

# **Actual problems of criminal law, criminal procedure and criminalistics**

**Materials of scientific conference**

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# **Actual problems of criminal law, criminal procedure and criminalistics**

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Am Gestade 1  
1010 Vienna, Austria  
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*Bekbolatuly M.  
First-year Master's Student  
Department of Criminal Law,  
Criminal Procedure and Criminalistics  
Faculty of Law  
Al-Farabi Kazakh National University*

*Dzhansarayeva R.Ye.  
Doctor of law, professor  
Department of criminal law,  
Criminal procedure and criminalistics  
Faculty of law  
Al-Farabi Kazakh National University*

### **Model Law "On the treatment of animals" in the Republic of Kazakhstan – a step towards solving a number of social problems**

**Abstract.** Question Solution of Cruelty to Animals in Kazakhstan matured quite a long time. The world is full of violence and cruelty, if a man even as it is able to protect itself, has the ability to seek help from the relevant authorities, the animals are, in turn, deprived of such opportunities. Each owner of the animals in their treatment must take into account not only regulated by the regulatory legal acts on animals, but also simple public morals. Protection of animals – the duty of every self-respecting man.

**Keywords:** animal cruelty, killing, Model Law, the legal regulation.

*"We can judge the heart of a man by his treatment of animals"  
I. Kant*

Protection befitting the existence of animals is necessary, animals should be kept in conditions in which their owners will not practice over them abuse, bullying or inappropriate content, which resulted in it may suffer. As though it was sad, most people who give birth to animals, not fully aware of the fact that - "start a pet" is not mere entertainment. Citizens should stop practicing

cruelty to animals, because animals also feel pain, hunger, thirst, and other signals. Some of us can afford to simply recoup on the poor animals, because of their personal failures in the home, at work, or simply because of a bad mood. Often we forget that animals need our love, care, and protection.

316 article of the Criminal Code of the Republic of Kazakhstan is located almost in

the "sleep" state, arguing that its ineffectiveness. According to the Legal Statistics Committee of the General Prosecutor of Kazakhstan from 2005 to 2013, out of 800 registered claims on the fact "of animal cruelty" only 11 cases have reached court[1].

This is due to various kinds of factors:

1. Outdated and incomplete wording of this article;

2. The attitude of citizens to the animals in terms of "things";

3. The reluctance of law enforcement agencies to record the facts of cruelty to animals;

4. The latency of the act.

Addition to all the above, you can turn on and the fact that, to the domestic legislation regarding animal cruelty lacks a clear definition of the terminology of a particular act, as well as consolidate the principles of treatment of animals to the level of the law. Also unresolved questions about monitoring the number of homeless animals across the country. Legal regulation of the animal welfare - in zoos, kennels, circuses and other places clusters of animals contains many gaps and shortcomings.

Questions related to the treatment of animals in 2007 was raised to the Interparliamentary Assembly of the CIS countries in the course of which was signed Model Law "On the treatment of animals". But as of 2016, our country has not been enacted, based on the Model Law. Considering this fact, and aware of the possibility of adjusting further questions about the treatment of animals, it is necessary to adopt a law of Republic of Kazakhstan "On the treatment of animals" [2].

may lead to a whole generation of brutal murderers "not animal" ...

Model Law allows the basic principles, based on which we can change the attitude of our citizens toward animals as "things".

Model Law makes it possible to carry out:

1. protect animals from suffering, death, sacrifice on the part of their owners;

2. state regulation and control in the field of treatment of animals;

3. reimbursement of the owner of the animal harm caused to his/her animals or other animal health and property of citizens or property of the organization.

The Law "On the treatment of animals" to fill the gaps and shortcomings in the national legislation regarding animals, would be another step towards finding and solving the problems.

Model Law course must be adapted and adjusted to the realities of Kazakhstan. Possible adoption of this law implies the need to make the appropriate changes and additions to some existing legal acts.

Article 316 of the Criminal Code does not give a complete definition of cruelty to animals, and therefore the classification of "abuse" a pretty difficult thing, which again leads to a reluctance of law enforcement agencies to bring the case to court.

In conclusion, we would like to mention the fact that, yes of course, at this stage of development for our state, there are more significant problems and gaps in the legislation that require immediate action, but for the five institutional reforms proposed by the head of state [4], including the construction of a civil society, we are now at the state level requires raising questions such as "treatment of animals." After all, today's condescending attitude toward "animal cruelty" in the future

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