

SUMMARY

**to the dissertation for the Doctor of Philosophy (PhD) degree of a doctoral student of the Academy of Law Enforcement Agencies under the Prosecutor General's Office of the Republic of Kazakhstan
BERISTEMOVA RAUKHAN GALIMOVNA on the topic:
« Investigation of crimes related to the sale of narcotic drugs, psychotropic substances and precursors »**

General characteristics of the study. In this dissertation research, the essential and topical issue of developing the procedure for investigating offenses directly related to the illegal sale of narcotic drugs, psychotropic substances and precursors is considered. The issue of searching for new managerial and tactical solutions that contribute to the prevention and prompt disclosure of illegal acts related to the sale of prohibited narcotic, psychotropic substances and precursors, with their subsequent implementation into the practical activities of authorized bodies engaged in operational investigative activities, is acute for modern society. Conducting a detailed analysis of the methods of investigation of such offenses is of great importance both in theoretical and practical terms.

Relevance of the research topic. In his message to the people of Kazakhstan, the President of the Republic of Kazakhstan K. Tokayev explicitly stated that "... a terrible threat to the well-being of future generations is the spread of drugs, including synthetic ones. Law enforcement agencies are instructed to put a powerful barrier to the spread of this infection among our citizens, especially among young people."

Offenses related to the sale of drugs or their analogues, carried out with the help of modern IT technologies, pose a direct threat to an individual, society or the state, lead to an increase in the level of criminogenicity in the space of the global Internet, where the creation, exchange and consumption of information takes place, which ultimately leads to criminalization and inadequacy of the behavior of individual groups of society. All these actions are possible due to the accessibility of global networks, as well as the insufficient level of legal regulation of their activities.

Over the past few years, the structure of the drug trafficking sphere in Kazakhstan has changed significantly. The achievements of mankind in the field of modern communication systems in recent years have been actively used by criminal elements in their illegal activities, significantly affecting the ways in which drug crimes are committed. This has led to a change in the scheme of illegal acts related to the illegal sale or trafficking of narcotic drugs, expressed in the disappearance of such a type of drug sale as "from hand to hand", or reducing it to a minimum among drug dealers.

For the distribution of drugs, contactless methods of implementation are increasingly and quite successfully used through the use of such modern electronic means of communication, software (software) as various telephone equipment, electronic payment systems, instant messaging services/programs, etc.

At the heart of the disclosure of such offenses committed in a contactless way is a step—by-step determination of the transaction method, including sales activities, as well as the structure of the sales network itself.

The contactless method is a way of selling narcotic drugs by publishing ads in order to attract the attention of drug addicts. The general sales algorithm looks like this:

- Placement of information through electronic means of communication.
- Buyers pay for goods through an electronic payment system.
- Receipt of goods at certain points (caches) of placement, information about which comes via CMC messages, emails (cases of using courier services or postal transfers have also been recorded).

A distinctive feature of this method of selling narcotic drugs is the absence of direct contact between the person selling drugs and the person receiving narcotic substances. This is precisely the difficulty of investigating and disclosing this type of illegal acts, since it is not possible to carry out such an investigative action as a control purchase, as well as detaining the trafficker at the scene of the crime.

The sale of cheap synthetic analogues of narcotic drugs and psychotropic substances that are part of smoking mixtures or narcotic salts has become widespread. In order to transmit the coordinates of the hiding place or the so-called bookmark, the address and photo of the place are sent, followed by placement on such photo hosting sites as Imgur, Hcar.ru , Ephotobay.com , Send-space.com and RGhost.

Payment for goods is carried out by means of settlements through various payment systems, electronic payment systems, including electronic wallets, credit cards, cryptocurrencies. Significantly complicate the process of tracking the activities of drug dealers exchanges, where the verification of personal data is not a prerequisite, and transactions are carried out on the condition of anonymity (Binance, KuCoin, Bitflip, Yobit, Exmo). Also, identification of the criminal becomes impossible when using specialized web resources, whose activities are related to renting out cell phone numbers without using SIM cards with the possibility of issuing electronic wallets on them.

The above confirms the existence of an urgent need to develop methodological instructions containing theoretical and practical issues that reveal the principles of a contactless method of sale in the investigation of illegal acts in the field of illegal sale of narcotic drugs, psychotropic substances and precursors. This, in turn, underlies the choice of the topic of this dissertation.

The degree of scientific development of the research topic:

Considerable attention was paid to the investigation of illegal acts related to the illegal sale of drugs, psychoactive substances that can affect the brain and nervous system of an individual, as well as precursors. Prominent scientists in the field of criminology, criminal procedure law, operational investigative activities, criminal law and criminology were engaged in the study of these issues: N.M. Abdirov, A.T.

Aidarkhanov, S.A. Altynbekov, A.A. Aubakirova, E.N. Begaliev, I.Sh. Borchashvili, S.F. Bychkova, Dilbarkhanova Zh.R., S.E. Erkenov, A.L. Katkov, S.K. Mukanov, I.I. Rogov, N.A. Struchkov, Zh.T. Uspanov and others .

Among the scientists of the CIS countries who have devoted their works to solving the above-mentioned problem, the works of the following authors should be highlighted: A.A. Aryamov, T.V. Averyanova, O.Ya. Baeva, R.S. Belkin, L.Ya. Drapkin, I.F. Gerasimov, M.M. Golichenko, K.M. Grinenko, G.G. Zuikova, V.B. Ivasenko, A.N. Kolesnichenko, Yu.G. Korukhov, I.A. Kryuchatov, A.V. Manoilo, I.A. Nikolaichuk, A.N. Parshin, G.I. Povreznyuk, A.Yu. Petukhov, R.H. Rakhmov, E.R. Rossinskaya, A.A. Serdyuk, O.V. Sokolova, Solomzes John A., A.S. Shchurova, N.P.. Yablokova et al .

These scientists have made a significant contribution through their research to the disclosure of the essence and significance of the problem of the sale of narcotic drugs and psychotropic substances. However, at the moment, many aspects of criminal offenses in the field of drug trafficking remain poorly studied and their study is becoming increasingly relevant in the light of changes in criminal and criminal procedure legislation.

The purpose of the dissertation research is to develop scientifically sound proposals and recommendations for optimizing the process of investigating illegal acts directly related to the illegal sale of narcotic drugs, psychotropic substances and precursors.

To achieve this goal, it is proposed to solve the following tasks:

- formulate etymological bases on the problem under study and give a meaningful interpretation;
- to investigate the structure and content of the criminalistic characteristics of crimes related to the sale of narcotic drugs and psychotropic substances as their typical information model;
- to develop an organizational and managerial orientation to ensure the solution of the tasks of disclosure and investigation of criminal offenses in the field of the sale of narcotic drugs, psychotropic substances and precursors, as well as to formulate typical investigative situations that develop at the initial and subsequent stages of the investigation of crimes of the type in question;
- to investigate the organization of counteraction to the sale of narcotic drugs, psychotropic substances and precursors in conditions of concealment of initial information;
- develop and implement tactical and psychological interrogation procedures for drug traffickers that may have important evidentiary value.

The objects of this dissertation research are the theory and practice of the process of disclosure and investigation of crimes related to the sale of narcotic drugs and psychotropic substances.

The subject is the patterns of the mechanism of committing criminal offenses related to the illegal sale of narcotic drugs and psychotropic substances related to the use of computer technology; the emergence of criminalistically significant information about them; their investigation; the creation of automated forensic techniques and recommendations for optimizing the investigation of these criminal offenses.

Methodological basis of the study. The methodology is based on the dialectical-materialistic method of cognition, general scientific research methods (observation, comparison, measurement, experiment, analysis, application of deduction /induction, abstraction and specification of hypotheses), private scientific methods, including comparative legal, formal logical, historical, systematic, statistical analysis of documents.

In the course of the research, an in-depth analysis of regulatory and legal documentation, materials of judicial and investigative practice, research works related to the investigation of criminal offenses in the sale of narcotic drugs, psychotropic substances, their analogues and precursors was carried out.

The normative basis of the dissertation research includes the Constitution of the Republic of Kazakhstan, laws and regulations that form the legal basis for the activities of law enforcement agencies in the disclosure of criminal offenses related to the sale of narcotic drugs, psychotropic substances and precursors.

The information base of this dissertation work consists of the studied and generalized materials of judicial practice, data in the field of investigation of crimes accumulated over a long period of time, statistical information, as well as information obtained during the interview of employees of investigative bodies, as well as bodies carrying out ORD.

The empirical base of the study is formed by the official data of the KPS and the SU of the State Duma of the Republic of Kazakhstan for the period from 2015 to 2021, characterizing the state and fundamental directions of countering offenses related to illicit trafficking in narcotic drugs, psychotropic substances and precursors.

A study of 127 criminal cases of pre-trial investigation completed under Article 297 of Part 1-3, Article 299-1 and Article 301 of the Criminal Code of the Republic of Kazakhstan was conducted. 120 law enforcement officers were interviewed using a special questionnaire.

The scientific novelty of the research consists in the fact that within the framework of this work, in the realities of the updated criminal and criminal procedure legislation, comprehensive work has been carried out to study the institute of preliminary (pre-trial) proceedings, the initial stage of the investigation of criminal offenses related to the illegal sale of prohibited narcotic drugs, psychotropic substances and precursors.

The main provisions submitted for protection. The most significant provisions reflecting the scientific novelty of the dissertation research are contained in the following provisions submitted for defense:

1. The author's definition of "embedding narcotic drugs, psychotropic substances and precursors" in the theory of criminalistics and criminal law is proposed (special part) as an element of the environment for the sale of drugs, psychotropic substances and precursors, in which the seller places the transferred material object in a pre-agreed (designated) place, including through the transmission of information through messengers and/or social networks, for subsequent transfer of the dose / batch to the consumer. The elemental composition of the criminalistic characteristics of illegal acts related to the sale of narcotic drugs, psychotropic substances and precursors is determined, as a result of which the information circumstances of drug sales (time, place and situation) are justified as a key element, due to the existing specifics of the commission of the type of crimes in question.

2. Recommendations on organizational and managerial directions of ensuring the solution of the tasks of disclosure and investigation of criminal illegal acts related to the sale of narcotic drugs, psychotropic substances and precursors are proposed. In particular, typical investigative situations that develop at the initial and subsequent stages of the investigation of crimes have been identified, recommendations for their resolution have been developed.

3. The author's algorithm has been developed, in the format of Instructions, for the organization of counteraction to the sale of narcotic drugs, psychotropic substances and precursors by decoding steganographic information by operatives at the stage of detection of pictographic / textual information.

4. The conclusion is substantiated regarding the change in the tactical procedure for interrogating a drug dealer who is in a state of alcoholic, narcotic and (or) substance abuse intoxication, where, according to the US experience, it is advisable to conduct the interrogation in the state in which the trafficker was at the time of detention, with mandatory subsequent interrogations to compare the information received on the event under investigation.

5. The conclusion is substantiated regarding the tactical significance and objectives of the interrogation of a drug trafficker who is in a state of alcoholic, narcotic and (or) substance abuse intoxication, where it is advisable to conduct the interrogation in the state in which the trafficker was at the time of detention, with mandatory subsequent interrogations to compare the information received on the investigated event.

6. Recommendations are proposed for analyzing the technique of profiling external characteristics to determine the type of personality in order to recreate its "profile" to identify criminal intentions for the sale of narcotic drugs, psychotropic substances and precursors, which formed the basis for a special Instruction on

profiling technology for traffickers of narcotic drugs, psychotropic substances and precursors.

Approbation of the results of scientific research. The dissertation was completed, discussed and approved at the Department of Special Legal Disciplines of the Institute of Postgraduate Education of the Academy of Law Enforcement Agencies under the Prosecutor General's Office of the Republic of Kazakhstan (hereinafter the Academy).

The main results of the dissertation are reflected in 10 scientific publications.

In an international peer-reviewed journal, included in the Scopus database (Scopus): «The Problem of the Production of Deposition of Testimony during the Disclosure and Investigation of Crimes Related to Trafficking in Narcotic Drugs and Psychotropic Substances» - «Journal of Advanced Research in Law and Economics» № 1(39), 2019 y. – pp.412-420.

In scientific publications included in the List of scientific publications recommended for publication of the main results of scientific activity, approved by the COXON of the Ministry of Education and Science of the Republic of Kazakhstan:

1. "On the use of "steganography" during the electronic transmission of data on the sale of narcotic drugs, psychotropic substances and precursors", International Scientific Journal "Science and Life of Kazakhstan" No. 9/1, Almaty, 2020 – pp. 57-60;

2. "On the problem of the initial stage of investigation of crimes related to the sale of narcotic drugs, psychotropic substances and precursors" International Scientific Journal "Science and Life of Kazakhstan" No. 12/5 (151), Almaty, 2020 – pp. 47-53;

3. "On the problems of the subsequent stage of the investigation of crimes related to the sale of narcotic drugs, psychotropic substances and precursors", Vestnik-Khabarshy magazine No. 2 (72), Karaganda, 2021 – pp. 81-87.

4. "The problem of producing testimony in the disclosure and investigation of crimes related to illicit trafficking in narcotic drugs and psychotropic substances", journal "Scientific Proceedings" of the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Esbulatov No. 2(75), Almaty, 2023 – pp. 191-197.

5. "On the problems of operational search support for the process of disclosure and investigation of crimes in the field of sale of narcotic drugs, psychotropic substances and precursors," Vestnik-Khabarshy magazine No. 4 (86), Karaganda, 2024, pp. 63-69.

In the materials of international and foreign conferences:

1. "On the problem of investigating crimes related to the sale of narcotic drugs, psychotropic substances and precursors", Materials of the international correspondence scientific and practical conference of the International University

"MITSO" "Society, law, personality: modern trends in the development of humanitarian knowledge" Minsk, 2019 – pp. 249-252;

2. "On the problem of using "bookmarks" during the disclosure and investigation of crimes related to the sale of narcotic drugs, psychotropic substances and precursors", Materials of the international scientific and practical conference of the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Esbulatov "Actual problems of legal science: issues of theory and practice" Almaty, 2019 – pp. 256-265;

3. "The use of profiling to identify persons selling narcotic drugs, psychotropic substances and precursors using Internet resources", Materials of the international scientific and practical conference of the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Esbulatov "The future without drugs" Almaty, 2019 - pp. 251-258;

4. "Protidiya narcosis in suchasny minds" Materials of the national scientific and practical conference "Actual problems of criminalno-legal, criminalno-processual and criminalistic careless care of Ukraine", Dnipro Vidavets Bila K. O., 2020 – pp. 208-210;

5. "Countering drug crime in modern conditions on the example of Ukraine and the USA" Materials of the international scientific and practical conference of the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Esbulatov "Features of the organization of operational investigative work to counter the spread of narcotic drugs by contactless method" Almaty, 2021 – pp. 218-224;

6. "Features of the inspection at the initial stage of the investigation, in cases related to the sale of narcotic drugs, psychotropic substances and precursors using the Internet", Materials of the international scientific and practical conference of the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Esbulatov "Aubakirov readings" Almaty, 2022 – pp. 39-43.

Training manuals

1. "Organization of work on countering illicit trafficking in narcotic drugs, their analogues, and precursors distributed through Internet resources and mobile applications" (co-authors: Utepov A.U., Zhunisova G.A., Saparov Zh.Zh., Chukumov G.B.) Textbook – Almaty: OONiRIR of the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Yesbulatov, 2019.- 126 p.

2. "Methods of investigating criminal offenses related to the distribution of narcotic drugs on the Internet" (co-authors: Tumanshiev R.K., Syrlybaev M.K., Rakym E.E., Abazhanova A.Z., Akylbaev M.K., Yusupov B.) Textbook – Almaty: Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Esbulatov, 2022. - 226 p.

The structure 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 includes an introduction, main and subsections, an effective part, a list of sources used and an appendix. The dissertation research was carried out to the extent that meets the requirements of the Committee for Control in the Field of Education and Science of the Ministry of Education and Science of the Republic of Kazakhstan.