

INNOVATIVE ESSENCE OF CRIMINALISTIC AND PROSPECTIVE DIRECTIONS OF ITS DEVELOPMENT

Abstract. *The article discusses the debatable problems of the innovative essence of criminalistic, analyzes its current trends and promising directions of development. It is determined that one of the priority tasks of forensic science is the creation and implementation of innovative forensic products into law enforcement practice. To solve this and other problems, modern criminalistic integrates and synthesizes the latest achievements of science and technology, which determine and determine the innovative directions of the development of criminalistic. It is noted that the current stage of development of criminalistic, its prospects are naturally associated with active research and application of innovative approaches, tools and technologies in all its components – the general theory of criminalistic, criminalistic techniques, tactics and methods.*

It is substantiated that the scientific works of Professor Dr. Vidmantas Egidijus Kurapka played a significant role in the formation of the provisions of criminalistic innovation. In this regard, the scientific research of the scientist and the practitioner, devoted to the problems of criminalistic policy, criminalistic strategy, criminalistic didactics and innovative directions of the development of criminalistic science in modern conditions, is of particular importance. The paper analyzes innovative approaches in criminalistic science and the proposals of an outstanding scientist-criminologist on the formation of a modern concept of forensic science and promising directions of its development.

It is substantiated that the determining factors for further research into the problems of innovations in criminalistic science in the framework of the formation of a private criminalistic theory, first of all, are questions regarding the definition of the subject, object and method of this theory. It is argued that at present, scientific prerequisites have been created for its development and formation, which is a promising innovative direction of modern criminalistic research. Considering the importance of the provisions of this

theory for the prospects for the further development of criminalistic science, it is proposed to consider criminalistic innovation in the structure of the general theory of criminalistic science. Therefore, the scientific legacy of Professor Dr. Vidmantas Egidijus Kurapka creates a scientific foundation for further prospects for the study of criminalistic innovation and criminalistic science in general

Keywords: *innovative essence of criminalistic, criminalistic innovation, Professor Dr. Vidmantas Egidijus Kurapka, innovative directions in the development of criminalistic, innovations in criminalistic didactics*

INTRODUCTION

The history of the origin and development of science shows that criminalistics has always been and is an innovative science, it has an innovative nature, because always developed according to the innovation scenario¹. The history of criminalistics is the history of the creation and use of innovative products in the field of combating crime. At the same time, criminalistics, as an applied science, has always been closely linked to practice, it has positioned itself as a proven product designed to detect and investigate crimes, establish the true circumstances of criminal proceedings and effectively combat crime. Therefore, the innovative path of development of criminalistics is due primarily to the latest advances in science and technics², scientific developments, introduction of information technologies,

high-tech equipment, scientific and technical means of the new generation, computerization and automation of the process of detection and investigation of criminal offenses³.

In modern conditions of formation of criminalistic knowledge, this process depends on the scientific and technological progress of the human community. 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 the scientific and technological achievements of modern society⁴. 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

¹ Шепітько В. (2019). Інновації в криміналістиці як віддзеркалення розвитку науки. *Інноваційні методи та цифрові технології в криміналістиці, судовій експертизі та юридичній практиці: матеріали міжнародного «круглого столу».*

² Шепітько В. та ін. (2019). *Інноваційні засади техніко-криміналістичного забезпечення діяльності органів кримінальної юстиції*: монографія / за ред. Шепітька В., Журавля В., 20–22.

³ Коновалова В. (2018). Нові тенденції розвитку криміналістики. *Матеріали науково-практичної конференції Міжнародного конгресу криміналістів*. Т. 1, 55–64.

⁴ Shepitko V. (2018). Criminalistics as a system of scientific knowledge in conditions of global threats and crime transformation. *Theory and Practice of Forensic Science and Criminalistics*, 18, 4–9.

are currently taking place and innovative approaches are being introduced in the criminalistic support of law enforcement agencies¹.

Practice and time show that the need for criminalistic science to choose an innovative path of development was caused by a number of objective reasons, which are related to the urgent needs of practice and aimed at finding adequate innovative tools, techniques and methods to counter modern challenges of crime². As can be seen, the current challenges of crime are a reflection of trends in the current realities of society. Such circumstances have posed new challenges to criminalistics, which are related to the «social order» of practice to find adequate means, techniques and methods to combat modern challenges to crime³.

In this regard, in the criminalistic literature, researching the issue of criminal politics, it is fair to point out that in the scientific, social and political discourse has always been quite acute issues of combating crime. Therefore, it

is not enough to know the nature and causes of crime, because in this essence, an effective tool for detecting and investigating criminal offenses, which has become criminalistics⁴. It seems that this is the meaning of criminalistic science for investigative and judicial practice – to promote their recommendations, specific methods and means of detection, recording, research and use of evidence of law enforcement, to increase its effectiveness⁵. In this regard, V. Yu. Shepitko emphasizes that the developed tools, techniques and recommendations affect the effectiveness of detection and investigation of criminal offenses, despite the level of development of the latter, and testifies to the development of criminalistics, which combines best practices in combating crime, opportunities in this area⁶.

Modern crime accompanies the global problems of society in the field of economy, politics, ecology, energy, demography, including significant impact and the current exacerbation of the epidemic situation in the country and the world. In such circumstances, crim-

¹ Шепітько В. (2019). Проблеми оптимізації науково-технічного забезпечення слідчої діяльності в умовах змагального кримінального провадження. *Матеріали наукової конференції за результатами роботи фахівців НДІ вивчення проблем злочинності ім. акад. В. В. Сташиса НАПрН України за фундаментальними темами*, 144.

² Жижина М. (2012). Инновационный путь развития криминалистики на современном этапе. *Вестник криминалистики*, 1 (41), 18–24.

³ *Textbook of criminalistics. V.I. General Theory*. (2016). Ed. Malevski, H., Shepitko V. 89–93.

⁴ Малевски, Г., Курапка В. Э., Матулиене С. (2017). *Судебная экспертиза в Литве – есть ли стратегия государственной криминалистической политики? Doctrina multiplex, Veritas una. Наукові праці Національного університету «Одеська юридична академія»*. Т.19, 326–335.

⁵ Салтевський М. (2005). *Криміналістика (у сучасному викладі): підручник*, 19–20.

⁶ Шепітько В. (2010). *Вибрані твори, Избранные труды, “Криміналістика в системі наукового знання: сучасний стан та деякі тенденції Шепітько В. Ю.”* (Київ : Апостіль, 2010), 14.

inal elements are quite active in using the current situation of coronavirus infection, fear and existing problems around the pandemic to carry out active criminal activity, which is often aimed at obtaining «criminal profits». As we can see, such processes have affected criminal activity, the activities of law enforcement agencies, the national security of states in the field of health care, which has led to the emergence of new tasks and functions of criminalistics in modern realities. Therefore, the creation and implementation of criminalistic innovative products has always been, and remains today, one of the priorities of criminalistics¹, which determines the innovative nature of the development of modern criminalistic science.

ANALYSIS OF BASIC RESEARCH AND PUBLICATIONS

The scientific basis of the study were the works of criminalists, which are devoted to the development of innovative areas of criminalistic science and its discussion issues related to current issues of forming a scientific concept of innovation in criminalistics and highlighting the priority areas of such developments: H. K. Avdeeva, V. L. Hryhorovych, M. I. Dolzhenko, M. V. Zhuzhuna, V. A. Zhuravel, V. O. Konovalova, M. V. Saltevyki,

N. B. Nechaeva, H. V. Fedorov, Yu. V. Chornous, V. Yu. Shepitko etc.². Scientific works are of special importance for the formation of the scientific concept of criminalistic innovation by prof. Dr. Vidmantas Egidijus Kurapka³. At the same time, it should be noted

² Журавель В. (2018). Окремі вчення в структурі загальної теорії криміналістики. *Теорія та практика суд. експертизи і криміналістики: збірник наукових праць*. 18, 9–21; Шепітько В. та ін. (2017). *Інноваційні засади техніко-криміналістичного забезпечення діяльності органів кримінальної юстиції: монографія*, за ред. Шепітька В. та Журавля В., 15; Когутич І. (2013). Тенденції пристосування криміналістичних знань у здійсненні судочинства. *Вісник Львівського університету. Серія юридична*, 57, 338; Нечаева Н. (2013). Інновации в криминалистике. *Ленинградский юридический журнал*, 2 (32), 158; Сокол В. (2008). Инновационная деятельность как объект криминалистических исследований. *Проблемы в законодательстве*, 1, 378–79; Шевчук В. (2019). Інноваційні напрямки розвитку криміналістики. Матеріали міжн. «круглого столу»: *Інноваційні методи та цифрові технології в криміналістиці, судовій експертизі та юридичній практиці*, 142–47; Шепітько В., Журавель В., Авдеева Г. (2019). Інновації в криміналістиці та їх впровадження в діяльність органів досудового слідства. *Питання боротьби зі злочинністю: збірник наукових праць*, 21, 44–45; Федоров Г., Григорович В. (2012). *Инновационные направления развития криминалистики: монография*, под ред. Федорова Г. та ін.

³ Kurapka V. E., Malevski H. (2000). Zarys koncepcji rozwoju kryminalistyki na Litwie Problemy współczesnej kryminalistyki. *Prace naukowe Zakładu kryminalistyki Wydziału prawa i administracji Uniwersytetu Warszawskiego i Polskiego Towarzystwa Kryminalistycznego*, eds E. Gruzy i T. Tomaszewskiego (Warszawa, 2000), 207–212; Kurapka V. E., Malevski H., Matulienė, S. (2016). *Europos kriminalistikos bendros erdvs 2020 vizijos gyvendinimo Lietuvoje mokslin koncepcija* (Vilnius, 2016); Kurap-

¹ Геннадий Федоров и Василий Григорович, *Инновационные направления развития криминалистики: монография*, под ред. Геннадия Федорова (М.: Юрлитинформ, 2012).

that in criminalistics today a number of issues that are crucial in the development of problems of criminalistic innovation as a new scientific direction in criminalistics, including the problem of developing and forming theoretical and methodological foundations of criminalistic innovation, its functions, tasks and prospects of implementing the provisions of this concept in law enforcement practice. These circumstances necessitate a comprehensive approach to the study of these issues and require significant intensification of further research in this area of knowledge.

ka V. E., Malevski H. (2005). Kriminalistiklehre an Universitäten-Notwendigkeit, Realität oder Problem?" *Kriminalistik. Unabhängige Zeitschrift für die kriminalistische Wissenschaft und Praxis* 1, 47–50; Kurapka V. E., Malevski H., Matulienė, S. (2016). (ats. red.). *Europos kriminalistikos bendros erdvės 2020 vizijos įgyvendinimo Lietuvoje mokslinė koncepcija. Mokslo studija*. (Vilnius: Mykolo Romerio universitetas, 2016); Kurapka V. E. et al. (2016). Planning ab initio pre-trial investigation as the condition for a more effective investigation of crimes: from theory to practice. *Criminology Journal of Baikal National University of Economics and Law*, 2 (10), 387–398; Курапка В. Э., Малевски Г. (2016). Научная концепция криминалистической политики в стратегиях органов правопорядка как инновационный прорыв в обеспечении создания общего европейского криминалистического пространства. Матеріали міжнародного «круглого столу»: *Інноваційні методи та цифрові технології в криміналістиці, судовій експертизі та юридичній практиці*, 84–91; Ackermann R. et al. (2020). Schaffung eines einheitlichen europäischen. Kriminologistischen Raumes: Die Tätigkeit öffentlicher Organisationen zur Stärkung der internationalen Beziehungen". *Kriminalistik*, 6, 355–363 та ін.

THE AIM OF THE ARTICLE is to study the theoretical and methodological foundations of criminalistic innovation as a new scientific direction in criminalistics, the impact of scientific works and developments professor' Dr. Vidmantas Egidijus Kurapka on the formation of this scientific concept, including the problems of defining the concept of criminalistic innovation, functions, tasks, outlining promising areas of research and ensuring the implementation of its provisions in law enforcement practice. The aim is to formulate its concepts, functions and tasks, to determine the priority areas of research on this issue.

PRESENTING MAIN MATERIAL

The realities of today require the scientific community to develop and implement adequate tools that are close to European standards and able to meet the needs of investigative and judicial practice. In addition, V. O. Konovalova rightly notes that criminalistics is innovative because it aims to create a scientific "product" for the practice of combating crime. Criminalistics is the science that must respond to changes and transformations in crime, its subtle and latent nature, the emergence of new ways and mechanisms of criminal activity. Development and implementation of innovations in investigative activities can be carried out in such areas as the creation (development) and proposal for the use of new techniques, methods,

techniques of investigative (search) actions and the process of detection, disclosure and investigation in general¹.

Thus, the history of innovations in criminalistics is the history of the emergence, development trends and current state of criminalistics. The emergence and history of criminalistics as a system of knowledge due to the social order of the state and society: to develop new tools and methods for detecting and investigating criminal offenses in the context of professional and organized crime, because this is the science that is at the forefront of combat crime². Moreover, the development and implementation of criminalistic innovations in law enforcement practice has always given and gives impetus to the sustainable development of criminalistic science, creates certain conditions for overcoming crisis trends in criminalistics and in combating the challenges of crime. All these processes and problems are appropriately reflected in the innovative directions of the development of criminalistic doctrine in modern conditions.

Recently, in the criminalistic literature there is a tendency of increased interest of criminalistic scientists in some problems of scientific principles of criminalistics, but such interest is still

limited to scientific research, mainly related to the study of object and subject of criminalistics, functions, tasks, principles and laws of criminalistics. While there is a lack of thorough research on the problems of transformation of criminalistic knowledge into practice, mechanisms for implementing criminalistic theory in practice, problems of implementing criminalistic innovations in law enforcement, the role of criminalistic innovation processes to improve the efficiency of criminal investigations, that is a number of issues related to the problems of criminalistic support of the practical activities of law enforcement agencies, which significantly strengthen the practical orientation of criminalistic innovations and their implementation in practice.

Analysis of criminalistic literature and practice of crime investigation, trial shows that today there is a peculiar situation in which modern criminalistics, developing its recommendations, including criminalistic innovations aimed at optimizing criminal proceedings, is not specifically engaged in targeted research devoted to their implementation in practice.

However, in view of the above, 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

¹ Коновалова В. (2012). Избранные труды. Вибрані твори. *Криміналістика в системі наукового знання: сучасний стан та деякі тенденції*, 44.

² Шепітько В. (2010). Вибрані твори. Избранные труды. *Тенденції і перспективи розвитку криміналістики (концептуальність підходів і дискусійність поглядів)*, 8.

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, and the lack of opportunities for their use in practice or their unclaimed, etc. In our opinion, the reasons for non-implementation and unclaimed innovations in criminalistic innovations should be the subject of separate criminalistic studies.

Thus, the above once again confirms the feasibility and necessity of allocating as an independent task of criminalistics, as scientific support for the implementation in practice of its innovative products, methods, techniques and tools. In our opinion, the isolation and formulation of such a task, its study significantly affects the development of innovative products, effective criminalistic recommendations of practical direction, determines the content and directions of innovative development of criminalistics.

The study of criminalistics ways and forms of implementation of the results of its research in practice should be considered as a transition from cognitive-theoretical to practical-transformational activities. In our opinion, the study of methods and mechanisms of implementation of the results of scientific criminalistic developments in law enforcement practice is impossible without studying the essence, patterns and trends in the development of innovative criminalistic activities. In crimi-

nalistics at present there are virtually no such studies, which does not allow to form an effective mechanism to stimulate the implementation of its recommendations in the practice of combating crime and requires some scientific developments in this area.

In our opinion, another aspect requires in-depth study and research of the issues under consideration, in particular – the problems of implementing criminalistic innovations in the practice of combating crime, the effectiveness and practical value of developed and proposed innovations in criminalistics. Given the above, one of the priorities of criminalistics in modern conditions is to study and develop the scientific concept of criminalistic innovation, which now, as practice shows, has a lot of hidden, unused reserves and promising opportunities to optimize law enforcement in today's difficult realities. Therefore, the development of innovative criminalistic products and their use in law enforcement is primarily due to the needs of practice and is an important issue facing criminalistics today and requires research to address a number of controversial issues.

It is important to note that in criminalistics, any new method, technique, tool, new methodology, etc., developed by scientists for the needs of practice, can be considered from the standpoint of innovation as a criminalistic innovation. However, it should be borne in mind that from the moment of adoption to dissemination, such an innovation

does not become something special and is not always an innovation that has taken root in practice. At the same time, from the point of view of the theory of innovation, innovation is the result of a certain innovative activity, brought to the stage of practical use of this innovation. Accordingly, the development of criminalistic innovation without its introduction and dissemination does not give a useful effect for practice, but only creates certain prerequisites for its further implementation in practice. Thus, innovative scientific criminalistic developments act as an intermediate result in the chain – «science – the practice of combating crime» and only as their practical application are transformed into criminalistic innovations, completing the end result of this cycle (chain) and becoming popular and useful for practice and long enough time or to solve certain problems of criminalistics.

It should be borne in mind that the process of translating the developed and proposed innovation into a practical result of innovation is closely related to a certain type of activity – innovation activity. There is a life cycle (period of time) of innovation and a life cycle of innovation. These cycles are closely related, interdependent and impossible without each other, but they should be distinguished. The difference is that in one case there is a process of innovation, in another – the process of its implementation and application. Both life cycles of the innovative criminalistic product are covered by the more gener-

al concept of «criminalistic innovation process». Thus, the innovation process of criminalistic products is closely linked to the creation, implementation, development and dissemination of criminalistic innovations.

In our opinion, these circumstances are important and the consequences for the recognition of new proposed developments, technologies and innovations in criminalistics and their classification as real and real criminalistic innovations. In particular, in our opinion, the developed and proposed innovative criminalistic products should have such essential features as: 1) *novelty* (related to the creation and emergence of new properties of the object, as well as improving its parameters and characteristics); 2) *demand* in practice; 3) *practical applicability* and implementation; 4) *the presence of a lasting positive effect* in the process of their application. In this case, the criminalistic innovation process cannot be considered complete if the innovative criminalistic product is not used in practice on a regular basis and does not give the desired effect and result. In this regard, there is a paradoxical situation associated with the fact that in modern criminalistics and practice can be found a large number of proposed criminalistic innovations that do not meet the above characteristics.

In addition, as we can see, mainly in criminalistic research the main attention is paid to the study and coverage of the probable effectiveness of the proposed innovative criminalistic product, and

only in some cases the life cycle of innovation is considered. This, unfortunately, does not take into account the important provision that the life cycle of criminalistic innovations after their proposal is a relatively independent process, which is associated with them: a) demand in practice; b) practical applicability and implementation; c) the presence of a lasting positive effect in the process of their application. As we can see, such criminalistic innovations are mostly characterized by only the first feature – the novelty of the developed and proposed criminalistic product. At the same time, it is the life cycle of criminalistic innovations after their proposal, as a rule, remains without further due attention of criminalistic scientists who are engaged in the study and research of this issue. These and other circumstances require a modern theoretical and applied rethinking of scientific approaches to the study and adaptation of the latest advances in science and technology, other fields of knowledge, innovations in criminalistic technology and their application in the fight against crime.

In our opinion, these circumstances are due to methodological miscalculations in criminalistics, which do not allow to distinguish between innovation and innovation, as well as to distinguish as an independent object of study criminalistic innovation. This is the need to strengthen the practical component of modern criminalistic research¹. There-

fore, solving the problem of implementation of its recommendations and innovations involves the identification and comprehensive study of the subject of criminalistics on an independent, homogeneous group of laws that characterize the use in practice of methods developed by criminalistics, techniques and tools to optimize pre-trial investigation and judicial review and their implementation in the practice of counteracting the challenges of modern crime.

In the theory of criminalistics and the practice of investigation and trial, the question of the concept of criminalistic innovation and its features remains controversial. Nevertheless, it is obvious that the vast majority of definitions express the opinion of scientists (T. V. Averyanova, H. K. Avdeeva, M. V. Zhuzhuna, V. A. Zhuravel, N. B. Nechaeva, V. Yu. Shepitko etc.), that innovations in criminalistics should be understood as new modern methods, techniques, technologies, technical means, devices, equipment, tools developed and put into practice, the purpose of which is to optimize the investigation of crimes and their trial, improve the quality and efficiency of law enforcement and reduce errors², which is absolutely true. However, the position of

guage: Concept-terminological apparatus formation. *Journal of the National Academy of Legal Sciences of Ukraine*, 27(1), 162–76.

² Шепітько В., Журавель В., Авдеева Г. (2019). Інновації в криміналістиці та їх впровадження в діяльність органів досудового слідства. *Питання боротьби зі злочинністю: збірник наукових праць*, 21, 45.

¹ Zhuravel V. (2020). Criminalistics' lan-

scientists on the essence of this concept, its essential features, role, purpose remains inconsistent, as they use different content-intensive methods, techniques, tools, technologies, solutions, services, their different focus on solving criminalistic problems and achieving effect, different goals, objectives, results of their implementation and use are seen.

In our opinion, the essential features of criminalistic innovation include the following: 1) the novelty of developed, proposed and implemented in practice products, technologies, services, solutions is manifested in the fact that they are associated with the creation and emergence of new properties significantly improve its parameters and characteristics, so they are newly created, or newly used, or improved; 2) developed, proposed and implemented in practice the latest technical, tactical, methodological and criminalistic tools (innovative criminalistic tools) are in demand and used constantly in practice, they are implemented in the form of new products, technologies, services, decision; 3) developed, proposed and put into practice the latest technical, tactical, methodological and criminalistic tools are the result of research or development, demanded and used in practice, forms of implementation (application) of such innovative criminalistic tools are new products, technologies, services, solutions; 4) the use of such innovations is carried out by special entities (investigator, judge, etc.), which ensures the qualification and efficiency of

the use of developed and implemented in practice innovative tools; 5) the focus of innovative tools on the effective solution of criminalistic problems, ensuring optimization, improving the quality and effectiveness of law enforcement practice and further innovative development of criminalistics¹.

Thus, criminalistic innovation should be understood as developed, implemented and applied in practice the latest technical, tactical, methodological and criminalistic tools, which are the result of research or development, embodied in the form of a new product, technology, service, solutions used by qualified special entities in practice and aimed at effectively solving criminalistic problems and ensuring optimization, improving the quality and effectiveness of law enforcement practice. In turn, an innovative criminalistic product is a new product or technology developed and proposed for implementation, which is the result of research or development, which is designed for their further use by qualified special entities and aimed at solving criminalistic tasks and ensuring optimization, improving the quality and effectiveness of law enforcement.

In view of the above, it is seen that in criminalistics there should be a system of scientific provisions, combined into criminalistic theory, ensuring the

¹ Shevchuk V. (2020). Current problems of forensic innovations research: concept, attributes and significant features. *Theory and Practice of Forensic Examinations and Criminalistics: Collection of Scientific Papers*, 21, 39.

transition from the system of scientific knowledge and their implementation in practice to optimize the implementation of criminalistic recommendations. In our opinion, such a theory can be called «criminalistic innovation»¹. 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 criminalistic innovation as a separate criminalistic theory.

Today, the vast majority of issues that are crucial in the formation of criminalistic innovation, in particular, the concept and essence of innovation in criminalistics, their features, functions, principles of formation and implementation, classification, stages of their life cycle, determining the place in the criminalistic system, identifying factors – determinants that determine the development and implementation of innovations in practice, as well as problems of their implementation in practice, efficiency and effectiveness of such innovations. To these and many other problematic questions it is necessary to give reasoned answers, based on sound methodological principles, taking into account modern scientific concepts in criminalistic science.

In this regard, it is worth noting the study of criminalistic innovation on the basis of general theoretical approaches that provide an explanation and justifi-

cation of such fundamental principles of any particular scientific theory as its genesis, essence, fact, hypothesis and theoretical construction. It is important at the theoretical level to study and reveal the patterns of functioning, all stages of the life cycle of innovation in criminalistics, from creation, proposal, implementation and implementation, the constant use of innovation in practice and their dissemination and dissemination. 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 used². The issues of determining the place of this theory in the criminalistic system, its structure and functions are also significant.

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

In determining the level of formation of a criminalistic theory, it is necessary to proceed from general philosophical approaches to solving this problem. In particular, P. V. Kopnin noted that

¹ Шевчук В. (2020). Методологічні проблеми формування понятійного апарату криміналістичної інноватики. *Вісник Національної академії правових наук України*, 2, 170–83.

² Rolf Ackermann et al. (2020). Schaffung eines einheitlichen europäischen Kriminologischen Raumes: Die Tätigkeit öffentlicher Organisationen zur Stärkung der internationalen Beziehungen. *Kriminalistik*, 6, 355–363.

knowledge to become a theory must reach a certain maturity in its development. The theory should include not only a description of the known set of facts, but also their explanation, highlighting the laws to which they are subject. There is no explanation – there is no theory¹. Guided by the above provisions, R. S. Belkin states that a separate criminalistic theory cannot 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 related to each other. Within the framework of certain theoretical provisions, cognition can lead to knowledge of certain laws of the subject; the objective connection of these laws, that's is knowledge of the laws of a deeper essence – this is the level of a separate criminalistic theory².

These provisions should be considered fundamental, starting to further study the problems of tactical operations in the formation of a separate criminalistic theory, which primarily raises questions about the subject, object and method of this theory³.

Taking into account that the subject of a separate criminalistic theory are certain laws of objective reality from those studied by criminalistics in general⁴, we consider it possible to join the point of view of V. Yu. Sokil and attribute to the *subject* of the theory of criminalistic innovation three groups of patterns: 1) patterns of innovation in criminalistics, in particular, the concept of innovation, their criteria, the ratio of innovative approaches to traditional, research stages of innovation, their classification, sources of innovative ideas in criminalistics, legal support for innovation, innovation actors, 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 innovations, etc. (*criminalistic axiology*); 3) patterns and features of implementation, use and application in practice of criminalistic innovations (*criminalistic praxeology*)⁵.

The object of this particular theory has a complex structure and represents both the criminalistic innovation itself, and the links and relationships that are manifested in the process of its creation, implementation and practical implementation and application. The object of criminalistic innovation is a special

¹ Копнин П. (1973). *Диалектика как логика и теория познания*, 260.

² Белкин Р. (2001). *Курс криминалистики: учебное пособие для вузов 3-е издание, дополненное* (М.: ЮНИТИ-ДАНА, Закон и право), 285.

³ Белкин Р. (1997). *Курс криминалистики. Т. 2. Частные криминалистические теории*, 19–23.

⁴ Zhuravel V. (2020). Crime mechanism as a category of criminalistics. *Journal of the National Academy of Legal Sciences of Ukraine*, 27 (3), 142–54.

⁵ Сокол В. (2008). Научно-исследовательские проблемы криминалистики. *Общество и право*. 1(19), 218–20.

type of activity – innovative criminalistic activity – the activities of authorized persons to create (develop), implement and apply in practice criminalistic innovation. 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. Accordingly, the subject of this separate criminalistic theory are the specific patterns of this activity, which we mentioned earlier.

Method is a system of cognitive techniques that are used both to build the theory itself and to apply its provisions in certain practical activities¹. As for the theory of criminalistic innovation, it acts both as an object of study of this theory, and as its own method.

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, a new theoretical construction is being formed in today's realities, which allows us to figuratively represent 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.

¹ Белкин Р. (1997). *Курс криминалистики. Т. 2. Частные криминалистические теории*, 22.

Regarding promising areas of innovative development of criminalistics, in our opinion, it is necessary to identify those that determine the innovative nature of further development and formation of criminalistic knowledge in modern conditions. In particular, in the field of criminalistic technology it is necessary to intensify research on the creation and implementation of innovative criminalistic products aimed at optimizing the fight against crime². These include new developed or adapted to the tasks and needs of combating modern criminal manifestations of new criminalistic tools, information technology, electronic knowledge bases, methods of recording, analysis, evaluation and collection of evidence, and others. In particular, modern biometric identification systems can be used for such needs – electronic identification of a person by biometric features – by appearance, fingerprints, iris pattern, gait, handwriting, DNA, etc³. Thus, the prospects for the development of this industry are related to the further improvement of existing criminalistic tools and the creation of new such tools, innovative technologies, as well as taking into account the positive foreign experience in combat-

² Перлін С. (2020). Поняття і види техніко-криміналістичного забезпечення правозастосовної діяльності, *Підприємництво, господарство і право*, 1, 221–226.

³ Шепітько В. та ін. (2017). *Інноваційні засади техніко-криміналістичного забезпечення діяльності органів кримінальної юстиції: монографія*, за ред. Шепітька В. та Журавля В., 20–22.

ing crime (Europe, USA, etc.). Therefore, the work on the use of artificial intelligence to ensure the solution of practical problems in the fight against crime should be significantly intensified¹.

In criminalistic tactics, research related to the development of criminalistic recommendations for the tactics of conducting individual investigative (search) and covert investigative (search) actions in modern conditions should be promising². This necessitates the formation of new tactics, tactical combinations and tactical operations, algorithms of investigative (search) actions. It is important to develop tactics for covert investigative (search) actions, criminalistic strategy³ and the introduction of new information technologies to increase the efficiency of gathering evi-

dence in investigative situations in conditions of uncertainty and lack of information about the event of a criminal offense. In criminalistic methodics, such activities are associated with recent changes in criminal and criminal procedure law⁴. They require the improvement of existing methods of crime investigation and the development of new ones, such as: crimes committed in emergencies; health crimes; smuggling of medical masks and other anti-epidemic products, falsification and illicit trafficking in falsified medicines, etc.

CONCLUSIONS

In modern conditions, the effectiveness of the fight against crime is a complex problem that covers a whole system of measures and areas that require joint efforts of government agencies, various ministries and agencies, law enforcement agencies and academics to direct such joint activities to address emerging practical challenges. Today, criminalistics must activate its powerful scientific potential and modern capabilities and use them in technical-criminological, tactical-criminological and methodological-criminological areas to ensure effective prevention and fight against modern challenges of crime.

In such modern realities, criminalistics, in our opinion, should intensify its prognostic function and scientifically

¹ Shevchuk V. (2020). Criminalistic technique: innovative directions of modern criminalistic research" (paper presented at the *Eurasian scientific congress*. Abstracts of the 2nd International scientific and practical conference. Barca Academy Publishing, Barcelona, Spain, 736–744.

² Коновалова В. (2018). Нові тенденції розвитку криміналістики. Матеріали науково-практичної конференції Міжнародного конгресу криміналістів: *Криміналістика и судебная экспертиза: наука, обучение, практика*, Одеса, Вересень, 2018), т.1, 55–64.

³ Kurapka V. E., Malevski H., Matulienė, S. (2016). *Europos kriminalistikos bendros erdvės 2020 vizijos įgyvendinimo Lietuvoje mokslinė koncepcija.*; Малевски, Г., Курапка В. Э., Матулиене С. (2017). *Судебная экспертиза в Литве – есть ли стратегия государственной криминалистической политики? Doctrina multiplex, Veritas una. Наукові праці Національного університету «Одеська юридична академія»*. Т.19, 326–335.

⁴ Konovalova V., Shevchuk V. *Prospective directions of research of innovations of separate criminalistic methodics*. Vol.1. Scientific practice: modern and classical research methods. (Boston-Vinnytsia. 2021), 81–85.

and methodologically provide the process of criminal proceedings with criminalistic recommendations for the effective use of innovations in pre-trial investigation and trial. It is important that without innovative technologies and means of solving organizational, legal, scientific and technical problems of development and implementation of criminalistic methods, means and recommendations to ensure the activities of law enforcement agencies will not meet the requirements of efficiency¹.

Purely with an integrated approach, in such unity and interconnection of emerging and solved tasks, it is possible to fully ensure the planning and implementation of the innovation process in criminalistic science and law enforcement practice², which involves the cre-

ation, implementation, application and dissemination of innovations.

In this regard, it can be argued that today in criminalistics the creation of scientific prerequisites for the development and formation of criminalistic innovation and such research in modern conditions is a promising innovative direction in the development of criminalistics, which requires scientific development. These issues are on the agenda, form the basis of further research by criminalistic scientists. Therefore, at the present stage of development of criminalistics, the problem of developing a separate criminalistic theory of innovation – criminalistic innovation is quite relevant and important. Further research on this scientific concept will enrich the theory of criminalistics, provide prerequisites for new approaches to solving important problems of general theory of criminalistics, criminalistic techniques, tactics and methods aimed at optimizing investigative, judicial and expert activities.

Інноваційні методи та цифрові технології в криміналістиці, судовій експертизі та юридичній практиці, Харків, Грудень 12, 2019), 84–91.

¹ Волинский А. (2011). Инновационная сущность криминалистического обеспечения расследования преступлений. *Вестник криминалистики*, 3(39), 27.

² Видмантас Эгидиус Курапка, Гендрик Малевски, “Научная концепция криминалистической политики в стратегиях органов правопорядка как инновационный прорыв в обеспечении создания общего европейского криминалистического пространства” (Материали міжнародного «круглого столу»: