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THE STATE, STRUCTURE AND DYNAMICS OF DOMESTIC VIOLENCE IN THE REPUBLIC OF KAZAKHSTAN

The proposed article is devoted to the criminological characteristics of domestic violence and its problematic issues. In the course of the study, the authors focused on the problems of prevention and the causes of domestic violence. The article analyzes important statistical and criminological indicators of domestic crime and its spread by types of criminal offenses, which allow us to present in a generalized form a system of statistical data revealing, including qualitative originality, trends and patterns of crime of the type under consideration. In particular, the article provides current percentages of victims (in many cases, women and children) of domestic violence by type of this socially dangerous act, and also analyzes the portrait of the criminal.

The importance of indicators of the state, structure, dynamics of family and household crime in the implementation of crime prevention measures is described. In the conclusion of the article, the authors identified the causes of the spread of crime in the family sphere, based on the data of the Committee on Legal Statistics under the Prosecutor General's Office of the Republic of Kazakhstan, also provided methodological recommendations for improving state policy in the field of prevention of domestic violence and improving crime prevention measures in this area.

Key words: crime, domestic crime, crime indicators, crime status, dynamics, proportion, trends, forecasting, criminogenic activity, preventive measures, informative characteristics.

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Қазақстан Республикасындағы отбасылық-тұрмыстық зорлық-зомбылықтың жай-күйі, құрылымы және динамикасы

Ұсынылған мақала тұрмыстық зорлық-зомбылықтың криминологиялық сипаттамасына және оның проблемалық мәселелеріне арналған. Зерттеу барысында авторлар тұрмыстық зорлық-зомбылықтың алдын алу және туындау себептеріне назар аударды. Мақалада отбасылық-тұрмыстық зорлық-зомбылық қылмыстарының маңызды статистикалық және криминологиялық көрсеткіштері және оның қылмыстық құқық бұзушылықтардың түрлері бойынша таралуы талданады, бұл статистикалық мәліметтер жүйесін жалпылама түрде ұсынуға мүмкіндік береді, соның ішінде қарастырылып отырған түрдегі қылмыстың сапалық ерекшелігін, тенденциялары мен заңдылықтарын ашады. Сонымен қатар, мақалада осы әлеуметтік қауіпті іс – әрекеттің түрлері бойынша отбасылық-тұрмыстық зорлық-зомбылық құрбандарының (көп жағдайда бұл әйелдер мен балалар) өзекті пайыздық көрсеткіштері берілген, сондай-ақ қылмыскердің криминологиялық портретіне сипаттық анықтама берілген.

Сондай – ақ ұсынылып отырған мақалада қылмыстың алдын алу шараларын жүзеге асыру кезінде отбасылық-тұрмыстық қылмыстың жай-күйі, құрылымы, динамикасы көрсеткіштерінің маңыздылығы сипатталады. Мақаланың қорытындысында авторлар ҚР Бас прокуратурасы жанындағы Құқықтық статистика комитетінің деректеріне негізделген отбасылық саладағы қылмыстың таралу себептерін атап көрсетеді, сондай – ақ отбасылық-тұрмыстық зорлық-зомбылықтың алдын алу саласындағы мемлекеттік саясатты жетілдіру және осы саладағы қылмыстың алдын алу жөніндегі шараларды жетілдіру бойынша әдістемелік ұсынымдар берді.

Түйін сөздер: қылмыс, тұрмыстық қылмыс, қылмыс көрсеткіштері, қылмыс мәртебесі, динамикасы, үлесі, тенденциялары, болжау, криминогендік белсенділік, алдын алу шаралары, ақпараттық сипаттамалар.

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Состояние, структура и динамика семейно-бытового насилия в Республике Казахстан

Предлагаемая статья посвящена криминологической характеристике бытового насилия и его проблемным вопросам. В ходе исследования авторы акцентировали внимание на проблемах предупреждения и причинах бытового насилия. В статье анализируются важные статистические и криминологические показатели семейно-бытовой преступности и его распространения по видам уголовных правонарушений, которые позволяют представить в обобщенном виде систему статистических данных, раскрывающих, в том числе качественное своеобразие, тенденции и закономерности преступности рассматриваемого типа. В том числе, в статье предоставлены актуальные процентные показатели жертв (во многих случаях это – женщины и дети) семейно-бытового насилия по видам данного социально опасного деяния, также проанализирован портрет преступника.

Описывается значимость показателей состояния, структуры, динамики семейно-бытовой преступности при осуществлении мероприятий по профилактике преступлений. В заключении статьи авторами обозначены причины распространения преступности в семейной сфере, основанные на данных Комитета по правовой статистике при Генеральной прокуратуре РК, также предоставлены методические рекомендации по совершенствованию государственной политики в области профилактики семейно – бытового насилия и улучшению мер по предупреждению преступности в данной сфере.

Ключевые слова: преступность, бытовая преступность, показатели преступности, статус преступности, динамика, доля, тенденции, прогнозирование, криминогенная активность, превентивные меры, информативные характеристики.

Introduction

The instability and intensity of the social situation, the level of discomfort and unsettled citizens have a direct impact on the family and household sphere. Both criminologists and law enforcement practitioners refer crimes committed within the family and everyday life to the most acute social problems that require increased attention and new approaches in preventive activities against them, including those implemented through victimological prevention measures.

Family and domestic relations should ideally be characterized as kindred, close, neighborly, in fact – there are a large number of conflicts, domestic offenses and crimes against life and health in the family. Personality, its very behavior determines the commission of crimes in the family and household sphere (Rametov 2020).

Materials and methods

When writing this work, we used general scientific, historical-legal, comparative, formal-logical, system-structural and other methods traditionally used in legal Science. The work used

a set of separate methods interpreted in accordance with the nature of the research tasks: the study of documentary sources; the comparative legal method of reviewing and analyzing international legal documents and regulatory legal acts of national legislation governing the imposition of criminal liability and punishment on minors.

Results and discussion

The relevance of the study of the criminalization of everyday life is confirmed by the data of official reporting on the quantitative component of the actual crimes in the sphere of family and domestic relations and victims of family and domestic conflicts, including those who died and suffered from the crimes under consideration (Rametov 2020).

According to the data of the Committee on Legal Statistics under the Prosecutor General's Office of the Republic of Kazakhstan, 1,173.2 thousand violent criminal offenses were committed in the country over 5 years (2017 – 316.4 thousand, 2018 – 292.2 thousand, 2019 – 243.4 thousand, 2020 – 163.2 thousand, 2021 – 157.8 thousand). The analyzed period, also including 9 months of 2022, 4,539 crimes were committed in the family

and household sphere (2017 – 446, 2018 – 919 (+106%), 2019 – 1055 (+14.8%), 2020 – 1072 (+1.6%), 2021 – 1047 (-2.3%), 2022 (for 9 months) – 675). Since 2017, there has been a steady increase

in the growth of offenses committed in the field of family and household relations from 2017 (446) to 2021 (1047) by 2.8 times (Report for 2017-2021, 25. 10. 2023).

Table 1 – Structure by types of criminal offenses registered in the family and household sphere from 2017 to 2021

TYPE OF CRIMINAL OFFENSE	2017			2018			2019			2020			2021		
	Total	Of these in relation to		Total	Of these in relation to		Total	Of these in relation to		Total	Of these in relation to		Total	Of these in relation to	
		Women	Children		Women	Children		Women	Children		Women	Children		Women	Children
Murder (cr.99)	87	39	1	144	84	8	116	60		115	70	1	141	103	10
preparation and attempted murder				12			13			23			20		
The murder of a newborn baby by a mother (cr.100)	0	0	0	1			1			0			0		
Murder committed in a state of passion (cr.101)	4			7	1		3	1		5	1		4	1	
Murder committed when exceeding the limits of necessary defense (cr.102)	2			6	2		3			3			1		
Causing death by negligence (cr.104)	2			5	3		10	3		9	6		11	5	1
Driving to suicide (cr.105)	1	1		1	1		0			2	1		0		
Intentional infliction of serious harm to health (cr.106)	181	73		350	120	2	393	151		412	149	5	374	130	4
including entailed death (cr.106 ч. 3)	62	33	1	77	42		89	48	1	107	45	2	106	56	
Intentional infliction of moderate harm to health (cr.107)	117	98	1	314	272	7	356	295		354	278	1	359	284	7
Torture (cr.110)	1	1	1	0			2	3		6	7	1	7	10	5
Causing harm to health in a state of passion (cr.111)	0	0		0			1			1			0		
Causing serious harm to health when exceeding the limits of necessary defense (cr.112)	11	0		10			21	2		14	1		23		
Negligent injury to health (cr.114)	2	1		4	2		20	7		13	7	2	24	9	2
Threat (cr.115)	7	6		26	25		36	35		25	20		14	12	
Leaving in danger (cr.119)	1			1			0			0			0		
Rape (cr.120)	3	5	3	6	7	1	27	26		32	42	25	14	24	12
Violent acts of a sexual nature (cr.121)	0			9	8	4	9	9		24	40	21	18	17	11

Table continuation

TYPE OF CRIMINAL OFFENSE	2017			2018			2019			2020			2021		
	Total	Of these in relation to		Total	Of these in relation to		Total	Of these in relation to		Total	Of these in relation to		Total	Of these in relation to	
		Women	Children		Women	Children		Women	Children		Women	Children		Women	Children
Sexual intercourse or other acts of a sexual nature with a person under the age of sixteen (cr.122)	0			0	5		1	2		3	4	3	5	6	4
Corruption of minors (cr.124)	0			3	5	4	5	10		9	14	9	10	13	11
Kidnapping (cr.125)	0			1	1	1	0			0			0		
Illegal deprivation of liberty (cr.126)	0			2	1		1	1		1	1		5	4	1
Non-fulfillment of obligations to pay funds for the maintenance of children, evasion of payment of funds for the maintenance of disabled parents, disabled spouse (cr.139)	0			1	1		0			0			1	1	
Failure to fulfill the duties of raising a minor (cr.140)	3		2	1	1		0			1	2	2	3	1	1
Violation of privacy and the legislation of the Republic of Kazakhstan on personal data and their protection (cr.147)	0			0			0			0			0		
Violation of the inviolability of the home (cr.149)	4	3		7	1		11	11		6	6		4	4	
Intentional destruction or damage of someone else's property (cr.202)	5			0			0			1			1		

97.4% of offenses committed in the family and household sphere are crimes against the person – murder, intentional infliction of serious and moderate harm to health, rape, etc.

It should be noted that the number of murders has increased (2017 – 87, 2018 – 144, 2019 – 116, 2020 – 115, 2021 – 141).

The number of domestic murders of women has increased significantly (2017 – 39, 2018 – 84, 2019 – 60, 2020 – 70, 2021 – 103), as well as their share in the total number of domestic murders. So, in 2017, the share of domestic murders of women was 44.8% (39 out of 87), and in 2021 73% (103 out of 141) (Report for 2017-2021, 25. 10. 2023).

In total, out of all 603 murders over 5 years, 356 were committed against women, 247 against men. In

402 cases, the killer (66.6%) and the victim were in a marital relationship (or civil marriage, cohabitants), in 201 cases (33.4%) in other related relationships. Also, out of the total number of criminal offenses, 4.7% were committed against minors.

This statistic is due to the fact that women and minors are at risk, not protected from the influence of criminogenic factors, especially critical if this situation prevails in the family. Indeed, both women and minors are increasingly becoming victims of domestic crimes, having a higher degree of victimization.

This problem is relevant on the scale of ensuring the social security of the country. This means that the reduction of criminogenic factors and the development of anti-criminogenic factors, namely

in the social institution of the family and the social sphere of everyday life, can become a serious condition for the short-term development of society (Karzhaubaev 2020).

The problems of criminogenicity are becoming more acute in the sphere of family and everyday life due to a wide variety of reasons, ranging from economic (unemployment, low wages, significant differentiation of income, alcoholism) and ending with moral (a decrease in the level of virtue, decency, depreciation of moral attitudes). Today's characteristics of domestic crimes are often aggression and cruelty. This makes the issues of preventive impact in relation to this type of crime even more relevant and requiring additional study and improvement (Tursynbekova 2020).

The issues of countering domestic crime have always worried scientists and law enforcement practitioners. The problematic nature is confirmed both by the data of a high proportion of domestic crimes in their total array, and quantitative indicators of persons who died and were injured on the basis of family domestic conflicts.

Domestic crime is a number of crimes committed in the sphere of family and everyday life, registered in a certain territory for a certain period of time.

Assessing the quantitative indicators of crimes in the sphere of family and household relations in the Republic of Kazakhstan as a whole, it is worth pointing out their increase in the period from 2017 to 2020 from 446 to 1072 (+ 58.39%), and then from 2020 a gradual decrease until 2021: 1072 to 1047 (-2.4%).

The largest number of domestic crimes are committed against women: in 2017 – 260, 2018 – 582 (+55,33%), 2019 – 664 (+12,3%), 2020 – 694 (+4,3%), 2021 – 680 (-2,05%).

Minors are another category of persons against whom domestic crimes are committed. The indicators for the Republic of Kazakhstan are significant: in 2017 – 9, 2018 – 27 (+66,7%), 2019 – 1 (-96,2%), 2020 – 72 (+98,6%), 2021 – 69 (-4,3%).

Studies show that the bulk of domestic crimes (up to 97,3%) is violent. So, about 97% are murders and causing various harm to health, about 7,6% of hooliganism and death threats are of a domestic nature, for other crimes these figures are somewhat lower (Number of reported cases, 25. 10. 2023).

Today, domestic violence is a systemic scientific and social problem. However, among scientific studies, this problem is much more often related to violence against women than violence against children, although this phenomenon has a

destructive effect on each of the family members. The latent nature of violence and its cyclical nature lead to a systemic increase in crimes, increased aggression, which can be transferred from a woman to a child, vice versa, and both at the same time.

According to statistics, the largest number of crimes under consideration (79.6%) were committed at home – houses, apartments. Less often they are committed in suburban areas (1.8%), house territory (4.6%) and on the street (3.7% or 79 out of 2124).

The portrait of the criminal and his victim on average looks like this.

56.5% of crimes were committed by men, of whom the majority are aged 30 to 49 years (52%), unemployed (74.3%) and with secondary education (90.6%). 43.5% of crimes were committed by women.

Of the total number of criminal offenses, 4.7% were committed against minors.

Out of 4.4 thousand criminal cases, 68.6% of the subjects were persons in marital relations (or civil marriage, cohabitants), 31.4% were persons in other related relationships (father, mother, brother, sister, etc.).

Also, out of 4.4 thousand criminal cases, 56.5% (2.4 thousand) cases of illegal actions committed under the influence of alcohol (Official crime statistics, 25. 10. 2023).

A.N. Varygin quite rightly designates a list of characteristic and distinctive signs of domestic crimes:

- 1) a specific crime scene (apartment, house, entrance, suburban area, garage, house territory);
- 2) the special relationship between the offender and his victim (marital, family, neighborly, friendly);
- 3) the presence of a conflict between the perpetrator and the victim (long-term, short-term, one-time);
- 4) the violent nature of the majority of family crimes caused by the conflict;
- 5) the commission of these facts in the absolute majority of cases in a state of alcoholic or narcotic intoxication;
- 6) the situational (not prepared in advance) nature of such crimes (Varygin 2014).

According to experts, the problem of domestic violence is one of the most difficult due to mentality, since the situation in the family is a secret, and not only for state bodies. Today, the socialist tradition of considering family internal affairs by society is becoming obsolete, the system of social relationships is changing, and with it the desire and opportunity to participate in the private

life of neighbors and acquaintances. The only way to get information about violent acts is to conduct anonymous psychological tests of schoolchildren by means of the forces of psychological services and the investigative committee (Tugelbayeva 2018).

Speaking about intra-family crimes, scientists and human rights activists in Kazakhstan most often raise issues of intra-family violence. Countering violence, which has a systemic nature in the country, expressed in the fact that the manifestation of violence is a hereditary trait that is difficult to eliminate through external influence, should come from the family itself.

Modern problems of the family proceed from its increased social importance in society: the family is the main link in the formation of a person's deep ideas about himself and the world, justice, determines further needs, interests and other personality characteristics (Fink 2022).

This is the criminogenic factor of the development of defective personality behavior – if there are any violations in the family, they invariably affect the criminal tendencies of a child and a teenager, and in the future – an adult.

As you know, crimes are also committed by people who grew up in the family of parents with higher education, as well as holding a high position. The defectology of deviant behavior has deeper causes: disagreements of parents, excessive permissiveness, an increased degree of control over the child, conflicts between parents, aggression, indifferent behavior and excessive guardianship. These factors individually or systematically lead to an increased level of stress in the child, hostility to social and moral foundations, which later develop into a tendency to violate higher-order laws, disregard public opinion and insult the personality of other people.

Moreover, the desire to conceal crimes committed in the family is an important criminogenic factor. When the whole family, having learned about the violation of law and order, seeks to conceal this information from state authorities, or vice versa – seeks to speed up the violator in all ways, to raise a minor offense to the highest degree, which can further develop antisocial behavior.

Among the main factors of family dysfunctions, the following are distinguished: constant conflicts and an unfavorable psychological climate; the absence of one of the parents; immoral or antisocial behavior of parents; their lack of pedagogical skills and knowledge; low level of material support for the

family; unfavorable psychological traits of parents (aggressiveness, internal conflict, etc.).

Thus, domestic crime is defined as a set of crimes committed in the spheres of family and everyday life and limited to a specific place of their commission, arising from the satisfaction of the material and spiritual needs of a person, as well as characterized by a special relationship between the offender and his victim, registered in a certain territory for a certain period of time.

Unfortunately, today there is no national idea formed at the state level, a system of values that would be effectively instilled not only in the family, but also in educational institutions. A person whose personality is still at the stage of formation does not have an example of the established systems of value attitudes, there is no picture of unambiguously positive behavior. These circumstances are increasingly contributing to the formation of deviant and delinquent behavior, and in the future – and the commission of crimes in the family and household sphere. Currently, this leads to negative trends in terms of the dynamics and proportion of crimes of the type in question, and is also characterized by negative qualitative indicators, such as increased public danger and the price of crime.

Conclusion

Based on the above theories and the statistical data provided, we can say that the problem lies in imperfect preventive measures of domestic violence at the state level. Effective preventive measures, according to experts, are the foundations for reducing crime rates. When studying the issues of prevention of domestic violence, a number of law enforcement and organizational problems have been identified:

1) One of the most serious problems is the absence in the public administration system of a single coordinating and controlling body responsible for solving problems of domestic violence and strengthening the institution of the family.

Today, at the central level, youth issues are assigned to the Ministry of Information and Social Development, protection of the Rights of Minors to the Ministry of Education and Science, women's rights to the Ministry of Labor and Social Protection of the Population, Suppression of Domestic Violence to the Ministry of Internal Affairs.

However, none of them deals with these problems comprehensively and comprehensively.

There is also a lack of proper interdepartmental interaction, there is no clear delineation and specification of powers, both at the level of central state bodies and at the level of local government.

Foreign experience shows that separate bodies are often created that deal with family, women, children and youth issues in a substantive manner. A Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has been established in Germany, a Ministry for Family Affairs and Social Services in Turkey, a Ministry for Family Affairs, Veterans Affairs and Generational Solidarity in Croatia, a Ministry for Social Protection, Family and Child in Moldova, and a Ministry for Women, Family and Social Development in Malaysia, in Malta the Ministry of Family Affairs and Social Solidarity.

2) Another serious problem is the lack of a comprehensive and targeted approach to solving problems of domestic violence (<https://ru.kipd.kz/2022/04/04/o-protivodeistvii-semeino-bytovomu-nasiliuu-v-respublike-kazahstan/>).

The problems of family violence, youth, and the family institute are touched upon in a number of program documents (a comprehensive plan to support the youth of the Republic of Kazakhstan for 2021-2025, a comprehensive plan of measures for the prevention of offenses in 2020 – 2022, an action plan for the implementation of the Concept of Family and Gender Policy in the Republic of Kazakhstan until 2030, an interdepartmental action plan for the prevention of and prevention of crimes against the sexual integrity of minors, domestic violence and child abuse for 2019-2023, etc.) (https://online.zakon.kz/Document/?doc_id=32753047&pos=3;-108#pos=3;-108).

Meanwhile, given the seriousness of the problem, the growth of offenses in the field of domestic violence, as well as the existing obligations of Kazakhstan, it seems appropriate to develop a comprehensive strategy to combat violence, which will include legislative, institutional and organizational and practical measures.

3) Poor-quality work with people dependent on alcohol, drugs and other surfactants.

As mentioned earlier, out of 4.4 thousand criminal cases in the field of domestic violence over 5 years, in 56.5% (2.4 thousand) of cases, illegal actions were committed while intoxicated.

4) The weak role of protective regulations.

Currently, protective orders are of a formal nature, do not contribute to the real protection of victims from repeated violence, although they

should be an element of state protection, prevent any illegal actions.

The expediency of a significant increase in responsibility for non-compliance with protective regulations is traced (over the past 3 years and 3 months of 2022, almost 15 thousand people violated protective regulations) (<https://qamqor.gov.kz/crimestat/indicators>).

It is impossible not to note the actual lack of control over compliance with protective regulations. There are no obligations imposed on the precinct police inspectors in this direction.

At the same time, the identification of such facts should be carried out not only through independent appeals of victims of violence, but also by assigning such duties to the police (for example, at least once every 2 days).

In this case, it is necessary to use the possibilities of information technology, since it is problematic to cover all persons under professional control, in respect of whom a protective order has been issued.

5) Almost complete absence of programs for aggressors.

In many cases, family aggressors copy the behavior of their parents and do not represent another family model.

In this regard, in many countries there are special programs for aggressors to correct their behavior. Most of these programs are compulsory, but there are also voluntary ones for people who do not want to become an aggressor, but experience outbursts of aggression that complicate the ability to control their behavior or actions.

For example, in the Republic of Moldova, along with centers/services for victims of domestic violence and their children, there are centers/services of assistance and counseling for family aggressors, providing specialized services for informing, individual/group counseling of couples, legal advice, redirecting and facilitating the aggressor's access to medical services, employment, and profession (https://www.theadvocatesforhumanrights.org/Res/moldova_reportupload.pdf).

90% of those who have completed the program no longer show aggression.

6) Problems of identifying dysfunctional families and families in which domestic violence takes place.

Today, this issue is being worked out within the framework of the Draft Law "On amendments and additions to some legislative acts of the Republic of Kazakhstan on strengthening the institution of the family" (https://online.zakon.kz/Document/?doc_id=32753047&pos=3;-108#pos=3;-108).

It provides norms for the creation or organization of family support centers in the regions at the level of districts, cities, for the implementation of state family policy:

– implementation of measures in the field of state family policy aimed at strengthening the institution of family and family values, preserving marriage and family relations, resolving family conflicts;

– implementation of measures to prevent domestic violence in accordance with the legislation of the Republic of Kazakhstan;

– assistance in providing social support to families, ensuring employment of the population;

– monitoring and analysis of trends in the field of family policy;

– solving other tasks of the state family policy defined by the legislation of the Republic of Kazakhstan (Interdepartmental action plan, 25.10.2023).

It is also planned to include the implementation of measures in the areas of state family policy and prevention of domestic violence among the main tasks of youth resource centers.

Within the framework of the project AP14872079 «Victimological problems of prevention of domestic violence»

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