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SOME ISSUES OF RESTORATIVE JUSTICE IN EASTERN COUNTRIES THROUGH THE PRISM OF FORENSIC PSYCHOLOGICAL EXAMINATION

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For forensic psychological examination in criminal cases, it is important to understand the peculiarities of restorative justice, including restorative justice in Eastern countries.

An expert's opinion is an independent type of evidence. The expert's opinion establishes the circumstances that are important for criminal

proceedings. According to Article 242 of the Criminal Procedure Code of Ukraine, the investigator or prosecutor is obliged to provide an examination to determine the mental state of the suspect in the presence of information that raises doubts about his sanity, limited sanity. Inadequate behavior of a person can cause doubts about sanity.

Adequate behavior is understandable behavior that can be explained, which falls under the influence of moral, legally established and aesthetic norms. In psychology, adequacy is the degree of conformity of human behavior with certain schemes and models of behavior. In human behavior, it is not always possible to clearly identify a model that must be followed. It is for this reason that it is impossible to say with certainty that this or that behavior will be adequate or not. Inadequate is behavior that differs from the behavior of the majority and carries a negative burden. The legislator does not clearly indicate how this violation manifests itself in each specific case. Answers to such questions can be found when prescribing a psychiatric and psychological examination [1].

The development of restorative justice emerges as one of the promising directions for legal and judicial system reforms worldwide, aimed at restoring harmony and social stability. Among the key issues that require examination are the challenges of adapting this approach to the cultural and institutional peculiarities of countries. Restorative justice in Eastern countries is seen by modern researchers as an embodiment of the spirit of Islamic justice. This approach is based on the traditional values of Islamic law to ensure more complete and fair solutions in the field of justice and combating crime.

It is proven that the development of restorative justice in the countries of the East has a deeper historical basis than in the countries of continental Europe and America. However, at present, some issues of harmonization of such approaches with the legislation of EU countries remain relevant and require further scientific research. In addition to the above, further comprehensive scientific research is needed on issues such as the rationale for establishing the age of criminal responsibility for minors, that is, determining the age below which children are not subject to any punishment for their criminal offenses, including cases of imposing adult-equivalent punishments in modern Eastern countries; the issue of humanizing traditional court procedures for young people in the East; the extent of the family's responsibility for the offender; the mandatory involvement of the family and relatives in reconciling children and young people. Forgiveness and reconciliation are not the primary goals of restorative justice. While such outcomes may occur, they are not mandatory. The main goal of restorative justice, both in Eastern countries and in Europe and America, is justice, as collective harmony is its primary objective [2].

Regarding each person, there is a presumption of mental health, so the question arises whether conducting an examination violates human rights.

This study also includes John Braithwaite's concept of social stigma and shame, following Howard Zehr. The basis of social regulation of crime can be a sense of shame. Inducing a sense of shame can be a force that shapes a healthy society. Restorative justice serves as a complement and alternative to modern criminal justice. One way to prevent crimes is by invoking a sense of shame. Public condemnation, leading to shame, plays a positive role in supporting social order, which aligns with the aforementioned concept of restorative justice in Eastern countries.

As stated above, the objectivity of forensic research is important. In recent decades, legal scholars have noted the significant role of religion in justice and the resolution of interpersonal conflicts in the countries of the East. Thus, the Islamic concept of restorative justice, which is based on the Koran, is interesting for our entire study. As shown below, Islamic justice can be conceptualized as interpersonal restorative justice [3].

In the texts of the Quran in surah 42:40 there is the following: «The reward of an evil deed is its equivalent. But whoever pardons and seeks reconciliation, then their reward is with Allah» [4]. Thus, in the countries of the modern East, the Qur'an reforms the pre-Islamic practice of revenge/enmity, limiting the application of retribution to the wrongdoer.

Sulha (Arabic: *الصلحة*) is a reconciliation ceremony in Islamic law, during which two conflicting parties conclude a peace treaty. In recent decades, Iran has seen several high-profile cases in which judges have awarded retribution. The case of blinding a criminal as revenge attracted international attention, judges awarded literally an eye for an eye. In July 2011 – just a few years before the perpetrator was to be blinded – the victim forgave and legally forgave the perpetrator, saying that «such revenge is not worth it.» In another case, a teenager was convicted of stabbing and murdering another teenager. The case attracted international attention as the murdered man's mother forgave and legally exonerated the criminal minutes before his scheduled promotion. She: «...now I feel very calm, I feel that I am at peace ... I said I feel that revenge has left my heart» [5].

The issues of further development and application of traditional forms and methods of restorative justice in some countries of the East and their harmonization with the legislation of EU countries require further scientific research [6].

So, summing up, we can conclude that the modern directions of development of forensic examination and criminology should take into account the principles and methods of restorative justice in various countries of the world, including the countries of the East.

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ЗАХИСТ ПЕРСОНАЛЬНИХ ДАНИХ ПРИ СУДОВІЙ ЕКСПЕРТИЗИ ТА НАДАННІ БЕЗОПЛАТНОЇ ПРАВНИЧОЇ ДОПОМОГИ ВІЙСЬКОВОСЛУЖБОВЦЯМ

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Недооцінка проблеми забезпечення захисту персональних даних при судовій експертизі та наданні правничої допомоги ставить під загрозу реалізацію конституційних прав на свободу та особисту недоторканність, гідність особистості, недоторканність приватного