



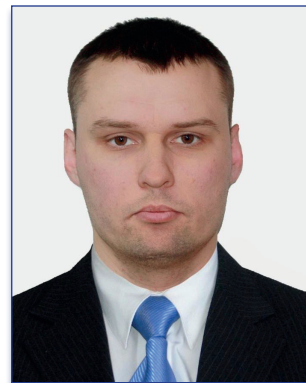
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Expert Investigations In Criminal Proceedings, Liability For Which Is Provided By Art. 345 Of Criminal Code Of Ukraine

The article considers importance of preserving and protecting the life and health of employees of the Security and Defense Forces, currently including law enforcement officers. The main types of expert research that should be conducted during the investigation of a crime, the responsibility for which is provided for in Art. 345 of Criminal Code of Ukraine, in particular, forensic medical one with involvement of forensic medical examiner a specialist in examination and investigative experiment; video and sound recording examinations; forensic psychological examination and a set of examinations, in case of the need for research in criminal proceedings of digital objects, telecommunications and computer forensic science, in case of receiving threats by a law enforcement officer or members of his family through means of communication. Importance of conducting forensic psychological examinations of law enforcement officers and their family members in order to receive compensation for the moral damage caused by the offense was emphasized. Importance of development and research of computer forensic science and research on digital objects, use of their capabilities during the investigation of the specified criminal offenses, etc. is argued.

Keywords: forensic science , threat to law enforcement officer, forensic medical examination, examination, crime scene reconstruction, forensic video and audio analysis, forensic psychological examination, compensation for moral damage, research on digital objects, telecommunication examination, computer forensic science.

Research Problem Formulation. During legal regime of martial law in the Ukrainian legal field, the question of ensuring the functioning of all state institutions, the basis of which are people: employees (civil servants), is increasingly arising. Offenses committed against employees of Security and Defense Forces of Ukraine block are gaining particular resonance¹. This leads to the need to make appropriate changes to the current legislation. Thus, on 03.03.2022, the legislator adopted the Law of Ukraine: On Amendments to Certain Legislative Acts of Ukraine Regarding Strengthening Criminal Liability for the Production and Distribution of Prohibited Information Products, that in particular, introduced a new Article 435-1: Insult to Honor and Dignity to the Criminal Code of Ukraine serviceman, threat to a serviceman”. This article corresponds to Art. 345 of the Criminal Code of Ukraine, protects the same social relations, but which concern military personnel who ensure national

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Declaration of Competing Interest

The author declare that they have no conflict of interest.

¹ «Зайджена платівка»: військовим ЗСУ на телефони знову приходять погрози // АрміяInform – Інформаційне агентство АрміяInform : сайт. 06.03.2022. URL: <https://armyinform.com.ua/2022/03/06/zayizhdzhena-plativka-vijskovym-zsu-na-telefonu-znovu-pruhodyat-pogrozy/>; У Харкові озброєні люди у військовій формі погрожували поліцейським на блокпосту, відкрито справу // Інтерфакс-Україна: сайт 01.10.2023. URL: <https://interfax.com.ua/news/general/938375.html>



security and defense, repulse and deter armed aggression of the Russian Federation, but has some differences and is more detailed in the wording (for example, the range of victims from family members has been expanded to close relatives). This article of Criminal Code of Ukraine aims to protect the rights of military personnel, their close relatives or family members, and their normal activities to ensure national security and defense, repulse and deter armed aggression of the Russian Federation.

A significant part of law enforcement officers are part of the Security and Defense Forces of Ukraine, protect the integrity and sovereignty of our state, give their health and lives, become victims of the attack that the Russian Federation carried out on us, and therefore they should be sure of at least that that the state protects their health and the health of their family members from the internal enemy. In connection with the above, we are faced with the issue of qualitative research on the issue of conducting expert research in investigation of criminal offenses, responsibility for which is provided for in Art. 345 of the Criminal Code of Ukraine. In current conditions, almost no criminal proceedings will reach the stage of a trial, provided there is a high-quality procedural management, without the presence of expert research and the proof of the basic facts on which the accusation is based, since any defense attorney, even in the absence of exceptional abilities, will appeal any conclusions of specialists, if they are not confirmed by a relevant expert study and will “collapse” the case if it is based only on specified specialist conclusions.

Analysis of Essential Researches and Publications. Conducting forensic examinations has been fully considered and researched by many domestic scientists, such as V. P. Bakhin, V. D. Bernaz, V. I. Halahan, V.O. Husieva, O. O. Zakatov, N. I. Klymenko, S.V. Kobets, V. O. Konovalova, V. H. Lukashevych, Ye. D. Lukianchikov, Yu. K. Orlova, I. V. Pyrih, M. V. Salteviskyi, M. Ya. Sehai, Z. M. Sokolovskyi, V. V. Tishchenko, V. Yu. Shepitko, M. H. Shcherbakovskyi et al. However, only V. O. Husieva² and S.V. Kobets³ considered in detail the questions asked by the investigator while appointing forensic examinations during investigation of threats or violence against a law enforcement officer. However, the specified authors did not research the complex of examinations that can be conducted in the event of the need to examine digital objects, carry out telecommunications examination and computer-technical examination during the pre-trial investigation under Art. 345 of Criminal Code of Ukraine.

While writing research paper, scientific sources were developed on the issues of conducting forensic examinations, in particular, regarding conducting forensic examinations of research in the investigation of crimes against the authority of state authorities in the field of law enforcement activities and threats or violence against a law enforcement officer. Investigative and judicial practice materials were studied and analyzed in detail. For research and full analysis of the mentioned topic, when writing the work, normative legal acts of national legislation were developed and their comparison was made. In addition, a significant number of manuals,



² Гусева В. О. Теоретичні основи методики розслідування злочинів проти авторитету органів державної влади у сфері правоохоронної діяльності : дис. ... д-ра юрид. наук : 12.00.09. Харків, 2021. 538 с.

³ Кобець С. В. Розслідування погрози або насильства щодо працівника правоохоронного органу : дис. ... доктора філософії: 12.00.09. Київ, 2023. 267 с.



Іван Федорищев

**ЕКСПЕРТНІ ДОСЛІДЖЕННЯ
ПРИ ПРОВАДЖЕННІ
КРИМІНАЛЬНИХ
ПРАВОПРУШЕНЬ,
ВІДПОВІДАЛЬНІСТЬ ЗА ЯКІ
ПЕРЕДБАЧЕНА СТ. 345 КК
УКРАЇНИ**

periodicals, research papers of domestic scientists, materials of investigative and judicial practice were processed.

While conducting the research, certain set of general scientific and special scientific methods were used that ensured correct definition of the subject and tasks of the research, and became the basis of comprehensive analysis of researched issue.

Application of dialectical method of research made it possible to investigate the legal nature of conducting forensic examinations of threats or violence against law enforcement officer, and made possible to determine main examinations that should be carried while investigating this type offenses. The comparative legal method was used during the analysis of expertise necessary for qualitative evidence in the investigation of this type of crime. Its application helped to explore the types of expertise that will most often be useful while investigating threat or violence against a law enforcement officer at various levels using the methods of systemic-historical, logical analysis, analogy to clarify both internal connections and dependencies within the framework of legal systems being compared, as well as their development in the context of a specific State and society.

The method of formal logic was used as a universal way of argumentation. The method of meaningful legal logic was used to determine the place and role of forensic examinations conducted in the investigation of a threat or violence against a law enforcement officer, and the use of comparative methods made possible to analyze domestic legislation and the practice of applying certain norms in the professional activities of investigators in investigation of a threat or violence against law enforcement officer.

Article Purpose is to find out specifics of appointment of typical forensic examinations, the need for which arises during the investigation of a criminal offense under Art. 345 of the Criminal Code of Ukraine: Threat or violence against a law enforcement officer.

Main Content Presentation. Provisions of Article 10 of Law of Ukraine: On Judicial Examination stipulate that forensic experts can be persons who have the necessary knowledge to provide a conclusion on the issues under investigation. Forensic experts of State specialized institutions can include specialists who have a relevant higher education, educational and qualification level not lower than specialist, who have undergone appropriate training and received qualification of forensic expert in certain specialization. Forensic experts who are involved in conducting forensic examinations (examinations and research), in addition to those conducted exclusively by state specialized institutions, are required to have appropriate training in state specialized institutions of the Ministry of Justice of Ukraine and to be certified⁴.

Forensic expert activity is carried out by State specialized institutions, their territorial branches, forensic science institutions of communal form of ownership, as well as forensic experts who are not employees of these institutions, and other specialists (experts) in relevant fields of knowledge in the manner and under the conditions specified by this Law, but State specialized institutions carry out forensic expert activity related to forensic, forensic medical and forensic psychiatric examinations⁵.

More detailed conditions and recommendations for conducting examinations by state specialized institutions are set out in Instruction on appointment and conducting forensic examinations and researches approved by the order of the Ministry of Justice of Ukraine №53/5, dated on 08.10.1998, and forensic experts, who are not employees of state specialized

У статті розглянуто важливість збереження та охорони життя і здоров'я службовців Сил безпеки й оборони, до яких на теперішній час належать і працівники правоохоронних органів. Висвітлено основні види експертних досліджень, які мають бути проведені під час розслідування злочину, відповідальність за який передбачена ст. 345 КК України, зокрема, судово-медичної, із залученням в якості спеціаліста судово-медичного експерта до проведення освідування та слідчого експерименту; експертизи відео-, звукозапису; с у д о в о - п с и х о л о г і ч н о ї експертизи та комплексу експертиз, у разі необхідності дослідження у кримінальному провадженні цифрових об'єктів, телекомунікаційної експертизи та комп'ютерно-технічної експертизи, у разі отримання погроз правоохоронцем або членами його родини через засоби зв'язку. Наголошено на важливості проведення судово-психологічних експертиз щодо працівників правоохоронних органів та членів їх родин для отримання компенсації за завдану моральну шкоди від виненого правопорушення. Аргументовано важливість розвитку та дослідження комп'ютерно-технічних експертиз та досліджень цифрових об'єктів, використання їх можливостей під час розслідування вказаних кримінальних правопорушень тощо.

Ключові слова: судова експертиза, погроза працівнику правоохоронного органу, судово-медична експертиза, освідування, слідчий-експеримент, експертиза відео-, звукозапису, судово-психологічна експертиза, відшкодування моральної шкоди, дослідження цифрових об'єктів, телекомунікаційна експертиза, комп'ютерно-технічна експертиза.

⁴ Закон України «Про судові експертизи»: Закон від 25.02.1994р. №4038-ХІІ. // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/4038-12#Text>.

⁵ Там само.

EXPERT INVESTIGATIONS IN THE CONDUCT OF CRIMINAL OFFENSES, RESPONSIBILITY FOR WHICH IS PROVIDED BY ART. 345 OF THE CRIMINAL CODE OF UKRAINE

The article considers the importance of preserving and protecting the life and health of employees of the Security and Defense Forces, which currently includes law enforcement officers. The resonance of offenses related to threats to military personnel, law enforcement officers and members of their families and families, in particular, regarding the legislator's attention to the specified issue, is emphasized. Current issues related to legal and forensic features of conducting forensic examinations in the investigation of threats or violence against a law enforcement officer are highlighted. The investigated issues and established the main types of expert research, which should be conducted during the investigation of the crime, the responsibility for which is provided by Art. 345 of the Criminal Code of Ukraine, in particular, forensic medical, with the involvement of a forensic medical expert in the conduct of examination and investigative experiment, examination of video, sound recording, forensic psychological examination and a set of examinations, in the case of the need for research in criminal proceedings of digital objects, telecommunications expertise and computer-technical expertise, in case of receiving threats by a law enforcement officer or members of his family through means of communication. The importance of conducting forensic psychological examinations of

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institutions and carry out forensic expert activity on a professional basis, ensure the conduct of examinations and research in accordance with the requirements of the Instruction on the peculiarities of forensic expert activity by certified forensic experts who do not work in state specialized expert institutions, approved by the order of the Ministry of Justice of Ukraine № 3505/5, dated December 12, 2011, registered in the Ministry of Justice of Ukraine №1431/2016 on December 12, 2011 under №1431/2016⁶.

Regarding interpretation of Law of Ukraine: On Judicial Examination, the Ministry of Justice of Ukraine provided clarifications dated 06.08.2015, that in particular, define a number of provisions that regulate the specifics of conducting forensic expertise. Article 7 of the Law of Ukraine: On Judicial Examination made it possible for the legislator to involve, in addition to forensic experts, other specialists from relevant fields of knowledge, however, such an opportunity to involve other specialists was provided for conducting research on non-traditional, rare objects (gas pipelines, power plants, etc.). Involvement in conducting forensic examinations of a business company, without specifying a specific executor, calls into question the admissibility of the forensic expert's opinion obtained in this way, since third parties had access to it, in particular, the head of the "private expert institution", whose legal status is in the implementation of forensic expert activities. not yet determined. Thus, the examination can be assigned only to state specialized institutions, the list of which is defined by Article 7 of the Law of Ukraine: On Judicial Examination or to specific forensic expert (forensic experts)⁷.

According to the analysis conducted by S. V. Kobets regarding the criminal proceedings under investigation under Article 345 of the Criminal Code of Ukraine, among forensic expert studies, the following are common: forensic psychiatric (76.9%), technical research on materials and means of video and sound recording (63.3%), expertise cold (32.3%) and firearms (45.1%) weapons⁸. During our generalization of investigative and judicial practice materials, somewhat similar indicators were obtained.

One of defining types of forensic examinations conducted during investigation of threat or violence against a law enforcement officer is a forensic medical examination, since the proportion of criminal offenses of this category is committed with the use of violence against law enforcement officer.

As I. V. Zahorodnii notes, while conducting forensic medical examination in criminal proceedings on crimes involving bodily harm, a number of typical issues are resolved: 1) degree of severity of bodily harm; 2) number, nature, location and origin of bodily injuries; 3) length of time the physical injuries have been inflicted; 4) the sequence of inflicting physical injuries; 5) mutual location of the victim and the suspect during the



⁶ Наказ Міністерства юстиції України від 08.10.1998р. №53/5 «Про затвердження Інструкції про призначення та проведення судових експертиз та експертних досліджень та Науково-методичних рекомендацій з питань підготовки та призначення судових експертиз та експертних досліджень»: Наказ Міністерства юстиції України від 08.10.1998 №53/5. // База даних «Законодавство України» / Верховна Рада України. URL:<https://zakon.rada.gov.ua/laws/show/4038-12#Text>

⁷ Суб'єкти судово-експертної діяльності, їх статус та повноваження (06.08.2015). // Офіційний сайт Міністерства юстиції України : сайт. 01.10.2023. URL: <https://minjust.gov.ua/m/subekti-sudovo-ekspertnoi-diyalnosti-ih-status-ta-povnovajennya-06082015>

⁸ Кобець С. В. Розслідування погрози або насильства щодо працівника правоохоронного органу : дис. ... доктора філософії: 12.00.09. Київ, 2023. С. 134-135



infliction of physical injuries, the presence of signs of struggle; 6) determination of the instrument used to cause bodily harm; 7) degree of disability. This Issue is important not only for determining the severity of bodily injuries and the proper qualification of the act, but also for determining the amount of damage caused by the crime. Nature of the damage caused can help the expert understand what object caused the damage and thus help the investigator and operatives in the search for the object of the criminal act⁹.

Forensic medical examination is not the only research involving specialists in the field of medicine. According to V.O. Husieva, while investigating crimes against authority of public authorities in the field of law enforcement, when it comes to encroaching on the life and health of law enforcement officers or members of their families, the investigator must use special medical knowledge¹⁰. The author pays great importance to the involvement of a forensic expert to participate in the investigative experiment and conduct an examination of the victim immediately after commission of violent acts against him¹¹.

Thus, forensic medical examiner, who conducts a previously appointed forensic medical examination, is involved in participation in an investigative experiment, when a suspect, victim or witness demonstrate (visually) how the case of a criminal offense was reflected in their imagination, whether it is complete or complete reproduction of the situation and circumstances of the event, or only mechanism of committing a murder or causing bodily harm to a victim. The purpose of his participation in crime scene reconstruction is to perceive mechanism of inflicting bodily harm, ask additional questions to the participant in order to further compare the testimony of the victim, witness or suspect with the actual data of the event of a criminal offense (for example, whether the mechanism of committing a murder, demonstrated by the suspect during crime scene reconstruction and forensic medical examination of the corpse). In other words, results of crime scene reconstruction can be used to confirm or expose testimony of the suspect or the victim at the pre-trial investigation, carried out during forensic medical examination based on crime scene reconstruction results¹².

Regarding the examination of the victim, A. V. Danylenko et al. indicate the need to conduct a forensic medical examination only within the framework of the forensic medical examination, and not as an independent investigative (search) action, because while forensic examination there is a need to apply specific expertise in the field of medicine to identify traces of a criminal offense, then it will be sufficient to involve a forensic medical expert or a doctor (as during the examination of the scene in corpse availability), and not to conduct an independent investigative (search) action: forensic medical survey¹³.

The vast majority of crimes committed under Art. 345 of the Criminal Code of Ukraine include acts of bodily injury to the victim. As S.V. Kobets notes, analysis of criminal proceedings under Art. 345 of the Criminal Code

law enforcement officers and their family members in order to receive compensation for the moral damage caused by the offense was emphasized. The importance of the development and research of computer-technical expertise and research of digital objects in the investigation of the specified criminal offenses is argued. The inadmissibility of engaging as an expert private economic companies that provide expert services has been proven. Emphasis is placed on the application by the expert of modern achievements of science and technology, available methods and techniques, special literature, equipment, software products, etc., which enable the expert to reach a scientifically based objective conclusion.

Key words: forensic examination, threat to a law enforcement officer, family members, forensic medical examination, investigation, investigator-experiment, video and sound recording examinations, forensic psychological examination, compensation for moral damage, research of digital objects, telecommunications examination, computer- technical expertise.

⁹ Загородній І. В. Розслідування злочинів, пов'язаних з нанесенням тілесних ушкоджень : дис. ... канд. юрид. наук: 12.00.09. Одеса, 2018. С. 178.

¹⁰ Гусева В. О. Роль спеціальних медичних знань при розслідуванні злочинів проти працівників правоохоронних органів. *Вісник Луганського державного університету внутрішніх справ ім. Е.О. Дідоренка*. 2017. № 1 (77). С. 184.

¹¹ Гусева В. О. Теоретичні основи методики розслідування злочинів проти авторитету органів державної влади у сфері правоохоронної діяльності : дис. ... д-ра юрид. наук : 12.00.09. Харків, 2021. С. 290.

¹² Там само. С. 290-291.

¹³ Даниленко А. В., Савчук Т. І., Купріянова Л. С., Гусева В. О. Деякі проблемні питання освідчення осіб. *Вчені записки Тавричного національного ун-та ім. В. І. Вернадського*. Серія: Юридичні науки. 2013. Т. 26 (65). № 1. С. 182.

**SUCHT NACH EXPERTEN
FÜR STRAFVERFAHREN,
DEREN VERANTWORTUNG
IN ARTIKEL 345 DES
STRAFGESETZES DER
UKRAINE VORGESEHEN IST**

Der Artikel untersucht die Bedeutung der Erhaltung und des Schutzes von Leben und Gesundheit von Mitarbeitern der Sicherheits- und Verteidigungskräfte, zu denen derzeit auch Strafverfolgungsbeamte gehören. Die wichtigsten Arten von Fachwissen, die bei der Untersuchung einer Straftat durchgeführt werden müssen, für die die Haftung in Art. 1 vorgesehen ist. 345 des Strafgesetzbuches der Ukraine, insbesondere der forensischen Medizin, unter Beteiligung eines forensischen Sachverständigen als Spezialist für Untersuchungs- und Forschungserfahrung; Video- und Tonaufzeichnungsprüfungen; forensisch-psychologische Untersuchung und eine Reihe von Untersuchungen, falls im Strafverfahren Forschungsbedarf zu digitalen Objekten besteht, Telekommunikationsuntersuchung und computertechnische Untersuchung, falls Drohungen von einem Strafverfolgungsbeamten oder seinen Familienangehörigen über Kommunikationsmittel eingehen. Hervorgehoben wurde die Bedeutung der Durchführung forensisch-psychologischer Untersuchungen von Strafverfolgungsbeamten und ihren Familienangehörigen, um eine Entschädigung für den durch die Straftat verursachten moralischen Schaden zu erhalten. Die Bedeutung der Entwicklung und Erforschung von IT-Expertise und der Suche nach digitalen Objekten, die Nutzung ihrer Fähigkeiten bei der Aufklärung der angegebenen Straftaten usw.

Schlüsselwörter: forensisch-wissenschaftliche Analyse, Bedrohung eines Strafverfolgungsbeamten, forensische Untersuchung, experimenteller Ermittler, Untersuchung von Video- und Tonaufzeichnungen, forensisch-psychologische Untersuchung, Entschädigung für moralischen Schaden, Suche nach digitalen Gegenständen, rechtliche Prüfung der Telekommunikation

of Ukraine indicates that the injuries caused to law enforcement officers are mostly mild, less often, moderate and severe ones¹⁴.

Determination of severity of bodily injuries is carried out on the basis of the Rules for Forensic Medical Determination of the Severity of Bodily Injuries, approved by the Order of the Ministry of Health of Ukraine № 6 dated on January 17, 1995. In accordance with subparagraph 2 of paragraph 2 of Article 242 of Criminal Procedural Code of Ukraine, the determination of the severity and nature of bodily injuries is the responsibility of investigator or prosecutor during forensic examination¹⁵. In addition, as S.V. Kobets rightly noted, forensic medical examinations of living persons in criminal proceedings play important role. In particular, they are an important factor that determines the creation of legal prerequisites for compensation for physical damage to health¹⁶.

Great attention S.V. Kobets invests to forensic video and audio analysis, since often illegal actions of criminals can be recorded on video surveillance cameras, because specified criminal offenses are committed mainly in public places (streets, squares, parks, courtyards of residential buildings, territories of enterprises, commercial establishments, etc.) due to the fact that these illegal actions are mostly recorded on portable body cameras, which are an integral part of equipment of modern police officers¹⁷.

Very urgent is the issue raised by scientist V.O. Husieva, namely, on conducting a forensic psychological examination during the investigation of crimes against authority of public authorities in the field of law enforcement in relation to the victim: law enforcement officer and his close relatives. Conducting this examination is important to compensate for the damage caused not only to physical health of the victims of this crime, but to mental one¹⁸.

In our opinion, the direction of research on conducting computer forensic examinations, examinations of telecommunication systems (equipment) and means, in other words, the expert's study and recording of receiving threats by a law enforcement officer through means of communication and electronic information systems to provide victims with evidence of correspondence or recorded on a voice recorder or through special applications in mobile phones, telephone conversations and providing them to investigators in the case as evidence of illegal activities is promising.

This issue is relevant, since we are currently living in the era of electronic technologies and crime is increasingly using the means of committing a criminal tort in its activities, which have a high degree of latency. These tools include tools of digital nature, since they leave fewer traces in surrounding space.

Analyzing content of criminal proceedings and case files, we come to the conclusion that today the "collective image" of a criminal has become more sophisticated, both in the field of knowledge of legal nature, namely awareness of gaps in the legislation of both a legal and procedural nature, which can help to avoid responsibility for the committed offense, abuse of procedural rights, etc., as well as knowledge of the work methods of law enforcement officers,

¹⁴ Кобець С. В. Розслідування погрози або насильства щодо працівника правоохоронного органу : дис. ... доктора філософії: 12.00.09. Київ, 2023. С. 141.

¹⁵ Кримінальний процесуальний кодекс України: Закон України від 13.04.2012 № 4651-VI // База даних «Законодавство України» / Верховна Рада України. URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text>

¹⁶ Кобець С. В. Судові експертизи під час розслідування погрози або насильства щодо працівника правоохоронного органу. *Юридичний часопис Національної академії внутрішніх справ*. 2022. № 12. Т. 2. С. 36.

¹⁷ Кобець С. В. Розслідування погрози або насильства щодо працівника правоохоронного органу : дис. ... доктора філософії: 12.00.09. Київ, 2023. С. 136.

¹⁸ Гусева В. О. Теоретичні основи методики розслідування злочинів проти авторитету органів державної влади у сфері правоохоронної діяльності : дис. ... д-ра юрид. наук : 12.00.09. Харків, 2021. С. 372.



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**RECHERCHES D'EXPERTS
DANS LES PROCÉDURES
PÉNALES, DONT LA
RESPONSABILITÉ EST PRÉVUE
PAR L'ARTICLE 345 DU CODE
PÉNAL DE L'UKRAINE**

both at the stage of preparation for commission of crime (methods of crime detection and investigations) and at the stage of pre-trial investigation and conducting investigative (investigative) actions at the same time. These trends are primarily related to increase in the general level of education of the population, as well as the increase in speed of information transfer between individuals, to a greater extent due to the expansion of access to the Internet among the population. We do not want to say that access to Internet for the general public is bad, but only that crime is a reflection of the people and it receives a new round of development along with the development of society. In this regard, research on electronic evidence will become more and more important in our time, and therefore it is necessary to further develop the specified direction of forensic science, in particular, regarding the conduct of forensic examinations on specified topic.

While investigating crimes under Art. 345 of the Criminal Code of Ukraine, the investigator may conduct the following types of examinations. Depending on the confidentiality of the information, it is possible to place a threat against a law enforcement officer or his family members on public pages (on pages in social networks and open channels in messengers), it is possible to receive a report on the fact of placing these messages on information resources and their fixation by forensic science institutions, even if they are deleted, and for private messages and private-public messages (access is allowed through a referral link or selected users) only fixing their content, if the messages are available at the time of relevant forensic expert actions.

Depending on the method of transmission of messages, it is possible to conduct telecommunication expertise and computer-technical expertise, which will make it possible to establish the facts and methods of transmitting (receiving) information in the electronic environment and the ways of routing specified data (IP address), establishing the fact of access to information resources during correspondence, identifying technical means and network resources from which correspondence was carried out, etc.¹⁹

The following digital objects may be subject to research, that can contain a threat to law enforcement officer or members of his family:

- text messages: linguistic examination of written speech (handwriting and authoring examination according to the digital writing research methodology), that can provide forensic expert answer to a number of questions: whether a digital record was made by a specific person, one or different persons, several different records were made, as well as establish the fact of posting (corrections) and the relative prescription of digital records;

- voice messages: in case of objections by other participants or doubts about the fact that the voice belongs to the party to trial or the fact of evidence falsification and editing of the sound recording can be identified using the appointed forensic video and audio analysis establishing the person's compliance with the physical parameters of the voice on the sound recording, confirms or refutes the fact of falsification of this evidence, as well as the linguistic examination of oral speech, which identifies the person according to content on sound recording according to linguistic parameters of oral speech;

- multimedia messages (combine text, sound, photo, video materials): forensic photo examination will help to find out the fact of availability of signs of photo editing, as well as the time and place of their production and, if available, the change of these files by graphic editors, forensic video and audio analysis for obtaining metadata and availability or lack of editing, as well as linguistic research oral speech on video²⁰.

L'article examine l'importance de préserver et de protéger la vie et la santé des employés des forces de sécurité et de défense, parmi lesquelles figurent actuellement les agents des forces de l'ordre. Les principaux types d'expertises qui doivent être menées lors de l'enquête sur un crime dont la responsabilité est prévue à l'Art. 345 du Code pénal de l'Ukraine, en particulier celui de la médecine légale, avec la participation d'un expert médico-légal en tant que spécialiste de l'examen et de l'expérience de recherche; examens d'enregistrement vidéo et sonore; examen psychologique médico-légal et un ensemble d'examens, en cas de nécessité de recherche dans le cadre d'une procédure pénale sur des objets numériques, examen des télécommunications et examen technique informatique, en cas de réception de menaces de la part d'un agent des forces de l'ordre ou de membres de sa famille par le biais de moyens de communication. L'importance de procéder à des examens psychologiques médico-légaux des agents des forces de l'ordre et des membres de leurs familles afin d'obtenir une indemnisation pour le préjudice moral causé par l'infraction a été soulignée. L'importance du développement et de la recherche de l'expertise informatique et de la recherche d'objets numériques, l'utilisation de leurs capacités lors de l'enquête sur les infractions pénales spécifiées, etc.

Mots-clés: analyse scientifique légale, menace envers un agent des forces de l'ordre, examen médico-légal, enquête, enquêteur expérimental, examen d'enregistrement vidéo et sonore, examen psychologique légal, réparation du préjudice moral, recherche d'objets numériques, examen légal de télécommunications

¹⁹ Привиденцев О. Г. Експертні дослідження електронних повідомлень як доказів у цивільному процесі. Цивільне судочинство та виконавче провадження в умовах воєнного стану: матеріали всеукр. наук.-практ. конф. ім. Ю. С. Червоного (Одеса, 16 грудня 2022 р.) / за заг. ред. Н. Ю. Голубевої. Одеса: Фенікс, 2022. С. 135.

²⁰ Привиденцев О.Г. Способи ідентифікації автора електронних повідомлень як доказу в цивільному процесі. *Юридичний науковий електронний журнал*. 2021. №10. С. 158. URL: http://lsej.org.ua/10_2021/40.pdf



Ivan Fedorishchev

**BADANIA EKSPERTYZOWE
W SPRAWIE POSTĘPOWANIA
PRZESTĘPSTWA, ZA KTÓRE
ODPOWIEDZIALNOŚĆ
PRZEWIDUJE ART. 345
KODEKSU KARNEGO
UKRAINY**

W artykule rozważono znaczenie zachowania i ochrony życia i zdrowia pracowników Sił Bezpieczeństwa i Obrony, do których obecnie zaliczają się funkcjonariusze organów ścigania. Podkreśla się rezonans przestępstw związanych z groźbami wobec personelu wojskowego, funkcjonariuszy organów ścigania oraz członków ich rodzin i rodzin, w szczególności ze względu na zwrócenie przez ustawodawcę uwagi na określoną kwestię. Podkreślono aktualne zagadnienia związane z prawnymi i kryminalistycznymi cechami przeprowadzania badań kryminalistycznych w dochodzeniu w sprawie gróźb lub przemocy wobec funkcjonariusza organów ścigania. Zbadano problematykę i ustalono główne rodzaje badań eksperckich, jakie należy przeprowadzić w toku śledztwa w sprawie przestępstwa, za które odpowiedzialność przewiduje art. 345 Kodeksu karnego Ukrainy, w szczególności medycyny sądowej, z udziałem biegłego medycyny sądowej w przeprowadzeniu oględzin i eksperymencie dochodzeniowego, badaniu obrazu, nagrania dźwiękowego, kryminalistycznym badaniu psychologicznym oraz zestawie badań, w przypadku konieczności przeprowadzenia badań w postępowaniu karnym przedmiotów cyfrowych, ekspertyz telekomunikacyjnych oraz ekspertyz informatyki, w przypadku otrzymania przez funkcjonariusza organów ścigania lub członków jego rodziny gróźb za pośrednictwem środków komunikacji. Podkreślono znaczenie przeprowadzania kryminalistycznych badań psychologicznych funkcjonariuszy organów ścigania i członków ich rodzin w celu uzyskania naprawienia szkody moralnej wyrządzonej przestępstwem. Argumentuje się znaczenie rozwoju i badań ekspertyzy komputerowo-technicznej oraz badań obiektów cyfrowych w dochodzeniu w sprawie określonych przestępstw. Udowodniono niedopuszczalność angażowania w charakterze eksperta prywatnych firm gospodarczych świadczących usługi eksperckie. Nacisk kładziony

*Expert Investigations In Criminal Proceedings, Liability
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Conclusions. Conducting forensic examinations while investigation of threat or violence against law enforcement officer is of fundamental importance not only for the of quality investigation, but for possibility of a logical conclusion of the specified criminal proceedings during the trial. It is the of forensic expert conclusion that is one of the links of the pre-trial investigation and trial on which criminal proceedings is held.

Investigator who will have to investigate criminal offenses under Art. 345 of the Criminal Code of Ukraine, depending on the investigative situation, should definitely consider conducting a forensic medical examination, with involvement of forensic expert in conducting investigative (search) actions, such as examination and crime scene reconstruction, forensic video and audio analysis, forensic psychological examination and a complex of examinations, if necessary, research in criminal proceedings of digital objects, telecommunication examination and computer forensic examinations, in case of receiving threats by a law enforcement officer or members of his family through means of communication.

At the same time, the investigator, while appointing forensic examinations, should be guided by the provisions of the current legislation, as well as the scientific and methodological rules provided for by the Instruction on the appointment and conduct of forensic examinations and expert research and scientific and methodological recommendations on the preparation and appointment of forensic examinations and expert research, approved by the order №53/5 of the Ministry of Justice of Ukraine dated on 08.10.1998, in terms of determining the necessary expert research and formulating correct, logical and accurate questions for forensic expert decision.

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jest na wykorzystanie przez eksperta współczesnych osiągnięć nauki i techniki, dostępnych metod i technik, specjalistycznej literatury, sprzętu, oprogramowania itp., które umożliwiają ekspertowi wyciągnięcie obiektywnych wniosków opartych na podstawach naukowych.

Słowa kluczowe: badanie kryminalistyczne, zagrożenie dla funkcjonariusza organów ścigania, członkowie rodziny, badania kryminalistyczne, śledztwo, eksperyment śledczy, badania nagrań wideo i dźwiękowych, sądowo-psychologiczne badanie, zadośćuczynienie za szkodę moralną, badanie obiektów cyfrowych, badanie telekomunikacyjne, komputer - ekspertyza techniczna.

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