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## THE FORENSIC VESIONS: GENERAL THEORY FUNDAMENTS

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### Summary

There are considered the general theory fundament of the forensic version. It was concretized and improved the general theory of forensic version according to its purpose for pretrial and trial investigation. There is also emphasized special meaning of complete consciousness of the forensic version's sense before its realization during the process of construction and its validation. It was proved that the dividing of general theory rules of classification of the forensic version is a fundament for the further realization the forensic version's system and for establishing the objective truth in the criminal investigation.

**Key words:** forensic version, principles, functions, features, classification, classification rules, construction, validation.

### Аннотация

В статье рассматриваются общетеоретические аспекты сущности криминалистической версии. Автором конкретизируется и совершенствуется общая теория криминалистической версии с учётом её предназначения для досудебного и судебного производства. Также подчёркивается особое значение полного осознания сущности криминалистической версии перед её реализацией в процессе построения и проверки криминалистических версий. Доказано, что выведение общенаучных правил классификации криминалистической версии является основой для дальнейшей реализации системы криминалистических версий и установления истины в уголовном производстве.

**Ключевые слова:** криминалистическая версия, принципы, функции, признаки, классификация, правила классификации, построение, проверка.

### Formulation of the problem.

In conditionals of the effective criminal investigation conduction an important issue is the forensic version's appliance.

This scientific category sometimes is incorrectly realized by the subjects that implement the actual data collection during the certain criminal investigation. That's why it is used in a wrong way or is leveled at all. Meanwhile the modified realization of the forensic version sense and designation leads to the ineffectual attempts to determine the persons, that committed the criminal action and as the final result it doesn't give any possibility to find the committing crime instruments or other facts, that will help to establish an objective truth in the criminal investigation.

**Relevance of the topic.** Nowadays, the problem of the forensic version appliance is very relevant. First of all, because of the criminal investigation effectiveness. As there are the scientifically based rules of the forensic version realization, we have to develop and improve the practical area of the forensic version usage. That's why we insist on general theoretical

researching and improving the theory of the forensic versions.

**The articles goal** is to establish the forensic version content through the general theory context. The authors that also developed the problem of the forensic version appliance are: Golovin A.Y. [3], Tsilmak O.M., Vilgusinskiy M.Y. [2], Kalaydova A.S., Luzgin I.M., and others.

**The main research material** presentation. The forensic version – is a concretized assumption about the criminal misdoing circumstances and the persons that are involved in it's committing. According to the actual legislative norms, namely the articles number 30, 36, 38, 41, 45, 69 of the CPC of Ukraine [1] the forensic version subject is the: investigator, operative, expert, prosecutor, advocate, court. The forensic version goal is to determine the strategic directions of the pretrial and trial criminal investigation and to identify the persons that are involved in the crime that was committed.

**Basic material.** The forensic version tasks are the determination of the regularity of the criminal event appearing, the investigational process optimization;



the determination of the persons that have committed the crime.

The forensic version object in the general context of the forensic version theory is the essence of the committed crime in the whole and its components in particular. The forensic version subject is the development of the separate circumstances of the committed crime and the determination of the persons that committed the crime.

The forensic version principles are the systematic approach, scientific character, legacy validity. The forensic version features are independence, consistency, verification, situationality, cyclic nature, systematic approach, reality, concrete, changeability, practical character, specify, factology, subjective attitude. The forensic version functions are state, interpretative, practical applied, informational, organizational methodological.

The forensic versions may be classified according to such rules:

1) the essential features must be used as a fundament for the classification base, each feature must have different characteristics;

2) the classification must be justified with the researching goal; we must not jump over the classification criteria;

3) the phenomena set, that are separated on the classes and subclasses must consist the classification system, the classification must be flexible.

**The forensic versions also must be divided into:**

1) the subject of realization (investigator, operative, expert, advocate, prosecutor, judicial);

2) the term of necessity of their verification (prior, secondary);

3) the way of the problem situation solving (retrieval research, specifying) the meaning for the enforcement activity (controversies, fundamental, auxiliary, replacement, discarded);

4) the construction form (logical, intuitive), the level of consistency with the actual data (more probable, less probable, improbable);

5) the explanation of the event and its separate circumstances (accusatory, justificatory);

6) the direction in time (retrospective, perspective, actual), the construction period (during the pretrial investigation, during the trial procedure);

7) the verification form (procedural, disprocedural), scale of realization (within

the state, edge, district, city, area), inner system (micro versions, macro versions).

The forensic version construction is a mental process of transformation from incomplete knowledge's to the complete ones that are based on the actual data. The goal of the forensic version construction is the determination of the peculiarities of the committed crime in way of analyze of the outgoing information and the promotion of the objective truth establishment during the criminal investigation.

The chief tasks during the forensic version construction process are: the committed crime situation modeling, and the forensic version construction, the consequences identification that arise from each hypotheses, the identification of the objective and subjective circumstances of the committed crime, retrospective, perspective and actual analyze of the actual data, that have been got and their prediction. According to the articles of CPC [1] the subjects of the forensic versions construction are investigator, field officer, advocate, prosecutor, court.

The forensic version objects are the committing crime motive, criminal intention, behavior, the committing crime way, the committing crime circumstances, tactical psychological methods, tactical decisions, combinations, the processes of collecting and researching the demonstrative information, emotional states and the reactions of the criminal investigation participants.

**The sources of the version formulations are:**

1) the actual data, that are got during the transparent and silent investigation (search) actions;

2) the physical evidences, that were impounded (the documents, the weapons of the crime committing, the thieved things);

3) information, that was got from the informational resources;

4) the results of numerous expertise's;

5) the synthesis of the investigational and judicial practice about the analogical crimes;

6) the data's of tracking reporters of the MFA, the General Prosecution of Ukraine statistic data, and also the version, that are nominated the law enforcements.

The main functions during the forensic versions construction are systematization, descriptive, explanation, coordinative, informal analytical, planned, technological,

analytical. The process of the forensic versions construction principles are continuity, performance, flexibility, scientific character, substantiality. The forensic version construction stages are preparative, main, final.

The forensic versions verification is a goal leading process of the actual data research (for their appropriate and objective and the new proofs search in way of the procedural measures holding for the persons determine, that are involved in the crime committing).

The forensic versions validation goal is the verification of the outline information by holding the complex of the measures, as a result of which the validity or the facility the forensic versions that were built.

The main tasks of the forensic versions validation are:

1) the identification the expediency and objectivity the forensic version that were built, or its elements;

2) the effectiveness of the constructor forensic versions research or its elements during;

3) the holding the complex of measures for their verification;

4) the total systematization and the verification of the constructed hypotheses and the general conclusions inference about their probability;

5) the implementation of the forensic version verification results in the practical activity;

6) the diagnostic of the causal connection between the constructed versions and the result of its verification.

The forensic versions verification process consists of the preparative, main and the final stages. The functions of the forensic versions verification process are evaluative, prognostic, heuristic, comparative, control, resulted. The subject of the forensic versions verification process are the investigator, field officer, advocate, prosecutor, the court.

**The objects of the forensic versions verification are:**

1) the assumptions about the person, that committed a crime;

2) the place of its committing, the motive, the means, the time;

3) the ways of penetrating to the committing crime place;

4) the weapons of its committing;

5) the peculiarities of traces formation;

6) the places of the person's location, that is suspected in committing the crime;