

TO THE ISSUE OF BIOLOGICAL TRACE SYSTEMATIZATION

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Biological traces are an integral part of the system of material traces, and the effectiveness of work with them contributes to the solution of the main task of combating crime – the assistance in the disclosure and investigation of crimes by its own specific forces and means.

The relevance of this study lies in the fact that the systematization of knowledge is carried out not only across the entire scale of the subject, but also within individual sections and industries. When dismembering the system, its elements and functions are distinguished on which the integrity of the object depends. Through the systemic-structural approach, an idea of the forensic system, its sections and subsystems is formed. This approach allows for forensic classification, including biological traces.

At the moment, special attention is paid to the problems of systematization, since it plays a key role in any human activity. At this stage in the development of the science of forensic science, the available classifications of biological traces do not differ in unity of opinion, modern interpretation and the presence of a systematic approach that promotes the integrity and interconnection of types of biological traces, which once again emphasizes the importance of this topic.

The purpose of our study is to investigate the existing classifications of biological footprints and, on the basis of a system-structural approach, identify the grounds for systematizing these footprints.

Material and methods. The methodological basis was formed by the general provisions of the theory of knowledge, logic and forensic science. Among the methods of forensic science, methods of comparison, analysis and generalization, etc. were used. The scientific and theoretical basis is the works of S.P. Kuznetsova, V.A. Mamurkova, I.A. Aistov and other scientists who reveal certain issues of classification of biological traces.

Findings and their discussion. When investigating crimes against a person, such as murder, rape, grievous bodily harm, etc., forensic research of the components and end products of the human body's vital activity is of great importance [1, p. 75]. Components and end products of the human body's vital activity are understood as secretions and parts of the human body, i.e. biological footprints.

The classification of biological traces in forensic science is a logical means of systematizing knowledge about forensic techniques, methods and objects for which they are intended to work. Therefore, an important question is about the basic criteria available in forensic science for the classification of the entire variety of biological objects and the construction, taking into account them, of the first, most general level of the system of these traces, which will create the basis for the subsequent systematization of biological traces.

So, referring to the issue of classification of biological traces, I.A. Aistov believes that the originality of these traces is expressed in their reflection of the biological component of the event under study, and suggests classifying them taking into account the temporal, spatial and situational characteristics of the formation of traces [2, p. 71]. Thus, he identifies the following grounds for classification: by the object of education; by the mechanism of formation of traces; circumstances of occurrence of traces of biological origin; by the method of detection; by stage of the crime; by qualitative and quantitative characteristics; on the localization of these traces. In addition, if we talk about the significance of this or that classification, it is necessary to look at the purpose and tasks of using the proposed structures of the type, for the optimization of the activities of which this classification is being built, taking into account the situational moments of its application. A class of objects can be characterized as a set of objects and phenomena, as well as processes that have a common feature, similarity of certain qualitative characteristics.

V.A. Mamurkov proposes a classification according to the procedural status of traces of biological origin (traces-reflections and traces-samples obtained from the objects being inspected); by size, shape, degree of perceptibility (macrotraces, mesotracés and microtraces); as well as the division, as in biology, of substances into types: living, biogenic, bio-inert and inert [3, p. 56]. Studies of these types of substances in the framework of forensic bioscopy are used to establish the circumstances of the location of an object or object in a specific area of the terrain to obtain material evidence in the process of proving in criminal cases.

O.A. Sokolova believes that classifications can be formed according to certain categories of cases (for example, biological traces characteristic of murder, rape, theft, etc.), types and varieties of biological trace-forming objects (people, animals), according to the types of instruments of crime (traces arising from the use of firearms, stabbing and other objects) [2, p. 73].

Undoubtedly, all the proposed grounds are important for the classification of biological traces, but investigative and judicial practice indicates that the differentiation of traces of biological origin, depending on what type of forensic examination they are, is of great importance. In our opinion, it is also necessary to distinguish in forensic bioscopy, in addition to human bioscopy, bioscopy of ecological systems.

Conclusion. Based on the foregoing, using the systemic-structural approach, it can be concluded that as the first level of systematization of biological traces, two sections should first be distinguished: biological traces of a person and biological traces of other objects of living nature. Using this approach, it is possible to divide forensically significant biological objects into two groups: 1) people and biological objects derived from them, including traces of biological nature; 2) other biological objects (flora and fauna, etc.). At other levels, the following grounds can be used as grounds for systematizing biological traces: by the object of formation, by the mechanism of formation of

traces, the circumstances of the occurrence of traces of biological origin, by the method of detection, types and varieties of biological trace-forming objects, by stages of crime, by qualitative and quantitative characteristics, according to the localization of these traces, according to certain categories of cases, according to the types of instruments of crime.

The value of the proposed grounds for the systematization of biological traces lies in the fact that they fully correspond to the prevailing ideas about biological examination, as well as its varieties and objects. Based on the goals and objectives of the study of biological traces, on the basis of the proposed grounds, it is possible to form a coherent system of biological traces with interrelated elements that contribute to an increase in the efficiency of detecting and investigating crimes.

1. Dmitrieva, T. Forensic science: a course of lectures / T. Dmitrieva - 2nd ed., With rev. and add. - Vitebsk: Vitebsk State University named after P.M. Masherov, 2018. - 341 p.

2. Traces of biological origin and their place in criminalistics / I. Malykhin // Success of modern science. - 2017. - T. 6, No. 4. - P. 71–73.

3. Morozova, N. Traces of biological origin: detection, fixation, withdrawal and storage / N. Morozova // Scientific Bulletin of Oryol Law. Institute of the Ministry of Internal Affairs of Russia named after V.V. Lukyanov. - 2018. - No. 1 (74). - P. 56–58.

PROBLEMATIC ISSUES OF 295 ARTICLE APPLICATION OF THE CRIMINAL CODE OF BELARUS: THE PROSECUTOR'S OFFICE PRACTICE IN VITEBSK REGION

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At the present stage, weapons are a means of increased danger, violation of the turnover, regulation and use of which creates a potential public danger to the life and health of people. In the Republic of Belarus and most European countries, the use of weapons by criminals in the perpetration of homicides and other violent crimes is very rare. This state of affairs became possible due to the existing criminal prohibition. In the Republic of Belarus, in order to protect public safety and public health, criminal responsibility has been established for a number of acts involving weapons, ammunition and explosives. Over the past two years the largest number of crimes in this category has been registered in Vitebsk region.

The objective of the research is to analyze the practice of the Prosecutor's office of Vitebsk region in solving crimes related to illegal actions with weapons, ammunition and explosives.

Material and methods. The material of the study is the Criminal Code of the Republic of Belarus, the Law of the Republic of Belarus "On weapons", the Decree of the Plenum of the Supreme Court of the Republic of Belarus No. 1