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The Role of Forensic Evidence Theory in Building of Defence and Prosecution Strategies During Criminal Proceedings

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ABSTRACT

The aim of the study was to determine the role of forensic evidence for the defence and prosecution parties in the criminal proceedings in building of appropriate strategies. The research employed the method of comparative law, the doctrinal approach, and the method of legal modelling. The important role of evidence in criminal proceedings is that it substantiates the presence or absence of circumstances that are included in the subject of proof. The essence of the latter is that it allows for a fair settlement of criminal law relations. However, the adversarial nature of the criminal proceedings can become an obstacle to the fulfilment of this objective. The research substantiated the idea that the modern criminal proceedings is designed to "equalise" the dominant position of a prosecution and ensure the equality of the parties before the court. Achieving a balance is possible if the defence is provided with several additional procedural means, including evidence. It helps the defence to fully and effectively defend its position before the court. Further research can focus on developing practical recommendations for increasing the effectiveness of defence and prosecution strategies when they are built and implemented during criminal proceedings.

INTRODUCTION

Research in the field of criminal proceedings is becoming especially relevant in view of the full-scale military invasion of the Russian Federation (RF) and the occupation of part of the territory of Ukraine. At the same time, there are certain difficulties (Simakova-Yefremian, 2024). The criminal legislation of Ukraine is changing. First of all, the matter is about the changes made to the Criminal Procedure Code of Ukraine. They are caused by the factors of the military aggression of the RF against Ukraine and the impossibility of conducting a pre-trial investigation. It is about the performance of the court's functions in the territories covered by the anti-terrorist operation, as well as related to the implementation of the United Nations Convention against Corruption (UNCAC). The latter is aimed at strengthening the fight against corruption crimes (Shybiko, 2021).

The study of processes and outcomes has for decades focused on the analysis of important factors that influence its participants given the important role of evidence in the criminal trial for both the prosecution and the defence (Boswell & Schwartzman, 2024). Globalisation and the foreign policy

course of European integration, as well as the modern period in the development of public administration require prompt and adequate response to changes in the internal and external environment in Ukraine (Bieliaieva, 2024; Kopotun et al., 2020).

Two fundamental and related components are required to address this challenge. Those who work with evidence must (1) develop an evidence strategy that describes an effective investigative approach, and (2) introduce it using appropriate tools and methods (Horsman, 2023). Given the importance of evidence for both the defence and the prosecution in a criminal trial when forming appropriate strategies, it is necessary to take into account the above-mentioned feature of the criminal trial. Besides, it is necessary to promptly respond to technological development challenges in the field of proving, including its results in legislation, and enable the use of individual means in the proving process (Vaško & Klimek, 2023).

The analysis of judicial practice shows that indirect evidence can also be used to confirm the presence or absence of proven circumstances in a criminal trial. In its relationship with the facts, it gives grounds to draw a conclusion about the proven circumstances. In criminal case No. 758/1761/17, the court decided to refuse to satisfy the request of the defence of PERSON_4 to declare the evidence improper and inadmissible on the basis that there are no data regarding the obviousness of the inadmissibility of the evidence. The latter was the opinion of the auto technical examination No. 132at dated January 23, 2017, which was recognised by the court as improper and inadmissible evidence. The court justified this decision by the fact that this opinion cannot directly or indirectly confirm the existence of circumstances to be proven and other circumstances that are important for making a legal and well-founded decision in the case (Case No. 758/1761/17: Criminal cases …, 2017).

The decision of the same content was issued by the court in case No. 758/2287/17. The court rejected the request of the defence attorney of PERSON_5 to declare the evidence clearly inadmissible. The reason for this decision was that there were no reasons to consider them inadmissible based on the study of these evidences in totality and the relationship with other evidences that were provided by the participants of the criminal case (Case No. 758/2287/17 Criminal cases …, 2017). Similar court decisions regarding the refusal to satisfy the defence attorney's request to declare evidence inadmissible are found in a number of other criminal cases (Case No. 758/15756/17: Criminal cases …, 2017; Case No. 758/9637/16-к: Criminal cases …, 2016; Case No. 758/7519/18: Criminal cases …, 2018; Case No. 754/20092/14-к: Criminal cases …, 2014). At the same time, there is a much smaller number of resolutions that contain decisions on the satisfaction of the defenders' requests, in particular, there is a positive trend regarding the return of material evidence (Case No. 756/5575/15-к: Criminal cases …, 2015; Case No. 754/17293/15-к: Criminal cases …, 2015; Case No. 754/2314/15-к: Criminal cases …, 2015).

The analysis of judicial practice gives grounds to make the following conclusion. The role of evidence in the criminal process in shaping defence and prosecution strategies can be defined as fundamental and important.

LITERATURE REVIEW

The academic community does not have a clear path for solving the problems of the theory of evidence, because each proposed existing approach to it has opposing advantages and risks (Swofford & Champod, 2022). The effectiveness of proving depends on the improvement of the legal framework of criminal proceedings at all stages of the judicial process in Ukraine. These are institutions of evidentiary law, such as admissibility, propriety, reliability of evidence, etc. Fact-finding is an inherently practical activity, and the goal of a trial is to arrive at accurate judgments that correspond to empirical reality (Cheng et al., 2023).

The subject of proving is the totality of all circumstances that are subject to proving during a criminal trial. It is also about supporting facts, the presence or absence of a criminal offence. Although all criminal justice agencies are part of the state, they are effectively separated from each other, have different functions, but a common goal in the criminal trial (Stark, 2023). Furthermore, the matter is about other circumstances stipulated by the Criminal Code and the Criminal Procedure Code. The latter are important for the fair resolution of specific criminal law relations, which are proved in the criminal trial. The Criminal Procedure Code of Ukraine can be defined as a vivid example of its competitive concept, as the specified conceptual approach programs the activities of the prosecution and defence parties. Evidence-based policing must be considered as a decision-making process that integrates the best available evidence, professional judgment, and societal values, preferences, and circumstances (Klose, 2024).

Improved control in the criminal justice system entails increased effectiveness of the participants in criminal proceedings (Simes, 2019; Zaverukha et al., 2023). Common law countries have been implementing legal reforms for a long time, including those issues that have been the subject of study and debate in the academic field of evidentiary law (Fuentes Maureira, 2023). Condemning the innocent is worse than acquitting the guilty. This claim has traditionally been used to justify a standard of proving that is skewed in favour of the defendant to protect the innocent from conviction. However, the biased standard is not the standard of proof that minimises expected errors; it is not the standard for establishing the truth, which is the goal of the criminal trial (Picinali, 2024).

Evidence is applicable to a specific criminal trial if information about the facts directly or indirectly confirms the presence or absence of conditions to be proven in the criminal trial, and even the reliability or unreliability of other evidence, the possibility or impossibility of their use. An interconnected society has led to the growth in the number of cross-border crimes, which necessitated the effective collection of electronic evidence (e-evidence). Existing legal frameworks and mutual legal assistance treaties face challenges in addressing the volatile nature and international dimension of e-evidence (AllahRakha, 2024).

It is a common statement among lawyers that “court decisions that contain false statements of fact are errors” (Dei Vecchi, 2023). Written evidence must be evaluated in relation to and in general connection with the information from persons testifying in court. Furthermore, proving guilt beyond a reasonable doubt requires that litigants be sufficiently confident that they have not omitted important information in order to achieve accurate convictions and a fair distribution of errors (Jellema, 2023).

The court takes into account the importance of the evidence. However, it cannot simply rely on the fact that the evidence in the case collected during the pre-trial investigation is reliable despite that they meet all the requirements. Therefore, a court decision cannot be issued on their basis. That is why evidence will be examined at the court hearing. The process of obtaining evidence and verifying it is very important for ensuring legal certainty that is fair for the protection of human rights (Djoko Sumaryanto et al., 2024). Evidence plays a key role in the criminal trial. Existing evidence-based policing provides a powerful foundation for enhancing the movement toward rational, cost-effective, and humane policies to reduce aggression, crime, and violence (Welsh et al., 2024).

The concept of standards of proving is quite new for the criminal trial in Ukraine. It derives from is the criminal procedural activity of law enforcement agencies of the Anglo-Saxon legal family (Elert et al., 2019). The very nature of evidence is complex. For example, recognising the growing importance of e-evidence in criminal investigations, EU countries have taken active measures to simplify the process of obtaining such evidence. New rules have been introduced to make obtaining e-evidence easier for courts. Provisions have been introduced for the creation of a European Production Order and a European Preservation Order specifically designed for e-evidence in criminal

cases. Electronic service providers operating in the EU are now required to appoint a legal representative, further improving the availability of e-evidence for legal proceedings (Matis, 2024).

A significant number of studies focus on the issues of forensic evidence as a procedural tool for the defence and prosecution parties in a criminal trial, as well as to the development of possible proposals for increasing the efficiency of their use. However, little attention is paid to the problems of defence and prosecution strategies when they are built and implemented during the criminal trial. Besides, despite the high academic value of the available studies, it is worth noting that insufficient attention is paid to the study of evidence as a tool for the formation and implementation of defence and prosecution strategies during the criminal trial.

Aim and Objectives

The aim of the study was to determine the role of forensic evidence in building of strategies for the defence and the prosecution in a criminal trial.

The aim of the research involves the fulfilment of the following research objectives:

- Determine the features of evidence as tools for the formation of prosecution and defence strategies in a criminal trial;

- Conduct an analysis of law enforcement practice regarding decisions and resolutions that were adopted by courts, taking into account the role of evidence in them;

- Identify problems and ways to improve the process of proving in criminal proceedings.

METHODOLOGY

The research design involved the analysis of the regulatory legal acts of Ukraine, international regulatory legal acts, and case law. It was carried out in stages in order to achieve the aim and fulfil the objectives of the research. A separate objective was implemented at each stage to substantiate the hypothesis that the evidence tools used in building of prosecution and defence strategies are a special tool for maintaining a balance between the participants of the adversarial criminal trial.

The research design is divided into 4 independent stages, namely: preparatory, initial, main, and final. The preparatory stage involved the selection of the material: international and national legal acts in the field of criminal justice. The relevant studies of Ukrainian and foreign researchers on various aspects of the forensic evidence theory in building of defence and prosecution strategies were selected. The main stage of the research provided for the analysis of current national and international legal acts, judicial practice of local courts of Kyiv and the European Court of Human Rights. At the final stage, the research hypothesis was confirmed and substantiated. The research findings were compared with the conclusions obtained by the researchers in the analysed studies with which they coincide, as well as those that differ from the results of this research.

METHODS

The research employed general and special research methods. The method of comparative law was applied to determine the role of evidence in building of the defence and prosecution strategy in the criminal trial in Ukraine and the world. The doctrinal approach was used to study and analyse the forms of defence and prosecution strategies in criminal proceedings and the possibility of their implementation in Ukraine. The method of legal modelling was used to clarify the structural elements of the defence and prosecution strategy system in the criminal trial.

Sample

The research was carried on the basis of the analysis of the international and national regulatory legal acts and judicial practice: the decisions of the local courts of Kyiv were analysed, the subject of

consideration of which was evidence, as well as the case law of the ECHR. The choice of the analysed decisions of the courts in criminal cases is determined by the need to determine the forms of defence and prosecution strategy in the criminal trial and the possibility and necessity of their implementation in Ukraine.

RESULTS

At the court hearing, the court certifies the presence of this evidence, makes sure that it contains information related to the subject of proof, and compares this information with that contained in other evidence (Table 1).

Table 1. Finding evidence in a criminal trial

Stage	Description
Preparatory	Finding information about evidence and its sources
Main	Voluntary provision of information, which represents evidence, by citizens and officials
	Identification of information that represents evidence and its sources
	Demanding information, which represents evidence, from citizens and officials
	Obtaining information, which represents evidence, from citizens and officials
Final	Fixation of information that represents evidence

** developed by the author*

The adversarial Criminal Procedural Code of Ukraine clearly expresses the idea of the superiority of the opposition of the parties, their competition for victory. The properties of evidence is a sufficiently studied issue, but legislation directly depends on constantly changing social relations. In this regard, the need to study various aspects of evidence does not disappear over time, but acquires other features. Evidence must meet three basic requirements, namely: it must be reliable; admissible; adequate. Reliability means that the information is true. This is verified by comparing the information with information contained in other evidence. Admissibility means that evidence can only be obtained in the manner established in criminal proceedings. The use of evidence obtained in other ways is not allowed. Adequacy means that this evidence must belong to the subject of proof in a criminal trial.

At the same time, in addition to checking the three previously mentioned features, the court can clarify the content of the evidence when checking it, for example, invite a forensic expert for a more detailed explanation of the content and conclusions contained in his or her opinion. Circumstances included in the subject of proof are considered proven if, during the proof, reasonable doubts about their presence or absence are excluded. Circumstances, which are the subject of proof, are proven by admissible, adequate, reliable and sufficient evidence, obtained, verified and evaluated in the manner established by the procedure prescribed by law. The Criminal Procedure Code provides for the type of evaluation of evidence — objective evaluation or objective establishment of the truth.

Regulatory means of expressing competing ideologies put the parties in a position where they are not interested in seeking objective truth. The very idea of objective truth cannot be harmoniously combined with modern competitive ideology. For this reason, the very term “truth” is not provided for in the criminal trial. It should be noted that this applies not only to the defence party. The idea of such confrontation contained in the provisions of the Criminal Procedure Code of Ukraine assumes that criminal prosecution is a procedural activity. It is carried out by the prosecution in order to expose the suspect accused of committing a crime. According to this attitude of the legislator, the prosecution is forced not to investigate the guilt or innocence of the suspect objectively, the accused, but to expose these subjects in the commission of a crime. Therefore, an important direction of

increasing the effectiveness of criminal proceedings is the improvement of management in terms of control over criminal procedural measures, including in the work with evidence. According to statistics, the number of acquittals in Ukraine remains consistently low (Table 2).

Table 2. Number of acquittals in Ukraine

Year	Number of acquittals in Ukraine	Percentage of the total number of criminal proceedings
2019	987	from 83,311 proceedings – 1.18%
2020	735	from 78 008 proceedings – 0.94%
2021	194	from 88 283 proceedings - 0,2%
2022	172	from 65 795 proceedings – 0.3%

** developed by the authors based on the statistics (Just Talk, 2021*; *Statistical Data of the State Judicial Administration of Ukraine, 2024)*

It primarily refers to the courts of the first instance, as a significant part of the acquittals will later be cancelled by the appeals court. This tendency can be changed to a positive one with the help of a theoretical study of evidence in the criminal trial and the development of effective practical recommendations for their use in it. The quality of the decisions of the investigator, prosecutor, and judge largely depends on working with evidence, the ability to achieve a comprehensive and complete establishment of the factual basis for decision-making, as well as the correct application of the law.

In turn, the competitive ideology and technology inevitably creates a bias in the investigation, an accusatory bias in the procedural activities of the investigator, the inquirer as a party to the prosecution. The adoption of the Criminal Procedure Code of Ukraine, as well as other previous legal acts in the outlined area, did not lead to the division of functions in the criminal justice system and did not introduce sufficient guarantees of providing the accused and suspects with the full range of rights to defence against accusations and suspicions.

In the event that none of the participants in the case filed a motion to verify any available evidence in the case, the court, without verifying the evidence in the court session, must make sure that it meets all the above requirements, and therefore the decision that it would not be considered will not affect the fair settlement of criminal law relations. The ECHR in its decisions on violations of Art. 6 of the European Convention on Human Rights and Freedoms emphasises that courts must carefully study and evaluate the evidence submitted by the parties, objectively considering the applicability of a particular piece of evidence in a case.

The fact-finding courts must evaluate the evidence in an open trial with the accused's participation per the adversarial principle. The ECHR also emphasised that, in addition to questioning "witnesses", another expression of the principle of equality of the parties enshrined in Article 6(3)(d) of the European Convention on Human Rights is also receiving documents. National courts, rejecting the motion of the accused, are obliged to give reasons not only in those cases when it comes to the request to call witnesses. This obligation to indicate the reason for the refusal also applies to those cases when the accused requests to provide other types of evidence, including those that are in the possession of third parties.

DISCUSSION

Any evidence presented to the court is subject to credibility assessment. This means that the court must not only evaluate each piece of evidence in the case, but if the court gives one of the pieces of evidence higher credibility than the others, the court cannot limit itself to indicating their critical

evaluation and not recognising them as credible but must justify its conclusions in general and in connection with other evidence received in the case. Achievements in other sciences are also important in this aspect. This position is confirmed in Albright's (2023) study. In the event that the defence party submits evidence in the process related to property obtained through crime, disputing the assumptions of the proceedings, and proving the reverse presence or absence of evidence based on the relevant facts, the court must evaluate them, as well as evidence submitted by a person who conducts the proceedings, and give its opinion on the reliability of the information — in general and in connection with other evidence received in the case. Leonetti (2024) supported a similar position, noting that it is necessary to demand the demonstration of fundamental reliability and applied reliability as a prerequisite for the admissibility of any alleged forensic evidence during the trial of a criminal case. Krzan (2021) draws attention to the differences in the criminal trial in the countries of common law and continental law. In the first case, the judge must filter the available information that can be offered to the jury by deciding on its admissibility, the opposite role of a professional judge. Lund et al. (2021) provide a similar argument in the study. He argues that using evidence-based research to examine evidence and test its validity will increase the usefulness of the research itself.

The ECHR noted that the presumption of innocence established in Article 6(2) and the guarantees established in Article 6(3)(d) of the European Convention on Human Rights in connection with the questioning of witnesses are elements of the right to a fair trial established in Article 6(1), which must be taken into account whenever the fairness of the process, in general, is assessed. At the same time, the conclusion obtained as a result of the conducted research is confirmed by Cabiale (2023). She notes that the admissibility of statements taken without the defence present as evidence is a classic topic of criminal procedural law. This position is supported by Momsen and Willumat (2024). They note that the principles of due process and fair trial are important structural features of criminal procedural law throughout the world. For a complete structure, evidence must consist of content and form simultaneously. The study by Custers and Stevens (2021) confirms this opinion. They note that, for example, digital footprints, which are unique in terms of the indicators that people leave behind in our digitised society, can be useful evidence in criminal courts. The most important purpose of evidence is that it is the main tool in investigating and resolving cases, the legality and reasonableness of decisions made by investigative bodies and the court. This position is supported by Rao et al. (2023). Using forensic evidence in criminal trials promotes and helps enforce transparency and accountability in the criminal justice system. The court cannot ignore important facts to prove the defendant's guilt. Jellema (2023) also emphasises this statement. He states that in criminal proceedings, judges or juries must decide whether the facts described in the indictment are proven beyond a reasonable doubt.

Not all researchers, however, agree with the hypothesis that was argued in the conducted research. For example, Metson and Willmott (2024) note that misconceptions about vulnerable victims are apparently at the root of the lack of support for applying special measures. They affect the credibility of evidence and cannot be used in criminal proceedings (Metson & Willmott, 2024). We cannot agree with this position. The court's decision depends on the evidence available in the case, so the evidence plays a decisive role in the fair settlement of criminal law relations.

CONCLUSIONS

Recently, much attention has been paid to the issue of the theory of evidence in connection with the development of methodological problems of criminology and investigation, the emergence of new methods and methods of researching various objects, which require determining their place in the system of forensic methods. Accordingly, these topics can be covered in further scientific research. Also, the classification of evidence on various grounds and the analysis of individual groups of them testify to the complex structure of the entire collection of evidence as possible objects of research in the field of criminal investigations. Their scientific analysis will contribute to the determination of

their individual types, tasks and forms as independent structural units in the system of theory evidence.

Recommendations

It is considered necessary to study the theory of evidence further as the main tool for maintaining the balance between the defence and the prosecution in an adversarial criminal trial when building their strategies. Namely:

- there must be a justified new approach in the legislative definition of the concept of evidence and sources of evidence in Ukrainian legislation following international standards;

- the purpose of proving in the criminal trial must be substantiated in accordance with socio-economic conditions and Ukraine's European integration course.

REFERENCES

Albright, T. D. (2023). A scientist's take on scientific evidence in the courtroom. *Proceedings of the National Academy of Sciences*, *120*(41). https://doi.org/10.1073/pnas.2301839120

AllahRakha, N. (2024). Addressing barriers to cross-border collection of e-evidence in criminal investigations. *International Journal of Law and Policy*, *2*(6), 1–9. https://doi.org/10.59022/ijlp.193

Al-Zaqeba, M. A. A., & Basheti, I. A. (2024). Measurement Problems in Interest-Free Financial Instruments. *Pakistan Journal of Life & Social Sciences*.22(2).

Bieliaieva, O. P. (2024). Implementation of the process of European integration in the renewal of Ukraine. In *Legal support of European integration: General legal and sectoral aspect* (pp. 42-68). Riga, Latvia: «Baltija Publishing». https://doi.org/10.30525/978-9934-26-424-5-3

Boswell, J. F., & Schwartzman, C. M. (2024). What are the pathways and barriers to implementing evidence-based practice and practice-based evidence in psychotherapy? In F. T. L. Leong, J. L. Callahan, J. Zimmerman, M. J. Constantino, & C. F. Eubanks (Eds.), *APA handbook of psychotherapy: Evidence-based practice, practice-based evidence, and contextual participant-driven practice* (vol. 2, pp. 287–303). Washington: American Psychological Association. https://doi.org/10.1037/0000354-019

Cabiale, An. (2023). Absent witnesses and EU law: A ground breaking ruling by the CJEU. Retrieved from https://www.europeanpapers.eu/en/europeanforum/absent-witnesses-and-eu-law-groundbreaking-ruling-by-cjeu

Case No. 754/17293/15-к: Criminal cases. (2015). Crimes against property; Misappropriation, embezzlement or seizure of property through abuse of office. Retrieved from https://reyestr.court.gov.ua/Review/58928322

Case No. 754/20092/14-к: Criminal cases. (2014). Crimes against public safety; Knowingly false report of a threat to the safety of citizens, destruction or damage to property. Retrieved from https://reyestr.court.gov.ua/Review/64143131

Case No. 754/2314/15-к: Criminal cases. (2015). Crimes against the authority of state authorities, local self-government bodies, citizens' associations and crimes against journalists; Forgery of documents, seals, stamps and forms, as well as sale or use of forged documents, seals, stamps. Retrieved from https://reyestr.court.gov.ua/Review/53580898

Case No. 756/5575/15-к: Criminal cases. (2015). Crimes against public safety; Illegal handling of weapons, ammunition or explosives. Retrieved from https://reyestr.court.gov.ua/Review/69605579

Case No. 758/15756/17: Criminal cases. (2017). Crimes in the field of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors and other crimes against public health; Crimes in the field of trafficking in narcotic drugs, psychotropic substances, their analogues or precursors (total), of which; Illegal production, manufacture, acquisition,

storage, transportation or transfer of narcotic drugs, psychotropic substances or their analogues without the purpose of sale. Retrieved from https://reyestr.court.gov.ua/Review/100988045

Case No. 758/1761/17: Criminal cases. (2017). Offences against traffic safety and operation of transport; Violation of traffic safety or operation of transport by persons driving vehicles. Retrieved from https://reyestr.court.gov.ua/Review/69487917#

Case No. 758/2287/17 Criminal cases. (2017). Crimes against property; Robbery. Retrieved from https://reyestr.court.gov.ua/Review/70537601

Case No. 758/7519/18: Criminal cases. (2018). Crimes against property; Assault. Retrieved from https://reyestr.court.gov.ua/Review/99835338

Case No. 758/9637/16-к: Criminal cases. (2016). Crimes against public safety; Illegal handling of weapons, ammunition or explosives. Retrieved from https://reyestr.court.gov.ua/Review/101847344

Cheng, E. K., Nunn, A., & Simon-Kerr, J. A. (2023). Bending the rules of evidence. *SSRN Electronic Journal*, *118*(2), 295-346. https://doi.org/10.2139/ssrn.4336649

Custers, B., & Stevens, L. (2021). The use of data as evidence in Dutch criminal courts. *European Journal of Crime, Criminal Law and Criminal Justice*, *29*(1), 25–46. https://doi.org/10.1163/15718174-bja10015

Dei Vecchi, D. (2023). Judicial rulings with false factual premises. *Revus*, *49*. https://doi.org/10.4000/revus.9655

Djoko Sumaryanto, Y., Maharani Rustandi, A., Fahmi Lubis, A., Syahruddin, E., & Ibad, S. (2024). Expansion of pretrial authority after the ruling of the Constitutional Court. *Educational Administration: Theory and Practice*, 9804–9810. https://doi.org/10.53555/kuey.v30i5.4657

Elert, N., Henrekson, M., & Sanders, M. (2019). Entrepreneurship, the rule of law, and protection of property rights. *The Entrepreneurial Society*, 25–33. https://doi.org/10.1007/978-3-662-59586-2_2

Fuentes Maureira, C. A. (2023). Vulnerable witnesses in Chilean criminal proceedings: New developments. *The International Journal of Evidence & Proof, 28*(1), 65–79. https://doi.org/10.1177/13657127231212229

Helaudho, B., Mukhtar, S., & Pahala, I. (2024). Optimizing Performance: The Role of Job Rotation in Employee Motivation and Satisfaction. *Pakistan Journal of Life & Social Sciences*.22(2).

Horsman, G. (2023). The importance of digital evidence strategies. *WIREs Forensic Science*, *6*(1). https://doi.org/10.1002/wfs2.1507

Jellema, H. (2023). Reasonable doubt, robust evidential probability and the unknown. *Criminal Law and Philosophy*, *18*(2), 451–470. https://doi.org/10.1007/s11572-023-09685-5

Just Talk. (2021). 1% of those acquitted in Ukraine and the USA: Why is it important to Interpret criminal statistics correctly? Retrieved from https://justtalk.com.ua/post/1-vipravdanih-v-ukraini-ta-ssha-chomu-vazhlivo-pravilno-tlumachiti-dani-kriminalnoi-statistiki?fbclid=IwAR0bbeb5kOho_6nuzlW_6siXH3dKdtaR_R9AAgJ4JHSr_frMKKo9xPmhFXg

Klose, S. (2024). Re-defining evidence-based policing. *Policing: A Journal of Policy and Practice, 18*. https://doi.org/10.1093/police/paad095

Kopotun, I., Nikitin, A., Dombrovan, N., Tulinov, V., & Kyslenko, D. (2020). Expanding the potential of the preventive and law enforcement function of the security police in combating cybercrime in Ukraine and the EU. *TEM Journal, 9*(2), 460-468. https://doi.org/10.18421/TEM92-06

Krzan, B. (2021). Admissibility of evidence and international criminal justice. *Revista Brasileira de Direito Processual Penal*, *7*(1), 161. https://doi.org/10.22197/rbdpp.v7i1.492

Leonetti, C. (2024). Ensuring the reliability of evidence in the New Zealand criminal courts: The admissibility of forensic science. *Common Law World Review*. https://doi.org/10.1177/14737795241237799

Lund, H., Juhl, C. B., Nørgaard, B., Draborg, E., Henriksen, M., Andreasen, J., … Robinson, K. A. (2021). Evidence-based research series-paper 3: Using an evidence-based research approach to place your results into context after the study is performed to ensure usefulness of the conclusion. *Journal of Clinical Epidemiology*, *129*, 167–171. https://doi.org/10.1016/j.jclinepi.2020.07.021

Matis, J. (2024). Certain aspects of criminal evidence and digital evidence. *Analytical and Comparative Jurisprudence*, *2*, 699–704. https://doi.org/10.24144/2788-6018.2024.02.116

Momsen, C., & Willumat, M. (2024). Due process and fair trial. *Elgar Encyclopedia of Crime and Criminal Justice*. https://doi.org/10.4337/9781789902990.due.process.fair.trial

Picinali, F. (2024). AIM or preference? Reflections on the commitment to the truth in the criminal process. *Law and Philosophy*. https://doi.org/10.1007/s10982-024-09511-6

Pratiwi, R. R., & Thalib, A. (2024). Analysis of Perceptions and Awareness of Implementors and Policy Targets on Health Service Management (Sharia): A Systematic. *Pakistan Journal of Life & Social Sciences*.22(2).

Rao, Kh., Singh, R. R., Yadav, P. K., & Tripathi, S. K. (2023). Role of scientific evidence in the judiciary system: A systematic review. *Indian Journal of Forensic Medicine & Toxicology*, *17*(4), 79–83. https://doi.org/10.37506/ijfmt.v17i4.19945

Shybiko, V. (2021). The evolution of criminal procedure in Ukraine over 30 years of Independence. *Access to Justice in Eastern Europe*, *4*(3), 23–51. https://doi.org/10.33327/ajee-18-4.3-a000069

Simakova-Yefremian, E. (2024). Relevant areas of expert research in Ukraine under martial law. *Theory and Practice of Forensic Science and Criminalistics*, *34*(1), 5–11. https://doi.org/10.32353/khrife.1.2024.01

Simes, J. T. (2019). Out-of-control criminal justice: The systems improvement solution for more safety, Justice, accountability, and efficiency. *Contemporary Sociology: A Journal of Reviews*, *48*(3), 335–337. https://doi.org/10.1177/0094306119842138gg

Stark, F. (2023). Standing and pre-trial misconduct: Hypocrisy, 'separation', inconsistent blame, and frustration. *Criminal Law and Philosophy*, *18*(2), 327–349. https://doi.org/10.1007/s11572-023-09688-2

Statistical Data of the State Judicial Administration of Ukraine. (2024). Main page. Retrieved from https://dsa.court.gov.ua/dsa/inshe/oddata/

Swofford, H., & Champod, C. (2022). Probabilistic reporting and algorithms in forensic science: Stakeholder perspectives within the American criminal justice system. *Forensic Science International: Synergy*, *4*, 100220. https://doi.org/10.1016/j.fsisyn.2022.100220

Vaško, A., & Klimek, L. (2023). Means of proof in criminal proceedings in the Slovak Republic – New challenges. *Access to Justice in Eastern Europe*, *6*(1), 168–177. https://doi.org/10.33327/ajee-18-6.1-n000106

Welsh, B. C., Zane, S. N., & Mears, D. P. (2024). Evidence-based policy in a new era of crime and violence prevention and social justice. *CrimRxiv*. https://doi.org/10.21428/cb6ab371.f66f96ea

Zaverukha, V., Zarosylo, V., Kaplya, O., Grokholskyi, V., & Podolyaka, A. (2023). Administration of the process of rule-making activity in some countries of the European Union and Ukraine: A comparative analysis. *JUS Rivista di Scienze Giuridiche, 9*(2), 263–271. https://doi.org/10.26350/18277942_000123.