

Торайғыров университетінің  
ҒЫЛЫМИ ЖУРНАЛЫ

НАУЧНЫЙ ЖУРНАЛ  
Торайғыров университета

---

**ТОРАЙҒЫРОВ  
УНИВЕРСИТЕТІНІҢ  
ХАБАРШЫСЫ**

**ЗАҢ СЕРИЯСЫ**  
2022 ЖЫЛДАН БАСТАП ШЫҒАДЫ



**ВЕСТНИК  
ТОРАЙҒЫРОВ  
УНИВЕРСИТЕТА**

**ЮРИДИЧЕСКАЯ СЕРИЯ**  
ИЗДАЕТСЯ С 2022 ГОДА

ISSN 2958-8618

---

**№ 2 (2022)**

**Павлодар**

**НАУЧНЫЙ ЖУРНАЛ**  
**Торайгыров университета**

---

**Юридическая серия**  
выходит 4 раза в год

**СВИДЕТЕЛЬСТВО**

о постановке на переучет периодического печатного издания,  
информационного агентства и сетевого издания

№ KZ90VPY00046812

выдано

Министерством информации и коммуникаций  
Республики Казахстан

**Тематическая направленность**

публикация результатов научных исследований, актуальных проблем  
в области права, привлечение внимания к перспективным  
и актуальным направлениям юридической науки

**Подписной индекс – 76199**

<https://doi.org/10.48081/FBEK6789>

---

**Бас редакторы – главный редактор**

Ахмеджанова Г. Б.

*д.ю.н., профессор*

Заместитель главного редактора    Олжабаев Б. Х., *к.ю.н., ассоц.профессор*  
Ответственный секретарь            Жамулдинов В. Н., *к.ю.н., ассоц.профессор*

**Редакция алқасы – Редакционная коллегия**

Ишеков К.А.,	<i>д.ю.н., профессор (Российская Федерация)</i>
Дуйсенов Э. Э.,	<i>д.ю.н., профессор</i>
Балымов Е.К.,	<i>PhD доктор</i>
Омарова А. Р.,	<i>технический редактор</i>

---

За достоверность материалов и рекламы ответственность несут авторы и рекламодатели  
Редакция оставляет за собой право на отклонение материалов  
При использовании материалов журнала ссылка на «Вестник Торайгыров университета» обязательна

**\*E. O. Tuzelbaev<sup>1</sup>, N. O. Tuzelbaev<sup>2</sup>, E. P. Yelevsizov<sup>3</sup>**

<sup>1,2,3</sup>Toraighyrov University, Republic of Kazakhstan, Pavlodar

## **PECULIARITIES OF LAW ENFORCEMENT AUTHORITIES IN PREVENTION OFFENSES AMONG MINORS**

*This scientific article discusses law enforcement agencies' role in preventing minors' offences in cooperation with public organizations and formations. The internal affairs bodies are also involved in this direction, which purposefully carry out measures to avoid violations among minors. A unique role is played by their interaction in this direction both with school institutions and public organizations for the education of the younger generation. The juvenile delinquency prevention system should include the complex system as a whole of sources of administrative legislation regulating its organization and functioning. The effectiveness of prevention of the studied social phenomenon is primarily determined by the introduction of administrative and legal measures and other means of legal influence used to prevent juvenile delinquency. Of course, additional, comprehensive efforts are needed to improve the practice of applying administrative legislation and optimize organizational and legal forms of adolescent delinquency prevention. In our opinion, we should not forget about the use of an interaction mechanism that solves the tasks of developing common approaches to solving the problems facing them; planning standard measures for the timely resolution and prevention of this problem among minors; the creation of support groups that contribute to improving the living conditions of adolescents in modern society; the appointment of persons responsible for the implementation of practical tasks for the timely resolution and prevention of offences among minors.*

*Keywords: prevention, minors, delinquency, law enforcement agencies, interaction, public organizations.*

### **Introduction**

Socio-economic and political-legal transformations carried out in the Republic of Kazakhstan allow us to conclude that there is a change in the place and role of the state and citizen. President of the country Kassym-Jomart Tokayev declared

2022 the Year of Children. In order to fulfil the instructions of the Head of State, the police departments, together with local executive bodies, carry out comprehensive work to protect the rights of children and adolescents.

In addition to preventing crimes and delinquency among minors, law enforcement agencies also focus on improving the legal literacy of adolescents to stop the facts of domestic violence to which minors are subject. So in our opinion, there is a need for a new conceptual approach to ensuring citizens' public and personal security, protecting their life and health, rights and legitimate interests, in particular, minors and their parents [1].

The problems of preventing delinquency among adolescents in general education and special schools are due to the growth of negative trends in the children's and adolescent environment. One such trend is juvenile delinquency. A child growing up is influenced by a large number of negative factors of external and internal nature, the effect of which is intensified because they are superimposed on the crisis of adolescence associated with severe physical, physiological and psychological changes occurring in the child. The result of this process is often lousy behaviour of a teenager, which manifests itself outside in various forms, including in the form of various offences.

Juvenile delinquency should not be considered in isolation but comprehensively, taking into account the socio-economic and legal transformations in Kazakhstan, as well as the results of the analysis of the practice of law enforcement agencies' response to the state of juvenile delinquency. The study of the patterns of the evolutionary process that characterizes the state, causes and conditions of juvenile delinquency allows us to assert that administrative offences are the most common type of illegal behavior. Therefore, the commission of such acts should serve as a legal basis for the internal affairs bodies to carry out general and individual preventive work.

### **Materials and methods**

The experience accumulated in Kazakhstan in the work of public formations on the prevention of offences among adolescents is significant but not sufficiently compelling, which is due to the action of some contradictions: in practice, this contradiction is expressed in the fact that, on the one hand, there are a relatively large number of preventive measures, and on the other hand, insufficient taking into account children's interests and needs, lack of analysis of the causes of delinquency among adolescents and preventive activities of a procedural nature. Moreover, the contradiction in practice is supplemented by two more types of contradictions: in the theory of the activities of public organizations and between theory and practice (of internal affairs bodies).

In theory: on the one hand, the close attention of scientists to the development of the problem of prevention, with a shift in emphasis to the prevention of addictive

behavior of adolescent children, and on the other hand, insufficient attention on the part of public formations to the prevention of delinquency among adolescents. The contradiction between theory and practice is that practice needs specific developments in organizing the preventive process. On the other hand pedagogical science is dominated by theoretical generalizations and conceptual ideas that are often divorced from actual practice and do not rely on personality traits and the uniqueness of the developmental situation of a modern teenager.

### **Results and discussion**

Thus, the question arises regarding the effectiveness of crime prevention among adolescents in general education and special schools in cooperation with public formations. Therefore, it is necessary to study and justify the conditions for the effectiveness of crime prevention, determine the process of crime prevention among adolescents, and justify the results of the effectiveness of crime prevention among adolescents in general education and secondary schools.

It is necessary to consider the assumption that preventing delinquency among adolescents in general education and special schools in cooperation with public organizations will be effective only if a program-targeted approach focused on children's interests and positive needs is implemented. That will be reflected in the principles of personification of preventive work, indirect impacts of preventive measures and motivation of the preventive process.

Only after it will be possible to ensure the methodological validity of the initial theoretical positions, their analysis, comparison, and consideration in dynamics, using a set of research methods with specific positive changes in solving the tasks and achieving the study's goals.

One characteristic feature of the current development of pedagogical science is the steady interest of scientists in studying the problem of organizing preventive practice in the education system. This interest is due to the growth of negative trends in the youth environment in general, especially among adolescents, such as the use of various chemicals, aggressive behaviour, addiction, and delinquency. Alarming facts are the increase in the number of offences among adolescents directed against the person, entailing severe psychological and physical trauma, offences associated with the manifestation of cruelty and violence, and offences committed in groups in which there are both males and females.

Under such conditions, the problem of organizing the prevention of various types of deviations in the behavior of adolescents, including the prevention of offences in this age group of young people, is especially relevant. The choice of adolescence in our study is because it is at this age, as statistical data analysis shows that the level of offences is highest. During adolescence, two basic needs are contradictory and intertwined: on the one hand, the need for isolation from

the influence and control of adults. However, it can also occur with peers. On the other hand, the need for affiliation, i.e. belonging, is satisfied by being included in a particular group of peers. Therefore, it is impossible to implement the idea of crime prevention in educational institutions of various types without focusing on the inclusion of adolescents in those activities that satisfy the need for communication with peers, namely group communication. If this need is not satisfied, the teenager will look for that peer group where, with the satisfaction of the above need, he will feel comfortable.

Methodological support is of great importance for the qualitative performance of work on the prevention of juvenile delinquency. The lack of a detailed methodology for assessing the effectiveness of preventive activities reduces the quality of prevention. The existing omissions do not contribute to the quality performance of the subjects of this work. Therefore, within the framework of this article, we have made several proposals for the methodological improvement of individual and group prevention of juvenile delinquency.

1 The process of socio-pedagogical prevention of juvenile delinquency, which includes the efforts of all bodies: social protection, law enforcement, public, state and public educational institutions, which face a very responsible, complex and urgent task of educating the future generation of the country.

2 Psychological and pedagogical conditions that ensure the effectiveness of juvenile delinquency prevention include:

- changing the state policy on the social protection of minors, the work of law enforcement agencies;
- performance by educational institutions of their functions of upbringing, training and improvement of the state of affairs in the centers of social protection of children.

### **Conclusion**

In conclusion, we would like to say that despite the current situation, it is necessary now to intensify state activities and public organizations and formations to protect the rights and legitimate interests of minors and youth. At the same time, perhaps, one should not get carried away with the publication of numerous legal acts but direct the primary efforts and funds to implement the existing ones. Such a solution to the problem will positively impact the relationship between the state and the younger generation and, therefore, significantly reduce the level of criminalization of the country's young and underage population. Undoubtedly, all state bodies and organizations for the prevention of juvenile delinquency should take an active part in this work.

An essential element is an organization of psychological assistance to adolescents in a crisis, which involves psychological support for the preventive

activities of juvenile affairs units. The content of psychological support for the preventive work of juvenile affairs units should include:

- providing psychological assistance to minors in overcoming crises;
- psycho-corrective work with minors classified as at-risk;
- study of individual psychological characteristics of the personality of juvenile delinquents;
- studying the relationship of minors with their parents;
- assistance in training and career guidance;
- psychological counseling for employees of departments for juvenile affairs and teachers of schools and colleges.

We can conclude that the juvenile affairs inspector can use different methods in working with a teenager and his family, which will help him understand the relationship between a teenager and parents or persons replacing them. Suppose the selection of a specialist's work methods with a minor was correctly carried out and their timely application was ensured. In that case, we can talk about the effectiveness of social prevention in the problem of neglect of children and adolescents. Social prevention for a minor and his parents or persons replacing them in social work is positive and fruitful. It contributes to restoring, preserving and maintaining a regular and habitual way of life for society.

All preventive activities carried out by the department of district police officers and the juvenile affairs unit must be based on mutual understanding and trust between parents or persons replacing them because only mutual respect and support will contribute to good interaction.

The main methods and activities of social work are closely related to the department of district police officers and units for juvenile affairs since these organizations have a common task and goal. Namely it is the prevention of offences, using new approaches and methods to identify it and carry out work with children and adolescents at risk.

As one of the conclusions, the author proposes structural isolation of the function of supervision over the legality in the execution of punishment concerning minors. To this end, within the Department for Supervision of the Legality of the Execution of Criminal Sanctions of the General Prosecutor's Office of the Republic of Kazakhstan, it is necessary to form a department for supervision of the legality of the execution of sentences concerning minors. This measure will also help intensify scientific and analytical developments in the system of the prosecutor's office of the Republic of Kazakhstan on the problems of prosecutorial supervision over educational colonies and fill the existing gap in the scientific and methodological support of this activity.

## СПИСОК ИСПОЛЬЗОВАННЫХ ИСТОЧНИКОВ

1 Munara News Информационное агентство [Электронный ресурс]– <https://munaranews.kz>.

2 Конституция Республики Казахстан (принята на республиканском референдуме 30 августа 1995 года) (с изменениями и дополнениями по состоянию на 08.06.2022 г.).

3 Кодекс Республики Казахстан об административных правонарушениях от 05.07.2014 № 235-V (с изменениями и дополнениями по состоянию на 01.07.2019 г.).

4 Закон Республики Казахстан от 23 апреля 2014 года № 199-V «Об органах внутренних дел Республики Казахстан» (с изменениями и дополнениями по состоянию на 30.12.2021 г.).

5 Закон Республики Казахстан от 9 июля 2004 года № 591-II «О профилактике правонарушений среди несовершеннолетних и предупреждении детской безнадзорности и беспризорности» (с изменениями и дополнениями по состоянию на 03.05.2022 г.).

6 Закон Республики Казахстан от 31 мая 1996 года № 3-I «Об общественных объединениях» (с изменениями и дополнениями по состоянию на 01.07.2021 г.).

7 **Балашов, Т. Т.** Роль правоохранительных органов по профилактике правонарушений среди несовершеннолетних // Вестник КазНПУ – Алматы, 2013. – С. 22–26.

8 **Поликашина, О. В.** О роли образовательных организаций в профилактике правонарушений несовершеннолетних // Наука и школа – Москва, 2016. – № 6. – С. 41–44.

9 **Чудин, Н. М.** Школа как инструмент решения проблем профилактики правонарушений несовершеннолетних // Актуальные теоретические и практические вопросы развития юридической науки: общегосударственный и региональный аспекты. – Пермь, 2014. – № 1. – С. 427–436.

10 Методические рекомендации: Организация работы по профилактике правонарушений среди несовершеннолетних. – Караганда : УМЦ РО КО, 2015. – 76 с.

## REFERENCES

1 Munara News Informacionnoe agentstvo [News Agency] [Electronic resource] – <https://munaranews.kz>.



2 Konstituciya Respubliki Kazaxstan (prinyata na respublikanskom referendume 30 avgusta 1995 goda) (s izmeneniyami i dopolneniyami po sostoyaniyu na 08.06.2022 g.) [The Constitution of the Republic of Kazakhstan (adopted at the republican referendum on August 30, 1995) (with amendments and additions as of 08/06/2022)].

3 Kodeks Respubliki Kazaxstan ob administrativny`x pravonarusheniyaх ot 05.07.2014 № 235-V (s izmeneniyami i dopolneniyami po sostoyaniyu na 01.07.2019 g.) [Code of the Republic of Kazakhstan on Administrative Offences dated 05.07.2014 No. 235-V (with amendments and additions as of 01.07.2019)].

4 Zakon Respubliki Kazaxstan ot 23 aprelya 2014 goda № 199-V «Ob organax vnutrennix del Respubliki Kazaxstan» (s izmeneniyami i dopolneniyami po sostoyaniyu na 30.12.2021 g.) [Law of the Republic of Kazakhstan dated April 23, 2014 No. 199-V «On Internal Affairs Bodies of the Republic of Kazakhstan» (with amendments and additions as of 12/30/2021)].

5 Zakon Respubliki Kazaxstan ot 9 iyulya 2004 goda № 591-II «O profilaktike pravonarushenij sredi nesovershennoletnix i preduprezhdenii detskoj beznadzornosti i besprizornosti» (s izmeneniyami i dopolneniyami po sostoyaniyu na 03.05.2022 g.) [Law of the Republic of Kazakhstan dated July 9, 2004 No. 591-II «On prevention of juvenile delinquency and prevention of child neglect and homelessness» (with amendments and additions as of 03.05.2022)].

6 Zakon Respubliki Kazaxstan ot 31 maya 1996 goda № 3-I «Ob obshhestvenny`x ob`edineniyax» (s izmeneniyami i dopolneniyami po sostoyaniyu na 01.07.2021 g.) [Law of the Republic of Kazakhstan dated May 31, 1996 No. 3-I «On Public Associations» (with amendments and additions as of 01.07.2021)].

7 **Balashov, T. T.** Rol` pravooxranitel`ny`x organov po profilaktike pravonarushenij sredi nesovershennoletnix // Vestnik KazNPU – Almaty` [The role of law enforcement agencies in the prevention of offenses among minors // Bulletin of KazNPU – Almaty], 2013. – P. 22–26.

8 **Polikashina, O. V.** O roli obrazovatel`ny`x organizacij v profilaktike pravonarushenij nesovershennoletnix // Nauka i shkola – Moskva [About the role of educational organizations in the prevention of juvenile delinquency // Science and School – Moscow], 2016. – № 6. – P. 41–44.

9 **Chudin, N. M.** Shkola kak instrument resheniya problem profilaktiki pravonarushenij nesovershennoletnix // Aktual`ny`e teoreticheskie i prakticheskie voprosy` razvitiya yuridicheskoy nauki: obshhegosudarstvenny`j i regional`ny`j aspekty`. – Perm` [School as a tool for solving problems of juvenile delinquency prevention // Actual theoretical and practical issues of legal science development: national and regional aspects. – Perm], 2014. – № 1. – P. 427–436.

10 Metodicheskie rekomendacii Organizaciya raboty` po profilaktike pravonarushenij sredi nesovershennoletnix – Karaganda : UMCz RO KO [Methodological recommendations: Organization of work on offenses prevention among minors]. 2015. – 76 p.

Material received on 10.06.22

\*Е. О. Тузельбаев<sup>1</sup>, Н. О. Тузельбаев<sup>2</sup>, Е. П. Елевсизов<sup>3</sup>

<sup>1,2,3</sup>Торайғыров университеті, Қазақстан Республикасы, Павлодар қ.

Материал баспаға түсті 10.06.22

### **КӘМЕЛЕТКЕ ТОЛМАҒАНДАР АРАСЫНДАҒЫ ҚҰҚЫҚ БҰЗУШЫЛЫҚТЫҢ АЛДЫН АЛУДА ҚҰҚЫҚ ҚОРҒАУ ОРГАНДАРЫНЫҢ ҚЫЗМЕТІНІҢ ЕРЕКШЕЛІКТЕРІ**

*Бұл ғылыми мақалада кәмелетке толмағандар арасындағы құқық бұзушылықтың алдын алудағы құқық қорғау органдарының қоғамдық ұйымдармен және құрылымдармен бірлесе отырып, құқық қорғау органдарының қызметінің ерекшеліктерінің рөлі қарастырылған. Осы жұмыс оқу орындарымен өзара іс-қимылда жүзеге асырылады және кәмелетке толмағандардың дұрыс және салауатты өмір салтына бағытталған. Бұл бағытта кәмелетке толмағандар арасындағы құқық бұзушылықтардың алдын алу жөніндегі іс-шараларды мақсатты түрде жүзеге асыратын ішкі істер органдары да қатысады. Бұл бағытта олардың мектеп мекемелерімен де, жас ұрпақты тәрбиелеу жөніндегі қоғамдық ұйымдармен де өзара іс-қимылы ерекше рөл атқарады. Кәмелетке толмағандардың құқық бұзушылықтарының алдын алу жүйесі ұйымдастыру мен оның жұмыс істеуін регламенттейтін әкімшілік заңнама көздері жүйесінің бүкіл кешенін қамтуға тиіс. Зерттелетін әлеуметтік құбылыстың алдын-алудың тиімділігі көбінесе әкімшілік-құқықтық шараларды, сондай-ақ кәмелетке толмағандардың құқық бұзушылықтарының алдын алу үшін қолданылатын басқа да құқықтық ықпал ету құралдарын енгізу арқылы анықталады. Әрине, әкімшілік заңнаманы қолдану практикасын жетілдіру, кәмелетке толмағандар арасындағы құқық бұзушылықтың алдын алудың ұйымдық-құқықтық нысандарын оңтайландыру бойынша кешенді сипаттағы қосымша күш-жігер қажет. Біздің ойымызша, олардың алдында тұрған мәселелерді шешудің жалпы тәсілдерін*

*әзірлеу міндеттерін шешетін өзара әрекеттесу механизмін қолдануды ұмытпау керек; кәмелетке толмағандар арасында бұл мәселені уақтылы шешу және алдын-алу бойынша жалпы шараларды жоспарлау; қазіргі қоғамдағы жасөспірімдердің өмір сүру жағдайларын жақсартуға ықпал ететін қолдау топтарын құруға; кәмелетке толмағандар арасындағы құқық бұзушылықтарды уақтылы шешу және алдын алу жөніндегі практикалық міндеттерді орындауға жауапты адамдарды тағайындауға құқығы бар.*

*Кілтті сөздер: профилактика, кәмелетке толмағандар, құқық бұзушылық, құқық қорғау органдары, өзара іс-қимыл, қоғамдық ұйымдар.*

\*Е. О. Тузельбаев<sup>1</sup>, Н. О. Тузельбаев<sup>2</sup>, Е. П. Елевсизов<sup>3</sup>

<sup>1,2,3</sup>Торайғыров университеті, Қазақстан Республикасы, Павлодар қ.

Материал баспаға түсті 10.06.22

## **ОСОБЕННОСТИ ДЕЯТЕЛЬНОСТИ ПРАВООХРАНИТЕЛЬНЫХ ОРГАНОВ В ПРОФИЛАКТИКЕ ПРАВОНАРУШЕНИЙ СРЕДИ НЕСОВЕРШЕННОЛЕТНИХ**

*В данной научной статье рассматриваются роль особенности деятельности правоохранительных органов в профилактике правонарушений среди несовершеннолетних во взаимодействии с общественными организациями и формированиями. В этом направлении также участвуют органы внутренних дел, которые целенаправленно осуществляют мероприятия по профилактике правонарушений среди несовершеннолетних. Особую роль играет их взаимодействие в этом направлении как со школьными учреждениями так и с общественными организациями по воспитанию молодого поколения. Система профилактики правонарушений несовершеннолетних должна включать весь комплекс системы источников административного законодательства, регламентирующего ее организацию и функционирование. Эффективность профилактики исследуемого социального явления во многом определяется введением административно-правовых мер, а также иных средства правового воздействия, применяемые с целью профилактики правонарушений несовершеннолетних. Конечно необходимы дополнительные усилия комплексного характера по совершенствованию практики применения административного*

*законодательства, оптимизации организационно-правовых форм профилактики правонарушений несовершеннолетних. На наш взгляд не стоит забывать о применении механизма взаимодействия, который решает задачи по выработке общих подходов к решению проблем стоящих перед ними; планированию общих мероприятий по своевременному разрешению и предотвращению данной проблемы среди несовершеннолетних; созданию групп поддержки, способствующих улучшению условий жизни подростков в современном обществе; назначению лиц, ответственных за выполнение практических задач по своевременному разрешению и предотвращению правонарушений среди несовершеннолетних.*

*Ключевые слова: профилактика, несовершеннолетние, правонарушение, правоохранительные органы, взаимодействие, общественные организации.*

Теруге 10.06.2022 ж. жіберілді. Басуға 30.06.2022 ж. қол қойылды.

Электронды баспа

3,02 Мб RAM

Шартты баспа табағы 11,4.

Таралымы 300 дана. Бағасы келісім бойынша.

Компьютерде беттеген А.К. Мыржикова

Корректоры: А. Р. Омарова

Тапсырыс №3959

Сдано в набор 10.06.2022 г. Подписано в печать 30.06.2022 г.

Электронное издание

3,02 Мб RAM

Усл.п.л. 11,4. Тираж 300 экз. Цена договорная.

Компьютерная верстка А. К. Мыржикова

Корректор: А. Р. Омарова

Заказ № 3959

«Toraighyrov University» баспасынан басылып шығарылған

Торайғыров университеті

140008, Павлодар қ., Ломов к., 64, 137 каб.

«Toraighyrov University» баспасы

Торайғыров университеті

140008, Павлодар қ., Ломов к., 64, 137 каб.

8 (7182) 67-36-69

e-mail: kereku@tou.edu.kz

<https://vestnik.tou.edu.kz/>