

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

Materials of scientific conference

«East West» Association for Advanced Studies and Higher Education GmbH

**Vienna
2016**

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

Materials of scientific conference

ISBN 978-3-903115-04-0

Editor-in-chief
Consulting editors

International editorial board

Proofreading
Cover design
Additional design
Editorial office

Email:
Homepage:

Samuel Cuenca, Spain
Kamila Orzechowska, Poland
Anton Mackevitch, Russia
Oana Olteanu, Romania
Nora Szekeresne, Hungary
Rima Dzhanarayeva, Kazakhstan
Květoslava Vitkova, Czech Republic
Matthias Kuster, Austria
Valery Gurchin, Ukraine
Herve Thomas, France
Tatiana Yashkova, Russia
Lidija Jovanović, Croatia
Kristin Theissen
Andreas Vogel
Stephan Friedman
European Science Review
"East West" Association for Advanced
Studies and Higher Education GmbH,
Am Gestade 1
1010 Vienna, Austria
info@ew-a.org
www.ew-a.org

This collection contains materials of scientific conference "Actual problems of criminal law, criminal procedure and criminalistics". The works are aimed at addressing problems such as the modern criminal policy, combating transnational organized crime and corruption, the development of criminal procedure legislation, to ensure the effective investigation of crimes.

Instructions for authors

Full instructions for manuscript preparation and submission can be found through the "East West" Association GmbH homepage at: <http://www.ew-a.org>.

Material disclaimer

The opinions expressed in the conference proceedings do not necessarily reflect those of the «East West» Association for Advanced Studies and Higher Education GmbH, the editor, the editorial board, or the organization to which the authors are affiliated.

© «East West» Association for Advanced Studies and Higher Education GmbH

All rights reserved; no part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Publisher.

Typeset in Berling by Ziegler Buchdruckerei, Linz, Austria.

Printed by «East West» Association for Advanced Studies and Higher Education GmbH, Vienna, Austria on acid-free paper.

Contents

Section I. Actual problems of criminal law	3
<i>Abbasov A., Shopabayev B.A.</i> Psychological portrait of the terrorist.....	3
<i>Abdulkaum Z., Aratuly K.</i> Murder for hire: the theory and practice.....	7
<i>Abzhabpar A., Daubassova S.Sh.</i> Classification of ecological offenses.....	9
<i>Aizharykova A., Satybaldinov D.D.</i> Scientific validity criminal legal norm as condition of their efficiency (theoretical and practical questions of classification of forms of participation).....	12
<i>Ainakulova D., Malikova Sh.B.</i> Murder committed in aggravating circumstances.....	14
<i>Amangeldy A., Shopabayev B.A.</i> Criminal and legal characteristic of the separate types of corruption crimes.....	18
<i>Baymurat M., Umirbaeva Z.A.</i> Determination of the objective and subjective elements of bribetaking.....	19
<i>Bekbolatuly M., Dzhansarayeva R.Ye.</i> Model Law "On the treatment of animals" in the Republic of Kazakhstan – a step towards solving a number of social problems.....	24
<i>Bekbolatuly M., Dzhansarayeva R.Ye.</i> Research the experience of foreign countries in the fight against prostitution and the possibility of its implementation in the Republic of Kazakhstan.....	26
<i>Bissenova M.K.</i> Features and innovations of the new Criminal Code of the Republic of Kazakhstan.....	28
<i>Boribai M., Bissenova M.K.</i> Manifestation of crimes against property in the new Criminal code accepted on July 3, 2014.....	32
<i>Daubassov S., Razakov A.</i> The problem of illegal migration, and possible ways to solve it.....	34
<i>Dauletbai D., Dzhansarayeva R.Ye., Mukhamadiyeva G.N.</i> Measures to combat juvenile offense.....	36
<i>Yergali A.M., Nurbekova K.</i> The legal framework to combat corruption in the Republic of Kazakhstan.....	38
<i>Yergali A.M., Alimkulov G.</i> Criminological and Victimological characteristics of fraud.....	41
<i>Zhamankenova A., Duzbayeva S.B.</i> Foreign experience of fight against crime of minors.....	44
<i>Kaketayeva Zh., Malikova Sh.B.</i> Juvenile delinquency in the Republic of Kazakhstan.....	46
<i>Karataeva A.M., Daubassova S.Sh., Serikbayev A.M.</i> The subject of legal relations, and their features.....	48
<i>Karataeva A.M., Serikbayev A.M.</i> The concept of legal relations, content and their basic concepts.....	50
<i>Makhmutova A., Mukhamadiyeva G.N.</i> Actual problems of the application of compulsory educational measures to minors.....	52
<i>Muratova A., Taubayev B.R.</i> Positive experience of functioning of penal institutions of Norway and possibility of its use in the Republic of Kazakhstan.....	54
<i>Musagali A., Shopabayev B.A.</i> Psychological and personal features subjects of computer crime.....	57

...ing foreigners and stateless persons, and, mainly for skilled workers; others are only allowed if they are needed or that specific sector of the French economy [2].

...problem is equally relevant for us and for other countries of Europe. This is the basis for sustainable growth of the economy, social justice and empowerment of Kazakhstan.

References:

- 1 Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders / K.G. Borisov. International Customs Law. - M., Second Edition, Revised 2001.
- 2 French law "On a selective immigration."

Dauletbai D.
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,
Department of criminal law,
Criminal procedure and criminalistics
Faculty of law
Al-Farabi Kazakh National University

Mukhamadiyeva G.N.
Candidate of legal sciences,
Department of criminal law,
Criminal procedure and criminalistics
Faculty of law
Al-Farabi Kazakh National University

Measures to combat juvenile offense

Abstract. This article discusses the issues about juvenile offense. Also special attention is paid for finding main reasons of delinquencies. An authors gave a list of some combat measures to prevent offences committed by adolescent.

Keywords: juvenile, offence, delinquency, prevention, combat, measures.

Juvenile delinquency is committing criminal acts or offenses by a young person, generally involving people under the age of eighteen. Adolescents - an important, integral part of society, on which depends the future level of culture and consciousness of society [1, p.25].

I would like to mention five major causes of offenses by persons under the age of majority:

- 1) lack of attention from parents, relatives and friends;
- 2) the absence of the educational function in the system of education;

delinquency; prevention of juvenile

4) poor organization of social work with minors;

5) too soft responsibility for the offense;

I. e. the elimination of the negative points above and consideration of these issues will help to reduce the level of crime committed by juveniles [2, p.30].

V.B. Konovalov notes the particular juvenile delinquency prevention system, in which we can identify:

1) early prevention, which is aimed to establish the circumstances, adversely affected on the formation of the identity of minors and prevention of their transition to crime;

2) the establishment of the circumstances, which has already entailed the commission of specific offenses of minors;

3) prevention of relapse. [3, p.33]

Also, according to many authors, public authorities and civil society organizations should carry out the following preventive and educational measures in order to prevent juvenile delinquency:

1) improve the living conditions, education and upbringing of minors in cases where the situation threatens their normal development;

2) set the source and stop the action of anti-social influence;

3) impact on minors, having deviations in behavior in such a way, so as not to give a foothold antisocial attitudes and habits.

Also important is the fact of individual prevention effect on the minor's personality and his environment. The main elements of the impact warning system are:

- Thorough study of minors who can commit the offense;

- defining the main measures and activities. Based on them, it would be possible to achieve these goals in practice;

- production of rational methods of organization, control and determine the effect of individual preventive effect. The purpose of individual prevention of offenses committed by juveniles are correction and re-education of teenager or changing his criminal orientation. Hence, we can find the necessity to solve the problem of establishing patterns of deviant

behavior, the mechanism of its formation and change [3, p.38].

To do this we need to:

- Identify juvenile, behavior, attitudes, motives of actions, which indicate the possibility of the offense;

- Study the personality of the adolescents;

- Identify and eliminate the sources of negative influence on them;

- Explore the possibility of creating an enabling environment in order to prevent the implementation of criminal intent;

- Monitor the behavior of juveniles and their way of life;

- Periodically review the results and make appropriate adjustments to the job [2, p.35].

In addition legal scholars remark, the so-called second-level measures. Second-level measures relate to the establishment of the circumstances that have resulted offenses by minors, so as to prevent the commission of offenses as these teenagers and other minors who are under the influence of the same negative effects.

These include:

- The timely prevention of illegal activities and prevention of the possibility of its continuation, selecting the right preventive measures;

- Providing educational and preventive action at the trial of cases of juvenile delinquency;

- The use of punishment, which provides the correction and rehabilitation of juvenile offenders;

- The measures to those who involved minors in illegal activities, and who maliciously doesn't carry out child-rearing responsibilities;

- The elimination of the causes and conditions that contributed to the commission of offenses by making representations, individual rulings, legal advocacy and other both procedural and procedural means [3, 40].

The third warning level is aimed to combat juvenile re-offending.

It includes measures:

1) to redress and rehabilitation of juvenile offenders;

2) to curb the sources of negative influence in the family and domestic environment of adolescents who committed offenses before;

At this level, an important place belongs to the organization and conduct of legal advocacy.

Organizationally, the juvenile delinquency prevention system is performing its specialized agencies.

Specialized agencies means the functioning of bodies, offices, individual officials entrusted with the organization of the fight against homelessness, juvenile delinquency [1, p. 105].

Specialized agencies are endowed with certain powers. In their activities specialized agencies use specific forms and methods, which take into account the peculiarities of psychology, the legal and factual situation of the legal and social groups have a fairly wide range of measures to influence not only on the minors themselves, but also those who are obliged to be engaged in education.

"Young people - the foundation of our future, will receive new possibilities to build their future. These are the new opportunities offered to each of you, to your family, to our country," said the president of the Republic of Kazakhstan Nursultan Nazarbayev in his Address to the Nation "New Decade - New

Economic Growth - New Opportunities for Kazakhstan", Astana, January 29, 2010 These lines show us how important the role of minors is in our country. We are responsible for it. It is in our interests to make changes, and it should be started from the children, from the future generation [3, p. 67].

In conclusion, it should be noted that the illegality of minors with significant prevalence requires decisive, energetic and purposeful measures to prevent it. To do this, constantly improve the forms and methods of work of the internal affairs bodies, to ensure their priority appropriately staffing recruitment and procurement.

The objective is primarily to reduce the level of juvenile crime, avoiding the corrupting influence of juvenile offenders to other teens and replenish their ranks adult repeat offenders.

In addressing these and other tasks important role belongs to the measures of general and individual prevention, applicable law-enforcement bodies in order to eliminate the causes and conditions contributing to juvenile delinquency [2, p. 55].

The effectiveness of these activities is largely dependent on how these measures are based on the provisions developed in criminology, criminal law, criminal law enforcement, psychology, pedagogy.

References:

1. Dolgova A.I. Criminology: A short training course. M.: "Norma", 2006. – 341 p.
2. Abdirov N.M. Early detection of juvenile antisocial behavior foundation of effective crime prevention. - Karaganda 1989. – 95 p.
3. Begaliyev K.A. Prevention of neglect and juvenile delinquency. - Alma-Ata: «Kazakhstan», 1980. – 262 p.

*Yergali A.M.
PhD Doctor
Department of criminal law,
Criminal procedure and criminalistics
Faculty of law
Al-Farabi Kazakh National University*

*Nurbekova K.
4th-year Student
Department of Criminal Law,
Criminal Procedure and Criminalistics
Faculty of Law*