

ANNOTATION

the dissertation work of Gulnar Yesenbekovna Zhandykeeva «Progress of criminal politics of Republic of Kazakhstan trend in the field of counteraction of the organized crime», submitted for the degree of Doctor of Philosophy (PhD) in the specialty «6D030100 – Jurisprudence»

The relevance of the topic of the dissertation work. Today, modern Kazakhstan is faced with cardinal reforms in all spheres of political and public life. The transition from socialism and a planned economy to a rule-of-law state and a market economy necessitated changes in legislation. Special attention was required by criminal law reforms due to the emergence of new, more dangerous forms and types of crime.

At the moment, we can state the fact that organized crime has developed on the territory of the former USSR, including Kazakhstan, which threatens the political stability and national security of the state. In addition, the economic security of the state was also under threat, as criminal groups, having illegally obtained funds, began to legalize them, which, in turn, led to the development of the shadow economy and corruption.

Countering organized crime should become one of the priorities of the Republic of Kazakhstan, as there is a threat of its transformation into transnational organized crime, the public danger and the scale of which can be much more serious.

It is indisputable that it is criminal law that should take the leading role in countering organized crime, since through criminal law norms the State determines the criminality and punishability of acts. Criminal policy in the field of combating crime should be based on strong criminal law institutions, which should consolidate the position of the state on the issue under consideration, based on the successful experience of foreign countries, taking into account the national characteristics of Kazakhstan.

В своем Послании Главы государства Касым-Жомарта Токаева народу Казахстана «Конструктивный общественный диалог – основа стабильности и процветания Казахстана» Президент отметил, что недавние трагические события вскрыли различные опаснейшие формы организованной преступности, такие как проблема браконьерства и другое. В текущих условиях принципиально важно обеспечить полную безопасность граждан, защиту интересов общества и государства.

The adoption of the new Criminal Code of the Republic of Kazakhstan in 2014 necessitates the application of a new approach to criminal law research, which should be based on a comprehensive analysis of criminal law norms and scientific development of recommendations for their application in order to ensure effective investigation and prevention of criminal offenses.

This approach, in turn, will form the basis for the implementation of the criminal policy of the state, including in the field of combating organized crime. It should be noted that at the moment the peculiarity of Kazakhstan's criminal policy

is the consolidation of the public danger of organized criminal activity with the establishment of criminal liability by including relevant articles in the Criminal Code of the Republic of Kazakhstan, as well as the establishment of the commission of a crime by a group of persons as a qualifying sign for a large number of crimes.

Reforms of criminal legislation aimed at countering organized crime have led to changes in one of the central institutions of criminal law – the Institute of complicity. These changes were caused by the need to implement a number of international legal provisions in the field of the concept, types and forms of organized crime into domestic criminal legislation.

It can be said that the current state of Kazakhstan's criminal legislation is characterized by the presence of legal foundations that make it possible to effectively organize work to counter organized crime. At the same time, taking into account the unfavorable trends in the development of this type of crime, as well as the existing difficulties in the economic situation in the Republic of Kazakhstan, it is necessary to carry out further work to improve the relevant criminal law norms, which determines the relevance of the chosen topic of the dissertation research.

The degree of scientific elaboration of the problem. Kazakh and foreign criminologists paid great attention to the issues of organized crime.

Various aspects of organized criminal activity were investigated by S.M. Bevza, Y.M. Belson, S.S. Butenina, S.V. Vanyushkina, A.N. Volobueva, Yu.A. Voronina, E.G. Gasanova, A.I. Gurova, A.V. Demchuk, A.I. Dolgova, S.V. Dyakov, A.S. Yemelyanov, I.I. Karpets, T. Cesareva, A. Kulikova, A. Larkov, V.V. Luneev, S. Lyubicheva, Yu.P. Morozov, E.V. Nikitina, B.C. Ovchinsky, V.I. Oleinik, E.F. Pobegailo, B.C. Razinkin, P.A. Skoblikov, M.I. Slinko, E. Starobinsky, V.L. Funtikov, A.V. Sheslerem, V.E. Eminov, N.P. Yablokov.

Also, B.V. Volzhenkin, V.M. Aliyev, I.G. Galimov, B.S. Bolotsky, V. Bykov, F.G. Burchak, N.P. Vodko, P.P. Galiakbarov, E.E. Dementieva, L.D. Gaukhman, L. Ivanov, M.I. Kovalev, I.Ya. Kozachenko, N.E. were engaged in organized crime issues. Krylova, V.N. Kudryavtsev, S.V. Maksimov, A.S. Nikiforov, Z.A. Neznamova, V.G. Pavlov, D.V. Savelyev, A.G. Pipia and many others.

Among the Kazakhstani scientists engaged in the study of the issue under consideration, it should be noted Maulenova G.S., Nurgalieva B.M., Abisatov M.H., Baymoldina S.M., Rustemova G.R., Baykenzheeva A.S.

In the scientific works of the above-mentioned authors, attention was paid to the issues of the concept, characteristics, features, essence of organized crime, the institution of complicity, as well as measures to counter organized criminal activity.

The author also studied works in the field of history, sociology and philosophy in terms of the essence of organized criminal activity, its origins and prerequisites.

It should be noted that many issues in the field of combating organized crime remain unresolved, which necessitates further study of the issue under consideration.

The purpose of the dissertation research is a comprehensive study of criminal policy and the development of recommendations on countering organized criminal activity in the Republic of Kazakhstan.

The formulated goal assumes the solution of a number of tasks, namely:

- to analyze the social and legal essence of organized crime, to identify its signs and the concept of;
- to investigate the state, structure and dynamics of organized crime in the Republic of Kazakhstan;
- to study the criminological characteristics of persons engaged in organized criminal activity;
- to investigate the causes and conditions of organized crime;
- to analyze the forms and types of organized crime under the criminal legislation of the Republic of Kazakhstan;
- to study the main directions and methods of criminal policy of the Republic of Kazakhstan in the field of combating organized crime and highlight its current trends.

The object of the dissertation research is a set of social relations that determine the theoretical and practical foundations of countering organized crime.

The subject of the study are: criminal law norms, statistical data, the history of the emergence and development of organized criminal activity, criminal policy in the field of combating organized crime.

Methodological basis of the study. The methodological basis of the research was the dialectical method of cognition, which made it possible to reflect the relationship between the form and content of the subject of research, theory and practice, as well as the processes of development of organized criminal activity.

The author also used methods of analysis and synthesis, statistical, comparative legal, historical methods, as well as the method of content analysis.

The empirical base of the research is represented by discussions at scientific and practical conferences, data from content analysis of mass media, as well as statistical data.

The scientific novelty of the research is determined by the totality of the questions studied by the author and the recommendations and definitions made by the author.

The author analyzes the criminal law norms regulating responsibility for organized criminal activity, examines the criminological aspects of organized crime and, as a result, developed recommendations for improving the criminal legislation of the Republic of Kazakhstan in this area.

The paper also attempts to determine the relationship of forms of complicity with such elements of crimes as the organization of an illegal paramilitary formation and banditry and the derivation of a new form of complicity in the form of an illegal corporation and a cult criminal association. The provisions submitted by the author for protection are also new.

The main provisions submitted for protection:

1. The qualifying feature "the commission of a crime by an organized group" performs two functions in modern criminal law – it serves as the basis for

identifying such a form of complicity as a criminal organization and is a qualifying feature for many articles of the Special Part of the Criminal Code of the Republic of Kazakhstan.

2. The stability of an organized group is one of its main features and is determined by the presence of the following components: a long or intensive period of active criminal activity, the organization of the members of the group, which is characterized by a certain structure and management system, preliminary collusion, systematic methods of illegal activity.

3. The cohesion of the criminal community is one of its main features and consists in stability, hierarchy, the presence of members from among civil servants, mutual responsibility, the presence of one or more leaders.

4. In order to improve the law enforcement practice of criminal legislation in the field of combating organized crime, we propose to amend the Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan dated June 21, 2001 No. 2 "On certain issues of application by courts of legislation on liability for banditry and other criminal offenses committed in complicity" regarding the application of criminal liability for crimes in all forms of complicity stipulated by the current criminal legislation of the Republic of Kazakhstan.

Theoretical significance of the study. The research carried out by the author allowed us to develop a number of significant theoretical provisions that are aimed at improving the organizational and legal foundations of the system of countering organized criminal activity. The results of the study can also serve as a basis for the further development of domestic criminal legislation.

Practical significance of the results obtained. Conclusions, recommendations and hypotheses of the author, including the concept, types and forms of organized criminal activity, its criminal-legal and criminological characteristics can be used: when conducting further research on the problem considered by the author; in the educational process of the courses "Criminal law", "Fundamentals of the qualification of criminal offenses", "Criminology", taught in higher educational institutions of the Republic of Kazakhstan; in practical activities when planning activities in the field of countering organized criminal activity.

The obtained research results can be used for other methodological and applied purposes.

Approbation and practical implementation of the research results were carried out in the following main directions:

1. The main provisions of the dissertation were reported by the author at seminars, round tables, scientific, practical and theoretical conferences of national and international character.

2. The provisions and conclusions of the dissertation research were applied in the process of preparing working curricula for students of the Law Faculty of the Al-Farabi Kazakh National University in the disciplines of "Criminal Law", "Criminology", "Victimology".

3. The provisions and conclusions of the dissertation were used by the author during lectures on topical issues of criminal law and criminal policy, criminology

and qualification of crimes at the Faculty of Law of the Al-Farabi Kazakh National University.

4. 13 scientific papers have been published on the issues of dissertation research, including a scientific article in a periodical indexed in the Scopus database. In the published articles, the author outlined the main results of the study.

The structure and scope of the dissertation were determined by the goals and objectives of the research. The work is made on 130 pages and includes an introduction, three chapters combining eight paragraphs, a conclusion, a list of sources used.