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Epistemological Aspect of Proof in Criminal Proceedings Concerning Robbery, Committed by Minors

The article defines the epistemological bases of the investigator's activity to establish the circumstances of the criminal offense committed by minors under art. 187 of the Criminal Code. The concept of proof as a form of knowledge is defined, the proposal concerning the improvement of the organizational and procedural aspects of determining the subject of proof in criminal cases of this category is presented taking into account the specifics of robberies and the age of those suspected of their committing.

It is noted that after the adoption of the new Criminal Procedure Code of Ukraine in 2012 some procedural and organizational approaches to problem solving of clarifying circumstances of the criminal offense were changed.

Investigation and litigation suggest that in addition to the above-mentioned circumstances it is often necessary to ascertain the following: the composition and age of family members, their education, profession, position, place of work and study, the relationship between family members before any of them have been brought to responsibility for the offense, their cultural and moral level. It also should include housing and living conditions of families, mental and physical health of each member.

It was found that in the course of investigating the epistemological inquiries for robbery in criminal proceedings we should focus not only on those listed in art. 91 of the Criminal Procedure Code of Ukraine but on circumstances that must be determined and proof, if such acts are committed by minors, the circumstances under art. 485 of the Criminal Procedure Code of Ukraine, we have to take into account the specific circumstances that are developed by scientists, forensic experts and concern of each individual investigation of criminal offenses. Since only taking into account general and specific range of circumstances of the criminal offense enables the investigator to recreate an objective picture of the criminal offense under art. 187 of the Criminal Code of Ukraine.

Keywords: epistemology, robbery, proof, minors, criminal procedure, investigation.