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THE SYSTEM OF SUBJECTS OF FORENSIC EXPERT ACTIVITY IN UKRAINE: CURRENT STATE AND PROBLEMS OF ITS FORMATION

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Abstract

The article examines the current state of the Ukrainian system of subjects of forensic expert activity and highlights certain problems related to its functioning. The provisions of the Law of Ukraine on "Forensic Examination" concerning the system of subjects of forensic expert activity are analyzed. It is demonstrated that forensic, forensic medical, and forensic psychiatric examinations may be conducted exclusively by specialized state forensic institutions of the Ministry of Internal Affairs of Ukraine, the Ministry of Justice of Ukraine, the Ministry of Defense of Ukraine, the Ministry of Health of Ukraine, the Security Service of Ukraine, and the State Border Guard Service of Ukraine. These subjects, together with experts who are not employees of specialized state institutions, are also authorized to conduct all other types of forensic examinations.

The structure and principal tasks of the expert services within the Ukrainian Ministry of Internal Affairs, the Security Service of Ukraine, and the State Border Guard Service, as well as the forensic science institutes of the Ministry of Justice of Ukraine, are examined in detail. Attention is also drawn to the ongoing reform of forensic institutions subordinated to the Ministry of Health. It is noted that the forensic expert powers previously vested in the Ministry of Defense have been transferred to civilian institutions. The article also presents proposals put forward by representatives of Ukraine's anti-corruption law enforcement bodies regarding the establishment of a specialized forensic institution within the structure of the National Anti-Corruption Bureau of Ukraine. Furthermore, the system of forensic institutions and independent experts who do not belong to the category of state specialized institutions is demonstrated.

Emphasis is placed on the principal problems associated with the formation and functioning of the system of forensic institutions in Ukraine. Among these, particular attention is drawn to the absence of a single center responsible for the development and implementation of state policy in this field, the lack of coherent legislative regulation, the subordination of forensic institutions to different governmental agencies, and the potential for conflicts of interest arising from the institutional subordination of both the ordering bodies and the providers of forensic examinations within the same authority, among other issues.

Keywords: forensic expert activity, forensic examination, forensic expert, judicial proceedings, criminal proceedings, system of subjects, public administration.

SISTEMUL SUBIECȚILOR ACTIVITĂȚII DE EXPERTIZĂ CRIMINALISTICĂ ÎN UCRAINA: STAREA ACTUALĂ ȘI PROBLEMELE FORMĂRII ACESTEIA

Abstract

Articolul examinează starea actuală a sistemului ucrainean de subiecți ai activității de expertiză criminalistică și evidențiază anumite probleme legate de funcționarea acestuia. Sunt analizate prevederile Legii

Ucrainei privind „expertiza criminalistică” referitoare la sistemul subiecților activității de expertiză criminalistică. Se demonstrează că expertizele criminalistice, medico-legale și psihiatrico-legale pot fi efectuate exclusiv de instituții criminalistice de stat specializate din cadrul Ministerului Afacerilor Interne al Ucrainei, Ministerului Justiției al Ucrainei, Ministerului Apărării al Ucrainei, Ministerului Sănătății al Ucrainei, Serviciului de Securitate al Ucrainei și Serviciului de Grăniceri de Stat al Ucrainei. Acești subiecți, împreună cu experți care nu sunt angajați ai instituțiilor de stat specializate, sunt de asemenea autorizați să efectueze toate celelalte tipuri de expertize criminalistice.

Sunt analizate în detaliu structura și principalele sarcini ale serviciilor de expertiză din cadrul Ministerului Afacerilor Interne al Ucrainei, Serviciului de Securitate al Ucrainei și Serviciului de Grăniceri de Stat, precum și ale institutelor de criminalistică ale Ministerului Justiției al Ucrainei. De asemenea, este evidențiată reforma în curs a instituțiilor de expertiză subordonate Ministerului Sănătății. Se menționează că atribuțiile de expertiză criminalistică anterior deținute de Ministerul Apărării au fost transferate către instituții civile. Articolul prezintă, de asemenea, propuneri formulate de reprezentanți ai organelor anticorupție din Ucraina privind înființarea unei instituții criminalistice specializate în structura Biroului Național Anticorupție al Ucrainei. În plus, este prezentat sistemul instituțiilor criminalistice și al experților independenți care nu fac parte din categoria instituțiilor de stat specializate.

Se pune accent pe principalele probleme asociate formării și funcționării sistemului instituțiilor criminalistice din Ucraina. Dintre acestea, o atenție deosebită este acordată lipsei unui centru unic responsabil de elaborarea și implementarea politicilor de stat în acest domeniu, lipsei unei reglementări legislative coerente, subordonării instituțiilor criminalistice diferitelor autorități guvernamentale și potențialului de conflicte de interese generate de subordonarea instituțională atât a organelor solicitante, cât și a furnizorilor de expertize în cadrul aceleiași autorități, printre alte probleme.

Cuvinte-cheie: activitate de expertiză criminalistică, expertiză criminalistică, expert criminalist, proceduri judiciare, proceduri penale, sistem de subiecți, administrație publică..

Introduction. Forensic examinations constitute an important procedural instrument for establishing the truth in all categories of judicial proceedings. Such examinations are initiated and conducted in cases where the resolution of issues before the court requires specialized knowledge that, as a general rule, is not possessed by the court or by the participants in judicial proceedings. At the same time, the conduct of forensic examinations represents a socially significant and controlled sphere of human activity that is thoroughly regulated by current legislation and access to which is granted only to specifically authorized subjects. Meanwhile, the system of subjects of forensic expert activity operates under conditions of continuous reform, regular updates to relevant legislation, and excessive workload associated with the ongoing war in Ukraine. These circumstances indicate the need for a detailed study of its current state, the identification of existing problems in its functioning, and the development of possible ways to address them.

Discussions and results obtained. In accordance with Article 7 of the Law of Ukraine n “Forensic Examination”, the subjects of forensic expert activity include state specialized institutions and their territorial branches, expert institutions of municipal ownership, as well as forensic experts who are not employees of these institutions, and other specialists (experts) in relevant fields of knowledge, acting in the manner and under the conditions defined by the cited Law.

The system of state specialized institutions includes: research institutions of forensic examinations of the Ministry of Justice of Ukraine; research institutions of forensic examinations, as well as forensic medical and forensic psychiatric institutions of the Ministry of Health of Ukraine; and the expert services of the Ministry of Internal Affairs of Ukraine, the Ministry of Defense of Ukraine, the Security Service of Ukraine, and the State Border Guard Service of Ukraine [1]. Only the aforementioned specialized state institutions are exclusively authorized to conduct forensic expert activity, including forensic, medical, and psychiatric examinations. Other types of forensic examinations may also be conducted by forensic experts who are not employees of specialized state institutions.

The State Judicial Administration of Ukraine also operates its own state forensic expert institution [2]. However, since this authority is not mentioned in Article 7 of the Law

of Ukraine on “Forensic Examination,” the state-owned limited liability company “Center for Forensic Examination and Expert Studies” operating under its authority is not classified as a “specialized” forensic institution. Consequently, its experts are not authorized to conduct forensic examinations of a criminalistic nature.

The most extensive component of the system of subjects of forensic expert activity, both in terms of the number of institutions and the staff of forensic experts, is the **Expert Service of the Ministry of Internal Affairs (MIA) of Ukraine**.

The institutions of the Expert Service of the MIA of Ukraine that carry out forensic expert activity include the State Scientific Research Forensic Center of the MIA of Ukraine in Kyiv, as well as territorial research forensic centers of the Ministry of Internal Affairs of Ukraine [3], which operate in almost all regional centers of the country in accordance with the administrative-territorial structure defined by Article 133 of the Constitution of Ukraine. The Donetsk Research Forensic Center of the Ministry of Internal Affairs of Ukraine is currently located in Dnipro due to the temporary occupation of Donetsk, while the Luhansk Research Forensic Center of the Ministry of Internal Affairs of Ukraine was reorganized in 2025.

The units of the Expert Service of the Ukrainian MIA conduct a full range of forensic examinations, with the exception of forensic medical and forensic psychiatric ones, which, in accordance with the law, may be performed exclusively by forensic institutions subordinated to the Ministry of Health of Ukraine. The State Scientific Research Forensic Center of the Ministry of Internal Affairs of Ukraine serves as the central unit of the Expert Service, entrusted with the tasks of organizational, legal, and methodological coordination of the activities of the Expert Service units of the Ministry of Internal Affairs of Ukraine. It is also responsible for providing forensic and technical-criminalistic support to law enforcement agencies, conducting research in the field of forensic and technical-criminalistic support, performing forensic examinations, maintaining forensic records, and participating in the development of technical-criminalistic tools as well as ensuring their application in practical activities.

A separate task assigned to the Expert Service of the Ministry of Internal Affairs of Ukraine is to ensure the participation of forensic experts and specialists of the Service's institutions as specialists during crime scene examinations, the conduct of pre-trial investigations, and judicial proceedings in accordance with the law [3]. Employees of the Expert Service of the MIA of Ukraine may be involved in conducting a crime scene examination in criminal proceedings as part of a specialized mobile laboratory. Such involvement is carried out upon a written request from the head of the pre-trial investigation body or a person acting in that capacity (in exceptional cases an oral request may be made and subsequently formalized in writing). It is applied in situations involving particularly serious incidents, including homicide or grievous bodily harm committed with firearms, armed robbery with injured victims, sexual violence against minors, major traffic accidents, large-scale fires, explosions or threats of explosions, the discovery of improvised explosive devices, as well as other complex cases [4].

The functions of the expert service of the **State Border Guard Service of Ukraine** are performed by its own Main Forensic Center. The primary purpose of this institution is to conduct forensic examinations and expert studies of passport documents that, in accordance with the law, are used when crossing the state border of Ukraine, with the aim of preventing, detecting, and investigating criminal and other offenses through the application of forensic and criminalistic methods and techniques [5]. The aforementioned institution conducts technical examinations of physical documents (2.1 “Examination of document requisites”; 2.3 “Examination of printing forms and other means used in the production of

documents”) and portrait examinations (6.2 “Identification of a person based on features of appearance using material images”). These examinations are carried out upon request of the units of the State Border Guard Service of Ukraine, as well as upon appointment by pre-trial investigation bodies or by courts.

Although the activities of the State Border Guard Service of Ukraine are coordinated through the Ministry of Internal Affairs of Ukraine, the Main Forensic Center of the State Border Guard Service of Ukraine is not a unit of the Expert Service of the Ministry of Internal Affairs and is not directly subordinated to the State Scientific Research Forensic Center of the Ministry of Internal Affairs of Ukraine.

Within the system of the **Ministry of Justice of Ukraine**, seven independent research institutions of forensic examinations operate. These include the Kyiv Scientific Research Institute of Forensic Examinations in Kyiv, which has territorial branches in Cherkasy, Vinnytsia, Ivano-Frankivsk, Ternopil, Chernihiv, Kropyvnytskyi, Zhytomyr, Chernivtsi, and Khmelnytskyi; the National Scientific Center “Hon. Prof. M. S. Bokarius Forensic Science Institute” in Kharkiv, which has territorial branches in Kyiv, Poltava, and Sumy, as well as a Donetsk branch temporarily relocated to Kyiv; the Odesa Scientific Research Institute of Forensic Examinations in Odesa, which has branches in Mykolaiv and Kherson; the Lviv Scientific Research Institute of Forensic Examinations in Lviv, which has branches in Uzhhorod, Rivne, and Kyiv; the Dnipropetrovsk Scientific Research Institute of Forensic Examinations in Dnipro, which has a branch in Zaporizhzhia; the Research Center for Forensic Examination in the Field of Information Technologies and Intellectual Property in Kyiv, which has a Western Ukrainian branch located in Ivano-Frankivsk; and the Research Center of Independent Forensic Examinations of the Ministry of Justice of Ukraine in Kyiv. The forensic institutions of this ministry conduct a full range of forensic examinations, with the exception of forensic medical and forensic psychiatric ones, upon appointment by pre-trial investigation bodies, the prosecution, and courts, as well as upon request of private individuals.

Within the structure of the Ministry of Justice of Ukraine there also operates the Department of Expert Support of Justice, which is entrusted with directing and supervising the activities of research institutions of forensic examinations belonging to the sphere of administration of the Ministry, as well as forensic experts who are not employees of state specialized institutions. This department is also responsible for organizing scientific and methodological support for forensic expert activity and for ensuring the functioning of the Central Expert Qualification Commission under the Ministry of Justice of Ukraine. Article 8 of the Law of Ukraine on “Forensic Examination” assigns to the Ministry of Justice of Ukraine the responsibility for providing scientific-methodological and organizational-managerial support for the activities of forensic experts who are not employees of state specialized institutions. In accordance with procedures established by the Ministry, it also exercises oversight over compliance with legislation governing forensic expert activity by experts of this category.

In addition, the Ministry of Justice of Ukraine ensures the publication of the inter-departmental scientific and methodological journal *Criminalistics and Forensic Examination*, which serves as a specialized professional publication in the field of scientific and methodological support for forensic expert activity.

Forensic institutions subordinated to the **Ministry of Health of Ukraine** possess the exclusive authority to conduct forensic medical [6], forensic psychiatric, and comprehensive forensic psychological and psychiatric examinations [7] upon appointment by pre-trial investigation bodies, the prosecution, and courts, as well as at the request of private individuals.

In particular, forensic medical examinations are carried out by state institutions

of the forensic medical service of Ukraine, which is currently undergoing reform. As of May 2024, a number of municipal institutions of the regional bureaus of forensic medical examination of the Ministry of Health of Ukraine were in the process of termination [8]. The central institution of this service, the Main Bureau of Forensic Medical Examination of the Ministry of Health of Ukraine, was reorganized by Order No.448 of April 3, 2026, issued by the Ministry through its merger with the Institute of Forensic Psychiatry of the Ministry of Health of Ukraine [9]. The process of reorganizing the state regional bureaus of forensic medical examination has also been initiated [10].

Forensic medical experts of the Ministry of Health of Ukraine are also systematically involved by pre-trial investigation bodies as specialists to participate in the inspections of corpses and in exhumations on the basis of Articles 238 and 239 of the Criminal Procedure Code of Ukraine.

Forensic psychiatric examinations may be conducted exclusively by employees of state specialized institutions for forensic psychiatric and forensic psychological examinations subordinated to the Ministry of Health of Ukraine, which include research institutions of forensic examinations and forensic psychiatric institutions of the Ministry. The leading entity within this system is the Institute of Forensic Psychiatry of the Ministry of Health of Ukraine, which has forensic examination branches in the Vinnytsia, Volyn, Dnipro, Donetsk (temporarily relocated to Kyiv), Zhytomyr, Zakarpattia, Zaporizhzhia, Ivano-Frankivsk, Kyiv, Kirovohrad, Lviv, Mykolaiv, Odesa, Poltava, Rivne, Ternopil, Kharkiv, Kherson, Khmelnytskyi, Cherkasy, Chernivtsi, and Chernihiv regions. At the same time, inpatient forensic examinations are conducted exclusively at the Lviv branch of forensic examinations of the Institute [11]. It should be noted that the Ministry of Health of Ukraine has initiated the reorganization of forensic medical examination bureaus through their merger with the aforementioned Institute of Forensic Psychiatry, which may indicate an effort to unify the subjects of forensic expert activity subordinated to the Ministry of Health into a single organizational and managerial structure.

In accordance with Part 2 of Article 71 of the Fundamentals of the Legislation of Ukraine on Health Care, organizational management of the forensic medical and forensic psychiatric services is carried out by the central executive authority responsible for implementing state policy in the field of health care [12], namely the Ministry of Health of Ukraine. A commission also operates under the Ministry of Health of Ukraine, the purpose of which is to monitor compliance by state specialized institutions of forensic psychiatric and forensic psychological examinations of the Ministry, as well as by their employees performing administrative and organizational functions, with legislation governing forensic expert activity [13].

Within the system of the **Security Service of Ukraine**, the Ukrainian Research Institute of Special Equipment and Forensic Examinations operates, performing the functions of the Expert Service of the Security Service of Ukraine [14]. The Institute is entrusted with the tasks of carrying out scientific, research, scientific-technical, and scientific-organizational activities; developing, producing, and maintaining special technical equipment; conducting forensic expert activity; and providing technical and criminalistic support for operational-search and counterintelligence activities, investigative (search) actions, and related functions [15].

The primary expert division of the Institute is the Center for Forensic and Special Examinations. Territorial units (substructural branches) of this Center conduct more than 45 types of forensic examinations in the cities of Kyiv, Vinnytsia, Dnipro, Zhytomyr, Uzhhorod, Ivano-Frankivsk, Kropyvnytskyi, Lutsk, Lviv, Odesa, Poltava, Rivne, Ternopil, Kharkiv, Khmelnytskyi, Cherkasy, Chernivtsi, and Chernihiv [16].

Until November 28, 2013, the structure of the Medical Forces of the Armed Forces of Ukraine included the Center for Forensic Examinations of the **Ministry of Defense of Ukraine**, which conducted a significant number of complex forensic medical examinations, forensic technical examinations of documents, forensic handwriting examinations, forensic ballistic examinations, and forensic traceological examinations. However, as noted by N. M. Erhard, in 2013 a decision was made to liquidate this institution and to transfer the relevant powers to conduct forensic examinations to civilian subjects of forensic expert activity [17, p. 181-182]. As of the time of preparation of this study, regulatory legal acts and other open sources contain no information on the conduct of forensic expert activity by institutions subordinated to the Ministry of Defense of Ukraine. This may also be related to restrictions on access to information concerning the activities of the Defense Forces of Ukraine under the legal regime of martial law.

Since 2023, the leadership of the National Anti-Corruption Bureau of Ukraine and the Specialized Anti-Corruption Prosecutor's Office have consistently advocated the establishment of an independent forensic institution to conduct examinations in criminal proceedings concerning criminal offenses falling within the investigative jurisdiction of the National Bureau. Among the arguments advanced by law enforcement officials in support of this proposal are the acceleration of forensic examinations, the absence of unlawful administrative influence on experts by state authorities whose officials may be subjects of criminal proceedings conducted by the Bureau, and the prevention of information leaks regarding the course of pre-trial investigations, etc. [18]. At the same time, this proposal has been received ambiguously by specialists in the field of criminal justice. As noted by Yurii Hryhorenko, the establishment of a dedicated expert service within the National Anti-Corruption Bureau of Ukraine may lead to a conflict of interest due to the common institutional subordination of both the pre-trial investigation body and the newly created forensic institution [19].

As previously noted, within the system of subjects of forensic expert activity it is also appropriate to distinguish state non-specialized forensic institutions. Among these is the State Enterprise "Center for Forensic Examination and Expert Studies" subordinated to the State Judicial Administration of Ukraine [2], which is currently undergoing reorganization through its transformation into a limited liability company, one hundred percent of the shares in the authorized capital of which will be owned by the state. The aforementioned institution conducts forensic examinations upon request or appointment by participants in criminal, civil, commercial, and administrative proceedings. Among the types of examinations carried out by the Center are forensic engineering and transport examinations, construction technical examinations, computer technical examinations, construction evaluation examinations, land evaluation examinations, commodity examinations, economic examinations, and examinations in the field of intellectual property.

Another numerous group of subjects of forensic expert activity, consists of *forensic experts who are not employees of state specialized institutions*. As of the time of preparation of this study, the Register of Certified Forensic Experts of Ukraine [20] contains information on 1,995 forensic experts who are not affiliated with state specialized institutions, although the certificates of some of them have been terminated. These individuals may carry out professional activities either independently (as self-employed entrepreneurs) or as members of privately owned forensic institutions. Forensic experts who are not employees of state specialized institutions are authorized to conduct a wide range of forensic examinations, with the exception of criminalistic, forensic medical, and forensic psychiatric examinations. As noted above, the responsibility for overseeing the activities of forensic experts who are not employees of state specialized institutions is assigned to

the Ministry of Justice of Ukraine.

The only interdepartmental body within the system of public administration of forensic expert activity is the Coordination Council on Problems of Forensic Examination under the Ministry of Justice of Ukraine, which operates in accordance with regulations approved by the Cabinet of Ministers of Ukraine. The composition of this council is formed from representatives of the aforementioned ministries and other state bodies responsible for state specialized forensic institutions, heads (or deputy heads) of state specialized institutions, as well as forensic experts who are not employees of state specialized institutions, have at least five years of professional experience as forensic experts, and have not been subject to disciplinary liability during the previous year [21]. One of the key tasks of the Coordination Council is the certification and state registration of methodologies for conducting forensic examinations [22].

At the pan-European level, the coordination of subjects of forensic expert activity is carried out by the European Network of Forensic Science Institutes. Ukrainian forensic institutions that participate in this network include the State Scientific Research Forensic Center of the Ministry of Internal Affairs of Ukraine, the Kyiv Scientific Research Institute of Forensic Examinations and the National Scientific Center "Hon. Prof. M. S. Bokarius Forensic Science Institute" of the Ministry of Justice of Ukraine, the Ukrainian Research Institute of Special Equipment and Forensic Examinations of the Security Service of Ukraine, as well as the Main Forensic Center of the State Border Guard Service of Ukraine. The purpose of this network is to improve the exchange of information in the field of forensic science, ensure quality management and professional competence in forensic examinations, promote scientific cooperation, and support the training and professional development of expert personnel. In practice, the European Network of Forensic Science Institutes functions as a self-governing international organization that has been recognized by the European Commission as the leading organization in the field of forensic science [23].

Conclusions. Thus, the system of subjects of forensic expert activity in Ukraine consists of state specialized institutions subordinated to the Ministry of Justice of Ukraine, the Ministry of Health of Ukraine (currently undergoing active reform), the Ministry of Defense of Ukraine (where forensic expert activity has been discontinued), the Security Service of Ukraine, and the State Border Guard Service of Ukraine, which possess the exclusive authority to conduct criminalistic, forensic medical, and forensic psychiatric examinations; state non-specialized institutions (in particular those subordinated to the State Judicial Administration of Ukraine); as well as a network of private forensic experts who operate either independently (as self-employed entrepreneurs) or within privately owned legal entities. The only interdepartmental body within the system of forensic expert activity is the Coordination Council on Problems of Forensic Examination under the Ministry of Justice of Ukraine. At the international level, coordination among subjects of forensic expert activity is carried out by the European Network of Forensic Science Institutes, to which a number of Ukrainian forensic institutions have joined.

An analysis of the current state of the system of subjects of forensic expert activity in Ukraine makes it possible to identify the following pressing problems related to its existence and functioning:

- The absence of a unified and centralized system of public administration in the field of forensic expert activity due to the subordination of state forensic institutions to different public authorities;
- The lack of a single, coherent regulatory and legal framework governing forensic expert activity;
- The absence of a mature system of forensic professional self-governance, which

may be modeled after the systems established in the notarial profession or bar;

- Public concerns regarding potential conflicts of interest arising from the institutional subordination of both the initiators and the providers of forensic examinations (for example, the Ministry of Internal Affairs of Ukraine, the Security Service of Ukraine, and the prospective expert service of the National Anti-Corruption Bureau of Ukraine);

- As well as unequal access to forensic expert services for different entities initiating examinations, including the prosecution and the defense, the victim, and other participants in criminal proceedings.

The authors see the ways to address these problems in the implementation of a comprehensive reform of the system of subjects of forensic expert activity in Ukraine, the unification of relevant legislation, and the strengthening of self-governing principles in the management of this socially significant sphere of activity.

In this regard, a promising direction for further scientific research is the study of the specific features of public administration of the subjects of forensic expert activity in Ukraine.

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