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TRANSFORMATION OF CRIMINAL PROCEDURE IN THE CONTEXT OF DIGITALIZATION: THE LEGAL NATURE OF THE “ELECTRONIC CRIMINAL CASE” INSTITUTION

Abstract

In the context of rapid digitalization of social relations, legal systems, including criminal justice, are undergoing significant structural and functional transformation. In recent years, many countries have demonstrated a shift from the traditional paper-based form of criminal proceedings to electronic formats. In this regard, the emergence of the “electronic criminal case” institution has become one of the key elements of the new digital paradigm of criminal procedure. The purpose of this study is to analyze the legal nature of the electronic criminal case institution in the context of the digital transformation of criminal proceedings and to determine its role within the criminal justice system. The research employs dialectical, system-structural, comparative legal, and analytical methods.

The study identifies the main legal characteristics of electronic criminal proceedings and highlights their differences from the traditional form of criminal procedure. Particular attention is paid to the formation of electronic procedural documents, the legal status of digital evidence, and the specific features of procedural actions carried out through information systems. The findings indicate that the electronic criminal case is gradually emerging as an independent institutional element of modern criminal procedure.

The scientific novelty of the study lies in the theoretical substantiation of the legal nature of the “electronic criminal case” institution within the framework of the digital transformation of criminal procedure, as well as in the development of proposals aimed at improving the criminal procedural legislation of the Republic of Kazakhstan based on international experience. The results of the study have both theoretical and practical significance for further development of digital criminal justice and improvement of legal regulation of electronic criminal proceedings.

Keywords: criminal procedure, digitalization, electronic criminal case, digital evidence, personal data protection, information security, international experience.

Introduction.

The rapid digitalization of social relations in the contemporary period has a significant impact on all sectors of the public administration system, including law enforcement and judicial institutions. In the Republic of Kazakhstan, digital transformation has been identified as one of the priority directions of state policy. This direction is being implemented within the framework of the state program “Digital Kazakhstan”, which aims to increase the efficiency of public administration, develop information systems, and expand the accessibility of public services [1]. The importance of digitalization has also been emphasized in the Addresses of the President of the Republic of Kazakhstan Kassym-Jomart Tokayev to the people of Kazakhstan, where the widespread introduction of digital technologies has been identified as a strategic task for improving the effectiveness of state institutions [2]. These processes also directly affect law enforcement and judicial systems, contributing to the enhancement of efficiency, transparency, and accessibility of criminal justice proceedings.

In the Republic of Kazakhstan, one of the important institutional stages in the digitalization of criminal procedure is associated with the introduction of the Unified Register of Pre-Trial Investigations (URPTI) system [3]. This information system has formed a centralized mechanism for registering information on criminal offenses, recording procedural actions, and maintaining criminal case materials in electronic form. In accordance with the Criminal Procedure Code of the Republic of Kazakhstan, the registration of statements and reports on criminal offenses, as well as the initiation of pre-trial investigations, is carried out within the URPTI system (CPC of the Republic of Kazakhstan, Article 179) [4]. By ensuring that procedural information is recorded in

a unified database, this system is aimed at strengthening mechanisms for ensuring legality in criminal proceedings and exercising prosecutorial supervision.

As a result of the introduction of the URPTI system, some elements of criminal proceedings—namely procedural documents, records of investigative actions, evidentiary materials, and procedural decisions—began to be generated and processed in the digital environment. This, in turn, indicates the gradual transition from the traditional model of criminal proceedings based on paper document circulation to an electronic procedural format based on information systems. In the works of Maria Angela Biasiotti, such changes are considered as an institutional manifestation of the digital transformation of criminal procedure. They are evaluated as one of the important factors underlying the formation of the institution of the electronic criminal case [5].

However, it should be noted that a significant proportion of scholarly research devoted to the digitalization of criminal procedure is primarily focused on technical or organizational aspects. Consequently, there are grounds to argue that the legal nature of the “electronic criminal case” institution, its institutional status within criminal proceedings, and its relationship with the system of digital evidence have not yet been systematically studied in legal scholarship to a sufficient extent. In this regard, the question of whether an electronic criminal case should be considered merely as a digital version of traditional criminal case materials, or whether it constitutes an independent legal institution formed as a result of the digital transformation of criminal procedure, requires scientific analysis.

At present, the legal nature of the institution of the electronic criminal case cannot be considered fully and uniformly defined either in scientific doctrine or within the system of normative legal regulation. In contemporary legal literature, a unified theoretical concept regarding the essence and content of the electronic criminal case has not yet been established. In particular, scholarly debates revolve around whether the electronic criminal case should be regarded solely as a digital form of traditional criminal case materials or whether it represents an independent legal phenomenon consisting of procedural data generated and managed within information systems.

In addition, the legal regulation of electronic criminal proceedings demonstrates that some important issues remain insufficiently regulated. In particular, the legal status of case materials generated in electronic form, their evidentiary value, as well as issues related to ensuring the integrity of data stored in information systems, the protection of personal data, and compliance with information security requirements require further clarification within the framework of legal regulation [6]. This situation indicates the need for further development of the theoretical foundations of the electronic criminal case institution and for its clearer definition within the system of criminal procedural legislation.

At present, in several countries around the world, including Estonia, Germany, Singapore, and Georgia, electronic case management systems have become an important element of the institutional infrastructure of criminal proceedings. In international legal literature, the digitalization of criminal procedure is often examined through the concept of electronic justice (e-justice). In the works of Fabri and Contini, it is demonstrated that information and communication technologies have a significant impact on the organizational structure of the judicial system and on procedural management mechanisms. The authors emphasize that the introduction of digital technologies not only increases the efficiency of judicial activities but also leads to the transformation of legal institutions.

The experience of these states shows that the digitalization of criminal proceedings is not limited solely to the introduction of information technologies; rather, it requires a comprehensive transformation of the organizational and legal models of criminal justice. These processes are characterized by the formation of electronic justice systems, the management of procedural information in digital formats, and the introduction of new mechanisms of legal regulation. From this perspective, the digital transformation of criminal proceedings is considered an important direction of institutional change that influences the content and structure of legal institutions [7-8].

In this regard, the purpose of this study is to analyze the legal nature of the institution of the “electronic criminal case” under conditions of the digitalization of criminal proceedings and to determine its institutional and procedural characteristics. The study examines the transformation of criminal procedure in the context of digitalization, the legal nature of electronic case management, the legal status of digital evidence, and relevant international experience.

The object of the research is the electronic criminal case management system emerging under conditions of the digitalization of criminal proceedings. The subject of the research includes the legal nature of the institution of the electronic criminal case, its institutional role within criminal proceedings, the legal status of digital evidence, and the specific features of procedural activities carried out through information systems.

Materials and methods of research

During the study, sources at several levels were used. The first group included normative legal acts of the Republic of Kazakhstan, namely the Criminal Procedure Code of the Republic of Kazakhstan [4. -115], the Law of the Republic of Kazakhstan “On Personal Data and Their Protection” [9], as well as regulatory acts governing the maintenance of the Unified Register of Pre-Trial Investigations. The second group consisted of international scientific literature and legal studies devoted to issues of digital evidence, digital justice, and electronic proceedings. In particular, international studies concerning the development of digital criminal procedure were analyzed [5. —56], [6. — 22], [10].

During the research, a set of several interrelated methods widely used in legal science was applied. In particular, the dialectical method made it possible to analyze the evolution of legal institutions and their interrelations under conditions of the digitalization of criminal proceedings. The formal-legal method was used for the systematic analysis of the norms of criminal procedural legislation and for determining their substantive content. The comparative legal method made it possible to compare legal models of the institution of electronic criminal proceedings in different countries; in this context, the experience of electronic justice systems in Estonia, Germany, Singapore, and Georgia was examined.

In addition, methods of legal modeling, legal interpretation, scientific abstraction, legal synthesis, systematization of legal norms, and comparison of scholarly viewpoints were employed. The application of these methods made it possible to identify the structural and functional features of the institution of the electronic criminal case, to assess its institutional role within criminal proceedings, and to substantiate its theoretical and legal model from a scientific perspective.

Results and its discussion

The conducted study demonstrates that the digitalization of criminal proceedings has led to the emergence of new institutional structures within the legal system. One of these is the institution of the electronic criminal case. The research findings prove that this institution is not merely an element of technical modernization, but rather a new legal phenomenon that changes the structure and functional logic of criminal procedure. From this perspective, the institution of the electronic criminal case may be considered a new organizational and legal model of criminal proceedings based on digital infrastructure. This model is based on a system of interconnected institutional, procedural, and technological elements that ensure the generation, storage, and processing of procedural information in electronic form.

The analysis of scientific literature shows that two main scholarly approaches have been formed regarding the legal nature of the electronic criminal case. According to the first approach, the electronic criminal case is regarded as a digital version of traditional criminal case materials. In accordance with this position, the electronic format merely changes the technical method of document circulation and does not significantly affect the legal substance of criminal proceedings [11], [12]. Such an approach is often associated with digital reforms aimed primarily at increasing administrative efficiency.

At the same time, the conducted scientific analysis has shown that this approach cannot fully reflect the current realities of the digital legal environment. Contemporary legal studies substantiate the conclusion that the electronic criminal case should be considered not only as a digitalized version of traditional criminal case materials, but as an independent legal institution

formed as a result of the digital transformation of criminal procedure. This constitutes the second approach. From this perspective, the electronic criminal case does not merely represent a set of digitized documents; rather, it is characterized as an integrated digital complex of procedural data generated and managed within information systems. Such systems are becoming an important element of the infrastructure of electronic justice and contribute to the formation of a new legal model for managing information flows within criminal proceedings [13].

It should be noted that in Kazakhstani legal scholarship, the theoretical foundations of the institution of proof in criminal proceedings have been studied to a considerable extent. In particular, the works of E.V. Mitskaya, B.E. Imashev, and S.T. Nurgaliyev provide a comprehensive analysis of the legal nature of evidence, the specific features of its formation, and the mechanisms for evaluating evidence [14-16]. At the same time, the conducted analysis shows that in domestic legal science, issues related to the legal nature of the institution of the electronic criminal case, its structural characteristics, and its relationship with the system of digital evidence have not yet been sufficiently studied. In this regard, the scientific clarification of the theoretical and legal foundations of the institution of the electronic criminal case under conditions of the digital transformation of criminal procedure represents one of the pressing tasks of legal science.

In the practice of Kazakhstan, the digitalization of criminal proceedings is associated with the introduction of the Unified Register of Pre-Trial Investigations (URPTI). This system ensures the registration of criminal offenses, the recording of procedural actions, and the maintenance of case materials in electronic form. However, the conducted legal analysis has revealed certain normative inconsistencies between the practice of electronic proceedings and current criminal procedural legislation.

For example, according to Article 199 of the Criminal Procedure Code of the Republic of Kazakhstan, the results of investigative actions must be documented in the form of a protocol. According to the traditional legal understanding, such protocols are formalized in the form of paper documents. In practice, however, many procedural documents are generated in electronic form within the URPTI system. This clearly demonstrates the existence of certain legal gaps concerning the legal status of electronic procedural documents.

During the research, another important issue was identified—the evidentiary status of electronic data. Although Article 111 of the Criminal Procedure Code of the Republic of Kazakhstan establishes the general concept of evidence, the legal status of digital records generated within information systems is not specifically regulated. As a result, electronic data may in some cases be considered documentary evidence, while in other cases they may be treated merely as an additional source of information.

One of the frequently encountered examples in law enforcement practice concerning the evidentiary status of electronic data is correspondence carried out through electronic communication tools. In particular, messages sent via messengers such as WhatsApp or Telegram may be used as an important source of information when establishing the circumstances of a criminal offense [17-18]. However, when such electronic messages are used as evidence, certain difficulties arise in legal practice, including the verification of their authenticity, the identification of the person who sent the message, and the assurance that the information has not been altered.

Another example related to the evidentiary significance of electronic data is the geolocation data generated by mobile communication operators. Such information makes it possible to determine the location of a particular individual during a specific period of time. It may in certain cases be used to establish the place and time of the commission of a crime. In addition, during the investigation of economic or fraud-related offenses, electronic logs of banking transactions may also serve as an important source of evidentiary information.

These examples clearly demonstrate the growing role of electronic data within criminal proceedings. At the same time, they indicate the necessity of clearly regulating issues related to the authenticity, integrity, and lawful acquisition of such data when they are used as evidence. In this regard, clarifying the legal status of digital evidence and establishing the procedure for its evaluation at the level of criminal procedural legislation constitutes one of the key conditions for the effective functioning of the electronic criminal case system.

In addition, the results of the conducted study demonstrate that the protection of personal data represents an issue of particular legal significance within the system of electronic criminal proceedings, [19]. Under conditions of the digitalization of criminal procedure, a significant portion of the data accumulated and stored in information systems contains information related to the private life of participants in criminal proceedings. Such data include personal identification information, contact details, electronic communications, as well as various digital traces generated within different information systems.

In this regard, under conditions of electronic criminal proceedings, the relationship between the procedural interests of investigative authorities and the constitutional guarantees related to the inviolability of private life and the protection of personal data becomes one of the particularly pressing issues. This situation requires the clear legal regulation of the procedures for collecting, storing, and using data within criminal proceedings, as well as the development of effective legal mechanisms for ensuring information security and the protection of personal data.

Turning to the directions for improving the criminal procedural legislation of the Republic of Kazakhstan, it is proposed to introduce the following conceptual amendments to the Criminal Procedure Code of the Republic of Kazakhstan (hereinafter - the CPC RK).

1. Formation of the institutional and conceptual framework

To legitimize the digital form of criminal proceedings, it is necessary to supplement Article 7 of the CPC RK with a new provision of the following content:

"Electronic criminal case – an integrated set of procedural documents and digital evidence generated, stored, and processed in digital form within an information system, ensuring the legality, transparency, and accessibility of criminal proceedings."

The introduction of this norm would grant an independent legal status to case materials in electronic form and eliminate the perception of such materials as merely technical copies of traditional paper-based documents.

2. Modernization of the theoretical foundations of the law of evidence

Taking into account the growing significance of digital traces, it is proposed to supplement Article 111 of the CPC RK with a new paragraph 3 formulated as follows:

"Digital data confirmed as authentic and integral through technical means (including electronic messages, correspondence in messengers, geolocation data, multimedia files, and logs of information systems) shall be recognized as evidence in criminal proceedings."

This amendment is aimed at consolidating the evidentiary significance of digital data at the legislative level and eliminating gaps existing in law enforcement practice.

3. Unification of the form of procedural documentation

To resolve the legal contradiction between paper-based and electronic document circulation, it is important to introduce the following amendment to Article 199 of the CPC RK:

"The protocol of an investigative action may be drawn up either in paper form or in electronic form certified by an electronic digital signature. Both forms shall have equal legal force."

This amendment ensures the procedural autonomy of documents generated within the Unified Register of Pre-Trial Investigations (URPTI).

4. Implementation of the principle of adversarial proceedings in criminal procedure

To ensure the "digital equality" of the parties (equality of arms), it is proposed to supplement Article 70 of the CPC RK with the following provision:

"The defense shall have the right to remotely access electronic criminal case materials (except for information constituting state secrets) through relevant information systems (such as the 'Advocacy' information system) and to obtain copies thereof."

This mechanism corresponds to international standards (including the experience of Germany and Estonia) and expands the procedural capabilities of defense lawyers, thereby strengthening the transparency of justice.

Thus, the proposed set of legislative amendments is aimed at adapting the criminal procedural law of the Republic of Kazakhstan to digital realities, reducing procedural costs, and strengthening guarantees for the protection of citizens' constitutional rights.

The conducted comparative analysis makes it possible to draw several important conclusions for Kazakhstan. First, the effectiveness of electronic criminal proceedings is not limited to the mere introduction of information systems; rather, it depends on the quality of legal regulation and the observance of procedural safeguards. Second, ensuring the procedural rights of the defense within the electronic case management system is of particular importance. Third, clarifying the legal regime of digital evidence and ensuring data security constitute one of the key conditions for the sustainable development of the institution of the electronic criminal case.

The results of the study demonstrate the necessity of improving legislation to ensure the legal development of the institution of the electronic criminal case in the Republic of Kazakhstan. In particular, it is important to clarify the legal status of electronic procedural documents, regulate the procedures for the use of digital evidence, and define the legal regime of data stored in information systems.

The results of the conducted comparative legal analysis are systematized and presented in the table below.

Table 1 – Analytical Comparative Analysis

Criteria	Kazakhstan	Estonia	Germany
Main digital system	Unified Register of Pre-Trial Investigations (URPTI)	e-Justice system, X-Road platform	Elektronische Strafsakte (Electronic Criminal File)
Digitalization principle	Digitalization of procedural information registration	Digital-first principle	Digital-first with preservation of procedural safeguards
Procedural documents	Electronic and paper formats used simultaneously	Mainly electronic format	Electronic documents prevail
Data exchange	Limited inter-agency integration	Fully integrated data exchange between government institutions	Electronic interaction between courts, prosecutors, and the bar
Access for the defense	Access to electronic systems not fully developed	Full digital access for lawyers	Lawyers' access to electronic files legally guaranteed
Main legal issue	Legal status of electronic evidence and procedural documents	Data security	Preservation of procedural safeguards
Note: Compiled based on sources [3], [4], [7], [11], [20].			

The data presented in the table demonstrate different legal models of electronic criminal proceedings. In Estonia, the digital governance system is based on a fully integrated infrastructure, while in Germany, electronic proceedings have been introduced gradually with the preservation of procedural safeguards. In Kazakhstan, the electronic proceedings system is mainly focused on the function of informational registration. This situation indicates the need to further clarify the legal status of the institution of the electronic criminal case within the national legal system.

The legal model of electronic criminal proceedings can also be characterized through several interrelated elements. The results of the conducted study show that the structure of this institution is based on the interaction of institutional, procedural, and technological components. Such an approach makes it possible to form a conceptual model explaining the digital transformation of criminal procedure.

First, the institutional element of electronic criminal proceedings includes the system of interaction among the main subjects participating in criminal proceedings. This system includes investigative bodies, the prosecution, the courts, and the institution of advocacy. These subjects

interact with one another through electronic information systems in the process of generating, processing, and using criminal case materials. Such a model accelerates the exchange of procedural information and contributes to increased efficiency in criminal proceedings. International studies emphasize that electronic justice systems optimize data exchange between law enforcement agencies and contribute to the formation of new legal forms of procedural management.

Second, the procedural element of electronic criminal proceedings involves implementing the main procedural components of criminal procedure in digital form. This element includes electronic procedural documents, digital evidence, electronic protocols, and the automated recording of procedural actions. As a result, criminal case materials are generated in electronic form from the initial stage and stored in information systems. Such an approach indicates the gradual transition from the traditional model of criminal proceedings based on paper document circulation to a digital procedural model. Studies devoted to the role of digital evidence demonstrate that the importance of electronic data in criminal proceedings is increasing and that they are becoming an integral element of the evidentiary system [20].

Third, the technological element of electronic criminal proceedings includes information tools designed for the processing and protection of procedural data. The main components of this element include information systems, electronic signatures, cryptographic protection tools, and data logging mechanisms. Such technologies make it possible to ensure the authenticity, integrity, and security of procedural data. International practice demonstrates that the effectiveness of electronic justice largely depends on the reliability of digital infrastructure and the development of data security mechanisms [6. — 65].

In the Republic of Kazakhstan, the institutional foundation of the electronic criminal proceedings system has been formed through the Unified Register of Pre-Trial Investigations (URPTI). This system ensures the registration of information on criminal offenses, the recording of procedural actions, and the maintenance of criminal case materials in electronic form. In addition, the URPTI system facilitates the exchange of information between law enforcement agencies and contributes to increasing the transparency of criminal proceedings. However, the conducted analysis has shown that the electronic proceedings system in Kazakhstan has not yet reached the level of a fully developed digital legal model. In particular, the legal status of electronic procedural documents, the procedure for evaluating digital evidence, and the legal regime of data stored in information systems are not fully regulated.

Comparative legal analysis has demonstrated that different institutional models of electronic criminal proceedings exist. For example, in Estonia the digital governance system is based on a fully integrated infrastructure, while in Germany electronic proceedings have been introduced gradually with the preservation of procedural safeguards. In Singapore, the digitalization of justice has been complemented by analytical digital tools and elements of artificial intelligence within electronic case management systems. These experiences demonstrate that the effectiveness of electronic criminal proceedings depends not only on technological modernization but also on the quality of legal regulation and institutional coherence.

Overall, the conducted research shows that the institution of the electronic criminal case represents a new organizational and legal model formed as a result of the digital transformation of criminal procedure. This model transforms the institutional structure of criminal proceedings, the mechanisms of proof, and the methods of managing procedural information. In this regard, the further development of electronic criminal proceedings in the Republic of Kazakhstan is closely linked to the improvement of criminal procedural legislation, the clarification of the legal regime of digital evidence, and the development of effective mechanisms for ensuring data security.

The conducted study has demonstrated that the digitalization of criminal proceedings leads to the formation of new institutional structures within the legal system. Among these, one of the phenomena requiring particular attention is the institution of the electronic criminal case. The results of the research prove that it is insufficient to consider the electronic criminal case merely as a digital copy of traditional criminal case materials. On the contrary, it represents a new organizational and legal model of criminal proceedings based on an integrated complex of procedural data generated and managed within information systems.

During the research, the main institutional, procedural, and technological elements of electronic criminal proceedings were identified, and their interrelation was analyzed. The comparative legal analysis has shown that the experience of countries such as Estonia, Germany, and Singapore demonstrates that the effectiveness of electronic case management systems directly depends on the level of legal regulation, data security, and the preservation of procedural safeguards. Although the Unified Register of Pre-Trial Investigations introduced in the Republic of Kazakhstan represents an important stage in the digitalization of criminal proceedings, the legal architecture of electronic proceedings is still in the process of formation.

In this regard, the results of the study indicate the necessity of further improving the criminal procedural legislation of the Republic of Kazakhstan. In particular, one of the important directions is the legislative clarification of the concept of the electronic criminal case, the determination of the legal status of digital evidence, and the regulation of the legal force of electronic procedural documents. In addition, strengthening guarantees for the protection of personal data and information security constitutes one of the key conditions for the sustainable development of the electronic criminal proceedings system.

In general, the formation of the institution of the electronic criminal case represents an important stage in the digital transformation of criminal procedure. The further development of this institution is closely linked not only to the improvement of legal regulation but also to the effective integration of digital technologies into the legal system. Future research may focus on examining the possibilities of applying artificial intelligence technologies within the system of electronic criminal proceedings, the development of international standards for digital evidence, and the advancement of the legal architecture of electronic justice.

In this regard, several important legal measures should be implemented to develop the institution of the electronic criminal case in the Republic of Kazakhstan. First, it is necessary to clarify the concept of the “electronic criminal case” at the level of criminal procedural legislation. Second, it is important to regulate, at the legislative level, the legal status of digital evidence and the procedures for its evaluation. Third, it is necessary to clarify the legal force of electronic procedural documents and the procedures for their storage within information systems. These measures would make it possible to improve the effectiveness of legal regulation under conditions of the digital transformation of criminal proceedings.

Conclusion.

The results of the conducted comprehensive research substantiate the necessity of recognizing the institution of the “electronic criminal case” not merely as a tool of technical modernization but as a new organizational and legal model of criminal justice under conditions of the digital transformation of criminal procedure. In this regard, the following legislative proposals have been formulated to elevate the system of electronic criminal proceedings in the Republic of Kazakhstan to a fully institutional level and to enhance its procedural efficiency.

Legitimization of the institutional and conceptual framework: It is proposed to introduce the concept of the “electronic criminal case” into Article 7 of the Criminal Procedure Code of the Republic of Kazakhstan to define its independent legal status. This would provide a theoretical justification for the legality of case materials generated in digital form and would allow the practical establishment of their legal priority over the traditional paper format (Digital-first principle).

Adaptation of the evidentiary system to digital reality: It is necessary to introduce amendments to Articles 111 and 113 of the CPC RK to legally recognize “digital data” (including correspondence in messengers, geolocation data, blockchain transactions, etc.) as an independent type of evidence. In this regard, it is important to regulate specific procedural safeguards ensuring the authenticity, integrity, and immutability of electronic information.

Unification of the form of procedural documents: By improving the provisions of Article 199 of the CPC RK, it is necessary to legally establish the equal legal force of electronic protocols and procedural decisions certified by an electronic digital signature with their paper equivalents. Such a step would legally ensure the transition of criminal proceedings from a “hybrid format” to a fully digital procedural model.

Strengthening the principle of “digital equality” of the parties: To preserve the adversarial principle of criminal procedure, it is proposed to establish legislative mechanisms ensuring remote and unobstructed access of the defense (lawyers) to electronic criminal case materials. This represents an important condition for the implementation of procedural equality guarantees within the digital environment.

In conclusion, the proposed legislative measures would make it possible to form the legal architecture of electronic criminal proceedings, enhance the accessibility of justice, and bring the protection of the constitutional rights of participants in criminal proceedings to a new digital level.

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ТРАНСФОРМАЦИЯ УГОЛОВНОГО ПРОЦЕССА В УСЛОВИЯХ ЦИФРОВИЗАЦИИ: ПРАВОВАЯ ПРИРОДА ИНСТИТУТА «ЭЛЕКТРОННОГО УГОЛОВНОГО ДЕЛА»

Аннотация

В современных условиях стремительная цифровизация общественных отношений приводит к структурной и функциональной трансформации правовых систем, в том числе уголовного судопроизводства.

В последние годы во многих государствах наблюдается переход от традиционной бумажной формы уголовного судопроизводства к электронной форме. В этой связи формирование института «электронного уголовного дела» стало одним из факторов формирования цифровой правовой парадигмы уголовного процесса. Цель исследования заключается в анализе правовой природы института электронного уголовного дела в условиях цифровизации уголовного процесса и определении его роли в системе уголовного судопроизводства. В ходе исследования использованы диалектический, системно-структурный, сравнительно-правовой (компаративистский) и аналитический методы.

В результате исследования определены основные правовые признаки электронного уголовного судопроизводства и выявлены его отличия от традиционной формы уголовного процесса. Проанализированы особенности формирования электронных процессуальных документов, правовой статус цифровых доказательств и специфика процессуальных действий, осуществляемых с использованием информационных систем. Результаты исследования свидетельствуют о том, что электронное уголовное дело формируется как самостоятельный институциональный элемент современного уголовного процесса.

Научная новизна исследования заключается в теоретическом обосновании правовой природы института «электронного уголовного дела» в условиях цифровой трансформации уголовного процесса, а также в разработке предложений по совершенствованию уголовно-процессуального законодательства Республики Казахстан с учетом международного опыта. Полученные результаты имеют теоретическое и практическое значение для дальнейшей цифровой трансформации уголовного судопроизводства и совершенствования правового регулирования электронного уголовного производства.

Ключевые слова: уголовный процесс, цифровизация, электронное уголовное дело, цифровые доказательства, защита персональных данных, информационная безопасность, международный опыт.

ЦИФРЛАНДЫРУ ЖАҒДАЙЫНДА ҚЫЛМЫСТЫҚ ПРОЦЕСТІҢ ТРАНСФОРМАЦИЯСЫ: «ЭЛЕКТРОНДЫҚ ҚЫЛМЫСТЫҚ ІС» ИНСТИТУТЫНЫҢ ҚҰҚЫҚТЫҚ ТАБИҒАТЫ

Аңдатпа

Қазіргі кезеңде қоғамдық қатынастардың қарқынды цифрлануы құқықтық жүйелердің, соның ішінде қылмыстық сот өндірісінің құрылымдық және функционалдық трансформациясына алып келуде. Соңғы жылдары көптеген мемлекеттерде қылмыстық процесті жүргізудің дәстүрлі қағаз формасынан электрондық форматқа көшу үрдісі байқалады. Осыған байланысты «электрондық қылмыстық іс» институтының қалыптасуы қылмыстық процестің жаңа цифрлық құқықтық парадигмасының пайда болуына негіз болды. Зерттеудің мақсаты - қылмыстық процестің цифрлануы жағдайында электрондық қылмыстық іс институтының құқықтық табиғатын талдау және оның қылмыстық сот өндірісіндегі рөлін анықтау. Зерттеу барысында диалектикалық, жүйелік-құрылымдық, салыстырмалы-құқықтық (компаративистік) және талдау әдістері қолданылды.

Зерттеу нәтижесінде электрондық қылмыстық іс жүргізудің негізгі құқықтық белгілері айқындалып, оның дәстүрлі қылмыстық іс жүргізу формасынан айырмашылықтары көрсетілді. Сонымен қатар электрондық процестік құжаттардың қалыптасуы, цифрлық дәлелдемелердің құқықтық мәртебесі және ақпараттық жүйелер арқылы жүргізілетін процестік әрекеттердің ерекшеліктері талданды. Зерттеу электрондық қылмыстық іс жүргізудің қылмыстық процестегі дербес институционалдық элемент ретінде қалыптасып келе жатқанын көрсетеді.

Зерттеудің ғылыми жаңалығы «электрондық қылмыстық іс» институтының қылмыстық процестің цифрлық трансформациясы жағдайындағы құқықтық табиғатын теориялық тұрғыдан негіздеуде және халықаралық тәжірибені ескере отырып Қазақстан Республикасының қылмыстық-процестік заңнамасын жетілдіру бойынша ұсыныстар әзірлеуде көрінеді. Зерттеу нәтижелері қылмыстық процестің цифрлануы жағдайында құқықтық реттеуді жетілдіруге және электрондық қылмыстық іс жүргізу механизмдерін дамытуға практикалық маңызға ие.

Негізгі сөздер: қылмыстық процесс, цифрландыру, электрондық қылмыстық іс, цифрлық дәлелдемелер, дербес деректерді қорғау, ақпараттық қауіпсіздік, халықаралық тәжірибе.

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