



ҚАЗАҚСТАН РЕСПУБЛИКАСЫ
БІЛІМ ЖӘНЕ ҒЫЛЫМ МИНИСТРЛІГІ
МИНИСТЕРСТВО ОБРАЗОВАНИЯ И НАУКИ
РЕСПУБЛИКИ КАЗАХСТАН
MINISTRY OF EDUCATION AND SCIENCE
OF THE REPUBLIC OF KAZAKHSTAN



Л. Н. ГУМИЛЕВ АТЫНДАҒЫ
ЕУРАЗИЯ ҰЛТТЫҚ УНИВЕРСИТЕТІ
ЕВРАЗИЙСКИЙ НАЦИОНАЛЬНЫЙ
УНИВЕРСИТЕТ ИМ. Л. Н. ГУМИЛЕВА
GUMILYOV EURASIAN
NATIONAL UNIVERSITY



Студенттер мен жас ғалымдардың
«Ғылым және білім - 2015»
атты X Халықаралық ғылыми конференциясының
БАЯНДАМАЛАР ЖИНАҒЫ

СБОРНИК МАТЕРИАЛОВ
X Международной научной конференции
студентов и молодых ученых
«Наука и образование - 2015»

PROCEEDINGS
of the X International Scientific Conference
for students and young scholars
«Science and education - 2015»

УДК 001:37.0
ББК72+74.04
Ғ 96

Ғ96

«Ғылым және білім – 2015» атты студенттер мен жас ғалымдардың X Халық. ғыл. конф. = X Межд. науч. конф. студентов и молодых ученых «Наука и образование - 2015» = The X International Scientific Conference for students and young scholars «Science and education - 2015». – Астана: <http://www.eni.kz/ru/nauka/nauka-i-obrazovanie-2015/>, 2015. – 7419 стр. қазақша, орысша, ағылшынша.

ISBN 978-9965-31-695-1

Жинаққа студенттердің, магистранттардың, докторанттардың және жас ғалымдардың жаратылыстану-техникалық және гуманитарлық ғылымдардың өзекті мәселелері бойынша баяндамалары енгізілген.

The proceedings are the papers of students, undergraduates, doctoral students and young researchers on topical issues of natural and technical sciences and humanities.

В сборник вошли доклады студентов, магистрантов, докторантов и молодых ученых по актуальным вопросам естественно-технических и гуманитарных наук.

УДК 001:37.0
ББК 72+74.04

ISBN 978-9965-31-695-1

©Л.Н. Гумилев атындағы Еуразия
ұлттық университеті, 2015

подсудимого, гражданского ответчика или его представителя. Такой отказ для суда обязателен [1. 228].

Получается некоторое несогласование положений двух принципов уголовного процесса. С одной стороны предусмотрено четкое ограничение полномочий суда по исследованию доказательств, с другой стороны говорится о том, что суд не связан мнением сторон по вопросам необходимости и достаточности исследования имеющихся в деле и представленных в судебном заседании сторонами доказательств.

На наш взгляд идея о состязательности уголовного процесса не должна столь жестко ограничивать полномочия суда, задачей которого является установление истины по делу. Для того чтобы установить все обстоятельства по делу суду необходимо установить все обстоятельства совершенного преступления, а также исследовать личность виновного, так как это имеет значение при индивидуализации уголовного наказания. В этой связи нам представляется справедливым высказывание по этому поводу А.А.Давлетова: «Состязательность сама по себе не гарантирует соблюдения прав субъектов уголовно-процессуальной деятельности. Будучи формой производства по делу, она лишь выстраивает взаимоотношения субъектов, демонстрирует их расстановку в ходе разрешения дела» [4].

На основании изложенного мы полагаем, что целесообразно привести в полное согласование между собой двух принципов уголовного процесса: принципа осуществления правосудия на основе состязательности и равноправия сторон и принципа всестороннего, полного и объективного исследования обстоятельств дела. Часть пятую статьи 23 УПК дополнить словами: «Суд не связан мнением сторон по вопросам необходимости и достаточности исследования имеющихся в деле и представленных в судебном заседании сторонами доказательств».

Список использованных источников

1. Уголовно-процессуальный кодекс Республики Казахстан – Алматы: «Издательство «Норма-К», 2014. 368с.
2. Калиновский К.Б. Проблемы реализации принципа состязательности в Уголовно-процессуальном кодексе Российской Федерации. // Проблемы совершенствования и применения законодательства о борьбе с преступностью: Материалы Всероссийской научно-практической конференции, посвященной 95-летию Башкирского государственного университета. Часть. 1. Уфа: РИО БашГУ, 2004. С. 94-98.
3. Строгович М. С. Курс советского уголовного процесса. Т. 1. М.: Наука, 1968. С. 149.
4. А.А. Давлетов Состязательность в современном уголовном процессе России <http://vkjournal.ru/doc/2195428>
5. Саханова Н.Т. Принцип состязательности и равноправия сторон на стадии предварительного расследования: Дис... к.ю.н. - Караганда, 2009.

УДК 343.915

CRIMINOLOGICAL ASPECTS OF CRIMES AGAINST MINORS

Ybyraiym A.M.

I.Aizhan94@mail.ru

4-year student of a Law Faculty ENU named after L.N.Gumilev, Astana, Kazakhstan

Rysbekova A.R.

rysbekova_arailym@mail.ru

4-year student of a Law Faculty ENU named after L.N.Gumilev, Astana, Kazakhstan

Scientific leader: Baymoldina S.M., ENU named after L.N.Gumilev, Astana, Kazakhstan

Accordance to Convention on the Rights of the Child, adopted by GA resolution 44/25 of 20 November 1989, **child** means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

States Parties, which involve to the Convention (UNRC), recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: provide for a minimum age or minimum ages for admission to employment; provide for appropriate regulation of the hours and conditions of employment; provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: the inducement or coercion of a child to engage in any unlawful sexual activity; the exploitative use of children in prostitution or other unlawful sexual practices; the exploitative use of children in pornographic performances and materials [1].

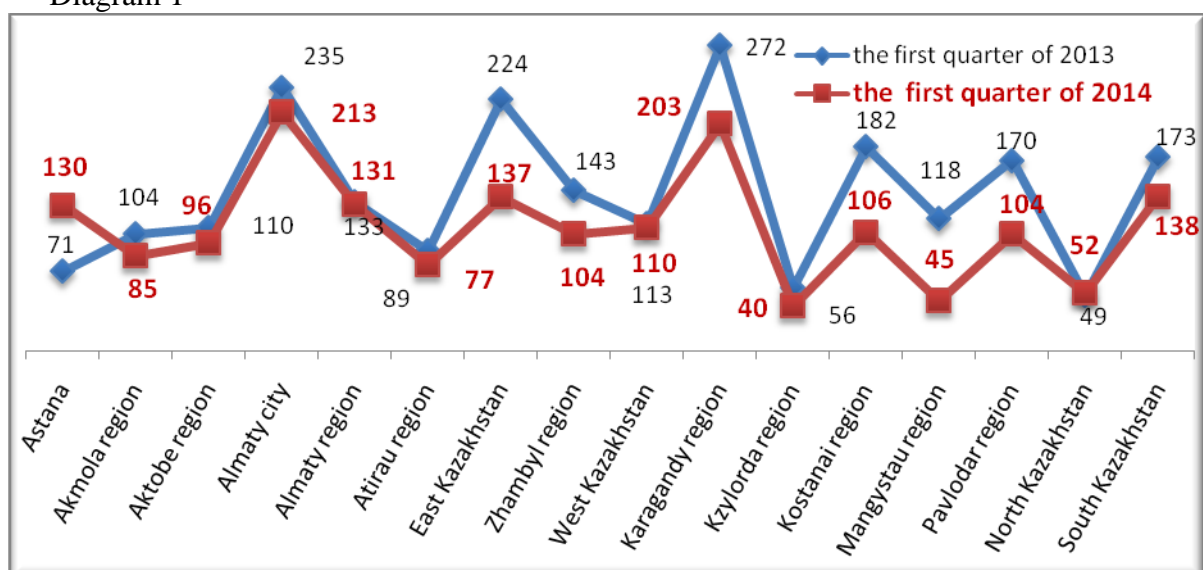
Violence against children around the world has become a serious problem: millions of children are victims of physical and sexual violence and often suffer from the effects of the incorrigible evil.

Unfortunately, Kazakhstan in this regard does not lag behind other countries. Our state has acceded to many international treaties and conventions on the protection of children's rights, adopted by a number of national legal acts, acts as a three-tier system of protection of children's rights. But, despite all this, our children do not actually reserve.

In the analyzed period, the number of crimes committed by juveniles decreased by 20.6 % (from 2,255 in 2013 to 1791 in 2014), while violent crimes decreased by 22.0 % (from 837 to 653).

Many children - victims of crimes leave their homes or in institutions, are drawn into anti-social behavior, showing a penchant for cruelty, violence, theft, begin using alcohol or drugs.

Diagram 1



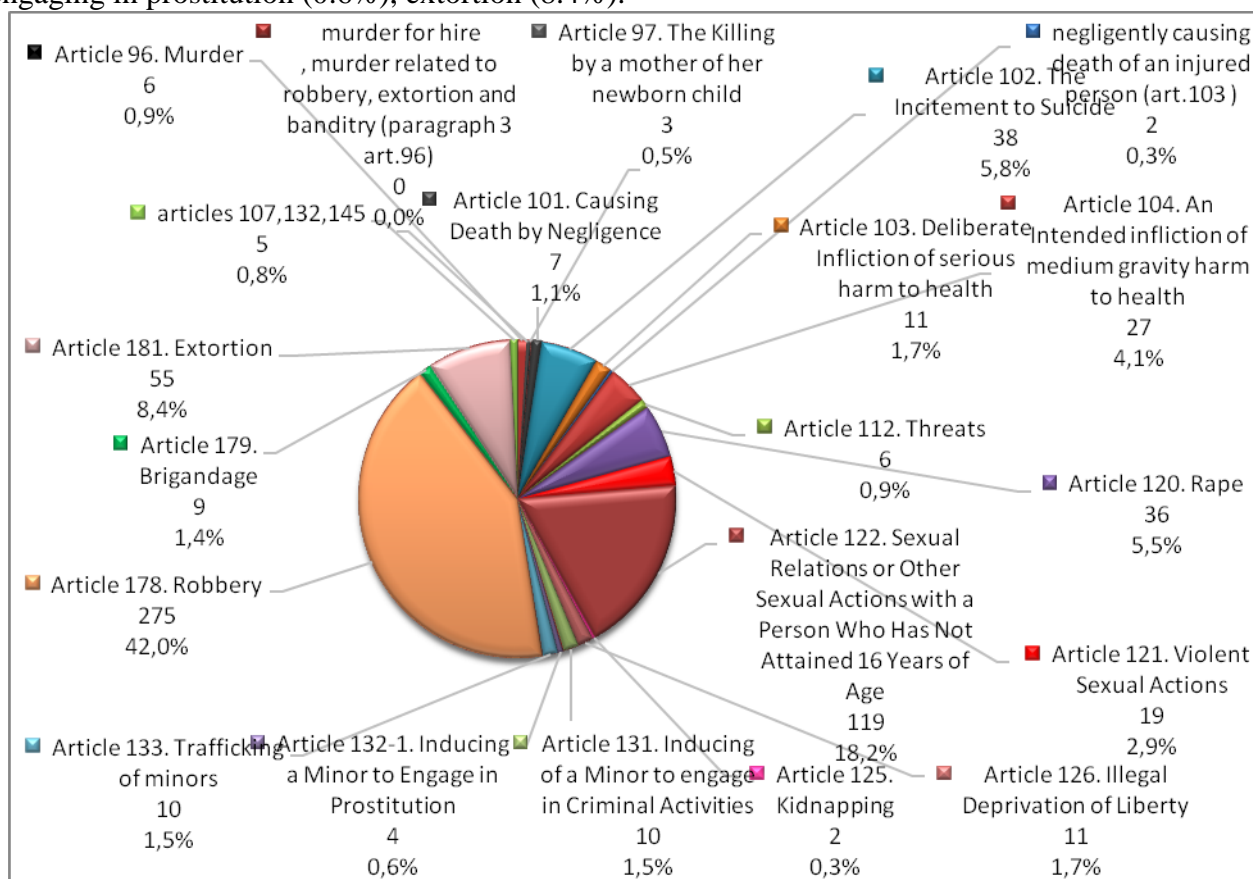
The Line graph (diagram 1) compares information about crimes against minors in the 14 regions of our republic, Almaty city and Astana city in the first quarters of 2013 and 2014. In terms of regions, the highest rate of these crimes is observed in Karaganda region (203), Almaty city

(110) and East Kazakhstan (137) and South Kazakhstan (138) regions. The lowest rate of this crime is in Kzylorda region (40), North Kazakhstan (49) and Mangystau region (45).

The pie chart (diagram 2) compares the crimes against minors and its percentage. In the structure of crimes where the victims are minors, dominated crimes against property, the person, public order, public health or morals.

Especially, minors are often become a victim of crimes, such as robbery (42.0%), sexual relations (18.2%), rape (5.5%), the incitement to suicide (5.8%), the violent sexual actions (2.0%) etc.

Also minors faced with a crimes such as: murder (0.9%), threats (0.9%), kidnapping (0.3%), trafficking (1.5%), illegal deprivation of liberty (1.7%), engaging in criminal activities (1.5%) engaging in prostitution (0.6%), extortion (8.4%).



Of particular concern is the growth of the following offenses committed against minors (Criminal Code): incitement to suicide (article 102), from 3 to 38 (it grew 13 times); intentional infliction of moderate bodily harm (article 104) increased by 42.1 % (from 19 to 27); sexual intercourse and other sexual acts with a person under the age of 16 (article 122) increased by 28% (from 93 to 119).

The above statistics show an extremely dangerous phenomenon of society, causing irreparable harm to the psyche and ethos of minors, as well as their health. Analysis showed that the criminal situation in the country is remaining stable and predictable.

Through three year-period (between 2011 and 2014) organizational and practical measures have been carried out to strengthen the registration discipline (introduction to criminal prosecution bodies of information systems, the introduction of electronic registration statements and reports of crimes, toughening responsibility for crimes shelter) achieved objective and reliable indicators on the state of crime in the country. The full registration of all statements and reports of crimes and incidents managed to bring out of the shadows on the average about 80-100 thousand crimes.

Violence against children is a serious and very painful, requiring improved performance in the fight against this social phenomenon. Aggressive behavior of people on television and in the Internet affects the immature minds of the younger generation [2].

In the science of criminology measures divided to preventive activities in general and special. General measures aimed to address global, general economic and social problems; they are not focused specifically on the fight against crime, but because of its exceptional importance for the economic, spiritual and social life of society are able to solve problems and fight against crime.

For example, measures to develop the economy, promote trade and entrepreneurship, improve the welfare of society, certain groups of assistance, such as refugees or internally displaced persons and families in need are the measures of crime prevention on the part of those to whom these general measures are addressed.

Special measures aimed at addressing the fight against crime. They may be addressed to the whole population, that is, an indefinite number of persons or particular social group. For example, the adoption of the new penal code or criminal law is a special measure, because it focuses on the prevention of crime is. We can say that special measures aimed at combating crime in general, with its individual species and to prevent criminal behavior of the individual.

Measures of social assistance and support should be provided to those specific groups of people, families and individuals who need such support. Help and support is needed all who are poor, old, knocked out of the rut of life who are persecuted failure, alienated from normal connections and relationships. It should be not only material but also spiritual help. Unfortunately, such measures are inadequate, as noted, for example, a large number of beggars and vagrants in the country.

Organizational measures should be implemented for improving the performance of enterprises and institutions, including law enforcement, to improve their effectiveness in the fight against offenses and crimes within their competence and professional responsibilities.

Laws to combat crime should maximize promote its prevention. To do this, they must meet the following requirements are equally important: meet the social realities and conditions of existence of the society, its worldview, perception, and traditions; develop existing democratic and humanistic foundations of justice; rely on modern science and technology; ensure fair and reasonable, in accordance with the law, the resolution of criminal cases, satisfying the public's sense of justice. Only in this case, it seems, we can say that the law is really "works" for justice, to combat crime [3].

The types of measures which combat with crimes against minors divided into several groups, such as: economic, political, legal, psychological, organizational and technical. This measures are aimed to: eliminate the factors that contribute to the commission of crimes; prevent, detect, suppress and investigate crimes, as well as the identificate persons who are preparing, committing or having committed; find people who are hiding from the bodies of inquiry, investigation and trial, avoiding the criminal punishment; implement criminal justice; Compensate for the negative effects of crime.

In order to enhance the effectiveness of prevention and combating violence against women and children, governments need to: intensify efforts to identify and eliminate the causes and conditions that contributed to the increase in the number of crimes provided for Article 120, article 122 of the Criminal Code of the Republic of Kazakhstan; strengthen the fight against administrative violations in the field of press and information provided st.344 Code of Administrative Offences, in terms of production, storage, import, transportation in the territory of the Republic of Kazakhstan media products containing information and materials aimed at propaganda or agitation cult cruelty, violence and pornography; strengthen public participation in combating the problem of violent crime against women and children.

List of references:

1. Convention on the Rights of the Child Adopted by General Assembly resolution 44/25 of 20 November 1989. URL: http://adilet.zan.kz/eng/docs/B940001400_
2. The statistical analysis of crimes against minors in the 1st quarter 2014. URL: pravstat.prokuror.kz
3. Antonyan U.M. Criminology. Selected lectures. - M.: "Logos", 2004. – 148-149 p.