Inspection of Documents Detailing the Mechanism of Unlawful Conduct by Professional Participants in Proceedings

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The Article Purpose is to determine particularities of inspecting and analysing paper and electronic documents as sources of information about the mechanism of unlawful conduct by professional participants in proceedings during the investigation of criminal offenses against justice. To meet this goal, a variety of general scientific, special legal, and philosophical methods have been employed, which made sure there was a systematic approach to studying documents as carriers of evidence in the context of proceedings digitalisation. It has been substantiated that inspection of documents is derivative and objective in nature and is carried out within the framework of a uniform legal procedure for inspection stipulated by Art. 237 of the Criminal Procedure Code of Ukraine. The paper determines permissible sources of document origin that may be subjected to inspection: voluntary provision by participants in proceedings, temporary access to documents, and seizure during searches. The last one is the most common method of obtaining access to and seizing documents in cases of this category. A classification system for typical objects of inspection (procedural documents of the prosecution, documents

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relating to the exercise of the right to defence, materials and digital records of automated systems, restricted-access official documents, internal official correspondence, and other organizational and administrative materials) has been discussed. It has been generalized that documents can be either forged (containing signs of material or intellectual forgery) or formally authentic without external signs of falsification, but unlawful in terms of content or functional purpose within the mechanism of abuse. Emphasis is placed on particularities of inspecting electronic documents and computer data: the need to engage a specialist, record metadata and event logs, ensure consistency in digital information, and properly document results in line with procedural requirements. Research findings will be of practical use in refining tactical recommendations for document inspection and enhancing a proof procedure in criminal proceedings concerning crimes against justice committed by professional participants in proceedings.

Keywords: *justice; investigative (search) action; inspection; document; electronic document; investigative tactics.*

Research Problem Formulation

Professional participants in proceedings—judges, prosecutors, lawyers, investigators, and other parties vested with procedural authority—fulfil duties closely related to the observance of principles of the rule of law, lawfulness, and justice. Their legal status stipulates special rights, duties, and guarantees of independence designed to ensure the effective administration of justice and the safeguarding of human rights.

Meanwhile, the practice of bringing individual members of this group to criminal liability is inextricably linked to unlawful actions that pose a heightened danger to society. The specific nature of these offenses lies in the fact that they are often perpetrated by individuals who exploit their official position, have access to procedural information, and are able to affect participants in proceedings and the course of a trial. In this area unlawful conduct is generally complex and multi-layered, involving a combination of formally lawful procedural decisions and covert unlawful actions and thereby making it difficult to detect and document such actions in a timely manner.

The procedure for these activities is set out in various types of documents: procedural decisions and records, rulings, other materials of criminal proceedings; expert opinions; official inspection reports; court decisions; analytical reports, etc. A specific dataset may be captured in electronic documents and records represented in electronic information systems, such as the Unified Register of Pre-trial Investigations (hereinafter referred to as the *URPI*). Such data are contained in the automated case assignment among judges, and in the electronic document management system of pre-trial investigation authorities and courts, etc. It is precisely such information arrays that often contain traces of interference, manipulation, or

abuse, which are of significant evidentiary value for establishing the method, stages, and conditions contributing to the execution of criminal intent.

Documents, as tangible data media, record the sequence of actions, decisions made, their rationale, and consequences. They can be used to reconstruct the mechanism of unlawful conduct. At the same time, the present-day conditions of proceedings digitalisation necessitate the examination not only of printed documents, but also of electronic data, metadata, log files, and other digital traces that may testify to the nature and manner of unlawful intent.

Despite this, academic research focuses predominantly on the classification of individual crimes or on procedural aspects of proof, while the issue of systematic analysis of documents as a source of information about the mechanisms of unlawful conduct by professional participants in proceedings remains inadequately developed. Specifically, there is no comprehensive approach to the tactics of inspecting and analysing both traditional (paper) and electronic documents that circulate within state information systems.

In view of the above, there is a need for a comprehensive study of documents detailing the mechanism of unlawful conduct by professional participants in proceedings, with the determination of their information potential, forensic characterizations, and the development of recommendations on tactics for inspecting paper and electronic documents. It is precisely these aspects that constitute the scientific issue determining the relevance of our research.

Article Purpose

Delineate particularities of inspecting and analysing paper and electronic documents as sources of information about the mechanism of unlawful conduct by professional participants in proceedings during the investigation of criminal offenses.

Research Methods

Methodological framework of the study was developed with consideration of the purpose and objectives of the article and presented as a set of interrelated general scientific, special legal, and philosophical methods. These methods were employed to conduct a comprehensive and systematic analysis of documents as information sources about the mechanism of unlawful activities perpetrated by professional participants in proceedings and enabled the development of practical recommendations on the tactics for inspecting paper and electronic documents.

Analysis and synthesis took the leading place in the structure of methods. Through analysis, the main components of the unlawful conduct mechanism were identified, as outlined in documents (procedural decisions, records, rulings, case materials, official correspondence, electronic records, and information system logs), and groups of documents that are most often inspected were systematized. Synthesis facilitated the generalization of identified patterns and the development of a comprehensive model for a tactical approach to document inspection.

Induction was applied to formulate general conclusions based on summarising practical observations regarding methods of obtaining documents in proceedings of this category and to delve into common manifestations of manipulation with documentary information. In the present-day context of proceedings digitalisation, deduction made it possible to verify theoretical provisions of forensic tactics by correlating them with the pro-

cedural nature of document inspection, which is a type of inspection set out in Art. 237 of the Criminal Procedure Code of Ukraine [1] (hereinafter referred to as the *CPC of Ukraine*), as well as with features of digital evidence.

Systemic-structural method was employed to determine interconnections between the legal status of a professional participant in proceedings, his/her procedural powers, access to information resources, and the nature of documentary evidence of unlawful conduct.

Formal-legal method proved useful for analysing regulations that determine the procedural format of document and computer data inspection, limits of permissible access to documents, and establish correlation between inspection and other procedural instruments (search, temporary access to items and documents).

Logical and legal method helped to construct a consistent argumentation regarding the forensic significance of documents in reconstructing the mechanism of unlawful conduct, in distinguishing between technical and intellectual forgery, and in justifying the need to combine formal analysis of details with substantive and chronological analysis of documents. It was this very method that enabled the identification of typical logical contradictions, inconsistencies in time parameters, and discrepancies in documents, which are deemed to be possible manipulation markers.

Comparative method was utilized to compare tactical approaches to inspecting paper and electronic documents. Theoretical and empirical framework of the study involves the processing and generalization of case materials from investigative and judicial practices, as well as the analysis of typical documents and digital records used in criminal proceedings against professional participants in proceedings. This provided a practical basis for drawing conclusions about the most common groups of documents, for defining typical ways of obtaining such documents, and for assessing common risks associated with the distortion of documentary information.

The combination of these methods enabled us to formulate theoretically sound and practically relevant conclusions about information potential of documents in proceedings within this category and to develop recommendations on tactics for inspecting paper and electronic documents, with due consideration given to the digitization of proceedings and the risks of data manipulation.

Analysis of Essential Researches and Publications

The issue of inspecting documents as a source of information falls traditionally within the ambit of forensic tactics and technology. Ukrainian scientists have developed theoretical guidelines for examining written and electronic documents, as well as specific recommendations for identifying signs of forgery and falsification. The following scholars have made significant contributions to the study of documents as physical data media: H. Avdieieva, T. Bezsonna, S. Honhalo, A. Ishchenko, N. Klymenko, N. Komissarova, O. Oderii, M. Saltevskyi, V. Sezonov, K. Chaplynskyi, V. Shevchuk, V. Shepitko, et al. The legal theoreticians have elaborated on forensic characterizations of documents, mechanisms of their creation, and the methodology for detecting traces of intellectual and technical forgery. Their

1 Кримінальний процесуальний кодекс України від 13.04.2012 р. № 4651-VI (зі змін. та допов.). URL: https://zakon.rada.gov.ua/laws/show/4651-17#Text (date accessed: 25.01.2026).

papers interpret a document as a complex system of details and substantive elements that represent not only information but also the way it is formed.

Current evolutions in the judiciary, digitization of procedural procedures, and introduction of electronic document management have led to the emergence of new research avenues. Issues related to the examination of electronic documents, their metadata, digital traces, and falsification mechanisms are addressed within the scope of digital forensics. These aspects have been the focus of research by H. Avdieieva [2], A. Amelina and A. Serednia [3], A. Kovalenko [4], V. Lysenko [5], R. Stepaniuk and S. Perlin [6], V. Shepitko and M. Shepitko [7], V. Shevchuk [8], M. Shcherbakovskyi and V. Sezonov [9], and others.

Currently, analysis of scientific sources shows that most studies are devoted either to general issues of forensic document examination or to the common issue of electronic evidence. However, the mechanism of unlawful conduct by professional participants in proceedings as a specific object of forensic document analysis is still underdeveloped. There are hardly any multidisciplinary studies in which the tactics of inspecting paper and electronic documents are considered through the prism of reconstructing abuses in the field of justice and pre-trial investigations of criminal offenses.

Accordingly, despite significant achievements in the field of forensic examination of documents and digital evidence, document inspection tactics as a means of detecting signs and traces of unlawful conduct by professional participants in proceedings requires further systematic development. This justifies the

2 Avdeeva G. Technological breakthrough in criminalistics and forensic examination: new horizons. *Archive of Criminology and Forensic Sciences*. 2025. Vol. 11. No. 1. Pp. 100—110. DOI: 10.32353/acfs.11.2025.06 (date accessed: 19.01.2026).

3 Амеліна А. С., Середня А. І. Проведення слідчого огляду документів при розслідуванні кримінальних правопорушень у сфері господарської діяльності. *Науковий вісник Ужгородського національного університету. Серія: Право.* 2021. Вип. 67. С. 262—266. DOI: 10.24144/2307-3322.2021.67.50 (date accessed: 19.01.2026).

4 Коваленко А. В. Організація і тактика проведення огляду комп'ютерних даних. *Науковий вісник Херсонського державного університету. Серія «Юридичні науки».* 2023. № 4. С. 53—58. DOI: 10.32999/KSU2307-8049/2023-4-9 (date accessed: 19.01.2026).

5 Лисенко В. В. Проблеми практики вилучення органами досудового розслідування речей і документів у суб'єктів господарювання. *Вісник Луганського державного університету внутрішніх справ імені Е. О. Дідоренка.* 2023. Вип. 1 (101). С. 269—287. DOI: 10.33766/2524-0323.101.269-287 (date accessed: 19.01.2026).

6 Степанюк Р. Л., Перлін С. І. Цифрова криміналістика й удосконалення системи криміналістичної техніки в Україні. *Там само.* 2022. Вип. 3 (99). С. 283—284. DOI: 10.33766/2524-0323.99.283-284 (date accessed: 19.01.2026).

7 Шепітько В., Шепітько М. Доктрина криміналістики та судової експертизи: формування, сучасний стан і розвиток в Україні. *Право України.* 2021. № 8. С. 12—27. DOI: 10.33498/louu-2021-08-012 (date accessed: 19.01.2026).

8 Шевчук В. М. Європейський вектор розвитку сучасної криміналістики. *Адаптація правової системи України до права Європейського союзу: теоретичні та практичні аспекти* : мат-ли VI Всеукр. наук.-практ. конф. (Полтава, 29.09.2022). Полтава, 2022. С. 325—327.

9 Щербаковський М., Сезонов В. Збирання та дослідження електронних документів із застосуванням спеціальних знань. *Теорія та практика судової експертизи і криміналістики.* 2024. Вип. 3 (36). С. 10—23. DOI: 10.32353/khrife.3.2024.02 (date accessed: 19.01.2026).

relevance and scientific validity of our research.

Main Content Presentation

Document inspection is a type of review, rules for which are set out in Art. 237 of the CPC of Ukraine [10]. This article defines the standard legal procedure for inspection. This procedure involves the inspection of area, premises, items (excluding corpses).

Pursuant to regulatory provisions and for the purpose of identifying and recording information about circumstances of a crime, investigator or public prosecutor shall carry out visual inspection of the area, premises, items and documents to find and record the information relating to the commission of a criminal offence [11]. Having meticulously analysed Parts 2–7 of Art. 237 of the CPC of Ukraine, we stand by the statement above [12]. All procedural guarantees, the procedure for the participation of persons, the rules for recording results, the possibility of seizing items and documents, the use of technical means, as well as the powers of the investigator ensuring the proper conduct of an action are specifically intended for inspection, which is viewed as a unified investigative (search) action. No distinction is made by the law between procedures depending on whether the object is an area, an item, or a document. Therefore, in this legal rule, documents are considered not as a separate subject of an individual procedural action, but as one of its objects.

Even the provisions of Pt. 5 of Art. 237 of the CPC of Ukraine, mentioning the option of *"seizure... of items and documents"*, confirm that a document is considered a type of inspection object, rather than a ground for a separate legal procedure. Furthermore, the law stipulates that seized documents are subject to immediate inspection and sealing, i.e., the legislator ties their examination specifically to the inspection procedure, rather than to any other action.

Amendments to the CPC of Ukraine [13], introduced by Law No. 2137-IX of 15 March 2022 [14], deserve special attention, as computer data have been added to the list of objects subjected to inspection and the procedure for presenting them in the record of inspection has been specified in detail. However, the legislator did not single out a new additional investigative (search) action, but only clarified the specific nature of conducting inspections of individual objects: digital data. This approach demonstrates the preservation of a single procedural construct for inspections with object variability.

Therefore, document inspection is derivative and objective in nature: its procedural nature is strictly defined by the overall framework of inspection set out in Art. 237 of the CPC of Ukraine [15]. It is

10 Кримінальний процесуальний кодекс ... . URL: https://zakon.rada.gov.ua/laws/show/4651-17#Text (date accessed: 25.01.2026).

11 Там само.

12 Там само.

13 Там само.

14 Про внесення змін до Кримінального процесуального кодексу України та Закону України «Про електронні комунікації» щодо підвищення ефективності досудового розслідування «за гарячими слідами» та протидії кібератакам : Закон України від 15.03.2022 р. № 2137-IX. URL: https://zakon.rada.gov.ua/laws/show/2137-20#Text (date accessed: 25.01.2026).

15 Кримінальний процесуальний кодекс ... . URL: https://zakon.rada.gov.ua/laws/show/4651-17#Text (date accessed: 25.01.2026).

not an independent investigative (search) action: it is a formal type of inspection depending on examination subject. Accordingly, tactical considerations of document inspection do not alter its legal procedure, but only specify the content of the investigator's activities in terms of the procedure already defined by law. This is of fundamental importance for the correct distinction between document inspection and other investigative (search) actions, in particular searches and temporary access to items and documents.

When discussing tactical aspects of document inspection, one cannot ignore the admissible sources of origin of such documents. Only those documents to which the prosecuting party has already obtained legal access or which have been voluntarily submitted by participants in criminal proceedings may be subjected to inspection. Therefore, this conclusion is logical following a systematic interpretation of the provisions of the CPC of Ukraine governing the methods of obtaining items and documents.

If documents are in possession of a person who does not provide them voluntarily, they can only be obtained through a procedure of temporary access to property and documents or through a search. In other words, inspection is not a standalone basis for entering a person's premises or forcibly seizing documents. Inspection is exploratory in nature, not search-oriented. If the defence counsel, the victim, or other participants in criminal proceedings voluntarily provide documents, they shall be examined by means of an inspection in conformity with Art. 237 of the CPC of Ukraine, with mandatory procedural recording of their content, details, and external features [16]. Such an inspection serves to formally record evidentiary information.

In situations where documents are seized during other investigative (search) actions on legal grounds (for example, during a search or arrest), their further examination is also carried out in accordance with the procedure specified in Pt. 5 of Art. 237 of the CPC of Ukraine [17]. Therefore, inspection in such cases is a logical continuation of the procedural action already taken, rather than a separate means of accessing information.

It is worth noting that documents seized during the execution of an investigating judge's ruling on temporary access to items and documents are also to be inspected. Temporary access procedure is intended to ensure lawful acquisition of documents held by individuals or legal persons. This being said, temporary access does not replace the investigative stage in the procedural scrutiny of documents. After the documents have been received, they need to be recorded, their details, content and external features should be analysed, and this information is to be entered in the record of inspection. It is at this stage that inspection framework must be utilised as per Art. 237 of the CPC of Ukraine [18].

Thus, temporary access serves to legitimise the receipt of documents, while inspection ensures their procedural scrutiny and recording of evidentiary information. These are procedural instruments that differ in their legal nature but are functionally interrelated.

This aligns with the rationale of Pt. 5 of Art. 237 of the CPC of Ukraine, accor-

16 Кримінальний процесуальний кодекс … . URL: https://zakon.rada.gov.ua/laws/show/4651-17#Text (date accessed: 25.01.2026).

17 Там само.

18 Там само.

ding to which seized items and documents are subjected to immediate inspection and sealing [19]. Although this rule is closely related to the general inspection procedure, its content also extends to documents obtained during other procedural actions, in particular temporary access. In fact, in such cases, inspection is the next mandatory stage in working with documents that have already acquired the procedural status of potential evidence.

Therefore, inspection of documents seized during temporary access to items and documents is designed to ensure the collection of evidence and is carried out with the aim of properly recording content of documents, verifying their integrity, determining their authenticity, and temporarily seizing them for the purpose of examination and use in criminal proceedings. Roughly speaking, this approach ensures procedural balance: compulsory access to documents is only possible upon court authorisation, and their subsequent examination is carried out within the framework of the general inspection procedure, an investigative (search) action.

Study of criminal case files involving professional participants in proceedings demonstrates that, in practice, documents are most often seized during searches. This approach is due to the specific nature of unlawful conduct in the justice system. Documents reflecting such actions are usually not handed over voluntarily and are not publicly accessible. Conversely: they can be hidden, stored in official archives, safes, on work computers or other data media with restricted access. Given the potential risks, interviewed investigators from the State Bureau of Investigations as well as employees of the prosecutor's office have determined that temporary access to items and documents cannot be viewed as a viable measure. Simultaneously, even if documents are seized during a search, they should undergo further procedural scrutiny in accordance with Art. 237 of the CPC of Ukraine [20]. Searches serve to forcibly locate and seize documents, while inspections ensure that they are recorded, their content is analysed, and they are given the status of evidence.

When investigating criminal offences against justice committed by professional participants in proceedings, objects of inspection are most often documents that outline and reflect procedural activities of relevant actors and record the exercise of their official or professional powers. We propose to combine typical objects of inspection into the following groups:

1) Procedural documents drawn up by the prosecution during a pre-trial investigation. These include the arrest report, notice of suspicion, motion for preventive measures, reports of investigative (search) actions, indictments, etc. Such documents are the pivotal elements in proceedings under Arts. 371 and 372 of the CC of Ukraine [21], as they record decisions on the restriction of liberty or the bringing of a person to criminal liability.

   A separate subgroup includes interrogation records and their appendices (audio and video recordings). They are paramount in cases involving coercion to testify, as these

19 Кримінальний процесуальний кодекс … . URL: https://zakon.rada.gov.ua/laws/show/4651-17#Text (date accessed: 25.01.2026).

20 Там само.

21 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: 25.01.2026).

documents may outline certain observations made by the interrogated individual regarding the compiled document;

2) Documents compiled by other persons, institutions and organisations and pertaining to the provision of legal aid. These include, inter alia, orders issued by the free legal aid office, records explaining the right to counsel, statements waiving the right to a defence counsel, court session journals, court rulings, etc.;
3) Documents and electronic data relating to the functioning of automated systems in the field of justice. These include registration logs in automated court document management systems, access log files, case distribution data, electronic records in the URPI, and electronic procedural documents with metadata;
4) Official materials of criminal proceedings, correspondence, extracts from the URPI, procedural documents marked as restricted access, receipts, as well as internal use documentation. They are usually drawn up when a person is notified of the prohibition on disclosure of information relating to pre-trial investigations and operational (search) activities, and are also associated with the application of security measures against a person;
5) Other documents (official visitor logs; internal official correspondence; drafts of procedural documents and their rough drafts; orders, instructions and management orders; staff or disciplinary documents, where they are relevant to the subject of proof).

It can be summarised that it is most often official procedural documents that are subject to inspection, which record the exercise of powers by professional participants in proceedings, as well as electronic documents and official materials outlining the actual decision-making. It is these documents that contain information about lawfulness or unlawfulness of actions of the relevant authority, chronological sequence of decision-making, its content, and legal procedure.

Consequently, in this category of criminal proceedings, a document is more than just a source of information; it is a direct reflection of the mechanism of unlawful conduct, determining its leading role as an object of inspection and proof.

Documents that are subjected to inspection during investigations of crimes against justice may differ in their forensic nature. They can contain signs of complete or partial forgery, or they might be formally authentic, without any technical defects or signs of falsification.

Sometimes a document is subject to technical or intellectual forgery. This involves entering false information into the record of investigative actions, changing dates of their compilation, backdating documents, amending without proper certification, forging signatures of participants in criminal proceedings, manipulating electronic file metadata, interfering with automated document management systems, etc. The purpose of inspecting such documents is to identify signs of forgery.

Scientists have rightly pointed out that among methods of detecting intellectual forgery, logical analysis of a document's content, as well as comparing it with well-known facts and circumstances established during pre-trial investigations, holds a central place. This involves not only formal reading of text, but also its holistic analysis, taking into account all evidence gathered. The significance of an in-depth

substantive analysis of a document is due to its nature: a document is a materialised form of human thought, a means of recording the will and intellectual activity of a specific person. It embodies both the information about the event and the author's interpretation of it. That is why a thorough study allows us to trace the author's logic, identify internal contradictions, assess his/her actions, and determine whether the information presented corresponds to actual circumstances of a case.

Logical analysis applies not only to the text of a document, but also to its external design. The investigator must carefully examine all available evidence: structure of a document's narrative, style, terminology, sequence of the document's details, their completeness and compliance with procedural requirements. At the same time, formal validity of a document does not guarantee its authenticity.

We also agree with I. Smal that when examining documents, it is essential to consider behavioural psychology of a person who has prepared a document. Current practice indicates a lack of sufficient recommendations for detecting forgeries due to missing or incorrectly filled details. On the contrary, sometimes a forged document looks more "flawless" than an authentic one. Aware of the unlawful nature of their actions, individuals may demonstrate increased diligence, carefully reproducing the form, structure and even stylistic features of official documents in an effort to convey a convincing illusion of lawfulness [22].

Therefore, intellectual forgery is rarely detected using only formal criteria. Its detection requires a holistic approach combining logical, substantive, comparative, and psychological analyses of a document with other pieces of evidence in criminal proceedings.

The situation is much more challenging from a proof perspective when a document does not contain any external or technical signs of forgery but reflects an unlawful decision or action. In this situation, procedural documents that adhere to all legal formalities but are substantively unlawful often come into play. For instance, the resolution to bring a knowingly innocent person to criminal liability or the ruling to impose a preventive measure in the absence of sufficient grounds may be duly executed, contain all necessary details, be signed by an authorised person and registered in the agreed-upon manner. However, this does not exclude criminal and unlawful nature of this document.

Under such circumstances, unlawfulness lies not in the technical forgery of a document, but in the abuse of authority, deliberate distortion of facts, conscious disregard of evidence, or artificial creation of evidentiary basis. In this case, the document becomes a means of enforcing an unlawful decision, rather than a forged imitation of it.

The following factor should not be overlooked: there may be situations where a document is entirely authentic and corresponds to actual circumstances, but is used unlawfully as part of a mechanism to legalise unlawful conduct. Official letters, reports, and motions, for example, may represent real procedural actions, but their totality and sequence testify to a premeditated intention to create a formal illusion of lawfulness.

In other words, investigations into criminal offences in these categories typically involve situations where a document may be:

22 Смаль І. В. Методика розслідування підроблення проїзних квитків : дис. … канд. юрид. наук. Донецьк, 2007. С. 96.

1) Subject to forgery (technical or intellectual);
2) Formally genuine, but containing knowingly false information;
3) Completely authentic, but serving as an instrument for enforcing an unlawful decision. This necessitates a multifaceted approach to its inspection. The examination should not be limited to inspecting details, signatures, or integrity of forms. Of decisive importance are content analysis of a document, its comparison with other materials of criminal proceedings, verification of the decision-making chronology, consistency with facts, procedural logic and legal requirements.

With regard to material document forgery, it is important to note that during inspection of documents, identification and examination of their individual features is first and foremost carried out by means of direct observation, i.e., visual perception. Although, ordinary visual inspection has its limitations. When examining documents with the naked eye, it is nearly impossible to detect small and microscopic details (in particular, features of strokes, variations in writing instrument pressure, paper micro-defects, minor differences in dye shades, or sequence of execution of document details). That is why, in order to properly identify and record such signs, it is necessary to use special scientific and technical means and techniques developed by criminalistics. These include the use of magnifying equipment, various lighting modes (oblique, ultraviolet, infrared) and high-resolution digital recording, as well as other methods that enable micro-level document examination [23]. Therefore, thorough document inspection involves combining initial visual analysis with the use of special forensic tools that enable the detection of hidden or subtle signs that may be of significant importance for further investigation.

Particularities of inspecting electronic documents are due to their intangible nature, specific storage and reproduction, and the possibility of quick modification or destruction. Regarding computer data examination, scientific literature highlights the following aspects: an electronic document lacks independent physical existence; a document is inherently informational and stored on a physical medium as a digital code, therefore inspection actually covers studying document content as well as technical characteristics of a medium, software environment in which it was developed or opened, and terms of access to the medium. This necessarily requires engagement of an information technology (IT) expert.

The principle of data immutability is of top priority. During inspection, the risk of information modification must be minimal. It is advisable to use specialized technical means for copying (creating bit-by-bit copies, medium images), screen capture, and logging system parameters. Any opening, editing, or saving of a file may alter its metadata, potentially affecting further investigation of these objects.

When inspecting an electronic document, research subject is both the text and graphic content of a document, as well as its metadata: date and time of creation and last editing, authorship, revision history, digital signatures, electronic identifiers, IP addresses, etc. It is these technical attributes that often enable the actual cir-

23 Степанюк Р. Л., Гусєва В. О., Кікінчук В. В. та ін. Криміналістика: криміналістична техніка : навч. посіб. Харків, 2023. 388 с. URI: https://dspace.univd.edu.ua/handle/123456789/16118 (date accessed: 25.01.2026).

cumstances of a document's creation or falsification to be determined. The record shall detail the type and model of a device, software, file access algorithm, sequence of actions taken by the investigator / specialist, and method of copying and storing information. Electronic media with copies of files, printouts, screenshots, and hash values shall be attached to the record to confirm data integrity. A specific feature of electronic data is the possibility of remote data storage (cloud-based services, servers, network resources). In this case, inspection can be accompanied by technical measures to record network connections, access logs, and account data [24].

Therefore, electronic document inspection distinguishes itself from paper document inspection in that it focuses not only on the perception of content, but also on the technical analysis of digital environment in which documents exist. This type of inspection demands specific expertise, use of forensic and information technology tools, strict adherence to the principle of preserving digital immutability, and the most precise procedural recording of all actions.

Conclusions

When dealing with unlawful activity by professional participants in proceedings, a document is not always viewed as a forgery in the traditional forensic sense. Often it is completely legitimate in form, but unlawful in content. It is this circumstance that necessitates heightened requirements for its inspection and analytical investigation.

Documents (paper and electronic) in criminal proceedings concerning crimes against justice committed by professional participants in proceedings are the primary source of information that enables the reconstruction of the mechanism of unlawful activity: sequence of procedural decisions, rationale behind their adoption, ways of exerting pressure on participants in proceedings, and hidden elements of abuse disguised as lawful conduct.

Only documents legal access to which has already been secured may undergo procedural inspection: those voluntarily provided by participants in criminal proceedings, obtained through temporary access, or seized during a search or other investigative (search) actions. Inspection cannot replace means for mandatory document submission and does not constitute grounds for entering a person's premises or forcibly seizing documents.

Documents are more often seized during searches in proceedings involving professional participants in proceedings, as they are linked to the mechanism of abuse and are not usually provided voluntarily, but are hidden or stored in official archives, safes, on work computers or other data media. Given these circumstances, temporary access is often a less effective way of securing evidence, whereas a search makes it possible to minimise the risks of documents being destroyed, selected or modified.

We believe that typical inspection of objects in the category of crimes under investigation can be classified as follows: procedural documents of the prosecution (in particular, records, notices of suspicion, motions, indictments); documentation confirming the right to a defence (legal aid office orders, statements, records of rights advisement, court session

24 Коваленко А. В. Криміналістичне вчення про збирання, дослідження та використання доказів у кримінальному провадженні : монографія. Київ, 2024. 558 с. URI: https://rep.dnuvs.ukr.education/handle/123456789/3916 (date accessed: 25.01.2026).

journals, rulings); restricted access official materials and internal documents; electronic documents and digital records of automated systems (URPTI, automated distribution, electronic document management, access logs, log files, and metadata).

Documents in cases involving the group we are studying may vary in their forensic nature: they may be forged (with signs of material or intellectual forgery) or formally authentic and flawless in terms of details, but unlawful in terms of content or functional purpose of abuse. These factors necessitate a multifaceted approach to inspection, which combines verification of details and physical attributes of a document with logical, substantive, and chronological analysis thereof. The aforementioned is studied along with other pieces of evidence.

Inspection of electronic documents and computer data requires consideration of and compliance with several tactical aspects and increased requirements for recording, since digital data can be easily altered, may be available in multiple copies, and are stored in data format on physical media or remote servers. The priorities are to ensure immutability (creation of copies/images, hash sums) and to record metadata, event logs and access parameters, as well as to keep detailed records of the sequence of actions performed by the investigator and specialist using technical means (screenshots, screen recordings, printing of electronic forms in an accessible form).

Efficiency of a proof procedure in proceedings concerning crimes against justice committed by professional participants in proceedings depends largely on the correct identification of the source of documents, the due procedural form for their inspection, and the investigator's ability to distinguish technical signs of forgery from "formally valid" documents that actually constitute a procedural abuse.

The obtained findings lay the foundation for further development of forensic recommendations on document inspection tactics (specifically, electronic documents) and can be utilized to improve the quality of evidence recording, minimise the risks of digital trace loss, and refine the investigation methods for criminal offences against justice committed by professional participants in proceedings.

Огляд документів, що відображають механізм протиправної діяльності професійних учасників судочинства

Євген Суп, Євгеній Зозуля

Мета статті — визначити особливості огляду й аналізу паперових і електронних документів як джерела відомостей про механізм протиправної діяльності професійних учасників судочинства під час розслідування кримінальних правопорушень проти правосуддя. Для досягнення мети застосовано комплекс загальнонаукових, спеціально-юридичних і філософських методів, що забезпечили системний підхід до вивчення документів як носіїв доказової інформації в умовах цифровізації судочинства. Обґрунтовано, що огляд документів має похідний, об'єктний характер, його здійснюють у межах єдиної процесуальної форми огляду, передбаченої ст. 237 Кримінального процесуального кодексу України. Визначено допустимі джерела походження документів, що можуть бути об'єктами огляду: добровільне надання учасниками провадження, отримання в порядку тимчасового доступу, а також вилучення під час обшуку, який у справах цієї категорії є найбільш поширеним способом отримання доступу до документів і їх вилучення. Запропоновано класифікацію

типових об'єктів огляду (процесуальні документи сторони обвинувачення, документи щодо реалізації права на захист, матеріали й цифрові записи автоматизованих систем, службові документи з обмеженим доступом, внутрішнє службове листування й інші організаційно-розпорядчі матеріали). Узагальнено, що документи можуть бути як підробленими (містити ознаки матеріальної або інтелектуальної підробки), так і формально автентичними без зовнішніх ознак фальсифікації, однак протиправними за змістом або функційним призначенням у механізмі зловживань. Акцентовано увагу на особливостях огляду електронних документів і комп'ютерних даних: необхідності залучення спеціаліста, фіксації метаданих, журналів подій, забезпеченні незмінності цифрової інформації та належного процесуального документування результатів. Результати дослідження можуть бути застосовані для вдосконалення тактичних рекомендацій з огляду документів і підвищення ефективності доказування в кримінальних провадженнях щодо злочинів проти правосуддя, учинених професійними учасниками судочинства.

Ключові слова: *правосуддя; слідча (розшукова) дія; огляд; документ; електронний документ; слідча тактика.*

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Declaration of Competing Interest

The authors declare no conflict of interest.

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