

IRSTI 10.85.01
UDC 343.98
JEL K14

<https://doi.org/10.46914/2959-4197-2024-1-4-30-38>

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FORMATION OF THE METHODOLOGY OF CRIMINOLOGY AS SCIENTIFIC KNOWLEDGE

Abstract

This article shows the formation of the methodology of criminology as a scientific knowledge. The main stages of the development of the methodology of criminalistics are considered, which primarily includes the definition of such concepts as the subject, tasks, objects, principles of the development of scientific knowledge. The article is presented within the framework of the competition for grant funding for scientific and (or) scientific and technical projects for 2024–2026 (EOM RK) «IRN: AP23485634 Modern transformation of Kazakhstan's penitentiary system through the mechanism of public-private partnership».

Key words: criminalistics, methodology, crimes, criminalistic techniques, criminalistic tactics, pre-trial investigation.

Introduction

The development of any established scientific discipline occurs within the framework of scientific laws, theories, and hypotheses. Within a given field of study, its scope is primarily defined by specific principles and patterns inherent to the subject matter of that science.

In scholarly discourse, the methodology of criminology has often been examined primarily through the lens of cognitive methods. Typically, discussions on the concept of criminalistics methodology have been limited to asserting that, like other sciences, its fundamental approach is the dialectical method. However, as noted by R.S. Belkin and A.I. Vinberg, such broad statements fail to sufficiently define the methodological foundations of criminology. Consequently, more specific theoretical frameworks, such as the theory of forensic identification, have emerged to serve this purpose. While forensic identification plays a significant role within the methodological structure of criminology, it cannot be regarded as a comprehensive theoretical foundation for the discipline, as it does not encompass all aspects addressed by criminological science. Issues beyond the scope of identification remain unresolved within this theory, and their investigation constitutes a crucial component of criminology as a scientific field [1, p. 18].

Materials and methods

The study employs a historical and comparative analysis methodology to investigate the formation and evolution of criminology as a scientific discipline. A systematic approach was used to examine primary and secondary sources, including legal doctrines, forensic theories, and philosophical concepts that have influenced the development of criminology.

The research methodology is structured as follows:

- ♦ Historical analysis. A chronological review of the development of criminology from its inception to contemporary advancements. This includes an examination of early forensic theories, methods of investigation, and the contributions of key scholars such as R.S. Belkin, A.I. Vinberg and M.S. Strogovich.

- ♦ Comparative legal analysis. A comparative study of criminology's methodology in different legal systems, particularly Soviet and post-Soviet criminology, to determine patterns of development and theoretical transformations.

- ♦ Doctrinal review. A detailed examination of forensic doctrines and their impact on the investigative process. Special attention is given to forensic identification theory, evidence assessment methodologies, and crime prevention strategies.

- ♦ Philosophical and theoretical framework. The research incorporates dialectical materialism as the underlying philosophical approach, consistent with criminology's reliance on theoretical reflection and empirical validation.

- ♦ Case study review. Selected case studies are examined to illustrate the practical application of criminological methodologies in criminal investigations.

Data collection involved an extensive review of academic publications, legal texts, and forensic case studies, ensuring a comprehensive understanding of criminology's methodological evolution.

The methodological foundations of criminology have been a subject of extensive academic discourse. The field has evolved significantly over the past century, shaped by contributions from forensic science, criminal procedure, and philosophy.

Criminology, as a scientific discipline, has undergone substantial transformation. Early scholars such as G.Y. Manns (1921) emphasized the investigative techniques used in crime detection, while I.N. Yakimov (1925) expanded the field by incorporating scientific methods from natural and medical sciences into forensic investigations. These early efforts laid the foundation for criminology's role as a technical discipline.

By the mid-20th century, criminology was viewed as an applied science rather than a purely legal field. M.S. Strogovich (1938) argued that criminalistics is not a legal science but an auxiliary technical discipline designed to aid the criminal justice system. B.M. Shaver (1938) supported this notion by classifying criminology as an independent science, closely related to but distinct from criminal procedure.

A major shift occurred in the 1950s and 1960s when scholars such as A.I. Vinberg (1950) and S.P. Mitrichev (1956) introduced a more structured theoretical approach. Their work emphasized the role of forensic techniques in evidence collection, identification, and analysis. R.S. Belkin (1969, 1977) later refined these ideas, proposing a four-dimensional structure of criminology:

1. The emergence of evidence
2. The discovery of evidence
3. The examination of evidence
4. The assessment and use of evidence

Belkin's framework became a cornerstone of modern criminological methodology, influencing forensic practices worldwide.

The debate over whether criminology is a legal or technical science continued throughout the 20th century. Scholars such as V.I. Popov (1970) and F.Y. Berdichevsky (1976) advocated for a broader definition that incorporated both legal and scientific elements. Popov argued that criminology should focus on expanding the cognitive capabilities of investigators through analytical and technical methods, while Berdichevsky introduced a modified definition that emphasized forensic information processing.

N.A. Selivanov (1977) further contributed to this discussion by defining criminology as the study of patterns in forensic evidence and the development of investigative methods. His work helped solidify criminology's role as a bridge between legal theory and forensic practice.

The evolution of criminology's methodology has been shaped by contributions from both legal and scientific disciplines. The field has transitioned from a primarily technical science to a more comprehensive investigative discipline, integrating legal, scientific, and philosophical principles. The study of forensic methods, evidence analysis, and crime prevention continues to evolve, ensuring criminology remains a dynamic and essential field in modern law enforcement and judicial systems.

Results and discussion

At the core of any scientific theory lies the doctrine defining its subject matter. As V.V. Klochkov emphasizes, precisely delineating the subject of a discipline is essential for identifying interdisciplinary issues that require comprehensive study and coordinated interaction between fields. In the early stages of a new science's development, there is often an absence of specialized concepts unique to the discipline. Consequently, it tends to incorporate and adapt concepts from other established sciences. This phenomenon is also evident in the evolution of criminology as a scientific field, where foundational ideas and methodologies have been drawn from various disciplines to shape its theoretical framework.

In this regard, we should agree with M. Arbit, who believes that "... since such a science has yet to be created, it naturally does not yet have a well-established terminology, its basic concepts have not yet been isolated and named, the structures and connections between concepts have not yet been formulated. This situation creates the need to discuss the tasks and problems facing the researcher on a metaphorical level, using an arsenal of concepts borrowed from various fields of science ..." [3, p. 27].

The subject of cognition in philosophy is defined as "the sides, properties and relations of objects recorded in experience and included in the process of human practical activity, studied for a specific purpose in given conditions and circumstances. ...The subject of any science is the study of certain laws of the objective world" [4, p. 326]. Based on one of the principles of the development of any science – historicism, let's consider how the methodology of criminology developed.

Professor G.Y. Manns of Irkutsk University was one of the first to try to do this. In 1921, he wrote that the subject of criminology is: "firstly, the methods of committing crimes, the professional characteristics and lifestyle of criminals (their jargon, their superstitions, etc.), and secondly, the methods of investigating crimes, including the identification of criminals" [5].

A more detailed definition of the subject was proposed in 1925 by I.N. Yakimov, who pointed out that criminology "has as its subject the study of the most appropriate ways and techniques of applying methods of natural, medical and technical sciences to the investigation of crimes and the study of the physical and moral personality of the criminal" [6, p. 3].

The stage of formation of Russian criminology was characterized by a view of it as a technical or natural science.

In 1938, M.S. Strogovich asserted that criminalistics should be regarded as a non-legal science, primarily concerned with the scientific and technical methods used for the collection and examination of evidence. He argued that criminalistics is fundamentally limited to investigative techniques and does not possess a legal nature. Furthermore, he emphasized that while the expansion of scientific and technical methodologies enhances the investigative and adjudicative processes in criminal cases, it does not replace the criminal justice system itself. Instead, criminalistics functions as an auxiliary technical discipline, providing essential tools and methods to support criminal investigations rather than serving as an independent legal framework [7, p. 18].

In 1938, B.M. Shaver, speaking about the subject of criminology, pointed out:

- a) criminalistics is an independent science with its own theoretical and applied parts;
- b) criminalistics is closely related to the science of criminal procedure, without being at the same time its applied part;
- c) the subject of criminalistics is objective patterns of detection and investigation of evidence, the study of which should form the content of the theory of criminalistics [8, p. 75].

A.I. Vinberg formulated his definition of the subject of criminology in 1950: "Criminology is the science of technical and tactical techniques and means of detecting, collecting, recording and

examining judicial evidence used to solve crimes against the Soviet system and the rule of law established by the Soviet state, identifying perpetrators and finding ways to prevent crimes” [9, p. 4].

The contributions of S.P. Mitrichev hold a significant place in the study of general theoretical issues in criminology. His perspectives were comprehensively articulated in his 1956 textbook, *The Subject, Method, and System of Soviet Criminology*.

In defining criminology as a scientific discipline, Mitrichev characterized Soviet criminology as a specialized legal field. He described it as the study of technical tools, tactics, and methodologies employed by judicial and investigative authorities in accordance with criminal procedural law. These methods are designed for the detection, collection, documentation, and examination of evidence, with the primary objective of facilitating criminal investigations, particularly those concerning offenses against the Soviet state and its legal order [10, p. 12–14, 24, 26, 49].

By 1959, the definition of criminology had been further refined by scholars from the Department of Soviet Criminal Procedure and Criminology at the Faculty of Law of Kazakh State University. They conceptualized Soviet criminology as a scientific discipline dedicated to the development of effective tactics and methodologies for crime investigation, detection, and prevention. This definition emphasized adherence to the principles of socialist legality while incorporating scientific and technical methods for the collection and examination of judicial evidence. Additionally, Zelikson expanded upon this definition, asserting that criminology is inherently a legal science, reinforcing its connection to the broader legal framework governing criminal investigations and forensic methodologies [11, p. 93].

The definitions of Soviet criminology proposed by A.I. Vinberg and S.P. Mitrichev became widely accepted and remained influential for an extended period. With only minor modifications, these definitions were frequently referenced and incorporated into the works of subsequent scholars.

A particularly notable aspect of A.I. Vinberg’s definition was its distinctive emphasis on crime prevention. For the first time, criminology was not only concerned with the detection, investigation, and analysis of crimes but also with developing strategies and methodologies aimed at preventing criminal activity. This marked a significant expansion of the field’s scope, reinforcing its role in both reactive and proactive aspects of law enforcement and criminal justice.

According to R.S. Belkin (1969), the main elements of the general theory of criminology should be provisions reflecting objective patterns of occurrence, detection, research, evaluation and use of evidence. These provisions can be grouped into four sections, denoting them respectively as:

- 1) the criminalistic doctrine of the emergence of evidence;
- 2) the criminalistic doctrine of the discovery of evidence;
- 3) the criminalistic doctrine of the examination of evidence;
- 4) the criminalistic doctrine of the assessment and use of evidence [12, p. 31].

These provisions were subsequently included in the definition of the subject of criminology given by R.S. Belkin and the four-dimensional structure of the criminology system.

R.S. Belkin argues that the definition of criminology as a scientific discipline cannot be solely based on specific forensic theories that contribute to its methodology. He contends that while various criminalistic theories—such as the theory of forensic identification, the doctrine of criminalistic versions, crime commission methods, and trace formation mechanisms—are essential components of criminology, they do not, from a scientific methodological perspective, constitute a comprehensive general theory of the field. Instead, these theories should be understood as distinct yet interrelated elements within the broader methodological framework of criminology, rather than as a singular, overarching theoretical foundation [12, p. 31].

An attempt to define the subject of criminology was also made by the Kazakh legal scientist V.I. Popov (1970). In particular, he wrote: “It is criminology that develops the scientific foundations of the investigation, expands the cognitive capabilities of the investigator, equipping him not only with scientific and technical means of identifying physical evidence, but also, mainly, with methods of collecting, analyzing and evaluating factual data about the crime under investigation.” And further, he believes that “the formulation of the concept of criminology should reflect the main elements of its content, in particular: a) attitude to law; b) sources of development; c) scope of application; d) main tasks [13, pp. 58–61].

According to V.I. Popov, the most comprehensive definition of criminology conceptualizes Soviet criminalistics as a scientific discipline that integrates both practical experience and interdisciplinary knowledge. This definition highlights that criminology is based on the generalization of best practices from Soviet crime-fighting authorities, combined with insights from philosophy, psychology, natural sciences, and technical sciences.

Within the framework of criminal procedural law, criminology is tasked with developing investigative recommendations for evidence collection and examination, criminal identification, and suspect apprehension. These methodologies are applied in preliminary investigations, inquiries, and court proceedings to establish the truth and enforce the Leninist principle of the inevitability of punishment for criminal offenses. Furthermore, crime prevention is identified as a fundamental objective, reinforcing criminology's dual role in both reactive and proactive aspects of criminal justice [13, p. 61].

In 1970, R.S. Belkin formulated such a concept of the subject of criminology: "Soviet criminalistics is the science of the patterns, collection, research and use of judicial evidence and the means and methods of judicial investigation and crime prevention based on the study of these patterns [14, p. 42].

F.Y. Berdichevsky (1976) considered it expedient to modify the definition of the subject of criminology given by R.S. Belkin. In his opinion, "the subject of criminology is the patterns of information about a crime and its perpetrators and the means and methods of detecting such information based on knowledge of these patterns in order to use it as evidence in a criminal case" [15, p. 160].

N.A. Selivanov (1977) formulated his definition: "Criminalistics is the science of the patterns of occurrence of forensic evidence, as well as general methods, techniques, tactics, and methods of collecting and using them for the purpose of investigating and preventing crimes" [16, pp. 100–109].

In 1977, R.S. Belkin published the first volume of his three-volume work, *Course of Soviet Criminology*, in which he argued for the refinement and expansion of the definition of criminology. He emphasized the need to incorporate the mechanism of crime into its conceptual framework. As a result, Belkin redefined criminology as the scientific study of the laws governing the mechanism of crime, including the emergence of information related to crimes and their perpetrators. His definition also encompassed the collection, analysis, evaluation, and application of evidence, as well as the development of specialized forensic tools and investigative methods. Furthermore, Belkin stressed that criminology plays a critical role in both judicial research and crime prevention, with its methodologies rooted in the scientific study of these fundamental laws [17, p. 218].

The role of the definitions of the subject of criminology given above by various scientists at each stage of the development of science is great and should in no way be belittled.

In 1993, V.E. Kornaukhov provided a comprehensive definition of criminalistics, characterizing it as a scientific discipline focused on the study of criminal activity and investigative procedures. He identified both crime and the work of investigators as the general objects of study, emphasizing the need to understand patterns of reflection and cognitive processes involved in criminal investigations.

Based on this understanding, Kornaukhov highlighted that criminalistics aims to develop practical methodologies, including strategies and techniques for crime investigation, tactical approaches, and their combinations for conducting specific investigative actions. Additionally, he underscored the role of technical and forensic tools in detecting, documenting, and analyzing crime traces, as well as scientific methods for examining physical evidence, thereby reinforcing the applied nature of criminalistics in law enforcement and forensic science [18, p. 18]. This definition of the subject is very cumbersome and causes a number of serious complaints about the knowledge of the laws of reflection processes, as philosophy studies this. In addition, the object of criminology is not criminal activity in general (it is studied to a greater extent by criminology) and not the activity of an investigator in general, but only the functional side of these types of activities.

According to the Kazakh scientist E.G. Dzhakishev (1994), criminalistics is the science of combating crime, fulfilling this task by using special forensic techniques and tools in the detection and investigation of crimes [19, p. 42].

Upon analyzing and synthesizing the perspectives of various scholars on the subject of criminalistics, R.S. Belkin's definition is considered the most accurate and comprehensive. His

approach is particularly notable as it aligns with the fundamental principles of scientific inquiry, taking into account objective patterns and presenting a succinct yet dialectical framework for understanding criminalistics.

While different scholars have proposed varying definitions, it would be inappropriate to dismiss or overly criticize their contributions, as each has played a significant role in advancing criminological theory. The evolution of criminology has been shaped by multiple viewpoints, each reflecting the scientific and practical priorities of its time.

Furthermore, in the broader academic discourse, there are no significant objections regarding the definition of criminology's tasks and objectives. Most scholars agree that any scientific definition—whether concerning the subject, object, or functions of criminology—should be grounded in scientific laws and maintain a practical orientation, rather than being confined to purely theoretical considerations.

As A.I. Vinberg and R.S. Belkin pointed out, “the general theory of criminalistics is a system of its basic principles and provisions ...” [20, p. 3]. The system of principles of criminalistics is an integral part of its general theory, since the principles reflect the content and structure of science, its goals and objectives, development prospects, and practical significance, the role and place in the fight against crime.

According to A.Ya. Ginzburg, the principle of the science of criminology is the main conclusion arising from scientific and practical activities in the field of criminology, reflecting the specifics of this science; the principles are presented as an interacting system with an internal and external sphere, since the main conclusions of the science of criminology include knowledge from other sciences, based on the universal principles of sciences. He believes that the system of principles of criminology consists of: general, private and special.

A.J. Ginzburg believes that the doctrine of the principles of criminology and the criminalistic doctrine of the laws that make up the subject of science. As the elements of the general are in the same system, they represent elements of the structure of the general theory and are therefore interconnected. The nature of these relationships is mutual, causing mutual influence on each other [21, p. 15–17].

R.S. Belkin and A.I. Vinberg believe that “the methodological foundations of science are its general theory, which includes a system of its ideological principles, theoretical concepts, categories and concepts, methods and connections, definitions and terms” [22, p. 11]. In the general theory of criminology, they include the teaching of the subject and system of criminology, its language and methods of forensic scientific research. Along with methodological (ideological, heuristic, and retrospective) functions, the general theory, according to these authors, also performs empirical functions: explanatory, synthesizing, and predictive. They believe that particular theories of criminology also have these functions: the theory of criminalistic identification, the theory of versions, fixation, etc.

The responsible functions of criminology in the scientific and technical support of law enforcement agencies at the present stage oblige them not to limit themselves to solving private, applied tasks. Fundamental research and the development of new ideas and concepts are needed [23, p. 7–8].

The development of methodological problems of criminology, the improvement and refinement of its philosophical concepts should be not only theoretical, but also of great practical importance.

According to R.S. Belkin, in order for a scientific theory to play the role of a general theory of criminology as a science and its methodological foundations, it must meet the following fundamental requirements:

- ♦ to cover the entire subject of science, to relate to it as a whole, and not to one of its elements;
- ♦ to relate not so much to phenomena as to the essence of the subject of research and explain this essence;
- ♦ to identify the pattern of relationships or connections of phenomena, i.e. the pattern of processes, the knowledge of which is the purpose of this branch of scientific knowledge;
- ♦ be based on the principles of reflection theory as a scientific worldview expressing the “dialectic of things” as the basis of the “dialectic of ideas”, and not vice versa;
- ♦ to represent a closed system of concepts, the elements of which are unusually closely connected and organically intertwined with each other, so that in the structure of the theory there are no isolated elements isolated from the rest of the parts” [12, p. 29].

Conclusions

From the perspective of scientific development principles, particularly the concept of historicism, this study examines the evolution of criminology's methodology as a scientific discipline. It outlines the key stages in the development of criminalistics methodology, with a particular focus on defining its subject, objectives, objects, and the principles governing scientific knowledge.

Although this study primarily adheres to R.S. Belkin's definition of criminology, this does not preclude the possibility of supplementing or reconsidering this definition from alternative perspectives. The dynamic nature of scientific progress and the influence of technological advancements necessitate continuous refinement and adaptation in criminology.

Additionally, specific forensic theories within the criminological methodology require further development. For instance, forensic identification still lacks a comprehensive framework for addressing identification issues related to liquid and bulk objects, particularly in defining a common source of origin for liquid microobjects. Similarly, the theory of trace formation mechanisms does not yet fully incorporate new categories of evidence, such as intellectual traces. Moreover, the theory of evidentiary information recording requires reevaluation, especially regarding the application of modern forensic techniques for detecting and documenting microprints and microobjects.

In this regard, R.S. Belkin's assertion remains highly relevant – the methodology of criminology must continue to evolve through a deeper examination of patterns and interconnections within the discipline. Advancing this field necessitates a systematic and scientifically grounded approach, ensuring that criminology remains a progressive and adaptable discipline aligned with its fundamental tasks and objectives.

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ФОРМИРОВАНИЕ МЕТОДОЛОГИИ КРИМИНАЛИСТИКИ КАК НАУЧНОГО ЗНАНИЯ

Аннотация

В данной статье показано формирование методологии криминалистики как научного знания. Рассмотрены основные этапы становления методологии криминалистики, которая в первую включает в себя определение таких понятий как предмет, задачи, объекты, принципы развития научного знания. Статья представлена в рамках конкурса на грантовое финансирование по научным и(или) научно-техническим проектам на 2024–2026 гг. (МНВО РК) «ИРН: AP23485634 Современная трансформация казахстанской пенитенциарной системы через механизм государственно-частного партнерства».

Ключевые слова: криминалистика, методология, преступления, криминалистическая техника, криминалистическая тактика, досудебное расследование.

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ҒЫЛЫМИ БІЛІМ РЕТІНДЕ КРИМИНАЛИСТИКА ӘДІСНАМАСЫН ҚАЛЫПТАСТЫРУ

Андатпа

Бұл мақалада ғылыми білім ретінде криминалистика әдіснамасының қалыптасуы көрсетілген. Криминалистика әдіснамасының қалыптасуының негізгі кезеңдері қарастырылады, ол бірінші кезекте пән, міндеттер, объектілер, ғылыми білімді дамыту принциптері сияқты ұғымдарды анықтауды қамтиды. Мақала 2024–2026 жылдарға арналған ғылыми және (немесе) ғылыми-техникалық жобалар бойынша гранттық қаржыландыруға арналған конкурс шеңберінде ұсынылған (ҚР МҒМ) «ИРН: AP23485634 мемлекеттік-жекешелік әріптестік тетігі арқылы қазақстандық пенитенциарлық жүйені заманауи трансформациялау».

Тірек сөздер: криминалистика, әдістеме, қылмыстар, криминалистикалық техника, криминалистикалық тактика, сотқа дейінгі тергеу.