



## CRIMINALISTIC CRIME CHARACTERISTIC IN THE SYSTEM OF CRIMINALISTIC METHODICS OF CRIME INVESTIGATION

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In the article the criminalistic crime characteristic is scrutinized as one of the fundamental category of criminalistics. The meaning of criminalistic crime characteristic for the system of criminalistics was determined. Furthermore, the examination of the levels of criminalistic crime characteristic comprehension was carried out. Moreover, according to the analysis of the works of leading criminalists, was substantiated that the emergence in criminalistics the concept of "criminalistic crime characteristic" was caused by the need of practice to have scientific knowledge about the system of interconnected and interdependent elements of crime.

**Keywords:** *criminalistics, criminalistic crime characteristic, crime, criminal activity, category, criminal investigation.*

## КРИМИНАЛИСТИЧЕСКАЯ ХАРАКТЕРИСТИКА ПРЕСТУПЛЕНИЙ В СИСТЕМЕ МЕТОДИКИ РАССЛЕДОВАНИЯ ПРЕСТУПЛЕНИЙ

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В статье криминалистическая характеристика преступлений рассматривается как одна из фундаментальных категорий криминалистики. Определено место криминалистической характеристики преступлений для системы криминалистики. Кроме того, исследованы уровни понимания криминалистической характеристики преступлений. Более того, согласно анализу работ ведущих криминалистов, было обосновано, что появление в криминалистике понятия «криминалистическая характеристика преступлений» вызвано необходимостью практики обладать научными знаниями о системе взаимосвязанных и взаимозависимых элементов преступления.

**Ключевые слова:** *криминалистика, криминалистическая характеристика преступлений, преступление, криминальная активность, категория, расследование преступлений.*

## CARACTERISTICA CRIMINALISTĂ ÎN SISTEMUL METODIC AL INVESTIGĂRII CRIMINALE

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În articol, caracteristica criminalității este examinată ca una dintre categoriile fundamentale. În plus, a fost efectuată examinarea nivelurilor criticii criminale. Mai mult, conform analizei operei criminalilor de frunte, s-a argumentat că apariția în criminalistică a conceptului de "caracter criminologic" a fost cauzată de necesitatea practicii de a avea cunoștințe științifice despre sistemul de elemente interconectate și interdependente ale criminalității.

**Cuvinte-cheie:** *criminalistică*

**H**uman activity is the subject of many sciences. Moreover, actions that pose a threat to the state, society or the individual are subject to the interests of the legal sciences. Long-term practice shows that crime and criminal activity are an inexhaustible subject for research, since they are in a process of constant development.

It is believed that the crime qualitatively reflects the realities of the environment.

In addition, crime is the most negative, immoral and generally dangerous phenomenon in the life of modern society. This causes devastating consequences for the state, society and the individual. Criminal activity in varying degrees has

a significant impact on all social institutions, thereby determining their dysfunction. The socio-economic crises that have been observed recently in Ukraine have caused an increase in the number of factors that led to a steady upward trend in the number of crimes. Therefore, the issues of combating crimes have become particularly relevant.



Aforementioned factors determine the necessity for the further comprehensive study of criminal activity, which will enable to increase the effectiveness of the recommendations for its detection, investigation, and prevention.

Criminalistic crime characteristics is one of the fundamental category of criminalistics, which has been used for several decades in scientific researches and practices of investigation. However, currently there are ongoing discussions about the essence, content of criminalistic crime characteristics, its correlation with other elements of criminalistic methodics.

It should be noticed, that it is important to identify the place of criminalistic crime characteristic in the system of criminalistics' categories to determine the essence and content of it.

In the philosophical interpretation categories are the most common concepts with an extremely wide scope, which do not have any generic notion, and at the same time, they cannot be generalized [1, C. 45]. However, the most general and significant for criminalistic science and practice is a criminalistics' category [2, C. 9]. Different scientists' approaches to determining the list of criminalistics' categories have been reflected in the scientific literature. Some scholars include only six concepts in the categories of criminalistics, in particular: criminalistic techniques, criminalistic tactics, criminalistic methodics, technical-criminalistic means, criminalistic method and criminalistic recommendation [3, C. 26-27]. Others scientists understand the term "criminalistics category" broader and into the above mentioned list includes additional concepts. For instance, T.V. Averyanova, R.S. Belkin, Y.G. Kourukhov and E.R. Rossinskaya to the named six categories also add: general criminalistic theory, criminalistic combination (operation), investigative situation, tactical decision, modus operandi, criminalistic crime characteristic and some other concepts [4, C. 44].

However, it is necessary to look closer to the viewpoint of V.A. Obraztsov, who insists on the necessity to apply a broad approach to the understanding of criminalistics' categories. He noticed that in the role of category of particular science, including criminalistics, can be the concept, which further in the framework of this concrete system of scientific lore is no longer generalized. According to his opinion, category of particular science is an element, an integral part of the general scientific categorical arsenal, at the same time, establishes a relatively independent, multilevel system formation the constituent parts of which are both general and less general categories, i.e. generic notions of the corresponding level which are under the subordination. V.A. Obraztsov emphasizes that if the general concepts in all cases act as categories, since they are the limit of generalization in this particular science, then less common concepts have grounds for claiming categorical status only when they are considered not as elements of the broader scope of concepts but investigated as an independent, holistic system, generic order, which is not generalized during the research of the concept, which in this case acts as the limit of the generalization of other concepts of the species level, which it contains [5, C. 15].

The scientist proposes to allocate three levels in the system of criminalistic categories. He considers the categories of the first, at the most general level, those categories which have a general scientific significance, reflect phenomena, processes, subjects that matter to all chapters, branches, areas of criminalistics, form the general characteristic of the phenomenon, which is defined as the subject of this science.

Among these categories, he relates the concept of a trace of a crime, trace of the offender, the mechanism of the creation of the crimes trace while the crime's commission, criminal activity, criminalistic activity, criminalistic technology, criminalistic version,

criminalistic relevant information, criminalistic relevant imitation, counteraction to criminal investigation.

The second level (special level), in the opinion of the scientist, form categories of sectoral nature: criminalistic technique,s criminalistic tactics, criminalistic methodics of crimes detection and investigation and others criminal relevant events.

To categories of the third level (individual level) from V.A. Obraztsov viewpoint should include the concepts which reflects objects, which are studied within individual units and directions of the aforementioned chapters of criminalistics: criminalistic ballistics, criminalistic trasology, tactical operation, tactical reception, tactics and technology of investigation examination, criminalistic characteristic of detection and investigation of a particular crime type, etc. [6, C. 9-11].

Aforementioned three-level system of criminalistic categories seems rather interesting, however, in our opinion, may be clarified. Attributing certain concepts to the category of science indicates not only the possibility of generalization regarding concepts, which reflect similar objects of cognition, and in addition but also indicates the potentially great theoretical and practical significance of the relevant concepts. As already noted, the usage of constant concepts, the formation of the science language, on the one hand, makes it possible to systematize all scientific knowledge, and on the other - identify new directions of its development, marking the features of its theoretical figuration and practical implementation.

From our viewpoint, the categories of the first (basic) level should include the following concepts: general criminalistic theory, criminalistic means, criminalistic receptions, criminalistic recommendations, criminalistic versions, criminalistic technology, criminalistic algorithm, criminalistic program, criminalistic situation, criminalistic activity, criminal activity.



Among the categories of the second level, it is necessary to determine those which are important for the formation of individual spheres of development of criminalistic science: individual theories of criminalistics (the theory of criminalistic identification, diagnostics, organization, modeling, forecasting, planning, etc.), criminalistic technic, criminalistic tactics, criminalistic methodics.

Categories of the third level - the level of specific scientific knowledge, includes a system of concepts which are decisive for certain directions of criminalistic research.

So, let's concentrate attention on one of the main criminalistic category criminalistic crime characteristic.

A.M. Kustov mentioned that criminalistic crime characteristic can be used for the elaboration of recommendations for criminalistic methodics of certain types and gropes of crimes and simplifying the proving process. Moreover, it has important role in the establishing crucial issues, which must be urgently solved during the investigation of certain group and type of crime, in the model constructing of the particular crime mechanism, which is under the investigation as well as the personality of offender and victim, detection the circumstances which facilitated to the commitment of the crime, and taking measures to eliminate them [7, C. 139].

It can be concluded, that the "scientific capacity of the criminalistic crime characteristic is the scientific paradigm, because it accumulates, systematizes information about typical and untypical qualitative characteristics and features of the crimes, and on this base allows to make convincing outcome about the existence of certain correlations" [8, C. 26-29].

For more deep and detail understanding the concept of criminalistic crime characteristic glance should be turned to the history of its formation and establishing, in other words return to the original source.

Through the prism of the historical principle, can be investigated, that at the beginning of twentieth century, in the fundamental work "Guidance for Forensic Investigators as a Criminalistic's System," Hans Gross paid attention to the necessity of allocation the general part of criminalistics, which would have name "Theoretical doctrine of manifestation of crimes" [9, C. 246]. Moreover, it should be noticed, that at the same period of the time, Rudolf Reiss, to the "technique of methods of investigative proceedings" attributed not only the application of scientific research methods for the crimes solving but also "the study of the nature and form of criminals activity" [10, C. 123].

Thus, the emergence of criminalistic crime characteristic was a natural and logical result of the development of criminalistics [11, C. 3], in particular, one of its chapter, namely, the criminalistic methodics.

In the process of detailed elaboration individual criminalistic methodics criminalists took into account particular data, which in the future got the name of individual elements of criminalistic crime characteristic. The development of the concept of criminalistic crime characteristic went through the use of huge amount of the typical features of the committed crimes and, most importantly, of the interrelations and correlation between these features for the purpose of investigation [12, C. 136].

The practical purpose of criminalistic crime characteristic seen as a working tool of the investigator, which he can use in the process of particular criminal investigation. He can compare available information about the crime with data in criminalistic crime characteristic which is typical and inherent in this kind of criminal activity [13, C. 73].

According to the conducted analysis, can be concluded, that the basic approach for understanding the criminalistic crime characteristic is determined on the theoretical and practical levels.

At the theoretical level, it is a scientific tool for the cognition of criminalistically meaningful features and properties of criminal activity and a typical model of a certain category of crimes, which underlies the development of individual criminalistics methodics, and in practice - a data system used by an investigator or other authorized person for an effective and rational investigation of a crime.

Today, some scholars also raise the issue of the need and functional demand for criminalistic crime characteristic. This opinion is followed by A.V. Dulov, who convinced that criminalistic crime characteristic is not able to provide a complete criminalistics investigation of the crime [14, C. 21].

Thus, can be concluded, that such discrepancies in scientific opinions indicate the complexity and diversity of criminalistic crime characteristic, as well as the genuine interest of scientists which is generated by the aforementioned concept. The discussion regarding concepts, which have fundamental meaning, should not be estimated as a sign of the insolvency of the theory; because the discussion is a precondition for the study, which determines the movement of thought to the verity [15, C. 90].

Some scholars to understand the profound meaning of criminalistic crime characteristic and its practical value offer to consider it from the standpoint of the philosophical theory of reflection and large-scale factual and statistical analysis certain categories of crimes, which are reflected in the generalized investigative, police and judicial practice [16, C. 363].

Any phenomenon, event of the material world is reflected in the environment in the form of various traces and the links between them. Thus, during the examination of tracks-reflection can be designed a picture of the past, i.e. information encrypted in the traces of crime is not obvious, it needs to be interpreted. For an acceleration of cognition process of the past events, criminalistic crime characteristic is needed as a canvas, which can be



applied for a particular occasion and provides an opportunity for an investigator to build a probable model.

Such an interest in the criminalistic crime characteristic is related to the necessity of forming a rational approach to the crime investigation. As seen from the past generation experience, it becomes possible not only through effective practical activity but also through a comprehensive scientific study of the process of crime committing, the preconditions that contribute to its realization and analysis of the information that the crime reflects in the real environment.

One of the main tasks, which seeks to implement criminalistics is the prompt investigation of the crimes at the optimal use of resources. This becomes possible with the effective use of the entire "toolkit" of criminalistics for the retrospective cognition of the event which is investigated, by creating a system which contains interconnected and interdependent criminalistically meaningful elements. Such category that combines all of these elements is criminalistic crime characteristic.

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