

**MINISTRY OF SCIENCE AND HIGHER EDUCATION OF THE REPUBLIC
OF KAZAKHSTAN
KAZAKH-AMERICAN FREE UNIVERSITY**

DEPARTMENT OF LAW AND INTERNATIONAL RELATIONS

**PROGRAM of
COMPREHENSIVE EXAMINATION**

Educational program – 6B04205 «Law and Legal Enforcement »

Ust-Kamenogorsk 2023

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Kazakh-American
free university
2023

PROGRAM

comprehensive exam for the educational program 6B04205 “Law and Legal Enforcement”

The comprehensive exam program for the educational program 6B04205 “Law and Legal Enforcement” includes the disciplines: Criminal Law of the Republic of Kazakhstan (general part); Criminal law of the Republic of Kazakhstan (special part); Criminal procedural law of the Republic of Kazakhstan.

The program includes all topics in accordance with the working curriculum of the disciplines. The exam is conducted using tickets, each of which consists of 3 questions:

1st question - Criminal law of the Republic of Kazakhstan (general part);

2nd question - Criminal law of the Republic of Kazakhstan (special part);

3rd question - Criminal procedural law of the Republic of Kazakhstan.

Contents of the comprehensive exam program on Criminal Law of the Republic of Kazakhstan (general part).

The discipline “Criminal Law of the Republic of Kazakhstan (general part)” is basic and includes 15 topics:

1. Concept, tasks, system and principles of criminal law.
2. Criminal law.
3. Criminal offenses.
4. Criminal liability and its basis.
5. Composition of a criminal offense.
6. Object and objective side of a criminal offense.
7. Subject and subjective side of a criminal offense.
8. Multiplicity of criminal offenses.
9. Stages of committing a criminal offense.
10. Complicity in a criminal offense.
11. Circumstances excluding public danger and illegality of the act.
12. Concept, goals, system and types of punishment.
13. Assignment of punishment. Conditional sentence.
14. Exemption from criminal liability and punishment. Criminal record.
15. Criminal liability of minors. Compulsory medical measures.

Topic 1. Concept, tasks, system and principles of criminal law.

Criminal law as an independent branch of Kazakhstani law. Subject and method of criminal law. The difference between criminal law and related branches of law in the subject and method of regulation. Protective and preventive functions of criminal law. The role of criminal law in the formation of law-abiding behavior of citizens. Criminal law system: General and Special parts. Sectoral principles of criminal law: legality, justice, equality of citizens before the law, personal culpable responsibility, humanism and economy of repression, inevitability of responsibility and punishment, individualization and differentiation of responsibility and punishment. The problem of legislative consolidation of the principles of criminal law. Historical conditionality of the state’s criminal policy. The main directions of criminal policy of modern Kazakhstan. The science of criminal law.

Topic 2. Criminal law.

The concept of criminal law as a codified normative legal act that has the highest legal force, defining the range of criminal offenses. Current criminal legislation of the Republic of Kazakhstan. The requirement for compliance of criminal legislation with the Constitution of the Republic of Kazakhstan and generally recognized principles and norms of international law. Regulatory resolutions of the Constitutional Council and the Supreme Court of the Republic of Kazakhstan as an integral part of the criminal legislation of the Republic of Kazakhstan. Structure of criminal law. The structure of the criminal law. Types of dispositions and sanctions of criminal law. The action of criminal law in space. Principles of operation of criminal law in space: territorial, citizenship, real, universal. The effect of criminal law over time. Criminal laws that have retroactive effect. Interpretation of criminal law, types of interpretation.

Topic 3. Criminal offenses.

The concept of a criminal offense. The criteria underlying the division of criminal offenses into crimes and criminal offenses. Concept and signs of crime. Categorization of crimes. Classification of criminal offenses on various grounds. The concept and signs of a criminal offense. The practical significance of distinguishing the category of “criminal offense” in the criminal law. The insignificance of the act. The difference between criminal offenses and other offenses and antisocial offences.

Topic 4. Criminal liability and its basis.

The concept of criminal liability as an independent type of legal liability. The essence of criminal liability and its types (positive and retrospective). Legislatively established basis for criminal liability. Theoretical aspects of the question of the basis(s) of criminal liability. Criminal liability and criminal legal relations. Subjects and content of criminal legal relations. The emergence, implementation and termination of criminal liability. Punishment and other measures of criminal law as forms of implementation of criminal liability.

Topic 5. Components of a criminal offense.

The concept of a criminal offense in criminal law. The relationship between the concepts of “criminal offense” and “corpus delicti”. The meaning of a criminal offense as the only basis for criminal liability. Elements and signs of a criminal offense. Types of criminal offenses. The concept of qualification of a criminal offense. The importance of accurately establishing the elements of a criminal offense for the correct application of criminal law.

Topic 6. Object and objective side of a criminal offense.

The concept of the object of a criminal offense in criminal law. Criminal law on objects of criminal legal protection and their hierarchy. Types of objects of a criminal offense (vertical classification): general, generic, direct. The significance of the classification of objects of a criminal offense for the systematization of the Special Part of the Criminal Code. Types of direct objects in multi-object criminal offenses (horizontal classification): main, additional, optional. The subject of a criminal offense and its significance for qualification. The relationship between the object and the subject of a criminal offense. The identity of the victim and its significance for qualification. The concept and meaning of the objective side of a criminal offense. Signs characterizing the objective side of a criminal offense. Dividing the signs of the objective side into mandatory and optional. Socially dangerous act. Action and inaction as forms of socially dangerous acts. The concept and types of consequences of a criminal offense. Criminal offenses with material, formal and truncated elements. Causal relationship between a socially dangerous act and socially dangerous consequences. The method, place, time, setting, instruments and means of committing a criminal offense as signs characterizing the objective side of a criminal offense.

Topic 7. Subject and subjective side of a criminal offense.

The concept and meaning of the subject of a criminal offense in criminal law. Reaching the age of criminal responsibility as a mandatory sign of the subject of a criminal offense. Criminal offenses for which liability is established from the age of 14. Imputing as a mandatory sign of the subject of a criminal offense. Limited sanity and age-related reduced sanity, their impact on criminal liability. The concept of imputing. Legal and medical criteria of insanity. Legal consequences of declaring a person who has committed a socially dangerous act insane. The concept and types of a special subject of a criminal offense. Prospects for introducing criminal liability of legal entities in Kazakhstan. The concept and meaning of the subjective side of a criminal offense. Guilt as a mandatory sign of the subjective side of a criminal offense. The ratio of intellectual and volitional components in the content of guilt as a criterion for identifying forms of guilt. Intention and its types. Negligence and its types. Inadmissibility of objective imputation. Legislatively established types of innocent harm. The possibility of combining two forms of guilt in one criminal offense. Liability for criminal offenses committed with two forms of guilt. Motive and purpose as signs characterizing the subjective side of a criminal offense. The concept and types of error in criminal law. The impact of factual error on guilt and criminal liability.

Topic 8. Plurality of criminal offenses.

The concept and signs of multiple criminal offenses. The difference between plurality and single complex criminal offenses: continued, lasting, compound, with alternative actions, with alternative consequences, with two forms of guilt. The possibility of the existence of a plurality of criminal offenses only in its legally established forms. The concept and signs of repeated crimes or criminal offenses. The effect of repetition on qualification and punishment. Concept, signs and types of a set of criminal offenses. Aggregate effects on qualification and punishment. Concept, signs and types of recidivism. The effect of recidivism on punishment.

Topic 9. Stages of committing a criminal offense.

The concept and types of stages of an intentional crime. Non-punishability of detection of intent. Preparation and attempt as types of unfinished crime. The concept and signs of preparation for a crime. The

difference between preparation and detection of intent. Limits of punishability of preparation for a crime. The concept and signs of attempted crime. The difference between an attempt and preparation and a completed crime. Types of attempted crime. Limits of punishment for attempted crime. The concept of a completed criminal offense. The structure of a criminal offense and the moment of its completion. The concept, signs and legal consequences of voluntary renunciation of a criminal offense. The difference between voluntary renunciation and active repentance.

Topic 10. Complicity in a criminal offense.

The concept of complicity in a criminal offense. Objective and subjective signs of complicity. Types of accomplices according to the nature of the functions performed in a joint criminal offense: performer, organizer, instigator and accomplice. Forms of complicity, criteria for their identification. Legal characteristics of a group of persons, a group of persons by prior conspiracy, a criminal group. Types of criminal groups and their specific features. The influence of forms of complicity on qualification and punishment. Excess of an accomplice to a criminal offense. Complicity in criminal offenses with a special subject. Responsibility for failed complicity. Features of the voluntary refusal of accomplices to commit a criminal offense. Grounds and limits of criminal liability of accomplices. The concept of involvement in a crime, its forms and its difference from complicity in a criminal offense.

Topic 11. Circumstances excluding public danger and illegality of the act.

The concept of circumstances excluding public danger and illegality of an act, according to criminal law, their legal nature and types. The importance of the institution of circumstances excluding public danger and illegality of an act. Necessary defense. Conditions for the legality of necessary defense. Exceeding the limits of necessary defense. Imaginary defense and its legal consequences. Causing harm during the detention of the person who committed the assault. Conditions for the legality of causing harm to a detained person. Responsibility for exceeding the measures necessary to detain the person who committed the attack. An urgent need. Conditions for the legality of causing harm when absolutely necessary. The difference between extreme necessity and necessary defense. Carrying out operational search, counterintelligence activities or covert investigative actions. Conditions for the legality of causing harm when carrying out operational investigative, counterintelligence activities or covert investigative actions. Justified risk and conditions for its legality. Irresistible physical mental coercion as an independent circumstance that excludes social danger and illegality of the act. Execution of an order or instruction.

Topic 12. Concept, goals, system and types of punishment.

The concept and essence of criminal punishment. Signs of punishment. The difference between punishment and other measures of state coercion. The place of punishment in the system of criminal law measures. Purposes of punishment. Restoring social justice. Correction of the convicted person. Prevention of new criminal offenses (general and special prevention). The concept of the effectiveness of criminal penalties. The concept and significance of the criminal punishment system. Classification of punishments according to various criteria in criminal law and the theory of criminal law. Characteristics of mixed (assigned for both criminal offenses and crimes) types of basic punishment: fine; correctional work. Characteristics of the main punishments imposed only for criminal offenses: involvement in community service; arrest. Characteristics of the main punishments imposed only for crimes: restriction of freedom; deprivation of liberty; the death penalty. A course towards a gradual narrowing of the scope of application of the death penalty. Characteristics of additional punishments: confiscation of property; deprivation of a special, military or honorary title, class rank, diplomatic rank, qualification class and state awards; deprivation of the right to hold a certain position or engage in certain activities; deprivation of citizenship of the Republic of Kazakhstan; expulsion from the Republic of Kazakhstan of a foreigner or stateless person.

Тема 13. Назначение наказания. Условное осуждение.

The concept of general principles of sentencing. The rules (requirements) that make up the content of the general principles of sentencing, the importance of their strict observance. Circumstances to be taken into account when assigning punishment. Types of circumstances mitigating and aggravating criminal liability and punishment. Imposing a more lenient punishment than prescribed for a given criminal offense. Determination of punishment for a set of criminal offenses. Assignment of punishment based on the totality of sentences. The procedure for determining the terms of punishment when they are added. Private (special) principles of sentencing: sentencing for an unfinished crime; for a criminal offense committed with complicity; in case of relapse of crimes. Calculation of sentence terms and offset of punishments. The concept and legal nature of a suspended sentence as an alternative to imprisonment as a measure of criminal law. The

court's conclusion about the possibility of correcting a convicted person without serving imprisonment as a basis for applying a conditional sentence. Conditions for the application of probation. Restrictions on the use of probation. Probation control during suspended sentences. Duration of probationary control period. Grounds for reducing and extending the period of probation control. Cancellation of probation. Cancellation of a suspended sentence while reducing the period of probation control. Negative grounds for revoking a suspended sentence. Legal consequences of canceling a suspended sentence on negative grounds.

Topic 14. Exemption from criminal liability and punishment. Criminal record.

The concept of exemption from criminal liability, the difference between exemption from criminal liability and related institutions of criminal law. The importance of the institution of exemption from criminal liability. Types of exemption from criminal liability: general and special. General types of exemption from criminal liability: in connection with active repentance; when the limits of necessary defense are exceeded; upon fulfillment of the terms of the procedural agreement; in connection with reconciliation; with the establishment of a guarantee; due to changes in the situation; due to the expiration of the statute of limitations; on the basis of an amnesty act. Special types of exemption from criminal liability provided for in the articles of the Special Part of the Criminal Code of the Republic of Kazakhstan. Officials vested with the authority to exempt from criminal liability. Legal consequences of exemption from criminal liability. The concept of exemption from punishment. The importance of the institution of exemption from punishment. Types of release from punishment: conditional early release from serving a sentence; replacing the unserved part of the sentence with a more lenient type of punishment or reducing the term of the imposed sentence; deferment of serving a sentence; exemption from punishment due to illness; release from punishment and deferment of serving a sentence due to a combination of difficult circumstances; release from serving a sentence due to the expiration of the statute of limitations on a conviction; release from punishment on the basis of an amnesty act; on the basis of an act of pardon. A criminal record as a legal consequence of being convicted of a crime. Taking into account criminal records when determining the type of recidivism of crimes and when assigning punishment. Deadlines for expunging a criminal record.

Topic 15. Criminal liability of minors. Compulsory medical measures.

General issues of criminal liability of persons who committed criminal offenses under the age of eighteen. Punishments imposed on minors. Compulsory educational measures applied to minors, their difference from criminal punishment. Features of exemption from criminal liability and punishment of persons who have committed criminal offenses under the age of eighteen. Other features of criminal liability of minors. Kazakhstan's course towards a gradual reduction in the scope of criminal repression against minors by expanding the conditions for exemption from criminal liability and punishment. The concept, purposes of application and legal nature of compulsory medical measures. The difference between these measures and punishment. Grounds for the use of compulsory medical measures. The circle of persons to whom compulsory medical measures are applied. Types of compulsory medical measures. Extension, modification and termination of the use of compulsory medical measures. Imposition of punishment after the application of compulsory medical measures. Compulsory medical measures combined with the execution of punishment.

Readings:

Basic reading:

1. Бекмагамбетов А.Б., Ревин В.П. Уголовное право Республики Казахстан. Общая часть. Изд-е 2. – Алматы: Жеті Жарғы, 2015. – 504с. // <http://test.ksu.edu.kz/images/upp/bekmag/bekmagambetov.pdf>
2. УГОЛОВНЫЙ КОДЕКС Республики казахстан от 03 июля 2014 года // <http://adilet.zan.kz/rus/docs/K1400000226>
3. Уголовное право Республики Казахстан: Общая часть: Учебник. /Отв ред. И.И. Рогов, К.Ж. Балтабаев. - Алматы: Жеті жарғы, 2016. - 448 с.
4. Борчашвили И.Ш. Комментарий к Уголовному кодексу Республики Казахстан. Общая часть (Том 1) - Алматы: Жеті жарғы, 2015. - 500 с.
5. Комментарий к Уголовному кодексу Республики Казахстан. /Под ред. С.М. Рахметова, И.И. Рогова. - Алматы: ТОО Издательство «Норма-К», 2016. - 752 с.
6. Алембаев К.О., Кожуганова Д.З. Уголовное право РК (общая часть). – Усть-Каменогорск: КАСУ, 2019.

Legal acts:

1. 1. The Constitution of the Republic of Kazakhstan, adopted in a republican referendum on August 30, 1995. //Information and legal system of normative legal acts of the Republic of Kazakhstan “Adilet”

2. Criminal Code of the Republic of Kazakhstan dated July 3, 2014 // Information and legal system of normative legal acts of the Republic of Kazakhstan “Adilet”. <http://adilet.zan.kz/rus/docs/K1400000226>

Additional reading:

- 1) Котова Н.К. Уголовное право Республики Казахстан: Общая часть: Учебное пособие. - Алматы: Академия экономики и права, 2013. - 218 с.
- 2) Уголовное право Республики Казахстан. Общая часть: Курс лекций. /Под ред. И.Ш.Борчашвили. Алматы: Жеті Жарғы, 2006. - 632 с.
- 3) Ағыбаев А.Н. Қазақстан республикасының Қылмыстық кодексіне түсіндірме. Жалпы және Ерекше бөліктер. - Алматы: Жеті Жарғы, 2015. - 768б.
- 4) Уголовное право Республики Казахстан. Общая часть: Курс лекций под ред. И.Ш.Борчашвили. - Алматы: Жеті жарғы, 2006.- 632с.
- 5) Рогов И.И., Рахметов С.М. Уголовное право Республики Казахстан. Общая часть. Учебник.- Алматы: ТОО Издательство «Норма-К», 2005.- 296 с.
- 6) Джекебаев У.С. Основные принципы уголовного права Республики Казахстан (сравнительный комментарий к книге Дж. Флетчера и А.В. Наумова «Основные концепции современного уголовного права»), - Алматы: «Жеті-жарғы», 2001. - 256 с.
- 7) Каиржанов Е.И. Уголовное право Республики Казахстан (Общая часть). Учебник. Изд-е 2-ое, доп. - Алматы: Компьютерно-издательский центр “VITA”. 1998. - 220 с.
- 8) Комментарий к Уголовному кодексу Республики Казахстан. - Алматы, Баспа, 1999.-808 с.
- 9) Курс советского уголовного права. - М., 1970, т. 1 -6.
- 10) Курс советского уголовного права. - Л., 1968 - 1981, т.1-5.
- 11) Наумов А.В. Қылмыстық құқығы. Жалпы бөлім: Лекциялар курсы. - қайта өңделген және толықтырылған 2-басылымнан аударылды. - Астана: Фолиант, 2001,- 664 б.
- 12) Наумов А.В. Российское уголовное право. Общая часть. Курс лекций. - М.: Изд.БЕК, 1996. - 560 с. и все последующие издания.
- 13) Поленов Г.Ф. Уголовное право Республики Казахстан. Общая часть// Учебное пособие. - Алматы: «Әділет Пресс», 1997. - 184 с.
- 14) Таганцев Н.С. Русское уголовное право. Лекции в 2 т. - М.: Наука, 1994. т.1- 380с., т.2- 393с.
- 15) Уголовное право Республики Казахстан. Общая часть 2-е изд., испр. и доп. - Алматы: Жеті-жарғы. 2003. - 304 с.
- 16) Уголовное право. История юридической науки. - М., 1978.
- 17) Флетчер Дж., Наумов А.В. Основные концепции современного уголовного права. - М.: Юристъ, 1998. - 512 с.
- 18) Флетчер Дж., Наумов А.В. Осы заманғы қылмыстық құқықның негізгі тұжырымдамалары. - Алматы: ЖШС «Қазақстан» баспа үйі», 1999.- 495с.
- 19) Уголовное право Республики Казахстан. Общая часть. Учебник-конспект под ред. И.В.Корзуна.-Костанай.2011г. 324 с.
- 20) Уголовное право Республики Казахстан. Курс лекций. Особенная часть, под ред. И.Ш.Борчашвили. Алматы. Жеты-жаргы 2006. -632с.
- 21) Котова Н.К. Уголовное право РК. Общая часть. Алматы, 2014 г.

**Contents of the comprehensive exam program
on Criminal Law of the Republic of Kazakhstan (special part).**

The discipline “Criminal Law of the Republic of Kazakhstan (special part)” is basic and includes 15 topics:

1. Concept, system, meaning of the Special Part of the Criminal Law of the Republic of Kazakhstan
2. Criminal offenses against the person
3. Criminal offenses against family and minors
4. Criminal offenses against the constitutional rights and freedoms of man and citizen.
5. Crimes against the peace and security of mankind.
6. Criminal offenses against the foundations of the constitutional order and state security.
7. Criminal offenses against property.
8. Criminal offenses in the field of information and communications, in the field of economic activity.
9. Criminal offenses against the interests of service in commercial and other organizations.
10. Criminal offenses against public safety and public order.

11. Criminal offenses against public health and morality. Medical criminal offenses.
12. Environmental and transport criminal offenses.
13. Corruption and other criminal offenses against the interests of the civil service and public administration.
14. Criminal offenses against the order of government, justice and the order of execution of punishment.
15. Military criminal offenses.

Topic 1. Concept, system, significance of the Special Part of the Criminal Law of the Republic of Kazakhstan.

The concept and meaning of the Special Part of Criminal Law. Unity of the General and Special parts of criminal law. Tasks of the Special Part of Criminal Law. Concept, meaning, stages of qualification of criminal offenses.

Topic 2. Criminal offenses against the person

The concept and types of criminal offenses against the individual. Criminal offenses against life. The concept and types of murder. Distinguishing murder from other crimes related to causing death. Other types of crimes against life. Criminal offenses against health. The concept and types of criminal offenses against health. The difference between the intentional infliction of grievous bodily harm, which negligently resulted in the death of the victim from murder. Criminal offenses that endanger the life and health of citizens. The concept and types of these criminal offenses, their difference from criminal offenses against life and health. Criminal offenses against sexual freedom and sexual integrity. Criminal offenses that infringe on personal freedom. Criminal offenses against the honor and dignity of the individual.

Topic 3. Criminal offenses against family and minors.

The concept and types of criminal offenses against family and minors. Involving a minor in committing criminal offenses and antisocial acts, as well as in prostitution. Types of these crimes. Trafficking of minors. Composition and types of this crime. Child substitution. The concept and types of this crime. Illegal adoption activities. Disclosure of the secret of adoption. Failure to fulfill obligations to pay for the maintenance of children, evasion of payment of funds for the maintenance of disabled parents, a disabled spouse. The concept and types of this crime. Failure to fulfill obligations to raise a minor. Inadequate performance of duties to ensure the safety of life and health of children. Types of this crime.

Topic 4. Criminal offenses against constitutional and other rights and freedoms of man and citizen.

The concept and types of criminal offenses against constitutional human rights and freedoms. Criminal offenses against political rights and freedoms. Types of these acts. Criminal offenses against socio-economic rights and freedoms of a person. The concept and types of these offenses. Criminal offenses against personal rights and freedoms: types of these offenses.

Тема 5. Преступления против мира и безопасности человечества.

The concept and types of crimes of this group. Planning, preparing, initiating or waging aggressive war. Propaganda and public calls for a war of aggression. A method of implementing public calls for unleashing an aggressive war. Production, acquisition or sale of weapons of mass destruction. The use of prohibited means and methods of warfare. Violation of the laws and customs of war. International conventions on prohibited means and methods of warfare. Criminal violations of international humanitarian law during armed conflicts. Inaction or giving a criminal order during an armed conflict. Illegal use of marks protected by international treaties. Genocide. Ecocide. Mercenary. Creation of bases (camps) for training mercenaries. Participation in foreign armed conflicts. Attacks against internationally protected persons or organizations. Inciting social, national, tribal, racial or religious hatred.

Topic 6. Criminal offenses against the foundations of the constitutional order and state security.

The concept and types of criminal offenses against the foundations of the constitutional order and state security. Treason. Espionage. Encroachment on the life of the President of the Republic of Kazakhstan. Propaganda or public calls for the seizure or retention of power, as well as the seizure or retention of power or a violent change in the constitutional system of the Republic of Kazakhstan. Separatist activities. Armed rebellion. Creation, leadership of an extremist group or participation in its activities. Giving permission to publish extremist materials in the media. Sabotage. Illegal collection, distribution, disclosure of state secrets.

Loss of device containing state secrets.

Topic 7. Criminal offenses against property.

The concept and types of criminal offenses against property. The concept and signs of theft. Types (forms) of theft of other people's property. The concept of repetition and criminal record as qualifying signs of theft. Selfish attacks on someone else's property, not related to theft. Other criminal offenses against property.

Topic 8. Criminal offenses in the field of information and communications, in the field of economic activity.

General characteristics of criminal offenses in the field of information and communications. Criminal offenses that infringe on the confidentiality, integrity and availability of legally protected information stored on electronic media, contained in an information system or transmitted over an information and communication network. Other types of criminal offenses in the field of information and communications. The concept and types of criminal offenses in the field of economic activity. Criminal offenses in the field of business and other economic activities. Criminal offenses in the monetary sphere. Criminal offenses in the field of financial activities. Customs criminal offenses. Tax criminal offenses. Criminal offenses in the field of economic activity related to bankruptcy. Other criminal offenses in the field of economic activity.

Topic 9. Criminal offenses against the interests of service in commercial and other organizations.

General characteristics of criminal offenses against the interests of service in commercial and other organizations. Abuse of authority. Abuse of powers by private notaries, appraisers, private bailiffs, mediators and auditors working as part of an audit organization. Excess of authority by employees of private security services. Commercial bribery. Dishonest attitude towards duties.

Topic 10. Criminal offenses against public safety and public order.

Public safety and public order as objects of criminal law protection. The concept and types of criminal offenses against public safety and public order. Criminal offenses against public safety. Criminal offenses related to violation of special safety rules. Criminal offenses related to violation of established rules for handling generally dangerous objects. Criminal offenses against public order.

Topic 11. Criminal offenses against public health and morality. Medical criminal offenses.

Public health and morality as objects of criminal legal protection. The concept and types of criminal offenses against public health and morality. Criminal offenses against public health. Illegal handling of narcotic drugs, psychotropic substances, their analogues, precursors without the purpose of sale and for the purpose of sale. Criminal offenses against morality. Concept and types of medical criminal offenses. Subjects of medical criminal offenses. Medical criminal offenses involving illegal medical or pharmaceutical activities or failure to fulfill professional duties. Other medical criminal offenses. Distinguishing medical criminal offenses from offenses against the person.

Topic 12. Environmental and transport criminal offenses.

Concept and types of environmental criminal offenses. Criminal offenses that violate the general rules of environmental safety in the field of economically significant activities. Criminal offenses encroaching on environmental safety in the area of individual components of the environment. Criminal offenses encroaching on the environmental safety of flora and fauna as an integral part of the environment: concept and types. Concept and general characteristics of transport criminal offenses. Criminal offenses in the field of protecting the safety of the functioning of railway, air, sea and river transport. Criminal offenses in the field of protecting the safety of motor vehicles and urban electric transport. Other transport criminal offenses.

Topic 13. Corruption and other criminal offenses against the interests of the civil service and public administration.

The importance of combating criminal offenses against the interests of the civil service and public administration in modern conditions. Requirements of the President and Government of the Republic of Kazakhstan to strengthen the fight against corruption offenses.

The concept and types of criminal offenses against the interests of the civil service and public administration. The concept of the subject of the specified group of acts.

Abuse of official powers. Exceeding power or official authority. Assignment of powers of an official. Illegal participation in business activities. Obstruction of legitimate business activities. Receiving a bribe.

The concept of the insignificance of a bribe. Giving a bribe. Mediation in bribery. Official forgery. Inaction on duty. Negligence.

Topic 14. Criminal offenses against the order of government, justice and the order of execution of punishment.

The concept and types of criminal offenses against the order of management. Criminal offenses against a representative of authority. Criminal offenses encroaching on the inviolability of the State border of the Republic of Kazakhstan. Criminal offenses encroaching on the procedure for circulation of official documents, state awards and special-purpose equipment. Criminal offenses encroaching on the procedure for recruiting the Armed Forces and performing alternative service. Criminal offenses that violate the authority of the state. Encroachments on the manner in which citizens exercise their rights. Encroachments on the procedure established by law for holding public and other events. Encroachments related to violation of the principles of interaction between state and public institutions and other established rules. The concept and types of criminal offenses against justice and the procedure for the execution of punishments. Criminal offenses that infringe on relations that ensure the implementation of constitutional principles of justice. Criminal offenses that encroach on relations that ensure the normal activities of law enforcement agencies in accordance with their tasks and goals. Criminal offenses that encroach on relationships that ensure the receipt of reliable evidence in the case. Criminal offenses encroaching on relations that ensure the implementation of judicial acts.

Topic 15. Military criminal offenses.

Military criminal offenses against the order of subordination and statutory relationships between military personnel. Criminal offenses against the procedure for military service. Criminal offenses against the procedure for performing special types of military service. Military corruption crimes. Subjects of military corruption crimes. Criminal offenses against the procedure for keeping military secrets. Criminal offenses against the use and conservation of military property. Criminal offenses against the procedure for handling weapons and operating military equipment. Criminal offenses against the order of military service in wartime.

Readings:

Basic reading:

1. Criminal Code of the Republic of Kazakhstan dated July 3, 2014 // <http://adilet.zan.kz/rus/docs/K1400000226>
2. Бекмагамбетов А.Б., Ревин В.П., Ревина В.В. Уголовное право Республики Казахстан: Особенная часть. 2-е издание – М.: Издательский дом Академии Естествознания, 2017.—396 с. // https://moodle.kafu.edu.kz/pluginfile.php/44100/mod_resource/content/2/%D0%A3%D1%87%D0%B5%D0%B1%D0%BD%D0%B8%D0%BA%20%D1%83%D0%B3%D0%BE%D0%BB%D0%BE%D0%B2%D0%BD%D0%BE%D0%B5%20%D0%BF%D1%80%D0%B0%D0%B2%D0%BE%20%D0%BE%D1%81%D0%BE%D0%B1%D0%B5%D0%BD%D0%BD%D0%B0%D1%8F%20%D1%87%D0%B0%D1%81%D1%82%D1%8C.pdf
3. Уголовное право Республики Казахстан: Особенная часть в 2 т. (главы 1 - 10). Учебник для вузов / отв. ред. Рогов И.И., Балтабаев К.Ж., Коробеев А.И. - Алматы: Жеті жарғы 2016. - 500 с.
4. Уголовное право Республики Казахстан: Особенная часть в 2 т. (главы 11-18). Учебник для вузов / отв. ред. Рогов И.И., Балтабаев К.Ж., Коробеев А.И. - Алматы: Жеті жарғы, 2017. - 540 с.
5. Комментарий к Уголовному кодексу Республики Казахстан. Особенная часть (Том 2) / Борчашвили И.Ш. - Алматы: Жеті жарғы, 2015. - 1120 с.
6. Комментарий к Уголовному кодексу Республики Казахстан / под ред. Рахметова С.М., Рогова И.И. - Алматы: ТОО Издательство «Норма-К», 2016. - 752 с.
7. Законы Республики Казахстан // <http://adilet.zan.kz/rus>
8. Нормативные постановления Верховного суда Республики Казахстан. // <https://www.sud.gov.kz/rus/kategoriya/normativnye-postanovleniya-verhovnogo-suda-respubliki-kazakhstan>

Additional reading:

1. Бекмагамбетов А.Б., Ревин В.П., Рыхлов О.А. Уголовное право Республики Казахстан. Общая и Особенная части / под ред. В.П.Ревина. - Алматы: Жеті Жарғы, 2010. - 856 с.
2. Ағыбаев А.Н. Қазақстан Республикасының Қылмыстық кодексіне түсіндірме. Жалпы және Ерекше бөліктер. - Алматы: Жеті Жарғы, 2015. - 768б.
3. Комментарий к Уголовному кодексу Республики Казахстан. Общая и Особенная части / под общ. ред. И.Ш. Борчашвили. - Алматы: Жеті жарғы, 2007. - 992 с.

4. Уголовное право Республики Казахстан. Особенная часть: Курс лекций. Кн. 1 /Под общ. ред. И.Ш.Борчашвили.- Алматы: Жети жаргы, 2006. – 656 с.
5. Уголовное право Республики Казахстан. Особенная часть: Курс лекций. Кн.2 / Под общ. ред. И.Ш.Борчашвили. – Алматы: Жети жаргы, 2006. – 704 с.
6. Комментарий к уголовному кодексу Республики Казахстан, под ред. И.Ш.Борчашвили и С.М. Рахметова, Алматы, 2003.;
7. Комментарий к уголовному кодексу Республики Казахстан, под ред.И.Ш. Борчашвили и Г.К. Рахимжанова, Караганда, 1999.;
8. Комментарий к изменениям и дополнениям в уголовный кодекс РК, под ред. И.Ш Борчашвили, Караганда, 2000 ;
9. Комментарий к изменениям и дополнениям в уголовный кодекс и уголовно – исполнительный кодекс РК под ред. И.Ш.Борчашвили, М.М.Оразалиева, Караганда, 2003.
10. Уголовное право Казахстана (Особенная часть), ч. 1-2 под ред. И.И.Рогова, С.М. Рахметова. Алматы. 2000.;
11. Уголовное право Казахстана (Особенная часть). Учебник для вузов, под ред. И.И. Рогова, С.М. Рахметова. Алматы , 2001.;
12. Уголовное право Республики Казахстан (Особенная часть).Учебное пособие в 2 томах, под ред.И.Ш. Борчашвили, М.М.Оразалиева. Караганда, 2002.
13. Уголовное право Российской Федерации. Особенная часть: учебник, под ред. Б.В. Здравомыслова. – изд. 2-е перераб. и доп. –М.Юрист, 1999. ;
14. Уголовное право (Особенная часть). Учебник для вузов, под ред. И.Я.Козаченко, З.А. Незнамова, Г.П. Новоселова. М. Норма-Инфра. 1998. ;
15. Уголовное право (Особенная часть) под ред. А.В.Желдукова. М. Юрист. 2000.

Contents of the comprehensive exam program according to the Criminal Procedure Law of the Republic of Kazakhstan.

The discipline “Criminal Procedural Law of the Republic of Kazakhstan” is a core discipline and includes 15 topics:

1. Concept, tasks and significance of criminal procedure law. Criminal procedure law and its sources. Principles of criminal procedure.
2. Criminal prosecution. Rehabilitation.
3. Conducting proceedings on the case. Procedural deadlines.
4. Participants in criminal proceedings. Bends. Ensuring the safety of participants in criminal proceedings. Petitions and complaints.
5. Evidence and proof.
6. Measures of criminal procedural coercion.
7. Property issues in criminal proceedings. Civil action. Procedural costs.
8. Start of pre-trial investigation. General conditions of pre-trial proceedings. Recognizing a person as a suspect and determining the qualifications of the suspect’s act.
9. Interrogation and confrontation. Inspection. Identification. Covert investigative actions. Checking and clarification of readings on site. Investigative experiment.
10. Search and seizure. Providing items and documents. Exhumation. Survey. Removing samples for comparative research. Appointment of examination. End of pre-trial proceedings.
11. Jurisdiction. Appointment of the main trial. General conditions of the main trial. Main trial.
12. Review of sentences and court decisions on appeal. Review of sentences and court decisions through cassation procedure. Resumption of proceedings in the case due to newly discovered circumstances.
13. Special judicial proceedings.
14. Proceedings in cases of private prosecution. Enforcement proceedings in criminal cases. Proceedings in cases in which a procedural agreement has been concluded.
15. Proceedings in cases with the participation of jurors. Writ proceedings and confiscation proceedings. International cooperation in the field of criminal proceedings.

Topic 1. Concept, tasks and significance of criminal procedure law. Criminal procedure law and its sources. Principles of criminal procedure.

The concept of criminal procedural law and criminal process. Criminal procedural law as an independent branch of national law. Methods of legal regulation. Correlation of the concepts “criminal procedural law”, “criminal procedure”. Criminal procedural law and criminal procedural activity. The essence and content of criminal procedural law and criminal proceedings. The action of criminal procedure law in space, time and circle of persons. Structure of the Criminal Procedure Code and criminal procedure norms. Goals and objectives of the criminal process. Criminal procedural functions. The relationship of criminal procedural law with other branches of law. Sources of legislation defining the procedure for criminal proceedings. Stages of development of national criminal procedural legislation. Constitutional law as a source of criminal procedural legislation. Criminal Procedure Code of the Republic of Kazakhstan dated July 4, 2014, as a direct source of criminal procedural law. The purpose of the Criminal Procedure Code of the Republic of Kazakhstan in the implementation of the norms of the Criminal Code of the Republic of Kazakhstan. Contents of the General and Special Parts of the Criminal Procedure Code of the Republic of Kazakhstan. Other sources of legislation defining the procedure for criminal proceedings. Concept, meaning and signs of the principles of criminal proceedings. Differentiation of the principles of criminal proceedings depending on their purpose into: “ideas principles”; principles arising from the totality of legal norms and legislation; and “norms-principles”. System and classification of principles of criminal procedure. Classification of principles in the theory of criminal procedure. Classification of the principles of criminal proceedings according to: place of normative consolidation; sphere of influence; industry affiliation; implementation in the criminal process system; stages of the criminal process. System of principles of criminal procedure according to the Code of Criminal Procedure of the Republic of Kazakhstan. Principles defining guarantees of human and civil rights and freedoms: concept and system. Legality. Personal integrity. Privacy. Secrecy of correspondence, telephone conversations, postal, telegraph and other messages. Inviolability of the home. Inviolability of property. Presumption of innocence. Inadmissibility of repeated conviction and criminal prosecution. Exemption from the obligation to testify. Freedom to appeal procedural actions and decisions.

Topic 2. Criminal prosecution. Rehabilitation

The concept and content of criminal prosecution. Forms of implementation of criminal prosecution. Contents of private and private-public forms of accusation. Public form of criminal prosecution. Rehabilitation. Rehabilitation. Concept and content of rehabilitation. Rehabilitative grounds.

Topic 3. Conducting proceedings on the case. Procedural deadlines.

Connection of criminal cases. The relationship between the institution of joining criminal cases and the principle of a comprehensive, complete and objective study of all the circumstances of the case. Procedural decision on joining criminal cases. Separation of a criminal case. Grounds for isolating a criminal case. Conditions under which it is possible to separate criminal cases. Suspension of criminal proceedings. Grounds for suspending criminal proceedings in the pre-trial and judicial stages of the criminal process. Resumption of criminal proceedings. Cases in which criminal proceedings are resumed. Resumption of proceedings in a suspended criminal case due to failure to identify the person who committed the crime. Termination of the criminal case. Rehabilitative grounds for termination of a criminal case. Non-rehabilitative grounds for termination of a criminal case. Procedural decision to terminate a criminal case. Completion of criminal proceedings. Entry into force of the decision on the complete termination of criminal proceedings. Entry into force of a sentence or other final decision in a case, if it does not require the adoption of special measures for its implementation. Maintaining confidentiality. Mandatory and optional grounds for restricting publicity. Procedural deadlines. Calculation of procedural deadlines in hours, days, months. Compliance with procedural deadlines. Consequences of missing a deadline and the procedure for its restoration. Time limits in criminal proceedings.

Topic 4. Participants in criminal proceedings. Withdrawals of participants. Ensuring the safety of participants in criminal proceedings. Petitions and complaints.

Concept and classification of participants in criminal proceedings. Subjective rights and legal obligations of participants in criminal proceedings. Classification of participants in criminal proceedings by: types of subjects of criminal proceedings; stages of the criminal process; the nature of the criminal procedural legal relationship. Classification of participants in criminal proceedings according to the Code of Criminal Procedure of the Republic of Kazakhstan. The institution of recusals as a guarantee of legality and individual rights. The concept of circumstances excluding the possibility of participation in criminal proceedings. Persons against whom a challenge may be filed. Circumstances precluding participation in criminal proceedings. List of circumstances under which a judge cannot participate in a case. Circumstances indicating the judge's interest. Grounds and procedure for withdrawal. The main stages in the development of state protection of participants in criminal proceedings Ensuring the safety of persons participating in criminal proceedings in the norms and principles of international law and foreign law. Security measures. The procedure for making a decision on ensuring security measures and its implementation at the pre-trial and judicial stages of the criminal process. Objects, forms and sources of illegal influence on persons participating in criminal proceedings. Subjects of legal relations who are subject to the requirement to ensure security in criminal proceedings. Concept, content, purpose of petitions, their types and procedure for filing and consideration. Contents of petitions in criminal proceedings. Purposes of petitions. Specifics of requests. Assignment of petitions. Right to submit petitions. Rejection of the petition. Conditions for satisfying requests. Refusal to satisfy requests. The concept of a complaint, its types, the procedure for filing and consideration. Mandatory consideration of petitions of participants in criminal proceedings. General procedure for handling complaints. The procedure for considering complaints against the actions and decisions of persons carrying out pre-trial investigations and the prosecutor. The judicial procedure for considering complaints against actions (inaction) and decisions of the prosecutor and criminal prosecution authorities. Appeal, protest against decisions of the investigating judge. Complaints, protests against the verdict, court decisions.

Topic 5. Evidence and proof.

Concept and properties of evidence. Content and form of evidence. Properties of Evidence. Relevance, admissibility, reliability and sufficiency of evidence. Subjects of proof. The role of the defense attorney in the process of proof. Sources of evidence. Testimony of the suspect, victim, witness. Expert opinion and testimony. Conclusion and testimony of a specialist. Evidence. Protocols of procedural actions. Documentation. Classification of evidence. Direct and indirect evidence. Accusatory and exculpatory evidence. Primary and derivative evidence. Personal and material evidence. The process of proof and its elements. The concept of the process of proof and its content Elements of the process of proof. Collecting and securing evidence. Examination of evidence. Evaluation of evidence. Use of evidence. Scientific and technical means in the process of proof. Prejudgment Subject and limits of proof. Correlations between the

concepts of “circumstances subject to proof” and “circumstances relevant to the case.” General subject of proof. Subject of proof in cases of juvenile delinquency. Subject of proof in proceedings on the application of compulsory medical measures. Contents of the elements of the subject of proof. Circumstances established without evidence. Determining the limits of proof.

Topic 6. Measures of criminal procedural coercion.

Concept, characteristics and classification of measures of procedural coercion. Implementation of procedural coercion against the will of interested parties. Procedural coercion as a type of state coercion. The difference between procedural coercion measures and other types of state coercion. The difference between procedural coercion measures and criminal procedural sanctions and criminal procedural liability. General conditions for the application of procedural coercive measures. Conditions under which procedural coercive measures cannot be applied. Types of procedural coercion measures.

Topic 7. Property issues in criminal proceedings. Civil action. Procedural costs.

The concept, conditions and types of property issues resolved in criminal proceedings. Signs of property issues resolved in criminal proceedings. Conditions for the emergence of property legal relations in criminal proceedings. Reasons for the emergence of property legal relations in criminal proceedings. Payment of labor and reimbursement of expenses incurred during criminal proceedings. Payment for legal assistance. Receipt by a translator, specialist, or expert of remuneration for the work they perform. Reimbursement of expenses incurred by persons participating in criminal proceedings. Calculation of amounts to be reimbursed. Victim Compensation Fund. Pre-sentence confiscation. The procedure for carrying out proceedings on the confiscation of property obtained illegally before a verdict is passed. Initiation of proceedings for the confiscation of property obtained illegally before a verdict is passed. Pre-trial proceedings for confiscation. Consideration by the court of confiscation proceedings. Issues resolved by the court in the deliberation room in confiscation proceedings. Judgment in confiscation proceedings. Appeal, protest against the confiscation order. Civil claims pending in criminal proceedings. Procedure for filing a claim. The subject of a civil claim and the procedure for its consideration. Application of rules on the grounds, conditions, scope and method of compensation for damage. Return of the statement of claim, refusal of the claim. Decisions on a civil claim. Securing a civil claim. Execution of a court verdict and order in relation to a civil claim. Procedural costs. Collection of procedural costs.

Topic 8. Beginning of pre-trial investigation. General conditions of pre-trial proceedings. Recognizing a person as a suspect and determining the qualifications of the suspect's act.

Reasons and grounds for starting a pre-trial investigation. The concept of a reason to initiate a criminal case. Statement, report of a criminal offense. Confession. Reporting a criminal offense in the media. Report on the discovery of a criminal offense. Mandatory acceptance of statements and reports of criminal offenses. Transfer of a registered statement of a criminal offense under jurisdiction. General conditions for conducting a pre-trial investigation: concept, meaning and system. The concept of pre-trial investigation. Forms of pre-trial investigation. Preliminary investigation. Inquiry. Protocol form. Expedited pre-trial investigation. System of general conditions of pre-trial investigation. Correlation of the general conditions of the preliminary investigation with the principles of the criminal process. Characteristics of the general conditions of pre-trial investigation. Jurisdiction of criminal cases. Place of pre-trial investigation. Start of pre-trial investigation. Completion of the pre-trial investigation. Duration of pre-trial investigation. General rules for conducting investigative actions. Conditions for conducting investigative actions. Procedural form of investigative actions. Measures to guarantee the implementation of investigative actions. Announcement of recognition of a person as a suspect. Determining the qualifications of the suspect's act. Resolution on the qualification of the suspect's act. Mandatory appearance of the suspect. The procedure for announcing to a suspect a resolution on the qualification of his act. Changes and additions to the qualifications of the suspect's act.

Topic 9. Interrogation and confrontation. Inspection. Identification. Covert investigative actions. Checking and clarification of readings on site. Investigative experiment.

Concept and classification of investigative actions. The relationship between the terms “investigative actions” and “procedural actions”. System of investigative actions. Urgent investigative actions and subsequent ones. Investigative actions depending on the start of pre-trial proceedings. Classification of investigative actions by nature and purpose, goals, methods of displaying factual data, the process of obtaining evidentiary information, and the procedure for conducting them. Legal grounds for conducting investigative actions. Factual grounds for conducting investigative actions. The sequence of investigative

actions. Interrogation and confrontation. Inspection. Identification. Covert investigative actions. Checking and clarification of readings on site. Investigative experiment. Refusal of the suspect to participate in the investigative experiment.

Topic 10. Search and seizure. Providing items and documents. Exhumation. Survey. Removing samples for comparative research. Appointment of examination. End of pre-trial proceedings.

The concept and procedural conditions for carrying out search and seizure. Providing items and documents. The concept and content of exhumation. Survey. The difference between criminal procedural examination and forensic and administrative examination. Removing samples for comparative research. The procedural nature of samples for comparative research. Appointment and production of examination. The concept and forms of completion of pre-trial proceedings. The essence of the end of pre-trial proceedings. Notification of the completion of investigative actions and clarification of the right to familiarize yourself with the materials of the criminal case. Familiarization of the victim, civil plaintiff, civil defendant and their representatives with the case materials. Familiarization of the suspect and his defense attorney with all the materials of the case. The procedure for considering and resolving petitions submitted upon completion of familiarization with the materials of the criminal case. Drawing up an indictment and sending a criminal case to the prosecutor. Drawing up an indictment. Contents of the indictment. Submitting the indictment and criminal case to the prosecutor.

Topic 11. Jurisdiction. Appointment of the main trial. General conditions of the main trial. Main trial.

The essence and content of the stage of appointment of the main trial. Jurisdiction. The appointment of the main judicial proceedings as an independent stage of the criminal process. Actions of the court on the received criminal case. The range of issues decided by the judge. Implementation of the functions of judicial control and preparation for the main trial. Issues of organizing the main trial. Concept and classification of jurisdiction. Subject (generic) jurisdiction. Territorial (local) jurisdiction. Personal (personal) jurisdiction. Jurisdiction for connection of cases. Main trial. The main trial is the central stage of the criminal process. The activities of the court are aimed at a fair trial and solving the problems of the criminal process. System of general conditions of the main trial. The relationship between the general conditions of the main trial and the principles of the criminal process. Stages of the main trial. Immediacy and orality of the main trial. Protecting judges from extraneous influences when perceiving evidence. The essence of the immediacy of the trial. The relationship between the main trial and the pre-trial investigation. The main trial is a new study of the circumstances of the criminal case. The relationship between immediacy and the orality of the main trial. Structure of the main trial. Preparatory part. Judicial investigation. Judicial debate. The last word of the defendant. Removal of the court to the deliberation room for sentencing. Return of the court to the courtroom and proclamation of the verdict. Preparatory part of the main trial. Judicial investigation. Beginning of the judicial investigation. Judicial debate and the last word of the defendant. Contents and order of judicial debates. The last word of the defendant. Sentencing. Court sentence. Types of sentences.

Topic 12. Review of sentences and court decisions on appeal. Review of sentences and court decisions through cassation procedure. Resumption of proceedings in the case due to newly discovered circumstances.

The essence and objectives of the stage of reviewing sentences and court decisions that have not entered into legal force. Appeal proceedings as one of the procedural forms of exercising the right to free appeal. Tasks of appeal proceedings. Appeal procedure. Judicial acts subject to consideration. Procedure for initiating appeal proceedings. Procedure and deadlines for filing appeals and protests. Contents of appeals and protests. Presentation of additional materials. Audit procedure for checking a case. Scheduling a hearing of the appellate court. Preparing for an appellate court hearing. The procedure for considering a case in the appellate instance. Powers of the appellate court. Grounds for reversing or changing the sentence. The concept and meaning of cassation proceedings. The essence of cassation proceedings. Goals and objectives of cassation proceedings. Cassation ruling. Subjects of cassation appeal, protest and the procedure for filing complaints and protests. Participants from the prosecution side. Participants from the defense. General conditions for appealing sentences and court decisions in cassation. Contents of the cassation appeal or protest. Consideration of a criminal case by the cassation authority. Time limits for consideration of a cassation appeal or protest. Summoning the convict. Limits of consideration of a criminal case by the cassation authority. The criteria that a higher court uses when changing the charges established in the verdict. The concept, essence and objectives of reopening criminal cases due to newly discovered circumstances. Resumption of criminal cases due to newly discovered circumstances as an independent stage of the criminal

process. The place for the resumption of criminal cases due to newly discovered circumstances in the system of guarantees of the legality and validity of court sentences. Goals and objectives of reopening criminal cases due to newly discovered circumstances. Resumption of a criminal case due to newly discovered circumstances is an exceptional law enforcement form of review of a court decision that has entered into legal force. Grounds for reopening criminal cases due to newly discovered circumstances.

Topic 13. Special productions.

The concept and grounds for the use of compulsory medical measures. Persons who have committed a socially dangerous act in a state of insanity. Persons who committed a crime in a state of sanity, but during the preliminary investigation became ill with mental illness, making it impossible to bear criminal punishment. Forensic psychiatric examination. Features of the preliminary investigation. Preliminary investigation form. Criminal proceedings. Investigation of a socially dangerous act. Subject of proof. Peculiarities of proceedings in cases of minors. Mandatory preliminary investigation. Additional circumstances to be proven. Mandatory participation in criminal proceedings of the legal representatives of the minor and the defense attorney. A special procedure for summoning a minor accused (suspect) for questioning. Application of coercive measures related to deprivation of liberty (detention, arrest). Maximum period of detention during pre-trial proceedings. Time restrictions for interrogation. Participation of a teacher and psychologist in the production of procedural actions with the participation of a minor accused (suspect) Mandatory performance of a comprehensive psychological and psychiatric examination. Exemption from punishment with the use of compulsory educational measures. The essence and content of privilege and immunity in criminal procedure law. Administration of justice on the basis of equality before the law and the court. The relationship between the concepts of “privilege” and “immunity”. Immunity of persons occupying a special position in the state. Diplomatic immunity. Subjects enjoying immunity from criminal prosecution. Deputies of the Parliament of the Republic of Kazakhstan. Chairman and members of the Constitutional Court of the Republic of Kazakhstan. Judges of the Republic of Kazakhstan. General Prosecutor of the Republic of Kazakhstan. Diplomatic persons. Beginning of immunity. Use (application) of immunity. End of immunity. Peculiarities of proceedings in cases of persons with immunity from criminal prosecution.

Topic 14. Proceedings in cases of private prosecution. Enforcement proceedings in criminal cases. Proceedings in cases in which a procedural agreement has been concluded.

Procedure for proceedings in cases of private prosecution. Initiation of private prosecution. Actions of a judge in a private prosecution case before the start of trial. Presentation and collection of evidence at the initiative of the parties. Consideration of a private prosecution case in court. Court decision in a private prosecution case. Termination of private prosecution proceedings. The meaning of execution of court decisions and their classification. Execution of court decisions is an integral element of effective criminal proceedings. Court decisions resolving a criminal case on its merits (final decisions). Judicial decisions of a procedural nature (ensuring the progress of a criminal case, etc.). Court decisions that are not final and provide for restrictions on the rights and freedoms of man and citizen. Court decisions made based on the results of consideration of complaints against decisions and actions (inaction) of criminal prosecution authorities (including the prosecutor). Court decisions on issues related to the execution of a sentence. Execution of court decisions resolving a criminal case on its merits. Mediation as an alternative to criminal prosecution in national law. Procedural agreement. Conciliation proceedings. Procedural agreement, special procedure for its conclusion. Pre-trial investigation when concluding a procedural agreement. Conditions for concluding a procedural agreement in the form of a plea bargain. Consequences of concluding a procedural agreement in the form of a plea bargain. The procedure for considering a request to conclude a procedural agreement in the form of a plea bargain. The procedure for drawing up a procedural agreement in the form of a plea bargain. Actions of the prosecutor, investigator, investigator in a criminal case after the conclusion of a procedural agreement in the form of a plea bargain. Procedural cooperation agreement.

Topic 15. Proceedings in cases involving juries. Writ proceedings and confiscation proceedings. International cooperation in the field of criminal proceedings.

Order production. Pre-sentence confiscation proceedings. General characteristics of proceedings in cases involving juries. The principle of adversarial proceedings and proceedings in cases with the participation of jurors. Court with popular participation. Jury independence. Jurisdiction of the court with the participation of jurors. Composition of the court with the participation of jurors. Inadmissibility of influencing a juror. Petition to have the case heard by a jury. Features of scheduling a court hearing. Conducting a preliminary hearing. Features of the preliminary hearing. Features of decisions made as a preliminary hearing when scheduling a trial with the participation of jurors. The procedure for preliminary

random selection of juror candidates to participate in the trial. Procedural and other actions carried out in order to provide legal assistance. Providing legal or other assistance on the principle of reciprocity. Central authorities. Request for legal assistance. Storage and transfer of material evidence. Validity of official documents. Admissibility of evidence obtained on the territory of a foreign state. Expenses associated with the provision of legal assistance. Legal assistance. Contents and form of a request (instruction) for legal assistance. Consideration of a request (instruction) for legal assistance. Notice of the results of consideration of a request (instruction) for legal assistance. Confidentiality.

Refusal to execute a request (instruction) for legal assistance. The procedure for executing an order to provide legal assistance. Procedural actions requiring special permission. Recognition and execution of sentences and rulings of foreign courts. Sentences and rulings of foreign courts, recognized in the Republic of Kazakhstan. Grounds for transferring those sentenced to imprisonment to serve their sentences or persons suffering from mental disorders for compulsory treatment in the state of which they are citizens. Conditions for the transfer of a convicted person or a person to whom compulsory medical measures have been applied. The procedure for resolving the issue of transferring a convicted person or a person to whom compulsory medical measures have been applied. A message about changing or canceling a court verdict, terminating or changing the application of a compulsory medical measure in relation to a transferred citizen of a foreign state. Refusal to transfer to a foreign state a convicted person or a person subject to compulsory medical measures

Reading:

Basic reading:

1. 1. Criminal procedural code of the Republic of Kazakhstan dated July 4, 2014 // https://online.zakon.kz/Document/?doc_id=31575852#pos=629;-110

2. [Когамов М.Ч. Комментарий к уголовно-процессуальному кодексу Республики Казахстан. Общая и Особенная части / Когамов М.Ч. - Доп. и перераб. изд. - Алматы: Жеті жарғы, 2015. - 352 с. - ISBN 978-601-288083-0](#)

3. Когамов М.Ч. Комментарий к уголовно-процессуальному кодексу Республики Казахстан 2014 года. Том 1. Общая часть. - Алматы : Жеті жарғы, 2015. - 648 с. - ISBN 978-601-288-098-4

4. Когамов М.Ч. Комментарий к уголовно-процессуальному кодексу Республики Казахстан 2014 года. Том 2. Особенная часть. - Алматы : Жеті жарғы, 2015. - 944 с. - ISBN 978-601-288-099-1

5. [Когамов М.Ч. Комментарий к уголовно-процессуальному кодексу Республики Казахстан: 2014 года \(постатейный, к нормам УПК в редакции Законов РК от 31 октября и 24 ноября 2015 года\) / М.Ч. Когамов. — Астана, 2015. - 220с.](#)

6. Капсалямов К.Ж. Уголовно-процессуальное право Республики Казахстан: общая часть: учебник / К.Ж. Капсалямов, С.С. Капсалямова. - Алматы: ТехноЭрудит. – 2019. Т. 1. - 192с.

7. Капсалямов К.Ж. Уголовно-процессуальное право Республики Казахстан: общая часть : учебник / К.Ж. Капсалямов, С.С. Капсалямова. - Алматы: ТехноЭрудит. – 2019. Т. 2. - 246с.

8. Капсалямов К.Ж., Капсалямова С.С. Уголовно-процессуальное право Республики Казахстан. Особенная часть. Досудебное производство. 3 том. - Алматы, 2022. - 228с.

9. Капсалямов К.Ж., Капсалямова С.С. Уголовно-процессуальное право Республики Казахстан. Особенная часть. Судебные стадии и особые производства. 4-том. - Алматы, 2022. - 170с.

Legal acts:

1) Constitution of the Republic of Kazakhstan dated August 30, 1995.// Information system "Paragraph".

2) On the President of the Republic of Kazakhstan: Constitutional Law of the Republic of Kazakhstan dated December 26, 1995 N 2733// Information system "Paragraph".

3) On the Parliament of the Republic of Kazakhstan and the status of its deputies: Constitutional Law of the Republic of Kazakhstan dated October 16, 1995 N 2529// Information system "Paragraph".

4) On the Constitutional Council of the Republic of Kazakhstan: Constitutional Law of the Republic of Kazakhstan dated December 29, 1995 N 2737// Information system "Paragraph".

5) On the judicial system and the status of judges of the Republic of Kazakhstan: Constitutional Law of the Republic of Kazakhstan dated December 25, 2000 N 132-II// Information system "Paragraph".

6) Criminal Procedural Code of the Republic of Kazakhstan dated July 4, 2014.// Information system "Paragraph".

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8) Civil Code of the Republic of Kazakhstan (Special part) // // Information system "Paragraph".

9) Criminal Executive Code of the Republic of Kazakhstan dated July 5, 2014 № 234-V.

10) Regulatory decisions of the Supreme Court of the Republic of Kazakhstan.// <https://www.sud.gov.kz/rus/kategoriya/normativnye-postanovleniya-verhovnogo-suda-respubliki-kazahstan>

Additional reading:

1. Уголовно-процессуальное право Республики Казахстан. Движение уголовного дела. / Под ред. д. ю. н., профессора М.Ч. Когамова и к.ю.н., доцента А.А. Касимова. - Алматы: «Жеті Жарғы», 2013. - 1016 с.

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4. Оспанов С.Д. Уголовный процесс Республики Казахстан (Общая часть). – Алматы: Юридическая литература, 2003. – 266с.

5. Толеубекова Б.Х., Капсалямпов К.Ж. и др. Уголовное процессуальное право Республики Казахстан (часть особенная: досудебные стадии). – Алматы: Данекер, 2001. – 270с.

6. Иные источники.