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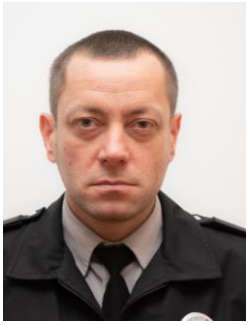

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FORENSIC SUPPORT FOR PRE-TRIAL INVESTIGATION IN THE FORENSIC SYSTEM

Abstract. The article is devoted to determining the place of forensic support for pre-trial investigation in the system of forensic science. It is emphasized that the research in this scientific category dates back to the 1980s, but has not yet been solved. It is noted that the researched positions of scientists in the field of forensic science are highlighted through the prism of the modern structure of forensic science, which is given some attention in the article. There is a well-established point of view on the four-member system of science of criminology, which consists of such sections as: "History and methodology of criminology", "Forensic engineering and technology", "Forensic tactics and technology", " Forensic methodology" which the author of the article adheres to.

Keywords: *forensic science system, forensic science, forensic science, scientific category, scientific and technological progress, development of forensic science, crime control, needs of practice.*

Relevance of the study. The emergence of forensic science can be fully assessed in terms of meeting the needs of the criminal process. G. Gross also noted that forensic science by its very nature begins only where it ceases to work: substantive criminal law is the subject of a criminal act and punishment, formal criminal law process contains rules for the application of substantive criminal law. But how can crimes be committed? How to investigate these methods and disclose them, what were the motives for committing the act itself, which were in sight of the purpose, all of which are not defined by criminal law or procedure. This shall constitute the subject of forensic science [1].

This is greatly facilitated by the development of forensic science tools and techniques, which make it possible for investigators to act effectively. At the same time, the high level and constant development of scientific and technological progress in modern society has a twofold significance. Thus, on the one hand, it can be used by law enforcement officials to improve the quality of their work, and on the other hand it can be used by offenders for more serious and brazen criminal offences.

Thus, according to the statistics of the Office of the Procurator-General of Ukraine, in 2016 there were 592,604 criminal offences. In 2017 – 523,911, in 2018 – 487,133, in 2019 – 444,130, in 2020 – 360,622 for 10 months 2021 – 299,160. At the same time, reports of suspicion in 2016 were served only in 159,480 criminal proceedings, in 2017 – 198,477, in 2018 – 191,856, in 2019 – 171,691, in 2020 – 167,098 for 10 months of 2021– 145,569 [21]. These figures show that only 40 per cent of the total number of recorded criminal offences are suspicious. The identification of the commission and implication of the persons concerned makes it necessary for law enforcement officials to perform an appropriate level of activity by taking advantage of the possibilities of forensic science, philosophy and psychology, Sociology, conflict science, intelligence and many others and their adaptation to the needs of practice. It should therefore be seen as providing law enforcement officials with the relevant knowledge to realize their potential in the investigative process.

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Resent publications review. To a large extent, work of fundamental importance is directed towards the development of forensic science as a scientific category and practical activity: T. Averyanova, Y. Alenin, V. Bakhin, R. Belkin, V. Bernaz, O. Vasilyeva, T. Varfolomeyeva, V. Veselsky, O. Vozgrin, A. Volynsky, A. Volobyev, V. Galagan, I. Gerasimov, A. Dolzhenkov, A. Ishchenko, N. Karpov. N. Klymenko, V. Kolesniknik, A. Kolesnichenko, V. Kolmakomakov, V. Kolomatsky, V. Konovalova, Y. Korukhov, M. Kostitsky, V. Kuzmichev, V. Lavrov, V. Lisichenko, I. Luzgin, V. Lukashevich, E. Lukyanchikov, D. Nikiforchuk, O. Odery, I. Pirog, M. Pogoretsky, A. Rosinskay, A. Sainchina, M. Saltevsky, M. Segay, D. Sergeyeva, O. Snigerev S. Stakhivsky, R. Stepanyuk, V. Tertyshnic, V. Tishchenko, L. Udalova, P. Tsimbal, K.. Chaplinsky, S. Chernyavsky, V. Shepitko, M. Shumilo, M. Shcherbakovsky, M. Yablokov and other scientists.

The article's objective is to provide forensic support for pre-trial investigation in the forensic system.

Discussion. V. Kolomatsky was one of the first scholars to define the concept of forensic support for the investigation of crimes [3, p. 21]. Although the research in this scientific category dates back to the 1980s, it has not been solved. This is evidenced by a number of studies by scientists in this category. Thus, considering the term «providing» for the activity of criminal investigation, E. Lukijanchik notes that in stats it can be defined as a set of means, instruments, serving to solve certain tasks, as well as an environment conducive to their resolution and dynamics, as a process of creating and presenting the means and modalities referred to above [4, p. 111].

Scientific and technological progress has, to a large extent, made it possible to ensure the activities of authorized persons in the organization and conduct of investigations. Therefore, the concept of «forensic support» of I. Danovskaya considers as a result of the development of the forensic science, the target activity of the Law Commissioners for its implementation by bodies and officials, A comprehensive study of the needs of practice and the development of results-based, effective and acceptable practices. The means, methods and measures to introduce them into the practice of investigating crimes. This interpretation, according to the author, reflects the content of the forensic support as a scientific category [5, p. 42]. The position of scholars on the content of forensic science requires equal attention. Thus, according to T. Averianova and R. Belkin, the forensic support system consists of three subsystems: forensic science, forensic education, and forensic technology [6, p. 64].

This type of content was proposed by a group of scientists, including R. Belkin, V. Kolomatsky and I. Luzgin, who noted that forensic science was a system for introducing officials into practice, units, services and agencies of the Ministry of Internal Affairs for the protection of public order and the fight against crime of forensic knowledge, embodied in the ability of employees to use scientific, methodological, technical and forensic means and technologies for the purpose of their prevention, Crime Detection and Investigation. Accordingly, the Forensic Support System comprises three subsystems: Forensic Science (Development of Forensic Science); Forensic Education (Training); Forensic Technology (Means and Methods) [7, pp. 62-63].

Forensic support for law enforcement in the detection and investigation of crime is, in the opinion of V. Lysenko, a defined system consisting of elements: a forensic reference unit (organizational, tactical, methodological); training unit (specialized forensic education); technical and information support unit for crime detection, investigation and prevention [8, p. 11]. According to V. Borisov, the main areas of forensic support for law enforcement are as follows: Development of new forensic technology and scientific and technical equipment and their testing in investigative and operational activities; Development and testing of modern information technologies; development and provision of tactical tools to law enforcement agencies; development of separate forensic and expert methodologies [9, pp. 22-24].

Thus, these scientific views on forensic science are presented through the prism of scientific and technological development, as well as the structure of forensic science, which, in our view, require special attention. It is necessary to pay attention to the four-member system of science of criminology, which consists of such sections as: "History and methodology of criminology", "Forensics and technology", "Forensic tactics and technology", "Forensic methodology" [10].

In the textbook under the general edit of A. Volobyev, which contains such sections as: "Theoretical-methodological bases of forensics"; "Forensics technique"; "Forensics tactics"; "Forensics methodology" [11]. In addition, in this textbook the chapter "Information and

Reference Support for Crime Investigation (Forensic Records)" is placed in the section "Theoretical and Methodological Foundations of Forensic Science", in other authors mainly include the above chapter in the section "Forensics technique", that in our mind is a discussion character. This view is also supported by the position of R. Belkin, stressing that the general theory of forensic science is a system of its philosophical principles, theoretical concepts, categories and concepts, methods and relationships, definitions and terms, This is the scientific reflection of the entire subject of criminology [12, p. 38].

As noted by I. Panteleyev, N. Selivanov, forensic science develops techniques, tactics and methods for the investigation of crimes, that is, the method of their detection, which is carried out in the form of criminal procedural activities. The discovery of crimes by means of criminal procedure, in accordance with the procedure established by law, is an investigation of crimes [13, p. 4].

At the same time, it is not uncommon for the sponsors to suggest changes to the existing system of forensic science, which we believe require attention. Thus, A. Ishin puts forward a proposal to form the fifth section of forensic science "Information Bases of Crime Investigation", which would consist of two parts: "Information Support" and "Organization of Crime Detection and Investigation" [14, p. 37-38].

In the structure of forensics V. Tolstoutsky proposes to distinguish in the fifth part "forensic informatics". As the author points out, "a substantial backlog of the theory of criminology in this field does not allow in practice to create corresponding modern development of computer technology and telecommunication channels information support for investigation" [15, p. 9].

The creation of a separate section containing the content of the activities of law enforcement officials is worthy of attention, but in our view. The reasoning of the above-mentioned scientists is in fact limited to providing information for the investigation and organization of the detection and investigation of criminal offences, which is fully reflected in the content of the 4th section "Forensic methodology" of the forensic science. The proposal of A. Dulov to form a separate section "Forensic strategy" [16, p. 27] deserves attention. We can note that the structure of the science of criminalistics, although defined by most scientists as four-member, is, however, in connection with scientific and technological progress, we tolerate transformation as a natural process in the development of forensic science and the urgent need to implement the objectives of the practice. However, the issue required in-depth research and argumentation.

Thus, we support the position of T. Averianova and R. Belkin and other scientists in the definition of forensic science, which includes: forensics, forensics education, forensics. The positions of scholars we have studied demonstrate the multifaceted nature of the scientific category under study, as evidenced by the intensive search for content, largely driven by scientific and technological progress and the needs of crime-fighting practice. At the moment we adhere to the position of a number of scientists and defend a four-member structure, which consists of such sections as: "Theoretical-methodological principles of forensic science"; "Forensic technology"; "Forensic tactics"; "Forensic methodology". Changes to the system require extensive research and discussion.

Conclusions. We support such structure of forensic science, which consists of such sections as: "Theoretical-methodological bases of forensic science"; "Forensic technology"; "Forensic tactics"; "Forensic methodology". Changes in the science of criminology are possible in the case of solid research driven by the state of science and technology and the practical needs of law enforcement. The forensic system consists of three subsystems: forensic science, forensic education and forensic science.

Our further research will be aimed at determining the place in the system of forensic science and the category of forensic support for overcoming the obstruction of pre-trial investigation.

Conflict of Interest and other Ethics Statements
The author declares no conflict of interest.

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МІСЦЕ КРИМІНАЛІСТИЧНОГО ЗАБЕЗПЕЧЕННЯ ДОСУДОВОГО РОЗСЛІДУВАННЯ В СИСТЕМІ КРИМІНАЛІСТИКИ

Антоація. Стаття присвячена визначенню місцю криміналістичного забезпечення досудового розслідування в системі криміналістики. Наголошується, що високий рівень та постійний розвиток науково-технічного прогресу в сучасному суспільстві відіграє двоєдине значення. Так, з одного боку, він може бути використаний правоохоронцями для підвищення якості своєї діяльності, з іншого – правопорушниками у вчиненні більш тяжких та зухвалих кримінальних правопорушень. Підкреслюється, що дослідження даної наукової категорії розпочалися ще у 80 –х роках, проте й зараз не знайшли свого вирішення. Про це свідчать й здійснювані на даний час вивчення вченими розглядуваної категорії.

В роботі система криміналістичного забезпечення визначається як запропонована Т. В. Авер'яновою й Р. С. Бєлкіним та іншими вченими структура, що складається з таких підсистем: криміналістичні знання (розробки криміналістичної науки); криміналістична освіта

(підготовка); криміналістична техніка (засоби і методи). Наголошується, що досліджені позиції вчених щодо криміналістичного забезпечення висвітлюються через призму сучасної структури криміналістичної науки, якій приділяється в статті певна увага. Підкреслюється, що усталеною є точка зору, на чотиричленну систему науки криміналістики, котра складається з таких розділів, як: «Історія та методологія криміналістики», «Криміналістична техніка та технологія», «Криміналістична тактика та технологія», «Криміналістична методика», якої дотримується й автор статті.

Аналізуються позиції вчених щодо розширення криміналістичної науки такими розділами як: «Інформаційні основи розслідування злочинів» (А. Ішин); «Криміналістична інформатика» (В. Толстолуцький); «Криміналістична стратегія» (А. Дулов). Наголошується, що структура науки криміналістика, хоч і визначається більшістю вчених як чотиричленна, проте, у зв'язку з науково-технічним прогресом, допускається трансформації як закономірний процес розвитку криміналістичної науки та обумовлені нагальною потребою реалізації завдань практики у боротьбі зі злочинністю. Проте, підкреслюється, що дане питання вимагає ґрунтовних досліджень з переконливою аргументованістю та наукових дискусій.

Ключові слова: *система криміналістики, розділи криміналістики, криміналістичне забезпечення, наукова категорія, науково-технічний прогрес, розвиток криміналістичної науки, боротьба зі злочинністю, потреби практики.*

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MEDIATION IN CRIMINAL PROCEEDINGS: PROSPECTS FOR DEVELOPMENT

Abstract. The article deals with the study of the institution of mediation in the Kyrgyz Republic. The concept, goals, objectives of the institution of mediation, the introduction of the institution of mediation into civil proceedings, which contributes to the creation and development of an effective institution of mediation in the country, is also given. The principles of mediation and the results of the application of the conciliation procedure for further criminal proceedings are disclosed. It is proposed to consider mediation precisely as an independent type of professional activity, which consists in providing qualified assistance to participants in disputed legal relations in resolving a dispute that has arisen between them.

Key words*: mediation, mediators, dispute, conflict resolution, citizens' rights and freedoms, out-of-court disputeresolution procedure, conciliation procedures, trial.*

Relevance of the study. At the present stage of development of the Kyrgyz Republic, the main goal of legal reform is the formation of a national legal system. The concept of legal policy of the Kyrgyz Republic from 2020 to 2025 determined [1] that in order to maximize the rights of participants in criminal and civil proceedings, timely protection and restoration of violated rights and freedoms of the individual, the interests of society and the state, measures to improve civil and criminal procedural legislation could also be focused on securing a variety of ways and means of reaching a compromise between the parties to conflicts (mediation, mediation, and others), both judicially and extrajudicially, including the obligation to discuss the possibility of using measures of conciliation procedures when preparing a case for trial, as

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