

Models of the system of forensic science institutions in Ukraine (advantages and risks)

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DOI: 10.32353/khrife.1.2022.02 UDC 343.98(477)

Submitted: 8 Feb 2022 / Reviewed: 11 Feb 2022 / Approved for Print: 18 Feb 2022 /

Avialable online: 31 Mar 2022



The main models of the system of forensic science institutions are considered, for which there are proposals in the draft of Law On Forensic Science Activity.

This research purpose is to determine the main models of the system of forensic science institutions in Ukraine, as well as analysis of international experience of forensic science support to justice as for implementation of relevant modern world standards in Ukrainian legislation and their application in practice.

The main system models of forensic science institutions are singled out, in particular classical (traditional), neoclassical (updated traditional), radical, mixed (partially radical) and competitive. Integration of Ukrainian system of forensic science support to justice into international community and the entry of domestic forensic science institutions into international organizations uniting foreign forensic science institutions in order to improve procedures for participation of forensic experts in legal proceedings.

Keywords: *models of the system of forensic science institutions; forensic science activity; governance; reforming; classical (traditional) model; neoclassical (updated traditional) model; radical model; mixed (partially radical) and competitive models.*

This article is translation of the original Ukrainian content, which source is available at the link: <https://khrife-journal.org/index.php/journal> (translation by Andriy Bublikov). The author acknowledges translation as corresponding to the original.

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Research Problem Formulation

For a long time, the forensic science reform in Ukraine remained virtually out of the attention of the legislature. Some amendments to the current Law of Ukraine: *On Judicial Examination* did not always improve position of forensic experts and satisfy the requests of forensic clients, more often they were discriminatory (in particular, inability to conduct forensic, forensic and forensic psychiatric forensic examinations) criminal proceedings by forensic experts who are not employees of state forensic science institutions) did not fully correspond to the current state of development of forensic science (currently, the Law does not define the status of forensic science institutions (hereinafter referred to as FSI) of non-state forms of ownership, where private forensic experts work that leads to legal conflicts in the case of involving such institutions in providing forensic examinations).

Article purpose

Identification of main models of the system of forensic science institutions in Ukraine, as well as analysis of international experience of forensic science support to justice .

Analysis of Essential Researches and Publications

The scientific basis of the research composed research papers devoted to this issue solving in the field of forensic science including D. Shelton ¹, R. T. Bowen ², H. Wallace, M. A. Pollack, A. R. Young ³, E. Kh. Yukselohlu in collaboration with ⁴, I. V. Pyrih ⁵, M. G. Shcherbakovskiy ⁶, L. M. Romanenko ⁷ and others.

Some aspects of solving the problems of reforming the basic legislation of Ukraine on expert support of justice are reflected in the works of domestic scholars (in particular, O. M. Kliuiev ⁸, E. B. Simakova-Yefremian ⁹,

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- 1 Shelton D. Forensic Science in Court : Challenges in the Twenty First Century. Rowman & Littlefield. Lanham, MD, United States. 196 p.
 - 2 Bowen R. T. Ethics and the Practice of Forensic Science. 2nd Edition. CRC Press, 2021. 272 p.
 - 3 Wallace H., Pollack M. A., Young A. R. Policy-Making in the European Union. 7 ed. Oxford, 2014. 597 p. DOI: 10.1093/hepl/9780199689675.001.0001 (date accessed: 17.03.2022).
 - 4 Юкселоглу Э. Х., Йонар Ф. Ч., Райимоглу, Каратас О., Ашикиоглу Ф. Судебно-экспертное образование в Турции: на примере института судебной медицины. *Актуальні питання судової експертизи та криміналістики* : зб. мат-лів міжнар. наук.-практ. конф., присвяч. 100 річчю від дня народж. д-ра юрид. наук, проф., засл. діяча науки і техніки України М. В. Салтевського (Харків, 07–08.11.2017). Харків, 2017. С. 52–54.
 - 5 Пиріг І. В. Теоретико-прикладні проблеми експертного забезпечення досудового розслідування : монографія. Дніпропетровськ, 2015. 432 с.
 - 6 Щербаковський М. Г. Проведення та використання судових експертиз у кримінальному провадженні : монографія. Харків, 2015. 560 с.
 - 7 Романенко Л. М. Розвиток організації судово-експертної діяльності в Україні з урахуванням досвіду деяких зарубіжних країн. *Право та управління*. 2012. № 1. С. 444–452.
 - 8 Ключев О. М. Удосконалення експертного забезпечення правосуддя: теоретичні, правові та організаційні аспекти. *Теорія і практика судової експертизи та криміналістики*. 2019. Вип. 19. С. 102–117. DOI: 10.32353/khrife.1.2019.08 (date accessed: 17.03.2022).
 - 9 Сімакова-Єфремян Е. Б. Про необхідність удосконалення законодавства щодо здійснення судово-експертної діяльності в Україні. *Ibid*. С. 118–129. DOI: 10.32353/khrife.1.2019.09 (date accessed: 17.03.2022).

V. Yu. Shepitko ¹⁰, V. M. Shevchuk ¹¹,
H. K. Avdieieva ¹², P. I. Repeshko ¹³ et al.).

At the same time, the analysis of these and other research papers demonstrates the need to consider models of the system of forensic institutions in order to determine and select the optimal model, laid down in the draft Law on forensic science activity.

Main Content Presentation

Since Ukrainian independence, the issue of reforming the mechanisms of state management of forensic expertise (hereinafter referred to as FEA) has received considerable attention which led to adoption of certain regulations of programmatic and conceptual nature that recognized the need for forensic science as an important and independent institution. bodies conducting inquiries and pre-trial investigations. However, no real action has been taken so far to remove expert services from the bodies of the Ministry of Internal Affairs of Ukraine, Ministry of Defense of Ukraine, Security Service of Ukraine and the State Border Guard Service of Ukraine. These expert services in their activities are forced to be guided by the corporate interests of their ministries and departments, including law enforcement, crime control, crime

investigation and more. Under such conditions, the basic principles of FEA are violated: legality, independence, objectivity and completeness of the study that leads to a violation of the rights and legitimate interests of citizens in legal proceedings.

The tasks facing forensic experts in the context of reform require finding and identifying ways to improve the efficiency of state regulation of forensic science activities (FEA), optimization of organizational and regulatory framework, improving mechanisms for state regulation of this activity in Ukraine.

Multidimensionality and scale of this issue determined the need for its comprehensive taking into account multidimensional nature of scientific search.

The modern system of legislative regulation of relations related to forensic examinations is quite complicated. A significant number of legal norms are set out in a large number of acts that a priori cannot but give rise to duplication, contradictions and collisions. The regulatory framework of forensic science activity should be improved not only by updating the forms and methods of conducting examinations but in the direction of maximum consolidation of regulations (it is clear that it is not

- 10 Шепітько В. Ю. Проблеми нормативно-правового регулювання судово-експертної діяльності в Україні. *Проблеми реформування базового законодавства України з питань експертного забезпечення правосуддя* : мат-ли круглого столу (Харків, 06—07.02.2020). Харків, 2020. С. 25—27.
- 11 Шевчук В. М. Методологічні проблеми вдосконалення законодавчого забезпечення судово-експертної діяльності. *Ibid.* С. 34—41.
- 12 Авдеева Г. Проблеми гармонізації законодавства України у галузі судової експертизи із законодавством країн Європейського Союзу. *Правова доктрина – основа формування правової системи держави* : мат-ли міжнар. наук.-практ. конф., присвяч. 20-річчю НАПРН України та обговоренню п'ятитом. моногр. «Правова доктрина України» (Харків, 20–21.11.2013). Харків, 2013. С. 634—637.
- 13 Репешко П. І. Щодо сутності судово-експертної діяльності як об'єкта державного регулювання. *Криміналістика и судебная экспертиза*. 2013. Вып. 58 (1). С. 45—52. URL: http://nbuv.gov.ua/UJRN/krise_2013_58%281%29__8 (date accessed: 17.03.2022).

to the detriment of those norms that regulate the specifics of certain types of examinations).

State specialized forensic science institutions of the Ministry of Justice of Ukraine make a leading contribution to conducting forensic examinations, have an extensive system of bodies and highly qualified specialists of various profiles, capable of promptly solving various issues related to the effective implementation of FEA. At the heart of their activities is the territorial principle of service, which ensures timely and optimal conduct of expert research and a multi-stage system of training forensic experts.

Practical issues of public administration of FEA, as rightly noted by S. M. Novikov require their solution by identifying and eliminating various contradictions, inconsistencies, gaps in the organization of expert institutions and in their management, especially since management is one of the system-forming factors of the forensic system¹⁴.

Researching fundamental and applied works in the field *Public Administration* P. I. Nadolishnyi believes that the methodology of public administration can be defined as a set of worldviews and specific knowledge about scientific methods of cognition and change of reality that is philosophical and theoretical basis of research and practice management, purposeful influence of the state on the processes of social development¹⁵. Development of our state in the direction of democratization of all social relations (in particular, in the field of law enforcement practice and justice) necessitates the

improvement of mechanisms of state regulation of the development of FEA, which require radical changes. According to V. V. Lukianenko, FEA management system can be represented as a set of the following interconnected components: the management mechanism (basic principles, functions, goals and methods); control systems in statics (structure of governing bodies, personnel, equipment and technology); management systems in dynamics (management procedure development, adoption and implementation of management decisions); mechanism of self-improvement (as a continuation of functioning and a special stage of dynamics).

According to V. V. Lukianenko, FEA formation of an effective system of public administration in the field can be carried out in the following areas:

- 1) formation of a new legal framework, which at a higher level will regulate the issues of FEA and its public administration;
- 2) formation of institutes, organizational structures and tools for public administration that meet the requirements of the present time;
- 3) staffing of both the state institutions themselves of forensic examinations and the system elements managing them;
- 4) strengthening and formation of new financial and economic foundations for functioning of state forensic science institutions;
- 5) scientific and information support of public administration systems in this

14 Новиков С. Н. Организационно-правовые основы экспертно-криминалистической деятельности в органах внутренних дел : дис. ... канд. юрид. наук. Рязань, 2005. С. 6.

15 Надолішний П. І. Фундаментальні і прикладні дослідження в галузі науки «Державне управління». Взаємозв'язок і роль в удосконаленні практики державного управління. *Кримський юридичний вісник*. Сімферополь, 2010. Вип. 2 (9), Ч. II. С. 91.

area, formation of mechanisms for monitoring its functioning¹⁶.

This approach to defining the management system of FEA in Ukraine seems reasonable, because it takes into account the target, functional, organizational and other components of the mechanism of its state regulation in our country. Therefore, FEA as an object of state regulation is the activity of the state, legal entities and individuals to ensure justice by independent, objective, competent and qualified expertise carried out by professional (certified) forensic experts on the basis of the Law of Ukraine: *On Judicial Examination* and others within their competence, in the manner and on the grounds specified by the relevant provisions of current legislation of Ukraine¹⁷.

According to the latest trends in the development of FEA in Ukraine, every year the role of forensic experts is constantly growing not only in solving, investigating and preventing crimes, ensuring evidence in the course of criminal proceedings and proceedings in administrative offenses, the involvement of experts in civil and commercial proceedings¹⁸ is becoming increasingly important and widespread.

However, despite the introduction of a large number of adjustments (primarily those related to the legislative principles of the implementation of FEA and current procedural codes), we can state that the current state of regulatory and

legal support for FEA in Ukraine is far from perfect, and the process of reforms initiated by the state in the relevant field is not completed. Most of the issues that theorists in the field of law drew attention to remained unresolved, and the draft Law on Forensic Expert Activity in Ukraine, prepared in 2017 (that, although not in full, but resolves some legislative conflicts), postponed indefinitely. This condition makes scientists to conduct new research on the legislative support of in Ukraine¹⁹.

It should be noted that the legislation regulating the organization and conduct of forensic examination in Ukraine is a significant array of legal norms contained in numerous normative legal acts of different legal forces. The current state of this system can be divided into several levels of normative legal acts:

- 1) general nature (devoted to the issues of determining the legal status of a forensic expert and forensic examination in Ukraine which apply to all species of forensic examinations);
- 2) procedural (or sectoral) nature (regulate procedural and procedural issues of appointment and conducting forensic examinations in certain areas of justice);
- 3) departmental nature (determine the legal status of forensic experts and the peculiarities of their activities in state expert institutions of various departmental affiliations);

16 Лукьяненко В. В. Теоретические основы управления судебно-экспертной деятельностью. *Роль и значение деятельности Р. С. Белкина в становлении современной криминалистики* : мат-лы междунар. науч. конф. (к 80-летию со дня рожд. Р. С. Белкина). Москва, 2002. С. 279.

17 Репешко П. І. *Op. cit.* С. 50—51. URL: http://nbuv.gov.ua/UJRN/krise_2013_58%281%29__8 (date accessed: 17.03.2022).

18 Гаращук В. М. Проблеми законодавчого забезпечення судово-експертної діяльності в Україні. *Актуальні питання судової експертизи і криміналістики* : зб. мат-лів міжнарод. наук.-практ. конф., присвяченої 150-річчю з дня народження Засл. проф. М. С. Бокаріуса (Харків, 18—19.04.2019). Харків, 2019. С. 41.

19 Ibid.

4) acts devoted to the conduct of various (special) types of forensic examinations²⁰.

Currently, in Ukraine, no state body is responsible for the formation of a single state policy in the field of FEA that leads to an imbalance of the entire forensic expert system due to the inconsistency of departmental regulatory and legal regulation.

According to Sehai, the issues of its optimization of the organization and infrastructure management, ensuring the practical implementation of legal and methodological foundations, are important in solving the issues of reforming FEA. These issues, according to the researcher, include:

- optimization of organizational forms of management of state forensic science institutions (hereinafter referred to as FSI) and non-state forensic science structures;
- unification of the scientific-methodological and information base of the FSIs, management and coordination of research in the field of forensic science;
- improving methodology and procedures for the certification of professional forensic experts;
- organization of basic training of specialists in the field of FEA of humanitarian and natural-technical profiles;
- improving the methodological and preventive work of the FI optimizing the use of judicial expertise by investigators and courts²¹.

Currently, urgency of reforming forensic science has received well-

deserved recognition: Verkhovna Rada of Ukraine is considering four draft laws that regulate forensic science activity in Ukraine (№ 6284, 6284-1, 6284-2, 6284-3). One of the main issues where these projects have different approaches is the model of forensic science institutions in Ukraine which is the most reasonable, appropriate and effective. The results of numerous discussions, debates, questionnaires and generalizations between the professional forensic expert community, representatives of pre-trial investigation bodies, courts, advocacy, scientists indicate the ambiguity of their attitude to different models according to which the expert field should operate. survey generalization among the professional community conducted by the Directorate of Legal Policy in the Field of Judiciary, Judiciary and Related Legal Institutions of the Ministry of Justice of Ukraine (Monitoring Report, 2020) demonstrates that majority of respondents (51 %) are in favor of reforming the judicial system), 49 % want to leave the current system of organizational and managerial support, 36 % of respondents say that it is necessary to create a single central executive body to coordinate and control all subjects of forensic expertise, financing their activities in the manner prescribed by law, and 13 % – to introduce a single expert qualification commission.

The analysis of world practice in this matter also indicates the absence of a unified trend in the construction of a system of forensic institutions. In some countries it is the only expert service (for example, in Estonia, Sweden, Norway, Belgium, Portugal, Ireland, Northern Ireland and others - under the Ministry of Justice; in Finland, Slovenia, Slovakia,

20 Ibid. C. 30.

21 Сегай М. Я. Судебная экспертиология: объект, предмет, природа и система науки. *Теорія та практика судової експертизи і криміналістики*. 2003. Вип. 3. С. 25–32.

Hungary, Serbia, Croatia and others - under the Ministry of Internal Affairs; in Belarus it is subordinated to the President of the country), in other countries, a system of forensic science institutions with different departmental subordination (for example, in Spain, Poland, Latvia, Lithuania, Moldova, Germany, Romania, Italy, France, etc.).

L. M. Romanenko, researching somewhat related to our issues, it is appropriate to note that when considering the feasibility of the organization of FEA in Ukraine should take into account the positive experience of foreign countries and not ignore the achievements of the domestic model of such activities (including material, methodological, professional opportunities of departmental specialized expert institutions). In an effort to ensure maximum impartiality and independence of forensic examinations, the position of scholars who support the fact that the departmental affiliation of forensic experts is not crucial in their appointment to conduct forensic examinations in administrative proceedings in particular and in administrative proceedings in general deserves support. This is determined by the fact that the agencies must ensure true independence for forensic experts and not influence the conduct of examinations. For this purpose it is necessary to improve the legal regulation of this organizational FEA form and to develop alternative independent forensic expertise, providing equal opportunities in the use of both these forms²².

Thus, the international experience of expert support of justice is subject to scientific analysis in order to implement the relevant advanced norms in the legislation of Ukraine and apply them in practical activities. This is necessary to improve the procedures for the participation of

a forensic expert in the judiciary and the entry of Ukrainian FSI into international organizations that unite various foreign expert institutions in order to integrate the Ukrainian system of forensic science support to justice into international community.

Taking into account the views that exist today, we have tried to identify the main models of the system of forensic institutions, which are proposed in the draft Law on Forensic Science Activity.

I. Classical (traditional) model (currently exists in Ukraine, it is characterized by decentralization in the construction of a system of expert institutions, the functioning of a network of state and municipal expert institutions and services subordinated by the Law to the circle of subjects (ministries and departments), the presence of intra-departmental legal regulation). Varieties: with the restriction of private experts in the right to conduct forensic, forensic and forensic psychiatric examinations; with the provision of private experts with the right to conduct forensic and forensic examinations (with the exception of certain groups of objects).

II. Neoclassical (updated traditional) model (provides, as well as the previous one, decentralization in the construction of a system of expert institutions, the functioning of the current network of state and municipal expert institutions and services with the possibility of creating new expert institutions by an unlimited range of entities (ministries and departments), the presence of intra-departmental legal regulation). Today, initiatives to create its own departmental expert service have, for example, the State Bureau of Investigation.

III. Radical model (new for Ukraine, it provides for centralization through the creation of a single Central Executive

22 Романенко Л. М. *Op. cit.* С. 450—451.

Body: State Expert Service, subordinate to the Cabinet or the Ministry of Justice of Ukraine, which will ensure the implementation of state policy in the field of justice and subordinate all departmental state and non-state experts institutions and private forensic experts with whom it will conclude agreements on the provision of forensic services and pay for them, as well as ensure the work of the Central Expert Qualification Commission to assign (deprive) qualifications of forensic experts bring them to disciplinary responsibility, control over the organization their activities; ensuring the maintenance of Registers of certified forensic experts and methods of forensic examinations; organization of research in the field of forensic examination and regulatory and methodological support of forensic experts).

IV. Mixed (partially radical) model (contains a classical or neoclassical model for the existence of an extensive system of departmental expert institutions with elements of centralization - the definition of the Ministry of Justice of Ukraine as the only body that forms state policy in the forensic expert field, as well as the introduction of unified qualification and disciplinary bodies (commissions) under the Ministry of Justice, which will equally

include representatives of various agencies that are subordinated to the Ministry of Justice, expert institutions, as well as representatives of the private sector of forensic experts).

V. Competitive model (based on decentralization of extensive system of departmental forensic institutions with such a feature that forensic science institutions subordinate to agencies with pre-trial investigation functions provide only the needs of relevant pre-trial investigation bodies in conducting forensic examinations, involving specialists in investigative actions). Each of the bodies (agencies) with such functions should have its own expert service, in contrast, expert institutions and experts who are not subordinate to such agencies (namely, forensic science institutions of the Ministry of Justice of Ukraine, Ministry of Healthcare of Ukraine, non-state expert institutions and private experts), provide expert services on the appointment of the court and at the request of other persons (bodies) in any of proceedings (defense expert, defense conclusion, alternative forensic examination, forensic re-examination)).

Advantages, disadvantages and risks of each model are formed in the form of a comparative table (see Table 1).

Table 1
Comparison of models of the system of forensic science institutions

Models	Classical	Neoclassical	Radical	Mixed	Competitive
<i>Advantages:</i>					
• competitiveness of experts from different departments, that contributes to the quality of forensic examinations;	+	+	-	+	+

Models	Classical	Neoclassical	Radical	Mixed	Competitive
• availability of an alternative in the subject choice of forensic examinations for customer;	+	+	-	+	+ (except for pre-trial investigation bodies)
• determination of the legal status of non-state expert institutions;	-	+	+	+	+
• elimination of discrimination against other bodies in formation of forensic science institutions;	-	+	-	-/+	+
• elimination of the risks of violation of forensic expert independence by the heads of forensic science institutions and departments through the transfer of their functions to assign (deprive) qualification of a forensic expert, implementation of disciplinary proceedings is uniform for all experts to qualification and disciplinary commissions with a single procedure for their work and a fairly defined composition;	-	-	+	+	-
• delimitation of the body that should form a single state policy in the field of forensic science and bodies implementing this policy;	-	-	+	+	-
• unified professional requirements while acquiring forensic expert status;	-	-	+	+	-
• uniform qualification and disciplinary bodies for all forensic experts with a single procedure for their work;	-	-	+	+	-
• procedure unification for conducting examinations;	-	-	+	+	-
• ensuring equality between state and non-state forensic experts (in capabilities of professional training, advanced training, access to examinations of various types, grounds for bringing to justice, etc.);	-	-	+	+	-
• unified criteria of remuneration;	-	-	+	-	-
• optimization of the number of state forensic science institutions, staffing number of employees taking into account the workload by type of forensic examinations or regions;	-	-	+	-	-

Models	Classical	Neoclassical	Radical	Mixed	Competitive
reducing the financial costs of the state regarding maintenance of forensic science institutions that do not have sufficient workload;	-	-	+	-	-
ensuring uniformity of the load on experts (in particular, by introducing an electronic distribution of forensic examinations);	-	-	+	-	-
possibility of increasing the amount of salaries of state forensic experts by optimizing forensic science institutions;	-	-	+	-	-
uniformity of material, technical and personnel support of forensic science institutions;	-	-	+	-	-
elimination of corruption intra-departmental risks (in particular, the bias of forensic medical examinations in cases of indictment bias, where health care providers are a party that is possible in the case of conducting forensic examinations at forensic science institution of the same department where pre-trial investigation is carried out);	-	-	+	-	-
unification of methods of forensic examinations (both generally recognized by the scientific and expert community and tested in practice);	-	-	+	-	-
centralized procedure of organization and control over the implementation of research works taking into account the needs of practice (in particular, on a competitive basis);	-	-	+	-	-
convenience of monitoring the activities of subjects of forensic expert activity according to the unified criteria	-	-	+	-	-
<i>Disadvantages and risks:</i>					
inconsistency of proposed system of forensic science institutions with the results of reforming law enforcement agencies and newly created central executive bodies (creation of the Bureau of Economic Security, reform of Security Service of Ukraine);	+	-	-	+	-

Models	Classical	Neoclassical	Radical	Mixed	Competitive
• needs for additional financial costs from the state budget;	-	+	+	-	+
• risk of usurpation of forensic examination by a single monopoly state body;	-	-	+	-	-
• negative impact on the procedure of forensic examinations during the reform, formation, reorganization or liquidation of forensic science institutions, registration of new legal relations, formation of the body (institution) apparatus, inhibition indefinitely;	-	-	+	-	-
• political opposition of agencies that are subordinated to forensic science institutions;	-	-/+	+	-/+	+
• lack of qualified forensic expert staff from the full list of types of forensic examinations necessary for the body	-	-	-	-	+

Conclusion

Selection of the model laid down in the draft Law on Forensic Expert Activity, should be very balanced not only in terms of benefits but in severity of negative consequences and risks that can occur, jeopardizing proper functioning of the forensic expert industry in general for a long time. It is important in reforming the system of forensic science institutions to comply with procedural legislation (possibility of collecting and submitting evidence by the parties to the court, taking into account procedural terms, etc.), as well as determining the body responsible for formation of a single state policy in this area.

Taking into account the above, a mixed model of the system of forensic science institutions can be considered more expedient for implementation in Ukraine.

Моделі системи інституцій судової експертизи в Україні (переваги та ризики)

Наталія Ткаченко, Вікторія Алексєйчук

Розглянуто основні моделі системи інституцій судової експертизи, щодо яких є пропозиції в проєкті закону про судово-експертну діяльність.

Метою дослідження є визначення основних моделей системи інституцій судової експертизи в Україні, а також аналіз міжнародного досвіду експертного забезпечення правосуддя у справі імплементації

відповідних сучасних світових норм у законодавство України і застосування їх у практичній діяльності.

Виокремлено основні моделі системи інституцій судової експертизи, зокрема класичну (традиційну), неокласичну (оновлену традиційну), радикальну, змішану (частково радикальну) та змагальну. Обґрунтовано інтеграцію української системи експертного забезпечення правосуддя в міжнародний простір і вступ вітчизняних судово-експертних установ до міжнародних організацій, якими об'єднано зарубіжні експертні інституції, із метою вдосконалення процедур участі судових експертів у судочинстві.

Ключові слова: моделі системи інституцій судової експертизи; судово-експертна діяльність; державне управління; реформування; класична (традиційна) модель; неокласична (оновлена традиційна) модель; радикальна модель; змішана (частково радикальна) і змагальна моделі.

Модели системы институций судебной экспертизы в Украине (преимущества и риски)

Наталья Ткаченко, Виктория Алексейчук

Рассмотрены основные модели систем институций судебной экспертизы, по которым существуют предложения внедрения в проекте закона Украины о судебно-экспертной деятельности.

Целью исследования является определение основных моделей системы институций судебной экспертизы в Украине, а также анализ международного опыта экспертного обеспечения правосудия в деле имплементации соответствующих современных мировых норм в законодательство Украины и применение их в практической деятельности.

Выделены основные модели системы институций судебной экспертизы, в том числе классическую (традиционную), неоклассическую (обновлённую традиционную),

радикальную, смешанную (частично радикальную) и соревновательную. Обоснована интеграция украинской системы экспертного обеспечения правосудия в международное пространство и вступление отечественных судебно-экспертных учреждений в международные организации, объединяющие зарубежные экспертные институции, с целью совершенствования процедур участия судебных экспертов в судопроизводстве.

Ключевые слова: модели систем институций судебной экспертизы; судебно-экспертная деятельность; государственное управление; реформирование; классическая (традиционная) модель; неоклассическая (обновлённая традиционная) модель; радикальная модель; смешанная (частично радикальная) и соревновательная модели.

Funding

This research did not receive any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.

Disclaimer

The funders had no role in the study design, data collection and analysis, decision to publish, or preparation of the manuscript.

Contributors

The authors contributed solely to the intellectual discussion underlying this paper, case-law exploration, writing and editing, and accept responsibility for the content and interpretation.

Declaration of Competing Interest

The authors declare that they have no conflict of interest.

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