

Types and Specifics of Investigation of Traces of Unlawful Interference in the Activities of Public Authorities

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The purpose of this research paper is to identify typical traces of criminal and illegal activities related to interference in the activities of representatives of state authorities, to outline their features and methods of research. Achievement of the set goal was facilitated by the use of general scientific (analysis, synthesis, abstraction, generalization), special and philosophical methods (dialectical, comparative law, system-structural, prognostic). The study of materials of criminal proceedings and judicial practice made it possible to identify typical sources (carriers) of trace information in criminal offenses related to interference in the activities of representatives of state authorities, among which the following are distinguished: 1) documents, in particular electronic ones (summons, protocols of procedural actions, photographs, sound and video recordings of the event of a criminal offense or related to it); 2) digital traces displayed (stored) in messengers, information systems, e-mail servers and other information systems, video recordings, etc.; 3) other things of the material world that were discovered at the scene of criminal intent (at the scene of incident) and that retained traces of criminal illegal activity; 4) tools and/or means used by the perpetrators to carry out the criminal intent; 5) participants in relevant social relations who, by chance or in connection with their official activities, became participants in the event of a criminal offense

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related to interference in the activities of representatives of state authorities. Prospects for further research within the framework of researched issues are outlined.

Keywords: criminal offense; interference in activities; State authority; traces of criminal offense; evidence; collection of evidence.

Research Problem Formulation

In general, criminal procedural activity is carried out on the basis of fulfilling a number of strategic and tactical investigation tasks. One of the substantive components of such activity is evidence, which is traditionally identified with the determination of the set of circumstances provided for by the legislator in Art. 91 Criminal Procedural Code of Ukraine ¹.

Legally established mandatory list of circumstances that must be proven in criminal proceedings is detailed and expanded depending on the type of criminal offense, investigative situation and a number of other circumstances. A significant number of such circumstances concern traces of criminal illegal activity, which can be of various nature.

In criminalistics, the *crime traces* phrase is traditionally used. The concept of traces is based on philosophical principle according to which each phenomenon causes another, forming an inextricable cause-and-effect chain indicating interdependence of all processes, in particular criminal acts, which inevitably leave traces in the environment. In other words, it is an external informational reflection

of a criminal event. Detection, recording and study of traces of a crime makes it possible to reconstruct the method of its commission, obtain information about the identity of the offender, etc. This indicates existence of a stable connection between the act itself and its imprint in the environment. Analysis of traces of a crime contributes to understanding the circumstances of the event, and knowledge of nature and mechanism of criminal acts, in turn, helps to more effectively detect, localize and study the corresponding traces ². Therefore, while conducting criminal procedural activities, tasks arise to identify, record and study traces of a crime. At the same time, information as such can acquire the status of evidence only if it meets the criteria of relevance, admissibility and reliability in criminal proceedings. Information in a broad sense covers both factual data and knowledge about this data. However, only that part of it that is procedurally relevant and capable of confirming or disproving specific circumstances of criminal proceedings (criminal case during trial) is recognized as evidence ³.

Criminal offenses related to interference in the activities of representatives of state authorities are represented by those

1 Кримінальний процесуальний кодекс України від 13.04.2012 р. № 4651-VI (зі змін та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 09.05.2025).

2 Пчеліна О. В. Типові сліди злочинів у сфері службової діяльності. *Форум права*. 2017. № 5. С. 342—348. DOI: 10.5281/zenodo.1204355 (date accessed: 05.05.2025).

3 Ткач О. В. Слідова картина як джерело доказової інформації при розслідуванні порушення недоторканності приватного життя. *Вісник кримінального судочинства*. 2015. № 4. С. 194. URL: https://vkslaw.knu.ua/images/verstka/4_2014_Tkach.pdf (date accessed: 09.05.2025).

crimes and criminal misdemeanors that provide for liability for intentional commission of acts that are:

- 1) activity obstruction;
- 2) interference in activities or in exercise of powers;
- 3) unlawful influence ⁴.

Thus, commission nature of these crimes is determined by the implementation of actions of an intellectual nature that are not always reflected in changes in the material situation. That is why, in the context of the studied group of criminal offenses, the importance of the figures of victims who have the appropriate professional position, that is, are representatives of state authorities and become the object of unlawful influence, increases. The victim is the main source of information about the event of a criminal offense. At the same time, other subjects and objects related to the criminal event interact with each other and accordingly influence each other, thereby determining formation of a certain trace picture.

Outlined signs of criminal offenses confirm that the issue of traces of criminal offenses related to interference in the activities of representatives of state authorities is complex and actualize the task of its in-depth study and development. Given that theory of legal science has not paid enough attention to the issue raised by us to date, we consider it necessary to investigate it within the limits of this scientific investigation.

Article Purpose

Identify typical traces of criminal and illegal activities related to interference in activities of representatives of State authori-

ties, outline their specifics and methods of investigation.

Research Methods

Methods of analysis and synthesis, abstraction and generalization were applied during analysis of theoretical developments of Ukrainian scientists devoted to the related to research topic, as well as the analysis of texts of court decisions, in order to identify typical traces of criminal and illegal activities associated with interference in activities of representatives of state authorities. Special and philosophical methods, including comparative legal, systemic and structural and prognostic made possible to build the architectonics of research paper, formulate conclusions and outline prospects for further research.

Analysis of Essential Researches and Publications

Criminal offenses aimed at interfering with the activities of public officials pose a serious threat to the stability of public administration and the implementation of the rule of law. They can take various forms: from intimidation and physical influence to bribery, illegal pressure or other actions that hinder effective exercise of official authority by public officials.

Investigation of such crimes and criminal offenses is extremely difficult, since they are often committed in secret, with the observance of secrecy, and the victims often do not contact law enforcement at all. Most often this is due to personal fears for their safety or influence of outsiders who exert pressure and create an atmosphere of fear. The issues of pre-trial

⁴ 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: 09.05.2025).

investigation of criminal offenses of this group remain poorly researched.

The issue of investigating interference in activities of a defense attorney and a person's representative ⁵, as well as in the activities of a forensic expert ⁶ and even in the activities of representatives of the justice system ⁷ is more elaborate. Textual analysis of the aforementioned studies makes possible to state the diverse nature of the trace pattern of these criminal offenses.

Thus, the following signs are characteristic of interference in activities of a defense attorney or representative of a person:

- 1) tangible ones, presented in the form of material evidence, documents or their reflections (statements, complaints, letters of refusal, etc.), which are detected in 100% of cases;
- 2) ideal ones preserved in the minds of participants in criminal proceedings (in particular, the victim, the suspect, witnesses, employees of institutions and organizations, etc.) and which are observed in 54.4% of cases;
- 3) electronic ones, stored by digital sources (electronic documents, websites, cloud storages, *IP telephony* systems, etc.) and occurring in 49.3% of cases ⁸.

Among characteristic material traces of illegal interference in the activities of

a forensic expert, electronic correspondence via instant messengers and e-mail are distinguished. This same category includes sound recordings, and sometimes video recordings, recorded by technical means or stored on electronic media. Another category is made up of ideal traces, these are informational reflections of the event of interference, stored in the memory of direct participants and/or eyewitnesses. Such traces take the form of written testimonies, explanations, interrogation protocols, which record the information perceived and stored in memory. These can be imaginary images in the memory of the victim (i.e. forensic expert himself), the suspect or the accused, as well as witnesses. They can contain data on the appearance of the person who exerted influence, on the nature and method of pressure, on the behavior of the expert himself and the specifics of his expert activity at the time of the event, etc. It should be emphasized that such crimes are often committed in the absence of eyewitnesses. That is why the carriers of ideal traces, in addition to direct witnesses (if any), are mostly relatives and close friends of the victim or suspect, colleagues of the expert, as well as other persons aware of the circumstances of the event ⁹. Thus, interference in legally protected activities is

5 Русанівська Д. Д. Розслідування втручання в діяльність захисника чи представника особи : дис. ... д-ра філос. зі спец. 081 "Право". Київ, 2023. 260 с. URL: <https://elar.navs.edu.ua/server/api/core/bitstreams/87c654d4-47e0-4e7b-ae7c-8ecfdc784aaf/content> (date accessed: 02.05.2025).

6 Посашков О. О. Методика розслідування втручань в діяльність судового експерта : дис. ... канд. юрид. наук. Харків, 2020. 200 с. URL: <https://uacademic.info/ua/document/0420U101202> (date accessed: 02.05.2025).

7 Бершов Г. Є. Кримінально-правова характеристика форм та способів втручання в діяльність судових органів. *Форум права*. 2013. № 1. С. 53–59. URL: http://nbuv.gov.ua/UJRN/FP_index.htm_2013_1_11 (date accessed: 25.04.2025).

8 Русанівська Д. Д. Зазнач. твір. С. 206. URL: <https://elar.navs.edu.ua/server/api/core/bitstreams/87c654d4-47e0-4e7b-ae7c-8ecfdc784aaf/content> (date accessed: 02.05.2025).

9 Посашков О. О. Зазнач. твір. С. 71–72. URL: <https://uacademic.info/ua/document/0420U101202> (date accessed: 02.05.2025).

characterized by a fairly significant number of traces. A systematic analysis of the specifics of traces of interference in the activities of representatives of state authorities has not been conducted to date, which indicates the relevance of this issue for the scientific community and practicing lawyers.

Main Content Presentation

Interference in the activities of representatives of the state apparatus, whose activities are the object of criminal law protection, always involves the interaction of at least two subjects. Nature of such interaction is associated with persuasion, blackmail, threats, requests, refusal to provide legitimate benefits or with the use of other illegal methods of influence. Usually, these actions are implemented in active forms of behavior and are embodied by the influence of one subject on another: on his consciousness, psyche and behavior.

For criminal offenses related to commission of activities, only an active form of behavior of the subject of a criminal offense is characteristic, which aims to prevent the victim from fulfilling his official duties or to force him to make an illegal decision.

In the scientific literature, traces of crime are considered in two main aspects, in narrow and broad. In a narrow sense, traces are considered material formations that reflect the external features of objects that interacted with each other. Such traces are kind of copies, capable of being both

three-dimensional and planar. In a broad sense, traces are any changes in the environment that have resulted from the commission of a crime¹⁰.

Along with the concept of *crime traces* of a in the forensic literature, concept of *trace picture* is used. Thus, M. Saltevskiy proposes to define the trace picture as a combination of tangible and intangible (ideal) traces that cover the physical and mental reflections of the event, which store information about the criminal situation and the identity of the offender¹¹.

Instead, V. Konovalova proposed to consider the trace picture as a new element of the forensic characterization. According to her, forensic characterization covers a set of traces reflecting both the course of the criminal event itself and the behavior of the subject at the crime scene. Thanks to this comprehensive analysis, it is possible to form the most likely versions of the mechanism of committing a crime¹².

M. Pohoretskyi emphasizes that the source of traces is the socially dangerous behavior of the person who committed the crime. Such behavior – as active one action as inaction – interacts with the real environment, causing changes that are recorded in the form of traces. In other words, the crime event itself generates trace information¹³.

Z. Toporetska notes that the following picture as a structural component of the forensic characteristic is essential, because its analysis makes it possible to find

10 Коваленко В. В. Типові способи, сліди й обстановка вчинення злочину як елементи криміналістичної характеристики торгівлі людьми. *Прикарпатський юридичний вісник*. 2020. Вип. 2 (31). С. 184. DOI: [10.32837/pyuv.v0i2\(31\).589](https://doi.org/10.32837/pyuv.v0i2(31).589) (date accessed: 02.05.2025).

11 Салтевський М. В. Криміналістика : підручник. У 2 ч. Ч. 1. Харків, 1999. С. 148–151.

12 Коновалова В. О. Вбивство: мистецтво розслідування : монографія. Харків, 2001. С. 25.

13 Погорецький М. А. Докази у кримінальному процесі: проблемні питання. *Часопис Національного університету "Острозька академія". Серія "Право"*. 2011. № 1 (3). С. 20. URL: <http://lj.oa.edu.ua/articles/2011/n1/11pmapp.pdf> (date accessed: 13.05.2025).

out the method of committing a crime, the mechanisms of its concealment and the identity of the offender (including cases of participation of organized groups), to identify the instrument of crime and other important circumstances. It can be the key to uncovering false testimony or locating hidden physical evidence¹⁴.

In addition, in forensic science, the concept of a typical trace picture is also used. As V. Konovalova notes in her research, a typical trace picture is a set of characteristic “*traces inherent in a particular type or variety of crime*”¹⁵.

In our opinion, currently it is worth talking about the traces of a criminal offense as a complex category that covers material, ideal and digital traces. Material traces, in turn, constitute the material basis of forensic information. These can be any objects of the physical world that have preserved information about the circumstances of a criminal offense and that can be used to prove it. Ideal traces are traces-images (images) stored in a person's memory¹⁶. Thus, ideal trace is the mental image. If everything is more or less obvious with the first two categories, since they are traditional categories of criminology, then digital traces are a category that has not been studied much.

Digital traces can be detected and stored on various electronic devices.

Such sources include personal computers of both individuals and representatives of legal entities; mobile phones, tablets, digital cameras and video cameras that are seized from persons involved in criminal proceedings; server equipment and other means of storing information in institutions and organizations; online services that provide voice and video communication via the Internet, including *Skype*, *WhatsApp*, *Viber*, *Telegram*, etc.; as well as banking systems, data from which can be stored on digital media (such as SD cards, flash drives, etc.). An equally important source is video surveillance systems installed in state and private structures, as well as other computing devices. All this digital information is a valuable source of both evidentiary and indicative data, which are of key importance for clarifying the circumstances of the crime, identifying the perpetrators and further proving their involvement. Content of digital traces can be extremely diverse: this is information about the movement of individuals, Internet activity, correspondence, files, electronic messages, e-mail records, etc. Such data can be contained in automated information systems, telecommunication networks and information and telecommunication structures that provide processing, transmission and storage of digital information¹⁷.

14 Топорецька З. М. Слідова картина як джерело первинної інформації про вчинення злочинів у сфері грального бізнесу. *Реформування національного та міжнародного права: перспективи та сьогодення* : мат-ли Міжнар. наук.-практ. конф. (Одеса, 29—30.09.2011). У 2 ч. Ч. 2. Одеса, 2011. С. 105—108.

15 Коновалова В., Панов М. Інтуїція: поняття і роль у судочинстві. *Вісник Академії правових наук України*. 1999. № 1 (16). С. 186. URI: <https://dspace.nlu.edu.ua/jspui/handle/123456789/4370> (date accessed: 13.05.2025).

16 Шепітько В. Ю. Криміналістика. Енциклопедичний словник (українсько-російський і російсько-український) / за ред. В. Я. Тація. Харків, 2001. С. 323.

17 Колеснікова І. А. Цифрові сліди та їх роль в доказуванні воєнних злочинів під час російської військової агресії проти України. *Сучасні реалії протидії воєнним злочинам: набутий досвід та погляд в майбутнє* : мат-ли пан. дискус. VII Харків. Міжнар. юрид. форуму (Київ, 25.09.2023). Київ, 2023. С. 51. URL: <https://surl.li/lnqyjc> (date accessed: 13.05.2025).

Rapid development of digital technologies has led to the fact that certain part of our activities is reflected in the digital space. A significant difference between digital traces and material ones is the lack of physical form, therefore, for their detection and research, it is necessary to apply appropriate technical support, from basic devices (such as computers and smartphones) to specialized software.

One of specifics of digital traces is their easy reproduction without loss of quality, as well as the ability to edit or destroy them. For example, digital photographs, video and electronic documents can be either exactly copied or changed using special programs. For editing video or graphic materials, programs such as *Adobe Premiere Pro*, *AVS Video Editor*, *Corel VideoStudio Pro*, etc. are widely used. In modern conditions, artificial intelligence technologies are becoming increasingly widespread, which not only allow you to change existing files (replacing faces, voices, facial expressions, backgrounds or objects in videos), but also create completely new, fictitious video materials that are almost indistinguishable from the real ones. Well-known tools for creating such fakes are *DeepFaceLab*, *Faceswap*, *Reface*, etc. Another feature of digital traces is the ability to edit or destroy them remotely. Such actions can have several purposes:

- 1) committing a criminal offense, for example, by introducing malicious software (viruses, Trojans) that helps to unauthorizedly interfere with systems with the subsequent destruction or falsification of data;
- 2) concealment of traces of a crime by changing information that law enforcement agencies can use as

evidence. For this purpose, adversaries often use remote device access tools, such as *Microsoft Remote Desktop*, *TeamViewer*, *Chrome Remote Desktop*, which allow you to control a computer or other device using the Internet or a local network without a physical presence next to it. Cloud storage services play an important role in digital traceability, facilitating the synchronization of information across multiple devices and accessing it from anywhere¹⁸.

As for typical trace picture of interference in the activities of representatives of state authorities, it is also quite wide. Analysis of the materials of criminal proceedings initiated on the grounds of interference in the activities of representatives of public authorities makes it possible to generalize that ideal and digital traces are more characteristic for them, and material traces are less common. That is why we consider it necessary to dwell more thoroughly on specifics of traces of interference in the activities of representatives of State apparatus.

Source of ideal traces is primarily the victim himself. He was involved in 98% of the criminal proceedings we analyzed and testified. Since the victim in the investigated category of criminal offenses is a special subject, which is primarily related to his professional status, obtaining testimony from him for the most part does not cause significant difficulties for investigators who conduct interrogation and an investigative experiment, when they reproduce criminal offense circumstances.

Typical sources of ideal traces include the suspect (accused). During the pre-trial investigation, the latter most often agrees

18 Демидова Є. Є. Цифрові сліди кримінального правопорушення: поняття та особливості. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2024. Вип. 85. Ч. 4. С. 71–75. DOI: [10.24144/2307-3322.2024.85.4.10](https://doi.org/10.24144/2307-3322.2024.85.4.10) (date accessed: 13.05.2025).

to give evidence and admits his guilt in committing a criminal offense. This is proven by the consideration of cases in the courts. For example, the Boryspil City District Court of the Kyiv region found that the accused, being at a bus stop next to the “Турман” store, jointly resisted police officers who were performing their duties to protect public order, and used violence in the form of beatings and inflicting bodily harm. Later, during the detention of the offenders, citizen K., who was in a state of alcoholic intoxication and was aware that the police officers were performing their duties, decided to interfere with the activities of law enforcement officers and prevent them from placing the detainee in a service car. The court assessed the actions of the accused and noted that they consisted in influencing a law enforcement officer with the aim of preventing him from performing his official duties (interference in the activities of a law enforcement officer), i.e. the accused committed a criminal offense provided for in P. 1 of Art. 343 of the Criminal Code of Ukraine¹⁹. As a result of the examination of the evidence, the court concluded that the guilt of the accused is proven by his exculpatory testimony²⁰.

Another source of ideal traces are witnesses, that is, eyewitnesses to the commission of a criminal offense, or persons who give testimony from hearsay. Witnesses in this category of proceedings are usually: 1) employees of state authorities; 2) ordinary citizens who were at the scene and witnessed the implementation of the criminal intent by the subject of a criminal offense.

In accordance with the analysis of judicial practice, with the participation of witnesses who are not employees of public authorities, in addition to interrogations and investigative experiments, they conduct another presentation of a person for identification. Thus, during this procedural action, witnesses identify the ideal image of perception with a specific person, who is most often the suspect.

In particular, the Ratnivskyi District Court of the Volyn region (conducted an interrogation with the participation of a witness, an investigative experiment and presentation for identification) during the court session found that the accused exerted influence on law enforcement officers with the aim of preventing them from performing their official duties, as well as (in collusion with an accomplice with prior intent) arbitrariness, which caused significant harm to state interests under the following circumstances. The case collected and examined ideal traces, which were reflected in the testimony of a witness, who explained that she witnessed a conflict between five men unknown to her over an *AUDI A6* car, which, according to some citizens, was illegally in a customs warehouse. Later, the witness witnessed events in which one of the men entered the customs control zone using physical force, and another, making threats and using physical force, began to prevent law enforcement officers from performing their duties, as a result of which the accused tore off the padlock on the closed gates of the customs warehouse and arbitrarily left the customs warehouse in the aforementioned car. In accordance with the circum-

19 Кримінальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 09.05.2025).

20 Вирок Борисп. міськрай. суд. Київ. обл. від 25.05.2020 р. Справа № 359/3394/20. Провадж. № 1-кп/359/505/2020 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/89492361> (date accessed: 13.05.2025).

stances of the case, despite the defendant's failure to admit guilt, the court (based on the examination of the evidence) concluded that his actions constituted criminal offenses, for which he was charged²¹. It should be noted that in addition to the perfect fingerprints, padlock with a chain was attached to the case file as evidence. Therefore, in some situations, material evidence is also attached to such cases.

As for material traces, their source can be various objects used by the perpetrator during the implementation of the criminal intent. Thus, in the case considered by the Solomianskyi District Court of Kyiv, a white powdery substance was recognized as material evidence, which the perpetrator used to prevent the judge of the Court of Appeal of Kyiv from performing his official duties. In accordance with the circumstances of the case, clarified during the open court session, the panel of judges refused the accused to satisfy his petition, so he threw a paper bag with a white powdery substance, which he had prepared in advance and held in his hand, at the presiding judge. The blow hit the left side of the judge's head and stunned her for some time. The bag burst from the blow, a white powdery substance poured out of it, getting on the judge's hair and clothes, and on the table with the case. Based on the trial of the case, the court concluded that by his intentional actions the accused violated the usual work

regime of judges, interfered with the activities of a judge with the aim of preventing her from performing her official duties²².

Material traces can also be stored on physical evidence attached to the case. However, in this category of criminal proceedings, as we have already noted, the seizure of material objects during the inspection of the scene is atypical. Thus, out of 25 analyzed verdicts on the fact of interference in the activities of law enforcement officers, it was found that in only 2 of them were material objects (except for video recordings) seized, which acquired the status of physical evidence, however, no such object was subsequently subject to either inspection or expert examination. Out of 6 analyzed verdicts on the fact of interference in the activities of judicial bodies, in only one were material objects seized, and in another, a disk with a telephone message and a court summons dated 08/25/2022 to participate in a court session²³. This once again demonstrates the atypical nature of the material traces for the mechanism of criminal illegal activity related to interference in the activities of representatives of state authorities.

At the same time, given the prevalence of recognition of video recordings as evidence by the courts (in 13 out of 25 analyzed verdicts on the fact of interfering with the activities of law enforcement officers)²⁴, we consider it necessary to dwell

21 Вирок Ратнів. райсуд. Волин. обл. від 11.09.2020 р. Справа № 166/137/20. Провадж. № 1-кп/166/46/20 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/91466914> (date accessed: 13.05.2025).

22 Вирок Солом'ян. райсуд. м. Києва від 12.11.2019 р. Справа № 760/7663/18. Провадж. № 1 кп/760/789/19 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/85603512> (date accessed: 13.05.2025).

23 Вирок Роздільнян. райсуд. Одес. обл. від 18.02.2025 р. Справа № 496/4648/22. Провадж. № 1-кп/511/36/25 / Там само. URL: <https://reyestr.court.gov.ua/Review/125229647> (date accessed: 13.05.2025).

24 Вирок Володимир. райсуд. Рівнен. обл. від 22.01.2024 р. Справа № 556/95/24. Провадж. № 1-кп/556/90/2024 / Там само. URL: <https://reyestr.court.gov.ua/Review/116512173> (date accessed: 13.05.2025) ; Вирок Ленін. райсуд. м. Кіровограда від 18.09.2020 р.

on clarifying the essence of such objects in more detail. This, in particular, is due to the need to distinguish the video itself as an electronic document from its material carrier (on which it is stored and sent to the court for further research).

While analyzing the legal positions of the court on these issues, we found that the panel of judges of the First Trial Chamber of the Cassation Criminal Court of the Supreme Court in case № 756/8124/19 emphasized the key feature of the electronic document, which is the absence of a rigid dependence on a particular physical medium. The same digital file (for example, a video recording) can be stored simultaneously on different electronic media. All copies that completely coincide in content can be recognized as originals of an electronic document, and the difference between them lies solely in the date and time of their creation. Consequently, any objections to the recognition of discs and other media with video recordings, photographic images and their inspection protocols as admissible evidence should be refuted.

According to the position of the Supreme Court, P. 1 of Art. 99 of the Code of Criminal Procedure of Ukraine recognizes as a document in criminal proceedings

a material medium²⁵ specially created for storing information that can be used to establish certain facts and circumstances, and therefore, photo, video and sound recordings, in particular in electronic form, should be considered as belonging to such documents. The obligation of the party to provide the original of the document means that in the case of an electronic document, its reflection, to which the law gives the force of the original, is recognized as such an original. The court also referred to Art. 7 of the Law of Ukraine: *On Electronic Documents and Electronic Documents Circulation* according to which, if information is stored on several digital media, then each identical version of such an electronic document is considered as original²⁶. Thus, a physical medium in the form of a disk performs only the function of storage, and does not determine the authenticity of the electronic document. The same video file saved on a disk can be considered as an original if it meets the technical and content requirements²⁷. This approach is fully consistent with established judicial practice, in particular the legal position set out in the resolution of the Criminal Court of Cassation dated 22.10.2020 in case № 677/2040/16-к²⁸.

Справа № 405/2608/20. Провадж. № 1-кп/405/162/20 / Там само. URL: <https://reyestr.court.gov.ua/Review/91649655> (date accessed: 13.05.2025) ; Вирок Зарічн. райсуд. Рівнен. обл. від 28.01.2020 р. Справа № 561/1112/19. Провадж. № 1-кп/561/18/2020 / Там само. URL: <https://reyestr.court.gov.ua/Review/87195083> (date accessed: 13.05.2025) ; Вирок Борисп. міськрайсуд. Київ. обл. від 25.05.2020 р. ... / Там само. URL: <https://reyestr.court.gov.ua/Review/89492361> (date accessed: 13.05.2025).

25 Кримінальний процесуальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 09.05.2025).

26 Про електронні документи та електронний документообіг : Закон України від 22.05.2003 р. № 851-IV (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/851-15#Text> (date accessed: 09.05.2025).

27 Постанова Касац. кримін. суду у складі Верхов. Суду від 19.08.2021 р. Справа № 756/8124/19. Провадж. № 51-607км21 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/99088529> (date accessed: 13.05.2025).

28 Постанова Касац. кримін. суду. у складі Верхов. Суду від 22.10.2020 р. Справа № 677/2040/16-к. Провадж. № 51-5738км19 / Там само. URL: <https://reyestr.court.gov.ua/Review/92458395> (date accessed: 13.05.2025).

Therefore, a video recording is a type of digital evidence in criminal proceedings²⁹, and the application of the concepts of *electronic* and *digital* in relation to traces and evidence, as rightly noted in the scientific literature is equivalent and has the same semantic load³⁰.

Thus, digital traces arise in the process of using electronic means of communication to interfere with the activities of representatives of public authorities, in particular in various messengers, mobile devices, video surveillance systems, body cameras, video recorders, during video recording to record the course of litigation using appropriate technical means, as well as in digital devices that carry out photographic recording. Such devices may retain visual representations of circumstances related to the commission of a criminal offense or images of persons who may be involved in its commission.

Conclusions

Based on the study of materials of criminal proceedings and judicial practice, we come to the conclusion that most often the carriers of trace information in criminal offenses related to interfering with the activities of representatives of public authorities are:

- 1) documents, including electronic ones (summonses, protocols of procedural actions, photographic materials, sound and video recordings of the event of a criminal offense or related to it);

- 2) digital traces displayed (saved) in messengers, information systems, e-mail servers and other information systems, video recordings, etc.;
- 3) other things of the material world that are found at the place of implementation of the criminal intent (at the scene) and that have retained traces of criminal illegal activity;
- 4) tools and/or means used by guilty persons to implement a criminal intent;
- 5) participants in relevant public relations who accidentally or in connection with official activities became participants in the event of a criminal offense related to interfering with the activities of representatives of public authorities.

Identification, recording and research of sources of information significant for the investigation shall be carried out in the manner and in the forms prescribed by law. The implementation of such forms is mostly the competence of the investigator and does not require the involvement of third parties in criminal proceedings. At the same time, individual traces can be filmed on material media: such objects (in accordance with the legal positions of national courts) should be considered originals.

We believe that further research should consist in clarifying the tactical features of investigative (search) actions aimed at recording the outlined traces of criminal illegal activity.

29 Лук'янчиков Б. Є., Грачова О. Ю. Відеозапис як вид цифрового доказу у кримінальному процесі: сучасний стан та перспектив. *Юридичний науковий електронний журнал*. 2023. № 2. С. 490—493. DOI: [10.32782/2524-0374/2023-2/115](https://doi.org/10.32782/2524-0374/2023-2/115) (date accessed: 13.05.2025).

30 Коваленко А. В. Поняття та сутність електронних (цифрових) слідів кримінального правопорушення. *Вісник Луганського державного університету внутрішніх справ імені Е. О. Дідоренка*. 2022. Вип. 4 (100). С. 229. DOI: [10.33766/2524-0323.100.226-236](https://doi.org/10.33766/2524-0323.100.226-236) (date accessed: 13.05.2025).

**Види й особливості дослідження
слідів протиправного втручання
в діяльність представників
органів державної влади**

Володимир Попов

Мета роботи — визначити типові сліди кримінально-протиправної діяльності, пов'язаної з утручанням у діяльність представників органів державної влади, окреслити їх особливості та способи дослідження. Досягненню поставленої мети сприяло застосування загальнонаукових (аналіз, синтез, абстрагування, узагальнення), спеціальних і філософських методів (діалектичний, порівняльно-правовий, системно-структурний, прогностичний). Вивчення матеріалів кримінальних проваджень і судової практики дало змогу визначити типові джерела (носії) слідової інформації у кримінальних правопорушеннях, пов'язаних із утручанням у діяльність представників органів державної влади, поміж яких виокремлено: 1) документи, зокрема електронні (повідстки про виклик, протоколи процесуальних дій, фотоматеріали, звуко- та відеозаписи події кримінального правопорушення або пов'язаної із нею); 2) цифрові сліди, відображені (збережені) у месенджерах, інформаційних системах, серверах електронної пошти й інших інформаційних системах, відеозаписах тощо; 3) інші речі матеріального світу, які виявлено на місці реалізації злочинного умислу (на місці події) і які зберегли на собі сліди кримінальної протиправної діяльності; 4) знаряддя і/або засоби, застосовані винними особами для реалізації злочинного умислу; 5) учасників відповідних суспільних відносин, які випадково або у зв'язку зі службовою діяльністю стали учасниками події кримінального правопорушення, пов'язаної зі втручанням у діяльність представників органів державної влади. Окреслено пер-

спективи подальших досліджень у межах аналізованої проблематики.

Ключові слова: кримінальне правопорушення; утручання в діяльність; орган державної влади; сліди кримінального правопорушення; докази; збирання доказів.

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**Declaration
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Author declares no conflict of interest.

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