



SOME OPINIONS ON THE BASIS OF CLASSIFICATION OF FORENSIC EXAMINATIONS

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ANNOTATION: The article examines the main scientific opinions and views on the basis of the classification of forensic examinations from the point of view of their development, and analyzes the criteria for dividing forensic examinations into one or another category.

It is based on the fact that the criterion of classification on the interdependence of the branches of special knowledge, which is the scientific basis of forensic research, does not always clearly describe the categories of forensic examination.

Proposals have been made to improve the classification of forensic examinations based on the analysis of several specific categories of forensic examinations (computer forensics, forensic speech science examination, molecular-genetic testing, forensic examination of materials, substances).

Keywords: forensic examination, classification of forensic examination, linguistic examination, computer forensics, forensic examination of materials, substances.

АНОТАЦИЯ.

В статье рассмотрены основные научные взгляды и мнения по основам классификации судебных экспертиз с точки зрения их развития, проанализированы критерии отнесения судебных экспертиз к тем или иным категориям. Обонована, что критерии классификации судебных экспертиз по отраслям взаимосвязанных между собой специальных знаний, составляющих научную основу исследований судебных экспертиз, не всегда однозначно характеризует категории судебной экспертизы. Внесены предложения по совершенствованию классификации судебных экспертиз на основе анализа нескольких конкретных классов и видов судебных экспертиз (судебно-компьютерная экспертиза, речеведческая экспертиза, молекулярно-генетическая экспертиза, криминалистическая экспертиза веществ, материалов и изделий).

Ключевые слова: судебная экспертиза, классификация судебных экспертиз, речеведческие экспертизы, компьютерные экспертизы, криминалистические экспертизы веществ, материалов и изделий.

Forensic examination is a set of various special knowledge combined with research of various objects to solve the relevant tasks necessary for the implementation of justice and to solve the issues put in the framework of the trial. But this goal is very general and only determines the form of using special knowledge. The content of the special knowledge used in these processes is very wide and varied, and they determine the variety and diversity of the types of forensic examination.

The diversity of forensic examination raises the question of their classification. Classification of forensic examination as a specific field of practical activity is very important.

Because, theoretically, sometimes it is possible not to distinguish separate forensic examination, but practical activities (for example, investigative activities, expert activities) require a strict naming of forensic examination and a clear definition of their types.

For practical activity, it is necessary "passport of expertise" where the name, purpose, tasks and modern possibilities of one or another type of forensic examination are clearly defined. It is clear that relevant research has been carried out since the formation of the theory of forensic examination on the issue of classification of forensic examination. For example, based on T. V. Averyanova's scientific opinions on the general theory of forensic examination, it is possible to briefly describe the general condition of work in this field.

A scientifically based proposal, which has not lost its importance and is accepted by almost all scientists dealing with the problems of forensic theory, was given as early as 1971 by A.G. Shlyakhov. The scientist proposed to divide forensic examinations into categories, types and subtypes according to their general level. Also, A.G. Shlyakhov formed the characteristics of the subject, object and methodology (from the point of view of the set of methods) of expert research as the basis for the classification of forensic examination. These foundations that determine the independence of a certain type of examination, as they form a separate field of special knowledge [1].

Since then, many scientific works have been published devoted to the classification of forensic examination and the selection of its basis and signs, but all of them to one degree or another consists of formed thoughts made by A.G. Shlyakhov's proposal. Although general opinions on this matter have not yet been fully formed, it is most common to divide forensic examinations into categories, types, and subtypes (directions) based on their subject, objects, and methodology.

At the same time, the categories of forensic examination are currently being actively discussed, the debate about which forensic examination should be considered criminalistic examination and which should not be included in this category is becoming somewhat general, that is, which forensic expertise now constitutes an independent category, which of the category its emergence as a family or even a species is under discussion.

Taking into account the complex nature and structure of the basic special knowledge that is necessary for different categories, families and types of forensic examinations, it is worth noting that it is also very complex to determine the subject - object-methodology of examination research as the basis for the classification of forensic examinations. For example, the object of research of certain types of forensic examinations is very numerous and diverse, as well as the number and characteristics of objects of this type are constantly changing (for example, forensic tracological examination, forensic ballistic examination, etc.). The current classification of such research objects is a difficult matter. Or, in the methodology of certain forensic examinations, other types of examination techniques are also used (for example, in the case of identification ballistic studies, tracological methods are definitely used).

Therefore, the complex and non-uniform basis for classification of forensic examinations creates the need for a new logical approach to the justification of forensic examinations and the need to perform such confirmation on other grounds.

There are a number of proposals in this regard in the special literature related to this field, but it is often proposed to develop a system of three-syllable classification signs - basics, which is indicated above, and at the same time it is clarified at what level of this classification one or another sign-basis should be taken into account more.

In this matter, he approved the above-mentioned views and E.R.Rossinskaya's opinion, based on Belkin's scientific opinion about the need to divide the categories of forensic examination according to the special knowledge used in expert research, is the most widespread, and the scientist "the basis for dividing forensic examination into types and subtypes is the set of research objects and tasks solved in research. "Types of forensic examination related to one or closely related branches of special knowledge and using similar scientific and technical and criminalistics technical and methods are combined into categories" [2].

Although the division of the categories of forensic examination by fields of knowledge is not perfect enough, in the literature "...classification of forensic examination according to the general classification of sciences is not very reasonable. Such an approach can lead to the loss of the methodological basis of the research objects of certain types of forensic examination that make up the categories (infiltrating into other methods)" [3].

But scientific research in this area was not finished. Further research led to an interesting result – there was an exception to consider a unique (unity) of forensic examinations, categories, species and subspecies within the framework. T.V.Averyanova writes: "the artificial nature of the general theory of forensic examination allows you to remove the various labels that you give to different categories, families and types of forensic examinations, and to treat any type and small type of forensic examination as a forensic examination" [1].

This idea is not the only one. Ye.R.Rossinskaya came to a similar conclusion and noted:" since the mutual harmonization of knowledge and penetration of each other into repetition naturally led to the disappearance of the boundaries between criminalistic and non-criminalistic examinations, the unification of the types and subspecies of forensic examination, a conclusion arises about the unified nature of forensic examination" [2]. Of course, it is impossible not to pay attention to these conclusions of two leading theorists-scientists of the field of Forensic Science.

But, T.V. Averyanova concluded the opinions on the classification of forensic examination, while E.R. Rossinskaya in her conclusion does not refuse to consider forensics as a system of its categories, types and subtypes. The scientist said that "the integrated nature of all types of forensic examination means that it is necessary to clarify their classifications accepted in theory and practice today" [2]. The opinions of this scientist about the types of basis for the classification (separation) of forensic examination are presented above.

Thus, today, the classification of forensic examination based on its subject, object and methods, as well as the classification of forensic examination, which consists of a multi-level structure in the form of various categories, families, species and subspecies are becoming widespread. In addition, the subject, object and methodology (methods) of expertise research are taken as a basis for the classification of categories of forensic examination, the field of special knowledge used in these forensic examination, and for the classification of types and subtypes. For example, S. Nurumbetova wrote "In the general system of forensic examination, four levels of special knowledge are distinguished, such as category (type), type and subtype. The set of examination is a set of expertise research that serve as a source of formation of theoretical and methodical forensic examination and united on the basis of common knowledge. Such research include criminalistic, biological, agricultural, medical and psychophysiological, engineering-technical, engineering-transportation, engineering-

technological, economic, ecological, art studies, literary studies and other categories of examination" [4, B.39].

This understanding is also present in the academic and scientific literature of the field, and this approach is believable. In our opinion, the field of special knowledge, which is the basis for the category of forensic examination and serves as the basis for the types and subtypes of forensic examination in the future, is the criterion of maturity and independent group for the types and subtypes of examination that are candidates for being called a category of examination. Because, in today's rapid development of science and technology, a type of forensic examination can develop and improve in reality and become a series of independent examination.

Taking into account the wide coverage of the fields of knowledge and science by forensic examination, it is worth noting that today forensic examination is based on many areas of science and human activity, which requires a revision of its structure. Considering the rapid improvement and continuous development of scientific knowledge, such a structure cannot be permanent and unchanging, which makes it necessary to clarify it.

Thus, the basis for distinguishing categories of forensic examination is the network of special knowledge used in expertise research. But the field of special knowledge is the main discipline for forensic science. The difference between one type of science and another consists in the differences between its subject, object and methods. They (subject, object and methods) determine the individuality (individuality) of subjects and express the uniqueness of science.

Thus, the subject, object and methods of the basic science serve as a specific sign for the separation (grouping) of categories of forensic examination.

At the same time, we believe that the category of forensic examination is determined by the field of special knowledge, not by the subject, method and especially the object of the basic science. Although the opinion that the methodology of expertise research determines the category of forensic examination was widespread, in our opinion, the subject, object and methods of science are not enough to determine the category of forensic examination. Because this subject, object, and methods are not related to the category of forensic examination, which is determined based on them, but to a certain science.

As a theoretical knowledge, the subject, object, and methodology of forensic examination are the essence of a different order, and it is necessary to consider the classification of forensic examination not as a science or field of science, but as a field of practical activity. Of course, in the issue of categories of forensic examination, despite the clear basis of classification, there are controversial cases. For example, in the computer-technical forensic examination, there is a mistake in understanding the essence of the science (basic science), especially the subject of this science, which forms its basis, that is, according to this basis (the science and its subject), the forensic examination is divided into the engineering-technical category.

Engineering is not a science, but combination of many and varied sciences. In general, the knowledge of engineering is very general and diverse, and it is broad enough to be the basis for the classification of categories of forensic science. Therefore, this knowledge cannot be the basic knowledge that unites the series of forensic examination.

In our opinion, the basic (basic) knowledge for computer-technical forensic examination is not the wide and diverse knowledge of (science) engineering, but the knowledge in the field of informatics.

On the other hand, computer science today is a complex knowledge of computer technologies that includes many informational and technical elements. This knowledge is designed to solve all tasks that arise in the research of computer technologies, software and, most importantly, information-carrying objects. Therefore, it is hardly appropriate to say that this kind of examination has a technical specification.

From this point of view, it would be more correct to call this computer-technical forensic examination as a simple computer forensic examination. As a result, in our opinion, these forensic examinations constitute an independent category of computer examinations.

Other proposals for changing the system of classification of forensic examination at the level of categories can be seen in the forensic literature, since the initial classification of forensic examination at this level and its subsequent interpretations [5] are somewhat outdated. For example, with the improvement of the activity of forensic examination, today the category of linguistic examination is clearly distinguished, this specialty of forensic examination is distinguished along with criminalistic, engineering-technical, economic examination, as well as forensic examination of materials, substances.

It is worth noting that it is of particular interest to study forensic speech science examination in connection with the problem of the basis of classification of the considered forensic examination separately. Here, it will not be quite correct to take basic special knowledge as a basis (sign) for the classification of forensic examination. There is no specific basic (basic) science for this type of forensic examination, since forensic speech science examination is based on a set of knowledge related to linguistics, authorship, phonoscopic and even increasingly correspondence examination. As you can see, most of these fields of science belong to the category of criminalistic expertise.

Forensic speech science examination is considered to be based on the field of knowledge about speech process recorded in any material information carrier, perception, understanding and interpretation of verbal information [6]. In this case, the meaning of separating the category of speech examination is clear, that is, even if the study of speech content (linguistic and authorship examination) and the external form of its presentation (oral speech - for phonoscopic examination and written speech - for correspondence examination) are combined at the same time,

is to combine the study of various forms of human speech activity. Separation of this category of examination "...is related to the formation of a single scientific-methodical approach to the activity of forensic examination, expertise specialties and the needs for training specialists" [6].

Theoretically, all these forms are determined by the same laws of the activity of the human brain, which are responsible for speech and rely on conditional reflex connections of writing, as well as "... a similar set of special knowledge about speech, the unity of the methodology for solving identification and diagnostic tasks. Forensic speech science examination is based on the process of speech pronunciation, the speech perceiver's knowledge of the perception and active interpretation of oral and written texts, taking into account various extra-linguistic information sources" [6].

However, some cases in this area are not so clear, for example, the relationship between writing and pronunciation characteristics, that is, between a person's writing skills and articulation, has not yet been proven. Despite the more complex connection between the content of speech and the form of its manifestation, their mutuality and connection in a general sense by criminologists-experts [2], the above connection (between writing and pronunciation) may not be expressed at all in practice. However, when these connections exist, such a broad functional association makes sense, because it leads to a new level of research and the creation of new methods.

All these points are grounds for saying that the subject of forensic examination in this case does not serve as a basis for the formation of this category of examination. In this case, the primary (leading) basis for combining various forensic examination into one category is the object of research or "... the totality of the studied objects - the product of human speech activity" [6].

It follows that the basis for the classification of this type of forensic examination is not a subject consisting of the laws of human oral and written speech, but human speech with its various aspects and factors is considered an object of research. Nevertheless, with the diversity and versatility of the tasks to be solved and the methods used, the forensic speech science examination is developing.

Another thought. In our opinion, the capabilities of the subject of forensic examination (in the classical sense - factual situations (or the essence of the case), as real information that is researched and determined on the basis of special knowledge in justice) are very limited, and in most cases, the method and object of research are not taken into account. For example, the task of determining the source of origin of paint, oil products, etc. is solved with the help of forensic examination of materials, substances, items.

However, for objects of biological origin, the same task differs sharply from the above. For example, in determining the place of origin of vegetable crops, mainly biological methods are used and etc.

However, re-systematization of knowledge, reconsideration of its place in the knowledge system in the field of forensic examination in a general sense can be done in another way. Such re-systematization occurs as a result of insufficient assessment of research methodology (methods) in the extraction of categories of forensic examination.

Not long ago, style was the main basis for the classification of forensic examination, and categories were formed as a derivative of the style considered as the basis for classifying a type of forensic examination. As a result, the lack of critical evaluation of the subject matter and other components of scientific knowledge necessitated a critical review of these ideas. Since this critical review has a constructive value in itself, the proponents of such ideas and views have also changed their opinions [2].

Despite the above, insufficient evaluation of the method of expert research still exists in the evaluation levels offered by criminologists in the classification of one or another forensic examination. For example, in the case of forensic examinations of materials and substances, there is an underestimation of such methods, and this issue is still being discussed [3], including: whether this type of examinations belongs to an independent category or belongs to the type of forensic examinations. There is still no single approach to this issue.

According to classical views, this type of examination should be included in the category of criminalistic expertise. However, scientific opinions on the fact that this forensic examination is a type of independent examination are also well-founded.

In this case, it is important to use methods and methods of chemical research, which are not characteristic of criminalistic expertise, mainly in this type of expertise research. In a number of countries (for example, the Russian Federation, the Republic of Belarus) this type of forensic examination is separated as a separate specialty.

In our opinion, such a distinction is correct - in this case, for example, in the processes of training or retraining of forensic experts in this specialty, methods and methods necessary for this type of research are taught more. However, it would be wrong to have different classifications of forensic examination in the educational process and in practical activities conducted in insufficiently classified areas. That is, the harmony of theory and practice can break.

Therefore, perhaps, it is necessary to release the criminalistic examination of materials, objects and items from the status of criminalistic examination and at the same time bring them to the level of independent forensic examination.

In addition to the above, in our opinion, the role of molecular-genetic examination (genome examination, human DNA biological examination) in the classification of forensic examination is currently debatable. According to the Russian criminologist V.I. Sharov, "as E.R. Rossinskaya pointed out, it is better to include this type of forensic examination in the category of forensic medical examination, because this type of research is conducted at the Russian Forensic Medical Examination Center of the Ministry of Health of the Russian Federation, which also includes there is also a molecular genetic research (examination) center" [7].

However, it should be noted that genetics and molecular genetic studies are part of biological science. Of course, medicine makes extensive use of the advances in biological science, and these sciences (medicine and biology) are closely related to each other in the study of humans.

"Genetic dactyloscopy or DNA-dactyloscopy is a system of scientific methods of biological identification of individuals (organisms) based on the uniqueness of the sequence of DNA nucleotides" [8]. That is, in this case, the research method was underestimated. Therefore, molecular-genetic examination as an independent type of examination should be included not in the category of forensic medical examination, but in the category of forensic biological examination (practice of Uzbekistan) [8].

Forensic examination is a complex field of activity, characterized by the breadth of many types of specialized knowledge used and the complexity of research processes. In addition[9], this system is a changing and constantly evolving system[10]. This is the main reason why the debates on the structure of forensic examinations do not stop to this day.

We have only discussed a number of opinions and scientific views about the system of forensic examination, but they are very important and must be taken into account in the formation of forensic institutions and services, as well as in the formation of structural lists of the types of forensic examination conducted by them.

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