

Involvement of Specialists in Smuggling Investigation

Yurii Kovalov ^{*a}, Andrii Fedotenko ^{**b}

* Candidate of Legal Sciences, Doctoral student at NSC «Hon. Prof. M. S. Bokarius FSI», Kharkiv, Ukraine, ORCID: <https://orcid.org/0009-0003-9159-4499>, e-mail: koval.98819@gmail.com

** Candidate of Legal Sciences, Educational and Research Institute of Law and Psychology of National Academy of Internal Affairs, Kyiv, Ukraine, ORCID: <https://orcid.org/0009-0008-7804-0375>, e-mail: android15181@gmail.com

^a Writing – original draft, project administration, methodology.

^b Writing – original draft, resources, formal analysis.

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The Article Purpose is to single out typical forms of specialists' participation in criminal proceedings involving the investigation of smuggling and to clarify their role in ensuring the efficiency of proof depending on the subject of a crime (timber materials, cultural valuables, weapons and ammunition). General scientific (analysis and synthesis, induction and deduction) and special (dialectical, systemic-structural, comparative-legal and generalization) methods were employed to fulfil this goal. The authors determine that a specialist in criminal proceedings is the central figure of technical-forensic, analytical and organizational-tactical support, and his/her participation extends beyond mere advisory support, covering active assistance during investigative (search) and covert investigative (search) actions. Having summarized case law, it was found that in cases of timber smuggling, specialists in forestry play a decisive role; in proceedings concerning the smuggling of cultural valuables, art historians are involved; and in cases of illegal transfer of weapons, representatives of customs authorities, weapons experts, and ballisticians are actively engaged. It was demonstrated that only with the help of their conclusions and actions could proper identification of objects be ensured, including the detection of concealment methods,

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formulation of investigative versions, and the initiation of subsequent expert research, thereby contributing to the efficient conduct of the investigation. Prospects for improving the involvement of specialists in the investigation of smuggling are due to the development of unified methodological guidelines, strengthening of interagency cooperation, modernization of material and technical resources and systematic skill-upgrading of specialists, which will jointly promote the completeness, accuracy and evidentiary strength of collected information in this category of criminal offenses.

Keywords: forensic support; pre-trial investigation; smuggling; specific expertise; specialist.

Research Problem Formulation

As of today, the criminal justice field is in urgent and growing need of specific expertise, which makes the task of increasing requirements for skill-upgrading of specialists involved in criminal proceedings particularly relevant. The primary focus of criminalistics as a science is the development of theoretical and practical guidelines along with the creation of specific tools that would enable law enforcement agencies of various departments to establish crime circumstances in a timely, comprehensive and objective manner and to support a proof procedure. As evidenced by law application practice materials and positions expressed in the scientific literature, the above-mentioned cannot be implemented without the involvement of criminalists, bomb disposal officers, biologists and geneticists, commodity experts, specialists in economic security, etc.

Scientific-technical and forensic support of investigative activities are notably relevant during the investigation of criminal offenses related to smuggling. Crimes of this type exhibit a high degree of latency, presuppose complex methods of concealment, involvement of international logistics schemes, modern covert

methods for maintaining secrecy, forgery of documents and digital technologies. As the volume of international trade grows, so does the economic motivation to commit smuggling. After the beginning of the full-scale armed aggression by the Russian Federation, trends have shifted: the transit of heroin and cocaine has decreased, while synthetic drugs trafficking has increased several times; the growing number of weapons on the territory of the country has highlighted the risks associated with their illegal movement across the customs border; large-scale losses of the State budget involving the smuggling of tobacco products amount to hundreds of millions of dollars every year.

In light of these conditions, the use of forensic means is an essential prerequisite for revealing the truth in criminal proceedings. Research on documents, extraction of microparticles, identification of goods and industrial designs, trace evidence analysis of vehicles, use of technical systems for port and customs control, research of digital media, instrumental monitoring of the chemical substance composition: all these require participation of specialists with relevant expertise.

Given the foregoing, there is a demand for thoroughly analysing the capabilities

of specialists in smuggling investigation, clarifying their role in ensuring the efficiency of criminal proceedings, and assessing the potential of contemporary technical and forensic resources in countering one of the most widespread and economically dangerous types of crime.

Article Purpose

Define typical forms of specialists' participation in criminal proceedings for smuggling investigation.

Research Methods

In pursuit of this goal, general scientific methods of analysis and synthesis, induction and deduction were used. The researchers also employed special methods: dialectical, system-structural, comparative-legal and generalization. The totality of these methods allowed for the analysis of the legal basis for the participation of a specialist in criminal proceedings, and thereby facilitated the characterization of typical forms pertaining to his/her involvement and identification of features associated with such participation in the investigation of various smuggling categories (timber materials, cultural valuables, weapons and ammunition).

Dialectical method provided a holistic vision of the phenomenon relating to the involvement of a specialist in smuggling investigation, in terms of the development and interconnection of the legal, organisational and practical aspects of his/her activities. It is owing to this method that internal contradictions between the formal statutory regulation of a specialist's status and the real needs of investigative practice were revealed, and the evolution of the role of well-versed persons in criminal proceedings amid the increasing

sophistication of smuggling methods was traced.

Systemic-structural method helped: 1) single out principal components of the mechanism of involving specialists (statutory regulation, organization of interaction, forms of participation, functional workload within the scope of individual and covert investigative [search] actions); 2) classify specialists by expertise (forestry, art studies, weapon science, customs, etc.) and by the nature of their participation (mandatory, universal, situational); 3) determine the specialist's place in the structure of subjects involved in a proof procedure and allocate responsibilities between the investigator, prosecutor, specialist and forensic expert.

Formal and logical methods (analysis, synthesis, induction, deduction) served as a valuable resource for researching the content of the rules of the Criminal Procedure Code of Ukraine (hereinafter referred to as *the CPC of Ukraine*), departmental instructions and other legal regulations governing the participation of a specialist, as well as for processing case law materials. Analysis provided a step-by-step study of the specialist's legal status, scope of his/her rights and obligations, procedure for involvement and responsibility; synthesis enabled the integration of obtained data into an agreed model of the specialist's participation in smuggling investigation; induction allowed for the formulation of general laws based on the study of individual criminal proceedings for the smuggling of timber, cultural valuables, and weapons; deduction enabled the testing of received theoretical conclusions against empirical data from specific court decisions.

We utilized the comparative legal method to compare approaches related to the involvement of specialists in criminal

proceedings for the investigation of smuggling and other illegal activities within the economic sector, as well as to assess the participation of specialists with varied expertise (foresters, art historians, weapons experts, customs officers) within the limits of different smuggling categories. This helped distinguish between technical-forensic, scientific-technical and organizational-tactical support, identify common and distinctive features related to the involvement of specialists depending on the subject of smuggling and the procedural status of the authorized body (SSU, customs officer, other law enforcement agencies).

Generalization method was employed to systematize the results stemming from the analysis of doctrinal sources and case law and formulate conclusions regarding the optimal areas for improving the participation of specialists in smuggling investi-

gation. Drawing upon it, we propose approaches to the development of uniform methodological guidelines for the involvement of specialists, for the enhancement of interdepartmental cooperation as well as skill-upgrading of specialists. Ways of strengthening the role of specific expertise within the framework of forensic support for combating smuggling are offered.

Analysis of Essential Researches and Publications

Various aspects of investigating smuggling offenses were studied in monographs by A. Buha ¹, O. Zaverkhovskiy ², R. Maliuha ³, A. Poliakh ⁴, I. Rudnytskyi ⁵, Ya. Furman ⁶, V. Shevchuk ⁷, et al.

The issue of specialist participation in criminal proceedings is explicitly outlined in monographs by O. Kuvshynov ⁸,

- 1 Буга А. Ю. Методика розслідування злочинів, пов'язаних з незаконним обігом лікарських засобів : дис. ... д-ра філос. в галузі права. Одеса, 2020. 258 с. URL: <https://uacademic.info/ua/document/0822U100024> (date accessed: 07.11.2025).
- 2 Заверховський О. В. Криміналістична характеристика контрабанди та її значення для правозастосовчої діяльності : дис. ... канд. юрид. наук. Київ, 2020. 230 с.
- 3 Малюга Р. В. Кримінальне процесуальне доказування контрабанди наркотичних засобів, психотропних речовин, їх аналогів чи прекурсорів або фальсифікованих лікарських засобів у досудовому розслідуванні : дис. ... канд. юрид. наук. Київ, 2015. 273 с. URL: <https://uacademic.info/ua/document/0415U005439> (date accessed: 07.11.2025).
- 4 Полях А. М. Криміналістична характеристика та основи розслідування контрабанди наркотичних засобів, психотропних речовин, їх аналогів або прекурсорів : автореф. дис. ... канд. юрид. наук. Харків, 2009. 22 с. URL: <https://uacademic.info/ua/document/0409U001634> (date accessed: 07.11.2025).
- 5 Рудницький І. Л. Особливості виявлення та розслідування контрабанди наркотичних засобів, що вчиняються організованими злочинними групами : дис. ... д-ра філос. в галузі права. Львів, 2019. 250 с. URL: <https://lpnu.ua/sites/default/files/2020/radaphd/1857/dysertaciyarudnyckyy.pdf> (date accessed: 07.11.2025).
- 6 Фурман Я. В. Основи методика розслідування контрабанди культурних цінностей : автореф. дис. ... канд. юрид. наук. Київ, 2009. 22 с. URL: <https://uacademic.info/ua/document/0410U001200> (date accessed: 07.11.2025).
- 7 Шевчук В. М. Методика розслідування контрабанди: проблеми теорії та практики : монографія. Харків, 2003. 280 с.
- 8 Кувшинов О. Д. Спеціаліст у кримінальному провадженні (кримінальний процесуальний та криміналістичний аспекти) : дис. ... д-ра філос. в галузі права. Кропивницький, 2024. 305 с. URL: <https://dnuvs.ukr.education/wp-content/uploads/2025/02/dysertacziya-kuvshynov-o.d.pdf> (date accessed: 07.11.2025).

D. Kurylenko ⁹, V. Yaremchuk ¹⁰, and others.

According to the scientists, analysis of the pre-trial investigation practice involving criminal offenses in the economic sector, which includes smuggling, demonstrates that the main challenges are most often associated with insufficient application of specific expertise during investigative (search) actions and limited interaction between the investigator and the specialists engaged. The underlying cause of this situation is that the participation of specialists, predominantly, is limited exclusively to the provision of advice. At the same time, procedural actions requiring professional, technical or analytical support are carried out without their direct involvement. This approach often results in the loss of significant evidentiary information and makes it difficult to determine the actual circumstances of a criminal offense ¹¹.

In light of this, we believe that only by systematically engaging specialists in criminal proceedings could the efficiency of investigating crimes in the economic sector be enhanced. However, this should not always be limited exclusively to investigative (search) actions. Given that no multidisciplinary research has been conducted to date on the potential involvement of specialists in the investigation of criminal offenses involving smuggling, we deem the chosen topic to be relevant

and one that warrants further scientific research.

Main Content Presentation

The application of specific expertise in criminal proceedings relies upon clearly regulated procedural and non-procedural forms. The scientific doctrine of criminalistics has traditionally classified these forms based on the nature of the involvement of a well-versed person and the nature of his/her activities in a specific event. The procedural form stipulates the use of specific expertise within the scope of relevant procedures directly governed by the CPC of Ukraine: the ones implemented during the conduct of forensic examinations, investigative (search) actions, less often, during the application of measures to support criminal proceedings. The non-procedural form has a subordinate role; it falls under departmental legal regulations and presupposes providing the investigator with advisory and information support both at the initial stage and throughout the entire pre-trial investigation ¹².

The CPC of Ukraine defines a specialist as a participant to criminal proceedings (cl. 25, Pt. 1, Art. 3), and his/her legal status is clarified in Arts. 71–72: specialist shall be a person “*who has special knowledge and skills*” necessary to use technical or other devices, and “*who is able to consult*” or provide

9 Куриленко Д. В. Інститут обізнаних осіб у змагальному кримінальному провадженні : автореф. дис. ... канд. юрид. наук. Харків, 2017. 16 с. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/6f82595b-1d94-4b6e-9ca8-8903b4b79b7c/content> (date accessed: 07.11.2025).

10 Яремчук В. О. Організація і тактика залучення спеціаліста при проведенні слідчих (розшукових) дій : монографія / за ред. В. Ю. Шепітька. Харків, 2015. 228 с.

11 Завидняк І. О. Участь спеціаліста у проведенні слідчих (розшукових) дій та його консультативна допомога. *Порівняльно-аналітичне право*. 2019. № 6. С. 453–456. URL: <https://surl.li/kmotbx> (date accessed: 07.11.2025).

12 Кримінальний процесуальний кодекс України від 13.04.2012 р. № 4651-VI (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 07.11.2025).

practical assistance during a pre-trial investigation and trial¹³.

In addition to the CPC of Ukraine provisions, the participation of a specialist in criminal proceedings is also governed by departmental acts. Accordingly, the Regulation on the Investigative Units of the National Police of Ukraine defines a forensic specialist as an official who “*possesses scientific, technical or other specific expertise and skills*” and relies on them when participating in investigative (search) actions¹⁴. Similarly, the Instruction on the Participation of Employees of the Ukrainian Research Institute of Special Equipment and Forensic Science of the Security Service of Ukraine defines specialists to criminal proceedings as employees of expert divisions of the Security Service of Ukraine involved in criminal proceedings as prescribed by Art. 71 of the CPC of Ukraine¹⁵. As a result, such persons acquire the procedural rights and duties of a specialist as stipulated by law. However, it is worth noting that all criminal offenses related to smuggling fall within the investigative jurisdiction of the Security Service of Ukraine according to the provisions of Art. 216 of the CPC of Ukraine¹⁶.

The legislator provides ample opportunities for engaging a specialist on the

initiative of both the prosecution and the defence (Art. 220 of the CPC of Ukraine)¹⁷. The specialist shall participate not only in the pre-trial investigation, but also in court sessions: the judge presiding in the court session shall have the right to receive oral consultations, written explanations he/she has given, and ask questions about the applied specific expertise (Art. 360 of the CPC of Ukraine)¹⁸. The ultimate goal of the specialist’s work is to provide technical and professional assistance during procedural actions (photographic documentation, drawing up of diagrams, taking of samples and recording of evidence, etc.).

The CPC of Ukraine envisages the possibility of involving a specialist in two completely different situations: when there is a forensic specialist in the investigative and operational team or when his or her absence is compensated for by the involvement of another specialist with the relevant expertise¹⁹. Otherwise, the law does not limit the number of specialists, their sectoral belonging or areas of competence, thereby helping the investigator to ensure that well-versed persons from different fields are involved in conformity with the requirements of a specific procedural action.

13 Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 07.11.2025).

14 Положення про слідчі підрозділи Національної поліції України : затв. наказ. МВС України від 06.07.2017 р. № 570 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/z0918-17#Text> (date accessed: 07.11.2025).

15 Інструкція про участь співробітників та працівників Українського науково-дослідного інституту спеціальної техніки та судових експертиз Служби безпеки України як спеціалістів в кримінальному провадженні : затв. наказ. Центр. упр. СБУ від 19.03.2016 р. № 138. URL: <https://zakon.rada.gov.ua/laws/show/z0564-16#Text> (date accessed: 07.11.2025) ; Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 07.11.2025).

16 Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 07.11.2025).

17 Там само.

18 Там само.

19 Там само.

Legal principles of the specialist's activities shape his/her procedural status specified in Arts. 71–72 of the Criminal Procedure Code of Ukraine: the right to ask questions, use technical means, view records of the procedural actions he/she participated in and submit comments thereon, receive remuneration for the job done, and apply for security²⁰. At the same time, he/she is obliged to appear upon summons, follow the instructions of the investigator or court, not disclose any details directly related to the essence of the criminal proceeding, and recuse himself/herself where circumstances are provided for by Art. 79 of the CPC of Ukraine²¹.

The CPC of Ukraine and by-laws stipulate that a specialist is liable for improper fulfilment of his/her duties. In particular, where a specialist fails to appear before court without valid reasons or fails to notify the reasons for his/her failure to appear, all costs related to the adjournment of court session shall be imposed by court on the specialist concerned (Art. 72 of the CPC of Ukraine)²². Thus, the law guarantees specialists reimbursement of expenses and payment of remuneration in accordance with special government regulations (see, e.g., the Instruction on the Procedure and Rates for Compensation [Reimbursement] of Expenses and Pay-

ment of Remuneration to Persons Summoned to Pre-Trial Investigation Authorities, the Prosecutor's Office, the Court, or Authorities Investigating Administrative Offenses, and on Payments to State Specialized Forensic Institutions for the Performance of Expert and Specialist Functions by Their Employees)²³.

Regulating a specialist's activities during investigative (search) actions is of central importance when talking about his/her legal status. The CPC of Ukraine directly envisages the mandatory or recommended participation of a specialist in a number of procedural actions, namely: inspection (Art. 237), search (Art. 236), presentation for identification (Art. 228), investigative experiment (Art. 240), obtaining samples for examination (Art. 245), work with information systems (Arts. 264, 266), copying and collecting information from electronic information systems (Art. 265), documentation of physical evidence in special cases (Art. 100)²⁴. All actions of the specialist must be properly recorded in protocols, and information carriers must be attached as integral appendices to procedural documents (Arts. 104, 107 of the CPC of Ukraine)²⁵.

Research findings and law application practice will be of value for determining the organizational and tactical principles

20 Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 07.11.2025).

21 Там само.

22 Там само.

23 Інструкція про порядок і розміри компенсації (відшкодування) витрат та виплати винагороди особам, що викликаються до органів досудового розслідування, прокуратури, суду або до органів, у провадженні яких перебувають справи про адміністративні правопорушення, та виплати державним спеціалізованим установам судової експертизи за виконання їх працівниками функцій експертів і спеціалістів : затв. постанов. КМУ від 01.07.1996 р. № 710 (зі змін. та допов.). URL: <http://zakon0.rada.gov.ua/laws/show/710-96-%D0%BF> (date accessed: 07.11.2025).

24 Кримінальний процесуальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 07.11.2025).

25 Там само.

of a specialist's participation in a pre-trial investigation.

D. Kurylenko accurately points out that a specialist in criminal proceedings fulfils two interrelated functions. *Firstly*, he/she provides technical and organizational-tactical support to the court and parties to proceedings during the collection, recording and initial processing of evidentiary information. *Secondly*, the specialist offers explanations covering both background information and guidance notes (in particular, from a legal perspective) that require corresponding specific expertise. Certificates summarise specialised information, whereas advice is based on an analysis of a specific criminal case file and relates directly to the circumstances of the criminal offence under investigation²⁶. We share the view expressed by D. Kurylenko and it is important to note that the criminal procedure legislation fails to outline all those forms in which a well-versed person can implement specific expertise during the investigation of smuggling crimes.

At the same time, it is proposed to classify all specialists involved in investigative (search) actions in criminal proceedings into three groups. *Firstly*, these are specialists whose participation is mandatory pursuant to the express provisions of the law. *Secondly*, universal specialists capable of participating in most procedural actions of a certain type: in modern times, they include criminalists: for non-verbal investigative (search) actions, as well as psychologists: for verbal procedural actions that require the assessment of behavioural and psycho-emotional aspects. *Thirdly*, specialists with a narrow, situation-specific focus, whose involvement is determined by the

specifics of a particular criminal offense and the need to perform certain tasks that necessitate the use of specific expertise²⁷. That is why, guided by the above classification, we suggest dwelling on the analysis of the investigation/trial practice of criminal offenses involving smuggling.

Primarily, it should be emphasized that the role of specialists is of crucial importance in the forestry sector and in cases of illegal movement across the customs border of Ukraine of timber materials prohibited for export without appropriate certification. For instance, in case No. 938/536/24, an involved specialist was pivotal at the stage of customs control during the inspection of a batch of lumber intended for export. The specialist conducted a detailed visual and technical analysis of the wood, taking into account the professional characteristics typical of certain species and varieties of timber: colour palette, heartwood structure, occurrence of resin pockets, specific knot characteristics, colour characteristics, condition of bark, and nature of lumber processing. As a result of applying specific expertise in the field of dendrology and woodworking technology, the specialist was able to reasonably conclude that part of the wood did not correspond to the species-specific wood characteristics outlined in the certificate and customs documents and was actually unrecorded forest products. This later became the basis for the customs authority to draw up a protocol on breaches of customs rules and the initiation of criminal prosecutions for attempted smuggling. The investigating authorities used the data obtained with the participation of a specialist to appoint a forensic commodity examination. According

26 Куриленко Д. В. Знач. твір. С. 12. URL: <https://dspace.univd.edu.ua/server/api/core/bitstreams/6f82595b-1d94-4b6e-9ca8-8903b4b79b7c/content> (date accessed: 07.11.2025).

27 Кувшинов О. Д. Знач. твір. С. 241. URL: <https://dnuvs.ukr.education/wp-content/uploads/2025/02/dysertacziya-kuvshynov-o.d.pdf> (date accessed: 07.11.2025).

to the expert opinion, the specialist's initial conclusions were that part of the wood did not comply with regulatory documents. This assessment provided evidence to qualify the act under Art. 201-1 of the Criminal Code of Ukraine²⁸ (hereinafter referred to as *the CC of Ukraine*)²⁹. In this way, the specialist's participation ensured the accuracy and scientific validity of the initial recording of factual data. This affected the subsequent evidentiary value and made it possible to identify the hidden, misdeclared part of a product. The specialist's conclusions were key to establishing the method of concealing illegally obtained forest products, determining the volume of unaccounted timber, and identifying the mechanism by which it was added to the general export lot. Ultimately, information established by the specialist formed the basis for finding the accused guilty, ensured the conclusion of a plea agreement and the imposition of an agreed punishment³⁰.

Similarly, in case No. 715/987/21, forestry specialists identified seized logs by species, size, and quality, determined their assortment, and calculated their share of the total lot pursuant to the technical conditions. The engaged specialist further substantiated the characteristics of the wood and pointed to the absence of significant defects during the initial inspection. This was essential for assessing the credibility of further expert opinions³¹.

Having analysed court verdicts passed in criminal proceedings on charges of timber smuggling (Pt. 2 of Art. 15, Pt. 1 of Art. 201-1 of the CC of Ukraine³²), we are in a position to confirm that specialists are systematically involved during pre-trial investigation and customs control. All investigated cases fall into the category of criminal offenses in the economic sector and are related to the transfer of lumber across the customs border of Ukraine without proper documentary confirmation of its origin.

In the course of criminal proceedings, participation of specialists with diverse expertise is documented specifically during scene inspection, including participation of customs specialists and employees of state forestry agencies. During such inspections, specialists fulfil technical tasks related to the complete unloading and inspection of timber, conducting measurements, determining the actual volume of wood, and analyzing its external characteristics. These actions were instrumental in carrying out technical and oversight functions by the specialist and establishing correspondence between the vehicle's contents and the certificates of origin, invoices and consignment notes.

Forestry specialists, who are predominantly employees of state-owned enterprises of regional forestry branches, provide advisory assistance, which involves carrying out diagnostic tasks related to

28 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: 25.10.2025).

29 Вирок Верхов. райсуду Івано-Франк. обл. від 17.06.2024 р. Справа № 938/536/24. Провадж. № 1-кп/938/106/24 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/119765051> (date accessed: 07.11.2025).

30 Вирок Верхов. райсуду Івано-Франк. обл. URL: <https://reyestr.court.gov.ua/Review/119765051> (date accessed: 07.11.2025).

31 Вирок Глибоц. райсуду Чернів. обл. від 28.07.2023 р. Справа № 715/987/21. Провадж. № 1-кп/715/3/23 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/112478006> (date accessed: 07.11.2025).

32 Кримінальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 25.10.2025).

identifying wood species, verifying correspondence between morphological features and documents, and determining the amount of unaccounted lumber. Their involvement helped confirm that wood not listed in the certificate of origin had been mixed or loaded. This also lays the groundwork for initiating qualified research by forensic commodity experts in order to determine the market value, volume, and compliance of cargo with the regulatory documentation supporting it.

The measures taken during urgent investigative (search) actions by specialists included forming independent procedural sources of evidence necessary to qualify the actions as a completed attempt to transfer timber while evading customs control, i.e., providing a preliminary legal assessment of an incident. The main signs of offence are detected and recorded by a specialist: use of documents with unreliable data, inconsistency of actual wood characteristics with those declared in certificates, presence of unaccounted-for lumber and attempts to export it. In all criminal proceedings, specific expertise played a key role in establishing factual circumstances, which were verified primarily through the appointment of corresponding forensic analyses.

Therefore, the studied case law shows that an efficient investigation of criminal offenses involving illegal timber trafficking is impossible without the organized participation of specialists capable of providing technical, diagnostic, control, advisory support for investigative (search) and procedural actions.

Involving specialists in the investigation of cultural valuables smuggling is common. An art historian holds a key role in this case. According to the study of investigative and case law practice, this well-versed per-

son cannot be considered a forensic expert; however, he or she is engaged for technical, advisory and organizational-tactical assistance to law enforcement agencies during investigative (search) actions. In essence, such crimes involve transferring objects that may be of historical, artistic, ethnographic, or cultural value, and therefore require prompt identification, estimation of originality, and determination of relevant inherent characteristics.

Oftentimes, art historians are employees of museum institutions, research institutes of culture, state reserves or leading art history centres who are qualified in attribution of artworks, determination of their stylistic features, time of creation, artistic techniques, and origin. Participation of these specialists in investigative (research) actions primarily fulfils the specialist's technical and analytical roles: they help identify cultural valuable on the spot, verify or refute its historical and cultural value in advance, and bring signs of forgery, restoration intervention, or illegal origin of an object to the attention of investigating authorities.

Such specialists can be engaged in the inspection of crime scenes, inspection of international postal shipments, vehicles, warehouses, antique items, and provision of advice to the investigator on the adequate recording and packaging of art objects in order to avoid damaging them and ensure proper conditions for conducting subsequent examinations of the discovered items. The accurate version of the object's nature, its probable value, authenticity, and cultural significance, is developed with the help of their explanations and advice. This substantially affects the qualification of the act under Art. 201 of the CC of Ukraine ³³).

33 Кримінальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 25.10.2025).

Furthermore, an art historian fulfils an organizational and tactical function, contributing to the choice of the right algorithm for further procedural actions: determining the need to seize an object, feasibility of involving an expert in the relevant field, the need to refer to international catalogues for stolen and missing cultural property, as well as assessing the risk of illegal movement of rarities that are under state protection. Such participation enhances the efficiency of a pre-trial investigation, as it helps to avoid situations where acquiring the cultural value status is either too slow or inaccurate.

When addressing the smuggling of weapons and special technical means (Pt. 1 of Art. 201 of the CC of Ukraine), including additional qualification pursuant to Art. 263 of the CC of Ukraine (*Unlawful handling of weapons, ammunition or explosives*³⁴), we can single out the following typical objects (crime subject matter): parts of rifled firearms, ammunition of various calibres, propellant-type explosives. This necessitates the involvement of specialists who are able to determine whether detected items belong to the category of weapons components, evaluate their functional properties, signs of suitability for shooting, and also identify possible ways of their covert movement.

Under such circumstances, specialists representing customs units, as well as weapons experts and ballisticians, are involved in an investigation. The latter engages in the initial inspection, actual detection of hidden parts of the weapon, and the recording of identified signs indicating belonging to the components of rifled

firearms. These actions involve technical assistance to law enforcement agencies in identifying, recording, and preliminary analysing items that may constitute goods prohibited from moving across the border.

It should be pointed out that activities of customs specialists also contribute to the preventive function. It is thanks to their participation that the design features of weapon parts are documented, allowing the customs authority to delay the shipment and submit materials to the SSU. What is more, specialists ensure proper organization of covert investigative (search) actions: oversight over the commission of a crime involving the controlled receipt of a parcel by the prosecution. Therefore, their participation is valuable not only from a technical perspective, but also from an organisational and tactical one. It strengthens the investigative authorities' capabilities in documenting the process of smuggling and recording its actual receipt by the addressee³⁵.

For this reason, in cases of arms smuggling, involvement of specialists, primarily from customs authorities, enhances the efficiency of decision-making, guarantees that both technical and organizational-tactical components of assistance to the investigation are executed, which, consequently, makes it possible to timely detect, document and stop the illegal movement of weapons across the state border.

Conclusions

The research has demonstrated that the efficiency of a pre-trial investigation of criminal offenses involving smuggling is

34 Кримінальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 25.10.2025).

35 Вирок Оболон. райсуду м. Києва від 27.04.2023 р. Справа № 756/14469/21. Провадж. № 1-кп/756/613/23 / ЄДРСР : вебсайт. URL: <https://reyestr.court.gov.ua/Review/110671189> (date accessed: 07.11.2025).

directly linked to the systematic and professionally organized involvement of specialists from diverse fields. A specialist in criminal proceedings does not serve as a secondary subject, but rather as the main element of the proof mechanism. He/she is capable of providing the appropriate level of technical-criminological, analytical and organizational-tactical support for procedural activities. Legislative settlement of his/her legal status, as well as corresponding analysis of departmental regulations, presupposes not only the formal involvement of a well-versed person, but also the meaningful use of his/her competence at all stages of criminal proceedings: from discovery of an event to development of an evidentiary basis.

In the context of smuggling, specialist participation helps establish circumstances necessary to qualify an act according to the relevant articles of the codes, and opinions obtained serve as the foundation for procedural decisions and the driving motivation for further expert research.

Investigating timber smuggling is frequently associated with the involvement of forestry specialists. They play a pivotal role in primary identification of wood, determination of its species, assortment and actual volume. All these processes substantially facilitate the detection of substitution or re-loading of unaccounted-for products.

Participation of art historians is indispensable in proceedings involving the smuggling of cultural valuables. They ensure quick attribution of objects, determination of their cultural and historical value, identification of forgery signs, as well as procedurally correct documentation of cultural property in the protocol, which affects the qualification of an act under Art. 201 of the CC of Ukraine.

In cases involving illegal movement of weapons and ammunition, specialists rep-

resenting customs units, as well as weapon experts and ballisticians, ensure prompt identification of weapon parts, establishment of their functional characteristics, and recording of signs that testify to their status as objects of restricted trafficking. These have a direct impact on the seizure of dangerous objects and the organization of further covert investigative (search) actions.

Having summarized the law application practice, we have reasons to conclude that participation of specialists ensures:

- 1) completeness and accuracy of identifying actual circumstances of a crime;
- 2) corresponding documentation of physical sources of evidence;
- 3) prompt response to the actions of offenders who utilize complex technical or logistical concealment methods;
- 4) strengthening of the evidentiary value of collected information;
- 5) formulation of accurate investigative versions and optimization of subsequent investigation tactics.

This underscores the necessity of developing uniform methodological guidelines for the participation of specialists in criminal proceedings involving smuggling investigations, and the need for improving interagency cooperation, and systematically developing the expertise of specialists who provide scientific and technical assistance to investigations.

Залучення спеціалістів до розслідування контрабанди

**Юрій Ковальов,
Андрій Федотенко**

Мета статті — визначити типові форми участі спеціалістів у кримінальних провадженнях щодо розслідування кон-

трабанди й окреслити їхню роль у забезпеченні ефективності доказування залежно від предмета злочину (лісоматеріали, культурні цінності, зброя та боєприпаси). Для реалізації поставленої мети застосовано загальнонаукові (аналіз і синтез, індукція і дедукція) та спеціальні (діалектичний, системно-структурний, порівняльно-правовий і узагальнення) методи. З'ясовано, що спеціаліст у кримінальному провадженні є основним суб'єктом техніко-криміналістичного, аналітичного й організаційно-тактичного забезпечення, а його участь виходить за межі суто консультативної допомоги, охоплюючи активне сприяння під час проведення слідчих (розшукових) і негласних слідчих (розшукових) дій. На підставі узагальнення судової практики з'ясовано, що у справах про контрабанду лісоматеріалів визначальну роль відіграють спеціалісти в галузі лісового господарства, у провадженнях щодо контрабанди культурних цінностей — мистецтвознавці, а у справах про незаконне переміщення зброї — представники митних органів, зброезнавці й балісти. Показано, що саме їхні висновки та дії забезпечують належну ідентифікацію предметів, виявлення способів приховування, формування слідчих версій і ініціювання подальших експертних досліджень. Перспективи вдосконалення залучення спеціалістів до розслідування контрабанди пов'язані з розробленням єдиних методичних рекомендацій, посиленням міжвідомчої взаємодії, модернізацією матеріально-технічної бази та системним підвищенням кваліфікації фахівців, що сукупно сприятиме підвищенню повноти, точності й доказової сили зібраних відомостей у цій категорії кримінальних правопорушень.

Ключові слова: криміналістичне забезпечення; досудове розслідування; контрабанда; спеціальні знання; спеціаліст.

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The authors declare no conflict of interest.

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