



Research Article

CLASSIFICATION OF FORENSIC EXAMINATIONS IN CRIMINAL PROCEEDINGS

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ABSTRACT

The issues of scientific and organizational-procedural classification of forensic examinations, which are important for practice and require theoretical justification, have been studied.

KEYWORDS

Classification of forensic examinations, classes, types and types of forensic examinations.

INTRODUCTION

Classification plays an important role in scientific knowledge. On the one hand, it is a form of expression of the conducted research, on the other hand, it is the basis of new scientific research. This determines the special, fundamental role of those branches of science that specialize in the classification and systematization of objects of study. In addition, their significance is not limited to the theoretical aspect of the application. The developed classifications influence the organization of this or that sphere of practical activity. In this regard,

much attention is paid to the problem of systematization and classification of knowledge in the theory of forensic examination.

The classification of forensic examinations is of significant theoretical and practical importance, since it allows you to determine the directions of their methodological and organizational support.

As the study of literary sources shows, the problem of systematization and classification has long been the

object of attention of forensic science and the general theory of forensic science.

The theoretical significance of the classifications of forensic examinations is determined as follows. Firstly, they are included in the system unity with other elements of the subject of the general theory of forensic examination and provide the terminological unity of science. Secondly, the use of classification is possible in predicting the emergence of new types, types of examinations and ways of developing both general and particular theories of forensic examinations. Thirdly, the classification contributes to the improvement of general and particular theories of forensic examinations, representing one of the ways to integrate various fields of knowledge. Classification can be carried out on various grounds: the nature (branch) of special knowledge, the place and sequence of conducting, the scope of the study, the composition of experts.

The need to objectify the processes of investigation and resolution of cases leads to an expansion of the scope of the use of special knowledge in all types of legal proceedings. The use of new methods allows obtaining more complete information about the objects examined during the proceedings.

The formation of new forensic examinations occurs in different ways: a new species or genus can arise within an existing one; when new objects of research and new tasks appear; the development of a kind of expertise may lead to the formation of a new class. The emergence of new types and types of expertise in criminal proceedings is also associated with a change in the offenses contained in the law. In these cases, the need for effective and rapid adaptation of judicial and investigative practice to new criminal law realities leads to the emergence of new ways and means of using special knowledge in the process of proving.

All this leads to a change and transformation of the developed classifications of forensic examinations, which, in turn, determines the relevance of the theoretical rethinking of the foundations and principles of their construction.

At the moment, the following sequence of structural levels of forensic examinations has developed in forensic examination: class - genus - species - subspecies.

Such a division of forensic examinations, taking into account the main tasks they solve, is essential:

- helps to determine the types and types of examinations, the production of which should be organized in forensic examination institutions, to predict the creation of new ones;
- facilitates the development of short-term and long-term plans for the development of the theory and methodology of expert research;
- determines the training and retraining of expert personnel, their competence and specialization;
- assists the person appointing a forensic examination in the correct choice of the appropriate type (type) of examination.

The class of examinations is the highest systematic category of forensic examinations, expressing the totality of examinations that meet certain specific conditions or characteristics. In the theory of forensic examinations, such a grouping feature is the commonality of knowledge, which is "the source of the formation of the theoretical and methodological foundations of forensic examinations".

As indicated in the literature, "classes combine the types of forensic examinations related to one or similar

branches of special knowledge, which also use similar tools”.

The class of examinations is the most actively changing category, since the combination of types of expertise in them causes constant disputes and discussions. The class of examination constitutes expert studies, united by the commonality of knowledge that serves as a source of formation of the theoretical and methodological foundations of forensic examinations, and objects investigated on the basis of this knowledge. Such, for example, are the class of forensic examinations, the class of forensic medical examinations, etc. In particular, the unification into one class of forensic examinations is losing its relevance: handwriting, traceological, fingerprinting, portrait examination.

But at the same time, there are prerequisites for combining into a single class both the newly formed types of forensic examinations and the previously existing ones. As an example, we can consider the formation of a new class - forensic speech examinations, accumulating knowledge about human speech activity "as the scientific basis for forensic examination of oral and written works of speech". As a class of forensic examinations, forensic speech science combines such types of examinations as author's, linguistic and handwriting examinations.

Many types of examinations, having formed, form new classes of forensic examinations with their own generic and specific division. Researchers distinguish traceological, computer-technical, environmental expertise into separate classes.

Artyushenko D.V. indicates that the class of examinations is more applied, in practical terms, a similar level of generalization is associated with the

organizational structure of forensic institutions and the training of expert personnel [1].

Following the class, the systematic category is the kind of expertise. According to most researchers, this is the main category of classification. "The type of expertise is a subset of expertise of a certain class, distinguished by their common subject, object, methodology of expert research and the corresponding branch of the science of forensic science".

As the researchers point out, "the basis of the division of forensic examinations into genera and species is the nature of the objects under study in conjunction with the tasks to be solved".

At the moment, among the types of forensic examinations, there are: forensic handwriting examinations, forensic technical examinations of documents, forensic author's examinations, ballistics, etc.

The type of examination, in the general theory of forensic expertology, is "an element of the type of examination, characterized by the specificity of the subject of research in a common object for the type, special methods and research tasks".

For example, in handwriting expertise, such types as handwriting research and signature research are distinguished. Forensic-technical examination of documents includes such types as forensic-technical examination of document details, forensic-technical examination of document materials, examination of prints of printed forms.

Some types of forensic examinations have a subspecies division. Subspecies of examination - a classification category of forensic examinations with a level lower than the type. We agree with the authors of the Encyclopedia of Forensic Examinations, who

believe that “a subspecies of forensic examination is a kind of examination that is distinguished by a peculiar group of tasks characteristic of the subject of this type of examination, and by complexes of research methods” .

For example, in handwriting examination, subspecies division is associated with the type of manuscript (text, short note, signature), execution conditions (ordinary or unusual).

In the literature there are different points of view on the structure of this or that class of forensic examinations, the classification proposed by N.P. Mailis is close and understandable to us.

Thus, N.P. Mailis divides forensic examinations into twelve classes: 1 forensic; 2-medical and psychophysiological; 3 engineering and technical; 4-engineering and transport; 5-engineering and technological; 6-economic; 7-biological; 8 - soil science; 9 – agricultural; 10 food products; 11-ecological; 12 - art history [2].

Taking into account the types of examinations, the classification is as follows:

1 class. Forensic.

This class includes three types of examinations: A - traditional forensic, the formation of which refers mainly to the period of the emergence and formation of forensic examinations; B - expertise formed in the last decades of the 20th century; B - various types of research on materials, substances, products, allocated to an independent genus, also called materials science.

A.– Author's, ballistic, handwriting, portrait, technical and forensic examination of documents; traceological, edged weapons.

B. - videophonoscopic, explosive, phototechnical, examination of the restoration of destroyed markings.

V. - Examination of objects of fibrous nature; examination of paintwork materials and coatings; examination of oil products and fuels and lubricants; glass examination; examination of metals, alloys and products from them (metal science); examination of polymeric materials, plastics, rubbers and products from them; examination of narcotic drugs and psychotropic substances; examination of alcohol-containing liquids; examination of perfumery and cosmetics.

Grade 2 Forensic medical and psychophysiological.

1) Forensic: forensic examination of corpses, forensic medical examination of living persons, forensic medical examination of material evidence (blood, hair, body secretions, etc.)

2) forensic psychiatric

3) forensic psychological

4) forensic psychological and psychiatric

Grade 3 Judicial engineering and technical: fire-technical, safety expertise, construction-technical, electrical, computer-technical.

4th grade. Judicial engineering and transport: autotechnical, aviation technical, railway technical, other engineering and transport.

Grade 5 Judicial engineering and technological: technological, merchandising.

6th grade. Judicial economic: accounting, financial and economic, engineering and economic.

7th grade. Forensic biological: botanical, zoological, entomological, microbiological, ornithological, odor traces (odorological).

8th grade. Forensic Soil Science:

soil science, mineralogical.

Grade 9 Agricultural: veterinary-toxicological, agrobiological, agrotechnical, veterinarian.

Grade 10. food products.

Grade 11. Forensic-ecological: environmental ecology.

Grade 12 Art History.

There are quite a lot of scientists who do not agree with the existing classifications. We will give one more of the classifications, which distinguishes classes and types of expertise in special knowledge. The division into classes according to special knowledge is based on the division of sciences, which are basic. This classification, as K.S. Evsikov, is open, since the process of accumulation and differentiation of scientific knowledge is continuous:

1. Forensic examination (handwriting, author's, technical, trasological, portrait, physical and chemical, documents, weapons).
2. Medical (forensic, forensic psychiatric).
3. Biological (botanical, zoological, agricultural, ecological).
4. Geological (soil science).
5. Economic (financial and economic, accounting).
6. Engineering and technical (food, merchandising, fire-technical, automotive, mechanisms, cybernetic, transport, ballistic).
7. Linguistic.
8. Philological.
9. Psychological.

10. Art criticism [3].

The above types of examinations are at different levels of development. Some of them have existed for decades, others have just begun to be created; the third are considered in the perspective of the general development of forensic examinations.

The emergence of new types of crimes, new tasks that in connection with them are put before the experts by the law enforcer, have influenced and continue to influence the emergence and development of the types (types) of forensic examinations.

For example, the use of explosives in the commission of crimes contributed to the emergence of explosive expertise, the use of firearms - ballistic expertise. The emergence of environmental crimes has led to the emergence of forensic environmental examinations associated with the need to establish a negative impact on the environment, the emergence of crimes in the field of computer facilities - to the development of forensic computer-technical examinations.

At present, the regularity of the relationship between the needs of judicial and investigative practice and the genesis of forensic examinations is also being confirmed. For example, in the Russian Federation, in connection with the entry into force of Article 258.1 of the Criminal Code of the Russian Federation, which establishes responsibility for the illegal extraction and trafficking of especially valuable wild animals and aquatic biological resources belonging to species listed in the Red Book, a new kind of forensic examination is being actively developed - wild flora and fauna.

The more often new types of crimes are committed, the higher their social danger, the more often there is a need for specific studies, the more actively the

process of forming the type (type) of forensic examination proceeds.

For example, the emergence of bank cards, documents executed on laser or inkjet printers, etc., served as the emergence of new types in forensic examination of documents.

The introduction of new research methods is also one of the most common ways to form new genera and types of forensic examinations. The emergence of new methods is closely connected with the development of technology and technology, with technical progress. It is he who contributes to an increase in the resolution of instruments, the emergence of new instruments capable of conducting more and more subtle and labor-intensive studies.

Summing up the paragraph, it should be noted the dynamism of the process of creating expertise and their transformation: the emergence of new types of expertise, the transformation of types of expertise into independent genera. Thus, the above classification is not final, fully completed and will be improved.

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