



The importance of the forensic profile in the recording of road traffic accidents

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ABSTRACT

The article analyses the current state of the art and the importance of the forensic characteristic in ensuring the recording of road traffic accidents and the resolution of the problems that arise in connection with the procedure and the method of carrying out the auto-technical procedure, Trace and other examinations. The opinions of domestic and foreign scientists on the role of the forensic characteristic in the detection and investigation of road traffic offences are considered, and proposals are being made to improve the mechanism of forensic support for road traffic fixing traffic accidents. The main purpose of the article is the legal and law-enforcement analysis of the criminality characteristic in the system for ensuring the recording of a traffic accident in the criminal sphere. Procedural and forensic techniques and tactics for investigating this type of crime. The main content of the problems examined in this article is the consideration of the features of the use of the forensic characteristic in the process of securing the recording of an accident. Such a view would be of interest to experts studying the importance of forensic characteristics as the basis for forensic support for the recording of road traffic crashes. As a research task, the author identified ways of improving the methodology and tactics for applying the rules of forensic characterization in the algorithm of the activities of the person conducting the initial inquiry, the investigator and the bodies conducting the initial inquiry and the operational search activities to ensure the recording of road traffic accidents. Drawing on the practical experience of experts and expert institutions using the tactical features of the forensic characteristic in the assignment and conduct of forensic examinations, Proposals have been drawn up to improve the methods of their production and the use of forensic expertise. The author of this article has identified promising ways of using

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innovative information and communication technologies in improving forensic support for the recording of road traffic accidents on the basis of modern forensic techniques, Tactics, forensic examinations, the benefits of automation and programming of investigative and expert activities and the broad participation of specialists in them. The conclusion discusses the place and importance of the forensic profile in the field in question, and elaborates and makes suggestions and recommendations for the development of law enforcement and the improvement of the criminal justice system. Procedural rules governing the criminally enforced recording of an accident.

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Йўл-транспорт ҳодисани қайд этишни таъминлашда криминалистик тавсифининг аҳамияти

Калит сўзлар:

Экспертиза йўл-транспорт
ҳодисаси
Эксперт
Мутахассис
Автотехник экспертиза
Ҳодиса содир бўлган жой
Тергов қилиши
Суриштирувчи
Терговчи
Далиллар қайд этиш.

АННОТАЦИЯ

Мақолада криминалистик тавсифини йўл-транспорт ҳодисаларни қайд этишдаги ҳозирги ҳолати ва аҳамияти, бу борада процессуал тартиб, автотехник, трасологик ва бошқа турдаги экспертизалар ўтказиш методикасига оид вужудга келадиган муаммоларни ҳал этиш таҳлил қилинган. Хорижий ва миллий олимларни ЙХҚнинг бузилиши билан боғлиқ жиноятларни очиш ва тергов қилишда криминалистик тавсифининг роли тўғрисида фикрлари кўрсатилган, йўл-транспорт ҳодисаларни қайд этишда криминалистик тавсифи механизмини такомиллаштириш тўғрисида таклифлар берилган. Ўшбу турдаги жиноятларни тергов қилишда йўл-транспорт ҳодисанинг жиноят-процессуал фаолияти ҳамда криминалистик услуги ва тактикасини криминалистик тавсифининг ҳуқуқий ва ҳуқуқни қўллашни йўл-транспорт ҳодисаларни қайд этиш тизимидаги таҳлили мақоланинг асосий мақсадини билдиради. Йўл-транспорт ҳодисаларни қайд этишни таъминлаш жараёни хусусиятларини кўриб чиқиш муаммолари бу мақоладаги изланишнинг асосий мазмуни. Бундай караш криминалистик тавсифини йўл-транспорт ҳодисаларни қайд этиш механизмини асоси сифатида қизиқтириши мумкин. Тадқиқот вазифаси сифатида муаллиф томонидан йўл-транспорт ҳодисаларни қайд этишни таъминлашда суриштирувчи, терговчи, терговга қадар текширув ва тезкор-қидирув фаолиятини амалга оширувчи органлар алгоритмида криминалистик тавсифи қоидаларни қўллаш услуги ва тактикасини такомиллаштириш имконияти белгиланган. Суд экспертизаларни ўтказишда криминалистик тавсифинининг тактик хусусиятларни фойдаланишда эксперт ва эксперт ташкилотлар амалий тажрибасини

умумлаштирилган холда криминалистик тавсифи борасида уларни ўтказиш ва билимлардан фойдаланиш тўғрисида услубини такомиллаштириш бўйича таклифлар ишлаб чиқилган. Мақоланинг муаллифи томонидан инновацион ахборот-коммуникацион технологияларни қўллаш орқали замонавий криминалистик методикаси, тактикаси, суд экспертизаларни ўтказиш, тергов ва эксперт фаолиятида автоматизациялаш ҳамда дастурлаштириш, мутахассисларни кенг иштирокини таъминлаш асосида истиқбол йўллари аниқлантирилди. Хулосада криминалистик тавсифини кўриб чиқиладиган доирасида ўрни ва аҳамияти очилган ва йўл-транспорт ҳодисаларни қайд этишга оид ҳуқуқни қўллаш амалиёти ҳамда жиноят-процессуал нормаларни такомиллаштириш бўйича таклиф ва тавсиялар асослантириб берилган.

Значение криминалистической характеристики в обеспечении фиксации дорожно-транспортных происшествий

Ключевые слова:

Экспертиза
Дорожно-транспортное происшествие
Эксперт
Специалист
Автотехническая экспертиза
Осмотр места происшествия
Расследование
Дознаватель
Следователь
Фиксация доказательств.

АННОТАЦИЯ

В статье проанализировано современное состояние и значение криминалистической характеристики в обеспечении фиксации дорожно-транспортных происшествий и разрешении возникающих при этом проблем, связанных с процессуальным порядком и методикой проведения автотехнической, трасологической и других видов экспертиз. Рассматриваются мнения отечественных и зарубежных ученых относительно роли криминалистической характеристики в раскрытии и расследовании преступлений, связанных с ДТП, выдвигаются предложения о совершенствовании механизма криминалистического обеспечения фиксации дорожно-транспортных происшествий. Основной целью статьи является правовой и правоприменительный анализ криминалистической характеристики в системе механизма обеспечения фиксации дорожно-транспортного происшествия в сфере уголовно-процессуальной деятельности и криминалистической методики и тактики расследования данного вида преступлений. Основное содержание исследованных в настоящей статье проблем, выражается в рассмотрении особенностей использования криминалистической характеристики в процессе обеспечения фиксации дорожно-транспортного происшествия. Такой взгляд будет интересен специалистам, изучающим значение криминалистической характеристики как основы механизма криминалистического обеспечения фиксации дорожно-транспортного происшествия. В качестве исследовательской задачи автором были

определены возможности совершенствования методики и тактики применения правил криминалистической характеристики в алгоритме деятельности дознавателя, следователя, органов, осуществляющих доследственную проверку и оперативно-розыскную деятельность в обеспечении фиксации дорожно-транспортных происшествий. Обобщая практический опыт экспертов и экспертных учреждений, использующих тактические особенности криминалистической характеристики в назначении и проведении судебных экспертиз, разработаны предложения по совершенствованию методики их производства и использованию знаний в области криминалистической характеристики. Автором настоящей статьи определены перспективные пути использования инновационных информационно-коммуникационных технологий в совершенствовании криминалистического обеспечения фиксации дорожно-транспортного происшествия на основе современных возможностей криминалистической методики, тактики, проведения судебных экспертиз, преимуществ автоматизации и программирования следственной и экспертной деятельности и широкого участия в ней специалистов. В заключении раскрывается место и значение криминалистической характеристики в рассматриваемой сфере, и обосновываются и выдвигаются предложения и рекомендации по развитию правоприменительной практики и совершенствованию уголовно-процессуальных норм, регулирующих криминалистическое обеспечение фиксации дорожно-транспортного происшествия.

INTRODUCTION

In the developed countries of the world, appropriate scientific research is being carried out on forensic accident recording. Automated information search systems and computer programs «West Law», «Lexis Nexis» have a special significance in the fight against crime aimed at establishing a database of electronic communications and the widespread use of other international systems in the acquisition of legal information, the active introduction of forensic and other expertise, and research aimed at scientific research, An informed solution to the problems of improving the effectiveness of their application in this regard.

Certain procedural and forensic aspects of the use of scientific and technical knowledge related to the forensic management of road traffic accidents were addressed to some extent in the study, I.R. Astanov [1].

In foreign countries, O.D. Kim (Kyrgyz Republic)[2], Y.I. Krikunov[3], S.N. Putivka[4], S.L. Ryzhikov[5], L.B. Syromel[6] (Russian Federation), S.E. Yerkenov[7] (Republic of Kazakhstan), R.V. Raciec [8] (Republic of Belarus), Ian K. Pepper[9], John Horswell[10] (United Kingdom), David E. Learner[11], Barry J. Fisher[12], (United States), etc.

The work of the above-mentioned authors has made a significant contribution to the development of forensic science. However, in our country, no separate studies have been carried out on the theoretical, practical aspects of forensic accident recording.

PURPOSE OF THE STUDY

The purpose of this article is to provide a scientific analysis of the current situation and the problems encountered, and to formulate recommendations aimed at identifying promising ways of increasing the effectiveness of the forensic support for road fixing transport accidents through the use of innovative technologies.

The main purpose of the study is to improve the legal regulation of forensic assistance in the recording of road traffic accidents and the organizational forms of their use in the activities of persons conducting initial inquiries, investigators and agencies; Carry out preliminary investigations and investigations and develop an algorithm for their activities

MATERIAL AND METHODS OF RESEARCH

The material is the forensic tactic of detecting, collecting and processing evidence and an unproductive mechanism for providing forensic support for the recording of the accident during the examination of the crime scene, Conduct of forensic traces and investigations, special types of vehicle and other types of expertise, and a process and mechanism for their implementation have been developed.

The methods of investigation were determined on the basis of the dialectical provisions of the theory of cognition. General and private methods of scientific research were used, including formal, system-structural, comparative analytical, statistical and other research methods.

RESULTS AND DISCUSSION

In the investigation of offences committed in the field of road traffic accidents, an important place is taken by their forensic characteristics, which makes it possible to optimize the accident recording mechanism. The Institute of Forensic Profiling is an essential component of the investigation of traffic offences. The importance of a correct forensic profile is of particular importance in the detection and investigation of this type of crime. This is due to the fact that the forensic aspects of road traffic fixing consist of certain features and features that characterize this type of crime, knowledge of which is necessary for its effective detection and investigation.

The peculiarity of the mechanism of recording as a component of the forensic characteristic in the investigation of accidents is the effective interaction of the person conducting the initial inquiry and the investigator with experts and specialists who provide effective assistance in the detection of these crimes. The study addresses this issue T.V. Demidova, determining the level of concerted action when the investigator interacts with the officers of the forensic units in the investigation of the accident[13, c.].

V.V. Lysenko, in his study, focuses on the mechanism of collecting, checking and evaluating data on the temporal characteristics of road traffic crime[14, c.26]. Others draw attention to the theoretical and methodical problems of complex expert investigation of subjective and objective components in accident investigation[15, c.67].

Based on the diversity of existing road traffic fixation problems, it is possible to conclude that it is necessary to address them in a comprehensive manner and in this respect the rules related to the peculiarity of defining the criminality of road traffic offences in terms of methods and tactics investigations. The main purpose of a complex approach is to detect, record and evaluate evidence that ensures the quality of the investigation.

Reconstruction through forensic simulations in the investigation of road traffic accidents is necessary to obtain the evidence base, which can demonstrate the importance of the forensic profile as a basis for further accident investigation. The peculiarity of the forensic characteristic of this type of crime is the possibility of using, on a scientific basis, the knowledge of forensic science aimed at developing optimal ways, techniques and methods for solving a specific accident-related crime. In addition, it serves to promote and verify various forensic versions, and thus the minimalist characterization of the crime of traffic accidents facilitates the detection and investigation of this type of crime.

There are different opinions among forensic experts on the specific characteristics of the crime of road traffic accident. This has a negative impact on the effectiveness of the forensic recording of accidents, as the lack of a common understanding leads to different approaches to the issue. In particular, this affects fixation methods, one of which is photogrammetric. A. Bondarenko [16, pp.].

Some authors in determining the forensic characteristic in the process of securing the road-fixingThe interaction of the investigator's joint activities with experts in forensic modelling and reconstruction of non-obvious circumstances in the investigation of road traffic accidents is emphasized. In this respect, it is correct to agree with the opinion of S.N. Putivka, who noted that «regarding accidents, this relationship can be established not on individual tracks, but only on their complex, including quantitative and qualitative characteristics»[17, c.12].

In fact, in the investigation of the type of crime under consideration, special emphasis is placed on simulations for the timely recording and corroboration of evidence by means of which crimes are discovered and the completeness of investigations in this category of cases is ensured. Detecting, gathering and evaluating evidence through simulation to reconstruct the circumstances of a crime is an effective tool for fixing trafficA traffic accident, and this is possible only if the full range of forensic evidence, and in particular the forensic profile, is used.

In the course of accident investigation, the simulation of typical road traffic accidents is applied with special knowledge that helps to establish the evidence base, based on the rules of the forensic characterization of road traffic offences. B.A. Muminov notes that «many criminal cases without the application of special knowledge it is impossible to carry out a preliminary investigation, to institute criminal proceedings, to establish the circle of accused persons»[18, from.33].

Therefore, there is every reason to include in the forensic profile the above-mentioned provisions and the conditions conducive to the investigation into the overall solidity of the features and features of the forensic characterization of road traffic offences.

Also, in our view, the classical element of the forensic characteristic, which is directly related to the forensic recording of road traffic offences, should include the detection algorithm, Collection and corroboration of evidentiary information in the event of an accident, based on a variety of modes of occurrence.

The algorithm of a given process has a value of one of the main, varying influences on the whole recording procedure. This is because the detection, collection and consolidation of evidence depends on the application of innovative technologies in forensic science. This is particularly important in the initial phase of accident investigation in the big city on its busy roads.

The researched literary sources on the subject under consideration showed that certain scientists consider the forensic characteristic as one of the ways of using «special knowledge there is a procedural and non-processoral form» and in doing so they are necessary elements of accident fixing in the conditions of big cities[19, c.33].

One of the forensics experts who have studied the problem in depth is the Kyrgyz scientist O.D. Kim, who at the end of the last century developed a certain forensic algorithm that is still relevant today. Thus, he examined the problems and ways of improving the investigation of road traffic accidents on the basis of scientific knowledge, defined the role of the forensic characteristic in the methodology of investigation of this type of crime[20, c.38]. This view is shared by a number of scientists, who include components such as the collection, verification and evaluation of data on the temporal characteristics of road traffic crime in their forensic profile[21, c.26].

While agreeing in general with the position of O.D. Kim and V.V. Lysenko on the importance of establishing the elements of the forensic characterization of road traffic offences, it is possible to point out their characteristics, which to some extent reflect the role of forensic techniques and tactics in optimizing the recording of the accident. This property defines the features of the forensic characteristic in the process of ensuring the recording of road traffic accidents and indeed requires special attention to the algorithm of the process as one of the provisions of the forensic characterization of crime.

Forensic experts use such categories, which significantly influence the accident recording algorithm by means of a forensic characteristic, which is an integral part and, indeed, a fundamental factor in the process. The next provision affecting this structure is typical investigative situations, which determine whether they can be used in similar cases involving fixation.

Being one of the fundamental provisions of the forensic characteristic in the process of ensuring the recording of traffic accidents, the algorithm of the activities of the investigator, the investigator and the specialist, The expert and other bodies that investigate and assist them are a coherent, technology-based, coordinated and efficient case management function. Knowledge and ability to use the algorithm as a single, integrated tool to ensure the recording of traffic eventsThe transport offence makes it possible to establish the objective truth and the necessary circumstances for the detection and investigation of the offence in question. On this basis, the forensic scientists who studied the algorithm in the form of a unified system point out the problems encountered in the accident investigation[21, c.22], especially regarding the coordination of the actions for the application of the latest forensic science. S.N. Perlov explicitly states that this is due to the lack of technical support for the investigation process as a whole[23, c.7-8]. We can accept this assertion and point out that at present the application of innovative technologies is not at a sufficient level in Uzbekistan. In the course of the investigation of the crimes and, in particular, the need to apply special knowledge in the discovery of evidence during the examination of the scene of the incident, the purpose and the conduct

of the expert examinations, Uzbek forensic experts G.Z. Tulaganov, I.R. Astanov, Y.P. Pulatov, A.K. Zakurlayev, N.D. Bababekov.

Thus, based on the above, it can be concluded that the knowledge of the algorithm reflected in the forensic characteristic is a necessary component in the forensic support of the evidentiary process for these categories of cases. This will also enhance the ability to present and verify forensic leads.

CONCLUSIONS

1. A new integrated forensic approach to accident recording, based on a new understanding of the mechanism for recording evidentiary information in road traffic offences, is proposed. The enforcement mechanism covers the process of detecting, recording, verifying and evaluating evidence in the preliminary investigation, the initiation of criminal proceedings and the initial and subsequent stages of the investigation of this type of crime.

2. In order to solve the problems associated with ensuring that a traffic accident is recorded in the course of proving the results of the studies carried out in the course of the initial investigation, it has been proposed that a person be granted the status of a specialist, Performing preliminary research, which in most cases is performed, for example, by an employee of an expert or state forensic institution, as well as giving a specialist's certificate (research certificate), the status of «specialist's conclusion» which would greatly facilitate the evidentiary process.

3. An analysis of investigative practices shows that optimization of forensic support for road fixingAn accident is a prerequisite for the prompt and high-quality investigation of road traffic offences and this mechanism does not meet the modern requirements for the detection of this type of crime.

4. The advantages of the proposed procedure for the work of the accident investigator (investigator) will be more effectively demonstrated by: Innovative and technological programming of accident investigation activities; Improving the procedural capabilities of the specialist and expert; Automating the investigative and expert work in accident cases; establishing an independent and autonomous system of expert institutions and concentrating them only on the production of expert studies that are truly scientific in nature. The listed features, which, if implemented, would improve the use of scientific and technical knowledge in accident investigation, are: In our view, ways to improve the investigation of this category of cases on the basis of scientific knowledge.

5. There is a need to specify the features of the forensic characteristic in the recording of a road traffic accident and the mechanism for their use in the evidentiary process in the investigation of accident-related offences, which, to date, do not have a common understanding and theoretical understanding. This conclusion is based on an analysis of the available literary sources in the field of forensic science, criminal procedure, forensic analysis and the content of the legal norms of national and foreign criminal procedure legislation.

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