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ACMEOLOGICAL PRINCIPLES OF TEACHING ABOUT DUALITY OF LEGAL NATURE OF PROSECUTOR-CRIMINALIST'S PROFESSIONAL ACTIVITY

Annotation

In this article the author analyses and bases the main theoretical-methodological stages of the development acmeological conception of a procurator-criminalist's the unique duality professional activity. On the bases of a carry out investigation the author scientifically marks the ways and perspectives of an acmeological development the theoretical model of a professional a procurator-criminalist in conditions of a reforming procurator's office system.

There are all bases for the assumption that the procedural maintenance and volume of forms of activity of the criminalist, on the one hand, are caused by character of functions and problems of public prosecutor's activity as a whole. Though, together with it, on the other hand, - acmeological maintenance of its professional work, being nevertheless strongly connected with a supervising problem, assumes a little bit other specific niche, that is is filled by double sense.

In the given article the aim is to designate the vision on construction of bases of acmeological doctrines about a unique duality of the criminalist, that, probably, it will allow to be issued further to a hypothesis in the independent doctrine.

The subjective-akmeological approach [1] used in professionalism research is innovative as it focuses the criminalist on mastering the career strategy which is based on those moments of professional work, its algorithm and technology which allow him not only to self-actualize but

also to open, and then professionally to involve creative potential for achievement of productivity of the participation in process of the practical and methodical help to inspectors at investigation of criminal cases, that is actually to learn inspectors «precisely» to work on full disclosing of crimes.

Professionalism of activity of the criminalist is difficult enough for describing, being limited to exclusively quantitative criteria and indicators. It is possible to present *effectiveness* of the criminalist as set of expenses taking into account time during which he spent on rendering of the practical or methodical help, and a parity between the spent means and the received result. Therefore the motivation of professional work of criminalist has crucial importance not only in achievement of productivity and efficiency of performance of office problems. As a category which connects professionalism of activity of the criminalist and professionalism of the person of other subjects of criminal prosecution and reflects processes of mutual influence, we will accept the concept of *acmeological interaction*.

Today in structural divisions of bodies of Office of Public Prosecutor of Ukraine work only 85 public prosecutors-criminalists (only 7 in central office). In departmental documents which regulate activity of the public prosecutor-criminalist, as well as earlier, the attention addresses on their functional duties, instead of the procedural status [2]. But, as we see, it is not enough for it. After all, the special professional status of criminalist is the difficult and multidimensional phenomenon.

Last years there was a sharp requirement for reconsideration of many positions and criteria of methodical activity of public prosecutors-criminalists, granting to the given special kind of public prosecutor's work of the status of scientific activity.

It is necessary to note, that concepts of the practical and methodical help are relative. Nowadays it's time to consider methodical work as the foundation for innovations. It is necessary to carry out target monitorings and marketing researches for manufacturing of conceptual directions of functioning and development of service of prosecutors-criminalists. Though, at the same time it's difficult to define about what methodical job management of investigatory-operative group from the public prosecutor-criminalist it is said. In support of this, the professor V. Isaenko considers, that under existing conditions function of the public prosecutor-criminalist relates more to a specific version of the departmental control [3]. Introduction by the public prosecutor-criminalist of work of scientific recommendations in activity of investigating operative group, and also training of inspectors from its structure «in loco», that is in teamwork over disclosing of crimes gives the chance not only to reach results on criminal case, but also to seize these achievements, that is to learn inspectors to work truly.

One of basic principles of activity of prosecutors-criminalists is adaptation to changes.

Its basis is not only introduction in practice the investigation of separate innovations, but interaction of these changes. The maintenance of the methodical help on concrete criminal cases can be reduced to granting of councils, the recommendations connected with a technique and tactics of carrying out separate investigatory actions, qualification of crimes, etc.

Procedural powers of the inspector and the public prosecutor-criminalist correspond as a part and whole. We consider, that the new concept of methodical maintenance with public prosecutors-criminalists should be based on construction not on carrying out of regular checks of public prosecutor's office, and on mastering of forms of stimulation of innovative activity of Public Prosecutor Office' inspectors. Today in Ukraine it would be possible to present it in the form of ekspertno-diagnostic departures of public prosecutors-criminalists to Offices of Public Prosecutor of cities and areas for the purpose of carrying out of consultation, group discussions, innovative games-seminars, competitions, trainings, «brain storms». Such creative forms create a basis for the comparative analysis which stimulates the individual and collective creative initiative of trainees and inspectors-beginners.

The scientifically-methodical centres by which criminalistics departments are conceived, should generalise and introduce the best practices of investigation of especially difficult criminal cases, analyze and predict development of a net of expert establishments in region, develop and introduce innovative processes and technologies in investigatory practice. Unfortunately, till now, such state of affairs it is not reached. More likely on the contrary, the management of the state office of Public Prosecutor of Ukraine and, accordingly, regional public prosecutor offices on places because of cardinal change of structure of professional problems of public prosecutors-criminalists, in connection with change of jurisdiction, basically does not know than it is

productive to occupy them. After all the public prosecutor-criminalist, assisting exclusively on «economic» criminal cases, gradually loses the qualification.

There are debatable statements according to which optimum interaction of investigatory, forensic and investigation and search operations in service of public prosecutors-criminalists is reached due to conditional structural model of department of criminalistics where on posts of public prosecutors-criminalists work the former expert-criminalist, the former operative worker of criminal investigation department and the former inspector of law-enforcement bodies [4].

With such a decision of a personnel problem of institute of public prosecutors-criminalists we do not agree categorically. After all expert, detective and administrative traditions in acmeological sense can only prevent from construction of a unique role of the public prosecutor-criminalist both in investigatory-operative structure, and in structure of controlling activity. The negative fact is also that the police approach to the decision of office problems was included into structure of the person of such employee. And it is special display of a phenomenon of professionalism as it speaks only about their fidelity to the former professional business, but has noting in common with professionalism of the public prosecutor-criminalist which has another personal structure.

The personality of the public prosecutor-criminalist is characterised by qualitative and quantitative displays of mental properties which form its individuality - association of psychological features as the person and the expert, specific differences from colleagues surrounding him and, one of the basic, - certain professional uniqueness. In this connection psychological qualities and professional abilities of the public prosecutor-criminalist are a basis of its professionalism. Unfortunately, in practice

this thesis works, more often, only «basically», that is connected with duality of position of the public prosecutor-criminalist.

As some researchers, the public prosecutor-criminalist, in any measure, both the public prosecutor, and the inspector, and the expert - in one person [5]. But, at the same time, we will dare to disagree nevertheless in the main thing with last thesis as in such artificial generalisation of professional problems and remedial powers for their decision «universal uncertainty» the public prosecutor-criminalist appears. Besides admissions on carrying out of examinations at the public prosecutor-criminalist are not present; to carrying out of operatively-search actions it also cannot be admitted. There is criminalistics as art of investigation and «cut down» public prosecutor's powers.

In long-term practice there were some basic conditional tandems with the assistance of the public prosecutor-criminalist: *the public prosecutor-criminalist - the inspector; the public prosecutor-criminalist - the field investigator; the public prosecutor-criminalist - the expert*, each of which is filled with specific acmeological maintenance. Proceeding from it, we see in the public prosecutor-criminalist a unique coordination link between public prosecutors, inspectors, experts and field investigators that quite accept the name «acmeological bridge».

At the same time, parallelism in forms of activity of the supervising public prosecutor and the public prosecutor-criminalist, official position and which remedial powers evidently not the equivalent is obvious. Confirming to it in public prosecutor's collectives of the public prosecutor-criminalist even name «criminalist», thereby already terminologically depriving of his public prosecutor's status. It testifies that colleagues do not consider him as a high-grade public prosecutor.

It is undoubtedly, that the criminalistics includes tactics and a technique of investigation

of crimes, and not just research of traces of a crime and material evidences. Proceeding from it, it does not cause special objections that public prosecutors-criminalists can work perfectly on any category of criminal cases. However considerable efforts to «enter» into new business are necessary, to mobilise knowledge and to fill up professional experience, to adapt for the changed working conditions existing abilities and habits [6]. Therefore, the more big stock of receptions and means the public prosecutor-criminalist possesses, the higher his professionalism is.

Modelling assists in activity of the public prosecutor-criminalist to know concrete, has ample opportunities for studying of properties and the parties of separate objects, in many cases allows to establish concrete circumstances, to solve a question on existence of this or that event, the fact. After all only having imagined character of an office problem, the public prosecutor-criminalist will mobilise stocks of the knowledge. Therefore we entirely support J.Lekanova and A.Korotkov's thought that scientific knowledge should help to an investigation in a true establishment on criminal cases taking into account knowledge and experience of public prosecutors-criminalists [7].

Research work which a certain extent assists creation of innovations and their distribution for improvement of work of inspectors should become an integral part of methodical activity of public prosecutors-criminalists. Therefore criminalistics departments should accept constant participation in updating of curriculums of institutes, the regional educational centres, paying special attention to development by prosecutor's workers of scientifically proved methods and receptions of investigation and disclosing of crimes, thus widely to use possibilities of criminalistics and judicial examination, means of the software of the preliminary (pre-judicial) consequence, the

banks of forensic information, the investigation and search operations, special knowledge.

Possibilities of psychological and acmeological maintenance allow to resolve a problem of overcoming contradictions in professional work of public prosecutors-criminalists without psychological stresses and cardinal break of the generated stereotypes.

Unfortunately, imperfection of vocational training of public prosecutors-criminalists, the miscalculations admitted at this stage, can cause serious consequences. Today in Ukraine there were washed away functions of public prosecutors-criminalists that is negatively reflected in activity of departments of criminalistics of regional Offices of Public Prosecutor. As a result public prosecutors-criminalists actually lose professional significance as they cease to be a unique link in structure of bodies of Office of Public Prosecutor. It is necessary to realise, that proceeding from it through short time the Ukrainian public prosecutors-criminalists simply will forget to work in extreme «field» conditions. And it will be nothing to study the new public prosecutors-criminalists. Such state of affairs will lead to that the gold guards of Office of Public Prosecutor will irrevocably lose the unique potential.

Problem of professional longevity of the public prosecutor-criminalist should be put at the vocational training initial stage. And then the successful permission of this problem appreciably can be in hands of the public prosecutor-criminalist. As A.K.Markova has noted, for this purpose any subject of training should learn in appropriate way to organise the behaviour, having featured the program of professional self-preservation [8].

It is necessary to notice, that sometimes public prosecutors-criminalists exceed borders given by it the state of office powers, and sometimes, on the contrary, do not carry out

the duties assigned to them. It occurs on two principal causes: such a worker does it unconsciously, considering insufficient settlement of the remedial powers in the legislation; or it is conscious - when the personal purposes and values of the separate worker of Office of Public Prosecutor do not coincide with its standard established purposes. Under such circumstances competent work of separate public prosecutors-criminalists and activity of bodies of Office of Public Prosecutor acts in *dual (universal) quality*. But after all the maintenance of supervising activity in sphere of struggle against criminality and the maintenance of increase of efficiency of criminal prosecution at a prejudicial stage, cannot be identical, and, so, it is impossible.

Let's allocate two basic groups of forms of interaction of the public prosecutor-criminalist with investigatory-operative bodies:

1) *criminally-remedial legal relationship* - interaction with bodies of inquiry, a preliminary (pre-judicial) consequence and operatively-search activity in sphere of investigatory-operative activity where the public prosecutor-criminalist acts as the basic subject of realisation of criminal prosecution;

2) *supervising legal relationship* - interaction with investigatory-operative bodies concerning an establishment and realisation of supervision of observance of laws by bodies of inquiry, a preliminary (pre-judicial) consequence and operatively-search activity where the public prosecutor-criminalist acts as the basic subject of realisation of maintenance of legality in activity of investigatory-operative bodies in sphere of struggle against criminality.

Thus, as we see, the public prosecutor-criminalist in criminal legal proceedings acts as the security guard of legality, the defender of the rights of participants of criminal trial, and as one of the central subjects of criminal prosecution. But together with it, the existing limited parallelism

in forms of activity of the supervising public prosecutor and the public prosecutor-criminalist nevertheless is an undesirable phenomenon.

Some practical workers of Office of Public Prosecutor notice, that unjustified crushing of potential of their territorial use and harmful scientific reasonings concerning their legal status “[9] is the basic central reasons of insufficient efficiency of activity of public prosecutors-criminalists”. But after all together with it professional features of activity of public prosecutors-criminalists are defined by the maintenance of public prosecutor's activity in the whole and difficult division of labour in Office of Public Prosecutor by a branch principle or a specialisation principle. Besides, there are certain distinctions between public prosecutors-criminalists-heads (chiefs of groups, departments, managements) and public prosecutors - criminalists - executors (public prosecutors-criminalists of city and regional Offices of Public Prosecutor) on competence volume. Confirming to it, in practice there were unwritten rules according to which the public prosecutor-criminalist (executor) can give written instructions to the inspector of Office of Public Prosecutor and the public prosecutor of area on its own behalf only being «on departure» or on business trip in area where the given officials work; from regional Office of Public Prosecutor such instructions should arrive in areas only after the coordination with a management of investigatory management signed by the chief of department of criminalistics. A situation is similar with competency of the public prosecutor-criminalist (executor) of cancellation of decisions of the inspector. We see, that the similar state of affairs determines various degree of independence and responsibility of public prosecutors-criminalists.

Thus, we see, that specificity of a trade of the public prosecutor-criminalist differs from work of other public prosecutor's workers as an extreme variety. There is a considerable quantity of situations with a high emotional saturation and cognitive complexity of interpersonal dialogue. It demands from the public prosecutor-criminalist of the essential personal contribution to ability development to operate emotional intensity. Similar specificity, using existing classifications, allows to rank a trade «public prosecutor-criminalist» as a category of «trades of the higher type».

Here for realisation of these scientifically-practical intentions we also choose as the central axis acmeological concept of professional work of the public prosecutor-criminalist. Certainly, creation questions still require additional studying prognostic models which could display features of professional success of public prosecutors-criminalists substantially.

Definition of the general and specific acmeological features of development of professionalism of the public prosecutor-criminalist is the important stage of efficiency and reliability of its professional work. Therefore, we believe, that for today the most perspective problem consists in working out methods of development of acmeological bases of professionalism of the public prosecutor-criminalist.

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