

Торайғыров университетінің
ҒЫЛЫМИ ЖУРНАЛЫ

НАУЧНЫЙ ЖУРНАЛ
Торайғыров университета

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**PROBLEMATIC ASPECTS OF PROFESSIONAL TRAINING
OF FORENSIC PERSONNEL OF LAW ENFORCEMENT
AGENCIES**

This article discusses the problem of implementing the personnel goal of criminologists. The problem of using special knowledge in the investigation and judicial review of criminal cases has constantly attracted the attention of scientists and practitioners. The question of the nature of special knowledge and its relations with legal provisions is subject to intensive discussion in science. However, to date, none of the positions of researchers is generally recognized, which indicates the need for further development and analysis of this problem. Kazakh criminologists also considered this problem in connection with the peculiarities of domestic legislation. For example, S. F. Bychkova defines special knowledge «as knowledge not generally known in legal proceedings, acquired by a person as a result of professional training or work in a certain specialty, used to solve the problems of legal proceedings». When considering the concept and essence of special knowledge, attention is focused on two aspects: their general content and scope of application. At the same time, the general content is linked to the source of knowledge acquisition – special training and subsequent professional activity. The scope of application is mainly reduced to the needs arising in the implementation of criminal proceedings.

Keywords: specialist, jurisprudence, knowledge, criminology, code, qualification .

Introduction

Further development and improvement of the higher education system in Kazakhstan should contribute to improving the quality of practical and theoretical training of specialists providing high-quality and rapid detection and investigation of crimes.

the training of criminologists can be divided into three stages: initial training in law schools of the Republic of Kazakhstan; professional training of persons specializing in the field of criminology and forensic examination; advanced training of criminologists and forensic experts on targeted professional development programs. The curricula for teaching disciplines in law universities of the Republic of Kazakhstan undergo radical changes from year to year: «Criminal procedure», «Criminal Law», «Criminalistics» and «Forensic expertise». As in 1959, Kazakh scientist E. S. Zelikson pointed out that one of the main conditions for the successful restructuring of the educational process of law schools is the in-depth development of: important methodological issues of integrated teaching of a number of academic disciplines, by their nature close and closely related to each other; issues of coordination of teaching these disciplines during the educational process; issues of the most appropriate correlation of lectures and practical classes; the division of specific issues of training courses between disciplines in such a way that duplication of material is excluded and that at the same time, students, during classes, are instilled the necessary practical skills in the application of legal norms to specific facts and phenomena; in the field of conducting certain investigative and judicial actions, drawing up reasoned, well-reasoned and fully meeting the requirements of the law procedural documents.

Materials and methods

Criminalistics considers the provisions already studied in the course of the criminal process, but not in the procedural aspect, but from the point of view of developing the most advanced tactics and means of resolving certain issues and conducting investigative actions based on the general instructions of the criminal procedure law and the data of natural and technical sciences, generalized experience of investigative and judicial authorities. In addition, there is a close connection between criminology and criminal law when teaching methods of investigation of certain types of crimes. The development of issues of teaching methods of investigation of certain types of crimes should be carried out in direct connection with the norms of criminal law, as this will contribute to the accuracy and completeness of the investigation of investigation issues in accordance with the criminal legal characteristics of the crime, and is also important for establishing and eliminating the circumstances that contributed to the commission of the crime. As S. I. points out. Tikhenko, the norms of criminal law also largely determine the specifics of the tactics of conducting separate investigative actions in cases of various crimes, such as: questioning witnesses, examining documents, conducting an examination, etc. The circle of witnesses subject to interrogation, the characteristic circle of documents, the typical circle of material evidence subject to expert examination, etc., depends on how the criminal law defines a particular

type of crime. Practical classes are one of the main forms of the educational process. According to D. P. Rasseikin, they have as their task: a) to consolidate the theoretical knowledge of students that they receive as a result of lectures and independent work; b) to instill in students the skills of applying theoretical knowledge in practice; c) to teach students how to correctly draw up procedural documents; d) to instill in students the skills of detecting, collecting and fixing various physical evidence. According to D. P. Rasseikin, laboratory classes have the following tasks: a) to teach students the practical application of scientific and technical techniques; b) to acquaint students with the device and operation of the equipment available in the forensic room and used mainly in conducting forensic examinations, with the methodology of conducting examinations; c) to instill in students knowledge in the field of general and forensic photography with an emphasis on forensic operational photography № D. P. Rasseikin suggests that the following questions should be included in the plan of practical and laboratory classes: the topic on which the practical lesson is planned, the number of hours on each topic, the range of main issues to be considered in the classroom, which materials should be used. In addition, a more specific plan should be drawn up for each lesson. The provisions of criminology in the course of the educational process should therefore be studied by students on the basis of the norms of criminal procedure and criminal law after the relevant procedural and legal institutions related to these issues have already been mastered in the course of criminal procedure and criminal law [7]. This is currently the case in teaching practice, since criminal law and criminal procedure are mainly taught in the 5th and 6th semesters, and criminology – in the 7-8 semesters. When conducting practical classes, it is necessary to pay special attention to the maximum use of scientific and technical means, in particular, on the topic «Inspection of the scene of the accident». To conduct practical classes on such an important topic as the inspection of the scene of the incident, it is necessary to create a simulated scene of the incident in each law school with the presence of life-size models of corpses. To do this, each department of criminology should have polygons. When conducting practical classes, it is necessary to widely use diagrams, diagrams, transparencies, since visibility plays an important role in teaching criminology. As V. A. Hwang, pointed out back in 1959, such isolation leads to the fact that persons who have graduated from higher legal educational institutions do not always have sufficient training to perform various, sometimes very complex judicial, investigative actions, as well as to draw up reasonable procedural documents. The existing system of training criminologists with higher legal education has disadvantages due to the fact that the training takes place in some isolation from life, from the practice of judicial investigative and prosecutorial bodies. The training of legal specialists should be

carried out in close connection with the practical activities of judicial-investigative, prosecutorial bodies, courts and other law enforcement agencies. In the process of teaching, it is necessary to use such forms of communication with the courts, the prosecutor's office, the Ministry of Internal Affairs, as internships in them for senior students, involvement in the production of individual investigative actions, duty with investigators. For elementary students, it is advisable to recommend familiarization visits to courts, prosecutor's offices, police agencies in their free time so that they can get acquainted with their future specialty. When giving lectures and conducting practical classes in the disciplines of «Criminalistics» and «Forensic Expert science», it is necessary to make maximum use of judicial, investigative cases and materials of expert institutions. It is necessary to abandon conducting classes on the so-called task books or on manuals for practical classes.

According to V. A. Hwand, the teaching of these disciplines in close connection with the practice of combating crime can be carried out successfully if the teachers themselves maintain close contact with the judicial and prosecutorial, investigative bodies and expert institutions. Practical workers of these bodies should be involved in the training of students; they can be entrusted with lectures on individual sections and issues, conducting special courses, practical, laboratory classes, consultations, conversations, reviewing students' theses, which is already being practiced at the Department of Criminal Procedure and Criminalistics of the Kazakh State Law University. V.A. Hwand, believed that when training lawyers with higher education, it is necessary pay special attention to the formation of a scientific method of cognition among students, in which the teachers of the Department of Philosophy should come to the aid of criminologists.

Results and discussion

There is an objective tendency to restructure the system of special knowledge in accordance with the applied role of criminology and forensic expertise as branches of scientific knowledge: to form the scientific foundations of the types of examinations that increasingly «come out» on the elements of the mechanism of a criminal event and provide for the use of an increasing number of heterogeneous objects forming a typical complex within a particular type of criminal event. As an example, we can name a comprehensive examination to establish the spatial and temporal characteristics of the incident.

As can be seen from the above, there is an urgent need to change approaches to training forensic specialists in the use of special knowledge and, first of all, forensic specialists and forensic experts, which is the main principle of the course of professional training of these personnel. The prospect of the development of the above process is the further definition of specialization in accordance with specific types of crimes, as a result of which there will be training of specialists

and experts specializing in the investigation of road accidents, fires, illicit drug trafficking, crimes committed using firearms, etc. Pursuant to paragraph 6 of the Program of interaction of internal affairs bodies and forensic examination bodies of the Ministry of Justice of the Republic of Kazakhstan for 2001 – 2002 An attempt was made to prepare a joint training program for specialists and forensic experts. However, this comprehensive program was prepared at the project level and has not found its real application in practice.

In scientific terms, the scope and focus of the training courses should be determined in such a way that students have knowledge in the field of not only the basics of criminology and forensic examination, but also those branches of legal sciences that are important with the participation of specialists in investigative actions and the production of examinations. Methodically, the problem of learning is solved as follows. Four courses have been defined for mastering:

The legal and organizational bases of the activities of a criminalist and a forensic expert are the initial provisions of criminal, criminal procedure, civil, civil procedure law, the Code of Administrative Offenses. Information on the forms of using special knowledge in legal proceedings – procedural, organizational, methodological principles of professional activity of criminologists and forensic experts[6];

Fundamentals of criminology and forensic examination – information about the current state of criminology and the teachings of forensic examination;

Fundamentals of computer science and computer engineering – the main provisions of computer science, information from the theory and practice of automation of specialist and expert activities;

Specialty – theoretical knowledge and practical skills in the field of a specific specialty; knowledge of methods of investigation of certain types of crimes by means of an integrated approach to investigation.

The specific provisions defining the organization of training of expert personnel are as follows: a) a clear distinction between the forms of use of special knowledge in legal proceedings, including the definition of procedural powers and the scope of special knowledge of experts and specialists; b) the definition of forensic examination as an independent branch of scientific knowledge; c) attribution to the sphere of professional knowledge of specialists and experts of the provisions of the methods of investigation of certain types of crimes that require the use of an integrated approach to the study of objects and solving complex problems of establishing the mechanism of the event under investigation [6].

The work in these areas with a range of persons with different levels of legal training is designed to facilitate a clear definition of the fields of activity of criminologists and forensic experts with special knowledge, the development

of a unified methodological approach to the production of expert research and, ultimately, to the fullest possible satisfaction of the investigation's requests in the use of special knowledge [10].

Retraining of specialists and experts should be carried out in teaching them an integrated approach to the investigation and prevention of crimes as the most effective at the present time and should be carried out according to a program that includes the issues of integrated use of special knowledge in the practice of investigation and the appointment and production of various types of complex examinations and complex studies.

Conclusions

The above allows us to conclude that in the near future, due to the widespread use of integrated approaches to the investigation of crimes, expert specialties will be abolished, providing for the training of qualified «narrow» specialists in the field of object research and solving specific tasks. It is advisable to build a hierarchical system of expert specialties, including «criminalized» expert specialization. It seems that the latter will be the area of competence of the most qualified experts, having considerable work experience and owning several traditional expert specialties, which should be reflected in the classification characteristics of various expert positions.

Practice shows that law enforcement officers have little idea of the modern possibilities of complex examinations, the procedure for their appointment, it is difficult to formulate questions to experts, to prepare materials for the production of such examinations in a good way [4].

For this purpose, it is proposed to train forensic specialists in the basics of complex examinations and complex studies so that they can provide the investigator with qualified assistance in the appointment of such examinations, the preparation of materials for them. The above indicates that it is necessary, together with the bodies of the Ministry of Internal Affairs and the Center for Forensic Examination of the Ministry of Justice of the Republic of Kazakhstan, to issue a single manual for judicial investigative bodies, in which the issues of training specialists and expert personnel should be highlighted. It seems advisable to organize (bypassing departmental barriers) joint training of experts in the field of forensic medicine and various types of forensic examinations (tracological, automotive, ballistic, CAMVI, etc.) and criminologists and forensic doctors according to a common program at correspondence courses or advanced training courses, at special zonal schools-seminars, which is possible within the framework of the Scientific Research Institute of Forensic Examination.

The functions of the Research Institute, in addition to training, should include conducting advanced training sessions not only for specialists and experts, but also

for law enforcement officials and courts on the use of special scientific knowledge in legal proceedings.

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ҚҰҚЫҚ ҚОРҒАУ ОРГАНДАРЫНЫҢ КРИМИНАЛИСТИКАЛЫҚ КАДРЛАРЫН КӘСІБИ ДАЯРЛАУДЫҢ ПРОБЛЕМАЛЫҚ АСПЕКТІЛЕРІ

Бұл мақалада криминалистердің Кадрлық голын іске асыру мәселесі қарастырылады. Қылмыстық істерді тергеу мен сотта арнайы білімді қолдану мәселесі ғалымдар мен практиктердің назарын үнемі аударды. Арнайы білімнің табиғаты және олардың құқықтық ережелермен байланысы туралы мәселе ғылымда қарқынды талқылауға ұшырайды. Алайда, бүгінгі күнге дейін зерттеушілердің бірде-бір ұстанымы жалтыға бірдей мойындалмайды, бұл осы мәселені одан әрі дамыту және талдау қажеттілігін көрсетеді. Қазақстандық криминалистер бұл мәселені отандық заңнаманың ерекшеліктеріне байланысты да қарастырды. Арнайы білімнің тұжырымдамасы мен мәнін қарастыру кезінде назар екі аспектке аударылады: олардың жалты мазмұны мен қолданылу аясы. Сонымен қатар, жалты мазмұн білім алу көзімен – арнайы дайындықпен және кейінгі кәсіби қызметпен байланысты. Қолдану аясы негізінен қылмыстық іс жүргізу кезінде туындайтын қажеттіліктерге байланысты.

Кілтi сөздер: маман, құқықтану, білім, криминология, кодекс, квалификация .

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ПРОБЛЕМНЫЕ АСПЕКТЫ ПРОФЕССИОНАЛЬНОЙ ПОДГОТОВКИ КРИМИНАЛИСТИЧЕСКИХ КАДРОВ ПРАВООХРАНИТЕЛЬНЫХ ОРГАНОВ

В данной статье рассматривается проблема реализации кадрового голода криминалистов. Проблема использования специальных знаний при расследовании и судебном рассмотрении уголовных дел постоянно привлекала к себе внимание ученых и практиков. Вопрос о природе специальных знаний и соотношениях их с правовыми положениями подвергается в науке интенсивному обсуждению. Однако до настоящего времени ни одна из позиций исследователей не является общепризнанной, что свидетельствует о необходимости дальнейшей разработки и анализа данной проблематики. Казахстанские криминалисты также рассматривали данную проблему в связи с особенностями отечественного законодательства.

Ключевые слова: специалист, юриспруденция, знание, криминология, кодекс, квалификация.

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