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## The role of international cooperation in the development of the institute of forensic expertise

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### Abstract

The article discusses and raises the topic of the relevance and importance of international cooperation in the development of the institute of forensic expertise, highlights the pros and cons of the status of a forensic expert in different countries. The interaction of forensic experts from different countries, the exchange of theoretical and empirical experience, according to the author, will help to eliminate gaps in the legal norms of national legislation, as well as implement modern methods of expert research. The analysis of the status of the forensic expert also showed that it is different. For example, in Russia an expert has a separate procedural status, then in England an expert has the status of a witness in a case and combines the status of both an expert and a witness. In Russia, a specialist can continue to act as an expert in a case only in cases provided for by law. The classification of forensic examinations in the countries of English-American law is more generalized in comparison with the classification of examinations that currently exists in Russia. The classification of forensic examinations into classes, genera, species and subspecies is practically not found. The scientific literature provides a list of forensic disciplines, the so-called "forensic disciplines". Based on the analysis of the national and foreign Institute of forensic expertise, in these systems there are completely different approaches to the implementation of forensic activities. At the same time, it should be noted that the study of foreign experience is necessary, since all systems have their own positive features that can help in improving the national institute of forensic examination.

### For citation

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### Keywords

Forensic examination, international cooperation, forensic expertise.

## **Introduction**

The institute of international cooperation is undoubtedly fundamental in the field of forensic examination. The importance of this issue is tending to be discussed at the conventions, in various scientific circles and in printed media, which is a positive point. Meanwhile, the lowest number of legal norms regulating the joint activities of forensic experts from different countries have been fixed at the international level. The relevance of conducting a comparative legal analysis hasn't been disclosed yet, but still includes empirical experience, examination documents of a general theoretical nature, as well as normative legal acts of different countries. Comprehensive analysis would have solved many problems with gaps in the law and collisions in national legislation. Moreover, there are the highest priorities in this area which include: the development of new joint projects of countries, international certification and licensing of forensic experts, the formation of a unified international register of forensic experts, work on professional retraining of forensic experts abroad. The main state body that has been working on the development of the Institute of International Cooperation in Russia is the RFCSE under the Ministry of Justice of the Russian Federation. According to the initiative of this organization a large number of scientific conferences are held between participants-experts from different countries and at the same time work is underway to develop and implement forms of cooperation.

## **Main part**

Questions about advancements of the Institute of international cooperation are also covered in their scientific works by many practitioners, in particular, Shamil N. Khaziev, who highlighted the forms of international forensic expert cooperation carried out in the field of scientific, methodological and technical support, Khawlla Hashavi Mohammed, who raises topical issues of interaction of forensic experts at the international level in the field of criminal procedure, Tsokolova O.I., revealing the nuances of the formation of the system of forensic institutions in different countries and others. Nevertheless, it is worth noting that until now, these issues have been covered only at the superficial general theoretical level, in connection with which, there is an urgent need for interest in the development of the institute of international cooperation not only from the members of the scientific community, but also from the bodies themselves represented by the state.

In addition, nowadays, mechanism hasn't been developed and highlighted for the interaction of not only practicing forensic experts, but also students studying, in particular, there is no practice for international exchange of students in this area and practice for mutual internships of forensic experts in foreign forensic institutions, which is important in the formation of professional qualities an expert. It is also worth raising the problem of the disunity of professional training at the national level. The fact is that the system of forensic institutions historically in Russia was initially built on the departmental principle, each structure has its own methodological approach, in connection with which, for example, graduates of the specialty "Forensic Examination" have difficulties in finding employment after graduation. Thus, graduates of the Kutafin Moscow State Law University who have studied in the specialty "Speech expertise" and received a specialized education, couldn't get a job at the RFTSE under the Ministry of Justice of the Russian Federation as a forensic linguist, since this department provides for the requirement that an expert has a specialized philological education. It is also necessary to emphasize that, at present, there are no uniform requirements for the issuance of a certificate for the right to independently conduct forensic examinations, confirming the competence of an expert of a

specific expert specialty, which leads to a contradictory assessment of the results of expert research by various procedural subjects. It is worth noting the positive experience of other countries, for example, the Kyrgyz-Russian Slavic University trains specialists in the specialty 40.05.03 of the Russian Federation and 53.00.02 of the Kyrgyz Republic "Forensic examination". The content of personnel training in the specialty "Forensic examination" has been focused on their employment in accordance with the specialization not only within the Kyrgyz Republic, but also abroad. In 2008, the first graduation of certified specialists who work both in Kyrgyzstan and in the near abroad (Russia, Kazakhstan) were carried out. Currently, citizens not only from the Kyrgyz Republic, but also from the Russian Federation and Kazakhstan study at this university. The website of this educational organization reflects the longest list of universities with whom the development of scientific cooperation is carried out, which undoubtedly deserves praise. It is assumed to that it is too early to talk about the aspect of developing and adapting curricula that would meet the requirements of the international standard. And the first necessity is to carry out thorough work to unify the scientific, methodological and, importantly, educational approach at the national level. Despite the fact that there are currently a sheer number of expert methods and methodological recommendations for the production of various types of expertise, the actual problem of expert practice is the lack of a general methodological approach to their production. As a result, in recent years, the most urgent problem of forensic expertise in general has become the need to develop scientifically sound unified standards of expert techniques for all types and kinds of forensic examinations without exceptions. In the future, we believe that the discussion of these issues will undoubtedly be a positive moment in the development of the institute of forensic examination. The development of this aspect will allow us to work not only on the exchange of general theoretical and practical experience, but also to work on attracting scientific personnel from different countries. The involvement of foreign experts will not only enrich the experience, but will also help solve many practical problems, because experts often face the fact that it is necessary to investigate objects containing foreign signs, whether it is text, sound material or, for example, material with foreign symbols.

Certification of expert methods and licensing of the activities of forensic experts also play a key role in the process of forming unified standards of expert methods. Certification of expert methods, as one of the directions of forensic expert activity, is carried out in order to implement a unified scientific and methodological approach when conducting various expert studies. The above highlights the fact that the development of unified standards of expert methods, including at the interdepartmental level, is one of the priority areas of forensic expertise. The general methodological uniformity in the organization and production of forensic examinations significantly improves the efficiency and quality of the results of certain types of examinations and expert studies. The main problem of the development of unified standards of expert methods is that today the certification of methodological support for forensic examination is voluntary. At the present stage of the development of the institute of forensic examination, the use of unified certified expert methods makes it possible to impose general qualification requirements for forensic experts of various expert specialties and specializations, regardless of their departmental affiliation, which, in turn, contributes to obtaining comparable results with a given accuracy in the production of forensic examinations. It is advisable to create a Coordination and Methodological Council based on the experience of, for example, the Coordination and Methodological Commission on Forensic Examination under the Council of Ministers of Justice of the EAEU member states.

All of the above points to the need for further exchange of scientific achievements in the field of forensic examination, the need to increase interest in joint consideration of the problems of the general

theory of forensic examination and the development of norms regulating human rights in the field of forensic examination at the international level. It is assumed that by today there is an urgent need to form a separate body that will deal with issues of international cooperation of forensic experts not only at the scientific (theoretical), legislative, but also at the educational level.

In addition, during the analyzing the Institute of forensic examination abroad, the following positive features can be identified: for example, private and public grants are allocated in the countries of the both English and American systems, new achievements in science are periodically shown in the media, many books and magazines on forensic activities are published.

In own scientific work, the writer Shamil Nikolaevich Khaziev focuses on the fact that in the countries of the British-American system, much attention is paid to the analysis and study of the causes of expert flaws, methods of overcoming factors that cause expert flaws. All this aspects plays the key role in the mandatory training program for experts and often becomes the subject of discussion during the process of qualification of experts who are summoned to court to give an opinion and subsequent interrogation as an expert.

It is worth noting that a large number of dictionaries on terminology in the field of forensic examination are being created abroad, experts create various kinds of documents based on their research, write scientific reports on their research methods, such as "technical articles, notes". All these documents can be found in the open access, and information on foreign websites has been translated into several languages. Directly, you can find the expert opinions themselves for review.

## Conclusion

The analysis of the status of the forensic expert also showed that it is different. For example, in Russia an expert has a separate procedural status, then in England an expert has the status of a witness in a case and combines the status of both an expert and a witness. In Russia, a specialist can continue to act as an expert in a case only in cases provided for by law.

The classification of forensic examinations in the countries of English-American law is more generalized in comparison with the classification of examinations that currently exists in Russia. The classification of forensic examinations into classes, genera, species and subspecies is practically not found. The scientific literature provides a list of forensic disciplines, the so-called "forensic disciplines".

Based on the analysis of the national and foreign Institute of forensic expertise, it can be seen that in these systems there are completely different approaches to the implementation of forensic activities. At the same time, it should be noted that the study of foreign experience is necessary, since all systems have their own positive features that can help in improving the national institute of forensic examination.

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## **Роль международного сотрудничества в развитии института судебной экспертизы**

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### **Аннотация**

В статье рассматривается и поднимается тема актуальности и важности международного сотрудничества в развитии института судебной экспертизы, подчеркиваются плюсы и минусы статуса судебного эксперта в разных странах. Взаимодействие судебных экспертов разных стран, обмен теоретическим и эмпирическим опытом, по мнению автора, поможет устранить пробелы в нормах права национального законодательства, а также внедрить современные методы экспертных исследований. Анализ статуса судебного эксперта показал, что он различается в разных странах. Например, в России эксперт имеет отдельный процессуальный статус, тогда как в Англии эксперт считается свидетелем по делу и сочетает в себе функции как эксперта, так и свидетеля. В России специалист может продолжать выступать в роли эксперта только в тех случаях, которые предусмотрены законом. Классификация судебных экспертиз в странах англо-американского права более обобщенная по сравнению с классификацией экспертиз, существующей в России. Классификация на классы, роды, виды и подвиды практически не встречается. В научной литературе представлен список судебных дисциплин, так называемых "судебных дисциплин". Из

анализа национальных и зарубежных институтов судебной экспертизы видно, что в этих системах применяются совершенно разные подходы к осуществлению судебной деятельности. При этом следует отметить, что изучение зарубежного опыта необходимо, так как каждая система имеет свои положительные аспекты, которые могут помочь в совершенствовании национального института судебной экспертизы.

#### Для цитирования в научных исследованиях

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#### Ключевые слова

Экспертное исследование, международное сотрудничество, судебная экспертиза.

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