

# **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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### **Foreign experience of fight against crime of minors**

**Abstract:** This article explores the experience of foreign countries against the fight against juvenile crime and delinquency. The article also describes different preventive measures which were used in foreign countries to help to avoid minor crimes.

**Keywords:** crime of minors, prevention, juvenile offenders, preventive measures, criminal, foreign countries.

History of development of foreign prevention system of minors' offenses begins since 1846 when the first reformatory for juvenile offenders has opened in Massachusetts, and in 1854 the Law "About corrective schools for minor criminals" has been adopted in England [1, p. 17].

Research of rich and very various historical experience of formation and improvement of prevention system of minors' offenses gives the chance to reveal the most effective preventive measures applied in foreign countries. On the one hand, it will allow using historically approved prevention methods, with another – the most advanced developments in the studied area for improvement of domestic prevention system of minors' crimes.

The preventive measures applied to minors in foreign countries for the purpose of the prevention crimes commission by them can be subdivided into the criminal and legal, applied as punishment for the committed crime, and preventive measures, actually which are not punishments.

Separate justice systems work in many countries for more careful approach to consideration of cases about the offenses made by minors and for the accounting of age specifics at the choice of preventive measures and punishment assignment since the end of the 19th century: criminal minors affairs

(juvenile justice). Justice for minors leans on quasimedical theoretical model according to which juvenile offenders are considered as mentally unbalanced and need educational characterized intervention for the purpose of elimination and correction of frustration.

The criminal legislation of foreign countries in the majority contains the norms establishing an age threshold after which overcoming it the person can be prosecuted. Besides, the limit age of the persons prosecuted on special, i.e. softer conditions also is specified in the legislation and as a rule, it connects on achievement of majority by the person. [2, p.25]

The minimum age isn't established at all in some countries that, in principle, allows to bring the child to trial from the moment of the birth. Where it is established, between the countries there are significant differences.

It should be noted that the criminal legislation of the majority of foreign countries establishes lower age of criminal liability, than in Kazakhstan. So, the Criminal code of Switzerland of 1937 (Art. 82) provided that "the present law isn't applied to the child who hasn't reached seven-year age" [1], the age of legal responsibility has been increased till 10 years by the special resolution in 2002 [2]. In England before adoption of Law about "Children and teenagers" in 1933 [3] to the juveniles who isn't subject of criminal liability