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**AGREEMENT ON HUMAN RIGHTS  
IN CRIMINAL PROCEEDINGS**

In this article the main forms of the criminal process are considered the concept of procedural agreement-one of the new institutions and modern ones. Effectiveness and economy of the criminal process of the modern humanitarian orientation and the objective of the procedural agreement that will promote the democratic development of our state is a great institution.

In this article the authors of the global procedural agreement and domestic scientists believe, understandably, in comparison with the independent one is trying to open the exit. The Criminal Procedure Code, granted procedural agreement, as well as the types, forms and features of their exploitation, the most, having examined the research work.

In the Criminal Procedure Code, as provided in article 612 of the criminal cases committed in the framework of the investigation in cases where a minor, moderate or serious crime is a suspect, an accused, caused at night, with the consent of the accused, in the form of a plea bargain; crimes committed by a criminal group, especially serious crimes committed by other persons, as well as extremist and terrorist crimes, the disclosure and investigation of crimes of all categories, is carried out in the form of an agreement on cooperation during the period of exposure.

The purpose of the article – the theoretical and practical knowledge accumulated in this field, as well as in accordance with the norms of the Criminal Procedure Code, criminal procedural and criminal procedural legislation on cases, and the essence of the institution of appointment, is the disclosure of theoretical proposals to improve law enforcement practice in the agreement.

The relevance of the topic Research in the course of a criminal process, a suspect, accused, defendant to defend the law, criminal procedure, increase efficiency, profitability, is determined by collateral.

Based on the analysis of domestic and international experience, the authors attempted to analyze the institution of the procedural agreement during the analysis of the concept and form.

**Key words:** procedural agreement, accused, guilt, criminal trial, prosecutor.

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**Процестік келісім қылмыстық іс жүргізуде  
адам құқықтарын қорғаудың бір нысаны ретінде**

Бұл мақалада қылмыстық іс жүргізудің жаңа институттарның бірі процестік келісім түсінігі және қазіргі кездегі негізгі нысандары қарастырылады. Процестік келісім қазіргі кездегі мемлекетіміздің демократиялық даму бағытындағы ізгілік және қылмыстық процестің тиімділігі мен үнемділігі мақсатын жүзеге асыруға септігін тигізетін үлкен институт.

Бұл мақалда авторлар процестік келісімнің дүниежүзілік және отандық ғалымдардың ой-пікірлерін салыстыра отырып өзіндік түсінікті ашып кетуге тырысады. Сонымен қатар қылмыстық процестік кодексте берілген процестік келісімнің түрлерін, оларды пайдалану ерекшеліктерін және нысандарын мейлінше қарастырып, зерттеу жұмысын жүргізеді.

ҚР ҚПК-нің 612 бабында көзделгендей жасалған процестік келісім шеңберінде қылмыстық істерді тергеп-тексеру мынадай жағдайда, яғни онша ауыр емес, ауырлығы орташа не ауыр қылмыстар бойынша – күдікті, айыпталушы келтірілген күдікпен, айыптаумен келіскен жағдайда – кінәні мойындау туралы мәміле нысанында; қылмыстық топ жасаған қылмыстарды, өзге де адамдар жасаған аса ауыр қылмыстарды, сондай-ақ экстремистік және террористік қылмыстарды ашуға және тергеп-тексеруге ықпал ету кезінде барлық санаттағы қылмыстар бойынша ынтымақтастық туралы келісім нысанында жүргізіледі.

Мақаланың мақсаты – осы саладағы жинақталған теориялық және тәжірибелік білімге, сондай-ақ қазіргі ҚПК нормаларына сәйкес, қылмыстық істер бойынша қылмыстық іс жүргізу заңдарын және құқық қолдану тәжірибесін жетілдіру жөнінде ұсыныстар және процессуалдық келісім институтының теориялық тұрғыдағы мәнісін ашу болып табылады.

Зерттеу тақырыбының өзектілігі қылмыстық процесс барысында күдікті, айыпталушы, сотталушының қорғалу құқықтарын, қылмыстық процестің тиімділігін, үнемділігін қамтамасыз етумен айқындалады.

Талдау негізінде авторлар процессуалдық келісім институтының түсінігі мен нысанын саралау барысында отандық және халықаралық тәжірибені талдау жасауға тырысты.

**Түйін сөздер:** процестік келісім, айыпталушы, кінә, қылмыстық процесс, прокурор.

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### Процессуальное соглашение как одна из форм защиты прав человека в уголовном процессе

В данной статье авторами рассмотрены вопросы нового института уголовного процесса как процессуальное соглашение, а именно его понятие и процессуальная форма. Институт процессуального соглашения показывает развитие уголовного-процессуального законодательства в демократическом направлении, которое в своем роде направлено на эффективность и экономичность уголовно-процессуального законодательства.

В данной статье авторы, исследовав мировые и отечественные мнения, касающиеся процессуального соглашения, пытаются дать свое, авторское мнение понятию процессуального соглашения. Также авторами исследованы и раскрыты виды процессуального соглашения, особенности их применения и формы процессуального соглашения.

В соответствии со статьей 612 УПК РК предусмотрена возможность заключения двух видов процессуальных соглашений: в форме сделки о признании вины – по преступлениям небольшой, средней тяжести либо тяжким преступлениям – в случае согласия подозреваемого, обвиняемого с подозрением, обвинением; в форме соглашения о сотрудничестве – по всем категориям преступлений при способствовании раскрытию и расследованию преступлений, совершенных преступной группой, особо тяжких преступлений, совершенных иными лицами, а также экстремистских и террористических преступлений.

Цель этой статьи заключается в том, чтобы, опираясь на теоретические и практические знания, уже накопленные в данной области, а также нормы действующего УПК, исследовать процессуальное соглашение, на основе которого выработать предложения о совершенствовании уголовно-процессуального законодательства и правоприменительной практики.

Актуальность темы исследования обусловлена тем, что в уголовном процессе основным является обеспечение права на защиту подозреваемого, обвиняемого и подсудимого, а так же обеспечение эффективности и экономности уголовного процесса.

На основании анализа автор проводит анализ понятия и формы процессуального соглашения, а также анализ отечественной и международной практики.

**Ключевые слова:** процессуальное соглашение, обвиняемый, вина, уголовный процесс, прокурор.

## I. Introduction

Currently, the Criminal Procedural Legislation of the Republic of Kazakhstan to the reforms turned out to be large, new institutions, including the system included. Among the unspoken investigative activities of these institutions, it can be noted, the witness has the right to protection and procedural agreements. In accordance with subparagraph 7 of Article 37 of the Code of Criminal Procedure of the Republic of Kazakhstan, the procedural agreement is also the prosecutor at any stage of the criminal process, the suspect, accused, defendant or convicted, or in section 13 of the Criminal Procedure Code of the Republic of Kazakhstan (parts 63,64), concluded on the grounds and in the procedure provided for.

An agreement of procedural minor gravity, medium gravity or serious crimes by suspect. Crimes committed in a state of sanity or after the commission of a crime by mental disorders, not with people, this agreement is not drawn up.

The conditions for concluding a procedural agreement in the form of a plea bargain for guilty under Article 613 of the Criminal Procedure Code of the Republic of Kazakhstan, a suspect, accused of voluntarily expressing will to himself, a suspicion, given, evidence collected in the case, determining the amount of damages caused to him. Of course, above all, the consent of the victim to a procedural agreement. The suspect, the accused, has the right to refuse the procedural agreement. This is only until the removal of the court in the advisory room is necessary expression (CPC RK, 2014: 1).

In Article 615 of the Criminal Procedure Code of the Republic of Kazakhstan, the procedure for considering an application for a procedural agreement in the form of a transaction recognizing Guilt. The statements of the suspect, accused or defendant have the right to declare at any time the proceedings in the criminal case prior to the removal of the court to the advisory room.

It must be taken into account that the procedural agreement can be concluded with the consent of the prosecutor. The prosecutor 615 of the Code of Criminal Procedure of Kazakhstan procedural agreement in paragraph 3 of this article of the issues provided for is made in writing and after verification, the prosecutor, the suspect, the accused, his counsel sign. According to Art. 617 of the Code of Criminal Procedure of the Republic of Kazakhstan, “after signing the procedural agreement in the form of a plea bargain, the prosecutor is considering the need to change it or to cancel the preventive measure against the suspect.”

## II. Main part

### *Procedural features of the Procedural Agreement*

The procedural agreement is in the case, it is the basis for carrying out special events. The advantages of this are explained by Zh. Abenova. This: “procedural agreement in the criminal case, pre-trial investigation, expedites, facilitates the trial, as well as the execution of judicial acts, accelerates. Because, admission of guilt, pre-trial investigation, in the stages of the commission of a crime circumstances, with the establishment quickly and effectively, will help prove voluntarily. As a result of consideration of the case in court in a simplified procedure, by way of conciliation proceedings, the pre-trial investigation will be completed as soon as possible (Abenova 2016: 2).

And then J. Abenova shows that, in the case of a rational one, and suffered during the transaction on recognizing guilt, since to recover the damage “(Abenova 2016: 2).

I. Samarin speaking in the direction of rational office work within the framework of the procedural agreement, for today only law enforcement agencies and counteracting criminality, the activity of criminal prosecution authorities to the state is effectively only difficult to rely on, which more draws attention to the fact that, the introduction of the procedural agreement in the case, pre-trial investigation, and not only, but also greatly facilitates the management of cases in the court and the procedural possibilities of grave and especially grave crimes, provides for Change over (Samarin 2014: 3).

In this way, the procedural agreement is a special type of proceedings in the case.

Issued in accordance with the explanations of the Supreme Court of the Republic of Kazakhstan, procedural agreement that, in connection with the consideration of the case in court, the criminal procedure law, regulated, the type of criminal proceedings, as well as the system of legal relations between authorized entities in the criminal case, among other entities, and (On the practice of courts considering criminal cases in conciliation proceedings, 2016: 4).

Reduced discipline is a set of actions that are imposed by law on subjects of criminal justice.

Doing business is wider than the order. The procedure is a way of doing business with different process activities. The procedure entails the procedure of procedural activities provided for by law.

It is not a similar concept (Azilia, 2007: 5).

Analyzing the relevant provisions of the CCP, allowing to distinguish two types of process agreements:

- 1) the transaction of recognition of fault;
- 2) agreement on cooperation.

These transactions are made only if the crime is committed. Process agreements are not made in the cases of persons who have committed a criminal offense.

An encyclopedic transaction is a form of recognition. A classic example is the plea bargaining in the American criminal process, which leads to the immediate end of the trial and the verdict. The underlying idea of this transaction is to simply dispute the disputed dispute, which leads to the end of the dispute, which leads to a break (full or partial) of the race process. In fact, the confession of guilt (defamation) is a legal presumption as it is conditional on the fact that the defendant is found guilty. There is a legitimate sense of consciousness in the bargaining confession, the main purpose of which is to “remove” the issue as soon as possible, and to simplify the punishment (prosecution) (Kuczynska 2014: 6). This is another way to avoid the realities of truth ...

In the United States, from 80 to 99 per cent, cases of felony cases (ie categories of serious criminal offenses taken under the Anglo-Saxon law system) are reviewed on the basis of acknowledgment of the guilt. This can be explained by the fact that by doing dealings, at least in small cases the full cost of court proceedings (Bauhutdinov 2015: 7).

There are differences between the different types of literary and reference sources: the recognition of guilt (Tisen 2016: 8); acknowledgment of the fault (Sukhareva, Krutskyikh, 2002). But it does not matter. However, in one dictionary, the agreement on acknowledgment of the guilt in the criminal proceedings of the United States and various other countries – an agreement between the prosecutor and the defense lawyer, as a result, implies that the prosecution is obliged to redefine the accusation under “criminal law” article ... Although such practices are contrary to the principles of criminal justice in Russia, such practice is widely used in the Russian Federation (Temiraliyev 2011: 10)

The formal features of the guilty confession include:

- a statement by one of the parties in the process on the recognition of the fact, and the justification of the other party’s claims and objections;
- the release of the other party from the need to substantiate this fact on the basis of such an application;
- alignment of that fact with the fact that one party is acknowledged by this fact (Azilia, 2007: 5).

Historically, various forms of formal recognition are formulated. These include: 1) Transaction (fault)

recognition transaction; 2) purposeful transactions, ie deals on simplification of legal proceedings (or summing up).

Targeted transactions are referred to as RFE / RL, “the special order of the court decision that the defendant agrees with the charges brought against him”. Any type of procedural agreement can not be made with persons who have been ill-treated in a criminal offense or committed with a mental disorder after committing a crime (Jovanović, 2013:11).

A.V. Smirnov and K. Kalinovsky point out that the theoretically accelerated and simplified litigation is a form of criminal proceedings to deal with criminal cases in a timely and simplified manner (Smirnov, 2007: 12).

In the Anglo-American legal system, accelerated and simplified forms are commonly referred to as the case-law (Azrael, 2007: 5). Such proceedings are envisaged for crimes not less serious. The term “cumar” is derived from the Latin word *summarium*, and the short text means accumulated, the latter (Moskvin, 2007: 13).

Nevertheless, extensive scrutiny is inconsistent with all the accelerated and simplified procedures. This provision was referred to by the Russian legislator calling such a case a targeted case.

The term “target” refers to the word *celerantes*, which is derived from the Latin word *fast*, fast (Allamuradov, 2007).

Summoning should be taken as a form of targeted work.

The objectives of the process (or target process) are:

- access to process economics;
- reduction of the period between the time of the crime and the penalty of the guilty party;
- Possibility of reconciliation of the parties.

The process of conciliation does not violate the principles of judicial proceedings because the law provides additional safeguards for the observance of the rights and legitimate interests of the parties.

The law provides for the conditions for concluding a guilty confession. Such conditions include:

- 1) voluntary intention of a person to conclude a process agreement. Such person can be suspected or accused;
- 2) in case of disagreement with the suspect, the accused on the evidence, the evidence and the evidence of the offense;
- 3) in case of disagreement with the nature and amount of the harm caused by the suspect, the accused;

4) the victim has agreed to enter into a process agreement.

The legislator establishes restrictions on process negotiation. Such restrictions apply only if:

in the case of a cumulative crime, if at least one of them does not comply with the requirements provided by articles 612 and 613 of the Criminal Procedure Code of the Republic of Kazakhstan, in particular, if the crime is particularly severe; suspect, accused, disagree with suspicion; if a person has committed an act that is forbidden by a criminal law or is ill with a mental disorder after committing a crime; violation of the principle of voluntary nature of the process agreement; the argument of the suspect, the accused against the suspicion, the accusation and the fact that he has committed the crime on the case, the nature and amount of the damage caused by him; if at least one of the victims disagree with the process agreement.

*The existing law sets out the rights and obligations of the process participants. The suspect, the accused has the right to:*

– The court has the right to refuse from the process of proceedings before leaving the conference room for decision making;

– after having made a declaration of refusal to conclude a processual agreement, has the right to enter into a process agreement again;

– have the right to file a petition for a process agreement at any stage of the proceedings before leaving the Advisory Room for decision-making on the case;

– before signing a process agreement, has the right to discuss the terms of the process agreement individually and confidentially with his or her lawyer.

*Victim, civil plaintiff has the right:*

– has a right to file a civil suit in a criminal case or in civil proceedings;

– to file an agreement on conclusion or non-fulfillment of a transaction for recognition of fault;

– after the first refusal to conclude a transaction for recognition of the fault or to make a process of prosecution, declare the process of the proceedings again;

– make a statement of the damage caused by the crime in making a transaction on recognizing the fault;

– Obtain appropriate explanations from the prosecutor on the consequences of making a confession of a guilty confession.

Obligations of the suspect, the accused, his defense lawyer and the victim:

– Arrival by the prosecutor's request for solving the issue of possibility to make a deal on the confession of guilt;

– giving explanations to the prosecutor in solving the issue of possibility to make a deal on confession of guilt;

– not to alter the requirement of the amount of damage caused by the offense when the consent of the victim agrees to conclude a transaction for the recognition of guilt.

*The prosecutor has the right:*

– Initiatives to succeed in winning, and this can be achieved through contract (see 19 instructions) Part 1 1 УИК РК;

– Implementation of action, for non-conforming interpretation, to extinguish the body, to extinguish the wine;

– to provide the viney of the goods or to refuse the sale of the goods, to protect them;

– in the event that it is unlawful for prosecution in proceedings or in proselytizing, as a matter of jurisdiction, to direct the body.

Prosecutor:

– in case of compliance with the procedural requirements of the procedure of co-ordination with the consent of the vineyard;

– after having signed a consensus to decide on a solution or a breakdown;

– If all the requirements of the law are enforced, the hearing will be abolished and sent to the court without an act of indifferent apprehension;

Structure and content of the procedural agreement in the form of a plea bargain.

Made in writing, which, in turn, is a separate procedural document. Conventionally, the following structural procedural agreements can be identified in the form of a plea bargain:

1) referral to work;

2) the main part;

3) certified.

Information (requisites) (from the Latin word *requisitum*-required, required), approved by the rules of the act is not provided for by law or otherwise binding, does not mean that the data of the document (Djekebaev convicted, 2002: 15).

In the broad sense, the data (requisites) that have legal significance are not allowed to be drawn up in its own way, as regards orientation, all departments of the requirement are referred to the information evenly, we are part 1 of article 616 of the Code of Criminal Procedure of the Republic of Kazakhstan) – 3) the information provided for in subparagraphs offer from the introductory understanding.

The department consists of the following main elements of the procedural agreement:

1) crimes (including time, place, and also in accordance with the provisions of Article 113 of the Criminal Procedure Code of the Republic of Kazakhstan and other circumstances to be proved);

2) the qualification of the crime in accordance with the provisions of a special part of the Criminal Code of the Republic of Kazakhstan (CC of the RK, paragraph, part, with an article);

3) of Article 53 of the Criminal Code of the Republic of Kazakhstan, the relevant part, referring to the suspect, the accused can be applied in relation to, criminal responsibility and punishment, mitigating circumstances, as well as the fulfillment of obligations and observance of the conditions specified in the procedural agreement, the applicable penal provisions provided for in part 4 of Article 55 of the Criminal Code of the Republic of Kazakhstan to a person (imposing a penalty of less severe punishment provided for a given criminal offense);

4) suspect, accused, procedural obligations arising from the agreement. Repayment of such obligations, fault at a set time; form of compensation for damage caused by the crime; the amount of damage to the victim must be. from.;

5) with the application of the provisions of Part 4 of Article K K55 of the Republic of Kazakhstan, the prosecutor within the limits of the amount of sanctions provided for the crime in the Criminal Code and ask for the type of punishment (Criminal Code, RK, 2014: 16)

6) in accordance with the provisions of Article 614 of the Criminal Procedure Code of the Republic of Kazakhstan, a procedural agreement in the form of a plea bargain arising during the compilation of the consequences;

7) in accordance with the provisions of subparagraph 3 of part 1 of Article 613 of the Criminal Procedure Code of the Republic of Kazakhstan, the victim of a procedural agreement in the form of a plea agreement is indicated.

The procedural agreement department in the form of a plea bargain for the prosecutor, the suspect, the accused, his defense counsel.

The algorithm for drafting a procedural agreement in the form of a transaction on recognizing a fault, depending on the status of the subjects of the respective legal relations, in the process of different persons authorized to act (Laxminarayan, 2014: 17).

The Prosecutor exercises the following actions:

1) the procedural agreement is signed;

2) considers the question of the measure of restraint in relation to the suspect, if necessary, changes or abolishes it;

3) in case of revealing the lack of evidence, investigative and other procedural actions, conducting a case for pre-trial investigation in the body;

4) in case of revealing the circumstances preventing the fulfillment of the procedural agreement in the form of a transaction on recognizing the guilt of the crime committed, in accordance with Article 615 of the Code of Criminal Procedure, the agreements are to be reviewed within a reasonable time; in case of elimination of circumstances hampering, in accordance with the rules provided for in Article 616 of the Code of Criminal Procedure, the procedural agreement creates new ones; in the event that, in the event that it is impossible to remove the conditions that prevent the completion of a procedural agreement, the prosecutor (procedural agreement) considers his force;

5) complete all cases and immediately send it to the court, prescribed by law, upon termination of the action;

6) notify the victim of the referral of the case to the court.

The procedural agreement in the form of a plea bargain concluded on business is not allowed when referring the case to a court of indictment.

The investigator shall conduct the following actions:

1) kayyl'nanan procedural agreement, after conducting investigative actions and other procedural actions in the case, the prosecutor proceeds to execute them after receipt;

2) the suspect, the accused dalelemdeler after collecting sufficient to confirm the guilt, the case is sent to the prosecutor.

consideration of criminal cases in conciliation proceedings in court, approves the basis of two Laws:

– the first ground for pre-trial investigation, the procedural agreement on confession, the stage of commission;

– The second reason is the preparation of a procedural agreement on the admission of guilt, during the trial.

The reason for the decision of the second court in the case, prior to the removal of the court to the deliberation room, about the conclusion of the procedural agreement loses its force in case of disagreements declared by one of the parties (Spiga, 2012: 18).

The procedure for considering criminal cases in conciliation proceedings in court is not the first one (subparagraph 1 of Article 622 of the Criminal Procedure Code of the Republic of Kazakhstan) in order to achieve savings in procedural duties, the court several features related to procedures is facilitated.

These features are conventionally divided into two groups: the first group consists of decision-making courts, receipts based on the results of the investigation of the case from the day the case is brought to court; the second group – contractual, considered in the course of the trial and taking a procedural decision on the consideration of the case in the conciliation proceedings of the court consists of a decision taken on the basis of the consideration.

The rules of the first group consist of:

1) on the consideration of a criminal case in conciliation proceedings, the Judge checks, upon receipt:

a) the existence of a procedural agreement in the form of a plea bargain;

b) there is a request of the parties to consider the case in conciliation proceedings;

c) compliance with the requirements of the law of the concluded procedural agreement, form and content;

2) based on the results of the examination, the judge shall pass one of the following decisions:

a) on the appointment of a trial for consideration in conciliation proceedings;

b) there are no grounds for the application of conciliation proceedings, the return of the criminal case to the prosecutor (Article 321 of the Criminal Procedure Code of the Republic of Kazakhstan for preliminary hearing should be conducted on the adoption of this decision);

c) differentiation by the court of the crime, the size of the civil suit, the type of punishment and / or disagreement with the size, with the possibility of concluding a new agreement, on returning the criminal case to the prosecutor (according to article 321 of the Criminal Procedure Code of the Republic of Kazakhstan, a preliminary hearing is required to adopt this decision);

3) the judge, upon receipt of a new procedural agreement, verifies compliance with the requirements of the law, and also verifies the correctness of the procedural agreement when the case is returned to the prosecutor in order to fulfill the judge's demands in the case;

4) Based on the results of the audit, the judge issues one of the following resolutions:

a) on the appointment of a trial in conciliation proceedings;

b) on the refusal to examine the case in conciliation proceedings in the case and on sending the prosecutor to conduct in the general order of office work;

5) approve the composition of persons, қатыстатын conciliation proceedings, namely: the public prosecutor, the defendant and his defender. The victim, the civil plaintiff and their representatives, the prosecution, as a rule, do not participate in the court session. The question of their participation, according to the decision of the judge, if necessary, scientific and technical means and communications (for example, remote interrogation, the application of which is provided (Bulletin of the Supreme Court of the Republic of Kazakhstan, 2015: 19).

The second group includes the provisions:

1) the trial in conciliation proceedings is performed instead of the main trial (Article 625 of the Criminal Procedure Code of the Republic of Kazakhstan);

2) after the petition has been submitted, and the challenges entered into in the order generally resolved, the report of the essence of the procedural agreement in the form of a plea bargain is proposed by the presiding officer to the prosecutor;

3) clarification of the position of the defendant, the nature and, in contrast to the general procedure provided for in Article 365 of the Code of Criminal Procedure of the Republic of Kazakhstan, consists in defining the following issues:

a) whether the defendant understands the essence of the procedural agreement;

b) whether the defendant agrees with the procedural terms of this agreement;

c) the procedural agreement is concluded by the defendant voluntarily;

d) the agreement is supported by the defendant;

e) whether the defendant is willing to make a statement on the case;

4) in respect of the defendant, the presiding judge hears the opinion of the defender and the prosecutor, the procedural agreement in the form of a plea bargain after the position has been determined;

5) then the presiding judge shall proceed to the proceedings in court, which include:

a) interrogation of the defendant and the victim;

b) drafting a procedural agreement to clarify the circumstances;

6) after consideration of the procedural agreement, the judge, the defendant and determines:

a) in respect of his financial situation;

b) in respect of property penalties specified in the agreement of the procedural period for the voluntary execution of a judicial act in civil law, what it needs;

7) the defendant is entitled to the last word, instead of creating any additional application to the court;

8) after hearing the defendant, is removed to the advisory room, the chairperson announces to the participants in the process and the time for the announcement of the court decision.

The end of the trial in the abbreviated order up to ten days. If necessary, can be extended by a judge's decision for up to twenty days of such a term (part 2 of Article 382 of the Criminal Procedure Code of the Republic of Kazakhstan).

Conciliation proceedings in the course of the main trial, an application for the specifics of the conduct.

The departure of the judge to the advisory room for adjudicating the merits of the case, the prosecutor during the main trial, the procedural agreement in the form of a plea bargain on the plea of the defendant and his counsel, furthermore that from the presiding judge of the proceeding upon the application of such a motion, the procedural agreement allows the parties. Specific period of non-confirmation of the law. The length of a period of time, in a reasonable one, is approved by the judge. A reasonable time is a period of time necessary for the performance of any procedural action, as is known, in this case – the time necessary to conclude an agreement.

Agreement to the judge. Checks in accordance with part 1 of Article 623 of the Criminal Procedure Code of the Republic of Kazakhstan A judge on the basis of a procedural agreement, the court issues one of the following resolutions:

1) on the continuation of the consideration of the case by way of conciliation proceedings;

2) consideration of the continuation of the consideration of the case in the general order.

the structure and content of the procedural agreement concluded in the Court.

Such a structure and content of the procedural agreement, pre-trial investigation, the perfect stages can withdraw from this agreement, there will be differences.

Pre-trial investigation, in the stages concluded in the structure and content of the procedural agreement, all the requirements provided for in accordance with Part 1 of Article 616 of the Code of Criminal Procedure of the Republic of Kazakhstan (paragraph 10) are fully submitted. The structure and content of the procedural agreement concluded during the main trial, the nature is abbreviated: subparagraph 8 is put

into effect on part 1 of Article 616 of the Criminal Procedure Code of the Republic of Kazakhstan, only claims. Compliance with the above provisions of paragraphs 9 and 10 is not required, in particular, the procedural consequences of concluding the agreement; agreement on the creation of such consent of the victim. As well as providing for the type and amount of punishment, the prosecutor asks the prosecutor during the execution of subparagraph 8 of part 1 of Article 616 of the Code of Criminal Procedure of the Republic of Kazakhstan, the law indicates the following: 1) in the event that a convict is sentenced for a combination of sentences, the agreement specifies the amount and type of punishment for each crime, and also specifies the type and size of the final punishment (Part 2 of Article 629 of the Code of Criminal Procedure of the Republic of Kazakhstan); 2) in the event that the convict is sentenced on a set of sentences, the final agreement, which also specifies the type and amount of punishment (Part 3 of Article 629 of the Code of Criminal Procedure of the Republic of Kazakhstan).

### III. Conclusion

As for the examination of complex procedural actions committed by Abyss, which in turn is a procedural agreement, because here all and all officials involved in the criminal case are involved. The wide application of this new institution, suspected of this, is immediately worth noting, which is a guarantee of ensuring the right of the accused to defend one. At the same time, one can observe the following problems: in order to comply with his procedural rights and freedoms, in agreement with the judge for procedural decision, which determines the procedural agreement on a voluntary basis, however, the essence of the agreement does not agree with him, akim of the region, or voluntary, declare that it is necessary to inform additionally determines, supports the procedural agreement. Judges, on the issue of compliance with the procedure for drafting a procedural agreement in the case of a defendant, prosecutor and defender, are entitled to receive an answer (Zhanibekov 2015: 20).

If the purpose of the investigative action is the suspect or the defendant pleaded guilty and facilitating the cleaning, the procedural agreement accumulated in agreement with the evidence, we believe there is no need to collect additional evidence that after the signing of the procedural agreement.

We believe that in the long term it gives a positive result, to the practice of the criminal process, the institution of the procedural agreement.



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