



Forensic examination as a social institution
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Abstract

The paper deals with a judicial expert activity as a social institution with such categories as goals and functions, organizations and institutions, social groups and teams, material means of achieving goals, customs (or ideology) and so on. The interaction of these categories in the judicial system and the system of forensic examination is considered, which allows us to distinguish forensic examination as a separate social institution that is part of a larger social institution of law. There are quite a few scientific papers including sociological articles, devoted to forensic examination in Russia, but this phenomenon has not previously been considered as a social institution.

Keywords: Forensic examination, forensic expert activity, social institution;

1. Introduction

The production of all types of forensic examinations on the territory of the Russian Federation is clearly regulated by Federal Law. This type of activity is socially significant and it is inextricably linked with the judiciary and serves the legal interests of society. Expert opinion has the power of self-evidence in a trial. There are quite a few scientific articles, including sociological articles, devoted to forensic examination in Russia, but this phenomenon has not previously been considered as a social institution. Nevertheless, there is a reason to confirm that forensic examination can be singled out as a formal social institution.

2. Discussion

In modern sociology, there are many definitions of the term «social institution». This category itself is one of the fundamental in the entire sociological theory. So, for example, L. Ballard interprets a social institution as «a form of organized human relations in order to establish a common will» [2]. D. Homans interprets this term as «relatively stable models of social behavior, to support which the actions of many people are directed» [4]. According to the sociological dictionary written by G.V. Osipov and L.N. Moskvichev, a social institution is a leading component of the social structure, integrating and coordinating a multitude of individual actions of people organizing social relations in particular spheres of public life [6].

Thus, summing up the definitions, we can conclude that the social institution introduces the attitudes and norms of behavior in society into social and individual consciousness and is also used to describe regular and long-term social practices.

The sociological literature cites various typologies of social institutions. For example, N. Aberkrombi, S. Hill, Brian S. Turner in their Sociological Dictionary distinguish five groups of social institutions: economic institutions serving for the production and distribution of goods and services; political institutions governing the exercise of power and access to it; stratification institutions that determine the placement of positions and resources; kinship institutions related to marriage, family and the socialization of young people; cultural institutions related to religious, scientific, and artistic activities [1].

In the Russian sociological literature the following groups are distinguished: family institutions and education, associated with the implementation of the fundamental needs of society; economic institutions that ensure the material vitality of society; political and state-legal institutions that promote the integration of social groups and groups; cultural institutions that support and preserve the spiritual values of society [8].

What type of the social institution can we include forensic examination in? According to the Federal Law of May, 31, 2001, N 73 «On the state forensic expert activity in the Russian Federation», a forensic examination is interpreted as «a procedural act consisting of conducting research and giving an opinion by an expert on issues whose resolution requires special knowledge in the field of science, techniques, arts or crafts and who are put before an expert court, judge, inquiry body, investigator in order to establish the circumstances to be proved on to the cause of case». Forensic examination as a structure directly related to the judiciary and the institution of law can be singled out as a separate state-legal institution that provides the work of the judicial system.

Considering the question of the structure of a forensic examination as a social institution, most sociologists recognize the systemic nature of its structure. J. Feibleman in the structure of a social institution identifies six main elements: a social group, institutions, customs, material tools, organization, and a specific goal [3]. J. Schepansky regards the goal, functions, institutions and means of achieving the goal, social sanctions [7] as components of the structure of a social institution. I.I. Leiman identifies the following components of the structure of a social institution: a collective, a socially significant function, managing units, and material institutions [5].

The goal and the functions of the forensic examination is specified in the aforementioned Federal Law of May, 31, 2001, N 73: «The task of state forensic expertise is to assist the courts, judges, inquiry bodies, inquiry inquiries, investigators in establishing the circumstances to be proved in a particular case by resolving issues requiring special knowledge in the field of science, technology or craft». These goals and functions are socially significant, as it is the entire judicial system as a whole. The main organization regulating the activity of forensic examination in the Russian Federation is the Russian Federal Center for Forensic Examination under the Ministry of Justice of the Russian Federation. Different types of forensic examinations are carried out in specialized institutions («state forensic institutions»); the activities of such institutions are strictly regulated by law. Thus, in the case of a forensic examination we are talking about specialized organizations and institutions that control this type of activity.

The law also specifies the requirements for the person holding the post of expert, for his/her education and level of professional qualification, which makes it possible to speak of forensic experts as a social group with common characteristics and as a separate professional community. As a peculiar custom (or ideology) of the professional community, one can consider the rules for conducting any type of examination, as well as conducting activities «on the basis of a single

scientific and methodological approach to expert practice, professional training and specialization of experts» (this is also reflected in the Federal Law).

Means of achieving goals, like material tools, in this case depend on the type of expertise. For example, for forensic examination it will be medical methods of studying both living people and bodies or biological samples, and medical equipment; for technical forensic engineering, it may be a technique or technical documentation, technical analysis and examination of the subject of expertise and so on. The main material result of the work of a forensic expert in any field is a forensic expert report – a document that is considered by the court as evidence.

As an activity directly related to the judicial system, forensic examination adopts sanctions under this system. There are also certain sanctions within the forensic examination system itself: a forensic expert is criminally responsible for giving a knowingly false conclusion.

3. Conclusion

Summing up, a forensic examination may be an independent social institution generated by a larger one — a social institution of law, but having a number of characteristic differences. This social institution has its own characteristics in structure, in such categories as goals and functions, organizations and institutions, social groups, material means of achieving goals, and so on: they do not always correspond to the same categories of social institutions of law. Based on this, it can be argued that forensic examination is a separate social institution.

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