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**FORGERY OF DOCUMENTS, ARISING RESPONSIBILITY  
UNDER CRIMINAL LAW**

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**Abstract**

*Relevance and novelty.*

The article reveals the theoretical part of document falsification, analyses the essence and concept of document falsification as a criminal act, analyses the methods of document falsification and how they can be detected, and the dangerousness of the act of document falsification and its consequences. It examines how a pre-trial investigation is conducted in accordance with Article 300 of the Criminal Code of the Republic of Lithuania and what criminal liability arises for forgery of documents. A quantitative study is conducted by conducting a questionnaire survey of prosecutors and assistant prosecutors in the regional prosecutor's offices of the Panevėžys District Prosecutor's Office, the Utena Prosecutor's Office, revealing their concept of document forgery, how often it is encountered and what criminal liability is applied. The problem of the article – in judicial practice, conclusions can be found that any documents (private or official) can be forged if they contain information relevant to the emergence, change or termination of legal facts. In practice, there are cases when documents are signed with the permission of another person or documents are signed that do not have any legal force and this is already referred to as forgery of documents, but there are cases when the court of cassation states that the act is of minor importance or acquits the person (Forgery Laws..., 2023). This is not fundamentally a correct practice since the court of cassation must correct the errors of the first or appellate courts. The purpose of the article is to analyze the falsification of documents as a criminal act and the resulting criminal liability. *The main problems.* In court practice, conclusions can be found that any documents (private or official) can be forged if they contain information relevant to the emergence, change or termination of legal facts. In practice, there are cases when documents are signed with the permission of another person or documents are signed that do not have any legal force and this is already referred to as forgery of documents, but there are cases when the court of cassation states that the act is of minor importance or acquits the person. This is not fundamentally a correct practice, since the court of cassation must correct the errors of the first or appellate courts. *Tasks of the article:* 1) to examine the theoretical aspects of document forgery; 2) present methods of forging documents; 3) to analyze the legal norms arising in criminal liability for forgery of documents. *The aim of the work.* To analyze document falsification as a criminal act and the resulting criminal liability. The paper concluded the theoretical part of this work reveals the falsification of documents as a criminal act, methods of falsification, i.e. what liability arises in criminal law. *The novelty.* Documents perform an important task in the state, which convey various aspects of activities, and are also unavoidable in our daily life. In order to achieve selfish goals, or to try to hide mistakes, there is a need to falsify documents. The vagueness of the concept of a document has long encouraged researchers to be interested in the composition of document forgery (Forgery Laws..., 2023). However, today this topic is relevant not only because there is still no unequivocal and suitable for all cases document for the concept of Article 300 of the Criminal Code of the Republic of Lithuania, but also due to the fact that written documents are being replaced by electronic documents, the content of which is equivalent to written, paper documents. Society is changing and learning to use smart technologies, which encourages the emergence of new ways to authenticate documents. Documents, as a result of social relations, because they change accordingly with the changing needs of society, new ways of consolidating information appear. Court practice testifies that there is a greater need to analyze the content of a document in more detail, because it depends on whether it can be recognized as a document in a specific situation according to the meaning of Article 300 of the Civil Code. The outcome of the case depends on the correct interpretation of the content of the document. Therefore, forgery of documents is a hard-to-explain crime. *As the result* – It is very important to find out which crimes are related to forgery of documents and what criminal liability is

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applicable to them in criminal law. Forgery of documents is a crime, people do not reflect or accept it as a social norm. Forgery of documents is a negative collective social phenomenon, which causes negative repercussions in the social and political, state management, economic and international relations spheres. *Methods*: research methods used for the analysis of the scientific literature of the final thesis: analysis of scientific literature, analysis of judicial practice, analysis of legal acts, synthesis, comparison, integration.

**Key words:** falsification of documents, criminal law, criminal liability.

### **Statement of the problem in context of documents falsification**

In court practice, conclusions can be found that any documents (private or official) can be forged if they contain information relevant to the emergence, change or termination of legal facts. In practice, there are cases when documents are signed with the permission of another person or documents are signed that do not have any legal force and this is already referred to as forgery of documents, but there are cases when the court of cassation states that the act is of minor importance or acquits the person. This is not fundamentally a correct practice, since the court of cassation must correct the errors of the first or appellate courts (Forgery Laws..., 2023).

Documents perform an important task in the state, which convey various aspects of activities, and are also unavoidable in our daily life. In order to achieve selfish goals, or to try to hide mistakes, there is a need to falsify documents. The vagueness of the concept of a document has long encouraged researchers to be interested in the composition of document forgery. However, today this topic is relevant not only because there is still no unambiguous document suitable for all cases. The version of Article 300 of the Criminal Code of the Republic of Lithuania, but also due to the fact that written documents are replaced by electronic documents, the content of which is equivalent to written, paper documents. Society is changing and learning to use modern technologies, which encourage the emergence of new ways to authenticate documents (Criminal Code of the Republic of Lithuania..., 2023). Documents, as a result of social relations, because they change accordingly with the changing needs of society, new ways of consolidating information appear. Court practice testifies that there is a greater need to analyze the content of a document in more detail, because it depends on whether it can be recognized as a document in a specific situation according to the meaning of Article 300 of the Civil Code. The outcome of the case depends on the correct interpretation of the content of the document. Therefore, forgery of documents is a crime that is difficult to explain. It is very important to find out which crimes are related to forgery of documents

and what criminal liability is applicable to them in criminal law. Forgery of documents is a crime; people do not reflect or accept it as a social norm. Forgery of documents is a negative collective social phenomenon, which causes negative repercussions in the social and political, state management, economic and international relations spheres. The aim of the research to analyze document falsification as a criminal act and the resulting criminal liability. Results. It is very important to find out which crimes are related to forgery of documents and what criminal liability is applicable to them in criminal law (Paranka, 2016). Forgery of documents is a crime, people do not reflect or accept it as a social norm. Forgery of documents is a negative collective social phenomenon, which causes negative repercussions in the social and political, state management, economic and international relations spheres (Sinkevičius, 2003).

### **Document concept and forgery analysis**

In Latin, *documentum* in ancient Rome denoted everything that meant an instructive image, testimony or any material object with certain information recorded in it (Kuzavinis, 1996). Until there were no written documents, Roman law used several different ways of recording legal relationships and agreements, i.e., various serial signs, photographs, drawings, records and witness statements. Regardless of the branch of science, the term “document” has many interpretations. In different literature, the concept of document is interpreted differently. (See Figure 1).

We can say that the concept of a document is not defined to be suitable in all cases. Today’s relevance is determined by the fact that the form of document is changing. Electronic ones, the content of which is equivalent to recorded paper documents, replace written documents. Documents, as a social development, change as society changes, new ways of consolidating information appear. Commentary on the Criminal Code of the Republic of Lithuania the concept of document as a source of material information, an object, especially if it has significance for the investigation of a criminal act. An accurate and clear definition of the concept of a procedural document is of great importance not only in the theory

Dictionary of slang words (2020)	This dictionary defines a document as a written evidence of something, a mark, a material object, a document, a picture, a film, which records some kind of information.
Criminology and the Code of Criminal Procedure of the Republic of Lithuania	The document is considered a material object, which in a certain way contains information and facts that are important for the correct decision of the case.
Court practice (LAT cassation ruling in criminal case No. 2K-426/2006)	"A document shall be considered any written act that consolidates information with legal significance, which, due to its nature and meaning, is evidence of the emergence, exchange or termination of a right, obligation, legal relationship, i.e., evidence of legal facts having legal significance."
Court practice (LAT cassation ruling in criminal case No. 2K-426/2010)	"A document can be a record in any form on paper, electronic space or computer media, but there are certain requirements for the content of the document. A document is a record made in a certain form, which establishes, confirms or destroys a legally significant fact (legal fact)."

**Figure 1. In different literature, the concept of document is interpreted differently**

of evidence, but also in practice. It is still difficult to find documents on the essence of the sources of evidence, which worsens the work of pre-trial investigation institutions and courts, the quality of the criminal process, that is, the investigation of criminal acts. After a closer examination of the document's meaning in the legal literature, the most important, considering the use, falsification and creation of documents, judicial tactics (Kurapka and Matulienė, 2013) would be found in the Law of the Republic of Lithuania on State and Service Regulations:

This is the document, "fixed information, regardless of the way it is recorded, and information media (graphic works, performed in various ways: to write by hand. To print out in a press, to type out, to collect on a computer, to draw, video or audio recordings, computer information media, film and photo negatives, positives and other information mass) that is, in any way or by any means, such information carriers have been created." (Law on the Protection of State and Service Information of the Republic of Lithuania, p. 2). Based on the court's tools, we can find that it is necessary to analyze the document very carefully, because from that claim and in a certain situation it can be reproduced as a document according to Article 300 of the Criminal Code of the Republic of Lithuania.

Forgery is making, using, altering, or possessing a false document with the intent to commit fraud. Forgery can be the creation of a false document, or changing an authentic one. Forgery is a crime that is classified as a felony in all fifty states and by the federal government (article "Forgery Laws: Forging a Signature, Charge, Crime, and Punishment"). Forgery is the intentional misrepresentation of something by a conscious person, impersonating someone else, trying to repeat it in order to compete

or to obtain personal benefit. It is possible to forge a wide variety of things, such as: furniture, handcrafts, music, letters, documents, etc. falsification occurs for various reasons. Starting with the desire for personal gain and ending with political or censorial measures. Forgery of literature appeared as soon as the writing appeared (Constitution of the Republic of Lithuania..., 2023). When it comes to documents, forgery is the complete production of fake documents. Including real ones, the content of which contains redacted, distorted text, new written information, faked signatures, false data is entered. Falsification has two types: intellectual falsification and material falsification.

Intellectual falsification – these are such documents that are issued correctly formalized, meet all the requirements, have all the details, the content is written on a real and appropriate company letterhead, approved by the company's office, but the content of the documents is false. Intellectual falsification is determined by a procedural way, which proves the falsity of the facts stated in the document. Examining the word compound "falsified a real document" we can find that intellectual forgery. It is established when the suspect or accused impartially has the right to sign various important documents in his name, to write them, to deface them or to produce documents in any other way, to write them illegally in one's own name, to write them in a personal writing or under the name of the company, to deface them or in any other way to realize them, by establishing information that does not correspond to the reality of the above-mentioned document or to false information. (Commentary on the Criminal Code 2010).

Partial material forgery – completely or partially created fake document. In the document instead of real data, false or incorrect data, false text, details

are entered, individual fragments of the document are deleted, and most often, the records of important persons are forged and processed, important document data is changed to the wrong date, place and time, that is, reports of funerals are falsified. Such falsified documents are called partly falsified in the branch of criminology and in document analysis. Material falsification is determined in a criminalistics way, by investigation in the relevant institution, i.e., expertises. (Commentary on the Criminal Code 2010).

By summarizing the meaning of the concept of falsification, we can find that the act of a person who creates false, untrue information or data qualifies as forgery. Attention should be paid to the fact that it is possible to forge a real document – intellectual forgery and a fake document – material forgery. The Department of Races of the Republic of Lithuania is the only institution that issues races, contracts come into force after a notary approves them. The protocols of administrative legal pronouncements are written by the relevant persons who have the right to do so, so it can be found that the documents approved by the relevant persons who have permission to issue them are real, original documents. We can consider as fake documents those that are produced by people who do not have the right to do so, or documents that simply do not exist, the content of which is fictitious.

#### **The essence and meaning of the crime of document forgery**

Forging a document is considered a white-collar crime. It involves altering, changing, or modifying a document for the purpose of deceiving another person. It can also involve the passing along of copies of documents that are known to be false. In many states, falsifying a document is a crime punishable as a felony (How forging documents can be more dangerous than you think..., 2023). Based on the Supreme Court of Lithuania formed by the cassation court according to the court's tactics, in general document falsification is detected and explained by the wrong action or inaction. That creates. The uncertainty of the document or the inaccuracy of its content. For such criminal act, the Criminal Code of the Republic of Lithuania (hereinafter the Criminal Code) provides criminal liability, the general norm of which is established in Article 300 of the Criminal Code of the Republic of Lithuania "Forgery of a document or possession of a forged document". Analysing the text of Article 300 of the Criminal Code of the Republic of Lithuania, a forged document is a real document, the content of which is tampered with by a person who does not have the right to it, by acting on its material

form or by writing, tampering with incorrect data. According to the comment of the CC of the Republic of Lithuania, "The subject of the crime is only those documents that can be evidence of legal facts or evidence of the emergence, exchange or termination of rights and obligations or evidence of other legally significant events. (Commentary on the Criminal Code 2010). In court practice, document falsification is when actions are performed, with the help of which the authenticity of the document is changed, the content of the document is changed in such a way that a part does not correspond to reality. The completion of this crime depends on the execution of the crime. Therefore, the document is considered forged when the suspect or the culprit has copied the content of the document created by another person who has the right to do so, or writes the entire content of the document in his own name, the author or the author of which confirms that the document written by another person is not genuine. It is important to note that in the second and third parts of Article 300 of the Criminal Code of the Republic of Lithuania, the lawmaker has listed the types of documents that lead to criminal liability and constitute a crime. Such documents as a personal identity card, race, driver's license or state social insurance license or a fake real identity card, race, driver's license or social insurance license, or known to be false. Or known to be falsified real identity card, race, driver's license or state social insurance license, kept, transported, sent, used or realized them, such actions with relevant documents entail criminal liability. Documents that are direct evidence of a legal relationship or legal fact, such as a contract, may be the subject of a crime, bank payment document, insurance roll, race, disability stamp, bill of lading, higher education thesis, death certificate and reports. Such documents, which cannot be direct evidence of a certain legal relationship or legal fact, are not the subject of this crime. Based on the criminological point of view, official documents can be divided according to the methods of the criminal act, which are divided into the stages of implementation and the method of committing the crime:

- 1) Documents, preparing the instrument for the commission of a criminal act;
- 2) Documents, using the left device in the commission of a criminal act;
- 3) Documents while trying to decipher them.

A common factor in document forgery or counterfeiting is a fake or forged document. A fake document is when the culprit has written, forged or otherwise produced a document under

his own name, and the content of the document contains data that does not correspond to objective reality. A genuine document is considered forged when the perpetrator has copied the content of a document written, forged or otherwise fabricated by another person or wrote, copied, or produced another document in his own name, or only approved a document written by another person, thereby incorporating untrue data into the content of the document. A real document can be falsified by both partial material and intellectual falsification methods. Forgery of documents often goes hand in hand with other crimes. Both in the media and in court practice, document falsification is mentioned in cases related to fraud. (BK of the Republic of Lithuania 182 art.) property expropriation (BK of the Republic of Lithuania 183 art.), waste of property (BK of the Republic of Lithuania 184 art.), misuse (BK of the Republic of Lithuania 228 art.).

It is impossible to list all possible situations due to criminal acts such as falsification of documents and name all possible documents. Therefore, it is a clear choice of the legislator to leave the concept of document undefined. We must be attentive and analyze not only the concept of the document and the document itself, but also the object of the crime committed, i.e. what is the content of the forged document, which provides information about a legal fact, i.e. what value was this criminal act – the forgery of a specific document – recorded. Considering the objective nature of the crime, this criminal act may manifest itself in one or several alternative actions, (Commentary on the Criminal Code):

- producing a fake document;
- forgery of a genuine document;
- possession of a false or forged document;
- by transporting a false or forged document;
- by sending a false or forged document;
- using a fake or forged document;
- by making a false or forged document.

Based on the Supreme Court of Lithuania (hereinafter LAT) arguments, the objective nature of the crime in the case of document falsification under consideration is expressed in any of the articles of Criminal Code. Article 300 provided by the alternative actions, in order for it to be reproduced as one continuous criminal act, based on the doctrine of criminal law, it is necessary to connect these actions:

- Single intention of the culprit;
- All body movements must be directed to that value protected by the criminal law;
- Criminal acts are committed from one source.

Analyzing the legality of the deed in the court practice, it is noticed that such criteria as the source of obtaining the property, the victim, the relative ways and properties, the duration of the continuous actions and the records are distinguished. It is very important to emphasize that the repetition or non-repetition of the crime is continuous regardless of the specific characteristics of the criminal act. Due to such jurisdiction, in cases of individual categories, different areas can be taken into account, which emphasize or completely reveal the continuity of the activity. When analysing the specific composition of document falsification, it is extremely important to know that actions that are constantly repeated and are not random or one-of-a-kind, the wheels of continuous activity are not completely connected. So, in order for the criminal acts to constitute a single crime, it is not necessary for all the acts to be committed because of the document of the circle, these acts can be classified as a single crime if the accused is different he used forged documents guided by those motives. Pursued the clearly defined goal of that circle, and connected all his criminal actions with a single intent in terms of content and form. This will be defined as one continuous crime (Decision of the panel of judges of the Criminal Cases Department of the Supreme Court of Lithuania dated 2 April 2012 in criminal case No. 2K-416/2012). Continuous action is very important for a person's criminal responsibility, because one continuous action is the commission of one crime, for which only one punishment is possible, which is provided by the Criminal Code of the Republic of Lithuania. After responsible examination and proper assessment of this fact, qualify the actions and assign the appropriate punishment to the person. However, any of the named alternative actions is considered a crime only in such a case, if it is proven that it is dangerous. The essential problematic aspect of this feature of document falsification is the determination of the vulnerability of the mobile phone. In each case, the vulnerability is determined by the content of the forged document. The practice of the court states that the recording of any data that does not correspond to reality in a document can be considered a dangerous act, provided for in Article 300 of the Criminal Code of the Republic of Lithuania. It is important that the untrue facts recorded in the document have legal significance, i.e., and they can restrict the rights of natural or legal persons or cause legally significant consequences for these persons or the state. If the falsified records do not have any legal significance, such falsification

of a document is not a dangerous act from the point of view of the criminal law. Because it cannot cause damage to the protected values of Article 300 of the Civil Code, so it does not attract criminal liability (In 2012, the panel of judges of the Criminal Division of the Supreme Court of Lithuania. January 31 ruling in criminal case no. 2K-113/2012). After identifying the forgery of documents, the essence of the crime is determined by its seriousness. However, in order to be able to evaluate it, we have to consider other significant signs and analyse them accordingly and in different ways.

### **Ways of falsifying documents and their detection**

Today, there are highly developed information technologies that are almost inseparable from our everyday life. Traditional cash payments are replaced by online payments, elections in public spaces, restaurants move to websites, contracts are drawn up in electronic form. It is believed that the material documents produced on paper or any other basis will continue to live in our lives for a long time. Paper documents are unavoidable in our daily life. Practically every day you have to use bank notes, various certificates of civil acts, documents of personal consent. Since documents take part in our lives, they are often forged to achieve selfish goals, to hide mistakes, and to make excuses.

The fact of forgery of documents can be established with the help of object examination and document examinations. Even though the examination of the objects does not determine whether the document is forged, it is determined whether the document is genuine or meets the requirements by using real blanks. In such a case, it is determined that the document is forged, it is investigated how the document was forged and whether the document has been tampered with, etc. Based on the conclusion of the specialist, established facts and other aspects of the case, the fact of forgery is established by the court or the officer investigating the case.

Even in the 20th century, the following methods of forging documents were the most common:

- **Erasing and scraping** is the mechanical removal of words, numbers, and letters from the text of the document by erasing them or scraping them off with some sharp object, e.g., pins, needles, razor blades, scissors. The methods of erasing and shaving serve two purposes: to remove parts of the previous text, and to prepare a place for the new text. Sometimes it is enough for some forgers to remove only some letters or numbers without writing new

text. The most important characteristics of rubbing and shaving:

- It is decorated with roses, illuminated in the dark;
- The structure of the outer layer is different;
- The gloss of the mirror surface decreases or disappears altogether;
- Due to the absorbent nature of the eraser, newly written text bleeds out at the location of the forgery;
- Adjustable security grid, compressed blank elements, lines remain in the style of the previous text;
- The content of the deleted text remains in both document streams.

**Etching and erasing** – when writing any text, writing lines always remain in the box – indentations, etching and erasing are lines of text, indentations are serially processed by various chemical reagents, and faded. In order to accomplish this, mineral and organic acids, alkalis, oxidants, etc. are used. Such chemical reagents eat a variety of records, affect document folders and the network. By etching and etching, it is possible to erase absolutely the entire text of the document and thus obtain a clean blank. Written texts can be erased with alcohol, vodka, cologne and other solvents and water.

**Writing and correction** – This is one of the most frequently used ways to forge a document, because in order to write, it is only necessary to do the writing with such a writing instrument, such a pen or a pen of the same quality, assessing the authenticity and accuracy of the writing.

**Reposting of photos** – means replacing the photo in the document with the photo of another person to whom the document belongs. There are many ways to repost photos. The photo can be changed in whole or in part, but most often the whole photo is changed. The missing part of the shell is cut off. If there is a previous printout of the document on the photo to be pasted, then efforts are made to match it with the part of the printout in the document.

**Forgery of documents** – for the purposes of criminal activity, the content of a document is often tampered with by removing old pages or parts of them with some important entries and replacing them with clean pages, part of them from another, similar document. Requisites are formal and very important elements of a document that every properly prepared document should have. The requisites confirm the authenticity of the document and help protect against falsification.

**Forgery of document forms** – document forms are often forged from requisites, when preparing

personal documents, scientific certificates, diplomas, driver's licenses, etc.

**Forgery of media and media reports** – left and blank, and media and media reports are forged from props.

According to the methodological recommendations of the Lithuanian Court of Justice Center, documents are forged in two ways:

- Creating a completely new document in any way;
- By changing any part of a real document.

Today, there are a lot of electronic documents related to the exchange of information encoded in the magnetic stripe of bank payment cards, so innovations in various technical fields are very rapidly developing, which constantly adjust the objects of the document's exploration. The fields of science and technology are developing rapidly, which increase the opportunities of counterfeiters. In summary, there are many ways of falsifying documents and each one is combated differently, and certain regulations are applied accordingly. It can be found that the slightest writing or editing in a document can be treated as forgery. Forgeries of paper documents are easier to detect, electronic ones are more difficult or not detected at all.

#### **The dangerousness of document forgery and its causes**

The seriousness of a criminal act starts from the appearance of action, inaction, and the appearance of such a criminal act as forgery of documents is usually the acquisition of relevant documents. Left claims Darius Pranka, after getting a document, which poses a threat to the value protected by the criminal law – the functionality and availability of the legal exchange of documents. This crime has the same relevance and character that it is used for holding a fake document or doing other things with it. The essence is in the content of the document and the meaning it causes.

The essence of document falsification is determined by the provable sign that document falsification is a dangerous act. Every criminal act that entails criminal responsibility starts from the act and its result. According to the Supreme Court of Lithuania (hereinafter LAT), the severity of the crime is determined by two criteria – the nature of the severity and the extent of the severity. The nature of the threat usually depends on the object of the crime, i.e., from the value of protected legal goods, which are encroached upon. The nature of the threat is also influenced by the damage caused, as it is directly related to the object of the crime. When

determining the degree of dangerousness of an act, the size of the damage and other factors – the way the act was committed, guilt, motives and goals of the act – are of fundamental importance. Therefore, detection and evaluation of radars are necessary for determining the presence of the criminality of the entire criminal act – the presence of a material sign of each act. It should be noted that the non-adherence of the necessary features of the radars in the composition of the criminal offense does not mean that the acts listed in the Criminal Code of the Republic of Lithuania. With formal compositions, including those specified in Article 300, Part 1 of the Criminal Code of the Republic of Lithuania, do not cause dangerous crimes and that their case is not investigated. (Cassation ruling in criminal case No. 2K-271-648/2015).

Examining Article 300 of the Criminal Code of the Republic of Lithuania “Forgery of a document and counterfeiting with a forged document” establishes the composition of the criminal act with alternative features of the act. Article 300, part 1 of the Criminal Code defines the offense as: “made a fake document, forged a real document or kept, transported, sent, used or sold a known fake or a known fake real document”. Based on the comments of the criminal code and the practice of Lithuanian courts, it would be important to define the essence of each act, and to clarify what are the differences between the acts qualified by these acts – transportation and sending, as well as use and realization.

*The production of a fake document* is defined as the production of a completely new known false document, i.e., one that does not exist. In other words, the culprit illegally writes, falsifies, or in other ways creates the entire document, which contains information that does not correspond to reality, in order to release such a document to another country as authentic.

*The falsification of a genuine document* is defined as a falsification of the authenticity of the document and the correctness of its content. In addition, the addition or deletion of individual parts of the document. Documents are falsified by entering false information (intellectual forgery), by writing or editing, by removing part of the text of a real document, by copying a photo, etc. (partial material falsification).

*Possession of a fake or falsified document* is the possession or temporary possession (control) of the object of this crime, regardless of the length

of time and location of its possession. A fake or falsified document can be kept with oneself, at home or work cell phone, in a car, in a hiding place or in another place chosen by the perpetrator. In this case, it is necessary to establish that the culprit has identified their self as the owner or temporary owner of this item. This condition is particularly important when the crime is committed in neutral territory.

*Transporting a false or forged document* is the transfer of a criminal object from one place to another in any transport device or by carrying (in a bag, pocket, handbag, etc.). It should be noted that transportation is always storage as well, so these two actions can go hand in hand (Tamašauskiene, 2004).

*Sending a fake or falsified document* means sending it to the respective addressee in writing, by e-mail, by fax, or by other means of communication, using the services of a courier or other persons. In the case of both transportation and sending, the presence of a forged or fake document, the storage location must be checked when moving it over longer distances (eg, from a city to a village, from one city to another city, from street to street, etc.).

*Use of fake or falsified document* – when the culprit illegally sent a fake or forged document to a legal court in order to prove or confirm legal facts or other matters of legal significance. According to Tamašauskienė, 2004, the use of forgery in order to acquire property or property rights can be qualified as fraud. In the case of fraud, the subject of the criminal act is foreign property or property right, the use of a forged document is the method of committing the said act, and forgery is the means of the criminal act. Therefore, the falsification would be assessed from the contract. It is impossible to make a mistake in assessing a criminal act. If the criminal subject of the act is wrongly assessed, it would be difficult to avoid mistakes in qualifying the acts related to document falsification (Tamašauskiene, 2004).

*Realization* is considered to be the remunerative or non-remunerated distribution of a fake or forged document for the distribution of another person. Other than the case of use, the document is not presented as a real fact, but is relayed for the use of other persons, for example, distributed, donated, exchanged, etc. It should be noted that the form of realization is chosen, i.e., the remunerability of the relay has no meaning in qualifying the work.

Here is a frequently occurring situation from court practice and life – a person who is unable or unwilling to receive a driver's license, not take the theory or practical test, go to the appropriate other people

working in the public institution “Regitra”. Who have the right to take driving tests and issue certificates, send them your photo, medical certificate, other documents, paid for the illegal service in Russia, and these authorized persons illegally provided him with a fake driver's license, which he later returned to him. The person who received the driver's license carries it with him and uses it if necessary. Thus, a person acquires, keeps, realizes, and uses a fake document – a driver's license.

Criminal responsibility for forgery of documents does not arise for a person who kept, transported, sent, used or sold a fake or forged document without knowing that it is fake or forged. Forgery of documents is done only with direct intention (Commentary on the Criminal Code). The action of a person is the result of his actions, during which it is aimed to consolidate in the legal arena by illegally producing a fake document, while forging a real document or a known fake or already forged document kept, transported, sent, used or realized, and wanted to do so. In order for criminal liability to be applied for document falsification, any one action is sufficient, depending on the action, so that the crime is considered completed. Part 1 of Article 300 of the Criminal Code has a fixed composition – formal. When qualifying the actions performed, according to Article 300, Part 1 of the Criminal Code, the act is considered a completed crime:

- From the moment the fake document is created, if the document is fake;
- After completing all the necessary actions of forging a genuine document;
- From the possession of a false or forged document, in any place;
- From transporting a false or forged document, any means of transport or means of transport;
- From the moment of sending a fake or forged document, in any possible way, regardless of whether the addressee, to whom the crime was intended, received it;
- From the moment of issuing a fake or falsified document to a legal authority;
- From the moment a fake or forged document comes into the knowledge of a third party.

That is to say, in cases of highly qualified composition, according to Article 300 of the Criminal Code, the qualifying features of the crime are a large amount and a large amount of damage, which is defined as a crime in Articles 300 of the Criminal Code of the Republic of Lithuania. Paragraphs 1 and 2, made to third parties in connection with the listed documents,



i.e., identity card, race, driver's license and forgery of state social insurance license. The quantity is a very important evaluative feature, because when evaluating each specific case, taking into account the number of documents, their legal significance and other aspects of the case, the size of the quantity is determined. The content of the term "major damage" consists of material and non-material damage. Large damage is an evaluative feature that is determined in each specific case. The amount of damage is determined by the court, assessing the nature of the damage, the estimated values, the possibilities of damage removal and restoration. In all cases, the damage is determined to be high, if the basic rights and freedoms of the person are violated, that is, when the amount of the actual expression of the property damage exceeds the amount of 150 MGL (Piesliakas, 2000; Commentary on the Criminal Code..., 2023).

In general, it can be said that the nature of violence also has an influence on the damage done, because it is directly related to the object of the crime. When determining the degree of lethality of an act, the size of the damage and other factors such as the manner of the act, guilt, motives and goals of the act are of fundamental importance.

### Conclusions and discussion

A document is fixed information and information media (graphic works made in various ways: written by hand, published in a printing house, printed, drawn, video or audio recordings, computer

information media, film and photographic negatives), as well as in any way or copies of such information media are made by means. A forged document is usually a document written or otherwise produced in the name of another person, outwardly similar to a real one, but produced by a person who does not have the right to produce the document, or a known false document that does not exist in reality.

The analysis of Lithuanian court practice reveals that, despite the fact that criminal liability for obtaining a forged or fake document is not provided for, the courts sometimes apply it. If the specific act committed does not affect the legal relationship, there is no danger to the good protected by the law, in this case this act does not correspond to the composition of the criminal act, because there is not one of its necessary signs. Thus, in principle, not the content of the document or its form, but the significance of these things for the rights and obligations of the participants in legal relations provides the basis for criminal liability. Although court practice in this aspect has been formed for a long time, courts still have problems determining the significance of a specific document for legal relations. Criminal liability according to Article 300, paragraph 1 of the Criminal Code is possible only if it is established that the possession of a fake or forged document caused significant legal consequences. In this way, the composition of this crime would correspond to the characteristics of the material, and not the formal, composition of the crime.

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## ПІДРОБКА ДОКУМЕНТІВ, ЩО НЕСЕ КРИМІНАЛЬНУ ВІДПОВІДАЛЬНІСТЬ

### Анотація

У статті розкривається теоретична частина фальсифікації документів, аналізується сутність і поняття фальсифікації документів як злочинного діяння, аналізуються способи фальсифікації документів та способи їх виявлення, небезпека фальсифікації документів та її наслідки. Розглядається, як ведеться досудове розслідування відповідно до статті 300 Кримінального кодексу Литовської Республіки та яка кримінальна відповідальність настає за підробку документів. Проводиться кількісне дослідження шляхом проведення анкетування прокурорів та помічників прокурорів регіональних прокуратур Паневежської районної прокуратури, Утенської прокуратури, розкриваючи їхнє поняття про підробку документів, як часто це зустрічається та яка кримінальна відповідальність застосовується. Проблема статті – у судовій практиці можна зустріти висновки про те, що будь-які документи (приватні чи офіційні) можуть бути підробленими, якщо вони містять відомості, що мають значення для виникнення, зміни чи припинення юридичних фактів. На практиці бувають випадки, коли документи підписуються з дозволу іншої особи або підписуються документи, які не мають юридичної сили, і це вже називається підробкою документів, але є випадки, коли суд касаційної інстанції зазначає, що вчинок є малозначним або виправдує особу. Це принципово неправильна практика, оскільки суд касаційної інстанції має виправляти помилки судів першої чи апеляційної інстанцій. Метою статті є аналіз фальсифікації документів як злочинного діяння та кримінальної відповідальності за це. Основні проблеми. У судовій практиці можна знайти висновки про те, що будь-які документи (приватні чи офіційні) можуть бути підробленими, якщо вони містять відомості, що мають значення для виникнення, зміни чи припинення юридичних фактів. На практиці бувають випадки, коли документи підписуються з дозволу іншої особи або підписуються документи, які не мають юридичної сили, і це вже називається підробкою документів, але є випадки, коли суд касаційної інстанції зазначає, що вчинок є малозначним або виправдує особу. Це принципово неправильна практика, оскільки суд касаційної інстанції має виправляти помилки судів першої чи апеляційної інстанцій.

**Ключові слова:** підробка документів, кримінальне право, кримінальна відповідальність.

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