

DOCUMENTS AS OBJECTS OF FORENSIC RESEARCH

The article is devoted to documents as objects of forensic research, the role of documents in criminal proceedings and the elements of which the documents consist. The article considers the need to distinguish documents as sources of evidentiary information in criminal cases into genuine and forged. The concept of authentic and forged documents.

Keywords: forensic examination of documents, document, information, forgery, forensic research.

Documents are the most important element of any information system functioning in society: social, economic, political, technical. Different types of information are materialized in different documents.

The term "document" comes from the Latin «dokumentum», which in ancient Rome meant "everything that can serve as a testimony, a lesson, an example." In jurisprudence, a document means a form of certification of events and facts in the form of a written act. In the procedural legislation, the document is indicated as one of the types of evidence.

The documents may contain information recorded both in writing and in another form. These may include photo and film materials, audio and video recordings, and other media. Therefore, in criminology, the term "document" is used in a broader sense as text or graphic material made in any way: handwritten, printed in a typographic or other way, drawn, drawn, engraved, as well as materials on digital and other media.

In criminal proceedings, a document can act in two procedural statuses: as a material evidence and another document - a source of evidence in the case. The document-material evidence must have the following characteristics: serve as an instrument, a means of committing a crime or retain traces of a crime; serve as a means to detect a crime and establish the circumstances of a criminal case; criminal

actions were directed at it or it was obtained as a result of the commission of a crime. The main difference between a document-a material evidence — is its irreplaceability in the case.

Other documents are allowed as evidence if the information contained in them is relevant for establishing the circumstances to be proved. Written evidence may be submitted in the form of a copy.

The document is intended to establish and certify the legal facts entailing the emergence, modification and termination of legal relations. Having a certain form, a number of individualizing elements (requisites), the document creates a certain evidentiary support for the facts fixed in it and, in the case of the content of information about circumstances relevant to the case, is written evidence. Such documents may be acts, contracts, certificates, business correspondence, other materials made in the form of digital, graphic records, including those obtained by fax, electronic or other communication, using the Internet information and telecommunications network or in any other way that allows you to establish the authenticity of the document.

The document consists of its individualizing elements - details, the ratio of which determines its form: standard, for which state standards provide for appropriate forms of the form and special requirements for details; standard, departmental, for which a strict form is not provided, but there are certain requirements established by legislation or rules of office work; documents of any form.

The details of the document are divided into basic and additional. The main ones include: signatures of persons authorized to sign, seal (stamp) impressions, the name of the document, the date of compilation, the name of the organization (full name of the individual) - the originator of the document. For standard form documents, the main details, respectively, are supplemented by the form of the form, registration number, etc. Additional details include the serial number, other elements due to the purpose of the document.

In document science, there are many reasons for classifying documents: according to the source of origin, official documents emanating from institutions and

officials are distinguished from private documents emanating from citizens, which, in turn, may be with a known source of origin and anonymous; by purpose, documents are administrative, executive, combined; by scope — accounting, monetary, identity, transport, personal, etc.

As sources of evidentiary information in criminal cases, documents should be distinguished into authentic and forged. The original document corresponds to reality both in content and in form: 1) the facts, events and properties reported in the document actually took place are characterized by exactly the properties described in the document, i.e. the evidentiary facts coincide with the content of the document; 2) the form (depending on the type of document) meets the requirement of an adequate reflection of reality with all its elements (requisites). In the original documents, valid and invalid (invalid, for example, an expired power of attorney) are distinguished.

A forged document can be with intellectual forgery (if it is correct in form, but does not correspond to reality in content) and with material forgery (if the content or other details of the document are falsified by making certain material changes). Documents with traces of material forgery in criminology are commonly called fake. The forgery can be complete (the document is forged in its entirety) or partial (changes have been made to the original document).

Forgery of documents is criminal concepts: criminal liability is provided for the manufacture and sale of counterfeit money and securities, credit, settlement cards and other payment documents, falsification of accounting and other accounting documents, forgery of prescriptions or other documents entitling to receive narcotic drugs and psychotropic substances, certificates or other official documents granting rights or exempting from duties, stamps, seals, forms, etc. Falsification of documents can be revealed during the investigation of almost all categories of crimes, as well as court proceedings in civil, arbitration, and administrative disputes.

Types of forgery:

- intellectual - drawing up a document that is correct from the formal side, but contains deliberately false information. It is established by carrying out various investigative actions: interrogation, inspection of documents;

- material — the content of the original document has been changed, i.e. false information has been introduced instead of the correct information contained (erasures, corrections, additions). It is established by forensic investigation.

Documents with traces of material forgery may be partially or entirely forged.

The division of documents into authentic and forged is necessary in order to exclude from the general system of evidence those documents whose content or form are falsified, if they were among the evidentiary data. The fact of forgery may have an independent meaning if the entire body of evidence collected serves to prove this fact.

In criminology, recommendations have been developed for the inspection and handling of a document-material evidence, which should be observed: to contain a document on paper in a transparent plastic cover of the "file" type, not to file it in the case materials, bend and fold only according to the existing folds, not to make notes, outlines; to place a document on another medium in an envelope or other packaging; to protect documents from exposure to light, moisture, high temperature, as this can lead to significant changes in their properties.

When working with documents at the preliminary investigation, the investigator should keep in mind that they may have handprints, microparticles of foreign substances, etc. Therefore, when handling documents, you need to use tweezers with rubber tips, rubber gloves, paper corners to preserve traces for subsequent expert studies. An investigative examination of the document can be carried out during the inspection of the scene of the incident or as an independent investigative action.

The investigative (judicial) examination of the document should begin with the study of its contents. The inspection includes a careful reading of the text, seal impressions (stamp), the full name of the signatories of the document, the form; identification of contradictions between the content of the document and well-known or established facts, inconsistencies between the content of individual details of the document; determination of the correctness of the results of arithmetic calculations.

Further attention is drawn to the signs of making changes to the document after its compilation (erasure, etching, additions, etc.). In this case, special technical means are used that do not entail damage to the document — illuminators that allow viewing the document in shadowless, directional illumination, in the lumen, in UV and IR rays, magnifying devices (magnifying glass, microscope), measuring instruments. When examining a document, attention is drawn to the method of its production: the presence of a form and filling it in with handwritten text, the production of the entire document using digital technologies, typewriting or other means.

The results of the investigative examination of documents are recorded in the inspection protocol in accordance with the norms of the Criminal procedure Law; it indicates the place, date and time of discovery of the document; its name and other details; the size, nature of the edges; the presence of folds, tears, stains and dirt; characteristics of paper, dye; signs of forgery and material forgery revealed during the inspection. As an additional method of fixation, photographing of the place of discovery of the document, its general appearance and individual features can be made according to the rules of forensic photography.

An investigative examination of the document, if necessary, can be carried out with the participation of a forensic specialist or other specialist, depending on the type and purpose of the document under investigation, using as a reference the original documents issued by the relevant state bodies and other organizations on behalf of which the relevant document was issued.

Thus, intellectual forgery is detected by conducting investigative, operational-search and judicial actions (interrogation, inspection, etc.), material forgery is detected by conducting forensic studies, although some of its signs can be identified by the investigator (judge) himself.

The results of the examination of the document as a potential material evidence should help to determine correctly in the form of the assigned forensic study, its capabilities, setting tasks for experts, collecting and preparing materials for

examination, since only as a result of forensic research (examination) can the fact of falsification of the document having evidentiary value in the case be established.

The forensic study of documents as a branch of criminology provides scientific and methodological support for solving problems related to: 1) the study of written speech (forensic science, forensic linguistics), 2) the study of writing (forensic handwriting), 3) the study of the details and materials of the document (technical and forensic study of the document).

The branch of criminology that studies the patterns of occurrence and movement of information about the material data carrier, means, methods and techniques of their research in order to establish circumstances relevant to the disclosure, investigation and prevention of crimes, resolution of criminal cases, is called the forensic study of documents.

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