

## **HISTORICAL AND LEGAL ASPECTS OF FORENSIC EXPERTISE IN UKRAINE: RUS'KA PRAVDA AND LITHUANIAN STATUTE**

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*Based on the analysis of the provisions of law monuments – Rus'ka Pravda and the Statute of the Grand Duchy of Lithuania in 1529, the article examines the historical and legal aspects of the origin and development of the forensic expertise in Ukraine.*

***Historical and legal aspects of forensic expertise, history of forensic medicine, forensic expertise, forensic, court.***

Formation and development of Ukraine as the legal state, effective providing observance of rights, freedoms and people's interests in criminal proceeding, stipulate the necessity of improvement of the legal adjusting of the forensic medical expert examination.

The objectively decision of this task needs research of history of a forensic medical expert examination in Ukraine. Finding out of historical and legal aspects of origin, formation and development of a forensic medical expert examination will help to correctly estimate and understand the modern state of the legal regulation of a forensic medical expert examination and to define it's further directions.

Actuality of this article is conditioned that research of the history of a forensic medical expert examination had been being realized mainly by the representatives of a medical science for along time, that resulted in the analysis of the historical and legal sources without the account of the aim and the terms of acceptance sights of right, with mechanical transference

on the historical phenomena of the concepts made by the modern science. At the same time there is a tendency of establishment in the scientific literature of an exhaustive list of sights of right, that are the sources of legal regulation of a forensic medical expert examination and, as a result, historical and legal sights are practically remain out of consideration of national scientists in the context of legal regulation of a forensic medical expert examination.

Thus, modern state of the scientific estimation sights of the history of the state and right in the context of the legal adjusting of a forensic medical expert examination, absence of complex researches sent to the historical and legal aspects of regulation of a forensic medical expert examination stipulate a necessity and an actuality of history researching of legal regulation of a forensic medical expert examination by means of the historical and legal, logical and comparatively-legal methods of research, that, in our view, will assist for more objective understanding of the history of a forensic medical expert examination, allow reduce betweenness legal adjusting of a primary form a forensic medical expert examination and the modern type of a forensic medical expert examination, will assist determination of a direction of improvement a legal adjusting of a forensic medical expert examination in modern Ukraine.

The aim of this article is finding out of separate historical and legal aspects of the origin of a forensic medical expert examination by means of analysis of such sights of the right, as Russian True and Charter of the Great duchy 1529 Lithuanian, as Russian True is considered as the confessed source that contains the signs of a legal regulation of a forensic medical expert examination, and Charter of the Great duchy 1529 Lithuanian was not investigated by scientists in the context of the origin of primary forms of a forensic medical expert examination.

Analysis of corresponding positions of legal acts that was operated in a time before Petrperiod of the development of the judicial medicine allows to do such conclusions and suggestions:

1. A department judicial did not move away from administration in Kyiv Rus. A court did not exist in the modern understanding, and from so thesis about the judicial estimation of bodily harms in Kyiv Rus seems not enough reasonable;

2. Legal status of governmental "official" is based on the corresponding norms of Charter of the Great duchy in 1529 Lithuanian – "vija" testifies to the presence of the primary forms of a forensic medical expert examination in the Lithuanian-Russian state;

3. It is expedient to enter in a scientific turnover Charter of the Great duchy 1529 Lithuanian as a source, that contains norms the rights sent to adjusting of primary forms of a forensic medical expert examination;

4. The studying of the possibility of introduction to the science of the separate period of the development of a forensic medical expert examination in Ukraine is actual and timely.