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ЕЖЕМЕСЯЧНЫЙ НАУЧНЫЙ ЖУРНАЛ

Медицинские новости Грузии
საქართველოს სამედიცინო სიახლენი

GEORGIAN MEDICAL NEWS

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GMN: Georgian Medical News is peer-reviewed, published monthly journal committed to promoting the science and art of medicine and the betterment of public health, published by the GMN Editorial Board since 1994. GMN carries original scientific articles on medicine, biology and pharmacy, which are of experimental, theoretical and practical character; publishes original research, reviews, commentaries, editorials, essays, medical news, and correspondence in English and Russian.

GMN is indexed in MEDLINE, SCOPUS, PubMed and VINITI Russian Academy of Sciences. The full text content is available through EBSCO databases.

GMN: Медицинские новости Грузии - ежемесячный рецензируемый научный журнал, издаётся Редакционной коллегией с 1994 года на русском и английском языках в целях поддержки медицинской науки и улучшения здравоохранения. В журнале публикуются оригинальные научные статьи в области медицины, биологии и фармации, статьи обзорного характера, научные сообщения, новости медицины и здравоохранения. Журнал индексируется в MEDLINE, отражён в базе данных SCOPUS, PubMed и ВИНТИ РАН. Полнотекстовые статьи журнала доступны через БД EBSCO.

GMN: Georgian Medical News – საქართველოს სამედიცინო სიახლენი – არის ყოველთვიური სამეცნიერო სამედიცინო რეცენზირებადი ჟურნალი, გამოიცემა 1994 წლიდან, წარმოადგენს სარედაქციო კოლეგიისა და აშშ-ის მეცნიერების, განათლების, ინდუსტრიის, ხელოვნებისა და ბუნებისმეტყველების საერთაშორისო აკადემიის ერთობლივ გამოცემას. GMN-ში რუსულ და ინგლისურ ენებზე ქვეყნდება ექსპერიმენტული, თეორიული და პრაქტიკული ხასიათის ორიგინალური სამეცნიერო სტატიები მედიცინის, ბიოლოგიისა და ფარმაციის სფეროში, მიმოხილვითი ხასიათის სტატიები.

ჟურნალი ინდექსირებულია MEDLINE-ის საერთაშორისო სისტემაში, ასახულია SCOPUS-ის, PubMed-ის და ВИНТИ РАН-ის მონაცემთა ბაზებში. სტატიების სრული ტექსტი ხელმისაწვდომია EBSCO-ს მონაცემთა ბაზებიდან.

WEBSITE

www.geomednews.com

К СВЕДЕНИЮ АВТОРОВ!

При направлении статьи в редакцию необходимо соблюдать следующие правила:

1. Статья должна быть представлена в двух экземплярах, на русском или английском языках, напечатанная через **полтора интервала на одной стороне стандартного листа с шириной левого поля в три сантиметра**. Используемый компьютерный шрифт для текста на русском и английском языках - **Times New Roman (Кириллица)**, для текста на грузинском языке следует использовать **AcadNusx**. Размер шрифта - **12**. К рукописи, напечатанной на компьютере, должен быть приложен CD со статьей.

2. Размер статьи должен быть не менее десяти и не более двадцати страниц машинописи, включая указатель литературы и резюме на английском, русском и грузинском языках.

3. В статье должны быть освещены актуальность данного материала, методы и результаты исследования и их обсуждение.

При представлении в печать научных экспериментальных работ авторы должны указывать вид и количество экспериментальных животных, применявшиеся методы обезболивания и усыпления (в ходе острых опытов).

4. К статье должны быть приложены краткое (на полстраницы) резюме на английском, русском и грузинском языках (включающее следующие разделы: цель исследования, материал и методы, результаты и заключение) и список ключевых слов (key words).

5. Таблицы необходимо представлять в печатной форме. Фотокопии не принимаются. **Все цифровые, итоговые и процентные данные в таблицах должны соответствовать таковым в тексте статьи**. Таблицы и графики должны быть озаглавлены.

6. Фотографии должны быть контрастными, фотокопии с рентгенограмм - в позитивном изображении. Рисунки, чертежи и диаграммы следует озаглавить, пронумеровать и вставить в соответствующее место текста **в tiff формате**.

В подписях к микрофотографиям следует указывать степень увеличения через окуляр или объектив и метод окраски или импрегнации срезов.

7. Фамилии отечественных авторов приводятся в оригинальной транскрипции.

8. При оформлении и направлении статей в журнал МНГ просим авторов соблюдать правила, изложенные в «Единых требованиях к рукописям, представляемым в биомедицинские журналы», принятых Международным комитетом редакторов медицинских журналов - <http://www.spinesurgery.ru/files/publish.pdf> и http://www.nlm.nih.gov/bsd/uniform_requirements.html В конце каждой оригинальной статьи приводится библиографический список. В список литературы включаются все материалы, на которые имеются ссылки в тексте. Список составляется в алфавитном порядке и нумеруется. Литературный источник приводится на языке оригинала. В списке литературы сначала приводятся работы, написанные знаками грузинского алфавита, затем кириллицей и латиницей. Ссылки на цитируемые работы в тексте статьи даются в квадратных скобках в виде номера, соответствующего номеру данной работы в списке литературы. Большинство цитированных источников должны быть за последние 5-7 лет.

9. Для получения права на публикацию статья должна иметь от руководителя работы или учреждения визу и сопроводительное отношение, написанные или напечатанные на бланке и заверенные подписью и печатью.

10. В конце статьи должны быть подписи всех авторов, полностью приведены их фамилии, имена и отчества, указаны служебный и домашний номера телефонов и адреса или иные координаты. Количество авторов (соавторов) не должно превышать пяти человек.

11. Редакция оставляет за собой право сокращать и исправлять статьи. Корректур авторам не высылаются, вся работа и сверка проводится по авторскому оригиналу.

12. Недопустимо направление в редакцию работ, представленных к печати в иных издательствах или опубликованных в других изданиях.

При нарушении указанных правил статьи не рассматриваются.

REQUIREMENTS

Please note, materials submitted to the Editorial Office Staff are supposed to meet the following requirements:

1. Articles must be provided with a double copy, in English or Russian languages and typed or computer-printed on a single side of standard typing paper, with the left margin of 3 centimeters width, and 1.5 spacing between the lines, typeface - **Times New Roman (Cyrillic)**, print size - 12 (referring to Georgian and Russian materials). With computer-printed texts please enclose a CD carrying the same file titled with Latin symbols.

2. Size of the article, including index and resume in English, Russian and Georgian languages must be at least 10 pages and not exceed the limit of 20 pages of typed or computer-printed text.

3. Submitted material must include a coverage of a topical subject, research methods, results, and review.

Authors of the scientific-research works must indicate the number of experimental biological species drawn in, list the employed methods of anesthetization and soporific means used during acute tests.

4. Articles must have a short (half page) abstract in English, Russian and Georgian (including the following sections: aim of study, material and methods, results and conclusions) and a list of key words.

5. Tables must be presented in an original typed or computer-printed form, instead of a photocopied version. **Numbers, totals, percentile data on the tables must coincide with those in the texts of the articles.** Tables and graphs must be headed.

6. Photographs are required to be contrasted and must be submitted with doubles. Please number each photograph with a pencil on its back, indicate author's name, title of the article (short version), and mark out its top and bottom parts. Drawings must be accurate, drafts and diagrams drawn in Indian ink (or black ink). Photocopies of the X-ray photographs must be presented in a positive image in **tiff format**.

Accurately numbered subtitles for each illustration must be listed on a separate sheet of paper. In the subtitles for the microphotographs please indicate the ocular and objective lens magnification power, method of coloring or impregnation of the microscopic sections (preparations).

7. Please indicate last names, first and middle initials of the native authors, present names and initials of the foreign authors in the transcription of the original language, enclose in parenthesis corresponding number under which the author is listed in the reference materials.

8. Please follow guidance offered to authors by The International Committee of Medical Journal Editors guidance in its Uniform Requirements for Manuscripts Submitted to Biomedical Journals publication available online at: http://www.nlm.nih.gov/bsd/uniform_requirements.html
http://www.icmje.org/urm_full.pdf

In GMN style for each work cited in the text, a bibliographic reference is given, and this is located at the end of the article under the title "References". All references cited in the text must be listed. The list of references should be arranged alphabetically and then numbered. References are numbered in the text [numbers in square brackets] and in the reference list and numbers are repeated throughout the text as needed. The bibliographic description is given in the language of publication (citations in Georgian script are followed by Cyrillic and Latin).

9. To obtain the rights of publication articles must be accompanied by a visa from the project instructor or the establishment, where the work has been performed, and a reference letter, both written or typed on a special signed form, certified by a stamp or a seal.

10. Articles must be signed by all of the authors at the end, and they must be provided with a list of full names, office and home phone numbers and addresses or other non-office locations where the authors could be reached. The number of the authors (co-authors) must not exceed the limit of 5 people.

11. Editorial Staff reserves the rights to cut down in size and correct the articles. Proof-sheets are not sent out to the authors. The entire editorial and collation work is performed according to the author's original text.

12. Sending in the works that have already been assigned to the press by other Editorial Staffs or have been printed by other publishers is not permissible.

**Articles that Fail to Meet the Aforementioned
Requirements are not Assigned to be Reviewed.**

ავტორთა საქურაღებოლ!

რედაქციაში სტატიის წარმოდგენისას საჭიროა დაიცვათ შემდეგი წესები:

1. სტატია უნდა წარმოადგინოთ 2 ცალად, რუსულ ან ინგლისურ ენებზე დაბეჭდილი სტანდარტული ფურცლის 1 გვერდზე, 3 სმ სიგანის მარცხენა ველისა და სტრიქონებს შორის 1,5 ინტერვალის დაცვით. გამოყენებული კომპიუტერული შრიფტი რუსულ და ინგლისურენოვან ტექსტებში - **Times New Roman (Кириллица)**, ხოლო ქართულენოვან ტექსტში საჭიროა გამოვიყენოთ **AcadNusx**. შრიფტის ზომა – 12. სტატიას თან უნდა ახლდეს CD სტატიით.

2. სტატიის მოცულობა არ უნდა შეადგენდეს 10 გვერდზე ნაკლებს და 20 გვერდზე მეტს ლიტერატურის სიის და რეზიუმეების (ინგლისურ, რუსულ და ქართულ ენებზე) ჩათვლით.

3. სტატიაში საჭიროა გაშუქდეს: საკითხის აქტუალობა; კვლევის მიზანი; საკვლევი მასალა და გამოყენებული მეთოდები; მიღებული შედეგები და მათი განსჯა. ექსპერიმენტული ხასიათის სტატიების წარმოდგენისას ავტორებმა უნდა მიუთითონ საექსპერიმენტო ცხოველების სახეობა და რაოდენობა; გაუტკივარებისა და დაძინების მეთოდები (მწვავე ცდების პირობებში).

4. სტატიას თან უნდა ახლდეს რეზიუმე ინგლისურ, რუსულ და ქართულ ენებზე არანაკლებ ნახევარი გვერდის მოცულობისა (სათაურის, ავტორების, დაწესებულების მითითებით და უნდა შეიცავდეს შემდეგ განყოფილებებს: მიზანი, მასალა და მეთოდები, შედეგები და დასკვნები; ტექსტუალური ნაწილი არ უნდა იყოს 15 სტრიქონზე ნაკლები) და საკვანძო სიტყვების ჩამონათვალი (key words).

5. ცხრილები საჭიროა წარმოადგინოთ ნაბეჭდი სახით. ყველა ციფრული, შემაჯამებელი და პროცენტული მონაცემები უნდა შეესაბამებოდეს ტექსტში მოყვანილს.

6. ფოტოსურათები უნდა იყოს კონტრასტული; სურათები, ნახაზები, დიაგრამები - დასათაურებული, დანომრილი და სათანადო ადგილას ჩასმული. რენტგენოგრამების ფოტოასლები წარმოადგინეთ პოზიტიური გამოსახულებით **tiff** ფორმატში. მიკროფოტოსურათების წარწერებში საჭიროა მიუთითოთ ოკულარის ან ობიექტივის საშუალებით გადიდების ხარისხი, ანათალების შედეგების ან იმპრეგნაციის მეთოდი და აღნიშნოთ სურათის ზედა და ქვედა ნაწილები.

7. სამამულო ავტორების გვარები სტატიაში აღინიშნება ინიციალების თანდართვით, უცხოურისა – უცხოური ტრანსკრიპციით.

8. სტატიას თან უნდა ახლდეს ავტორის მიერ გამოყენებული სამამულო და უცხოური შრომების ბიბლიოგრაფიული სია (ბოლო 5-8 წლის სიღრმით). ანბანური წყობით წარმოდგენილ ბიბლიოგრაფიულ სიაში მიუთითეთ ჯერ სამამულო, შემდეგ უცხოელი ავტორები (გვარი, ინიციალები, სტატიის სათაური, ჟურნალის დასახელება, გამოცემის ადგილი, წელი, ჟურნალის №, პირველი და ბოლო გვერდები). მონოგრაფიის შემთხვევაში მიუთითეთ გამოცემის წელი, ადგილი და გვერდების საერთო რაოდენობა. ტექსტში კვადრატულ ფხიხლებში უნდა მიუთითოთ ავტორის შესაბამისი N ლიტერატურის სიის მიხედვით. მიზანშეწონილია, რომ ციტირებული წყაროების უმეტესი ნაწილი იყოს 5-6 წლის სიღრმის.

9. სტატიას თან უნდა ახლდეს: ა) დაწესებულების ან სამეცნიერო ხელმძღვანელის წარდგინება, დამოწმებული ხელმოწერითა და ბეჭდით; ბ) დარგის სპეციალისტის დამოწმებული რეცენზია, რომელშიც მითითებული იქნება საკითხის აქტუალობა, მასალის საკმაობა, მეთოდის სანდოობა, შედეგების სამეცნიერო-პრაქტიკული მნიშვნელობა.

10. სტატიის ბოლოს საჭიროა ყველა ავტორის ხელმოწერა, რომელთა რაოდენობა არ უნდა აღემატებოდეს 5-ს.

11. რედაქცია იტოვებს უფლებას შეასწოროს სტატია. ტექსტზე მუშაობა და შეჯერება ხდება საავტორო ორიგინალის მიხედვით.

12. დაუშვებელია რედაქციაში ისეთი სტატიის წარდგენა, რომელიც დასაბეჭდად წარდგენილი იყო სხვა რედაქციაში ან გამოქვეყნებული იყო სხვა გამოცემებში.

აღნიშნული წესების დარღვევის შემთხვევაში სტატიები არ განიხილება.

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THE SIGNIFICANCE OF FORENSIC DENTAL EXAMINATION IN CRIMINALISTICS

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Abstract.

The purpose of the article is, on the basis of a comparative legal study of common and distinctive features of the norms of the criminal law of Ukraine, Georgia, Poland, and the Czech Republic on the examination, to determine the feasibility and necessity of the obligatory participation of a dentist in a forensic medical examination, namely: dental expertise. Based on the analysis of the norms of the Criminal Procedure Code and the Criminal Code of Ukraine, Georgia, Poland, and the Czech Republic the task is to outline ways to improve the norms of the criminal law and medical legislation of Ukraine and Georgia in this area. It has been established that the constitutional provision of the right to human health in Ukraine and Georgia is contained not only in the codes and medical legislation of both states, but also in a number of international legal acts that have been ratified by the parliaments mentioned above. The analysis of the relevant norms revealed the imperfection of the definitions of concepts and terms, ways, and methods of implementing the norms, which should reflect the specified right. It has been established that the Criminal Procedure Code and the Criminal Code of Ukraine, Georgia, Poland and the Czech Republic and methodological recommendations regarding the participation of a specialist doctor in a forensic medical examination to collect evidence in the commission of a crime have common features, formulations, and requirements. Thus, this article can serve as a driving force for the collection, research, analysis, and evaluation of modern scientific data on forensic dental traumatology, identification of a person by dental status and issues bordering on it, and also serve as a presentation of the features of expertise in cases of criminal prosecution of medical dental workers.

The outcome of this research is unlikely to be an exhaustive presentation of all the problems mentioned and each of those presented in particular. But, in turn, the article will contribute to the improvement of the teaching of forensic dentistry and the development of forensic examination, forensic dental examination in particular.

Key words. Doctor, evidence, health, investigation, dentistry, forensic medicine, forensic medical examination, forensic dental examination, criminal proceedings, examination.

Formulation of the problem.

Allocation in forensic medicine as an independent section of forensic dentistry puts forward a number of topical organization issues, scientific and expert problems. A careful consideration should be paid to the problem of training experts in dentistry.

Forensic medicine as an independent subject has been studied

at all medical faculties, however, the teaching of this science at the Faculty of Dentistry, as a rule, has not been carried out until recently. Therefore, dentists are little dedicated to forensic medicine. This paradox, in our opinion, will be resolved by introducing the teaching of forensic medicine in dental faculties.

We believe that in the manuals and textbooks on forensic medicine, the issues of forensic dentistry are still insufficiently covered, and its individual sections are completely absent.

All this prompted us to take the trouble to present the problems of forensic dentistry in the form of a scientific article for students of dental faculties and the faculty of law.

Forensic dentistry has been a fairly new, developing branch of forensic medicine, and this article covers only its main issues. The procedural foundations of forensic dental examination are also presented, which determine the activities of an expert dentist in the forensic investigative process.

Thus, over the years of independence in Georgia and Ukraine, tens of thousands of dentists, forensic medical experts and paramedical workers have been trained to provide not only medical and preventive care to the population, but also integral assistance to judicial and investigative authorities in investigating and disclosing criminal offenses, such as the consequence is the exposure and prosecution of the perpetrators. Many practitioners in the field of medicine and law, as well as scientists, are working on how to collect the evidence base of the crime committed better, to protect an innocent person from unreasonable criminal repression by the state apparatus.

All this has already given a real opportunity to fully provide the judicial and investigative apparatus with the necessary methodological and practical assistance. It is also reasonable to introduce such a branch of forensic medicine as forensic dentistry into the training program for future doctors.

In addition, on April 1, 2020, the second stage of medical reform began in Ukraine. But changes in medicine are not only about funding, but also about monopoly, an approach to patients and their rights. Such an inalienable right is the right to qualified medical care by a specialist doctor, as well as the training of medical workers of a narrow specialization, which may be experts in forensic dentistry. A significant problem in resolving this issue has been the result of the lack of a permanent concept for building a new national healthcare system in Ukraine, the slowness of the medical reform, which began only in 2017, and the rejection of the Soviet centralized system of public health management. And also, the slowness of improving the regulatory and legal consolidation of the stages of medical reform in Ukraine results in the imperfection and inconsistency of the health care system of Ukraine with the new realities of life,

leading to the lack of real constitutional and legal consolidation of guarantees for the realization of the human right to health.

The above actualizes the issue of ensuring at a qualitatively new level, primarily at the constitutional level, human rights to health, as well as the creation of an effective mechanism for its implementation. Thus, Section II of the Constitution of Ukraine enshrined natural, political, social, economic, cultural, family, environmental, informational, and other rights and freedoms of man and citizen in Ukraine. At the same time, Ukraine's aspiration to join the European Union, as evidenced by the signing of the Association Agreement between Ukraine and the European Union on 03/21/2014 and 07/27/2014, which stipulates that "cooperation in the field of justice, freedom and security will take place on the basis of the principle respect for human rights and fundamental freedoms" (Article 14 of the Agreement), inevitably obliges the government of the country to turn to the experience of consolidating the constitutional principles of ensuring the human right to health that exist in countries belonging to the European Union.

According to Article 3 of the 1996 Constitution of Ukraine: "A person, his life and health, honor and dignity, inviolability and security are recognized in Ukraine as the highest social value. Human rights and freedoms and their guarantees determine the content and direction of the state's activities. The state is responsible to the individual for its activities. The assertion and provision of human rights and freedoms is the main duty of the state".

In addition, the human right to attain health protection in Ukraine is enshrined in other legal acts, namely: in the Law of Ukraine "Fundamentals of Ukrainian legislation on health protection", the Law of Ukraine "On ensuring the sanitary and epidemiological welfare of the population" and others. But, unfortunately, even these legal measures remain insufficiently effective.

All this requires lawyers, medical professionals and legislators of all countries to develop and apply new methods of medicine and forensic methods for collecting evidence for a crime committed for further use of the information received to conduct an effective investigation, identify and bring the perpetrators to justice.

This imposes a special responsibility on law enforcement agencies for the qualitative collection of evidence, and as a result, a legitimate pre-trial and judicial investigation of criminal offenses, which is not possible without strict adherence to the rule of law and knowledge of medical requirements and rules, in particular - in the field of dentistry. This witnesses the urgency of the problem.

Analysis of recent research and publications.

The analysis [1-18] showed that scientists, theorists, and practitioners have repeatedly studied the activities of law enforcement agencies in collecting evidence for the commission of criminal acts, as well as the implementation of forensic and investigative and forensic medical actions in this area in general and its individual aspects in particular. But the consideration of criminal law and medical issues regarding the definition and evaluation of dental problems in the interests of legal practice, which directly depends on forensic dentistry, requires detailed research and analysis [1-18].

The purpose of the article is, on the basis of the theoretical analysis and our own practical experience, to consider the criminal law and medical issues of new opportunities for forensic science and forensic medicine, namely: forensic dentistry (forensic dental examination) to identify and collect the evidence base of the crime committed, to determine the severity of the inflicted damage to health, negative consequences of illegal actions. And also, clearly define the legal status of a qualified dentist during a forensic dental examination, justify the need for effective cooperation between employees of the investigating authorities, the court, and the medical industry for the qualitative and objective execution of the tasks of criminal proceedings in Ukraine, Georgia, Poland, and the Czech Republic, improving the innovation policy of these countries.

Materials and methods.

During the study, the following general scientific and special research methods were used:

- the dialectical method is aimed at bringing the integrity of the criminal law and medical principles of ensuring the right to human health, the possibility of their continuous development as a result of the continuous filling of the current legislation of Ukraine, Georgia, Poland, and the Czech Republic with new innovative proposals.

- methods of analysis and synthesis, allowing to determine the essence of the legal norm of the mandatory participation of a qualified doctor in the conduct of a forensic dental examination in the systems of health protection and criminal law activities of Ukraine, Georgia, Poland, and the Czech Republic.

- a systematic method for studying the essence of the norm of mandatory participation of a qualified doctor-specialist during a forensic dental examination in Ukraine, Georgia, Poland, and the Czech Republic. And also, to justify the need for additional study of the branch of forensic medicine - forensic dentistry in the preparation of qualified doctors, forensic experts - having their own structural and logically interconnected elements.

- comparative method - to identify common and distinctive features of legal norms: the rights and obligations of a doctor during a forensic dental examination in the legislation of Ukraine, Georgia, Poland, and the Czech Republic.

- functional method - to identify the place and significance of the participation rate of a qualified dentist during a forensic dental examination in Ukraine, Georgia, Poland, and the Czech Republic.

Results and Discussion.

In forensic medicine over the past decades, a new dental section has appeared - forensic dentistry. The allocation of this section was due to the further differentiation of medical sciences, in particular, the development of dentistry as an original medical discipline with a professionally trained specialist in this field of healing - a dentist.

Forensic dentistry studies dental problems in terms of interests of the legal practice of society. The main issues of modern forensic dentistry may include:

- procedural foundations of forensic dental examination.
- forensic medical examination of damage to the soft tissues of the face, maxillofacial bones, and teeth in cases of mechanical

trauma, gunshot injuries, exposure to extreme temperatures and electricity, radiation damage.

- forensic medical examination of damage caused by teeth.
- identification of personality, age, gender, profession, place of prosthetics by dental status.
- forensic medical examination of professional violations of dentists and other medical workers of dental institutions.

In modern forensic dentistry, the opinion has been repeatedly expressed that forensic dentistry should be considered as part of general dentistry. We believe that such a view is historically incorrect, because damage caused by human teeth, damage to soft tissues, maxillofacial bones and teeth, identification of a person by dental status, imprints and traces of teeth, and many other problems of forensic dentistry of ancient times constitute the subject of study of forensic medicine, while in dentistry they have not yet been properly reflected, the teaching of forensic medicine at the Faculties of Dentistry has been introduced in a number of countries recently.

Undoubtedly, specialist doctors also took part in the development of certain problems of forensic dentistry. But even in this case, they were no different from specialists in other medical professions (traumatologists, obstetricians-gynecologists, pathologists, etc.), who, within the limits of their knowledge, contributed to the development of forensic science and practice.

The interests of the development of modern medical science, the interests of the legal practice of society allow us to believe that forensic dentistry should be an independent section of forensic medicine. Undoubtedly, the future of this section cannot be imagined without the widespread use of the achievements of modern dentistry, which in this case will receive approbation in expert activities. It must be assumed that the development of forensic dentistry will also attract specialist doctors who will choose forensic medicine as a profession, replenishing the cadre of forensic medical experts.

Thus, in 1961, the Scandinavian Scientific Society of Forensic Dentists was founded in Denmark [1]. The society has set as its goal the popularization of forensic dentistry among dentists, forensic doctors, and police officers, as well as the involvement of a wide range of specialists in the study of the problems of forensic dentistry. Members of the society are currently expert dentists and forensic doctors from many countries in Europe, Asia, Africa, and America. The Society publishes information bulletins that highlight the problems of forensic dentistry, information about conventions and congresses, as well as scientific and practical research on forensic dental examination, and a bibliography of world literature on these issues.

The problems of forensic dentistry are constantly reflected in the work of international congresses and conferences on forensic medicine.

Forensic dentistry has been introduced into the programs of higher and secondary dental educational institutions, textbooks and teaching aids on these issues are published. The training of expert personnel in forensic dentistry is actively carried out.

The wide involvement of dental specialists in scientific and expert activities is a striking feature of the modern development

of forensic dentistry, which undoubtedly expands its scientific horizons and contributes to improving the professional quality of forensic dentistry.

Gradually, in the 21st century, the science of dentistry has risen to a new level. Dentistry was established as an independent medical discipline. Research dental institutes were opened. The training of dentists has become an integral part of the higher medical school, in which dental institutes and faculties are organized.

The development and formation of dentistry could not but affect the forensic medical expert activity, based on special knowledge in this science and the creation of forensic dentistry.

Forensic odontology arose, in which topical scientific and organizational issues of this examination were raised. Experts by scientific methods in practice substantiated and revealed the great expert opportunities that forensic odontology opens up for identifying a person, age, profession by dental status, as well as imprints and traces of teeth. Among other odonatological examinations, cases of criminal prosecution of dentists, dentists, and dental technicians in connection with professional offenses were considered.

The new science pays great attention to the training of specialized expert personnel, rightly noting that if the forensic physician is little knowledgeable in matters of odontology, then the dentist (dentist, stomatologist) does not have training in forensic medicine, the study of which should become an independent branch in the general education system of an odontologist.

In subsequent decades, with the further development of dentistry and the expansion of expert activities, scientific studies, articles, and monographs covered the key problems of forensic dental examination, the authors of which were both forensic doctors and dentists.

Fundamental dissertational research in a number of countries in Europe and around the world was devoted to the issues of forensic dental traumatology. These studies present forensic statistics of damage to the soft tissues of the face, maxillofacial bones and teeth and highlight the main expert criteria in determining the severity of bodily injuries.

In addition, the studies considered organizational, scientific, and expert problems, as well as issues of training experts in dentistry and teaching forensic medicine at the dental faculties of institutes in all countries.

Forensic dentistry is the basis of forensic dental expertise. This examination is one of the types of forensic medical examination, occupying an equal position with such types of it as obstetric-gynecological, venereological and other examinations, with the spread of criminal and civil current legislation of all countries, as well as regulations, rules, orders, and instructions. health authorities.

At the same time, the forensic dental examination serves the goals and objectives of justice in democratic countries, and within the limits of its functions, rights, and obligations, it must contribute in every possible way to the improvement of medical and preventive dental care for the population of any country.

The materials of expert studies, with the permission of

the investigating and judicial authorities, can be used in the interests of health authorities, contributing to the improvement of the organization and conduct of preventive dental care for the population, as well as in the general efforts of social hygiene to prevent injuries, poisoning, etc.

According to Article 84 of the Criminal Procedure Code (hereinafter CPC) of Ukraine [14], as well as Article 3, Article 72-78 Chapter X Section III of the Criminal Procedure Code of Georgia [15], Article 167-242 Section V of the CPC of the Republic of Poland [16], paragraph 2 § 89 Chapter V of the Code of Criminal Procedure of the Czech Republic [17], as well as the civil procedural laws of these countries, the evidence in the case is any factual data on the basis of which, in the manner prescribed by law, the judicial and investigative authorities resolve the issues facing them (qualification of an action as a crime, guilt and etc.). Among the evidence, along with the testimony of a witness, victim, suspect, as well as material evidence, protocols of investigative and judicial actions and other documents, is the conclusion of an expert.

An expert in Anglo-American law, a knowledgeable witness, is a person with special knowledge of science, technology, art, and craft. "An expert in criminal proceedings is a person who has scientific, technical or other special knowledge, has the right, in accordance with the law, to conduct an examination and who is instructed to conduct a study of objects, phenomena and processes that contain statements about the circumstances of the commission of a criminal offense, and give an opinion on issues that arise during criminal proceedings and relate to the scope of his knowledge" (Article 69 of the Code of Criminal Procedure of Ukraine). In addition, in accordance with the content of Article 195, Section 22 of the Code of Criminal Procedure of the Republic of Poland, not only a subject who possesses special knowledge, but also any person who is knowledgeable in a certain field of activity can be involved in the status of an expert.

The current criminal procedural legislation of Ukraine, Georgia, Poland and the Czech Republic, as well as paragraphs 1.5 and 2.10 of the Instruction on the production of a forensic medical examination in Ukraine [2] establish that the judicial investigative authorities may involve forensic medical experts in the performance of the state function of persons who have qualification of a doctor, as well as specialists of healthcare institutions, a specialist doctor in the relevant field of medicine. In practical terms, the involvement of a dentist who is not trained in forensic medicine, for example, to determine the cause of death, can lead to serious forensic medical defects. We know a case of a forensic medical examination of a human corpse. The deceased as a result of a craniocerebral injury, where the dentist professionally correctly described damage to the dentoalveolar system but did not open the skull and did not examine the brain, which deprived the investigation authorities of full information about the nature and mechanism of the injury, even despite the subsequent repeated highly qualified commission forensic medical examinations.

In cases where questions arise before the judicial-investigating authorities that are within the competence of a doctor of this profile, it is not only desirable, but also necessary to involve a dentist in the performance of a forensic medical examination, because doctors of all other specialties do not, as a rule, have

sufficient knowledge in this medical profession. We believe that the judicial and investigative authorities should not involve dentists in general medical expert activities if the examination faces issues that go beyond the profile, dental specialization of the doctor. In turn, in such circumstances, in our opinion, a dentist should use the right granted to him by law (part 6, 7 article 69, part 4 article 100 of the Code of Criminal Procedure of Ukraine; paragraph "B" part 1 article 52 of the Code of Criminal Procedure of Georgia, articles 198 and 201 Code of Criminal Procedure of the Republic of Poland) and inform the judicial and investigative authorities in writing that the questions put to him go beyond his special knowledge, as a result of which he asks to be released from the examination.

However, expert practice convincingly indicates that the separation of dentistry from forensic medicine is one of the sources of forensic defects in cases of professional examinations of dentists.

The study of objects that a doctor produces, using his medical knowledge in the interests of the bodies of inquiry, investigation, prosecutor's office, and court, is called a forensic medical examination. The objects of the forensic medical examination are living persons. Dead bodies, physical evidence relating to the human body, and medical records.

With regard to forensic dental examination, we are talking about the examination of living persons to establish the nature of the damage, its prescription, the mechanism of occurrence and determine the severity of bodily injuries or disability in case of injuries of the soft tissues of the face, bones of the facial skeleton, teeth, as well as damage caused by human teeth, and etc. In forensic medical examinations of corpses carried out in similar cases, one should, in addition, establish a causal relationship between injuries and the onset of death. Material evidence that can become objects of a forensic dental examination are prints and traces of the action of teeth both on the human body (seized during the examination of a corpse) and on other objects (food, cigarettes, etc.) for identification of a person, age determination, gender, profession, etc. and finally, medical documents - mainly in the forensic medical examination of professional offenses of dentists and other medical workers of dental institutions.

According to Article 242 of the Code of Criminal Procedure of Ukraine and paragraph 2 of § 105 and § 115 of the Code of Criminal Procedure of the Czech Republic, a forensic medical examination, and therefore a forensic dental examination, is mandatory to establish the causes of death, the nature of bodily injuries, as well as to establish the age of the accused, suspect and victim in cases when it matters to the case and age documents are missing.

A forensic dental examination, as well as a forensic medical examination in general, is appointed by the person conducting the inquiry, the investigator, the prosecutor and the court (Part 1 of Article 242 of the Code of Criminal Procedure of Ukraine, Part 4 of Article 144 of the Code of Georgia of Georgia, § 3 of Article 193 of the Code of Criminal Procedure of the Republic of Poland and paragraph 1 of § 105 of the Code of Criminal Procedure of the Czech Republic - appointed by the criminal justice authority or the chairman of the Senate). In addition, the appeal of the administrative bodies of health or private individuals with a request for an examination at their

private expense must also be satisfied, because this is provided for by law, and any research carried out at these requests and appropriately paid to the cash desk of the institution is also part of the judicial medical expertise.

Part 5 of Article 69 of the Code of Criminal Procedure of Ukraine, Section 5 of the Code of Criminal Procedure of the Republic of Poland and the corresponding articles: Article 52 of the Code of Criminal Procedure of Georgia and § 106, § 111 of the Code of Criminal Procedure of the Czech Republic determine the rights and obligations of an expert. Thus, the expert is obliged to appear when summoned by the judicial and investigative authorities and give an objective opinion on the issues put before him. If the questions are beyond the scope of his professional competence or the materials submitted for the conclusion are insufficient, the expert in writing informs the body that appointed the examination that it is impossible to conduct it. The expert has the right to get acquainted with the materials of the case on which he is conducting an examination, to make requests for the provision of additional materials for the examination. With the permission of the judicial and investigative bodies, an expert may be present during interrogations, as well as other investigative and judicial actions, and ask questions to those being interrogated.

Refusal or evasion of an expert from performing his duties, as well as failure to appear without good reason or giving a knowingly false opinion are subject to criminal punishment (Article 384 of the Criminal Code of Ukraine [11], Article 70 of the Code of Criminal Procedure of Ukraine, and the relevant articles: Article 370 of the Criminal Code of Georgia [12], Article 233 § 4 of the Criminal Code of the Republic of Poland [13] and § 66, 106 of the Code of Criminal Procedure of the Czech Republic). An expert is obliged to observe investigative secrecy, the disclosure of which is also subject to criminal punishment (Article 70 of the Code of Criminal Procedure of Ukraine, Article 387 of the Criminal Code of Ukraine, Article 104 of the Code of Criminal Procedure of Georgia, Article 374 of the Criminal Code of Georgia).

According to the law, it is also possible to challenge an expert, in particular, if the doctor is a party or a relative of one of the parties to the judicial and investigative process (Part 2 of Article 69 of the Code of Criminal Procedure of Ukraine, Article 196 of the Code of Criminal Procedure of the Republic of Poland, paragraph "B" of Part 2 of Article 52 of the Code of Criminal Procedure of Georgia and the corresponding paragraphs 106 and paragraph 1 § 111 of the Code of Criminal Procedure of the Czech Republic) or he is in official dependence on them. The dentist must also refuse from expert activity in cases where the issue of the correctness of treatment is considered if he himself provided medical care to the patient.

In the procedural foundations of a forensic dental examination, from our point of view, the issues of the competence of a forensic medical expert have not yet been studied enough.

When performing an examination, a dentist must be guided by the provision of the law that the questions posed to the expert and his conclusion cannot go beyond the special knowledge of the expert (part 6 of article 69, part 4 of article 100 of the Code of

Criminal Procedure of Ukraine, § 3 of article 196 of the Code of Criminal Procedure of the Republic Poland; paragraph "B" part 1 article 52 of the Code of Criminal Procedure of Georgia and § 107 of the Code of Criminal Procedure of the Czech Republic). In the Code of Criminal Procedure of the Czech Republic of 1961 (paragraph 1 § 107), following the same indication, there is an explanation that: "An expert is not supposed to evaluate evidence and decide legal issues." Thus, a forensic medical expert, regardless of whether his duties are performed by a staff expert or a dentist, must refuse to answer questions that go beyond his medical knowledge, and in an expert opinion does not enter into the resolution of legal issues.

Let's take an example.

One of the criteria for the severity of bodily injury is permanent disfigurement of the face. The task of the expert in these cases is to establish the efface ability of the damage, i.e., such a state of scars, when they decrease in size, turn pale, become inconspicuous. Such an outcome should take place either by itself or under the influence of therapeutic or physiotherapeutic therapeutic measures (surgical intervention in these cases may not be taken into account, because it is associated with additional physical suffering). The issue of facial disfigurement is not medical, but aesthetic, and is the competence of the judicial and investigative authorities.

Thus, the expert, when conducting a forensic dental examination, must give answers in his opinion to the questions posed by the bodies of inquiry, the investigator, the prosecutor, or the court. However, the law provides that if, as a result of the examination, it is possible to expand the range of questions posed that are relevant to the case, and they are within his competence, then the expert has the right to give answers to them in his opinion (part 3, article 102 of the Code of Criminal Procedure of Ukraine, article 198 Code of Criminal Procedure of the Republic of Poland, similarly - point "A" part 2 article 52 of the Code of Criminal Procedure of Georgia).

The expert's opinion is one of the pieces of evidence in the case, and in terms of its significance it is equivalent for the investigating authorities and the court, along with other evidence. In the process of investigation or trial, if there are contradictions between the data of individual evidence, the expert's opinion is not mandatory and the investigating authorities and the court may not take it into account, but in this case, they are obliged to justify their disagreement.

In this regard, in our opinion, the views of some practical scientists that the identification of a person by the teeth is indisputable evidence may be erroneous. Such a study is undoubtedly scientifically substantiated, but this evidence has been assessed by the investigating authorities or the court in each specific case, comparing it with other forensic evidence.

This fundamental position of justice is of great importance, especially at the present time, when the founders and supporters of the theories of social protection and the biopsychological direction continue to express and argue in jurisprudence the position on replacing the clarification in the judicial investigative process of the nature of the actions of the criminal

by establishing his personal, biological and other characteristics. In this regard, as in the time of C. Lombroso, an expert anthropologist, an expert doctor can involuntarily be elevated to the rank of a judge, whose conclusion is essentially regarded as a sentence. Hence the judgment that the court system should be superseded by a professional commission of experts who should be therapeutically minded people, i.e., must think like doctors dealing with the sick, not like lawyers trying to keep the law.

A dentist can take part in the judicial and investigative process not only as an expert, but also as a specialist (examination of a corpse at the place of its discovery, an investigative experiment, etc.). In these cases, the doctor participates in investigative or judicial actions, providing advice to the investigator or the court, using his professional, dental knowledge.

Conclusions.

As conclusions to the article, we point out that the dentist takes part in the judicial and investigative process as an independent person - an expert, whose conclusion is one of the pieces of evidence in the case and can also play the role of a specialist - a consultant to the judicial and investigative authorities. Strict observance of the procedural legislation, which determines the participation of a dentist in the judicial and investigative process, is the rule of law.

In our opinion, the legal and medical aspects of a forensic dental examination are a rather specific and important area of medical and criminal law activity that requires its deep, thorough study and development. It is this feature, as well as the steady growth of crime in the world, in connection with this, the increasing desire of the countries of the European Union to improve the legal system of their states by reforming the legislation, require lawyers, medical workers and legislators of all countries to develop and apply new methods of medicine and forensic methods of collecting evidence base for the commission of a crime for their further use in conducting an effective investigation, identifying and bringing the perpetrators to justice.

Taking into account the shortcomings in this area of medical and legal activities in both countries (Ukraine and Georgia), we consider it relevant to further research in this direction, since the latter will create prospects for theoretical and practical developments and will contribute to solving problematic issues in this field.

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РЕЗЮМЕ

ЗНАЧЕНИЕ СУДЕБНО-СТОМАТОЛОГИЧЕСКОЙ ЭКСПЕРТИЗЫ В КРИМИНАЛИСТИКЕ

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Целью статьи является на основе компаративно-правового исследования общих и отличительных черт норм уголовно-правового законодательства Украины, Грузии, Польши и Чехии по проведению экспертизы, определить целесообразность и необходимость обязательного участия врача-стоматолога при проведении судебно-медицинской экспертизы, а именно: судебно-стоматологической экспертизы. Задача – на основании анализа норм Уголовного процессуального кодекса и Уголовного кодекса Украины, Грузии, Польши и Чехии - наметить пути усовершенствования норм уголовно-правового и медицинского законодательства Украины и Грузии в этой сфере. Установлено, что конституционное обеспечение права на здоровье человека в Украине и Грузии содержится не только в кодексах и медицинском законодательстве обеих

государств, но и в ряде международно-правовых актов, которые ратифицированы их парламентами; проведенный анализ соответствующих норм выявил несовершенство дефиниций понятий и терминов, способов и методов реализации норм, которые должны отражать указанное право. Установлено, что Уголовный процессуальный кодекс и Уголовный кодекс Украины, Грузии, Польши и Чехии и методические рекомендации относительно участия врача-специалиста при проведении судебно-медицинской экспертизы по сбору доказательственной базы при совершении преступления имеют общие черты, формулировки и требования. Таким образом, эта статья может послужить движимой силой для сбора, исследования, анализа и оценке современных научных данных по судебно-стоматологической травматологии, идентификации личности по стоматологическому статусу

и пограничным с ней вопросами, а также послужить изложению особенности экспертизы в случаях привлечения к уголовной ответственности медицинских работников стоматологических учреждений.

Опыт создания этой статьи не может претендовать на исчерпывающее изложение всех проблем и каждой из представленных в частности. Но, в свою очередь, статья будет способствовать совершенствованию преподавания судебной стоматологии и развитию судебной экспертизы, а именно: судебно-стоматологической экспертизы в частности.

Ключевые слова: врач, доказательства, здоровье, расследование, стоматология, судебная медицина, судебно-медицинская экспертиза, судебно-стоматологическая экспертиза, уголовное судопроизводство, экспертиза.