

# Criminological Activity of Forensic Science Institutions: the Concept of Implementation in Ukraine

## Nataliia Filipenko

<https://orcid.org/0000-0001-9469-3650>

Doctor of Law, Associate Professor

Senior researcher at Vilnius University, Faculty of Law

306 room (Dean's Office)

Saulėtekis av. 9 – I block, LT-10222 Vilnius, Lithuania

Phone: (+370 5) 236 61 85

E-mail: [tf@tf.vu.lt](mailto:tf@tf.vu.lt)

Professor at the Law Department of National Aerospace University – «Kharkiv Aviation Institute» NAU «KhAI»,

Chkalova Street, 17, Kharkiv 61070, Ukraine

E-mail: [filipenko\\_natalia@ukr.net](mailto:filipenko_natalia@ukr.net)

## Hanna Spitsyna

<https://orcid.org/0000-0002-6677-6915>

Doctor of Law, Professor

manager at the Law Department of National Aerospace University – «Kharkiv Aviation Institute» NAU «KhAI»,

Chkalova Street, 17, Kharkiv 61070, Ukraine

E-mail: [spitsyna\\_hanna@ukr.net](mailto:spitsyna_hanna@ukr.net)

The article analyzes the conceptual principles, opinions and ideas for understanding the essence of forensic science private theory, namely: forensic prevention concept is considered. The empirical prerequisites for the emergence and development of forensic research have been investigated: accumulation of empirical facts in the theory of forensic science and other sciences, manifestation of integration processes. Theoretical and applied foundations of expert prevention private theory are formulated.

**Keywords:** Prevention, criminalistics, forensic science, forensic prevention, forensic science general theory, forensic prevention private theory, specific expertise, forensic institutions, expert.

## Kriminalistikos mokslo institucijų kriminologinė veikla: įgyvendinimo Ukrainoje koncepcija

Šiame straipsnyje analizuojami konceptualūs principai, nuomonės ir idėjos, padedančios suprasti kriminalistikos mokslo privačiosios teorijos esmę, būtent: nagrinėjama kriminalistinės prevencijos idėja. Ištirtos kriminalistinių tyrimų atsiradimo ir plėtros empirinės prielaidos: empirinių faktų kriminalistikos ir kitų mokslų teorijoje kaupimas, integracinių procesų raida. Suformuluoti teoriniai ir taikomieji ekspertinės prevencijos privačiosios teorijos pagrindai.

**Pagrindiniai žodžiai:** prevencija, kriminalistika, kriminalistikos mokslas, kriminalistinė prevencija, bendroji kriminalistikos mokslo teorija, kriminalistinės prevencijos privačioji teorija, specialioji ekspertizė, kriminalistikos institucijos, ekspertai.

Received: 24/03/2022. Accepted: 22/06/2022

Copyright © 2022 Nataliia Filipenko, Hanna Spitsyna. Published by Vilnius University Press

This is an Open Access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

## Introduction

The conceptual and methodological model of research of criminological activity of forensic science institutions should be based on use of modern methods of scientific analysis based on the integrated use of a set of general and special approaches to scientific cognition management and implementation.

At the same time, to understand the essence of such a complex phenomenon as forensic prevention, current state clarification, analysis and forecasting of trends and prospects for its development, it is important to study the history of the emergence and development of the scientific category. Effectiveness of the crime investigation process largely depends on the results of forensic researches. The current period of development of legal science in Ukraine is associated with the need to solve a number of problems, among which a significant place is occupied by issues of study and creative analysis of scientific developments, ways to use scientific and technical achievements, identifying promising areas of research and more. Consideration of these issues is impossible without a deep, unbiased study of the history of science in general and its separate fields. This is especially true of applied sciences, the results of scientific researches that can be relatively quickly implemented in specific practical activities. The general theoretical and applied sciences include criminalistics and forensic science that are designed to provide their recommendations for the practice of combating crime.

Scientific achievements not only enrich the theoretical achievements of science, but also determine the further path of development of practice, provide scientific principles for optimizing such activities. In law enforcement and law enforcement fields, theoretical understanding of ways to improve practice is particularly important because the possibilities for experimentation, as a form of theoretical forecasting verification, are very limited. This is especially true of preventive activity that is a general term and covers all types of impact on crime.

By general prevention we mean one of the areas of social management which is to prevent and stop specific crimes and crime itself as a social phenomenon. In other words, crime as an integral part of development and functioning of society, develops, professes and implements its own interests, generates the latest properties that come into conflict with the values protected by law. There can be no compromises in this confrontation, because in the event of a loss, the state and society self-destruct. Professional legal sources have repeatedly expressed the opinion that the fight against crime is a special kind of interaction between two opposing parties of social life (Filipenko N. (2020) Criminological activity of forensic science institutions of Ukraine).

As experts rightly noted in this regard, preventive activities cover three areas:

- 1) general organization of such activities: set of organizational (accounting, registration), management (forecasting, planning, coordination, definition of strategy and tactics), preventive (implementation of programs and plans, implementation of preventive measures), control (study of practice, crime trends) actions of various bodies and institutions that interact with each other to achieve common results;
- 2) law enforcement activity consisting in the implementation by specially authorized state bodies of measures provided by law to prevent the development of criminal intent in the early stages of the crime, identify signs of crimes, identify those who committed them, bring these people to justice, restore violated rights, freedoms and the legitimate interests of the people and the compensation of damages from criminal acts;
- 3) crime prevention, which means the implementation of economic, political, ideological, educational, legal and other measures to combat crime, is the activity to identify and eliminate the causes of crime, certain types and groups of crimes, specific crimes to prevent the completion of crimes at different stages development of criminal behavior (Filipenko, Spitsyna, 2020, p. 410).

Despite a declining trend in crime in recent years, the level of latent crime remains quite high, new types of crime are constantly appearing, primarily related to the development of the Internet, the improvement of IT technologies, the globalization of crime, and so on.

Another major factor influencing the course and effectiveness of preventive activities is the problem of timely recording and initiation of criminal cases or misdemeanors based on available information. The vagueness and complexity of disguised crimes, impossibility of identifying the perpetrators, the shortcomings of the regulatory framework of law enforcement agencies, the imperfection of the interaction of forensic officers with investigators at the stage of criminal proceedings greatly affect the preventive activities, its efficiency and effectiveness in modern conditions.

## **Main Content Presentation**

The nature of the knowledge of each science is determined solely by its subject matter as part of the objective reality that a particular science studies. The use of knowledge of other sciences does not change their topics, this knowledge is only adapted to solve the tasks assigned to this science. While developing theoretical foundations and corresponding recommendations addressed to expert practice, the theory of forensic science uses the so-called “specific expertise” and transforms them into legal knowledge, which optimizes the implementation of special knowledge in legal proceedings (Segai, 2001, p. 10).

Criminology and forensic science indirectly including sectoral forensic knowledge and practical types of forensic science, serve expert practice indirectly, by developing general theoretical principles and origins of modern forensic methodology including standard methods based on basic tools and modern computer technology, should play the role of methodological guidelines in the construction of industry expert disciplines and their inherent expert methods, techniques and technologies.

Ranking and purpose of forensic examination, as a theoretical category is as follows: first, having a dual nature, it should take over the scientific service of all aspects of practical forensic activity, in the context of developing practical procedural recommendations for forensic experts in all types of proceedings (criminal, administrative, civil, etc.); secondly, in close cooperation with procedural science, forensic examination should actively improve the legal framework of state policy in the field of forensic justice; thirdly, it cannot be outside the development of scientific principles of organizational and managerial aspect of experts, which would ensure the most effective functioning of state forensic institutions as an important component of the judiciary and the judiciary ; fourth, forensic examination, constantly evolving and changing, prepares a large array of modern specialists, both scientists and professionals.

On the basis of criminalistics theories of identification and recognition scientific foundations that were laid by S. M. Potapov (Potapov, 1946); theories, methods and techniques of forensic identification, diagnosis and situation were formed that differ significantly from investigative methods of identification, recognition, situational analysis of crime. The tactics of appointing an examination in terms of content do not coincide with the concept of tactics of conducting an examination. Quite a different meaning includes the use of specific expertise by investigators in the criminalistics methods of investigation of certain categories of crimes and methods of using specific expertise by an expert who professionally “serves” specific types of crimes (forensic doctor, auto expert, motor mechanic, and others). The professional knowledge of investigator and the expert specific expertise on the criminalistic characteristics of the crime and the methods of including this knowledge by everyone in their professional activities have both common and distinctive features.

Currently we see a tendency to gradually update forensic science as a theoretical category, its transformation into a more capacious than before, a kind of theoretical knowledge that serves not only the law but also the needs of management. It is about the active extension of forensic activity not only in the field of civil, commercial or administrative proceedings but also in other areas of public activity that require professional expertise to make important decisions in the field of law, management, economics (Segai, 2001, p. 12).

An important condition for improving the effectiveness of preventive activities is to intensify the use of scientific and technological progress in the detection and investigation of crimes. Forensic science as a synthetic branch of knowledge very productively contributes to introduction into investigative practice of modern advances in science and technology. However, the problems of interconnection and interaction of forensic science and investigative practice are among the most complex in forensic theory and practice. The solution of these problems largely depends on an adequate understanding of the dynamic processes within science itself associated with its development, changing priorities, updating the knowledge itself (Filipenko, Shynkarenko, Tsymbalistyi, 2021).

The growing interest in science as a higher form of knowledge of objective reality by philosophers, sociologists, lawyers, social scientists is a characteristic feature of the current stage of development of scientific and technological progress. Among the issues consideration of which largely provides an adequate understanding of science, a significant place is occupied by the problem of its topic and object. The issue of the science topic includes a large number of nuances, a wide range of phenomena and circumstances that are constantly changing making it an “eternal” problem for each field of knowledge. Science goes through several stages in its development. The process of science evolution can be divided into several periods: a) genesis of a certain system of knowledge; b) knowledge differentiation; c) knowledge integration. Formation of a scientific discipline is impossible without defining the range of its interests. Further development of science objectively leads to its differentiation, the formation of new branches of knowledge that requires the specification of the subject of so-called “maternal” science and separation from its independent areas, clarification between them the topic of scientific cognition (Filipenko, Bublikov, Obolientseva-Krasyvska, 2021).

Further development involves the integration of sciences. Given that the outlined stages are interdependent, do not have clear time limits, include both differential and integration processes, the relevance of the study of the subject of science with its development does not decrease but increases. Manifestations of these provisions have their own specifics in relation to specific areas of knowledge and especially in relation to young applied sciences including forensic science. The origins of this rather complex problem lie in the natural difference between the object of science and its topic. This is an interesting theoretical collision because many legal sciences study the same events or phenomena that may coincide or be similar in content. It is for the purpose of a clear delineation of sciences in the context of the coincidence of the studied phenomena that the theoretical concepts *topic of science* and *object of science* were introduced into scientific circulation. The topic is a part, a side of this or that concrete aspect of object investigated by the given science; this is the range of the most important studying issues. If the object is usually common to a number of sciences, the subject of one science cannot coincide with the topic of another.

The object of science is understood as a holistic system with a certain structural organization with different levels of internal and external relationships and interdependencies having not only a certain stability but also its own dynamics of development.

The existence of a common object of research for different sciences is emphasized by the majority of criminologists who are specially engaged in the study of the problem of expert institutions

(Criminalistics and forensic examination, 2018). In our opinion, the long discussions of legal lawyers that continues in our time, about the fields of interests of criminalistics, criminal procedure, forensic science are largely caused by the fact that the object of research is included in the system of a science. It should be noted that the object of science is a certain part (fragment) of objective reality having a qualitative certainty and homogeneity that opposes the subject of activity, cognition. Based on this, the system of science includes not the object of study but knowledge about it in the form of concepts, positions, ideas, views, theories, hypotheses reflecting the real object, its qualities, features, relationships, connections, the laws of its formation, development and functioning.

The object of science cannot remain unchanged. Its evolution highlights new, previously unknown aspects and circumstances. On the other hand, the development of science itself not only expands the range of knowledge about a particular object, but also opens previously unknown aspects, connections, relationships and, as a consequence, may develop so that the capabilities of the existing complex of sciences that study a particular object (the variety of qualities of the object, its multifaceted nature, objectively cannot be studied by a single science) is not enough to study. Therefore, the most effective and most promising research are cross-sectoral, but, which include a system, a set of certain knowledge, approaches, methods of different fields of knowledge. Such sciences include forensic science. In addition, the knowledge about object and topic of science is evolving. It is supplemented by new provisions, clarifications, in some cases, the system of ideas about the object, its elements or characteristics changes significantly. The dynamism of the object of cognition, development of science objectively leads to a significant increase in knowledge about the field under study. In this regard, the problem of clarifying the subject of science and its object is constantly updated, as the subject of science, just formed in the process of cognition, being an idealized object of science, its theoretical model. Thus, the problem of the subject of science cannot, in our opinion, belong to the circle of unconditionally solved. Each stage of development makes its own adjustments, opens up new aspects and aspects of this fundamental concept. Adequate understanding of the subject of forensic science, the essence of its subsystems and separate theories is of fundamental importance, because their definition specifies the area of objective reality that is the substantive basis of this area of knowledge, namely the activity the object of which is expert research.

The private theory of expert prevention did not arise out of nowhere. Its development was preceded by a long and painstaking work on the development of the general theory of forensic science. The fact that the private theory of forensic prevention studies almost the same object as the general theory of forensic examination, it seems appropriate to pre-analyze the content of general theory topic. In this case, it is taken into account that this theory itself is undergoing significant qualitative changes: in the legal regulation of forensic activities; expanding the scope of specific expertise; accumulation and systematization of new factual material, etc.

The process of forming scientific ideas about the subject of the general theory of forensic science has a long history and is not completed so far. A large number of criminologists (M. Segai, P. Bilenchuk, V. Prokhorov-Lukin, A. Ishchenko, N. Klimenko and others) recognized forensic science as an independent branch of legal science, but differed in their interpretation of its ranking in the system of other fields of knowledge. They believe that its further formation requires a clearer definition of the object and topic of new science, its conceptual foundations, its methodology that should be based on the model of expert cognition and intersectoral teachings for their ontological and epistemological guidelines.

For example, defining the place of forensic expertise in the system of scientific knowledge, A. Eisman noted that it is rather separate part of criminalistics having a specific issue, topic and task. It should be considered a doctrine of forensic science in the criminalistics system (Eisman, 1980). The book by

A. Winberg and N. Malakhovskaya: *Forensic expertology. General theoretical and methodological problems of forensic examinations* and their previous articles, as well as further clarifications give a complete picture of their concept of a new field of knowledge that they called forensic expertology. These scientists define it as a branch of legal science that studies the laws, methodology, process of formation and development of scientific bases of forensic science, as well as examines their objects allowing to have an idea of the subject of science and its place in the system of scientific knowledge. Forensic expertology should explore the general patterns and methodological problems of the theory of forensic science and not fall to the level of certain types of expertise as a practical specific activity (Vinberg, Malakhovskaya, 1979).

Forensic expertology is a science that studies the patterns of functioning of forensic activity, patterns and methodology of formation and development of examinations, patterns of research of objects of examination, carried out on the basis of specific expertise transformed on the basis of branch sciences into the system of scientific methods, techniques and means of solving expert problems. Within the framework of legal regulation, it should be defined as a synthetic, applied legal science that by its genesis and general research object (criminal activity) belongs to the cycle of criminal law sciences.

As noted in the scientific works devoted to the development of forensic science genesis from the part of criminalistics to an independent scientific category, the general idea of its creation was the main (fundamental) pattern: for all the individual differences of examinations of different genera and species, they all have many common positions expressed in their purpose, theoretical justification, sources, stages of development, functioning, regulation, organization. The conditions that contributed to the solution of the problem of creating a forensic expertology are: (1) availability of a large body of empirical material in certain genera (types) of examinations, the creation on this basis of separate theories of these examinations, which reflected their scientific basis and patterns; (2) development of principles, methodological, legal and organizational bases of various kinds of forensic examinations, allocation from this volume of that general that should be inherent in any kind of examination, including that created; (3) the presence of intermediate theoretical developments on certain problems of forensic examination, which are reflected in monographs, articles, educational and methodological literature; (4) the system of methods and techniques of expert research, which is constantly improved and is a reflection of general scientific and technological progress; (5) the presence of a developed system of state forensic institutions in various departments of the country, coordinating their practical and scientific activities. Thus, the purpose of forensic expertology is primarily to systematize the accumulated so far categories of all kinds (types) of forensic examinations, namely: concept of the forensic examination topic, objects of research, expert tasks, expert specific expertise, concept of expert competence and competence, technology of expert research, etc. (Synopsis of lectures on the subject "Expertology" for law students, 2016).

As I. A. Aliiev rightly noted, the general theory of forensic examination should reflect the patterns of origin and development of examinations of different classes, genera, species with aim to synthesize and systematize the knowledge about forensic examination as a single system about what processes take place in . It should reflect the concept of the subject, general methodology, training on objects, subjects, expert tasks and methods of expert research, theoretical aspects of infrastructure and system-functional analysis of expert activities, as well as prospects for the creation and development of private theories of forensic science. In this case, it should be a legal interdisciplinary theory, substantively related to the criminal process, criminology, with other sciences, including specialized, which form the basis of examinations of different classes, kinds (Aliiev, 1990).

The subject of the general theory of forensic examination, according to S. F. Bychkov, is a system of theoretical knowledge that reflects at the meta-subject level the general patterns of development of the scientific basis of forensic science and expert activity (Bychkova, 1992, p. 124).

One of the main factors that significantly affect the study of expert prevention is to take it as a whole system to reveal its essence, qualitative specificity, its inherent systemic integration qualities (composition, structure, internal and external organization, relationship of components). The emphasis is on the interaction and interdependence of individual components of the system, the specifics of the functioning of the whole system as a whole. It is necessary to distinguish between the overall qualities of the system and the individual qualities of consisting elements because they can differ significantly.

The solution of this problem required, in turn, the development of a private theory of forensic prevention. All attempts of theoretical generalizations concerning separate elements of preventive activity without intention to consider them as components of one system, without application of the scientific analysis of all the system as a whole (for example, interconnected processes occurring in this system, their hierarchical communications), failed to build a private theory of forensic prevention.

The creation of theory always marks a qualitatively new stage in the development of scientific knowledge and its positive impact on practice. The private theory of forensic prevention is designed to systematize empirical knowledge and available theoretical generalizations, to describe and explain it, to reveal the patterns of its functioning and development. However, private theory development of forensic prevention required a solution to the issue in which field of knowledge, in the light of which general theory, it can be created and developed.

The theory includes several provisions expressing regular connections. Moreover, these provisions are united by one common principle reflecting the fundamental laws of the subject (or set of phenomena). If there is no unifying general principle, then no set of scientific propositions that reflect the natural connections will not be a scientific theory (Bychkova, 1992). A similar opinion is held by other scientists.

For example, considering the relationship between general theory and private theories of individual genera and types of examinations, T. V. Averyanova and I. A. Aliiev noted that private theories are based on the provisions of general theory and contain as source premises those data that correspond to specifics of certain types or kinds of forensic examinations. In addition to these data of general importance, the content of private theory consists of specific scientific bases of this kind, type of expertise, characteristics of typical research methods and typical or typical methods used to solve again typical for this kind or type of expert tasks. These authors, characterizing private theories, note that they may differ in the level of scientific generalization. In their hierarchy, one can imagine theories of class, kinds, types and even a subtypes of forensic examinations and each subsequent one in this series differs in greater concretization from the previous one, retaining in its content some provisions common to all these theories (Aliiev, Averyanova, 1992).

The basis for the formation of the theory of forensic prevention was a discussion of crime hindering unfolded in the early 60s of last century. Until then, the question of forensic (including expert) prevention in the literature has not been raised. Only some forensic specialists (V. P. Kolmakov, I. Ya. Friedman, V. F. Zudin, I. A. Aliiev) began to consider the basics of forensic prevention in their research papers. In the research papers of R. S. Belkin devoted to the consideration of private forensic theories, it was argued that in their content they can be *more general* and *less general*, reflecting, respectively, a larger or smaller subject area, more or less significant group of phenomena and processes (Belkin, 1997, p. 172).

One of the first to develop the provisions of the private theory of forensic prevention was a prominent Ukrainian scientist V. P. Kolmakov (Kolmakov, 1961). However, his work was met with great criticism by some scientists, especially criminologists. One of the ardent opponents of V. P. Kolmakov

was I. Ya. Friedman. However, devoting much time to the study of this question and accumulating a certain theoretical array of information, he was forced to agree with V. P. Kolmakov concluding that this particular theory has a right to exist because it is a part of the criminalistics topic, is a part of its general scientific theory, but he proposed the structure and content of this doctrine (Fridman, 1976, p. 63). Therefore, other theorists in the field of criminalistics and forensic science considered in their work issues of legal, organizational and methodological nature of expert prevention, paid considerable attention to the problems of monitoring the implementation of recommendations given in the conclusions of experts and sent to law enforcement agencies and other officials whose functional responsibilities include the implementation of such recommendations.

Later, analyzing the theoretical achievements of predecessors and a large array of empirical material, I. A. Aliiev substantiated the need to construct a private theory of expert prevention, defined its principles and functions, content and structure, as well as patterns of its construction and outlined the interaction of its components with other preventive activity (Aliiev, 1987, p. 21). In this regard, R. S. Belkin pointed out that in the context of the general theory of forensic science, the object of which is practical expert activity, private theory has a right to exist because it reflects an independent and also very important direction of expert practice, which can rightly be called crime hindering (Belkin, 1997, p. 161).

Like most private theories, the theory of expert prevention develops and implements its own system of concepts that are a reflection of reality. After analyzing the opinions of scientists who have previously considered these issues, we can say that the system of concepts of expert prevention can be divided into three major blocks: basic, intermediate and integral.

Basic concepts of the of forensic prevention theory in most cases coincide with those used in the general theory of forensic science: specific expertise, forensic expert, forensic science, expert conclusion, forensic research.

The second, intermediate, block of the system of concepts of forensic prevention theory includes already more specific concepts inherent in this particular theory: tasks of judicial prevention, expert preventive activity, recommendations of the expert on elimination (minimization) of the reasons and conditions which have promoted crime commission, revealing of determinants of crime, etc (Filipenko, Bublikov, Obolientseva-Krasyvska, 2021).

The integral level of concepts corresponds to: set of separate preventive measures used by the expert in the course of his professional activity, structural and functional basis of preventive expert activity, subjects of expert preventive activity, models of preventive expert activity, etc.

Modern domestic scholars, studying the place and role of expert prevention in the system of legal sciences, and in particular, forensic expertise, considered it mostly in the context of conducting specific forensic examinations.

After their analyzing we see that most scholars understood expert prevention as the establishment on the basis of special knowledge of facts containing data on the circumstances of the event that contributed to the crime (offense) and the transformation of these data through willful acts of legal persons with the ultimate goal of eliminating these circumstances. present and future or minimizing (Bordyugov, 2008). For example, developing the scientific postulates of forensic expertise, I. V. Pyrih believes that expert prevention is part of its conceptual framework (Pirig, 2015). Theoretical foundations of expert security of pre-trial investigation) and stressed that prevention is the use of these examinations to purposefully influence specific individuals, causes and conditions of crime.

Unfortunately, in most of the analyzed works the problematic issues of preventive activity of a forensic expert are considered mainly in the issues of using the conclusions and results of forensic examinations. We believe that this approach is disproportionate. In this regard, we agree with the views



of A. A. Rusetskyi and O. P. Uhrovetskyi who emphasized that the logic of building the latest model of combating crime involves the introduction of the use of expert results at all stages of combating crime, namely to form optimal organizational tactical models of actions of operatives and investigators at the stages of search and detection of signs of criminal activity, preventive measures and during the pre-trial investigation of criminal proceedings. In their opinion, forensic prevention of crimes is a component of counteraction to crimes, which consists in the use of special knowledge aimed at improving the theoretical, legal, organizational and tactical bases of measures, investigative and covert criminal investigation measures in order to identify and eliminate the circumstances of criminal offenses (Rusetsky, Ugrovetsky, 2018, p. 85). We do not completely agree with this definition, as we believe that expert prevention, first of all, is an independent activity of a forensic expert, and, secondly, it cannot serve covert investigative actions. In our opinion, this is a professional activity of a forensic expert aimed at eliminating or minimizing the determinants of crime. Based on the fact that by the determinants of crime we mean a set of internal predispositions of a person (his criminal motivation) and external factors that create a certain basis for a person to commit an illegal act. Therefore, the determinants of crime, to a greater extent are legal concepts, because they are based on violations of legal, social or technical norms. It is these shortcomings that the court reveals when considering cases and takes measures to their minimizing or eliminating (Filipenko, 2019) Identification of crime determinants while performing forensic expert activities), we want to offer our own definition of forensic prevention. In our opinion, *this is based on laws and regulations of the forensic expert aimed at identifying the determinants that contributed to the commission of a particular crime and development of measures to their eliminating (minimizing) using specific expertise* (Filipenko, Bublikov, 2020). Preventive activity should be carried out: while carrying out forensic examinations regarding specific criminal, administrative or civil cases, by means of generalizing expert and forensic practice; while scientific research on problems of expert prevention; by providing, on the basis of specialized knowledge, scientific and practical assistance to bodies and organizations in identifying circumstances contributing to crime commission, etc. (Filipenko, Ugrovetsky, Sharapova, 2019).

Having understood the essence of forensic prevention, we will consider in more detail its main components. These are the topic, object and principles of forensic prevention.

Having analyzed the results of discussion and statements of scientists on the concept of *expert prevention topic* and based on our own researches (Filipenko, 2019), we give our understanding of this theoretical definition. In our opinion, the subject of private theory of forensic prevention consists of theoretical, normative, legal and organizational laws of preventive activity; regularities of origin and formation of the bases of preventive activity on the basis of the uniform methodology, the unified conceptual device; restructuring and adjustment of theoretical categories taking into account the constant updating, modernization and modification of special expertise; normative, legal and organizational support of preventive expert activity; common language of scientific terminology and unification of preventive standards, etc.

Disclosing the concept of private theory object of expert prevention, we want to note that they can be classified into:

- general objects (material media of information about the criminal event, for example, documents provided for examination by an expert; objects of the surrounding world, referrals for examination for comparison, etc.);
- characteristic objects (special objects of kinds and types of forensic examinations: for example, accounting documents, audit reports, etc.);
- specific objects (objects examined by an expert during a specific forensic examination).

Based on the content and scope of the studied objects of expert prevention, it can be argued that the problems solved within the framework of this particular theory are divided into two groups: general and special.

The general task of the private theory of expert prevention should be considered the practice of special subjects aimed at combating crime by developing scientific provisions for the use of forensic science in crime prevention. After analyzing the views of scientists (Klimenko, 2014), we believe that the special tasks include: establishing the causes and conditions that contribute to the commission of crimes, when conducting expert research; development of methods and means of obtaining reliable knowledge, which provided forensic experts with new opportunities to establish the determinant of crime; development and improvement of measures to increase the effectiveness of general interaction and coordination of activities between employees of forensic institutions and other subjects of preventive activities; introduction of elements of preventive activity in civil, economic, arbitration and administrative proceedings, etc.

The main principles of the expert prevention private theory are: the principle of causality (research on causal relationships, causal actions of the expert to establish criminogenic factors and develop proposals for their elimination); the principle of heredity (that is, the private theory of expert prevention implements the laws of criminalistics prevention theory), etc.

Also, the allocation of expert prevention in an independent system is based on the principle of a systematic approach as one of the most promising areas in the development of social research methodology. While such development, a variant of solving a specific system problem should be chosen, namely: isolation of the object under research. This isolation has a dualistic nature: on the one hand, we can identify the levels of the social system, and on the other, determine the sphere of public life, where this system will be the most viable and dynamic.

If we are talking about the system of forensic prevention, in our opinion, the most promising is its distribution (isolation of its elements) at different levels. This will allow the most effective consideration of the forensic prevention system as a single conglomerate of data and will analyze the existing value regulations in the system and the specifics of their implementation.

Such regulations (markers or value invariants) for the expert prevention system are the social, legal and ethical obligation to take preventive measures by employees of forensic science institutions of Ukraine. After all, it is forensic experts who have the opportunity to establish the causes and conditions of crimes, applying specific expertise in practice, have the opportunities to develop and implement a set of special preventive measures. The effect of this special complex invariant of this system extends to the entire forensic science institution.

Thus, the system forming factors of forensic prevention are: implementation of preventive tasks using specific expertise; coordination, information and methodological support of preventive measures; unification of the structure of interconnected subjects of preventive activity; normatively fixed subjects of preventive activity; uniformity of functional support of preventive measures of forensic science institutions of the system of the Ministry of Justice of Ukraine, the Ministry of Internal Affairs.

The possibility and regularity of the use of specific expertise by forensic experts in the implementation of preventive activities is not disputed, because the possibility of forensic science in identifying circumstances that contribute to the commission of crimes, as well as in developing measures to eliminate them are of paramount importance.

## Conclusions

Based on the results of the analysis of professional sources on this issue and taking into account our own works, we note that:

1. The genesis of forensic science as a scientific and theoretical category convincingly shows that it is in the process of continuous development and a constant factor in its evolution are the processes of differentiation and integration of knowledge in this subject area. In practice, this means the constant emergence of new areas of scientific knowledge in-depth development of which often leads to the emergence of new theories within the basic science. Such theories, having received a certain degree of autonomy, deepen (clarify) knowledge within their subject, and at a new theoretical level are embedded in the fabric of basic science, enriching it. In our opinion, such a process occurs with the system of knowledge about forensic prevention private theory.
2. Forensic prevention is a mandatory element of expert technology considered by forensic scientists and proceduralists and leading forensic experts as a scientific category. This category is based on expert initiative provided by procedural law for the implementation of the expert's right to emphasize in his opinion the facts revealed during the examination, relevant to the case and prevention as an expert's activity to identify circumstances that contributed (could contribute) to the commission study of an offense and about which he was not asked questions .
3. The development and deepening of the forensic prevention private theory allows us to formulate the basic patterns inherent in the preventive processes of forensic science. These include: organizational and methodological bases of forensic prevention; regularity of obtaining, as a result of preventive activity, information about the facts or circumstances that contribute to the commission of crimes and the elimination or minimization of their impact on public life ; regularity of growth of authority of forensic institution in the conditions of acceleration of scientific and technical progress and perception of results of their activity by the persons who do not possess the corresponding specific expertise; unification of methods and means of preventive activity and support of its invariance in the legal field of expert activity; formation of a specific conceptual apparatus, the language of theory adapting concepts borrowed from other related fields of knowledge to the preventive activities of forensic science institutions.
4. The scope of knowledge systematized by a theory, as well as its place in the general system of science, is determined by its topic. In science, quite often the subject of theory is expressed through a system of studied patterns, generalized and formulated in the form of a definition. In our opinion, the subject of the of forensic prevention private theory are theoretical, normative-legal and organizational laws of preventive activity; regularities of origin and formation of the bases of preventive activity on the basis of the uniform methodology, the unified conceptual device; restructuring and adjustment of theoretical categories taking into account the constant updating, modernization and modification of specific expertise; normative-legal and organizational support of preventive expert activity; common language of scientific terminology and unification of preventive standards, etc.
5. By forensic prevention we mean the activities of a forensic expert based on laws and bylaws, aimed at identifying determinants that contributed to the commission of a particular crime, and the development of measures to eliminate (minimize) them using specific expertise.
6. The topic of forensic prevention private theory are theoretical, normative, legal and organizational laws of preventive activity; regularities of origin and formation of the bases of preventive activity on the basis of the uniform methodology, the unified conceptual device; restructuring and adjustment of theoretical categories taking into account the constant updating, modernization and

- modification of special expertise; normative, legal and organizational support of preventive expert activity; common language of scientific terminology and unification of preventive standards, etc.
7. Disclosing the concept of private theory object of expert prevention, we want to note that they can be classified into: general objects (material media of information about the criminal event, for example, documents provided for examination by an expert; objects of the surrounding world, referrals for examination for comparison, etc.); characteristic objects (special objects of kinds and types of forensic examinations: for example, accounting documents, audit reports, etc.); specific objects (objects examined by an expert during a specific forensic examination).
  8. The significance of the forensic prevention private theory lies in the generalization of the direct experience of the organization of such activities that can be expressed in the form of a system of principles. In our opinion, they are formed by: principle of legality and observance of human and civil rights and freedoms; principle of professional independence and professional ethics of experts; principle of confidentiality; principle of leadership of the head of the forensic science institution; principle of qualification and involvement of all staff; principle of continuous improvement of preventive activities; factual principle of decision making, etc.
  9. Despite the spread of certain elements of forensic prevention in the practice of forensic science institutions, to date, the development of theoretical foundations, conceptual approaches to its structure and methods of construction are still at an insufficient level of development. Therefore, we consider it necessary to propose a definition of the central concept in the concept of forensic prevention private theory: it is a category with which the set of its characteristics fulfills the requirements of the legal system of the state in the implementation of preventive activities.

## Bibliography

- Aliev, I. A., Averyanova, T. V. (1992). *Conceptual foundations of the general theory of forensic science*. Baku.
- Aliev, I. A. (1987). *Legal and organizational problems of expert prevention*. Baku.
- Aliev, I. A. (1990). *Problems of forensic prophylaxis*. abstract dis. ... Dr. jurid. Sciences: 12.00.09. Kyiv.
- Belkin, R. C. (1997). *Forensic course*. In 3 vols. Vol. 2, Private forensic theories. M.: Yurist.
- Belkin, R. S. (1997). *Forensic Encyclopedia*. M: BEK.
- Bordyugov, L. G. (2008). *Preventive function of the ship's ecological expertise* [online]. Available at: <http://nauka.kushnir.mk.ua>
- Bychkova, S. F. (1992). *Formation and development trends of the science of forensic examination*. Alma-Ata.
- Criminalistics and forensic expertology (2018). Interdepartmental. scientific method zb., dedicated. 105th anniversary of the establishment of forensic examination in Ukraine. Kyiv Research Institute of Forensic Science; editor: OG Ruvin and others. Kyiv: Lira-K Publishing House, Issue 63, Part 1. 424 p.
- Criminalistics: A textbook for universities (2001). T. V. Averyanova, R. S. Belkin, Yu. G. Korukhov, E. R. Rossinskaya / ed. R. S. Belkina. M.: NORMA.
- Criminology and forensic expertise (2018). Inter-state. sci.-method. zb., consecrated. 105-Richchyu initiation of ship's expertise in Ukraine. Kiev NDI of ship's expertise; editorial board: O. G. Ruvin et al. Kyiv: Lyra-K Exhibition Center, Vip. 63, part 1. 424 p.
- Eisman, A. A. (1980). Expertology in the system of scientific knowledge. In: *Expert tasks and ways of their solution in the light of scientific and technical revolution: Sat. scientific tr: VNIISE*. M.: VNIISE, p. 65–72.
- Filipenko, N., Bublikov, A., Obolientseva-Krasyvska, O. (2021). Research methodology of criminological activity of forensic science institutions. In: *The 3rd International scientific and practical conference — Achievements and prospects of modern scientific research* (February 7–9, 2021) Editorial EDULCP, Buenos Aires, Argentina, p. 351–356. ISBN 978-987-859-237-4.
- Filipenko, N., Bublikov, A. (2020). As for determination of certain stages of preventive forensic expert activity. In: *Права людини в Україні: минуле, сьогодні, майбутнє: тези доп. учасників Всеукр. наук.-практ. конф.*

- (Харків, 10 груд. 2020 р.). Харків: НДІ ППЧ, с. 136–138 [online]. Available at: [https://library.pp-ss.pro/index.php/ndippsn\\_20201120/article/view/filipenko](https://library.pp-ss.pro/index.php/ndippsn_20201120/article/view/filipenko).
- Filipenko, N. (2020). *Criminological activity of forensic science institutions of Ukraine*. Monograph. Kharkiv: Collegium.
- Filipenko, N. Y., Ugrovetsky, O. P., Sharapova, O. V. (2019). Theoretical foundations of expert prevention: understanding that task. In: *Theory and practice of forensic expertise and criminalistics*, Vip. 20. Kharkiv: Pravo, 35–46.
- Filipenko, N. Y. (2019). Private theory of expert prevention: Genesis and current state. *Scientific Bulletin of DDUVS: scientific journal*, 3, 137–146.
- Filipenko, N. Y. (2020). *Criminological activity of the ship-expert institutions of Ukraine*. Monograph. Kharkiv: Kollegium.
- Filipenko, N. Ye., Spitsyna, H. O. (2020). Forensic prevention: the concept of implementation in Ukraine. In: *Challenges of legal science and education: an experience of EU countries and introduction in Ukraine*. Collective monograph. Riga, Latvia: Baltija Publishing, p. 408–431 [online]. Available at: <https://doi.org/10.30525/978-9934-26-007-0-23>
- Filipenko, N. Ye. (2019). Identification of crime determinants while performing forensic expert activities. In: *Proceedings of VI International scientific conference "Scientific achievements during the rapid technological development"*. Berlin, tredition GmbH, 161–167.
- Filipenko, N., Spitsyna, H., Shynkarenko, I., Tsymbalisty, V. (2021). Implementation of Preventive Activity; Foreign Experience in Criminological Work of Forensic Science Institutions. *Socrates: Rīgas Stradiņa universitātes Juridiskās fakultātes elektroniskais juridisko zinātnisko rakstu žurnāls = Rīga Stradiņš University Faculty of Law Electronic Scientific Journal of Law. Rīga: RSU*, 1 (19), 32–39. <https://doi.org/10.25143/socr.19.2020.1.032-038>
- Fridman, I. Ya. (1976). Issues of legal regulation of preventive activities of experts and forensic institutions. *Criminalistics and forensic science*, Issue. 6, Kyiv.
- Fridman I. Ya. (2007). Issues of legal regulation of preventive activities of experts and forensic institutions. *Criminalistics and forensic science*, Issue. 6, Kyiv.
- Klimenko, N. I. (2014). Ship Expertology: Course of Lectures: Navchalniy Posib. for stud. Kyiv. Vidavnichy Dim "In Yure", 528 p.
- Kolmakov, V. P. (1961). Some issues of forensic prevention of crimes. *Soviet State and Law*, 12, 106–109.
- Pirig, I. V. (2015). Theoretical foundations of expert security of pre-trial investigation: dis. ... Dr. jurid. Sciences: 12.00.09. Kharkiv.
- Potapov, S. M. (1946). *Introduction to criminalistics*. M. Gosjurizdat, 285 p.
- Rusetsky, A. A., Ugrovetsky, O. P. (2018). The field of expert prevention in the system of anti-malice. In: Actual nutrition of ship forensic examination and criminalistics: zb. materials of the international sci.-pract. conf., dedicated 95-rich creation of Kharkiv. NDI court. expertise im. Honored prof. M. S. Bokarius (Kharkiv, Zhovt. 10–11, 2018). Kharkiv: Pravo, p. 83–86.
- Segai, M. Ya. (2001) Ship expertise: paths of formation and development. In: Theory and practice of ship expertise and criminalistics: 3b. Sciences. practical materials. Zagal. ed. M. L. Tsimbal, E. B. Simakova-Efremyan, V. M. Sherstyuk and others. Kharkiv: Pravo.
- Synopsis of lectures on the subject "Expertology" for law students (2016). DDUVS. Dnipro [online]. Available at: <https://dduvs.in.ua/wp-content/uploads/files/Structure/library/student/lectures/1130/3.1.pdf>
- Vinberg, A. I., Malakhovskaya, N. T. (1979). Forensic expertise. General theoretical and methodological problems of forensic examinations: Proc. allowance Volgograd: NIIRIO Higher School of the Ministry of Internal Affairs of the USSR, 183 p.

## **Criminological Activity of Forensic Science Institutions: the Concept of Implementation in Ukraine**

**Nataliia Filipenko**

(Vilnius University)

(National Aerospace University – «Kharkiv Aviation Institute»)

**Hanna Spitsyna**

(National Aerospace University – «Kharkiv Aviation Institute»)

S u m m a r y

The article analyzes the conceptual principles, opinions and ideas for understanding the essence of forensic science private theory, namely: forensic prevention concept is considered. The empirical prerequisites for the emergence and development

of forensic research have been investigated: accumulation of empirical facts in the theory of forensic science and other sciences, and manifestation of integration processes. Theoretical and applied foundations of expert prevention private theory are formulated. Its concept, structure, subject, object and tasks are considered and analyzed. Its place and role in the theory of criminalistics and forensic science are clarified. It is noted that the study of the current state of the theory and practice of private expert theory has allowed to establish that it has a common beginning and justification. Private theories, as systems of interconnected components, include: idea, principles, large empirical material that is the theory cornerstone, general and specific tasks, functions and purpose of the theory.

### **Kriminalistikos mokslo institucijų kriminologinė veikla: įgyvendinimo Ukrainoje koncepcija**

**Nataliia Filipenko**

(Vilniaus universitetas)

(Nacionalinis kosminės erdvės universitetas – Charkovo aviacijos institutas)

**Hanna Spitsyna**

(Nacionalinis kosminės erdvės universitetas – Charkovo aviacijos institutas)

#### **S a n t r a u k a**

Šiame straipsnyje analizuojami konceptualūs principai, nuomonės ir idėjos, padedančios suprasti kriminalistikos mokslo privačiosios teorijos esmę, būtent: nagrinėjama kriminalistinės prevencijos idėja. Ištirtos kriminalistinių tyrimų atsiradimo ir plėtros empirinės prielaidos: empirinių faktų kriminalistikos ir kitų mokslų teorijoje kaupimas, integracinių procesų raiška. Suformuluoti teoriniai ir taikomieji ekspertinės prevencijos privačiosios teorijos pagrindai. Nagrinėjama ir analizuojama jos samprata, struktūra, subjektas, objektas ir uždaviniai. Aiškinama jos vieta ir vaidmuo kriminalistikos mokslo teorijoje. Pažymima, kad ekspertinės prevencijos privačiosios teorijos ir praktikos dabartinės būklės tyrimas leido nustatyti, kad jos turi bendrą pradžią ir pagrindimą. Privačiosios teorijos, kaip susijusių komponentų sistemos, apima: idėją, principus, didelę empirinę medžiagą, kuri yra teorijos pagrindas, bendruosius ir specialiuosius uždavinius, teorijos funkcijas ir tikslą.

Nataliia Filipenko, Doctor of Law, Associate Professor, professor at the Law Department of National Aerospace University – «Kharkiv Aviation Institute»; scientific interests: criminalistics, criminology, forensic science

Nataliia Filipenko, teisės mokslų daktarė, docentė, Nacionalinio kosminės erdvės universiteto – Charkovo aviacijos institutas Teisės departamento dėstytoja. Moksliniai interesai: kriminalistika, kriminologija, kriminalistikos mokslas.

Hanna Spitsyna, Doctor of Law, Professor, manager at the Law Department of National Aerospace University – «Kharkiv Aviation Institute»; scientific interests: criminalistics, criminology, forensic science

Hanna Spitsyna, teisės mokslų daktarė, profesorė, Nacionalinio kosminės erdvės universiteto – Charkovo aviacijos institutas Teisės departamento vedėja. Moksliniai interesai: kriminalistika, kriminologija, kriminalistikos mokslas.