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THE ROLE OF THE EXPERT IN THE EPISTEMOLOGY OF PROOF

РОЛЬ ЕКСПЕРТА В ЕПІСТЕМОЛОГІЇ ДОКАЗУВАННЯ

Abstract. The article offers a comprehensive examination of the expert's role in forensic proof within an epistemological framework, with particular emphasis on the expert's standing as an autonomous cognitive agent capable of incorporating specialised scientific knowledge into the overall body of evidence. It highlights the dual nature of expert cognition, which combines formalised, objective methods of inquiry, standardised procedures, and instrumental measurements with interpretive activity. This interpretive dimension ensures the proper conceptualisation of facts, critical evaluation of data, and the formulation of scientifically grounded conclusions.

The study analyses the limits of the expert's competence and the standards that sustain it, including adherence to the relevant subject area, methodological boundaries, procedural requirements, and applicable normative and professional rules that safeguard the reliability and verifiability of expert findings. Particular attention is given to issues of subjectivity arising from professional experience, cognitive and interpretive frameworks, contextual influences, and methodological constraints of the techniques employed. Ways of mitigating these risks are considered, including procedural standardisation, quality control mechanisms, and the use of blind expert examination.

The autonomy of the expert is underscored as a key condition for producing objective specialised knowledge capable of corroborating, refining, or challenging investigative hypotheses, as well as for analysing material, digital, and biological evidence. The expert is also portrayed as an intellectual intermediary between empirical data and the reconstruction of a criminal event, operating in close interaction with other forms of evidence. The article stresses the need for a systematic, critical, and methodologically disciplined approach to the evaluation of expert conclusions in order to ensure their reliability, objectivity, and practical value.

Key words: expert cognition, forensic proof, epistemology, expert autonomy, specialised knowledge, methodological competence, evidentiary verification.

Анотація. У статті здійснено комплексний аналіз ролі експерта у процесі криміналістичного доказування з точки зору епістемологічної парадигми, акцентуючи увагу на його статусі як автономного суб'єкта пізнавальної діяльності, здатного інтегрувати спеціалізовані наукові знання в загальну систему доказів. Висвітлено подвійний характер експертного пізнання, який проявляється у поєднанні формалізованих об'єктивних методів дослідження, стандартизованих процедур та інструментальних вимірювань із необхідністю інтерпретаційної діяльності, що забезпечує належну концептуалізацію фактів, критичну оцінку даних і формування науково обґрунтованих висновків.

Проаналізовано межі компетентності експерта та стандарти її забезпечення, включно з дотриманням предметної сфери, методологічних рамок, формальних процедур, а також нормативних і професійних вимог, що гарантують достовірність і перевірюваність експертних висновків. Окрему увагу приділено проблемам суб'єктивності, що виникають під впливом професійного досвіду, когнітивних та інтерпретаційних моделей, контекстуальних чинників і методологічних обмежень застосовуваних методик, а також способам їх нейтралізації через стандартизацію процедур, застосування контролю якості та практику «сліпої» експертизи.

Особливо підкреслено автономність експерта, як ключову умову формування об'єктивного спеціального знання, здатного підтверджувати, уточнювати або коригувати слідчі версії та аналізувати матеріальні, цифрові й біологічні докази. Висвітлено його роль як інтелектуального посередника між емпіричною інформацією та реконструкцією кримінальної події, а також взаємодію з іншими доказами. Наголошено на необхідності системного, критичного та методологічно дисциплінованого підходу до оцінки експертних висновків для забезпечення їх достовірності, об'єктивності та практичної значущості.

Ключові слова: експертне пізнання, криміналістичне доказування, епістемологія, автономність експерта, спеціальне знання, методологічна компетентність, перевірка доказів.

Introduction. In contemporary forensic science, the role of the expert has acquired particular significance as that of a key participant in the process of knowledge formation, ensuring the incorporation of specialised scientific expertise into the overall body of evidence. The question of the expert's epistemological status has become especially relevant against the backdrop of increasingly complex criminal investigations, rapid technological development, and the need for well-founded interpretation of material, digital, and biological evidence. An epistemological perspective makes it possible to view expert cognition not merely as the mechanical application of techniques, but as an autonomous intellectual activity capable of critically assessing data, producing scientifically substantiated conclusions, and relating them to investigative hypotheses.

Examining the expert's role in the evidentiary process requires attention to its dual nature: the combination of objective, formalised procedures and methods with the interpretive work necessary for the conceptualisation of facts. A crucial aspect lies in defining the limits of the expert's competence, as well as in ensuring adherence to methodological frameworks, evidentiary standards, and professional qualifications that underpin the scientific reliability and verifiability of expert conclusions.

Particular emphasis is placed on issues of subjectivity that arise from professional experience, interpretive models, and contextual influences, along with the mechanisms designed to mitigate them, including the standardisation of procedures and the use of blind examination practices. In this context, the autonomy of the expert emerges as a key epistemological condition for the production of objective specialised knowledge, capable of supporting a critical evaluation of evidence and interacting coherently with other elements of the evidentiary system.

Accordingly, the purpose of this article is to provide a comprehensive analysis of the expert's role in forensic proof, to determine the scope and limits of expert

cognition, and to develop a methodologically grounded approach to the assessment of expert conclusions in criminal proceedings through the lens of epistemology.

Materials and Methods. The methodological foundation of this study is grounded in constructivist epistemology [1, p. 340; 2, pp. 15–27; 3], which necessitates the use of an interdisciplinary approach to the analysis of crime control technologies.

The research also draws on a broad range of scholarly sources, encompassing contemporary forensic approaches, epistemological concepts of proof, and the methodology [4, pp. 38-390] of expert activity. The empirical basis includes academic publications in criminalistics, criminal procedure, and the theory of evidence, as well as нормативні legal acts and selected examples of expert conclusions from judicial practice. In addition, current standards and methodological guidelines governing the conduct of expert examinations across various fields particularly forensic biology, forensic psychology, and digital forensics – were examined.

The methodological framework integrates several complementary approaches. First, a systems analysis [5; 6] was employed to consider expert activity as an integral component of the evidentiary system and to identify the interrelations between specialised knowledge and investigative hypotheses.

Second, a comparative method [7; 8] was used to juxtapose different conceptions of the expert's epistemological status and the mechanisms that ensure the scientific reliability of expert conclusions. Third, critical analysis and interpretive methods [9, pp. 55–56] were applied in order to assess the influence of subjectivity, contextual factors, and professional experience on the formation of expert opinions.

To enhance the accuracy and objectivity of the research, methods of standardisation [10] and modelling of the expert process [11; 12] were also employed, including the analysis of "blind" examination procedures and the monitoring of compliance with methodological frameworks. This integrated approach made it possible to delineate the boundaries of expert competence, to establish criteria for the scientific validity and verifiability of conclusions, and to emphasise the importance of expert autonomy in generating specialised knowledge capable of supporting a critical evaluation of evidence in criminal proceedings.

Results. The expert occupies a distinctive position within the structure of forensic proof, as it is through the expert that specialised, scientifically verified knowledge-beyond the scope of general legal and investigative competence – is introduced into the process of cognition. The expert's role cannot be reduced to a merely auxiliary or technical function; rather, the expert acts as a fully-fledged subject of knowledge, whose activity possesses an independent epistemological status and directly shapes the evidentiary picture of the event.

Expert cognition is marked by a dual nature. On the one hand, it relies on objective research methods, standardised procedures, instrumental measurements,

and the established principles of the relevant field of knowledge. On the other hand, expert activity inevitably involves an interpretive dimension, associated with the analysis of results, the selection of appropriate methodologies, the assessment of the significance of identified features, and the formulation of conclusions. In this sense, the expert does not simply record facts but conceptualises them within a scientific framework.

In our view, the epistemological specificity of expert activity lies in operating at the intersection of empirical data and theoretical constructs: it is the expert who assigns cognitive meaning to material traces, digital data, and biological samples by interpreting them within the system of specialised knowledge. Accordingly, an expert opinion should not be regarded as a mere supplement to evidence, but as a form of scientifically mediated knowledge about the event.

It is precisely the autonomy of expert cognition [13, pp. 7-10] that entails heightened demands for methodological discipline, including strict adherence to the limits of competence, a clear distinction between substantiated conclusions and conjecture, and the avoidance of conflating scientific interpretation with legal evaluation. Otherwise, there is a risk that the expert's conclusion may be accepted uncritically as an unquestionable truth. In conditions of uncertainty, which are inherent to forensic objects, the expert assesses not only the results obtained but also the reliability of the methods applied and the limits of their accuracy. Within the evidentiary framework, the expert serves as an intermediary between data and the reconstruction of events, and the probative value of the expert opinion emerges only in conjunction with other evidence and subject to critical scrutiny.

However, the role of the expert in forensic proof is not limited to the application of specialised methods; it also involves the formation of a scientifically grounded layer of knowledge that becomes integrated into the overall evidentiary system [14]. The quality of such expert (technological) knowledge [15] depends on the expert's level of professional competence, the methodological discipline of their reasoning [16; 17], and their ability to reconcile objective scientific standards with a critical awareness of the limits of their own cognition. It is under these conditions that an expert opinion becomes a reliable foundation for establishing the factual truth in criminal proceedings [18], because:

Expert cognition in forensic proof constitutes a distinct form of cognitive activity, emerging at the intersection of science, practice, and procedural requirements [15; 19, pp. 279–282]. Its substance lies not merely in the use of specialised knowledge, but in the production of a specific type of knowledge characterised by its own internal logic, standards of justification, and limits of admissibility.

Its defining feature is its specialised nature: the expert operates with methods and concepts that are not accessible to other participants in the proceedings, making it possible to identify latent properties of objects – from physicochemical

characteristics to digital traces. At the same time, this knowledge is inherently scientific and must meet the criteria of verifiability, reproducibility, and logical consistency.

Expert cognition is also formalised: it is carried out in accordance with established procedures that ensure both procedural admissibility and methodological control. Yet it cannot be reduced to a set of technical operations, as it retains an interpretive dimension – the expert assigns meaning to the results obtained, determines their significance, and establishes relevant connections.

Ultimately, expert knowledge functions as an intermediary between empirical data and their rational explanation, transforming factual information into structured knowledge suitable for use in the evidentiary process.

2. Limits and Standards of Expert Competence. The epistemological value of an expert opinion is determined by adherence to the boundaries of competence. Expert knowledge is not universal; it is constrained by the subject matter of the examination, the methods employed, and its functional purpose. It is precisely these limits that ensure scientific accuracy and prevent a shift toward speculation or legal evaluation [20].

The expert examines specific objects using specialised knowledge and does not replace the investigator or the court. The expert does not provide legal qualification or determine guilt. Such a distinction preserves the separation between scientific and legal cognition. Standards of competence include appropriate qualifications, mastery of relevant methodologies, and an understanding of their limitations. The expert must assess potential sources of error, the conditions under which results can be considered reliable, and avoid overstating their evidentiary significance.

Reflexivity is equally important: the expert report should indicate the limits of interpretation, the degree of probability, and possible alternative explanations. This enhances both the transparency and the reliability of expert knowledge. Strict compliance with procedural and methodological standards is essential, as it ensures the verifiability and reproducibility of results. Independence is no less critical, since any vested interest undermines the objectivity of the conclusions.

Thus, the limits and standards of competence function as safeguards: they preserve the scientific character of expert knowledge and secure its proper role within the system of proof.

Problems of Subjectivity and Professional Interpretation in Expert Cognition. Despite its orientation toward objectivity [21, pp. 32–37], expert cognition cannot be entirely free from subjectivity, as it is carried out by a particular specialist with their own experience and mode of reasoning. This is significant, given that the results of expert examination directly affect the evidentiary process.

Professional experience, on the one hand, enhances the quality of analysis, but on the other may foster stable interpretive patterns that limit openness to alternative

explanations. Similarly, different scientific approaches may lead to divergent interpretations of the same data. The context of a case also plays a role: information about circumstances or the positions of the parties may, often unconsciously, shape the expert's conclusions. Additional complexity arises from the probabilistic nature of many methods, which requires interpretive judgment. The communicative dimension is equally important: translating specialised knowledge into an accessible form frequently involves simplification, which may distort its content.

Thus, the expert should be regarded not merely as a technical executor, but as a cognitive agent. This necessitates a critical evaluation of expert conclusions and the use of procedures designed to reduce the influence of subjective factors.

4. The Expert as an Autonomous Cognitive Agent. The Autonomy of the Expert as an Epistemological Condition. In criminal proceedings, the expert occupies a position distinct from that of other participants: they are not oriented toward achieving a procedural outcome, but rather toward producing specialised knowledge grounded in scientific methods [22, pp. 85–90]. The value of an expert opinion does not depend on whether it confirms or refutes an investigative hypothesis [23, pp. 244-247].

The autonomy of the expert is, above all, epistemological in nature. It implies that expert cognition is governed by the standards of science – justification, logical coherence, and reproducibility – rather than by the interests of the parties. This allows expert knowledge to retain its capacity to perform a critical and corrective function. Such autonomy is reflected in the selection of methods, the interpretation of results, and the formulation of conclusions within the framework of professional standards [24]. Any external influence undermines both the independence of the expert and the reliability of the conclusions reached.

It is equally important that the outcome of an expert examination remain invariant regardless of the procedural context. The expert's responsibility lies not in producing a "desired" result, but in ensuring methodological correctness, transparency of the inquiry, and the substantiation of conclusions. At the same time, the expert is not isolated from the evidentiary process: their knowledge acquires meaning through interaction with other evidence while retaining its independent character.

Thus, the autonomy of the expert ensures the scientific quality of expert conclusions and serves as a safeguard against bias and procedural pressure.

5. The Expert Opinion within the System of Evidence: Cognitive Potential and Limitations. An expert opinion constitutes a distinct element within the evidentiary system, as it combines empirical data with their scientific explanation. Its strength lies in the application of validated methods and in the capacity to interpret complex phenomena that are not accessible to ordinary perception [25]. At the same time, its probative value depends on the quality of the examined objects, adherence to procedural requirements, and the possibility of verifying the results.

Expert knowledge is not entirely determinate; it contains an interpretive dimension and may vary depending on the expert's experience or the approaches employed. Additional risks arise from the influence of external context and from the difficulty of presenting results in a form that is both accurate and comprehensible for the court. For this reason, an expert opinion should not be treated as a self-sufficient piece of evidence, but rather as a scientifically grounded component of proof that requires comparison with other data and critical assessment. Only under such conditions does it acquire genuine cognitive and procedural value.

Accordingly, within the structure of criminal proof, the expert occupies not an auxiliary but a conceptually significant position, since it is through their activity that specialised scientific knowledge is integrated into the evidentiary process. Unlike other participants in criminal proceedings, the expert embodies a specific mode of cognition grounded in the application of formalised methodologies, instrumental procedures, and scientifically verified approaches to the analysis of objects that cannot be properly examined without specialised training.

Expert cognition is autonomous in character and cannot be reduced to the mechanical execution of procedural instructions. It involves the intellectual interpretation of research results, engagement with probabilistic conclusions, an awareness of the limits of the methods employed, and responsibility for the scientific substantiation of each statement. For this reason, the boundaries of expert competence should not be seen as constraints, but as a necessary epistemological condition of reliability: exceeding them inevitably leads to the substitution of scientific analysis with conjecture or legal evaluation. At the same time, expert activity is not free from subjective influences. Professional experience, interpretive models, contextual factors, and methodological limitations necessitate ongoing critical oversight of the process by which conclusions are formed. Recognition of these risks, along with the institutionalisation of mechanisms to mitigate them – such as repeated examinations, independent review, and the standardisation of methodologies – is essential for preserving the scientific reliability of expert knowledge.

The autonomy of the expert serves as a key guarantee of epistemological independence. Only in the absence of procedural or psychological pressure can an expert opinion retain its status as an objective cognitive product, oriented not toward a desired outcome but toward an accurate representation of the reality under examination. In this sense, the expert functions as an independent generator of specialised knowledge, which enters the evidentiary system not by virtue of authority, but through the strength of its methodological justification.

Despite its considerable probative value, an expert opinion is not absolute and cannot be regarded as a self-sufficient truth. Its cognitive force becomes evident only in interaction with other evidence, through processes of verification, potential falsification, and logical integration into the overall model of the event. It is precisely the

critical evaluation of expert knowledge by the investigator, prosecutor, and court that ensures a balance between scientific persuasiveness and procedural soundness.

Thus, the epistemology of expert activity constitutes a fundamental component of contemporary forensic proof. Without a clear understanding of the nature of expert knowledge – its capabilities as well as its limitations – it is impossible to achieve high standards of objectivity, reliability, and truth in establishing the factual circumstances of a criminal event.

Conclusions. The role of the expert in forensic proof is decisive, as it is through the expert that specialised scientific knowledge is introduced into the process of cognition. The expert should not be viewed as a merely auxiliary participant, but as an autonomous subject who analyses, interprets, and scientifically substantiates factual data in interaction with other evidence.

Expert cognition combines formalised methods with interpretation, which accounts both for its epistemic value and for its inherent limitations. The reliability of an expert opinion depends on adherence to the limits of competence, methodological standards, and the quality of the examination, while subjective factors require appropriate procedural control.

Thus, the expert serves as a key intermediary between factual data and their scientific explanation, and the probative value of the expert opinion emerges only within its systemic relationship with other evidence and under conditions of critical evaluation.

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