

UDC 343.2/.7

TACTICAL, PSYCHOLOGICAL AND MORAL ASPECTS OF THE INTERACTION BETWEEN THE INVESTIGATOR AND THE EXPERT

SERIKOVA Laura Serikkyzy

Master of Law, Lecturer-assistant

YERZHAN Zhansaya Yerzhankyzy

4th year student of the Faculty of Law and Economics

Zhetysu University named after I. Zhansugurov

Taldykorgan, Kazakhstan

Currently, the investigation and prevention of crimes is impossible without the combined efforts of many investigative and investigative workers, the prompt use of the scientific knowledge of specialists and experts. In this regard, of particular importance are the issues of organizing technically competent and psychologically correct interaction between the investigator and persons with special knowledge and skills who are obliged to help him in identifying and consolidating specific data necessary for the disclosure and investigation of crimes. The interaction of a lawyer and experts is a coordinated activity of procedural independent participants in the preliminary investigation (court), based on the law or by-laws, i.e. the most appropriate combination of their business cooperation and personal relationships. The study of the specifics of the interaction between the investigator and the expert in the process of investigating crimes, the development of specific recommendations in this direction contributes to the increase in the activity of each participant. Currently, investigative and operational groups have been widely introduced into investigative practice as the most mobile form of specialization and real interaction between the investigator and other crime investigation workers - criminal investigation operatives, employees of the department for combating economic crime, specialists, experts, etc. The investigative and operational group is an organizational and managerial form of interaction between the investigator, the body of inquiry, educated persons (specialists, experts who use their inherent means and methods of work in the leading role of the investigator), created for more effective activities for the disclosure and investigation of crimes.

Key words: communication, investigator, expert, judge, relationship, specialist.

«Interaction», «communication» used in the forensic, criminal and psychological literature to define the joint actions of the investigator, inquest officer, judges and other participants in criminal proceedings etc. terms are often used.

At present, the investigation and prevention of crime is impossible without the combined efforts of many investigators and investigators, without the rapid use of scientific knowledge of specialists and experts. In this regard, the organization of technically competent and psychologically correct interaction between the investigator and those who have special knowledge and skills, who are obliged to help identify and consolidate the specific data necessary for the detection and investigation of crimes.

In the legal literature, some attention is paid to the interaction of investigators and experts

(specialists) in the investigation of criminal cases, but it mainly describes the procedural features of this relationship and its tactical and psychological aspects are insufficiently developed.

The increasing complexity of the evidence process due to the use of new objects, their identification and methods of complex research, the scope and nature of specialized knowledge has highlighted the importance of cooperation between investigators, courts and experts in the study of many, especially multi-component objects.

The interaction of lawyers and experts is an agreed activity of the independent participants of the preliminary investigation (court) based on the law or by-laws, ie the most appropriate combination of their business cooperation and personal relationships. The study of the peculiarities of the interaction of the investigator and the expert in the investigation of crimes, the

development of specific recommendations in this direction will increase the activity of each of its participants.

Widespread involvement of people with knowledge in various fields in the investigation makes it collective. During the preliminary investigation, each of its participants performs his duties, in no case does not replace the other. R.C. Belkin and «Such efforts are a guarantee of increasing the effectiveness of the fight against crime in general and the preliminary investigation (of course, carried out by the investigator and no one else)», Weinberg said.

At present, the investigative practice includes investigators and other criminal investigators – operatives of criminal investigation, employees of the Department for Combating Economic Crimes, specialists, experts, etc. b. Investigative and operational teams have been widely introduced as the most mobile form of specialization and specific interaction. Investigative-operational group is an organizational and managerial form of interaction between the investigator, the body of inquiry, educated people (specialists, experts who use their tools and methods of work in the leadership role of the investigator), created to more effectively detect and detect crimes.

In general, the relationship between the investigator and educated people is divided into business and personal, which develops on the basis of sympathy or antipathy, attraction or motivation, which arises as a carrier of certain social functions among the participants of the interaction. Business communication between the investigator and educated persons (expert, specialist) is carried out on the basis of the relevant rules of criminal procedure, as well as various by-laws (orders, instructions, rules, etc.) issued by the relevant departmental agencies.

The personal style of work of the investigator, expert and others gives a real touch to their moral and psychological qualities. The effect of interaction is high competence, efficiency, accuracy, assertiveness, organization, morality, etc. b. will be much higher than the obvious manifestation of such personal qualities as.

The investigator's style of work is a visual indicator, a guide for experts, specialists and other participants in the investigation of crimes.

The investigator's interaction with educated

people is divided into the following stages:

- selection of an educated person (expert);
- the investigator sets a task for the expert;
- acquaintance of the informant with the case materials, study of the situation, preparation of the necessary scientific and technical means, interview with the person subject to expert examination;
- discuss with the expert the preliminary results of the acquaintance with the actual situation, clarify the tactics of the investigation, the form of the issues presented to the expert;
- forensic examination, examination of the scene and other procedural actions;
- evaluation of the results of the investigation.

RPs are divided into permanent and temporary according to the time of operation. Educated people (specialists, experts, consultants) often join temporary working groups.

Teamwork requires role analysis, so the investigator manages all procedural activities involving educated people, facilitates the work of the expert (specialist), eliminates individual conflicts that hinder the effective interaction of team members. This is especially important when the investigative action is associated with actions in a complex emotional and physical situation.

The relationship between the participants in a criminal act depends on the professional qualities of the psyche, temperament, faith, direction, personality.

When choosing an expert or expert institution, the investigator shall take into account the type of expertise, the nature of the issues raised by the expert, his competence and other important circumstances.

The ability to predict possible options for contacting experts is a prerequisite for the interaction of the investigator and the expert.

The most active interaction between the investigator and the expert should be in the preparation of research materials. Consultants can be of great help to the investigator in this matter, but special issues (psychiatrist, economist, psychologist, etc.). They help to select samples for comparative research and offer its methodology.

An important point in the work of the investigator in the organization of this procedural activity is the selection and preparation of scientific and technical tools. The use of these

tools should not be detrimental to their dignity and should not harm the health of the person using them. In addition, scientific and technical tools, methods and techniques must be practically scientific, proven.

In accordance with the CPC of the Republic of Kazakhstan, the case is carried out only in connection with the participation of the expert in the forensic examination, obtaining explanations.

During the expert examination, the investigator must constantly monitor its progress. The expert, in turn, immediately informs the investigator about the appropriateness of providing additional materials, especially about new circumstances that require urgent action (detention of the offender, prevention of new crimes, identification of unknown victims, etc.).

Interaction of the investigator and the expert is also carried out in the assessment of the conclusion, the accuracy of which depends on the amount of special knowledge of the investigator in a particular field (forensic medicine, psychiatry, etc.), knowledge of criminal case materials, logical thinking. Evaluation of the expert's opinion provides for the solution of legal (compliance with procedural rules in the appointment and conduct of the examination) and scientific and practical issues (determination of the validity, completeness of the conclusions).

There are significant difficulties in evaluating the results of expert research conducted using sophisticated scientific methods and electronic computing tools.

In assessing the results, the investigator pays attention to the competence of the expert in modern research methods, incorrect choice of examination techniques, completeness of research (ie the use of all methods mastered and implemented by the expert), correctness of interpretation and summarization of expert results, logic of expert opinions.

Sometimes investigators require the expert to present the research part of the conclusion in simple, clear terms, but this can lead to a reduction or simplification of its scientific validity.

The basis of a business relationship is to identify the causes and circumstances that lead to the emergence of a probable or «impossible» conclusion of the expert.

The investigator, together with the expert,

should study the quality and completeness of the material submitted for examination, check the logical sequence of application and the correctness of the research methods. The assessment of the investigator and the expert will help to eliminate such shortcomings in the process of creative and friendly relations and significantly improve the fight against crime.

Communicative activity is a mandatory component of the psychological structure of activities related to the administration of justice.

Communicative is a service that aims to receive a message or exchange information. Its forms are communication, teaching, education, treatment, propaganda, reading, human-computer interaction (figuratively sometimes called communication).

The focus in psychology is on communication, which involves the interaction of subjects in order to exchange rational and emotional information, activity, experience, knowledge, skills, abilities, as well as the results of activities.

The joint activity of the investigator, inquest officer, judge and educated people (experts, specialists, etc.) is a social activity. The rules of general psychology apply to it, because any individual action (for example, a specialist, expert at the scene) is carried out in direct and indirect relations with other people (participants in criminal proceedings, civil proceedings) and physically (communicative) aspects. The subjects of the communicative process in legal action have a common goal - to effectively fulfill the task of determining the objective truth of the case. In addition, the relationship involves the individual actions of each participant in the investigation or trial.

Communication is classified by type of communication between participants (eg, interpersonal) and by means (speech, writing, oral). In addition, paralinguistic communication is different (gestures, facial expressions, etc.). The psychology of communication between investigators, judges and educated people includes the use of all methods of communication, taking into account the specific circumstances of the criminal case and current law enforcement practice, mental characteristics (temperament, behavior), orientation, beliefs and other characteristics of interacting people. Relationships,

personal relationships should be based on moral principles, written human ethics, personal relationships, feelings of liking or dislike, attraction or rejection, distrust.

Ethical standards require an expert to be polite, courteous, and restrained in dealing with investigators, judges, and others. The honesty of the expert is reflected in the recognition of mistakes and a strong belief in the reliability of their conclusions. Its integrity is reflected in the

independence of the opinions of stakeholders, the materials of the criminal case, the conclusions drawn from the identity of the offender, victim, plaintiff or defendant.

Ethical standards oblige the investigator and the courts to respect the achievements in science, technology, arts and crafts, as well as to critically evaluate the findings of experts. This approach guarantees the timely use of specialized knowledge in litigation.

REFERENCES

1. Qazaqstan Respublikasynyñ Qylmystyq-prosestik kodeksi, 2014 jylǵy ǵıldedeǵı № 231-V QRZ. – URL: <https://adilet.zan.kz/kaz/docs/K1400000231>.
2. Cot-saraptama qyzmetı turaly Qazaqstan Respublikasynyñ Zańy 2017 jylǵy 10 aqpandaǵy № 44-VI QRZ. – URL: <https://adilet.zan.kz/kaz/docs/Z1700000044>.
3. Tapalova R.B., Daubasova S.Ş., Aryn A.A. Sot-saraptamasynyñ normativтік-qūyqytyq negizderi: oqu-ādıstemelik qūral. 1- basylım – Almaty: Qazaq universiteti, 2013. – 200 bet.

УДК 343.2/.7

ТАКТИЧЕСКИЕ, ПСИХОЛОГИЧЕСКИЕ И МОРАЛЬНЫЕ АСПЕКТЫ ВЗАИМОДЕЙСТВИЯ СЛЕДОВАТЕЛЯ И ЭКСПЕРТА

СЕРИКОВА Лаура Серикқызы

магистр юридических наук, преподаватель-ассистент

ЕРЖАН Жансая Ержанқызы

студентка 4 курса факультета права и экономики

Жетысуский университет им. И. Жансугурова

г. Талдықорган, Казахстан

В настоящее время расследование и предупреждение преступлений невозможно без объединения усилий многих следственных и следственных работников, оперативного использования научных знаний специалистов и экспертов. В связи с этим особое значение имеют вопросы организации технически грамотного и психологически правильного взаимодействия между следователем и лицами, обладающими специальными знаниями и навыками, которые обязаны помочь ему в выявлении и закреплении конкретных данных, необходимых для раскрытия и расследования преступлений. Взаимодействие юриста и экспертов – это согласованная деятельность процессуальных независимых участников предварительного следствия (суда), основанная на законе или подзаконных актах, т. е. наиболее целесообразное сочетание их делового сотрудничества и личных взаимоотношений. Изучение особенностей взаимодействия следователя и эксперта в процессе расследования преступлений, выработка конкретных рекомендаций в данном направлении способствует повышению активности каждого его участника. В настоящее время в следственную практику широко внедрены следственно-оперативные группы как наиболее подвижная форма специализации и реального взаимодействия следователя и других работников расследования преступлений – оперативных работников уголовного розыска, сотрудников отдела по борьбе с экономической преступностью, специалистов, экспертов и др. Следственно-оперативная группа-организационно-управленческая форма взаимодействия следователя, органа дознания, образованных лиц (специалистов, экспертов, использующих в руководящей роли следователя присущие им средства и методы работы), созданная для более эффективной деятельности по раскрытию и расследованию преступлений.

Ключевые слова: коммуникация, следователь, эксперт, судья, взаимосвязь, специалист.