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**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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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.

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systematic research;

- to prepare technical base of research;
- to define a research order, sequence of application of necessary methods (techniques);
- at insufficiency of the presented samples or case papers to send inquiry for additional materials or samples with the indication of conditions of their receiving.

At a stage of separate research:

- it is carried out qualified (with use of technical means) survey of each object, is formed his characteristic to destination, to design and functional features;

- by application in the beginning of nondestructive methods is established what changes have resulted from a criminal event what traces, fragments belong to direct object of research with object;

- the general and private signs of object of research come to light; on them the traces of the same name are found, signs of the last are studied, stability is noted them (or instability); the mechanism and conditions of formation of traces is defined;

- the same operations are performed also concerning samples, the marking of signs becomes.

As a result of separate research there has to be a clear idea of system of the signs in total individualizing each object.

Comparative research, as a rule, consists of two stages: the first – comparison of the general signs therefore it is possible to draw a conclusion or on distinction of objects, or on their belonging to one sort, a look and group; the second – comparison of private signs on the basis of which the expert can draw a conclusion on existence or absence of identity of objects.

Comparative research is most often conducted by means of special optical devices (for example, microscopes of various modifications).

Expert opinion. Examination comes to the end with pronouncement of the conclusion, to or of surely has the written form. Mostly the structure of the conclusion consists of introductory, research and final parts. Expert opinions traditionally have the appendix in the form of phototables, schemes, calculations, charts.

Conclusions – the summarizing part of the conclusion containing answers to the questions posed. It is clear, that those conclusions have the highest evidentiary value, precisely, definitely, certainly, unambiguously and categorically confirm (or deny) existence of the fact interesting a consequence.

#### References:

1. Vinberg A.I. Criminal examination in the Soviet criminal trial. - M, 1956.
2. M. M heads of cabbage Judicial and psychological examination. - M, 1977.

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**Legal, organizational and methodological problems of criminal techniques**

**Abstract.** This article deals with legal laws of forensic technology, the issues about organizational support of technical-forensic work, problems of supplying forensic units' workers with technical tools, and denotes the most significant, legal, organizational and also methodological problems of forensic technology.

**Keywords:** forensic technology, legal, organizational, methodological problems, technical tools, the investigation of the crime, law enforcement agencies.

Organizational and methodological problems of crime techniques are wide enough and by having a high degree of autonomy, can be divided into separate categories. Relatively special reference to the scientific basis of crime techniques in a number of legal, organizational and methodological tasks, can be noted, that is the basic scientific category in relation to all other specified groups, making improper attempt to put it into one series with them. Talking about general issues of the forensic technology, it can be allocated, first of all, problems of differentiation of the range of problems of the given discipline. It is right to adhere to proven above the division of problems of forensic techniques into legal, organizational and methodical.

Furthermore, analysis of the practice shows that the priority of legal problems of forensic technology indicate 42% interviewed by law enforcement bodies, and the other 22% of respondents pay attention to the organizational aspects, and the rest 36% of respondents believe that the most important methodological problems is in the using of means and methods of forensic technology in the process of disclosure and investigation of crimes [1].

Analyzing the legal issues with criminological aspects, it should be noted, that it is necessary to define the last as a 'special knowledge' [2]. Indeed, the current level of development of the science and technology advances when dealing with technical and forensic tools demanding a high level of professionalism in operating with them, which the investigator may not have in case of being workload with his own legal challenges.

By denoting the most significant to our days, legal problems of forensic technology, we have to note such an important part of the technical and forensic work as an organizational maintenance of such activities. Specialists note that the technical and organizational support to the forensic work

should include the following issues, which generally can be distinguished in the following groups:

- supplying the relevant units of law enforcement by technical means, maintaining the level of their performance;

- personnel work - preparation and retraining of employees, dealing with technical and forensic activities, certification issues [3].

As the analysis of practices shows, we can not emphasize the any one of these groups of tasks - either the first or second groups are roughly equal in importance (there were in priority the organization of technical and supply issues of forensic tools in their work indicated 54% of respondents, whereas the level of training were more important for 46% of our employees).

Although, largely supply level of technical means depends on the material factors, in this regard, there are certain organizational reserves. As for example, there is a urgent issue to timely maintenance and repair the existing techniques. At the present times, there is a situation where employees working on forensic units technology find themselves difficult to operate and maintain. Of course, maintain a certain level of technology in operating state can provide the operator itself, but in fact, it is not a simple task to maintain a criminalist working in a condition of highly sophisticated equipment. It is clear that law enforcement agencies can not fully solve routine maintenance tasks of hardware by themselves. This communication is becoming urgent task of attracting service center companies and firms, which produce this technique.

Probably, we should to solve this tasks by conducting negotiations in department level with firms-manufactures and regions. In this context, it becomes urgent task to train forensic services. It would be useful to appropriate training for data services in basic laboratory businesses for training routine

maintenance and minor repairs of technical means.

In this regard, the role of specialist quietly rises as a person, who professionally does criminalistic activities. In the aspect of technical and methodological problems in working of forensic practitioners, there is a low level of methodological support in regions which have a place to be at this very high centralization of employees training.

The problem of excessive centralization in the technical and forensic training associated largely with the material factors -

available in the central regions of the corresponding basis - the scientific and technical base for training. In forensic circles and also noted the relevance of the problem standardization: certification and expert techniques. The article marked the most significant, legal, organizational and methodological problems of the forensic technology, solutions which, of course, ambiguous, but the proposed options will help to specialists in solving the problems of technical and forensic security investigation crimes.

#### References:

1. Skorchenko P.T. Criminalistics. Technical and forensic software investigate crimes: Textbook. - M.: Bylina, 1999, p.31-47.
2. Lisichenko V.K., Zircal V.V. Using expertise in investigative and judicial practice: Textbook. - Kiev: 1987. - p.22-23.

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#### Tactics of minors interrogation

**Abstract.** This article describes methods and tactics of minor interrogation. There are basic tactics and methods which help to prevent crime among minors.

**Keywords:** minors, tactics, minors, investigator, crime.

Relevance of this subject is caused by a tendency of growth of development of crime among minors in the Republic of Kazakhstan. According to information given by Committee about legal statistics and the special accounting of the Prosecutor General's Office of the Republic of Kazakhstan, about eight thousand minors who have committed crimes annually come to light, from them nearly a half is brought to trial. For the last eight years on the republic more than 70 thousand minors are placed in the Centers of temporary isolation, adaptation and rehabilitation of

minors for neglect and homelessness, from them about 10 thousand are issued in orphanages and boarding schools. In this regard for optimization of investigation of the crimes committed by minors and with their participation application of psychological knowledge is actualized.

Minors concede to adults in ability to realize an event in general, can not always allocate the main thing, paying attention only to those facts which are interesting to them or have made strong impression. They more often than adults are mistaken at determination of

<i>Esen U., Shopabayev B.A.</i> Object and subject of judicial examination in the theory and practice of a judicial expertology.....	198
<i>Zhalkpbekov N., Daubassova S.Sh.</i> Detection and research of microobjects.....	200
<i>Zhumabayev A., Shopabayev B.A.</i> Forensic medical examination of living persons.....	202
<i>Ibraimi M., Shopabayev B.A.</i> Role of natural, exact and legal sciences in judicial handwriting examination.....	204
<i>Imashev A., Shopabayev B.A.</i> Features of judicial and accounting examination within a judicial expertology .....	208
<i>Marat A., Shopabayev B.A.</i> Some problems of judicial examination at the present stage.....	210
<i>Mashkenov M., Shopabayev B.A.</i> Stages of carrying out expert research.....	212
<i>Rakmetova A., Aryn A.A.</i> Legal, organizational and methodological problems of criminal techniques.....	213
<i>Stybayeva A., Duzbayeva S.B.</i> Tactics of minors interrogation.....	215
<i>Sultan D., Shopabayev B.A.</i> Some questions of trasological examination.....	218
<i>Tabyldiyev K., Tapalova R.B.</i> The value of specialized knowledge in the consideration of environmental offenses in civil proceedings.....	220
<i>Umbetalin N., Shopabayev B.A.</i> Basic concepts of the theory criminalistic identifications, diagnostics and situologiya.....	222
<i>Hamzina Z., Shopabayev B.A.</i> Production of examination in court.....	224
<i>Hasenova A., Shopabayev B.A.</i> Separate problems of use of the polygraph.....	225
<i>Shopabayev B.A.</i> Trends in the development of judicial expertise in the Republic of Kazakhstan.....	227
<i>Izbassova A.B., Sagymbayeva A.</i> Latent crime: concept and essence.....	230
<i>Sharipova A.B.</i> The Court as a judicial power in the Republic of Kazakhstan.....	232
<i>Iskander M., Atakhanova G.M., Mussabekova A.R.</i> Classification crime in criminal law in the Republic Kazakhstan.....	234
<i>Kaldarbekuly O., Atakhanova G.M., Mussabekova A.R.</i> Extraterritorial – that is located outside the territory.....	237
<i>Kryzhanovskaya A., Atakhanova G.M.</i> Cybercrime in the Republics of Kazakhstan.....	239
<i>Karibek A., Atakhanova G.M., Mussabekova A.R.</i> Classification criminal law.....	242
<i>Almassuly M., Atakhanova G.M., Mussabekova A.R.</i> Applicability of the Criminal law outside the territory of Kazakhstan.....	244
<i>Dzhunisov A., Atakhanova G.M., Sovetkhan S.</i> Prevention of economic crimes.....	247
<i>Dzhunisov A., Atakhanova G.M., Sovetkhan S.</i> Legalization of money or property received in criminal way as one of the types of criminal	