

Methods of Pre-Trial Investigation of Criminal Offenses and Content of Its Structural Elements: Case of Kazakhstan

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Abstract: Rationale for research is presented in the form of a proposed structure of the methodology's elements for pre-trial investigation of criminal offenses. It is notable that this novelty is based on the provisions of the new edition of Criminal Code and Criminal Procedure Code of the Republic of Kazakhstan, which came into force on January 01, 2015. The research objective is to enhance the efficiency of investigating criminal offenses against the foundations of the constitutional order as well as the security of the state, criminal offenses in the field of informatization and communications, criminal offenses in the field of economic activity and medical criminal offenses, which, in turn, are the sources of the development of the structure of the methodology for pre-trial investigation of such types of socially dangerous acts. They were previously not covered in public editions. Research methods are the formation of the data structure of particular methods of pre-trial investigation of crimes based on not just theoretical experience, but also the accumulated practice of a preliminary investigation in the country, the new and far abroad, for example, crimes against the person, property, etc. Research results include the developed structure of the methodology for pre-trial investigation of these crimes. The study will serve as an impetus for further theoretical development of particular methods of pre-trial investigation of certain types of criminal offenses along with their implementation in the practice of pre-trial investigation in the country's investigative apparatus.

Keywords: Republic of Kazakhstan, criminal law, pre-trial investigation, forensics, criminal offenses.

INTRODUCTION

The methodology for pre-trial investigation of criminal offenses is the fourth section or a special domain of the subject of forensic science (Utebaev 2001). This methodology combines the previous theoretical provisions – the general forensic science methodology, including forensic technique, and forensic tactics (Utebaev 2001). However, no methods are presently available in the Republic of Kazakhstan for investigating criminal offenses against the foundations of the constitutional system and the state security, those in the field of information and communication, or in the field of economic activity and medical criminal offenses. Moreover, the existing forensic guidelines are not publicly available. As the aforementioned socially dangerous acts are latent in nature, investigators and operational staff often have difficulty identifying, disclosing, and investigating these crimes. Yet, these offenses inevitably induce fear among citizens, as they strive to protect their immediate interests. This fear is justified as crimes are increasingly being committed via digital technologies to infringe on the constitutional order, and state security in the field of economics and medicine.

Pre-trial investigation of criminal offenses in any domain is a time-consuming mental activity, as each

criminal event requires attention and time in order to gather all relevant information required for bringing perpetrators to justice. As each crime is unique, there are no universal means used for pre-trial investigation (Mataeva 2018). Nonetheless, certain forensic science guidelines and methods must be subsequently applied to a specific objective reality to compare the criminal actions or inactions of the main subject in the criminal case – the suspect – with a typical investigative situation (Selivanov and Snetkov 1998).

LITERATURE REVIEW

Selivanov (1982) described the crime investigation methodology as a system of investigative actions determined by the circumstance in proof. On the other hand, Yablokov (1985) defined it as a system of optimal techniques and methods of conducting a preliminary investigation, based on criminal law, criminal procedure and forensic information. Vozgrin (1983) considered it as a way of studying the laws of organizing and implementing the disclosure and prevention of crimes. Andreev, Gromovich & Porubov (1997), however, concur that it is a system of investigative situations that facilitate the implementation of technical means and tactics.

According to Ginzburg & Belkin (1998), when investigating crimes methodology for investigating crimes, it is necessary to consider the laws pertaining to the organization and implementation of the disclosure, as well as those related to the investigation and prevention of certain types of crimes, in order to

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develop scientifically sound guidelines for the most effective investigation in strict accordance with the law.

Selivanov (1982), Obraztsov (1988), and others highlight that, irrespective of the methodology adopted, the focus must be given on investigative actions determined by the circumstance in proof, as this will provide the orientation of the entire investigative process. Kornoukhov (2000) similarly noted that it is necessary to include operational-search measures in the system, taking into account the investigative situation.

From the aforementioned discussions, it can be concluded that regularity, organization, and situationality are the core characteristics of forensic methodology applied to pre-trial investigation of offenses. A criminal offense is a kind of unlawful activity. This act, even though it is confined to a particular time and space, is a complex system of interrelated and interdependent phenomena, and entities. They are reflected in the form of trace information about people and objects, and their relative position in time and space, both before and after the crime, which must be obtained through a forensic analysis of their properties and conditions.

Thus, an essential feature in the concept of “pre-trial investigation technique” is that it is a system of practical activity, which reflects a typical process of cognition. In this case, an aggregate definition is taken into consideration, which means the system of activities of investigators at the internal affairs authority, or national security, related to anti-corruption and economic crimes. Their work conditions differ from the working conditions of other investigators, working in major population centers of the country – Almaty, Karaganda, Nur-Sultan, or the Eastern, Northern, Southern, Western regions or in the regions of Kazakhstan bordering other states. Therefore, its adaptation is necessary, i.e. creative application of the laws of the technique, requiring the establishment of new actions in a new situation. Another significant feature of the methodology for pre-trial investigation of this type or cluster of criminal offenses will be the target orientation, i.e. system of practical activity, determined by the circumstance in proof.

We note the third feature: the methodology for pre-trial investigation of these crimes is a system of tactical objectives and operations. It is implemented through a system of interrelated actions during the pre-trial investigation of criminal offenses. In forensic literature, the methodology traditionally distinguishes the initial

and subsequent stage of the pre-trial investigation. The aforementioned features are dealt with in the encyclopedic definition.

So, the method of pre-trial investigation of crimes is understood as “... synthesizing section of forensic science, combining the provisions of forensic techniques and forensic tactics in their specific understanding as applied to the conditions and tasks of investigating a specific type of crime. The system of forensic techniques includes forensic characteristics of the crime; general principles for organizing crime investigation and prevention. A particular forensic technique is always designed to be adapted to the specific features of the investigation of a specific type of crime and criminal case” (Belkin 1997). Kolesnichenko (1976) described the structure of a particular methodology. It consists of the following:

- a) The forensic characteristics of a certain type of crime;
- b) Institution of criminal proceeding and typical investigative versions;
- c) Circumstances to be investigated;
- d) Initial investigative actions;
- e) Subsequent investigative actions and features of their planning;
- f) Forensic issues in the prevention of this type of crime.

We consider the results of a study of the nature and mechanism of criminal offenses as a socially significant phenomenon as a source of forming the structure of a particular method of pre-trial investigation. More specifically, Vozgrin (1983) noted: “The sources of criminalistic techniques are law, the practice of fight against crime and science”.

At the same time, the sources of the criminalistic methodology for pre-trial investigation of criminal offenses should include the sciences of criminal law, criminal procedure law, criminology, the sociology of criminal law, management, computer science, psychology, logic, economics and others that will help form a particular methodology for pre-trial investigation of criminal offenses under the new edition of the Criminal Code of the Republic of Kazakhstan. The peculiarity of the structure of the methodology for pre-trial investigation of criminal offenses, for instance, types or clusters, is the accumulation of the previously

developed scientific and practical guidelines. Such guidelines dealt with the issues regarding the organization and implementation of pre-trial disclosure, investigation and prevention of a specific type of crime, for example, murders, thefts, fraud, official, economic, corruption, etc., and utilizing the best practices in this domain.

Studying the theoretical foundations of the methodology, Vozgrin (1983) concluded that it is necessary to single out general provisions and methods for investigating certain types of crimes in the methodology, which can be divided into groups of the similar and particular methods. Vozgrin (1983) understands a particular method as "... scientifically based guidelines on the organization and implementation of the disclosure, investigation and prevention of certain types of crimes. They are called particular because they characterize the investigation of not all, but specific types of crimes".

Since the proposals were made long ago, let us return to the analysis of those presented in recent years. Obratsov (1988), dealing with this problem, divided the methods into general and particular. The general methodology consists of two subgroups. The first subgroup includes methods for solving typical problems for various categories, and the second group involves methods for investigating certain clusters of criminally similar types of crimes. Obratsov (1988) considers the investigation of certain types and varieties of socially dangerous acts related to particular methods.

Classification by type of crime to some extent coincides with the approach offered by R.S. Belkin (1997), who back included criminal law features in the classification of particular methods. From Belkin's point of view, forensics is connected with the science of criminal law, this connection is expressed in the fact that forensics uses the characteristics developed in criminal law, using them as data, while there is no duplication in the subjects of these sciences, because forensics does not develop criminal law issues, but takes ready-made solutions developed in this science. This indicates the interpenetration of scientific knowledge and mutual enrichment, and development (Ginzburg and Belkin 1998).

Later, Obratsov (1988), referring to the analysis of the concept of a "certain type of crime", noted that it was introduced into criminalistics from criminal law. Usually, when using this term, several related or one or

another *corpus delicti* are meant. Indeed, some *corpus delicti* in a certain respect can be singled out as a type, since they have differences in qualifying features and other elements of the *corpus delicti*.

As for the "related" crimes in any sphere of human activity – life, health, sexual freedom, constitutional and labor rights, etc., they are sequentially presented in the chapters of the Special Part of the Criminal Code of the Republic of Kazakhstan, that is, from Chapters 1 to 18. Their characteristics contain common features. The mechanism for the commission of these crimes allows them to be combined into one-aspect forensic clusters. In turn, in the mechanism of committing a criminal offense, the dominant factors may be presented by certain elements: the subject, the situation, the victim, the method of committing the criminal offense. From the objective and subjective points of view, these socially dangerous acts have almost the same mechanism for the marking formation of objects of criminal activity, in the form of action or inaction. For forensics, this is the main thing in singling out the types of techniques. The criminal law characteristic of an act dangerous to the public is an integral part of the forensic characteristics that is part of the structure of the methodology for pre-trial investigation of criminal offenses. It is necessary for the aforementioned investigative and operational search units and bodies to identify clearly features of a crime in various areas of individual, public and state activities.

Criminological characteristics, as an important element of the forensic characteristics of criminal offenses of types or clusters, will allow investigative and operational investigative units to select the best tactical technique for investigative actions or operational investigative measures. Thus, the criminal legal and criminological characteristics in the context of conditioning factors will determine the peculiarities of the organization, tactics and methods of pre-trial investigation of this cluster or type of criminal offenses in the future. Criminal legal and criminological analysis is the fundamental basis of the forensic theory of pre-trial investigation of criminal offenses in various spheres of human activity.

Given the circumstance that the main objective of any scientific research is the knowledge of the forensic aspect of criminal activity in various areas of public interest, the processes of its pre-trial disclosure and investigation, as well as the preparation of guidelines for its upgrading, we did not delve into the criminal legal and criminological aspects of this multifaceted

activity. We believe that domestic specialists in these areas of knowledge can do this. To confirm our point of view, we refer to the views of legal scholars in Kazakhstan.

E.G. Dzhakishev (1994) noted: "... criminal law grounds, uniting similar elements of crimes in one cluster, form the subject of research for the development of general methodological guidelines to investigate a whole cluster of crimes having similar forensically significant features". He later argued, "... that only forensic knowledge can drive the norms of the criminal and criminal procedure law from the dead-lock and implement them in a specific criminal case that has a judicial perspective" (Dzhakishev 1994). B.Kh. Toleubekova (1998) in her doctoral dissertation proved the need to study the criminal legal assessment of computer crimes in world practice and the development of original methods for investigating types of crimes committed using computer technology.

A.A. Isaev (1998) in his doctoral dissertation noted that "... in order to increase the efficiency of the methods of investigation of certain types of crimes, developed in criminalistics, independent examination of the qualification of crimes in the structure of the investigation methodology is required. Clarification of the importance of the qualification process within the framework of the crime investigation methodology will allow revealing the laws of the investigation process as one of the types of human activity, establishing the relationship between the tasks of the proper usage of the criminal law and the issues of the theory of qualification of crimes and the theory of judicial evidence. The latter is more related to the legal content of forensic science and points to a number of new aspects in its research subject" (Isaev 1998).

B.M. Nurgaliev (1998) in his doctoral dissertation described the traditional structure of the crime investigation technique as an investigation model developed taking into account the requirements of substantive and procedural law. L.K. Arenova (2002) in their theses proposed a particular methodology for investigating clusters of crimes committed by convicted persons in detention facilities. The authors included a system of scientific provisions of criminal and criminal procedure law in the structure of the investigation methodology.

MATERIALS AND METHODS

In the formation of methods of pre-trial investigation of crimes, it is necessary to take into account the

material sources of law. These include the provisions of criminal law and criminal legislation. For the investigator, this guideline states a specific constituent element and is a strategic goal for its consolidation in the criminal case materials. While determining the objective and subjective aspect of the crime, the investigator applies the provisions of socio-legal science – criminology. Based on the criminological characteristics, the investigator analyzes the causes, conditions and circumstances of the crime. The outcome of the investigator's mental activity in the criminal case is the idea of eliminating those causes and conditions that contributed to the commission of the crime, and then it is sent to all concerned. It is impossible to draw a line between the knowledge of the criminal component of the characteristics of the crime and the criminal procedure form. The criminal procedure form is the external side of the criminal case, which the investigator implements in the compiled criminal procedure documents. The forensic component as a method of pre-trial investigation is the internal content of the criminal case and a promising process in the form of the implementation of forensic guidelines and techniques aimed at preventing crime and sending the criminal case to court.

In investigation of criminal cases, the work of an investigator comes to execution of several tasks subject by the criminal and criminal procedure legislation. First, it is establishment of objective truth of the case. General scientific methods are used by default, since they are universal and effective.

For example, as soon as an investigator receives the materials and information about a criminal offense committed in the field of medical activity or an offense of anthropogenic origin, they distinguish certain elements of a criminal offense, and immediately prepare a criminal act by determining the generic object of the criminal offense. Therewith the comparison method is used, i.e. an investigator qualifies the criminal offense along with the competition in criminal law. Having identified competing rules, the process of selecting the clause of a criminal law continues. Further on, an investigator splits the available information by analyzing the circumstances of the criminal offense, i.e. such optional characteristics of the objective side of the criminal offense as place, time, and methods of committing a crime are highlighted. After that, by determining optional characteristics an investigator identifies the main sign of *actus reus*, which is defined as a socially dangerous act. This is the initial criminal investigation process, which provides a

new look at the existing criminal plot and gives a fresh start for further investigation. Obviously, the work with the criminal case continues, since it is necessary to determine the circle of persons involved in the criminal offense and identify the subject of the criminal offense. During the identification process, the mandatory features of the subject of the criminal offense are compared accordingly, based on the provisions of Clause 15 of the Criminal Code of the Republic of Kazakhstan. Those features are age, sanity of a person, and special subject traits. Particularly, in regard with the crimes of medical origin, the subject must have the special subject traits, i.e. he (she) must be a healthcare worker engaged in medical activities. After identifying the subject of a criminal offense, through the elements that have already been identified, an investigator examines the subjective side and identifies a mandatory feature of the subjective side - guilt. Determination of a guilt is often associated with the analysis of the objective side and the study of the consequences in a victim caused by actions of a healthcare worker, as well as establishment of cause and effect relationship between consequences taken place and actions or inactions of a healthcare worker. This is exactly the method of investigating medical crimes, that falls to the category of the most complicated and time-consuming processes. The process of investigating a crime against healthcare workers is an ongoing logical process that involves use of general scientific methods such as analysis, comparison, and synthesis. While building different stories of the committed crime, an investigator uses methods of synthesis and abstraction since the course of events is restored by him (her) singularly, provided that the suspected person has right to refuse to testify. Moreover, most of these crimes are latent in nature. Therefore, building of stories requires mental separation from the situation and "fitting" of some circumstances towards others. In support of the written above here is the statistics from the official website qamqor.kz: 339 criminal cases, related to Clause 12 of the Criminal Code of the Republic of Kazakhstan, were under investigation by the internal affairs bodies for the first month of 2020; 96 of those cases were the past years cases, i.e. their investigation has not been finished yet. Two criminal cases out of the total number of committed medical crimes under Clause 317 of the Criminal Code of the Republic of Kazakhstan were completed. The qualified element of those crimes was improper performance of professional duties by a healthcare or pharmaceutical worker. The conditionality of developing the methodology for this group of crimes,

stipulated by the clause, is necessary, and it is necessary to validate and obtain results in the form of a qualitative, complete and comprehensive investigation. Since the detection rate of these group of crimes is also very low, this means that the guilty person for committed medical crimes has not been identified, the number of unsolved crimes is 19 criminal cases out of 339. If one conducts 12-month crimes analysis, the picture becomes even more convincing – a methodology for investigating this group of crimes is needed.

Considering a methodology for investigating criminal offenses of anthropogenic origin Temirgazin R.Kh. proposes to introduce a new forensic technique for investigators during pre-trial investigation of anthropogenic incidents, which is based on using Mindmap. The Mindmap technique allows collecting the entire informational background on one sheet that is necessary in establishing causes and subjects of an incident. Moreover, it ensures visual comparison of strengths and weaknesses of any forensic story of the investigation (Temirgazin 2018).

Any method used in investigative tactics can be presented as a *modus operandi* characterized by a set of sequential techniques. In addition, this is a logical model that is constantly being detailed, refined, improved, and developed with special tools in the process of development and practical use (Sommer, Njå, & Lussand 2017; Mason 2016).

In this regard, the use of the new heuristic methods in the pre-trial investigation of the incidents of anthropogenic origin is becoming relevant, and they can be used as an effective way in obtaining information; searching, detecting, processing and streamlining the system of patterns, mechanisms and methodological tools of pre-trial investigation; anticipation of signs and characteristics of the subjects of a crime, their possible actions, further consequences and the results of the procedural decisions taken. The heuristic methods are the most effective ones at solving non-standard problems with a high level of uncertainty (Gupta, Kalaimannan & Yoo 2016).

As a part of his research, Temirgazin R.Kh. proposes a modification of the heuristic Tony Buzan's "Mindmap" method (Witanto, Lim & Atiquzzaman 2018) for using it in tactical operations in a pre-trial criminal investigation of extraordinary incidents of anthropogenic origin (Temirgazin 2018).

The introduction of the Temirgazin R.Kh. study into practice promotes in-depth analysis in the investigation of a criminal offense. In order to implement this method the following technical support is required: 5-10 sheets of A1 format flipchart, 10-15 sheets of A4 format, and multi-colored markers.

Thus, the received information is recorded on certain sheets for further analysis. At the end of creation of an intellectual map of tactical operations in investigating a crime of anthropogenic origin the results of the work are summarized, and a plan of operational-search measures and investigative (search) actions in certain areas of criminalistic stories verification for each subject of investigation is developed (Temirgazin 2018). We believe that this method can be used in pre-trial investigation of criminal offenses of anthropogenic origin, as well as in other criminal acts prohibited by criminal law.

Referring to the analysis of the relationship between the concepts of "methodology" and "method", we note that method is a way of cognition used in the theoretical activity of man. Method covers only the practical side of purposeful human activity. In the analysis of related concepts, we will proceed to clarification of the nature and content of the main elements, the structure of the particular methodology for pre-trial investigation of certain types of criminal offenses, for example, against life, health, sexual freedom, the foundations of the constitutional system and security of the state, against property, in the sphere of economic activity, etc. In the legal literature, we come across a variety of approaches offered by forensic scientists. For this, we use the definitions made in recent years, since Gavlo (1985) undertook an analysis of earlier definitions.

RESULTS

After analyzing the previously developed public investigative and judicial practice, we arrive at the following conclusion. With regard to the method of pre-trial investigation of criminal offenses against the foundations of the constitutional system and state security, criminal offenses in the field of information and communications, in the field of economic activity and medical criminal offenses, the following structure can be proposed. It consists of the forensic features of a certain type of crime; beginning of a pre-trial investigation of a criminal case and typical investigative versions; circumstances to be investigated; initial investigative and covert investigative actions;

subsequent investigative and covert investigative actions and the features of their planning; and forensic issues of prevention of these types of criminal offenses.

Thus, the criminal legal and criminological characteristics of criminal offenses are the basis for the forensic classification of crimes, where objects of the offence are singled out. The objects of the offence characterize not only the socio-political nature and social danger of the criminal act, but in most cases also determine the legal structure of the crime, the means, tools and instruments of the crime. These features are important when developing particular guidelines for the pre-trial disclosure and investigation of criminal offenses, combined into one classification cluster.

Based on the analysis of theoretical and empirical material, in our opinion, two sections can be included in the structure of the methodology for pre-trial investigation and prevention of criminal offenses:

- 1) Particular techniques used in pre-trial investigation and prevention of certain criminal offenses committed in various public spheres;
- 2) Particular methods of pre-trial investigation of certain types of criminal offenses committed in a particular public sphere.

This classification will allow for a systematic study of the pre-trial investigation process included in each of these methods, and the development of scientifically based practical recommendations. This division is based on philosophical categories: universal, particular, singular, which emphasize the objective connections of the real world. The universal does not exist without the particular and the singular and it is impossible to know the particular and the singular without the universal. The use of these categories is necessary for the pre-trial disclosure and investigation of specific crimes and the knowledge of their forensic nature. The general provisions of the forensic methodology for the pre-trial investigation and the prevention of criminal offenses, containing general principles, will correspond to the category of universal. A particular methodology for pre-trial investigation of criminal offense types containing general recommendations related to these types corresponds to the philosophical category of particular, and a particular methodology containing specific recommendations on pre-trial investigation of a specific type of crime corresponds to a category of the single.

To sum up, we set forward the idea that combining two areas of the methods of pre-trial investigation is

necessary for such types of criminal offenses, because homogeneous and one-aspect crimes are combined therein, in which suspects use both their own and other criminal experiences, and experiences with formal and legal social activities. The degree of specification of a particular methodology depends on how legally detailed the degree of a socially dangerous act is and what subsequent effects are. In terms of volume, specification can only imply a complete algorithm of investigative actions of subjects of preliminary pre-trial investigation. For two or more types of crimes, the algorithm is complex, because it covers several related criminal offenses. Regarding its form, it can be developed into a dissertation. Therefore, it is necessary to include criminal law and criminological characteristics in the forensic work. Without knowledge of the criminal law and criminological characteristics, it is difficult and practically impossible to create a methodology for pre-trial investigation of types or clusters of criminal offenses. Among other things, it is impossible to draw a line between criminalistics and the criminal process, since these are very closely related branches of knowledge.

Thus, general provisions of the methodology for pre-trial investigation of crimes are the basis of a particular methodology for pre-trial investigation of clusters of crime. The pattern of the formation of a particular methodology for pre-trial investigation of crimes is determined by the real state of things and the state of the situation in the country. The type of crime, the identity of the suspect and the objective reasoning about facts make it possible to generate elements of a particular methodology for pre-trial investigation of a type or cluster of criminal offenses, which should be extended to the practical activities of investigative and operational-search units and bodies in the Republic of Kazakhstan.

In this regard, the structure of the particular methodology for pre-trial investigation of criminal offenses can be based on Art. 113 of Criminal Procedure Code of the Republic of Kazakhstan, presenting a list of circumstances of the subject of evidence in a criminal case. Regarding the peculiarities of criminal offenses of various types and clusters, the structure of a particular method of pre-trial investigation may include the following elements:

- a) Theoretical foundations of a particular method of pre-trial investigation of a given cluster or type of criminal offense;
- b) Organizational and methodological basics of pre-trial disclosure of a criminal offense;
- c) A set of circumstances subject to the mandatory establishment of the category, type or cluster of crimes under consideration and proof;
- d) Forensic characteristic of the aforementioned crimes (allows delving into the specifics of these crimes);
- e) Typical investigative situations at the time the pre-trial investigation of the criminal case began, a system of common tactical tasks and tactical operations aimed at solving them during the initial and subsequent stages of the pre-trial investigation;
- f) The contents of the initial stage of the pre-trial investigation of criminal offenses of a particular forensic type, which includes organizational issues and the initial verification of materials;
- g) Organizational and tactical features of investigative actions and operational-search measures;
- h) Peculiarities of the subsequent stage of pre-trial investigation of this cluster or type of criminal offenses in various areas of public activity;
- i) Crime prevention measures.

The foregoing forensically significant objects of any type or cluster of criminal offenses is of the orienting value for subjects of criminal procedural activity at the time of the beginning of the pre-trial investigation of the criminal case. Later, they must be used in the circumstance in proof of these crimes, following tactical methods (Utebaev 2003).

We will make a reservation about perfect traces of any type or cluster of criminal offenses, which are recorded by investigative actions in the form of interrogation, as testimonies of victims, witnesses, and suspects. This will be described in more detail in subsequent scientific articles. Regarding another important element of the structure of the methodology for pre-trial investigation of a criminal offense, the forensic characteristics of crimes, the following can be stated.

Obviously, the above distinction between general and particular versions is conditional. As a rule, in a

specific criminal case, the investigator puts forward an operational, investigative assumption and creates it to clarify those circumstances that are primarily organizational and investigative in nature. Operational assumptions include a search version as well. Thus, the forensic version, as an abstract scientific category, is interconnected with the forensic characteristic and has a practical orientation in the pre-trial investigation of criminal offenses.

The aforementioned versions are detailed during the pre-trial investigation. To do this, the investigator should use forensic abstraction and the forecasting method to understand the mechanism for committing crimes in various fields and develop methods to solve them. The results of scientific abstractions of forensic characteristic and the investigative versions put forward should be implemented in the plan of pre-trial investigation, because the forensic characteristic and the investigative lead will allow foreseeing, predicting undetected facts and the links between them, i.e. they will form the basis of the investigator's thought process and direct his practical activities. This determines the practical significance of the mental model, which is implemented in terms of pre-trial investigation. Planning of a pre-trial investigation of criminal offenses will allow determining the specific goals of the pre-trial investigation through a system of legal goals, taking into account the system of tactics. In a plan for a criminal case, the investigator may reflect the following: what information is available about the circumstances to be proved; investigative actions, operational-search measures and terms of their fulfilment; the composition of the investigative participants and persons assisting the investigator; forms of interaction with other investigative and search units; a list of case materials and necessary scientific and technical means. Because of the development of a pre-trial investigation plan, the investigator draws up a program for the production of both investigative and other activities. The joint plan shall indicate only common actions, activities and sources of information exchange. The information for internal use only provides a different way of transferring data to the executive and it will be described below. The program of pre-trial investigation, as a calendar plan, should take into account the personal "workload" of the investigator per day. Working hours can be roughly divided into production of investigative actions, adoption of procedural decisions, their recording and spare time. The versions put forward, as a rule, are checked by conducting both investigative and operational-search measures, and the results are additionally mentioned in the plan of investigation.

In the framework of the study, Temirgazin (2018) developed an algorithm for modifying the Mindmap by T. Buzan to enhance the effectiveness of tactical operations during the pre-trial investigation of technological emergencies. Using this heuristic research method, it seems possible to form a holistic picture of the information field on the offense, manage the mental processes of the participants in the pre-trial investigation and release space for freedom of thought. The main task of the investigation is to establish the event of the crime and expose the subject of the crime. To prove the event of a crime means to establish reliably the subject of the criminal assault, the situation, method, means and other circumstances of the commission of the crime, provided for by articles of the Criminal Code of the Republic of Kazakhstan. In our opinion, the number of circumstances to be proved by classes or types of criminal offenses the following factors can or should be taken into consideration:

- Whether there has been a criminal offense;
- The way of concealing a criminal offense;
- Methods of committing a criminal offense;
- The amount of damage caused by a criminal offense;
- Associable and accomplices of the subject of a criminal offense (Utebaev 2001).

Commonly accepted data inherent in the pre-trial investigation of criminal cases on crimes related to various types of criminal offenses should be noted and included in the range of circumstances to be proved.

These circumstances may include:

- Place, time, conditions for committing a crime;
- The presence of criminal intent;
- In relation to whom these crimes were committed;
- Data on the identity of the suspect (work place, characteristics, criminal record, motives, methods of crime, role in a criminal group, etc.);
- Data on the criminal group and other persons who participated in its actions (composition, head count, technical equipment, communication with corrupt elements, and specialization);

- Data on the identity of the victim, circumstances of contact with the offender;
- Circumstances that contributed to the commission of a criminal offense (Utebaev 2001).

Thus, in the pre-trial investigation of various classes and types of crimes, the presence of the above circumstances is not comprehensive. They can be expanded taking into account the pre-trial investigation of a criminal case, with the establishment of other conditions for committing a crime.

It should be noted that the investigator needs knowledge not only of the rules of the criminal and criminal procedure law, but also an understanding of the entire mechanism of functioning of various types of human, social, economic, political and state activities – including criminal unregulated migration flows, etc. This will help establish the relationship between the situation and the method of criminal offence, the method and a person, taking into account his position and his subsequent role in the commission of a criminal offense, used subject of the offence, what means.

DISCUSSION

Previously, the issues of preventing and investigating crimes against the foundations of the constitutional system and state security were not covered in the open science press and were classified as security labeled. The educational and scientific literature on the methodology for investigating these types of crimes for students was not available. Dzhakishev (1994) and Utebaev (2003) dealt with the issues on a pre-trial investigation of economic crimes in Kazakhstan. However, over time, most of the provisions have become outdated or the subjects of crimes have applied more covert forms to commit crimes, using digital technology

For example, the problems of medical criminal offenses' investigations have been troubling the society for quite a long time. There are many controversies between scientists about the procedure for investigating this group of criminal offenses, but the techniques are often limited to general criminological methods. In domestic jurisprudence, issues relating to the prevention of criminological and criminal-legal characteristics have been the subject of considerable attention by the Doctor of Legal Sciences, Professor G.R. Rustemova (Rustemova G.R., 2003). Particularly,

in regard of the pre-trial investigation of criminal offences, she draws attention to the reasons of committing such offences. This shows how difficult and important is the investigation of this category of criminal offenses. Thus, it creates stepping stone ensuring appropriate conditions for more effective criminalistic research and development of an applicable methodology.

The authors of this article also considered the systematic approach to the method of investigation of technogenic criminal offences proposed by R.H. Temirgazin using an intellectual map based on criminal and criminological analysis. (Temirgazin R.Kh., 2018)

We highlight that the analysis of the structure of certain elements of the forensic characteristics and their synthesis, in a generalized form, will allow the investigator to simulate mentally the criminal event that has taken place. Therefore, in our opinion, this will contribute to the formation of certain versions, the development of a pre-trial investigation plan, the selection of the necessary investigative, covert investigative and operational-search actions, and, generally, the success of the pre-trial investigation and disclosure of the crime.

CONCLUSIONS

To summarize, we propose that combining two areas of the methods of pre-trial investigation is necessary for such types of criminal offenses, because homogeneous and one-aspect crimes are combined therein, in which suspects use both their own and other criminal experiences, and experiences with formal and legal social activities. The degree of the specification of a particular methodology depends on both how legally detailed the degree of a socially dangerous act is and on the subsequent effects. In terms of volume, specification can only imply a complete algorithm of investigative actions of subjects of preliminary pre-trial investigations. For some crimes, the algorithm is complex, because it covers several related criminal offenses.

Thus, the methodology for pre-trial investigation of certain types of criminal offenses as the concluding part of forensic science involves the principle task of enlightening investigators with a complex of scientific and methodological knowledge necessary for the pre-trial disclosure, investigation, and prevention of certain types of criminal offenses in different situations under investigation.

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