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## CRIMINOLOGICAL ASPECTS OF VIOLENCE AND ABUSE OF CHILDREN

This article presents current aspects of violence and abuse against children. In particular, attention is drawn to the issues of prevention and warning of violence, abuse against children, offenses and crimes, neglect and homelessness among minors.

At the same time, issues of combating crime against minors and juvenile delinquency should include a range of measures of an economic, political, social and legal nature.

In order to ensure the safety of children, it was concluded that work in this direction should be carried out step by step, consistently by identifying sources of threats, studying, analyzing the causes and conditions, determining the scale and consequences.

In order to reduce the number of children and adolescents actively involved in illegal content, a number of new initiatives are proposed, including legislative ones.

The article contains tasks and conclusions, the possibility of their practical implementation, the conclusions and proposals formulated in the work can find practical application in the activities of employees of authorized state and law enforcement agencies in the field of protecting children's rights.

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**Keywords:** children, safety, injuries, prevention, crime, offense, violence, abuse, dysfunctional family, cyberbullying.

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### Балаларға зорлық және қатыгездікпен қараудың криминологиялық аспектілері

Бұл мақалада балаларға зорлық және қатыгездікпен қараудың криминологиялық аспектілері берілген.

Атап айтқанда, кәмелетке толмағандар арасындағы зорлық-зомбылықтың, балаларға қатыгездік көрсетудің, құқық бұзушылық пен қылмыстың, қадағалаусыз және панасыз қалудың алдын алу және алдын алу мәселелеріне назар аударылады.

Бұл ретте кәмелетке толмағандар арасындағы құқық бұзушылыққа және балалар қылмысына қарсы күрес мәселелері экономикалық, саяси, әлеуметтік және құқықтық сипаттағы шаралар кешенін қамтуы тиіс.

Балалардың қауіпсіздігін қамтамасыз ету мақсатында бұл бағыттағы жұмыстарды кезең-кезеңімен, қауіп-қатер көздерін анықтау, себептер мен жағдайларды зерделеу, талдау, ауқымы мен салдарын анықтау арқылы кезең-кезеңімен жүргізу қажет деген қорытынды жасалды.

Заңсыз мазмұнға белсенді тартылған балалар мен жасөспірімдердің санын азайту үшін бірқатар жаңа бастамалар, соның ішінде заңнамалық бастамалар ұсынылуда.

Мақалада міндеттер мен қорытындылар, оларды іс жүзінде жүзеге асыру мүмкіндіктері, жұмыста тұжырымдалған қорытындылар мен ұсыныстар балалардың құқықтарын қорғау саласындағы уәкілетті мемлекеттік және құқық қорғау органдары қызметкерлерінің іс-әрекетінде практикалық қолдануды таба алады.

Қаржыландыру. Ғылыми мақала BR 21882414 «Зорлық-зомбылық құрбаны болған балаларды қолдау және оңалту бағдарламасы: ресурстық модульді орталықтар желісін тәжірибелік енгізу» жобасы бойынша Қазақстан Республикасы Ғылым және жоғары білім министрлігінің ғылым комитеті қаржыландырған 2023–2025жж. арналған ғылыми және ғылыми-техникалық бағдарламаларды бағдарламалық-нысаналы қаржыландыру шеңберінде дайындалған.

**Түйін сөздер:** балалар, қауіпсіздік, жарақаттар, алдын алу, қылмыс, құқық бұзушылық, зорлық-зомбылық, қорлау, дисфункционалды отбасы, кибербуллинг.

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### **Криминологические аспекты насилия и жестокого обращения с детьми**

В данной статье приводятся актуальные аспекты насилия и жестокого обращения с детьми.

В частности, обращены внимания на вопросы профилактики и предупреждения насилия, жестокого обращения в отношении детей, правонарушений и преступлений, безнадзорности и беспризорности среди несовершеннолетних.

В то же время вопросы борьбы с преступностью в отношении несовершеннолетних и детской преступностью должен включать комплекс мероприятий экономического, политического, социального и правового характера.

В целях обеспечения безопасности детей сделан вывод, что работа в данном направлении должна проводиться поэтапно, последовательно путем установления источников угроз, изучения, анализа причин и условий, определения масштабов, последствий.

Для снижения количества детей и подростков, активно вовлекаемых в противоправные контенты, предлагается ряд новых инициатив, в том числе законодательных.

Статья содержит задачи и выводы, возможность их практической реализации, сформулированные в работе выводы и предложения могут найти практическое применение в деятельности работников уполномоченных государственных и правоохранительных органов в сфере защиты прав детей.

Финансирование. Научная статья подготовлена в рамках программно-целевого финансирования по научным и (или) научно-техническим программам на 2023–2025 годы, направленная на реализацию проекта ИРН BR 21882414 «Программа поддержки и реабилитации детей-жертв насилия: практическое внедрение сети ресурсных модульных центров», финансируемого Комитетом науки Министерства науки и высшего образования Республики Казахстан.

**Ключевые слова:** дети, безопасность, травматизм, профилактика, преступление, правонарушение, насилие, жестокое обращение, неблагополучная семья, кибербуллинг.

## **Introduction**

In the Address of the Head of State to the People of Kazakhstan dated 1 September 2020, “Kazakhstan in a New Reality: Time for Action”, President Kassym-Jomart Tokayev instructed that special attention be paid to issues of children’s safety and the protection of children’s rights, and that oversight be ensured for every case investigated in connection with violence against minors.

In 2021, the President again pointed to the need to establish special oversight in preventing and suppressing sexual offences against children, especially children left without parental care.

As the President noted, responsibility for countering such unlawful acts rests not only with internal affairs bodies and the prosecutor’s office, but also

with all organisations involved in social protection: guardianship and custody authorities, employment and social programmes units under regional and district akimats (local executive bodies), and others.

In Kazakhstan, state protection of the family and childhood is guaranteed by the Constitution and has constitutional status (Article 27 of the Constitution of the Republic of Kazakhstan). At the same time, implementing guarantees of the child’s rights—including ensuring social infrastructure for children—falls within the core powers of local executive bodies (Article 7 of the Law of the Republic of Kazakhstan “On the Rights of a Child in the Republic of Kazakhstan”).

State bodies must create all necessary conditions to expand opportunities for children and adolescents in choosing their life path and achieving

personal success, regardless of their family's material well-being or social position. Today, authorised state bodies—including specialised ones—have been established to protect children's lawful rights, and a number of non-governmental organisations operate in this sphere.

In the Address to the People of Kazakhstan dated 2 September 2024, the Head of State noted the extensive work carried out over time on child protection. A legislative act was adopted providing payments to children from the National Fund. Administrative liability was introduced for involving minors in gambling and betting. Penalties were increased for any forms of violence against children. A law was signed on ensuring children's safety and on preventing and suppressing crimes and offences against women and children.

In general, more than 40 regulatory legal acts are currently in force in the field of protecting minors' rights: the Constitution of the Republic of Kazakhstan; the Code "On Public Health and Healthcare System"; the Code "On Marriage (Matrimony) and Family"; the Laws "On the Rights of a Child in the Republic of Kazakhstan", "On Prevention of Infraction among the Minors and Prevention of Child Neglect and Homelessness", "Concerning Prevention of Domestic Violence", "On Social and Medical Pedagogical Correctional Assistance for Children with Disabilities", "On State Youth Policy", and other legislative norms.

## Results and Discussion

It should be noted that the legal protection of childhood covers all spheres of minors' lives: education, upbringing, healthcare, labour, social security and adaptation, leisure, physical culture, and sports. In this context, it is reasonable to agree with a number of domestic researchers on the need for special legal protection driven, above all, by minors' psychological, emotional, and physiological characteristics.

Today, protecting the rights and interests of minors participating in legal proceedings is among the priority areas in the work of all competent bodies in this field, including the courts.

Among international instruments, United Nations documents devoted to minors occupy a special place. In June 1994, Kazakhstan declared its commitment to comply with the principles of the international community concerning the protection of children's rights by ratifying the Convention on the Rights of the Child. This treaty is aimed at creat-

ing fundamental conditions for children's social and spiritual well-being, including safety, protection from abuse and violence, discrimination, and violations of rights.

The special status of minors is also embedded in other UN standards. For example, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules") recommend not only taking the personal characteristics of minors into account to the greatest extent possible, but also creating a specialised system of justice and juvenile jurisdiction. When choosing measures of response, competent bodies should be guided by the following principles:

- measures of response should be proportionate not only to the circumstances and gravity of the offence, but also to the situation and needs of children, as well as the needs of society;
- when considering materials relating to a minor, the question of his or her well-being should serve as the determining and primary factor.

Like other international treaties, the UN Convention on the Rights of the Child forms part of Kazakhstan's applicable law under the Constitution of the Republic of Kazakhstan, and courts, when preparing decisions, may directly refer to provisions of international legal norms. The special status of minors is reflected in the Law of the Republic of Kazakhstan "On the Rights of a Child in the Republic of Kazakhstan", as well as in criminal, criminal-procedure, civil, and other legislation and regulatory legal acts.

A separate, independent system of punishments for minors is provided for in the Criminal Code of the Republic of Kazakhstan (hereinafter—CC RK). Within the general principles of sentencing, the CC RK establishes juvenile-specific legal measures and requirements. They take into account children's legal status, Kazakhstan's adherence to international human rights standards, and the humanistic foundations of national legislation.

At the same time, despite a developed legal framework and policies pursued in the interests of minors, a number of problem areas remain in this sphere. In particular, the prevention of violence and abuse, offences and crimes, child neglect, and homelessness among minors remains highly relevant.

Official statistics on registered criminal offences indicate the presence of dangerous criminogenic factors. According to statistical data for the last three years, more than 7,000 criminal offences were committed against minors, including 1,171 grave and 1,346 especially grave offences.

Notably, the indicator doubled in the city of Astana (from 123 to 254) and increased in Almaty Region by 66.7% (from 234 to 390), Aktope Region by 65.4% (from 107 to 177), Atyrau Region by 55% (from 116 to 180), Kyzylorda Region by 48.8% (from 80 to 119), Zhambyl Region by 44.4% (from 133 to 192), and North Kazakhstan Region by 43.5% (from 62 to 89).

It should be noted that the increase in recorded crime was influenced by the registration of 611 offences under new CC RK articles introduced in 2024: Article 108-1 CC RK (Intentional infliction of minor harm to health)–184; Article 109-1 CC RK (Battery)–394; and Article 121-1 CC RK (Sexual harassment of persons under sixteen years of age)–33. As before, the most common categories remain offences against the person–958 (28%); offences against sexual inviolability–904 (27%); transport-related offences–597 (17%); and offences against property–485 (14%).

Of particular concern is the increase in offences against the person: +68.7% in 2024 compared to 2023; and +112.4% over three years.

In this regard, the dependence identified by long-term American research is of interest: when the media constantly report on murders and rapes, criminal statistics in that region tends to rise in the near future. This is described as “social contagion” (Schraer, 2025, p. 30).

This is especially relevant today given the accessibility of virtually any information through the global Internet and the active deployment of artificial intelligence (hereinafter–AI), with children being among the most active users. According to International Telecommunication Union (ITU) data on the share of Internet users, Kazakhstan is on par with many developed countries.

For many children, the Internet and AI are not only sources of information, but also a kind of “close” friend and helper. A fairly high level of psychological dependence on the Internet and social networks is observed among children.

For example, 30% of surveyed children cannot stop watching films, videos, and other online information on their own; about 52% view various videos and websites; 28.6% play computer games; and 7% spend time in Internet clubs after 22:00 (Report on the Situation of Children in the Republic of Kazakhstan in 2018, 2019, p. 172).

It is difficult to disagree with the view that the work carried out today by authorised state bodies is losing to information attacks, and that not all potential of the Internet and social networks is being used

(Report on the Situation of Children in the Republic of Kazakhstan, 2017, p. 149). While online, children increasingly encounter harmful information–abuse, violence, aggression, pornography, and so forth. Often, driven by the desire to find understanding, they become participants in suicidal and other unlawful communities, which can lead to severe psychological and physical consequences and trauma.

The availability of information, anonymity, and a high level of involvement in online activities make children vulnerable to various criminogenic threats that can undermine their psychological safety (Romanova, 2018, p. 26). Therefore, information-psychological safety and methods of building protection and assistance become particularly important amid major social change. Below are examples of Internet threats faced by minors (Isaev et al., 2024, pp. 73–74).

Cyberbullying is a serious and rapidly growing problem among adolescents in today’s digital society. This type of harassment is carried out through AI, social networks, messengers, and other platforms. Cyberbullying encompasses various forms of aggressive behaviour–blackmail, threats, insults, and humiliation. One of its key elements is anonymity, which makes it easier for potential aggressors to express negative emotions with a reduced risk of accountability.

An important aspect is analysing the consequences of cyberbullying, which are usually divided into educational, psychological, and medical consequences. Educational consequences include poorer academic performance, reduced motivation to attend school, frequent absences, unstable grades, and decreased learning activity. Psychological consequences include lower self-esteem, loss of confidence, impaired mental development, the emergence of disorders, increased psycho-emotional instability, heightened fear, the development of paranoia, and suicidal thoughts. In addition, cyberbullying may lead to depression and stress, causing an overall weakening of immunity, headaches, heart-area pain, fatigue, sleep disturbances, memory deterioration, and loss of appetite.

The main difficulty is that cyberbullying is hard to control and prevent because it can occur anonymously and outside the school or home environment. It is crucial that children know how to recognise and resist this phenomenon and have access to understanding from adults and specialists (Zintsova, 2014, p. 122).

Thus, the above indicates both a trend and persistence of criminological threats. For this reason,

the developers of the Comprehensive Plan for the Protection of Children from Violence, Suicide Prevention, and Ensuring Their Rights and Well-Being for 2023–2025 justified its adoption primarily by the increasing number of crimes and offences against children and the overall criminogenic situation.

Countering criminal encroachments against minors has been defined as one of the priority areas for all authorised bodies. State bodies are taking systematic organisational, legislative, and practical measures to ensure the protection of children's rights. Despite this, children everywhere continue to be exposed to various criminal encroachments and also commit offences and crimes themselves.

Obviously, combating crimes committed against minors and juvenile delinquency must include a comprehensive set of measures. As to the legal dimension, it should be noted that Kazakhstan's legislative framework currently aligns with international standards and allows the state to address issues related to the protection of minors' rights at an appropriate level.

Specialists in psychology and psychiatry believe that a dysfunctional family—one in which there are evident defects in upbringing, although this is not the only criterion for defining dysfunction—often lays the groundwork for later problems: what is missed in childhood, what is not noticed, and what is formed in childhood can “blossom” at an older age (Korolev, 2024, p. 74).

It should be acknowledged that minors are among the most vulnerable groups in terms of access to social services. In particular, their lack of life experience often becomes a cause of tragedy. Moreover, clear family dysfunction leads to situations where children, when faced with life challenges, may misjudge facts due to erroneous views and behave inappropriately when resolving problems.

Psychologists and psychiatrists consider a dysfunctional family to be, first of all, one with obvious defects in upbringing, although this is not the only criterion for identifying family dysfunction (Baeva et al., 2021, p. 482).

It should be noted that family dysfunction is one of the main causes of deviant behaviour. Therefore, one of the main priority measures in the sphere of child protection is work with dysfunctional families.

However, despite allocated funding and measures taken to work with disadvantaged children, the number of dysfunctional families in the country is not decreasing and remains at approximately 10–12 thousand families, in which more than 12 thousand children live.

G.S. Maulenov quite rightly noted that phenomena and processes such as an unfavourable family environment are among the conditions contributing to the commission of crime (Maulenov, 1999, p. 64).

It is also reasonable to agree with A.A. Tanekenoova that the predominance in court practice of cases involving deprivation of parental rights due to evasion of parental duties indicates an unfavourable family situation (Tursunov, 2020, p. 79).

One of the major problems connected with violations of children's rights is violence and abuse. Neglect of a child's basic needs includes any actions or omissions by parents or legal representatives that reduce the child's well-being or create conditions that hinder the child's normal physical or mental development and violate the child's rights and interests.

Children who are constantly exposed to abuse may develop a desire to assert themselves and demonstrate their significance; they may also form beliefs that rudeness is a normal form of relationship between people.

When any forms of violence and rudeness are a preferred method of influence in a family, children may retain bitterness toward their parents throughout life. There are known cases of adolescents committing brutal murders of their parents. A teenager may become cynical and emotionally “deaf”, disregard the interests and feelings of others, and develop hatred toward people—anyone may become a victim.

In many foreign countries, specific methodologies already exist for identifying such cases; new methods are being developed and measures are being taken to combat violence and abuse. According to UNICEF, Kazakhstan has a fairly favourable environment for the realisation of children's rights. The state provides ongoing support in healthcare, education, and social protection, but overall the level of such support remains lower than the OECD average.

At the same time, violence remains widespread in Kazakhstan despite improvements in legislation. For example, children under one year of age are subjected to physical punishment (17.3%), and almost every third child aged 3 to 9 is subjected to physical punishment.

Social norms that tolerate and accept violence contribute to its wide prevalence: for example, 75% of adults support the use of corporal punishment against children. Parents often resort to harsh measures because they do not know alternative ways to discipline children or do not have the time and patience to raise them.

Research results show that violence is a significant problem for minors' health not only because it causes direct injuries, but also because it indirectly affects a range of psychological and other health indicators (Buyanov, 1976, p. 207). Repeated violence may place victims at risk of psychological problems such as fear, anxiety, sleep and eating disorders, depression, and stress.

A key role in the prevention of offences traditionally belongs to the family, as it is the main foundation of upbringing. However, the family as a social institution is also undergoing deformation. Social changes and the declining role of values affect the family as well.

Among the main adverse factors of family upbringing are an immoral lifestyle of parents, their low level of education, emotionally conflictual relations within the family, and low material well-being. Improper upbringing in the family, resulting in the formation of negative personality traits in a minor, may be caused by a number of reasons. Conflict relations, sometimes leading to the breakdown of the family, cause children acute distress connected with the loss of their usual life and uncertainty about the future.

All this may lead to a sense of loneliness, uselessness, and other negative thoughts. Unlawful behaviour by children may be driven by social inequality in the opportunities available to people from different social strata.

In general, in an unstable family environment, children often face a lack of proper care, support, and upbringing, which can have consequences for their future. The main factors contributing to family dysfunction include poverty, alcoholism, drug addiction, abuse and violence in the family, as well as conflicts and divorces between parents. These problems may be aggravated in rural areas and low-income families, where access to education, medical services, and social support is sometimes limited.

Social disadvantage, in turn, is linked to a lack of infrastructure and leisure opportunities for children's development, including the unavailability or inaccessibility of pre-school institutions, clubs, and sports sections. In such conditions, children are often left to themselves, which increases the risk of their involvement in unlawful activity.

In Kazakhstan, measures are being taken to address these problems, including the development of the social protection system, the opening of family and childhood support centres, and the implementation of violence-prevention programmes. How-

ever, the effectiveness of these measures is often constrained by insufficient funding and the lack of a comprehensive approach.

To reduce and minimise the level of threats, it is necessary to strengthen the family institution, raise living standards, develop the education and health-care systems, and actively involve the public. Only through joint efforts of the state, society, and each individual family can conditions be created in which children can grow up safely, receive quality education, and develop their potential, ultimately contributing to overall well-being.

The national model of preventive measures against violence largely relies on identifying dysfunctional families and placing them under preventive supervision. According to the Children's Rights Ombudsperson in the Republic of Kazakhstan, D. Zakiyeva, 12 thousand children live in families that are registered as disadvantaged.

From 1 September 2022, Kazakhstan launched the Digital Family Card on a pilot basis—an information system that aggregates data from various state bodies, allowing the level of citizens' social well-being to be determined and guaranteed state support to be provided proactively.

It is necessary to identify the reasons for a child's behaviour in each specific case and develop comprehensive preventive measures to help each family. The regions already have the data; therefore, it must be promptly integrated into a single automated registry database that will allow the development of tailored solutions for each family and provide information on how exactly assistance can be delivered in a particular situation.

Interaction should also be strengthened, and the non-governmental sector should be involved in order to consolidate all efforts. Work should proceed in two directions: (1) a specific rehabilitation plan for children who already have the status of homeless children; and (2) preventive measures.

In our view, introducing a unified automated registry database of families in difficult life circumstances is an important step toward improving the protection and support system for vulnerable groups.

In general, scientific research on violence against children and child abuse helps to:

- identify root causes, mechanisms, and factors influencing violence, which supports the development of effective child-protection measures; understand the impact of domestic violence on children's psychological and emotional health, which is important for designing prevention and rehabilitation plans;

- influence public attitudes toward violence and contribute to changes in legislation aimed at more effective child protection;

- play an important role in specialist training, enabling professionals to respond effectively to cases of violence and provide assistance to victims.

Oversight and supervisory practice shows that local executive and authorised bodies often fail to address, in an effective manner, family dysfunction related to unemployment, alcohol abuse, drug addiction, low living standards, and the associated domestic violence.

In this context, we fully support the initiative of the Prosecutor General's Office regarding the need for a new strategic document on the upbringing, development, and safety of the younger generation, given that the Concept on moral and sexual education was approved by the Government 17 years ago (21 November 2001) and does not take into account the influence of the Internet, social networks, and other current realities.

These commissions do not have reliable information on dysfunctional families and children in the region; as a result, many such families remain outside their preventive work.

We believe that one of the reasons for the low effectiveness of commissions' activities is the shortage of qualified personnel. A unified system of requirements for the professional and educational level of staff should be introduced, and criteria and performance indicators for their work should be developed.

Introducing a social worker into the composition of commissions will also help increase their effectiveness by organising targeted and systematic work with children and their families.

An analysis of the social status of affected children indicates serious problems in ensuring children's rights. In most cases, these are children from low-income and single-parent families, where parents are either unemployed or do not live with their children. All such families should be the focus of preventive work.

Some parents have repeatedly come to the attention of the police for consuming alcohol, committing offences in the sphere of family and domestic relations, and so forth.

However, there are also cases where authorised bodies conduct no systematic work with this category

of persons. In practice, children in such families remain without the necessary help and care and become victims of violence.

## Conclusions

The analysis showed that one of the main causes of juvenile delinquency is the family-upbringing factor.

It should be stated that all visible shortcomings and deviations in children's behaviour—homelessness and neglect, the commission of various offences, abuse of alcohol and narcotic substances—share a common major problem: social maladjustment, the root causes of which lie in family problems.

It is also advisable to consider adopting legislative amendments that would allow authorised officials (police), based on incoming information that a person has manifested violence (including sexual violence), to issue directives requiring such persons to undergo a psychological and psychiatric assessment (examination), including in inpatient settings. In particular, it is proposed to supplement Article 10 of the Law "Concerning Prevention of Domestic Violence" with clause 19 as follows: "issue a directive requiring the person to undergo a psychological and psychiatric assessment (examination)".

In addition, a mechanism of judicial oversight over such directives should be established to ensure their lawfulness and justification; the possibility of challenging the directive in court should be provided; and the time limits and conditions for inpatient assessment should be regulated. Grounds for issuing such a directive may include complaints from relatives, neighbours, and the children themselves. This measure is justified by the fact that victims are often not prepared to report sexual violence openly, because perpetrators are frequently acquaintances—fathers, stepfathers, brothers, and other relatives.

Given that the problem of violence against children and child abuse is a social problem, only coordinated work by all prevention actors can achieve positive results.

In this regard, it is necessary to adopt a unified state concept for the protection of children's rights and interests that would create uniform institutional foundations for implementing state policy on the protection of children's rights in all spheres of society.

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