISTIC INNOVATIONS

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

Formulation of the problem. The history of the origin and development of science shows that criminalistics has always been an innovative science, it has an innovative character, as well as it has constantly evolved under the innovative scenario[1]. An innovative way of development of criminalistics is conditioned primarily by the latest scientific developments, introduction of information technologies, high-tech equipment, new generation scientific and technological means, computerization and automation of the process of detection and investigation of

criminal offenses. Moreover, the need to choose the criminalistics of the innovative path of development has been caused and conditioned by a number of objective reasons, which are related to the urgent needs of practice and aimed at finding adequate innovative means of effective counteraction to the contemporary challenges of crime. Therefore, the creation and implementation of criminalistic innovative products has always been, and remains today, one of the foremost tasks of criminalistics [2; 3; 4].

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 and analysis 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 [5; 6; 7]. In view of the above, in today's realities it is quite relevant to have a comprehensive approach in the research of problems of development, implementation and application of innovative criminalistic tools.

Results and discussion. 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[8]. 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. Importantly, at the theoretical level to study and uncover the patterns of functioning, all stages of the life cycle of criminalistic innovation, from the development, implementation and ending with the implementation and application of such innovations in practice [9; 10]. With this, the full development of a separate theory in forensic science must be substantiated by the object and subject of its study, as well as the methods used in doing so.

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[11, p. 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.

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 [12, p. 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. We are talking, on the one hand, about such special entities as developers and on the other — consumers of such innovations. Developers are the entities involved in the process of creating, implementing and implementing innovation (scientists, technicians, innovators, etc.). Consumers are special entities (investigator, judge, expert, etc.) who are empowered with specific functional powers to apply them. In other words, consumers are subjects who are involved in criminalistic innovation. 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 [13; 14].

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 [15, p. 22]. With regard to criminalistic innovation theory, it serves both as an object of research for this theory and as its own method.

In view of the foregoing, in our opinion, the process of constructing such a criminalistic theory cannot still be considered complete because of the considerable number of unsettled, undeveloped and debated issues already mentioned. In this regard, we believe that the concept of criminalistic innovation has not still reached the level of a separate criminalistic theory and is still in the process of being formed. 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 [16;17]. 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. Research of criminalistic innovation problems should be based on scientific provisions not only of criminalistic, but also of other branches of knowledge, first of all criminology, criminal law, criminal process, legal psychology, etc., as well as knowledge of economic, social, philosophical, technical, technological, organizational and other aspects of innovation.

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 [18].

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 [19; 20; 21]. 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[22; 23]. 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 [24; 25], etc. Except this, with the adoption of the Law of Ukraine «On Private Detective (Investigative) Activity» there is a need to develop practical problems of the use of criminalistic innovation in the activity of private detectives.

Apparently, a promising area in criminalistics is the use of criminalistic innovation *in various fields of law enforcement*, thus extending the boundaries of the use of criminalistic knowledge in different types of legal practice, which is quite relevant in modern realities and requires further scientific development [26; 27]. Confirmation of this can be numerous studies of criminalists with theoretical and applied problems of applying the achievements of criminology in the judicial process, in criminal and civil proceedings, administrative proceedings, in the prosecutor's office, advocacy and notarial activity etc. Therefore, in our opinion, it is necessary to intensify scientific research into the problems of using criminalistic innovations in prosecutorial, lawyer and notarial activity, etc.

Conclusions. Therefore, criminalistic innovation today is now one of the priority areas of research which require the further development of theoretical and methodological foundations science of criminalistic innovation, and the development, research of criminalistic innovation in various spheres of law enforcement activities, significantly expanding the boundaries of the innovative criminalistic support to different kinds of legal practice [28]. 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 [29]. 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.

We think that further exploration of the conceptual foundations of innovation in criminalistics should be address in two directions. The first involves the study and research of the nature of criminalistic innovations and their features, scientific and methodological foundations, history of development, structure, functions and classification of such innovations, the place of this theory in the criminalistics system, the relationship with other branches of criminalistic and other scientific knowledge, judicial, investigative and expert practice. Second level — peculiarities of development and functioning of particular types of criminalistic innovations, stages of their life cycle, forms and possibilities of their formation and realization in practice, factors-determinants that determine the development and implementation of such innovations in practice and criminalistics, innovation research in criminalistic tehnics, tactiks and methods, as well as a careful analysis and identification of problems of implementation of criminalistic innovations in practical activity for solving criminalistic problems, taking into account their performance and effectiveness.

References:

- 1 Шепітько В. Ю., Журавель В. А., Авдєєва Г. К. (2011). Інновації в криміналістиці та їх впровадження в діяльність органів досудового слідства. *Питання боротьби зі злочинністю* : зб. наук. праць. Х.: Право, (21), 39-46.
- 2 Шевчук В. М. (2020). Актуальні проблеми криміналістики у сучасних умовах. *Korszerű módszerek és algoritmusai tapasztalati és elméleti tudományos kutatási: tudományos művek*

gyűjteménye a nemzetközi tudományos-gyakorlati konferencia anyagaival (Hang 3), Szeptember 18, Budapest, Magyarország: European Scientific Platforme, 90-96.

- 3 Коновалова В.О. (2018). Нові тенденції розвитку криміналістики. *Криміналістика и судебная экспертиза: наука, обучение, практика*: матеріали науково-практ. конференції Міжнародного конгресу криміналістів (м. Одеса, 13-15 вересня 2018 р.); у 2 Т. Т.1. Одеса, 55-64.
- 4 Shevchuk V. (2020). Innovations in criminalistic and practice of their implementation in law enforcement activity. *Modern science: problems and innovations. Abstracts of the 2nd International scientific and practical conference*. SSPG Publish (May 3-5, 2020). Stockholm, Sweden, 903-913.
- 5 Shevchuk V. (2020). Criminalistic innovation: modern problems of formation and prospects for research. *Perspectives of world science and education: abstracts of VIII International Scientific and Practical Conference*. CPN Publishing Group (April 22-24, 2020). Osaka, Japan, 158-168.
- 6 Шепітько В. Ю. (2019). Інновації в криміналістиці як віддзеркалення розвитку науки. *Інноваційні методи та цифрові технології в криміналістиці, судовій експертизі та юридичній практиці* : матеріали міжнар. «круглого столу» (Харків, 12 груд. 2019 р.), 147–150.
- 7 Шевчук В. М. (2020). Криміналістика: традиції, новації, перспективи : добірка наук. пр. / Віктор Шевчук; упоряд.: Н.А. Чмутова. Харків: Право, 2020. 1280 с. http://library.nlu.edu.ua/POLN_TEXT/POSIBNIKI_2020/Kriminalistika_Shevchuk_2020.pdf
- 8 Федоров Г.В., Григорович В.Л. (2012). *Инновационные направления развития криминалистики*: монография. М.: Юрлитинформ, 272 с.
- 9 Шевчук В. М. (2020). Інновації у криміналістичній техніці: сучасні можливості та проблеми застосування. *Науковий вісник Міжнародного гуманітарного університету. Серія «Юриспруденція»*. Одеса : Видавничий дім «Гельветика», (43), 146-151.
- 10 Shevchuk V. (2020). Innovations in criminalistic technique: problems of creation and application. *Scientific Collection «InterConf», (31): with the Proceedings of the 7th International Scientific and Practical Conference «Science and Practice: Implementation to Modern Society»* (October 6-8, 2020). Manchester, Great Britain: Peal Press Ltd., 94-104.
- 11 Белкин Р. С. (2001). *Курс криминалистики*. М. : ЮНИТИ-ДАНА, 285.
- 12 Сокол В. Ю. (2008). *Научно-исследовательские проблемы криминалистики. Общество и право*, 1(19), 218-220.
- 13 Шевчук В.М. (2020). Інноваційні криміналістичні продукти у правозастосовній діяльності: поняття, ознаки та проблеми впровадження у практику. *Наукові праці Національного університету «Одеська юридична академія»*. Одеса : «Гельветика». Том

XXVI,139-155.

- 14 Shevchuk V. (2020). Modern problems of formation and prospects for researching the concept of criminalistic innovation. *Tendances scientifiques de la recherche fondamentale et appliquée: collection de papiers scientifiques «ΛΟΓΟΣ» avec des matériaux de la conférence scientifique et pratique internationale* (Vol. 2), 30 octobre, Strasbourg, République française, 67-72.
- 15 Белкин Р. С. (1997). Курс криминалистики: в 3 т. Т. 2. Частные криминалистические теории. М.: Юристъ, 22.
- 16 Shevchuk V. (2020). Prospects and innovations research of criminalistic technique. *Scientific Collection «InterConf», (33): with the Proceedings of the 1st International Scientific and Practical Conference «Global and Regional Aspects of Sustainable Development»* (October 26-28, 2020) in Copenhagen, Berlitz Forlag, 126-135.
- 17 Шевчук В. М. (2020). Інноваційні засади криміналістичного забезпечення діяльності органів правопорядку: постановка проблеми. *Paradigmatic view on the concept of world science: Collection of scientific papers «ΛΟΓΟΣ» with Proceedings of the International Scientific Conference* (Vol. 2), August 21, Toronto, Canada: European Scientific Platform, 139-144.
- 18 Кендзерска Г. (2013). Меандры криминалистики XXI века. *Криминалистика и судебная экспертиза: наука, обучение, практика*. Vilnius: Charkovas, 45-58.
- 19 Шевчук В. М. (2019). Інноваційні напрямки розвитку криміналістики. *Інноваційні методи та цифрові технології в криміналістиці, судовій експертизі та юридичній практиці: матеріали міжнар. «круглого столу»* (м. Харків, 12 груд. 2019 р.), 142-147.
- 20 Шевчук В. М. (2019). Сучасний стан та тенденції розвитку криміналістики: актуальні проблеми сьогодення. *Проблеми законності*, (146), 234–246.
- 21 Шепітько В. Ю., Авдєєва Г. К. (2013). Використання сучасних досягнень науки і техніки у боротьбі зі злочинністю: здобутки та перспективи. *Вісник академії правових наук України*, (2), 308-314.
- 22 Шевчук В. М. (2017). Проблеми вдосконалення науково-технічного забезпечення слідчої діяльності. *Питання боротьби зі злочинністю: зб. наук. пр. / ред. кол. : В. І. Борисов та ін.* X. (33), 108-122.
- 23 Шепітько В. Ю. (2019). Проблеми оптимізації науково-технічного забезпечення слідчої діяльності в умовах змагального кримінального провадження: *матеріали наукової конференції НДІ вивчення проблем злочинності за фонд теми у 2018 р.* (м. Харків, 26 берез. 2019 р.), 144.
- 24 Шевчук В. М. (2019). Сучасний стан та тенденції розвитку криміналістики: актуальні проблеми сьогодення. *Проблеми законності*, 146, 234–246.
- 25 Shevchuk V. (2020). Scientific prerequisites for the formation of criminalistic innovation and

some prospective directions of its development. *Scientific Collection «InterConf»*, (35): with the Proceedings of the 1st International Scientific and Practical Conference «Experimental and Theoretical Research in Modern Science» (November 16-18, 2020). Kishinev, Moldova: Giperion Editura, 305-316.

- 26 Берназ П.В. (2015). Інновації – основа криміналістичного забезпечення діяльності з розслідування злочинів. *Південноукр. правн. часопис*, (4), 50.
- 27 Шевчук В.М. (2020). Методологічні проблеми формування понятійного апарату криміналістичної інноватики. *Вісник Національної академії правових наук України*, (2), 170-183.
- 28 Shevchuk V. (2019). Criminalistic methodology and practical directoin of study. *Scientific achievements of modern society: abstracts of the 4th International scientific and practical conference*. Cognum Publishing House (December 4-6, 2019). Liverpool, United Kingdom, 932- 939.
- 29 Жижина М.В. (2012). Инновационный путь развития криминалистики на современном этапе. *Вестн. криминалистики*, 1(41), 18–24.

SCIENTIFIC
COLLECTION
«INTERCONF»

№ 1 (37)

December, 2020

THE ISSUE CONTAINS:

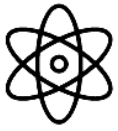
Proceedings of the 1st
International Scientific and
Practical Conference

RECENT SCIENTIFIC
INVESTIGATION



OSLO, NORWAY

6-8.12.2020



InterConf
Scientific Publishing Center

SCIENTIFIC COLLECTION «INTERCONF»

№ 1 (37) | December, 2020

THE ISSUE CONTAINS:

Proceedings of the 1st International Scientific and Practical Conference

RECENT SCIENTIFIC INVESTIGATION

OSLO, NORWAY

6-8.12.2020

OSLO
2020

UDC 001.1


S 40 *Scientific Collection «InterConf», (37): with the Proceedings of the 1st International Scientific and Practical Conference «Recent Scientific Investigation» (December 6-8, 2020). Oslo, Norway: Dagens naeringsliv forlag, 2020. 1151 p.*

ISBN 978-82-7346-353-1

EDITOR

Polina Vuitsik 
PhD in Economics
Jagiellonian University, Poland
@ p.vuitsik.prof@gmail.com

COORDINATOR

Mariia Granko 
Coordination Director in Ukraine
Scientific Publishing Center InterConf
@ info@interconf.top


EDITORIAL BOARD

Mark Alexandr Wagner (DSc. in Psychology)
University of Vienna, Austria
@ mw6002832@gmail.com;

Dan Goltsman (Doctoral student)
Riga Stradiņš University, Republic of Latvia;


Katherine Richard (DSc in Law),
Hasselt University, Kingdom of Belgium
@ katherine.richard@protonmail.com;

Richard Brouillet (LL.B.),
University of Ottawa, Canada;

Stanyslav Novak  (DSc in Engineering)
University of Warsaw, Poland
@ novaks657@gmail.com;


Yasser Rahrovani (PhD in Engineering)
Ivey School of Business, The University of Western
Ontario, Canada;

Elise Bant (LL.D.),
The University of Sydney, Australia;

Anna Svoboda  (Doctoral student)
University of Economics, Czech Republic
@ annasvobodaprague@yahoo.com;

Dr. Albená Yaneva (DSc. in Sociology and Antropology),
Manchester School of Architecture, UK;

Vera Gorak (PhD in Economics)
Karlovarská Krajská Nemocnice, Czech Republic
@ veragorak.assist@gmail.com;

Dmytro Marchenko  (PhD in Engineering)
Mykolayiv National Agrarian University
(MNAU), Ukraine;

Kanako Tanaka (PhD in Engineering),
Japan Science and Technology Agency, Japan;

George McGrown (PhD in Finance)
University of Florida, USA
@ mcgown.geor@gmail.com;

Alexander Schieler (PhD in Sociology),
Transilvania University of Brasov, Romania

If you have any questions or concerns, please contact a coordinator Mariia Granko.

The recommended citation:

Surname N. (2020). Title of article or abstract. *Scientific Collection «InterConf», (37): with the Proceedings of the 1st International Scientific and Practical Conference «Recent Scientific Investigation» (December 6-8, 2020) in Oslo, Norway; pp. 21-27. Available at: [https://interconf.top/...](https://interconf.top/)*

This issue of Scientific Collection «InterConf» contains the International Scientific and Practical Conference. The conference provides an interdisciplinary forum for researchers, practitioners and scholars to present and discuss the most recent innovations and developments in modern science. The aim of conference is to enable academics, researchers, practitioners and college students to publish their research findings, ideas, developments, and innovations.

©2020 Dagens naeringsliv forlag
©2020 Authors of the abstracts
©2020 Scientific Publishing Center InterConf

contact e-mail: norway@interconf.top
webpage: www.interconf.top