

Forensic Classification of Criminal Offenses against Justice Administration

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Theoretical and applied aspects of forensic classification of criminal offenses against justice are disclosed. This research paper is to develop a forensic classification of criminal offenses against justice based on a comprehensive consideration of criminal law and forensically significant criteria. Research methodological basis is general scientific methods of analysis, synthesis and generalization, as well as dialectical, logical-semantic, formal-legal, systemic-structural, comparative-legal and hermeneutic methods. Current state of scientific research in the field of forensic classification of criminal offenses and scientific approaches to systematization of criminal offenses against justice is analyzed. Scientific positions are generalized and critical analysis of the proposed approaches is carried out. It is substantiated that use of exclusively criminal law criteria does not ensure full consideration of regularities of the mechanism of criminal and illegal activity, formation specifics trace picture and sources of evidentiary information. It was found that while constructing a forensic classification of criminal offenses against justice, mechanism of committing criminal offense, nature of the interaction of participants, methods of implementing illegal behavior and the mechanism of trace formation are of paramount importance. An author's forensic classification of criminal offenses against justice is proposed

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that includes seven independent groups of criminal offenses formed on the basis of forensically significant criteria. It is concluded that proposed classification model has important theoretical and applied significance, since it creates a basis for the formation of separate forensic methods of investigation and trial of the corresponding category of criminal offenses. Prospects for further research related to development of forensic recommendations and methods for individual types of criminal offenses against justice are outlined.

Keywords: criminal proceedings; criminal offense; court proceedings; forensic support; justice; crime counteraction.

Research Problem Formulation

Recently, focus of forensic research is aimed at improving scientific approaches to systematization of criminal offenses. This is due to intention to implement the goal associated with increasing efficiency of their detection, investigation and trial. One of the basic methodological tools in this direction is the forensic classification of criminal offenses, which is aimed at their distribution into separate groups according to common criminal-legal and forensically significant signs ¹. This approach makes possible to determine the mechanism regularities of criminal activity, typical methods of committing and concealing criminal offenses, trace pattern peculiarities, specifics of offender's personality, and to form the basis for building individual forensic methods.

These issues take on particular relevance in the context of criminal offenses against administration of justice, as this category of acts directly undermines the normal functioning of pre-trial investigation bodies, prosecutor's office, courts, and penal institutions, as well as fulfill-

ment of the objectives of criminal proceedings and the principle of the rule of law. The specific nature of such criminal offenses is determined by their heterogeneity, commission mechanism complexity, high level of concealment, use of procedural and organizational opportunities to obstruct discovery of the truth, as well as the particular composition of the persons involved in their commission.

Despite significant number of research papers devoted to the issues of forensic classification of criminal offenses, issues of systematization of criminal offenses against justice remain insufficiently developed. We believe that the task of scientifically rethinking approaches to the forensic classification of criminal offenses against justice is relevant and of great importance for further formation of individual forensic methods, improvement of organization of the investigation and increasing efficiency of the practical activities of law enforcement agencies and the court.

Article Purpose

Develop forensic classification of criminal offenses against justice.

1 Гусева В. О. Криміналістична класифікація злочинів: наукове та практичне значення. *Правові горизонти*. 2019. Вип. 16. С. 70. DOI: 10.21272/legalhorizons.2019.i16.p:69 (date accessed: 14.04.2026).

Research Methods

This goal was achieved using a complex of general scientific and special legal methods of scientific cognition. In particular, dialectical method was used to study development of scientific approaches to forensic classification of criminal offenses, analyze evolution of views on the criteria for their systematization and determine the relationship between development of forensic science and improvement of methods for investigating individual categories of criminal offenses.

Logical-semantic method was useful for analyzing categorical apparatus of the study (in particular, the concepts of *forensic classification of criminal offenses*, *forensically significant specifics*, *mechanism of criminal activity*, *forensic characteristic of criminal offense*), that made possible to clarify their content, determine the correlation and specify the specifics of their application within the research subject.

Formal-legal (dogmatic) method helped in analyzing provisions of the criminal legislation of Ukraine, primarily the norms of Chapter XVIII of the Criminal Code of Ukraine ², as well as in studying the criminal-legal specifics of criminal offenses against justice and determining possibilities of using them as a basis for constructing forensic classification.

Using the system-structural method, the role of forensic classification in the structure of forensic knowledge was investigated, relationships between individual

groups of criminal offenses against justice were determined and an author's classification model was created taking into account forensically significant criteria.

Comparative legal method contributed to the comparison of scientific approaches to classification of criminal offenses proposed in criminalistics, criminal law and related fields of knowledge, as well as the analysis of author's models of systematization of criminal offenses against justice.

Hermeneutic method was applied to interpret doctrinal provisions and scientific concepts from the forensic classification of criminal offenses that made possible to outline their substantive peculiarities, identify common approaches and determine discursive aspects of the researched issues.

Methods of generalization and scientific analysis helped to systematize scientific approaches, formulate author's conclusions, and develop forensic classification of criminal offenses against justice, focused on the needs of further formation of individual forensic investigation methods.

Analysis of Essential Researches and Publications

The issues of forensic classification of criminal offenses against justice have already been the subject of research by scholars. Significant contribution to the development of doctrinal approaches was made by V. Husieva ³, V. Zhuravel ⁴,

2 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: 14.04.2026).

3 Гусева В. О. Криміналістична класифікація злочинів: сучасний стан наукового забезпечення та перспективи подальших досліджень. *Jurnalul juridic national: teorie și practică*. 2019. № 3 (37). Ч. 1. С. 151–156. URI: <http://dspace.univd.edu.ua/xmlui/handle/123456789/6079> (date accessed: 14.04.2026).

4 Журавель В. А. Криміналістичні методики: сучасні наукові концепції: монографія. Харків, 2012. 302 с.

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In scientific literature, attention is focused on importance of classification as a universal tool of scientific knowledge allowing not only to organize knowledge about certain phenomena, but to reveal their internal nature, patterns of development and relationships with other research objects. For example, L. Kryvchenko emphasizes that classification (due to identification of the most general and typical characteristics of the phenomena under research, their comparison with similar ones and distinction from others) allows for a deeper understanding of the essence of corresponding phenomenon, to determine its impact on related processes and to predict the directions of further development. At the same time, the researcher emphasizes that any classification can perform such a cognitive function only if it is scientifically sound, internally meaningfully true and logically correct in its construction. Thereby its formation should be carried out in compliance with

the laws of both dialectical and formal logic ⁸.

Regarding forensic classification of criminal offenses against justice, S. Knyzhenko substantiated that criminal law classification is not enough to form separate forensic methods of investigation, since it does not take into account the method of committing the crime, identity of the offender, trace pattern peculiarities, etc. ⁹

V. Hrytsenko ¹⁰ made an attempt to develop a forensic classification of criminal offenses against justice. He critically assessed existing approaches, based mainly on characteristics of the subject or methods of committing offense and proposed an approach based on the axiological criterion, namely: public goods and legitimate interests that have been harmed, taking into account the characteristics of the victims and perpetrators of such criminal acts.

The author's classifications of certain groups of criminal offenses against justice were proposed by K. Romanauskas ¹¹ and Ye. Sup ¹².

- 5 Пчеліна О. В. Криміналістична класифікація злочинів. *Право і суспільство*. 2014. № 6-1. Ч. 2. С. 304—309. URI: <https://dspace.univd.edu.ua/handle/123456789/19904> (date accessed: 14.04.2026).
- 6 Тищенко В. В. Теоретичні і практичні основи методики розслідування злочинів : монографія. Одеса, 2007. 260 с.
- 7 Щур Б. В. Криміналістична класифікація злочинів: співвідношення із суміжними поняттями. *Науковий вісник Львівського державного університету внутрішніх справ*. 2010. № 2. С. 337—344.
- 8 Кривоченко Л. М. Класифікація злочинів за ступенем тяжкості у Кримінальному кодексі України : монографія. Київ, 2010. С. 15.
- 9 Книженко С. О. Криміналістична класифікація злочинів проти правосуддя. *Право і Безпека*. 2013. № 1 (48). С. 113—118. URL: <https://surl.li/mblrhk> (date accessed: 14.04.2026).
- 10 Гриценко В. В. Криміналістична класифікація кримінальних правопорушень проти правосуддя. *Вісник Кримінологічної асоціації України*. 2024. № 3 (33). С. 256—266. DOI: [10.32631/vca.2024.3.22](https://doi.org/10.32631/vca.2024.3.22) (date accessed: 14.04.2026).
- 11 Романаускас К. А. Криміналістична класифікація кримінальних правопорушень, учинених у сфері надання професійної правничої допомоги. *Теорія та практика судової експертизи і криміналістики*. 2025. Вип. 3 (40). С. 57—72. DOI: [10.32353/khrife.3.2025.05](https://doi.org/10.32353/khrife.3.2025.05) (date accessed: 14.04.2026).
- 12 Суп Є. Ю. Підходи до криміналістичної класифікації кримінальних правопорушень проти правосуддя. *Архів кримінології та судових наук*. 2024. № 2 (10). С. 138—145. DOI: [10.32353/acfs.10.2024.11](https://doi.org/10.32353/acfs.10.2024.11) (date accessed: 14.04.2026).

Despite existence of some academic best practices, performed analysis indicates that forensic classification issue of criminal offenses against the justice is presented in the authors' interpretations and either concerns specific types of such offenses or is based on outdated provisions of criminal law. The proposed approaches focusing primarily on specific classification criteria or specific groups of criminal offenses, do not form a comprehensive system that would take into account the full range of forensically significant characteristics. Moreover, development of criminal legislation, emergence of new forms of unlawful activity and the practical needs of pre-trial investigation highlights necessity for further scholarly analysis of this issue. In this regard, there is a need to develop a forensic classification of criminal offenses against justice that would not only reflect their systemic characteristics but could also serve as a foundation for the development of effective forensic investigative methods.

Main Content Presentation

Forensic classification of criminal offenses is an important tool of scientific cognition and one of the means of systematizing knowledge about the patterns of criminal and illegal activities. Its importance lies not only in the ordering of relevant categories of criminal offenses according to certain criteria, but in creating the basis for formation of forensic characteristics and development of separate methods for their investigation¹³. Thanks to the classification approach, it is possible to gain deeper understanding of phenome-

na essence under research, determine the connections between their individual elements and the patterns that are important for the practice of criminal proceedings¹⁴.

Generalization of scientific approaches proves that forensic classification should not be considered as a mechanical division of criminal offenses into separate groups. Its construction should be based on a systematic approach, according to which any forensically significant object should be considered as a complex system of interrelated elements. This approach makes possible to take into account not only certain external signs of criminal activity, but also the internal patterns of its formation and functioning.

The analysis also suggests that (despite importance of forensic criteria for the construction of appropriate classification models) limiting them alone does not always ensure integrity and consistency of classification constructions. The method of committing criminal offense, peculiarities of the trace pattern, characteristics of the offender or the victim are essential for forensic science, but their use without taking into account the criminal legal basis can lead to excessive fragmentation of classification structures.

Thereby, while developing a forensic classification of criminal offenses, we consider it appropriate to be guided by the following principle: criminal law classification should become the basic and system-forming basis for the forensic classification of criminal offenses and forensic criteria should be used as an additional tool that allows to detail the relevant groups of criminal offenses, taking into account peculiarities of their commission

13 Гусева В. О. Криміналістична класифікація злочинів: сучасний стан URI: <http://dspace.univd.edu.ua/xmlui/handle/123456789/6079> (date accessed: 14.04.2026).

14 Пчеліна О. В. Зазнач. твір. URI: <https://dspace.univd.edu.ua/handle/123456789/19904> (date accessed: 14.04.2026).

mechanism, formation regularities of evidentiary information and the need to build separate methods of investigation. Such an integrated approach provides a combination of regulatory and forensic components and creates a more effective basis for further scientific developments and practical recommendations.

This approach is supported by best practices of researchers who, while drawing on framework of criminal law, have sought to take into account forensically significant characteristics of relevant categories of criminal offenses. One attempt to construct such a classification model is the approach of S. Knyzhenko, who proposed an original system for grouping crimes against justice. In her proposed classification, groups of crimes are identified that infringe upon: 1) constitutional foundations of the activities of pre-trial investigation bodies, the investigation, the prosecution, and the court; 2) life, health, personal safety, and property of judges and other participants in judicial proceedings; 3) relationships that ensure the collection of reliable evidence and the reaching of truthful conclusions in a case; 4) relationships regarding the timely detection of crimes and the identification of guilty parties; 5) relationships regarding the timely prevention and suppression of crimes; 6) relationships regarding the proper enforcement of court decisions and serving of sentences¹⁵.

V. Hrytsenko bases his classification on public goods and legitimate interests that have been harmed, the characteristics of victims and persons who commit criminally punishable acts. Based on this approach, the researcher identified four groups of criminal offenses against justice: 1) encroachment on the lawful activities of

persons who administer or ensure justice, as well as on their life, health and property; 2) related to non-execution of court decisions by persons in respect of whom such decisions have been made or who are obliged to execute them; 3) committed by officials who administer or ensure justice or facilitate its implementation; 4) which commission is associated with manifestations of legal nihilism and implementation of behavior aimed at creating obstacles to the administration of justice. The proposed classification, in the author's opinion, allows for a more complete consideration of forensically significant characteristics of the relevant category of offenses and can be used as a basis for further development of individual methods of their investigation¹⁶.

Ye. Sup, while studying individual criminal offenses against justice, came to the conclusion that forensic classification construction should take into account not only criminal-legal evidence, but forensically significant characteristics, among which mechanism peculiarities of criminal-illegal activity should occupy a central place. On this basis, the researcher proposed to carry out a classification depending on significance of illegal actions in the structure of criminal activity and distinguished basic, related, concomitant and other criminal offenses.

The author substantiates that basic criminal offenses constitute the core of the mechanism of illegal activity, since they are the most common and determine the main direction of criminal behavior. Related offenses play an auxiliary role in achieving the criminal goal and contribute to obstruction of justice. Associated criminal offenses, although they have a number of differences are characterized by

15 Книженко С. О. Зазнач. твір. URL: <https://surl.li/mblrhk> (date accessed: 14.04.2026).

16 Гриценко В. В. Зазнач. твір. DOI: 10.32631/vca.2024.3.22 (date accessed: 19.04.2026).

common criminal law and forensic characteristics. A separate group, according to the researcher conclusions is criminal offenses committed by professional participants in the proceedings that differ significantly in the subject specifics, method of commission and the peculiarities of the investigation¹⁷.

Ye. Sup emphasizes that proposed classification has not only theoretical but applied significance, since it allows structuring criminal offenses with similar features, determining their forensic characteristics and creating the basis for developing methodological recommendations for investigation¹⁸.

In our opinion, the approach proposed by Ye. Sup deserves support primarily in terms of defining the conceptual basis of forensic classification. We consider the proposition that construction of a forensic classification should take into account not only criminal-legal characteristics, but forensically significant features, among which a special place should be occupied by the regularities of the mechanism of criminal-illegal activity, to be quite justified. Such an approach is methodologically correct, since it is the mechanism of committing criminal offense that makes possible to determine internal connections between the method of action, subject, situation, consequences and peculiarities of trace pattern formation that is of direct importance for the development of forensic recommendations and investigation methods. However, the further implementation of this idea in the author's classification, in our opinion, does not fully correspond to the declared methodological approach. Despite the fact that researcher defines the mechanism

of criminal and illegal activity as the basis of systematization, proposed division of criminal offenses into basic, related, associated and other groups is actually carried out according to criteria that do not always have a forensic character. The basis of such differentiation is mainly the role and significance of individual acts in the structure of criminal activity, the level of their prevalence or functional load in the mechanism of illegal behavior. At the same time, specified criteria reflect to a greater extent the general theoretical or forensic aspects of systematization, rather than characteristics that are actually forensically significant.

In this regard, there are doubts about possibility of using proposed model as a direct basis for development of certain forensic investigation methods, since the forensic classification should be based primarily on those signs that make possible to determine evidence patterns, trace pattern peculiarities of the trace picture, typical ways of committing and concealing criminal offenses, as well as other circumstances that are important for the organization and conduct of pre-trial investigation.

K. Romanauskas investigates criminal offenses committed in the field of professional legal assistance, focusing on offenses related to both unlawful influence on advocacy and abuse of legal mechanisms. The author emphasizes that existing approaches to forensic classification of crimes against justice do not fully cover the specifics of this group of offenses, which necessitated development of an independent system for their classification. The researcher considers the object of the criminal offense and the specifics of the offense topic, subject of criminal

17 Суп Є. Ю. Зазнач. твір. DOI: [10.32353/acfs.10.2024.11](https://doi.org/10.32353/acfs.10.2024.11) (date accessed: 14.04.2026).

18 Там само.

offense, method and commission circumstances, the consequences, as well as the tools and means used as the main criteria. Based on this approach, the scientist distinguishes: criminal offenses against the life and health of lawyers or representatives of the person; encroachment on the freedom and safety of professional activity; property encroachment; violation of the guarantees of attorney-client privilege and confidentiality; as well as a separate group of encroachments on the institutional guarantees of the independence of the legal profession that can be implemented in the simulation of legal activity, representation without proper authority or collusion with other participants in the process. The author emphasizes that such a classification has not only theoretical, but also applied significance, since it creates the basis for formation of separate methods of investigation of the relevant criminal offenses¹⁹.

Consequently, for the purposes of forensic investigation of criminal offenses against justice, use of only traditional criminal law approaches to their systematization seems insufficient. The construction of a classification solely on the basis of the generic or direct object of criminal law protection is important for combining these criminal offenses into one group, their qualification, but does not allow to fully identify the patterns of criminal illegal activity mechanism, peculiarities of the formation of traces, typical sources of evidentiary information and specifics of its research. Thereby such a classification has limited potential for fulfilling the tasks of forensic science and building separate methods of investigation and trial.

We believe that in forensic aspect, the leading importance is not so much

the legal construction of the composition of a criminal offense, but peculiarities of the mechanism of its commission. The latter reflects the natural process of interaction of the subject of criminal and illegal activity with the environment, other participants, material objects, information systems and documents that results in formation of trace pattern characteristic. In the case of forensic systematization of criminal offenses against justice, it is advisable to take into account not formal and legal specifics, but forensically significant criteria, among which the method of implementing illegal behavior, typical subject, nature of interaction between participants, the mechanism of trace formation, the main sources of evidentiary information and the specifics of their detection, fixation and research are of particular importance.

The need to apply this approach is due to the heterogeneity of criminal offenses provided for in Sec. XVIII of the Criminal Code of Ukraine. Despite their unification by a common generic object of encroachment, individual acts differ significantly in the mechanism of commission, interaction nature of participants, concealment method, peculiarities of the trace picture and the nature of the evidence that can be used as the basis for the accusation. Thus, some criminal offenses are predominantly documentary in nature, they are committed through the use of official authority, others are associated with informational influence and distortion of evidentiary information, others are characterized by violent mechanisms of influence or interference in functioning of information systems, and individual acts are committed in the field of execution of court decisions or functioning of penitentiary institutions.

19 Романаускас К. А. Зазнач. твір. DOI: 10.32353/khrife.3.2025.05_(date accessed: 14.04.2026).

We believe that forensic classification of criminal offenses against justice can be presented as follows.

1. Criminal offenses committed by officials with abuse of professional (official) position

Forensic peculiarity is nature of the traces, recorded primarily in documents, the use of official powers, formal legality of individual actions, and availability of digital traces.

It is advisable to consider the following criminal acts as belonging to this group: 1) knowingly unlawful detention, pretext, house arrest or detention (Art. 371); 2) bringing a deliberately innocent person to justice (Art. 372); 3) coercion to testify (Art. 373); 4) violation of the right to defense (Art. 374); 5) failure to take security measures in relation to a protected person (Art. 380); 6) non-compliance with a court decision (Parts 2 and 3 of Art. 382); 7) disclosure of pre-trial investigation data, operational investigative activities (Part 2 of Art. 387)²⁰.

2. Criminal offenses committed by means of unlawful interference with evidence

Unifying criterion of this group is unlawful influence on the process of formation, perception, preservation of evidentiary information or its use, embodied in its distortion, concealment, distortion or creation of obstacles to obtaining reliable information in criminal proceedings. It is appropriate to consider the following criminally punishable acts as belonging to this group: 1) deliberately false notification of the criminal offense commission (Art. 383); 2) misleading the court or other

authorized body (Art. 384); 3) refusal of a witness to give testimony or refusal of an expert or translator to perform the duties assigned to them (Art. 385); 4) obstruction of the appearance of a witness, victim, expert, specialist or forcing them to refuse to give testimony or provide a conclusion (Art. 386); 5) concealment of a criminal offense (Art. 396); 6) representation in court without proper authority (Art. 400-1)²¹.

They are characterized by: ideal traces; communication through electronic means of communication. The main element is the mechanism analysis of information transfer.

3. Criminal offenses involving use of physical force against persons subject to the administration of justice

Defining characteristics of this group are the specific peculiarities of the mechanism of coercive influence aimed at obstructing the administration of justice, or exertion of influence on individuals in connection with the performance of their professional duties in the judicial system. The following criminal offenses should be considered part of this group: 1) threats or violence against a judge, lay judge, or juror (Art. 377); 2) intentional destruction or damage to the property of a judge, lay judge, or juror (Art. 378); 3) an attempt on judge life, lay judge, or juror in connection with their activities related to the administration of justice (Art. 379); 4) threats or violence against a defense attorney or a person's representative (Art. 398); 5) intentional destruction or damage to the property of a defense counsel or a person's representative (Art. 399); 6) attempt on the life of a defense attorney or a per-

²⁰ The following articles refer exclusively to the Criminal Code of Ukraine: Кримінальний кодекс ... URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 14.04.2026).

²¹ Там само.

son's representative in connection with the provision of legal assistance (Art. 400); 7) certain forms of unlawful influence on a witness, victim, expert, specialist, or other participants in legal proceedings involving the use of threats or violence (Art. 386)²².

Common forensically significant specifics of this group are the peculiarities of the event localization, availability of material and biological traces, use of certain tools for committing a criminal offense, significant role of video recording and telecommunication data, as well as the need to clarify the relationship between professional activity of the victim and the motive for criminal wrongdoing. At the same time, this category of criminal offenses is characterized by situations of concealing the true motives of encroachment by staging or disguising it as a domestic conflict or other non-criminal circumstances.

4. Criminal offenses involving financial influence and material pressure on justice system

Unifying criterion for this group is the use of property as a means of influencing participants in criminal proceedings or as a way of obstructing the administration of justice. The following criminal offenses should be considered part of this group: 1) intentional destruction or damage of the property of a judge, lay judge, or juror (Art. 378); 2) intentional destruction or damage of the property of a defense attorney or a person's representative (Art. 399); 3) unlawful actions regarding property that has been seized, property that has been described, or property subject to confiscation (Art. 388)²³.

Common forensically significant peculiarities of this group are the predominance of the material trace picture, the presence of documents characterizing the legal status, ownership or mode of use of property, the significant role of information about financial and digital transactions, technical traces of damage or destruction of objects, as well as information from state registers and other information systems. Of particular importance in investigation is the determination of the method of influence on the property, damage nature, mechanism of their formation and the connection of the relevant actions with obstruction of justice or illegal influence on the participants in the proceedings.

5. Criminal offenses involving interference with functioning of the institutional and information infrastructure of justice system

Unifying criterion for this group is unlawful influence on technical, informational, or organizational mechanisms that ensure functioning of the justice system. The following criminal offenses should be considered part of this group: 1) interference in the activities of judicial bodies (Art. 376); 2) unlawful interference in the operation of automated systems in the justice sector (Art. 376-1); 3) interference in the activities of a defense attorney or a person's representative (Art. 397)²⁴.

Common forensically significant features of this group are the presence of a digital trace picture, the value of access logs to information systems, telecommunication data, metadata, as well as traces of interference in automated systems and

²² Кримінальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (date accessed: 14.04.2026).

²³ Там само.

²⁴ Там само.

electronic information resources. This category of criminal offenses is characterized by the use of digital environment as an instrument of influence necessitating the analysis of electronic media, network activity, access parameters and technical characteristics of the relevant systems.

Involvement of specific expertise in the fields of information technology, telecommunications and digital forensics is of particular importance during an investigation, and computer forensic, telecommunications and other types of analysis aimed at determining intrusion mechanism, method used to carry it out, and the sources of the digital information are of paramount importance.

6. Criminal offenses related to evasion of court orders and sentences

Unifying criterion for this group is the mechanism of evading the enforcement of a court decision or avoiding compliance with restrictions, obligations, and legal measures imposed by a court or by law. The following criminal offenses should be considered part of this group: 1) evasion of punishment not involving imprisonment (Art. 389); 2) evasion of serving a sentence in the form of restriction or deprivation of liberty (Art. 390); 3) willful disobedience of the requirements of the administration of a penal institution (Art. 391); 4) actions that disrupt the operation of penal institutions (Art. 392); 5) escape from a place of imprisonment or from custody (Art. 393); 6) escape from a specialized medical facility (Art. 394); 7) violation of the rules of administrative supervision (Art. 395); 8) intentional failure to comply with a reconciliation

agreement or a plea agreement (Art. 389-1); 9) evasion of community service (Art. 389-2) ²⁵.

Common criminally significant evidence of this group is the long-term nature of criminal and illegal activities, persistent behavioral stereotypes, lifestyle features and characteristic patterns of offender's behavior. For such criminal offenses, route data, information about the person's social connections, as well as digital and geolocation traces that allow reconstructing the movements, contacts and actual behavior of the subject are essential.

Typical sources of evidentiary information in such criminal proceedings are materials of probation bodies, penitentiary institutions and control bodies, records of video surveillance systems, information of mobile operators, results of analysis of digital activity, as well as characteristics of a person and other documents reflecting his behavior, lifestyle and performance of duties assigned to.

7. Criminal offenses aimed at disrupting the operations of correctional facilities

Independence of this group is due to the specific environment of committing criminal offenses related to the functioning of penitentiary institutions, places of detention or specialized medical institutions where a special legal regime, control system and specific living conditions operate. It is advisable to consider the following criminal acts as belonging to this group: 1) malicious disobedience to the requirements of the administration of the penitentiary institution (Art. 391); 2) actions that disorganize the work

²⁵ Кримінальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (дата звернення: 14.04.2026).

of penitentiary institutions (Art. 392); 3) escape from a place of deprivation of liberty or from custody (Art. 393); 4) escape from a specialized medical institution (Art. 394) ²⁶.

Common forensic characteristics of this group include localized setting in which criminal offenses are committed, the operation under security restrictions and the specific group of individuals involved in their commission (convicts; persons in custody; institutional staff; and other participants in security-related legal relationships). Data from internal video surveillance cameras in the premises of penal authorities and institutions, materials from official and security documentation, logbooks, information on the movement of individuals and technical monitoring devices play a significant role in supporting procedure.

Peculiarity of such criminal offenses is the specific mechanism of trace formation, due to regime environment, spatial limitations, constant control over the behavior of persons and a high level of regulation of their activities. This makes necessary to take into account peculiarities of functioning of the relevant institutions and the mechanism for formation of evidence information when developing recommendations for their investigation.

Such a system (unlike a purely criminal law-based one) is based not on the formal object of the offense, but on forensically significant patterns of the mechanism of criminal activity, the method of its execution, typical forensic evidence, and sources of evidentiary information providing foundation for developing specific forensic investigation and trial procedures.

Conclusions

Traditional criminal law approaches to classification of criminal offenses against administration of justice do not fully fulfill objectives of criminalistics, as they do not allow for the identification of patterns in the mechanisms of criminal activity, the characteristics of the formation of a forensic picture, the typical sources of evidentiary information and the specifics of their application in proving a case. It is argued that forensic classification should be viewed not as a formal categorization of criminal offenses based on specific characteristics, but as a tool for systematizing knowledge about the patterns of their commission and investigation.

Generalization of scientific approaches made possible to conclude that the criminal-legal classification should become the basic basis for forensic systematization, however, it should be supplemented with forensically significant criteria. Of leading importance for forensic classification construction are features of the mechanism of committing a criminal offense, interaction nature of participants, typical methods of implementing illegal behavior, mechanism of trace formation, as well as the main sources of evidentiary information.

Based on performed research, the author's forensic classification of criminal offenses against justice is proposed including: criminal offenses committed by officials with abuse of professional (official) position; criminal offenses, which method is associated with unlawful influence on evidence; criminal offenses associated with implementation of physical influence on subjects of justice; criminal

26 Кримінальний кодекс URL: <https://zakon.rada.gov.ua/laws/show/2341-14#Text> (дата звернення: 14.04.2026).

offenses of property influence and material pressure on the justice system; criminal offenses of interference with functioning of institutional and information infrastructure of justice; criminal offenses associated with evasion of execution of court decisions and punishments; criminal offenses aimed at disorganizing activities of institutions for the execution of punishments. The basis of such a division is not the formal object of criminal legal protection, but forensically significant regularities of the mechanism of criminal activity.

It is proven that proposed classification model has not only theoretical, but applied significance, as it allows to determine typical mechanisms of trace formation, main sources of evidentiary information, predict investigative situations and creates a methodological basis for the further development of individual forensic investigation methods and trial of criminal offenses against justice. A promising direction of further research is the construction of individual forensic investigation methods for each of the proposed groups of criminal offenses.

Криміналістична класифікація кримінальних правопорушень проти правосуддя

Тетяна Бобко

Розкрито теоретичні та прикладні аспекти криміналістичної класифікації кримінальних правопорушень проти правосуддя. Метою роботи є розроблення криміналістичної класифікації кримінальних правопорушень проти правосуддя на основі комплексного врахування кримінально-правових і криміналістично значущих критеріїв. Методологічне підґрунтя дослідження становлять загальнонаукові методи аналізу, синтезу

й узагальнення, а також діалектичний, логіко-семантичний, формально-юридичний, системно-структурний, порівняльно-правовий і герменевтичний методи. Проаналізовано сучасний стан наукових досліджень у сфері криміналістичної класифікації кримінальних правопорушень і наукові підходи до систематизації кримінальних правопорушень проти правосуддя. Узагальнено наукові позиції, а також здійснено критичний аналіз запропонованих підходів. Обґрунтовано, що застосування винятково кримінально-правових критеріїв не забезпечує повного врахування закономірностей механізму кримінально-протиправної діяльності, особливостей формування слідової картини та джерел доказової інформації. З'ясовано, що під час побудови криміналістичної класифікації кримінальних правопорушень проти правосуддя провідне значення мають механізм учинення кримінального правопорушення, характер взаємодії учасників, способи реалізації протиправної поведінки, механізм слідотворення. Запропоновано авторську криміналістичну класифікацію кримінальних правопорушень проти правосуддя, що охоплює сім самостійних груп кримінальних правопорушень, сформованих на підставі криміналістично значущих критеріїв. Зроблено висновок, що запропонована класифікаційна модель має важливе теоретичне та прикладне значення, оскільки створює підґрунтя для формування окремих криміналістичних методик розслідування та судового розгляду відповідної категорії кримінальних правопорушень. Окреслено перспективи подальших досліджень, пов'язані з розробленням криміналістичних рекомендацій і методик для окремих видів кримінальних правопорушень проти правосуддя.

Ключові слова: кримінальне провадження; кримінальне правопорушення; судове провадження; криміналістичне забезпечення; правосуддя; протидія злочинності.

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