DOI: https://doi.org/10.32353/acfs.3.2021.0
UDC 343.98

Ivan Yatsenko,
Doctor of Veterinary Sciences, Professor, Leading Researcher of National Scientific Center «Hon. Prof. M. S. Bokarius Forensic Science Institute»,
Kharkiv, Ukraine.
ORCID : https://orcid.org/0000-0001-8903-2129.
e-mail: yacenko-1971@ukr.net

Principles Of Forensic Expert Activities In Ukraine And Their Implementation In Forensic Veterinary Researche

Ivan Yatsenko

Abstract. The article examines the principles of forensic expert activities in Ukraine and formulates the conditions for their implementation in forensic veterinary research. It was established that the system of principles of forensic veterinary examination consists of general legal (the principle of rule of law, the principle of legality, and the principle of scientificity, systematicity, completeness and objectivity of the expert) and special ones (the principle of independence and procedural autonomy of the forensic veterinary expert, the principle of competence and certification of the forensic veterinary expert, the principle of scientific validity, objectivity, reliability, correctness and veracity of a forensic expert's conclusion, the principle of maximum preservation of research objects, the principle of verification of the expert's conclusion, the principle of professional ethics, the principle of personal responsibility of the forensic veterinary expert).

It is claimed that non-observance of at least one of the principles of forensic veterinary examination during forensic activity leads to a violation of the entire system of principles outlined by us (general and special), as well as non-compliance with the principles and norms of both the general legal system and procedural legislation, as well as violation of specified forms of implementation of expert procedures. This, in turn, creates conditions for the recognition of the expert's conclusion as not objective, not justified, not true, but, as evidence in the case, not admissible, and, therefore, in accordance with Art. 89 of the Criminal Procedural Code of Ukraine, it cannot be used in court proceedings, it can be referred to by an investigator or inquirer when drawing up an indictment, and a court when passing a court decision.

Key words: forensic expert activity, forensic veterinary examination, forensic expert, principle of rule of law, principle of legality, principle of scientificity, systematicity, completeness and objectivity of expert research, principle of independence and procedural independence of forensic expert, principle of competence and certification of forensic veterinary expert, principle of scientific validity, objectivity, reliability, correctness and truthfulness of the forensic expert's conclusion, principle of maximum preservation of research objects, principle of verification of the forensic

Funding

This research did not receive any specific grant from funding agencies in the public, commercial, or not-for-profit sectors.

Disclaimer

The funder had no role in the study design, data collection and analysis, decision to publish, or preparation of the manuscript.

Contributors

The author contributed solely to the intellectual discussion underlying this paper, case-law exploration, writing and editing, and accept responsibility for the content and interpretation.

Declaration of Competing Interest

The author declare that they have no conflict of interest.

Introduction. In the civilized world, one of the priorities for protecting the rights and freedoms of citizens if a forensic examination [1]. The need to conduct it arises in various spheres of human activity in order to establish facts and circumstances that have legal significance by a person knowledgeable in the

[1] Шепітько В. Ю. Проблеми використання спеціальних знань крізь призму сучасного кримінального судочинства в Україні. *Судова експертиза:* наук.-практ. журн. 2014. № 1. С. 11—18.

© I. Yatsenko, 2022

Іван ЯЦЕНКО

ПРИНЦИПИ СУДОВО-ЕКСПЕРТНОЇ ДІЯЛЬНОСТІ В УКРАЇНІ ТА ЇХ РЕАЛІЗАЦІЯ У СУДОВО-ВЕТЕРИНАРНИХ ДОСЛІДЖЕННЯХ

У роботі розглянуто принципи судово-експертної діяльності в Україні та сформульовано умови для їх реалізації у процесі судово-ветеринарних досліджень. Встановлено, що система принципів судово-ветеринарної експертизи складається із загальноправових (принцип верховенства права, принцип законності) та спеціальних (принцип науковості, системності, всебічності, повноти, неупередженості судово-ветеринарного експертного дослідження; принцип компетентності та атестації судово-ветеринарного експерта; принцип незалежності і методологічної самостійності судово-ветеринарного експерта; принцип допустимості використання методів, засобів і способів проведення судово-ветеринарних експертних досліджень; принцип максимального збереження об'єктів дослідження; принцип наукової обґрунтованості, об'єктивності, достовірності, правильності і правдивості висновку судово-ветеринарного експерта; принцип верифікації висновку експерта; принцип дотримання професійної етики судово-ветеринарним експертом; принцип особистої відповідальності судово-ветеринарного експерта).

Стверджується, що недотримання хоч одного із принципів судово-ветеринарної експертизи під час здійснення судово-експертної діяльності призводить до порушення всієї системи окреслених нами принципів, а також невідповідність принципам і нормам законодавства, а також порушення визначених форм здійснення експертних процедур. Це, у свою чергу, створює умови для визнання висновку експерта, необ'єктивним, необґрунтованим, неправдивим, а, як доказ за справою, недопустимим, отже, відповідно до ст. 89 Кримінального процесуального кодексу України його не можна використовувати у судочинстві для прийняття процесуальних рішень, на нього не може посила-

field of science and technology. After all, the forensic examination is the most qualified form of using special knowledge in the judiciary [2].

Forensic expertise significantly expands the cognitive capabilities of the court and pre-trial investigation bodies, allowing the use of the entire arsenal of scientifically proven means of cognition during the investigation of offenses [3]. Among existing types of forensic examinations, a special place is occupied by the forensic veterinary examination [4]. The latter is well developed in foreign countries on different continents [5], but in Ukraine it is a relatively new type of research, because in the system of specialized institutions of the Ministry of Justice of Ukraine this direction was opened in 2019 at the initiative of National Scientific Center «Hon. Prof. M. S. Bokarius Forensic Science Institute» [6]. However, despite the fact that not too much time has passed since its opening, it has already become the main channel that provides the judiciary with the latest achievements in the field of veterinary medicine [7].

Given the fact that the conceptual theoretical provisions of the forensic veterinary examination, including the implementation of the principles of forensic expert activity in Ukraine in forensic veterinary research, taking into account the specifics of the subject and the features of the object of research, are currently at the stage of formation, there is there is an urgent need for their development and theoretical justification and practical approval.

Analysis of publications where this problem solution is initiated. Separate questions regarding the principles of forensic expertise as a science and the principles of practical expert activity were discussed by Ukrainian and foreign legal scholars, among them: O. M. Kliuiev, E. B. Simakova-Yefremian, M. H. Shcherbakovskyi, V. Yu. Shepitko, I. R. Shynkarenko, V. M. Baranyk, A. V. Ostropilets, O. O. Oliinyk, A. O. Kazarov, O. I. Zherebko, M. Sokolovskyi, V. H. Honcharenko, V. O. Konovalova, M. V. Saltevskyi, M. Ya. Sehai, V. A. Zhuravel, N. I. Klymenko, V. K. Strynzha, S. A. Tsypyniuk, V. S. Berher, I. V. Pyrih, I. V. Hora, R. L. Sopilnyk and others [8].

---

2 Сімакова-Єфремян Е. Б. До питання про призначення та проведення судової експертизи у кримінальному процесі України. Сучасні напрями розвитку судової експертизи та криміналістики: тези доп. наук.-практ. конф., присвяч. пам'яті Засл. проф. М. С. Бокаріуса (м. Харків, 20 грудня 2016 р.). Харків, 2016. С. 254—256.

3 Щербаковський М. Г. Теоретико-методологічні та праксеологічні засади судових експертиз у кримінальному процесі : автореф. дис. ... д-ра юрид. наук: 12.00.09. Харків : ХНУВС, 2016. 40 с.

4 Яценко І. В., Дереча Л. М. Можливості судово-ветеринарної експертизи як нового виду судових експертиз. Там само. С. 550—567. DOI: 10.32353/khrife.1.2019.044.

5 Brinkmann B. Harmonisation of medico-legal autopsy rules. International journal of legal medicine. 1999. Vol. 113. Is. 1. Pp. 1—14; Ottinger T., Rasmusson B., Segerstad C. H. A. Merck M. Goot F. V. D. Olsen L., Gavier-Widen D. Forensic veterinary pathology, today's situation and perspectives. Veterinary record. 2014. Vol. 175. Is. 18. DOI: 10.1136/vr.102306; Munro R., Ressel L., Gröne A., Hetzel U., Jensen H. E., Paciello O., Kipar A. European Forensic Veterinary Pathology Comes of Age. J Comp Pathol. 2020. Vol. 179. Pp. 83—88. DOI: 10.1016/j.jcpa.2020.08.003 ; Listos P., Gryzinska M., Kowalczyk M. Analysis of cases of forensic veterinary opinions produced in a research and teaching unit. Journal of forensic and legal medicine. 2015. Vol. 36. Pp. 84—89. DOI: 10.1016/j.jflm.2015.08.002; Brooks Brownlie H. W., Munro R. The Veterinary Forensic Necropsy: A Review of Procedures and Protocols. Vet Pathol. 2016. Vol. 53. Is. 5. Pp. 919—928. DOI: 10.1177/0300985816655851; Benetato M. A., Reisman R., McCobb, E. The veterinarian's role in animal cruelty cases. Javma-journal of the american veterinary medical association. 2011. Vol. 238. Is. 1. Pp. 31—34. DOI: 10.2460/javma.238.1.31.

6 Клюєв О. М. Удосконалення експертного забезпечення правосуддя: теоретичні, правові та організаційні аспекти. Теорія та практика судової експертизи і криміналістики : зб. наук. пр. 2019. Вип. 19. С. 102–117. DOI: 10.32353/khrife.1.2019.08.

7 Яценко І. В. Місце судово-ветеринарної експертизи в системі судових експертиз та її значення у судочинстві. Eurasian scientific discussions. Proceedings of the 4th International scientific and practical conference. Barca Academy Publishing. Barcelona, Spain. 2022. Pp. 27–29. URL: https://sciconf.com.ua/iv-mezhdunarodnaya-nauchno-prakticheskaya-konferentsiya-eurasianscientific-discussions-8-10-maya-2022-goda-barselona-ispaniya-arhiv.

8 Див., наприклад, Клюєв О. М. Правове регулювання судової експертизи в справах про адміністративні правопорушення: сучасний стан і перспективи розвитку. Теорія та

National legislation clearly regulates the organization and conduct of forensic examination, which is based on certain fundamental principles, in particular, legality, independence, objectivity and completeness of research [9]. However, Ukraine still lacks a comprehensive interpretation and scientific justification of approaches to the application of the principles of forensic examination in forensic veterinary research, since modern forensic veterinary examination is progressively developing and has recently been replenished with the latest scientific developments, which are implemented and effectively used in practical activities. Thus, in recent years, the theory and practice of forensic veterinary examination has been enriched with developed expert methods and methodical recommendations for conducting forensic veterinary examination of live sub-expert animals [10], as well as animal corpses due to violent death [11].

In connection with the above, the solution to the above issue is conditioned by the need for proper organization of the forensic veterinary examination at the stage of pre-trial investigation or trial of the case regarding offenses committed against the life and health of animals for the satisfaction of society in a fair trial.

Article Purpose. Formulate and substantiate the conceptual theoretical provisions for the implementation of the principles of forensic expert activity in forensic veterinary research, taking into account the specifics of the subject and the features of the research object.

Main Content Presentation. Forensic expert activity is a specific type of human activity, which consists in the organization and conduct of forensic examinations and expert research aimed at providing authorized persons or bodies, legal entities and individuals with independent, qualified and objective conclusions, oriented to the maximum use of the achievements of science and technology, creation and improvement of the scientific and

практика судової експертизи і криміналістики: зб. наук. пр. Харків, 2016. Вип. 16. С. 142—148; Сегай М. Я. Судебная экспертология: объект, предмет, природа и система науки. Там само. 2003. Вип. 3. С. 25—32; Сімакова-Єфремян Е. Б. До питання про нормативно-правове регулювання судово-експертної діяльності в умовах судової реформи в Україні//Актуальні питання судової експертизи і криміналістики: мат-ли круглого столу з нагоди 100-річ. від дня народж. проф. М. В. Салтевського (Харків,30.10.2017). Харків, 2017. С. 68—70; Шепітько В. Ю. Проблеми використання спеціальних знань крізь призму сучасного кримінального судочинства в Україні. Судова експертиза: наук.-практ. журн. 2014. № 1. С. 11—18; Щербаковський М. Г. Проведення та використання судових експертиз у кримінальному провадженні: монографія. Харків, 2015. 560 с.; Клименко Н. І. Загальна теорія судової експертології: поняття і місце в системі наукового знання. *Збірник наукових праць Ірпінської фінансовоюридичної академії (економіка, право).* 2013. Вип. 2. С. 101—106.; Пиріг І. В. Теоретичні основи експертної діяльності органів внутрішніх справ: монографія. Дніпропетровськ, 2011. 312 с.; Гора І. В. Комплексна судова експертиза в аспекті дослідження міжгалузевого інституту судових експертиз в судочинстві України. *Вісник Академії адвокатури України*. 2014. Т. 11. № 3 (31). С. 145—153; Олійник О. О. Сучасний теоретичний вимір принципів адміністративно-правового регулювання судово-експертної діяльності. Науковий вісник публічного та приватного права. 2015. Вип. 1. С. 101—107; Губін Г. Ефективність дотримання принципів судово-експертної діяльності / Офіційний сайт громадської організації «Наукова спільнота». URL: http://www.spilnota.net.ua/ua/article/id-1358; Сопільник Р. Л. Наукова обґрунтованість, об'єктивність, повнота експертного дослідження. Medzinárodná vedecká konferencia «Právna veda a prax v treťom tisícročí» (Кошице, 27—28.02.2015). Кошице, 2015. С. 194—196.

[9] Про судову експертизу : Закон України від 25.02.1994 № 4038-XII. URL: https://zakon.rada.gov.ua/laws/show/4038-12#Text.

[10] Яценко І. В., Дереча Л. М., Париловський О. І. Новітні наукові й практичні здобутки та перспективи розвитку судово-ветеринарної експертизи живих тварин в Україні. Актуальні питання та перспективи розвитку судової експертизи та криміналістики : мат-ли Міжнар. наук.-практ. конф. (Одеса, 03.09.2021). Одеса, 2021. С. 368—373.

[11] Яценко И., Дереча Л., Казанцев Р. Новейшие научнуе и практические достижения и перспективу развития судебно-ветеринарной экспертизу трупов животнух в Украине. *Legea şi Viaţa*. 2021. № 1. Vol. II. Pp. 94—99 ; Яценко І. В., Казанцев Р. Г. Порядок проведення судово-ветеринарної експертизи трупів тварин в секційній залі спеціалізованої експертної установи. *Ветеринарія, технології тваринництва та природокористування*. 2021. 7. С. 179—191. DOI: 0.31890/vttp.2021.07.28.

тися слідчий чи дізнавач під час укладання обвинувального висновку, а суд – під час ухвалення судового рішення.

Ключові слова: принципи, судово-експертна діяльність, судово-ветеринарна експертиза, судовий експерт, законність, експертне дослідження, незалежність, процесуальна самостійність, компетентність, висновок судового експерта, відповідальність.

Ivan YATSENKO

PRINCIPLES OF FORENSIC EXPERT ACTIVITIES IN UKRAINE AND THEIR IMPLEMENTATION IN FORENSIC VETERINARY RESEARCHE

The article examines the principles of forensic expert activities in Ukraine and formulates the conditions for their implementation in forensic veterinary research. It was established that the system of principles of forensic veterinary examination consists of general legal (the principle of rule of law, the principle of legality, and the principle of scientificity, systematicity, completeness and objectivity of the expert) and special ones (the principle of independence and procedural autonomy of the forensic veterinary expert, the principle of competence and certification of the forensic veterinary expert, the principle of scientific validity, objectivity, reliability, correctness and veracity of a forensic expert's conclusion, the principle of maximum preservation of research objects, the principle of verification of the expert's conclusion, the principle of professional ethics, the principle of personal responsibility of the forensic veterinary expert).

It is claimed that non-observance of at least one of the principles of forensic veterinary examination during forensic activity leads to a violation of the entire system of principles outlined by us (general and special), as well as non-compliance with the principles and norms of both the general legal system and procedural legislation, as well as violation of specified forms of implementation of expert procedures. This, in turn, creates conditions for the recognition of the expert's

conclusion as not objective, not justified, not true, but, as evidence in the case, not admissible, and, therefore, in accordance with Art. 89 of the Criminal Procedural Code of Ukraine, it cannot be used in court proceedings, it can be referred to by an investigator or inquirer when drawing up an indictment, and a court when passing a court decision.

Key words: forensic expert activity, forensic veterinary examination, forensic expert, principle of rule of law, principle of legality, principle of scientificity, systematicity, completeness and objectivity of expert research, principle of independence and procedural independence of forensic expert, principle of competence and certification of forensic veterinary expert, principle of scientific validity, objectivity, reliability, correctness and truthfulness of the forensic expert's conclusion, principle of maximum preservation of research objects, principle of verification of the forensic expert's conclusion, principle of professional ethics, principle of personal responsibility of the forensic veterinary expert.

Ivan YATSENKO

PRINCIPES DE L'ACTIVITÉ DES EXPERTS JUDICIAIRES EN UKRAINE ET LEUR RÉALISATION DANS LES ÉTUDES MÉDICO-LÉGALES VÉTÉRINAIRES

Le document examine les principes de l'activité d'expertise médico-légale en Ukraine et formule les conditions de leur mise en œuvre dans la recherche vétérinaire médico-légale. Il a été établi que le système de principes de l'examen vétérinaire médico-légal comprend des principes juridiques généraux (le principe de l'État de droit, le principe de légalité et le principe de scientificité, de systématicité, d'exhaustivité et d'objectivité de l'expert) et spéciaux (le principe d'indépendance et d'autonomie procédurale de l'expert médico-légal, le principe de compétence et d'attestation de l'expert judiciaire-vétérinaire, le principe de validité scientifique, d'objectivité, de fiabilité, d'exactitude et de véracité de l'avis de l'expert médico-légal, le

methodological base in the field of criminalistics and forensic examination, as well as state administration in this area. The scientific basis of forensic activity is forensic examination, one of which is forensic veterinary examination.

At the core of forensic expert activity are the principles that are important in the theory of forensic expertise. K. S. Belskyi [12] notes that principles in modern scientific literature mean initial, objectively determined, guiding (key) principles of law that reflect its essence and content, determine the basic rules of scientific knowledge, the orientation of legal regulation of social relations and establish the general order of practical activity.

Accordingly, under the principles of regulation of forensic veterinary expertise, it is necessary to understand the system of fundamental guidelines, starting points, key ideas that reflect the essence and content of the activity of the forensic veterinary expert, determine the basic rules of scientific knowledge of specific material and materialized objects of research, establish the general order practical activity of the expert and aimed at regulating legal relations regarding forensic veterinary examination. Therefore, the principles of forensic expert activity are the basis of the regulation of forensic veterinary expertise and are an objective basis aimed at ensuring the activity and highlighting the most essential features that will influence its optimization and improvement, in accordance with the latest requests of the judiciary.

This understanding of the concept of "principles" correctly orients the forensic expert in their professional activity, emphasizes the most important thing, the unity of the subjective and objective that they must take into account in his activity.

The issue of classification of the forensic expert activity's principles and their content is currently being actively discussed on the pages of scientific legal publications by legal scholars: A. V. Ostropilts [13], A. O. Kazarov [14], O. O. Oliinyk [15], I. V. Pyrohov and I. R. Shynkarenko [16] , O. I. Zherebko [17] etc.

Despite the fact that the current Law of Ukraine "On Forensic Examination" provides the basic principles of forensic expert activity in Ukraine, however, other principles can be formulated in different areas of forensic expert activity. Thus, M. Shcherbakovskyi [18] suggests using the following principles: the competence of the forensic expert, the possibility of checking the expert's conclusions by the person who appointed the expertise, observing the safety and rights of the person during the expert investigation, the competence of the forensic expert.

In terms of practical application of the principles of forensic expert activity, V. M. Sherstiuk proposes the following system of them: the principle of legality, the principle of objectivity, the principle of comprehensiveness and completeness of research, the principle of independence of the expert, the principle of personal responsibility of the expert, the principle of scientific research, the principle of independence of the expert, the principle of general

[12] Бельский К. С. О принципах административного права. Административное право и административнуй процесс: старуе и новуе проблему. *Государство и право*. 1998. № 8. С. 5–32.

[13] Остропілець А. В. Принципи адміністративно-правового регулювання судово-експертної діяльності в Україні. *Прикарпатський юридичний вісник*. 2018. Вип. 1 (22), т. 3. С. 197—202.

[14] Казаровим А. О. Принципи адміністративно-правового регулювання судово-експертної діяльності у справах про адміністративні правопорушення, пов'язані з дорожньо-транспортними пригодами. *Теорія та практика судової експертизи і криміналістики*. 2020. № 22. С. 260—271. DOI: 10.32353/khrife.2.2020.20.

[15] Олійник О. О., Галунько В. В., Єщук О. М. Адміністративно-правове регулювання судово-експертної діяльності : монографія. Херсон : Грінь Д. С., 2015. 224 с.

[16] Пиріг І. В., Шинкаренко І. Р. Принципи судової експертизи. *Теорія та практика судової експертизи і криміналістики*. 2020. № 22. С. 101—107. DOI: 10.32353/khrife.2018.24.

[17] Жеребко О. І. Судово-експертна діяльність: сутність, принципи, організаційні основи: автореф. дис.. … к. ю. н. : 12.00.09. Запоріжжя, 2010. 22 с.

[18] Щербаковский М. Г. Судебнуе экспертизу : учебно-теоретическое пособие. Харьков : Эспада, 2005. 536 с.

availability of results, the principle of cognitive value, the principle of expert activity, the principle of dynamism of research [19].

According to O. Zaitseva [20] the principles of forensic expert activity are as follows: the principle of legality, the principle of procedural independence and independence of the expert, the principle of completeness and objectivity of the expert conclusion, the principle of personal responsibility of the expert, the principle of expert activity, the principle of conducting research on the basis of the case materials provided to the expert by the investigator, the principle of public availability of the results of the examination, the principle of distinguishing expert functions from the functions of other participants in the process.

As an addition to the main principles, S. Romaniv and I. Holiash [21] propose to single out the following principles: respect for the rights and legitimate interests of a citizen and legal entity, the principle of maximum preservation forensic examination's objects, and the principle of compliance with the expert's professional ethics.

The Draft Law "On Forensic Examination and Self-Government of Forensic Experts" dated on 04.2018 No. 8223 [22] provides for slightly different principles of forensic expert activity, in particular: the principle of the rule of law; the principle of scientific validity; the principle of independence of the forensic expert; the principle of admissibility of using methods, means and ways of conducting research; the principle of comprehensiveness, completeness and objectivity of research conducted using modern achievements of science and technology; the principle of maximum preservation of research objects; the principle of compliance with the rules of a forensic expert's professional ethics; the principle of observing the rights and freedoms of a person and a citizen.

The Draft Law "On Forensic Expert Activity in Ukraine" dated on 30.03.2017 No. 6264 shows that forensic expert activity should be organized on such principles as: the principle of observing the rights, freedoms and legitimate interests of a person and a citizen, rights and legal interests of a legal entity; principle of legality; the principle of independence of the forensic expert; the principle of completeness and objectivity of forensic research; the principle of maximum preservation of research objects; the principle of compliance with the forensic expert's professional ethics.

The system of principles of forensic expert activity is formulated in the Draft Law "On Forensic Examination and Self-Government of Forensic Experts" dated on 03.04.2018 No. 8223 [23], which stipulates the following: the principle of the rule of law, the principle of observing human rights and freedoms; principle of legality; principle of impartiality; the principle of independence, objectivity and completeness of research; the principle of maximum preservation forensic medical examination's objects, political neutrality.

Despite the wide variety of principles of forensic expert activity, it is advisable to divide them all into two groups: general legal (theoretical) and

principe de préservation maximale des objets de recherche , principe de vérification de l'avis de l'expert, principe de déontologie, principe de responsabilité personnelle de l'expert vétérinaire médico-légal).

Il est allégué que le non-respect d'au moins un des principes de l'examen vétérinaire médico-légal lors de la mise en œuvre des activités d'experts médico-légaux entraîne une violation de l'ensemble du système de principes que nous décrivons (droit général et spécial), ainsi que le non-respect des principes et des normes du système général de droit et de la législation procédurale, ainsi que la violation de certaines formes de procédures d'expertise. Ceci, à son tour, crée des conditions pour reconnaître la conclusion de l'expert, non pas objective, non justifiée, fausse, mais, en tant que preuve dans l'affaire, non recevable et, par conséquent, conformément à l'art. 89 du Code de procédure pénale de l'Ukraine, il ne peut pas être utilisé dans les procédures judiciaires pour les décisions de procédure, il ne peut pas être mentionné par un enquêteur ou un enquêteur lors de la conclusion d'un acte d'accusation.

Mots-clés: activité d'expert judicaire, examen médico-légal vétérinaire, expert médico-légal, principe de primauté du droit, principe de légalité, principe de scientificité, cohérence, exhaustivité et objectivité de la recherche d'experts, principe d'indépendance et d'indépendance procédurale d'expert judiciaire, principe de compétence et de certification d'expert vétérinaire judiciaire, principe de validité scientifique, objectivité, fiabilité, exactitude et véracité de la conclusion d'expert judicaire, principe de préservation maximale des objets de recherche, principe de vérification de la conclusion d'expert judicaire, principe du respect d'éthique professionnelle, principe de responsabilité personnelle d'expert vétérinaire médico-légal.

[19] Шерстюк В. М. Принципи судово-експертної діяльності. *Теорія та практика судової експертизи і криміналістики*: зб. наук. праць. Харків : Право, 2008. Вип. 8. С. 18—23.

[20] Зайцева Е. А. Правовой институт судебной экспертизу в современнух условиях. Волгоград: ВолГУ, 2003. 188 с.

[21] Романів С. Р., Голяш І. Д. Основні напрями вдосконалення правового регулювання судово-економічної експертизи в Україні. *Економіка і суспільство*. 2017. Вип. 10. С. 796—802. URL : http://www.economyandsociety.in.ua/journal/10_ukr/135.pdf.

[22] Про судово-експертну діяльність в Україні : проєкт закону України від 30.03.2017 № 6264. База даних «Законодавство України». Верховна Рада України. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=61469.

[23] Про судову експертизу та самоврядування судових експертів : проєкт закону від 03.04.2018 № 8223 // База даних «Законодавство України» / Верховна Рада України. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=63780.

special - principles of practical expert activity. Special principles complement general principles. Supporting the opinion of other legal scholars on this issue, we note that the number of general legal principles should be minimal so that they are not dispersed, and, accordingly, so that their importance is not lost, at the same time they should be compact, specific and comprehensive.

Thus, in the theory of forensic veterinary examination, in our opinion, general and special principles should be considered (Fig. 1). In general, they make up a single and inseparable system, because the violation of at least one of them is a violation of all the others, because if the conducted expert research is biased, then it cannot be considered objective, justified, correct, truthful, legal, qualified, scientific etc.

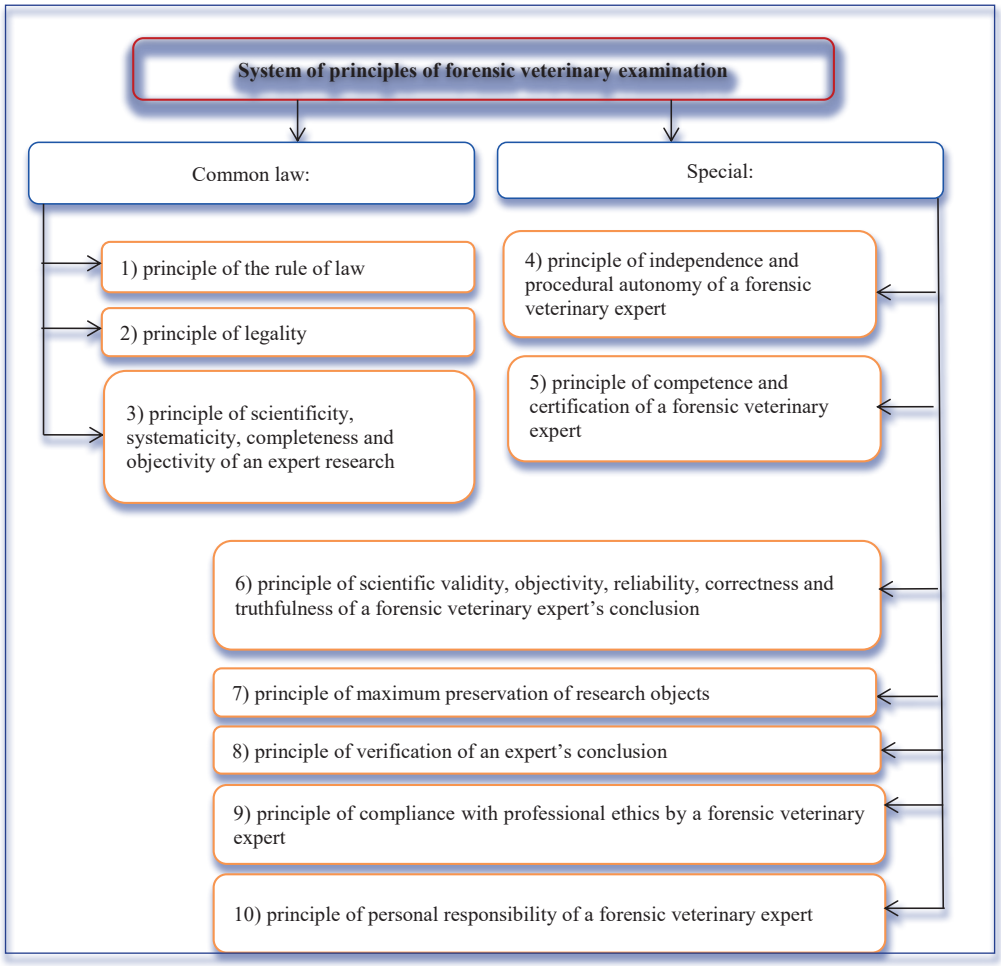


Fig. 1. Block Diagram: "System of principles of forensic veterinary examination"

General legal principles have fundamental importance in the system of legal relations regarding objects of forensic veterinary examination, and special principles are auxiliary ones. However, all of them are focused on the

maximum use of the latest achievements of veterinary science and veterinary technologies in judicial proceedings [24].

Therefore, the multifacetedness, complexity of the internal structure and content of the concept of principles of forensic expert activity in Ukraine require interpretation regarding the specifics of their application in various types of forensic examinations, including the forensic veterinary examination.

The quality of the conducted forensic veterinary examination depends entirely on many factors: its scientific and methodological support, the development and testing of the principles that underlie the forensic veterinary examination, taking into account the specifics of the subject and objects of research, the level of the expert's special knowledge during the solution him of a certain expert task.

Next, we will analyze the content of principles of forensic expert activity in Ukraine and find out the ways of their implementation in forensic veterinary research. Among the principles of forensic expert activity in Ukraine, proposed by legal scholars, we will focus on the 10 most important.

1) Implementation of the principle of the rule of law is constitutional, common law and of fundamental importance. Its content is that forensic expert activity, including during forensic veterinary examination, is carried out in compliance with the rights, freedoms and legitimate interests of a person and citizen, the rights and legitimate interests of legal entities in accordance with the Constitution, laws of Ukraine and generally recognized principles and norms of international law.

No one can be above the law and everyone is equal before the law, including forensic experts. This understanding of the content of the principle of the rule of law also lies in procedural legislation, in particular the Criminal Procedural Code (Art. 7) [25], the Civil Procedural Code (Art. 3) [26], the Commercial and Procedural Code of Ukraine (Art. 2) [27]. Thanks to this principle, universal human values are recognized, which are at the highest level of the hierarchical system, in particular: justice, ensuring the rights and freedoms of a person and a citizen.

Violation of the analyzed principle during the forensic veterinary examination may lead to the recognition of the expert's conclusion as biased, known to be false, and, therefore, such that it cannot be evidence in the case.

2) The implementation of the principle of legality consists in the rule of law in social relations, including in forensic expert activity. Since forensic examination is a legal institution, it must comply with the principles and norms of both the general legal system and procedural legislation. In the system of any sub-legal activity, there can be no expert procedures that are free from legal regulation or that contradict the current principles and normative legal acts that have a higher legal force.

The principle of legality, as a general legal basis of forensic expert activity, has great importance, because its essence consists, on the one hand, in directing specialized expert institutions and forensic experts to the strict observance of the current legislation, the correct application of the norms of material and procedural law during the conduct of forensic examinations, as well as the implementation of expert procedures in a clearly defined form,

[24] Byard R. W., & Boardman W. The potential role of forensic pathologists in veterinary forensic medicine. Forensic science medicine and pathology. 2011. Vol. 7. Is. 3. Pp. 231—232. DOI: 10.1007/s12024-011-9241-x (дата звернення: 01.02.2022); McDonough S. P., McEwen B. J. Veterinary Forensic Pathology: The Search for Truth. Veterinary pathology. 2016. Vol. 53. Is. 5. Pp. 875—877. DOI: 10.1177/0300985816647450.

[25] Кримінальний процесуальний кодекс України: Закон України № 4651–VI. URL: https://zakon.rada.gov.ua/laws/show/4651-17#Text

[26] Цивільний процесуальний кодекс України: Закон України від 18.03.2004 № 1618–IV. URL: https://zakon.rada.gov.ua/laws/show/1618–15#Text

[27] Господарський процесуальний кодекс України: Закон України від 06.11.1991 № 1798–XII. URL: https://zakon.rada.gov.ua/laws/show/1798–12#Text

Ivan YATSENKO

PRINZIPIEN DER TÄTIGKEIT VON FORENSISCHEN EXPERTEN IN DER UKRAINE UND IHRE UMSETZUNG IN DER FORENSISCHEN VETERINÄRFORSCHUNG

Die Arbeit untersucht die Prinzipien der forensischen Expertentätigkeit in der Ukraine und formuliert die Bedingungen für ihre Umsetzung im Prozess der forensischen Veterinärforschung. Es wurde festgestellt, dass das Grundsatzsystem der forensischen tierärztlichen Untersuchung aus allgemeinen Rechtsgrundsätzen (Rechtsstaatsprinzip, Legalitätsprinzip) und besonderen (Grundsatz der Wissenschaftlichkeit, Systematik, Vollständigkeit, Vollständigkeit, Unparteilichkeit des forensischen Veterinärwesens) besteht Sachverständigenforschung; der Grundsatz der Befähigung und Zertifizierung des forensisch-tierärztlichen Sachverständigen; der Grundsatz der Unabhängigkeit und methodischen Unabhängigkeit des forensisch-tierärztlichen Sachverständigen; der Grundsatz der Zulässigkeit der Anwendung von Methoden, Mitteln und Methoden zur Durchführung der forensisch-tierärztlichen Sachverständigenforschung; der Grundsatz der größtmöglichen Erhaltung der Forschungsgegenstände; das Prinzip der wissenschaftlichen Validität, Objektivität, Verlässlichkeit, Richtigkeit und Wahrhaftigkeit der Schlussfolgerung des forensisch-tierärztlichen Gutachtens; das Prinzip der Verifizierung des Gutachtens; das Prinzip der Wahrung der Berufsethik durch den forensisch-tierärztlichen Gutachter Sachverständiger; Grundsatz der Eigenverantwortung des rechtsmedizinischen Sachverständigen).Es wird behauptet, dass die Nichtbeachtung mindestens eines der Grundsätze der forensischen tierärztlichen Untersuchung bei der Durchführung der forensischen Sachverständigentätigkeit zu einem Verstoß gegen das gesamte von uns skizzierte Grundsätzesystem sowie zur Nichteinhaltung der Grundsätze und Normen führt Rechtsvorschriften sowie ein Verstoß gegen die vorgeschriebenen Formen des Sachverständigenverfahrens. Dies wiederum schafft Voraussetzungen dafür, das Gutachten des Sachverständigen als befangen,

unbegründet, unwahr und damit als Beweismittel gemäß Art. 89 der Strafprozessordnung der Ukraine, es kann nicht in Gerichtsverfahren verwendet werden, um Verfahrensentscheidungen zu treffen, es kann nicht von einem Ermittler oder Untersuchungsbeauftragten bei der Erstellung einer Anklage und einem Gericht - bei der Verabschiedung einer Gerichtsentscheidung - herangezogen werden.

Schlüsselwörter: Grundsätze, forensische Sachverständigentätigkeit, forensische tierärztliche Untersuchung, forensischer Sachverständiger, Rechtmäßigkeit, Sachverständigengutachten, Unabhängigkeit, Verfahrensunabhängigkeit, Befähigung, Abschluss eines forensischen Sachverständigen, Verantwortlichkeit.

and on the other hand - in the guarantee for the subjects of forensic expert activity to exercise their rights and fulfill their duties, as well as bear legal responsibility for the offense committed both by the forensic expert and against the forensic expert [28].

The principle of legality of forensic veterinary examination is implemented through the prism of the legislative regulation of its appointment and conduct. The basis of the analyzed principle is the sources of procedural legislation, as well as the sources of material legislation regarding offenses during the investigation of which a forensic veterinary examination is appointed.

The principle of the legality of expert procedures during forensic veterinary examination is implemented on the basis of strict compliance with the requirements of the current legislation regarding the activities and competencies of forensic institutions and forensic veterinary experts, the appointment and conduct of forensic examinations, in particular the Law of Ukraine "On Forensic Examination", "Instructions on the Appointment and Conduct of Forensic Examinations and Expert Research" (regulates the grounds for conducting, including forensic and veterinary examinations, the terms of their conduct, the rights, duties, prohibitions and responsibilities of the expert, the process of organizing examinations or expert studies and the registration their results) [29], "Instructions on the peculiarities of forensic expert activity by certified forensic experts who do not work in state specialized expert institutions" [30], "Scientific and methodological recommendations on the preparation and appointment of forensic examinations" [31], Resolution of the Plenum of the Supreme Court of Ukraine No. 8 "On Forensic Examination in Criminal and Civil Cases" dated on 30.05.1997, in which interpretation of individual provisions related to the appointment and conduct of forensic examination, including forensic and veterinary examination, and evaluation of the expert's conclusion, international treaties, interdepartmental, departmental and local normative legal acts (legislation in a broad sense). Thus, the Resolution of the Plenum of the Supreme Court of Ukraine No. 8 "On Forensic Examination in Criminal and Civil Cases" dated on 30.05.1997 regulates that a repeated forensic examination is appointed only in those cases when there are doubts about the correctness of the expert's conclusion, as well as in the presence of a significant violation of procedural norms that regulate the procedure for the appointment and conduct of an examination.

The principle of legality of expert procedures during forensic veterinary examination is implemented also on the basis of strict compliance with the requirements of material legislation regarding animals, as objects of this examination. For example, in the case of appointment of a forensic veterinary examination on the grounds of a criminal offense provided for in Art. 299 of the Criminal Code of Ukraine (cruelty to animals), the forensic veterinary expert must establish signs of cruelty to animals, based on the antinomy of the rules provided for by the Law of Ukraine "On the Protection of Animals

[28] Постанова Пленуму Верховного Суду України № 8 «Про судову експертизу в кримінальних і цивільних справах» від 30.05.1997 р. URL: https://zakon.rada.gov.ua/laws/show/v0008700-97#Text

[29] Інструкція про призначення і проведення судових експертиз та експертних досліджень. Затверджено наказом Міністерства юстиції України 08.10.1998 № 53/5 (у редакції наказу Міністерства юстиції України від 26.12.2012 № 1950/5). URL: https://zakon.rada.gov.ua/laws/show/z0705-98#Text

[30] Інструкція про особливості здійснення судово-експертної діяльності атестованими судовими експертами, що не працюють у державних спеціалізованих експертних установах. Затверджено наказом Міністерства юстиції України 12.12.2011 р. № 3505/5, зареєстровано в Міністерстві юстиції України 12 грудня 2011 р. за № 1431/20169. URL: https://zakon.rada.gov.ua/laws/show/z1431-11#Text

[31] Науково-методичні рекомендації з питань підготовки і призначення судових експертиз (Наказ Міністерства юстиції України від 08.10.1998 р. № 53/5 у редакції наказу Міністерства юстиції України 26.12.2012 № 1950/5. URL: https://zakon.rada.gov.ua/laws/show/z0705-98#Text

from Cruelty" dated 21.02.2006 No. 3447-IV [32], and also Art. 299 of the Criminal Code of Ukraine (cruelty to animals) [33] and Art. 89 of the Code of Ukraine on administrative offenses (cruelty to animals) [34], in particular bodily injury, mutilation or death of an expert animal. In turn, when conducting an expert examination of a live sub-expert animal or a sub-expert corpse of an animal, the forensic veterinary expert must use proven methods and methodological recommendations that regulate separate forensic expert procedures, including those entered into the State Register (information fund) of the Ministry of Justice of Ukraine and certified according to the current legislation of Ukraine.

In the process of forensic veterinary examination of feeds and feed additives intended for animals, the expert is guided by the Law of Ukraine "On Hygiene and Safety of Feeds" [35], the Law of Ukraine "On State Control of Compliance with the Legislation on Food Products, Feeds, Byproducts of Animal Origin, Health and Welfare of Animals" dated on 06.09.2018 No. 2530- VIII [36] as well as national standards of Ukraine [37], normative legal acts of the European Union [38] and methods of their laboratory research.

During the forensic veterinary examination at the stage of the pre-trial investigation, signs of the objective side of the composition of the offense may be established: animal cruelty (Art. 89 of the Code of Ukraine on Administrative Offenses, Art. 299 of the Criminal Code of Ukraine), violation of veterinary rules (Art. 251 of the Criminal Code of Ukraine) , violation of the rules on animal quarantine and other veterinary and sanitary rules (Art. 107 of the Code of Ukraine on Administrative Offenses), violation of the legislation on breeding matters in animal husbandry (Art. 107-1 of the Code of Ukraine on Administrative Offenses), violation of the requirements of the legislation on identification and registration of animals (Art. 107- 2 of the Code of Ukraine on Administrative Offenses), violation of the rules for keeping dogs and cats (Art. 154 of the Code of Ukraine on Administrative Offenses), etc., as well as offenses in professional activity, in particular, establishing the correctness and adequacy of the actions of veterinary medicine specialists in diagnostic and therapeutic practice, during the clinical examination of an animal, identifying complications during the course of the disease and treatment of the animal, assessment of the timeliness and completeness of carrying out medical - preventive, anti-epizootic, sanitary-hygienic, quarantine and other measures; violation by veterinary medicine specialists of the rules for conducting preventive and health measures in animal husbandry and abuse of their official position, etc. [39]. During the investigation, the forensic veterinary expert applies the norms of the Law of Ukraine "On Veterinary

[32] Про захист тварин від жорсткого поводження : Закон України від 21.02.2006 № 3447–IV. URL : https://zakon.rada.gov.ua/laws/show/3447-15#Text

[33] Кримінальний кодекс України : Закон України від 5.04.2001 № 2341-III. URL: https://zakon.rada.gov.ua/laws/show/2341-14#Text

[34] Кодекс України про адміністративні правопорушення : Закон України від 07.12.1984 № 8073-X. URL: https://zakon.rada.gov.ua/laws/show/80731-10#Text

[35] Про безпечність та гігієну кормів : Закон України від 21.12.2017 № 2264-VIII URL: https://zakon.rada.gov.ua/laws/show/2264-19#Text

[36] Про державний контроль за дотриманням законодавства про харчові продукти, корми, побічні продукти тваринного походження, здоров'я та благополуччя тварин : Закон України від 13.05.2022 № 2042-VIII. URL: https://zakon.rada.gov.ua/laws/show/2042-19#Text

[37] ДСТУ ISO 6497:2005 Корми для тварин. Методи відбирання проб. Київ: Держспоживстандарт України.

[38] Регламент ЕС №1831/2003 Европейского парламенту и Сонета от 22.09.2003 «О добавках, применяемух в питании животнух».

[39] Mangematin G. Post-mortum examination in food-producing animals – Regulations and standards. Point veterinaire. 1999. 30 (203). 33–36.

Iwan JACENKO

ZASADY DZIAŁALNOŚCI BIEGŁYCH SĄDOWYCH EKSPERTA NA UKRAINIE I ICH REALIZACJA W SĄDOWE BADANIA WETERYNARYJNE

Adnotacja. W pracy zbadano zasady działania ekspertów kryminalistycznych na Ukrainie i sformułowano warunki ich realizacji w procesie kryminalistycznych badań weterynaryjnych. Ustalono, że system zasad kryminalistycznego badania weterynaryjnego składa się z ogólnych zasad prawnych (zasada praworządności, zasada legalności) oraz szczegółowych (zasada naukowości, systematyczności, kompleksowości, kompletności, bezstronności sądowej weterynarii). badania eksperckie; zasada kompetencji i orzecznictwa biegłego medycyny sądowej weterynarii; zasada samodzielności i samodzielności metodologicznej biegłego medycyny sądowo-weterynaryjnej; zasada dopuszczalności stosowania metod, środków i metod prowadzenia ekspertyz sądowo-weterynaryjnych; zasada maksymalnego zachowania obiektów badawczych; zasada ważności naukowej, obiektywizmu, rzetelności, prawidłowości i prawdziwości wniosków biegłego medycyny sądowo-weterynaryjnej; zasada weryfikacji opinii biegłego; zasada przestrzegania etyki zawodowej przez lekarza medycyny sądowej weterynarii biegłego; zasada odpowiedzialności osobistej biegłego medycyny sądowej weterynarii).

Uważa się, że nieprzestrzeganie choćby jednej z zasad sądowo-weterynaryjnego badania weterynaryjnego przy realizacji czynności eksperta kryminalistycznego prowadzi do naruszenia całego nakreślonego przez nas systemu zasad, a także nieprzestrzegania zasad i norm ustawodawstwa, a także naruszenia określonych form postępowania eksperckiego. To z kolei stwarza warunki do uznania opinii biegłego za niedopuszczalną jako dowód w sprawie, co oznacza, że zgodnie z art. 89 Kodeksu postępowania karnego Ukrainy nie może być ona wykorzystana w sądzie do podejmowania decyzji procesowych, nie może się na niej oprzeć śledczy lub koroner przy sporządzaniu aktu oskarżenia, a także sąd przy podejmowaniu decyzji procesowej.

Słowa kluczowe: zasady, działalność biegłego sądowego, sądowo-weterynaryjne badanie,

biegły sądowy, legalność, ekspertyza, niezależność, niezależność procesowa, kompetencja, orzeczenie biegłego, odpowiedzialność.

Medicine" dated on 25.06.1992 No. 2498- XII [40], Instructions on the control and prevention of animal diseases, as well as other departmental documents.

Thus, non-observance of the principle of legality during forensic expert activity, including during forensic veterinary examination, entails non-compliance with the principles and norms of both the general legal system and procedural legislation, as well as a violation certain forms of implementation of expert procedures. This, in turn, creates conditions for the recognition of such an expert's conclusion as not objective, not substantiated, not true, and, as evidence in the case, not admissible, and, therefore, in accordance with Art. 89 of the Criminal Procedural Code of Ukraine, it cannot be used in court proceedings to make procedural decisions, it cannot be referred to by an investigator or inquirer during the conclusion of an indictment, and the court - during the adoption of a court decision.

3) The implementation of the principle of scientificity, systematicity, completeness and objectivity of expert research consists in the fact that forensic veterinary expert research is a cognitive activity of a forensic veterinary expert - a complex creative process in which knowledge of the latest achievements of veterinary, biological and related sciences is implemented, as well as techniques, mastery of modern effective research methods, as well as expert skills. Thus, to implement the principle of scientificity in forensic veterinary examination, a complex of consecutive actions of an expert is used to perform a specific expert task. When conducting a forensic veterinary examination or an expert investigation, experts use appropriate research methods, methods of conducting forensic examinations, because the determination of the method of conducting an examination (choice of certain methods, (methods of research)) belongs to the competence of the expert, in accordance with clause 1.4 of the Professional Instruction .

The solution of any practical expert tasks lies in the plane of the system of actions and operations, which consist in the use of a set of certain methods of forensic veterinary research in each specific examination determined by the subject, research tasks, the specificity of the objects of examination, their physical condition (an animal corpse or a living animal, if it is an animal corpse, then it is anatomically intact, putrefactive changed or skeletonized), the degree of effectiveness of one or another method, which is expressed in its scientific validity and reliability, effectiveness, sufficient testing, obviousness and visibility for all participants of the process of the results of their application, ensuring the maximum preservation of objects, conditional economy, verifiability (possibility of conducting repeated research), safety, simplicity and availability, universality and relevance, admissibility from the point of view of law, duration [41], experience in solving practical problems [42] including, on algorithms and rules developed by the heuristic expert himself. Thus, to implement the principle of scientificity, the forensic veterinary expert uses: the dialectical method, general cognitive and separate methods, special

[40] Про ветеринарну медицину : Закон України від 25.06.1992 № 2498-XII. URL: https://zakon.rada.gov.ua/laws/show/2498-12#Text

[41] Сімакова-Єфремян Е. Б., Балинян Т. Є., Дереча Л. М. Про критерії оцінювання методик проведення судових експертиз в Україні. *Теорія та практика судової експертизи і криміналістики*. 2010. Вип. 10. С. 151—161.

[42] Grela M., Listos, P., Gryzinska M., Chagowski W., Buszewicz G., & Teresinski, G. Imaging techniques as a method of sectional examination in forensic veterinary medicine. Medycyna weterynaryjna-veterinary medicine-science and practice. 2018. Vol. 74. Is. 12. Pp. 751–758. DOI: 10.21521/mw.6005

methods of forensic veterinary examination, the functions of which are performed by the methods of forensic veterinary clinical diagnostics, aimed at making a forensic veterinary diagnosis of a living sub-expert animal with signs of injuries, diseases, mutilations, as well as determining the degree of severity of damage caused to the animal's health, etc., as well as methods of forensic veterinary pathomorphological diagnostics for examination of an animal's corpse or its individual fragments for the purpose of making a postmortem forensic veterinary diagnosis, determining the degree of severity of damage caused to the animal's health, identifying signs of violent death, etc.

In the absence of certified and registered methods of forensic veterinary examination, the latter can be developed for the first time by the heuristic expert himself or classical expert methods can be improved by him and applied during a specific forensic veterinary examination, which does not contradict the current legislation of Ukraine. However, such methods of forensic examination must be based on the scientific basis of fundamental, general biology or special veterinary, biological or related sciences and be justified for the need for their application in each specific expert situation.

The principle of scientificity in forensic expert activity is also realized in the fact that the Ministry of Justice of Ukraine has created a state Register (information fund) of certified expert methods of conducting forensic examinations [43], which are recommended for implementation in expert practice. There are currently no methods for conducting a forensic veterinary examination in the specified Register. However, in National Scientific Center «Hon. Prof. M. S. Bokarius Forensic Science Institute» scientific-research work is being carried out, based on the results of which we have already prepared new methods for conducting forensic veterinary examination, in particular: "Methodology of forensic-veterinary examination of animals for the purpose of establishing their mutilation" [44], "Methodology of forensic veterinary examination of animal corpses"[45], "Methodology of a forensic veterinary examination of a living sub-expert animal" [46], as well as methodological recommendations: "Rules for forensic veterinary determination of the degree of severity of damage caused to the animal's health" [47], "Rules of forensic veterinary examination of animal corpses" [48], "The procedure for removing objects of forensic veterinary examination from the corpse of an animal

[43] Про затвердження Порядку атестації та державної реєстрації методик проведення судових експертиз: постанова Кабінету Міністрів України від 2.07.2008 р. № 595. Офіц. вісн. України. 2008. № 49. Ст. 1585. URL: https://zakon.rada.gov.ua/laws/show/595-2008-%D0%BF#Text

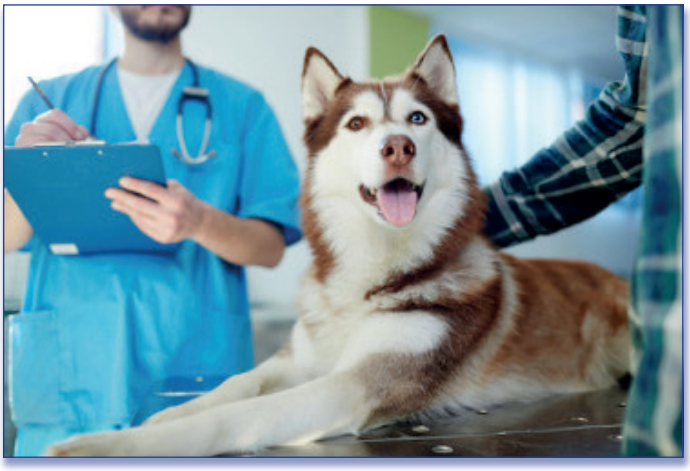
[44] Методика судово-ветеринарного дослідження тварин з метою встановлення їх каліцтва / І. В. Яценко, О. І. Париловський, Р. Г. Казанцев. Харків: ННЦ «ІСЕ ім. Засл. проф. М. С. Бокаріуса», 2021. 50 с.

[45] Методика судово-ветеринарної експертизи трупів тварин / І. В. Яценко, О. І. Париловський, Р. Г. Казанцев. Харків: ННЦ «ІСЕ ім. Засл. проф. М.С. Бокаріуса», 2022.

[46] Методика судово-ветеринарного дослідження живої підекспертної тварини / І. В. Яценко, О. І. Париловський. Харків : ННЦ «ІСЕ ім. Засл. проф. М. С. Бокаріуса», 2022. 50 с.

[47] Правила судово-ветеринарного визначення ступеня тяжкості шкоди, заподіяної здоров'ю тварини (методичні рекомендації) / І. В. Яценко, О. І. Париловський. Харків: ННЦ «ІСЕ ім. Засл. проф. М. С. Бокаріуса», 2022. 62 с.

[48] Правила судово-ветеринарної експертизи трупів тварин: Методичні рекомендації / І. В. Яценко, О. І. Париловський, Р. Г. Казанцев. Харків: ННЦ «ІСЕ ім. Засл. проф. М.С. Бокаріуса», 2022. 41 с.



for laboratory research" [49], which will be entered into the State Register (information fund) after successful approval.

The expert's use of methods, the use of which calls into question the obtained results of the research of forensic veterinary examination's objects, automatically calls into question the reliability, correctness and veracity of the expert's conclusion, and, therefore, makes it impossible to use it as evidence for expert support of the judiciary.

The scientific principle of forensic expert activity in forensic veterinary research is also that all forensic research should be conducted in accredited expert institutions according to the international standard ISO/IEC 17025 (as well as ISO/IEC 17020) [50]. For example, a forensic-veterinary autopsy of a sub-expert corpse of an animal is carried out in the section hall of an expert institution, and a forensic-veterinary examination of a live sub-expert animal is carried out in an examination room, which must be equipped to ensure its special functional purpose. Conducting additional, especially laboratory studies of biological material or other objects of forensic veterinary examination in a laboratory not accredited in accordance with current legislation, may result in the results of such expert studies being recognized as not reliable and correct, and the expert's conclusion will be recognized as such that it cannot be proper evidence in the case, and, therefore, it will not help the investigator, the court, or the customer of the examination to establish the objective truth in the case.

The systematic nature of the forensic veterinary examination is that its individual components constitute a complete, interconnected and mutually determined system of knowledge, including integrated from other fundamental and applied sciences. So, for example, during the forensic veterinary examination of a sub-expert corpse of an animal, its examination, forensic veterinary autopsy, histological examinations of individual organs and tissues, chemical and toxicological examinations of biological fluids, etc. are used. Observing the system in the forensic veterinary examination, it is possible to correctly establish a forensic veterinary diagnosis, the cause of the animal's death, the cause-and-effect relationship between the nature and severity of the injuries and the onset of the animal's death, and to resolve other issues raised by the body or person in the procedural document on the appointment of a forensic veterinary expertise, as well as predicting the development of science, the development of new methods and techniques for researching its material objects.

The implementation of the principle of completeness and objectivity of expert research assumes the solution of all questions regarding factual data and circumstances raised in the procedural document on the appointment of the forensic veterinary examination or the involvement of an expert, based on the results of a comprehensive study of objects and is a reflection of the unity of epistemological and procedural approaches to forensic veterinary examination.

According to M. Shepitko [51], the implementation of this principle of forensic expert activity is directly related to the principle of independence and procedural autonomy of the forensic expert, because only an independent

[49] Порядок вилучення об'єктів судово–ветеринарної експертизи з трупа тварини для лабораторних досліджень: Методичні рекомендації / І. В. Яценко, О. І. Париловський, Р. Г. Казанцев. Харків: ННЦ «ІСЕ ім. Засл. проф. М.С. Бокаріуса», 2021. 51 с.

[50] Хоша В. В. Визначення адміністративних процедур акредитації судово-експертних установ України. Теорія та практика судової експертизи і криміналістики. 2019. Вип. 19. С. 173—190. 2019. DOI: 10.32353/khrife.1.2019.013

[51] Шепітько М. В. Дотримання принципу незалежності судово-експертної діяльності в Україні // Актуальні питання судової експертизи та криміналістики: зб. матеріалів міжнар. наук.-практ. конф. присвяч. 100-річчю від дня народження д-ра юрид. наук, проф., засл. діяча науки і техніки України М. В. Салтевського (7-8 листоп. 2017 р., м. Харків). Харків, 2017. С. 80—81.

and procedurally independent forensic expert, including a forensic veterinary expert, can provide an objective conclusion based on the results of expert research and vice versa. The analyzed principle is implemented in forensic expert activity by the fact that the forensic expert must examine material and materialized objects and give them an assessment, be impartial to factual data.

The implementation of the principle of completeness of the forensic veterinary expert examination consists in the fact that the expert must examine the objects submitted for examination in order to solve all the issues raised before him in the procedural document about its appointment or involvement of the expert. Thus, during the forensic veterinary examination, the expert first of all examines the document on the appointment of the forensic veterinary examination or the involvement of the expert, establishes the category of the case for which the forensic veterinary examination is appointed (criminal, civil, economic), the case number; establishes a list of objects subject to forensic veterinary examination; finds out information about the corpse of the animal, the method of its delivery and the type of packaging; finds out the name of the documents in the case file and the number of their sheets; denotes the nature and integrity of the packaging in which the object (objects) of the study (an animal corpse or its fragments) is placed, establishes the inscriptions, seals, and stamps present on the packaging; ascertains the facts of damage to the packaging that allow the removal of placed objects, the presence of traces of repeated packaging or other circumstances that may affect the results of the forensic veterinary examination; conducts an inspection of objects (corpse or corpses of animals) received for examination in order to find out their nature and condition, to find out the conditions of their transportation, in particular, changes in objects (destruction, deformation, mixing of corpse stains, etc.) due to incorrect handling, packaging, transportation or other reasons), as well as a thorough analysis of the case materials submitted for examination. It also determines the suitability of the object (an animal corpse or its remains) for answering the questions posed in the document on the appointment of the forensic veterinary examination, the presence of information in the case materials that can supplement the list of questions posed to the expert in within the framework of the expert initiative, whether to help and its correct assessment, analyzes the report of the inspection of the scene of the incident, the conditions of storage of the animal corpse or its remains before conducting a forensic-veterinary examination; resolves the issue of compliance of the materials and objects received by the expert institution (expert) with the materials specified in the procedural document on the appointment of the forensic veterinary examination; examines the list of questions submitted to the forensic veterinary expert in the procedural document on the appointment of the mentioned examination; elucidates the specific subject of the forensic veterinary examination on the basis of the circumstances of the case, which were the basis for the appointment of this examination and the questions that must be answered by the expert, briefly outlined in the document on the appointment of the examination; determines the relevance of the objects (the relationship between the research object and the subject of the forensic veterinary examination and the source materials of the case for which the forensic veterinary examination was ordered) to the subject of the examination and the expert task that must be solved; formulates the expert's request for the provision of additional materials, information, samples by the person who appointed the forensic veterinary examination or engaged the expert (in the event that the incompleteness of the materials provided for research is found); draws up a report by the expert on the impossibility of providing a conclusion in accordance with the "Instructions on the Appointment and Conduct of Forensic Examinations and Expert Research", if as a result of familiarization with the received materials, it is established

that the objects (for example, animal corpses) are unsuitable for research in connection due to irreversible (putrefactive) changes. Next, the forensic veterinary expert plans the sequence of the forensic veterinary examination under the expert corpse of an animal or a live sub-expert animal, taking into account the advanced expert versions. At this stage, the expert chooses the necessary method of expert research.

After that, the forensic veterinary expert studies the registration and anamnestic data, conducts an external and internal examination of the animal's corpse, obtains the results of additional instrumental and laboratory studies; formulates a forensic-veterinary diagnosis, evaluating all the obtained results of a forensic-veterinary examination and formulates conclusions in the form of answers to the questions put to him for resolution in the procedural document on the appointment of a forensic-veterinary examination. After that, the forensic veterinary expert studies the registration and anamnestic data, conducts an external and internal examination of the animal's corpse, obtains the results of additional instrumental and laboratory studies; formulates a forensic veterinary diagnosis, evaluating all the obtained results of a forensic veterinary examination and formulates conclusions in the form of answers to the questions put to him for resolution in the procedural document on the appointment of the forensic-veterinary examination.

The implementation of the principle of completeness and objectivity of the expert investigation is also manifested in the fact that, in accordance with Part 5, clause 2.1 of the Professional Instruction, after conducting the forensic veterinary examination, the expert has the right to indicate in his conclusion the facts discovered during the investigation, which are important for the case, but in relation to which he was not asked questions, as well as indicate the circumstances that contributed to the commission of the offense. It is in this case that the expert's conclusion will be complete. In addition, if in the process of researching material and materialized objects submitted for examination, the expert determines that they are not sufficient to provide a complete and objective conclusion, then in accordance with Part 2, clause 2.1 of the Professional Instruction and procedural legislation, he has the right to request the provision of additional materials and samples.

The principle of the completeness of the forensic veterinary examination is implemented in the fact that in the process of conducting the examination of objects, the expert must solve a set of tasks in order to provide answers to the questions put to him for resolution in the procedural document on the appointment of a forensic veterinary examination, in full with using a certain number of proven classical or modern methods of expert research, which will allow obtaining the desired result in accredited expert institutions according to the international standard ISO/IEC 17025 (as well as ISO/IEC 17020). So, for example, during the forensic veterinary examination for the purpose of examining an animal subject to examination, the result of which was mutilation, the expert must solve a set of interrelated expert tasks, in particular, establish to which class and species the sub-expert animal(s) belongs according to zoological taxonomy; what is the nature of injuries from a veterinary point of view and what is their localization; what is the mechanism of occurrence of injuries, sequence of their occurrence, age of occurrence; the degree of severity of the injuries found in the sub-expert animal; whether there are characteristic signs on the animal's body, by which it is possible to establish the nature and characteristics of the weapon or other tools that caused the injuries; hand there were deficiencies in the provision of veterinary care to the sub-expert animal, which caused injuries to it, resulting in mutilation; whether the sub-expert animal has persistent total or partial physical or functional loss of any organ or body part; does the sub-expert animal have limitations in the ability to provide its main manifestations of vital activity on a level with other animals of the same species? If so, how do they manifest themselves; whether there was a loss of the animal of general

economic or special use, or loss of the possibility of independent existence of a wild or homeless animal in the surrounding environment as a result of damage; the degree of restriction of the animal's vital activity, which was formed in the post-traumatic period; whether the injuries caused to the animal under the established circumstances led to the mutilation of the animal, both individually and collectively; whether the animal could have sustained the injury leading to the mutilation on its own, without outside intervention. Therefore, only a comprehensive approach in the forensic veterinary examination will allow to obtain comprehensive information about the factual data and circumstances of the case for which it is intended, as well as be useful for an objective and comprehensive investigation of offenses both at the stage of pre-trial investigation and trial.

The principle of objectivity in forensic veterinary research is realized in the sense that the objects are examined, analyzed and evaluated in the form in which they were received by the expert. The signs, facts, circumstances established by the expert really reflect the object of the research and are laid out in a logical sequence in the expert's conclusion [52]. The forensic expert is not obliged to consider exclusively the version set out in the procedural document on the appointment of the forensic examination, but, with the help of special knowledge, during the expert investigation, he establishes all the circumstances of the case that were reflected in the object of the investigation, that is, he establishes new circumstances of the case, which may completely or partially not coincide with the original version, that is, before the forensic examination. For example, this may be related to the age of the animal's death, which is specified in the investigator's decision and established during the forensic veterinary examination of the animal's corpse. This significantly affects the establishment of the objective truth in the case. Thus, in the practice of forensic veterinary examination, there are cases when the age of death of the animal, specified in the investigator's decision, does not coincide with the actual age, which the expert establishes based on the pathomorphological signs found and evaluated in the animal's corpse.

The principle of objectivity of forensic veterinary research also consists in the fact that the expert, with the help of special knowledge in the field of veterinary medicine, objectively, without depending on his own vision of the problem, establishes all the circumstances of the case within the limits of the informative features found in the research object. For example, from a skeletonized corpse of an animal, it is possible to objectively establish its species affiliation, sex and age of the animal, damage to the skeleton or teeth based on the characteristic anatomical features of the bones of the skeleton, as well as the condition of the teeth. However, it is not possible to determine the nature of the injuries, their localization, the mechanism of occurrence, the type of injury tool, the degree of severity of injuries, or this conclusion will be probable.

Thus, conducting a full, comprehensive examination of material (live sub-expert animal, sub-expert animal corpse or fodder and feed additives), as well as materialized (veterinary documents, video images, etc.) objects is an important duty of the forensic expert, in accordance with the Law of Ukraine "On Forensic Examination", as well as clause 2.2 of the Professional Instruction [47] is analyzed the principle is specified in clause 1, Part 5 of Art. 69 of the Criminal Procedural Code, Part 3 of Art. 72 of the Civil Procedural Code, Part 3 of Art. 69 of the Commercial and Procedural Code, according to which the forensic expert is obliged to provide a substantiated and objective opinion in writing on the questions posed to him in the procedural document on the appointment of forensic expertise.

Thus, non-observance of the principle of scientificity, systematicity, completeness and objectivity of expert research during forensic expert

[52] Щербаковский М. Г. Судебнуе экспертизу: назначение, производство, использование: учебно-практическое пособие. Харків : Эспада, 2005. 544 с.

activity, including during forensic veterinary examination, is a reason for not recognizing it as admissible evidence in the case, and, therefore, in accordance with Art. 89 of the Criminal Procedural Code of Ukraine, it cannot be used in court proceedings to make procedural decisions, it cannot be referred to by an investigator or inquirer when drawing up an indictment, and a court when passing a court decision, and requires the appointment of a re-examination.

4) Implementation of the principle of independence and procedural autonomy of the forensic veterinary expert. The essence of this principle is formulated in Art. 4 of the Law of Ukraine "On Forensic Examination", which consists in its procedural independence during the implementation of professional functions [53] and is ensured by: the procedural order for the appointment of the forensic veterinary examination or the involvement of the forensic veterinary expert in accordance with the Professional Instruction; the existence of specialized institutions of forensic examinations of various administrative subordination, independent of the bodies that carry out pre-trial investigation, the court, as well as the bodies of executive proceedings; creating the necessary conditions for the activity of the forensic veterinary expert; his warning about criminal responsibility for the actions provided for in Arts. 384, 385 of the Criminal Code of Ukraine, prohibiting anyone from interfering in the conduct of a forensic veterinary examination.

This principle is also implemented in the fact that specialized expert institutions must have a sufficient material and technical, informational, methodical and financial base to allow forensic experts to use the latest advances in science and technology during forensic examinations. At the same time, forensic experts are protected by law from outside interference, including from bodies or persons whose function is to manage forensic expert activity and bodies or persons who appoint and use forensic expertise and are interested in its results [54].

The forensic veterinary expert is an independent participant in the process. Independence is the ability to act without outside help or guidance [55]. At the initial stage of an expert investigation, the person who appointed a forensic veterinary examination or engaged an expert can agree with him on the content of the questions that will be put to the expert for resolution. During the consultation, the forensic veterinary expert informs which issues cannot be solved by him due to the lack of developed appropriate research methods or the absence of the necessary instrumental and laboratory equipment in the specialized expert institution.

Key to the implementation of the principle of independence and procedural autonomy of a forensic veterinary expert is the prohibition of legislation on the interference of anyone in his professional activity, that is, interference in cases [56], as well as exerting influence on him, especially organizations, bodies or persons directly interested in the results of the case, which is aimed at ensuring the objectivity of the expert's conclusion. The liability of officials of legal entities for interfering with the work of the forensic veterinary expert is provided for in Article 386 of the Criminal Code of Ukraine for preventing the appearance of an expert or specialist and forcing them to refuse to testify or give a conclusion.

The liability of officials of legal entities for interfering with the work of the forensic veterinary expert is provided for in Article 386 of the Criminal Code

[53] Бараняк В. М. Принцип незалежності судового експерта: аналіз законодавства України у сфері судово-експертної діяльності. Вісник Національного університету «Львівська політехніка». Серія: Юридичні науки : збірник наукових праць. 2016. № 850. С. 469—472.

[54] Гогчаренко В. Г. Експертизи у судовій практиці : науково-практичний посібник для студентів, прокурорів, слідчих, адвокатів. Київ : Юрінком Інтер. 2005. 387 с.

[55] Великий тлумачний словник сучасної української мови / укл. і гол. Ред. В. Т. Бусел. Київ : Ірпінь : ВТФ «Перун». 2004.1440 с.

[56] Словник української мови: в 11 томах. Т. 1. 1970. С. 777.

of Ukraine for preventing the appearance of an expert or specialist and forcing them to refuse to testify or give a conclusion.

The established procedural order for the appointment of the forensic veterinary expert also contributes to the implementation of the principle of independence and procedural independence of the expert. Thus, the legislation provides that an expert cannot independently, at his own discretion, choose a case for which he will conduct a forensic veterinary examination.

The forensic veterinary expert independently and freely chooses methods, means and ways of expert research, based on the features of the objects provided for research, as well as the content of the questions posed in the procedural document on the appointment of forensic veterinary expertise, because he has special knowledge in the field of veterinary medicine and animal biology, has professional experience and inner conviction.

The principle of independence and procedural independence of a forensic veterinary expert is that the person who appointed the forensic veterinary examination or engaged an expert cannot interfere in the construction of the research algorithm by the expert, influence the formation of conditions and storage regimes of research objects. Also, this person cannot influence the course of the examination at the stage of analytical and comparative research, generalization of the obtained results and formation of conclusions (summaries) of the expert's conclusion.

During investigative actions, including during the inspection of the scene of the incident or the place where the corpse of the animal was found, to which a forensic veterinary expert was involved as a specialist, the person conducting the investigation or engaging the expert is not entitled to give him an order to execute or not performance of certain actions, for example, regarding the method of examination of an animal corpse, the removal of certain samples of biological origin from it during the forensic veterinary autopsy for the purpose of their subsequent examination, to indicate the use of specific methods of examination of a live sub-expert animal, the involvement of narrowly specialized specialists in the field of veterinary medicine (veterinary surgeon, neurologist, cardiologist, endocrinologist, traumatologist, etc.), as well as an expert in evaluating the animal's exterior, etc.

Despite the fact that the person who conducts the investigation or engaged the expert may be present during certain expert procedures, for example, forensic veterinary autopsy or clinical forensic veterinary examination of a live sub-expert animal, but he is not allowed to influence the course of the investigation itself both material and materialized objects, determine the scope and content of additional studies, extraction of biological material of animal origin for the next laboratory study.

Another way of implementing the principle of procedural independence and autonomy of the forensic veterinary expert is the possibility for the person who appointed the forensic veterinary examination or engaged the expert to appoint a repeated individual, commission or complex examination in the event of doubts or mistrust of the expert's conclusion based on the results of the primary judicial examination. of the veterinary examination in connection with the discrepancies that appeared in the expert's conclusion with the case materials.

In his professional activity, the forensic veterinary expert, being independent and procedurally independent, has a number of procedural limitations regarding independence, for example, during the autopsy of an animal corpse, which is material evidence in the case, it will always be damaged, so for this he must have written permission of the person who appointed the examination or engaged the expert.

Another limitation of the independence and procedural autonomy of the forensic veterinary expert is that the animal corpse or its remains damaged during the examination cannot be destroyed by the expert after the

examination, because he must return it to the body or person who appointed the forensic veterinary examination or engaged an expert together with the expert's opinion, which is consistent with clause 4.20 of the Professional Instruction.

The independence and procedural autonomy of the forensic veterinary expert is also realized during the preparation of the expert's opinion based on the results of the forensic veterinary examination. Thus, in the conclusion, he formulates the answers to the questions posed for resolution by law enforcement agencies or the court in the procedural document on conducting the forensic veterinary examination based on the objective data obtained by himself during the expert investigation, based on his special knowledge and proven research methods, and also according to his inner conviction and on his own behalf. However, in case of violation of the prohibitions provided for the forensic veterinary expert by the current legislation, for example, providing a knowingly false opinion or refusing without valid reasons to perform the duties assigned to him, or disclosure without the permission of the body or person who appointed the forensic veterinary examination data that became known to him during the examination, or committing acts of a corrupt nature, the expert will bear legal responsibility (criminal, administrative, disciplinary), provided for by the current legislation. In addition, providing a knowingly false opinion of an expert, as a result of a violation of the principle of independence and procedural independence of a forensic veterinary expert, creates conditions for recognizing such a conclusion as evidence in the case, inadmissible. Inadmissible evidence cannot be used to make procedural decisions, it cannot be referred to by an investigator or inquirer during the conclusion of an indictment, and the court - during the adoption of a court decision (Art. 86 of the Criminal Procedural Code of Ukraine).

Independence and procedural autonomy of the forensic expert, including and the forensic veterinary, established by the procedural legislation of Ukraine, in particular, Part 2 of Art. 69 of the Criminal Procedural Code of Ukraine, Part 2 of Art. 38 of the Civil Procedural Code of Ukraine, Art. 69 of the Commercial and Procedural Code of Ukraine, according to which the forensic expert, including a forensic veterinarian, cannot take part in the examination if he is in official or other dependence on the participants in the process.

Therefore, based on the above, the principle of procedural independence and autonomy of the forensic veterinary expert is implemented, firstly, through its clear and unambiguous regulation by the normative legal acts of Ukraine, and secondly, through the functional independence of him personally and the expert institution, in which works, to a body or a person who appointed a forensic veterinary examination or engaged an expert, including a court. The analyzed principle is key in the system of principles of forensic expert activity, contributes to the creation of a basis for a complete, objective and substantiated expert study.

5) implementation of the principle of competence and certification of a forensic veterinary expert is that the expert's competence characterizes his knowledge and professionalism in a certain field of activity. Forensic veterinary examinations are carried out by experts within their competence.

Competence is a dynamic combination of knowledge, skills and practical skills, ways of thinking, professional, worldview and civic qualities, moral and ethical values, which determines a person's ability to successfully carry out professional activities, successfully solving the tasks before him, is the result of training [57].

Thus, the competence of the forensic veterinary expert is confirmed by his theoretical knowledge in the field of veterinary medicine, the acquired educational level of "Specialist" or "Master", appropriate expert training

[57] Новий тлумачний словник української мови (у трьох томах). том 1, А – К. Укладачі : В. В. Яременко, О. М. Сліпушко. Київ : Вид-во «Аконіт», 2006. 926 с.

in forensic veterinary expertise and procedural legislation regarding the appointment and conduct of forensic examinations and expert studies, certified, and acquired the qualifications of the forensic veterinary expert in expert specialty 18.1 "Veterinary research", possesses special knowledge on a professional basis to solve the tasks of forensic veterinary examination.

The qualification of the forensic expert is awarded to specialists of scientific research institutes of forensic examinations of the Ministry of Justice of Ukraine in accordance with the regulatory document "List of types of forensic examinations and expert specialties, according to which the qualification of a forensic expert is awarded". The questions posed to the expert and his conclusions cannot go beyond his special knowledge. According to the procedural legislation, the expert's conclusion is one of the sources of evidence, therefore the principle of competence ensures the reliability, scientific validity of the obtained results and the objectivity of the provided expert's opinion.

The qualification of a forensic expert is assigned by the Central Expert Qualification Commission, created under the Ministry of Justice of Ukraine [58]. The assignment of the forensic expert qualification is carried out by passing a qualification exam with the issuance of a qualification certificate of a forensic expert for the right to conduct a certain type of forensic examination. During the exam, the person must demonstrate a satisfactory level of knowledge of theoretical, organizational and procedural issues of forensic examination and methodical provisions of the relevant expert specialty. State forensic experts are also assigned the qualification class of a forensic expert during qualification exams. Persons with the qualification of a forensic expert undergo attestation after five years in order to determine the level of their professional training.

In the event that forensic veterinary activity is carried out by persons without proven competence in this field of expert justice provision (for example, veterinary medicine specialists who are not registered in the state register of the Ministry of Justice of Ukraine, teachers of higher education institutions, researchers of scientific research institutions, veterinary medicine doctors of veterinary medical institutions, etc.), contrary to the principle of competence and certification of a forensic veterinary expert, this situation creates conditions for the recognition of such an expert's conclusion as evidence in the case, not admissible, and inadmissible evidence cannot be used to make procedural decisions, it cannot be referred to by an investigator or inquirer when drawing up an indictment, and a court when passing a court decision (Art. 86 of the Criminal Procedural Code of Ukraine).

6) implementation of the principle of scientific validity, objectivity, reliability, correctness and truthfulness of the conclusion of the forensic veterinary expert is that his conclusion must meet the following requirements: be grounded and objective, complete and truthful, motivated.

The objectivity of the conclusion of the forensic veterinary expert lies in its external characteristics, reality, content of knowledge or way of existence of reality. Objectivity exists outside of human consciousness, will, desires, personal preferences, affections, prejudices or benefit of the subject of knowledge. The objectivity of the conclusion of the forensic veterinary expert is directly related to his independence and procedural autonomy, because there can be no objectivity in expert research if the forensic veterinary expert depends on someone materially, morally, psychologically, etc.

The scientific validity of the means and methods of conducting the forensic veterinary examination consists in the use of expert developed, scientifically based, tested and approved methods that do not contradict

[58] Положення про Центральну експертно-кваліфікаційну комісію при Міністерстві юстиції України та атестацію судових експертів, затвердженого наказом Міністерства юстиції України 03.03.2015 № 301/5, зареєстрованого в Міністерстві юстиції України 04 березня 2015 р. за № 249/26694

the requirements of the regulatory legal acts of Ukraine and ensure the effectiveness of conducting expert research.

During the forensic veterinary examination, the expert must take comprehensive measures to conduct a comprehensive, complete and objective expert investigation within the scope of the expert task, which is consistent with clause 2.2 of the Professional Instruction. The conclusion of the forensic expert must be based on the provisions (methodology) that make it possible to check the validity and correctness of the conclusions drawn by him.

The objectivity, completeness, and correctness of expert research are determined by the compliance of the applied research methods with the results obtained, which are stated in the conclusion of the forensic expert, taking into account the latest level of scientific and technical knowledge. The conclusions reached by the expert in the process of conducting the forensic veterinary examination must be based on a comprehensive study of the provided objects, as well as the necessary and sufficient application of a complex of research tools, methods and techniques.

The objectivity of the research means that the objects are examined and described in the form in which they are provided to the expert; the actual data, signs, circumstances established by him, set out in writing in the expert's conclusion, really reflect the properties of the investigated objects. The objectivity of the conclusion of the forensic veterinary expert is ensured by criminal liability for providing a knowingly false opinion (Art. 384 of the Criminal Code of Ukraine), as well as for refusing without valid reasons to perform the duties assigned to him (Art. 385 of the Criminal Code of Ukraine). In addition, forensic veterinary experts are subject to the requirements and restrictions established by the Law of Ukraine "On Prevention of Corruption" [59] .

The possibility of appointing a repeated forensic examination and the presence of process participants in the cases stipulated by law during the forensic veterinary examination is also one of the guarantees of the implementation of the principle of objectivity of forensic activity. This provision is justified by the fact that during the re-examination the same objects will be examined and the same issues will be resolved as during the initial examination, and the results of the re-examination will either confirm or refute the conclusions of the initial examination. The presence of participants in the process during the forensic veterinary examination will ensure the openness, visibility, and persuasiveness of the research procedure, for example, during the forensic veterinary autopsy of a sub-expert animal corpse or the forensic veterinary examination of a live sub-expert animal.

Based on the above, it is necessary to agree that in law enforcement practice, compliance of the expert's conclusion with the criterion of objectivity contributes to the implementation of the basic principles of justice defined by the Constitution of Ukraine.

The correctness of the expert's conclusion based on the results of the forensic veterinary examination means that it corresponds to the reality, the established rules and regulations are true, correct, and error-free. So, taking into account that the concept of correctness is identical to the concept of truth and infallibility, as well as compliance with the established rules and regulations, we note that this feature is important for forensic veterinary examination, because the latter is performed in accordance with the developed and recognized

[59] Про запобігання корупції : Закон України від 14.10.2014 № 1700-VII. URL: https://zakon.rada.gov.ua/laws/show/1700-18#Text

in the established order mandatory or recommended expert methods. The requirement for the correctness of the conclusion of the forensic veterinary expert is aimed at solving the tasks of justice, which include the protection of the rights and legitimate interests of individuals and legal entities participating in it, as well as the quick and complete disclosure of offenses, the exposure of the guilty and ensuring the correct application of the law, so that everyone who has committed an offense is brought to justice and no innocent person is punished.

Also, the legislator sets requirements for the conclusion of the court expert regarding its veracity, i.e., correctness, which corresponds to the truth, reality.

The requirement for the validity of the expert's conclusion has a slightly different task than the requirement for objectivity, correctness and truthfulness. To justify is to put forward convincing evidence, facts, argue, motivate in support of something. Therefore, the requirements for the validity and motivation of the forensic expert's conclusion are simultaneously requirements for its argumentation and persuasiveness.

In order to legally ensure the principle of scientific validity, objectivity, reliability, correctness and truthfulness of the forensic expert's opinion, a system of prohibitions during expert activity, as well as punishments to which a forensic veterinary expert can be brought, is outlined. Thus, in Art. 384 of the Criminal Code of Ukraine establishes the criminal liability of an expert for providing a knowingly false opinion.

7) The implementation of the principle of maximum preservation of research objects consists in the fact that during the forensic veterinary examination the research objects can be damaged only to the extent that it is necessary for the research. The use of methods that damage or destroy the object of research can be carried out on the condition of obtaining written consent to this from the body (person) that appointed the forensic veterinary examination. If there is no permission for the use of destructive research methods in the procedural document on the appointment of the forensic veterinary examination, in particular during the forensic veterinary autopsy of a corpse, then a separate written consent of the body or person must be obtained for the violation of the anatomical integrity of its tissues, organs, body parts, who appointed the forensic veterinary examination or engaged an expert, in accordance with clause 4.11 of the Professional Instruction.

The relevance of observing the principle of maximum preservation of the objects of research during the forensic veterinary examination is justified by the fact that during the assessment of the forensic expert's conclusion by the investigator or the court, for the purpose of its verification, a repeated examination may be appointed, during which the same objects will be examined that were investigated during the initial examination. Their significant damage or destruction will make it impossible to carry out a re-examination, and therefore will call into question the factual data established by the expert and will not allow a procedural decision to be made in the case.

8) Implementation of the principle of verification of the forensic veterinary expert's conclusion. The procedure of forensic examination, the validity and correctness of intermediate results and final conclusions should be fully reflected in the expert's conclusion, which makes it possible to check it on the basis of generally accepted scientific and practical data for the purpose of further comprehensive assessment.

The procedural side of the inspection consists in the fact that the body or person who appointed the forensic veterinary examination carries out a log and co-procedural assessment of the expert's conclusion. If necessary, the expert's conclusions are verified by other procedural actions.

In the epistemological aspect, the verification consists in the fact that the scientific validity of expert research is subject to a special assessment. The description of the process of expert research should be carried out in such a volume that makes it possible to check the validity and reliability of the conclusions drawn. If the expert's conclusion is found to be unsubstantiated, then a new study in the procedural form of re-examination is the means of checking the conducted examination.

9) Implementation of the principle of compliance with professional ethics by the forensic veterinary expert – compliance in all situations arising both during the conduct of the forensic veterinary examination and in other areas of forensic expert activity, the high social status of the forensic expert, his fundamental inadmissibility of involvement in "judicial arbitrariness under the guise of science".

The professional ethics of the forensic veterinary expert is based on the concepts of professional duty regarding moral norms of behavior during the performance of the functions of the forensic expert and professional honor, which reflects moral norms aimed at the implementation of generally accepted principles of forensic expert activity.

Non-observance of the principle of professional ethics can be grounds for recognizing the expert's conclusion as not objective, not reliable, not correct and not true.

10) The implementation of the principle of personal responsibility of the forensic veterinary expert is that his duty is to know certain negative consequences, as measures of state coercion, for the committed offense provided for by the law. The legal responsibility of the forensic veterinary expert reflects the negative state in which he is due to the act he committed – an offense in the field of expert activity. In accordance with the Law of Ukraine "On Forensic Examination", the forensic veterinary expert bears criminal, administrative, disciplinary and material responsibility for violating the legislation on forensic examination [60]. It should be noted that the expert is personally responsible for the correctness of the conclusion, and not the expert institution in which he works and conducted the forensic veterinary examination [61] [79]. Thus, the criminal liability of the forensic veterinary expert arises for the following actions: misleading the court or other authorized body (Art. 384 of the Criminal Code of Ukraine); the expert's refusal to fulfill his duties (Art. 385 of the Criminal Code of Ukraine); obstructing the appearance of an expert or specialist in court, pre-trial investigation bodies, forcing them to refuse to give an conclusion, as well as to give a knowingly false conclusion by means of threats of murder, violence, destruction of property of the forensic expert or their close relatives, or disclosure; disclosure of data of operational investigative activities, pre-trial investigation (Art. 387 of the Criminal Code of Ukraine); abuse of authority by persons who provide public services (Art. 3652 of the Criminal Code of Ukraine); as well as bribery of a person who provides public services (Art. 3684 of the Criminal Code of Ukraine).

The administrative responsibility of the forensic veterinary expert arises for the following acts: showing disrespect to the court or the Constitutional Court of Ukraine (Art. 1853 of the Code of Ukraine on Administrative Offenses; violation of the legal restrictions on receiving gifts (Art. 1725 of the Code of Ukraine on

[60] Яценко І. В., Клюєв О. М., Богданюк І. В., Дереча Л. М., Казанцев Р. Г., Париловський О. І., Мазанна М. Г. Юридична відповідальність судово-ветеринарного експерта. VII Міжнародна науковопрактична конференція «Innovative trends in science, practice and education», 22-25 лютого 2022 г., Мюнхен, Німеччина. С. 173–183. DOI - 10.46299/ISG.2022.I.VII

[61] Дорошенко О. Ф. Проблеми організації та проведення судової експертизи при захисті прав інтелектуальної власності. Інтелектуальна власність. 2008. № 2. С. 41—45.

Administrative Offenses; violation of the requirements for conflict prevention and resolution interests (Art. 1727 of the Code of Ukraine on Administrative Offenses; violation of the requirements for the prevention and settlement of conflicts of interest (Art. 1727 of the Code of Ukraine on Administrative Offenses).

Disciplinary responsibility of the forensic veterinary expert arises for violation of general labor discipline, which is provided for by Chapter X of the Code of Labor Laws of Ukraine [62]. However, for violation of the requirements of the legislation of Ukraine on forensic examination and/or methodological requirements during the conduct of research, certified forensic veterinarians and experts may be subject to disciplinary liability due to a dishonest attitude to their official duties, which do not entail criminal or administrative liability in in accordance with Article 14 of the Law of Ukraine "On Forensic Examination". The procedure for consideration of issues regarding the disciplinary responsibility of judicial experts is regulated by Clause VI of the Regulation on the Central Expert Qualification Commission under the Ministry of Justice of Ukraine and the certification of forensic experts [76]. Thus, such types of disciplinary sanctions may be applied to forensic veterinary experts as warning, suspension of the validity of the Certificate (for a period of up to one year), deprivation of his qualification or lowering the qualification class.

The material responsibility of the forensic veterinary expert arises in the event that his actions cause property damage during the examination (Art. 1166 of the Civil Code of Ukraine, Chapter IX of the Code of Labor Laws of Ukraine).

Thus, analyzing the importance of the principles of forensic examination, it is appropriate to note that they are the foundation of the mechanism of regulation of forensic activity in general and forensic examination, in particular, an active core of an effective system of public relations in the field of this type of forensic examination. The principles of forensic veterinary examination emphasize the main features, essential characteristics, its content and purpose.

Conclusions

1. The system of principles of forensic veterinary examination consists of general legal (the principle of rule of law, the principle of legality, and the principle of scientificity, systematicity, completeness and objectivity of the expert) and special ones (the principle of independence and procedural autonomy of the forensic veterinary expert, the principle of competence and certification of the forensic veterinary expert, the principle of scientific validity, objectivity, reliability, correctness and veracity of a forensic expert's conclusion, the principle of maximum preservation of research objects, the principle of verification of the expert's conclusion, the principle of professional ethics, the principle of personal responsibility of the forensic veterinary expert).

2. Outline of the principles of forensic expert activity, including forensic veterinary examination, in a concise form creates prerequisites for reflecting its objective basis, as well as defining the most essential features that will contribute to the identification of optimal ways of its implementation in this sphere of social relations.

3. Non-observance of at least one of the principles of forensic veterinary examination during forensic activity leads to a violation of the entire system of principles outlined by us (general and special), as well as non-compliance with the principles and norms of both the general legal system and procedural legislation, as well as violation of specified forms of implementation of expert procedures. This, in turn, creates conditions for the recognition of the expert's conclusion as not objective, not justified, not true, but, as evidence in the case, not admissible, and, therefore, in accordance with Art. 89 of the Criminal Procedural Code of Ukraine, it cannot be used in court proceedings, it can be

[62] Кодекс законів про працю України від 10.12.1971 № 322-VIII. URL: https://zakon.rada.gov.ua/laws/show/322-08#Text

referred to by an investigator or inquirer when drawing up an indictment, and a court when passing a court decision.

References

Shepitko V. Yu. (2014). Problemy vykorystannia spetsialnykh znan kriz pryzmu suchasnoho kryminalnoho sudochynstva v Ukraini. *Sudova ekspertyza*: nauk.-prakt. zhurn. 1. 11—18 [in Ukraine].

Simakova-Yefremian E. B. (2016). Do pytannia pro pryznachennia ta provedennia sudovoi ekspertyzy u kryminalnomu protsesi Ukrainy. Suchasni napriamy rozvytku sudovoi ekspertyzy ta kryminalistyky: tezy dop. nauk.-prakt. konf., prysviach. pamiati Zasl. prof. M. S. Bokariusa (m. Kharkiv, 20 hrudnia 2016 r.). Kharkiv. 254—256 [in Ukraine].

Shcherbakovskyi M. H. (2016). Teoretyko-metodolohichni ta prakseolohichni zasady sudovykh ekspertyz u kryminalnomu protsesi : avtoref. dys. ... d-ra yuryd. nauk: 12.00.09. Kharkiv : KhNUVS. 40 [in Ukraine].

Yatsenko I. V., Derecha L. M. Mozhlyvosti sudovo-veterynarnoi ekspertyzy yak novoho vydu sudovykh ekspertyz. Tam samo. 550—567. DOI: 10.32353/khrife.1.2019.044 [in Ukraine].

Brinkmann B. Harmonisation of medico-legal autopsy rules. International journal of legal medicine. 1999. Vol. 113. Is. 1. Pp. 1—14.

Ottinger T., Rasmusson B., Segerstad C. H. A. Merck M. Goot F. V. D. Olsen L., Gavier-Widen D. (2014). Forensic veterinary pathology, today's situation and perspectives. Veterinary record. 175. 1. DOI: 10.1136/vr.102306.

Munro R., Ressel L., Gröne A., Hetzel U., Jensen H. E., Paciello O., Kipar A. (2020). European Forensic Veterinary Pathology Comes of Age. J Comp Pathol. 179. 83—88. DOI: 10.1016/j.jcpa.2020.08.003.

Listos P., Gryzinska M., Kowalczyk M. (2015). Analysis of cases of forensic veterinary opinions produced in a research and teaching unit. *Journal of forensic and legal medicine*. 36. 84—89. DOI: 10.1016/j.jflm.2015.08.002.

Brooks Brownlie H. W., Munro R. (2016). The Veterinary Forensic Necropsy: A Review of Procedures and Protocols. Vet Pathol. 53. 5. 919—928. DOI: 10.1177/0300985816655851

Benetato M. A., Reisman R., McCobb, E. (2011). The veterinarian's role in animal cruelty cases. *Javma-journal of the american veterinary medical association*. 238. 1. 31—34. DOI: 10.2460/javma.238.1.31.

Kliuiev O. M. (2019). Udoskonalennia ekspertnoho zabezpechennia pravosuddia: teoretychni, pravovi ta orhanizatsiini aspekty. *Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky* : zb. nauk. pr. 19. 102–117. DOI: 10.32353/khrife.1.2019.08 [in Ukraine].

Yatsenko I. V. (2022). Mistse sudovo-veterynarnoi ekspertyzy v systemi sudovykh ekspertyz ta yii znachennia u sudochynstvi. Eurasian scientific discussions. Proceedings of the 4th International scientific and practical conference. Barca Academy Publishing. Barcelona, Spain. 27–29. URL: https://sciconf.com.ua/iv-mezhdunarodnaya-nauchno-prakticheskaya-konferentsiya-eurasianscientific-discussions-8-10-maya-2022-goda-barselona-ispaniya-arhiv [in Ukraine].

Kliuiev O. M. (2016). Pravove rehuliuvannia sudovoi ekspertyzy v spravakh pro administratyvni pravoporushennia: suchasnyi stan i perspektyvy rozvytku. *Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky*: zb. nauk. pr. Kharkiv. 16. 142—148.

Sehai M. Ya. (2003). Sudebnaia ekspertolohyia: obъekt, predmet, pryroda y systema nauky. *Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky*. 3. 25—32 [in Ukraine].

Simakova-Yefremian E. B. (2017). Do pytannia pro normatyvno-pravove rehuliuvannia sudovo-ekspertnoi diialnosti v umovakh sudovoi reformy v Ukraini. Aktualni pytannia sudovoi ekspertyzy i kryminalistyky: mat-ly kruhloho stolu z nahody 100-rich. vid dnia narodzh. prof. M. V. Saltevskoho (Kharkiv, 30.10.2017). Kharkiv. 68—70. [in Ukraine].

Shepitko V. Yu. (2014). Problemy vykorystannia spetsialnykh znan kriz pryzmu suchasnoho kryminalnoho sudochynstva v Ukraini. *Sudova ekspertyza*: nauk.-prakt. zhurn. 1. 11—18 [in Ukraine].

Shcherbakovskyi M. H. (2015). Provedennia ta vykorystannia sudovykh ekspertyz u kryminalnomu provadzhenni: monohrafiia. Kharkiv. 560 [in Ukraine].

Klymenko N. I. (2013). Zahalna teoriia sudovoi ekspertolohii: poniattia i mistse v systemi naukovoho znannia. *Zbirnyk naukovykh prats Irpinskoi finansovo¬iurydychnoi akademii (ekonomika, pravo).* 2. 101—106 [in Ukraine].

Pyrih I. V. (2011). Teoretychni osnovy ekspertnoi diialnosti orhaniv vnutrishnikh sprav: monohrafiia. Dnipropetrovsk. 312 [in Ukraine].

Hora I. V. (2014). Kompleksna sudova ekspertyza v aspekti doslidzhennia mizhhaluzevoho instytutu sudovykh ekspertyz v sudochynstvi Ukrainy. *Visnyk Akademii advokatury Ukrainy.* 11. 3 (31). 145—153 [in Ukraine].

Oliinyk O. O. (2015). Suchasnyi teoretychnyi vymir pryntsypiv administratyvno-pravovoho rehuliuvannia sudovo-ekspertnoi diialnosti. *Naukovyi visnyk publichnoho ta pryvatnoho prava.* 1. 101—107 [in Ukraine].

Hubin H. Efektyvnist dotrymannia pryntsypiv sudovo-ekspertnoi diialnosti / Ofitsiinyi sait hromadskoi orhanizatsii «Naukova spilnota». URL: http://www.spilnota.net.ua/ua/article/id-1358 [in Ukraine].

Sopilnyk R. L. (2015). Naukova obgruntovanist, obiektyvnist, povnota ekspertnoho doslidzhennia. Medzinárodná vedecká konferencia «Právna veda a prakh v treťom tisícročí» (Koshytse, 27—28.02.2015). Koshytse. 194—196 [in Ukraine].

Pro sudovu ekspertyzu : Zakon Ukrainy vid 25.02.1994 № 4038-XII. URL: https://zakon.rada.gov.ua/laws/show/4038-12#Text [in Ukraine].

Yatsenko I. V., Derecha L. M., Parylovskyi O. I. (2021). Novitni naukovi y praktychni zdobutky ta perspektyvy rozvytku sudovo-veterynarnoi ekspertyzy zhyvykh tvaryn v Ukraini. Aktualni pytannia ta perspektyvy rozvytku sudovoi ekspertyzy ta kryminalistyky : mat-ly Mizhnar. nauk.-prakt. konf. (Odesa, 03.09.2021). Odesa. 368—373 [in Ukraine].

Yatsenko Y., Derecha L., Kazantsev R. (2021). Noveishye nauchnye y praktycheskye dostyzhenyia y perspektyvy razvytyia sudebno-veterynarnoi эkspertyzy trupov zhyvotnykh v Ukrayne. Legea şi Viaţa. 1. II. 94—99 [in Ukraine].

Yatsenko I. V., Kazantsev R. H. (2021). Poriadok provedennia sudovo-veterynarnoi ekspertyzy trupiv tvaryn v sektsiinii zali spetsializovanoi ekspertnoi ustanovy. Veterynariia, tekhnolohii tvarynnytstva ta pryrodokorystuvannia. 7. 179—191. DOI: 0.31890/vttp.2021.07.28 [in Ukraine].

Belskyi K. S. (1998). O pryntsypakh admynystratyvnoho prava. Admynystratyvnoe pravo y admynystratyvnyi protsess: starye y novye problemy. *Hosudarstvo y pravo.* 8. 5–32.

Ostropilets A. V. (2018). Pryntsypy administratyvno-pravovoho rehuliuvannia sudovo-ekspertnoi diialnosti v Ukraini. *Prykarpatskyi yurydychnyi visnyk.* 1 (22). 3. 197—202 [in Ukraine].

Kazarovym A. O. (2020). Pryntsypy administratyvno-pravovoho rehuliuvannia sudovo-ekspertnoi diialnosti u spravakh pro administratyvni pravoporushennia, poviazani z dorozhno-transportnymy pryhodamy. *Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky.* 22. 260–271. DOI: 10.32353/khrife.2.2020.20 [in Ukraine].

Oliinyk O. O., Halunko V. V., Yeshchuk O. M. Administratyvno-pravove rehuliuvannia sudovo-ekspertnoi diialnosti : monohrafiia. Kherson : Hrin D. S., 2015. 224 [in Ukraine].

Pyrih I. V., Shynkarenko I. R. (2020). Pryntsypy sudovoi ekspertyzy. Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky. 22. 101–107. DOI: 10.32353/khrife.2018.24 (data zvernenniahttp://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=61469

Zherebko O. I. (2010). Sudovo-ekspertna diialnist: sutnist, pryntsypy, orhanizatsiini osnovy: avtoref. dys.. … k. yu. n. : 12.00.09. Zaporizhzhia. 22 [in Ukraine].

Shcherbakovskyi M. H. (2005). Sudebnye ekspertyzy : uchebno-teoretycheskoe posobye. Kharkov : Espada. 536.

Sherstiuk V. M. (2008). Pryntsypy sudovo-ekspertnoi diialnosti. Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky: zb. nauk. prats. Kharkiv : Pravo. 8. 18—23 [in Ukraine].

Zaitseva E. A. (2003). Pravovoi instytut sudebnoi ekspertyzy v sovremennykh uslovyiakh. Volhohrad: VolHU, 188.

Romaniv S. R., Holiash I. D. (2017). Osnovni napriamy vdoskonalennia pravovoho rehuliuvannia sudovo-ekonomichnoi ekspertyzy v Ukraini. *Ekonomika i suspilstvo.* 10. 796—802. URL : http://www.economyandsociety.in.ua/journal/10_ukr/135.pdf [in Ukraine].

Pro sudovo-ekspertnu diialnist v Ukraini : proiekt zakonu Ukrainy vid 30.03.2017 № 6264 // Baza danykh «Zakonodavstvo Ukrainy» / Verkhovna Rada Ukrainy. URL: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?id=&pf3511=61469 [in Ukraine].

Pro sudovu ekspertyzu ta samovriaduvannia sudovykh ekspertiv : proiekt zakonu vid 03.04.2018 № 8223 // Baza danykh «Zakonodavstvo Ukrainy» / Verkhovna Rada Ukrainy. URL: http://w1.c1.rada.gov.ua/ pls/zweb2/webproc4_1?pf3511=63780 [in Ukraine].

Byard R. W., & Boardman W. (2011). The potential role of forensic pathologists in veterinary forensic medicine. Forensic science medicine and pathology. 7. 3. 231—232. DOI: 10.1007/s12024-011-9241-x

McDonough S. P., McEwen B. J. (2016).Veterinary Forensic Pathology: The Search for Truth. Veterinary pathology. 53. 5. 875–877. DOI: 10.1177/0300985816647450

Kryminalnyi protsesualnyi kodeks Ukrainy: Zakon Ukrainy № 4651–VI. URL: https://zakon.rada.gov.ua/laws/show/4651-17#Text [in Ukraine].

Tsyvilnyi protsesualnyi kodeks Ukrainy: Zakon Ukrainy vid 18.03.2004 № 1618–IV. URL: https://zakon.rada.gov.ua/laws/show/1618–15#Text [in Ukraine].

Hospodarskyi protsesualnyi kodeks Ukrainy: Zakon Ukrainy vid 06.11.1991 № 1798–XII. URL: https://zakon.rada.gov.ua/laws/show/1798–12#Text [in Ukraine].

Postanova Plenumu Verkhovnoho Sudu Ukrainy № 8 «Pro sudovu ekspertyzu v kryminalnykh i tsyvilnykh spravakh» vid 30.05.1997 r. URL: https://zakon.rada.gov.ua/laws/show/v0008700-97#Text [in Ukraine].

Інструкція про призначення і проведення судових експертиз та експертних досліджень. Затверджено наказом Міністерства юстиції України 08.10.1998 № 53/5 (у редакції наказу Міністерства юстиції України від 26.12.2012 № 1950/5). URL: https://zakon.rada.gov.ua/laws/show/z0705-98#Text

Instruktsiia pro osoblyvosti zdiisnennia sudovo-ekspertnoi diialnosti atestovanymy sudovymy ekspertamy, shcho ne pratsiuiut u derzhavnykh spetsializovanykh ekspertnykh ustanovakh. Zatverdzheno nakazom Ministerstva yustytsii Ukrainy 12.12.2011 r. № 3505/5, zareiestrovano v Ministerstvi yustytsii Ukrainy 12 hrudnia 2011 r. za № 1431/20169. URL: https://zakon.rada.gov.ua/laws/show/z1431-11#Text [in Ukraine].

Naukovo-metodychni rekomendatsii z pytan pidhotovky i pryznachennia sudovykh ekspertyz (Nakaz Ministerstva yustytsii Ukrainy vid 08.10.1998 r. № 53/5 u redaktsii nakazu Ministerstva yustytsii Ukrainy 26.12.2012 № 1950/5. URL: https://zakon.rada.gov.ua/laws/show/z0705-98#Text [in Ukraine].

Pro zakhyst tvaryn vid zhorstkoho povodzhennia : Zakon Ukrainy vid 21.02.2006 № 3447–IV. URL : https://zakon.rada.gov.ua/laws/show/3447-15#Text [in Ukraine].

Кримінальний кодекс України: Закон України від 5.04.2001 № 2341-III. URL: https://zakon.rada.gov.ua/laws/show/2341-14#Text [in Ukraine].

Kodeks Ukrainy pro administratyvni pravoporushennia: Zakon Ukrainy vid 07.12.1984 № 8073-X. URL: https://zakon.rada.gov.ua/laws/show/80731-10#Text [in Ukraine].

Pro bezpechnist ta hihiienu kormiv : Zakon Ukrainy vid 21.12.2017 № 2264-VIII URL: https://zakon.rada.gov.ua/laws/show/2264-19#Text [in Ukraine].

Pro derzhavnyi kontrol za dotrymanniam zakonodavstva pro kharchovi produkty, kormy, pobichni produkty tvarynnoho pokhodzhennia, zdorovia ta blahopoluchchia tvaryn : Zakon Ukrainy vid 13.05.2022 № 2042-VIII. URL: https://zakon.rada.gov.ua/laws/show/2042-19#Text [in Ukraine].

DSTU ISO 6497:2005 Kormy dlia tvaryn. Metody vidbyrannia prob. Kyiv: Derzhspozhyvstandart Ukrainy[in Ukraine].

Rehlament ES №1831/2003 Evropeiskoho parlamentu y Soneta ot 22.09.2003 «O dobavkakh, prymeniaemykh v pytanyy zhyvotnykh» [in Ukraine].

Mangematin G. (1999). Post-mortum examination in food-producing animals – Regulations and standards. *Point veterinaire*. 30. 203. 33–36.

Pro veterynarnu medytsynu : Zakon Ukrainy vid 25.06.1992 № 2498-XII. URL: https://zakon.rada.gov.ua/laws/show/2498-12#Text [in Ukraine].

Simakova-Yefremian E. B., Balynian T. Ye., Derecha L. M. (2010). Pro kryterii otsiniuvannia metodyk provedennia sudovykh ekspertyz v Ukraini. *Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky*. 10. 151—161 [in Ukraine].

Grela M., Listos, P., Gryzinska M., Chagowski W., Buszewicz G., & Teresinski G. (2018). Imaging techniques as a method of sectional examination in forensic veterinary medicine. Medycyna weterynaryjna-veterinary medicine-science and practice. 74. 12. 751—758. DOI: 10.21521/mw.6005

Pro zatverdzhennia Poriadku atestatsii ta derzhavnoi reiestratsii metodyk provedennia sudovykh ekspertyz: postanova Kabinetu Ministriv Ukrainy vid 2.07.2008 r. № 595. Ofits. visn. Ukrainy. 2008. № 49. St. 1585. URL: https://zakon.rada.gov.ua/laws/show/595-2008-%D0%BF#Text [in Ukraine].

Metodyka sudovo-veterynarnoho doslidzhennia tvaryn z metoiu vstanovlennia yikh kalitstva / I. V. Yatsenko, O. I. Parylovskyi, R. H. Kazantsev. Kharkiv: NNTs «ISE im. Zasl. prof. M. S. Bokariusa», 2021. 50. [in Ukraine].

Metodyka sudovo-veterynarnoi ekspertyzy trupiv tvaryn / I. V. Yatsenko, O. I. Parylovskyi, R. H. Kazantsev. Kharkiv: NNTs «ISE im. Zasl. prof. M.S. Bokariusa», 2022 [in Ukraine].

Metodyka sudovo-veterynarnoho doslidzhennia zhyvoi pidekspertnoi tvaryny / I. V. Yatsenko, O. I. Parylovskyi. Kharkiv : NNTs «ISE im. Zasl. prof. M. S. Bokariusa», 2022. 50 s. [in Ukraine].

Pravyla sudovo-veterynarnoho vyznachennia stupenia tiazhkosti shkody, zapodiianoi zdoroviu tvaryny (metodychni rekomendatsii) / I. V. Yatsenko, O. I. Parylovskyi. Kharkiv: NNTs «ISE im. Zasl. prof. M. S. Bokariusa», 2022. 62. [in Ukraine].

Pravyla sudovo-veterynarnoi ekspertyzy trupiv tvaryn: Metodychni rekomendatsii / I. V. Yatsenko, O. I. Parylovskyi, R. H. Kazantsev. Kharkiv: NNTs «ISE im. Zasl. prof. M.S. Bokariusa», 2022. 41. [in Ukraine].

Poriadok vyluchennia obiektiv sudovo–veterynarnoi ekspertyzy z trupa tvaryny dlia laboratornykh doslidzhen: Meyodychni rekomendatsii / I. V. Yatsenko, O. I. Parylovskyi, R. H. Kazantsev. Kharkiv: NNTs «ISE im. Zasl. prof. M.S. Bokariusa», 2021. 51. [in Ukraine].

Khosha V. V. (2019). Vyznachennia administratyvnykh protsedur akredytatsii sudovo-ekspertnykh ustanov Ukrainy. Teoriia ta praktyka sudovoi ekspertyzy i kryminalistyky. 19. 173–190. 2019. DOI: 10.32353/khrife.1.2019.013 [in Ukraine].

Shepitko M. V. (2017). Dotrymannia pryntsypu nezalezhnosti sudovo-ekspertnoi diialnosti v Ukraini // Aktualni pytannia sudovoi ekspertyzy ta kryminalistyky: zb. materialiv mizhnar. nauk.-prakt. konf. prysviach. 100-richchiu vid dnia narodzhennia d-ra yuryd. nauk, prof., zasl. diiacha nauky i tekhniky Ukrainy M. V. Saltevskoho (7—8 lystop. 2017 r., m. Kharkiv). Kharkiv. 80—81. [in Ukraine].

Shcherbakovskyi M. H. (2005). Sudebnye ekspertyzy: naznachenye, proyzvodstvo, yspolzovanye: uchebno-praktycheskoe posobye. Kharkiv : Espada. 544.

Baraniak V. M. (2016). Pryntsyp nezalezhnosti sudovoho eksperta: analiz zakonodavstva Ukrainy u sferi sudovo-ekspertnoi diialnosti. *Visnyk Natsionalnoho universytetu «Lvivska politekhnika»*. Seriia: Yurydychni nauky : zbirnyk naukovykh prats. 850. 469—472[in Ukraine].

Hohcharenko V. H. (2005). Ekspertyzy u sudovii praktytsi : naukovo-praktychnyi posibnyk dlia studentiv, prokuroriv, slidchykh, advokativ. Kyiv : Yurinkom Inter. 387.

Velykyi tlumachnyi slovnyk suchasnoi ukrainskoi movy / ukl. i hol. Red. V. T. Busel. Kyiv : Irpin : VTF «Perun». 2004. 1440 [in Ukraine].

Slovnyk ukrainskoi movy: v 11 tomakh. T. 1. 1970. S. 777 [in Ukraine].

Novyi tlumachnyi slovnyk ukrainskoi movy (u trokh tomakh). tom 1, A – K. Ukladachi : V. V. Yaremenko, O. M. Slipushko. Kyiv : Vyd-vo «Akonit», 2006. 926 [in Ukraine].

Polozhennia pro Tsentralnu ekspertno-kvalifikatsiinu komisiiu pry Ministerstvi yustytsii Ukrainy ta atestatsiiu sudovykh ekspertiv, zatverdzhenoho nakazom

Ministerstva yustytsii Ukrainy 03.03.2015 № 301/5, zareiestrovanoho v Ministerstvi yustytsii Ukrainy 04 bereznia 2015 r. za № 249/26694 [in Ukraine].

Pro zapobihannia koruptsii : Zakon Ukrainy vid 14.10.2014 № 1700-VII. URL: https://zakon.rada.gov.ua/laws/show/1700-18#Text [in Ukraine].

Yatsenko I. V., Kliuiev O. M., Bohdaniuk I. V., Derecha L. M., Kazantsev R. H., Parylovskyi O. I., Mazanna M. H. (2022). Yurydychna vidpovidalnist sudovo-veterynarnoho eksperta. VII Mizhnarodna naukovoppraktychna konferentsiia «Innovative trends in science, practice and education», 22-25 liutoho 2022 h., Miunkhen, Nimechchyna. 173–183. DOI - 10.46299/ISG.2022.I.VII [in Ukraine].

Doroshenko O. F. (2008). Problemy orhanizatsii ta provedennia sudovoi ekspertyzy pry zakhysti prav intelektualnoi vlasnosti. *Intelektualna vlasnist.* 2. 41—45 [in Ukraine].

Kodeks zakoniv pro pratsiu Ukrainy vid 10.12.1971 № 322-VIII. URL: https://zakon.rada.gov.ua/laws/show/322-08#Text [in Ukraine].

Suggested Citation:

Yatsenko, I. (2022). Principles Of Forensic Expert Activities In Ukraine And Their Implementation In Forensic Veterinary Researche. *Archives of Criminology and Forensic Sciences.* 2 (4). 115-142. DOI: https://doi.org/10.32353/acfs.5.2022.08