

Forensic classification of criminal offenses committed in the field of professional legal assistance

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This article purpose is to develop a classification of criminal offenses committed in the field of professional legal assistance based on criminal law and forensic criteria. For achieving this goal, a complex of general scientific (analysis and synthesis, induction and deduction) and special (dialectical, system-structural, comparative law, generalization) methods of scientific knowledge was used. It is proven that forensic classification of criminal offenses is one of leading tools of scientific knowledge and practical organization of investigations. It not only classifies criminal offenses by essential specifics, but creates the basis for development of individual forensic investigation methods of various levels of generalization. Generalization of scientific approaches demonstrates diversity of criteria for classifying criminal offenses against justice: from determining offense object and identity of the offender to taking into account the methods of commission and consequences. At the same time, none of the presented approaches fully covered criminal offenses that encroach on the scope of professional legal assistance and therefore their classification. It was this gap that became the basis for developing the author's forensic classification of this group of criminal offenses. The proposed approach involves identifying the following main criteria:

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object of the criminal offense and the specifics of encroachment subject, subject of the criminal offense, method and circumstances of its commission, consequences and the tools (means) used. This made possible to identify offenses against the life and health of lawyers, crimes that encroach on the safety and freedom of their activities, property encroachments, as well as actions aimed at violating the guarantees of independence of legal profession and the confidentiality of professional activities. The developed forensic classification not only fills the existing gap in science, but also has practical significance. It creates a basis for developing specific investigation methods, optimizing the planning of pre-trial investigation, forming tactical techniques and predicting the behavior of criminals. In addition, its application will contribute to strengthening the guarantees of independence of the legal profession, increasing the effectiveness of the protection of individual rights and confidence in the justice system.

Keywords: criminal offense; forensic classification; justice; legal assistance; crime mechanism.

Research Problem Formulation

Institution of professional legal aid is one of the leading principles of the functioning of a democratic state based on the rule of law, since it contributes to the implementation of basic human rights to protection and a fair trial. Effectiveness of the activities of lawyers, prosecutors and other specialists directly determines the reality of access to justice. However, current trends indicate an increase in the number of abuses in this area, when legal instruments are used not for their intended purpose, but for illegal purpose. The danger lies both in the criminal actions of the entities themselves that provide legal aid and in manipulations or attempts to discredit this institution by other persons. Such offenses have particularly destructive consequences, since they undermine public trust in the legal community, which is traditionally the guarantor of justice. The negative result is not only the loss of

authority of individual lawyers, but also in the creation of a threat to legal system legitimacy as a whole.

Investigation of such criminal offenses is extremely complex. It requires a combination of two contradictory tasks: ensuring procedural guarantees, respect for legal secrecy, the rights and freedoms of participants in the proceedings and at the same time the effectiveness of criminal prosecution. In addition to practical difficulties, many conceptual legal problems arise. The contradictions between the provisions of the Criminal Code, Criminal Procedural Code and special legislation (in particular, Law of Ukraine: On the Bar and Legal Practice) complicate the qualification of acts, the procedure for collecting evidence and determining the procedural status of participants.

An additional factor complicating the situation is the imperfection of the mechanisms of disciplinary responsibility, the weak effectiveness of internal control

in lawyers' associations and the formalism in responding to ethical violations. This creates a favorable basis for the spread of corrupt practices and the depreciation of protective function of legal profession.

In the context of Ukraine European integration course, implementation of European standards that combine guarantees of the independence of the legal profession with clear mechanisms for controlling the quality of legal aid is of particular importance. In this context, the development of a comprehensive concept for the detection, investigation, and prevention of crimes in the field of professional legal practice is not only an urgent scientific task but also a necessary prerequisite for strengthening trust in justice, ensuring the rule of law, and stabilizing the democratic institutions of the State.

In scientific literature, sufficient attention has not yet been paid to criminal offenses in the field of professional legal assistance that actualizes the need for their study. Our attention is drawn to of their classification issues, since it is the classification method that is one of the basic in forensic science: it makes possible to organize variety of criminal offenses and create a systematic basis for the construction of forensic investigation techniques. Its application provides ability to identify typical features of crimes, identify their common and distinctive features which in turn contributes to development of differentiated practical recommendations.

Application of the classification method in forensic science has a double meaning: 1) theoretical one (it helps to structure scientific knowledge about the laws of criminal activity and ensures consistency of forensic research); 2) practical one (thanks to such classification, it is possible to outline prospects for development of certain

forensic techniques). This once again confirms relevance of the chosen issue.

Article Purpose

Develop a classification of criminal offenses committed in the field of professional legal assistance based on criminal law and forensic criteria.

Research Methods

For achieving this goal, a set of general scientific and special methods of scientific knowledge was used. General scientific research includes analysis and synthesis, induction and deduction that provided an in-depth study of the specifics of criminal offenses against justice and the formation of holistic scientific conclusions. The dialectical, system-structural, comparative-legal and generalization methods became special methods.

Dialectical method made possible to reveal the essence of criminal offenses committed by professional participants in the proceedings, to reveal their objective and subjective conditionality, to trace correlation between the legal, forensic and social aspects of these crimes.

The system-structural method is used to identify forensically significant criteria (commission method, situation, identity of the offender and the victim, consequences), to determine their place in the general system of crimes against justice, as well as to structure classification approaches in science.

Formal logical methods are analysis, synthesis, induction and deduction that became useful for studying the composition and characteristics of criminal offenses of investigated group, identifying their common and distinctive features. The analysis helped to determine the in-

dividual characteristics of each type of offense, synthesis — to integrate the acquired knowledge into a single system, induction — to form general provisions based on the study of individual examples, deduction — to test them in practice.

Comparative legal method was used to compare domestic approaches to the classification of crimes against justice, to determine the location of offenses committed by professional participants in the proceedings in general system of criminal law and forensic research.

Generalization method made possible to formulate conclusions on the scientific novelty and practical significance of the proposed forensic classification of offenses, to develop recommendations for im-

proving methodology of their investigation and further development of forensic theory in the field of justice protection.

Analysis of Essential Researches and Publications

Recently, scientists have been paying close attention to the forensic classification of criminal offenses of certain groups and types. This is a classification of war crimes ¹, criminal offenses in the field of economic activity ² and in the cyber field ³, against justice ⁴, etc.

In the development of doctrinal provisions in the aspect of forensic classification of crimes, the developments of O. Kolesnichenko ⁵, V. Zhuravel ⁶, V. Tish-

- 1 Пчеліна О. В., Пчелін В. Б. Криміналістична класифікація воєнних злочинів. *Сучасні тенденції розвитку криміналістики та кримінального процесу в умовах воєнного стану* : тези доп. Міжнар. наук.-практ. конф. (Харків, 25.11.2022). Харків, 2022. С. 334—338. URL: <https://files.znu.edu.ua/files/Bibliobooks/Inshi71/0052090.pdf> (date accessed: 30.07.2025).
- 2 Степанюк Р. Л. Криміналістична класифікація злочинів, що вчиняються в бюджетній сфері України. *Вісник Харківського національного університету внутрішніх справ*. 2010. № 4 (51). Ч. 1. С. 175—180. URL: http://nbuv.gov.ua/UJRN/VKhnuvs_2010_4%281%29__24 (date accessed: 30.07.2025) ; Тюленев С. А. Криміналістична класифікація злочинів і кримінальних проступків, пов'язаних із протиправними посяганнями на активи суб'єктів господарювання. *Там само*. 2024. № 3 (106). С. 235—246. DOI: 10.32631/v.2024.3.20 (дата звернення: 30.07.2025) ; Усатий В. О. Криміналістична класифікація кримінальних правопорушень у сфері господарської діяльності. *Там само*. № 4 (107). С. 220—230. DOI: 10.32631/v.2024.4.20 (date accessed: 30.07.2025).
- 3 Самойленко О. А. Криміналістична класифікація злочинів, вчинених із використанням обстановки кіберпростору. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2018. Вип. 49. Т. 2. С. 162—166. URL: <https://surl.li/itbotk> (date accessed: 29.07.2025).
- 4 Книженко С. О. Криміналістична класифікація злочинів проти правосуддя. *Право і Безпека*. 2013. № 1 (48). С. 113—118. URL: <https://surl.li/mblrhk> (date accessed: 29.07.2025) ; Романаскас К. А. Основы методики расследования надання завідомо неправдивих показань свідком і потерпілим : монографія / за заг. ред. д-ра юрид. наук, проф. В. О. Гусевої. Харків, 2024. 203 с. ; Гриценко В. В. Криміналістична класифікація кримінальних правопорушень проти правосуддя. *Вісник Кримінологічної асоціації України*. 2024. № 3 (33). С. 256—266. DOI: 10.32631/vsa.2024.3.22 (date accessed: 30.07.2025).
- 5 Колесниченко А. Н. Общие положения методики расследования отдельных видов преступлений : текст лекц. Харьков, 1976. 28 с.
- 6 Журавель В. А. Криміналістичні методики: сучасні наукові концепції : монографія. Харків, 2012. 302 с.

chenko ⁷, V. Shevchuk ⁸, V. Shepitko ⁹, B. Shchur, ¹⁰ and others should be noted.

Authors emphasize important conceptual approaches in the context of the problem of criminalistic classification of criminal offenses. According to the positions of scientists, classification is a fundamental tool of scientific knowledge, since it makes it possible to organize objects, phenomena or processes according to their common properties, distinguishing essential specifics and grouping them into a class system. In criminalistics, the classification method is of particular importance, since it is thanks to it that an integral system of concepts and categories describing crime as an object of research is built. It creates the basis for the development of practical recommendations, the formation of investigative techniques and provides a single terminological basis for science and practice ¹¹.

Since criminal offenses are the subject of study for a number of sciences of the

criminal legal cycle, each of them forms its own classification (taking into account the specifics of its tasks). For forensic science, it is important to apply data from related sciences, but forensic classification does not compete with criminal law or criminology, but complements them, providing a deeper study of the object, taking into account the patterns of detection, investigation and evidence ¹².

In practice, forensic classification is crucial to the development of investigative techniques. Each corpus delicti is characterized by a number of its own characteristics, which causes differences in forensic characteristics, circumstances to be established, and tactics at the initial and subsequent stages of the investigation.

Given importance of forensic classification of criminal offenses in both theoretical and practical aspects, we consider it necessary to develop a classification of criminal offenses committed in the field of professional legal assistance.

- 7 Тіщенко В. В. Теоретичні і практичні основи методики розслідування злочинів : монографія. Одеса, 2007. 260 с.
- 8 Шевчук В. Криміналістична характеристика злочинів: «криміналістичний пережиток» чи реально діюча категорія криміналістики. *Правничий часопис Донецького університету*. 2003. № 1 (9). С. 59—66. URL: https://dspace.nlu.edu.ua/bitstream/123456789/17704/1/Shevchuk_62-66.pdf (date accessed: 29.07.2025).
- 9 Шепітько В. Ю., Коновалова В. О., Журавель В. А. та ін. Криміналістика : підручник / за ред. проф. В. Ю. Шепітька. 4-те вид., перероб. і допов. Харків, 2008. 464 с. URL: <https://law.sspu.edu.ua/files/documents/books/library/17/shepitko.pdf> (date accessed: 30.07.2025).
- 10 Щур Б. В. Теоретичні основи формування та застосування криміналістичних методик : дис. ... д-ра юрид. наук. Харків, 2011. 319 с. URL: <https://uacademic.info/ua/document/0511U000327> (date accessed: 29.07.2025).
- 11 Гусева В. О. Криміналістична класифікація злочинів: наукове та практичне значення. *Правові горизонти*. 2019. № 16. С. 69—75. DOI: 10.21272/legalhorizons.2019.i16.p:69 (date accessed: 29.07.2025) ; Пчеліна О. В. Криміналістична класифікація злочинів. *Право і суспільство*. 2014. № 6-1. Ч. 2. С. 304—309. URL: <https://dspace.univd.edu.ua/entities/publication/39e0d8c2-439f-4153-b777-e2b942279b29> (date accessed: 29.07.2025) ; Тіщенко В. В. Зазнач. твір. С. 44.
- 12 Кривоченко Л. М. Класифікація злочинів за ступенем тяжкості у Кримінальному кодексі України : монографія. Київ, 2010. 120 с. ; Щур Б. В. Криміналістична класифікація злочинів: співвідношення із суміжними поняттями. *Науковий вісник Львівського державного університету внутрішніх справ. Серія юридична*. 2010. № 2. С. 337—345.

Main Content Presentation

Modern science recognizes several approaches to the construction of forensic classifications of criminal offenses: 1) focusing exclusively on criminal law grounds, 2) distinguishing purely forensic criteria, or 3) combining both approaches. The most productive is the combined approach taking into account both the normative characteristics of the crime and forensic factors (the method and mechanism of commission, the identity of the offender, the situation, the trace picture, etc.). However, this does not mean that while developing a forensic classification, criminal law criteria can be neglected.

In the science of criminal law, the problem of systematization of crimes against justice has repeatedly become the subject of attention of researchers who have proposed various options for their classification. Thus, S. Kuzmin, analyzing the corpus delicti provided for in Sec. XVIII: *Criminal offenses against justice* of Criminal Code of Ukraine, proposed to unite these offenses into two rather independent groups. The first will cover crimes committed by officials? namely: representatives of public authorities. The second will contain acts committed by other entities that do not have power status ¹³.

A more detailed approach was proposed by M. Khavronyuk, who, taking into account the peculiarities of the subject of the crime, identified four subgroups of offenses:

- 1) crimes committed by officials who directly carry out or ensure the functioning of justice (Articles 371-374, 376-1, 380-381-1, Part 2 of Article 387 of the Criminal Code of Ukraine ¹⁴);
- 2) crimes committed by convicts or persons in custody (Articles: 389, 389-1, 390-395 of Criminal Code of Ukraine);
- 3) crimes committed by other participants in criminal proceedings (Articles: 383-385, Part 1 of Article 387 of Criminal Code of Ukraine);
- 4) crimes committed by unauthorized persons who do not participate in the criminal process (Articles 376-379, 382, 386, 388, 396-400 of Criminal Code of Ukraine) ¹⁵.

This approach of M. Khavroniuk was supported by scientists, since its logic and complexity contributed to its wide application in further research and scientific literature.

M. Bazhanov proposed his own classification, based on the criteria of unity of direct objects of criminal law protection and relevant legal relations. The scientist identified three blocks:

- 1) crimes that impede the proper work of the bodies of inquiry, investigation and prosecution in the field of criminal proceedings;
- 2) crimes that complicate the implementation of justice by the courts;
- 3) crimes that encroach on the activities of the bodies responsible for the execution of sentences, decisions and punishments ¹⁶.

13 Кузьмін С. А. Іноземець як спеціальний суб'єкт злочинів проти правосуддя. *Вісник прокуратури*. 2009. № 5. С. 61.

14 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: 29.07.2025).

15 Дудоров О. О., Хавронюк М. І. Кримінальне право : навч. посіб. / за заг. ред. М. І. Хавронюка. Київ, 2014. 944 с. URL: <https://surli.cc/hejgvw> (date accessed: 29.07.2025).

16 Бажанов М. І. Злочини проти правосуддя : консп. лекц. Харків, 1996. 28 с.

In further research papers, the scientist expanded this approach, emphasizing the need to take into account not only the object itself, but the provisions of the Constitution of Ukraine. In the final version, its systematization covered crimes that encroach on legal relations:

- guaranteeing compliance with the constitutional principles in the activities of pre-trial investigation bodies, the prosecutor's office and the court;
- ensuring life protection, honor and dignity of judges and people's assessors;
- aimed at ensuring the receipt of reliable evidence and truthful conclusions in criminal proceedings;
- ensuring the timely detection and cessation of crimes;
- which guarantying the actual execution of sentences, court decisions and sentences ¹⁷.

V. Tiutiuhin, creating his own forensic classification of crimes against justice, took into account what social relations in the field of justice are aimed at illegal encroachments and in addition, at peculiarities of the objective side of these acts and characteristics of the subjects who commit them. Based on the following criteria, the scientist identified the following subgroups of crimes:

- undermining implementation of constitutional principles of functioning of justice (Articles: 371, 372, 374, 376, 376-1, 397 of Criminal Code of Ukraine);
- encroaching on the life, health, property and personal inviolability of judges, people's assessors, jurors

and other participants in the trial (Articles: 377-379, 398-400 of the Criminal Code of Ukraine);

- impeding the receipt of reliable evidence and the formation of truthful conclusions during court proceedings (Articles: 373, 383-386 of Criminal Code of Ukraine);
- aimed at creating obstacles to the timely detection and termination of criminal offenses (Articles: 380, 381, 387, 395, 396 of Criminal Code of Ukraine);
- relating to non-enforcement of court decisions or evasion of measures of influence provided for by the court (Articles: 382, 388-394 of Criminal Code of Ukraine) ¹⁸.

In turn, M. Shepitko, summarizing the work of his predecessors, substantiated the expediency of distinguishing several groups of crimes against justice. In his opinion, these include the following crimes:

- encroaching on public relations that ensure the implementation of constitutional principles in the activities of the pre-trial investigation, the prosecutor's office and the court (Articles: 371, 372, 374, 376, 376-1, 397 of Criminal Code of Ukraine);
- undermining relations that guarantee a full, objective and impartial investigation of the circumstances of the case (Articles: 373, 383-386 of Criminal Code of Ukraine);
- aimed at: 1) obtaining reliable information about the crime and proper evidence by the investigating authorities in order to clarify the truth in the criminal case; 2) ensuring

¹⁷ Бажанов М. І. Зазнач. твір. С. 7–8.

¹⁸ Тютюгін В. І. Злочини проти правосуддя. *Вісник Асоціації кримінального права України*. 2017. Т. 1. № 8. С. 258–262. DOI: 10.21564/2311-9640.2017.8.166691 (date accessed: 29.07.2025).

compliance with procedural procedure for collecting evidence, as well as timely detection and cessation of criminal activity in the field of criminal justice;

- related to non-enforcement of court decisions (Articles: 382, 388-389-1 of Criminal Code of Ukraine) that encroach on public relations, designed to guarantee proper execution of court decisions;
- encroaching on the normal activities of correctional institutions and violate the procedure for enforcing sentences (Articles 390-393 of Criminal Code of Ukraine)¹⁹.

Consequently, for most scientists, the object of a criminal offense, the peculiarities of the subject of encroachment are decisive for classification.

Forensic scientists went further. In particular, S. Knizhenko, who systematically studies the problems of combating crime in the field of justice, in her classification proceeded from a set of such criteria: offender characteristics and the characteristics of the victims, method of crime committing, its motives and consequences. Based on this, the author identified six groups of crimes against justice:

- 1) related to violence or damage (destruction) of property of persons whose activities are directly related to justice administration. Characteristic specifics of this group are the use of physical influence or causing material damage, regardless of the age, gender or social status of the offender; consequences causing damage to health or material damage to victims;
- 2) committed by judges, law enforcement officers or other authorized

entities by violating the agreed procedure for the implementation or provision of justice. Victims here are participants in the criminal process or persons who contribute to its implementation and consequences are illegal restriction of freedom, harm to health or even deprivation of life;

- 3) committed by convicted persons or persons in custody due to violation of conditions of serving a sentence or the rules of detention. Such acts make it impossible to effectively execute a sentence or compulsory treatment measures;
- 4) related to illegal interference in the activities of the judiciary or influence on the participants in the proceedings. The peculiarity of these offenses is that their subjects are not professional participants in justice, but their activities complicate the achievement of the purpose of criminal proceedings. For the most part, the way they are committed is not associated with violence or property encroachments, and the motives are limited to obstructing clarification of the truth;
- 5) committed by witnesses, victims or other persons who are supposed to contribute to justice, but on the contrary, impede the establishment of the factual circumstances in the case. Such crimes are grouped primarily by the person of the offender and the method of encroachment, and their motives and consequences may be different from the desire to avoid responsibility to concealment of criminal activity;

¹⁹ Шепітько М. В. Теоретико-методологічні засади формування системи протидії злочинам у сфері правосуддя : дис. ... д-ра юрид. наук. Харків, 2018. С. 297–298. URL: <https://uacademic.info/ua/document/0518U000802> (date accessed: 29.07.2025).

- 6) related to non-enforcement of court decisions. The criteria are the object of encroachment (authority of justice, binding nature of court decisions) and the method of committing evasion from the execution of legal acts. The subjects of such acts may be both officials and private individuals, who are obliged to comply with the court decision ²⁰.

In view of the above, it can be concluded that the proposed classification (although it covers the main types of crimes against justice) does not always reflect the systematicity of the criteria and leaves room for improvement. That is why we consider it appropriate to develop an author's classification of criminal offenses against justice, which would combine the doctrinal developments of criminal law with the practical needs of criminalistics.

Another author who has studied the issue of forensic classification of criminal offenses against justice is V. Hrytsenko. He emphasizes that determining criterion for forensic classification of criminal offenses against justice cannot be considered only the method of their commission, since such acts are implemented both through active actions and through inaction (typical example is non-execution of a court decision). Given this and based on the concept of an axiological approach, the scientist proposes to base the systematization of such crimes on three main criteria: 1) social benefits and interests that are harmed by the commission of these crimes; 2) specificity of victims of these criminal offenses; 3) characteristics of the criminal's personality that determine socially dangerous content of his behavior. Therefore, in his classification, V. Hrytsenko propos-

es to distinguish the following groups of criminal offenses against justice:

- encroachment on the legitimate activities of entities that carry out or ensure the functioning of justice, in particular, on their lives, health and property rights (Articles: 376-379, 397-400 of Criminal Code of Ukraine);
- acts committed by officials who are directly involved in the administration of justice, ensure its implementation or are obliged to facilitate its implementation. These are crimes under Articles: 371-374, 380, 381, 384, 385, 387 of Criminal Code of Ukraine;
- criminal offenses of non-enforcement of court decisions by persons who must implement them or in respect of whom they are adopted (Articles: 382, 388-391, 393-395 of Criminal Code of Ukraine);
- crimes characteristic of persons with manifestations of legal nihilism, who, aware of the content of legislative requirements, deliberately resort to illegal actions aimed at obstructing justice (Articles: 383, 386, 392, 396, 400-1 of the Criminal Code of Ukraine). In addition, the researcher emphasizes that other forensically significant factors can be used as auxiliary classification criteria: the situation of the act, the specific way of its implementation, the tools and technical means used, etc. ²¹

Another author, Ye. Sup, based on a combination of criminal law characteristics and forensic features, proposed his own system of classification of criminal offenses against justice. He distinguished

20 Книженко С. О. Зазнач. твір.

21 Гриценко В. В. Зазнач. твір. DOI: 10.32631/vca.2024.3.22 (date accessed: 30.07.2025).

three large categories of such acts: basic, related and concomitant. We consider his approach to be quite balanced and appropriate for systematizing crimes depending on the gravity of illegal actions in a specific area of public life. According to his approach, basic criminal offenses are the main core of the mechanism of illegal activity. This category covers the most common acts that determine the main direction of criminal behavior of individuals or groups and ensure the achievement of the main criminal goal. These include, first of all, criminal misdemeanors and non-serious crimes, in particular: failure to execute court decisions (Article 382 of Criminal Code of Ukraine); knowingly false reporting of a crime (Article 383 of Criminal Code of Ukraine); misleading a court or other authorized body (Article 384 of the Criminal Code of Ukraine); evading punishment not related to deprivation of liberty (Article 389 of Criminal Code of Ukraine); failure to comply with orders or programs for offenders (Article 390-1 of Criminal Code of Ukraine); violation of the rules of administrative supervision (Article 395 of the Criminal Code of Ukraine)²². Common feature of these acts is their mass presence in the criminal mechanism, which undermines the achievement of the main tasks of justice - establishing the truth and the proper execution of court decisions. Commonality of subjects, individual elements of the method and characteristic consequences makes it possible to consider them comprehensively, creating universal methodological approaches, for example, algorithms of actions for inves-

tigators during the conduct of individual investigative (detective) measures²³.

Related criminal offenses have a different level of prevalence, but are also aimed at obstructing justice. In the mechanism of illegal activity, they mostly perform an auxiliary function as a means of ensuring the main criminal goal. This category includes: refusal of a witness, expert or translator to perform procedural duties (Article 385 of the Criminal Code of Ukraine); unlawful influence on witnesses, victims or experts (Article 386 of the Criminal Code of Ukraine); illegal actions with arrested or pledged property (Article 388 of the Criminal Code of Ukraine); intentional failure to fulfill an agreement on reconciliation or on admission of guilt (Article 389-1 of the Criminal Code of Ukraine); evasion of administrative penalty in the form of community service (Article 389-2 of the Criminal Code of Ukraine); evasion of punishment in the form of restriction or deprivation of liberty (Article 390 of the Criminal Code of Ukraine); disobedience to the requirements of the administration of a penal institution (Article 391 of the Criminal Code of Ukraine); disorganization of the work of such institutions (Article 392 of the Criminal Code of Ukraine); escape from custody or a place of deprivation of liberty (Article 393 of Criminal Code of Ukraine); escape from a specialized medical institution (Article 94 of Criminal Code of Ukraine); concealment of a crime (Article 396 of Criminal Code of Ukraine)²⁴. Despite their lower prevalence, these crimes also pose a threat to the proper administration of justice, as

22 Кримінальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 29.07.2025).

23 Суп Є. Ю. Підходи до криміналістичної класифікації кримінальних правопорушень проти правосуддя. *Архів кримінології та судових наук*. 2024. № 2 (10). С. 138–145. DOI: 10.32353/acfs.10.2024.11 (date accessed: 29.07.2025).

24 Там само.

they complicate the establishment of the truth and the execution of court decisions.

Related criminal offenses are characterized by greater diversity and at the same time a certain similarity to the basic ones, although they have specific criminal-legal and forensic features. This group includes interference in the work of judicial bodies and pressure on participants in the process. These include, in particular, illegal interference in the activities of the court (Article 376 of Criminal Code of Ukraine); threats or violence against judges, jurors or people's assessors (Article 377 of Criminal Code of Ukraine); intentional damage to their property (Article 378 of Criminal Code of Ukraine); encroachment on the life of a judge or assessor (Article 379 of Criminal Code of Ukraine); interference in the work of defense lawyers or representatives of individuals (Article 397 of Criminal Code of Ukraine); violence or threats against them (Article 398 of the Criminal Code of Ukraine); intentional destruction of their property (Article 399 of Criminal Code of Ukraine); encroachment on the life of a lawyer or a representative of a person (Article 400 of Criminal Code of Ukraine); representation in court without proper authority (Article 400-1 of Criminal Code of Ukraine)²⁵.

As Ye. Sup notes, a special block in the group of criminal offenses, that he studies is formed by those committed by professional participants in the judicial process. These include, in particular, illegal detention or detention (Article 371 of Criminal Code of Ukraine); bringing a knowingly innocent person to justice (Article 372 of Criminal Code of Ukraine); forcing him to give testimony (Article 373 of Criminal Code of Ukraine); violation of the right

to defense (Article 374 of Criminal Code of Ukraine); illegal interference in the work of automated systems of judicial bodies (Article 376-1 of Criminal Code of Ukraine); failure to take security measures for persons under protection (Article 380 of the Criminal Code of Ukraine); disclosure of information about security measures for a person under protection or data from a pre-trial investigation (Articles 381, 387 of the Criminal Code of Ukraine). Their specificity lies in the subject: they are mostly investigators, prosecutors, judges, operational officers, that is, specialists who have professional knowledge in the field of criminal procedure. It is this factor that complicates the investigation of such offenses, as it requires high skills from investigators in their detection and recording²⁶.

It should be noted that, despite best practices of scholars, none of the above approaches focuses on criminal offenses in the field of providing professional legal assistance, although their isolation is also a result of forensic classification. The isolation of this group is due to the need to take into account the holistic system of actions by which the offender realizes his intention, applying or violating legal mechanisms related to the provision of legal services. Criminal offenses primarily include actions aimed at obstructing the lawful professional activities of a lawyer: unlawful interference with the activities of a defense attorney or representative of a person; making threats or using violence against them; intentional damage or destruction of property belonging to a lawyer or representative; encroachment on the lives of such persons. The criminalization of these acts indicates that in the criminal

25 Кримінальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 29.07.2025).

26 Суп Є. Ю. Знач. твір. DOI: 10.32353/acfs.10.2024.11 (date accessed: 29.07.2025).

law sphere, a lawyer is recognized as a subject of special legal protection, similar to judges and law enforcement officers.

We consider it is possible to classify criminal offenses in the field of professional legal assistance on the basis of such a characteristic as the object of the crime and the specifics of the subject of the criminal offense. Within the limits of this classification group, one can distinguish offenses against the life and health of a lawyer or a representative of a person; crimes that encroach on the freedom and safety of their professional activities; unlawful actions directed at property; violations of the guarantees of attorney-at-law secrecy and confidentiality. A separate subgroup includes encroachments on the institutional guarantees of the independence of the legal profession manifested in the simulation of legal activity, representation without proper authority, or in collusion with other participants in proceedings.

The subject of the crime is important for the forensic classification of criminal offenses. Offenses can be committed by direct participants in criminal proceedings (suspects, accused, witnesses, victims) who put pressure on the lawyer because of his procedural position; and officials of law enforcement agencies or other state institutions who abuse their official position; and third parties not related to the trial, but interested in obstructing the lawyer activities.

We recognize methods of criminal offense committing as a differentiation criterion. They can manifest themselves both in the form of physical influence (inflicting bodily harm, attempts, use of weapons, etc.) and in the form of psychological pressure (threats, harassment, blackmail, etc.). Property encroachments are also common, implemented through arson of a car, damage to office premises, equip-

ment, etc. A separate group is made up of formal and procedural abuses: simulating advocacy, using forged powers of attorney, creating artificial obstacles to access to a client. Covert methods of influence include surveillance, use of technical means to collect information (in particular, that constitutes attorney-client privilege), and the distribution of compromising materials that reduce the image of a lawyer, humiliate his honor and dignity.

It is important to take into account the situation and place of commission of a criminal offense (both official institutions (courtrooms, prosecutor's offices or office premises of investigative units) and the working (office) premises of the lawyer). They are often performed in domestic conditions: at the place of residence, in transport, in public places. In modern conditions, the number of criminal encroachments in the virtual environment is growing: in social networks, via e-mail, using mobile communications, etc.

An equally important criterion for classification is the consequences of criminal illegal activity: for example, physical harm (causing bodily harm, causing death), material damage (destruction or damage to property, loss of documents), procedural consequences (disruption of court hearings, distortion of evidence, discrediting a lawyer) and socio-psychological effects (undermining authority of the bar, reducing confidence in the justice system, human rights institutions, etc.).

Tools and means of committing criminal offenses also form a separate criterion for systematization. This includes both the use of weapons and improvised items to damage property, as well as technical means of covert surveillance (GPS-trackers, voice recorders, cameras), information resources (social networks, media), as well as forged documents.

The proposed grounds for forensic classification make it possible not only to streamline the types of criminal encroachments on lawyers (who act as defenders and representatives) and other participants in the proceedings, but create the basis for the formation of certain specific investigative techniques. This approach ensures the effectiveness of pre-trial investigation planning, helps to predict the behavior of offenders, determine the optimal tactics and develop methodological recommendations for the organization of investigative (search) actions.

Conclusions

Forensic classification of criminal offenses is one of the leading tools of scientific knowledge and practical organization of investigations, since it not only classifies criminal offenses on essential grounds, but creates the basis for the development of separate forensic methods of investigation of different levels of generalization.

Scientists are guided by different criteria for classifying criminal offenses against justice: from determining infringement object and the person of the offender to taking into account the ways of committing and consequences. At the same time, none of the reflected approaches fully covered criminal offenses that encroach on the provision of professional legal assistance and therefore their classification. It was this gap that became the basis for the development of the author's forensic classification of this group of criminal offenses.

We consider it is appropriate to build a criminal classification of criminal offenses in the field of professional legal assistance based on the following criteria: object of the criminal offense and specifics of the offense subject; specifics of the

perpetrator of criminal offense; manner and circumstances of the commission of the criminal offense; the consequences and the instruments (means) used. This makes possible to distinguish criminal offenses against the life and health of lawyers, crimes that infringe on the security and freedom of their activities, property infringements, as well as acts aimed at violating the guarantees of independence of the bar and the confidentiality of professional activities. The developed criminal classification not only fills a gap in science, but has practical significance. It creates a basis for the development of specific investigation methods, optimization of pre-trial investigation planning, formation of tactical techniques, and prediction of criminal behavior. In addition, its application will contribute to strengthening the guarantees of the independence of legal profession, increasing the effectiveness of the protection of individual rights, and generally enhancing confidence in the justice system. Thus, criminal classification is not only a means of systematizing crimes, but practical tool for understanding their patterns, which ensures the effectiveness of methodological recommendations for investigating criminal offenses based on such classification.

Криміналістична класифікація кримінальних правопорушень, учинених у сфері надання професійної правничої допомоги

Крістіна Романюскас

Мета статті — розробити класифікацію кримінальних правопорушень, учинених у сфері надання професійної правничої допомоги на підставі врахування кримінально-правових і криміналістичних критеріїв. Для досягнення поставленої мети застосовано комплекс загальнонаукових (аналіз і синтез, індукція і дедукція) та

спеціальних (діалектичний, системно-структурний, порівняльно-правовий, узагальнення) методів наукового пізнання. Доведено, що криміналістична класифікація кримінальних правопорушень є одним із провідних інструментів наукового пізнання та практичної організації розслідувань. Вона не лише класифікує кримінальні правопорушення за суттєвими ознаками, а й створює підґрунтя для розроблення окремих криміналістичних методик розслідування різного рівня узагальнення. Проведене узагальнення наукових підходів демонструє різноманітність критеріїв класифікації кримінальних правопорушень проти правосуддя: від визначення об'єкта посягання та особи правопорушника до врахування способів учинення та наслідків. Водночас жоден із відображених підходів не охоплював цілком кримінальні правопорушення, що зазіхають на сферу надання професійної правничої допомоги, а отже — і їхню класифікацію. Саме ця прогалина стала підставою для розроблення авторської криміналістичної класифікації цієї групи кримінальних правопорушень. Запропонований нами підхід передбачає виокремлення таких основних критеріїв: об'єкт кримінального правопорушення й особливості предмета посягання, суб'єкт учинення кримінального правопорушення, спосіб та обстановка його вчинення, наслідки та застосовані знаряддя (засоби). Це дало змогу виокремити правопорушення проти життя та здоров'я адвокатів, злочини, що зазіхають на безпеку і свободу їхньої діяльності, майнові зазіхання, а також діяння, спрямовані на порушення гарантій незалежності адвокатури й конфіденційності професійної діяльності. Розроблена криміналістична класифікація не лише заповнює наявну прогалину в науці, а й має практичне значення. Вона створює підґрунтя для розроблення видових методик розслідування, оптимізації

планування досудового розслідування, формування тактичних прийомів і прогнозування поведінки злочинців. Окрім того, її застосування сприятиме зміцненню гарантій незалежності адвокатури, підвищенню ефективності захисту прав осіб і довіри до системи правосуддя.

Ключові слова: кримінальне правопорушення; криміналістична класифікація; правосуддя; правнича допомога; механізм злочину.

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