

Actual problems of criminal law, criminal procedure and criminalistics

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Instructions for authors

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Manifestation of crimes against property in the new Criminal code accepted on July 3, 2014

Abstract. This article is about manifestation of crimes against property in the new Criminal code accepted on July 3, 2014.

Keywords: crime, property, Criminal code.

One of the big news of this year of sheep in the country led to the implementation of legal reforms, including the reform of the criminal law. The main focus of the criminal policy is to improve the existing criminal law. To this end, since January 1, 2015, this new criminal and penal codes of criminal procedure adopted and came into force. Of the Criminal Code is the law of the country after independence. Old Code adopted on 16 July 1997 Today is at the bottom of the story. State criminal law is very important to have the right to order. Therefore, the times changed, because of the emergence of a new public think that it is forced to go to such reforms.

Many of the crimes, articles, chapters appeared, were some of the crimes. If you want real changes, which is currently experiencing a lot of change in crimes against property crimes. A crime against property crime is one of two in the manufacture of the court to say that, no more. And how is it reflected in the new Penal Code?

In 1997 the Criminal Code, which was adopted on July 16 of this Chapter 6 of crimes against property. In this chapter, items 175-188 in seven of the ten offenses.

New Special mortality 6th Chapter of the Criminal Code, criminal offenses against property, eighteen of the crime. The disappearance of the former projects in one of the crime, a crime is a criminal offense.

The new article 187 of the Criminal Code, which was adopted on July 3, 2014, petty theft is a criminal offense. Previously, this was one of the administrative offenses, offenses. Petty theft, a small amount of the theft of another's property, fraud, embezzlement of purchase or to that of [1]. Three of seventeen article of the Criminal Code is theft of another property in this caused damage to the owner or other owner of the property, or other rights of the people in favor of the mercenary motives of the person found guilty of anti-free removal and (or) spin. Insignificant amount of not more than ten monthly calculation of the property owned by the entity owned by an individual, or the value of the property does not exceed two monthly indexes [1].

This is a violation of the Code of Administrative Offences before, there must be no more than ten times the monthly index [2]. The law refers to a new project, it is a criminal

offense. That is, through the criminalization of the Criminal Code.

Replaced by a new term changes theft, misappropriation of the term of the Criminal Code.

Some changes with regard to the crime of theft. Theft, theft of another's property is hidden [1]. This is due to the advance of the crime aggravated by a group of people, a few times, residential, office or industrial premises, storage or transport illegal on the sign, as well as unauthorized access to the information system and information and communication network as a way to change the information provided by the theft [2]. Former canceled in contrast to the Criminal Code, which was adopted on July 13, 1997 relating to the composition of the oil- and-gas pipeline theft aggravating. Included in the new Code innovative information system, illegal access or change the information provided by the information and communication network introduced a new crime of theft by staff. Aggravating composition of the legislature put a large amount of the theft. Aggravated by the structure of the criminal group, made of oil-and-gas pipeline, the largest amount. Criminal group is an organized group, a criminal organization, the criminal community, transnational organized group, transnational criminal organizations, transnational criminal and terrorist groups, extremist group, gang, is illegal paramilitary structure [1]. Legislative group organized criminal group referred to the new law, a criminal organization, etc. to introduce the concepts. Former adopted on July 13, 1997, the Criminal Code, it ceases to relate to a crime committed by an organized group in the composition of the heavy component [2], and he referred to the structure of the most aggravating. I.e. criminal groups, criminal organizations, and other responsibilities of the crimes committed by the same group. More than 500 large and a large amount of damage to the monthly cost of real estate in excess of the amount of damage, and the largest amount in the amount of more than 2000 times the value of the property and provided that the amount of damage [1].

References:

1. Crime Code of the Republic of Kazakhstan, 3rd July 2014 №226-V;
2. Administrative Offences Code of the Republic of Kazakhstan №155 dated January 30, 2001. Code of the Republic of Kazakhstan dated 05.07.2014 № 235-V invalid;
3. Criminal Code of the Republic of Kazakhstan, July 16, 1997 No. 167 LRK. July 3, 2014 of the Republic of Kazakhstan invalid Code No. 226-V.