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## **CRIMINALISTICS IN UKRAINE – BETWEEN THEORY, PRACTICE AND TRAINING**

### **Abstract**

The paper focuses on the current state of criminalistics as a science and academic discipline in Ukraine. The paper gives particular attention to the goals, content, methods, tools and organizational forms of teaching, it is substantiated that all these elements are interrelated, complement each other and form a totality, which represents a system of criminalistic didactics. The results of a survey of 195 4th year students of Yaroslav Mudryi National Law University who have taken a training course in

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criminalistics are presented. The paper provides illustrative data about the teaching of criminalistics, as well as forms, methods, teaching aids of the relevant institutional discipline. The modern trends of criminalistics are demonstrated; the emphasis is laid on the fact that any changes in the discipline of criminalistics are reflected in its system. The paper considers the content of the concept of criminalistic strategy, the goals and objectives of criminalistic strategy, both in the science of criminalistics and in the practical activities of law enforcement agencies.

**Key words:** criminalistics, criminalistic didactics, system of criminalistic didactics, innovative teaching methods, criminalistic strategy.

## 1. Introduction

The emergence of criminalistics is traditionally associated with the creation of a separate “scientific discipline”, “specialized training” or “auxiliary science” for investigators, gendarmerie and police<sup>4</sup>. At one time, H. Gross emphasized that “penal law is not a science in itself, and the most valuable of the provisions... ultimately have a single purpose, namely to be put into practice... These provisions are meaningless if the judge cannot apply this abstraction to the realities of life..., if he is not at all familiar with the countless provisions, the totality of which represents criminalistics”.

Criminalistics is a science, the emergence of which is due to the introduction of the achievements of natural and technical sciences in the practice of combating crime. The formation of scientific knowledge that contributes to combating crime is associated with various processes: the internal integration of criminalistics and the integration of particular areas (scientific disciplines), namely forensic toxicology, forensic pharmacology, forensic psychology, forensic psychiatry, forensic medicine, forensic accounting, forensic science, etc. The constant improvement of criminalistics through the use of knowledge of different sciences creates conditions for the initiation of new research. In parallel with the

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<sup>4</sup> H. Gross (2002). Handbook for investigative judges as a system of criminalistics. 1908. Moscow: LexEst.

activation of scientific research, the authors likewise consider it necessary to concentrate on forensic didactics.

The purpose of this paper is to investigate criminalistics both as a science and educational discipline, to specify the main problems in theory, teaching and practice and the ways to solve them on the basis of the research conducted as well as to offer solutions. The integral link between theory, teaching and practice is demonstrated.

This paper is likewise a response to the scientific paper by Slovenian criminalists<sup>5</sup>, which deals with the state and development of criminalistics in their country. To achieve the stated objectives of the paper, materials that cover the generalization of the state and development of criminalistics in Ukraine as well as the peculiarities of students' learning process in higher law schools based on the survey of concerned parties were prepared for publication in this regard.

At present, there are more than a thousand educational institutions of different levels of accreditation and forms of ownership in Ukraine, including 15 classical universities with law faculties. At the same time, an important function in the structure of universities and faculties is performed by the departments of criminalistics or departments of criminal law specialization.

In view of the above, we believe that for today in Ukraine, significant attention should be focused on the problems of criminalistic didactics. Currently, the issues that were raised at the beginning of the XX century have arisen again: who should teach criminalistics, whom it should be taught to, when and how to teach it<sup>6</sup>.

The methodological basis of this academic paper is the dialectical method of scientific cognition, which reflects the relationship between theory and practice, as well as the conceptual provisions of criminalistic science. General scientific and special methods were also applicable in this work: the structured system method was used to consider the individual elements of the system of criminalistic didactics, criminalistic system; the functional method was applied to

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<sup>5</sup> D. Frangež, B. Lindav (2019). *Kriminalistika med teorijo in prakso v Sloveniji*. Revija za kriminalistiko in kriminologijo. Ljubljana 70, 141–161.

<sup>6</sup> H. Manns (2011). *Criminalistics as a Practical Discipline and Subject of Teaching*. *A First Printed Criminalist*, 3, 92–97.

analyze the dynamics of criminalistic science development; specific sociological (questionnaire) method was applied to interview 4th year students of Yaroslav Mudryi National Law University; statistical methods (grouping, summary, analysis of quantitative indicators) were applied to summarize the results of surveys carried out among students. A total of 195 students were interviewed using a questionnaire specially designed for the purpose. The questionnaire consisted of two blocks of questions. The first block of questions was dedicated to the teaching of the university course “Criminalistics” and its specialized courses of study. The second block of questions was dedicated to the forms, methods, and tools of criminalistic didactics. Respondents were students of various faculties and institutes of Yaroslav Mudryi National Law University, namely the Institute of Public Prosecution and, the Justice Faculty, the Faculty of Economics and International Law. The survey was conducted after the students had mastered the course of criminalistics.

The questions formulated by H. Manns, at the beginning of the XX century, were interpreted by the authors with regard to modern conditions. When providing answers to the questions detailed below, the authors used: personal experience in teaching the disciplines of the criminal law cycle, namely, criminal law, criminalistics, legal psychology, practical training in criminalistics, the psychology of investigative and judicial activity and others, the results of the questionnaire survey of the students of Yaroslav Mudryi National Law University who studied criminalistics during the academic year.

## **2. How should criminalistics be taught?**

The answer to this question is provided through the prism of the elements of didactic system.

Traditionally, any didactic system consists of such interrelated elements as goals, content, methods, tools and organizational forms of learning<sup>7</sup>. The system of criminalistic didactics is no ex-

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<sup>7</sup> I. Malafiuk (2009). *Didactics*. Kyiv: Kondor.

ception and consists of all the above elements, which are inextricably linked.

The first element of the system of forensic didactics is considered to be the purpose of training. This element reveals the nature of the problem and addresses the question: "What should be taught?" The learning objectives are characterized by a certain hierarchical structure. This means that depending on the magnitude of challenges, the level of commonality and specificity of the problem, the same goal can be formulated differently<sup>8</sup>. For example, the students' development of the most effective techniques, methods, and means of combating crime is one of the goals of mastering criminalistics as an institutional discipline. The purpose of studying such a branch of criminalistics as criminal investigation technique is to master the scientific and technical means, criminalistic techniques and methodologies aimed at improving the efficiency of criminal investigations. The purpose of studying such branch of criminal investigation technique as trasology is learning the patterns of materially-fixed traces occurrence, techniques, methodologies and scientific and technical means of their detection, recording, extraction and research.

The learning objectives of the academic course "Criminalistics" are to provide students with knowledge about criminalistics as a scientific and academic discipline, the development of knowledge about the key challenges of general theory of criminalistics, the content of individual branches of criminal investigation technique, general provisions of criminalistic tactics and its individual elements, tactical features of carrying out individual (search) actions and the specifics of investigation of separate types of offences as well as the basic skills required for the proper application of scientific and technical means, detection, recording, seizure and preservation of evidence, use of tactics for conducting certain investigative (search) actions, application of methodical guidelines for investigating certain types of crimes<sup>9</sup>.

The second element of the system of criminalistic didactics is the teaching content. This system's element addresses the question:

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<sup>8</sup> I. Malafiuk (2009). *Didactics*. Kyiv: Kondor.

<sup>9</sup> Materials for practical training and self-study in the educational discipline "Criminalistics" (2019). Kharkiv: Pravo.

“What to study?” The teaching content is reflected in the curricula and programs of a discipline. The criminalistics syllabus at Yaroslav Mudryi National Law University is designed to cover the content of the discipline as fully as possible and present it in a logical sequence, namely from basic concepts and theoretical provisions to modern methodologies, tools, techniques, and therefore consists of four sections: “Theoretical Foundations of Criminalistics”, “Criminalistic Technique”, “Criminalistic Tactics”, “Criminalistic Methodology”. Each section has a thematic content in a concentrated and generalized form, which reflects the content of the course “Criminalistics”. The first section “Theoretical Foundations of Criminalistics” includes themes such as “The Subject, System, Methods and Tasks of Criminalistics. History of Criminalistics”, “Criminalistic Identification”. The second section of criminalistics “Criminalistic Equipment” covers the following themes: “General Provisions of Criminalistic Technology”, “Criminalistic Photography and Videorecording”, “Trasology”, “Forensic Ballistics”, “Forensic Examination of Documents”, “Forensic Examination of Writing”, “Identification of Human Appearance”, “Criminal Registration”. The third section of the course “Criminalistics” “Criminalistic Tactics” focuses on such topics as, “General Provisions of Criminalistic Tactics”, “Organization and Planning of Investigation”, “Investigative Review”, “Interrogation”, “Inspection”, “Identification Parade”, “Investigative Experiment”, “Involvement of Experts. Conducting Forensic Examinations”. The fourth section “Criminalistic Methodology” covers the following topics: “General Provisions of Criminalistic Methodology”, “Investigation of Murders”, “Investigation of Misappropriation, Embezzlement of Property or Seizure thereof by Abuse of Office (theft)”, “Investigation of Theft, Robbery and Armed Robbery”, “Fraud Investigation”, “Investigation of Corruption-Related Offences”, “Investigation of Criminal Violations of Road Safety Rules”, “Investigation of Acts of Arson and Other Crimes Related to Fires”, “Investigation of Crimes against the Environment”, “Investigation of Crimes Committed by Organized Criminal Groups”<sup>10</sup>.

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<sup>10</sup> Program of the academic course “Criminalistics” (2012). Kharkiv: Pravo.

The third system's element includes the teaching methods. This element reveals the essence of how to achieve the training objectives, and addresses the following question: "How to teach?" Each of the teaching methods has the following structure: the training objective, the psychological pattern of learning, methods of teacher performance, methods of student performance, potential for achieving a specific goal<sup>11</sup>. Guided by the specified structure of methods, they can be classified on the following grounds:

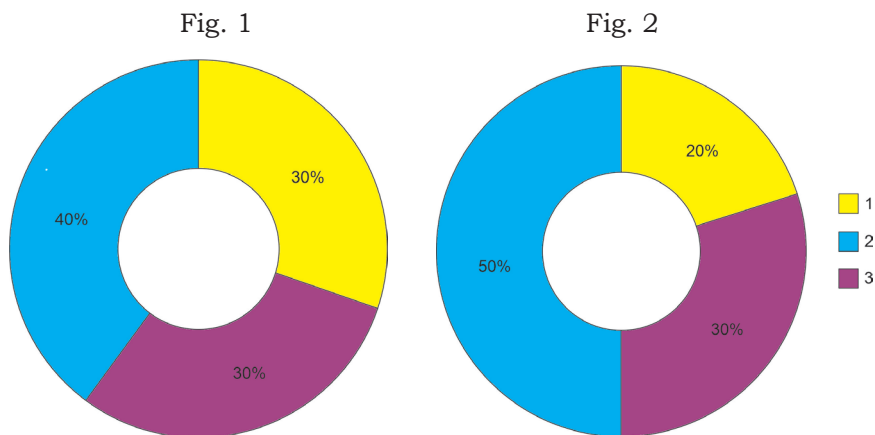
1) depending on the sources of information, the following teaching methods can be distinguished: verbal, visual, and practical. The verbal method is characterized by the fact that the student acquires information for mastering by verbal means. This method is classically widely used in lectures, workshops, meetings of the students' scientific group in criminalistics. The visual method for teaching "Criminalistics" at Yaroslav Mudryi National Law University is implemented by demonstrating the following teaching aids: educational films, such as "On-Site Inspection of the Scene of Action", "Identification Parade"; up-to-date scientific and technical means, both separately and in a complex, in the form of universal and more narrowly focused forensic kits and sets ("Molecule" for working with micro-objects at the scene of action, "Search" for identifying objects, traces, substances, as well as living persons, corpses or parts thereof); software products (computer photo-robot RAIPS – portrait, "Automated Investigator's Workplace"), etc. The practical method of teaching is characterized by the fact that the student by performing practical tasks receives information that is further analyzed, and the relevant conclusions are drawn, which ultimately contributes to the knowledge acquisition. It is most expedient to use this method during practical studies and laboratory-based work, by doing problem-solving tasks, planning both individual investigative (search) actions and investigating specific crimes. Quite often this method is used by the teachers of the department to conduct business games, creating students' skills to use forensic tools, techniques, methods in conducting investiga-

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<sup>11</sup> I. Malafiuk (2009). Didactics. Kyiv: Kondor.

tive (search) actions. According to the results of the survey, 32% of respondents corresponded to the ratio of teaching methods in percentage terms on the first donut chart and 34% of respondents corresponded to the ratio of methods on the second donut chart.

### The ratio of teaching methods in percentage terms



verbal method 2 – visual method 3 – practical method

2) depending on the nature (the degree of students' independence and creativity) of trainees' activities, the following methods can be distinguished: explanatory-illustrative, reproductive, problem statement, partially search and research ones<sup>12</sup>. The salient aspect of explanatory-illustrative method is that students gain knowledge through lectures, from educational or methodical literature, through the screen textbook in the "ready" form. When using the reproductive method, the trainees' activities are algorithmic in nature, i.e. performed according to instructions, regulations, and rules in the same contexts similar to the sample provided. It is reasonable to use this method in laboratory-based work. Since this form of training is provided with an appropriate task,

<sup>12</sup> L. Stolyarenko, M. Bulanova-Toporkova, A. Dukhavneva, *Pedagogics and Psychology of Higher Education* (2002). Rostov: Feniks.



in which criminalistic techniques, methods, and tools are used, a certain materialized result is obtained. Thus, when students of Yaroslav Mudryi National Law University do laboratory work # 6 in the discipline “Criminalistics” “Dactyloscopy of Living Persons” at the beginning of class the teacher tests the students’ knowledge of the types of papillary patterns and the rules of deriving the main part of the dactyloscopic formula, as well as explains the methods of carrying out dactyloscopy with availability of technical means. Then each student of the study group performs fingerprinting, fills in the fingerprint card, and derives the main part of the fingerprint formula independently. At the end of class, students submit laboratory work to the teacher for review. The problem-based teaching method is characterized by the fact that, using a variety of sources and tools, the teacher, before delivering the material, brings forth a problem, formulates a cognitive task, and then, revealing a system of evidence, comparing views, different approaches, shows the way of solving the assigned task. The use of the method when teaching criminalistics makes it possible to develop in students certain abilities to analytical thinking, the formation of their own, substantiated position, the ability to maintain the latter, to conduct a scientific debate. The separate-search method consists in the organization of active search for solutions to cognitive tasks put forward during training under the teacher’s guidance. This method is relatively well used in practical training in solving domain-specific tasks proposed by the instructor. The solution of the offered tasks is geared towards getting theoretical knowledge of the subject as well as acquisition of certain practical skills of working with traces, building skills on tactics of conducting separate investigative (search) actions and recording of results, construction and verification of investigative versions, elaborating investigation plans, records, orders, (decisions) and other procedural acts<sup>13</sup>. The essence of the research method of teaching consists in that after analyzing the material, setting the problem, students inde-

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<sup>13</sup> Criminalistics: Situational Models and Tasks. (2012). Edited by O. Bayev, V. Shepitko. Kharkiv: Apostille. 3.

pendently study the literary sources, conduct observations and perform various research works. This method is appropriate to be used to assist students in writing reports. Scientific reports should be an independent, creative coverage of relevant issues relating to criminalistics, based on the use of current legislation, analysis of monographs, academic papers, investigative and judicial practice. The results of this work are: (1) the expression of the student writers' opinion on the issue to be addressed; (2) providing conclusions on the results of personally conducted criminalistic practice generalization in the chosen research area; (3) proposals for solving theoretical and practical issues.

The fourth system's element, which highlights the features of pedagogical tools and addresses the following questions: "What means should be used to teach?", "What to teach?", is represented by teaching aids. This system's element is not accidentally constructed after the teaching methods, since it is used in conjunction with them. The generally accepted modern typology divides teaching aids into types that must be used as a tool for teachers and trainees (students) to achieve the goal of studying the discipline "Criminalistics", namely the acquisition of knowledge and skills. These types include: (1) printed – textbooks, lecture courses, study guides, research and practice manuals, learning material for hands-on training and independent work in the academic discipline "Criminalistics", the investigator's reference books, encyclopedias, etc.; (2) electronic educational resources - electronic textbooks, manuals, online educational resources; (3) audiovisual – slides, slide films, educational films; (4) visual flat – posters, illustrations, magnetic boards; (5) demonstrative – models, mock-ups, software products, natural objects (for example, modern scientific and technical means for detection, documentation, removal and investigation of traces on the scene of action; bullets, shell casings with traces of firearms; documents with traces of physical forgery); (6) teaching instruments, accessories and materials - microscope, ultraviolet lamp, compass, scale ruler, measuring tape, caliper, slide, printing ink, fingerprint card, etc. The use of this type of teaching aids depends on mastering a particular theme

and task set by the instructor in the practical class. For example, in the practical class “Human Footprints” students of Yaroslav Mudryi National Law University learn the rules of inspecting the shoe prints and the technique of making molded plaster casts. Then they proceed to the laboratory work, in accordance with the task assigned by the instructor, namely to identify on-site (training ground) the three-dimensional footprint; to inspect and measure it; to carry out large-scale footprint photography; draw up a fragment of the protocol (describe the footprint) and make a plaster cast of the three-dimensional footprint. To perform this task, students are provided with such teaching aids, accessories and materials as a digital camera, a scale ruler, plaster, a bowl and materials for making a mold. According to survey results, when answering the question “Is it necessary to use the following types of teaching aids when mastering criminalistics”, students answered “Yes”: as regards the printed media – 86%; electronic – visual resources – 90%; audiovisual – 92%; visual flat – 79%; demonstrative – 100%; educational supplies – 100%. The students further provided the following answers to the question “Which types of teaching means should be used in various forms of training?”: 1) in lectures: audiovisual – mandatory (must be used) – 25%, preferably – 58%, may not be used – 17%; visual flat – mandatory – 21%, preferably – 66%, may not be used – 13%; demonstrative – mandatory – 45%; preferably – 51%; may not be used – 4%; 2) in practical classes: audiovisual – mandatory – 34%, preferably – 56%, may not be used – 10%; visual flat – mandatory – 45%, preferably – 45%, may not be used – 10%; demonstrative – mandatory – 78%, preferably – 20%, may not be used – 2%; education supplies – mandatory – 85%, preferably – 14%, may not be used – 1%; 3) in laboratory-based works: audiovisual – mandatory – 28%, preferably – 41%, may not be used – 31%; visual flat – mandatory – 40%, preferably – 47%, may not be used – 13%, demonstrative – mandatory – 69%, preferably – 27%, may not be used – 4%; education supplies – mandatory – 87%, preferably – 11%, may not be used – 2%.

The fifth and the last element of the system of criminalistic didactics, which addresses the question: “In what form, where,

and when to teach?”, is represented by the forms of training process organization. The following training modalities are used in the study of criminalistics: lectures, practical classes, practicals, and students’ individual work. These forms of training process organization are provided by the working program of the academic course “Criminalistics”, hands-on exercises and practicals, as well as tasks for students’ individual work, tests, etc.

Such a form of training process organization as lectures is the main link of the didactic education cycle, as it forms the approximate basis necessary to further facilitate the students’ learning experience. Based on the provisions of the theory of didactics, the lecture should amalgamate three main components: didactic, ideological and methodological. This provision, according to V. Kolomatskyi<sup>14</sup>, which, certainly, deserves attention, fully applies to lectures on the academic course “Criminalistics”. In this regard, the scientist argues that a lecture on criminalistics, in terms of didactics, is intended to constitute an interrelated whole, in which all the facts, the form and techniques of their presentation, visual and teaching aids – all serve as a means of addressing the main content of the lecture theme. The ideological aspect of a lecture on criminalistics is to present its material from a scientific standpoint, to define the social content of the topic in the light of the priority of universal values. The methodological aspect consists in the lecturer’s (author of the lecture) provision of a form of learning material presentation that would not only ensure the effective acquisition of the content of lecture in the allotted for its delivery time, but would encourage more in-depth independent study<sup>15</sup>. In our view, lectures on the course “Criminalistics” should be scientific, informative, substantiated; contain a sufficient number of clear-cut, convincing examples based on judicial and investigative practice; to be well-structured and logic for covering issues that are consistently set out; not to duplicate the content of the

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<sup>14</sup> V. Kolomatskyi (1992). *Course of Criminalistics (Didactics and Methodics)*. Moscow: Academy of Ministry of Internal Affairs of Russian Federation.

<sup>15</sup> V. Kolomatskyi (1992). *Course of Criminalistics (Didactics and Methodics)*. Moscow: Academy of Ministry of Internal Affairs of Russian Federation. 16.

relevant chapter, paragraph of the training manual; to be taught in an accessible and understandable language, and the newly introduced terms and names to be explained; illustrated through audiovisual means.

Practical training is no less important form of student training than lecture, as its purpose is to acquire practical skills in working with modern forensic tools to detect, record, extract and study traces and other sources of evidence, skillful application of forensic tactics achievements and provisions of certain methods required for investigating various types of crimes. Practical classes in criminalistics should be conducted in the form of tasks, business games, drawing up the necessary documents. Criminalistics classes are as a rule associated with the development of their script, the need to model (simulate) situations. With students working in small teams, at least several scenarios should be prepared. Undoubtedly, the increased attractiveness of classes, which motivate the acquisition of theoretical knowledge, should be recognized as a virtue of situational methods<sup>16</sup>. Particularly effective for the acquisition and consolidation of the obtained theoretical material, as well as for the acquisition of professional skills and abilities, appear to be the practical classes conducted at the criminalistic training ground. The criminalistic training ground is a specially equipped area or premises for conducting such classes in the field. The training ground must be adapted for specific tasks to be accomplished by students of law schools: the availability of staged rooms, furniture, mock-ups, dummies, models, analogues, etc. Also, various forensic equipment, simulators, devices, accessories, and materials must be provided at the criminalistic training ground. At the criminalistic training ground it is expedient to conduct classes on topics such as forensic photography, trasology, forensic ballistics, tactics of the scene of action inspection, tactics of investigative experiment, investigation of murders, investigation of railway accidents, investigation of criminal explosions, inves-

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<sup>16</sup> G. Kędzińska (2014). Criminalistics Study in Poland. *Models of Criminalistics Teaching: History and Nowadays*. Edited by N. Yablokov and V. Shepitko. Kharkiv: Apostille. 111, 112.

tigation of fires and arson, investigation of traffic accidents, investigation of airline crashes<sup>17</sup>. The environment in which such a practical class takes place is as similar as possible to practical activities and contributes to the formation of students' professional thinking and the creative use of the resulting knowledge in typical investigative situations.

Laboratory-based work, as one of the forms of education, is an individual students' performance of tasks using criminalistic techniques, methods and tools. The primary value of laboratory-based work is that, in the process of its execution, first of all, the acquired knowledge is well remembered and stored in memory for a long time; secondly, certain knowledge is acquired independently by direct study of objects having probative value; third, practical skills are created; fourth, the interest in studying the academic course of "Criminalistics" is developed; fifth, students obtain certain results, which teach to bring the work to a logical conclusion<sup>18</sup>.

Students' individual work should consist in supplemental reading (monographs, practical guides, and academic papers), legislative and departmental regulations, performance of works assigned during classroom time, active participation in meetings of the student scientific circle and student conferences dedicated to pressing issues of criminalistics.

### **3. Who should criminalistics be taught to?**

The discipline of criminalistics should be taught to all law students. With this, criminalistics should be a mandatory (normative) discipline at law faculties and universities, regardless of the professional orientation (specialization) of future lawyers (prosecutor, detective, lawyer, notary, legal adviser, judge, etc.). Another

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<sup>17</sup> The Great Ukrainian Legal Encyclopedia. Vol. 20: Criminalistics, Forensic Science, Juridical Psychology (2018). Kharkiv: Pravo. 622, 623.

<sup>18</sup> M. Kapustina (2014). Systematic Approach to Criminalistic Didactics. *Models of Criminalistics Teaching: History and Nowadays*. Edited by N. Yablokov and V. Shepitko. Kharkiv: Apostille. 188.

issue is that different lawyers require different amounts of forensic data<sup>19</sup>, a certain amount of study load for different programs. Training of law students in the discipline of criminalistics involves the development of their creative thinking, skills in practical activities, proper decision-making<sup>20</sup>. According to the results of the implemented survey questionnaire, when answering the question: “Should criminalistics be taught at the basic level, i.e. be included in the scope of compulsory disciplines?”, 95% of students answered “Yes”. However, some students provided explanations. Thus, students believe that “criminalistics covers a wide and important range of knowledge and skills allowing mastering them”, “criminalistics are an important discipline, no matter what legal profession the student would choose in the future.” When answering the following questions: “Is it necessary to teach criminalistics by specialization?”, 62% of students answered “Yes”, “Is there a need for in-depth knowledge of criminalistics for your specialization?”, 53% of students answered “Yes”. Students who answered “No” to 47%, provided the following explanations for their negative answer “basic knowledge is sufficient”; “during the study of the academic course criminalistics, we managed to acquire the most important learning materials, and were also given the opportunity to study the discipline more deeply than any other area of specialization.” Also, through the questionnaires, students provided assessments on the following issues: “Informativeness of educational material in the discipline (how widely and fully the fundamental and applied aspects, current issues and new approaches to their solution are covered)?” (Fig. 1); “Structure and illustrativeness of the discipline (how cohesive and logical the educational material is)?” (Fig. 2); “The discipline in comparison with other courses at

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<sup>19</sup> V. Shepitko (2012a). Criminalistics of XXI Century: Subject Matter, Tasks and Trends in New Conditions. *Modern State and Criminalistics Development*. Kharkiv: Apostille. 53.

<sup>20</sup> V. Shepitko (2014). Problems of Criminalistics Establishment and Development as University Discipline in Ukraine. *Models of Criminalistics Teaching: History and Nowadays*. Edited by N. Yablokov and V. Shepitko. Kharkiv: Apostille. 73.

your faculty according to the criterion “INTERESTING”? (Fig. 3); “The discipline in comparison with other courses at your faculty according to the criterion “USEFUL”? (Fig. 4).

Fig. 1

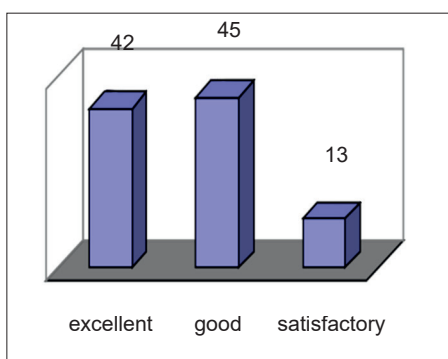


Fig. 2

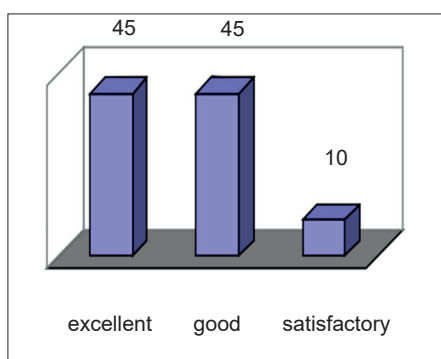


Fig. 3



Fig.4



While answering questions, respondents provided explanations relevant to the issue of educational material informativeness (Fig. 1), namely, those students who rated satisfactorily explained that through this process “more hours should be allocated to study each theme to be able to accomplish more than once the tasks on each theme”; with regard to the issue of the structure and illustrativeness of the discipline (Fig. 2) – students who rated satisfactorily explained their choice by the need to allocate at least three hours



to study one theme for the learning material to be well acquired”; as for the issue relating to the criterion “interesting” (Fig. 3) - students who rated excellently explained their answer as follows “this discipline is the most interesting one due to the large amount of laboratory-based work that clearly demonstrates the investigator’s activities”, “Most interesting if I enroll in Master’s degree program, I will pursue the more intensive study of this subject”; with regard to the issue relating to the criterion “useful” (Fig. 4) – students who rated excellently explained it as follows, “the most useful, because this knowledge is integral for our specialization”.

Students provided reflections on the question: “What is the value of the course (discipline) “Criminalistics”?” Most of them come down to the following: “an interesting combination of theoretical knowledge and practical skills”; “provides the knowledge required for the future profession”; “a visual example of forensic expert’s activities”; “in correlation with the criminal proceedings it is a science on the basis of which a pre-trial investigation is carried out, which helps to quickly expose the offender’s identity); “giving students the opportunity to try themselves in the role of investigator, expert and conduct investigative actions. Also, students have the opportunity not only to learn about criminalistics from textbooks, but also to try everything in reality, by conducting team modeling of the situation and carrying out actions related to, for example, detecting, recording and removing footprints of a probable criminal”; “provides an understanding of the crime situation and the psychological portrait of criminals, teaches psychological techniques, contains background knowledge to solve crimes”; “the merit of the course is that the trainees do not just study the theory, but use it in practice. Laboratory-based work helps to consolidate the theory. It is not all about seeking solutions to problems on the Internet, as in other subjects, but to put oneself in the place of the investigator and plan the actions, the tasks that must be performed to solve the crime”; “the knowledge provided develops students’ skills of logical thinking, critical thinking and will be of benefit even for those who are not going to make a career in this field”; “helps to construct the right logical thinking”, etc.

When answering the question: “Is there a need to teach special courses in Criminalistics in further study (in subsequent courses)?”, 61% of students answered “Yes”. When providing answers, students indicated the special courses they would like to study. These are, for example, methods of investigating certain types of crimes; methods of investigating cybercrimes; methods of investigating corruption-related crimes; methods of investigating crimes in the IT sphere; methods of investigating economic crimes; methods of investigating crimes involving official activity; methods of investigating environmental crimes; innovative technologies in criminalistics; specialized knowledge of the legal profession; the offender’s psychotype and the behavioral analysis of the victim and the offender.

When answering the question: “Should special courses in criminalistics have a specialization in faculties?”, 65% of students answered “Yes”. The following answers were provided to the question: “Is the relationship between the academic course “Criminalistics” and the future profession clear for you?” – “Yes, completely” – 56%; “Yes, mostly” – 38%; “A little understood” – 3%; “No” – 3%.

#### **4. Conclusions**

In Ukraine, the development of criminalistics can be traced in three main areas: 1) the development of university science (science in educational institutions); 2) development of academic science (within the activities of research institutions); 3) development within departmental subordination (within research units in the structure of the Ministry of Internal Affairs of Ukraine, forensic expert institutions within the system of the Ministry of Justice of Ukraine, the Ministry of Healthcare, etc.).

The development of university science is carried out, as a rule, through the research activities of specialized departments of law faculties, institutes or universities (departments of criminalistics, criminalistics and forensic medicine, criminalistics and forensic science, etc.) as well as the development of forensic research projects in research sectors of higher education.

Within the framework of academic science, research in the field of criminalistics is conducted by structural subdivisions of the National Academy of Legal Sciences of Ukraine, within its research institutes (for example, the Laboratory “Use of Modern Achievements of Science and Technology in Crime Control” of the Research Institute for the Study of Crime Problems named after Academician V. Stashis of the National Academy of Legal Sciences of Ukraine). Coordination of scientific research in this direction is carried out by the Department of Criminal Legal Science of the National Academy of Legal Sciences of Ukraine. The structure of this department includes an office on problems relating to the science of criminalistics, forensic science, investigative activities and forensic psychology. In particular, the result of scientific research of academic science is the preparation of fundamental works “Legal Doctrine of Ukraine: in 5 volumes” (Volume 5 was dedicated to the state, problems and ways of development of criminal law in Ukraine)<sup>21</sup>; “The Great Ukrainian Legal Encyclopedia: in 20 volumes” (volume 20 covers the problems of criminalistics, forensic science and forensic psychology)<sup>22</sup>, etc.

The development of criminalistics in Ukraine is associated with the development of certain criminalistic theories, criminal investigation technique studies, tactics and methods of investigating certain types of crimes. At the present stage, individual scientists and research teams are developing and implementing scientific and technical means, methods and technologies in the practice of combating crime. Confirmation of this fact is the defense of a significant number of theses on various problems relating to criminalistics, preparation for publication of monographs and academic papers, participation in international congresses, symposia and conferences.

Thus, an important achievement is the activity of the International Congress of Criminalists. The International Criminalists

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<sup>21</sup> Legal Doctrine of Ukraine. Vol. 5: Criminal Legal Sciences in Ukraine: State, Problems and Ways of Development (2013). Kharkiv: Pravo.

<sup>22</sup> The Great Ukrainian Legal Encyclopedia. Vol. 20: Criminalistics, Forensic Science, Juridical Psychology (2018). Kharkiv: Pravo.

Congress was formed in 2012 as an international non-governmental and non-profit organization bringing together scientists and criminalists, teachers, specialists in related fields of science, forensic experts, law enforcement officials, and public figures to meet and protect their legitimate interests. The presence of a single information space implies the further unification of criminalists, forensic scientists and practitioners from different countries and scientific schools, development of modern tools and methods of criminalistics, promotion of criminalistic knowledge.

We believe that organization and holding of the International Congress of Criminalists, symposiums, conferences provide an opportunity for scientists and practitioners to consolidate their efforts, scientific and practical potential to solve problems of both theory and practice of criminalistics and forensics.

Interesting in this connection is the information on the scientific article of Slovenian criminalists on the organization of informal meetings “Criminalistic Wednesdays” at Maribor University (since 2015), the aim of which is to unite theory and practice as well as to discuss relevant issues in the area of Criminalistics in a relaxed (arbitral) atmosphere<sup>23</sup>.

Moreover, Slovenian criminalists, in their scientific article, emphasize that theory and research results shape the practice, and the practice in turn indicates (dictates) the theories of the domain (area) that need to be theoretically substantiated and / or investigated<sup>24</sup>. We (the authors of this academic paper) believe, in turn, that theory, the ideal model of practice, should offer the best ways of practical activity implementation. The theory must be ahead of practice. Mastery of theoretical knowledge is a criterion for increasing the level of future practice<sup>25</sup>. Moreover, the effectiveness of law- enforcement, law-application and human rights activities

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<sup>23</sup> D. Frangež, B. Lindav (2019). *Kriminalistika med teorijo in prakso v Sloveniji*. *Revija za kriminalistiko in kriminologijo*. Ljubljana 70, 142.

<sup>24</sup> D. Frangež, B. Lindav (2019). *Kriminalistika med teorijo in prakso v Sloveniji*. *Revija za kriminalistiko in kriminologijo*. Ljubljana 70, 157.

<sup>25</sup> V. Shepitko (2012b). *Problematic Lectures on Criminalistics*. Kharkiv: Apostille. 20.

is directly related to the speed and quality of the generation and promotion of criminalistic knowledge through the science – training – practice channel<sup>26</sup>.

Criminalistics refers to the criminal sciences, which are developing dynamically. Literary sources rightly point out that modern criminalistics, as a certain reality, is quite difficult to describe, even within one scientific school. The avalanche of new knowledge requires a rethinking of the discipline and boundaries of the science of criminalistics, especially given the processes of globalization, integration and differentiation of knowledge<sup>27</sup>.

The criminalistics literature contains proposals aimed at changing the criminalistic system. Recently, the independent term “criminalistic strategy” has been increasingly used, there are proposals on the feasibility of a separate section “criminalistic strategy” or “criminalistic tactics and strategy”<sup>28</sup>. In the literary sources there is a suggestion as for the need to create an additional (fifth) section of criminalistics<sup>29 30</sup>.

Thus, Slovenian criminalists suggest that the forensic strategy should be attributed to a separate section of criminalistics. It is argued that the development of a criminalistic strategy is a scientific process, since scientific methods and sound proposals are used in research that are based on reliable and valid methods, which is not the result of individual researchers’ experience and

<sup>26</sup> V. Bilous (2014). Role of Informative Technologies in Criminalistic Didactics Development. *Models of Criminalistics Teaching: History and Nowadays*. Edited by N. Yablokov and V. Shepitko. Kharkiv: Apostille. 160.

<sup>27</sup> H. Malevski (2014). In the Search of Own Model of Teaching – Metamorphoses of Criminalistics Didactics in Lithuania. *Models of Criminalistics Teaching: History and Nowadays*. Edited by N. Yablokov and V. Shepitko. Kharkiv: Apostille. 57.

<sup>28</sup> V. Bernaz (2011). Problems of Criminalistic Strategy. *Topical Problems of Criminal Procedure, Criminalistics, Forensic Science and Criminal Intelligence*. Odesa: Feniks. 40–44.

<sup>29</sup> H. Malevski (2013). Criminalistic Strategy, Strategy in Criminalistics or Strategy of Criminalistic Policy. *Criminalistics and Forensic Science: Science, Studies, Practice*. Vol. 2. Vilnius, 17–31.

<sup>30</sup> D. Frangež, B. Lindav (2019). Kriminalistika med teorijo in prakso v Sloveniji. *Revija za kriminalistiko in kriminologijo*. Ljubljana 70, 141, 156.

opinions. They recognize the criminalistic strategy to be a separate branch of criminalistics, such as criminalistic technology, criminalistic tactics and criminalistic techniques. At the same time, Slovenian colleagues note that criminalistics is no longer divided into three separate sections, but has four sections which are related (intertwined) to each other but can equally have independent development<sup>31</sup>.

However, we believe that a separate section of the criminalistic strategy is a sufficiently argumentative issue and should therefore be the subject of another separate study (scientific article). In turn, we stress that the criminalistic system traditionally covers four sections, but not three, as noted by Slovenian colleagues. They are as follows: the General Theory of Criminalistic Science; Criminalistic Technology; Criminalistic Tactics; Criminalistic Techniques<sup>32</sup>.

With regard to the definition of criminalistic strategy, Slovenian criminalists believe that this is a branch of criminalistic science in which, taking into account legal and political constraints, financial and human resources, investigative actions are analysed and planned, aimed at detecting, investigating, controlling and limiting crime. Furthermore, the criminalistic strategy is a way of thinking about the effectiveness of planning the process of seeking solutions to limit crime using criminalistic methods and means<sup>33</sup>.

We are of the opinion that the criminalistic strategy can be considered both as a scientific category and as a separate area. Thus, the national school traditionally considers the criminalistic strategy as a separate category, direction and the highest level of criminalistic tactics application. It can be implemented by the judicial bodies and law enforcement agencies only in the long run, after a certain remote period of time. The goals and objectives of the criminalistic strategy may be determined by the Constitution

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<sup>31</sup> D. Frangež, B. Lindav (2019). *Kriminalistika med teorijo in prakso v Sloveniji. Revija za kriminalistiko in kriminologijo*. Ljubljana 70, 156.

<sup>32</sup> The Great Ukrainian Legal Encyclopedia. Vol. 20: Criminalistics, Forensic Science, Juridical Psychology (2018). Kharkiv: Pravo. 729, 730.

<sup>33</sup> D. Frangež, B. Lindav (2019). *Kriminalistika med teorijo in prakso v Sloveniji. Revija za kriminalistiko in kriminologijo*. Ljubljana 70, 153.

of Ukraine, the laws of Ukraine, conventions and international treaties ratified by Ukraine, certain programs, strategies adopted by the President, executive, legislative or judicial branches of government. These goals and objectives of the criminalistic strategy should relate to the need to provide the judiciary and law enforcement agencies with criminalistic methods and means of establishing legal facts. Therefore, criminalistic strategy is defined as a field of knowledge on combating crime using criminalistic tools in the years ahead. In the long run, criminalistic strategy may be awarded a special place in a separate section of the national school of criminalistics, which will not only provide the judiciary and law enforcement agencies with modern criminalistic methods and tools, but also enable to effectively organize and plan measures directed to combat crime in the future, which are premature.

Criminalistic strategy can be implemented in the context of the country's criminal policy through its application in combination with other institutes of criminal sciences – criminal law policy, criminal executive policy, criminal procedure policy, criminological policy. This approach will make it possible to combat crime in a multidimensional way and significantly more quickly to achieve the goals and objectives that are generated for the long term.

Criminalistic strategy as a separate category or direction is implemented by establishing legal facts within the activities of the relevant law enforcement entity. Criminalistic strategy is important for determining the overall trajectory of crime prevention, investigating crimes, judicial proceedings and other law enforcement activities. This strategy is guided by the competent State authorities, which can be significantly influenced by public organizations. In this way, the criminalistic strategy concerns the use of modern forensic tools in compliance with the global challenges and tasks facing such bodies.

Today, the implementation of the criminalistic strategy is associated with achieving the goals and objectives of the Sustainable Development Strategy “Ukraine – 2020” (approved by the Decree of the President of Ukraine № 5 of January 12, 2015) and the Strategy for reforming the judiciary system, judicial proceedings and re-

lated legal institutions for 2015 – 2020 (approved by the Decree of the President of Ukraine № 276 of May 20, 2015). The Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other hand (dated November 30, 2015) has a significant impact on the formation of criminalistic strategy. Equally important for the implementation of the criminalistic strategy is the adoption of the Single European Program for the Development of Criminalistics until 2025 “Criminalistics – 2025” and work within the statutory goals and objectives of international institutions - INTERPOL, EUROPOL, ENFSI (International Network of Forensic Institutes) and others.

Accordingly, in Ukraine, the criminalistic strategy is associated with significant reforming the judiciary and law enforcement agencies, holding competitive examinations for posts among persons who use forensic tools. At the same time, there are created not only new positions for persons who, according to their functions, are programmed to use forensic tools (for example, a detective or a prosecutor of the specialized prosecutor’s office), but also the emergence of new bodies (National Anti-Corruption Bureau of Ukraine). Supreme Court of Intellectual Property, etc.).

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