

Actual problems of criminal law, criminal procedure and criminalistics

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admitted the child who hasn't reached seven years according a general law. The age of criminal liability approach has been increased till eight years by this law, and then till 10 years by the Law about "Children and teenagers" in 1969 [1]. The minimum age in seven years is established in Australia, Jordan, Ireland, Pakistan, and also by a general law of the USA (at the same time each state establishes age of criminal prosecution independently). So, in criminal codes of Colorado and Louisiana the ten-year age, in criminal codes of Georgia and Illinois – thirteen-year-old, in the Criminal code Minnesota – fourteen-year-old, in criminal codes of New Gempshir and Texas – fifteen-year-old, in the Criminal code of New-Yorka-sixteen-year-old is specified.

The French criminal legislation establishes that "this law defines such conditions under which sentences can be imposed to minors who are older than thirteen years" [3] (Art. 122-8 of the Criminal code of

France). The criminal code of Germany (§ 19) provides a possibility of criminal prosecution of the children who have reached age of 14 years. The similar age threshold of criminal prosecution is established also in Romania.

It is necessary to emphasize that the question of a possibility of attraction of the person to criminal liability in the foreign right is connected with concept of sanity. So, by the english right insanity can be caused by a sincere illness, intoxication and age. In works of the english lawyers devoted to criminal law, these questions traditionally are considered in the section on the circumstances excluding criminal liability. French Ordonans about offenses of minors № 45-174 of February 2, 1945 also provides a possibility of recognition deranged persons under 18 [2]. Establishing the minimum age after reaching which the person can be brought to trial, the foreign legislation provides "multi-staged" system by which for different age groups different corrective actions are provided.

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Juvenile delinquency in the Republic of Kazakhstan

Abstract. This article is about juvenile delinquency in the Republic of Kazakhstan.

Keywords: juvenile delinquency, law, society.

The problem of modern civilized society, regardless of the system and policy, has always been the juvenile delinquency.

A prerequisite for instituting criminal proceedings against a person is the attainment of a certain age. Since the person is the subject of a crime. For a number of serious crimes, such as for murder, robbery, rape, the law establishes criminal responsibility at 14 years.

Professor E.I. Kairzhanov noted that "if the crime is evil, juvenile delinquency is evil aggravated tenfold"

The moral norms and rules of behavior of minors must be subject to special attention of the family, school and social organizations. Our country needs clean, neat and integrated schools with good teachers and experts in working with wayward youths. The "zone" of special attention should include "disadvantaged" neighborhoods of the city. The professionally performed leadership can help children achieve maximal result in their development.

For example, in Finland, the school curriculum includes the subject of "Ethics", the content of which consists of 3 sections:

- 1) human relations and spiritual development
- 2) cultural identity and public relations
- 3) civil ethics

The teaching staff "protects" the reputation of the school by all means, and the fact that their students have committed a crime they present as a misunderstanding, thereby admitting their full professional failure. However, the materials of criminal cases show that the head and teaching staff of the general educational institutions have known about the facts of extortion and violence within the walls of the school, even carried out intraschool record of the "intractables", but no action has been taken believing that everything would be solved by itself. The failure to resolve this situation has led to the fact that more and more suicide cases are happening in schools, as well as theft and extortion.

The negligent attitude to their official duties is not admissible and should be considered as criminal, when the head and teachers do not react and prevent in time the formation of criminal behavior in pupils.

Giving special role to school and teachers in the development of an individual and citizen, we must not forget about active participation of the family and parents in this process.

Family is the main source of intellectual development of the child, moral and aesthetic formation of personality, emotional culture and physical health of children.

The family plays a huge role in upbringing of a youth, as the life style of parents is one of the key elements in the formation of children. It is the negative, which has originated in the youth's family, which entails formation of unfavorable circumstances for the moral formation of the youth's personality.

In turn, the conflicts on the back of family dramas, implicitly:

1. Affect the background of the youth's nature
2. Predispose the youths to communicate outdoors, which leads to neglect

Parents of today's students need to:

- determine the child's leisure time through active going in for sports, participation in amateur performances and sections

- pay attention to the behavior disorder in due time (low level of sociability, irritability, aggression)

The role of the prosecution agencies is important in the suppression of the facts of illegal involvement of youth in religious opposition, social conflicts, as well as their use for extremist and terrorist purposes. At least once every six months the prosecution agencies should carry out verification of compliance with the rule of law in the activities of the education institution (orphan asylums, boarding schools, etc.)

"The purpose of juvenile justice is the prevention of further criminalization of the personality and facilitation of social rehabilitation of the child, rather than alienating him/her from society.

The criminal court as well as the criminal proceedings in whole apply the principle of special regulation for minors. It depends on a complex of age, psychological characteristics peculiar to youths and aims at