

**ҚАЗАҚСТАН РЕСПУБЛИКАСЫ ҒЫЛЫМ ЖӘНЕ ЖОҒАРЫ БІЛІМ МИНИСТРЛІГІ**

**«Л.Н. ГУМИЛЕВ АТЫНДАҒЫ ЕУРАЗИЯ ҰЛТТЫҚ УНИВЕРСИТЕТІ» КЕАҚ**

**Студенттер мен жас ғалымдардың  
«GYLYM JÁNE BILIM - 2024»  
XIX Халықаралық ғылыми конференциясының  
БАЯНДАМАЛАР ЖИНАҒЫ**

**СБОРНИК МАТЕРИАЛОВ  
XIX Международной научной конференции  
студентов и молодых ученых  
«GYLYM JÁNE BILIM - 2024»**

**PROCEEDINGS  
of the XIX International Scientific Conference  
for students and young scholars  
«GYLYM JÁNE BILIM - 2024»**

**2024  
Астана**

**УДК 001**

**ББК 72**

**G99**

**«ǴYLYM JÁNE BILIM – 2024» студенттер мен жас ғалымдардың XIX Халықаралық ғылыми конференциясы = XIX Международная научная конференция студентов и молодых ученых «ǴYLYM JÁNE BILIM – 2024» = The XIX International Scientific Conference for students and young scholars «ǴYLYM JÁNE BILIM – 2024». – Астана: – 7478 б. - қазақша, орысша, ағылшынша.**

**ISBN 978-601-7697-07-5**

Жинаққа студенттердің, магистранттардың, докторанттардың және жас ғалымдардың жаратылыстану-техникалық және гуманитарлық ғылымдардың өзекті мәселелері бойынша баяндамалары енгізілген.

The proceedings are the papers of students, undergraduates, doctoral students and young researchers on topical issues of natural and technical sciences and humanities.

В сборник вошли доклады студентов, магистрантов, докторантов и молодых ученых по актуальным вопросам естественно-технических и гуманитарных наук.

**УДК 001**

**ББК 72**

**G99**

**ISBN 978-601-7697-07-5**

**©Л.Н. Гумилев атындағы Еуразия  
ұлттық университеті, 2024**

## **FEATURES OF THE APPOINTMENT OF COMPREHENSIVE EXAMINATIONS IN THE INVESTIGATION OF CRIMINAL CASES OF CRIMES COMMITTED BY MINORS**

**Kadyr Aruzhan**

*Kadyraruzhan00@gmail.com*

*1st year undergraduate student of the specialty "Forensic examination"*

*L.N. Gumilyov ENU, Astana, Kazakhstan*

*Scientific supervisor - Candidate of Law, Professor Sembekova B.R.*

The investigation of criminal cases involving minors requires meticulous attention and specialized approaches due to the unique circumstances surrounding juvenile offenders. Comprehensive examinations play a pivotal role in this process, offering a multifaceted understanding of the case at hand. This article elucidates the concept of complex expertise in criminal proceedings, emphasizing its significance in the investigation of crimes committed by minors.[1] It delves into various types of complex examinations, highlighting their respective methodologies and solutions.

Criminal cases involving minors present distinctive challenges to law enforcement and judicial systems worldwide. Understanding the psychological, social, and developmental factors influencing juvenile behavior is essential for fair and effective adjudication. In this context, the appointment of comprehensive examinations, encompassing diverse areas of expertise, becomes imperative. This article explores the nuances of complex expertise in criminal investigations involving minors, delineating its role and elucidating various types of examinations employed in such cases.

Complex expertise in criminal proceedings refers to the integration of specialized knowledge from diverse fields to comprehensively analyze and understand the intricacies of a case. It transcends traditional investigative methods by incorporating insights from psychology, sociology, forensic science, psychiatry, and other relevant disciplines. In cases involving minors, complex expertise is particularly crucial, as it facilitates a holistic assessment of the juvenile offender's circumstances, motivations, and potential for rehabilitation.

Complex examinations serve multifaceted roles in the investigation of criminal cases involving minors:

Psychological examinations delve into the mental and emotional state of the juvenile offender, assessing factors such as cognitive development, emotional stability, and potential psychological disorders. [2] These evaluations provide invaluable insights into the offender's capacity for understanding the consequences of their actions, their susceptibility to external influences, and their prospects for rehabilitation.

Social examinations focus on the juvenile offender's familial, educational, and peer relationships, as well as their socio-economic background. By examining the environmental factors shaping the offender's behavior, social assessments elucidate underlying causes of delinquency, such as family dysfunction, peer pressure, or socioeconomic deprivation. Understanding these influences is essential for devising intervention strategies that address root causes and promote long-term rehabilitation.

Forensic examinations involve the collection and analysis of physical evidence pertinent to the case, such as DNA samples, fingerprints, or trace evidence. In cases involving minors, forensic analysis may help corroborate or refute allegations, identify accomplices, or establish the circumstances surrounding the commission of the crime. Forensic evidence complements other forms of examination, providing empirical support for investigative findings and enhancing the credibility of judicial proceedings.

Several types of complex examinations are commonly employed in the investigation of criminal cases involving minors, each addressing specific aspects of the offender's behavior and circumstances:

This examination integrates psychological and social assessments to provide a holistic understanding of the juvenile offender's background, personality traits, and environmental influences. [3] Solutions derived from this examination may include therapeutic interventions, family counseling, or educational support aimed at addressing underlying issues and promoting positive behavioral change.

Risk and needs assessments aim to identify factors contributing to the juvenile offender's delinquent behavior and assess their likelihood of reoffending. Solutions may include tailored rehabilitation programs, educational opportunities, or community-based interventions designed to mitigate risk factors and enhance protective factors, thereby reducing the likelihood of future criminal involvement.

Developmental evaluations focus on the cognitive, emotional, and social development of the juvenile offender, taking into account their age, maturity level and capacity for rehabilitation. Solutions may involve age-appropriate interventions, educational interventions tailored to the offender's developmental stage, or mentoring programs aimed at fostering positive socialization and skill development.

In criminal proceedings involving minors, it may be necessary to appoint and conduct comprehensive psychological examinations, such as psychological-psychiatric, psychological-pedagogical, medical-psychological, psychological-sexological, psychological-art criticism, psychological-physiological, etc. [4] Complex forensic psychological and psychiatric examination is "one of the most complex subject types of examinations due to the ambiguity of its legal significance and the need to apply special knowledge not only in general, medical and social psychology, but in pathopsychology and age psychology."

In practice, the question often arises as to which of the examinations – forensic psychological or complex psychological and psychiatric, to appoint in relation to a minor suspect, accused, defendant, victim or witness. Practice shows that investigators often prescribe a comprehensive psychological and psychiatric examination unnecessarily.

A number of authors admit the possibility of consistently conducting forensic psychiatric and forensic psychological examinations instead of a comprehensive psychological and psychiatric examination and recommend first conducting a forensic psychiatric examination to exclude mental disorders, and only then - a forensic psychological one. In our opinion, the position of V.V. Melnik and V.V. is more correct. Yarovenko, who write that an outpatient forensic psychiatric examination should be appointed first, "only after it is carried out and depending on its results, it is possible to make an informed decision on the appointment of a forensic psychological or psychological psychiatric examination". Complex forensic psychological and psychiatric examination, unlike forensic psychological, is recommended for minors characterized by mental retardation associated with oligophrenia in the degree of debility, neuroses, psychopathies, asthenic syndrome, psychophysical infantilism, organic brain lesions, etc. These are borderline forms of mental disorders. [5]

The problem of responsibility of minors who lag behind in mental development unrelated to a mental disorder is quite complex in criminal law science, causes contradictory judgments and incorrect statements not only among lawyers, but also among psychologists, psychiatrists, since the legislator does not establish which criteria of mental retardation should be guided.

Specialists in various fields ambiguously interpret the terms «mental retardation unrelated to a mental disorder» and «mental retardation»: lawyers, psychologists and psychiatrists. Some scientists identify these concepts without distinguishing between them. Many people adhere to the point of view according to which a delay in mental development can be caused by social and pedagogical neglect, the presence of a sensory defect not recognized in a timely manner and, accordingly, not taken into account in the organization of the educational and educational process (poor eyesight, partial deafness), prolonged isolation of the child from a normal team, etc.. Others believe that mental retardation may be a consequence not only of social and pedagogical neglect, but also of minimal brain dysfunction, organic brain disease, traumatic brain injury, and somatic disease.

There is often a combination of various biological and social factors in the origin of the delay in the mental development of a teenager. Psychiatrists exclude the connection of mental retardation with mental retardation and pedagogical neglect. In psychiatry, the concept of "mental retardation" is applied mainly to oligophrenics, who in a broad sense are mentally ill (congenital or early acquired dementia). Consequently, the concept of "mental retardation" is broader than "mental retardation".[6] To establish signs of mental retardation caused by socio-psychological reasons, a forensic psychological examination should be prescribed, and to identify mental retardation caused by various forms of borderline mental disorders, including mental retardation, a comprehensive psychological and psychiatric examination should be prescribed.

#### Challenges of the Topic:

**Interdisciplinary Coordination:** One of the primary challenges in the investigation of criminal cases involving minors is the coordination of interdisciplinary efforts. Comprehensive examinations necessitate collaboration between professionals from various fields such as psychology, social work, law enforcement, and legal experts. Coordinating these diverse perspectives and integrating their findings into a cohesive understanding of the case can be logistically challenging and time-consuming.

**Access to Specialized Expertise:** Another significant challenge is ensuring access to specialized expertise in areas such as child psychology, forensic analysis specific to juveniles, and social work with at-risk youth. In many regions, particularly in underserved communities or developing countries, there may be a shortage of qualified professionals with the requisite training and experience in addressing the complex needs of juvenile offenders.

**Confidentiality and Privacy Concerns:** Balancing the need for comprehensive assessments with the protection of minors' rights, including their privacy and confidentiality, poses a considerable challenge. Ensuring that sensitive information gathered during examinations is handled ethically and in compliance with legal regulations becomes paramount. Moreover, maintaining confidentiality while sharing essential insights with relevant stakeholders involved in the juvenile justice system requires careful navigation. [7]

**Cultural Sensitivity and Diversity:** Cultural differences and diverse backgrounds among minors involved in criminal cases add another layer of complexity. Understanding and respecting cultural norms, beliefs, and practices is essential for conducting meaningful assessments and formulating intervention strategies that resonate with the juvenile offender's cultural context. Failure to account for cultural diversity may lead to misunderstandings, mistrust, or ineffective outcomes in the rehabilitation process.

**Resource Constraints:** Limited resources, both financial and infrastructural, can impede the conduct of comprehensive examinations in criminal cases involving minors. Adequate funding for training, equipment, and facilities is necessary to ensure the quality and efficacy of assessments. Moreover, disparities in resource allocation between urban and rural areas or between different jurisdictions may exacerbate inequalities in access to justice for juvenile offenders.

Addressing these challenges requires a concerted effort from policymakers, legal professionals, law enforcement agencies, social service providers, and the broader community. By investing in interdisciplinary collaboration, professional development, cultural competence, and resource allocation, stakeholders can enhance the effectiveness and fairness of investigations and interventions in cases involving minors accused of criminal offenses.

In the presence of data indicating a lag in mental development associated with borderline forms of mental disorders, a comprehensive psychological and psychiatric examination is appointed to establish the possibility of a minor to fully realize the actual nature and social danger of his actions (inaction) or to lead them." [2] A comprehensive psychological and psychiatric examination may be appointed in relation to minor witnesses and victims suffering from the borderline forms of mental disorders listed above, in order to establish their ability to correctly perceive the circumstances relevant to the case and give correct testimony about them. The conclusions of the experts should concern only the fundamental ability to correctly perceive and reproduce information relevant to the case, and not the study of whether or not the expert perceived the events of interest to

the court and the investigation, in fact, correctly or incorrectly reproduced them. A comprehensive psychological and psychiatric expert study is also conducted to establish the ability of juvenile and underage victims in cases of rape and violent sexual acts that show signs of mental abnormalities to correctly understand the nature and significance of the actions of the perpetrator and resist. The task of a comprehensive forensic psychological and psychiatric examination in this case is "to identify mental disorders or psychological characteristics that cause the development of a helpless state at the time of sexual violence." Establishing the ability of victims to understand the nature and significance of violent sexual acts committed with them or to resist is necessary for the correct qualification of the actions of the perpetrator. A comprehensive psychological and psychiatric examination is also prescribed to establish the mental state of a person who has committed suicide. [3] Such an examination is carried out in cases where the mental state of the suicidal person is psychopathological in nature. A comprehensive psychological and psychiatric examination should be prescribed to establish the affect, as well as the motivation for illegal actions against persons with mental abnormalities. N.B. Morozova found that acute short-term affective reactions, during which minors commit serious socially dangerous acts directed against the personality, often occur against the background of psychogenic personality development, the cause of which is adverse effects of the social environment, including traumatic situations. In criminal cases involving minors, in addition to psychological and psychiatric expertise, other types of complex psychological examinations may be prescribed, such as psychological and pedagogical, psychological and medical, psychological and sexological, psychological and art criticism, psychological and physiological, etc. The purpose of psychological and pedagogical expertise is to identify the patterns of education and upbringing of a child, the emergence of pedagogical neglect, intellectual development of a child, the capabilities of parents (one or both) for the upbringing and education of a child, etc.

Comprehensive examinations play a pivotal role in the investigation of criminal cases involving minors, offering a nuanced understanding of the offender's behavior, circumstances, and needs. By integrating insights from psychology, sociology, forensic science, and other relevant disciplines, complex expertise enhances the efficacy and fairness of juvenile justice proceedings. Moving forward, continued emphasis on comprehensive examinations and interdisciplinary collaboration is essential for promoting the rehabilitation and reintegration of juvenile offenders into society.

#### **References:**

1. Safuanov F.S. Forensic psychological examination in criminal proceedings. M., 1998. p.
2. Kudryavtsev I.A. Forensic psychological and psychiatric examination. M., 1988. P. 7.
3. Kochenov M.M. Forensic psychological examination. M., 1977. pp. 123-124. Psychology and Law: The Past, Present, and Future of the Discipline. Psychology, Crime & Law. Vol. 19, no. 8, 2013. p. 643-647.
4. Clive R. Hollin. Psychology and Crime: An Introduction to Criminological Psychology. Routledge Publishing, London, UK, 2012.
5. Proceedings 25th Annual 1991 IEEE International Carnahan Conference on Security Technology. October 1–3, 1991. Taipei. Taiwan. 789 p.
6. Declaration of the Rights of the Child (Proclaimed by the UN General Assembly Resolution 1386 (XIV) of 20 November 1959). [https://zakon.rada.gov.ua/laws/show/995\\_384?l\\_ang=ru](https://zakon.rada.gov.ua/laws/show/995_384?l_ang=ru). (date of reference: 03.03.2024).