

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

**Materials of scientific conference**

**Volume II**

«East West» Association for Advanced Studies and Higher Education GmbH

**Vienna  
2017**

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

Materials of scientific conference

ISBN 978-3-903115-05-7

## **Editorial office**

**Email:**

**Homepage:**

European Science Review  
"East West" Association for Advanced  
Studies and Higher Education GmbH, Am  
Gestade 1  
1010 Vienna, Austria  
info@ew-a.org  
www.ew-a.org

This collection contains materials of scientific conference "Actual problems of criminal law, criminal procedure and criminalistics". The works are aimed at addressing problems such as the modern criminal policy, combating transnational organized crime and corruption, the development of criminal procedure legislation, to ensure the effective investigation of crimes.

## **Instructions for authors**

Full instructions for manuscript preparation and submission can be found through the "East West" Association GmbH homepage at: <http://www.ew-a.org>.

## **Material disclaimer**

The opinions expressed in the conference proceedings do not necessarily reflect those of the «East West» Association for Advanced Studies and Higher Education GmbH, the editor, the editorial board, or the organization to which the authors are affiliated.

## **© «East West» Association for Advanced Studies and Higher Education GmbH**

All rights reserved; no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Publisher.

Typeset in Berling by Ziegler Buchdruckerei, Linz, Austria.

Printed by «East West» Association for Advanced Studies and Higher Education GmbH, Vienna, Austria on acid-free paper.

<i>Baysalov A.D.</i> The fight against terrorist actions	227
<i>Berdybaeva A., Amantay A.</i> Types of tax legal relations	231
<i>Nabiyev A., Dzhansarayeva R.Y.</i> To problems of definition of illegal migration	234
<i>Adanbekova Z.N., Omarova A.B., Malikova Sh.B.</i> Contract of the state purchase	239
<i>Kerimbayeva Zh.M., Yergali A.M., Malikova Sh.B.</i> Criminal and legal problems of definition of illegal business	242
<i>Abdukarimov A.I., Yergali A.M., Malikova Sh.B.</i> Criminal responsibility of minors by the foreign legislation	248
<i>Tynysbek A., Yergali A.M., Malikova Sh.B.</i> Criminal liability for preliminary criminal activity	251
<i>Senkibayev B., Izbassova A.B., Malikova Sh.B.</i> Some questions of qualification of depravity of juveniles	255
<i>Altanova A.S., Omarova A.B., Malikova Sh.B.</i> Problems of proofs in civil process	259
<i>Kerimbayeva Zh.M., Yergali A., Malikova Sh.B.</i> Some aspects of the identity of the criminal	263
<i>Saidahmetov A., Yergali A.M., Malikova Sh.B.</i> Some questions of prevention of criminal offenses	267
<i>Elubaeva G.</i> The concept of confiscation under the Criminal Code of the Republic of Kazakhstan	270
<i>Malikova Sh.B., Yergali A.M., Isbasova A.</i> Foreign experience of prevention of computer crime	274
<i>Daubasov S.Sh.</i> Problematic aspects in the mechanism of implementation of the extradition institute	278
<i>Daubasov S.Sh.</i> The concept of migratory crime	281
<i>Daubasov S.Sh.</i> Efforts to crack down on illegal migration	284
<i>Tapalova R.B., Madibaeva E.M.</i> Classification of ecological offenses by elements of the criminalistics characteristic	287
<i>Tapalova R.B., Madibaeva E.M.</i> Classification of judicial examinations by the legislation	291
<i>Akbolatova M.Y.</i> Responsibility for escape from places of detention from under arrest or from custody by the existing criminal legislation of the Republic of Kazakhstan	295
<i>Akbolatova M.Y.</i> Some questions of problems of fight against escapes from places of detention	299
<i>Shopabayev B. A., Zhumabayev A. R.</i> Some questions arising at a criminalistic research of materials, substances and products	303
<i>Shopabayev B. A., Daligul S.A.,</i> Criminalistic equipment as an instrument of collecting proofs and technology of its use	306
<i>Sharipova A.B., Yertayev E.S.</i> The historical development of the legislation essay about institute a private prosecution in the national criminal proceedings.	309
<i>Kalkayeva N., Izbassova A.</i> Observance of the Constitutional personal rights and freedoms in education in the Republic of Kazakhstan	313

*Shopabayev B. A.*

*Senior teacher of department of criminal law, criminal trial and criminalistics of law department of Al-Farabi Kazakh National University, city of Almaty, al-Farabi's street, 71, gmail: [shopabaev.batyrbek@gmail.com](mailto:shopabaev.batyrbek@gmail.com)*

*Daligul S.A.*

*Senior student of law department at Al-Farabi Kazakh National University*

### **Criminalistic equipment as an instrument of collecting proofs and technology of its use**

**Abstract.** The criminalistic equipment uses various achievements of technical science and natural sciences, and also statistical and mathematical methods and many other things. As methods of criminalistic equipment various methods from area of chemistry, physics, biology, medicine and other sciences achievements in which can be useful and necessary at detection and research of traces of crimes can be used.

**Keywords:** Criminalistics, criminalistic equipment, scientific and technical methods and means, material traces of crime, participants of investigative actions, specialist criminalist.

Success of fight against criminal crime is inconceivable without broad and skillful use of modern scientific and technical methods and means by quick employees of police, investigators and expert criminalists. That is why studying criminalistics in academies of the Ministry of Education and Science of the Republic of Kazakhstan pursues not only development of theoretical bases of the course, but also practical mastering of technical means and policy strokes of criminalistics.

In teaching criminalistics the major part is assigned to the practical training which is directed to inculcating in students – future lawyers, necessary practical skills of use of scientific and technical means and methods in activities for disclosure and investigation of crimes.

The criminalistic equipment, being one of the sections of criminalistics includes system of scientific provisions and the technical means developed on their basis, receptions and techniques intended for collecting and a research of proofs and other measures of disclosure and the prevention of crimes. The concept "criminalistic equipment" of its modern look developed gradually, when forming criminalistics was called as "the criminal equipment" and was fundamentals of science of criminalistics at an initial stage of its formation [1].

Along with questions of use of

technical means and receptions at investigation of crimes also the receptions which do not have technical character were considered. Development of criminalistics leads to accurate differentiation between technical and policy strokes. Now the term "criminalistic equipment" is used in two values, first is a division of science of criminalistics, secondly – set of technical means, i.e. devices, equipments, the equipment, tools, devices, accessories and materials which are suitable for the solution of the tasks connected with disclosure, investigation and the prevention of crimes [2].

The concept "criminalistic equipment" sometimes is completely identified with the concept "scientific and technical means". These two concepts are not equivalent. In spite of the fact that possibilities of use of various scientifically technical means in crime control are studied by the criminalistic equipment as a criminalistics division of science, to carry all these means to the criminalistic equipment there are no bases. The concept "criminalistic equipment" covers not all technical means and methods used in crime control, and only those from them which are specially created or adapted for the solution of the tasks facing criminalistics [3]. Considering this circumstance, it is impossible to be limited to studying only criminalistic equipment. It is necessary to know those technical means and methods