

**Abstract for the dissertation work of Yermekov Yersultan Suleimenovich on
the topic: "Investigation of crimes related to violation of the order of
registration of vehicles."**

Relevance of the research topic. This dissertation research is devoted to the development of a methodology for investigating crimes related to violations of the order of registration of vehicles, finding ways to introduce into practice new organizational and tactical techniques for their prevention and disclosure through the use of special scientific knowledge in the field of disclosure and investigation of such crimes. The development of methods for the resolution and prevention of crimes in the field of vehicle registration is referred to the category of topical research problems in theoretical and practical terms.

In the strategy Kazakhstan-2050, the head of state sets the task of "developing the country's infrastructure and proclaims transport as the most important component of the country's production infrastructure, noting that its sustainable and effective functioning is a necessary condition for stabilization, recovery and structural restructuring of the economy, ensuring the integrity, national security and defense capability of the state, improving the living conditions and living standards of the population" [1].

The development of market relations in Kazakhstan has led to an increase in the welfare of the people and an increase in the number of motor vehicles, which "calls for a new system of legal regulation in the field of property rights related to the registration of vehicles" [2, p.3].

According to the state transport policy, an important role in this is played by countering illegal manifestations in this direction. It should be noted that the complex of criminal law norms ensuring the protection of transport security is not limited to the norms of Chapter 14 of the Criminal Code of the Republic of Kazakhstan ("Transport criminal offenses").

At the same time, Article 386 of the Criminal Code of the Republic of Kazakhstan occupies a separate place in chapter 16 of the Criminal Code, which provides for criminal liability for forgery or destruction of the vehicle identification number for the purpose of exploitation or sale.

The specified criminal offense is one of the ways to legalize vehicles obtained by criminal means. In our opinion, the falsification of markings on vehicle aggregates annually causes significant material damage to the state and its citizens, allowing offenders to legalize vehicles bypassing established legal norms. The logic of further research requires addressing precisely the explanation of the danger to society of such a phenomenon as forgery or destruction of the vehicle identification number.

The cost of modern cars is quite high, so their theft causes owners not only significant material damage, but also moral damage, because even when criminals are identified, it is often quite problematic to return the vehicle to its owner. Illegal actions for forgery of identification numbers, preparation of accompanying documents, sale of a vehicle, as a rule, are carried out by organized criminal groups, in some cases of an interregional or international nature.

Documents of investigative practice indicate the existence of facts of involvement in these cases of officials of various levels or representatives of the police. The methods of committing crimes, technical skills, abilities and experience of criminals are constantly being improved, their awareness of the structure and features of vehicle marking is growing. In order to realize the intention to sell stolen cars, attackers carry out a number of measures aimed at legalizing vehicles. These actions include forgery or destruction of the vehicle identification number. Currently, when investigating this category of criminal cases, there are problems that arise when checking reports of crimes related to checking the legality of motor transport.

In our opinion, when checking the procedural actions on the report of forgery of the vehicle identification number, it is necessary for specialists to have additional knowledge about the technical device of cars, their characteristics and others.

Along with this, for a thorough inspection of the vehicle, it is necessary to additionally use technical devices and have skills in processing procedural documents.

The rapid disclosure and investigation of this type of crimes fully depends on the correct conduct of initial procedural actions when checking messages. When considering a report of a crime under Article 386 of the Criminal Code of the Republic of Kazakhstan, the main purpose of a thorough examination and subsequent appointment of an expert examination is: the detection of traces of a crime and other material evidence, clarification of all circumstances relevant to the establishment of signs of a crime.

Due to the fact that legally in the CPC of the Republic of Kazakhstan, the inspection of a vehicle is not allocated as an object of inspection, in practice, the inspection of the vehicle is considered as a kind of investigative inspection, the fixation of the results of which is carried out by drawing up a protocol in compliance with the requirements of Chapter 27 of the CPC of the RK.

Persons who inspect the vehicle pay attention mainly only to changes in license plates.

The result of drawing up expert opinions when checking a crime report under Article 386 of the Criminal Code of the Republic of Kazakhstan depends on

the correctness of the questions asked to the expert. If the question is unclear or not asked in substance, the expert may refuse to conduct an examination. The questions in the decision on the appointment of the exam should be detailed and formulated sequentially.

As practice shows, the investigation of crimes related to the violation of the order of registration of vehicles is complicated by many factors. This may include: a variety of vehicle markings; lack of generalized, systematized information about the places and methods of applying marking data and signs of their forgery; lack of special recommendations for the identification of vehicles with modified identification marks; lack of a clear, theoretically developed and practically significant methodology for investigating these crimes in relation to the initial stage.

In our opinion, falsification of the unique code of the vehicle, the number of one of the main nodes of the PBX (body), chassis, engine, means for registration of transport, such as the registration plate of the vehicle, which entails a violation of the order of registration of the PBX, is not an unconditional sign of the external expression of the crime. In this case, it is the formation of a set of crimes.

At the same time, the above actions are completed from the moment of the act of falsification or destruction.

Considering the above, the application of Article 386 of the Criminal Code of the Republic of Kazakhstan, as well as the new composition introduced into the Criminal Code since 2015, requires separate study.

All of the above determines the relevance of the chosen research topic.

The degree of scientific elaboration of the problem. It should be noted that the fight against crimes related to violations of the order of registration of vehicles and methods of their investigation have received some coverage in the legal literature. The scientific literature covering various aspects of the problem under consideration is analyzed. The analysis showed that the main attention of specialists was focused on the study of vehicle marking data, vehicle identification characteristics, methods of conducting examinations to study vehicle identification marks. Some aspects of criminal law problems were covered in the works of such scientists as: Bakishev K.A., Kuznetsov O.G., Abilezov E.T., Nurmukhanbet D.Y., O.Ya. Baeva, E.N. Begaliev, R.S. Belkin, A.P. Borisov, A.V. Zhavoronkov, Yu.G. Korukhov, I.M. Luzgin, N.P. Mailis, V.A. Obrastsov, A.P. Rezvan, E.R., Rossinskaya, A.M. Goldman, I.A. Vozgrin, V.P. Lavrov, A.A. Sysenko, V.K. Lisichenko, I.S. Kopylov, A.G. Filippov, A.N. Vasiliev, A.A. Cheburenkov, S.V. Lavrukhin, A.A. Exarchopulo, B.K. Shnarbayeva, O.V. Kruglikova, N.V. Popkov, Ya.M. Mazunin, K.M. Smanaliev, F.V. Glazyrin, E.V. Chesnokova, A.L. Chubchenko, A.R. Shlyakhova, N.G. Shurukhnova, N.P. Yablokova, and others.

As the study showed, the theoretical aspects of the investigation of crimes related to the violation of the registration procedure for vehicles have not yet received proper coverage in the criminal law and forensic expert spheres.

Considering the above, the application of Article 386 of the Criminal Code of the Republic of Kazakhstan, as well as the new composition introduced into the Criminal Code since 2015, requires separate study.

Thus, we can say that the problem of research in the present field of scientific knowledge is not sufficiently developed.

The purpose and objectives of the dissertation research. The purpose of the study is to develop scientifically sound proposals and recommendations to optimize the process of disclosure and investigation of crimes related to violation of the order of registration of vehicles.

To achieve this goal, the following tasks are defined in the research process:

1 To develop etymological components related to the problem of violation of the order of registration of vehicles;

2 To reveal the content of the criminalistic characteristics of crimes related to the violation of the order of registration of vehicles, to show its theoretical and practical significance for the successful solution of the tasks of criminology;

3 To investigate the methodology of investigation of crimes related to violation of the order of registration of vehicles, to identify the features of the initial and subsequent stages of investigation of crimes related to violation of the order of registration of vehicles;

4 To put into practice scientifically based technologies that counteract crimes related to violation of the order of registration of vehicles;

5 Analyze expert practice on criminal cases related to violation of the order of registration of vehicles;

6 To make proposals to improve the current legislation on the issue of the accounting procedure for vehicles.

7 To consider advanced technologies of domestic and foreign scientists to optimize the disclosure and investigation of crimes related to violations of the order of registration of vehicles.

The object of the study. The object of this dissertation research is the regularities that develop in the process of investigating crimes related to violation of the order of registration of vehicles.

The subject of the study. The subject of the study was the regularities and interrelations of a legal, organizational and tactical nature in the process of disclosure and investigation of crimes related to violation of the order of registration of vehicles.

The regulatory legal framework of the study was: The Constitution of the Republic of Kazakhstan, the Criminal Code of the Republic of Kazakhstan, the Code of Criminal Procedure of the Republic of Kazakhstan, regulatory Resolutions of the Supreme Court of the Republic of Kazakhstan, laws, Resolutions of the Plenum of the Supreme Court of the Russian Federation, Resolutions of the Plenum of the Supreme Court of the Republic of Belarus, Resolutions of the Plenum of the Supreme Court of the Republic of Ukraine, as well as other regulatory acts regulating the accounting of vehicles.

The theoretical basis of the study was made up of modern domestic and foreign scientific works devoted to the study of criminal law and criminalistic characteristics of crimes related to violation of the order of registration of vehicles. The methodological basis of the research is the universal method of materialistic dialectics, based on the unity of practical and theoretical activities and private scientific methods of cognition of objective reality.

The dialectical method allowed to consider the issues of investigation of crimes related to violation of the order of registration of vehicles and their relationship with the general issues of crime investigation.

The general scientific method of system analysis made it possible to analyze the procedural and other actions used during the investigation of the crimes in question, in terms of their completeness and sufficiency.

The functional method made it possible to determine the goals and objectives of the investigative measures undertaken.

Private scientific methods made it possible to get acquainted with various recommendations for the investigation of crimes related to violations of the order of registration of vehicles.

The use of the above methods made it possible to ensure the completeness and comprehensiveness of the study.

The empirical basis of the study was the movement of criminal cases on offenses related to violations of the order of registration of vehicles, as well as publications in the media; individual empirical materials used in dissertations, monographs, scientific and scientific-practical articles on related and related topics. The dissertation analyzes the results of a survey of 76 respondents, including law enforcement officers, among them, employees of the Department of Internal Affairs C – 18, the National Anti-Corruption Bureau - 25, the Prosecutor's Office - 28. 126 criminal cases investigated on the grounds of crimes under Articles 190, 385, 386 of the Criminal Code of the Republic of Kazakhstan in the period from 2014 to 2020 were studied.

Scientific novelty of the research. For the first time at the dissertation level, on the basis of a comprehensive study of the legislation of the Republic of

Kazakhstan, the problems of investigating crimes related to violations of the order of registration of vehicles are highlighted, the issues of disclosure and investigation of criminal encroachments in this area are considered.

The research consists in the fact that based on the study and generalization of the current state, the main trends in the development of crime and law enforcement practice of disclosure and investigation of crimes related to violations of the order of registration of vehicles; the dissertation interprets issues related to the study of classification signs of violations of the order of registration of vehicles. The methodology of investigation of crimes related to violation of the order of registration of vehicles is proposed. The criminalistic characteristic of the considered type of crimes is given.

The study of the problems of timely response to reports of the commission of such crimes and the complex use of available forces, means and methods allowed the author to develop his own methodological recommendations. Statistical data on the scale of the Republic of Kazakhstan and individual regions, near and far abroad for 2014-2020, characterizing the state and main directions of countering criminal manifestations associated with violation of the order of registration of vehicles, are studied.

Materials of collegiums and operational meetings, acts of inspections of the city bodies of internal affairs, prospective, current and special work plans, reviews, certificates and reports on the results of operational and official activities and other documents related to the problems under consideration received from the internal affairs bodies, the Criminal Police Department of the Ministry of Internal Affairs of the Republic of Kazakhstan were studied.

According to a specially developed program, the analysis of materials in the internal affairs bodies initiated for crimes committed in violation of the order of registration of vehicles was carried out. Additional materials have been studied to verify and substantiate certain provisions submitted by the author for defense on the most problematic issues of disclosure and investigation of crimes related to violation of the order of registration of vehicles, taking into account the considered totality, on combating organized crime, operational-technical, forensic and other measures.

The main provisions submitted for protection. The results of the dissertation research allow us to make the following provisions for defense:

- 1 The author's definition of "twin car" is formulated for its further integration into the theory of criminology as a type of vehicle containing the identification details of another vehicle, both in circulation and not in use, in order to conceal violations of the vehicle accounting procedure, as well as other criminal offenses.

2 The author's version of the criminalistic characteristics of crimes related to violation of the order of registration of vehicles has been developed, which includes the following mandatory structural elements: general information about the state, dynamics, structure of crimes committed in violation of the order of registration of vehicles; information about the methods of committing this type of crimes from the standpoint of the interests of their disclosure; characteristics of the motives of crimes committed in violation of the order of registration of vehicles; study of the identity of criminals and their typological features;

3 The author's methodology for investigating crimes related to violation of the order of registration of vehicles is proposed, including recommendations on organizational and managerial directions for solving the tasks of disclosure and investigation of crimes related to violation of the order of registration of vehicles at the initial stage of the investigation, as well as scientific and practical recommendations for organizing the work of investigative and operational groups in the production of a complex of investigative actions and operational investigative measures within the subsequent stage of the investigation of crimes, related to violation of the order of registration of vehicles;

4 The provisions developed by the author on the development and application of the Kazakhstan automated integrated database (using the example of CARFAX and AUTOCODE), which contribute to countering violations of the vehicle accounting procedure.

5 The mechanism of research of marking designations of identification numbers located on the vehicle body (VIN CODE) and on the engine block, contributing to the decoding of identification data about the vehicle, as a previous stage of forensic studies of vehicles, is substantiated.

6 Proposed changes and additions to paragraph 22 of the Rules approved by the Order of the Ministry of Internal Affairs of the Republic of Kazakhstan dated December 2, 2014 No. 862, "On approval of the Rules for state registration and accounting of certain types of vehicles by vehicle identification number" - "To determine the conformity of numbered units, the vehicle must be inspected by an authorized officer of the Department of Internal Affairs", in terms of mandatory involvement of a criminalist to identify the vehicle identification number with the title documents when removing and registering the vehicle.

7 The method of applying laser marking to state registration license plates and vehicle units as a high-tech means of protection against forgery of the GRNZ and vehicle identification numbers by using the "Augmented Reality" technology is substantiated.

Approbation of the results of the study. The main provisions of the work, proposals, conclusions and recommendations of the dissertation have been tested and are reflected in the following publications:

- "On the specifics of the investigation related to the violation of the order of registration of vehicles" - published in the collection of articles of the International Correspondence Scientific and Practical Conference "Society, law, personality: current trends in the development of humanitarian knowledge" (8th issue) Minsk, November 26-27, 2018.

- "On the peculiarities of the mechanism of trace formation in the commission of crimes related to the change of the identification number of a motor vehicle" - published in the collection of articles of the international scientific and practical conference "Actual problems of legal science: issues of theory and practice", Almaty: OONIIRIR of the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Esbulatov, October 25, 2019.

- «On the problem of establishing a trace in the field of falsification of identification numbers and state registration number plates on vehicles» - Volume 9, Issue 8, Winter 2018, Journal of Advanced Research in Law and Economics.

An article was also published: "On the issue of integrating protective elements into the structure of state license plates of vehicles" in the scientific journal "Science and Life", recommended by COXON MES RK.

At the same time, the following acts of implementation were received:

- The act of implementation on the development of a stand on the topic: "Transport tracology" from the APO at the State Enterprise of the Republic of Kazakhstan;

- The act of introducing research and development work on the results of scientific research on the topic: "Investigation of crimes related to violation of the order of registration of vehicles" from the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Esbulatov.

- The act of implementing the results of the dissertation research on the topic: "Investigation of crimes related to violation of the order of registration of vehicles" in the investigative practice of the UP of the city of Pavlodar.

- The act of implementing the results of the dissertation research on the topic: "Investigation of crimes related to violation of the order of registration of vehicles" in investigative practice from the OP Zhelezinsky district of Pavlodar region.

- The act of introducing the results of the dissertation research for use in the educational process of the Kazakh Automobile and Road Institute named after L.B. Goncharov.

- The act of introducing the results of the dissertation research for use in the work of the intellectual system "Sergek"

The structure and scope of the dissertation. The structure and scope of the dissertation are determined by the nature of the issues studied, the level of elaboration of the research topic, and the logical sequence of the aspects presented. The dissertation consists of an introduction, three sections, including five subsections, conclusions, a list of sources used and appendices. The dissertation research was carried out to the extent that meets the requirements of the Committee for Supervision and Certification in the Field of education and Science of the Ministry of Education and Science of the Republic of Kazakhstan.