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THE SIGNIFICANCE OF CRIMINALISTICS SCIENCE IN ENSURING CRIMES COMBATING AT CRITICAL INFRASTRUCTURE FACILITIES

Results of the study of the significance of criminalistics science in ensuring crimes combating at critical infrastructure facilities are presented. It is emphasized that the theoretical and practical significance of the science of criminalistics science and its element as a mechanism for committing crimes in general, and on objects of critical infrastructure in particular, should be defined as the doctrine of the organization of a systematic investigation of a crime, effective detection, collection and research of evidence in accordance with the norms of criminal procedure law and on the prevention of crimes by applying for these purposes special methods and means developed on the basis of natural, technical and other special sciences and studying the mechanism of crimes at the object of critical infrastructure and the formation of evidence. The author defines that the mechanism of committing a crime at a critical infrastructure facility should be understood as the process of committing a crime, including its method and all actions of the criminal, accompanied by the formation of material and non-material traces, which can be used for the disclosure and investigation of the crime.

It was concluded that the concept of criminalistics characteristics of a crime committed at a critical infrastructure facility is a derivative result of the perceived need to develop a criminalistics theory of a crime committed at a critical infrastructure facility. Studying the mechanism of a crime committed at a critical infrastructure facility is also of great practical importance for the investigation of the event that took place, as it allows us to understand the relationship between the methods of committing crimes and the methods of their disclosure. It is the effectiveness of the practical use of criminalistics methods of learning about an event that took place at a critical infrastructure facility that is ensured only if the study of criminalistics methods is carried out on the basis of cognition of the general laws of dialectical materialism, specific to its subject, and the features of the system-structural approach, oriented in the formation of criminalistics for the solution of applied practical tasks.

Keywords: *criminalistics, crime, method, critical infrastructure facility, investigator, situation, investigation, combating.*

Statement of the problem and its connection with important scientific or practical tasks. The relevance of the chosen topic is determined by the fact that today criminalistics, as one of the branch sciences of the criminal law cycle, faces the important task of promoting its development in the crime combating in all its manifestations. Appropriate criminalistics support is needed by all areas of crime combating, and it is impossible to point out which of them is more important, which of the types of crimes pose a greater threat, and therefore it is precisely these crimes that should be given more criminalistics attention. After all, sometimes a seemingly simple apartment burglary can cause an individual person more trouble and even lead to despair than the theft of multimillion-dollar funds from one or another enterprise. However, there are also such crimes, the perpetrators of which resort to murders, robberies, terrorist acts, etc., using explosives, explosive devices, firearms. They take away the health and even the life of a person or many people with their daring actions [1, p. 5]. Unfortunately, many of the crimes committed at critical infrastructure facilities can lead to such consequences. It is certain that thanks to the efforts of criminologists alone, it will not be possible to overcome this dangerous negative social phenomenon, the roots of which lie deep in the foundations of the existence of society itself. However, even the smallest steps on the way to ensuring the protection of life, health, rights and interests of the individual, the state, and society will be more successful if crime fighters use the achievements of criminalistics and the

achievements of criminologists, scientists and practitioners. Therefore, it can be considered quite logical that both criminologists and practicing criminologists should be engaged in the development of issues of ensuring combating the commission of crimes at critical infrastructure facilities.

Analysis of recent research and publications. Scientific studies of individual issues of countering threats at critical infrastructure facilities were dedicated to the work of such scientists as S. O. Andreyev, S. V. Belai, D. S. Biryukov, I. V. Gora, S. F. Gonchar, V. O. Yevseev, O. P. Yermenchuk, S. I. Kondratov, O. G. Komisarov, H. P. Leonenko, G. P. Sytnyk, O. M. Sukhodolya, O. Yu. Yudin. It is worth noting, that there are actually no scientific studies devoted to the problems of the role and significance of criminalistics in countering threats at the critical infrastructure facilities. This is what caused the need to prepare this scientific work in order to reveal its content and features.

The aim of the research. In the provisions of this scientific article, we set the goal, based on the analysis of the provisions of international and national legal acts, and the opinions of criminalistics scientists and criminalistics practice, to determine the author's own vision of the significance of the criminalistics science in ensuring threats combating at the critical infrastructure facilities.

An overview of the research material and its main results. In our opinion, it is modern criminalistics that is an applied science that implements the achievements of such fields of knowledge as: anatomy, computer science, medicine, mechanics, psychology, law, statistics, chemistry, the provisions of which together make it possible to develop practical recommendations for the improvement of such fields criminalistics sciences, such as: criminalistic techniques, criminalistic tactics, criminalistic methods of investigation and combating crimes in general and at critical infrastructure facilities in particular. Note that criminalistics science is an independent branch of scientific knowledge that has its own subject and research methods. It is appropriate to consider criminalistics in three aspects: as a science, as a training course and as a practical activity in crime combating in general and on critical infrastructure in particular.

It is the nature of criminalistic knowledge that determines the need to use the achievements of other sciences, while the tasks of criminalistics, dictated by society's needs for availability of new means and methods of combating crime, create the need for the development of other fields of knowledge. We share the opinion of O. V. Pchelina that the nature of criminalistics knowledge is not a complex of some component parts, not a mechanical combination of data from various sciences, but a deep synthesis of knowledge united within the subject and content of criminalistics [2, p. 135].

It is worth noting that in the scientific work «criminalistics in the system of legal sciences and its role in the global world», Professor V. Yu. Shepitko reasonably suggests to differentiate the tasks of criminology into two main levels: 1) tasks aimed at improving the theory of criminalistics; 2) tasks aimed at improving law enforcement practice [3, p. 150].

In our opinion, it is expedient to state that historically criminalistics knowledge was formed in the criminal-procedural field of crime investigation. This provision was determined by the urgent need arising from the needs of the investigation and consists in increasing the effectiveness of investigative actions with the help of certain means, methods and techniques that are brought to the investigation from other sciences and advanced investigative, judicial and expert practice. However, there was no special science that could accumulate this knowledge, develop it, and investigate related issues. Since these problems were the closest to the representatives of criminal procedural law, they began to deal with their development at the initial stage. We can draw two important conclusions from this, which are of fundamental importance for the further research of scientific issues of criminalistics, understanding of its role, place, significance and tasks in the fight against crime in general and at the critical infrastructure facilities in particular: 1) criminalistics began to be formed in criminal-procedural sphere to improve the efficiency of crime investigation. Therefore, all research in the field of criminalistics, development and improvement of its tools, methods and techniques are inseparable from this field; 2) criminalistics was formed on the basis of creative use of data from other sciences (natural, technical, special) and advanced practice of crime investigation.

We believe that no other science, except criminalistics, has the function of creatively adapting the methods of other sciences for the purpose of investigating crimes due to their natural legal nature. This is inconsistent with their purpose, content and role in the crime combating. If any of these legal sciences could fulfill this function, the need for criminalistics as an independent science might not arise. An example

of this is the use of special knowledge in criminal procedural law (expertise institute) by experts, specialists in the investigation of crimes. In this case, the means and methods of other sciences are used directly in the form and state they received in physics, chemistry, biology, logic, psychology and other sciences.

In our opinion, criminal procedural law with the help of criminalistics successfully solves the tasks facing it through its legal institutions. This is how numerous criminalistics examinations are conducted and experts from various fields of knowledge are involved in the investigation. That is why, we believe, that this circumstance became decisive in the relationship of criminalistics with criminal and criminal procedural law, defining an independent path of development of new scientific knowledge.

It is worth agreeing with scientists that the system of criminalistics support includes the following aspects: cognitive (criminalistics information, criminalistics knowledge, criminalistics education, criminalistics training, mastering criminalistics techniques and skills); material and technical (technical and criminalistics means, material and technical means that ensure the functioning of institutions that carry out criminalistics activities and provide criminalistics education); personnel (persons who have received a criminalistics education, carry out criminalistics activities, possess criminalistics readiness); organizational (ensures constant readiness of services and units to effectively solve criminalistics problems) [4, p. 34].

The important theoretical and practical significance of the criminalistics science and its element as a mechanism for committing crimes in general, and at the critical infrastructure facilities in particular, can be defined as the doctrine of organizing a systematic investigation of a crime, effective detection, collection and research of evidence in accordance with the norms of the criminal procedural law and on the prevention of crimes through the use for these purposes of special techniques and means developed on the basis of natural, technical and other special sciences and the study of the mechanism of crimes and the formation of evidence. At the same time, the mechanism of committing a crime at a critical infrastructure facility should be understood as the process of committing a crime, including its method and all the actions of the criminal, which are accompanied by the formation of material and non-material traces that can be used for the disclosure and investigation of the crime.

Along with the planning of the investigation and the construction of the versions, the study of the mechanism of crimes at the critical infrastructure facilities is also of great practical importance for the investigation of the event that took place, as it allows us to understand the relationship between the ways of committing crimes and the methods of their disclosure. In our opinion, it is appropriate to consider the method of committing a crime at a critical infrastructure facility as a complex of actions chosen by the criminal to achieve a criminal result in accordance with his personal abilities and the objective situation, which forms the mechanism of the crime, which is reflected in material and immaterial traces of the crime, which allow us to draw a conclusion about the physical and mental features of the criminal, about his place among people and things in the event of the crime, about the motives and goals of his actions.

In our opinion, it is appropriate to note that the effectiveness of the practical use of criminalistics methods of learning about an event that took place at a critical infrastructure facility is ensured only if the study of criminalistics methods is carried out on the basis of cognition of the general laws of dialectical materialism, specific to its subject, and features of the system-structural approach, oriented in the formation of criminalistics to the solution of applied practical tasks. From these points of view, the study of the planning of the investigation of crimes committed at critical infrastructure facilities, the construction and verification of versions, the mechanism of crimes committed at critical infrastructure facilities must be carried out in accordance with the foundations defined in the sections of criminalistics, which are closest in terms of their structural content and position in the system of science not to the methodology of criminology, which examines including general scientific connections and relationships of criminalistics with philosophy and logic as the foundations of the theory of cognition (general scientific methodology), but to criminalistics tactics and methods of investigation of certain types of crimes, where attention is concentrated on the tactical and methodological aspect these concepts. These are general issues (methods, techniques), but not of the methodology of criminalistics science, but of criminalistics tactics and methods of investigating specific crimes.

We believe that the skillful use of criminalistics knowledge in practice by law enforcement officers allows to successfully combat crimes in general

and crimes committed at critical infrastructure facilities in particular, it depends on many factors, one of which is the availability of modern, scientifically developed, productive methods of investigation.

In the criminalistics science, it is traditionally accepted that the structure of private methods of investigation reflects information about: 1) criminalistics characteristics of the corresponding type of crime; 2) typical investigative situations, versions and planning; 3) initial and subsequent methods of gathering evidence and other significant information; 4) peculiarities of production of individual investigative actions and other tactical means; 5) peculiarities of using special knowledge during the investigation; 6) peculiarities of prevention of certain types of crimes during their investigation.

In our opinion, the structure of the private method of investigating crimes committed at critical infrastructure facilities can be defined as follows: 1) criminalistics structure of a crime committed at a critical infrastructure facility; 2) typical investigative situations and the totality of available information; 3) tactical tasks caused by circumstances that need to be established; 4) a system of tactical means, necessary solutions to the assigned tasks; 5) program, algorithms for investigating a crime committed at a critical infrastructure facility; 6) measures regarding the identifying and eliminating of the causes and conditions that contributed to the commission of a crime committed at a critical infrastructure facility.

We believe that the use of criminalistics knowledge in combating crimes committed at critical infrastructure facilities should be based on two main provisions, namely: firstly, the provisions of the criminalistics characteristics of the crime committed at the critical infrastructure facility, and secondly, the provisions of the criminalistics structure of a crime committed at a critical infrastructure facility.

The concept of criminalistics characterization of a crime committed at a critical infrastructure facility is a derivative result of the perceived need to develop a criminalistics theory of a crime committed at a critical infrastructure facility. It is known from the history of criminalistics science that this category appeared in criminalistics in the second half of the XXth century. In most works, criminalistics scientists are limited to describing the concept, meaning and content of the criminalistics characteristics of crimes (which are made up of its elements). It is defined as an information model, a system of information about criminalistic sally significant data (signs) of a certain type of crimes, designed to facilitate their disclosure and investigation. Thus, the criminalistics characterization of a crime committed at a critical infrastructure facility sets the goal of actually solving this crime. However, in practice, everything that is used comes down to approaches and foundations for the development of a working toolkit of investigation.

Criminalistics characterization of a crime committed at a critical infrastructure facility should be of practical importance in the case of revealing regular correlations and interdependencies between its elements. Data on these connections can be the basis for building typical versions in specific cases. At the same time, the criminalistics characterization of a crime committed at a critical infrastructure facility should be considered only as a probabilistic model and used only as indicative information [5, p. 33].

We can state that the low level of practical significance of the criminalistics characteristics of a crime committed at a critical infrastructure facility leads to the need to identify the crime using the criminalistics structure of a crime committed at a critical infrastructure facility.

We believe that a crime committed at a critical infrastructure facility should be considered as a system, the study of which requires knowledge of its structure. In order to learn about the crime committed at the critical infrastructure facility, it is proposed to clearly define the sequence of studying the criminalistics structure of this crime. To do this, it is necessary to identify a set of material elements necessarily present when a crime is committed at a critical infrastructure facility. Emphasizing the material nature and interrelationship of the elements of the criminalistics structure of the crime committed at the critical infrastructure facility, we consider it expedient to distinguish their types: the subject of the crime; the object of the crime; the means of committing the crime; the subject of criminal encroachment; the subject of the crime. We believe that these interconnected elements constitute the criminalistics structure of a crime committed at a critical infrastructure facility.

Characterizing the subject as an element of the criminalistics structure of a crime committed at a critical infrastructure facility, as well as in other crimes, a person always stands. Physical, socio-demographic, biological, psychophysiological, psychological characteristics are considered among

the important for the process of investigation of general qualities of the subject. For example, social-demographic data about a person (gender, age, education, nationality, etc.) make it possible to determine the circle of persons from the point of view of their probable participation in committing a crime at a critical infrastructure facility.

A subject who commits a crime at a critical infrastructure facility is characterized by the presence of the specified properties, as well as professional skills, abilities, and skills. Most often, knowledge of the specified properties of the subject is possible taking into account the study of traces left by him in objects that relate to other elements of the criminal structure.

Material objects that ensure the occurrence of a criminal result and are also a connecting link between other elements of the criminal structure are recognized as means of committing a crime at a critical infrastructure facility. Weapons of mass destruction can be used as a means of committing a crime: mines, bombs, improvised explosive devices, chemical weapons, etc. In order to realize a crime commitment at a critical infrastructure facility, written and other documents may be used as a means of committing a crime.

The object of a crime committed at a critical infrastructure facility, in the criminalistics sense, is a material system that is directly or indirectly affected by the criminal. The spectrum of objects of crimes committed at critical infrastructure facilities is quite wide: these are enterprises and institutions (regardless of the form of ownership) of such industries as energy, chemical industry, transport, banks and finance, information technology and telecommunications (electronic communications), foodstuffs, health care, and even utilities, etc. The analysis of the object of criminal encroachment allows to determine the spatio-temporal parameters of studying the properties of the criminal.

We believe that the simultaneous presence of all the above-mentioned elements is not mandatory for certain types of crimes committed at critical infrastructure facilities. Different combinations of elements of the criminal structure and connections between them are possible. For example, in the structure of the threat of committing a crime at a critical infrastructure facility, the subject and the object of criminal encroachment must be present, while the means of committing the crime may be absent.

Information about individual elements of the crime system and their parameters allow obtaining reliable results when reconstructing the picture of a specific criminal event committed at a critical infrastructure facility.

We believe that the selection of elements of the criminalistics structure of crimes committed at critical infrastructure facilities, and then their analysis, provide the most complete and objective knowledge of a specific crime.

As a conclusion

We note that the importance of the criminalistics science in ensuring countermeasures against crimes at critical infrastructure facilities is based on the following provisions: first, criminalistics methods of investigating crimes committed at critical infrastructure facilities, which are developed and recommended for use in investigations not only certain methods, but also provisions relating to the criminalistics characteristics of the corresponding category of crimes committed at critical infrastructure facilities, typical investigative situations, strategic and tactical tasks of the investigation, putting forward and verifying investigative versions, organizational measures, directions of interaction of the investigator with other participants of the investigation, etc.; secondly, the provisions of criminalistics algorithms as scientifically based prescriptions regarding the execution of a system of consecutive operations, built on the basis of priorities and recommended to the investigator, prosecutor for solving tasks of a certain type that arise during a pre-trial investigation, only in the given order; thirdly, the provisions of the determined investigation program as a set of prescriptions (criminalistics algorithms) and rules of a recommendatory nature, aimed at solving a complex of tactical tasks, which contains several models of actions of the investigator, the prosecutor, depending on the stage of the investigation, the investigative situation, the position of the participants in the criminal proceedings, which is the most suitable form of adaptation of methodical and criminalistics recommendations to the conditions of investigation of a specific crime committed at a critical infrastructure facility.

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ЗНАЧЕННЯ НАУКИ КРИМІНАЛІСТИКИ У ЗАБЕЗПЕЧЕННІ ПРОТИДІЇ ЗЛОЧИНАМ НА ОБ'ЄКТАХ КРИТИЧНОЇ ІНФРАСТРУКТУРИ

Викладено результати дослідження значення науки криміналістики у забезпеченні протидії злочинам на об'єктах критичної інфраструктури. Наголошено, що теоретичне і практичне значення науки криміналістики та її елемента як механізм вчинення злочинів загалом і на об'єктах критичної інфраструктури зокрема доцільно визначити як вчення про організацію планомірного розслідування злочину, ефективне виявлення, збирання та дослідження доказів відповідно до норм кримінально-процесуального закону і про попередження злочинів шляхом застосування для цих цілей спеціальних прийомів і засобів, розроблених на основі природничих, технічних та інших спеціальних наук, і вивчення механізму злочинів на об'єкті критичної інфраструктури та формування доказів. Визначено, що під механізмом вчинення злочину на об'єкті критичної інфраструктури варто розуміти процес скоєння злочину, у тому числі його спосіб і всі дії злочинця, що супроводжуються утворенням слідів матеріальних і не матеріальних, які можуть бути використані для розкриття та розслідування злочину.

Зроблено висновок, що поняття «криміналістична характеристика злочину, вчиненого на об'єкті критичної інфраструктури» є похідним результатом усвідомленої необхідності розроблення криміналістичної теорії злочину, вчиненого на об'єкті критичної інфраструктури. Вивчення механізму злочину, вчиненого на об'єкті критичної інфраструктури, також має дуже важливе практичне значення для розслідування події, що відбулася, оскільки дає змогу зрозуміти взаємозв'язок між способами скоєння злочинів та методами їх розкриття. Саме ефективність практичного використання криміналістичних методів пізнання події, що відбулася на об'єкті критичної інфраструктури, забезпечується тільки у тому випадку, якщо дослідження методів криміналістики здійснюється на основі пізнання загальних законів діалектичного матеріалізму, конкретизованих до її предмета, та особливостей системно-структурного підходу, орієнтованого у формуванні криміналістики на вирішення прикладних практичних завдань.

Ключові слова: *криміналістика, злочин, метод, об'єкт критичної інфраструктури, слідчий, ситуація, розслідування, протидія.*

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