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THE ROLE OF CHILDREN'S RIGHTS IN SOCIETY

Today's child is a generation, tomorrow is our future! In order for our future to be bright, the education and upbringing of the current generation must be perfect and their rights must be protected. A person who can defend his rights, of course, protects the rights of his state.

Special rights of children, their protection from threats, discrimination and vulnerability. These provisions are enshrined in the International Convention for the protection of the rights of the child and auxiliary documents.

Individuals who committed crimes in adolescence have a very high probability of committing crimes in adulthood. The factor that affects them is that they suffer from a lack of hope for their future and from joining a normal life and society.

After studying, since the age of liability is 14 years, we often study juvenile delinquency. However, the basis for raising a child in the right direction and determining his attitude to society and his attitude to his environment begins in infancy. Taking into account all the factors that affect the child, we need to change our view of teenage criminality.

In the Republic of Kazakhstan, all laws are classified in accordance with a single system, for example, we have a criminal code, a civil code, an administrative code or a labor code. With the adoption of the above-mentioned codes in our country, we see only positive effects. Each law applies its own rule and regulates relations in a certain system. This is exactly what we need to adopt the "code of children's rights" for teenagers and children of our homeland

Key words: Child, Law, teenager, crime, criminal liability

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Бала құқығының қоғамдағы рөлі

Бүгінгі бала-ұрпақ, ертеңгі-біздің болашағымыз! Біздің болашағымыз жарқын болуы үшін қазіргі ұрпақтың білімі мен тәрбиесі кемелді болуы керек және олардың құқықтары қорғалуы керек. Өз құқықтарын қорғай алатын адам, әрине, өз мемлекетінің құқығын қорғайды.

Балалардың ерекше құқықтары, оларды қауіп-қатерлерден, кемсітушіліктен және осалдықтан қорғау. Бұл ережелер бала құқықтарын қорғау туралы халықаралық конвенцияда және қосымша хаттамаларда бекітілген.

Жасөспірім уақытында қылмыс жасаған тұлғалардың ересек уақытында қылмыс жасау ықтималдығы өте жоғары. Оған әсер ететін фактор олар өздерінің болашақтарынан үміт күтпей, қалыпты өмір мен ұғамға қосулудан зардап шегеді.

Зерттей келе, жауаптылыққа тартылу жасы 14 жас болып табылғандықтан, біз көбінесе жасөспірімдер қылмысын зерделейміз. Алайда, баланы дұрыс бағытта тәрбиелеу және қоғамға деген қатынасы мен өз ортасына деген қатынасын анықтап, тәрбие негіз баланың сәби кезінен бастау алады. Балаға әсер ететін барлық факторларды ескере отырып біз жасөспірімдердің қылмысна деген қатынасымызды өзгертуді қажет.

Қазақстан Республикасында барлық заңдар бір тұтас жүйе бойынша жіктелген, мәселен біз қылмыстық кодекс, азаматтық кодекс, әкімшілік кодекс немесе еңбек кодекстері бар. Жоғарыда аталған кодекстердің елімізде қабылдануымен тек оң әсерді байқаймыз. Әр заң өз ережесімен қолданып, белгілі бір жүйеде қатынастарды реттейді. Дәл солай біз өз Отанымыздың жасөспірімдері мен балаларына арналған «бала құқығы кодексі» қабылдауды қажет етеді

Түйін сөздер: бала, құқық, жасөспірім, қылмыс, қылмыстық жауаптылық

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Роль прав ребенка в обществе

Сегодня ребенок-поколение, завтра-наше будущее! Чтобы наше будущее было светлым, образование и воспитание нынешних поколений должно быть совершенным и их права должны быть защищены. Человек, который может отстаивать свои права, безусловно, защищает права своего государства.

Особые права детей, их защита от угроз, дискриминации и уязвимости. Эти положения закреплены в международной конвенции о защите прав ребенка и дополнительных протоколах.

Вероятность совершения преступления лицами, совершившими преступление в подростковом возрасте, во взрослое время очень высока. Фактором, влияющим на него, является то, что они страдают от включения в нормальную жизнь и общество, не надеясь на свое будущее.

Возраст привлечения к ответственности составляет 14 лет. Тем не менее, воспитание ребенка в правильном направлении и определение отношения к социуму и к своей среде является основой воспитания ребенка с раннего детства. Учитывая все факторы, влияющие на ребенка, мы должны изменить наше отношение к подростковой преступности.

В Республике Казахстан все законы классифицированы по единой целостной системе, например, у нас есть уголовный кодекс, гражданский кодекс, административный кодекс или трудовой кодекс. С принятием вышеназванных кодексов в стране мы наблюдаем только положительный эффект. Каждый закон использует свое правило и регулирует отношения в определенной системе. Именно это и требует принятия «Кодекса прав ребенка» для подростков и детей нашей родины

Ключевые слова: ребенок, право, подросток, преступление, уголовная ответственность

Introduction

In connection with article 1 of the Constitution of the Republic of Kazakhstan «the Republic of Kazakhstan asserts itself as a democratic, secular, legal and social state, the highest values of which are a person and his life, rights and freedoms» (Constitution of the Republic of Kazakhstan)

A child is a person who has not reached the age of eighteen (large part) (Article 1 of the law on children of the Republic of Kazakhstan). The child is an integral part of society. Today, the conflict between teenagers and the law and their safety is an important issue.

Special rights of children, protecting them from threats, discrimination and their vulnerability. These rules are enshrined in the International Convention for the protection of the rights of the child and additional protocols.

Since gaining independence from the Soviet Union, five Central Asian republics-Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan-have reached made progress in creating juvenile justice systems in accordance with international standards. At the same time, serious problems remain unresolved, and each country will have to make some adjustments in order to fully comply with the established norms. (UNICEF, Poirier)

As with all types of law, the law concerning the child's personality is considered as a special subject,

or its adolescent rights and child-related institutions are a new concept in terms of the history of relations. In every century since the birth of humanity, society's attitude to the child has also undergone various changes. Therefore, it is necessary to study the issues of protection of the child and his rights from among the stages of development of culture and law. (Mergaliev)

As for the increase in delinquency among children and adolescents, adolescents do not understand the level of public danger of their actions and do not feel it due to a certain age factor.

In everything, regardless of whether the actions applied to children are taken public or private organizations, courts, administrative or legislative bodies dealing with social service issues are at best concerned with ensuring the highest needs of the child. (Convention on the Rights of the Child)

For any child, wherever he is, to break the law is to face a terrible experience full of great vulnerability. In Central Asian countries, illegal children are particularly vulnerable and isolated. In many cases, they are doubly vulnerable. Firstly, the main reasons why children commit actions that lead to conflict with the law are poverty and social alienation; secondly, juvenile justice systems are so poorly developed that, while awaiting trial, children are subjected to long-term arrest, cruelty and torture. (UNICEF, Poirier)

Materials and methods

In order to study the problem, scientific sources and legislation of foreign countries were studied and analyzed. When analyzing the legal aspects, the following methods were used: analysis and synthesis, formalization, comparative-analytical, scientific generalization, logical methods that allow comparing the domestic and international methodology of work.

Results and discussion

Crime is a socio-legal phenomenon consisting of crimes committed over a certain period of time and in a certain territory that characterize quantitative and qualitative indicators.

The volume of offenses committed by teenagers in special categories of offenses in recent years has been revealed. (Chart №1).

If we focus on crimes committed by minors or with their participation (Chart №2), the most common crime that is committed below is theft. In 2019 alone, 1,385 cases of theft were registered.

Number of registered crimes – the number of socially dangerous acts provided for, identified and officially registered by criminal legislation.

Depending on the nature and degree of public danger of a crime, it is divided into non-serious, moderate, serious, and particularly serious crimes.

Children who have committed crimes – children and adolescents aged 14 to 17 years, officially registered with the internal affairs bodies, where a criminal case has been initiated.

Children brought to criminal responsibility – children and adolescents aged 14 to 17 years, for whom a decision was made to bring them as defendants.

Juvenile delinquency is a set of crimes committed by teenagers whose age at the time of committing a crime has reached the age of 14, and not 18 years.

Crime rate-the number of registered crimes calculated for a certain number of people (ideally 10 thousand) of the population of the Republic, region, or district. To determine the prevalence rate of crimes committed among minors, the number of persons aged 14-17 is included in the formula.

The structure of crime characterizes the percentage (specific weight) of the number of individual types of crimes and the total number of registered crimes. It is through this data that the change in the qualitative characteristics of the crime is made at the expense of which crimes. (Table №1)

Juvenile delinquency for certain types of crimes (Table 1)

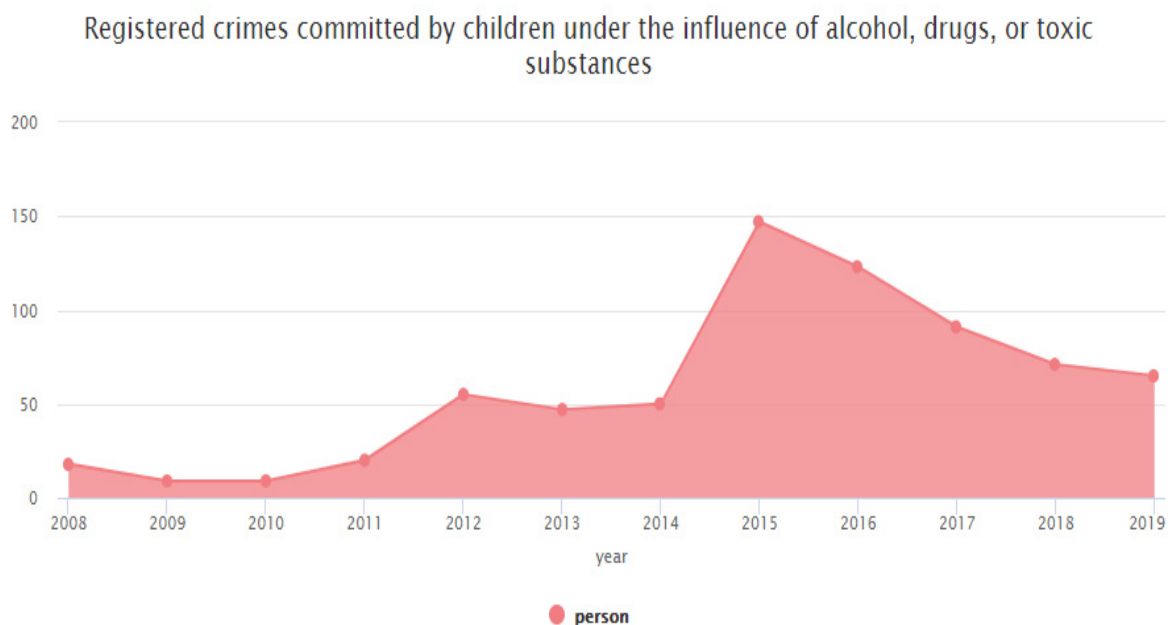


Figure 1

Specific types of crimes, committed by children, and/or with their participation in 2019

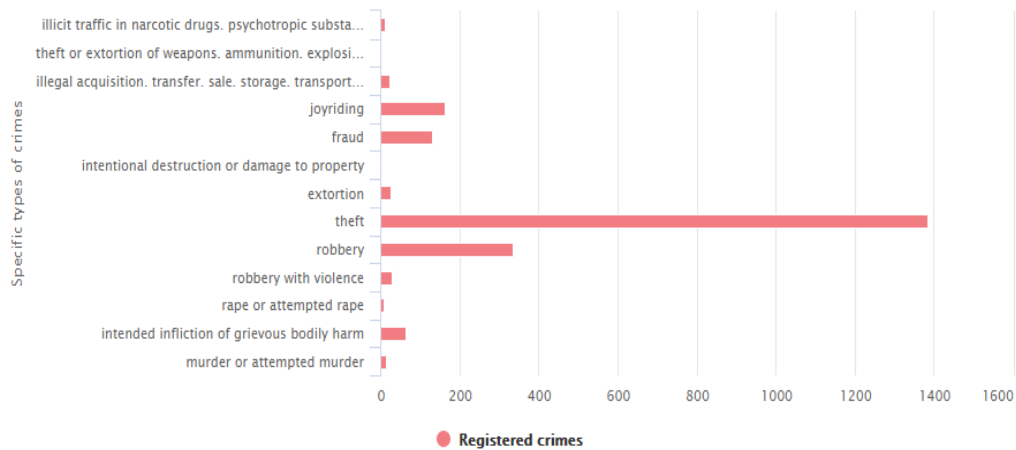


Figure 2

Table 1

	2000	2005	2010	2015	2016	2017	2018	2019
The share of registered crimes in the total number of cases opened or resolved during the reporting period, as a percentage	7 359	6 273	4 006	2 944	3 343	3 148	2 949	2 650
from:								
super heavy	5 422	155	105	35	39	49	43	25
heavy		1 555	1 093	461	614	574	487	601
The share of registered crimes in the total number of cases opened or resolved during the reporting period, as a percentage	6,6	7,3	5,2	2,3	2,3	2,2	1	2,3
minors and (or) individual types of crimes committed with their participation:								
murder or attempted murder	128	98	61	17	16	27	23	15
intentional infliction of harm to health	121	122	89	49	62	57	74	64
rape and attempted rape	90	61	26	14	17	16	3	9
piracy	300	363	157	30	53	36	37	30
robbery	973	933	879	374	484	492	419	336
theft	3 701	3 197	1 925	1 493	1 783	1 741	1 568	1 385
extortion	266	201	110	98	81	56	51	26
intentional destruction or damage to property	20	15	5	6	4	5	1	4
fraud	42	155	140	101	114	119	121	131
illegal possession (seizure) of a car or other vehicle without the purpose of theft)	96	174	124	195	168	101	145	162
illegal acquisition, transfer, sale, storage, transportation or transportation of weapons, ammunition, explosives and explosive devices	92	31	33	16	24	28	17	22
theft or extortion of narcotic or psychotropic substances	9	4	3	1	7	6	-	-
illegal trafficking of Narcotic Drugs, Psychotropic Substances or similar substances, as well as violation of the rules of circulation of narcotic drugs or psychotropic substances	521	65	12	32	23	31	1	11

(Information from the official website of the Statistics Committee of the Ministry of national economy of the Republic of Kazakhstan)

Let's move on to the analysis of juvenile delinquency in 2020. In 2020, 655 minor children were brought to criminal responsibility in Kazakhstan – 31.3% less than in 2019 (954 cases). Of these, 82.6 percent reached the age of 16-17 years, and another 17.4 percent-14-15 years. Of the total number of minors brought to criminal responsibility, there were 60 girls. In 2019, there were 59 girls. 425 minors were included in the category of criminals, and in 2019 – 617 students, the annual reduction was 31.1 percent. Among non – working and non-studying minors, 221 teenagers were teenagers were also involved in criminal liability in 2019-320, an annual decrease of 30.9 percent. Of the minors brought to criminal responsibility, 78 minors were represented as part of the group with adult involvement, and in 2019-146 adolescents who committed crimes in the same group with adults, we notice a decrease of 46.6%. In 2019-146 adolescents who committed crimes in the same group with adults, we trace a decrease of 46.6%. As a result, in 2020, 71.1 percent

of minors, or 466 minors, were involved in crimes against property.. Of these, 68 percent or 317 cases are theft, another 14.6 percent or 68 are robbery, 6.7 percent or 31 are fraud.

Another 12.5 percent of the total, or 82 people, were involved in criminal offenses against an individual. Of these, 34.1 percent committed intentional infliction of moderate harm to health, 29.3 percent – sexual intercourse with an ageless subject sixteen or other acts of a sexual nature. (Ranking.kz)

Summing up the above analysis, the number of juvenile delinquency decreased in 2020 compared to 2019. But the reason for this is the covid-19 pandemic, which has established itself in the world ,and not in the responsibility of children and young people who understand the rules of the law. Since March 19, 2020, quarantine measures have been implemented by the decree of the president of the Republic of Kazakhstan K. K. Tokayev.

In addition, this is another proof of the ever-increasing increase in teenage criminality.



Figure 3
(Data on the official page of the Committee on Legal Statistics and Special Accounting of the Prosecutor General's Office of the Republic of Kazakhstan)

In general, since the beginning of 2021, 49 offenses have been registered in the Republic of Kazakhstan for more than 1 month, including 3 minor offenses, 10 moderate offenses, 34 serious offenses, and 1 particularly serious ones.

How to change the situation for these children and ensure the creation of a juvenile justice system that is fair, impartial and effective for all. UNICEF recommends that children's interests be taken into

account from the very beginning in a broader reform of the justice system, so that they can access systems that ensure that children's rights are respected fairly, effectively, and take into account their interests, and understand the consequences of their actions. In addition to supporting children so that they can play a constructive role in society, these steps will allow them to strengthen the rule of law and implement human rights more effectively. UNICEF also sees

the involvement of children in the development of justice strategies as a contribution that allows them to break the vicious circle of poverty and social alienation. We hope to unite the efforts of supporters of the principle of the rule of law to achieve these goals.

“The Criminal Code of the Republic of Kazakhstan on criminal liability of minors determines that persons who have reached the age of fourteen at the time of committing a crime, but have not reached the age of eighteen, are recognized as minors” (Criminal Code of the Republic of Kazakhstan).

Let's look at the issues that can provoke the commission of a crime among minors. The main psychological theory is the theory of social learning, which seeks to determine the causes of a particular behavior. Followers of this theory view crime as a deliberate reaction to a particular life event. The most famous representative of this theory is A. Bandura, when a person opens the doors of this life, he is not born with a special character, but learns violence and aggression by repeating the behavior of others. In many cases, the reasons for the crime may be related to this theory. This is especially true in the case of minors.

At all times, there is a “teenage bottom” – street dwellers and children from poor families. Of course, not every time, but it is true that there are often such children in modern times, and they are the majority.

Most often, children from average families fall to this bottom. Their parents earn money through hard work, stay at work day and night, and do not have time to pay special attention to the upbringing of children. At the same time, teenagers control the lives of others: they just come and steal, so that everything in life happens. There is a negative idea that it is possible to take it away without telling anyone, without hard work.

The third category is children from rich families. From a material point of view, everything is there, but children are not adapted to life. In addition, they are often more free than boys and girls in the “teenage bottom”, because they are sure that money and familiar roots will decide everything. These three categories are delicious prey for crime. (Makarov, 2019)

Any child can commit offenses and crimes. Yes, of course, his parents and environment, although his friends had a lot of influence on the child, did not know that his actions were really dangerous.

After studying, since the age of liability is 14 years, we often study juvenile delinquency.

However, the basis for raising a child in the right direction and determining his attitude to society and his attitude to his environment begins in infancy.

Conclusion

Therefore, taking into account all the factors that affect the child, we need change our approach to juvenile delinquency. All laws apply in the Republic of Kazakhstan are classified according to a single system, for example, we have a criminal code, a civil code, an administrative code or a labor code. With the adoption of the above-mentioned codes in our country, we see only positive effects. Each law applies its own rule and regulates relations in a certain system. This is exactly what we need to adopt the “code of children's rights” for teenagers and children of our homeland. Now the Republic of Kazakhstan has adopted the law “on the rights of the child in the Republic of Kazakhstan”, adopted in 2002. But the development of a new code will create a new idea in society. It is necessary not only to approve the Code of the Rights of the child, but also to make it legally mandatory for the child to fully familiarize himself with the code until the child reaches the age of 14. First of all, the child learns and understands the language of law from an early age, and the older he is, the more citizens and citizens in our country will be able to apply the law and understand the language of law. Secondly, a child who has fully mastered the law can consciously respond to his actions. Of course, it is not easy to develop a whole code, but we hope that it will be understandable and impressive for the child if not only lawyers, but also teachers, professional psychologists, who are directly involved in the upbringing of children, participate in the development of the code. Thirdly, a teenager who has committed a crime would have no difficulty in returning to normal life, because sometimes children are not accepted into their environment without understanding childhood, and a child who has mastered the law does not make such mistakes. When teenagers are brought to criminal responsibility, the main goal of both parents and teachers in the state is not to repeat the crime again. At the same time, the main purpose of bringing to justice is to ensure that the person understands his guilt and does not tempt the participants in the execution of the response. Fourth, the development and adoption of the code of children's rights will allow specialists to study juvenile delinquency more deeply.

In this regard, if we look at the international examples, Georgia has adopted two codes for children and adolescents. On September 20, 2019, the state of Georgia adopted the "Code of the rights of the child".

Article 1. Purpose Of The Code:

1. the purpose of this code is to ensure the well-being of the child on the basis of the Constitution of Georgia and by promoting the effective implementation of the Convention on the rights of the child, Additional Protocols to the Convention and other international legal acts recognized by the state.

2. the implementation of the purpose provided for in the first part of this article involves various issues, including:

a) exercise of the rights and freedoms of the child;

B) priority consideration of the best interests of the child, protection of his / her dignity, implementation and protection of his / her rights to welfare, safety, life, health, education, development, as well as consideration of other interests regardless of equality for children;

C) guided by high moral values, in particular – ensuring the participation of the child in the spirit of peace, respect for dignity, tolerance, freedom, equality and cooperation, preparing him for independent life in society, raising the child;

d) orientation of the child to respect the native country, language, and traditional cultural values of the native country;

e) protection and support of the family as the main nest of society, especially the environment, which is important for the upbringing and well – being of the child;

e) orientation of the child to work and a healthy lifestyle as a mandatory prerequisite for the development of society;

G) orientation of the child to volunteering as a necessary element of civic activity and the development of a friendly society.(Code of the state of Georgia on the rights of the child)

If we study in more detail the world crime and security indices for 2020 and compare the indicators of Georgia and Kazakhstan , out of 133 countries, Georgia ranks 130th in terms of security and crime, crime is 20.50%, and the Security Index is 79.50% . As for Kazakhstan's indicators, it ranks 34th out of 133 countries with a crime index of 54.81% and a security index of 45.19% . (Numbeo).

Again, the problem is that persons who committed crimes in adolescence are very likely to commit crimes in adulthood. The factor that affects them is that they suffer from a lack of hope for their future and from joining a normal life and society.

The next issue to consider is the United Nations' minimum standard rules for the administration of Juvenile Justice " (Beijing rules). These international rules were ratified by the resolution of the Supreme Council of the Republic of Kazakhstan dated June 8, 1994. Based on these rules,

Article 1.3

Sufficient attention should be paid to the implementation of positive measures that provide for the full mobilization of all possible resources for adolescents in conflict with the law, including the family, volunteers and other groups of society, as well as schools and other public institutions, in order to reduce the need for intervention on the part of the law and promote the well-being of the teenager in order to (Beijing rules).

In his address to the people of Kazakhstan dated September 1, 2020 "Kazakhstan in a new situation: time of action", head of state Kassym-Jomart Tokayev noted the need to ensure the protection of the safety and rights of minors, including by monitoring each case under investigation related to child violence.(Tokayev K.) In conclusion, based on the above data, we, having formulated our point of view, believe that the development of the code of children's rights at home is the main way to combat juvenile delinquency.

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