

Actual problems of criminal law, criminal procedure and criminalistics

Materials of scientific conference

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Editorial office

“East West” Association for Advanced

Studies and Higher Education GmbH,

Am Gestade 1

1010 Vienna, Austria

Email:

info@ew-a.org

Homepage:

www.ew-a.org

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*Second-year Student
Faculty of Law
Al-Farabi Kazakh National University*

*Duzbayeva S.B.
Teacher
Department of criminal law,
Criminal procedure and criminalistics
Faculty of law
Al-Farabi Kazakh National University*

Supervision of the legality of executive production

Abstract. The author in his article describes the supervision of legality of executive production. It describes the main problems, characteristics of the system of supervision of the legality in the sector of executive production.

Keywords: Supervision, legality, executive production, criminal, legal.

Exact designation of the prosecutor's office place in the system of state and legal institutes of the country has key value for definition of essence of prosecutor's office bodies, its functions and legal status, organizational construction, forms and methods of activity. A question of the prosecutor's office place in state-legal institutes system follows from the general concept of the mechanism of the Kazakhstan statehood enshrined in the Constitution of the Republic of Kazakhstan. According to art. 83 of the Constitution of RK the prosecutor's office on behalf of the state exercises the highest supervision of exact and uniform application of laws, decrees of the President of the Republic of Kazakhstan and other regulations in the territory of the Republic, behind legality of operational search activity, inquiry and consequence, administrative and executive production, takes measures for identification and elimination of any violations of legality, and also protests the laws and other legal acts contradicting the Constitution and laws of the Republic [1].

Execution of sentences is a closing stage of criminal trial in which there occurs a realization of the sentences which have entered validity, definitions and resolutions of court, and also permission by court of the questions arising both at the appeal of a sentence to execution and during his execution. When the sentence which has entered into force is turned

to execution, legal proceedings on business are considered ended [2].

In this stage one of the main tasks of criminal legal proceedings – correction of the convict, and also the prevention of commission of crimes in the future is carried out. In a state policy of fight against crime important that the sentence in due time both is correctly turned to execution and it is directly executed, and only provided that the reality of inevitability of punishment for the committed crime will be provided [3].

According to art. 43 of the Law of RK "About prosecutor's office" the prosecutor exercises supervision for: 1) legality of presence of persons in places of detention, at an execution of the punishment and other measures of compulsory character appointed by court; 2) observance of the order established by the legislation and conditions of detention of prisoners in the called establishments, protection of their rights and freedoms; 3) legality of the execution of the punishment which isn't connected with imprisonment; 4) legality of execution of judgments on civil and other cases. These powers are realized through different departments and managements. For example, management on supervision of legality of judicial acts, monitors execution of the punishments which aren't connected with imprisonment except for judgments on civil cases. The department of supervision of penal correction system monitors performance of