

# Methods, Tools and Means of Committing Criminal Offenses in the field of Professional Legal Assistance

**Kristina Romanauskas \***

\* Doctor of Philosophy in Law, Doctoral Candidate at NSC «Hon. Prof. M. S. Bokarius FSI», Kharkiv, Ukraine, ORCID: <https://orcid.org/0009-0006-9545-9755>, e-mail: [kristina.r7@ukr.net](mailto:kristina.r7@ukr.net)

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*The purpose of the article is to reveal forensic essence of the methods, instruments and means of committing criminal offenses in the field of professional legal assistance, determine their structure, functional features and significance for formation of forensic characteristics and improvement of the methodology for investigating this category of offenses. For achieving this goal, a set of general scientific (analysis and synthesis, induction and deduction) and special (dialectical, systemic-structural, formal-legal, comparative-legal, generalization) methods of scientific cognition were applied. It is substantiated that method of committing criminal offense is one of the most important elements of the forensic characteristics reflecting patterns of criminal behavior, determines peculiarities of the trace picture and is crucial for organization of the pre-trial investigation. It is proved that in the field of providing professional legal assistance, methods of committing criminal offenses are characterized by a combination of open and latent forms of influence, including physical, psychological, informational and procedural-organizational pressures, and are associated with growing role of digital technologies in the implementation of criminal intent. Generalization of scientific approaches made it possible to clarify the ratio of the categories “method”, “instrument” and “means” of committing a criminal offense. A distinction is proposed, according*

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*to which instruments are objects that are directly used during the implementation of the objective side of a criminal offense, while the means include resources that provide training, facilitate implementation of a criminal plan or contribute to the concealment of criminal activity. It is determined that the same object, depending on its functional role, can act as both an instrument and a means of committing a criminal offense. Based on the analysis of provisions of Criminal Code of Ukraine, the characteristic methods of committing criminal offenses under its Articles 374, 397-400, 400-1 are revealed, typical models of criminal influence on the subjects of professional legal assistance are outlined. It is proved that research on methods, instruments and means of committing such offenses has not only theoretical but significant practical significance, as it allows to predict typical traces, form reasonable investigative versions and improve tactical approaches to the investigation. The obtained results contribute to deepening of forensic ideas about the mechanism of criminal offenses in the field of professional legal assistance and create the basis for the development of special methodological recommendations for their detection, investigation and proof, as well as for strengthening the guarantees of independence of advocacy and the effectiveness of human rights protection.*

**Keywords:** *criminal offense; legal assistance; method of crime committing; means; proof; assignment of powers.*

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## Research Problem Formulation

The field of professional legal aid is an integral part of functioning of a democratic state based on the rule of law, as it ensures the implementation of constitutional guarantees of the right to protection, access to justice and a fair trial. In current conditions of legal system transformation and strengthening of the role of the legal profession, the number of criminal and unlawful acts related to the exercise of professional legal activities is increasing. Such acts are carried out by perpetrators both in the form of unlawful influence on lawyers and other entities providing legal aid, and in the form of abuse of legal instruments by participants in legal relations that negatively affects authority of

legal profession and effectiveness of functioning of justice system as a whole.

Public danger of criminal offenses in this category is due to their double negative effect: on the one hand, they encroach on the rights of specific person: lawyers, representatives or clients, and on the other hand, they create risks of undermining the institutional foundations of independence of the bar and trust in justice. The investigation of such offenses is complicated by the need to ensure a balance between the tasks of criminal prosecution and guarantees of the professional activity of lawyers, in particular the observance of legal secrecy, procedural guarantees and the principle of independence.

In the forensic aspect, one of leading elements of characteristics of this group of

criminal offenses are the ways and means of their commission. It is the method of implementing the criminal intent that determines the mechanism of interaction of the offender with the victim, situation and other elements of the criminal event, forms a trace picture and affects the construction of investigative versions. At the same time, current conditions for development of professional communication, digitalization of legal activities and the spread of remote interaction significantly modify traditional methods of criminal influence, combining physical, information, psychological and technical means of implementing illegal actions.

Despite increased attention of individual scientists to criminal offenses in the field of professional legal assistance, most researches focus on the issues of their criminal legal qualification, classification, mechanism of commission or individual elements of forensic characteristics. However, the issue of methods, tools and means of committing such offenses as an independent object of forensic analysis has not yet received a comprehensive scientific understanding. The lack of a systematic approach to their research complicates formation of effective methodological recommendations for pre-trial investigation bodies, reduces level of typification of investigative situations and burdens the prediction of offender behavior.

Thus, relevance of research on methods, tools and means of committing criminal offenses in the field of professional legal assistance is due to the need for an in-depth forensic analysis of the mechanism of criminal activity in this area, definition of typical models of illegal behavior and development of scientifically based approaches to improving effectiveness of their investigation.

In view of the above, research on methods, tools and means of committing criminal offenses in the field of providing professional legal assistance acquires not only theoretical, but significant practical significance for the development of forensic science and improvement of activities of pre-trial investigation bodies. The analysis of these components of the forensic characteristic will allow to more deeply reveal regularities of the mechanism of criminal activity, outline typical forms of the implementation of criminal intent and determine the directions of optimizing investigative activity in the specifics of the legal sphere. This is what determines the need for comprehensive scientific research aimed at systematizing the methods, tools and means of committing such criminal offenses, determining their forensically significant signs and forming scientifically sound approaches to their use in investigation procedure.

### **Article Purpose**

Reveal the forensic essence of methods, tools and means of committing criminal offenses in the field of professional legal assistance, to determine their structure, functional specifics and significance for formation of forensic characteristics and improvement of methodology for investigating this category of offenses.

### **Research Methods**

For achieving this goal, a complex of general scientific and special methods of scientific cognition was applied. Dialectical method made possible to reveal the essence and dynamics of criminal offenses that encroach on the provision of professional legal assistance, identify their objective and subjective conditions, to trace

the relationship between the legal guarantees of a lawyer's activities, criminal-legal constructions of the relevant structures and the forensic signs of unlawful influence (in particular, in the forms of open and latent pressure, procedural manipulations and digital encroachments).

System-structural method is used to determine the place and method of commission in the mechanism structure of criminal activity and in the system of forensic characteristics, as well as to identify and streamline the forensic criteria for the analysis of offenses of the group under research (method, situation, identity of the offender, identity of the victim, traces, consequences). This method contributed to substantiation of distinction between the instruments and means of committing a criminal offense depending on their functional role in implementation of objective side, preparation or concealment of criminal activity.

Formal-legal method was useful for analyzing structure of criminal offenses belonging to the group of offenses committed in the field of professional legal assistance, clarifying content of their objective and subjective signs and determining possible forms of implementation of unlawful influence, taking into account the provisions of the Criminal Code of Ukraine<sup>1</sup>. It helped to correctly link criminal-legal characteristics with forensic manifestations of the methods of commission and the specifics of proof.

Formal-logical methods were used to establish common and distinctive features of the methods of committing various types of offenses in the studied area, as well as to typify models of criminal behavior. Analysis made possible to isolate individual specifics of separate methods

(physical, psychological, informational, procedural and organizational), synthesis, integrate them into a single system and coordinate them with the mechanism of the crime, induction to formulate general provisions based on the study of individual manifestations, deduction to verify generalizations by correlating them with normative constructs and forensic logic of proof.

Comparative legal method contributed to comparison of scientific approaches to determining the method of committing a crime, the distinction between related categories (method, mechanism, instrument, means), as well as the analysis of Ukrainian and foreign developments in the forensic typology of methods of unlawful influence on subjects of legal activity (in particular, in the context of digitalization of professional communication and the growth of information attacks).

Generalization method made possible to formulate conclusions regarding forensic significance of methods, tools and means of committing criminal offenses in the field of providing professional legal assistance, outline practical guidelines for their establishment and proof, and identify promising areas for improving methodological recommendations for organizing pre-trial investigation in this category of criminal proceedings.

### **Analysis of Essential Researches and Publications**

Theoretical foundations of the method analysis of committing criminal offense were formed in research papers of representatives of the forensic school, who studied the mechanism of criminal activity and regularities of formation of traces.

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1 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: 01.02.2026).

A significant contribution to the development of this issue was made by V. Bakhin, P. Bilenchuk, A. Volobuiev, V. Zhuravel, V. Konovalova, V. Shepitko, V. Shevchuk and other scientists, who substantiated the importance of the method of committing a crime as one of the leading elements of the forensic characteristic. Their research became the methodological basis for further study of the mechanism of criminal and illegal activity in various spheres of social relations.

In modern research, scientists are increasingly paying attention to the study of individual elements of the mechanism of crime. In particular, the development of individual aspects of forensic typification of methods of criminal behavior in the sphere of justice is presented in research papers by S. Knyzhenko, Ya. Oliynyk, D. Rusanivska, E. Sup, M. Shepitko, and others. Their research papers consider forensic classifications of relevant offenses, specifics of evidence, circumstances of commission, as well as the specifics of the subject composition and typical methods of unlawful influence from interference in the activities of defense attorney to threats, violence, and property encroachments<sup>2</sup>.

At the same time, the analysis of scientific sources indicates that most of the research is focused either on general theoretical issues of the mechanism of the crime, or on individual criminal-legal aspects of the corresponding components of criminal offenses. The issue of multidisciplinary forensic research on methods, tools and means of committing criminal offenses in the field of professional legal assistance remains insufficiently developed. Thus, current state of scientific development indicates availability of a solid theoretical basis for studying mechanism of criminal activity in general, but at the same time reveals a gap in the systematic analysis of the methods, tools and means of committing criminal offenses in the field of professional legal assistance. This circumstance determines the need for further development of forensic approaches to the study of this category of offenses and justifies relevance of performed research.

### Main Content Presentation

Category of the method of committing a criminal offense belongs to the leading and most discussed categories of the

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2 Книженко С. О. Способи втручання в діяльність судових органів. *Актуальні проблеми кримінального процесу та криміналістики* : тези доп. Міжнар. наук.-практ. конф. (Харків, 29.10.2021). Харків, 2021. С. 169–171. URL: <https://files.znu.edu.ua/files/Bibliobooks/Inshi67/0049006.pdf> (date accessed: 01.02.2026) ; Олійник Я. С. Методика розслідування погрози або насильства щодо захисника чи представника особи : дис. ... д-ра філос. в галузі права. Львів, 2021. 239 с. URI: <https://ena.lpnu.ua/handle/ntb/56783> (date accessed: 01.02.2026) ; Русанівська Д. Д. Розслідування втручання в діяльність захисника чи представника особи : дис. ... д-ра філос. в галузі права. Київ, 2023. 260 с. URI: <https://elar.navs.edu.ua/handle/123456789/26837> (date accessed: 01.02.2026) ; Суп Є. Ю. Типові способи вчинення кримінальних правопорушень професійними учасниками судочинства. *Вісник Кримінологічної асоціації України*. 2025. Т. 34. № 1. С. 365–373. DOI: 10.32631/vca.2025.1.26 (date accessed: 01.02.2026) ; Шепітько М. В. Спосіб вчинення злочинів проти правосуддя як системоутворююча ознака: кримінально-правовий та криміналістичний аспекти. *Вісник Львівського торговельно-економічного університету. Юридичні науки*. 2015. № 2. С. 336–346. URL: <https://journals-lute.lviv.ua/index.php/visnyk-law/article/view/189> (date accessed: 01.02.2026).

sciences of the criminal law cycle, since it is with its help that the practical side of criminal activity and the mechanism of its implementation are revealed. Several approaches to understanding the concept of “method of committing a criminal offense” have been formed in the scientific literature. Thus, S. Zavialov defines it as a system of interrelated actions determined by a set of objective and subjective factors, which reflects the qualitative characteristics of a criminal act. The scientist emphasizes that the method of committing reflects the personal characteristics of the offender, the form of guilt, the motives and purpose of the crime, and is also manifested in the behavior of the person before, during and after the commission of a criminal offense, leaving traces suitable for forensic cognition<sup>3</sup>. This position is shared by V. Piaskovskiy, who considers the method of committing a crime as a systematically organized system of actions of the subject, which includes the stages of preparation, direct implementation and concealment of the crime<sup>4</sup>.

We agree with I. Hora that forensic interpretation of the method of committing a crime is not identical to its understanding within the limits of other branches of knowledge, since it is determined by specificity of the topic and tasks of criminalistics. In criminalistics, method of

committing crime is considered as a complex phenomenon of objective reality, that research is based on identification of regularities of its formation, reflection in trace information, repeatability and determinism by various objective and subjective factors. The results of such cognition are the basis for development of forensic means, tactical techniques and methods aimed at identifying, collecting, researching and applying forensically significant information about the method of committing crime and characteristics of the criminal during investigation<sup>5</sup>.

Generalization of scientific approaches allows us to conclude that method of committing a criminal offense is characterized by three basic signs: first, it is always determined by a combination of external and internal factors; second, in its essential aspect it is a certain system of interrelated actions united by a single criminal intent; third, it can have a complex multi-level structure.

Method structure of committing criminal offense, as scientists rightly note, is variable and depends on the nature of the offender's behavior, situation specifics and other conditions for criminal intent implementation<sup>6</sup>. Depending on these factors, it can be three-level (preparation – commission– actions after crime completion), two-level or single-level, when it covers

- 3 Зав'ялов С. М. Спосіб вчинення злочину: сучасні проблеми вивчення та використання у боротьбі зі злочинністю : автореф. дис. ... канд. юрид. наук. Київ, 2005. 19 с.
- 4 Пясковский В. В. Спосіб учинення злочину як елемент криміналістичної характеристики умисного вбивства дитини батьками, родичами або особами, на яких покладено обов'язки з її виховання. *Криміналістичний вісник*. 2016. № 1 (25). С. 70. URL: <https://elar.navs.edu.ua/server/api/core/bitstreams/17d37da9-ecbe-47ba-86f6-7a6d06251833/content> (date accessed: 01.02.2026).
- 5 Гора І. Поняття способів вчинення злочину та його значення в розкритті та розслідуванні. *Legea și viața*. 2012. № 9. С. 38. URL: <http://www.legeasiviata.in.ua/archive/2012/9/08.pdf> (date accessed: 01.02.2026).
- 6 Велика українська юридична енциклопедія. У 20 т. Т. 20 : Криміналістика, судова експертиза, юридична психологія / редкол.: В. Ю. Шепітько (голова) та ін. Харків, 2018. С. 770–771.

only immediate phase of implementation of criminal intent. Therefore, method of committing should be considered as a dynamic system of actions formed under influence of specific environmental conditions.

Factors determining specifics of manner in which a crime is committed include external environment, conditions of the place and time of the event, psychological and physiological characteristics of the person, his (her) experience, level of preparedness, and individual behavior patterns. All of these elements influence both the choice of tools and means and nature of the traces that are formed and can be used during investigation.

The issue of correlation between the method of committing and concealing a criminal offense requires special attention. Actions aimed at concealing a crime do not always become organic components of the structure of the method of committing it. In some cases, they may form an independent complex of behavior, separated in time and aimed at avoiding detection, and sometimes even constitute a separate component of a criminal offense (Article 396 of the Criminal Code of Ukraine <sup>7</sup>). This indicates the need for a flexible approach to the analysis of the method of committing a crime, especially in those forms of criminal activity that are complex and in which boundaries between committing and concealing cannot be obvious.

Thus, method of committing crime in criminalistics is considered as a typical (lawful) system of actions of the offender, by means of which the criminal intent is

realized, the goal of the offense is achieved and the corresponding trace information is formed. It is not limited to “one action”: it reflects the entire model of the offender’s behavior from the choice of the object of influence and the method of contact with the victim to the use of tools / means and the reaction to counteraction. In the legal sphere, the method often acquires not so much a “physical” as an intellectual and psychological nature, since it is implemented by means of purposeful obstruction of the professional duties of a lawyer or other subject of legal assistance (in particular, indirectly through other persons or institutional mechanisms). It is advisable to reveal the structure of the method of committing as a sequence of interrelated stages: preparation, direct commission and concealment (masking) of the consequences. This approach is consistent with the idea of crime mechanism of as a process that includes preparation, implementation and concealment in connection with the situation, motives and interaction of participants, as well as with the use of tools and means <sup>8</sup>.

At the same time, in criminal offenses committed against entities providing legal assistance, concealment can be minimal or even missing (when influence is demonstrative) and sometimes, on the contrary, it takes on sophisticated forms (when pressure is exerted through procedural manipulations, information channels, or technical means). It is important to take this into account so as not to look for “classic” signs of concealment where the criminal model is built on publicity or imitation of legality.

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7 Кримінальний кодекс України ... . URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 01.02.2026).

8 Zhuravel V. A. Crime mechanism as a category of criminalistics. *Journal of the National Academy of Legal Sciences of Ukraine*. 2020. Vol. 27. No. 3. Pp. 142–154. DOI: [10.37635/jnal-su.27\(3\).2020.142-154](https://doi.org/10.37635/jnal-su.27(3).2020.142-154) (date accessed: 01.02.2026).

In the field of professional legal assistance, the method of committing a criminal offense is characterized by increased variability and a combination of open and hidden forms of influence. This is due to special status of victims (lawyers, representatives, other participants in legal activities), procedural guarantees of their activities and a high level of legal awareness of the parties. In this regard, criminal behavior is often focused not only on causing direct harm, but on creating conditions that make impossible to implement functions of protection or representation.

The performed analysis allows to generalize several typical models of the method of committing such offenses. The *first* is an overt act accompanied by physical impact, threats, damage to property or other forms of demonstrative pressure. They are characterized by availability of an obvious event, clearly expressed conflict between the offender and the victim and formation of material traces that facilitates primary documentation. The *second* model includes psychological and informational influences threats, harassment, discrediting, dissemination of compromising information aimed at weakening professional position of the lawyer or influencing his procedural behavior. The *third* model is characterized by the use of formally legal or pseudo-procedural actions, when unlawful goal is disguised as legal mechanisms (simulating legal activity, using forged documents, artificially creating obstacles to access to the client, etc.). This model is the most difficult to investigate, since its external form may appear legitimate.

Digitalization of professional activities of lawyers has a significant impact on the transformation of the methods of com-

mitting offenses. Increasingly, unlawful influence is implemented using electronic communications, social networks, mobile communications or technical means of covert information collection, distribution of discrediting materials on the Internet, which leads to the formation of digital traces. This changes traditional approaches to evidence and requires adaptation of investigation tactics to the specifics of digital environment.

A more detailed analysis of the methods of committing crimes by the group we are studying requires taking into account structure of the components of the relevant criminal offenses provided for by the Criminal Code of Ukraine, as well as a forensic understanding of the method as a system of actions aimed at achieving an unlawful goal.

The methods of committing crimes provided for in Article 397: *Interference in the activities of a defense attorney or representative of a person* of the Criminal Code of Ukraine<sup>9</sup> are characterized by various forms of unlawful influence aimed at preventing performance of professional functions. Most often, this is the creation of artificial procedural obstacles, restriction of access to the client, illegal seizure of documents, obstruction of participation in procedural actions, blocking communication with the client, as well as informational pressure. The method here is mainly of an intellectual and organizational nature, since it is implemented through the violation of procedural guarantees and the use of formally legal mechanisms for an unlawful purpose.

The crime specified in Article 398: *Threat or violence against a lawyer or representative of a person* of the Criminal Code of

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9 Кримінальний кодекс України ... URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 01.02.2026).

Ukraine<sup>10</sup> is characterized by methods of physical and psychological influence. They can be embodied in the form of verbal or written threats, harassment, demonstrative acts of intimidation, infliction of bodily harm, use of weapons or other objects as instruments of violence. Peculiarity of such methods is their focus on changing the procedural position of the lawyer or terminating his professional activities in a specific case. Often, such a crime is committed demonstratively that aims to create an atmosphere of fear.

The methods of committing crimes outlined in Article 399: *Intentional destruction or damage to the property of a defender or representative of a person* of the Criminal Code of Ukraine<sup>11</sup> consist in causing material damage through arson, damage to vehicles, office equipment, documentation, housing, etc. From a forensic point of view, such methods often combine physical impact with psychological pressure, since the goal is not only material damage, but demonstrative warning or intimidation. In such cases, choice of the damage object that is usually related to professional victim activities is important.

The methods of committing offenses specified in Article 400 *Encroachment on the life of a defender or representative of a person in connection with activities related to the provision of legal assistance* of the Criminal Code of Ukraine<sup>12</sup> are characterized by a high level of public danger and usually involve preliminary preparation. This can be attack with the use of weapons, organization of intentional causing of death, creation of dangerous conditions for the life

of the victim. The method in such cases often contains elements of careful preparation that consists in conspiracy, the choice of time and place of implementation of the criminal intent that complicates investigation and requires an analysis of the mechanism of criminal activity in general.

As for the crime described in Article 374: *Violation of the right to defense* of the Criminal Code of Ukraine<sup>13</sup>, here the methods of commission are mainly of an official and procedural nature. They are manifested in preventing defense counsel from participating in the proceedings, limiting possibility of confidential communication, ignoring the requests of the defense party, violating the right to choose a defense counsel, as well as other actions or inactions that make it impossible to exercise the right to professional legal assistance. Specific of such a method is its external formal compliance with the procedure for the actual violation of the content of the right to defense.

For the criminal offense provided for in Article 400-1: *Representation in court without proper authority* of the Criminal Code of Ukraine<sup>14</sup>, methods related to performance of legal activities by a person who is not authorized to do so or does not have the right due to the lack of appropriate qualifications, or is deprived of the right to engage in legal activities are characteristic. This includes the use of forged or invalid documents (instructions, warrants, contracts, certificates of the right to practice law, etc.), misleading court or client about the lawyer status, unauthorized representation of the interests of a person,

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10 Кримінальний кодекс України ... . URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 01.02.2026).

11 Там само.

12 Там само.

13 Там само.

14 Там само.

etc. Such methods are often accompanied by documentary manipulation and abuse of trust in the institution of the bar.

Therefore, the methods of committing criminal offenses in the field of providing professional legal assistance are characterized by a combination of physical, psychological, informational and procedural and organizational forms of influence.

In the structure of the method of committing a criminal offense, an important place is occupied by tools and means of its implementation, which have an independent forensic significance and require a clear distinction. Tools should be understood as objects of the external world that are directly used during implementation of the objective side of the criminal offense, that is, which are an instrument of direct unlawful influence. In turn, means of commission include material, technical, informational or organizational resources that provide preparation, facilitate the implementation of a criminal plan or contribute to the concealment of criminal activity, but do not constitute the main action itself<sup>15</sup>. This approach makes it possible to avoid mixing related concepts and clearly determine the functional place of each element in the mechanism of the crime.

It is important to consider that the same object, depending on its role in a specific situation, can act as both a tool and a means of committing a criminal offense. The decisive criterion is its functional purpose in the structure of criminal activity: whether it is used directly to carry out an action prohibited by law, or wheth-

er it only creates the conditions for its implementation. For example, a technical device for covert surveillance is a tool if it is used to prepare or collect information, but it can acquire characteristics of a tool if it is used to directly interfere with professional activities of a lawyer.

In view of this, it is advisable to classify the tools and means of committing criminal offenses in the field of professional legal assistance according to their functional purpose, nature of their use, and their impact on the criminal record. Such a classification makes possible to systematize resources used by offenders, as well as to predict typical mechanisms of criminal influence and sources of evidentiary information.

The first group includes material and physical means that provide preparation or facilitate the implementation of illegal actions. These can be vehicles, means of disguise, auxiliary technical devices, flammable substances or other objects that create conditions for the commission of a crime. At the same time, weapons or objects that directly cause damage or destroy property, in certain cases, become instruments of committing a criminal offense.

A separate group is made up of technical means used to covertly obtain information, control or monitor the activities of legal aid subjects. These include audio and video devices, GPS trackers, special software, remote access systems or interception of electronic communication. Their use is characteristic primarily of latent forms of criminal influence aimed at obtaining information constituting a law-

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15 Матвійчук В. К. Дискусійні проблеми щодо деяких ознак об'єктивної сторони злочину. *Кримінальне право: традиції та новачії* : мат-ли міжнар. кругл. столу, присвяч. 90-літ. з дня народж. видат. вчен., героя Укр., акад. В. В. Сташиса (Полтава — Харків, 09—10.07.2015). Полтава — Харків, 2015. С. 75—76. URL: [https://ivpz.kh.ua/wp-content/uploads/2019/02/kriminalne\\_pravo\\_tradicii\\_ta\\_novacii\\_stashis.pdf#page=72](https://ivpz.kh.ua/wp-content/uploads/2019/02/kriminalne_pravo_tradicii_ta_novacii_stashis.pdf#page=72) (date accessed: 10.02.2026).

yer's secret or at exerting hidden psychological pressure. The result of such use is formation of specific digital traces that require special methods of fixation and research.

An important role is played by information tools used for psychological, reputational or social influence on lawyers. These include electronic communication platforms, social networks, media resources, media channels, etc. These resources can be used to implement discrediting campaigns, spread threats or false information. Peculiarity of such tools lies in the scale of their impact and the difficulty of quickly eliminating the consequences that complicates proving and requires taking into account the information dynamics of the crime.

Within the category of criminal offenses under research, means in the form of paper and digital documents acquire special importance. They manifest themselves in the use of forged or invalid documents, manipulation of procedural decisions, creation of formal obstacles to access to legal aid or use of procedural mechanisms for an unlawful purpose. When such documents become a direct instrument for implementation of an act (for example, in the case of illegal representation), they can acquire characteristics of an instrument for criminal offense commission.

Forensic significance of the analysis of tools and means of committing criminal offenses lies in the possibility of establishing the level of preparedness of the offender, his professional awareness, access to resources and the nature of interaction with other persons. Research on these elements contributes to reconstruction of the method of committing a crime, formation of substantiated investigative versions and determination of optimal tactics of pre-trial investigation.

Thus, in criminal offenses in the field of professional legal assistance, tools and means are interconnected, but different in content, elements of the mechanism of criminal activity. Their distinction allows for a deeper understanding of the structure of method of committing crime, clarifying the sources of evidentiary information and creating a scientifically sound basis for developing effective investigation methods.

## **Conclusions**

From a forensic point of view, establishing the method of committing a crime is crucial for organizing an investigation. Analysis of the method makes possible to predict nature of the trace pattern, determine sources of evidentiary information and possible subjects, and reconstruct the logic of criminal behavior. In cases related to professional legal activities, this is especially important, since criminal actions are often aimed at manipulating procedural mechanisms or violating guarantees independence of legal profession that requires the investigator to have a high level of analytical work and take into account the professional context of the event.

Method of committing criminal offenses in the field of providing professional legal assistance is a complex structured system of actions that is formed under influence of the situation, professional status of the victims and the offender's goal orientation. Its study creates a theoretical and practical basis for building individual forensic investigation methods and determines leading areas of evidence in criminal proceedings of this category. In such offenses, the method is characterized by increased variability and a combination of open and latent forms of influence. This specificity is due to the special

professional status of the victims (lawyers, defenders, representatives), availability of procedural guarantees for their activities, as well as the orientation of offenders not only to causing direct harm, but also to creating conditions that make it impossible or significantly complicate the implementation of the functions of protection or representation.

Based on performed analysis, we consider reasonable to distinguish the following typical models of methods of committing offenses of this group: 1) open forms of pressure (physical influence, threats, property encroachments), which form a predominantly material trace picture; 2) psychological and informational influences (persecution, blackmail, discrediting), which create complex, often digital evidence base; 3) formal-legal and pseudo-procedural manipulations, when unlawful goal is disguised as outwardly legal mechanisms. The latter model is the most difficult to detect and prove, since the boundary between lawful procedural activity and criminal influence may not be obvious.

It is important to clearly distinguish between instruments and means of committing criminal offenses in the field of legal aid as functionally different components of the mechanism of criminal activity. Instruments should be considered objects of external world that are directly used during implementation of objective side of the criminal offense and which are an instrument of direct unlawful influence. Means of commission include resources that provide preparation, facilitate implementation of a criminal plan or contribute to the concealment of criminal activity. The defining criterion for distinction is functional role of the topic in a specific situation, since the same object can acquire a different status depending on the method of its application.

**Способи, знаряддя  
та засоби вчинення  
кримінальних правопорушень  
у сфері надання професійної  
правничої допомоги**

**Крістіна Романаускас**

*Мета статті — розкрити криміналістичну сутність способів, знарядь і засобів учинення кримінальних правопорушень у сфері надання професійної правничої допомоги, визначити їхню структуру, функційні особливості та значення для формування криміналістичної характеристики й удосконалення методики розслідування цієї категорії правопорушень. Для досягнення поставленої мети застосовано комплекс загальнонаукових (аналіз і синтез, індукція і дедуція) та спеціальних (діалектичний, системно-структурний, формально-юридичний, порівняльно-правовий, узагальнення) методів наукового пізнання. Обґрунтовано, що спосіб учинення кримінального правопорушення є одним з найважливіших елементів криміналістичної характеристики, який відображає закономірності злочинної поведінки, зумовлює особливості слідової картини та має вирішальне значення для організації досудового розслідування. Доведено, що у сфері надання професійної правничої допомоги способи вчинення кримінальних правопорушень характеризуються поєднанням відкритих і латентних форм впливу, включно з фізичним, психологічним, інформаційним і процесуально-організаційним тисками, а також пов'язані зі зростанням ролі цифрових технологій у реалізації злочинного умислу. Проведене узагальнення наукових підходів дало змогу уточнити співвідношення категорій «спосіб», «знаряддя» і «засоби» учинення кримінального правопорушення. Запропоновано розмежування, відповідно до якого знаряддя є предмети, якими безпосередньо користуються під час реалізації об'єктив-*

ного боку кримінального правопорушення, тоді як засоби охоплюють ресурси, які забезпечують підготовку, полегшують реалізацію злочинного задуму або сприяють приховуванню злочинної діяльності. Визначено, що той самий предмет залежно від функційної ролі може виступати як знаряддям, так і засобом учинення кримінального правопорушення. На підставі аналізу положень Кримінального кодексу України розкрито характерні способи учинення кримінальних правопорушень, передбачених його ст. 374, 397–400, 400-1, окреслено типові моделі злочинного впливу на суб'єктів професійної правничої допомоги. Доведено, що дослідження способів, знарядь і засобів учинення таких правопорушень має не лише теоретичне, а й істотне практичне значення, оскільки дає змогу прогнозувати типові сліди, формувати обґрунтовані слідчі версії й удосконалювати тактичні підходи до розслідування. Здобуті результати сприяють поглибленню криміналістичних уявлень про механізм кримінальних правопорушень у сфері професійної правничої допомоги та створюють підґрунтя для розроблення спеціальних методичних рекомендацій з їх виявлення, розслідування й доказування, а також для зміцнення гарантій незалежності адвокатської діяльності й ефективності захисту прав людини.

**Ключові слова:** кримінальне правопорушення; правнича допомога; спосіб учинення злочину; засіб; доказування; присвоєння повноважень.

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