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## 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 игр<sup>1</sup>. 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

**Tao Wei**



## **Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia:**

## Unveiling the Magic of Words: A Review of "**Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their power to kindle emotions, provoke contemplation, and ignite transformative change is really awe-inspiring. Enter the realm of "**Sistema Sredstv Dokazyvaniia Po Ugolovnym Delam Monografiia**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve to the book is central themes, examine its distinctive writing style, and assess its profound effect on the souls of its readers.

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