

Evaluating Handwriting Analysis Findings in Judicial Practice: Criteria, Sample-Related Challenges and Ways of Improvement

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The primary concerns of this paper are to substantiate a set of criteria for evaluating handwriting analysis expert findings so that they can be utilized in court, and to analyse existing approaches to understanding the probative value of expert findings in the context of judicial practice. To fulfil this goal, a combination of general scientific and special methods was used. The authors analyse current legislation governing the procedure for appointing, conducting and evaluating forensic examinations (specifically the procedural codes of Ukraine and special regulatory acts governing forensic activities). Particular attention is drawn to judicial practice of applying handwriting analysis findings and to principal issues involving their evaluation: disputed expert research results, insufficiently reasoned conclusions and the formal approach of the courts to their perception. Emphasis is placed on the court's discretionary assessment of evidence and the boundaries of its application in cases involving the use of specific expertise. The article proposes systematic criteria

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(notably, compliance of applicable methodologies with current scientific requirements, thoroughness in the description of research objects, logical sequence in presenting the expert's reasoning, clarity in formulating findings, existence of alternative hypotheses, as well as consistency of findings with other evidence in a case), which will prove valuable for judges, lawyers, prosecutors and other participants in the process when assessing the quality of findings based on handwriting analyses. Lawyers who need to critically analyse expert findings when proving a case may find the findings outlined in this paper useful, as they could serve as a methodological guideline. The paper emphasises the need for judges to undergo advanced training in assessing specific expertise and developing uniform approaches to the use of expert findings as evidence in judicial practice.

Keywords: forensic examination; handwriting analysis; forensic expert; expert findings; evaluation of evidence; judicial practice; probative value; scientific criteria.

Research Problem Formulation

Within the framework of reforming forensic expert activity and strengthening the significance of evidence obtained through specific expertise, reliability, completeness and validity of experts' findings are of paramount importance. Handwriting analysis, which is of an applied nature and is one of the key tools for clarifying the authenticity of written documents in criminal, civil, administrative and commercial proceedings, requires clear guidelines on the criteria for evaluating its results. However, as V. Husieva pinpoints, typical mistakes made by the prosecution when appointing such a forensic examination can profoundly influence its results and, accordingly, the validity of court decisions ¹.

Research by V. Shkabaro, A. Bila and V. Voronin shows that courts often accept handwriting analysis findings as valid evidence. However, usually they fail to take into account possible shortcomings, such as providing a forensic expert with inaccurate source data or questionable objects ².

Therefore, there is a scientific issue of developing clear and scientifically sound criteria for evaluating handwriting analysis findings, which would take into account both traditional methods of analysis and state-of-the-art technological achievements, in order to ensure the objectivity and reliability of court decisions.

Article Purpose

Substantiate a system of criteria for evaluating handwriting analysis findings that

- 1 Гусева В. О. Призначення почеркознавчої експертизи: типові помилки сторони обвинувачення. Судово-експертна діяльність: збереження наукового та кадрового потенціалу в умовах воєнного стану : мат-ли IV Всеукр. форуму суд. експерт. (Львів, 07.06.2024). Одеса, 2024. С. 82—85. URL: <https://ndekc.lviv.ua/pdf/law.pdf> (date accessed: 05.08.2025).
- 2 Шкабаро В. М., Біла А. В., Воронін В. В. Правові аспекти проведення почеркознавчого дослідження. Вісник Університету імені Альфреда Нобеля. Серія «Право». 2022. № 1 (4). С. 50—56. DOI: 10.32342/2709-6408-2022-1-4-5 (date accessed: 05.08.2025).

can be applicable in court; analyse existing approaches to understanding the probative value of experts' findings in the context of judicial practice.

Research Methods

The following general scientific and special methods were applied:

- dialectical — to recognize the links between legal rules, forensic practice and court decisions;
- formal-legal — to analyse provisions of procedural legislation regarding expert findings;

- systemic-structural — to formulate a summary list of criteria for evaluating expert findings;
- analysis — to identify common problems in the way courts perceive handwriting analyses.

Analysis of Essential Researches and Publications

V. Bazhaniuk³, N. Klymenko⁴, M. Klymchuk and S. Marko⁵, V. Korzh⁶, T. Kravchuk⁷, M. Saltevsnyi⁸, A. Cherniak⁹, V. Shepitko¹⁰, M. Shcherbakovskyi¹¹, O. Yunatskyi¹²,

- 3 Бажанюк В. В. Оцінка висновку експерта у кримінальному провадженні. *Науковий вісник Міжнародного гуманітарного університету. Сер.: Юриспруденція*. 2021. № 54. Т. 2. С. 110—113. DOI: 10.32841/2307-1745.2021.54.2.24 (date accessed: 05.08.2025).
- 4 Клименко Н. И. Судова експертологія: курс лекцій : навч. посіб. для студ. юрид. спец. виш. Київ, 2007. 528 с. ; Ї ж. Висновок експерта як джерело доказу в судочинстві. *Експертне забезпечення розслідування окремих видів злочинів* : мат-ли наук.-практ. конф. (Київ, 31.03.2011). Київ, 2011. С. 73—76.
- 5 Климчук М. П., Марко С. І. Інформаційна цінність висновку експерта як джерела доказів у кримінальній справі. *Правова інформатика*. 2011. № 3—4 (31). С. 81—88. URL: http://nbuv.gov.ua/UJRN/Pinform_2011_3-4_13 (date accessed: 05.08.2025).
- 6 Корж В. Оцінка висновку експерта: процесуальні підстави, криміналістичні рекомендації. *Сучасні тенденції розвитку криміналістики та кримінального процесу в умовах воєнного стану* : тези доп. Міжнар. наук.-практ. конф. (Харків, 25.11.2022). Харків, 2022. С. 229—232. URL: <https://files.znu.edu.ua/files/Bibliobooks/Inshi71/0052090.pdf> (date accessed: 05.08.2025).
- 7 Кравчук Т. О. Оцінка висновку експерта та його доказове значення в адміністративному судочинстві України. *Innovative solutions in modern science*. 2016. № 6 (6). 13 с. URL: <http://naukajournal.org/index.php/ISMSD/article/viewFile/923/1063> (date accessed: 05.08.2025).
- 8 Салтевський М. В. Криміналістика (у сучасному викладі) : підручник. Київ, 2005. 588 с. URL: <https://surli.cc/xyracd> (date accessed: 05.08.2025).
- 9 Черняк А. М. Використання спеціальних знань при дослідженні текстів із закликами до підриву конституційного ладу, порушення територіальної цілісності і недоторканості України. *Вісник кримінального судочинства*. 2022. № 3—4. С. 101—111. DOI: 10.17721/2413-5372.2022.3-4/101-111 (date accessed: 05.08.2025).
- 10 Шепітько В. Ю. Оцінка висновку експерта / Велика українська юридична енциклопедія. У 20 т. Т. 20 : Криміналістика, судова експертиза, юридична психологія ; редкол.: В. Ю. Шепітько (голова) та ін. Харків, 2018. С. 577—578.
- 11 Щербаківський М. Стандарт достовірності висновку експерта у кримінальному процесі. *Теорія та практика судової експертизи і криміналістики*. 2021. Вип. 3 (25). С. 21—39. DOI: 10.32353/khrife.3.2021.03 (date accessed: 05.08.2025).
- 12 Юнацький О. В. Оцінка висновку експерта як доказу у суді. *Теорія і практика судово-експертної діяльності* : мат-ли VIII Міжвідом. наук.-практ. конф. (Київ, 27.11.2019). Київ, 2019. С. 468—471. URL: <https://surli.cc/fkjihp> (date accessed: 05.08.2025).

Yu. Yaroslav ¹³, and others analysed how expert findings are evaluated. Of particular note is that scientists emphasized common approaches to evaluating expert findings as a source of evidence, the role of the court in verifying the scientific validity of expert findings, and the issues of the forensic expert's procedural status. Nevertheless, the issue of specifying criteria for evaluating handwriting analysis findings remains understudied. There is a need for an in-depth analysis of this aspect, given current judicial practice, updated procedural legislation and advances in forensic expertology.

Main Content Presentation

Expert findings are a special type of written evidence obtained through the use of specific expertise in the course of investigating circumstances of a case. As set forth in the Civil Procedure Code of Ukraine (Civ. PC), a forensic expert provides written findings in which he or she substantiates answers in respect of questions asked by the court. It may also encompass a definition covering both the form (written) and content (research findings), as well as requirements for the subject (specific expertise) of providing these findings ¹⁴.

Similar provisions are contained in the Criminal Procedure Code, the Code of Commercial Procedure of Ukraine and the Code of Administrative Proceedings of Ukraine, demonstrating a legislator's unified approach to the *expert findings* concept across various jurisdictions. Si-

multaneously, in civil proceedings, expert findings take on special significance, requiring careful evaluation as evidence.

The principles of evaluating evidence (and therefore expert findings) are admissibility, relevance, reliability and sufficiency.

Art. 89 of the Civ. PC of Ukraine enshrines the following common principles for evaluating evidence ¹⁵ that shall apply to expert findings:

- Admissibility: strict compliance with all procedural requirements is essential (proper appointment of a forensic expert by the court, participation of parties, procedures of notification and materials submission) to obtain expert findings. Failure to observe these requirements may result in evidence being deemed inadmissible.
- Relevance: is rooted in the connection between findings and the subject matter of evidence (a conclusion must logically follow from circumstances that are relevant to a case and provide answers to the questions posed).
- Reliability: the extent to which internal consistency, completeness, applied methodology and scientific level of reasoning are maintained. Discrepancies, incompleteness, or methodological errors should be scrutinized carefully (e.g., the Supreme Court resolution dated 14 August 2024 (case No. 757/58333/16-ц) sets out that the court must assess the validity, logic, and consistency

13 Ярослав Ю. Ю. Оцінка висновку експерта за допомогою спеціальних знань. Судово-психологічна експертиза. Застосування поліграфа і спеціальних знань в юридичній практиці. 2019. № 3 (19). URL: <https://surl.li/okshkh> (date accessed: 05.08.2025).

14 Цивільний процесуальний кодекс України від 18.03.2004 р. № 1618-IV (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/1618-15#Text> (date accessed: 05.08.2025).

15 Там само.

of expert findings rather than relying on them formally¹⁶).

- Sufficiency means that findings must be capable of clarifying case circumstances or, along with other evidence, of helping to shape the judge's inner conviction.

These criteria should be evaluated based on a thorough, complete and objective consideration of the judge's inner conviction.

The court's role in verifying expert findings involves an informal approach and independent evaluation.

Art. 110 of the Civ. PC states that the court is not obliged to view expert findings as indisputable evidence: instead, it must independently assess the probative value of these findings¹⁷.

Handwriting analysis is one of the most common types of forensic examination. It is conducted to determine the authenticity of written documents in civil proceedings. It is particularly applicable in cases involving invalidation of transactions, disputes over the authenticity of signatures, investigation of circumstances indicating evidence tampering, etc. The distinctiveness of handwriting analysis is due to the nature of the research objects and the methodological features of the handwriting identification process. It is necessary to distinguish between different types of handwriting analysis and to determine how conclusions can be formulated. It is also important to identify typical problems that occur during expert research.

There are two main forms of findings in handwriting analysis: categorical and

probabilistic. The choice of wording for the expert findings depends on the degree of coincidence of identifying signs, availability of sufficient high-quality samples and information about conditions under which the inscription in question was made.

Categorical findings mean a forensic expert confirms or contests the authenticity of a particular research object with absolute certainty. Such findings can be formulated only provided that a sufficient number of stable, distinctive features of a person's handwriting are identified that unambiguously indicate a specific person.

In contrast, probabilistic wording is used when there are objective factors obstructing the formation of an unambiguous conclusion. For instance, insufficient evidence, poor document quality, atypical conditions for signing, etc. Under such circumstances, a forensic expert may use various evaluative phrases: *"It cannot be excluded that execution is possible..."*, *"There is a high probability..."*, *"Obtained data allow us to make the following assumptions..."*, etc.

These wordings are acceptable in judicial practice; however, they should be evaluated alongside the rest of the evidence¹⁸.

The availability of expert findings does not constitute grounds for recognizing a fact as proven if findings are not sufficiently substantiated or contradict other pieces of evidence.

The court must evaluate both the content of expert findings, a forensic expert's personality, compliance with the procedure, and the methodology applied. In case the expert findings fail to meet the

16 Постанова ВС від 14.08.2024 р. Справа № 757/58333/16-ц. Провадж. № 61-7535св24 / ЄРДР : вебсайт. URL: <https://reestr.court.gov.ua/Review/121075202> (date accessed: 05.08.2025).

17 Цивільний процесуальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/1618-15#Text> (date accessed: 05.08.2025).

18 Постанова ВС від 11.11.2019 р. Справа № 523/393/15-ц. Провадж. № 61-42408св18 / ЄРДР : вебсайт. URL: <https://reestr.court.gov.ua/Review/85614393> (date accessed: 05.08.2025).

requirements of completeness or are contradictory, the court has the right to:

- appoint a re-examination or an additional forensic examination;
- summon a forensic expert to provide explanations;
- reject the conclusion as having no probative value ¹⁹.

Some scholars note that “*the court does not possess appropriate specific expertise to evaluate expert’s findings*” ²⁰. Simultaneously, at least minimal specific expertise is required to effectively evaluate expert findings.

Typical problems encountered during handwriting analysis

The accuracy and persuasiveness of expert findings can be affected by multiple factors that influence handwriting analysis:

Insufficient or inadequate quality of samples provided for comparison. Successful handwriting analysis requires a sufficient number of free and experimental samples of the person’s handwriting being examined. If samples are not executed under similar conditions or during a similar period, forensic examination results may be limited or expressed probabilistically.

Atypical conditions for signing. Analysing signatures that have been executed in conditions of physiological or psychological stress, in poor lighting, in an unusual posture or while the signatory is unwell, presents a substantial obstacle. In similar scenarios, natural characteristics of handwriting can be substantially altered, reducing identification reliability.

Signs of handwriting imitation or forgery. In practice, there are cases of executing signatures using the method of free or semi-free imitation, tracing, or mechanical copying. These methods of deliberate forgery greatly hinder the process of identification, require technical expert analysis, and sometimes prevent drawing clear findings.

In line with Supreme Court practice, circumstances that prevent categorical findings from being drawn cannot automatically result in the rejection of such evidence; however, they do require critical evaluation in conjunction with the rest of evidence in a case ²¹.

In the civil procedure system of proving, expert findings (especially those on handwriting analysis) are particularly important. This is because they are seen as a form of specific expertise that falls outside the court’s competence. At the same time, the availability of expert findings does not mean that they possess probative value, as the court must critically evaluate them, considering multiple indicators of reliability and validity. In this respect, the issue of defining clear and practical criteria for evaluating findings of handwriting analyses is relevant in both theoretical and applied aspects of judicial practice.

Although there are no official statistics on the number of rejected expert findings, judicial practice indicates that courts meticulously evaluate expert findings for completeness and validity. In cases where expert findings are incomplete, unfounded or contradict other evidence in a case,

19 Постанова ВС від 23.10.2019 р. Справа № 295/5727/15-ц. Провадж. № 61-14546св19 / ЄРДР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/85238612> (date accessed: 05.08.2025).

20 Ткаченко Є. А. Рецензування висновків судових експертів як неформальні практики — їх процесуальний статус та оцінка в кримінальному провадженні. *Часопис Київського університету права*. 2018. № 4. С. 293. URL: <https://surl.li/ptdrzl> (date accessed: 05.08.2025).

21 Постанова ВС від 07.12.2023 р. Справа № 357/9972/19. Провадж. № 61-10226св23 / ЄРДР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/115508542> (date accessed: 05.08.2025).

courts may reject them or appoint a re-examination or an additional examination.

That said, it is worth noting that completeness and validity of findings depend primarily on the relevance, reliability and sufficiency of information provided to a forensic expert for the purposes of conducting a forensic examination: i.e., when appointing a forensic examination, the requirements of the Scientific and Methodological Guidelines on the Preparation and Appointment of Forensic Examinations and Expert Studies ²² (*Scientific and Methodological Guidelines*) must be strictly followed. Firstly, this will save the expert time that would otherwise be spent drafting a motion to request additional materials and waiting for them. Secondly, it will prevent delays in meeting procedural deadlines during consideration of the court case.

We would like to highlight that a forensic expert often submits a motion to provide additional materials or specify questions when the Scientific and Methodological Guidelines are not met, or when their content is not understood.

Questions submitted for forensic examination must be clearly and logically formulated in line with the research subject. Vaguely worded questions or those that go beyond the expert's competence could seriously hinder or rule out the possibility of obtaining an objective and scientifically sound conclusion.

Equally important prerequisite for effective expert research is the full volume of comparative materials that should contain reliable, complete and sufficient in-

formation for identifying, comparing or determining facts. It is the quality and relevance of these materials that significantly affect the accuracy and completeness of expert findings.

Bearing this in mind, thorough preparation of case materials (specifically, preliminary review of documents by the judge before submitting them for forensic examination) is of paramount importance. The aim of such a review is to identify the key features and characteristics of the object under study. The list of mandatory components encompasses: document title, details and exact location of the examination object in the document's structure, information about the individual on whose behalf the signature was executed, and presence of related handwritten notes (e.g., surname, initials, sum written out in words, date, etc.). Emphasis should be made on clarifying the fact of amending the text (amendments), as well as on identifying the writing instrument used to make the signature or other inscriptions ²³.

All of these aspects are crucial for ensuring the reliability and validity of expert examinations in criminal, civil and commercial proceedings.

Let us consider the following example.

In a civil proceeding, the court ordered a forensic handwriting examination and asked a forensic expert the following question: "*Can the signature be examined forensically to identify who signed the compulsory insurance policy?*" The document under examination contained two signatures. In a motion to the court, and guided by the requirements of the Instruction on the Ap-

22 Науково-методичні рекомендації з питань підготовки та призначення судових експертиз та експертних досліджень : затв. наказ. Мін'юсту України від 08.10.1998 р. № 53/5 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.08.2025).

23 Там само.

pointment and Conduct of Forensic Examinations and Expert Studies (*Instruction*)²⁴ and the Scientific and Methodological Guidelines²⁵, a forensic expert requested that the question be specified, since the question of the suitability of the signature for forensic examination is general and requires clarification (e.g., what type of forensic examination is conducted: identification or, possibly, questioned document). Such clarification would enable the forensic expert to provide a professional and reasonable answer within his/her competence. If the question falls within the scope of questioned document examination, then the type of forensic examination must be reconsidered. Given the nature of the issues under study, it is advisable to appoint a multidisciplinary forensic handwriting and questioned document examination, which will contribute to the completeness and objectivity of expert findings. Therefore, case materials are returned to the court and the time allocated for a forensic examination and further consideration of the case is extended. This delays the process.

Similar cases are becoming increasingly common in forensic practice, proving the relevance of the issues we have raised.

The court's procedural decision to appoint a forensic handwriting analysis involves more than just the fact of its initiation; it also presupposes the proper definition of the subject of expert research. Formulating a task for a forensic expert in the form of clear and reasonable questions

that require a scientific resolution through specific expertise is deemed to be the central element in this process.

Each of these questions should be worded taking into account a number of mandatory information components. In the absence of these components, it is impossible to develop an appropriate research methodology. Specifically, in questions, it is feasible to indicate the full or abbreviated titles of a document (or its segments: the first and last words of text), date of its compilation, and initials of a person who is likely to be the author of the disputed inscription or signature. Should it be required, depending on the specifics of the task at hand, the last name and initials of a person on whose behalf the signature has been executed, as well as his/her legal status (well-known or unknown person; fictitious or real name; presence or absence of writing skills) are to be mentioned²⁶.

The court's resolution on appointing a forensic examination should comprise well-defined questions that conform to the provisions of current Scientific and Methodological Guidelines. Adhering to such methodological approaches increases the importance and probative value of expert analysis in court proceedings.

Researchers have repeatedly emphasised the importance of appointing and conducting forensic examinations within civil proceedings. Notably, challenges in this field have been extensively analysed by Zh. Vasyliieva-Shalamova²⁷ and Z. Me-

24 Інструкція про призначення та проведення судових експертиз та експертних досліджень : затв. наказ. Мін'юсту України від 08.10.1998 р. № 53/5 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.08.2025).

25 Науково-методичні рекомендації ... URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.08.2025).

26 Там само.

27 Васильєва-Шаламова Ж. В. Процесуальний порядок призначення судової експертизи в цивільному процесі. *Судоустрій і судочинство в Україні*. 2007. № 4. С. 43–50 ; Її ж. Судова експертиза в цивільному процесі : автореф. дис. ... канд. юрид. наук. Київ, 2009. 15 с.

lenevska et al.²⁸, while V. Halahan and O. Kozak²⁹ considered the procedural mechanism of obtaining samples for subsequent handwriting analyses.

Despite the existing scientific interest in individual components of the forensic examination process, the issue of appointing a forensic handwriting analysis specifically within civil proceedings continues to be inadequately addressed and requires the development of practical guidelines.

Let us consider several examples from forensic practice.

Example 1. A forensic expert was asked to address the following question: “Was the signature in the ‘Guarantor: V. V. Kozak’ column of the suretyship contract No. 04, dated 14 January 2008, made by V. V. Kozak himself or by someone else?” In response to the forensic expert’s motion for experimental and free handwriting samples (at least 10–15), the court provided three documents containing samples of V. V. Kozak’s signature.

Fig. 1. Signature under examination

Fig. 2. Sample of V. V. Kozak's signature

Example 2. The following question was posed to the forensic handwriting expert: “Was the signature on behalf of I. I. Hrusha in the ‘Attending physician’ column of the inpatient’s medical record excerpt made by I. I. Hrusha or by someone else?” Free, semi-free and experimental samples of I. I. Hrusha’s signature were provided for the forensic examination.

Fig. 3. Signature under examination

28 Меленевська З. С., Свобода Є. Ю., Антонюк П. Є. Причини експертних помилок під час вирішення ідентифікаційних завдань у межах судово-почеркознавчих досліджень. *Криміналістичний вісник*. 2016. № 1 (25). С. 115–121. URL: <https://surl.li/jzjewr> (date accessed: 05.08.2025).

29 Галаган В. І., Козак О. В. Процесуальний порядок і тактика одержання зразків для експертного дослідження у кримінальному судочинстві України : монографія. Донецьк, 2012. 238 с. ; Козак О. В. Процесуальний порядок отримання зразків для експертизи за КПК України. *Дні науки Національного університету «Києво-Могилянська академія» на факультеті правничих наук*, 2014 : тези наук. доп. та повідом. (на кругл. стол. 23 та 27 січня 2014 р.). Київ, 2014. С. 76–78. URL: <https://ekmair.ukma.edu.ua/handle/123456789/32549> (date accessed: 05.08.2025).



Figs. 4–5. I. I. Hrusha's signature samples

However, in both cases, a forensic expert provided neither categorical nor probabilistic findings. This resulted from the following reasons.

As set forth in the general provisions of the handwriting analysis methodology, samples must be such that they can be compared and contrasted with research objects, i.e., they must be written in the same language and in the same alphabet as the signature under examination. To assess the quality of comparative material, it is essential to determine the compatibility of submitted samples and signatures under examination. Therefore, if possible, free and experimental signature samples should match the signatures under examination in terms of document type, time and conditions of execution. A sufficient amount of comparative material can only be guaranteed in a case when provided signature samples enable us to determine consistency in their features.

Sample *comparability* refers to the ability to compare (match) significant, highly informative individual handwriting (signature) features executed at different times: this applies to documents of different nature in terms of their intended purpose (appropriate samples in terms of time) and to the signature under examination. That is, in the samples and in the signature under examination, corresponding letters and their elements, types of connections between corresponding letters and their elements, sequence of movements and their direction, their vertical or horizontal

arrangement, etc., should be compared sequentially.

By comparing the signature on behalf of V. V. Kozak with samples of V. V. Kozak's signature, it has been found that they differ significantly in composition and cannot be compared, i.e., they do not contain similar graphic images (the signature under examination consists of non-letter elements, while the transcription in the samples consists of letters: *see Figs. 1–2*). This obstructs the conduct of comparative study. It also hinders further identification of the executor. The same applies to the comparison of signatures by I. I. Hrusha (*see Figs. 3–5*).

Example 3. The forensic expert was asked the following question: “*Was the signature on behalf of M. M. Mamai, in the ‘Signatures of the parties — Landlord’ column in the land lease contract No. 007 dated 7 July 2017, executed by M. M. Mamai herself or by someone else?*”.

During the preliminary examination of materials provided for research, the forensic expert determined that the free samples of M. M. Mamai's handwriting did not have any features that would confirm the documents' official nature (there were no relevant marks: seal or stamp impressions, approval inscriptions made by persons to whom statements are addressed, incoming and outgoing reference numbers, etc.).

Furthermore, the experimental samples of M. M. Mamai's signature were not submitted during the court hearing (the decision to appoint a forensic examination was made on 5 May 2024, and the

samples were collected by the court clerk on 28 June 2024). The samples were not duly certified by the judge's signature.

As stipulated in para. 2 of cl. 1.3 of Sec. I of the Scientific and Methodological Guidelines, *"free samples are handwritten texts, handwritten notes (letters and numbers), signatures, accurately executed by a specific person prior to the opening of criminal proceedings, proceedings in cases of administrative offences, civil, administrative or economic cases and not related to their circumstances; semi-free samples are samples of handwriting and/or signatures executed by a specific person before the opening of proceedings in a case, but related to the circumstances of that case, or the ones that may be made either before or after the opening of proceedings in a case, and may or may not be related to its circumstances"*³⁰.

According to para. 1.7 of Sec. I of the Scientific and Methodological Guidelines, *"experimental samples are certified by the body (person) who appointed a forensic examination/ engaged a forensic expert. Certification inscription indicates the executor's last name, first name and patronymic, as well as the sample's features (e.g., left-handedness, special font, etc.)"*³¹.

As outlined in paras. 2 and 3 of Sec. 1.10 of the Scientific and Methodological Guidelines:

"When choosing samples of a person's signature for subsequent examination, the author of the examined signature should be asked to sign using all variations of his/her signature that he/she commonly uses.

*If, for certain reasons, it was not possible to comply with any requirements relating to the collection and provision of samples, this should be indicated in a forensic examination appointment (forensic expert involvement) document"*³².

Para. 3.3 of Sec. III of the Instruction specifies that *"a forensic examination appointment (forensic expert involvement) document must comprise the following data: <...> questions that are to be answered by a forensic expert, a list of objects to be examined (including comparative samples and other materials that have been forwarded to the forensic expert or references to such lists in the case file), and other data relevant to the conduct of a forensic examination"*³³.

A forensic examination appointment (forensic expert involvement) document must indicate the exact names of all objects submitted for a forensic examination, their quantity, weight, series and serial numbers (for money of any origin), and other distinctive individual features³⁴.

Under Sec. 1.8 of the Scientific and Methodological Guidelines, *"it is advisable to provide both free and experimental samples of letter or digital writing on at least 15 sheets. The shorter the examined text (note), the greater the need for free samples. If possible, free signature samples should be provided on all 15 documents"*³⁵.

Para. 1 of cl. 1.10 of Sec. I of the Scientific and Methodological Guidelines provides that *"when free signature samples are being collected from someone on whose behalf the studied signature was executed, documents with*

30 Науково-методичні рекомендації URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.08.2025).

31 Там само.

32 Там само.

33 Інструкція URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.08.2025).

34 Там само.

35 Науково-методичні рекомендації URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.08.2025).

a signature that is most similar to the examined signature should be found. Such signatures are commonly found in documents of a similar nature to those studied in this paper"³⁶.

Taking into account the above provisions, the forensic expert submitted a motion to provide additional experimental and free samples of M. M. Mamai's signature certified by a judge.

However, pursuant to the motion, the forensic expert was supplied with the same materials. Furthermore, the court failed to explain why the motion of the forensic expert had not been granted, nor did it clarify that a forensic examination should be conducted using the available evidence. Consequently, the forensic expert had to submit a second motion to the court.

Accordingly, the main requirements for free handwriting samples are: reliability of origin (undisputed origin); compliance with the document under examination (similar in time of execution, form and content, performed by similar writing instruments, etc.), a reasonable number of samples.

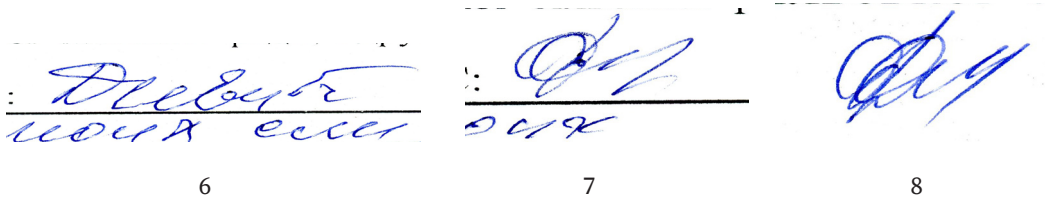
Examining evidence directly is an integral part of proving, as it is the main way the court perceives factual data relevant to a case. Such studies are strongly associated with the requirements for evidence relevance and admissibility, since only those that meet these criteria can be the subject

of analysis in court. The principle of immediacy stipulates that the court should get a real opportunity to familiarize itself with all the evidence available in the case file, directly perceiving and evaluating it. This approach ensures the completeness and objectivity of the trial, which is confirmed by the Resolution of the Supreme Court dated 27 July 2021 (Case No. 357/4897/20)³⁷.

Nevertheless, the court actually withdrew from identifying proper samples before providing them to a forensic expert, delegated this responsibility to the forensic expert and provided him with unverified and improperly prepared materials. This approach contradicts the principles of evidence admissibility and relevance (Art. 89 of the Civ. PC of Ukraine³⁸) and creates the risk of expert findings being recognised as inadmissible in a case.

Example 4. The expert was addressed with the following: "Was the signature in the 'Signatures of the parties' column of the will made by S. D. Sidorov himself or by someone else on his behalf?"

During the preliminary study of the research materials, the forensic expert found that there had not been enough samples and that they had been executed in a variety of ways. This suggests either variability in the signature or that different individuals prepared the samples.

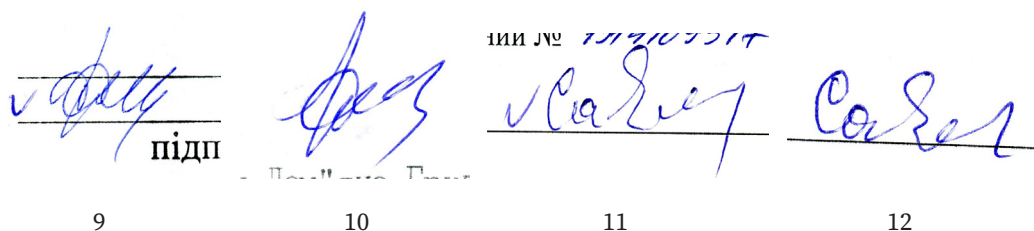


Figs. 6–8. Signatures under examination

36 Науково-методичні рекомендації ... URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.08.2025).

37 Постанова ВС від 27.07.2021 р. Справа № 357/4897/20. Провадж. № 61-3751св21 / ЄРДР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/98671700> (date accessed: 05.08.2025).

38 Цивільний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/1618-15#Text> (date accessed: 05.08.2025).



Figs. 9–12. Samples of S. D. Sidorov's signature

After comparing all the examined signatures, the forensic expert identified individual matching and diverging features in the handwriting, but neither coincidence nor discrepancy is the basis for reaching positive or negative findings. This is due to the high variability and relative simplicity of the element structure, which prevents the identification of handwriting characteristics that could be used for identification purposes. Moreover, the examined signatures were executed over an extended period (1994–2006), thereby hindering the evaluation of divergent features (whether they are caused by changes to handwriting or by the passage of time, or whether they indicate that the examined signatures were executed by different people).

Consequently, the forensic expert did not answer the question of whether the studied signatures had been executed by one person or different people:

Therefore, the conducted handwriting analysis has demonstrated the impossibility of formulating categorical findings regarding the executor of the signatures due to high variability, a significant time interval between the execution of samples and the signatures under examination, and a lack of structural comparability. It has been proven that proper selection of free handwriting samples—reliable in origin, executed within the closest possible time

frame, similar in form, content, and written with the same writing instrument, as well as sufficient in quantity—is the main condition for proving scientific validity and probative value of expert findings.

Evaluation of expert findings by courts and the lack of definitive results

In civil proceedings, expert findings are deemed to be one of the types of written evidence that the court must evaluate in conjunction with other materials in a case³⁹. Simultaneously, courts prioritize categorical and clearly worded findings that enable to unambiguously prove or refute a certain fact. The lack of a definitive result (in particular, the inability to identify the signature executor) considerably obstructs the process of proving. This is because such findings do not possess independent probative value and the courts often define them as unconvincing.

The problem with probabilistic findings is that the party that initiates a forensic examination does not necessarily get the expected result. This is because the court does not receive a clear answer to the question asked. Consequently, there is a need to either conduct a re-examination, an additional examination, or turn to indirect evidence, thereby prolonging the process and resulting in higher costs for both parties. To minimize the risk of obtaining a non-categorical conclusion,

39 Цивільний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/1618-15#Text> (date accessed: 05.08.2025).

which would have limited probative value in a trial, it is essential to properly collect samples and ensure their comparability at the stage of sample preparation, prior to forensic examination.

This trend is supported by Supreme Court practice. In a resolution 7 September 2023 (case No. 686/24376/20), it was recognised that expert findings compiled without studying free samples of the accused's signature were inadmissible due to their incomplete nature and violation of methodological guidelines⁴⁰.

Another resolution of the Supreme Court (case No. 569/8833/20) states that non-categorical formulations are the grounds for appointing an additional forensic examination⁴¹.

Therefore, the absence of categorical expert findings is both a methodological shortfall and a judicial issue. Such cases delay consideration, result in higher costs for both parties and require re-examination. For findings to be recognized as evidence by the court, one should adhere to methodological standards, ensure structural comparability and clearly formulate research tasks.

It is worth noting that it is impossible to present categorical findings on the identity or difference of the executor's signatures when: graphic material is limited in both volume and informational value, presence of only one repeating written symbol, relative simplicity of handwriting elements, significant time gap between the execution of signatures under examination, insufficient structural comparability between handwriting samples and

examined signatures. Reliability of expert findings can only be ensured through an appropriate collection of free handwriting samples. These samples must have a reliable origin, be as close as possible to the studied document in terms of time of execution, form, content and type of writing instrument, and also be sufficient in quantity. Failure to comply with these requirements decreases the expert's ability to identify the executor and reduces the probative value of expert findings in a trial.

A lack of expert findings in a case results in serious procedural obstacles for a court, as it prevents the court from investigating and assessing actual circumstances that are essential for resolving the dispute on the merits.

As set forth in Art. 110 of the Civ. PC, expert findings constitute a standalone type of evidence that must be evaluated and examined by the court alongside other evidence⁴². At the same time, the court cannot replace a forensic expert's specific expertise at its discretion. Therefore, if there are no findings, or if the findings are irrelevant due to improper drafting, insufficient validity or inconsistency, the court risks making a decision without a proper evidentiary basis. This may result in its termination under appellate or cassation procedure.

From the perspective of I. Homeniuk and S. Honhal, completeness and scientific validity of handwriting analysis findings predominantly depend on the quality and sufficiency of provided experimental, free and semi-free samples of handwriting and signatures of the alleged executor. Com-

40 Постанова ВС від 07.09.2023 р. Справа № 686/24376/20. Провадж. № 51-2179км23 / ЄРДР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/113396794> (дата звернення: 05.08.2025).

41 Те саме від 06.01.2025 р. Справа № 569/8833/20. Провадж. № 61-8416св23 / там само. URL: <https://reyestr.court.gov.ua/Review/124331337> (date accessed: 05.08.2025).

42 Цивільний процесуальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/1618-15#Text> (date accessed: 05.08.2025).

parative material should comply with the standards for a comprehensive analysis of all individually consistent handwriting features that are subject to identification. Samples that are nearly identical to the examined objects in terms of the time of execution, type of document, language, content, writing instruments and conditions of execution are the most informative. Simultaneously, in practice, we often come across situations where these requirements are grossly violated, or where the provided samples lack necessary characteristics⁴³.

Court practice demonstrates that if a party does not provide sufficient samples for forensic examination, or evades doing so, the forensic expert has the right to report on the impossibility of preparing findings⁴⁴. In this case, the court may recognise the fact of failure to prove the circumstances by the party that was supposed to prove them through forensic examination⁴⁵.

Inconsistency in the courts' approaches to evaluating expert findings can also pose challenges. Courts are limited to formally assessing findings' compliance with procedural requirements, without delving into a meaningful analysis of their validity and internal logic. Instead, the Supreme Court has repeatedly emphasized that expert findings should be evaluated from

the standpoint of completeness, objectivity, scientific validity and compliance with questions addressed by a court⁴⁶.

Accordingly, the fundamental adversarial principle and the right to a fair trial could be seriously jeopardised if inaccurate expert findings are provided, or if they are not provided at all. This requires greater responsibility from the participants in the process when providing materials for a forensic examination, as well as an active role from the court in monitoring the relevance and sufficiency of samples provided.

Proposals to address the lack of adequate expert findings at trial

Addressing the lack of adequate expert findings requires a systematic approach that combines legislative, organizational and methodological improvement of the institution of forensic science.

Firstly, it is important to amend the procedural legislation: present strict legal consequences for the absence or improper formulation of expert findings. This corresponds to the fundamental adversarial principle and the right to a fair trial guaranteed by Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms⁴⁷ and Pts. 1 and 3 of Art. 2 Civ. PC of Ukraine. For example, according to Supreme Court rul-

43 Гоменюк І. М., Гонгало С. Й. Зразки для судової почеркознавчої експертизи: проблемні питання одержання та можливі шляхи їх вирішення. *Криміналістичний вісник*. 2016. № 1 (25). С. 122—125. URL: <https://surl.li/jzjewr> (date accessed: 05.08.2025).

44 Інструкція про призначення та проведення ... URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (дата звернення: 05.08.2025).

45 Постанова ВС від 22.04.2022 р. Справа № 558/54/18. Провадж. № 61-5619св21 / ЄРДР : веб-сайт. URL: <https://reyestr.court.gov.ua/Review/104076062> (date accessed: 05.08.2025).

46 Те саме від 23.12.2020 р. Справа № 757/28231/13-ц. Провадж. № 61-2616св19 / Там само. URL: <https://reyestr.court.gov.ua/Review/93794003> (date accessed: 05.08.2025).

47 Конвенція про захист прав людини і основоположних свобод (Європейська конвенція з прав людини) : від 04.11.1950 р. ; ратифік. Законом України від 17.07.1997 р. № 475/97-ВР ; чинна для України з 11.09.1997 р. (зі змін. та допов.). URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (date accessed: 05.08.2025).

ing No. 205/7739/13-П dated 17 July 2023, inadequate expert findings mean the court lacks specific expertise required for well-reasoned case resolution, which may result in the decision being overturned ⁴⁸.

Secondly, there is a pressing need to introduce standardized procedural mechanisms that would govern the procedure for preparing and providing materials for forensic analysis. Specifically, this applies to the mandatory requirements for providing handwriting and signature samples, time required for their execution, their origin, and conditions of receipt. Approaches aimed at minimizing the return rate of forensic examinations due to technical shortcomings have long been employed in foreign practice to ensure the comparability of materials. For example, *General requirements for the competence of testing and calibration laboratories* (EN ISO/IEC 17025:2019) have been in active use in Ukraine since 1 January 2021 ⁴⁹. The international standard ISO/IEC 17025 sets general requirements for the competence, impartiality, and consistent operation of testing and calibration laboratories to ensure their results are reliable, accurate, and valid. A fundamental aspect of this Standard is the stringent regulation of sample identification, documentation, and preparation processes provided for forensic analysis. This ensures the traceability and authenticity of materials throughout the testing process, as well as the correspondence of comparative

handwriting samples (free or semi-free signatures) to research objects in terms of their origin, time of execution, and writing methods used. As demonstrated by the experience of European countries like Germany, the Netherlands and the United Kingdom, forensic examination results prove to be more reliable when they are backed by Laboratory accreditation under EN ISO/IEC 17025:2019.

Taking into account the requirements of Art. 14 of the Law of Ukraine: *On Judicial Examination*, which state that forensic experts cannot independently collect materials or choose source samples (violation of this rule may result in disciplinary action) ⁵⁰, the introduction of these international rules requires amendments to national legislation. This can be implemented either through the publication of a special instruction for courts (which would govern the procedure for providing them with forensic examination materials) or through amendments to current procedural legislation.

Thirdly, one of the promising areas for enhancing procedural practice in cases requiring handwriting analysis is the introduction of a sustainable practice of involving forensic experts at the stage of collecting handwriting samples or immediately prior to the appointment of a forensic examination. Para. 3 of cl. 1.11 of Sec. I of the Scientific and Methodological Guidelines highlights that the court has the right to engage a forensic expert (spe-

48 Постанова ВС від 15.06.2023 р. Справа № 205/7739/13-П. Провадж. № 61-8462св22 / ЄРДР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/111677122> (date accessed: 05.08.2025).

49 Див., напр.: ДСТУ EN ISO/IEC 17025:2019 Загальні вимоги до компетентності випробувальних та калібрувальних лабораторій (EN ISO/IEC 17025:2017, IDT; ISO/IEC 17025:2017, IDT) : затв. наказ. ДП «УкрНДНЦ» від 23.12.2019 р. № 483 [Чинний від 01.01.2021]. URL: https://online.budstandart.com.ua/catalog/doc-page.html?id_doc=88724 (date accessed: 05.08.2025) ; Published Standards / SWGDOC : web. 28 May 2021. URL: <https://www.swgdoc.org/index.php/standards/published-standards> (date accessed: 05.08.2025).

50 Про судову експертизу : Закон України від 25.02.1994 р. № 4038-ХІІ (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4038-12#Text> (date accessed: 05.08.2025).

cialist) when it faces challenges associated with appointing a multi-object forensic examination of signatures⁵¹.

The analysis of judicial practice shows that such a mechanism is used sporadically. The lack of professional advice at the initial stage has repeatedly resulted in the re-appointment of a forensic examination due to inadequate wording of questions or insufficient and unsuitable comparative samples. This has consequently led to delays in the consideration of cases.

Engaging a forensic expert at the stage of reviewing a motion for a forensic examination or during the preparatory meeting not only optimizes the selection of samples and determination of the type of research but also ensures that questions align with the Scientific and Methodological Guidelines. Furthermore, a forensic expert's participation helps identify which documents can serve as comparative materials and assess the feasibility of conducting a forensic examination under specific circumstances.

Implementing this practice systematically will enhance the quality of expert findings, decrease procedural errors and the time required, and help uphold the principle of reasonable trial duration as outlined in Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms⁵² and as enshrined in national procedural legislation.

Active procedural oversight by the court of rulings on the appointment of forensic examinations is necessary. Specifi-

cally, setting deadlines for the submission of materials and expert findings, alongside relevant sanctions for missing these deadlines, will improve discipline, as recent court decisions suggest⁵³.

Undertaking these measures will enhance the quality of forensic examinations and ensure the timely receipt of appropriate findings. This will improve the objectivity and efficiency of court proceedings.

Conclusions

Analysing legal provisions and practical aspects of handwriting analyses, the critical role of the quantity and quality of submitted samples in formulating comprehensive expert findings is emphasized. Ensuring the reliability and completeness of research is vital, and this is best achieved by adhering to the requirements concerning the origin of samples, their compliance in terms of execution time and conditions under which they were executed. Providing insufficient or inaccurate information, however, significantly complicates handwriting identification and reduces the probative value of a forensic examination.

The lack of systematic oversight of this process poses a risk of either false findings being drawn or no findings being drawn at all.

Therefore, to enhance handwriting analysis efficiency, both the sampling process (with obligatory engagement of specialists) and requirements regarding

51 Науково-методичні рекомендації URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.08.2025).

52 Конвенція про захист прав людини URL: https://zakon.rada.gov.ua/laws/show/995_004#Text (date accessed: 05.08.2025).

53 Огляд судової практики Касаційного цивільного суду у складі Верховного Суду щодо окремих питань застосування положень Цивільного процесуального кодексу України. Рішення, внесені до ЄДРСР, із січня 2024 року по березень 2025 року. Київ, 2025. 114 с. / Судова влада України : вебсайт. URL: <https://surl.li/koczqo> (date accessed: 05.08.2025).

quantity and quality of samples should be improved. This will contribute to the exhaustiveness of expert findings and ensure objective trial.

In the course of this study, the criteria for evaluating handwriting analysis findings in the trial, which are an important step for harmonizing methodological approaches in this area, have been systematized. The analysis of regulatory rules and judicial practice proves that the probative value of expert findings is closely tied to adherence to methodological requirements during the preparation and conduct of research. There are principal factors influencing the validity and categorical nature of expert findings. Firstly, relevance of samples provided. Secondly, reliability and sufficiency of these samples. And thirdly, the accuracy of questions addressed to a forensic expert.

The absence of categorical findings or their improper formalization entails significant procedural risks: delays in case consideration terms, the need to appoint a re-examination or an additional examination, higher costs for both parties, and impairment of the defence's effectiveness. Judicial practice demonstrates that failure to adhere to methodological standards during selection and evaluation of comparative samples often constitutes grounds for recognizing expert findings as inadmissible evidence.

Handwriting analysis efficiency can be significantly enhanced through:

- 1) procedural settlement of consequences associated with insufficient expert findings or their inadequate formalization;
- 2) implementing standardized requirements for selection and preparation of handwriting samples;
- 3) introducing the practice of engaging forensic experts at the prepara-

tory stage of appointing a forensic examination;

- 4) active procedural oversight by the court of the timely and quality enforcement of rulings on forensic examinations.

Implementing the proposed measures will be pivotal in improving the quality and reliability of expert findings and ensuring that the circumstances of a case are clarified promptly and thoroughly, thereby guaranteeing a fair trial.

**Оцінка висновків
почеркознавчих експертиз
у судовій практиці: критерії,
проблематика зразків і шляхи
вдосконалення**

Олена Савіна, Вілена Здор, Дмитро Ус

Мета статті — обґрунтувати систему критеріїв оцінювання висновків почеркознавчих експертиз для застосування її в суді; проаналізувати наявні підходи до розуміння доказового значення висновків експертів у контексті судової практики. Для досягнення поставленої мети застосовано сукупність загальнонаукових і спеціальних методів. Проаналізовано чинне законодавство, яким урегульовано порядок призначення, проведення й оцінювання судових експертиз (зокрема, процесуальні кодекси України та спеціальні нормативні акти, що регламентують судово-експертну діяльність). Увагу акцентовано на судовій практиці застосування висновків почеркознавчих експертиз і основних проблемах, пов'язаних з їх оцінюванням: суперечливості результатів експертних досліджень, недостатньому аргументуванні висновків, формальному підході до їх сприйняття судами. Особливий акцент зроблено на вільному оцінюванні доказів судом і межах його реалізації в разі потреби у застосуванні спеціальних знань. Запропоновано систематизовані критерії (зокрема, відпо-

відність застосованих методик сучасним науковим вимогам, повнота опису об'єктів дослідження, логічна послідовність викладення міркувань експерта, чіткість формулювання висновків, наявність альтернативних гіпотез, а також узгодженість висновку з іншими доказами у справі), які стануть у нагоді суддям, адвокатам, прокурорам та іншим учасникам процесу для оцінювання якості висновків за почеркознавчими дослідженнями. Правники, які стикаються з необхідністю критичного аналізу висновків експертів у процесі доказування, можуть скористатися викладеними тут напрацюваннями як методичним орієнтиром. Порушено питання нагальної потреби в підвищенні кваліфікації суддів у частині оцінювання спеціальних знань і у виробленні єдиних підходів у судовій практиці до застосування висновків експертів як доказів.

Ключові слова: судова експертиза; почеркознавство; експерт; висновок експерта; оцінка⁵⁴ доказів; судова практика; доказове значення; критерії науковості.

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Declaration of Competing Interest

The authors declare no conflict of interest.

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54 За правилами української мови іменник «оцінка» доцільно застосовувати тільки на означення результату процесу, позначення якості знань і поведінки учнів або думки, міркування про якість, характер когось (чогось), а прикметник «оціночний» є калькою з російської. В українській мові слід послуговуватися дієсловом «оцінювати» («оцінити») і прикметником «оцінний» відповідно. Натомість чинні нормативно-правові акти, на жаль, до сьогодні оперують помилковими словоформами (наприклад, «оцінка висновку експерта»).— *Ред.*

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