

## Article about Some Aspects of the Prevention of Victimological Crime Manifestations Involving Minors

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**Abstract:** The article is devoted to the problem victimological preventive measures as a way to resist the criminal world. The author believes that in the Republic of Kazakhstan all preconditions for reinforcement of this sphere exist. Teen-agers are the most sensitive group of population. The author is convinced that theoretical provisions of criminal victimology are not implemented in practice at the current moment. Imperfection of organization of victimological preventive measures' base suggests development of the complex of proposals intended for increase in effectiveness in general and individual area of this activity. Linking the growth of criminal rate with national security the author defines the notion "victimological security". He arrives at conclusion that rising degree of involvement of teen-agers into different crimes demands from the state new approaches to counter-measures against such phenomena.

**Key words:** Reserve for counter-measures against criminality • Criminal victimity • Victimological preventive measures • The level of victimization • National security • Victimological security

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### INTRODUCTION

One of intact reserves in combating crime is a need to strengthen the preventive orientation of the state and its organs; strengthening especially in matters of victimological prevention.

There are necessary preconditions for strengthening this sector of activity, the foundations of which are laid in the Constitution [1] of the Republic of Kazakhstan and accepted on the basis of its new laws.

For the first time in the history of our country, the Law of the Republic of Kazakhstan "On the prevention of crime" [2] was accepted in 29 April, 2010. After that "Concept of Legal Policy of the Republic of Kazakhstan for the period from 2010 to 2020" was approved by the Decree of the President of the Republic of Kazakhstan Nazarbayev N. in August 24, 2009.

In a more complex criminal situation in the country, entailing the reduction of protection of the rights and freedoms of individuals the level of victimization of Kazakh society increases significantly. According to scientists, the level of victimization is much lower in European countries [3] than in the states of the former Soviet Union. This is particularly evident in the most vulnerable category of minors.

It is not an accident that the criminal legislation

of the Republic of Kazakhstan has a number of articles that point out the criminal law protection of minors. For example, chapter 2 of the Criminal Code of the Republic of Kazakhstan "Crimes against the family and minors" provides a series of articles that protect minors from criminal offenses such as Article 131 of the Criminal Code "Involvement of minors in criminal activities", article 132 of the Criminal Code involving minors in antisocial activities", Article 133 of the Criminal Code "Involvement of minors in prostitution" and others.

In the Message of the President of the Republic of Kazakhstan Nazarbayev N. to the people of Kazakhstan "Kazakhstan – 2050 Strategy: A new political course of the state" it was noted that children are the most vulnerable of our society and they should not be powerless. "As the leader of the nation, I demand protection of every child." [4]

At the same time, the degree of preventive effect made by law enforcement agencies on victimization of citizens and, especially of minors in our country is far from desirable and significantly inferior to many foreign countries in the organization of this activity and its effectiveness.

Despite the profound scientific development of the concept of criminal victimology and given it's institutional

and legal aspects the proper system is not created yet. This fact complicates its implementation and often leaves theoretical position of criminal victimology untapped.

We attempt to study the theoretical, legal and institutional framework of victimological prevention of juvenile crime and to define the main directions of improving this kind of activity, that will be carried out by the police.

We believe that this trend will create the possibility of victimological crime prevention in strict accordance with the principles of legality, complexity and social justice, which will greatly expand the opportunities for prevention activities. It will also allow forming a mechanism of complex influence on the criminal situation, taking into account the peculiarities of interaction and relationship of the victim and the perpetrator.

The first researchers of this problem were Frank L. (founder of this direction), Vandyshev V., Dage P., Kononov V., Minskaya V., Polubinsky V., Rivman D., Rybalskaya V., who made an invaluable contribution to the development and the development of basic theoretical principles of victimology.

However, analysis of published works and research results showed the absence of complex works that focus on the legal and organizational support of the bodies of internal affairs in the field of victimological prevention of minors[5, 6]. This fact actualizes the need of a special study of these problems and the need of development of evidence-based recommendations for their effective resolution.

Existing gaps (imperfect legislation, information analysis, planning, forecasting and organization of interaction of subjects, ensuring control in this type of activity) do not allow to fully incorporate victimization prevention to the arsenal of law enforcement.

Let us consider some of the theoretical aspects of the problem.

First of all, the formation of victimological prevention of crime concepts in which minor appears as a victim of crime, it is necessary to provide a basis for it in the form of victimological policy on minors at the state level.

As an integral part of the criminal policy of the state, the victim policy of the state is an important activity of the state, carried out on a legal basis with appropriate resourcing, adequate to the victimological situation and aimed at improving public safety, reducing the victimization of society, dangerous territories and objects, compensating and protecting the real victims.

Victimology policies aimed at ensuring the safety, can be successfully implemented in the framework of the

criminal policy (and its criminological component)[7].

Secondly, there is a need to clarify the concept of victimological prevention, which is an integral part of the general crime prevention. The content of crime prevention is a subsystem of the crime prevention institution, which consists of the following interrelated and interacting parts: 1) the participants with their functional and organizational structure; 2) preventive measures and 3) the mechanism of implementation.

Specificity of victimological prevention within the institution of the prevention of crime is manifested in the features of the person exposed; the exclusive use of persuasion, incentives and protection for the victims of crimes.

The concept of victimological crime prevention that is carried out by internal affairs bodies and defined as the specific activity of services and departments of the internal affairs bodies is focused on: a) the identification of individuals with a high degree of victimization in order to change behavior, enhance their protective properties and subsequent unvictimization (individual victimization prevention); b) preventing, eliminating or neutralizing the determination of the complex of victimization (together with other actors in the implementation of prevention activities); c) participating in the development or improvement of existing special types, forms and methods of increasing security and defense capabilities of potential victims of crimes.

Victimization prevention, carried out by the internal affairs, in comparison with those of other entities, with sufficient legal, organizational, methodological, informational, analytical, software and research resources is more efficient and economically justified.

Thirdly, there is a need to clarify the concept of criminal victimization. The concept of criminal victimization, considered within the victimological prevention concept as a social phenomenon, caused by the presence of crime and persons with an increased risk to the public and especially to minors.

In this case, we should talk about the holistic victimological crime prevention concept, which consists of a set of evidence-based statements and conclusions of the theoretical foundations of victimological crime prevention; problems of legal and organizational support of victimological prevention of crimes carried out by the internal affairs bodies and their solutions; a set of proposals aimed at improving the efficiency of the overall and individual activities: the justification of sufficient and necessary preventive functions of internal affairs bodies, their legal, organizational and administrative support, the

definition of legal, economic, social and psychological impact of preventive measures against persons with victim behavior, improving the accounting system of victims of crime and statistical information about the damage.

Fourthly, there is a need to refine the victim security. Victim security is an integral part of overall security.

Under the current legislation of the Republic of Kazakhstan National Security structure includes the following types of security: food security (the state of the economy in which the state is able to provide the physical and economic access of the population to the high-quality food products sufficient to meet the physiological norms of consumption and population growth), information security (the protection of state information resources, as well as individual rights in the information sphere), military security (the security of the Republic of Kazakhstan on the real and potential threats and attacks on military independence and territorial integrity of the country), public security (political, legal, spiritual, moral, social protection of life, health and well-being of the citizens of the Republic of Kazakhstan, as well as the values of the Kazakhstani society from possible dangers and threats that can harm them), external security (the protection of national interests of the Republic of Kazakhstan against threats from foreign states, organizations and citizens), environmental security (the protection of vital interests and rights of the individuals, society and the state from threats arising from man-made and natural impacts of the environment), economic security (security of the national economy of the Republic of Kazakhstan on the internal and external conditions, processes and factors that threaten its sustainability and economic independence)[8].

The same Law of the Republic of Kazakhstan defines the following as the sources of threats to national security: an increase in crime, including its organized shape; merging state agencies with the criminal structures; officers' protection of illicit capital; corruption; illegal circulation of weapons and drugs. Everything above contributes to reduction of the level of protection of the rights and freedoms of citizens [9].

It means that we have all the legal grounds to consider crime as one of the main sources of threat to national security. And the process of combating crime is the process of ensuring the national security of the Republic of Kazakhstan.

The content of victimological security is introduced into scientific circulation, as a condition of protection of

persons (especially their victimization categories) against all kinds of threats, including crimes that arise in extreme situations.

Victim safety is achieved with the full support of all subjects' execution of crime prevention duties.

Science describes the concept above as person's increased ability to become the object of attack.

As a result, prevented damage to the state could reach a significant amount in terms of money, however, no doubt that hundreds of thousands of citizens do not face the moral humiliation of the criminals, they will not be harmed, that have a positive impact on confidence in safety. Not less important is that we save material resources expended for activities to investigate, search, arrest criminals and to keep them behind the bars.

These circumstances reflect positive social orientation, humanity and the "return" of victimological prevention carried out by the police. If we look at the achievements of the modern theory of victimology, it seems logical to take into account, the main directions of victimological prevention development.

According to professor Lebedev S.: "It is not a secret that even from an economic point of view, the prevention of crime is much more optimal for the state and society, rather than a permanent increase in the costs of searching, exposing and punishing the perpetrators. But oddly enough, the all people understanding of a simple logic of thesis of the anti-crime criminal repression priority above, unfortunately, do not affect the adequacy of resource support for crime prevention. The security, in whatever form it may be expressed (national, state, social, environmental, etc.), requires the state to implement more effective protection of citizens from the many social threats. The security, its maintenance and conditions, is the main area that the state should focus on in the questions of crime prevention. It is required to create the necessary conditions for a peaceful life [10]"

Solving the problem of protecting the state from the many threatening dangers is a priority in legal policy. It also includes victimological prevention as an inseparable part of the solution to the problem.

"Considering the crime as an independent threat to the normal life of the state and society - Lebedev S. continues, - "its negative manifestations in any social setting should be noted. However, given the institutional features of the spheres of human existence, the social security sector should be highlighted. It combined areas such as social protection, education, culture, health, etc. Providing state security, first of all, the individual, his everyday interests of all kinds from criminal offenses, increasing the efficiency of public control over crime, the

state is intended to substantially strengthen not only the social (in the narrow sense of the word) scope, but also to create a reliable guarantee of national security in general [10]"

The increasing threat of involving minors in the various manifestations of crime requires the state to find new approaches in combating these phenomena.

For example, distributors of narcotic drugs or psychotropic substances carry out active measures aimed at initiating readiness of potential victims to the use of those drugs.

In such cases, the hard drugs are used for the victim to get into an irresistible addiction of narcotic drugs or psychotropic substances.

These provisions allow to draw conclusions about what is now a serious danger to the community. The distribution of drugs carried out by the various criminal-minded persons or organized criminal groups through the use of criminal activity distributors is a main threat. The state and society faces current challenges in protecting our citizens from threats of drug abuse. In order to improve the level of this kind of victimological there is a necessity to identify potential victims of this kind of terror timely, as well as the need to suppress criminal activities of the distributors of narcotic drugs or psychotropic substances. Minors are the first and foremost victims of these crimes.

Achieving success in organizing the victimological prevention of minors is directly dependent on the success of the education of young people, in particular, the formation of consciousness in the spirit of the categorical rejection of the various negative tendencies and habits, including the desire of a sense of curiosity to try narcotic drugs or psychotropic substances. In most cases, drug abuse arises from a sense of curiosity of the young victims.

However, due to the significant amount of latent victimization it is difficult to ascertain the actual characteristics of victimization. The simulation for victimization is possible only on the basis of the available statistics. However, in practice, the only crimes recorded (including the remaining undisclosed), that have specific victims. This information is recorded in the reporting forms Ministry of Internal Affairs of the Republic of Kazakhstan, reflecting the number of all the victims of these crimes, without isolation of the victims. According to our data, more than one third of the total number of crimes was committed mainly because of victim behavior of people.

In order to get a reasonably accurate statistics on the victimization, the rules and reporting requirements of the

internal affairs bodies should be changed significantly through the introduction of new sections and paragraphs in reporting, etc.

Changes in victimization are fixed by dynamics over time. Dynamics can evaluate the state of victimization and its level, expressed in absolute numbers of crimes that resulted in harm to individuals and the number of the victims of these crimes. It should be borne in mind that the incidence of injury may be greater than the crimes and victims.

As one of the areas of criminology, victimization prevention advocates methodological basis for the maintenance of special subspecies of safety - victimological one which gives protection to the citizens of the victimization of their inherent properties and qualities, creates favorable conditions that enable us to identify, eliminate factors and situations that contribute to the commission of crimes against specific individuals, identifies risk groups or specific individuals with a high degree of victimization, influences them to restore or enhance their protective properties and to develop or improve special funds to protect citizens from crime and their subsequent victimization.

The objectives of ensuring victimological security are the creation and organization of the effective functioning of this security; early detection and prediction of the possible negative trends of criminal victimization values and threats of victimogenic nature; development and implementation of the complex of measures for the prevention, suppression and containment of potential threats, ensuring the necessary level of protection of victimological categories of citizens against crime.

Analysis of concepts and theoretical basis of content and essence of victimological security allowed the author to consider theory of victimological security, along with the criminal law, criminal procedure, penal, administrative and other legal theories, as a fundamentally new particular theory and also to express the feasibility of introducing it as a subject matter in the course of victimology.

Being a part of a more general system of crime prevention, prevention of victimization has its differences and peculiarities. They include: an independent object of positive preventive effect; a system of special entities whose activities are complemented by the tasks and functions of the nature of the victimization; the inherent reaction to the corresponding objects.

In a broad sense, objects of victimological prevention advocate criminal victimization and its types. In a narrow

sense, its objects are: victimogenic groups; specific individuals who are the potential victims of crime because of their social status, behavior or lifestyle (individual level); victimogenic factors and situations that form the victim behavior and determine commitment of crimes against individuals.

While choosing the forms and methods of combating crime we should consider modern crime, especially its organized forms. A prominent Russian scientist and criminologist Dolgova A. very correctly noticed the pursuit of crime to rely on the institutions of state and society [11]. However, she notes that criminal activity is closely intertwined with the legal business, a permissible and even encouraged by the activities of the society, which creates difficulties for isolating the actual activities of these organizations and to respond to it without causing discontent among the population. There is also a careful conspiracy, forestalling the legislator and the skillful use of his miscalculations, the active prevention of adverse legal decisions [12].

At the organization of crime prevention we should also take into account the views of the famous scientist and criminologist Avanesov G. He claimed that crime is generated by the conditions of social life and it is also itself a part of these conditions [13].

It is proper to consider the process of fighting crime, not only as the impact on crime as a negative component of society, but also on the society itself. Our law enforcement system has focused its attention only on that portion of the population that commits crimes: potential offenders and criminals. A major part of the members of society (law-abiding citizens) remains out of sight. However, the specific boundaries separating law-abiding people and those who have committed, or are prone to commit crimes do not exist. Any law-abiding citizen can appear in the dock. And each person serving a sentence in a correctional institution can seek a return to normal life. Therefore, the fight against crime should be treated much broader and should not be reduced to the identification of specific crimes and those who committed them. This process should involve more extensive and large-scale events, the implementation of which would contribute not only to address specific causes and conditions of crime, but would include the impact on healthy, law-abiding section of society.

Comprehensive prevention of crime is a broad, nationwide problem of social nature. Scientific basis of the theory of preventing crimes in our society is created as a result of numerous studies of problems of fighting crime in the various sectors of the economy and social life and

the development of methods and means of prevention. The concept of crime prevention is considered as a combination of various interrelated measures taken by public authorities to prevent crime and address their underlying causes.

The effectiveness [13, 14, 15] of a preventive effect on crime depends on many conditions. These include the following:

- The accuracy and completeness of the assessment categories (quantitative and qualitative indicators of crime);
- A holistic overview of the facilities of preventive effect;
- Availability of the necessary forces and means to preventive measures;
- Scientific validity and feasibility of the planned activities.

However, the effectiveness of crime prevention at all levels is extremely difficult to assess, since the evaluation criteria is required.

However, it is recognized that the problem of evaluating the effectiveness of prevention activities has been fully investigated by both Russian and Kazakh scientists. However, it should be noted that the question about indicators and performance criteria for the prevention of crime (and even more about the features of preventing some of its species and the prevention of crime in different areas of life and the economy) has not yet been subjected to detailed study and still remains debatable.

Cost of our justice system is that the information obtained is generally about the crime and it is not subjected to in-depth analysis.

The consequence of this situation is that there is no feedback of information and information is stored by itself; and preventive activities against crime are not related to the information collected.

We can confidently say that Kazakhstan does not currently create all the conditions for an effective fight against crime.

In the face of the deteriorating crime situation, the growth of terrorism, corruption poses a potential threat to the national security of the country. The experience of foreign countries is a great help to address issues to eradicate crime, ensure public safety and the protection of victims of crime. The constant study of models, forms and methods of prevention of crime used in economically developed foreign countries is required (public

involvement in active prevention, collection of data regarding victimization categories).

#### REFERENCES

1. Constitution of the Republic of Kazakhstan, 2012. Almaty: Lawyer, pp: 4.
2. Law of the Republic of Kazakhstan "On the prevention of crime" of 29. 04. 2010
3. Rivman, D., 2002. Criminal victimology: Studies for high schools. St. Petersburg.
4. Message from the President of the Republic of Kazakhstan, the nation's leader Nursultan Nazarbayev to the people of Kazakhstan. The "Kazakhstan - 2050" strategy" of 2013. Almaty: LAWYER.
5. Mendelson, B., 1956. Une nouvelle branche de la science bio - psychosociale: La victimologie. Revue Internationale de Criminologie et de Police Technique, 2.
6. Viano, E., 2010. Victimologie. A New Focus. Victimology and Contemporary Society. Victims and Society. Washington D.C.
7. Evans, R., 1993. Comparing young adult and juvenile cautioning in the metropolitan police district. The criminal law review, 8: 572.
8. Law Enforcement: Coll, 2012. Almaty: Lawyer, pp: 4.
9. Law of the Republic of Kazakhstan "On National Security of the Republic of Kazakhstan" of 2012.
10. Lebedev, S., 2006. Criminological security in the national security of Russia. Russian Criminological look. Moscow.
11. Dolgova, A., 1997. Criminology. Moscow.
12. Avanesov, G., 2010. Crime and social class. Criminological reasoning: monography. Moscow: UNITY-DANA.
13. Zhalinsky, A. and M. Kostitsky, 1980. Effectiveness of crime prevention and criminological information. Lvov.
14. Alekseev, S., 1981. General Theory of Law, 1. Moscow.
15. Lazarev, V., 1976. Efficiency enabling legislation. Kazan.