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CRIMINALISTICS

**Abstract.** Forensic science as an applied legal science, has its own laws acting on special techniques, methods and means used during the investigation for the prevention, detection and investigation of crimes, as well as in criminal cases in courts. According to the authors, all crimes are committed by specific individuals under the conditions of reality in the relationship of facts and phenomena occurring in the world. Traditional tactical methods and means of obtaining reliable information are not always effective, and therefore forensic science has an important task of finding new methods that differ from traditional ones that are adequate to detect lies and misconceptions. The article presents the problems of forensics and the main methods of investigation used in forensics of various types of crimes.

**Keywords:** criminalistics, law, methods, methods, means, crime, facts, phenomena, investigation.

INTRODUCTION

Forensic methodology is associated with the development of the theory of forensic evidence and the conduct of the reform of the entire judicial system in 1864. In this connection, with which there has been a steady trend towards an increase in methodological recommendations, both in quantitative and qualitative terms. The transformation of the existing system of evidence contributed to the expansion of the range of permissible material evidence ("dumb witnesses"), the development and use in the investigation of crimes of means and methods for their collection and research.

Despite the increased level of forensic work at that time, in general, the baggage of pre-revolutionary forensic science was clearly not enough to be able to speak of it as an independent science. Moreover, there were no sufficient grounds for separating a separate section within the criminal equipment - the methods for investigating specific types of crimes. A huge work on the formation of the theoretical foundations of criminology, the justification of their content and place in the system of scientific knowledge and the development of scientific and practical recommendations of a technical, tactical and methodical nature.

These problems of criminology especially needed to be solved in the years of the First World War and in the post-revolutionary period, when crime reached its true apogee. However, the socio-political and economic events that took place in the second decade of the 20th century. and in subsequent years significantly slowed the process of the formation of forensic science. The needs of the practice of combating crime were satisfied mainly by publishing transferable forensic literature of Western European countries. Among the works of this kind were the works of A. Helwig "Modern Forensic Science (Methods of Investigating Crimes)" (1925), G. Schnekert "The Secret of the Criminal and the Path to Solving It" (1925), E. Annushat "The Art of Disclosing Crimes and the Laws of Logic" 1927).

MAIN PART

The substantiation of the existence of a crime investigation methodology led to the fact that in the first university textbook, published in 1936, the investigation technique is considered as one of the three independent sections of criminology along with criminal technology and criminal tactics.

In the book of the second specified textbook, specific private techniques are described for investigating certain types of crimes, the sequence of work of the investigator in drawing up an investigation plan is determined. Structurally, the private methodologies combined only the statement of the initial investigative actions. At the same time, there was an erroneous recommendation to put forward

investigative versions and draw up an investigation plan only after the initial investigative actions were taken.

All crimes are committed in the face of reality, by specific individuals and by virtue of the universal law of knowledge and the interrelationship of facts and phenomena of the material world, which is in some way connected with the environment and displayed in it. The consequences of actions, actions of all participants in the incident (suspects, victims, witnesses, etc.) are reflected in each other and the surrounding material environment, forming numerous and diverse traces, including traces of crime (visible and invisible). These traces as carriers of information about the crime itself and its participants create for the investigator and the court the opportunity to establish objective truth in a particular case.

However, the traces of the crime must be collected, investigated and evaluated by the persons conducting the criminal process (Article 121-127 of the Criminal Procedural Code of the Republic of Kazakhstan) in a certain order, and only after that they can be recognized as evidence [1].

Forensic science, based on scientific recommendations, develops tools and methods for detecting, fixing, removing and preserving various traces of crime. She is forced to do this, as G.A. Zorin: "... if war causes the development of the military industry, then crime causes the need for criminalistics opposition from society" [2, p.24].

Forensic tactics are currently experiencing a new stage of recovery and development, caused by the need to further improve the methods of investigation. There was a need for theoretical substantiation of some tactical recommendations, the formation of tactical combinations and tactical operations, scientific, legal and moral foundations of investigative tactics are being developed, the problems of judicial investigation tactics are being resolved.

It seems that in order of posing the problem it is time to talk about the development of new branches of forensic science of strategic areas that have the right to their own methodology, goals and objectives. These include: the science of odors (odorology); methods of fixing the psychophysiological state of the suspect (forensic polygraph); entomological examination (examination of life forms and products of insects); examination of the method of DNA (gene fingerprinting); methods of compiling the psychological image of "portrait" (forensic mental model (image) of a wanted criminal, witness, victim); forensic hypnology (the use of hypnosis in the investigation of crimes); background-videoscopic (vocalographic) examination (identification of a person by his voice by the spectral method of research).

Forensic odorology is the study of odors in order to establish identity. It is based on the assumption that each person has his own individual smell, caused by a number of physiological processes. The individual smell of a person is preserved in the atmosphere of the room, on objects, clothing, traces, documents. In the process of operational-search activity and during the conduct of investigative actions, odor is collected in order to obtain and preserve odor information. The smell can be preserved with the help of special devices and then used to identify the person, serves as the scientific basis of the odorological examination. However, the attitude to odorology in forensic science and the criminal process is ambiguous: for operational purposes, its use is not disputed, but the use in proof evokes objections, since, due to the lack of a generally accepted theory of odor, it is impossible to verify the results of the odorological sampling.

Forensic polygraphology is the use of a multichannel oscilloscope for simultaneous recording (recording) of several (from 4 to 16) physiological processes (respiration, blood pressure, biocurrents of the brain, heart, skeletal and smooth muscles, etc.) associated with the occurrence of the emotional state of the subject when exposed to him verbal irritant.

In a number of countries (Europe, America), the method is used to establish whether the subject has certain information about the event under investigation. Professor of the Moscow State University A.Luria first put the idea of a polygraph forward in 1926. In 1928, a US citizen Keeler received a patent for the first polygraph. Journalists gave the device the sensational name "Laydetektor" (lie debater), although it does not correspond to this name [3]. The use of the polygraph is practiced in many countries, the results are considered either as evidence or as operational, orienting information. In the domestic judicial, investigative and investigative practice, a predominantly negative attitude towards the polygraph and its results [4].

The applied significance of polygraph tests is determined not only by the device itself, but by the ways (methods) of its use in monitoring and evaluating human reactions in a specially organized procedure.

Entomological examination is the study of life forms and products of insects. Their objects are promising for establishing the temporal and spatial characteristics of a crime event based on a study of the signs of their staged development. When death turns a body into a corpse, hundreds of insect species flock to it at different times. Studying this phenomenon, the entomologists came to the conclusion that beetles, spiders, flies may well be witnesses of mysterious crimes. Flies help to restore even some of the circumstances of the killings, whether it was done indoors or outdoors, day or night, in warm or cold weather, in the sun or in the shade, etc. [5].

There is a chance that there will be a number of cases for experts.

So, according to N.A. Selivanova, "the investigation technique is a system of interrelated and interdependent investigative actions, determined by the subject of proof, carried out in the best order to establish all the necessary circumstances of the case and to prove, based on planning and investigative versions, taking into account typical methods of committing crimes of this type and investigations into the use of tactics and scientific and technical means" [6].

Thus, the above definition emphasizes the close connection of the investigation technique with the specifics of the commission of crimes, in particular with the methods of their commission. I.F. Krylov [7] indicates this circumstance.

Such an approach to defining an investigation methodology seems to be quite justified.

Investigative practice shows that the traces of the crime, the mechanism of their formation, on the basis of which the system of scientific provisions is developed and the methodological recommendations of the investigation are directly related to the particular methods of perpetration, the identity of the perpetrator, the motives of the crimes and other circumstances of the criminal offense.

In the method of investigating certain types of criminal offenses, recommendations for determining the main directions of investigation depending on the investigative situations that are emerging at the beginning of the investigation are of great importance. These situations are typical.

The nature of typical investigative situations at a later stage of the investigation is mainly determined by the results of the initial investigative actions [8].

In some cases, the focus of the investigation is to search for the already established criminal, in others it is still not established, and thirdly, the direction to gather additional factual data exposing the already detained criminal, etc.

Typical are situations in which, in the presence of convincing and very complete evidence of guilt, the defendants partially or fully do not admit their guilt. In such cases, the main direction of further investigation is associated with the verification and clarification of additional circumstances and possible new charges or the fulfillment of requirements related to the end of the investigation [9].

The question of establishing the truth and making the right decisions when investigating crimes in modern conditions is becoming increasingly problematic for a number of reasons. The main reason for this is the growing shortage of reliable, truthful information every day. In the conditions of lack of faith, uncertainty, legal insecurity, naked visible lies, intimidated people are less and less willing to make contact with the investigator and the court; at any stage of the investigation, one can expect a refusal to obtain truthful testimony.

Currently, in the field of forensic technology on the basis of the wide use of achievements of natural and technical sciences, their creative adaptation for the purposes of legal proceedings, processes of differentiation and specialization of research tools are actively taking place, which results in the creation of new equipment and tools adapted for solving problems of all kinds and forensic expertise, and within the species - for the study of certain categories of objects. New objects are included in the orbit of the judicial research, evidentiary properties that were previously unavailable for investigation and trial.

## CONCLUSION

Traditional tactical methods and tools used to obtain reliable information from its carrier, are increasingly failing. Therefore, forensic science is faced with the main task of finding new, and sometimes unconventional, methods of overcoming lies and delusions that are adequate to the current situation. Today, many forensic experts refer to such an unconventional method as yet we have not officially recognized, not a legalized method of obtaining personal information after introducing a data carrier into a hypnotic state, i.e. use of the hypnosis method in investigating crimes. Today, in practice, it can be traced how the criminal element uses hypnosis for its own purposes. In particular, on sex crimes, in perjury, in

forgery of documents, etc. On the other hand, the police of a number of countries use hypnosis in practice to obtain additional information from witnesses and victims.

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#### КРИМИНАЛИСТИКА

**Аннотация.** Криминалистика как прикладная юридическая наука, имеет свои закономерности действующая по специальным приёмам, методам и средствам применяемых в ходе расследования для предупреждения, раскрытия и расследования преступлений, а также при рассмотрении уголовных дел в судах. По мнению авторов, все преступления совершаются конкретными лицами в условиях реальной действительности во взаимосвязи фактов и явлений, происходящих в мире. Традиционные тактические методы и средства, позволяющие получить достоверную информацию не всегда эффективны, в связи с чем перед криминалистикой стоит важная задача поиска новых методов, которые отличаются от традиционных, являются адекватными для выявления лжи и заблуждений. В статье представлены проблемы криминалистики и основные методы расследования применяемые в криминалистике различных видов преступлений.

**Ключевые слова:** криминалистика, закон, приемы, методы, средства, преступление, факты, явления, расследование.

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**Аннотация.** Сот-құқық ғылымы қолданыстағы заң ғылымы ретінде, қылмыстарды алдын-алу, анықтау және тергеу барысында, сондай-ақ соттарда қылмыстық істер бойынша тергеу барысында пайдаланылатын арнайы әдістер, әдістер мен құралдар бойынша әрекет ететін өз заңдарымен жұмыс жасайды. Авторлардың пікірі бойынша, барлық қылмыстар әлемде орын алған фактілер мен құбылыстардың өзара байланысында шындық жағдайында белгілі бір адамдар жасайды. Дәстүрлі тактикалық әдістер мен сенімді ақпарат алу құралдары үнемі тиімді болмайды, сондықтан сот медицинасы жалған және қате түсініктерді анықтауға барабар дәстүрлі айырмашылығы бар жаңа әдістерді табудың маңызды міндетіне ие. Мақалада сот сараптамасы мен қылмыстың әртүрлі түрлерінің сот сараптамасында қолданылатын тергеудің негізгі әдістері қарастырылады.

**Түйін сөздер:** криминалистика, құқық, әдістер, әдістер, құралдар, қылмыс, фактілер, құбылыстар, тергеу.

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