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**PREVENTION MEASURES IN THE SYSTEM
OF PROCEDURE FORCED MEASURES**

The article considers the preventive measures in the system of measures of procedural coercion. The implementation of criminal procedure is often associated with the use of coercion by citizens of the state involved in criminal proceedings to engage in criminal proceedings. In a number of cases, participants in the process and other subjects impede the investigation and resolution of criminal cases by non-fulfillment of procedural obligations, as well as the commission of actions that violate the procedure of the case. To ensure the normal course of the investigation, the law provides for a system of measures of criminal procedural coercion.

Measures of criminal procedural coercion are provided for by the Criminal Procedure Code of the Republic of Kazakhstan as a coercive means applied by the inquiry body, investigator, prosecutor and court to the accused (suspect), the victim, the witness and other subjects of the court proceedings in order to prevent or repress their unlawful behavior, obtaining evidence as well as securing a civil action.

The measures of criminal procedural coercion are not identical in nature, their application has different goals. A variety of measures of criminal procedural coercion are preventive measures.

Measures of restraint are measures of procedural coercion provided for by law, applied in accordance with the procedure established by law by the inquiry body, the investigator, the prosecutor and the court in relation to the accused (convicted) and, in exceptional cases, the suspects, who consist in limiting the freedom of these persons) in order to ensure their participation in legal proceedings and to prevent their possible attempts to escape from the investigation and the court, to prevent the establishment of the truth in the case or the execution of the sentence, to lie criminal activity.

Key words: measures of procedural coercion, classification of measures of restraint, suspect, accused, convict, detention, house arrest.

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**Алдын алу шаралары қолдану процедурасының
шараларының жүйесінде**

Мақалада процессуалдық мәжбүрлеу шаралары алдын алу шараларының жүйесінде қарастырылған. Қылмыстық процесті жүзеге асыру көбінесе қылмыстық процесте қатысатын мемлекеттің қылмыстық іс жүргізу органдарының азаматтарды мәжбүрлеуімен байланысты. Бірқатар жағдайларда процестің қатысушылары және басқа да субъектілер процессуалдық міндеттемелерді орындамау арқылы қылмыстық істерді тергеп-тексеруге және шешуге кедергі келтіреді, сондай-ақ істің тәртібін бұзатын іс-әрекеттер жасайды. Тергеудің қалыпты жағдайын қамтамасыз ету үшін заңда қылмыстық іс жүргізудің мәжбүрлеу шаралары жүйесі қарастырылған.

Мәжбүрлеу шаралары Қазақстан Республикасының Қылмыстық іс жүргізу кодексінде қарастырылады, мәжбүрлеу құралы ретінде анықтау органдарымен, тергеушімен, прокурормен және сотпен айыпталушыға (сезіктіге), жәбірленушіге, куәгерге және сотта іс жүргізудің басқа да субъектілеріне қолданылады, мақсаты олардың заңсыз әрекеттерін болдырмау немесе жолын кесу, дәлелдемелер алу, сондай-ақ азаматтық іс-қимылды қамтамасыз ету.

Қылмыстық-процессуалдық мәжбүрлеу шаралары табиғатта бірдей болмайды, оларды қолдану әртүрлі мақсаттарға ие. Қылмыстық-процессуалдық мәжбүрлеудің көптеген шаралары профилактикалық шаралар болып табылады.

Алдын алу шаралары- бұл тергеу органымен, тергеушімен, прокурормен және сотпен қолданатын заңда белгіленген мәжбүрлеу шаралары болып табылады, және ерекше жағдайларда – бұл күдіктінің бостандығын шектеуге немесе олардың сот ісіне қатысуына кепілдік беру мақсатында қадағалауды тағайындайды, және тергеу мен соттан қашуға ықтимал әрекеттеріне кедергі келтіретін, іс бойынша шындықты белгілеуге немесе үкімді орындауға кедергі келтіретін күдіктілер қылмыстық әрекеттерді жалғастыратындарға тағайындалады.

Түйін сөздер: рәсімдік мәжбүрлеу шаралары, ұстау шаралары, күдіктілер, айыпталушылар, сотталғандар, қамауды, үй қамауды сыныптау.

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Меры пресечения в системе мер процессуального принуждения

В статье рассматриваются меры пресечения в системе мер процессуального принуждения. Осуществление уголовно-процессуальной деятельности подчас связано с применением государственными органами, ведущими уголовный процесс, принуждения к гражданам, вовлеченным в уголовное судопроизводство. В ряде случаев участники процесса и иные субъекты препятствуют расследованию и разрешению уголовных дел путем неисполнения процессуальных обязанностей, а также совершения действий, нарушающих порядок производства по делу. Для обеспечения нормального хода расследования закон и предусматривает систему мер уголовно-процессуального принуждения.

Меры уголовно-процессуального принуждения предусмотрены Уголовно-процессуальным кодексом Республики Казахстан как средства принудительного характера, применяемые органом дознания, следователем, прокурором и судом к обвиняемому (подозреваемому), потерпевшему, свидетелю и другим субъектам судопроизводства с целью предотвращения или пресечения их неправомерного поведения, получения доказательств, а также обеспечения гражданского иска.

Меры уголовно-процессуального принуждения не одинаковы по своему характеру, их применение преследует различные цели. Разновидностью мер уголовно-процессуального принуждения являются меры пресечения.

Меры пресечения – это предусмотренные законом меры процессуального принуждения, применяемые в установленном законом порядке органом дознания, следователем, прокурором и судом в отношении обвиняемых (осужденных), а в исключительных случаях – подозреваемых, заключающиеся в ограничении свободы этих лиц либо установлении за ними наблюдения (надзора) в целях обеспечения их участия в судопроизводстве и воспрепятствования их возможному попыткам скрыться от следствия и суда, помешать установлению истины по делу или исполнению приговора, продолжить преступную деятельность.

Ключевые слова: меры процессуального принуждения, классификация мер пресечения, подозреваемый, обвиняемый, осужденный, содержание под стражей, домашний арест.

Introduction

The priority problem of political and legal thought is the protection of the freedom and personal integrity of a person and citizen.

In the system of natural and inalienable human rights, freedom and personal integrity occupy a special place. The Constitution of the Republic of Kazakhstan bears inherent human rights, security, and legal security of an individual (https://online.zakon.kz/Document/?doc_id=1005029).

The main directions of research in the field of legal regulation of preventive measures in the

criminal process of the Republic of Kazakhstan consist primarily in substantiating the main issues related to the formation of a legal state in our country

The concept of legal policy for the period from 2010 to 2020 defines the main priorities and prospects for the development of the law enforcement system, meeting the interests of building a strong law-based state, ensuring reliable protection of human and civil rights and freedoms (<http://adilet.zan.kz/rus/docs/U090000858>).

Since the acquisition of the Republic of Kazakhstan by the state independence, on the scale of history, is just an instant, a clot of

time, during which it is quite difficult to form a qualitatively new model of the development of the state. The processes taking place in society are inert by their very nature, and the change in the political and economic structure, social values, and attitudes has been delayed for decades. The unprecedented dynamism of development, a sharp change of orientations gave rise in the society at times to a wide polar spectrum of assessments of the state of affairs in the country. Therefore, the criminogenic situation continues to remain extremely tense. As is known, legal reforms are being carried out in our Republic, certain steps are being taken to improve the situation that has developed in our society. The concept of development of the Republic of Kazakhstan for the period up to 2030 notes that the renewal of the economic system of the republic, the contradiction and difficulties of social, spiritual and other spheres of public life, the weakening of discipline and responsibility are accompanied by an increase in offenses (http://www.akorda.kz/ru/addresses/addresses_of_president/poslanie-prezidenta-respubliki-kazahstan-n-nazarbaevanarodu-kazahstana-10-yanvary-2018-g). New forms of illegal activity have emerged, criminal professionalism is increasing, and crime is acquiring an organized character. International contacts of criminal groups are spreading, they are merged with corrupt officials.

In order to strengthen the fight against organized forms of crime, as well as to prevent and combat corruption, the government made significant changes in the structure of law enforcement agencies. Currently, new Criminal and Criminal Procedure Codes of the Republic of Kazakhstan has been adopted and are starting to work.

It should be noted that it was during this period that the issues of combating crime and violations of the law are of paramount importance, they serve the strictest observance of laws, the strengthening of guarantees of the rights and freedoms of citizens. In this regard, great importance given to the new criminal procedure legislation. It more deeply and clearly worked out issues related to preventive measures.

In the criminal process, in order to carry out the tasks of justice in the best way, preventive measures to admit, which are measures of state coercion. The correctness of the choice of preventive measures actually guaranteed by the precise indication in the law of the conditions that allow their use by the presence of certain procedural order, by the supervision of the prosecutor of the legality of pre-

trial investigation and the application of preventive measures.

Factors of unjustified detentions and funds, illegal criminal prosecution should be excluded from the practice of law enforcement.

All criminal proceedings should be carried out in such a way as to maximize in citizens a sense of respect for the law. The need for strict and steady observance, and for the accused, a sense of awareness of the illegality and public danger of their actions, would awaken in him the desire to correct and attach to socially useful work.

Taking into account the requirements of the modern complex historical stage, criminal justice today should be an effective means of combating crime, and contribute to the further strengthening of law and order in the Republic of Kazakhstan. Justice in the Republic of Kazakhstan is administered only by the court. This provision is enshrined in Art. 75 of the Constitution of the Republic of Kazakhstan and reflected in Art. 1 of the Constitutional Law of the Republic of Kazakhstan "On the judicial system and the status of judges" (<http://ksrk.gov.kz/article/konstitucionnyy-zakon-rk-o-sudebnoy-sisteme-i-statuse-sudey-rk>). The importance of this provision is great, because without a well-established, streamlined justice system, it is impossible to talk about a legal, democratic, state, the creation of which we are striving for.

The humanization of the state's criminal policy is directly aimed at criminal, criminal and procedural legislation.

The trend towards the use of more humane treatment of citizens, including violated the criminal law, inevitably leads to the use of more humane measures of restraint not related to detention.

The modern period of time is characterized by a change in procedures ensuring the protection of individual rights. A state whose mission is to protect the interests of its citizens should not, above all cause unnecessary suffering to citizens, especially those who have not yet been found guilty by a valid court sentence.

In the conditions of formation of a legal state in Kazakhstan, the process of rethinking the place and role of the state in the life of society and the individual, his relationship with the law, civil society and other parts of the political system of society is underway.

Before science and legal practice there are questions, to what extent and in what form, under what circumstances in modern conditions the state and its bodies are entitled to use coercion. Obviously, coercion, whatever form it takes, will always remain

an indispensable attribute of the state. It is necessary, if only to ensure that the entire power of the state apparatus ensures the fulfillment and observance of legal norms by those who do not wish to do so voluntarily.

In modern conditions, measures of state coercion acquire a pronounced twofold character. On the one hand, they, undoubtedly, can limit the rights and freedoms of a person and citizen, the rights and legitimate interests of legal entities, and on the other, they are aimed at protecting these rights, freedoms and legitimate interests. The measures of state coercion are quite diverse and can be classified for various reasons: by the nature of the impact, by the branches of law, and by connection with legal liability. The last of these grounds for the classification of measures of state coercion allowed us to single out a special group of measures of state coercion — preventive measures.

Law is the regulator of the social relations of the individual and the state. Compliance with these legal relations are based on the methods of persuasion and coercion.

The most natural way to influence a person is conviction. The highest and natural good for a person is always freedom and personal integrity.

Under the conviction should be understood the most natural way of influencing not only the accused and the suspect, but also on other participants in criminal proceedings. It consists in explaining the phenomena of public life, current legal norms, exerting an active influence on its consciousness, understanding the need for voluntary and precise observance of the rule of law established in society and its responsibility to society and the state.

Persuasion is an integral part of any kind of law enforcement activity.

The principle of coercion is associated with the concept of physical impact; the purpose of performance of the broken obligations or to observance of prohibitions. The essence of criminal coercion measures is to limit the constitutional rights and freedoms of a person and citizen and therefore poses an extremely important issue about the limits of application.

Lexically, “force” means: 1) to force something to be done; derived from it “forced” 2) unnatural, not free; “Forced” 3) occurring under duress. The lexical interpretation does not give an exhaustive picture of the essence of the concept of “coercion” (Ozhegov S.I., 1998: 585).

The main purpose of coercive measures is that, under the threat of the occurrence of negative consequences, of coercive legal methods, violations

of the established legal norms are prevented. Criminal coercion is a form of government coercion. State coercion is a mental or physical impact on the subject of public life applied by the competent authorities and state officials in the form of special acts and within legal norms in order to subordinate his will and behavior to the interests of society and the state (Kudryavtsev V.N., 1978: 31).

So, under the measures of criminal coercion should be understood the means of restricting constitutional and other rights and freedoms of an individual in criminal proceedings, as provided for by criminal law and criminal procedure law, used by the inquirer, investigator, and court (judge) in the presence of conditions, grounds and in the manner prescribed by the law, to prevent and prevent violations of the normal course of the criminal proceedings (Akhpanov D.M., 1997: p.160).

Measures of restraint in criminal proceedings are an integral, most significant part of criminal coercion.

To the persons who committed a criminal offense, the state represented by law enforcement agencies and authorized officials is forced to use coercive means and methods.

Criminal law provides for the possibility of applying state coercion to persons who do not comply with the requirements of the law (Danshina L.I., 1999: 19).

Other measures of criminal procedural coercion include: the obligation to appear, the drive, suspension from office, the seizure of property, the prohibition of approach.

The fundamental goal of these measures of criminal procedural coercion is to prevent unreasonable behavior of both suspects and defendants, and other participants in criminal proceedings. The turnout obligation, the drive and the monetary penalty are not a measure that prevents the possibility of any unauthorized actions, but only serve as the basis for the correct behavior, therefore these measures can be attributed to other measures of criminal procedural coercion, or rather to call them criminal penalties procedural warnings (Kapsalyamov K.Zh., 2001: 34).

By other measures of procedural compulsion include suspension from office, seizure of property, which are also preclusive character, are close to the preventive measures, ie. To. Themselves have a preventive element. Temporary removal from office, as well as preventive measures, limits the constitutional right of a citizen, accused or suspected of committing a crime, to the free choice of occupation and profession. Seizure of property

also affects the constitutional right to freely use your property.

Thus, the law is the regulator of the social relations of the individual and the state. Compliance with these relationships is based on the methods of persuasion and coercion.

Criminal coercion is a form of government coercion. State coercion is a mental or physical impact on the subjects of public life applied by the competent authorities and state officials in the form of special acts and within legal norms in order to subordinate his will and behavior to the interests of society and the state (Bersugurova L.Sh., 2015: 295).

Under measures of criminal coercion, it is necessary to understand the means of restricting constitutional and other rights and freedoms of an individual in criminal proceedings, as provided for by criminal, as well as criminal procedure law, used by the inquirer, investigator, and court (judge) under the conditions, grounds, and in the manner regulated by law to prevent and prevent violations of the normal course of criminal proceedings.

Thus, preventive measures constitute one of the types of criminal procedural coercion. At the same time, it should be borne in mind that the set of laws on preventive measures form a branch of criminal procedural law, which is an important means of preventing and combating crime and procedural offenses.

Criminal procedural law provides for the possibility of applying state coercion to persons who do not fulfill the requirements of the law or to prevent such failure. It can act in diverse forms and be of a different nature. These are the measures of influence, in connection with the unlawful behavior of individuals and the restoration of violated rights, and the measures applied to the participants in the process and other subjects in order to prevent or prevent their opposition to the fulfillment of the tasks of criminal proceedings. They may be of a civil law, administrative law, criminal procedure, and criminal law nature. Criminal procedural measures used as methods of influencing the behavior of the persons involved in the case are commonly referred to as measures of criminal procedural coercion (Shamsutdinov M.M., 2015: 800).

They differ from other measures of state coercion in that they are applied during the criminal proceedings and are procedural in nature; used by the state authorities within their competence; apply to persons involved in the case whose misbehavior or the possibility of such behavior creates or may create obstacles to the successful course of criminal

proceedings; have specific goals arising from the general tasks of the proceedings; shall be applied if there are grounds provided by law, conditions and in the manner guaranteeing their legality and validity; have a special content and character.

Common to all measures of criminal procedural coercion is the possibility of their implementation, regardless of the will and desire of the person to whom they apply. Such an opportunity, however, does not always turn into reality, since citizens often not only do not prevent an official from fulfilling his duties, but voluntarily and consciously carry out the requirements of the law. At the same time, the very possibility of the enforcement of these measures gives them an objectively coercive character.

All measures of procedural coercion can be divided into two groups: measures of restraint and other measures of procedural coercion.

The main features characteristic of criminal procedural coercion relate to preventive measures as a type of coercive measures. Preventive measures are not a manifestation of criminal or other liability, since responsibility is incurred only in relation to persons found guilty of a particular offense. The measures of restraint are applied to persons who are accused of committing crimes. The use of preventive measures, as well as the prosecution of the accused, does not prejudice the results of the resolution of the case and the application of punishment. The use of preventive measures has a moral impact on the accused (suspect), protects society from dangerous persons, has a precautionary value not only in relation to the accused (suspect), but also in relation to other participants in the criminal process and citizens.

Being a kind of criminal procedural coercion, preventive measures are aimed at preventing unlawful actions (actions) of the accused (suspects), at forcing them to perform the actions (actions) necessary in the interests of the criminal proceedings. The preventive measures are compulsory. They are used against the will of the accused (suspects), forcing them to either refrain, not commit acts, or, on the contrary, oblige the accused (suspects), forcing them to take action (to be on call, not to evade attendance). According to its content, preventive measures have on the accused (suspect) psychological, physical, moral impact (coercion). They may limit his property rights and interests.

Thus, preventive measures have a pronounced compulsive character, are preclusive means. Another thing is other measures of criminal procedural coercion. Of the actions included in their system, only the detention, the drive and the removal from

the courtroom belong to the means of restraint and are aimed at preventing or stopping illegal actions. The majority of other measures of procedural coercion are investigative actions for the collection of evidence and are of a security nature.

The law exhaustively determines the range of officials authorized to use measures of procedural coercion, and also establishes the range of persons to whom they can be applied only if there are grounds that are meant as specific circumstances confirming the need for compulsory influence. In the application of coercive measures preclusive character (a preventive measure, drive, detention, removal from the courtroom, etc.) these factors are expressed in the alleged or committed illegal actions of the subject. As a general basis for the application of coercive security measures (search, seizure, etc.), there is evidence that suggests that as a result of this investigative action evidence relevant to the case will be found.

It follows from this that measures of procedural coercion should be understood as procedural remedies provided by the criminal procedural law, used in criminal proceedings by authorized officials and state bodies, if there are grounds and in the manner prescribed by law, for defendants suspected and other persons for the prevention and suppression of unlawful actions of these persons in order to successfully investigate and resolve the criminal case and you completing other tasks of criminal proceedings.

The measures of criminal procedural coercion are not identical in nature and their application has different goals. Some of them are designed to prevent the accused from continuing the criminal activity, his evasion from the investigation or the court, or obstruction of the procedural activity (preventive measures, detention, dismissal). Other judicial authorities (drive). Others are aimed at the detection and procedural consolidation of evidence (search, seizure, examination, etc.). The fourth serve as a means of ensuring the execution of the sentence in the part of property penalties (seizure of property). It follows that, according to their purpose, measures of criminal procedural coercion can be divided into means of restraining unlawful actions and means of ensuring proper conduct, preventing an offense and means of obtaining evidence.

The law strictly regulates the procedural procedure for the use of coercive measures. The application of such measures of procedural coercion, which particularly acutely affect the rights and freedoms of citizens protected by the Constitution, is possible only with the approval

of the investigating judge: detention, bail, search, placement of the accused or suspect, not in custody, in a medical institution for expert research. An important guarantee is the establishment of judicial control over the legality and validity of the extension of the term of detention.

I.Y. Foinitsky considered that “the criminal procedure at its various stages meets the need for coercion for the needs of justice, the measures of which, depending on the purpose or purpose of them, fall into: 1) measures of obtaining evidence;

2) measures to ensure the appearance of the defendant;

3) interrogation of the defendant;

4) measures to ensure the trial (Foinitsky I.Y., 1996: 313).

The essence of these measures is that in order to achieve the goals of justice, the court is granted to impose on individuals various restrictions, reaching in some cases to a degree close to punishment. The basis of all these measures is purely factual; it lies in the need for justice, the administration of which would often have been rendered impossible if the judicial power did not have the right of coercion.

In a number of measures of criminal procedural coercion, they are placed under the law provided for the possibility of forced enforcement, regardless of the will and desire of the persons against whom they are applied.

At the same time, in a specific case, the investigative action may not be of a compulsory nature if the person in respect of whom it is carried out does not object to its production.

Since measures of criminal procedural coercion limit the constitutional rights and freedoms of citizens, firm procedural guarantees are needed that would ensure legality and validity. In a legal state, it is important to what extent the use of measures of procedural coercion is caused by the actual need to limit the rights of a citizen. The objectives of criminal proceedings should be achieved with the least restriction of the rights and freedoms of the citizen. The Constitution of the Republic of Kazakhstan, the existing criminal procedure legislation establishes important procedural guarantees for this.

State coercion is an external influence on the behavior of people, based on the external power of the state and ensuring the fulfillment of the state's will (Alekseev S.S., 1981: p.111). Measures of state coercion in the sphere of procedural proceedings are called measures of procedural coercion. They are accepted against the will and desire of the subjects of the process.

Under the criminal procedural coercion, it should be understood the method of state influence, manifested in the legal restrictions on the personal, property or organizational nature of the participants in the criminal procedural activity (Osmanov S.D., 2016: p.87).

V.A. Mikhailov claims that “measures of state (procedural) coercion” established by law are called “measures of restraint in criminal proceedings” by which, by limiting the personal rights and personal freedom of the accused, obtaining property guarantees, personal or public surety, and supervision (supervision, supervision) for the accused is eliminated for the latter the opportunity to escape from the pre-trial investigation, the court, to leave without a permit from the place of residence or temporary find wait, warned, suppressed, neutralized and eliminated the unlawful opposition of the accused to establishing the truth in the case, ensured his proper behavior, precluding the commission of new crimes, timely appearance at the call of the investigating authorities, the prosecutor, the court, and also execution of the sentence (Mikhailov V.A., 1996: 19).

Preventive measures in the criminal – procedural law, coercive measures, temporarily restrict the rights of the person used the bodies of inquiry, the investigator and the court to the suspect, accused and defendant, in the presence of grounds provided by law for the purpose of depriving them of the possibility of escape from the inquiry, preliminary investigation and the trial, prevent the establishment of the truth in the case or continue criminal activities, as well as to ensure the execution of the sentence (Toleubekova B.Kh., 2016: 156).

Measures of procedural coercion are applied in order to solve the problems of justice and in the procedural form prescribed by law.

A common feature of all coercive measures is that they are applied by the court; only the court can be granted the right to deprive of all benefits, at least temporary. Non-judicial bodies cannot resort to them. Withdrawals are allowed only in those cases when non-judicial bodies replace judicial bodies, acting either on the instructions of the court, or independently of such an order. Such bodies, replacing the court in certain cases, are the police, the persons conducting the inquest, etc.

Thus, under measures of criminal procedural coercion are called the decisions and actions of the investigator, investigator, prosecutor, court (judge) provided for by the Code of Criminal Procedure of the Republic of Kazakhstan, which are made and carried out in relation to the suspect, accused

(defendant), witness, victim and other participants in criminal procedure relations in order to ensure the process of evidence in a criminal case, civil action and the implementation of the functions of criminal prosecution and fair resolution of the criminal case. “They are expressed in the deprivation or restriction of personal freedom, temporary deprivation of office, restriction of the right to property, the threat of property losses and other deprivations and the right to restrictions” (Bezlepkin B.T. 2004: 155).

When electing measures of procedural coercion, three mandatory requirements must be met:

1. They are elected only in the field of criminal proceedings.

2. Persons to whom measures of procedural coercion will be applied, the procedure and conditions for their implementation must be regulated by law.

3. The legality and validity of applying measures of procedural coercion are ensured by a system of criminal procedural guarantees, prosecutorial and judicial supervision.

Measures of procedural coercion are divided into types:

1. Preventive – preventive measures. They are sometimes called preventive – interim measures. These include:

- a) preventive measures (article 137 of the Criminal Procedure Code of the Republic of Kazakhstan);

- b) measures to ensure the process of proof (for example, the forced production of excavations – Article 253-255 of the Criminal Procedure Code of the Republic of Kazakhstan);

- c) other measures provided for by law (for example, removal from office – Article 158 of the Code of Criminal Procedure of the Republic of Kazakhstan).

2. Protection measures (article 66-70 of the Criminal Procedure Code of the Republic of Kazakhstan).

3. Measures of criminal procedural responsibility (article 137, 157-159 of the Code of Criminal Procedure of the Republic of Kazakhstan) (https://online.zakon.kz/Document/?doc_id=31575852).

Thus, it can be concluded that the measures of restraint do not exhaust all measures of procedural coercion.

Strict observance of these guarantees by officials and state bodies of the case in their proceedings, will allow to reliably protect the rights and freedoms of the individual and ensure the normal course of criminal proceedings.

Since other measures of procedural coercion are

investigative actions aimed, as a rule, at collecting evidence, the grounds, conditions and procedure for their production are regulated by the relevant sections of the Code of Criminal Procedure of the Republic of Kazakhstan.

Measures of restraint, being purely coercive means, occupy a special place in the system of norms of criminal procedural law.

Of particular importance in enhancing the fight against crime is the skillful use of procedural coercive measures. Their timely and reasonable application in criminal proceedings contributes to the disclosure of

each crime, ensures the inevitability of responsibility of the perpetrators. On the one hand, the use of coercive measures significantly limits the rights and legitimate interests of the individual, but on the other hand, in a number of cases it is impossible to carry out criminal proceedings without their use (<https://articlekz.com/article/18676>). Thus, measures of criminal – procedural coercion can be defined as provided by the criminal – procedure of actions and decisions of authorities conducting the proceedings, restricting the rights of other participants in the process against their will (Azrilyan A.N., 1998: p.337).

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