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Methodological analysis of military forensic science

Emergence of new independent units of forensic science is a logical result of the development of scientific knowledge and forensic expert activity, if such a process takes place on the basis of the developed methodological foundations of forensic science, which ensures the scientific nature of new types of forensic science, organizational and legal procedure for their conduct and the admissibility of their results to ensure justice. Ignoring scientific approaches in implementation of forensic activities in Ukraine and attempts to adapt it to the needs of investigative and judicial practice cannot but cause concern, especially when it comes to an attempt to substitute forensic science for the proof process.

Article purpose is to conduct a methodological analysis of the topic, objects and tasks of forensic military science and its place in the modern general classification system of forensic science on the basis of the general theory of forensic expertology.

Research methodology was made up of the provisions of materialist dialectics as a universal method of cognition, as well as a set of methods of formal logic for solving individual research tasks: analysis, synthesis, analogy, comparison, comparison, deduction.

While research, in order to establish formation consistency of military science as an independent stratification unit, its structural components were analyzed: topic, objects, tasks and specific expertise necessary for their solution.

While conducted methodological analysis, it was found that formation of military science as an independent stratification unit of forensic examinations occurred in violation of the methodological foundations developed by forensic science and the evolutionary paths of the genesis of new species of forensic science. As a result of performed research, it was concluded that it is necessary to revise the place and essence of military science in the existing classification system of forensic science in Ukraine which will ensure the unity of the methodological approach to formation of new units of forensic science and guarantee declared principles of forensic science.

Keywords: *forensic expertology, forensic science, specific expertise, military forensic science, topic of military forensic science, objects of military forensic science, tasks of military forensic science, system of forensic examinations.*

Formulation of Research Problem. Intensification of the development process of independent stratification units of forensic science in Ukraine, which has been observed recently, cannot be ignored by scientists, especially given the significance of regulation scope in forensic activity and declared principles (*Pro sudovu ekspertyzu, 1994, p. 3*). Thus, in 2015, military forensics appeared (*Pro vnesennia zmin do nakazu Ministrystva Yustytzii Ukrainy vid 08 zhovtnya 1998 roku № 53/5, 2015*), and in 2019 veterinary forensics and forensic gemmology were formed (*Pro vnesennia zmin do nakazu Ministrystva Yustytzii Ukrainy vid 08 zhovtnya 1998 roku № 53/5, 2019*). Given the developed in Ukraine trend to break the link while the development of empirical and scientific knowledge, we deem it necessary to conduct a methodological analysis of the efficiency of individual “new” types(subtypes) of forensic science, defined as independent stratification units (in particular, military forensics).

Analysis of Essential Researches and Publications. Among few scientific publications dedicated to military forensics, the ones covering general issues of military forensics (*Chuprun, 2015; Antoniuk, 2017*), and considering expert approaches to solving its separate tasks (*Bogdanyuk, 2017; Poluianov, 2020; Ruvn & Serednii, 2020; Savechko & Chernysh, 2020; Savechko & Kozlov, 2020; Vlasuk, 2020*) may be singled out.

The **Article purpose** is to perform a methodological analysis of the subject, objects and tasks of military forensics referring to the general theory of forensic expertology. Analyze the place of military forensics in the modern general classification system of forensic examinations. Stress the inviolability of the methodological approach during formation of new independent units of forensic science. To suggest an algorithm for developing separate mechanisms of forensic activity in case of emergence of new types (subtypes) of forensic examinations.

Main Content Presentation. Currently, the issue as to formation and development of forensic expertology as an independent branch of scientific knowledge with its own methodology which is the basis for the classification of forensic examinations, defining of the competence of forensic experts, development of modern expert technologies is no longer debatable. The subject of forensic expertology at the present stage of its development includes:

- theoretical, legal and organizational patterns of forensic activity in general;
- patterns of origin, formation and development of classes, species and types of forensic examinations and their individual theories based on a common methodology, unified conceptual apparatus and considering a constant updating and change in forensic knowledge;
- based on knowledge of these laws, common for all types of litigation legal and organizational support of forensic activity, common unified expert technologies, standards for a forensic expert’s competence and certified expert laboratories (*Rossinskaya, 2016*).

In our opinion, the only methodological approach to the emergence, formation and development of classes, species and types of forensic examinations can ensure compliance with the guaranteed principles of forensic science and justify the established in Ukraine organizational and legal procedure for its implementation. Such a common approach should be based solely on the developed methodology of forensic expertology which will ensure the scientific nature of forensic science as a field of human activity, as well as the objectivity of conclusions drawn by forensic experts (given their procedural significance for all types of proceedings in Ukraine). Adherence to the scientific approach while formation of new types (species) of forensic examinations is a guarantee of ensuring consistency of its genesis and appropriate place in the general classification system of existing classes, species and types of forensic examinations.

The performed analysis of the efficiency of military forensics as an independent stratification unit demonstrates non-conformity with the developed methodological framework of forensic expertology, which in general may call into question not only the place of military forensics in the general system of forensic science developed in Ukraine but also its scientific nature.

Researches in the field of forensic science show that modern classifications of forensic examinations are based on the research object in combination with tasks they solve. At the same time, there are two main directions which condition the genesis of forensic examinations (*Rossinskaya, 2016*):

- 1) the consolidation process (from the type (subtype): into the species, from the species: into the class): the emergence of a new type of forensic examination within the existing species by updating or modifying objects that were not studied sufficiently previously, formation of qualitatively new expert technologies, increase in forensic examination capabilities;
- 2) the division process: from the class: into species and types.

In addition, the need to solve a set of qualitatively new common expert tasks leads to the emergence of new objects under study, which may be a prerequisite for the formation of a new class or species of forensic examination, rather than their singling out of existing ones (as observed in military forensics, where we do not explore the emergence of new research objects: the ones we will study later).

For a better understanding and analysis of the essence of military forensics, let's consider the content of at least its three main methodological components that are essential not only for the theory of forensic science, but also for forensic activity and organizational and legal order of its provision:

- subject of forensic examination;
- objects of forensic examination;
- basic tasks and specific expertise for its solution.

The subject of forensic examination as a type of practical activity is understood as information about an event (offense) obtained by a forensic expert as a result of research referring to special knowledge of certain properties of objects submitted for forensic examination (*Shcherbakovskiy, 2016*).

This understanding clearly demonstrates the logical connection between the subject of forensic examination and its objects: carriers of information about certain circumstances associated with a criminal offense. Although the Law of Ukraine: *On Judicial Examination* defines forensic examination as: “research based on specific expertise in the field of science, technology, art, craft, etc. on objects, phenomena and processes” (*Pro sudovu ekspertyzu, 1994, st. 1*), however, being guided by the general cognition method, it could be concluded that phenomena and processes are studied through their materialized causes and consequences: objects of the material world containing information about certain events, in the form of their individual features and properties caused by the event being established (studied). That is, forensic examination objects are always certain objects of the material world. At the same time, information that is reflected in the physical objects of the environment as a result of certain actions can be divided into three types (*Burnashev et al., 1998, p. 22*): 1) personal (about the subject who left particular traces) ; 2) subject (on used (applied) items, tools, etc.); 3) timely (on actions taken).

Regarding tasks of forensic examination, forensic expertology is viewed as a set of patterns to which the cognitive activity of the forensic expert is directed. It is common to divide expert tasks into identification and non-identification (diagnostic, classification, situational, restoration, etc.) (*Klimenko, 2007, pp. 15-16*). According to objects and tasks, the range of specific expertise (a set of certain branch knowledge) is determined, based on which regularities of the research object peculiarities are studied.

Regarding military expertise, the founder has identified only its main tasks (*Naukovo-metodychni rekomendatsii z pytan pidgotovky ta pryznachennia sudovyh ekspertyz ta ekspertnyh doslidzhen, 2021, p. 9.1, rozd. IX*):

- establishing the application circumstances and actions of military units;
- identifying circumstances that led to severe consequences, deaths (servicemen, employees of the Security Service of Ukraine, Armed Forces of Ukraine, Ministry of Internal Affairs of Ukraine, National Guard of Ukraine and other representatives of ministries and departments, civilian population), loss of weapons, military equipment, entities of state authority and infrastructure, personal property of citizens during military units operation;
- establishing compliance of actions (inaction) of officials with the requirements of guiding documents (entrusted responsibilities).

The mentioned tasks can generally be considered as those that (according to a wording) correspond to the generally accepted classification: the first two tasks are diagnostic in nature, the latter: identification. However, the mentioned tasks are inherently vague, generalized and those that do not reflect either the range of patterns toward which the cognitive activity of the forensic expert is directed, or the set of professional specific knowledge on the basis of which research on their solution is performed. Thus, if we consider the military field as a branch of human activity, then the stated tasks are similar to a sociological analysis of one of the areas of human activity: management in the military field, and not a direction of applying specific expertise to study regularities of research objects.

In addition, solution of indicated expert tasks by subjects of forensic activity, in our opinion, replaces the process of proof: collection, verification and evaluation of evidence to clarify specific circumstances that are relevant for a proceeding (case). Based on the proposed logic, we can argue about feasibility of developing independent units of forensic science, given the area of human activity, for example educational, economic, social, political, etc.

The founder also suggests an indicative list of issues addressed to military forensics, which together should provide an idea of its subject as a set of factual data that can be established by a forensic expert on the basis of his specific expertise, having examined provided objects (*Naukovo-metodychni rekomendatsii z pytan pidgotovky ta pryznachennia sudovyh ekspertyz ta ekspertnyh doslidzhen*, 2021, p. 9.2 rozd. IX).

However, the analysis of the proposed indicative issues helps us formulate the following statements:

- some questions are beyond main tasks of forensic examination set by a forensic expert. For example, the question: “Is there a cause-effect relation between detected offenses and serious consequences having led to the death of servicemen (employees) and others, loss of armament and military equipment?” belongs to situational expert tasks;
- answers to certain questions do not require specific expertise, in particular in the military field, and stipulate only an analysis of a corresponding organizational and managerial documentation, for example: “Who of the officials (commanders, heads) is obliged to prepare units involved in fulfilling combat duties, and ensure control over their readiness; compliance in keeping with those regulatory documents?” or “Which measures have been implemented to prevent encirclement and taking out of the encirclement of military units and bases who were involved in fulfilling combat tasks and got trapped?”;
- answering separate questions requires the involvement of knowledge not only from one field (including military art) but also from

- economics, politics, law, etc., i.e. stipulates a comprehensive nature of specific expertise, for example: “Did negative consequences on the state defense capability and combat capability of the Armed Forces of Ukraine have (could have) a decision to liquidate (disband, reduce) certain types of troops, formations, military units and subdivisions?”;
- providing answers for the majority of questions replaces the process of proof in its cognitive essence and shifts the obligation of proof from the subject of investigation to a forensic expert, for example: “Whether the stipulated by regulations procedure for processing, adjusting and performing combat duties have been fulfilled?” or “Did actual actions of relevant officials correspond to the operative environment at the time of the combat mission?”, or “Which officials actions (inaction) who planned and conducted operations to dismantle illegal military formations (enemy) are in causal-effect relationship with severe consequences having led to the death of servicemen (employees) and other persons, loss of armament and military equipment?”, or “What regulations (regulatory documents) were used while planning and organization of hostilities?”, “How was interaction in the area of hostilities between units of the Security Service of Ukraine, the Armed Forces of Ukraine, the Ministry of Internal Affairs of Ukraine, the National Guard of Ukraine and other military units and state authorities organized?”, “How was the units withdrawal from the encirclement organized, and who withdrew the mentioned units and subdivisions?”;
 - certain questions are purely legal in nature, to provide answers to which according to Article 242 of the Criminal Procedural Code of Ukraine (*Kryminalnyi protsesualnyi kodeks Ukrainy*, 2012, st. 242), it is not allowed to perform a forensic examination, for example: “Whether combat documents by types of supporting units and subdivisions involved in military operations corresponded to regulations (regulatory documents) as well as environment?” or “Whether applied graphic images in a commander’s working map of all levels correspond to set tasks on performing military operations (fulfilling military operations)?”

At the same time, (unlike other types of forensic examinations) objects of military forensics are not defined, which results in certain uncertainties and interpretations. Thus, it is widely believed that objects of forensic military examination can be text and graphic documents (standard on paper and electronic), video and audio recordings, photographs and other media of different nature (*Chuprun*, 2015, p. 216). Without denying such a possibility, we are obliged to note that objects of military forensics are not specific and unique in nature and features and properties reflected in them.

The performed methodological analysis of the main components of military forensics as an independent stratification unit shows the lack of well-defined objects of military forensics and specific tasks that would reflect the cognitive research activities of a forensic expert as well as the field and direction of specific expertise implementation. The absence of indicated components does not allow to form an objective idea of the subject of military forensics as certain information (regularities) about an event (actual data) that can be obtained by a forensic expert as a result of research, based on specific expertise, individual properties of objects provided for forensic examination, which would, in fact, separate military forensics from other types (species) of forensic examinations.

In view of the above, we believe that formation of military forensics as an independent stratification unit (according to the existing classification: class) of forensic examinations occurred in violation of methodological principles developed by forensic expertology and evolutionary ways of genesis of new types of forensic examinations. This could be justified by the specificity of research objects, however, the conducted analysis demonstrated the lack of such uniqueness not only for research objects but also for expert tasks.

At the same time, undoubtedly, we cannot prohibit the right to develop military forensics, but its formation should take place on the basis of and within the methodological principles of forensic expertology. In this aspect, the emergence of corresponding researches within the type or kind of forensic examinations (for example, military medical analysis), or by expanding objects and tasks of existing classes of forensic examinations (*Naukovo-metodychni rekomendatsii z pytan pidgotovky ta pryznachennia sudovyh ekspertyz ta ekspertnyh doslidzhe*, 2021) is deemed to be logical: ..

- environmental (p. 8.2 rozd. VIII), which tasks include, in particular, establishing the environmental consequences caused to the environment as a result of hostilities and / or the application of military equipment and weapons; determining the amount of damage from environmental pollution, damage or destruction of fauna and flora which took place due to hostilities and / or the use of military equipment and weapons;
- commodity (p. 3 rozd. IV), one of the species of which is: *Forensic commodity examination of military property, equipment and weapons*;
- forensic examination of weapons and traces and circumstances of their use (gl. 4 rozd. I).

Apart from the above, there are questions about the scientific and methodological and information support of military forensics (*Bogdanyuk*, 2017, p. 381). Since the appearance of military forensics, only 4 methods of military forensics have passed state certification: 1) Multidisciplinary research on missile and artillery armaments ¹; 2) Methods of conducting forensic

¹ Дата держреєстрації 18.01.2019 р., розробник — Київський НДІСЕ Мін'юсту України.

military examinations as to assessment of officials (heads, commanders, chiefs) actions: subjects of terrorism counteraction while anti-terrorist operation; 3) Methods of conducting forensic military examinations related to the level of the state defense capability; 4) Methods of forensic examination associated with work of commanders (headquarters) and military units while preparation and performance of military (service-combat) operations ¹ (*Reestr metodyk provedennia sudovyh ekspertyz*, 2021). Obviously, these methods do not cover the full range of indicated tasks. Under such circumstances, there may be motivated doubts regarding scientific validity of forensic examination results and possibility of their use in court proceedings as a source of evidence. And the attempts of forensic experts to “fit” forensic science theory into practice seem illogical and only increase doubts as to scientific nature of this type of expert researches (*Savechko, Kozlov*, 2020).

As for qualified specialists: forensic experts (though it remains unclear what knowledge is required to perform forensic examinations), as of March 2021, in Ukraine, 10 forensic experts are certified in the expert specialization: 16.1 *Military Forensics* (*Reestr atestovanyh sudovyh expertiv*, 2021). All forensic experts are employees of state specialized institutions: 4 people of: National Scientific Center “Hon. Prof. M. S. Bokarius Forensic Science Institute”; 6 people of: Kyiv Scientific Research Institute of Forensic Expertise. On the other hand, there are no forensic experts specialized in this field in the Expert Service of the Ministry of Defence of Ukraine.

The conducted methodological analysis of military forensics demonstrates a dangerous tendency to ignore laws of scientific knowledge development (in particular, forensic expertology) and create conditions for principles contravention of not only forensic activity but also of justice in general.

Current theory of forensic expertology for new species and types of forensic examinations suggests the following “evolutionary” order (*Rossinskaya*, 2016, p. 28):

- determining the subject of forensic examination;
- specification and standardization of expert tasks;
- development of the list of questions based on standard expert tasks addressed for forensic examination solution;
- personification and classification of expert research objects;
- selection of methods in the relevant field science and determination of their specifics;
- development of expert technologies in accordance with expert research stages;
- formation of the terminological apparatus of the corresponding forensic examination classification group;

¹ Дата держреєстрації 14.02.2020 р., розробник — Київський НДІСЕ Мін'юсту України.

- the development of a technology for preparation of a forensic expert conclusion.

In our view, only such an order of development of any kind of forensic examination (in particular, military) can become a key for drawing a qualitative expert conclusion for its further corresponding assessment by the subject of investigation and court.

Conclusions. The methodological analysis of military forensics helps to note that creation and further development of forensic military examination as an independent stratification unit occurs in violation of methodological principles of forensic expertology, which forms dangerous tendencies for assessing expert opinions as a source of evidence. Therefore, there is an urgent need to reconsider the place and essence of military forensics in the existing classification system of forensic examinations in Ukraine, which will ensure introduction of a unified methodological approach to the formation of new forensic science units and guarantee the declared principles of forensic science in particular and justice in general.

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П. Є. Антонюк

Методологічний аналіз військової експертизи

Поява самостійних одиниць судової експертизи є результатом розвитку наукових знань, ігнорування яких під час здійснення судово-експертної діяльності призводить до підміни судовою експертизою процесу доказування.

Мета статті — провести методологічний аналіз предмета, об'єктів і завдань судової військової експертизи та її місця в сучасній класифікаційній системі судових експертиз.

Проаналізовано структурні складові військової експертизи — предмет, об'єкти, завдання та спеціальні знання. У результаті з'ясовано, що формування військової експертизи як самостійної стратифікаційної одиниці відбулося з порушенням методологічних засад, розроблених судовою експертологією. Зроблено висновок про необхідність перегляду місця й сутності військової експертизи в наявній класифікаційній системі судових експертиз в Україні.

Ключові слова: *судова експертологія, судова експертиза, спеціальні знання, військова експертиза, предмет військової експертизи, об'єкти військової експертизи, завдання військової експертизи, система судових експертиз.*

П. Е. Антонюк

Методологический анализ военной экспертизы

Появление новых самостоятельных единиц судебной экспертизы — логичный результат развития научных знаний и судебно-экспертной деятельности, если такой процесс происходит на основании разработанных методологических основ судебной экспертологии, что обеспечивает научность новых видов судебной экспертизы, организационно-правовой порядок их проведения и допустимость их результатов для обеспечения правосудия. Игнорирование научных подходов при осуществлении судебно-экспертной деятельности в Украине и попытки приспособить её под нужды следственной и судебной практики не могут не вызывать беспокойства, особенно когда речь идёт о попытке подмены судебной экспертизой процесса доказывания.

Цель статьи — на основании общей теории судебной экспертологии провести методологический анализ предмета, объектов и заданий судебной военной экспертизы и её места в современной общей классификационной системе судебных экспертиз.

Методологию проведённого исследования составили положения материалистической диалектики как всеобщего метода познания, а также совокупность методов формальной логики для решения отдельных заданий исследования — анализ, синтез, аналогия, сопоставление, сравнение, дедукция.

В ходе исследования с целью установления состоятельности образования военной экспертизы как самостоятельной стратификационной единицы были проанализированы её структурные составляющие — предмет, объекты, задания и специальные знания, необходимые для их решения.

В ходе проведённого методологического анализа было выяснено, что формирование военной экспертизы как самостоятельной стратификационной единицы судебных экспертиз произошло с нарушением методологических основ, разработанных судебной экспертологией, и эволюционных путей генезиса новых видов судебных экспертиз. В результате проведённого исследования сделан вывод о необходимости пересмотра места и сути военной экспертизы в существующей классификационной системе судебных экспертиз в Украине, что обеспечит единство методологического подхода к образованию новых единиц судебной экспертизы и гарантирует задекларированные принципы судебно-экспертной деятельности.

Ключевые слова: судебная экспертология, судебная экспертиза, специальные знания, военная экспертиза, предмет военной экспертизы, объекты военной экспертизы, задания военной экспертизы, система судебных экспертиз.

Submitted on 30.03.2021 / Revised 26.04.2021 / Approved 04.05.2021

Antoniuk P. Methodological analysis of military forensic science. *Theory and Practice of Forensic Science and Criminalistics*: Collection of Scientific Papers/Editorial Board: O. M. Kliuiev, V. Yu. Shepitko and others. Kharkiv: Pravo Publishing House, 2021. 23rd Issue, p. 388—399. DOI: <https://doi.org/10.32353/khrife.1.2021.30>.

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The author was the sole contributor to the intellectual discussion underlying this paper, case-law exploration, writing and editing, and accept responsibility for the content and interpretation.