

**Actual problems of criminal law,  
criminal procedure and criminalistics**

**Materials of scientific conference**

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# **Actual problems of criminal law, criminal procedure and criminalistics**

Materials of scientific conference

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Ukraine, to pass a certification exam in Central expert-Qualification Commission of the Ministry of Justice of Ukraine and qualify court an expert in a particular specialty, in the manner prescribed by this Law (Art. 3 of Art. 10 of the Act), and to be introduced in the State Register of certified court experts (Art. 9 of the Act). The above-mentioned legal acts in general, the procedure for access to the profession of court experts, in particular govern the procedure for the passage of and training in order to qualify as a court expert by their further certification, as well as confirmation of qualification of the assessor. In accordance with the Regulation, the preparation of the state forensic experts Research Institute of Forensic Expertise of the Ministry of Justice of Ukraine, held in these expert institutions. As a rule, such a specialist is credited to the state institutions.

For the preparation of an expert, a corresponding individual plan of lectures and practical work. Because of experts with more than five years of experience of the expert work in the relevant specialty, fixed Training Manager, which is responsible for providing methodological assistance in the preparation, giving clarifications on issues related to the research process, the immediate practical exercises, joint exit to familiarize themselves with the object of study (in the case of the object outside expert institution), as well as assisting in the drafting of reports and abstracts on the procedure and special issues. The final part of the training of the assessor is to review project reports and essays by experts who did not participate in the preparation of the expert. Implementation of the plan of training and positive reviews, prepared by an expert.

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#### Latent crime: concept and essence

**Abstract.** In article the problems connected with latent crime and its prevention are in a complex analysed, studied history of institute of latent crime.

**Keywords:** crime, latent crime, prevention of crimes



In criminology, the part of criminality that for some reason is not reflected in the criminal judiciary statistics and does not become the object of criminal judicial proceedings. In latent criminality, crimes remain unknown to the authorities who have the duty to institute criminal proceedings because the criminals conceal their actions or because the victims and witnesses are unwilling to appeal to the authorities. Latent criminality also includes crimes that became known to officials or the competent authorities but were not registered because of the shortcomings of the system of crime accounting or as a result of negligence on the part of the officials.

The level of latent criminality differs for different crimes and is minimal for serious crimes (for example, assaults upon life or health of a person); the level is somewhat higher in connection with such forms of crime as theft. The existence of latent criminality makes crime analysis more difficult and adversely affects crime prevention.

One of the most pressing issues of our time, affecting essentially all aspects of social life and, in particular, poses an imminent threat to the implementation of economic reforms, social destabilization factor is the steady growth of criminal manifestations, the increase in the share structure of the crime of grave and especially grave crimes, organized crime and proliferation corruption. This state of affairs actualizes the efforts of law enforcement agencies to ensure control over the crime, its prevention. However, a prerequisite for this is the knowledge of the true extent of crime, handling performance of its actual state, not just the part that is reflected in the official data of criminal statistics.

Latency - the concept that defines the property crime in large part be hidden, incompleteness expressed in its official registration.

Latent crime - a crime, the details of which are not reflected in official statements.

The structure of delinquency includes hidden and concealed crime.

Crime hidden part is formed by the crimes and their various collections that are committed, but which have not become known to law enforcement agencies and the court.

Chastprestupnostivklyuchaet concealed crimes and their combination, which became known to law enforcement authorities, but who for various reasons are not reflected in the crime statistics (the actual failure to examine allegations of crimes, incorrect assessment acts as a non-criminal, and so forth.).

On the mechanism of formation distinguish latent crime:

undeclared - committed, but which are not stated in the law enforcement agencies;

unaccounted for - a statement to law enforcement authorities, but they have not been investigated and have not been registered;

unidentified - due to negligence, incorrect qualifications and other reasons has not been established or events of the crime.

Organized crime - a complex system of organized criminal groups with a large-scale criminal activities and the creation of such activities for the most favorable conditions, using both its own structure with management and other functions for maintenance of these units, their activities and external interactions, as well as government agencies, civil society .

Qualitative characteristic of Crime:

the nature of crime is determined by what number of the most serious crimes in the structure of crime, as well as those, what characteristics of the person who commits a crime, he also points to the danger to the public in crime. A direct measure of public danger is the average severity of the crime, and an indirect index of criminal records;

Crime structure - the proportion and ratio of individual types of crimes in general in a given region over a specified period;

dynamics of crime - a change of state, the level and structure for a given period of time (year, 3,5,10 years, and so on. d.).

The dynamics of crime as a socio-legal phenomenon influenced by social factors that affect the social nature of crime and its danger to the public and legal factors (crime detection, the inevitability and so on. D.). Relative indicators: the growth rate of crime, the rate of growth. stay and other circumstances, as well as the choice of means. After the occurrence of a certain setting behavior occurs "delay" - correlation installation with social norms, consequences. May occur refusal to commit a

crime. If the act of "delay" does not occur, the mechanism of criminal behavior will be "rolled" - installation realized immediately after the occurrence. Such is seen in persons who are not accustomed to weigh the situation and think about the consequences.

For deciding *nastupaetstadiya* its execution - just a crime. Possible deviation of the actual implementation of the planned solutions under the influence of various factors. At the stage of post-criminal behavior analyzes incident occurred as consequences disposes acquired by criminal means, hide traces of the crime, is taking steps to ensure

that it is not exposed and brought to criminal liability public.

Thus, summing up the above, a latent crime, in my opinion, should be understood set of actions that would not imply criminal law response and impact on the part of producing pursue and prosecute the perpetrators to justice. Specific features of delinquency are undetected (unidentified) and unaccounted for multiple offenses authorities to prosecute and bring the perpetrators to justice, leading their registration and accounting, as well as non-disclosure (incomplete disclosure) acts by the investigating authorities.

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### The Court as a judicial power in the Republic of Kazakhstan

**Abstract.** This article deals with the concept of the judiciary and its indications. The judiciary is the main instrument for the protection of constitutional rights of citizens. The judiciary is one of the main components of the foundations of the state, one of the levels of democratic development

**Keywords:** court, constitutional rights, judiciary.

Article 76 of the Constitution of the Republic of Kazakhstan stipulates that the judicial power shall be exercised on behalf of the Republic of Kazakhstan in order to protect the rights, freedoms and legitimate interests of citizens and organizations [1].

The judiciary is an independent branch of the government. Judicial power belongs only to the courts, the authority to resolve their competence, problems arising from the application of the law, and the implementation of these powers through the constitutional, civil, criminal and administrative proceedings

in compliance with the procedural forms and guarantee the rule of law and justice; judges' decisions are legally represented by the permanent judges. Justice in a legal state is only the judiciary. No one can convert the responsibilities of the court. In law enforcement the court is guided only by the law and does not depend on the subjective effects of the legislative or executive power. The independence and legality of justice is an important guarantee of the rights and freedoms of citizens, legal state as a whole [2, p. 99-108].