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The concept, structure, object and functions of the integrative criminalistical tactics

Abstract: it is formed the concept of integrative criminalistical tactics (ICT), it is considered its structure, object and functions.

It is studied correlation of the traditional criminalistical tactics and ICT, inter-scientific ties of criminalistical tactics with sociology, juridical psychology, and some branches of mathematics, victimology, and cybernetics.

The main functions of the ICT are optimization of actions, choice and construction of new elements, determining of optimal situations, reflecting of actions of procedural counter-partners.

Keywords: integrative criminalistical tactics; criminalistics; tactical method; tactical combination; tactical task; tactical decision.

In criminalistical science is existed only one definition of the integrative criminalistical tactics, which formulated by G.A. Zorin, M.G. Zorina and R.G. Zorin. They believe that "... the modern criminalistical tactics is very conditional separated into the two directions: classical-traditional (holding out, sound-conservative, developing in the investigative practice) and non-traditional (innovational, contesting, developing, come out the frames of habitual imaginations, but naturally, agreeing with the law – integrative-modulating direction)" (3, p. 18.)

Further, they are writing: "Integrative-modulating tactics of accusation and protection is a complexity compound, orderly, open, multi-step, functional system, which joins intellectual, emotional, volitional, motivational, procedural and tactical potentials and elements, which are adapted for optimal, forecasting, full, deep, admissible influence an individual, participants of the procedural action and situation

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in interests of establishing the truth on criminal case” (3, p. 25).

The same time, in introductory of this book, the authors present it as “... a work on the techniques having an important place in the criminalistical tactics in two variant formation of the material:

- traditional (classical) form of the criminalistical tactics is presented in the techniques of the investigative actions, systems of traditional notions and rules;

- non-traditional (integrative-modulating) form is suggested in form of movable elements (modules), which upon necessity can be joined, separated, differentiated, strengthened, weakened in necessity stages, turn, operative stop, take off under necessity in operative area, change geometry of the flight, speed, height, depth inculcation into criminogenic objects and situations, techniques and methods” (3, p. 5).

From our point of view, above mentioned definition of the ICT contains a number of inaccuracies and contradictions, in connection with this it is undertaken an attempts to substantiate his/her vision of the problem in this article.

So, if the ICT is a form or direction of the modern criminalistical tactics based on achievements of it for all period existence then whether one has the grounds to say about presence of the independent ICT; whether it is a condition, in which the modern criminalistical tactics is. This, from our point of view, is the first important contradiction in assertions of G.A. Zorin, M.G. Zorina and R.G. Zorin, which excludes an independent existence of the ICT.

According to G.A. Zorin, M.G. Zorina and R.G. Zorin, the difference between the classical and non-traditional forms of the criminalistical tactics consist only in mobility of the elements (modules) of the integrative tactics under non-mobility (frozen state) of them in the first, traditional form.

Meanwhile, from our point of view, a mobility of the structural elements of the criminalistical tactics depends on of it as an integral part of the criminalistics, and on the users, human factors. People are not moved by the elements, and they (investigators, prosecutors, judges, operative workers) should be able to maneuver with the elements of the criminalistics tactics. It is seems that stated also is not a

distinctive feature of the ICT allowing to separate of it in independence subsection of the criminalistical system since it comes to development of traditional, but not appearance of a new form of tactics.

In order to speak about the ICT as a subsystem of the criminalistical tactics, it is necessary that its provisions is become with reflection of the results of cognition of the objective regularities of the reality, forming an object of the criminalistics and being of the basis for development of criminalistical means, techniques, methods and recommendations on their use in a practice of combat to crime in combination with the provisions of other sciences.

In connection with above mentioned we will try to research of the structure, determine an object and functions of the ICT and on the base of received results to formulate substantiate definition of the ICT as an independence doctrine.

In theory of the modern criminalistics the widest interpretation of the criminalistical tactics was suggested by R.S. Belkin who had considered it as a system of scientific principles and developed on their base the recommendations on organization and planning of preliminary and judicial investigation, determination of a line of the persons' behavior, carrying out trial examination, and the techniques of performance of some investigative and judicial actions, which are directed on establishing of the reasons and conditions causing of crime committing and concealment (1, p. 9-10). This definition, in reality, spreads all over two integral parts of the criminalistical tactics: an investigative and judicial, though in theoretical plan the judicial tactics is remained insufficiently researched until now.

In addition, it is remained discussible the uses on the tactics of operative-searching measures and the tactics of a search; unsoundly forgotten is the tactics of criminal activity (criminal tactics), determining typical ways of committing and concealing of the crimes, forms of behavior of a criminal, his/her psychological portraits, particularities of counteraction of the interested persons, creation of pretences and falsifications.

Meanwhile, the particularities of criminal tactics necessary to take into account to the judicial-investigative workers during production of the procedural actions, detection of traces of crimes, establishing the false reflections, exposing of criminals.

Above stated gives the grounds to assert that the tendencies of development of the criminalistical tactics requires extension of the bounds of it and the borders of research. It seems that on its content the ICT should possess with three levels structure:

a) general provisions (concept, object, principles, elements);

b) subdivisions (investigative tactics, judicial tactics, the tactics of searching activity, tactics of criminal activity);

c) partial scientific theories (theory of acceptance of the tactical decisions, theory of criminalistical communication, theory of tactical operations, theory of investigative situation, theory of systematization of the tactical techniques and others).

Indeed, if the tactics is a part of the science of criminalistics then it should include some elements of the science, some provisions of it, which will be able to be separate criminalistical theories or their structural subdivisions (1, p. 9-10). Partial scientific theories in the criminalistical tactics have a various level of formatting since, in this plan, it is an open system, which is characterized with appearance of the new theories.

The system of the ICT as traditional criminalistical tactics presupposes the formation of those structural elements, on which it is based.

Those are:

1) Tactical technique as the way of carrying out of procedural action, directed to achievement of a specific goal of it;

2) Tactical recommendation is scientifically substantiated and time-tested by the practice an advice touching of a choice and application of the means, techniques and forms of behavior;

3) The system (combination) of the tactical techniques is an ordered combination of the interlinked and interdependent techniques possessing with goal-directed purposefulness and selectivity in process of realization of it;

4) Tactical decision is a choice of the goal of the tactical influence into investigative situation;

5) Tactical task is the circumstances, which is subjected to clarification in certain stage of investigation (6, p. 354-355).

The further development of the tactics presupposes necessity of systematization of applied tactical techniques, formation of their systems, since currently the level of development of the criminalistical science allows considering them as in separate so and establishing interlinks and interdependence between them, finding some complexes of the techniques in kind of their systems and subsystems, observing their work in activity. Effectiveness of the typical system are considerably higher than application of separately taken, uncoordinated techniques, which allows tracing the dynamics of realization of the tactical techniques in their systems, to determine regular ties in process of their application, which is one of the important tasks of the ICT.

In this connection, R.S. Belkin noted that in existed kind the criminalistical tactics does not meet requirements of the practice as it is limited with development of the recommendations, which are planned on some investigative actions. Meanwhile, an investigator has often to resolve the tasks, the responds on which might be found only through fulfillment of a number of investigative, operative-searching, inspections and other actions (1, p. 116-117). Therefore, it is an urgent the issue of designing of the systems of investigative and other actions in reference to the methodics of investigations of some kinds of the crimes, which should have typical nature.

In addition, studying of the structure of criminalistical tactics presupposes necessity of enumerating not only the elements of it but also and demonstration of interdependences between them, their dynamism, interaction of each other.

As it noted, the tactical technique is the main structural unit of the traditional criminalistical tactics and the ICT, the common definition of which is not in criminalistical science, and, which is determined in general kind as the way of actions, which is the more sufficiently provided a decision of the tasks connected with investigation of the crimes. It is noted last time that the tactical technique is used with considering of specific of investigative situation that presents itself the element o new one, since an investigation situation exercises considerable influence as on a choice of the tactical technique or techniques, so and on reasonability of its application in that or other conditions (5, p. 282-284).

There are no doubts of generally accepted provision that during formation of the tactical techniques one should proceed not only from their possible efficiency for obtaining of criminalistically significance information, but, first of all, from admissibility of the latter, allowing finding necessary information with the ways, which do not contradict to the law requirements.

Tactical techniques are considered as recommendations assisting to the best implementation of an investigative action, but it is isolated, as their creation and introducing in the investigative practice; whereas their accumulation is allowed to put a question about existence of the systems of the latter, subordinated not only to general tasks of fulfillment of separate investigative action, but and to those specific goals, which can be achieved in during investigative action, to the aims are caused by created situation.

Generally accepted idea about the system of criminalistics relates to among of its subsystems the criminalistical technique, investigative tactics and methodics of investigation of some kinds of the crimes, sequence of development of which in different periods brought up at the first place those of them, which could timely accumulate the achievements of various spheres of knowledge and obtain new aspects of own development.

A certain interest in this relation presents a determination of the tendencies of development of the criminalistical tactics' theory, since the considerable number of interlinks of this subsystem of the criminalistics being related not only to its internal scientific structures, but also to the ties with other braches of knowledge. Together

with achievements of the theory today it is allowed to determine the tendencies of the tactics development, perspectives of research of the interconnections for their use in practice of fight to the crimes.

Today, the criminalistical tactics outgrows the traditional research limited with problematic of a separate investigative actions, and grow up a level of the problems connected with the programs of the investigative actions, their more optimal systems providing knowledge in investigation of some categories of the crimes, with theory of the investigation planning, saving of the procedural funds, with theory of interpersonal relations in the procedural regimes etc.

It is necessary to trace the inter-scientific ties of the traditional criminalistical tactics and other branches of knowledge for discovery those scientific results, which will be a basis of the ICT, for studying of above mentioned issues as in a complex so and each of them.

First of all, a tie of the criminalistical tactics with sociology, in particular, with sociology of personality is related to them. Sociological data relating to a personality and his/her social roles, to the problem of conformism, to self-awareness as maxim, to determination of social mature, interconnection of an individual and referent groups have an important significance for development of such tactics' issues as establishing of psychological contact during interrogation, assessment of the testimonies of persons, bring up the versions on a personality of criminal, about motives of crime committing, development of the tactical techniques of production of some investigative actions with considering of sociological indicators (4, p. 4-10).

The great interest is presented the issues of social roles of a personality, formation of micro groups, social and psychological particularities, age groups, development of social orientation in a process of interaction of individuals, since in the theory of criminalistical tactics the knowledge of the main provisions of sociology of a personality, i.e. social psychology of a personality, have significance under considering of various kind of information for individualization of the tactics, for understanding of phenomenon subordination of referent group, conformism and other moments describing a personality. As rule, in contacts are formed and

manifested certain features of a personality, and also his/her individual-psychological particularities, knowledge of which is allowed adequately and in full evaluate a number of his/her features, a level of influence on personality of the historical background (8, p. 226-227).

In the last years the criminalistical tactics obtained wide correlative ties with the juridical psychology that creates a good chance for consideration of the issues of thinking tasks during constructing of the versions, determination of the more optimal mechanism their forming, for development of the psychological basis of formation of some tactical techniques, creation of the scheme of psychological influence in typical situations of production of some investigative actions.

Special interest arouses the issues of psychological influence in the process of investigation, which is explained by the two main circumstances: a) determination of the moral parameters of the psychological influence, legality and admissibility of it; b) perspective and possibility of development of these techniques of psychological influence, which would provide an establishing of the psychological contact and choice of such system of the techniques, which would cause receiving of criminalistically significant information in process of investigation.

An issue of determination of the moral parameters of psychological influence is closer connected with the moral basis of trial proceedings and it is individual manifestation, reflecting in known extent interlink of the criminalistical tactics with psychology, ethics, criminal process. Similar width of interconnection is an evidence not only that ethics executes integrating function, but and that as the moral beginnings determine possibility of search of the techniques and methods of establishing of the truth in the process of investigation of the crimes.

Scientific-practical value is obtained also investigations of the cognitive functions of psychology in the tactics of production of some investigative actions, the main significance of which is that clarification of the mentioned function in its diverse aspects allows more deeper understand the regularities of formation of separate tactical techniques, in the basis of which are lain the psychological recommendations. In this connection consideration of the psychological basis of

tactics of inspection of an incident scene, interrogation, search, experiment, checking of the testimonies and presenting for identification, obtain necessary theoretical platform for creation of some tactical techniques and their correction. Essential significance has a development of the types of thinking tasks during organization and production each investigative action and the ways of their decision, when is made clear a role of the heuristic thinking, is created algorithms allowing successful to decide thinking tasks in certain situation, is traced the correlations between logical and heuristic thinking.

Interconnection of the ICT with some branches of mathematical science, in particular, with the theory of games, assessment and revision of the programs and other creates great perspectives for development of it. This interconnection has appeared recently, in connection with further development of the concepts of the games' theory and revision of the programs, and with possibility of their practical application on the level of reflective management. Thinking tasks, appearing in the conflict and non-conflict situations of some investigative actions the more effectively might be decided on the level of reflective management is being a core of the theory of games. Analysis of different variants of the decisions for an individual possessing by other thinking platform under unified situation for the decision's choice, allows wide using of the reflective management not only in the tactics of interrogation, but and in the tactics of an incident scene inspection, search, investigative experiment⁵, checking of the testimonies in the incident place and other investigative actions (7, p. 20-30; 2, p. 256-259).

One of the directions of using of the game theory in the criminalistical tactics is usage in the tactics of some investigative action of it, and other direction is linked with the criminalistical tactics in whole as a system of decisions and actions of the more wider and integrated nature. Correlation of the criminalistical tactics with the theory of games and the method of programs assessment in a plan of the reflective management is manifested in planning of investigation, where the reflective management finds its specific expression in designing of the versions, in

development of a plan, in determination of the system of actions, which are considered as the tactical operations.

The wide interconnection, which is allowed to develop in details of the important directions of the tactics, is traced in the tactics and logics. Special place among them belongs to using of the data of logics for planning in the regime of doctrine about hypothesis, stages its development the rules of checking of reliability of it. Studying in this direction of an investigative version, its varieties, stages of its formation and development, the issues of appearance of the versions as substantiated suppositions and as intuitive construction until now is differentiated neither sufficient fullness nor weighty scientific argumentation. Considerable theoretical and practical interest presents an issue of the classification of versions, clarification their internal interlinks and cognitive value. Interconnection with logics finds its reflection on the sequence of fulfillment each of the separate investigative action, in using the more reasonable, and caused by the logics, a combination of the tactical techniques and combinations.

Influence of inter-scientific ties for formation of the ICT is seen during analysis of the links of the tactics with linguistics. It has been proved that paralinguistic phenomenon as interconnection between pronunciation of separate words and expressions and accompanying them psycho-physiological reactions of a face, perform variable and rich information about an individual and reflect not only his state, type of mental system, but and behavior of a man in connection with chosen by him social role. Scientific search in this direction will open certain opportunities for development of the interrogation tactical techniques, search, presenting for identification, and in wider plan will allow sufficiently certainty determine a type on the mental system, psychic state of an individual in this moment, i.e. to create the basis for establishing of psychological contact, choice of necessity tactical line (9, p. 102-104).

In addition, paralinguistic phenomenon creates during their analysis to choose the more correct forms of psychological influence and exactly assess its results in each separate case.

Development of such branch of knowledge as victimology allows putting a task in front of the criminalistical tactics to determine the more fruitful links with it. Since victimology research trace the goal to study the complex of problems linked with procedural figure of a victim therefore the lines of interconnections in this sphere of knowledge with criminological tactics go mainly in the direction of development of the tactics of interrogation of a victim, specific features of it in plan of clarification of the issues linked with victim's behavior, and also an extension of the circle of circumstances, which are clarified in process of interrogation of an accused and a victim by inclusion in it the reasons and conditions causing to committing a crime (10, p. 41-42).

The last years are outlined a wide interlinks of the criminalistical tactics with cybernetics, which are received its full expression in using of the computers and computing programs. In particular, it is found the tendencies to preparation of the programs joining of possible situations that or other event, which are allowed to come to the conclusions about motives and ways of crime committing, its goals, possible places of exposing of a criminal, receiving his psychological information, i.e. will create the basis to choose the more accuracy versions and actions' programs, which will provide a fast exposure of a crime and criminal.

It is necessary to note that today, the tendency to extension of the cognition means is carried out not only by the creation of new actions and their legal regulation, but and by intensification of the cognitive range of existed ones. As mentioned above, this intensification is carried out mainly through development of the tactical techniques of their production based on studying the newest achievements of other branches of knowledge, which are used for specific purposes of an investigative action.

Studying of the structure of the investigative action, its goals, ways of their achievement opens opportunities for improvement of production and detailed development of the separate techniques of it that is caused a significance of establishing of the role of developed tactical techniques of investigative action in purposes of more efficient exposing of criminalistically significant information.

Resuming above mentioned, we may make conclusion that integrative criminalistical tactics is a branch of the criminalistical tactics, which is presented itself a complicate open functional system being able to modeling of interconnected elements and is caused by the situations and personal particularities of their participants, and integrated from the provisions of other sciences to decide on this basis of principles of criminal process the specific tasks of investigation of the crimes in purposes of establishing the truth on a criminal case.

The structural elements of the ICT system are a technique, recommendation, decision, situation, combination and task. The tactical technique is a corresponded to certain requirements of the more rational and effective way implementing of an action and the more reasonable in specific situations a line of behavior of an individual carrying out this action, based on the psychological and other mechanisms of their realization. The tactical recommendation is a scientifically substantiated and approved by a practice advice in respect of a choice and application of the means, techniques and forms of behavior. Under the tactical decision is understood a choice of the aim of tactical influence into investigative situation in whole or its separate components, into a process and results of the process of investigation and its elements and determination of the methods, techniques and means of achievement of the goal. The investigative situation is a combination of the conditions, in which is carried out an investigation at the moment. The tactical combination is certain variety of the tactical techniques of performance of the investigative actions, organizational and operative-searching measures, which are applied for decision of the general and specific tasks of investigation and it is caused by these tasks and investigative situation. The tactical task is the circumstances, which are subjected to clarification on specific stage of investigation.

The ICT is a branch of the traditional criminalistical tactics, interconnected and based on it, but the distinguished features of it are functionality of the system being able to modulating of interlinked elements, integrated from the provisions of other sciences, which are absent in the traditional tactics. The main functions of the ICT are optimization of the actions, choice and designing of the new elements, determination

of the purposefulness of the actions and favourable situation, reflecting of the actions of procedural opponents, manifestation of the fundamentality.

Thus, we have considered the content of the ICT, paying the main attention on the methodological knowledge of this concept in an investigation of the crimes.

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