

Complex forensic psycho-psychiatric examination: modernity and prospects

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Abstract. *Based on a selective analysis of forensic expert practice, the publication highlights existing debatable issues that arise during research activities in the field of borderline issues of forensic psychological and forensic psychiatric examinations. It is proposed to combine the efforts of expert psychologists and expert psychiatrists to organize scientific and methodological support for comprehensive forensic psychological and psychiatric examinations.*

Keywords: *forensic examination, special knowledge, expert psychologist, expert psychiatrist.*

In the context of modern reform of the legislation governing forensic expert activity, the practice of forensic psychological and psychiatric examination is filled with new categories that reflect the essence and tasks of research more deeply and more deeply and more deeply and more deeply and more deeply and more deeply and more deeply and more deeply and newer. Forensic psychological and psychiatric examination are sensitive to the dynamics of social processes and challenges of the present, responding to them by methodological rethinking of traditional scientific achievements and transforming them into new flexible theoretical and practical systems.

According to Art. 1 of the Law of Ukraine "On Forensic Expertise" "Forensic Expertise is a study on the basis of special knowledge in the field of science, technology, art, crafts, etc. of objects, phenomena and processes in order to provide a conclusion on issues that are or will be subject to trial" [1].

The law does not reveal the content of the concept of "special knowledge", but only refers them to the field of science, technology, art, crafts, etc.

The theoretical and practical issues of special knowledge are devoted to the work of domestic scientists (Gurin, D. P., Shcherbakovsky, M. G., Petrov, I. A., Spitsyna, G. O., Simakova-Efremyan, E. B. & Filipenko, N. E.). Instead, a variety of interpretations of the essence of special knowledge became a "cornerstone", which underlies different readings on the legality of the appointment of forensic examination to any specialist who has higher education in a separate field of knowledge.

Spitsina, G. O., defines special knowledge as a complex of knowledge and skills in various fields; a system of information on the field of science, technology and other spheres of human activity; knowledge used in the procedural order in the pre-trial investigation and in court proceedings; knowledge that is used in relation to scientific and technical means; knowledge that uses and implement the subjects of criminal justice in the process of practical activity, special training, taking into account professional experience; knowledge based on the system of theoretical knowledge in the relevant field; knowledge that requires considerable time and intellectual effort; Knowledge that contribute to the development of technical means and techniques of working with evidence and the establishment of significant circumstances relevant to proof [2].

Mikheyenko, M. M., Shibiko, V. P. & Dubinsky, A. Ya., from the structure of special knowledge of the expert have removed the well-known, public scientific knowledge, everyday and everyday information, as well as knowledge in the field of law [3].

Shepitko, V. Yu. considers special knowledge as a holistic system of scientific data (information) or objective skills acquired as a result of higher sectoral professional training, scientific activity, experience of practical work that correspond to the current level; Special knowledge has a limited range of knowledgeable persons, they are not professional knowledge of professionals in the field of law [4].

Honcharenko, V. H. emphasizes that special knowledge is the knowledge and skills gained as a result of professional education and / or practical activity in any field of science, technology, art or craft used by the participants of the process within the limits of their powers to solve tasks in a procedural order [5].

Examining scientific works on this issue at the angle of forensic and psychological expert studies in criminal proceedings, we have already noted, "... that special knowledge is a single system that ensures the effectiveness of the process of competent knowledge of the forensic expert. The logical organization of the process of cognition of an expert-psychologist is aimed at obtaining and justifying the acquired knowledge about the object of research, to transforming their activity into a subject-oriented, conscious scientific and practical search, designed in expert concepts and categories. This path is achieved through methods and methods of expert psychological research" [6, p. 88].

Forensic psychological and forensic psychiatric examinations in the general classification of expert sciences are considered as related ancestral expert disciplines. This is determined by the only orientation of these sciences to study the features of human mental activity.

When evaluating a person's mental activity, psychologists and psychiatrists approach this assessment by solving the task, taking into account their competence. The limits of competence are determined by the objects and the subject of examination, which is represented by an expert as a carrier of specialized knowledge, which is related to a comprehensive examination.

According to paragraph 1.2.14 "Instructions on the appointment and conduct of forensic examinations and expert research", approved by the order of the Ministry of Justice of Ukraine of October 8, 1998 No. 53/5 (as amended) "Comprehensive is an expertise conducted with the use Task (question)" [7].

In relation to a comprehensive forensic psycho-psychiatric examination (KSPPE), where the object of study is the same, it is a study and evaluation of the mental activity of a person (sub-expert) at different levels, the line of separation of which for different areas of special knowledge is the presence or absence of mental disorder. The limits of competence of experts involved in the KSPPE are determined by the amount of special knowledge of these experts. Thus, the expert-psychologist conducts a diagnostic and expert assessment of the features of a person's mental activity without mental disorders in certain legally significant periods of time (individual and psychological features of the individual, delayed development of a minor, peculiarities of emotional state of personality, etc.). The psychiatrist experts conducts a diagnostic and expert assessment of the mental state of a person to identify the presence of mental disorders in certain legally significant periods of time, differential diagnosis and expert assessment of mental disorders, etc.

An expert psychologist "solves the complex tasks of reconstructing the specificity of a person's mental activity in the situation in the past. Retrospective analysis requires the use of a complex of knowledge and skills - the possession of empirical and theoretical knowledge in the field of psychology, ways of testing and justifying the obtained results, the ability to combine specific properties of psychological phenomena

with abstractions (for example, with ideal models forensic psychological examination, etc. Therefore, in the course of the study, the expert combines knowledge of the theory of forensic expertise, scientific psychological knowledge, organizes his professional activity in accordance with the procedural procedure of examination" [6, p. 89].

With regard to the special knowledge and competence of the psychiatrist, the object of forensic psychiatry is not only directly given by a person, but also all other material carriers of information about his consciousness (perception of himself, surrounding and behavior), in the past (including a period of interest and the court). There are two aspects in the concept of competence. The first - covers a range of issues provided for by legislative acts and developed on the basis of departmental and instructive documents that the expert should decide. The same documents make certain requirements for the expertise and expert's conclusions. The second is a range of issues that the expert can solve, if all the necessary materials are available, based on the possibilities of science he represents. A prerequisite for the right determination of the limits of the competence of the psychiatrist is the coincidence of both aspects of this issue. The limits of the competence of the psychiatrist-expert include what makes the subject of judicial psychiatry; can be obtained by the forensic psychiatric method of diagnosis; can be proved by the means of this science; cannot be denied by anyone but other specialist in this field of knowledge [8].

Based on the description of the specificity of forensic and psychological and forensic psychiatric examination, in the implementation of the KSPPE limits of the competence of an expert psychologist and expert psychiatrist, there is the following:

- forensic psychological examination studies the features of mental activity (evaluates, analyzes, describes them, etc.) of persons without mental disorders;
- forensic psychiatric examination examines medical records and sub-expert (reveals, evaluates, diagnoses) in all their diversity, including in the distinction of the so-called mental norm and mental pathology with the appropriate qualification classification and scientific developments).

Selective analysis of expert practice shows that approaches to the KSPPE differ in different regions of Ukraine. One of the reasons for this situation is that there are no scientific developments in Ukraine currently in Ukraine, which include general methodological approaches to its implementation. Such a methodological gap requires the outline of concepts that will give a description of the object of study in categories transformed from "maternal" psychological and psychiatric sciences and adapted to the thesaurus of psychological and psychiatric research, methodologically streamlined and unify the process of interdisciplinary. appropriate use in criminal and civil processes. Therefore, in connection with the available discussion issues that arise during the research activities in the field of border issues of forensic psychological and forensic psychiatric expertise, it is urgent to combine the efforts of psychologists of the Ministry of Justice of Ukraine and the experts of the Ministry of Science and Psychiatics. The scientific-methodological and organizational-management support of forensic expert activity is determined by the provisions of Art. 8 of the Law of Ukraine "On Forensic Expertise" [1]. We suggest that we carry out joint activities on scientific and methodological support of KSPPE in two stages. In the first stage of the said joint activity, we see the development and coordination of the terminological apparatus in the specified areas of forensic examinations. We believe that the problem of using terminology that combines individual aspects in related fields of judicial psychological and forensic psychiatric examination is urgent. The development of a vocabulary of terms of judicial psychological and psychiatric examination will ensure the accuracy, scientific correctness of the language of experts and reflect the features of interdisciplinary terminology. This approach is based on the principles of universality of terms

(adaptation to different fields of special knowledge while maintaining its basic meaning) and contextual variability (clarification of the meaning of the term depending on expert discipline). In the second stage of joint activity, we see the development of modern methods (methodological recommendations) of the KSPPE, on the basis of which the organizational and expert stages of forensic activity will be regulated for providing reasonable (motivated) answers to expert questions within the professional competence of experts.

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