

USE OF FORENSIC EXAMINATION OPPORTUNITIES DURING THE INVESTIGATION OF CORRUPTION CRIMINAL OFFENSES COMMITTED BY JUDGES

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Annotation. The article emphasizes the significant pre-trial importance of forensic examinations in investigating corrupt criminal offenses as one of the forms of utilizing specialized knowledge. The authors disclose the definition of forensic examination. Based on the works of criminologists, survey results from practitioners, and the study of verdicts from the Higher Anti-Corruption Court, it was established that forensic examinations are assigned to state specialized expert institutions but to various subjects of forensic activity. A list of forensic examinations types, primarily appointed in the investigation of criminal offenses committed by judges, is also identified. The most common types of forensic examinations in the investigation of corruption criminal offenses committed by judges are considered. The authors emphasize the importance of forensic criminalistic examination of audio and video materials, forensic document examination, forensic portrait examination, forensic handwriting examination, forensic computer-technical examination, forensic dactyloscopic examination, psychological examination, and forensic linguistic (semantic-textual) examination. It is outlined that conducting examinations in corruption-related proceedings is an effective means of determining the crime mechanism, identifying comparative sample and traces of the suspect, and the subject of the unlawful benefit. The main tasks set for the expert to solve during the investigation of corruption criminal offenses committed by judges are systematized. In the modern context, attention is focused on solving identification and diagnostic tasks.

All these achievements are substantiated by statistical data results and interviews with practitioners, as well as through the analysis of criminal proceedings in the specified category of offenses.

Key words: corruption, corruption criminal offenses, special knowledge, forensic examination, expert, types of forensic examinations, tasks of forensic examinations, expert institutions.

1. Introduction.

Corruption as a systemic phenomenon is diverse: economic, political, domestic, moral and worldview. Corruption in society exists to this day, although the attitude towards it varies in different countries. The phenomenon of corruption cannot in any case be considered abstractly, outside of cultural features, because there are societies and countries where corruption is a common way of life, when gifts are not considered a bribe, as well as helping family members to occupy a certain position (nepotism) [1].

Corruption in Ukraine remains an urgent problem that needs to be solved. According to the KIIS survey commissioned by Program for Promoting Public Activity "Doluchaysya!" in cooperation with the USAID Project "Supporting Leader Organizations in Combating Corruption in Ukraine "VzayemoDiya" (SACCI) in the winter of 2023. 89% of citizens consider corruption to be the most serious problem for Ukraine after a full-scale war [2].

Despite the fact that Ukraine has long declared a course to fight corruption, this problem is still relevant and acute. Statistics for recent years indicate an increase (during 2016-2021) and a decrease in the last two years in the number of proceedings regarding corruption and corruption-related criminal offenses

opened by the National Anti-Corruption Bureau of Ukraine in relation to courts: 2016 – 26 proceedings; 2017 – 19; 2018 – 32; 2019 – 39; 2020 – 42; 2021 – 49; 2022 – 18; 2023 – 9.

During the investigation of corruption offenses committed by judges, questions arise that require special knowledge. The use of special knowledge in the pre-trial investigation involves the involvement in the investigation process of persons with special knowledge and skills.

2. Analysis of scientific publications.

The use of specialized knowledge and the investigation of corruption criminal offenses have been the subject of research by prominent criminologists such as: L.Yu. Arotsker, Yu.P. Alenin, A.B. Balon, O.M. Bandurka, I.V. Basysta, V.P. Bakhin, H.S. Bidnyak, A.F. Volobuyev, V.G. Goncharenko, I.V. Hory, Yu.M. Hroshevyi, V.A. Zhuravel, A.V. Ishchenko, N.I. Klymenko, I.I. Kohutych, V.O. Konovalova, V.K. Lysychenko, V.V. Lysenko, Ye.D. Lukyanchikov, H.A. Matusovsky, S.V. Oliynyk, I.V. Pyrig, M.A. Pohoretsky, O.O. Punda, O.V. Pchelina, M.V. Saltevsy, M.Y. Sekhay, E.B. Simakova-Yefremyan, D.B. Serhiyeva, R.L. Stepanyuk, O.M. Tarkan, V.M. Trepak, I.Y. Fridman, P.V. Tsymbal, K.O. Chaplynsky, S.S. Cherniavsky, A.V. Shevchyshen, V.Y. Shepityko, V.I. Shykanov, O.R. Shlyakhov, M.Kh. Shcherbakivsky, V.V. Yusupov, and others. However, scientific developments require timely updates to meet the needs of forensic practice, especially when the state is in extremely difficult economic conditions during full-scale military aggression.

3. The aim of the work.

This article aims to conduct an analysis of the capabilities of forensic experts during the investigation of corrupt criminal offenses committed by judges.

4. Review and discussion.

The procedural form of using specialized knowledge, which allows the investigation and the court to obtain new information that have probative value and cannot be acquired in any other procedural way, is forensic examination.

Forensic examination is a research based on specialized knowledge in the field of science, technology, art, craft, etc. objects, phenomena, and processes in order to provide conclusions on issues that are or will be the subject of judicial proceedings [3].

Scientists Yu. O. Pilyukov and O. M. Shramko (2018) note that forensic examinations can be characterized as the most qualified and significant form of applying specialized knowledge in proving the circumstances of corruption crimes [4].

Conducting examinations in corruption proceedings is an effective means of determining the crime mechanism, identifying comparative samples and traces of the suspect, and the object of the unlawful benefit.

During the survey and study of verdict materials of the Higher Anti-Corruption Court, it was established that forensic examinations are assigned to state specialized expert institutions but to different subjects of forensic activity: research institutions of forensic examinations of the Ministry of Justice of Ukraine (10% of examinations), forensic-psychiatric institutions of the Ministry of Health of Ukraine (50% of examinations), the forensic service of the Ministry of Internal Affairs of Ukraine (50% of examinations), and the forensic service of the Security Service of Ukraine (90% of examinations).

Let's consider the most common types of forensic examinations in the investigation of specific corruption crimes committed by judges.

When investigating corruption crimes, the main sources of information are documents, a thorough examination of which by a forensic expert provides the basis for detecting corruption: electronic documentation; appeals and complaints regarding abuse of power by officials of state authorities (judges);

documents that confirm ownership of monetary deposits, vehicles, land plots, houses, apartments, other real estate by a corrupt official. Therefore, forensic examination of documents and forensic handwriting examination are most often carried out.

The main tasks of the technical examination of requisites of documents are: establishing the facts and methods of making changes to documents (cleaning, etching, adding, pasting photos, letters, etc.) and identifying their original content; conducting research to establish the fact of making changes to the primary content of the documents, the originals of the documents are provided.

The purpose of the forensic examination of audio and video materials is to: establish the technical conditions and technologies for obtaining video and audio recordings; identify an individual by physical parameters of the voice; identify an individual by linguistic features of oral speech [5].

The main task of the handwriting examination is to identify the performer of the handwritten text, limited in the amount of handwritten records (alphabetic and digital) and signature. Some diagnostic tasks are also solved by this examination (establishing the fact of the execution of the handwritten text under the influence of confounding factors: natural and artificial) [6].

The main tasks of a forensic computer-technical examination (examination of computer equipment and software products) include: establishment of the working condition of computer-technical means; establishment of circumstances related to the use of computer-technical means, information and software; detection of information and software contained on computer media; information compliance of software products with certain versions or requirements for its development.

Forensic dactyloscopic examination is solved by two main groups of tasks: identification and diagnostic. The first group of tasks (identification tasks) includes the identification of an individual by the traces of handprints left at the scene of the incident. The diagnostic tasks include: establishment of the mechanism of trace formation, features of the structure of the hand that left a trace, some other characteristics of the trace-forming object; determination of the question of suitability for identification [5].

Psychological examination establishes those features of mental activity and their manifestations in a person's behavior that have legal significance and cause certain legal consequences. The purpose of the psychological examination is to determine individual psychological features, character traits, leading personality qualities; motivational factors of mental life and behavior; emotional reactions and states; regularities of the course of mental processes, the level of their development and individual properties.

Forensic linguistic (semantic-textual) examination solves the task of establishing the content of concepts, the lexical meaning of words or phrases used in the texts or oral messages provided for research (according to their textual reproductions), solving speech issues that are not related to establishing factual data about the author [5].

5. Conclusions.

Investigation of any criminal offence requires a set of investigative (detective) actions to be taken along with other procedural actions and measures. One of these measures involves the use of specialized knowledge – the application of scientific and technical achievements to solve the tasks of criminal justice.

A separate form of use of specialized knowledge and investigative (detective) action is the involvement of an expert by a party to criminal proceedings and the conduct of an examination. According to the results of the study of criminal proceedings, the analysis of verdicts, and scientific research conducted during the investigation of corruption criminal offenses committed by judges, the following types of forensic examinations are conducted: forensic examination of audio and video materials; forensic examination of documents; forensic portrait examination; forensic handwriting examination; forensic computer and technical examination; forensic dactyloscopic examination; psychological examination; forensic linguistic (semantic-textual) examination. The listed types of examinations solve identification and diagnostic tasks, namely: establishing the executor of the handwritten test (signatures) in a document on a paper form; the belonging of handprints to specific persons left on objects of illegal benefit; the identity of human voice samples with the voice on the phonogram and others.

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