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VALUE OF THE CIRCUMSTANTIAL EVIDENCE IN CRIMINAL LAW

The purpose of the research is to define the value, classification and regulation of the use of circumstantial evidence in criminal law.

The object of the research is circumstantial evidence as a means of proof.

Methods and techniques. This research is based on the method of information analysis.

Research results. The circumstances that are subject to evidence in criminal proceedings are established directly or indirectly. Separation of the evidence on the basis of direct and indirect is relevant to understand a person's degree of guilt. All indirect evidence and interrelated facts in the case should lead to one conclusion – the guilt of the accused. They should exclude the possibility of any other logical deduction. The strength of the indirect evidence is debatable. It does not refute other objective evidence. For example, a person's suspicious behaviour cannot be considered solely as a sign of guilt. Moreover, such behaviour may indicate the innocence of the person. For the investigation officer it should therefore be grounds for more detailed and thorough detecting of other evidence, which could form the basis of the indictment [1, c. 352].

Evidence which establishes similar patterns may also be classified as indirect. For instance, the similarities in committing some of criminal offenses using the same criminal techniques or some distinctive features of an attacker allow to draw a preliminary conclusion that the commission of these criminal offenses stems from one person or a group of persons.

According to G. M. Minkowski, the coincidence of the means of crime can be considered as indirect evidence, since other indirect evidence allows us to draw only assumptions.

The most significant direct exculpatory evidence is an alibi, that is, the presence and location of the suspect in another place at the time the criminal offense was committed. Alibi can be established by either direct as well as indirect evidence. Indirect evidence is a complex two-stage (or multi-stage) act. It requires that evidence be logically related which creates a system. It is important but quite difficult to apply.

Indirect evidence first directly confirms some intermediate statement (for example, the fact of a threat that comes from suspected person) and then the intermediate (sequential, logically connected) statement. For example, causing bodily harm by the same person [2, c. 536].

The rules of using indirect evidence can be merged into such a system: any indirect evidence must be reliable; quality rather than quantity of indirect evidence is crucial to decide the basis of the indictment; the combination of indirect evidence should constitute a chain of interrelated facts, but not constitute a chaotic system; evidence structure should lead to only one conclusion, otherwise, the investigation creates legitimate grounds to doubt the indictment.

Indirect evidence does not allow a definitive conclusion about the circumstances that are being investigated. For instance, blood traces on a suspect's clothes do not allow the drawing of unambiguous conclusion about his involvement in the commission of the criminal offense. Evidence based on indirect evidence requires that each intermediate fact to be supported by several evidence. Indirect evidence must be compared and logically related with other evidence, which content supports the same fact. Indirect evidence constitutes irrefutable force only in the above form, which allows us to make a categorical and confident conclusion that a particular person is really guilty of committing a criminal offense [3, c.1104].

In criminal proceedings conclusions will be equivalent when using direct evidence, as well as indirect if it is credible, provided, fixed and used correctly. The symbiosis of direct and indirect evidence provides reliability and is the typical outcome of these investigations. Also, it is important to understand that direct evidence should not be overestimated, as indirect evidence with qualified and thorough analysis may be enough. In investigative and judicial practice, there are criminal cases in which the charge is based only on indirect evidence. Both direct and indirect evidence form reliable material for solving a case or investigating. A court judgment based on both indirect and direct evidence is not distinguished by the degree of responsibility and has the same legal force and consequences [4, с. 272].

A legal process with indirect evidence is longer and more complex than when using direct evidence. Firstly, it is necessary to establish reliable facts that would become known to the investigator and court representatives; secondly, to determine whether this information relates to a criminal offense and to exclude accidental combination of circumstances.

Conclusions. To sum it up, it should be mentioned that the conclusion in criminal proceedings obtained through properly used circumstantial evidence is as reliable as the conclusion obtained through using direct evidence. The underestimation of indirect evidence is usually based on the inability to work with them correctly. Both direct and indirect evidence are subject to rigorous verification and evaluation in terms of admissibility, reliability, adequacy and ownership. Only competent actions of criminal investigation department can provide avoidance of investigative and judicial errors, and anyone who committed a criminal offense will be held accountable in measure of his guilt. An innocent person will never be unjustly punished or convicted.

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