

TOOLS FOR SOLVING PROBLEMS RELATED TO WRITING CONDITIONS IN GRAPHIC FORENSICS

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Introduction. Regarding the conditions of writing/signing, the traditional methods of graphic expertise, unlike the provisions of graphology and graphopathology, differentiate between two large groups: ordinary and unusual conditions, which the expert must be able to reveal right from the beginning of the analysis on the graphic objects [2, p. 199]. Respectively, the graphoscopic examinations, in the vast majority of them, imply solutions regarding the establishment of the conditions of execution of the investigated objects. Taking into account the multitude of factors of internal and external origin, which influence the usual writing/signing process, forensic experts specializing in graphics, they need to have sound scientific tools in this regard.

We consider further to present some reasoning regarding the use of the tools applied in the traditional forensic expertise of writing and signature for revealing the diagnostic indices of the writing/writing conditions/signing and possibilities of using elements of graphology for this purpose.

Results obtained, discussions. Indeed, at the moment, including in Romania and the Republic of Moldova, to the discussed aspect, the methods approved in the judicial expertise institutions, they do not recognize graphology and graphopathology as working tools within the forensic expertise of writing, although they put the beginnings of identifying the person after writing, scientifically demonstrating the connection between the graphic gesture and the personal manifestation, as well as the dependence of the modifications of the individual graphism on the external and internal factors [3, pag. 78].

In this respect, the judicial practice of the Republic of Moldova registers a considerable increase in the number of situations, when the graphic judicial expert is faced with the needs to solve diagnostic problems: identification of conditions for writing/signing documents.

Knowing the indices denoting writing/signing under unusual conditions is important, including in order to identify the causes that influence writing/signing. Confused factors acting on the usual writing/signing process, according to existing practice in traditional graphoscopic expertise, from the point of view of genesis, are divided into «natural» and «non-natural». A separate category is the phenomena that reflect the inner state of the writer, because they, in certain situations, are, have a rather specific mechanism and can not be categorized as confused factors «natural» [2, page 124, translation of the authors].

In this respect, in the scientific literature, we find a classification unanimously accepted by several researchers of the confused factors, which determine certain changes in the indices of the writing /the signature and can be revealed in the examined graphic objects. In the table below, we will represent this classification, including our contribution, in order to facilitate the understanding of the following reports.

Table 1

Classification of confused factors influencing the writing/signing

	group		
	Change of external conditions	Unintentional alteration of the writer's inner state	Intentional modification of the writer's inner state
Nr.	Examples of confusing factors within the group		
1	Unusual position	Changes in age	Non-disguise
2	Unusual scriptural tool	Excitation or inhibition	disguise
3	Mdofification of lighting conditions	Drunkeness/consumption of drugs, drugs (substances with an effect on the central nervous system – CNS)	
4	Unusual support	Worsening or loss of vision	
5		Disease status, especially neurological and mental illness	

The confused factors mentioned exert different influences on the writing/signing process, respectively in mauscris and signatures will reveal distinct changes by volume and manifestation.

We want to present an example of changing the writing mechanism under the influence of external confused factors, to come up with some recommendations in a methodical sense. Thus, for the execution of a text/signatures in unusual external codes, an essential reconstruction of the writing mechanism, its adaptation, is required, having the task of preserving the visual-motor characteristics proper to the appearance of the graphic sign, which is achieved through an increase of the conscious visual control over the movements, thus enhancing the role of the visual organ. These circumstances lead to the disorder of the usual coordination of different muscle groups, which manifest in writing/signature by reducing the accuracy (finiteness) of the movements. In the manuscripts appear indications of reduction of coordination of movements: the inclination becomes uneven, as well as the expansion of movements vertically and horizontally, the graphisms are arranged chaotically vertically and horizontally, there are fractures and corrugations in the rectilinear paths, angularities of the ovals. At the same time in certain fragments of the manuscript or graphisms, signs of increased coordination of movements, characteristic of the writer, are observed. The usual correspondence of the components of automatism and awareness in the process of writing under unusual external conditions, changes in favor of increasing control when performing fragments and decreasing automatism, etc., scrippor proceeding to an unusual increase or slowdown in writing speed.

We note that the degree of action of various confused factors on the mechanism of writing/signing may be different and in connection with it, the volume of indices changed in manuscripts/signatures executed under unusual conditions, and, it will be smaller or bigger.

Similarly the degree of influence of confused factors on writing/signature differs from person to person, to some having a greater weight, to others – less.

The different influence of confusing factors on the writing/signature of different people, often creates difficulties when performing the dispatches. For these reasons, the solution of the expertise problems will be correct, but when the expert will know suffocatively the expertise methodology for establishing the conditions for writing/signing and the changes in the characteristics of the writing/signing/signature generated by confused factors, denoting deviations from the norm.

An absolutely necessary condition for the successful resolution of issues related to the conditions of execution of manuscript texts or signatures is to submit to the judicial expert sufficient reference material executed under ordinary conditions (normal). Knowledge by the expert of the characteristic indices for certain unusual conditions will allow to identify them. Modern literature provides forensic experts with valuable scientific data [2, p. 128–175, 4, etc.], which practitioners use successfully in their daily work, by addressing the objectives put forward by the authorising officers on

the conditions for the execution of graphic objects. At the same time, it is well known that the strict differentiation of the modifications of the usual writing according to the confusing conditions in the practice of traditional graphic expertise is in difficulty, the expert having the opportunity to identify, more often, the group of factors, under the influence of which the writer executed the manuscript/signature, a definite conclusion in this regard is quite rare [5].

We are of the opinion that it would be welcome to complete the classic methodical instructions for forensic examination of the writing/signatures for solving problems that relate to the unusual states of the executors, the, conditioned by external and internal factors with elements from the sciences: graphology and graphopathologia. The scientific achievements of Italian school scholars (Girolamo Moretti and Marco Marchesan) at the current stage are valuable reserves for the modernization of expert technologies, as these schools have a solid academic foundation graphopsychological, graphological, based on the complex interpretation of the human personality, analyzing the writing, signatures, but also the drawings, scribbles understood as indicators of the psychic states [2, p. 83], the graphic gesture being perceived, on right, by right, as a product of the physiological impulse from the creer to the effector organ [2, p. 81]. In this way, we will have to gain both in theory and park, or, the Italian graphological school enjoys a good reputation in the world.

Conclusion. In conclusion, we consogerate the following:

1. The inclusion in the training program of graphic judicial experts with the necessary elements from the sciences of graphology and graphopathology.
2. Modernization of the methods of performing graphic expertise by supplementing with the scientific provisions developed by graphology and graphopathology, the veracity of which is permanently proven in daily judicial practice in Italy and other states.

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PRINCIPLES OF JUSTICE DIGITALIZATION

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Introduction. The digitalization of the judicial system is a current phenomenon that was significantly accelerated by the COVID-19 pandemic of 2020–2021. Even before 2020, many countries were already extensively implementing information technologies in public institutions to provide a range of automated services to citizens. International [1] and regional [2] recommendations support these trends. The need for social distancing and travel restrictions, which made physical attendance of parties at court hearings impossible, facilitated the rapid integration and expansion of technologies in the judicial sector across many countries, including Moldova [3]. As a result, litigants could obtain information about court activities, hearing schedules, and judicial decisions through the electronic portal of Moldovan courts [4]. During the state of emergency, courts used videoconferencing to review criminal cases [5], which enabled access to justice and helped protect the rights of detainees. Increasingly, legal and judicial professionals are discussing the need to expand the use of videoconferencing to more types of cases, including civil ones, and to various stages of legal proceedings, as permitted by procedural legislation [6], [7]. Thus, the law provides for the possibility of organizing court hearings via videoconferencing for the participation of certain categories of participants: experts in civil cases (Article 154(4) CPC); witnesses in civil cases (Article 216(11) CPC); witnesses in criminal cases (Article 90(12)(5),