

Actual problems of criminal law, criminal procedure and criminalistics

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Research the experience of foreign countries in the fight against prostitution and the possibility of its implementation in the Republic of Kazakhstan

Abstract. Modern Kazakhstan society continues developing various kinds of moral deviations, including prostitution and related to it phenomena. As history shows, an increase in the coverage of prostitution is particularly acute exposure to destabilize the social and economic situation of the population in times of crisis that we are seeing now. Anti-prostitution policy by the current legislation is ineffective.

Many scientists and experts think that at the moment, the most effective way to counter prostitution is its legalization. In this article we have tried to consider all the useful and flawed sides of the legalization of prostitution.

Keywords: morality, prostitution, brothel, legalization, criminalize decriminalize.

Prostitution - a worldwide phenomenon with deep historical roots and in a civilized society, prostitution has become a problem of international scope. Prostitution is subject to change, and to enhance its scope particularly badly affected by the destabilization of the socio-economic situation of the population in times of crises, wars and revolutions [1, p. 17].

Prostitution leads to the destruction of human values, carries with it a crime, alcoholism, drug addiction, sexually transmitted diseases, AIDS, the degradation of personality, the abolition of national gene pool [2].

What leads women to prostitution?

There are three main reasons:

- Coercion;
- The need for money;

The problem of prostitution for many years attracted the attention of researchers. All

methods of dealing with prostitution being made in our country, are ineffective. The question of prevalence of prostitution in the modern Kazakh society developed very weakly. After studying and analyzing the experience of the struggle of countries that were able to reduce the spread of prostitution, we can find the right way to reduce the unwanted manifestations of this deviation. Many scientists and experts think that at the moment, the most effective way to counter prostitution is its legalization. And in order to identify the feasibility of legalizing prostitution in the Republic of Kazakhstan, we conducted a series of research listed below:

- Analysis of the pros and cons of the legalization of prostitution;
- Conduct a poll among students and teachers of Al-Farabi Kazakh National University;

• An analysis of the criminal legislation of the Republic of Kazakhstan;

In Kazakhstan, prostitution is in "limbo" - that is, prostitution itself is not prohibited, but at the same time and not legalized. In the research, we conducted a survey through the site surveymonkey.com, as well as the learned opinion of Almaty city residents to legalize prostitution. The topic of the survey was to study public reaction to possible legalization of prostitution. 55.3% of respondents are opposed to the legalization of prostitution, believing that the official recognition of prostitution - give rise to new problems in addition to the existing deviation. In favor of the legalization of prostitution as a profession expressed 39.7% of respondents. They argue their position the fact that the legalization of prostitution will protect customers' health and could shorten a perpetual shortage of budgetary funds. The rest of the respondents were undecided respondents - 5%.

We also conducted a sociological survey among students and teachers of Al-Farabi Kazakh National University. The opinions of the respondents were divided: Most opposed the legalization of prostitution, citing as the main arguments of the moral aspect, the immoral character of this craft and unavailability of Kazakh society to legitimize prostitution. Respondents who responded positively to the legalization of prostitution as arguments brought the possibility of taxation as a profitable business, the decriminalization of prostitution, monitoring the health of commercial sex workers and accounting for sexually transmitted diseases.

The Criminal Code of the Republic of Kazakhstan dated 07.11.2014, provides for punishment for involvement in prostitution (Article 308), organization or maintenance of dens for prostitution and pimping (article 309). For prostitution in the Criminal Code penalties are unforeseen. Moreover, all of these articles are in Chapter 11 of the Criminal Code of the Republic of Kazakhstan: «Crimes Against the Health of the Population and Morality». It should be noted that a similar situation is present in the Criminal Code of the Russian Federation, the Republic of Belarus and the Kyrgyz Republic, which we took for the

comparative analysis, along with the Criminal Code of the Republic of Kazakhstan [4,5,6,7].

The Swedish experience in the fight against prostitution. Despite the belief that 'prostitution will always accompany us, "the success of a country still stands. Sweden has considerably reduced the number of women involved in prostitution. In its capital, Stockholm, the number of women involved in street prostitution has decreased by two-thirds, and the number of customers by 80%. The other Swedish cities, prostitution is simply ceased to exist.

Moreover, the number of foreign women trafficked into Sweden for sex went off to zero. According to the Swedish Government in the past few years, the annual traffic of women ranged from 200 to 400 women, the figure is incomparably small compared with 15 000 - 17 000 women imported to neighboring Finland.

What kind of a complicated formula chosen Sweden for such a struggle? Amazingly, Sweden's strategy is not complicated. Realizing that the legalization of prostitution does not bring the expected results, the Swedish Government adopted a law in 1999 that:

- a) criminalization buying sex
- б) decriminalizes selling sex.

"In Sweden prostitution is regarded as an aspect of male violence against women and children". The exploiter / buyer should be punished, and the victim / prostitute need a help [8, 9]. In general, the survey results show that the Kazakhstani society has a negative attitude to the possible legalization of prostitution. The overwhelming majority of respondents did not believe that illegal prostitution is eradicated. In order to treat prostitutes victims of male violence and abuse requires that the government first changed the view of prostitution from the male point of view to the female point of view. And for the more effective promotion of the idea we want to maximize the number of women in government bodies and the adoption of legislation. Legalization and / or regulation of prostitution, according to research leading to:

- The growth of all aspects of the sex industry;
- The growth of organized crime involvement in the sex industry;

- The growth of child prostitution;
 - Increase in violence against women
- [10].

Conclusion

The topic was discussed in this article: «Research the experience of foreign countries in the fight against prostitution and the possibility of its implementation in the Republic of Kazakhstan».

Before talking about the legalization of prostitution in the country should be taken into account a number of factors such as: the history of the State, the place of religion in the state, the mentality and culture of the nation.

On the one hand - with the legalization of prostitution will be respected the rights of sex workers, they become equal members of society. In addition, they will have and responsibilities: a highly qualified services, payment of taxes, constant medical

examination, etc. That is, in fact, the provision of sexual services to be equated with ordinary services, and will be fully regulated by law.

On the other hand, the legalization of prostitution in some ways akin to the legalization of crime.

In the research, we concluded that the Kazakh society has a negative attitude to the possible legalization of prostitution and society is not yet ready for the legalization of prostitution.

In the course of studying the experience of Sweden in decriminalization and considering the ineffectiveness of the legalization of prostitution in other countries, we came to the conclusion that - the most suitable for our society and for our mentality, a method of combating the spread of prostitution is - to criminalize the purchase of sex and decriminalize the sale of sex.

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Features and innovations of the new Criminal Code of the Republic of Kazakhstan

Abstract. This article is devoted to the peculiarities of the operative Criminal Code of the Republic of Kazakhstan. The characteristic peculiarities, the reasons of the adoption of the new Criminal Code of RK are analysed. Special attention is payed to the difference between new (operative) and old code. The article particularly deals with the innovations, a the advantages and disadvantages of the operative code.

The article is assigned for students, undergraduates, PHD doctoral candidates of law department.

Keywords: crime, punishment, Criminal Code.