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PROSPECTS FOR THE AVIATION JUDICIAL EXPERTISE

The experience of conducting forensic examinations on the materials of criminal cases initiated in connection with aviation accidents showed that in the aviation transport system there are frequent cases of aviation accidents due to significant omissions in the regulatory framework governing aviation activities, and criminal cases brought up in these cases, as a rule, do not have the prospect of a judicial investigation.

Consequently, no one bears criminal liability for material damage and possible human casualties, and everything is limited to administrative responsibility, which is based on the findings of an official investigation, and does not always coincide with the conclusions of a forensic examination, resulting in injuries to officials not involved in the accident.

As for the forensic examination, here all the attention is focused on studying the initial phase of the incident, a description of the mechanism of the chain of causal relationship that forms the immediate cause of the incident.

Forensic aviation expertise in criminal matters is knowledge-intensive, and as a rule, commission-based, and the organization of such expertise is currently a difficult task.

These difficulties are caused by the fact that there are no units in the expert institutions of Ukraine that specialize in performing such examinations.

In connection with the foregoing, a fundamental question arose - the creation of structural units in special expert institutions of the Ministry of Justice of Ukraine that would carry out (the implementation of forensic aviation examinations).

Without training, the most highly qualified aviation specialists can unwittingly make mistakes of not only the design, but the legal plan, going beyond their competence. Ultimately, this compromises the conclusions made and requires additional or even re-examination.

The completeness of the work decision depends on the possibility of creating a specialized research laboratory of aviation transport examinations in one of the research institutes of the Ministry of Law, the tasks of which will be the development of scientific topics and the implementation of relevant studies, the preparation, retraining, certification and re-certification of staff and non-staff experts, and the performance of examinations on resonant aviation accidents, the accumulation, processing, systematization of data and the establishment of relevant patterns in order to address preventive Sgiach tasks, as well as improving base of normative documents.

So far, forensic aviation expertise continues to be departmental and is being carried out with the assistance of aviation transport specialists who are not certified as experts.

The Prosecutor General's Office, the Ministry of Infrastructure, the Ministry of Justice, the Ministry of Internal Affairs, and the Security Service of Ukraine have a direct relationship with the posed problem.

We would like to hope that our common desire and efforts will lead to the fact that forensic aviation expertise will receive scientific recognition and will firmly take its place in state specialized expert institutions.

Forensic aviation transport expertise belongs to the class of engineering and transport, and is a study by an expert, based on special knowledge, material objects, phenomena and processes that contain information about the circumstances of the case, which is being processed by the bodies of inquiry, preliminary investigation or the court.

Based on the foregoing, forensic aviation transport expertise should be considered a separate genus of the class of engineering and transport expertise and divided into the following main types:

1. An examination of the investigation of the circumstances of an aviation event is connected with clarifying questions regarding the fulfillment of a flight mission, the quality of piloting techniques, air traffic control, meteorological conditions, the technical condition of aircraft, ground controls, and airport equipment. This type of examination is divided into the following subspecies:

- Flight
- Technical
- Air traffic services
- Fire and technical
- Decryption of objective control

2. Forensic examination, which is assigned to study various traces, objects, documents. This type of examination is divided into the following subspecies:

- Trasological
- Fingerprint
- Ballistic
- Handwriting Identification
- Technical examination of documentation

3. A medical examination which is appointed to establish the causes of death of the victims, the nature and severity of bodily injuries, and the mental state of those involved in the aviation event. This type of examination is divided into the following subspecies:

- Medical
- Psychiatric
- Psychological

4. Regulatory expertise

5. Other examinations

The advantage of the above division is that it contains all the taxonomy divisions - class, gender, species, subspecies and clearly defines the place of judicial

aviation transport expertise in the existing classification of examinations.

According to the general provisions, the methodology of forensic aviation transport expertise is its theoretical (scientific) basis, individual provisions of which are used to create various techniques. The examination technique is a system of scientifically sound and proven techniques (methods) used by an expert in solving engineering problems to answer questions posed by a court or investigation.

The results of the examination depend on the experience and skills of its specialists. Forensic aviation expert must have at least 5 years of practical experience in investigating aviation events! This experience is the foundation for the development of skills during the examination.

Such experience can be experienced by persons who have the qualifications of a civil aviation pilot, air traffic controller, aviation engineer, specialist in airworthiness and air traffic management. They must know the aviation infrastructure and be able to establish links between different areas of GA.

A forensic aviation expert must be completely objective, and could withstand political or second interference or pressure.

Disadvantages of departmental investigation:

- Dependence of experts on the GA administration and emasculation of safety recommendations.

Currently, the independent investigation department of the State Aviation Administration of Ukraine, together with the National Aviation University and the Kiev National Institute of Forensic Expertise, is working on certification of aviation specialists as forensic experts.

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