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Кухта Андрей Андреевич — кандидат юридических наук, доцент, начальник Новгородского линейного управления внутренних дел на транспорте

Юридическая техника и техника доказывания по уголовным делам

Классическая правовая наука объектом приложения юридической техники видит юридическую сторону дела, а техники доказывания — фактическую сторону.

Юридическая техника обслуживает потребности в правильном понимании и применении закона. А тем, что касается установления фактических обстоятельств дела, выяснения юридических фактов, заведует теория доказательства. Ученые, которые занимаются теорией доказательства, никогда не включали в число ее проблем вопросы, связанные с толкованием законов, восполнением его пробелов и т. п.

Постмодернистская правовая мысль сводит деятельность юристов к одной из языковых игр¹. Доказывание также рассматривается как игра или как борьба интерпретаций за наиболее правильное (убедительное) прочтение текста. В общем, нет ничего, кроме текста в суде, отсюда — речевая техника лежит в основе и юридической техники, и техники доказывания. Сама речь есть техника изобретения мыслей и слов.

Отсюда и своеобразная трактовка юридической техники. Юридическая техника — это и самые правила этой речевой, персонифицированной игры, и искусство владения этими правилами. Юридическая (речевая) техника имеет универсальное значение и в равной степени распространяется как на толкование закона и разрешение проблем его применения в данном конкретном случае, так и на установление фактических обстоятельств дела, подлежащего разрешению в юрисдикционном органе.

Техника исключения, градуирования, систематизации элементов речевой фактуры, основанные на языке, есть техника доказывания, то есть техника производства знания относительно предполагаемой действительности.

Владение юридической техникой — основа грамотности, мастерства юриста как профессионального пользователя юридическим языком. Изучение юридической техники подразумевает овладение юридическим языком как средством коммуникативного общения в правовой среде. Юрист —

Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia

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Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia:

Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia Book Review: Unveiling the Magic of Language

In an electronic digital era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is actually remarkable. This extraordinary book, aptly titled "**Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia**," published by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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Table of Contents Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia

1. Understanding the eBook Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - The Rise of Digital Reading Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Advantages of eBooks Over Traditional Books
2. Identifying Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - User-Friendly Interface
4. Exploring eBook Recommendations from Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Personalized Recommendations
 - Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia User Reviews and Ratings
 - Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia and Bestseller Lists

5. Accessing Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia Free and Paid eBooks
 - Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia Public Domain eBooks
 - Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia eBook Subscription Services
 - Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia Budget-Friendly Options
6. Navigating Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia eBook Formats
 - ePub, PDF, MOBI, and More
 - Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia Compatibility with Devices
 - Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Highlighting and Note-Taking Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Interactive Elements Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
8. Staying Engaged with Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
9. Balancing eBooks and Physical Books Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Setting Reading Goals Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Fact-Checking eBook Content of Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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