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CRIMINALISTIC TECHNIQUE IN THE SYSTEM OF FORENSIC THEORY

The term «criminal investigation technique» has two meanings in the scope of Theory of Criminalistics. The first meaning of the term is used for disclosure of one of regulatory means in Criminalistics cognition – criminal investigation technique cognition. This meaning of Criminalistics technique is disclosing in the limits of structure of the process of Criminalistics cognition. The second meaning of the term «Criminalistics technique» is disclosing in the limits of description of the system of cognitive activity in the sphere of applying criminal law.

During disclosure of the second meaning of the term «Criminalistics technique» we are pointing out that, first of all, it is the system of knowledge, used for organization of investigation of the event of criminal offense, id est, knowledge necessary and sufficient for getting new knowledge about the event of criminal offense. Knowledge acquired and used during applying criminal law in Latvia is knowledge of substantiate but not of faith nature. This knowledge is collective (sociable) knowledge and manifests itself during rationalization of investigation of the event of criminal offense. Personal knowledge manifests itself only during the stage of optimization of investigation of the event of criminal offense.

It is necessary to differentiate knowledge about criminal offense as knowledge about theoretical construction in criminal law and knowledge about the event of criminal offense as knowledge about phenomenon of fragment of material reality, which is evaluated as criminal offence. Knowledge about criminal offense (about corpus delicti) and linked circumstances as theoretical constructions in criminal law is collective (common, social) knowledge. This knowledge is gained by the person investigating the event of the criminal act in the course of long legal education. Knowledge about the event of criminal offense is got during another cognitive activity – investigation (cognition) of specific event of criminal offense. This knowledge is domain for other people, id est, collective (common, social) knowledge and it is fixed in the materials of criminal case.

Theoretical knowledge, necessary for reasonable process of investigation of the event of criminal offense, encloses two types of knowledge (primary and guiding) about rationalization of the activity. Criminalistics techniques (system of knowledge about organization of Criminalistics activity) as subbranch of Criminalistics theory is fulfilling methodological function for developing of techniques for organization of investigation of separate types of criminal offenses.

Keywords: Criminalistics theory, criminalistics techniques, organization of investigation of the event of criminal offense.

Formulation of Research Problem. Correct understanding forensic methodology essence of is connected with the definition of value landmarks within which the essence of this concept can be revealed. The

term *technique* is usually used to refer to specifically organized activity within human activity meaning cognitive or transformative. So when we talk about any technique at all, we are first and foremost talking about things related to human activity. By designating a particular technique as a *forensic technique* we point to the sphere of human activity in which they apply this technique. In this case, the term *forensic technique* indicates that this technique belongs to the field of criminalistics (investigation of criminal acts).

Analysis of Current Researches. Limited language capabilities allow the use of the same word to refer to objects with different subject and semantic meanings. In such cases we are talking about the presence of homonymy, ie. about the presence of different in meaning but identical in sound and writing units of language. The term *forensic technique* has two meanings in criminalistics theory. The first meaning of the term *forensic technics* is used to disclose the content of one of the regulatory tools of forensic cognition; the methodology of forensic cognition. Authors have previously stated their position in disclosing this meaning of the concept of *forensic technics*.

The second meaning of the term *forensic technique* is disclosed within the description of the system of human cognitive activity in the field of criminal enforcement. The concept of human activity is the basic concept in the description and explanation of the *second nature*, ie. a world whose appearance and existence is unthinkable without the productive activity of human civilization. It is generally accepted to regard human activity as the unity of the spiritual and material aspects of Dasein¹.

For the spiritual side of human activity is characterized by knowledge of the world, for the material side is its transformation. Human activity is a necessary condition for the existence of society and includes four basic elements: purpose, means, result and the process of activity itself.

Investigating the event of a criminal act is not a transformative human activity, but a cognitive human activity. Any system of cognitive human activity is explained and described by a set of three subsystems: the system of objects of cognition, the system of cognitive actions and the system of knowledge. Reflection on individual systems and their various combinations allows to carry out ontological, praxiological, logical, epistemological and methodological analysis, as well as to control the process of specific cognitive activity. These circumstances are the answer

¹ Podr. sm. : Vedin I. F. Bytie cheloveka: dejatel'nost' i smysl [Podr. sm. : Vedin I. F. Bytie cheloveka: dejatel'nost' i smysl. Riga : Zinatne, 1987]. Riga : Zinatne, 1987 [in Russian].

to the question: «Why should a Particular theory of a Specific Cognitive Human Activity contain only three sections?» – Because they describe nothing but the system of objects of knowledge, the system of cognitive actions and the system of knowledge of specific cognitive activity.

The **Article Purpose** is to outline the problematic aspects of the concept of *forensic technics* and to outline the parameters of theoretical knowledge about the investigation of the crime.

Main content presentation. Criminalistics is a theory about the cognitive activity of man, which is called the investigation of criminal acts.

Therefore, the Special (Subject) part of this theory should contain and contain only three sections: 1. The Forensic technique¹ section describing the system of cognition objects (the appearance of traces of criminal activity);

2. The *Forensic Tactics* section² describing the system of cognitive actions (investigative actions); 3. The Forensic technics section describing the system of knowledge necessary for the implementation of cognitive activities (investigation of the event of a criminal act; obtaining new knowledge).

Specificity of a sensible inquiry into the event of a criminal act lies in the realization of the aforementioned structural subsystems as value orientations and their follow-up in this cognitive activity.

Investigation of an event of a criminal act is a specific human productive cognitive activity, in the course of which a person pursues the main purpose – to establish the circumstances of the event of the crime and the circumstances associated with, ie. gaining new knowledge. The volume and content of this knowledge should be sufficient for a criminal-law evaluation of the knowledge gained about the event under investigation. The criminal law assessment of the knowledge gained is carried out by means of theoretical criminal law constructs: the composition of the criminal act; circumstances excluding criminal liability; Circumstances mitigating or aggravating criminal liability and circumstances that may lead to a release from criminal liability and punishment. The totality of specific descriptions of these criminal legal structures³ is contained in the criminal law of the State in whose territory

¹ Terehovich V. N. Sushhnost kriminalisticheskoy tekhniki [The essence of forensic technology]. Teoriya ta praktika sudovoï ekspertizi i kriminalistiki : zb. nauk. prac. Harkiv, 2017. Vip. 17. S. 29–39 [in Russian].

² See: Terehovich V.N., Nimande E. B. The essence of forensic tactics. Theory and Practice of Forensic Science and Forensic Science of sciences. articles. Kharkiv, 2018. Issue 18. P. 35 35.

³ Terehovich V. N. Teoriya kriminalistiki [Theory of forensics]. Obshhaja chast : monografiya. Riga, 2015. S. 60–98 [in Russian].

this law is in force. This totality may change over time in the lawmaking process of this state.

Revealing the second meaning of the term *forensic technics*, we point out that it is, above all, a system of knowledge that is used to organize the process of investigating the event of a criminal act, ie. knowledge of the necessary and sufficient to obtain new knowledge about the event of criminal act. What is knowledge? In what form is this knowledge used in the knowledge (investigation) of a specific event of a criminal act?

Knowledge is the cognition result. Cognition is a specific awareness of reality carried out within the framework of cognitive activity¹. Realizing reality implies acquiring certain knowledge. Such acquisition is accompanied by the intentionality of cognition (focus on a particular subject, object of cognition), attention and self-report of the knower in his own cognitive actions. Human being not only knows the world, but also acts on the basis of the knowledge gained. Knowledge refers not only to truth or falsehood as categories of reason, but also to good and evil, beautiful and ugly, as categories of moral and aesthetic. To know means to have a clear, well-founded idea not only of what is, but also of what was and will be.

What should be the knowledge used in the investigation of a criminal act? First, depending on the nature of knowledge, knowledge is divided into knowledge based on faith and knowledge based on experiential or logical justification. As early as the end of the 19th century, the former president of the Royal Society of London, T. Hexley (1825-1895) formulated the basic principle of the nature of modern scientific knowledge: «By taking something for granted, science commits suicide.»

Therefore, knowledge in the field of science is knowledge based on logical or experienced reasoning. Knowledge in the field of religion is knowledge based on faith. Such a dichotomous difference in the nature of knowledge is the answer to the question. «Why cannot the means of science prove or disprove the existence of God?»

The knowledge received and used in Latvia criminal law enforcement is knowledge that is justified. For example, in Part 2 of Article 203 of the Federal Rules of Criminal Procedure of Latvia it is specified that in the conclusion the expert specifies the reasoned answers to the posed questions or the reasons for which it is impossible to give an answer; in part 1 of article. 318 of the Federal Rules of Criminal Procedure of Latvia it is specified that in the pre-trial investigation the

¹ *Vedin Ju. P.* Poznanie i znanie [Cognition and knowledge]. Riga : Zinatne, 1983. S. 37 [in Russian].

person conducting the process, accepts and makes in writing the motivated decisions; Part 3 of Article 328 of the Federal Rules of Criminal Procedure of Latvia states that officials involved in the criminal process, but not the persons leading the process, take reasoned decisions on issues within their competence; in Part 2 of Article 511 of the Federal Rules of Criminal Procedure of Latvia it is specified that the sentence should be lawful and *justified*. Argumentation, motivation, justification are words that indicate the acquisition of knowledge in the form of judgments, which are based on facts (arguments), obtained either experimentally or logically.

Second, in the process of cognitive activity, a person uses a set of two types of knowledge: *collective (public) knowledge and personal knowledge*. Collective (public) knowledge is called such knowledge, which is a universal property, it is evaluated and discussed by different people, communicated by one people to another, or transmitted from one people to another through training.¹ Different people may have the same knowledge, i. e. collective knowledge, thanks to a specific medium of communication, namely language. Law is the regulator of public relations.

The exercise of the right relates to the public sphere of human activity. Therefore, historically, in criminal law (and in all jurisprudence), collective knowledge always has a verbal nature; manifested in the form of natural and artificial languages. This is the secret of the emergence of the basic principle of jurisprudence: «word for the weight of gold».

The use of language in jurisprudence always has a fixed form, namely: legal text. For example, contract, agreement, order, law, protocol, ruling, sentence, etc. Collective knowledge in jurisprudence is the basis for the existence of legal relations between people. People can engage in social relations (including criminal-legal relations) only within the scope of collective knowledge, i.e. public knowledge. It is necessary to distinguish between knowledge of a criminal act as knowledge of a criminal-law theoretical construction and knowledge of an event of a criminal act as knowledge of the phenomenon of a fragment of material reality which is assessed as a criminal act. Knowledge of a criminal act (knowledge of the composition of a criminal act) and the circumstances associated with it, as a criminal-law theoretical construct, is knowledge of the collective (public).

This knowledge is gained by the person investigating the event of the criminal act in the course of long *legal* education. Knowledge about

¹ *Lektorskiĭ V. A.* Jepistemologija klassicheskaja i neklassicheskaja [Epistemology is classical and non-classical]. Moskva : Jeditorial URSS, 2001. C. 188 [in Russian].

the event of a criminal act is obtained in the course of another cognitive activity in the process of investigation (knowledge) of a specific event of a criminal act. Knowledge about an event of a criminal act is meaningful only if the knowledge of the investigated event of the criminal act makes the person conducting the investigation of the criminal act not personal knowledge (for the purposes of personal consumption), but the property of other people, i.e. collective (public) knowledge in the form of criminal case materials.

Materials of the criminal case are of the nature of the written language (all the basic materials of the criminal case are in the form of written texts). This achieves the socialization of knowledge about the event of a criminal act, i.e. in this form, knowledge of the event of a criminal act begins to exist independently of the person who investigated the event of a criminal act. This knowledge can be used by all parties to criminal law enforcement. Knowledge recorded in texts, i.e. reflected in the materials of the criminal case are the basis of the criminal legal claims of the prosecution against the other party to the criminal dispute.

Therefore, one of the means of counteracting the fair settlement of criminal-law relations is the destruction of the materials of the criminal case through the fault of interested persons.

Personal knowledge usually exists in a non-linguistic form. In linguistic form, personal knowledge is manifested not explicitly, but in the form of analogies, allegories, etc. In professional activity, the use of only collective knowledge is called *professionalism*.¹ In professional activity, the use of a set of collective knowledge and personal knowledge is called craftsmanship. Craftsmanship is manifested in obtaining such a quality product, which in practice cannot be obtained using only collective (public) knowledge. It is convenient to use the principle of complementarity in explaining this phenomenon. In order to become a master in addition to collective knowledge, a professional must have personal knowledge.

There is a concept of *know-how*. This is nothing but the inaccessibility of other people's personal *master's* knowledge. In the system of vocational education there is an element, namely: industrial practice. The subject-subject relations of this kind of activity are realized within the system of the intern. Essence of this form of education lies in the fact that after obtaining a certain amount and content of the collective knowledge necessary to perform a specific practical task, the opportunity

¹ In this case, the authors do not consider the second component of professionalism — skills.

to experience not only the truth of the knowledge obtained, but also the opportunity to acquire the personal *master's* knowledge.

Therefore, in the process of professional education of future employees of the prosecutor's office, investigative units, expert institutions, courts, trainees, as a rule sent to the *master*, i.e. to a prosecutor, an expert institution etc., possessing not only sufficient professional (collective) knowledge, but also possesses mastery in his profession. As a rule, the presence of mastery is evidenced by the high positive *industrial* performance of a particular employee. Mastering know-how in cognitive activity is nothing more than an additional acquisition of collective knowledge of personal knowledge. Personal knowledge is shown only at the stage of activity optimization. So when we talk about rationalizing an activity, we are talking about using collective knowledge, and when we are talking about optimizing an activity, we are talking about using personal knowledge as well. This explains the fact that no criminology textbook, as a collection of collective knowledge, contains knowledge about optimizing the investigation of a specific crime event, i.e. personal knowledge. Development of our knowledge about the investigation rationalization¹ of criminal acts occurs in the process of the transition of personal knowledge into collective (public) knowledge. This lengthy and ambiguous process takes place using such a means of knowledge transfer as language. The cumulative development of forensic knowledge is expressed in the development of forensic terminology. How difficult and ambiguous is the process of introducing new forensic terminology, that is, the transition of personal knowledge to collective knowledge can be convinced by examining the forensic literature of the last 20 years. As a rule, such work is demonstrated by individual authors with the publication of numerous textbooks, glossaries, dictionaries, reference books (desk) books of a criminalist, investigator, prosecutor, expert. The poor terminology in these publications testifies, first of all, to the differing views of many authors about the essence of the process of

¹ Rationalization and optimization are the main characteristics of a methodological analysis of activities. Rationalization is increasing the degree activity rationality. Rationalization activity necessarily implies availability of the following activity parameters: legality, focus, expediency and effectiveness. Activity rationality is manifested in the extent which degree activity implementation contributes to the achievement of activity goal is *useful* for. Rationality criteria are set by activity goals. Activity rationality is manifested in availability of necessary and sufficient actions that are carried out in the process of this activity. Optimization is choosing the best (from the point of view of activity purpose and given conditions and restrictions) set of actions from among the possible and rationally justified.

investigating a criminal act. The result of speculative invention about nature of the event investigation of criminal act is the generation of many *phantoms*, *fakes* of criminalistics. For example, such as the forensic characteristics of crimes, the forensic classification of crimes, the forensic characteristics of a criminal case, criminalistics characteristics of a trial, forensic characteristic, forensic surveillance, forensic situationology, forensic classification of forensics, forensic reflection, forensic modeling, forensic diagnosis, forensics, crime mechanism, crime disclosure, crime prevention, crime prevention such *dummies* of criminalistics. These and other *phantoms* of forensics are born in the minds of people who are unfamiliar with the theoretical intricacies and practices of criminal-law regulation of public relations.

Third, the investigation of a crime event is related to the acquisition of new, unknown knowledge of the crime event. Any cognitive activity is possible only if there is any prior, initial knowledge. This is explained by the principle of sufficient basis: «*ex nihilo nihil fit*» meaning nothing comes from nothing. Any empirical knowledge, including the investigation of a specific event of a criminal act, presupposes existence of certain preliminary theoretical premises without which it is simply impossible. In this connection, Popper wrote that the idea that science evolves only from observation to theory is still quite widespread.

However, the belief that we can begin scientific research without something similar to theory is absurd. K. Popper gives the following example in support of this statement: I began my lecture with the following words: «Take a pencil and a paper, carefully observe and describe your observations!«. Students asked him, «What exactly should they watch?» It is clear that simple instruction: «Watch!» is absurd».

Observation is always selective. It is necessary to choose an object, a certain task, to have some interest, a point of view, a problem.

Observation description involves the use of a discrete language with words that capture the corresponding properties; such language implies similarity and classification, which in turn suggest interest, point of view, problem.¹ Therefore, any conscious investigation into the event of a criminal act necessarily implies that the person conducting the investigation has certain theoretical knowledge that determines the setting on the intentionality (focus) of his activity. More primitive theoretical knowledge in the field of forensics of the person conducting the

¹ Devjatova S.V., Kupcov V. I. Osobennosti processa nauchnogo poznaniya [Features of the process of scientific knowledge]. Filosofija i metodologija nauki / pod red. V. I. Kupcova. Moskva : Aspekt Press, 1996. S. 181 [in Russian].

investigation of the crime, easier it is for him to maintain the illusion that he is a true professional in this field and his activities are as rational as possible.

Theoretical knowledge necessary for a rational process of investigating a criminal act involves two types of knowledge about the rationalization of that activity. The first kind of knowledge is the knowledge needed to initiate the process of investigating a criminal act.

Such knowledge is not only an impetus for the beginning of cognitive activity, but it is also necessary to save the material, human and other resources of law enforcement agencies. We call this theoretical knowledge the *initial theoretical* knowledge of the investigation of a criminal act. The second kind of theoretical knowledge about rationalization of the investigation of the crime event is called directing theoretical knowledge of the investigation of the crime. Such knowledge ensures the intentionality (focus) of all activity on the achievement of the main goal, namely: establishing the circumstances of the event of the criminal act and the circumstances related to.

What is the initial theoretical knowledge in the investigation of a criminal act¹? What is nature of this knowledge? To answer this question it is necessary to make a small digression. In social science, the basic terms are the individual (personality) and society. The political form of society organization civil is called the state. Historically, civil society has delegated to the state basic functions that ensure the fulfillment of the main task of society as a self-organizing and self-regulating system meaning reproduction (in the broad sense of the word). In democracies, the performance of these functions is organized and controlled by a specific state structure – the Cabinet of Ministers (Government) providing political leadership and state support. The composition of the Cabinet of Ministers reflects the priority areas of state activity in a particular state. Therefore, the composition of the Cabinet of Ministers may change over time. The basis of all protests and dissatisfaction on the part of civil

¹ When we say that we are investigating the event of a criminal act, we indicate that we only indicate the direction of our cognitive activity, and not the knowledge of a criminal act as a fragment of reality. in Latvia, the final criminal law assessment of the investigated event is given by the court. Until the final court decision, we do not know (we can only assume) that the event investigated by us is assessed as a criminal act. if the court finds the investigated event a criminal offense, i.e., that corresponds to the description of the specific structure of the criminal offense, then it shall pass a conviction (in the absence of circumstances precluding criminal liability). if the court evaluates the investigated event as inconsistent with the description of the specific composition of the criminal act then it shall Issue an acquittal.

society with respect to the activities of the state is the creation by the state of insufficient favorable conditions for the reproduction of civil society as a system.

Human society as a system is reproduced and exists due to the positive activity of its members. Activity of members of society aimed at destroying society as a system or impeding the reproduction of society as a system is assessed as destructive, negative, dangerous to society. Member activities of a society considered dangerous to society have historically been called criminal activity or crime. *Crime* (the basic term of criminology) is a natural property of the members of any society to generate criminal¹, i.e. acts dangerous to society. The utopian views of the *complete eradication of crime* are but a fiction and a means of declaring naive populism in politics. Therefore, one of the tasks of the state is only to minimize the dangerous (criminal) activities of individual citizens and their communities, i.e. maximally secure the conditions of existence and reproduction of society as a system. Traditionally, one of the means of solving such a problem is *criminal law enforcement* involving use of criminal law for this purpose. This means that a particular state first of all determines the list of dangerous for the public (for public relations) types of behavior of members of the society and declares these types of behavior criminal and prohibited under the threat of criminal punishment. This list is referred to as criminal acts, which are codified as being described in a specific part of the criminal law of a particular state. The list of criminal acts in the Special part of the Criminal Code of Latvia is organized into the following groups: 1) Crimes against humanity, peace, war crimes, genocide. (Chapter IX); 2) Crimes against the State (Chapter X); 3) Criminal acts against the environment (Chapter XI); 4) Deprivation of Life (Chapter XII); 5) Criminal acts against the health of a citizen (Chapter XIII); 6) Criminal acts against the health of a citizen (Chapter XIV); 7) Criminal acts against the health of a citizen (Chapter XV); 8) Criminal acts against the health of a citizen (Chapter XVI); 9) Criminal acts against the health of a citizen (Chapter XVII); 10) Criminal acts against the health of a citizen (Chapter XVIII); 11) Criminal acts against the health of a citizen (Chapter XIX); 12) Criminal acts against the health of a citizen (Chapter XX); 13) Criminal acts against the health of a citizen (Chapter XXI); 14) Criminal acts against the health of a citizen (Chapter XXII); 15) Criminal Offenses Against Jurisdiction (Chapter XXIII); 16) Criminal

¹ V teorii ugovnogo prava prestupnye dejaniya soderzhat chetyre objazatel'nye jelementa — protivozakonnost', opasnost', vinovnost' i nakazuemost' [in Russian].

acts in the field of public service (Chapter XXIV); 17) Criminal acts against the health of a citizen (Chapter XXV).

The title of the chapters of the Special Part of the Criminal Law of Latvia is nothing more than an indication of such spheres of public relations that are most important for the existence of Latvian society as a system at this historical stage of its development, i.e. certain encroachments on the spheres of public relations specified in the Criminal Law of Latvia are dangerous for the Latvian society, therefore they are recognized as criminal. Changing the content of a specific part of the criminal law occurs in the process of criminalizing the lawful behavior of members of society and decriminalizing criminal acts.

The basis of such systematization of criminal acts in Latvia is the sphere of public relations as the object to which the criminal encroachment is directed. In the theoretical criminal-legal construction of *composition of a criminal act* such a sphere of social relations is called the object of the composition of a criminal act. This means that encroachments only on these spheres of public relations (in the presence of other elements of the composition of a criminal act specified in the law) in Latvia are recognized as criminal offenses. Thus, in Latvia the problem of determining the primary sign of criminal encroachments on public relations is solved. Initial theoretical knowledge necessary to initiate the process of investigating a criminal act. This means that the absence of this sign in the behavior of members of society, ie. encroachments on public relations not specified in the Special Part of the Criminal Code of Latvia, gives sufficient grounds for refusing the request to open a criminal case and initiate an investigation.

Initial theoretical knowledge of the investigation of the event of the criminal act, i.e. knowledge of the object of a criminal act is a special, legal knowledge. The object of a criminal act is a criminal-legal theoretical construction (abstraction). Knowledge of this and other criminal legal abstractions should be obtained by the person conducting the investigation of the criminal act in the course of long *legal* education. «Why is it advisable to study forensic theory after studying the basics of criminal law theory and the criminal process?»

What should be the guiding theoretical knowledge of the investigation of a criminal act? The following circumstances must be borne in mind to answer this question. First, directing theoretical knowledge about the investigation of an event of a criminal act is manifested in the form of methodical instructions, ie. in the form of production regulations in a certain sequence of necessary cognitive actions. These prescriptions dictate such a course of action by the person

conducting the investigation of the event of the criminal act, which can lead to a foreseeable result, i. gaining new knowledge, the volume and depth of which makes it possible for a criminal-law evaluation (qualification) of this event.

Secondly, the concepts of activity, action, operation are the concepts of one logical series of human activity and are, respectively, in relation to subordination as general – private – single. This means that every activity involves actions, every action involves operations. Trivial operation is such a human activity that does not require methodological reflection on it. For example, switching on a gas stove, opening a door, filling a glass with a drink, smoking a cigarette, producing simple arithmetic calculations, etc. Comparative analysis of the concepts operation, action, activity is of practical importance only in the process of evaluating the logical relationships between these varieties of human activity. Therefore, the description of these concepts is general; must include the purpose, means, outcome and process of a particular type of human activity.

The result of the generalization of the term operation is the concept of action, i.e. the set of production of certain operations forms a concrete action. For example, the action *heating water* is the totality of the production of the following operations: filling the vessel with water, switching on the gas stove, setting the tank with water on fire. The purpose of the operation (for example, to include a gas stove) and the purpose of the action *heat the water* are in relation to subordination as the intermediate goal and the ultimate goal of the action. Achieving a set of intermediate goals can lead to the end goal. The purpose of the action and the purpose of the activity are also related to subordination as an intermediate goal and an ultimate goal of the activity. Therefore, in the description of activities, a necessary element will be to describe the production of a set of actions that are necessary and rationally justified to achieve the purpose of a particular activity. Therefore, in the description of activities, a necessary element will be to describe the production of a set of actions that are necessary and rationally justified to achieve the purpose of a particular activity. The purpose of the activity *establishing the circumstances of the event of a criminal act* is to obtain such knowledge about a fragment of material reality that would allow a comparative assessment of it with a description of the specific composition of the criminal act specified in a special part of the criminal law, i.e. a description of a specific theoretical construct, namely: *composition of the criminal act*.

In order to establish the composition of a criminal offense in an event, it is necessary to establish four mandatory elements (attributes) of the composition of the criminal offense in it: the object of the criminal offense, the objective side of the criminal offense, the subject of the criminal offense, the subjective side of the criminal offense, i.e. to achieve the totality of the four intermediate goals of this cognitive activity. This means that the establishment of each of the above elements of the criminal offense in the activity «establishing the circumstances of the event of a criminal offense» is the achievement of intermediate goals, while the ultimate goal of all this activity is the establishment of the event of a criminal offense, i.e. the totality of a specific object (sometimes also an object), the objective side, the subject and the subjective side of specific *corpus delicti*.

The logic of establishing the circumstances surrounding the event of a criminal act is such that in this process we obtain knowledge of the unknown by comparing and evaluating it with the already known knowledge. The knowledge about the structures of theoretical criminal law structures built in a special way acts as well-known knowledge: from individual, initial elements of the criminal legal structure to more general criminal legal concepts. For example, knowledge about the structure of the composition of the criminal act, the object, the subject, the objective side, the subjective side of the crime, etc.¹ and the mapping of their elements in material reality. This allows us to speak about the possibility of truth in the process of establishing the event of a criminal act, since the truth is never infinite and uncertain. The content condition of truth is connected with the intentional attribution of the cognitive image to the real or imagined object existence, and the formal conditions of truth are connected with the logical correctness of thinking². The truth is always to us in the form of a chain of consecutive finite things, i.e. things whose meaning is defined so that it is possible to distinguish and distinguish these things from each other. The truth in establishing the event of the criminal act and the circumstances surrounding it is manifested in the presence of such a volume and depth of new structured knowledge that would make it possible to assess it for compliance with certain criminal legal structures described in the criminal law.

The person conducting the investigation of the criminal act, i.e. establishing the circumstances of the event of the criminal act and the

¹ Terehovitch V. N. Teorija kriminalistiki [Theory of forensics]. Obshhaja chast' : monografija. Riga, 2015. S. 59–101 [in Russian].

² Vedin Ju. P. Poznanie i znanie [Cognition and knowledge]. Riga : Zinatne, 1983. S. 5–6 [in Russian].

circumstances related to it, in the course of its activities deliberately makes the selection and description of established facts. The basis for this are the criteria for the significance of the facts established before the investigation of the criminal act. Such criteria are elements of theoretical criminal law constructs. This circumstance is a prerequisite for any successful investigation of a criminal act. The investigation of an event is recognized as successful not only in the case of justified confirmation of the assumption of a possible criminal act, but also in the case of justified confirmation of the absence in the investigated event of signs of the composition of the criminal act. Therefore, in the criminal case materials, as a rule, there is only knowledge of the facts pertaining to the particular investigated event of the criminal act and the circumstances related to it, ie. knowledge corresponding to descriptions of certain theoretical criminal law constructs.

Conclusions. In any developed branch of science, there are three main methodological levels: 1) industry methodology; 2) sub-sector methodology; 3) a specific technique. The updating of the methodology of science is manifested at the level of a specific methodology, which provides a direct connection of this science with a particular sphere of reality. In some branches of science, the internal methodological hierarchy is sometimes not limited to the three levels mentioned above. More detailed methodological subordination is possible at the level of methodology of the sub-sector of science. It all depends on the development of the structure of a certain scientific theory.

The methodological hierarchy in a particular branch of science corresponds to the subordination of individual theories within a given branch of science. Therefore, the theory performs a methodological function in relation to the knowledge of the relevant sphere of reality.

Methodology is the focus of a particular theory on improving the knowledge of a particular reality area.¹ For example, theories of criminal law and criminal procedure are a methodology for the theory of forensics; the theory of forensics is a methodology for the theory of forensic technology, the theory of forensic tactics and theory of forensic techniques; theory of forensic technology is a methodology for the theory of trace evidence, theory of trace evidence performs a methodological function for specific methods of trace evidence research, etc. Therefore, it will be correct to speak not of a private (general) forensic methodology (private (general) method of investigating certain types of criminal acts

¹ Vedins I. Zinātne un patiesība. Rīga : Avots, 2008. 131–136.lpp.

(crimes)¹, but of a specific method of investigating a separate type of criminal acts. Forensic methodology (the system of knowledge about the organization of forensic activity²) as a sub-branch of forensic theory performs a methodological function for the development of methods for organizing the investigation of certain types of criminal acts.

In the correct method of investigation of a specific type of criminal act must always be reflected *visible* reality, i.e. in this form, the investigation of a specific type of criminal act can be «seen with the eyes», it is even possible to *hold it in your hands* (to take such a methodical edition in your hands, flick it, find the necessary paragraph or section of the process description). In other words, in this way, the investigation of a particular type of criminal act becomes accessible to our senses, a visual object. Only in this way, the methodology of investigation of a particular type of criminal act fulfills a methodical function and an objective basis of reflection over practical activity, namely: investigation of a specific event of a criminal act.

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² Forensic activity is a kind of scientific and cognitive activity, the object of which is to establish the circumstances of the event of the criminal act and the circumstances associated with.

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КРИМІНАЛІСТИЧНА МЕТОДИКА В СИСТЕМІ ТЕОРІЇ КРИМІНАЛІСТИКИ

Термін «криміналістична методика» в теорії криміналістики має два значення. Перше значення терміна «криміналістична методика» використовується для розкриття змісту одного з регулятивних засобів криміналістичного пізнання – методики криміналістичного пізнання. Це значення криміналістичної методики розкривається в межах структури процесу криміналістичного пізнання. Друге значення терміна «криміналістична методика» розкривається в межах опису системи пізнавальної діяльності людини в галузі кримінального правозастосування.

Розкриваючи друге значення терміна «криміналістична методика», ми вказуємо на те, що це, перш за все, система знання, яка використовується для організації процесу розслідування події злочинного діяння, тобто знання, необхідного і достатнього для отримання нових знань про подію злочинного діяння. Знання, яке отримують і використовують у кримінальному правозастосуванні Латвії, є знанням, яке має природу обґрунтування, а не віри. Це знання є колективним (суспільним) знанням і проявляється в процесі раціоналізації процесу розслідування події злочинного діяння. Окреме знання проявляється тільки на стадії оптимізації процесу розслідування події злочинного діяння.

Слід розрізняти знання про злочинне діяння, як знання про кримінально-правову теоретичну конструкцію, і знання про подію злочинного діяння, як знання про явище фрагменту матеріальної дійсності, яке оцінюється як злочинне діяння. Знання про злочинне діяння (знання про склад злочинного діяння) і обставин, пов'язаних з ним як кримінально-правових теоретичних конструкціях, є знанням колективним (суспільним).

Це знання особа, яка розслідує подію злочинного діяння, отримує в процесі тривалої юридичної освіти. Знання про подію злочинного діяння отримують у процесі іншої пізнавальної діяльності – в процесі розслідування (пізнання) конкретної події злочинного діяння. Це знання є надбанням інших людей, тобто колективним (суспільним) знанням і воно фіксується в матеріалах кримінальної справи.

Теоретичне знання, необхідне для розумного процесу розслідування події злочинного діяння, включає в себе два види знання (вихідне і направляюче) про раціоналізацію цієї діяльності. Криміналістична методика (система знань про організацію криміналістичної діяльності) як підгалузь теорії криміналістики, виконує методологічну функцію для розробки методик організації розслідування окремих видів злочинних діянь.

Ключові слова: теорія криміналістики, криміналістична методика, організація процесу розслідування події злочинного діяння.

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