



Language of Criminalistic Research as a Basis for Studying Criminal Legal Phenomena

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Abstract

This essay for the inaugural issue of *Technology and Language* explores the complicated interrelation of conceptual and technological change in the context of scientific development. It shows how these relations become even more complex in the age of information technologies. Criminalistic research offers a case in point. It is defined by a set of technologies and a precise language which serves to render vague legal concepts determinate. Technology is not only used by law enforcement and the science behind it, it is also used for committing criminal acts. In this case, as criminals learn to draw on the technical vocabulary of the information society, criminalistic science has to develop or refine its vocabulary in order to define and characterize the new kinds of criminal activities. This marks a dialectical moment in the development of contemporary societies.

Keywords: Language of Criminalistic Research; Terminology; Linguistic Concept

Аннотация

В этом эссе для первого выпуска журнала “Технологии в инфосфере” (“*Technology and Language*”) исследуется сложная взаимосвязь концептуальных и технологических изменений в контексте научного развития. В статье показано, как эти отношения усложняются в век информационных технологий, на примере данных криминалистических исследований. Известно, что криминалистическая экспертиза определяется набором технологий и точным языком, который служит для определения юридических концепций. Технологии используются не только правоохранительными органами для проведения расследования, но и преступными элементами для совершения преступных действий. В связи с этим, криминалистическая наука должна развивать и уточнять свой словарь, чтобы определять новые виды преступной деятельности, которые возникают в информационную эпоху. Этот процесс можно рассматривать как диалектический феномен в развитии современных обществ.



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Linguistic expressions, being an intrinsic element of the human response to the environment, change and transform in the developmental process of societies. They are an embodiment of new scientific knowledge in any sphere of activity. Language is not an invariable system, it reflects the whole range of the human development of various new spheres of knowledge. This includes basic changes in the field of technologies used both for producing wealth and for studying events, processes and phenomena of specific vital activities. Technologies – developing over the course of consecutive stages of the societal progress – absorb all new aspects of various approaches to obtaining new knowledge regarding the most central aspects of human activity. The term "technology" is actively used in forensic science in various combinations, as "technology for solving crimes," "technology for research and collecting traces," "technology of criminal activity," etc. At the same time, the meaning of the concept of "technology" in the framework of forensic research is not unambiguously defined, which gives rise to scientific disputes about the possibility of the existence of many technologies which are insufficiently grounded in science.

The process of developing any technological system is necessarily accompanied by the social process of creating new linguistic concepts for designating technological changes as they occur periodically in the course of historical progress. This can be seen in a neologization of the language of forensic science, when terms appear such as "forensic dermatoglyphics," "forensic holography", "procedural fixation."

Proceeding from this proposition, in order to successfully develop the specific branch of theoretical and applied knowledge, it is important to elaborate the terminological complex including logically formulated conceptual representations. This will allow us to reflect on the concrete results of researching a certain object in different areas, using linguistic expressions with the greatest degree of efficiency. This tendency is clearly exemplified in the field of criminalistic research of criminal actions, phenomena and events. This research makes an essential contribution toward the organization of effective law enforcement and its agencies which counter the various criminal encroachments against human life, health and property, information security, also the ecological balance of environment and human activity. To this end, the concept of "criminalistic model of criminal activity" was formulated and developed on the basis of the concept of "criminalistic characteristics of a crime."

In research that generates ideas about concrete criminalist objects two factors play an essential role. Firstly, there are the technologies applied while studying any given object which is the result of illegal activity. The list of techniques and methods utilized in criminalistic research, which, in general, can be defined as criminalistics technology, secondly requires in certain vital circumstances a developed complex of concepts which precisely describe the essential feature of various phenomena and results of activities with criminal consequences.

Language is a necessary component for the scientific application of criminalistic knowledge and for describing its results. Linguistic concepts used in criminalistic research are to be sufficiently accurate and formulated so that they contain no ambiguities,



that is the semantic content of terms – which is updated in the course of criminalistic work – is to reflect, most deeply, the essential features and signs, characteristic of a certain object studied. Thereby, the conclusions of criminalistic investigation of a certain object or phenomenon are to correspond to the most important elements which are the contents of scientific inquiry in the field of criminalistic relations.

Criminalistics as one of the leading branches of criminal-legal knowledge has a specific terminology reflecting the features of this scientific discipline object (ballistic examination, fingerprinting, expert conclusion, etc.). Hence, it is possible to propose that for criminalistic research an essential role is played by the conceptual and terminological system allowing us to describe any given criminal-legal phenomenon with sufficient precision. Therefore, forming a developed complex of the concepts which accurately depict concrete research objects is of great importance for consecutively developing criminalistics as a certain area of science-based ideas. The terms used by experts in criminalistics significantly differ from descriptions of these objects, processes, and things used by representatives of other fields of legal knowledge.

In this branch of law, there is a significant tendency to limit the formalization of the linguistic concepts that refer to illegal acts as provided by the criminal legislation of the concrete state. This is how standard terms first appeared in forensic science and forensic examination, such as the operability of a weapon, a standard sample, an intrinsic characteristic, a trace-perceiving object, the production of an examination, expert prevention, and others.

The specificity of terminological designations that are peculiar to this branch of the humanities is that the concepts used by criminalistics are accurate and unable to be extended to descriptions of close or similar processes and phenomena. At the same time, they are often of a composite nature, in particular, the material situation, genetic "fingerprinting," the criterion of identity, odorological examination, identification sign, strangulation groove, individual signs, handwriting degradation, sleeve flange, forensic characteristics, investigative actions and several others.

The originality of technologies of criminalistic character is reflected in the fact that specific questions having a highly probabilistic character are solved with them. Frequently, while applying the most perfect methods of criminalistic technologies the unambiguity of conclusions is attained which forms the basis for indictment after conducting preliminary investigations into the most difficult criminal cases. Accuracy of the formulations used, their association with the applied techniques and methods of scientific and criminalist approach, allows us to describe difficult phenomena of criminal-legal reality as interconnected system manifestations of subjectivity and objectivity which are present in criminal acts.

Alongside with the development of advanced technologies which are widely applied in conducting criminalistic actions, there is an improvement of scientific knowledge also in respect to the linguistic expressions. Linguistic terminology absorbs not only features of the research object in a particular scientific discipline, but it visually turns into reality those intrinsic elements of new achievements of criminalistics where the development of scientific ideas concerns the new types of criminal acts that happen in the context of a rapidly developing information society.



Introducing new linguistic concepts and designations allows researchers and experts of criminalistics to address the variety of human activity in the contemporary world.

Terminological aspects of criminalistic research cannot keep us from using the most modern technology and methods of research in the field of crime fighting and prevention. This problem is closely connected with the processes of change in the sphere of language and, at the same time, with related transformations in the field of technologies.

In the 21st century, it should be noted that such circumstance as the steady expansion of using the latest information technologies for committing criminal acts is investigated to clarify the essential features of these illegal. This tendency demands the improvement and specification of many criminalistic terms in order to use them for describing criminal activities and, thereby, promote the efficiency of law enforcement agencies. If one takes criminalistic researches of the late 20th century and the contemporary time period, there is an evident tendency towards complexity of terms used in most different activities of society, including the criminal actions directed against the individual or the state. This tendency leads to the demand that experts in the sphere of the advanced technologies that are used by criminalistics should be able to formulate a number of new terms and designations which allow us to specifically define whether a socially dangerous act is criminal and constitutes considerable danger to the interests protected by the law. The development of advanced information technologies challenges researchers and practical workers in the field of criminalistics to adequately designate applied methods and their production of significant results that can be used by bodies of preliminary investigation and the courts when they consider criminal cases of different categories. However, not only this direction is obviously important in the sphere of developing criminalistic researches. There is a valuable use of criminalistic knowledge with its terms and linguistic expressions also for the purpose of objectively formulating the conclusions which can demonstrate violations of property rights of different subjects in the course of economic activity. That is the information, obtained as a result of applying criminalistic technologies with the use of specific linguistic expressions, is able to form the sufficient basis for settlement of disputes between economic entities and their successful consideration by arbitration courts. For example, in connection with the development of technology, some authors propose the use of computer modeling in forensic research and the consolidation of such a means of obtaining evidence in procedural regulatory legal acts.

The problem of expanding and developing the volume and list of linguistic concepts used in criminalistic researches has a multi-sided character as it reflects the diversity of the research object in this scientific discipline. The technology of developing criminalistic methods entails the scientific introduction of new terms and expressions which allow to specifically designate to the utmost the phenomena and processes relating to criminalistics in the contemporary world. The improvement of terminology and clarification of fresh conceptual wordings allows us to raise the degree of conclusion-validity while considering various results of activities of individuals, entities and public authorities. There is thus the very important circumstance of a dialectic interrelation between specifics of actions of society members and the formation of scientifically based concepts which reflect intrinsic elements of different processes that occur in the criminal



sphere of societal activity and in other areas of active human influence upon the world around us.

Linguistic concepts fix and give a settled character to those innovations which are constantly present at the course of researching realities of the world around and results of human impact on various objects and phenomena.

It is important to compare scientific ideas embodied in linguistic concepts and objective knowledge of the reality surrounding the person and the changes that occur during any given time period within single states and the world in general. Language improvement is the process caused by the growth of scientific ideas in most the important directions of social development. This process is interconnected with transformations in concrete areas of scientific knowledge and substantially reflects achievements of certain scientific disciplines in forming ideas of their research object.

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