

UDC 343.2

FEATURES OF THE INVESTIGATION OF CRIMINAL MURDERS COMMITTED IN THE INTERESTS OF CRIMINAL CORPORATIONS

ZHAKUPOVA Gulim Abdoldaevna

master of Law, Senior Lecturer

Bikeeva Saya Amantaykyzy

2th year student of the Faculty of Law and Economics

Zhetysu University named after I. Zhansugurov

Taldykorgan, Kazakhstan

This scientific article examines the forensic characteristics of murders as a combination of information about the typical methods of their commission, the situation, the traces, the socio-psychological characteristics of the victim and the killer, the relationship between the offender and the victim.

Key words: murder, traces, corpse, interrogation.

In the address to the People of Kazakhstan «A new decade – a new economic recovery – new opportunities for Kazakhstan» of the Republic of Kazakhstan, President N.A. Nazarbayev pointed out that «in the activities of the law enforcement system, the emphasis should be shifted from inter-departmental interests to the protection of citizens' rights and the interests of the state» [2; 4]. The Concept of Legal Policy approved by the Decree of the President of the Republic of Kazakhstan dated September 20, 2010, states that «the main task of the Department of Internal Affairs is to protect public order and ensure public safety, combat crimes against the person, property and other ordinary crimes. The safety and tranquility of citizens, the state of crime and the level of the criminogenic situation in the country depend on the effectiveness of the activities of the Department of Internal Affairs, and therefore the process of improving the Department of Internal Affairs should be focused on ensuring their rapid and adequate response to criminal manifestations and the prevention of offenses» [2]. Therefore, the reform of law enforcement agencies carried out in the Republic of Kazakhstan causes increased attention to the criminogenic situation in the country, which continues to remain tense. Under the influence of crisis phenomena in the financial and economic spheres of society, there is a significant increase in organized crime in general and a change in its structure, in particular, the growth of the activities of criminal corporations.

Criminal corporations as the most important structural element of modern organized crime occupy an increasingly high proportion in it. Danger and harm are caused not only to the economic proper, but also to all processes of society – socio-cultural, moral, psychological, etc. Various social groups of the population are increasingly involved in these processes, changing their views on statehood, law, morality, traditions, and customs. At the same time, neither the state nor its public institutions control their socially dangerous activities, due to the lack of significant punitive legal tools, primarily the lack of criminal liability of legal entities and methodological recommendations for special and law enforcement officers. Which, in the end, creates a danger to vital interests in the field of political, economic, financial, socio-public values of our state.

In this regard, priority is given to the problems of developing methods for investigating certain types of crimes committed by various organized criminal structures. Since the absence of scientifically based recommendations concerning the methods of investigation of a particular type of crimes in the field of organized crime has a negative impact on the law enforcement activities of law enforcement agencies, this activity needs to be replenished through scientific research. This fully applies to the disclosure and investigation of auxiliary criminal cases committed by criminal corpora-

tions – criminal murders.

Moreover, as M.S. Gurev correctly noted, «any conflicts in the field of organized crime proceed in a hidden way. At the same time, they also have their external manifestations, observed from the outside, such as murders and attempts on them. The rest of the consequences – kidnappings, property and monetary losses, bodily injuries are usually hidden from law enforcement agencies due to special norms of behavior of participants in the conflict».

Successful detection, disclosure, investigation, and prevention of these crimes is largely determined by the scientific development of private forensic techniques and forensic concepts and categories. One of such concepts is the criminalistic characteristic of a crime, presented as a system of generalized factual data and scientific conclusions and recommendations based on them about the most typical criminalistically significant signs of murders of this category, knowledge of which is necessary for the organization and implementation of full disclosure and investigation of the activities of a criminal corporation.

The analysis of law enforcement practice shows that the criminalistic characteristics of murders committed in the interests of such formations reflect such typical elements as: characteristics of the initial information; information about the method of commission (preparation, time, place, situation) and concealment of the crime; information about the instrument of the crime; the identity of the probable victim of the crime; the identity of the probable criminal and the probable motives and purposes of the crime.

The nature of the source data may vary in its content, volume and source of receipt and serves to advance the version and determine the directions of the investigation at the initial stage.

Currently, there are various types of classification of criminal cases based on the nature of the initial data. In relation to the investigation of murder, the following classification is the most appropriate:

1) a corpse has been found, but it needs to be established whether it was really a criminal murder;

2) the primary materials contain relatively complete information about both the mechanism of the crime and the criminal who performed the

task of the criminal corporation;

3) the source data contains information about the event of the crime, giving the right to assert that the crime was committed on the instructions of a criminal corporation, but does not contain data about a specific criminal;

4) the materials do not contain complete data on the event of the crime and the perpetrators;

5) the source data does not contain information that this murder was committed in the interests of a criminal corporation.

The nature of the initial data at the time of the beginning of the investigation of these crimes is largely determined by the presence of the investigator of various operational-search and investigative information about the criminal.

Currently, criminal cases of murder are initiated in the following order:

1) upon the discovery of a corpse or part of it, with signs of a «contract» murder;

2) at the request of citizens or reports of officials about the sudden disappearance of a person, if there are sufficient grounds to assume the possibility of committing murder in the interests of a criminal corporation;

3) upon the surrender of the person who committed the murder, or his accomplices who give confessions about the commission of a simple murder by them, but there is information that the crime was committed with the staging of a simple murder;

4) during the investigation of a criminal case related to the activities of a criminal corporation.

The issue of initiating a criminal case is resolved each time, depending on the availability of certain data indicating signs of murder. At the same time, the identification, accumulation, study and documentation of pre-investigative materials is concentrated in the following information:

1) on the presence of signs of the crimes under consideration;

2) on the mechanism of committing a crime;

3) about the motives of the murder;

4) about the specific method of committing and concealing the murder;

5) about the possible person or persons who committed the murder;

6) on the establishment of primary evidence and orienting information indicating that the crime was committed in the interests of a crimi-

nal corporation;

7) on the identification of eyewitnesses of the crime;

8) about other data that can significantly facilitate the disclosure and investigation of the crimes in question.

The practical value of this orienting information implies its use not only during the initiation of a criminal case, but also during the investigation process.

The system of actions committed by the murderer forms an obligatory element of the criminalistic characteristics of the crime, called in criminalistic science a way of committing and concealing a crime.

The crimes under consideration, as a rule, are not only prepared and committed according to a single plan, but also the concealment of the facts of criminal activity occurs in a single system, depending on the method of the crime committed. The category of the method of committing and concealing a crime is called in the forensic literature as a basis for putting forward both general and private versions. It affects the determination of the lines of investigation and the solution of other issues of disclosure and investigation of crimes.

The methods of committing murders are diverse, but, as a rule, include preparatory and main stages. It is also possible to conceal the traces of these crimes in the form of various kinds of «legending» (masking) actions. Therefore, the criminalistic classification of murders with various dramatizations is based primarily on the method of concealment (masking) of the crime, as well as by the place, time, and situation of its commission, i. e. by all elements forming the mechanism of the crime. The method of committing murder is formed by preparatory actions and actions aimed at taking the life of a particular person. In some cases, criminals organize actions to conceal a corpse and its parts or stage a crime under various circumstances.

The system of actions to counteract the exposure of these members forms an obligatory element of the criminalistic characteristics of a crime, called in criminalistic science a method of concealing a crime. At the same time, it forms a mandatory feature of a criminal corporation, predetermining it as the next stage in the

development of criminal integration as a whole and its mandatory feature.

On the basis of the revealed stable patterns, the crimes under consideration, as a rule, are not only prepared and committed according to a single plan, but also the concealment of the facts of criminal activity occurs in a single system of the mechanism of the crime being committed. Of scientific interest is the definition of the method of committing a crime given by G.G. Zuikov, who considers it as «a functional system of the criminal's actions united by a common plan for the preparation, commission and concealment of a crime, situationally carried out fully or partially determined by objective and subjective factors, coupled with the use of appropriate tools and means and conditions of place and time» [4, p. 58].

Preparatory actions are aimed at finding accomplices in the commission of a crime, instruments or means of committing murder or other actions that create conditions for the commission of murder. To carry out a crime in complicity, various motives can be used for accomplices of the crime. So, according to our data, the main motives for committing murder in complicity are:

- 1) betrayal of an accomplice to a crime;
- 2) the use of base motives (revenge, anger, jealousy, etc.);
- 3) persuasion under threat of reprisal or reporting compromising information;
- 4) direct persuasion by criminals of their acquaintances, friends and even relatives through persuasion, demonstration of material wealth, etc.;
- 5) voluntary collusion with criminals under the influence of a strong, well-organized criminal group of killers who perform murders for hire.

In addition to the methods of voluntary recruitment listed above, methods based on coercion are also used, which form an independent corpus delicti. There are various methods of physical influence: beatings, torture, harm to health, forced sexual intercourse, etc., as well as mental influence: the threat of violence, the use of dependent position, blackmail, destruction or damage to property, etc. There are facts of deception when the person involved is deliberately informed of incorrect information or some facts of reality are suppressed.

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УДК 343.2

ОСОБЕННОСТИ РАССЛЕДОВАНИЯ КРИМИНАЛЬНЫХ УБИЙСТВ, СОВЕРШАЕМЫХ В ИНТЕРЕСАХ ПРЕСТУПНЫХ КОРПОРАЦИЙ

ЖАКУПОВА Гулим Абдолдаевна

магистр юридических наук, преподаватель-лектор

БИКЕЕВА Сая Амантайқызы

студентка 2 курса факультета права и экономики

Жетысуский университет им. И. Жансугурова

г. Талдыкорган, Казахстан

В данной научной статье рассматривается криминалистическая характеристика убийств представляет собой сочетание сведений о типичных способах их совершения, обстановке, следах, социально-психологической характеристике потерпевшего и убийцы, связях между преступником и жертвой.

Ключевые слова: убийство, следы, труп, допрос.
