

Terms of Citizens 'Rights Restriction when Applying Measures of Criminal Procedure Forcing

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Abstract: The article considers the nature and purpose of measures of criminal procedure coercion. The authors highlighted the grounds for restricting constitutional rights and freedoms when using coercive means. The author's definition of measures of criminal procedural coercion is formulated, which means: the preventive action applied by the authorities conducting the criminal process in the criminal case aimed at achieving the objectives of the pre-trial investigation and trial or ensuring proper conduct of the participants in the criminal process specified in the law, if any conditions and circumstances that necessitate the use of such an impact. The issues of legality and localization criteria of personal property and non-property subjective interests of citizens are raised. The analysis of the main classifications of measures of procedural coercion is carried out, and the author's approach to the classification of measures of procedural coercion is proposed, based on the conditions and the real need to limit the rights and legitimate interests of the person. Article materials can be of practical value for employees of investigative units conducting pre-trial investigations and encountering problems with the application of procedural coercive measures.

Keywords: Criminal proceedings, Measures of criminal procedural coercion, Ensuring rights, The legitimate interests of the individual, Legal restrictions, Pre-trial investigation.

1. INTRODUCTION

Measures of criminal procedural restraint are an important component, an integral element of the mechanism for ensuring the successful implementation of the tasks of criminal proceedings. But the use of any of these measures is always associated with the violation of certain rights of citizens, although they aim to achieve the proper conduct of the accused (suspect). Therefore, the legality of restricting personal rights in applying these measures is of great importance. This largely depends on the legality and validity of bringing the rules of law into effect, on how completely the legislation on criminal procedural suppression is complete (Tkacheva, 2004).

First of all, it is necessary to clarify the general provisions on the measures of such state coercion. So, criminal procedural coercion is a set of measures sanctioned by the state to prevent participants from criminal proceedings from fulfilling obligations and committing unlawful actions by these participants that would impede the administration of justice. Thus, coercive measures are a method of state influence and are used to remove obstacles that are created by participants in criminal proceedings. A variety of

procedural coercion measures are characteristic of legal proceedings, which form a system characterized by the following:

- measures of procedural coercion can be applied exclusively in criminal proceedings;
- measures of procedural coercion in any case to one degree or another restrict the rights and freedoms of the individual;
- measures of procedural coercion are coercive actions against participants in legal proceedings.

The considered signs determine the circle of prerequisites under which compliance with measures of criminal procedural coercion can be applied. First, it is compliance with the principles of legality and validity. This is expressed in the definition of entities that are vested with the right to apply procedural coercion measures, in the normative regulation of the types of procedural coercion measures, in establishing the procedure for applying procedural coercion measures, etc.

The conditions and grounds for applying procedural coercive measures play an important role in criminal proceedings. The grounds are the motivating factors that are sufficient to make a decision on the application of a specific measure of procedural coercion to a person (Mahdi, 2017).

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In the criminal process, as in no other form of state activity, the rights of the individual are subject to restriction. This affects not only the application of strict procedural decisions on preventive measures or other coercive measures, but also the possibility of forcing citizens to participate, for example, in examinations, interrogations and other investigative actions. In this regard, the rights of citizens are subject to restriction. Based on this, the question arises of the legality, validity and possibility of this type of restriction in criminal proceedings. Based on the foregoing, it follows that this issue is certainly relevant, both for theory and for practice. The court and the preliminary investigation authorities need to know and correctly apply the measures of procedural restriction of the rights of citizens, and citizens, in turn, should be aware of what rights belong to them when participating in the criminal process, what exactly is intended to protect them, and by what means of protecting their personal interests they can use (Zhidkov, 2017).

Of particular importance in the application of measures of criminal procedural coercion are primarily the legality and validity. These categories are the main requirements while limiting the integrity of the person. It is necessary to define the concept of legal guarantees of legality and justification for restricting the inviolability of the person in criminal proceedings. Under the legal guarantees of legality and justification for restricting the inviolability of an individual, it is necessary to understand the totality of conditions, means and methods established by the norms of international, constitutional, criminal procedure, criminal law and civil law and other laws, as well as the procedural activity carried out on their basis, ensuring personal protection and protection of its physical, moral and mental integrity, individual freedom, general freedom of action and personal security from arbitrary encroachment in the process of initiating, investigating and considering a criminal case through prosecutorial supervision, departmental and judicial control (Vasileva, 2002).

The existence of diverse social relationships in society, in the area of which there are issues that require judicial decisions, serves as a source of features of methods for their regulation. As a result, the legislator establishes a different procedural procedure for criminal, civil and administrative legal violations that the law assigns to the jurisdiction.

The Constitution of the Republic of Kazakhstan fixes the inalienable right of every individual to freedom and personal inviolability. On the other hand, the state

has established measures - legislative acts aimed at ensuring judicial proceedings in criminal cases. Actually for this reason, the application of procedural coercion measures is ensured by a whole range of legal requirements, including the establishment of judicial control over their application (Akhpanov, Azarov & Amirgaliev, 2014:14).

In fact, only an objective resolution of the criminal case justifies the application of the restriction of human rights and freedoms. This makes it necessary to systematically solve many problems that arise in the implementation of the relevant provisions of the criminal procedure law (Gulyaev, 2003:16).

Criminal procedural coercion is one of the ways to influence the actions of participants in the process, regulated by the norms of criminal procedural law, which provides for the likelihood of state coercion being applied to persons who do not comply with the requirements of the law or to prevent such non-fulfillment. It can manifest itself in different forms and have a different character. First of all, this is expressed in measures of influence aimed at counteracting the unlawful behavior of some individuals and on the renewal of violated rights, as well as in measures applied to the parties to the process and other entities with the aim of terminating or preventing their actions to prevent the implementation of the tasks of criminal proceedings. They may have a civil law, criminal law and criminal procedure nature.

One cannot but take into account the fact that fixing in law the possibility of using coercion often forces a person to act in accordance with legal requirements. Coercion is manifested in the infringement and restriction of personal, property and other subjective rights of citizens. Among the restrictions on the rights of citizens include: restriction of freedom, the inviolability of the home, freedom of movement, the right to perform certain labor functions.

The suppressive and preventive orientation of measures of criminal procedural coercion, significantly limiting constitutional and other human rights and freedoms, causes an extremely significant problem about the framework and conditions for applying it. Meanwhile, the rights and freedoms of man and citizen can be limited only by laws and only to the extent necessary to protect the constitutional order, protect public order, human rights and freedoms, health and morality of the population (Article 39 of the Constitution of the Republic of Kazakhstan).

The relevance of the study is due to the presence in the Code of Criminal Procedure of the Republic of Kazakhstan of the rules governing the grounds and procedure for applying measures of criminal procedure coercion. As a result, the rights and legitimate interests of persons involved in the field of criminal proceedings are substantially limited. Moreover, in some cases, there is a limitation of constitutional rights and legitimate interests not only of persons against whom criminal prosecution is carried out (suspect, accused), but also in relation to other participants in the criminal process. Measures of criminal procedural coercion are unequal in their focus and degree of restriction; serve to achieve certain goals and objectives, but the conditions that allow restricting the rights and legitimate interests of citizens are almost identical.

In this regard, the purpose of this article is to determine the intelligible conditions for the use of certain measures of procedural coercion, in cases where it is really necessary to apply restrictions on a participant in criminal procedure relations.

2. LITERATURE REVIEW

Issues of ensuring human rights in the criminal process have been investigated by many scientists. At various times, their significant contribution to the development of these problems was made by: N.S. Alekseeva, L.V. Bertovsky, V.P. Bozhiev, A.D. Boykov, L.A. Voskobitova, L.M. Volodina, B.Ya. Gavrilov, O.V. Gladysheva, L.V. Golovko, K.F. Gutsenko, I.F. Demidov, L.M. Karneeva, K. B. Kalinovsky, N.N. Kovtun, V.M. Kornukov, N.N. Korotkiy, P.A. Lupinskaya, Yu.A. Lyakhov, L.N. Maslennikova, V.N. Makhov, V.A. Mikhailov, T.N. Moskalkova, I.L. Petrukhin, V.M. Savitsky, V.A. Sementsov, Yu.I. Stetsovsky, M.S. Strogovich, A.V. Smirnov, F.N. Fatkullin, A.P. Cheltsov, A.A. Chuvilev, B.C. Shadrin, S.A. Sheifer, N.A. Yakubovich and others. In no way diminishing their contribution to the science of the criminal process, one should pay attention to the fact that most of these authors conducted independent research or institutes of coercive measures (for example, E.G. Vasiliev, Z.D. Enikeev, V.M. Kornukov, Yu.D. Livshits, O.I. Tsokolova), or devoted their works to ensure the rights of the person involved in the sphere of the criminal process (for example, E.F. Kutsova, BC Shadrin, etc.). An integrated approach to the study of the problem of personal integrity and coercion in criminal proceedings was taken in the writings of E.G. Vasiliev, I.L. Petrukhin and some other authors.

At the same time, the specifics of their chosen research topic did not allow us to examine in detail the entire set of general and special procedural guarantees of a person during pre-trial proceedings. In particular, all sides of the problem of the implementation by the preliminary investigation bodies of legislative norms on the protection of human rights are not disclosed, the root causes of violations of the law are not identified, which to some extent affects the containment of the development of criminal procedure legislation. In addition, it should be borne in mind that most of these studies were carried out on the basis of previous legislation. Analyzing the achieved level of scientific development of the chosen topic, it should be noted that often the possibilities of ensuring human rights are considered in the scientific literature only from the perspective of expanding the status rights of certain participants in criminal proceedings. An integrated approach is required to combine all aspects of this urgent problem.

3. MATERIALS AND METHODS

The research methodological base was compiled by general scientific and special methods of scientific research: analogy, analysis, synthesis, comparative legal and system-structural methods of cognition, which made it possible to comprehensively consider the problem under study.

The application of measures of criminal procedural coercion is possible not only in relation to persons subjected to criminal prosecution (suspect, accused), but also in relation to other participants in criminal proceedings. For example, in case of failure to appear without good reason, the suspect and other participants in the criminal proceedings may be brought into custody, and property may be seized even if it is with a person, if there are sufficient grounds for assuming that it was obtained as a result of illegal actions of the suspect.

In the criminal process, coercive measures are applied by state bodies and officials, within the framework of their authority, to persons taking part in the case, whose inappropriate actions or the possibility of such actions create or may create obstacles to the effective course and procedure of criminal proceedings. They are applied in the presence of the grounds and conditions provided for in the law and in the manner ensuring their lawfulness and validity. The only one for any measures of criminal procedural coercion is the opportunity to apply them regardless of the will and

desire of the person in relation to whom they are carried out (Lupinskaya, 2003:289).

Measures of criminal procedural coercion are uneven in their focus and have different tasks. The purpose of some is the suppression of the possible continuation of the criminal actions of the suspect, the prevention of evasion from the investigation and the court, and the obstruction of criminal proceedings. Others are caused by the need to deliver or ensure the appearance of persons in the bodies of investigation, in court. Still, others act as a means of securing a sentence regarding pecuniary punishment.

As many processors note, the application of measures of criminal procedural coercion is carried out to achieve a specific goal. As such, they distinguish: providing a guarantee of criminal prosecution and resolving the case on the merits; formation of evidence and obstruction of their destruction; securing the civil claim declared in the criminal case and confiscation of property; compliance with proper conduct and statutory procedures (Akhpanov, Shaykhadenov & Sabitov, 2018:108; Mikhailov, 2017:83; Isabekov, 2017:32).

The content of measures of criminal procedural coercion is expressed in:

- deprivation of personal liberty, constituting the essence of detention on suspicion of a criminal act and preventive measures - detention;
- restriction of personal freedom, which occurs, for example, when applying such a preventive measure as a recognizance not to leave;
- restriction of the right of ownership that occurs when seizing property;
- the threat of material property losses that forms the essence of such a preventive measure as a pledge;
- temporary deprivation of office, which occurs when applying temporary suspension from it;
- other deprivations and legal restrictions.

The general basis and extent of the application of procedural coercion measures is the need to achieve the goals of justice, to ensure a certain procedure for criminal proceedings and the proper execution of sentences. The application of procedural coercion measures is possible only with the existing and really possible occurrence of obstacles in the course of business.

In the rule of law, the fact that the degree of application of procedural coercion measures is due to

the real need to limit the rights of citizens plays a role. Therefore, along with the grounds, certain conditions must be met that allow the application of criminal procedural coercion measures against a person involved in the field of criminal proceedings.

In this regard, the purpose of this article is to determine the intelligible conditions for the use of certain measures of procedural coercion, in cases where it is really necessary to apply restrictions on a participant in criminal procedure relations. The importance of considering the conditions for applying measures of criminal procedural coercion lies in the fact that they relate, as a rule, to restrictions on constitutional rights and freedoms of a person.

The analysis of the considered articles, as well as theoretical provisions, allows us to draw the following intermediate conclusions. The system of guarantees of the legitimate interests of the individual when choosing a measure of procedural coercion represents the organic integrity of the procedural methods and means that interact with each other to ensure the legitimate interests of participants in criminal proceedings with the aim of establishing the truth in each specific criminal case. In this system, it is fair to single out guarantees of subjective rights of an individual, as well as guarantees of public interests aimed at ensuring the rule of law. These types of guarantees closely interact with each other, intertwined, but their identification is unacceptable, because this can lead to erosion of the goals of criminal proceedings, and to a decrease in the effectiveness of the administration of justice.

The ways and means of ensuring the legitimate interests of an individual when choosing a preventive measure differ from procedural guarantees, first of all, in that their object is the private interest of a particular person. The indicated interest makes it necessary to treat certain subjects of criminal proceedings as a specific person, and his legitimate interests are related to the object of procedural guarantees. It is important that it is advisable to talk about ensuring the legitimate interests of a person only in relation to procedural guarantees of the status of participants in criminal proceedings, because the relevant competent authorities have no private interest in criminal proceedings.

4. RESULTS AND DISCUSSION

Unfortunately, none of the processors was seriously engaged in the study of the problems of observing the conditions for applying procedural coercive measures. There are only a few works, in this are mainly from the Soviet period.

Thus, for example, V. S. Chistyakova identifies only two conditions for applying measures of procedural coercion:

- 1) the existence of a criminal case;
- 2) the involvement of a person as an accused, that is, the certainty of the subject (Chistyakova, 1978:24). The same conditions for applying measures of procedural coercion are also determined by V. M. Kornukov (1978:43).

Z.F. Kovriga considers the conditions for the application of criminal procedural coercion to be various, statutory circumstances that accompany the grounds for applying these measures and help ensure the rule of law in applying all types of criminal procedural coercion, its maximum accuracy, expediency, and guarantee human rights from unreasonable restrictions (Kovriga, 1975:80).

F.M. Kudin suggested that dividing into general and special conditions. He referred to the general conditions for the application of procedural coercion the existence of proceedings in a criminal case; to a special condition, the person is in such a procedural position that allows the use of coercive measures; He also singled out a special specifying condition - the presence of an additional circumstance, when applying separate measures of coercion to the accused and suspect (Kudin, 1985:40).

However, this approach does not fully correspond to the modern criminal process; therefore, the following approach was proposed by Russian scientists.

We consider it appropriate to bring the point of view of A.V. Grinenko, who believes that compliance with the law is ensured by the following conditions for the application of measures of criminal procedural coercion:

- only in the field of criminal proceedings and in criminal proceedings;
- subjects of the process who are authorized to do so;
- in the presence of circumstances that require the application of these measures;
- only regarding persons directly defined in the law (Grinenko, 2003:48).

A similar approach is advocated by O.U. Slobodnuk (2010:39).

However, it should be borne in mind that the institution of instituting criminal proceedings was

abolished in Kazakhstan, on the basis of this, the beginning of the pre-trial investigation is singled out as the initial stage, and the moment of the beginning is the registration of the criminal offense in the unified register of pre-trial investigation (Sadvakasova & Khanov, 2017:93). Therefore, procedural coercion measures can be applied only after the start of a pre-trial investigation.

Besides A.V. Grinenko does not name all the signs that ensure the lawfulness of the application of measures of criminal procedural coercion. Therefore, it seems correct to cite the extended approach available in the legal literature.

So, Kazakhstani authors distinguish the following features:

- used in criminal proceedings and are of a procedural nature;
- applied by authorized bodies of the state, based on the terms of their competence;
- apply to persons participating in the case whose inappropriate behavior or the possibility of such behavior creates or may create obstacles to the whole course of criminal proceedings;
- have specific goals arising from the general objectives of criminal proceedings;
- have a special content and coercive character;
- aimed at ensuring a successful investigation and resolution of the criminal case, in essence;
- serve to prevent and suppress unwanted actions on the part of participants in criminal proceedings (Khanov & Kurenkeeva, 2015:8).

In general, agreeing with the above approach, it is necessary to clarify certain points. In particular, not all of the listed features can be recognized as the conditions for the application of procedural coercion measures.

In this regard, one should agree with E.E. Manivlets who indicating that the conditions for the application of measures of criminal procedural coercion are a set of circumstances enshrined in the norms of criminal procedure legislation, in the presence of which an authorized body or official determines the existence of sufficient grounds, in accordance with which, to a particular subject of criminal procedure relations a measure of criminal procedural coercion can be applied to achieve the objectives of criminal proceedings (Manivlets. 2017: 98).

This definition as a whole gives the concept of conditions for the application of measures of criminal procedural coercion. However, it should be borne in mind that part of the conditions (general) must be observed when applying any of the coercive measures, and when applying certain measures of criminal procedural coercion, specific conditions established in the rules determining the procedural procedure for the implementation of a specific coercive measure must be taken into account. In particular, a fairly extensive list of conditions should be observed when applying preventive measures, as indicated by individual authors (Khapaev, 2014; Rossinskiy, 2018).

Based on the above provisions, we will try to formulate general conditions that must be observed:

- 1) can only be used in criminal proceedings in progress;
- 2) are applied by authorized bodies and officials, based on their terms of reference;
- 3) apply only to persons whose inappropriate behavior or the possibility of such behavior creates or may create an obstacle to the achievement of the objectives of criminal proceedings;
- 4) reasoned procedural decision must be drawn up;
- 5) apply only if there are grounds established by law;
- 6) applied in strict accordance with the requirements of the Code of Criminal Procedure.

Failure to comply with these conditions may result in the abolition of the coercive measure and the restoration of violated rights, up to compensation for harm caused by illegal actions of the body conducting the criminal process.

Based on the foregoing, we believe that measures of criminal procedural coercion should be understood as follows: the preventive effect applied in the criminal proceedings by the authorities conducting the criminal process aimed at achieving the objectives of the pre-trial investigation and trial or ensuring the proper conduct of the participants in the criminal process specified in the law, in the presence of conditions and circumstances that determine the need for the application of such an effect.

It should be borne in mind that coercion is widely used in criminal proceedings. At the same time, the mechanism and grounds are quite diverse, having inherently different content and orientation. Such a

wide range of admissibility of coercion allowed the legal community to broadly interpret the institution of coercive measures and carry out classification on various grounds (Tatarov, 2018).

Many classifications were proposed back in the period of the Soviet legal doctrine, when the institution of procedural coercive measures was interpreted rather broadly and many investigative actions belonged to coercive means.

So, I.L. Petrukhin (1985) carries out a classification according to the degree of manifestation of state coercion in them:

- 1) at the request of the participants in the process (examination of victims);
- 2) at the initiative of state bodies, but, as a rule, with the full approval of the participants in the process (for example, an inspection of the scene of an accident, exhumation of a corpse);
- 3) no matter on whose initiative they are conducted, they can be approximately equally likely to be both compulsory and voluntary (placement of the accused in medical institutions, obtaining samples for a comparative study);
- 4) exclusively compulsory (detention, removal from office, seizure of property, drive); in relation to persons who are deprived of the opportunity to express their attitude to the measures applied, but it is assumed that they will perceive these measures if they learn about them as a compulsory restriction of personal freedom (seizure of postal and telegraphic correspondence).

Moreover, the author suggests distinguishing between concepts:

“Coercion in a criminal process”, covering all types of impact on the subject of the process, as a result of which he is forced to fulfill a procedural obligation against his will, including mental impact on the subject, the threat of the possible application of sanctions not only procedural, but also criminal law;

“Criminal procedural coercion” includes only those means of influence on participants in legal proceedings that criminal procedure law has and the state bodies that apply it (the scope of evidence, the scope of prevention, etc.) (Petruhin, 1985:158).

A.A. Filushchenko notes that “coercion used to induce a subject to fulfill a procedural obligation lying

on him goes far beyond the specific means of criminal procedure law, encompassing both legal and social impact, as well as a mental threat, and (if it is insufficient) physical coercion, both procedural and substantive means of protecting the rule of law " (Filushchenko, 1974:108). Thus, U. D. Livshits distinguishes between: preventive measures, measures to detect and seize evidence, measures to ensure order at the hearing, other (Livshits, 1958: 6).

From the above classifications, it is seen that many authors, mainly from the Soviet period, point to the "voluntary coercion" which, as such, is no longer coercion due to the fact that the subject of the criminal procedure obligation carries out procedural procedures independently and voluntarily. A striking example here is the notch. The basis of this teaching is the psychological factor. Thus, for example, in this connection, I.I. Loganov noted that "...depending on the system of psychological motives, the same activity can be experienced as freedom or necessity" (Loganov, 1980:103).

In this regard, this approach to the classification of measures of procedural coercion cannot be seen as completely consistent.

Also quite widespread is the classification proposed by individual authors, based on the direction of the impact.

So, K.M. Sarsenov offers the following classification of coercive measures:

- measures of legal (procedural) liability. The basis of their application is a criminal procedural legal violation. For example, the Code of Criminal Procedure of the Republic of Kazakhstan provides for such a measure of procedural responsibility - imposing a monetary penalty on a surety in a certain amount in case of failure to fulfill obligations to ensure the proper actions of the suspect;
- measures of legal orientation are compulsory measures to protect subjective rights and ensure the fulfillment of legal obligations. The basis of their application is a legal violation, and the goal is the resumption of the violated law and order. For example, in accordance with the criminal law, the court, the prosecutor, the investigator, the body of inquiry and the inquirer are required to immediately release any unlawfully detained, or deprived of their liberty, or illegally placed in a

medical or psychiatric institution, or detained beyond the time period prescribed by law;

- measures of criminal procedural coercion. The grounds for their application are circumstances that require the formation of conditions for a free trial, and a necessary prerequisite is the existence of an act having signs of a crime (Sarsenov, 1996:68-69). Such a broad classification can be taken into account; however, we are only interested in the third group of coercive measures, which, in essence, determine the modern understanding of the institution of procedural coercive measures. Thus, coercive measures are considered both in a broad and in a narrower sense, which comes down only to the procedural form of coercive means.

Based on the specified orientation, measures of criminal procedural coercion V.P. Bozh'ev delimited by the nature of the goals of their application:

- 1) measures that pursue only restrictive purposes (in the form of detention, house arrest, drive, removal from the courtroom for violation of an order, etc.);
- 2) measures that pursue two groups of goals: restrictive and cognitive (in the form of detention of a suspect, seizure of property, search, seizure and other investigative actions of a forced orientation) (Bozh'ev, 2002:85).

In comparison, Z. F. Kovriga divides the measures of procedural coercion into two large groups: preventive measures and means of support (Kovriga, 1975: 29-30).

A. Gulyaev and O. Zaitsev, measures of procedural coercion are divided into 4 groups: detention of a suspect, preventive measures caused by imprisonment; preventive measures not caused by imprisonment, other measures of procedural coercion (Gulyaev & Zaitsev, 2003:16).

In accordance with the current Code of Criminal Procedure of the Republic of Kazakhstan, measures of procedural coercion are systematized into 3 groups: detention of a suspect, preventive measures, and other measures of procedural coercion. The third group is divided into two more: a) those that apply to the suspect and the accused and b) those that apply to the victim, witness, civil plaintiff, civil defendant, expert, specialist, translator and (or) witness (Akhpanov, 1997:16).

There are other approaches to the classification of measures of procedural coercion, but it is already clear from the above that the grouping is usually based on the nature of coercive means. Hence, a rather broad approach to the concept and application of coercive measures in criminal proceedings is seen. Meanwhile, we are only interested in the legislatively fixed content of procedural coercive measures and the possibility of classifying them based on the conditions of application.

5. CONCLUSION

Taking into account that measures of procedural coercion can have both general and specific conditions of application, based on this provision, they can be divided into two groups.

First, measures of procedural coercion for the application of which, it is enough to fulfill the general conditions established by the criminal procedure law.

Second, measures of procedural coercion, which are applied only in the presence of specific conditions prescribed in specific rules established for the implementation of the procedural procedure for applying measures of procedural coercion.

Thus, it is allowed to restrict the rights and legitimate interests of persons involved in the field of criminal proceedings, only if there are conditions regulated by the criminal procedure code. Failure to comply with the requirements of the law may result in the cancellation of the procedural coercion measure and the restoration of the violated right of the person in respect of whom it was unreasonably applied. At the same time, this person has the right to file a claim for compensation for damage caused by illegal actions of the criminal prosecution bodies.

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