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Forensic support of the activities of forensic science institutions and pre-trial investigation and inquest bodies in counteraction to crime

Pressing issues of forensic support of activities of pre-trial investigation and inquiry bodies in countering criminal offenses are outlined.

The concept and essence of crime counteraction are considered. The article analyzes the national criminal procedural legislation, departmental regulatory legal framework and their amendments concerning the direction under study, genesis of scientific findings on theoretical and applied issues of forensic support of the activities of pre-trial investigation and inquest bodies in this direction, as well as the genesis of the concept and essence of forensic science as a science. The modern state of the development of forensic science, current high-priority issues and feasibility of changing the scientific paradigm of forensic science as well as the use of innovations are studied; ways for their improvement are proposed. Theoretical and applied problematic issues of forensic science are subject to thorough study and resolution. Fundamental changes are required both in forensic science in general and in particular in its individual areas. The current legislation, law enforcement agencies, forensic science institutions, prosecutors' bodies and judicial bodies, as well as law enforcement, in which modern advances in science and technology (in particular, computer and telecommunication technologies) are being implemented should be reformed. The article highlights such problematic issues as the improvement of the forensic characteristics of certain types of crimes, forensic techniques combining forensic techniques and tactics. The issue of further implementation in law enforcement and forensic expert activities of promising molecular genetic examinations for pre-trial investigation bodies, including the method of DNA analysis is outlined separately and fully. Relying on the results of research, specific author proposals and recommendations are provided on the studied area of activity in general and in individual directions.

Keywords: forensic science, genesis, scientific viewpoint, improvement, investigator, inquiry body, prosecutor, forensic science institutions, support, crime counteraction, science, forms, methods, methodology, scientific and technical tools.

Formulation of Research Problem. As of today, crime counteraction is one of the main factors in ensuring stable political, economic and social development of Ukraine that is enshrined in certain areas of law, in legislative and law enforcement practice. Criminalistics has always performed a significant number of functions in the activities of pre-trial investigation and inquest bodies (in particular, in combating crime). The beginning of criminalistics is connected with the needs of the country and science in the development of new forms, methods and means of detecting, disclosing and investigating crimes. At the same time, the current state of society development, legislation reform, law enforcement, including investigative bodies and bodies of inquiry, forensic science institutions and courts, significant changes in the criminogenic country situation, emergence of new crimes and mechanisms of their commission using modern science and technology and telecommunication technologies and the existing problems in law enforcement require further but quite radical change and development of criminalistics and its scientific paradigm (using innovations and identifying ways to improve). In this regard, theoretical and applied issues of criminalistics are subject to careful research. Attention should be paid to presence of such issues as improving forensic characteristics of certain types of crimes, forensic techniques that combine forensic techniques and tactics, issues of further dissemination and application in law enforcement and expert activities promising for pre-trial investigation of molecular genetic examinations, including methods DNA analysis, etc.

Analysis of Essential Researches and Publications. Pressing issues of criminalistics and the raised topic were investigated by R. S. Belkin, V. P. Bakhin, V. D. Bernaz, A. I. Vinberg, I. F. Gerasimov, V. I. Goncharenko, I. Y. Gorbatenko, M. M. Didyk, V. A. Zhuravel, G. A. Matusovskyi, E. I. Mostovshchikov, N. S. Karpov, V. V. Kikinchuk, V. O. Konovalova, S. I. Perlin, R. L. Stepanyuk, M. S. Strogovich, V. D. Pcholkin, V. V. Tishchenko, V. Yu. Shepitko, O. O. Eisman, M. P. Yablokov, I. M. Yakimov and others¹. However, most of

¹ Белкин Р. С. Курс криминалистики : в 3-х т. Т. 1 : Общая теория криминалистики. Москва, 1997 ; Бахин В. П. Следственная ситуация и тактическое решение // Специализированный курс криминалистики : учебник. Киев, 1987 ; Берназ В. Д., Бірюков В. В., Волобуєв А. Ф. Криміналістика : підручник ; за заг. ред. А. Ф. Волобуєва. Харків, 2011 ; Матусовский Г. А. Криминалистика в системе научных знаний. Харьков, 1976 ; Шепітько В. Ю. Тенденції і перспективи розвитку криміналістики (концептуальність підходів і дискусійність поглядів). *Актуальні проблеми криміналістики* : мат-ли Міжнар. наук.-практ. конф. (Харків, 25—26.09.2003). Харків, 2003 ; Журавель В. А. Ситуація слідча // Велика українська юридична енциклопедія : у 20 т. Т. 20 : Криміналістика, судова експертиза, юридична психологія ; редкол. В. Ю. Шепітько (голова) та ін. Харків, 2018. С. 743—744 ; Шепітько В. Ю., Журавель В. А., Коновалова В. О. Криміналістика : підручник : у 2 т. Т. 1 ; за ред. В. Ю. Шепітька. Харків, 2019 ; Шепітько В. Ю., Журавель В. А. Типові системи тактичних прийомів: проблеми розробки та ефективного застосування. *Питання боротьби зі злочинністю* : зб. наук. пр. Харків, 2009. Вип. 17. Р. 237—251 та ін.

these scientists have studied this issue in terms of analysis of individual trends in forensic science. Their scientific works drew attention to certain trends in the development of forensic science and its tasks, the role in the system of scientific knowledge, however, mostly did not have a conceptual and systemic nature, but a complex problem of the place of criminalistics in the legal sciences and forensic support of pre-trial investigation and inquiry in the fight against crime have not been investigated. In the 1970s, G. A. Matusovskyi formulated fundamentally important provisions of forensic science at the level of his doctoral dissertation, which were generally recognized for a long time, but later, despite changes in state formation, expanding the range of scientific ideas, etc., they were not revised. Later, on the basis of the correlation of the purpose of legal sciences, E. V. Smakhtin ¹ at the monographic level explored the relationship of criminalistics with criminal law and criminal procedure, although he ignored the integration of all branches of the unified system of criminal law and the place of criminalistics among them. A rather powerful attempt to solve certain issues of criminalistics in the national system of legal sciences was M. V. Danshin's doctoral dissertation: *Place of criminalistics in legal sciences* (2014) where the author, based on the dynamic transformation of scientific knowledge, considered the issue of determination of place and links of criminalistics. Languages of criminology on the basis of radical changes in the Criminal Procedural Code of Ukraine of Ukraine, the emergence of new legal sciences, as well as various theoretical constructions ("forensic expertology", "forensic advocacy", "forensic eidology", "forensic phenomenology", etc.), which reflect certain trends in criminalistics or the ideas of scientists (both individual researchers and their groups). In his work, he rightly asked the following problematic question: *"To whom the scientific provisions of criminalistics and its recommendations are addressed and who is the user of its knowledge"* and stressed that this circumstance is determinant and causes changes in criminalistics, integrates it with other sciences and determines its development ². This was suggested by him and other scholars to choose the topic of this article.

The **Article Purpose**: analysis of national criminal procedural legislation, departmental regulations governing the forensic support of pre-trial investigation and inquestor in crime counteraction, availability of problematic theoretical and applied issues of current state of criminalistics.

The *main tasks* are to develop appropriate proposals and recommendations on how to solve the identified problems at the theoretical and legislative level and in law enforcement.

¹ Смахтин Е. В. Криминалистика: соотношение с уголовным и уголовно-процессуальным правом : монограф. ; под общ. ред. А. С. Подшибякина. Москва, 2009. 232 р.

² Данышин М. В. Місце криміналістики у системі юридичних наук : автореф. дис. ... д-ра юрид. наук. Харків, 2014. 40 р.

The Research academic novelty. Research has the following elements of novelty: for the first time it was carried out at junction of criminalistics and criminal procedure with establishment of existing issues of the state of development of criminalistics in the modern period; improved development of proposals and recommendations for solving the identified development problems through radical changes in the scientific paradigm of criminalistics with use of innovations.

Main Content Presentation. Crime counteraction gave way to a more stable notion of “fighting crime” which the Soviet government used as the ideological postulate of the ultimate goal in defeating crime. The history and law enforcement activities of the entire law enforcement system have determined the absurdity of this political platform. In our opinion, the fight against crime consists of a system and a comprehensive impact on crime and its individual factors. Other scientists agree with us. Thus, A. V. Mayorov notes that the existing ways of responding to a crime can be represented in the form of a certain system, namely the system of combating crime, which contains measures of preventive and precautionary influence on certain types of crimes and crime in general. Such a system should contain the means, methods and techniques used not only by law enforcement agencies, but also by local governments, public and other organizations, as well as the citizens themselves. At the same time, mechanism of crime prevention requires serious efforts not only by the state, but also by society and individuals. The expected result of combating crime can be achieved only through the use of a wide range of general social and specific prevention measures ¹ that we support and this confirms the relevance of the chosen topic of our research.

Research has indicated that criminalistics has performed a significant number of functions in the activities of pre-trial investigation and inquest bodies (in particular, in crime counteraction). Emergence of criminalistics is associated with the needs of the country and science in the development of new forms, methods and means of detecting, desclosing and investigating crimes. According to the definition of R. S. Belkin, formation of criminalistics as a science, scientists date to the late nineteenth century ², that we support. At the same time, historically, it was formed from the depths of criminal procedural science, in connection with it is closely connected with theory of evidence. Other scholars have noted that criminalistics is the science about forensic evidence: science of evidence law and dialectic of criminal process, it is a procedure in the dynamics, in development; it involves the use of a creative approach, situational conditionality, availability of alternatives in choosing certain paths, methods, techniques, methodologies. According to modern

¹ Майоров А. В. Виктимологическая модель противодействия преступности : монограф. Москва, 2014. Р. 57.

² Белкин Р. С. Криминалистическая энциклопедия. 2-е изд., доп. Москва, 2000. Р. 5.

researchers, criminalistics is an independent branch of scientific knowledge, which attracts attention primarily by helping to establish the truth, to penetrate the unknown. Its formation and development were accompanied by sharp discussions and debates. In the current state, there are various scientific positions on the subject of criminalistics, in particular: 1) science of crime investigation; 2) science of a set of technical means, tactics and guidelines. However, with regard to the first scientific position, it should be noted that it is outdated, as today not only crimes but also criminal offenses are investigated. At the same time, all the above scientific positions narrow the real subject of criminalistics and the laws it studies, but emphasize its security nature in combating crime. For example, R. S. Belkin noted that both procedural and non-procedural activities of law enforcement agencies solve all such problems on the basis of their theoretical foundations, using their inherent arsenal of tools and methods, and if possible using the forces and methods of related industries. In addition, it should be noted that the subject of criminalistics was particularly heated in the 1950s and 1970s. This was due to the complexity of the object of knowledge: in particular, the study of the criminal activity itself and crime prevention activities. During the discussion of 1967-1968, R. S. Belkin tried to formulate a definition of the subject of criminalistics, which at that time became widespread: in particular, that it is “science of patterns of origin, collection, research, evaluation and use of evidence and based on knowledge of these regularities, means and methods of judicial investigation and crime prevention”¹. This concept took into account the main content of the subject of criminalistics. As of today, criminalistics considers a dual object of knowledge, in particular: criminal activity (criminal behavior), activity of detection, disclosure, pre-trial investigation by investigators and coroners and the establishment of truth in criminal proceedings. In our opinion, the most appropriate definition should be considered the scientific position of V. Yu. Shepitko, who notes that criminalistics is the science of patterns of criminal activity and its reflection in sources of information that serve as a basis for developing tools, techniques and methods of collection, research, evaluation and use of evidence for the purpose of detection, investigation, trial and prevention of crimes². This definition emphasizes pragmatic nature of criminalistics, its focus on creating scientific concepts for the practice of combating crimes and criminal offenses (criminal offenses). For his part, V. I. Goncharenko noted that in the applied aspect, development of criminalistics has always been characterized by constant involvement, improvement or adaptation to their needs of achievements of natural and technical sciences³, that we support.

¹ Idem. *Общая теория советской криминалистики*. Саратов, 1986. Р. 20.

² *Криміналістика : підручник ; за ред. В. Ю. Шепітька*. 3-тє вид., перероб. і допов. Київ, 2004. Р. 7—8.

³ Гончаренко В. И. *Использование данных естественных и технических наук в уголовном производстве (Методологические вопросы)* : монограф. Киев, 1980. Р. 75—76.

Theoretical directions of criminalistics need to be reconsidered taking into account the reform of law enforcement agencies, forensic science institutions, prosecutors and courts, improving law enforcement and criminal, criminal procedural and other legislation, as well as regulations including departmental and interdepartmental ones, emergence of new participants in criminal proceeding, investigating officer, etc., development of its new concepts. Current state, development of criminalistics is characterized by formation of general and individual theories, development and implementation of modern scientific and technical developments, communications, telecommunications and information networks and technologies in the practice of combating crime and misdemeanors associated with improving development of modern methods of investigation of new types of criminal offenses. Accumulation of new scientific knowledge at certain historical stages leads to a change in scientific paradigm of criminalistics, in particular: change in the systems of dominant ideas. Forensics is a science that is improving in dynamics, changing its boundaries, spheres of influence, introducing new directions and proposing new theories. One of important areas of forensic support of pre-trial investigation and inquest bodies in combating criminal offenses is the introduction of modern innovations. Their introduction into the activities of investigators, inquestors, prosecutors, detectives, employees of the operational unit of the National Police, employees of the Security Service of Ukraine, NABU, the State Bureau of Investigation and other bodies is due to responsibilities for solving a significant number of tasks within reasonable but limited time; lack of technical means, as are currently in service with relevant law enforcement agencies; existing problems in coordination and interaction with relevant professionals, experts in various fields of knowledge and operational staff; lack of information about the event under investigation in the past; limited reliable sources of relevant information; opposition to pre-trial investigation by interested parties. The introduction of innovations helps to increase the efficiency of pre-trial investigations and inquiries and prevents errors or reduces their number in such activities. Their introduction into activities of investigators, inquestors, prosecutors is possible in the following measures: a) development and implementation in practice of the latest scientific and technical means to identify, collect, record and evaluate and preliminary examine evidence; b) elaboration of proposals on introduction of new telecommunication and other information technologies into the activity of investigator, inquestor, prosecutor; c) development of new techniques, methods, techniques for conducting individual investigative measures and pre-trial investigation and inquiry in general. Technique of criminalistics is a branch of criminalistics which arose due to implementation of advances in natural and technical sciences to identify traces of criminal offenses and obtain other forensic information.

Expanding and updating the list of scientific and technical means used to combat criminal offenses (subject to the criminal procedural mechanism) raises the question of the expediency of checking their scientific nature, prohibiting the use of anti-scientific techniques and those that do not comply with the principles of democracy and doctrine of criminal justice. In order for scientific and technical means to improve the quality and efficiency of pre-trial investigation in the detection, disclosure and investigation of criminal offenses, it is proposed to use the help of specialists more widely. It is no coincidence that the current Criminal Procedural Code of Ukrainian 2012 introduced novelties that clarified and supplemented 2020, in particular: Art. 71: *Specialist* and Art. 72 *Specialist Responsibility* ¹. In addition, in the divisions of district police departments and investigative departments of the Headquarters of the National Police of Ukraine in regions, in accordance with the order of the National Police of Ukraine: *On organizational and staffing changes* dated on 24.12.2020 positions of *forensic inspectors* (introduced in 2017) were renamed to *forensic scientists*, whose task is to provide assistance to police investigators while crime scene inspections in certain investigative measures, etc. At the same time, there is a tendency to oppose the specialist and the investigator, the Investigating officer; separation of the investigator, inquestor from use of scientific and technical means; performance of activities by specialist at his own discretion and not providing assistance to the investigator. In modern conditions, the emergence of new types of criminal offenses, greater technical and other equipment of those who commit them, investigator activities, investigating officer, prosecutor, judge requires immediate technical re-equipment. In recent years, certain measures have been taken to introduce into pre-trial activities of investigation and inquest body of combined sets of investigators, in particular: a unified set of investigators; narrow focus kits; set of search tools of the investigator (set-search); a set of scientific and technical means for inspection of the place of fire (set-fire); a set of scientific and technical means for inspection of explosive devices and the place of explosion (set-explosion); a set of scientific and technical tools for working with micro-objects (micro-set, or “Molecule”); set for work with handprints (trace evidence set); set of an investigator to review documents, etc.

Currently, one of the most important achievements of the twentieth century in this area is the development and implementation of DNA analysis methods in law enforcement agencies, forensic science institutions and courts to collect, research, evaluate and use indicative and evidentiary information in criminal proceedings. To date, national criminalistics has not paid due attention to the issues of forensic DNA research (molecular genetic research), which is a consequence of the lack of educational and methodological literature in this area. There is also no single approach to the place of molecular genetic

¹ Кримінальний процесуальний кодекс України : Закон України від 13.04.2012 р. № 4651-VI (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4651-17> (date accessed: 18.09.2020).

analysis in forensic science; forensic and forensic aspects of this issue are developing in parallel. The first genetically identified examination in the former USSR was conducted in 1988 by expert P. Ivanov in the case of the mentally retarded vagrant Sopov, who was convicted of raping and killing two elderly women ¹. In Ukraine, molecular genetic examinations have been conducted since 1992, in particular, with the use of a radiation mark, such an examination was conducted by N. M. Dyachenko, an expert of the State Research Forensic Center of the Ministry of Internal Affairs of Ukraine in the murder case ². In the same year, such examinations began to be conducted in the Odessa Regional Bureau of Forensic Medicine ³. Investigating the state of their use today, R. L. Stepaniuk, S. I. Perlin, V. V. Kikinchuk ⁴ noted that the use of forensic DNA research technologies in the investigation of criminal offenses is a powerful tool to combat crime, and molecular genetic research from one year to year play an increasing role (in particular, in combating serious crimes, etc.). In the context of hostilities in eastern Ukraine and the increase in terrorist threats, it is important to use the capabilities of such research to establish the identity of unidentified corpses and their parts, charred corpses, and others. In addition, DNA analysis methods are effectively used in civil proceedings to resolve cases of paternity, determine the biological relationship of people, as well as in the case of homeless children and minors or persons who have lost their memory, and others. Thus, forensic molecular genetics is, in essence, an interdisciplinary field of scientific knowledge, the achievements of which are actively used in forensics and forensic medicine. Its forensic significance is especially important because the identification of a person by his genetic characteristics is one of the most accurate methods of identifying a person. For its part, genotyping as a branch of forensic science should take a worthy place in the structure of forensic science, and its relevant provisions should be part of the professional training of lawyers, including future investigators, prosecutors, lawyers and judges ⁵, supported by us.

Currently, its computerization is quite relevant in improving activities of investigator, investigating officer, prosecutor, because nowadays it is impossible to work effectively without creating integrated databases, knowledge banks,

¹ Мостовщиков Е. Профессор на тропе войны. Русский репортер. 10.04.2014. URL: https://expert.ru/russian_reporter/2014/14/professor-na-trope-vojnyi (date accessed: 20.02.2021).

² Дяченко Н. М. Основні етапи розвитку молекулярно-генетичної експертизи в Державному науково-дослідному експертно-криміналістичному центрі МВС України. *Криміналістичний вісник*. 2011. № 1 (15). Р. 166—167.

³ Дунаєв О.В. Актуальні питання судово-медичної генетики в Україні. *Український медичний альманах*. 2013. № 1. Т. 16. Р. 179—183.

⁴ Степанюк Р. Л., Перлін С. І., Кікінчук В. В. Криміналістичне дослідження ДНК: технології та можливості : навч. посіб. Харків, 2019. 144 р.

⁵ Ibid. Р. 7—8.

information systems that can greatly simplify the search, analysis, transmission and information processing. Law enforcement agencies and expert institutions use the following information systems in practice: automated, expert, consulting systems of artificial intelligence, forensic, information-analytical, statistical information processing systems, investigative measures, etc.

In recent years, there have been significant changes in the definition of the subject of forensic tactics, and its formation is characterized by uneven development, amplification of some of its parts and directions. From genesis of this issue, we found that at different times there were different tendencies: for example, to study the tactics of criminal activity, the study of the person and type of criminal, then spread the direction of investigative tactics and the development of investigative techniques. While research, it was found that forensic support of pre-trial investigation and inquiry consists of development and implementation of systems of tactics of individual investigative actions, their systems in the form of tactical combinations, typical tactical complexes and tactical operations. According to the well-known criminalists V. Yu. Shepitko, the current state of forensic theory allows us to raise the issue regarding need to develop and apply systems of tactics that are the optimal means of identifying evidence and its use in forensic practice ¹ that we support. A new problem in criminalistics is the use of covert measures while investigation which should be used as evidence in the pre-trial investigation and during the inquiry, in particular, it concerns the use of complex investigative (search) actions, operational and organizational measures for the investigation, i.e. tactical operations, the feasibility of which is confirmed in practice). Thus, on the basis of empirical research I. M. Komarov estimated that 75% of the surveyed investigators see a special need in the use of forensic operations in their practice while detection, investigation and prevention of complex crimes ². For their part, according to our survey of police officers who underwent advanced training, this trend was noted by 89.9% of pre-trial investigation officers, 79.9% of police inquestors and 93.7% of employees of the State Bureau of Investigation. Synthesizing significance and role in criminalistics is performed by forensic methodology, which combines the recommendations of forensic techniques and tactics and helps in the pre-trial investigation of certain types of criminal offenses. According to I. F. Gerasimov and L. Yak. Draping, the method of investigation of certain types of criminal offenses is a component of criminalistics, which considers the methods and tools used in the detection, detection and investigation of certain types and groups of criminal offenses on

¹ Шепітько В. Ю. Криміналістична тактика (системно-структурний аналіз) : монограф. Харків, 2007. Р. 112.

² Комаров И. М. Криминалистические операции в досудебном производстве : монограф. Барнаул, 2002. Р. 33.

the basis of forensic characteristics and typical investigative situations ¹. A more common definition of forensic methodology, formulated by the famous forensic scientist V. A. Zhuravl, who noted that forensic methodology as a system of knowledge and an independent section of forensics should be improved through generalization and theoretical explanation of accumulated empirical material and knowledge of scientific facts and prevention of criminal offenses, and that it is advisable to present guidelines in a more accessible form (in particular, in the form of certain algorithmic schemes that can be implemented on the basis of modern computer technology) ² that we support. In forensic literature there were proposals for the introduction of programming and algorithm development of investigation, creation of appropriate programs for the investigator. In this regard, back in 2007, a well-known criminalist V. O. Konovalova noted that the implementation of certain algorithmic schemes (programs) of actions of investigator in certain situations of investigation is promising ³. This demonstrates the emergence of a promising direction in the development of criminalistics. This is confirmed by the present: today the scientist or practitioner is not surprised by specific algorithms proposed in dissertations for the investigator, inquestor and prosecutor, and in practice this is not news not only for the investigator but also for other law enforcement officials (e.g. police). Regarding the prospects for further development of the type and content of forensic methods, V. A. Zhuravel quite rightly noted that the clarification of this problem depends primarily on the existence of a single generally accepted and consistent classification of methods of crime investigation, as different technological levels of methods can be offered different technological approaches regarding their formation (development). He proposed the following 4-level structure of forensic methods of investigation: 1) interspecific (group) individual; 2) individual species; 3) individual subspecies; 4) complex individual ones.

Conclusions. Forensic support of investigator and inquestor in crime counteraction can be classified in the following areas: forensic through introduction and development of new scientific and technical means, forensic techniques, telecommunications and other modern information technologies; organizational and tactical due to development of appropriate tactics of pre-

¹ Герасимов И. Ф. Общие положения методики расследования преступлений. Криминалистика : учебник ; под ред. И. Ф. Герасимова, Л. Я. Драпкина. Москва, 1994. Р. 325.

² Журавель В. А. Сучасні концепції формування окремих криміналістичних методик розслідування злочинів. Вісник Академії правових наук України. 2007. Вип. 2 (49). Р. 177—184.

³ Коновалова В. О. Алгоритмізація в теорії криміналістики. Вісник академії правових наук України. 2007. Вип. 1 (48). Р. 169—174.

trial investigation and investigative actions in the case of introduction of the latest tactical techniques and algorithms and their systems, the use of tactical operations and operational combinations; methodical: formation and introduction of separate forensic methods. Systematic forensic support of pre-trial investigation, conducted by investigator and coroner, inquestor, forensic specialist, expert in the field of knowledge, helps to improve detection, disclosure and investigation of criminal offenses, combating criminal offenses in accordance with scientific proposals and recommendations for their organization. Thus, conceptual research on further improvement of criminalistics and its place in legal science are urgent at the present stage of development of Ukraine. However, the issues raised in this article are not definitive and require additional separate research or scientific study.

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О. О. Южно

**Криміналістичне забезпечення діяльності
установ судових експертиз та органів досудового розслідування
і дізнання у протидії злочинності**

Розглянуто проблемні питання криміналістичного забезпечення діяльності установ судових експертиз та органів досудового розслідування

і дізнання у протидії кримінальним правопорушенням. Проаналізовано національне кримінально-процесуальне законодавство, відомчу нормативно-правову базу, генезис наукових позицій щодо теоретичних і прикладних питань криміналістичного забезпечення у цьому напрямі, а також щодо поняття та сутності криміналістики як науки, досліджено питання сучасного стану її розвитку, наявні проблемні питання та визначено шляхи вдосконалення. За результатами дослідження надано конкретні пропозиції й рекомендації щодо вивченого напрямку діяльності.

Ключові слова: криміналістика, генезис, наукова позиція, удосконалення, слідчий, дізнавач, прокурор, установи судових експертиз, судовий експерт, забезпечення, протидія злочинності, наука, форми, методи, методика, науково-технічні засоби.

А. А. Юхно

Криминалистическое обеспечение деятельности учреждений судебных экспертиз и органов предварительного расследования и дознания в противодействии преступности

Рассмотрены проблемные вопросы криминалистического обеспечения деятельности органов досудебного расследования и дознания в противодействии уголовным правонарушениям.

Охарактеризованы понятие и сущность противодействия преступлению. Проанализированы национальное уголовно-процессуальное законодательство, ведомственная нормативно-правовая база и изменения к ним, касающиеся исследуемого направления, генезис научных позиций по теоретическим и прикладным вопросам криминалистического обеспечения деятельности органов досудебного расследования и дознания в указанном направлении, а также генезис понятия и сути криминалистики как науки. Исследовано современное состояние развития криминалистики, имеющиеся проблемные вопросы и целесообразность изменения научной парадигмы криминалистики, применения при этом инноваций; определены пути их совершенствования. Теоретические и прикладные проблемные вопросы криминалистики подлежат тщательному исследованию и решению. Кардинальные изменения необходимы как в целом криминалистике, так и отдельным её направлениям. в реформировании нуждаются действующее законодательство, правоохранительные органы, экспертные учреждения, органы прокуратуры и судебные инстанции, а также правоприменительная деятельность, в которую внедряются современные достижения науки и техники (в частности, компьютерные и телекоммуникационные технологии). Освещены такие проблемные вопросы, как совершенствование криминалистической характеристики отдельных видов преступлений, криминалистической методики, объединяющей криминалистическую технику и тактику. Отдельно и полно рассмотрен вопрос дальнейшего внедрения

в правоприменительную и экспертную деятельность перспективных для досудебного расследования молекулярно-генетических экспертиз, в том числе методом ДНК-анализа. По результатам исследования представлены конкретные авторские предложения и рекомендации по изученному направлению деятельности в целом и по отдельным направлениям.

Ключевые слова: криминалистика, генезис, научная позиция, усовершенствование, следователь, дознаватель, прокурор, учреждения судебных экспертиз, судебный эксперт, обеспечение, противодействие преступности, наука, формы, методы, методика, научно-технические средства.

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Contributor

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