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METHODS IN CRIMINALISTICS

The genesis and current condition of scientific approaches to defining methods in criminalistics are considered. It is noted that, despite the significant importance for the formation of the methodology of criminalistics science, no separate doctrine of its methods has been created yet. Conversely, scientists offer different definitions and classification constructions of methods of this science. There is not always a justifiable division of criminalistics methods into research methods and methods of practical activity. It is emphasized that the introduction of a single, unified, consistent classification of methods in criminalistics science is a prerequisite for the further effective scientific research in this area of knowledge and the solution of praxeological tasks in the activity of judicial investigative bodies, expert institutions, operational units. Finding out established approaches to the classification of methods in science of criminalistics will contribute to the final formation of the modern scientific criminalistics paradigm.

In view of the results of the analysis of scientific approaches, it is proposed to divide the methods in forensics into two varieties, using the following terms: 1) methods of criminalistics that means methods of studying the subject of research of this field of knowledge, carrying out scientific research; 2) criminalistics methods, that is, the optimal methods of action of authorized subjects that are the result of the conducted research and recommended for practical use. Methods of criminalistics should be grouped into the following levels: philosophical, general scientific (methods of empirical research, methods of theoretical research, general logical methods), separate scientific (special) (borrowed, transformed, especially criminalistics). In turn, forensic methods can be divided into: methods of collecting, recording and investigating evidence; methods of using forensic and special techniques; methods of conducting individual investigative (search) actions; methods of designing and testing investigators, court, expert versions and construction of forecasting models, etc. The above points out that in the forensic scientific knowledge there is a complex, dynamic, subordinated system of numerous methods of different levels, spheres of action, directions, which are realized taking into account specific conditions and subject of research. At the same time, this system is open and constantly updated with new methods as a result of their development and renewing.

Keywords: methods in criminalistics, methods of criminalistics, criminalistics methods, classification constructions of methods in criminalistic.

Formulation of Research Problem. The key to the structure of the general theory of forensics is the doctrine of its methods.

This is no coincidence, since the development of any science directly depends on the volume and quality of the tools used to study the

subject of study of a particular field of knowledge. There is no exception to this rule and forensic science, whose scientific potential is determined by the arsenal used to solve subjective cognitive and practical problems.

At the same time, no separate doctrine of methods has been created so far in forensics and there is no single approach to classifying its methods. Forensic scientists have made various suggestions on this issue.

The introduction of a unified, consistent, consistent classification of methods in forensic science is a prerequisite for the further effective scientific search in this field of knowledge and the solution of praxeological tasks in the activities of judicial authorities, expert institutions, operational units. Finding out established approaches to the classification of methods in forensic science will contribute to the final formation of the modern scientific forensic paradigm.

Analysis of recent researches and publications. Significant contributions to the development of the foundations of certain forensic students (theories) were made by such scholars as R. S. Belkin, A. M. Vasiliev, A. I. Wienberg, A. Yu. Golovin, V. G. Goncharenko, A. O. Eisman, O. O. Exarkhopulo, G. O. Zorin, Z. I. Kirsanov, V. V. Klochkov, V. O. Konovalova, V. Ye. Kornoukhov, I. M. Luzgin, G. A. Matusevsky, S. P. Mitrichev, V. O. Obratsov, M. O. Selivanov, V. G. Tanasevich, B. M. Shaver, V. Yu. Shepitko, M. P. Yablokov and others. At the same time, the proposals, with rare exceptions (R. S. Belkin), were made mainly on the pages of academic forensic textbooks, were not of a systematic nature and were not researched at the monographic level. There are practically no publications on the subject in the contemporary domestic specialized literature.

The **Article Purpose** is to analyze the approaches of forensic scientists to solve the problem of classification of methods in forensics, to provide their own suggestions on the possibility of their distribution. This is a conceptual approach, in which the methods in forensics are considered in two aspects: as a means of carrying out scientific search and as a result, i.e. we are talking about methods of forensics (scientific methods) and forensic methods (practical methods).

Main content presentation. The problem of classification of methods is the most debatable in the general theory of criminology, which uses methods to know the laws that form the subject of its research. It is a process of investigating, first and foremost, the patterns of the mechanism of crime, the emergence of information about the circumstances of the event of the criminal offense and the person who committed it, as well as the patterns of investigation of the crime. For the first time methods in the general theory of criminology were most fully and precisely defined by

R. S. Belkin in his fundamental writings¹. According to the scientist, it is advisable to carry out the classification of forensic methods up to three levels. The first level is a general method, in the structure of which are distinguished: a) categories and laws of dialectical logic;

b) formal and logical methods of cognition (methods of both traditional and mathematical logic). The second level is general (general) methods, which include observation, measurement, description, comparison, experiment, modeling, mathematical, cybernetic and heuristic research methods. The third level is the special methods where they are distinguished: a) own-criminalistic methods (technical criminalistic, structural-criminalistic); The third level is special methods, which distinguish: a b) special methods of other sciences (physical, chemical, sociological, statistical, anthropological, anthropometric, etc.).

In the future, all other criminologists who turned to the study of this issue, in one form or another, interpreted the suggestions made by R. S. Belkin. Thus, M. V. Saltevskiy shared the concept of the three-member classification of methods and distinguished the universal method, general scientific methods, including logical – analysis and synthesis, induction and deduction, analogy and version, as well as individual (special) methods with such groups as: methods of extraction information from personal sources (from people); methods of obtaining information from personal sources (from people of establishing facts when investigating particular types of crimes; methods of crime prevention by forensic means. At the same time, M. V. Saltevskiy emphasized that the proposed classification groups remain open, which allows them to attach to them new separate forensic methods that are being developed².

O. M. Korshunova and O. B. Serov in the classification of forensic methods distinguish general scientific and special, and to the latter group include methods borrowed from other sciences and methods developed by

¹ Div.: *Belkin R. S. Kriminalistika: problemy, tendencii, perspektivy. Obshhaja i chastnye teorii.* [Forensics: problems, trends, prospects. General and particular theories.] Moskva : Jurid. lit., 1987. S. 116–129; *Belkin R. C. Kurs kriminalistiki: v 3-h t. T. 1: Obshhaja teorija kriminalistiki.* [The course of forensics: in 3 vols. T. 1: General theory of forensics.] Moskva : Jurist, 1997; [in Russian] *Saltevskij M. V. Kriminalistika [Forensics]: pidruchnik: u 2 ch. Ch.1. Harkiv : Konsum, Osnova, 1999; Shepit'ko V. Ju. Teoreticheskie problemy sistematizacii takticheskikh priemov v kriminalistike* [Theoretical problems of the systematization of tactical techniques in forensics.] Har'kov : Original, 1995; *Matusovskij G. A. Kriminalistika v sisteme nauchnyh znaniy.* Har'kov : Vyssha shkola, 1976 ta in. [in Russian]

² *Saltevskij M. V. Kriminalistika [Forensics]: pidruchnik: u 2 ch. Ch.1. Harkiv : Konsum, Osnova, 1999; S. 16–19.* [in Russian]

the forensic science itself (technical-forensic and structural-forensic), emphasizing, that research methods should not be equated with practical practices as a result of scientific development¹. A. F. Volobuyev distinguishes philosophical, general and individual sciences among forensic methods. He emphasizes the need to clearly distinguish between the methods of cognition used by forensic scientists and forensic investigators, and therefore distinguish forensic methods into: 1) methods of scientific (theoretical) cognition; 2) methods of practical knowledge in the investigation of crimes².

According to V. Yu. Shepitko the most recognized is the classification of forensic methods according to three levels: 1) methods of dialectical and formal logic; 2) general scientific methods; 3) special forensic methods distinguishing forensic science methods and methods of practical activity that are directly used by operative-search workers, investigators, prosecutors, lawyers, judges, and sources of formation of which are natural and technical sciences³.

Thus, most scholars are adherents of the three-tier classification of forensic methods, but with different interpretations and internal filling of this classification by certain methods.

Approache analysis of proposed in the philosophical and specialized literature to the understanding of methods of science give reason to reach the following conclusions, which are the basis for further proposals regarding the classification of forensic methods:

1) method as a way of knowing is a set of rules (for example, the set and sequence of certain operations), a method, tools that contribute to solving theoretical or practical problems;

2) method is based on knowledge, it is knowledge transformed into certain principles, rules of action. The main purpose of any scientific method is to ensure, on the basis of appropriate principles (requirements, prescriptions) that certain cognitive or practical problems are solved,

¹ Kurs kriminalistiki: v 3 t. T. 1. Obshheteoreticheskie voprosy. Kriminalisticheskaja tehnika. Kriminalisticheskaja taktika [General theoretical issues. Forensic technology. Forensic tactics] / pod red. O. N. Korshunovoj i A. A. Stepanova. Sankt-Peterburg : Juridicheskij centr Press, 2004. S. 43–45. [in Russian]

² Kryminalistyka [Forensics] : pidruchnyk / [V. D. Bernaz, V. V. Biriukov, A. F. Volobuiev] ; za zah. red. A. F. Volobuieva. Kharkiv : KhNUVS, 2011. S. 19–23. [in Ukrainian]

³ Kriminalistika [Forensics] : pidruchnik : u 2-h t. T. 1. / [V. Ju. Shepit'ko, V. A. Zhuravel', V. O. Konovalova] ; za red. V. Ju. Shepit'ka. Harkiv : Pravo, 2019. S. 16–19. [in Ukrainian]

knowledge gained the optimal functioning and development of certain objects is achieved;

3) Each method is applied not in isolation, but in combination with others. The «Core» of the system of methodological knowledge is philosophy, since its principles, laws, and categories determine the strategy of scientific research, in a specific way embodied in specific forms;

4) philosophical methods are universal, that is, they are on the higher «floors» of abstraction. Therefore, they are not described in clear terms of logic and experiment, they are not formalized and mathematized but set only the most general regulations of the study, its general strategy, but do not replace specific methods and do not determine the final result of cognition directly and directly¹;

5) analysis of modern scientific concepts of philosophical methods refutes the outdated notion that there are only two methods – dialectics and metaphysics, and affirms the idea of the multiplicity of philosophical methods, where along with dialectics (Hegel, Marx, Engels) there is a method of transcendental analysis (Kant), phenomenology (Husserl), hermeneutics (Martin Heidegger)²;

6) general scientific methods are used in various fields of knowledge, have a universal character, provide knowledge of the world around and accompany any activity. These methods are necessary for the rational knowledge of being and its specific types, serve the purpose of the implementation of correct abstract thinking. It is necessary to distinguish philosophical methods from formal and logical ones. As I. D. Andreev rightly pointed out, «the formal-logical method in the known sense is also universal because it is used in any cognitive process; This does not mean that it is to some extent identical to the dialectical method of cognition.

The fact is that the laws of dialectics are known not only laws of thought, but also laws of being, laws of formal logic are only laws of thinking, laws of communication of thoughts in judgments³.

¹ *Stepin V. S., Elukov A. i., Goldberg F. I. Metody nauchnogo poznaniya / Gumanitarnaja jenciklopedija: koncepty. [Methods of scientific knowledge / Humanitarian encyclopedia: concepts.] Centr gumanitarnyh tehnologij, 2002–2019 (poslednjaja redakcija: 23.04.2019). URL : <https://gtmarket.ru/cosept/6874> (data zvernennia 24.06.2019). [in Russian]*

² *Filosofski metody : pidruchnyky onlain. [Philosophical Methods: Handbooks Online.] URL : [textbooks.net.ua/ content/view/5130/45/](http://textbooks.net.ua/content/view/5130/45/) (data zvernennia 24.06.2019). [in Ukrainian]*

³ *Andreev I. D. O metodah nauchnogo poznaniya. [On the methods of scientific knowledge.] Moskva : Nauka, 1964. S. 86. [in Russian]*

Also, in our opinion, despite certain criticisms, it is advisable to distinguish empirical and theoretical methods in the system of scientific methods. Yes, you can really agree with your opponents that there are neither theoretical nor empirical methods in their pure form. Methods of empirical research are never implemented «blindly» and always theoretically loaded, driven by certain conceptual ideas. As pointed out by R. S. Belkin, «any empirical method requires a meaningful human activity, logical statement of the problem and processing of the obtained results»¹. But this does not in any way indicate that they cannot be differentiated in the relevant classification constructions;

7) separate scientific (special) methods – are methods of technical, natural and socio-human sciences, which are used in one or more related fields of research of knowledge fields or developed in their specific field of knowledge their own cognitive tools. By nature, they can be borrowed or transformed into a particular field of research or specially designed (proprietary).

Based on these starting points, you can propose the following structure of forensic methods:

1. Philosophical methods.

2. General scientific methods of cognition:

a) methods of empirical research (observation, experiment, comparison, description, measurement);

b) methods of theoretical research (formalization, axiomatic method, hypothetical-deductive method, ascent from abstract to concrete);

c) general methods (analysis, synthesis, abstraction, idealization, generalization, induction, deduction, analogy, modeling, systematic approach, probably statistical methods).

Separate (special) methods, i. e. borrowed, transformed into the field of forensic research methods of technical, natural and socio-human sciences or developed in the field of forensic knowledge own cognitive tools.

It should be noted that, because forensic science is a separate branch of knowledge, its own methods for the general classification of methods of cognition can be defined as separate scientific. At the same time, it is desirable to classify them in the classification of forensic methods as special (proper forensic) emphasizing the originality of these cognitive tools in the field of forensic research.

¹Belkin R. C. Kurs kriminalistiki [Forensics course]: v 3-h t. T. 1: Obshhaja teorija kriminalistiki. Moskva : Jurist#, 1997. S. 345. [in Russian]

Among the scientific methods that certainly permeate all areas of forensic research, it is especially important to identify those that form the basis for the formation of new, modern cognitive approaches. It is primarily about formalization, systemic, structural-functional (structural) and probably statistical methods. Thus, formalization as a reflection of meaningful knowledge in a symbolic and symbolic form in order to exclude the possibility of ambiguous understanding of it serves as a basis for introducing the basics of algorithmization and programming¹ into criminalistics. On the basis of a systematic approach, forensic systematics was developed and a system of tactical techniques was constructed. Structural method became the basis for the formation of forensic characteristics of crimes and probably statistical; to clarify the nature of the relationship between its elements.⁴

With regard to individual (special) methods that is forensics among all the sciences of the legal cycle is assigned the function of transformation, creative processing and adaptation of the achievements of different branches of knowledge to create a new scientific product and its introduction into jurisprudence. According to the figurative statement of R. S. Belkin, forensic science provides for the *expansion* of natural and technical sciences into the judiciary⁵. At the same time, «bringing to the forensics data of other branches of knowledge» noted G. A. Matusovsky, «is not an end in itself». This process is aimed at achieving a higher degree of accuracy in its scientific research and practice in crime detection and investigation⁶. So, on the basis of basic researches of physics, chemistry, microbiology, mechanics, such directions in forensics as optical, ultraviolet, infrared, luminescent, electron, X-ray, atomic microscopy are

¹ Zhuravel V. A. Problemy alhorytmizatsii ta prohramuvannia rozsliduvannia zlochyniv [Problems of algorithmization and programming of crime investigation]. Visn. Akad. prav. nauk Ukrainy. Kharkiv : Pravo, 2008. № 2(53). S. 191–200; Khan O. O. Teoretychni osnovy planuvannia ta prohramuvannia slidchykh (rozshukovykh) dii [Theoretical basis of planning and programming of investigative (investigative) actions] : avtoref. dys. ... kand. yuryd. nauk: spets. 12.00.09 / Nats. yuryd. un-t im. Yaroslava Mudroho. Kharkiv, 2016. 20 s. [in Ukrainian]

⁴ Kolesnichenko A. N., Konovalova V. E. Kriminalisticheskaja harakteristika prestupleni [Forensic characteristics of crimes] : ucheb. posob. Har'kov : Jurid. in-t, 1985. 92 s. [in Russian]

⁵ Belkin R. S. Kurs kriminalistiki [Forensics course]: ucheb posobie dlja vuzov. 3-e izd., dopolnennoe. Moskva : JuNiTi-DANA, Zakon i pravo, 2001. S. 152. [in Russian]

⁶ Matusovskij G. A. Kriminalistika v sisteme nauchnyh znaniy [Forensics in the system of scientific knowledge]. Har'kov : Vyshha shkola, 1976. S. 11. [in Russian]

used, emission, spectral, chromatography, spectrometry etc¹. Modern sociological methods such as qualitative and quantitative document analysis (content analysis), questioning (questioning, interviewing) form the basis for criminologists to summarize empirical observations and to formulate appropriate recommendations for practice on this basis. Forensic methods are addressed in the aspect of creation and implementation of the provisions of forensic prediction theory. Anthropological and anthropometric methods are used in the study of problems of examination of living persons, corpses, and psychological methods are used to formulate recommendations for establishing psychological contact with participants in criminal proceedings.

Forensic science has also developed its own cognitive tools, the specificity of which is determined by the identity of the objects and object of study. This level includes: the method of constructing forensic versions (version), the method of modeling the situation of the scene, the method of identification of the person in perfect traces, the method of establishing correlation between the elements of the forensic characteristics and to build on this basis typical versions of the perpetrator and others. Proposing the latter method, V. L. Sinchuk states that «its essence is that the analysis of the relationships between elements of a forensic characteristic allows on the basis of deduction, to make assumptions about the existence of as yet unknown facts pertaining to the crime. In other words, the detection of any element of the system with a degree of probability during the investigation may indicate the existence of another not yet established element and determine the directions and means of its search. It is in the possibility of disclosure of a specific crime with the use of generalized data on previously investigated similar crimes, and the practical instrumental significance of both the forensic characteristic itself and the method of establishing correlation dependencies between its elements lies»².

Along with forensic techniques, forensic methods are the result of theoretical and empirical research and ways of optimizing the activities of authorized entities to collect, investigate, and use evidence in criminal proceedings. In forensic, expert, operational, search and other types of legal practice, forensic methods are implemented along with forensic

¹ Osnovy estestvenno-nauchnykh znaniy dlja juristov [Fundamentals of natural scientific knowledge for lawyers] / pod red. prof. E. R. Rossinskoj. Moskva : NORMA-INFRA-M, 1999. 600 s. [in Russian]

² Synchuk V. L. Rozsliduvannia vbystv: shliakhy vdoskonalennia [Homicide investigations: ways to improve] : monohrafiia / za red. d-ra yuryd. nauk, prof. V. A. Zhuravlia. Kharkiv : Kharkiv yurydychnyi, 2005. S. 94. [in Ukrainian]

techniques and means. All forensic techniques developed and proposed by the practice must meet the following requirements:

- 1) lawfulness based on the norms of the current legislation, first of all criminal procedural law;
- 2) scientific development taking into account the modern achievements of science and technology;
- 3) determination and conditionality of specificity of objects of knowledge, regularities of the subject of study;
- 4) efficiency and reliability the ability to ensure a positive outcome with a high degree of probability;
- 5) cost effectiveness the cost of creation should be less than the achieved results;
- 6) quality and accessibility the clarity and accessibility of each trained specialist;
- 7) reproducibility – the ability to use an unlimited number of times.

Among the forensic methods are the following groups: methods of collecting, fixing and investigating evidential information (physical and chemical methods of detection of invisible traces of fingers, electrolytic methods of restoration of missing signs on metal objects, methods of establishing invisible and invisible texts); methods of using forensic and special techniques (methods of forensic photography); methods of conducting individual investigative (search) actions (concentric and eccentric methods of inspection of the scene); methods of nomination and verification of investigative, judicial, expert versions and construction of predictive models, etc.

Conclusions. In forensic science there is a complex, dynamic, subordinated system of numerical methods of different levels, spheres of activity, directions, which are realized taking into account specific conditions and subject of research. This is a conceptual approach, in which the methods in forensics are considered in two aspects: as a means of carrying out scientific search and as a result, i.e. we are talking about methods of forensics (scientific methods) and forensic methods (practical methods).

Forensic methods should be understood to mean a scientifically balanced system of principles and imperatives, rules and norms, operations and procedures for the implementation of empirical and theoretical levels of research, which allows to obtain new knowledge, its verification and confirmation in the process of solving relevant subject-cognitive tasks.

Forensic methods this is a set of theoretical and empirical studies, a set of ways of optimal implementation of investigative, judicial, expert,

operational and search activities aimed at obtaining information about the mechanism of the crime, its circumstances and the person who committed it.

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В. А. Журавель

МЕТОДИ В КРИМІНАЛІСТИЦІ

Розглянуто генезу та сучасний стан наукових підходів щодо визначення методів у криміналістиці. Зазначено, що попри вагоме значення для формування методології науки криміналістики окремого вчення про її методи дотепер не створено.

З огляду на результати проведеного аналізу наукових підходів запропоновано методи в криміналістиці поділяти на два різновиди, використовуючи такі терміни: 1) методи криміналістики, тобто методи вивчення предмета дослідження цієї галузі знань, здійснення наукового пошуку; 2) криміналістичні методи, тобто ті оптимальні способи дій уповноважених суб'єктів, які є результатом проведених наукових досліджень і рекомендовані практиці.

Ключові слова: методи в криміналістиці, методи криміналістики, криміналістичні методи, класифікаційні побудови методів у криміналістиці.

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