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FORMATION OF CRIMINALISTICAL NONVERBALISTICS

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SUMMARY

Scientific researches in the field of non-verbal information as a sphere of human activity are aimed at the development of new knowledge about the psychological and physiological state of personality within the framework of criminal proceedings. Within the framework of practical activities for the prevention, detection, investigation, disclosure, prevention of criminal manifestations at the stages of pre-trial investigation and judicial proceedings formed criminalistical nonverbalistics. The factors of functioning and development of criminalistical nonverbalistics as a branch of scientific knowledge are revealed. The ongoing processes of investigation of criminalistical nonverbalistics are described. The principles of the theory of criminalistical nonverbalistics are investigated. The stages of the formation of criminalistical nonverbalistics are described.

Key words: criminalistics, non-verbal information, criminalistical nonverbalistics.

СТАНОВЛЕНИЕ КРИМИНАЛИСТИЧЕСКОЙ НЕВЕРБАЛИСТИКИ

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АННОТАЦИЯ

Научные исследования в области невербальной информации как сферы человеческой деятельности направлены на выработку новых знаний о психологическом и физиологическом состоянии личности в рамках уголовного производства. В рамках практической деятельности по предупреждению, выявлению, расследованию, раскрытию, предупреждению преступных проявлений на стадиях досудебного расследования и судебного рассмотрения формируется криминалистическая невербалистика. Выявлены факторы функционирования и развития криминалистической невербалистики как отрасли научного знания. Охарактеризованы продолжающиеся процессы исследования криминалистической невербалистики. Исследованы принципы теории криминалистической невербалистики. Охарактеризованы этапы становления криминалистической невербалистики.

Ключевые слова: криминалистика, невербальная информация, криминалистическая невербалистика.

Statement of the problem. Scientific researches in the field of non-verbal information as a sphere of human activity are aimed at the development of new knowledge about the psychological and physiological state of personality within the framework of criminal proceedings. It seems that this is a specific area of human activity, at the intersection of which there is a cognitive study of human state in special conditions, namely, during the preparation, commission or concealment of a criminal action. Criminalistical nonverbalistics is formed within the framework of practical activities for the prevention, detection,

investigation, disclosure, prevention of criminal manifestations at the stage of pre-trial investigation and trial.

Thus, **the purpose of this article** is to identify trends in the formation of forensic nonverbalistics in the criminalistics' system and to study the possibilities of its formation as an independent branch of scientific knowledge.

The practical need for an independent scientific approach to the study of non-verbal information made it possible to accelerate the process of its formation. Understanding «the doctrine or theory» of non-verbal information includes activities aimed at gaining new knowledge,



which result is a scientific objective knowledge of the understanding of man and his activities.

The patterns of the functioning and development of criminalistical nonverbalistics are due to the following modern factors:

- 1) State of scientific achievements;
- 2) Development and gradual dynamics of scientific researches;
- 3) Technical progress;
- 4) Interaction of forensic nonverbalistics with other institutes and spheres (social, social).

Like any branch of knowledge, forensic non-verbalism must theoretically overcome the four states of its formation:

- 1) Theoretical state (creation of a separate branch of knowledge of criminalistical nonverbalistics);
- 2) Ontological state (formation of a separate branch of knowledge of criminalistical nonverbalistics);
- 3) Methodological (application of knowledge of criminalistical nonverbalistics);
- 4) Practical condition (testing of new knowledge of criminalistical nonverbalistics).

Over the past hundred years, criminalistical nonverbalistics has overcome these conditions, gradually changing and adapting to the realities of human society. There is a deepening of non-verbal specialization, increasing the desire for specificity, gradual integration into other scientific knowledge (for example, anthropology), a combination of methods and techniques, the release of inefficient superfluous methods and methods, simplifying the study of information, adapting the concepts and inventions implemented.

The main result is the integration from criminalistics, psychology and physiology into criminalistical nonverbalistics, the so-called interdisciplinary dimension of knowledge. This result is intended to create the basis for combining separate knowledge of criminalistics, psychology and physiology into a single whole, enabling the formation of universal new knowledge. Negative in the «dismemberment» of criminalistics, psychology and physiology with the simultaneous creation of forensic nonverbalistics is the reduction of ties and complications of information and communication exchange. However, analyzing the methods and the actual material, we state that in case of the formation of criminalistical nonverbalistics there is an interdisciplinary study in the language of three different disciplines, which, on the contrary, contributes to the

evolution of knowledge of criminalistics, psychology and physiology, integrating their existing categorical apparatus.

The inevitable result of the formation of criminalistical nonverbalistics is the professional orientation and narrow specialization of its use within the framework of criminal proceedings. Undoubtedly, this is a specific advantage, but the further progress of criminalistical nonverbalistics into nonverbalistics seems possible.

The possibility of the decline of criminalistical nonverbalistics as an independent subject of scientific knowledge cannot be exhausted for a certain period and have a finite character. This follows from the logic of development of human knowledge of the environment of criminal proceedings, the dynamics of criminalization and decriminalization of human actions, integration and specification of criminal actions. In turn, the integration tendencies of criminalistical nonverbalistics are the desire to solve the new tasks of the information and communication society of the XXI century. The ongoing existing processes of the study of criminalistical nonverbalistics can be characterized as follows:

- 1) Uniting the branches of knowledge and concepts;
- 2) Generalization of existing and new knowledge in the field of non-verbal information;
- 3) Universality of available and new knowledge in the field of non-verbal information;
- 4) Heuristic discoveries of new knowledge in the field of non-verbal information;
- 5) Creation of a general categorical apparatus in the field of non-verbal information;
- 6) Search for new approaches to the development of non-verbal information;
- 7) Unity and structuring of acquired knowledge in the field of non-verbal information.

The presence of the abovementioned processes of research of criminalistical nonverbalistics contributes to its conceptual formation as independent knowledge with its own principles, ideas, area of further research. It is believed that the integration of criminalistical nonverbalistics does not transferring knowledge from criminalistics, psychology and physiology, but contributes to the universal application of knowledge acquired by these sciences. However, it seems that one of the tasks of criminalistical nonverbalistics is to avoid duplication of theoretical and practical study of criminalistics, psychol-

ogy and physiology. Instead, their timely and effective integration will greatly increase their effectiveness, and the absence of revolutionary changes will facilitate their adaptation and application in criminal proceedings.

In this regard, there is a natural necessity in the formation of the principles of using non-verbal information, not as the starting point of the study, but its intended result. An analytical analysis of a series of studies on criminalistics, psychology, physiology, and non-verbal information shows that this issue is being underestimated by scientists both foreign and domestic. Also, ongoing legal reforms in Ukraine have affected the practice of combating criminality in the form of qualitative and quantitative negative changes. That is why it was natural to put forward a number of new directions. One of these areas was the study of the principles and foundations of non-verbal information, further classification and development of practical recommendations for its effective use.

Understanding the concept of «principle» suggests the existence of different interpretations of it in the scientific world, also bearing in mind its division on the principles of theory in general and the practice based on this doctrine. Studying criminalistical nonverbalistics, it is impossible not to draw a parallel and not to investigate the principles of the criminal process, criminalistics, psychology as the fundamentals. That is, it is possible and worth study, compare the basic and specialized principles with respect to related criminal sciences (criminalistics, criminal process, criminal law, criminology etc.), and principles related to the development of criminalistical nonverbalistics (psychology, physiology).

The process of formation and allocation of principles is the result of phased scientific research, empirically verified, and not theoretically constructed statements of individual scientists. Therefore, by analogy it becomes possible to understand the already studied and formed principles of the use of non-verbal information in criminal proceedings.

The principles of using non-verbal information in criminal proceedings should be understood as the basic principles of the use of non-verbal communication in relation to the practical activity of identifying, fixing, collecting, researching, evaluating and using criminalistically relevant information within the framework of criminal proceedings.

The principles of using non-verbal information fall into the sphere of special principles of criminology, where the basic value of



the application of the principles of non-verbal information usage depends to a large extent on the skillful implementation of them. These principles reveal the fundamental principles and possibilities for the further use of non-verbal information in criminal proceedings to improve the efficiency of its tasks. The principles of using non-verbal information fall into the sphere of special principles of criminalistics, where the basic value of the application of the principles of non-verbal information usage depends to a large extent on the skillful implementation of them. These principles reveal the fundamental principles and possibilities for the further use of non-verbal information in criminal proceedings to improve the efficiency of its tasks.

The content, meaning and accounting of the principles of non-verbal information use, allocation and development with their provisions specific to criminal proceedings follows the principles for the use of non-verbal information:

- 1) principles of objectivity;
- 2) principle of development;
- 3) principle of reflection of reality;
- 4) principle of determinism;
- 5) the principle of imitation;
- 6) principle of activity;
- 7) the principle of unity;
- 8) the principle of interconnection;
- 9) principle of system approach;
- 10) the principle of correlation;
- 11) principle of personal approach;
- 12) the principle of conditionality;
- 13) the principle of relative independence of the use of non-verbal information;
- 14) the principle of accounting for the unity of human physiology and psychology in its interpretation of non-verbal communication;
- 15) the principle of a historical approach to the study of nonverbal human manifestations;
- 16) the principle of taking into account social values, interests and needs, level of personality development;
- 17) the principle of positive and integrative use of non-verbal information;
- 18) the principle of the potential or the possibility of research and disclosure of the content of most nonverbal manifestations;
- 19) the principle of unity of human activity and consciousness.

The system of principles for the use of non-verbal information forms the basis on which the practical use of criminalistics nonverbalistics in the criminal proceedings is constructed. It was unique that historical-

ly the development principles of non-verbal information were first developed, and later, the principles of the theory of criminalistics nonverbalistics. This is due to the great practical significance of criminalistics nonverbalistics and the growth of its role in public life, which has become an impetus for the formation of a separate sphere of knowledge. In this regard, we cannot speak of the isolation of the general or universal unified principle of the use of non-verbal information or the theory of criminalistics nonverbalistics. However, the aforementioned and those mentioned below principles can be united or divided further in connection with the development of criminalistics nonverbalistics and its application in practice.

Based on the sphere, the principles of the theory of forensic non-verbalism are divided into:

- 1) general principles, that is, those that are valid for the whole theory of criminalistics nonverbalistics as a sphere of scientific knowledge;
- 2) concrete principles applicable to certain branches of the theory of criminalistics nonverbalistics as a sphere of scientific knowledge;
- 3) special principles relate to independent objects and issues related to several branches of criminalistics nonverbalistics.

The own system of principles for using non-verbal information and the principles of the theory of criminalistics nonverbalistics forms a solid foundation on which further successful practical use of criminalistics nonverbalistics is built. However, we emphasize the impossibility of isolating the general or universally unified principle of the use of non-verbal information and the theory of criminalistics nonverbalistics. The content, variability and importance of the principles of using non-verbal information and the principles of the theory of criminalistics nonverbalistics, rapid development with its main provisions, substantially reflects both its versatility and the place of criminalistics nonverbalistics among other spheres of scientific knowledge.

The peculiarities of the formation of criminalistics nonverbalistics as a branch of scientific knowledge are:

- 1) the creative nature of the research;
- 2) the newest interpretation of individual knowledge on criminology, psychology and physiology;
- 3) empirical research;
- 4) practical confirmation;
- 5) new scientists.

The stages of the formation of criminalistics nonverbalistics are to some extent conditioned by the achievements of other sciences, which are as follows:

1. The first stage (the formation of the objectivity of criminalistics nonverbalistics, the reliability of its interpretation, the extraction of its constituent data that cannot be verified and validated; the creation of its own procedure (mechanism) for cognitive activity of non-verbal information).

2. The second stage (reducing the absoluteization of the role and importance of non-verbal information; the refusal of the full possibility of learning all non-verbal information; improving its own procedure (mechanism) of cognitive activity of non-verbal information).

3. The third stage (mechanization (engineering) of the procedure (mechanism) of cognitive activity of non-verbal information; the search for new ways of diagnosing the psycho-physiological state of the individual).

4. The fourth stage (differentiation of types of non-verbal information according to areas of competence; changes in the scientific understanding of non-verbal information; increase of authority and prestige; understanding of the subjectivism of the procedure (mechanism) of cognitive activity of non-verbal information; increase in the consideration of the influence of other spheres of knowledge).

Conclusions. The formation of forensic nonverbalistics is due to the subject of research, the principles of use and the principles of the theory of forensic nonverbalistics, specific factors, stages and peculiarities of formation as an independent sphere of scientific knowledge.

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