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## VICTIMOLOGICAL APPARATUS FOR THE STUDY OF INTRA-FAMILY VIOLENCE

The study of victims of domestic violence is an urgent issue. To eradicate intra-family violence, we must investigate not only the identity of the perpetrator, but also the identity of the victim, we must not forget. Since the victim and the perpetrator of intra-family violence have a close relationship and connections with each other.

Analyzing victims of domestic violence, it is possible to classify them by age; gender; role status; moral and psychological characteristics; the severity of the crime from which the victim suffered; the degree of guilt of the victim; the nature of the victim's behavior. Persons at risk of being victims of domestic violence behave in different ways: aggressively or in another provocative way; passively, yield to violence; show a complete misunderstanding of the tricks of criminals or elementary carelessness.

The conceptual basis of the victimological apparatus consists of such concepts as "victim" or "victim", "victimogenic factors", "victimization", "victim behavior", "victimization", "victimological situation", "victimological prevention".

In order to prevent domestic violence, it is necessary to approve an anti-discrimination policy against women in society, introduce psychological assistance and rehabilitation programs for women in family crisis situations, as well as a system of psychological and practical measures aimed at correcting personal victim qualities and preventing victim behavior of women.

**Key words:** victimological apparatus, criminal personality, victim behavior, victim, family.

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## Отбасы ішіндегі зорлық-зомбылықты зерттеудің виктимологиялық аппараты

Отбасындағы зорлық-зомбылық құрбандарын зерттеу өзекті мәселе болып табылады. Отбасылық зорлық-зомбылықты жою үшін біз қылмыскердің жеке басын ғана емес, сонымен бірге жәбірленушінің жеке басын да ұмытпауымыз керек. Себебі, жәбірленуші мен отбасы ішіндегі зорлық-зомбылық қылмысының бір-бірімен тығыз байланысы және арақатынасы бар.

Отбасындағы зорлық-зомбылық құрбандарын талдай отырып, оларды жасына, жынысына, рөлдік мәртебесіне, адамгершілік-психологиялық белгілеріне, жәбірленуші зардап шеккен қылмыстың ауырлығына, жәбірленуші кінәсінің дәрежесіне, жәбірленуші мінез-құлқының сипатына қарай жіктеуге болады. Отбасындағы зорлық-зомбылықтың құрбаны болу тәуекелі бар адамдар өзгеше әрекет етеді: агрессивті немесе басқа арандатушылық жолмен, пассивті, зорлық-зомбылықтан төмен, қылмыскерлердің айла-амалдарын толық түсінбеушілік немесе қарапайым немқұрайлылық танытады.

Виктимологиялық аппараттың тұжырымдамалық негізін «жәбірленуші» немесе «құрбан», «виктимологиялық факторлар», «виктимологиялық мінез-құлық», «виктимизация», «виктимологиялық дағдарыс», «виктимологиялық оңалту» сияқты түсініктер құрайды.

Отбасындағы зорлық-зомбылықтың алдын алу мақсатында қоғамда әйелдерге қатысты кемсітушілікке қарсы саясатты бекіту, отбасылық дағдарыстық жағдайларда әйелдерге психологиялық көмек көрсету және оңалту бағдарламаларын енгізу, сондай-ақ әйел құрбандардың жеке қасиеттерін түзетуге және құрбан болған мінез-құлықтың алдын алуға бағытталған психологиялық-практикалық іс-шаралар жүйесінің болуы қажет.

**Түйін сөздер:** виктимологиялық аппарат, қылмыскердің жеке басы, виктимологиялық мінез-құлық, құрбан, отбасы.

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### **Виктимологический аппарат исследования внутрисемейного насилия**

Исследование жертв насилия в семье является актуальным вопросом. Для искоренения внутрисемейного насилия мы не только должны исследовать личность преступника, но и про личность жертвы не должны забывать, так как потерпевший и преступник внутрисемейного насилия имеют тесные отношения и связи между собой.

Анализируя жертвы насилия в семье, можно классифицировать их по возрасту, половой принадлежности, ролевому статусу, нравственно-психологическим признакам, тяжести преступления, от которого пострадала жертва, степени вины жертвы, характеру поведения потерпевшего. Лица, рискующие оказаться жертвами насилия в семье, ведут себя по-разному: агрессивно или иным провоцирующим образом; пассивно, уступают насилию; проявляют полное непонимание уловок преступников или элементарную неосмотрительность.

Концептуальную основу виктимологического аппарата составляют такие понятия, как «потерпевший» либо «жертва», «виктимогенные факторы», «виктимность», «виктимное поведение», «виктимизация», «виктимологическая ситуация», «виктимологическая профилактика».

В целях предупреждения домашнего насилия необходимо утверждение в обществе антидискриминационной политики в отношении женщин, внедрение программ психологической помощи и реабилитации женщин в кризисных семейных ситуациях, а также наличие системы психолого-практических мероприятий, направленных на коррекцию личностных виктимных качеств и профилактику виктимного поведения женщин.

**Ключевые слова:** виктимологический аппарат, личность преступника, виктимное поведение, жертва, семья.

## **Introduction**

The increase in the number of victims of domestic violence during the Covid-19 pandemic has once again proved that the study of victims of domestic violence is an urgent issue.

Firstly, it is essential to understand the concept of violence itself. It is best described by Y. Antonyan, who claims that violence is an intentional and harmful physical or mental impact on someone. Hence it is an action, where the potential impact/harm is simply ignored (Y. Antonyan 2021).

According to L.Kolpakova, criminal violence is classified as a deliberate criminal act, expressed in the impact on the body of someone, affecting the mentality or leaving them in conditions dangerous to life or health. Furthermore, criminal violence can be expressed against the will and aimed at causing harm to life, health, bodily integrity, physical or mental suffering, restriction of freedom or serving as a means of coercion to commit undesirable actions (inactions) for a given person.

There are also several types of domestic violence classified by Kolpakova. She believes, that a deliberate criminal act can be both expressed in physical and mental means. The former one is described as an action against or in addition to

the latter's will and aimed at causing harm to his life, health, bodily integrity, physical or mental suffering, restriction of freedom, or serving as a means of coercion to commit undesirable actions (inaction) for this person, expressed in physical impact on another person's body or leaving him/her in conditions dangerous to life or health.

Whereas the latter one defined as a deliberate criminal act that involves influencing the psyche of another person against or against that person's will, with the intent of causing harm to that person's life, health, physical or mental suffering, restricting freedom, or serving as a means of coercion to commit undesirable actions (inactions) (L.Kolpakova, 2007).

### *Sources and methods*

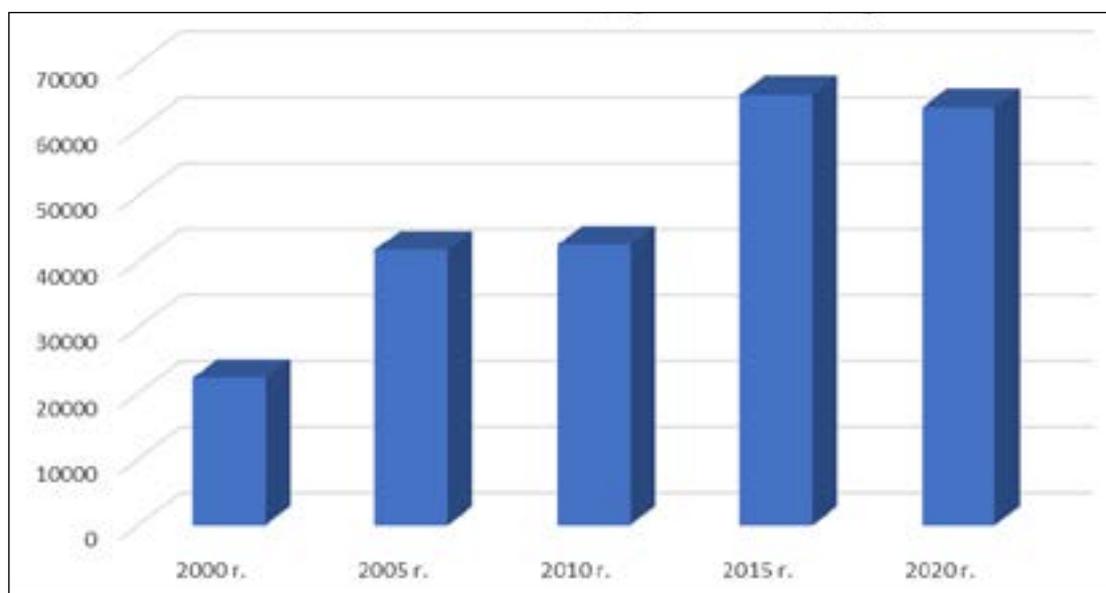
General scientific, chronological, statistical, institutional, system-structural, and other methodologies applied in jurisprudence were used in the preparation of this work. The study of documentary sources; comparative legal method of consideration and analysis of international legal documents and normative legal acts of national legislation; and comparative legal method of analysis of international legal documents and normative legal acts of national legislation are all used in this work.

## Results and discussion

Domestic violence should be highlighted in the context of the statistics on committed crimes of violent influence. Domestic violence is the unlawful physical or mental influence of one member of the family over another, which frequently escalates and is intended to cause physical, moral, or other harm (L. Kolpakova, 2007).

According to the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan, the num-

ber of cases of domestic abuse against women has increased immensely (see table below). In 2000, for instance, there have been 22,367 incidents of domestic violence against women in the country. In 2013, there was a threefold increase in the number of domestic violence, with 137,336 reported incidents. We may expect a drop in domestic violence cases in 2020, with a total of 63447 cases (Statistical statistics from the Kazakhstan Republic's Agency for Strategic Planning and Reforms' Bureau of National Statistics) (Figure 1).



**Figure 1** – Number of cases of violence (registered crimes) against women from 2000 to 2020.

As per the table, we can see the elements of the increment in abusive behaviour at home violations.

These figures demonstrate the presence of a worldwide issue, which is normally called “abusive behaviour at home” (Mishina 2019). Yet, the issue of such violations lies in the way that they, generally speaking, are of a “shut sort”, which is related to the eccentricity of this point: for this situation, the person in question and the “criminal” are close individuals related by blood or other family relationship, regarding which there is the assessment that it isn’t customary to “wash dirty linen in public”. Therefore, an enormous amount of incidents of domestic violence has been kept secret and remain unknown to law enforcement agencies.

Domestic violence is most commonly perceived in society as a man’s (husband, father) use of aggressive acts against weaker family members – wife, children. And the victim of such violence

must inevitably be the perpetrator of the crime. The reason for such a definite conclusion is because, before the twentieth century, lawyers and criminologists focused solely on the criminal and ignored the victim’s actions. Only in the 1960s and 1970s did the first works devoted to the role of the victim, i.e. the study of victimhood, gain traction. The victimological method to analyzing domestic violence and the conduct of victims of domestic abuse is the focus of this study.

The number of crimes involving domestic violence grew by 4.7 per cent at the end of 2020. Deputy Chairman of the Administrative Police Committee of the Ministry of Internal Affairs of the Republic of Kazakhstan, Alexey Milyuk, made the announcement during a press conference at the CCS.

The situation has gotten worse amid quarantine and severe isolation, according to the Ministry of Internal Affairs. According to their research, wom-

en account for over half of domestic abuse victims, with kids accounting for another 6.4 per cent. Milyuk emphasized that, on average, half of these crimes are done when inebriated. 81 per cent of the family rowdies who were prosecuted did not have a job.

One of the methods used by the Ministry of Internal Affairs to exert influence on offenders is a protective order, which can prevent violators from contacting potential victims for up to one month. Last year, almost 78 thousand protection orders were issued, according to the results (the official website of the Ministry of Internal Affairs of the Republic of Kazakhstan).

The government has taken significant steps to combat the problem of domestic violence over the last ten years. Domestic violence prevention legislation was passed, the number of State crisis centres was raised, and the Standard for Providing Special Social Services to Domestic Violence Victims was established. However, domestic violence continues to be a severe threat to women. Furthermore, it has not yet been designated as a separate offence in the legislation.

Criminals' behaviours are sometimes influenced to some extent by the behaviour and personal attributes of those who are damaged as a result of the crime (Rivman 1973).

Also, according to D. V. Rivman, the victim is a component of both pre-criminal and directly criminal situations. It often relies on the situation in which the criminal finds himself: assisting in the commission of a crime or preventing the commission of a crime (Rivman 1973).

Often the victim acts as a co-author and even the author of situations provoking the criminal.

A crime is the result of a victim's contact with a criminal, in which the victim can help or impede the perpetration of the crime. Persons at danger of being victims of crime react in a variety of ways, according to I. G. Malkina-Pykh: violently or in another provocative manner; passively submitting to violence; displaying a complete misunderstanding of criminal tactics or basic imprudence. Their actions may be legal or, on the other hand, delinquent and even criminal, and their contribution to the criminal system can be minor or, in some cases, decisive (Malkina-Pykh 2006).

We must not forget that in order to eradicate intra-family violence, we must investigate not only the identification of the perpetrator but also the identity of the victim. Because the victim and perpetrator of intra-family violence have such a deep relationship and links. The role of victims in intra-family crimes, according to their criminological judgment,

is more substantial than in regular crimes. The circle of everyday social communication (family, kinship, connections, systematic home contact) binds the criminal and the victim in the category of crimes under discussion (Petrovsky 2005).

The proclivity to become a victim of crime is known as victimhood. Being a victim of circumstances, crimes more frequently than other people, or under settings that are neutral for the majority is a stable property of a person (Zyryanova, 2017).

Victimhood, according to A.L. Repetskaya, is a "unique property" of a person that causes her "greater vulnerability" in criminal terms. Victimization can be classified into two categories: personal and role-based. Personal victimization, on the other hand, is separated into two categories: victimization owing to objective personality qualities (age (sex and age) victimization, victimization – pathology, stress victimization) and victimogenic deformation (Figure 2).

It is inappropriate to establish your own victimological apparatus in the study of domestic abuse against kids; instead, it is more legitimate to look to what has already been developed.

The victimological apparatus' conceptual foundation includes terms like "victim" or "victim," "victimogenic variables," "victimization," "victim conduct," "victimization," "victimization," "victimological scenario," and "victimological preventive."

In this study, the above concepts are used in the following interpretation. The key concept of victimology is "victim of crime".

Analyzing the domestic legislation, we come to the conclusion that there is no concept of "victim of a crime" in it, the concept of "victim" is used instead.

The use of the concept of "victim" is quite acceptable in victimological research, but it should not be associated with the fact of the procedural recognition of a citizen as such. In this study, the terms "victim of a crime" and "victim of a crime" when describing the results of the study are used precisely as identical, taking into account the above.

As already mentioned, victimization or victimogenicity is acquired by a person physical, mental and social traits and signs that can make him predisposed to becoming a victim (crime, accident, destructive cult, etc.). Victimization is the process of acquiring victimhood, or, in other words, it is the process and result of turning a person into a victim. Victimization thus combines both dynamics (realization of victimhood) and statics (realized victimhood).

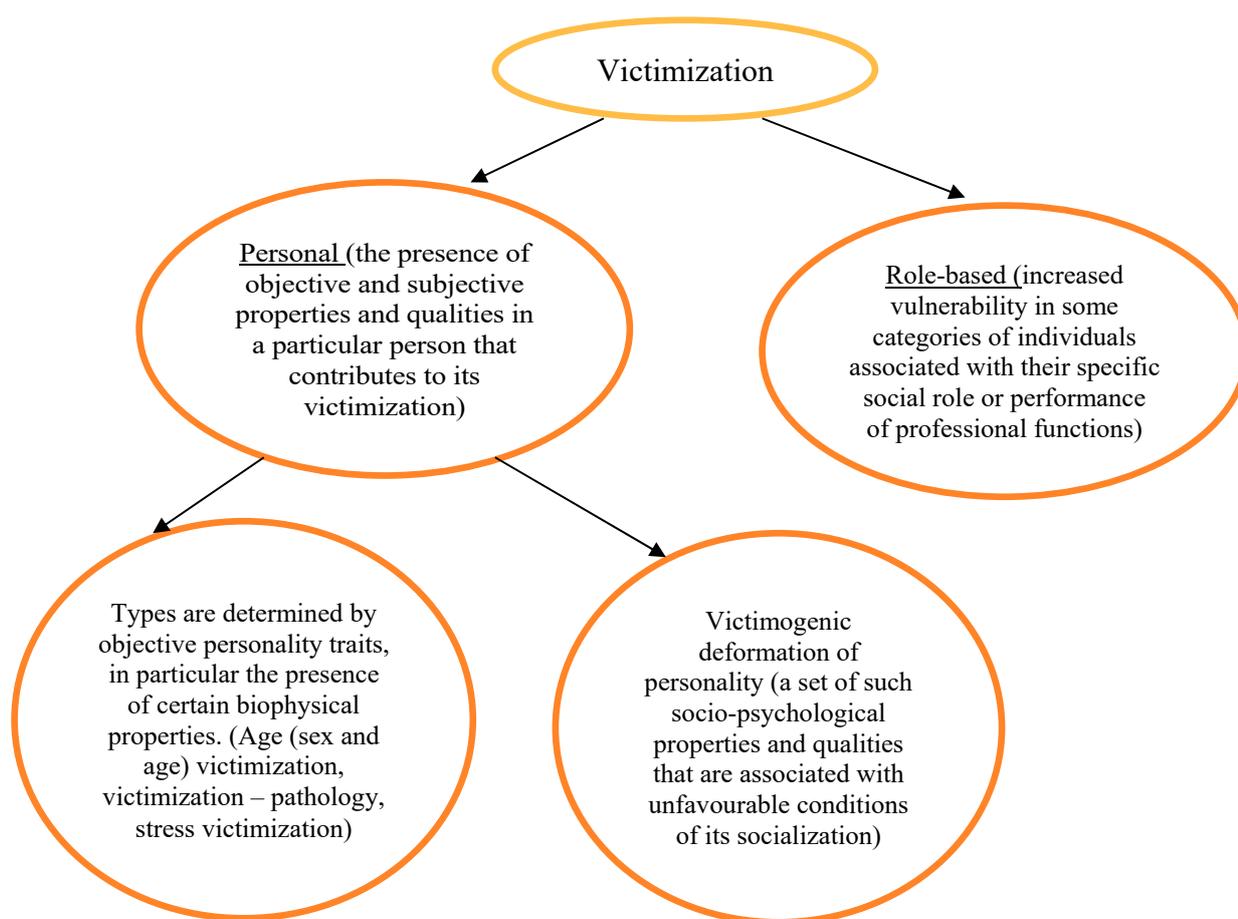


Figure 2 – description of victimization

L. V. Frank suggested considering four levels of victimization:

1. direct victims, i.e. individuals;
2. families;
3. collectives, organizations;
4. The population of districts, regions (Frank, 1977; Rivman, Ustinov 2000).

The victim in this guide is primarily a person who has been personally harmed. Surprisingly, there has never been a clear definition of the term “victim.”

In the literature, the term “victim conduct” is frequently employed, which properly speaking means “victim behaviour.” However, this term is most commonly used to describe inappropriate, careless, immoral, provocative, and other types of behaviour. Victimization is often referred to as the personality itself, implying that it might become a victim of a crime as a result of its psychological and social features.

In certain instances, people’s typical behavior is a reflection of their inner

The victim of a crime (victim) as a socio-psychological type is defined by the fact that it is the carrier of internal psychological causes of victim behavior, which can manifest in such behavior on the basis of both negative and positive motives under particular external circumstances.

Currently, there are several classifications of crime victims developed by domestic researchers. However, a unified classification has not yet been developed. For example, B. C. Minskaya, classifying the forms of behaviour of the victim, notes that in most cases of violent crimes, the behaviour of the victim was essentially a provocation of these crimes. In the author’s studies of murders and infliction of bodily injuries due to the negative behaviour of victims, it was found that immediately before the commission of the crime, a quarrel occurred between the victim and the criminal in the vast majority of cases (95%).

B. C. Minskaya provides a classification based on the behaviour of the victims immediately before the crime or at the time of its commission: physical

violence; insult; attempt to use physical violence; mental violence – the threat of physical violence, destruction or damage to property to the perpetrator; unjustified refusal to pay for household services, to vacate the dwelling; forcible expulsion of the subject from his home; unreasonable property claims of the victim; theft (Minsk 1974).

Analyzing victims of domestic violence, it is possible to classify them by age; gender; role status; moral and psychological characteristics; the severity of the crime from which the victim suffered; the degree of guilt of the victim; the nature of the victim's behaviour. Persons at risk of being victims of domestic violence behave in different ways: aggressively or in another provocative way; passively, yield to violence; show a complete misunderstanding of the tricks of criminals or elementary carelessness. Based on their situationally oriented roles, aggressive, active, initiative, passive, uncritical and neutral victims are distinguished in this classification.

Let us turn to the typology of victim behaviour proposed by D. V. Rivman, interpreting it in the context of the characteristics of the behaviour of victims in the family.

The aggressive type of victim. It assumes an increased conflict of the victim, which can become a trigger for the aggressive behaviour of the criminal. In our opinion, this type is practically not typical for domestic crimes against minors. This is primarily due to the physical and mental weakness of minors in comparison with the mature personality of the aggressor, as well as often with financial and psychological dependence on them.

The active type of victim. The victim's behaviour here is generally not conflictual, while she herself creates a conflict situation. This behaviour is characteristic of an immature (underage) person who, due to the age characteristics of mental and intellectual development, is not able to correctly assess the consequences of his actions.

Initiative type of victim. In this case, the victim behaves non-confrontational, but his activity (talkativeness, desire to advise, be useful, necessary) is capable of causing aggression on the part of the criminal. In our opinion, this type is fully applicable to minors, especially at an early age, when they still lack the experience to correctly understand what kind of psycho-emotional state the potential aggressor is in and, based on this, choose the right behaviour tactics.

The passive type of victim. Victims of this type are persons who do not resist, counteract the criminal for various reasons: due to age, physical weak-

ness, helpless condition (stable or temporary), cowardice, etc.

The type of victim in question fits perfectly with the characteristics of the personality and behaviour of a minor. In this case, there is also a physical weakness, fear of an older aggressor, helplessness due to a lack of understanding of what is happening and what should be done in a particular situation, including the fear of being misunderstood by others, etc.

The uncritical type of victim is characterized by carelessness and the inability to correctly assess the situation. This type of victim also characterizes minor victims quite well. The degree of uncriticism, in this case, is inversely proportional to age. The situation is aggravated even more if we are talking about a minor with mental development defects.

The neutral type of victim presupposes behaviour that did not cause criminal actions and did not contribute to them to the extent that it depended on the victim. This type is well suited for describing the behaviour of minors in a situation of domestic crimes. Neutrality is here directly (Rivman 2002). It is connected with the ability to perceive meaningfully what is happening around and react to it.

A.I. Savelyev proposes to supplement the classification of victims proposed by D.V. Rivman with another type – “unpredictable” victims (Savelyev 2012), who are characterized by generally neutral or even positive behaviour, but when committing illegal actions against them, they are capable of unexpectedly active resistance in self-defence, and causing harm to the aggressor. This type of victim is largely characteristic of underage victims of domestic violence, who react affectively to violent acts committed against them, often by close relatives.

## Conclusion

The doctrine of victim behaviour of the victim has sufficient grounds and evidence to be used to determine the determinants of crime. The victim and her behaviour, as well as the person who uses violence, plays an important role in the conflict. An assessment of the causes of domestic violence, studying only the behaviour of the subject of the crime, is insufficient to create a “complete picture” of the problems. Society perceives the victim, as well as the “rapist”, as a possible culprit of the conflict. Unfortunately, the number of victims of violence is growing, which indicates the ineffectiveness of the state's policy in resolving this issue. The public says that the problem lies in the mentality of the victim: unwillingness to contact law enforcement agencies, blunted instinct of self-

preservation against the background of social and economic status – all these force the victim to stay with the rapist, giving him the opportunity to repeat the act of violence. In our opinion, these methods of solving this problem can be effective only in a complex: both the state, society, and an individual should take an active part in the fight against domestic violence (Kiselyov 2019).

The analysis of psychological studies suggests that the prerequisite for the formation of victim behaviour of women are such features of early socialization as the undifferentiated personality of the members of the parental family, the scarcity of relationships, the prohibition of the manifestation of the needs or interests of the child and the difficulties of their imaginal pleasure from the poverty of fantasy as a mechanism of psychological projection.

The prerequisites for the formation of victimized behaviour of women in the family can also be the consequences of violence experienced in childhood. Considering this issue, A.N. Elizarov (Elizarov 2006) notes the development of such qualities in people who have experienced violence in childhood as loyalty to their tormentors, readiness for self-sacrifice, a tendency to choose a negative person as a leader, as well as traits of a codependent personality (the desire to help others to the detriment of themselves, taking on guilt and responsibility, dependence on the environment, etc.).

A woman in situations of domestic violence lives in a system of contradictions and mutually exclusive beliefs: “I have done nothing to deserve your attitude” and “I am to blame for what is happening,” but the idea that she herself can change a lot by learning to define reasonable boundaries of what is allowed is not available to her. So, the issue of restrictions and setting the boundaries of what is permissible is one of the most difficult for such people. Restrictions are determined by most people almost automatically, which they learn in childhood based on modelling of the corresponding restrictions by adults from their significant environment. The basis for determining the correctness of their contacts with other people is the parental attitude to the needs of the child. But in dysfunctional families, parents themselves do not feel their boundaries and cannot teach this to children.

One of the main motives for the behaviour of women who are victims of domestic violence is the fear of the reaction and behaviour of other people in general, and men are the aggressor especially because women are constantly waiting for a flurry of new insults. When making a choice or making a decision, they are not able to ask themselves what they

would like, but they are attentive to the desires and requests of the abusive husband. They have already developed an instinctive ability to assess the feelings and desires of others. It is worth noting that the more women try to appease them, the more dissatisfaction they cause. This fear of causing disapproval, irritation, anger and abandonment is the basis of the behaviour of such women. People who have been accustomed to conditioned love since childhood focus their energy on “earning” it and getting approval by fulfilling the desires of others. Such women live in anticipation of their husband’s negative reaction, adapting for years to a sharp change in his mood. Fear makes women an easy target for manipulation, the aggressor will easily win if he begins to intimidate or threaten.

Fear progressively increases, especially in women who have suffered since childhood, and can develop into a state of despair, anxiety about the future. They become unable to make any decisions for fear of making mistakes. Scientists note as a characteristic feature – the inability of such women to make decisions even in cases where the fate of themselves or their children depends on them (Moskalenko 1991). And the fear of loneliness, which is one of the strongest for such women, keeps them in an abusive situation by believing that they will not be able to cope without an abuser.

The courts, when considering cases of juvenile crimes, must strictly comply with the requirements of Article 481 of the CPC, establish their living conditions and upbringing, the degree of intellectual, volitional and mental development, character and temperament characteristics, needs and interests.

The presence in the family of such household problems as lack of material prosperity, lack of comfortable housing, drunkenness and drug addiction of parents (maybe teenagers themselves), scandals and fights in the family, divorces of spouses, disorganized leisure of minors, etc. negatively affects minors who first become victims of domestic violence, and then commit violent offences and crimes themselves. All this should be taken into account by the courts both when deciding on the application of punishment or other measures of criminal legal influence to minors, and when making private decisions on the facts of domestic violence in the family of a minor or improper attitude of parents or persons replacing them to their responsibilities for the upbringing of a child in order to apply appropriate measures of influence to the perpetrators.

The courts should carefully consider, in accordance with article 109 of the CPC, complaints of

victims of domestic violence filed against the inaction of the domestic violence prevention authorities (refusal to accept an application, refusal to initiate criminal proceedings), and take appropriate decisions to eliminate the identified violations of the law, the rights and freedoms of the applicant ([https://adilet.zan.kz/rus/docs/T090000214\\_](https://adilet.zan.kz/rus/docs/T090000214_)).

To prevent domestic violence, society must adopt an anti-discrimination policy against women,

implement psychological assistance and rehabilitation programs for women in family crisis situations, and create a system of psychological and practical measures aimed at correcting personal victim qualities and preventing female victim behaviour.

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