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## PROBLEMS OF USING SPECIAL KNOWLEDGE IN TRAFFIC ACCIDENT CASES

**Abstract:** The author examines the law enforcement practice in the investigation of road accidents of the Law of the Kyrgyz Republic "On forensic activity" the strengths and weaknesses of its system and structure. An individual characteristic feature of the accident investigation methodology is the need for many forensic examinations aimed at resolving the tasks of the investigation as a result of a constantly changing investigative situation. Since the problem of consistency or its absence within the structural components that form the interconnection of all traffic accident participants without exception is associated with a clear implementation of their practical actions, in the event of a failure in proper functioning due to a lack of enforcement opportunities or a lack of relevant competence, the investigator or expert has difficulties regarding accident investigation. Moreover, these problems have clearly expressed objective and subjective reasons.

**Key words:** participant, investigator, examination, investigation, conclusion, decision, conclusion, methodology, problem.

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### Introduction

The author, through analysis and logical conclusion, substantiates the conclusion (containing a problem). The fact that auto-technical expertise should not be carried out by specialists, even with a high degree of competence, but who do not have an official status as a «state expert», a corresponding higher education specialty, who do not have the appropriate research methods, the practice of their application, as well as access to the examination

But, in spite of this, the appointed examinations are carried out, conclusions on which are subsequently disputed by lawyers on the basis of their procedural insolvency and evidence obtained in violation of the procedural requirements. Number of examinations carried out by expert departments of the Internal Affairs Directorate of the Jalal-Abad and Osh Regions for 2018-2019 is 5067 [4].

The author, having studied the theoretical and practical difficulties in organizing an accident

investigation, which arises for an investigator, inquiry body, expert in the appointment and production of automotive technical examinations related to inadequate organization and planning of an investigation in an emergency investigation, identified the main ones that significantly complicate the investigation:

- 1) A superficial inspection of the scene, the lack of timely permanent actions during the inspection of the scene
- 2) Reverse vehicle inspection
- 3) Unclear wording of questions posed to the expert by the investigator
- 4) Lack of understanding of expert capabilities
- 5) Lack of collected source materials for expert research [6].

The applicant notes that the completeness and boundaries of expert research by an expert in automotive technicians in identifying the causes and consequences of accidents and their subjective and

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objective component depends only on a comprehensive analysis of the accident itself with the maximum use of special scientific and applied knowledge.

And the final conclusions of the investigation are the competence of the subject of the investigation and the court. Establishing individual conditions and reasons for connecting accidents with a particular vehicle is a direct responsibility of an expert authorized and competent in the production of auto-technical expertise [5]. This is primarily due to the need to apply special knowledge and professional authority. The potential capabilities of the expert with the appropriate experience and competence include answers to questions about the impact of specific subjective or objective conditions on the very occurrence of an accident, and most importantly, the establishment of the root cause of the event.

The theory of forensics [6] has developed a huge theoretical and practical potential for the effective use of special knowledge in the investigation of crimes related to traffic accidents. In this case, the author, is referring to the use of a whole range of autotechnical (road transport) examination capabilities, based on modern scientific knowledge related to forensics.

When organizing an investigation of traffic accidents, the investigator constantly has to deal with technical issues regarding the technical characteristics of the vehicle, its capabilities, the degree of wear and the possible consequences associated with this wear.

Answering the questions posed requires the use of special knowledge in almost all branches of science and technology, and this knowledge and their practical application for answering questions provide opportunities for special expertise. Which have competence in the field of not only jurisprudence, but also psychology, physics, mathematics, medicine, construction, automotive.

Modern achievements in related scientific and forensic knowledge are actively used in carrying out various types, directions, and special-purpose auto-technical examinations. In order to collect, consolidate and study the necessary investigation relevant information on the case under investigation. Basic scientific knowledge in the field of vehicle operation, physics, the theory of resistance of materials, and medicine formed such a special expertise as “automotive technical expertise”. G.P. Arinushkin [9] on this issue in his research suggested, “The totality of these sciences is realized in the development of expert research methods designed to expand the ability of examination, to increase the level of scientific validity of the conclusions of an expert automotive technician.

The main purpose of automotive technical expertise is to find answers to questions arising in relation to the technical capabilities, characteristics, data of road transport, which is the subject of an accident.

Moreover, the author, based on his experience, suggests dividing the questions and answers that this type of examination [8] gives into the following groups:

- 1) issues that contribute to clarifying the mechanism of formation of traces of a traffic accident;
  - a) the direction and speed of the car, pedestrian at the situational moment of a road traffic event
  - b) the establishment of possible causes of drift, and the conditions conducive to this
  - c) possible objective and subjective reasons for the rollover of the vehicle
  - d) identifying the causes and relationships regarding the malfunction of the car and the traffic accident itself
  - d) the possible relationship of the technical parameters of the car with the subjective causes of the accident.
- 2) issues related to an individual assessment of the actions of the driver directly in the context of compliance with traffic rules.
  - a) the consistency of the actions of the driver of the car to prevent the fact of an accident and its consequences
  - b) the psychophysiological state of the driver and the possible impact of this condition on the accident event
  - c) experience and level of professional competence of the vehicle driver
  - d) the state of engineering and road communications and their possible impact on the fact of an accident event.
- 3) questions regarding possible causes and consequences in the context of the actions of the participants in a traffic accident and the events and consequences that have occurred [9].

Multiple psychological tests and expert studies [10] state the fact that many factors influence the time response of a vehicle driver:

- 1) the psychophysiological condition of the driver, length of service, practical skills;
- 2) the designed technical characteristics of vehicles, its technical condition, physical deterioration;
- 3) the condition of the road surface, the general estimated condition of the road;
- 4) the state of road engineering and technical communications;
- 5) time of year, day, weather conditions, manifestation of technogenic phenomena.

In practical expert activity during the calculation indicators, experts, as a rule, use averaged indicators to assess the individual reaction of the driver of the vehicle. Of course, everyone agrees with the fact that the data obtained in this way cannot correspond to the principle of absolute reliability and objectivity.

The author comes to the conclusion that the time has come to fundamentally review the current situation with the procedure for the appointment and conduct of technical expertise, the use and

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interpretation of the results in the investigation of road accidents. For this it is necessary to use modern scientific and methodological developments, the competencies obtained in related fields of knowledge,

as well as the already gained theoretical and practical experience in the works of scientists devoted to the problems of using the examination technique in the investigation of road accidents.

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