APPLICATION OF A PRELIMINARY (PRE-TRIAL) CRIMINAL PROCEEDINGS MODELING METHOD

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Abstract

Purpose: The article conducts the study application of a preliminary (pre-trial) criminal proceedings modeling method.

Methodology: We have shown the important role of blended learning in the maintenance and development of the subject-subject model of interaction between students and teachers. The implementation of subject-subject interaction was considered on the example of the discipline “General and professional pedagogy”, the electronic course of which is presented on the Moodle platform.

Result: In our opinion, the main problem lies in the fact that the investigator constantly has to deal with various kinds of situations that need to be properly perceived, professionally analyzed, and, as quickly as possible, create a complete picture of what happened, however, it is not always possible. For this purpose, the subject of the investigation should use the entire arsenal of available methods, means, and methods that would allow knowing the event that occurred.

Applications: This research can be used for universities, teachers, and students.

Novelty/Originality: In this research, the model of application of a preliminary (pre-trial) criminal proceedings modeling method is presented in a comprehensive and complete manner.

Keywords: Criminal case, preliminary (pre-trial) proceedings, modeling method, pre-trial investigation of a crime.

INTRODUCTION

However, despite the individuality of each individual crime taken, there is a need to establish common elements for them, such as time, method, situation, etc. Thus, during the investigation of a crime, the investigator faces the same type of circumstances, which allows, ultimately, using including your life and professional experience, the existing judicial and investigative practice, to build a typical “skeleton” of the mental model, which will include both the above and other constituent elements Rothblatt, H. B., & Leroy, D. H. (1971).

In addition, the mental model of a criminal event should include an analysis of the pre-criminal, criminal and post-criminal behavior of the person who committed the crime. Simulating a preliminary criminal situation allows you to get new data on the crime. Creating a mental model of the pre-criminal situation in the commission of a crime will allow the investigator to understand the essence of the incident, develop and construct a further investigation plan, and also build a model of the criminal and post-criminal crime situation (Afifuddin, M., & Churrany, M. 2017).

MATERIALS AND METHODS

To build a model of a criminal event of a specific crime committed, it is necessary for the investigator to determine the range of questions to be clarified, the answers received, in aggregate, will allow restoring the picture of what happened Pinsler, J. (2010).

Having determined the main elements of the “skeleton” of the model of the crime being investigated, the investigator analyzes the available information and determines the components necessary for filling the mental model. Any perfect criminal phenomenon that has a situational basis develops in space and time; therefore, for a successful mental reconstruction of all the details of a crime, it is necessary to gradually recreate all its components Sobel, N. R. (1971).

It is necessary to start building up a model of a crime event of the considered type, with an analysis of the information available to the preliminary investigation bodies. To establish the fact and causes of the crime, to identify the person(s) involved in its commission, such an initial investigative action as an inspection of the scene is of great importance Huskey, E. (1986).

Analysis and study of the materials of the judicial-investigative practice show that during the investigation of some crimes, this investigative action is often carried out out of time, superficially (formally). This is explained not only by the level of training of persons authorized to inspect but also by the features of criminal law regulation of social relations arising during a traffic accident. Recall that criminal liability under articles of the Criminal Code 264 occurs in the presence of consequences provided for by the dispositions of this norm (serious bodily harm, death of one, two or more persons). In this regard, in the absence of at least one of the specified consequences at the time of the accident, the investigative team does not leave at the scene of the accident and, accordingly, the inspection of the scene of the incident is not performed at that moment. Subsequently, this investigative action was not carried out. Considering that the initial setting of the scene of an incident, certain material traces of a crime are exposed to various adverse factors (weather conditions, human and other
organisms, etc.), as a result of which they can be changed or irretrievably lost for a short time and are unlikely to be compensated by the testimony of witnesses, examinations conducted. The building, or rather, restoration, R. (2012). The traces left during the commission of a crime are important, which are any changes related to the crime in one way or another, obtained during the inspection of the scene of action, which include Smith, L., & Bull, R. (2012): traces of hands, feet, odor traces, micro-objects and other information about crime event. It should be borne in mind that the trail picture that the investigator encounters at the scene of an incident can be changed (destroyed) (for example, the actions of MES employees in extinguishing a fire, removing the injured, etc.). At the same time, even in the case when no traces of a criminal were found on the scene, however, an invaluable contribution to solving the crime is made by the results of an analysis of the situation of the scene. Since, the criminal has many roads, about which it is unknown to law enforcement agencies, at the same time, the place of the incident is the place where the criminal has been, at least for a short time. Cape, E., Hodgson, J., Prakken, T., & Spronken, T. (2007).

At the time of the investigation of the crime, as previously noted, it already happened and does not exist in reality, to recreate the crime event, the investigator builds an information model, the content of which is filled primarily with information obtained by the investigator during the crime scene examination; information obtained in the course of a survey of the incident particles of the Criminal Corecipients, witnesses and witnesses; information received from officials; information obtained from CCTV cameras. In addition, the search for additional information is carried out by the nomination and verification of versions, by using the criminalistic characteristics of the crime, the systematization of the available information, and the analysis of the existing laws of criminal events Caesius, A. (1999).

After the direct commission of a crime, the post-criminal behavior of the criminal begins, which is the final stage in the "triad" of the behavior of the person who committed the crime Akhpanov, A., Sabitov, S., & Shaykhadenov, R. (2018).

The content of this stage includes: analysis of the behavior of the person after the incident (providing necessary assistance on their own or with the participation of third parties; changing the situation of the scene of an incident, etc.) (Bahremand, A. 2015; Kenan, K. X. 2018; Razavi, S. M., Nasirian, M., & Afkhami, I. 2015).

RESULTS

Thus, the qualitative side of the post-criminal behavior of a person may indicate as facilitating the detection of a crime and the establishment of all circumstances and, on the contrary, may indicate that the person has resisted the bodies of preliminary investigation Kembayev, Z. (Ed.). (2012).

The study of the entire chain of criminal behavior of a person (filling in the “skeleton” of the model) determines the success of the investigation of any crime. Investigating the process of applying the modeling method, one can imagine that analyzing the obtained information about the committed crime, the investigator’s mental activity initially addresses the facts of the present, namely, the phenomena (events) that he directly perceives (the situation of the incident, the testimony of his participants), after which he “refers to the past, thereby reconstructing the event of a crime. In the future, upon receipt of the necessary information database, the investigator predicts further activities to investigate the crime Friedman, H. G. (1973).

According to A. L. Obolkina, the most optimal way to investigate any crime is the simulation method, which, together with other methods of knowledge (observation, experiment, etc.), will make it possible to solve the tasks of the preliminary investigation as much as possible Safferling, C. (2011).

Agreeing with the opinion of G.N. Mukhina, it should be noted that the range of controversial issues of applying the modeling method in forensic science is quite wide - from justified doubts about the possibility of its implementation in the detection and investigation of crimes to its reasonable use Field, S., & West, A. (2003, September).

According to S. Bedrina, modeling is an effective method of creative activity and can provide a clear and highly efficient algorithm of actions of participants in criminal proceedings, covering all aspects of their activities in the process of investigating a crime.

Exploring the use of the modeling method in the investigation of criminal cases, S.V. Ekiisheva suggested situations in which it is advisable to apply it, including when Bourjade, S., Rey, P., & Seabright, P. (2009):

- The object existed in the past and is no longer present at the time of the investigation of the crime (for example, a traffic accident);
- The object of knowledge will only exist in the future (in preparation for the upcoming interrogation, a simulation of the development of the situation takes place);
- The knowable process proceeded either too quickly or too slowly (Mambile, C., & Machuve, D. 2018).
CONCLUSION

One of the features of the simulation of preliminary criminal proceedings is the connection of various elements, one way or another connected with the crime committed, concerning not only the past and the future, but also the present. Such a sequence of knowledge is the regularity of the modeling process (Suleri, J., & Cavagnaro, E. 2016; Nurgaliyeva, S., Zeynolla, S., Tulenova, U., Zulkarnayeva, Z., & Yespolova, G. 2018).

To summarize, despite the modeling in the investigation of crimes is a non-essential tool, its use makes it possible to more fully know the perfect event and give a forecast for further investigation.

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