

Typical Characteristics of Person who Commits Criminal Offenses against Justice

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This article purpose is to clarify the meaning of the forensic characterization of criminal offenses committed by professional participants in the judicial process, to determine the substantive elements of its structure. The goal was achieved through the application of a number of general and special methods of scientific knowledge. Within the framework of the conducted research, a number of theoretical and applied provisions were formed that allow expanding the understanding of forensic characterization of criminal offenses against justice, in particular those committed by professional participants in the judicial process. It was determined that forensic characterization is a basic element in building a forensic investigation methodology, since it systematizes typical data on the mechanism of criminal activity, including information about the identity of the offender, the method of committing the act, trace information, circumstances of the place and time of the crime, as well as the characteristics of the victims. It was found that the identity of the offender in cases of criminal offenses against justice is of particular forensic significance, since offenses are most often committed by investigators, prosecutors, judges and other specialists with a high level of

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legal awareness, who have access to official information and special knowledge of the criminal process. Scientific approaches to structuring knowledge about identity of the offender within the framework of forensics were analyzed. Feasibility of a comprehensive analysis of the socio-demographic, moral and psychological characteristics of the offender was confirmed, the results of which make it possible to more accurately predict the behavior of the offender, substantiate investigative versions and plan tactical actions. It was substantiated that the motive and purpose of criminal behavior are of fundamental importance for establishing the subjective side of the composition of the crime, in particular for distinguishing intentional abuse of authority from official error. It has been established that criminal offenses against justice committed by officials are often latent in nature, hidden behind formal compliance with procedural norms and require special investigative tactics aimed at identifying hidden mechanisms of abuse. It has been generalized that effectiveness of the investigation of such criminal offenses directly depends on the level of awareness of the investigator with the peculiarities of the law enforcement activities of professional participants in the judicial process, which requires in-depth training and systematic analysis of offender's personality. It has been stated that a comprehensive forensic characterization of criminal offenses against justice, adapted to the professional specifics of the subjects of such crimes, is an important condition for creating an effective methodology for their investigation, as well as for developing mechanisms for preventing offenses within judicial system.

Keywords: justice; professional participant in proceedings; suspect; subject of crime; motive; purpose of criminal activity.

Research Problem Formulation

Guaranteeing the independence, objectivity and impartiality of justice is an important characteristic of the key priorities of a democratic, social and legal state. Representatives of the judiciary, together with other participants in the judicial process, ensure the implementation of the principles of legality, justice, the rule of law, etc. However, today's realities show that the provisions of the law are also violated by those subjects who, in accordance with the

provisions of Article 19 of the Constitution of Ukraine, are obliged to strictly comply with ¹. Given the high level of public danger of these acts, the legislator criminalized some of them. Today, the criminal law provides for liability for unlawful interference in the functioning of automated systems of judicial bodies; persecution of knowingly innocent persons; obstruction of the exercise of the right to defense; illegal detention or arrest; pressure to obtain testimony; disclosure of confidential information of the pre-trial investigation

1 Конституція України : Закон України від 28.06.1996 р. № 254к/96-ВР (зі змін. та допов.). URL <https://zakon.rada.gov.ua/laws/show/254k/96-vp#Text> (date accessed: 11.05.2025).

and security measures applied to a person; inaction to guarantee the safety of protected persons, etc.².

Despite seriousness of these criminal-ly punishable offenses, they are still insufficiently studied within the framework of science. In addition, we agree with scientists on this issue that when developing forensic methodology, it is important to take into account a number of key factors: crime specifics, typical features of the criminal's personality, retrospective aspect of the investigation, the influence of the circumstances of a specific situation on its course, as well as the current level of development of technical, tactical and methodological support for forensics. All these elements significantly affect the content and structure of the forensic characteristic, since it is it that accumulates data on nature of the crime, mechanism of its commission and the personality of the offender. However, despite the obvious interdependence between the criminal-legal and forensic characteristics, their identification is methodologically erroneous and scientifically unfounded. Each of them has its own purpose, scope and information structure³. This applies to the forensic characteristic in general, its individual components, the tactical features of conducting investigative (search) actions, tactical operations, the features of planning and organizing an investigation, the issues of interaction, etc. In order to ensure further thorough comprehensive research in the context of crimes committed by representatives of the judicial system and law enforcement agencies, investigating forensic characteristic and its mandatory

(typical) elements is not just a pressing task, but an extremely necessary direction of scientific research in modern legal science.

Article Purpose

Determine typical characteristics of a person; professional participant in the proceedings, who commits criminal offenses against justice.

Research Methods

Methodological apparatus was chosen taking into account the goal: general scientific and special methods of scientific cognition. Their combination not only ensured a deep theoretical understanding of the issue, but contributed to development of practically oriented conclusions and recommendations. First of all, the methods of analysis and synthesis were used in the work that made possible to thoroughly decompose the complex concept of forensic characterization into its structural elements, in particular, offender personality, the method of committing crime, mechanism of criminal activity, motives, purpose, etc. Thanks to the synthesis, it was possible to combine acquired knowledge into a coherent system that reflects the specifics of criminal offenses against justice. Induction and deduction played an important role in formation of theoretical conclusions. Based on the analysis of individual facts from case law, statistical data, materials of criminal proceedings and court decisions, the author formulates general provisions on the typical specifics

2 Кримінальний кодекс України від 05.04.2001 р. № 2341-III (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 11.05.2025).

3 Шепітько М. В. Проблеми формування методично-криміналістичних засобів у структурі протидії злочинам у сфері правосуддя. *Теорія та практика судової експертизи і криміналістики*. 2018. Вип. 18. С. 73–79. DOI: 10.32353/khrife.2018.08 (date accessed: 11.05.2025).

of persons who commit criminal offenses against justice by taking advantage of their official position. For ensuring systematic approach to the study of the criminal's personality, author used the systemic and structural method that made possible to consider the person not as an isolated factor, but as part of a holistic mechanism of criminal activity. This allowed for a deeper understanding of the relationship between the characteristics of offender's personality, the way the crime was committed, his or her motivation and reflection of actions in external environment.

Comparative legal method is used to study approaches to forensic analysis of the offender's identity within the legal systems of different countries. This made possible to identify common features and differences in the understanding of the importance of personal factor in criminalistics, in particular during the investigation of professional criminal offenses in the field of justice.

Significant role was played by the formal legal method, through which a legal analysis of the provisions of the Criminal Code of Ukraine, Criminal Procedural Code of Ukraine of Ukraine, resolutions of the Plenum of the Supreme Court of Ukraine, and other normative legal acts defining the identity of the offender as a subject of a criminal offense was carried out. This approach made it possible to determine the legislative limits of responsibility and procedural status of offenders within justice system.

In order to build the logical structure of theoretical justification, a logical and legal method was used, which made possible to build consistent, logically predetermined considerations regarding the need to include in forensic characterization not only the offender person.

All these methods were applied in close interrelation, complementing each other

and ensuring a high level of scientific reliability of the results obtained. Thanks to their integration, it was possible to achieve a comprehensive interdisciplinary approach to the study of the offender's identity as a key element of forensic characterization of criminal offenses against justice. The result of this approach was both theoretically grounded conclusions and practical recommendations for improving methods for investigating crimes of this category.

Analysis of Essential Researches and Publications

The problem of bringing persons to criminal responsibility for committing criminal offenses against justice has been comprehensively covered in the works of such researchers as N. Alieksieieva, M. Bazhanov, H. Bershov, V. Borysov, V. Burdin, A. Vorontsov, S. Didyk, V. Zatolochnyi, S. Knyzhenko, V. Kuznetsov, M. Syiploki, A. Martirosian, L. Paliukh, V. Tiutiuhin with co-authors, M. Shepitko, O. Shnytko, et al. Research papers by these authors form a fairly clear idea of the criminal law nature of offenses that encroach on the sphere of justice, including those committed by professional participants in the proceedings.

At the same time, despite in-depth legal handling of this block of crimes, modern forensic doctrine demonstrates fragmentation in the context of developing methods for investigating criminal offenses against justice. This is especially true of crimes committed by representatives of the legal professions: judges, prosecutors, investigators, lawyers, etc. Only a few researches touch on this topic within the framework of forensic analysis.

One of the few who thoroughly studied this issue is S. Knyzhenko. In her research

papers, she pays attention to such important aspects as the forensic classification of crimes against justice, the peculiarities of the structure of the methods for their investigation, as well as the practical nuances of pre-trial investigation in the proceedings of this category⁴.

M. Shepitko made a significant contribution to understanding the problem. He emphasizes that only a small part of crimes committed by persons professionally connected with the judiciary reaches the stage of pre-trial investigation and trial. The reasons for this are the high level of legal awareness of such persons, their professional status, and existence of special guarantees and legal protection mechanisms that complicate detection and proof of such offenses. This position only confirms that this topic is not only complex, but extremely relevant for forensic science, which should develop practically oriented solutions for such situations⁵.

Offender's identity is an interdisciplinary category, and therefore its various aspects are constantly the subject of re-

search in the sciences of the criminal law cycle, psychology, etc. Leading stages in the formation of the concept of the criminal's personality were the research papers by outstanding scientists who laid the foundation for its modern understanding. Among the founders of this theory are the Italian physician and psychiatrist C. Lombroso, the Austrian professor H. Gross and the French researcher A. Bertillon.

Ukrainian scholars have also made a significant contribution to the development of this concept. For example, best practices of physician and forensic scientist M. Bokarius are significant, in particular his research paper: *Reference book for criminal investigation officers and police officers in drawing up a verbal portrait* (1924). In modern Ukrainian science, the issues of identification of a person and his or her forensic characteristics are actively studied by such scholars as V. Basai, V. Bakhin, V. Honcharenko, V. Zhuravel, A. Ishchenko, N. Klimenko, O. Kirichenko, V. Kuzmichov, V. Nor, M. Salteviskyi, V. Shepitko, et al. Their best practices play a key role in

- 4 Книженко С. О. Криміналістична класифікація злочинів проти правосуддя. *Право і безпека*. 2013. № 1 (48). С. 113–118. URL: http://nbuv.gov.ua/UJRN/Pib_2013_1_26 (date accessed: 03.05.2025) ; Її ж. Особливості розслідування злочинів проти правосуддя, що вчиняються шляхом порушення порядку відбування покарання або попереднього ув'язнення. *Форум права*. 2016. № 3. С. 121–125. URL: http://nbuv.gov.ua/UJRN/FP_index.htm_2016_3_24 (date accessed: 03.05.2025) ; Її ж. Розслідування злочинів, що вчиняються службовими особами правоохоронних органів шляхом порушення порядку здійснення або забезпечення правосуддя. *Науковий вісник Міжнародного гуманітарного університету. Сер.: Юриспруденція*. 2017. № 30. Т. 2. С. 94–97. URL: [http://nbuv.gov.ua/UJRN/Nvmgu_jur_2017_30\(2\)_26](http://nbuv.gov.ua/UJRN/Nvmgu_jur_2017_30(2)_26) (date accessed: 03.05.2025) ; Її ж. Поняття та структурні елементи криміналістичної характеристики злочинів проти правосуддя. *Судова та слідча практика в Україні*. 2018. № 6. С. 111–115. URL: http://nbuv.gov.ua/UJRN/jipu_2018_6_21 (date accessed: 03.05.2025).
- 5 Шепітько М. В. Проблеми формування DOI: 10.32353/khrife.2018.08 (date accessed: 03.05.2025) ; Його ж. Теоретико-методологічні засади формування системи протидії злочинам у сфері правосуддя : автореф. дис. ... д-ра юрид. наук. Харків, 2018. 42 с. URL: <https://uacademic.info/ua/document/0518U000802> (date accessed: 03.05.2025) ; Його ж. Проблеми виявлення та розслідування злочинів проти правосуддя, що вчиняються професійними учасниками судочинства (провадження). *Теорія та практика судової експертизи і криміналістики*. 2019. № 19. С. 55. DOI: 10.32353/khrife.1.2019.04 (date accessed: 03.05.2025).

improving forensic techniques and practice of criminal investigation, taking into account the offender characteristics.

Recently, S. Denysov ⁶, K. Kaliuha ⁷, O. Luzhetska ⁸, D. Ptushkin ⁹, S. Stetsenko ¹⁰ and others have thoroughly approached the study of such an element as identity of the criminal (suspect). At the same time, peculiarities of forensic characteristics of a person who, being a professional participant in justice, commits criminal offenses against justice have not yet been studied in the theory of legal science.

Main Content Presentation

The basis of any forensic methods is appropriate information basis, represented by

a system of generalized data on the main components of the mechanism of criminal illegal activity. All these typical generalized information in the theory of forensic doctrine is represented by forensic characteristics. Usually, scientists note that this component of the forensic methodology is the basis for the formation of other structural elements of individual forensic methods of investigating crimes or entire groups of criminal offenses (depending on the level of generalization of the methodology) ¹¹.

One of the main elements of the forensic characteristics of various types of criminal offenses and their groups is offender's identity ¹². This element is characteristic of all criminal offenses of the group under research.

- 6 Денисов С. Ф. Особа злочинця у кримінологічній теорії України. *Вісник кримінологічної асоціації України*. 2020. № 1 (22). С. 155—156. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/6a60c927-1e87-4bed-b0f6-4c4704e2c7c5/content> (date accessed: 09.05.2025).
- 7 Калюга К. Історія походження криміналістичного поняття особи злочинця. *Підприємництво, господарство і право*. 2016. № 12. С. 249—253. URL: http://nbuv.gov.ua/UJRN/Pgip_2016_12_47 (date accessed: 09.05.2025) ; Її ж. Особа злочинця як об'єкт криміналістичного дослідження: сучасний стан та перспективи розвитку : автореф. дис. ... д-ра юрид. наук. Дніпро, 2021. 34 с. URL: https://dduvs.edu.ua/wp-content/uploads/files/Structure/science/rada/new_d0872702/40_1/a.pdf (date accessed: 09.05.2025).
- 8 Лужецька О. Р. Особа злочинця як елемент криміналістичної характеристики вимагання, пов'язаного із застосуванням насильства над потерпілим. *Науковий вісник Національного університету ДПС України (економіка, право)*. 2013. № 4 (63). С. 196—201. URL: http://nbuv.gov.ua/UJRN/Nvnudpsu_2013_4_31 (date accessed: 01.05.2025).
- 9 Птушкін Д. А. Криміналістична характеристика особи, яка вчиняє шахрайства щодо об'єктів нерухомого майна громадян. *Науковий вісник Дніпропетровського державного університету внутрішніх справ*. 2018. № 1 (90). С. 203—208. URL: <http://er.dduvs.edu.ua/handle/123456789/2624> (date accessed: 09.05.2025).
- 10 Стеценко С. В. Криміналістична характеристика особи злочинця, що вчинила кримінальне правопорушення, передбачене статтею 206-2 Кримінального кодексу України. *Право і безпека*. 2024. № 2 (93). С. 96—105. DOI: 10.32631/pb.2024.2.09 (date accessed: 09.05.2025).
- 11 Щур Б. В. Теоретичні основи формування та застосування криміналістичних методик : дис. ... д-ра юрид. наук. Харків, 2011. 407 с. URL: <https://uacademic.info/ua/document/0511U000327> (date accessed: 01.05.2025) ; Колесниченко А. Н., Коновалова В. Е. Криминалистическая характеристика преступлений : учеб. пособ. Харьков, 1985. С. 20.
- 12 Бахин В. П. Криминалистика. Проблемы и мнения (1962—2002) : монография. Киев, 2002. 268 с. URL: <https://coollib.in/b/676021-v-p-bahin-kriminalistika-problemyi-i-mneniya-1962-2002/read> (date accessed: 12.05.2025) ; Салтевський М. В. Криміналістика (у сучасному викладі) : підручник. Київ, 2005. 585 с. URL: <https://surli.cc/xyracd> (date accessed: 12.05.2025) ; Чернявський С. С. Криміналістична характеристика злочинів:

While studying the phenomenon of criminal personality, forensic science inevitably draws on the work of many related sciences. In particular, this concept is considered from perspectives of philosophy, sociology, pedagogy, biology, genetics, psychology, psychiatry, legal psychology, psychopathology, criminal and criminal procedural law, criminology, and penitentiary science, taking into account experience of foreign legal systems.

In forensic science, criminal person is traditionally considered from several angles, in particular: as a component of the forensic characteristics of the crime; as a subject or object of tactical interaction during the pre-trial investigation; as a carrier of a certain model of behavior during commission of a crime, combining internal, mental processes and external, physical actions. Such a comprehensive study of the offender's identity is designed to contribute to the development of practically oriented recommendations for the effective planning and implementation of investigative (search) actions in procedure of disclosing and investigating criminal offenses¹³.

Forensic science is primarily interested in information that has practical value in establishing the identity of a criminal. This is information that helps to determine possible ways to find him, choose the most effective methods of investigation, predict his behavior in various investigative situations, establish a connection between the personal characteristics of

the criminal, the method of committing a criminal offense and the mechanisms of illegal enrichment. This approach makes possible to identify patterns in which categories of persons most often commit offenses of a certain type. The above characteristics of the behavior of typical subjects of crime, according to V. Kornienko, significantly help law enforcement officers: they narrow the circle of persons who may be suspects, contribute to determining the motive and purpose of committing the offense, forming investigative versions and choosing appropriate tactical actions. When the identity of the suspect is established, this data makes it possible to choose the optimal model of interaction with this person during further investigation¹⁴.

The basic signs of a person who commits criminal offenses of the group we are studying are: physicality (i.e., these crimes and criminal offenses can be committed only by individuals), reaching the age of criminal responsibility (mostly 18 years), and compliance of the person's condition with requirements set by medical and legal criteria of sanity. In addition to the general signs subject characteristic of a criminal offense, we cannot ignore the special features that characterize the person who, occupying a certain place in the system of legal relations, commits criminal offenses against justice.

Inquirers, investigators, employees of operational units, prosecutors, judges and other officials may be involved in the

порівняльний аналіз наукових концепцій. *Науковий вісник Київського національного університету внутрішніх справ*. 2010. № 1. С. 137–146. URL: <https://elar.navs.edu.ua/server/api/core/bitstreams/ea88d1af-dcc3-4609-b420-561991b458c2/content> (date accessed: 12.05.2025).

13 Калюга К. В. Особа злочинця ... URL: https://dduvs.edu.ua/wp-content/uploads/files/Structure/science/rada/new_d0872702/40_1/a.pdf (date accessed: 09.05.2025).

14 Корнієнко В. В. Криміналістична характеристика особи злочинця та злочинних груп у сфері банківської діяльності. *Право і безпека*. 2015. № 2 (57). С. 98–102. URL: http://nbuv.gov.ua/UJRN/Pib_2015_2_21 (date accessed: 09.05.2025).

commission of criminal offenses against justice of this type. These persons, due to their professional specialization, have a high level of legal awareness and professional training in the field of criminal procedural activity.

In addition to operational significance during the pre-trial investigation, information about the accused plays a key role at the trial stage. Thus, according to paragraph 3 of Resolution № 7 of the Plenum of the Supreme Court of Ukraine dated October 24, 2003, when passing a sentence, court is obliged to take into account a number of circumstances related to the defendant's personality: age, physical and mental condition, behavior before the crime, the presence of previous convictions, social and household characteristics, marital status, financial status, etc.¹⁵

At the same time, scientists think differently about scientific understanding of forensically significant features of a person who has committed a criminal offense. According to V. Shepitko, assessment of the offender's personality as a component of forensic characterization should contain comprehensive information, in particular demographic characteristics, moral traits and psychological characteristics of the individual. This allows a deeper understanding of nature of his illegal behavior¹⁶.

M. Saltevs'kyi defines personality of a criminal as a socio-biological system, the set of properties of which, in particular physical, biological and social, leaves

traces in the external environment. These properties materialized as a result of criminal activity can be detected, recorded and applied in the process of forensic research to establish circumstances of the offense and the person who committed it¹⁷.

O. Luzhetska's research emphasizes that offender's personality is not just a carrier of certain characteristics, but a typical representative of a certain behavioral model that is important for forensic analysis. It is considered as an integrative object of the study, containing biological, psychological, social signs that can affect formation of the crime mechanism, specifics of its reflection and interaction with the environment¹⁸.

D. Ptushkin emphasizes that collection of information about the offender is of practical importance for the organization of the pre-trial investigation. These data make possible to more effectively choose the direction of criminal proceedings, make tactical and procedural decisions and substantiate the need for specific investigative (search) actions¹⁹.

Yu. Chaplynska proposes to systematize information about the person who committed the crime as follows:

- 1) socio-demographic characteristics: age, gender, level of education, citizenship, marital status, place of residence, professional activity, etc.;
- 2) moral qualities: a system of beliefs, life values, attitude to social norms, orderliness, tendency to deviant behavior;

15 Про практику призначення судами кримінального покарання : пост. Пленуму Верховн. Суду України від 24.10.2003 р. № 7 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/v0007700-03/conv#o4> (date accessed: 09.05.2025).

16 Шепітько В. Ю. Криміналістика : курс лекцій. Харків, 2005. С. 258.

17 Салтевський М. В. Навчально-довідковий посібник з криміналістики. Київ, 1994. С. 112.

18 Лужецька О. Р. Зазнач. твір. URL: http://nbuv.gov.ua/UJRN/Nvnudpsu_2013_4_31 (date accessed: 09.05.2025).

19 Птушкін Д. А. Зазнач. твір. URL: <http://er.dduvs.edu.ua/handle/123456789/2624> (date accessed: 09.05.2025).

- 3) psychological properties: peculiarities of temperament, level of emotional stability, ability to self-control, aggressiveness, motivational factors of behavior ²⁰.

Outlined groups of signs are leading in terms of not only determining the vectors for finding ways to establish the identity of the criminal, but clarifying tactical techniques that can be used during interaction with criminals, predicting their behavior, forms of counteraction that they can resort to, etc. Therefore, even in those criminal offenses where identity of the criminal is known for certain based on the mechanism of criminal illegal activity, it is important to analyze not only his individual, socio-demographic and psychological characteristics, but to determine the purpose and motives of behavior, for example, tendency to abuse procedural rights.

Content analysis of criminal proceedings, data of the Unified report on persons who committed criminal offenses, as well as materials of judicial practice made it possible to generalize that before the commission of criminal offenses against justice, among persons professionally related to activities of judiciary, investigation and pre-trial investigation, most often those persons who have access to official information, are endowed with procedural powers, as well as a high level of legal awareness are involved. Accordingly, the most typical subjects of criminal offenses in this category are:

- 1) representatives of law enforcement agencies. Most often, illegal actions against justice are resorted to by investigators, interrogators and operatives. They are charged with unlawful detention of persons, fabrication

of evidence, coercion to testify, concealment of information, as well as violation of the right to defense. Some abuse their official position in order to achieve career or corrupt interests;

- 2) prosecutors. They can be involved in abuses related to unilateral prosecution, manipulation of evidence, violation of the principle of objectivity, disclosure of pre-trial investigation data, as well as inaction in cases of obvious violations of the rights of suspects or accused;
- 3) judges. They are a separate category of officials who, because of their status, should guarantee judiciary independence. At the same time, practice indicates cases of deliberately unjust decisions, decision-making under the influence of unauthorized persons, violation of the principle of impartiality, as well as participation in corruption schemes during consideration of cases;
- 4) lawyers: although lawyer is a party to the defense, sometimes he can become the subject of an offense against justice if he abuses procedural rights, participates in fictitious agreements, deliberately delays the process or discloses confidential information received from the client or during familiarization with the content of proceedings;
- 5) other officials of justice system. These include judicial clerks, secretaries, assistant judges, as well as employees of administrative bodies. They can violate the procedure for accessing automated systems, falsify documents or transfer information to third parties.

20 Чаплинська Ю. А. Особа злочинця як елемент криміналістичної характеристики злочинів. *Актуальні проблеми вітчизняної юриспруденції*. 2019. № 6. С. 181–184. DOI: 10.15421/3919122 (date accessed: 09.05.2025).

Typical characteristics of subjects of offenses against justice are a high level of legal literacy, the presence of powers to access official or confidential information, as well as abuse of procedural opportunities to achieve benefits, personal or in the interests of third parties. Often, such persons commit unlawful acts, relying on professional immunity, complexity of detecting an offense and the ability to avoid responsibility due to official relations. Thereby, criminal offenses against justice committed by officials of the judicial system have an increased public resonance and pose a serious threat to the principle of the rule of law, fair justice and citizens trust in State institutions.

Thus, the persons who most often commit criminal offenses against justice usually belong to the category of professional participants in the judicial procedure: investigators, inquirers, prosecutors, judges, employees of operational units and other officials who have deep legal knowledge and experience in the field of criminal process. These subjects are characterized by a number of socio-demographic, moral and psychological features that to some extent contribute to the formation of criminal behavior in conditions of reduced control and existence of systemic gaps in countering abuses in the field of justice.

In the socio-demographic aspect, these are mainly persons aged 30 to 55 years, with higher legal education, high level of qualification, practical experience in law enforcement or the judicial system. They usually hold responsible positions, have a certain weight in the professional environment, a stable financial condition, and also belong to the middle or higher social stratum.

Moral qualities of these individuals can be contradictory. On the one hand,

they possess the traits inherent in responsible professionals: ambition, dedication, desire for career growth, and discipline. On the other hand, under influence of professional burnout, prolonged functioning under pressure, excessive formalization of work and constant contact with offenders, some of them develop moral indifference, cynicism, and a tendency to justify illegal means to achieve professional goals. Loyalty to the system is often manifested when a person is more focused on interests of the agency or senior management than on principles of legality and justice.

Psychologically, these individuals demonstrate a high level of self-control, ability to analyze the situation, make quick decisions and act in conditions of conflict or risk. At the same time, there is a tolerance for violations, a tendency to abuse official powers, manipulation of procedural norms, pragmatism in approaches to resolving justice issues. Significant number of such persons demonstrate excessive hierarchical dependence, willingness to obey the interests of their superiors, even if it is contrary to the law. Sometimes there is an attitude in behavior that the main goal is not to respect the rights of the person or the truth in the case, but to ensure a certain result, for example, maintaining prosecution in court or achieving the necessary statistical indicators.

Thus, socio-demographic, moral and psychological characteristics of persons involved in the commission of criminal offenses against justice reflect a complex contradiction between the professional role of law enforcement officers and real practices that can contain a conscious violation of legal and ethical norms. This requires a special approach to the investigation of such offenses, given the high level of preparedness of criminals, their use of various forms of counteraction, the

implementation of the position of protection and potential support for offenders at institutional level.

In the context of investigated criminal offenses, it should be noted that the motive and purpose of his illegal behavior are inseparable from the person of the suspect (offender). These characteristics make possible to explain the direction of his actions and determine the reasons for committing a criminal offense, to provide proof of the signs of subjective side of the criminal offense. In view of this, we come to the logical conclusion that the structure of the forensic characteristics of the criminal offenses of this group should correspond to the proposed classification.

Conclusions

Performed research makes possible to make a number of important generalizations about the forensic characteristics of criminal offenses against justice, especially those committed by professional participants in the proceedings.

Firstly, the author establishes that forensic characterization of a crime is a key element in the construction of a forensic investigation methods, since it accumulates typical data on the mechanism of a criminal offense including information about the identity of the offender, the manner of committing the act, the trace pattern, the circumstances of the place and time of the act, and the characteristics of the victim.

Secondly, it was found that offender's identity in the context of criminal offenses against justice is of particular importance as a source of information for the development of effective investigative tactics. Most often, such offenses are committed by investigators, prosecutors, judges, em-

ployees of operational units, that is, persons with a high level of legal awareness, access to official information and experience in law enforcement activities. Their behavior, motivation and psycho-emotional state can affect nature and mechanism of the offense.

Thirdly, the approaches of scientists to determining structure and content of the criminal's personality in criminalistics are analyzed. Expediency of a comprehensive analysis of socio-demographic characteristics, moral qualities and psychological properties was confirmed that allows investigators to more accurately predict the behavior of the offender, build the logic of investigation, formulate investigative versions and choose tactics.

Fourthly, it is argued that motivation and purpose of criminal behavior are essential for establishing the subjective side of the crime. Taking into account the motive contributes to an in-depth understanding of the reasons for committing a criminal offense and makes it possible to distinguish official error from intentional abuse.

Fifthly, it is established that criminal offenses against justice are often disguised, accompanied by formal compliance with the law, and their detection is complicated by professional training of the perpetrators, abuse of power and potential availability of support at the institutional level. This necessitates a highly skilled investigative approach based on in-depth knowledge of the mechanisms of criminal procedure.

Therefore, forensic characterization of offenses against justice should be thorough, comprehensive and adapted to the specifics of offenses committed within the framework of professional legal activities. Knowledge of the staff, professional and social characteristics of the subject

of a criminal offense makes it possible not only to develop an effective investigation method, but to formulate practical recommendations for prevention of such crimes.

**Типові характеристики
особи, яка вчиняє
кримінальні правопорушення
проти правосуддя**

**Влада Гусева,
Євген Суп**

Мета статті — з'ясувати значення криміналістичної характеристики кримінальних правопорушень, учинених професійними учасниками судочинства, визначити змістовні елементи її структури. Поставлену мету реалізовано завдяки застосуванню низки загальних і спеціальних методів наукового пізнання. У межах проведеного дослідження сформовано низку теоретичних і прикладних положень, які дають змогу розширити уявлення про криміналістичну характеристику кримінальних правопорушень проти правосуддя, зокрема тих, що вчиняються професійними учасниками судочинства. Визначено, що криміналістична характеристика є базовим елементом побудови криміналістичної методики розслідування, оскільки вона систематизує типові дані про механізм злочинної діяльності, включно з відомостями про особу правопорушника, спосіб учинення діяння, слідову інформацію, обстановку місця й часу вчинення злочину, а також з характеристиками потерпілих. Виявлено, що особа злочинця у справах щодо кримінальних правопорушень проти правосуддя має особливу криміналістичну значущість, адже правопорушення найчастіше вчиняються слідчими, прокурорами, суддями та іншими фахівцями з високим рівнем правової обізна-

ності, які мають доступ до службової інформації та спеціальні знання щодо кримінального процесу. Проаналізовано наукові підходи до структурування знань про особу правопорушника в межах криміналістики. Підтверджено доцільність комплексного аналізу соціально-демографічних, моральних та психологічних характеристик злочинця, результати якого дають змогу більш точно прогнозувати поведінку злочинця, обґрунтовувати слідчі версії й планувати тактичні дії. Обґрунтовано, що мотив і мета злочинної поведінки мають принципове значення для встановлення суб'єктивної сторони складу злочину, зокрема за відмежування умисного зловживання повноваженнями від службової помилки. Установлено, що кримінальні правопорушення проти правосуддя, учинені посадовими особами, часто мають латентний характер, приховуються за формальним дотриманням процесуальних норм і потребують особливої слідчої тактики, орієнтованої на виявлення прихованих механізмів зловживань. Узагальнено, що ефективність розслідування таких кримінальних правопорушень безпосередньо залежить від рівня обізнаності слідчого з особливостями правозастосовної діяльності професійних учасників судочинства, що потребує поглибленої підготовки та системного аналізу особи правопорушника. Констатовано, що комплексна криміналістична характеристика кримінальних правопорушень проти правосуддя, адаптована до професійної специфіки суб'єктів таких злочинів, є важливою умовою для створення ефективної методики їх розслідування, а також для розроблення механізмів запобігання правопорушенням у межах судової системи.

Ключові слова: правосуддя; професійний учасник судочинства; підозрюваний; суб'єкт злочину; мотив; мета злочинної діяльності.

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