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## Contemporary Criminal Policy of the Republic of Kazakhstan: State and Development Prospects

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### **Abstract**

*The article addresses an urgent and practically significant issue. The authors consider current theoretical and applied problems related to the criminal policy of the Republic of Kazakhstan as one of the components of its legal policy, demonstrating its importance in combating crime. Based on the main directions of the state legal policy of the Republic of Kazakhstan, conclusions, proposals, and recommendations are made, the implementation of which will contribute to improving law enforcement practice and more effective implementation of the conducted criminal and criminal justice policy in the country, as they involve amendments to the existing criminal and criminal-executive legislation of the Republic of Kazakhstan. In the prepared article, the authors attempt to formulate a scientific rationale for the strategy of development of criminal policy, as well as a comprehensive study of criminal-legal, criminological, and social problems in its implementation in the Republic of Kazakhstan for the next decade perspective. The conclusions and recommendations for improving the implementation of the criminal policy of the Republic of Kazakhstan are based on the results obtained from the conducted research, are justified, relevant, and will contribute to the building of a New Kazakhstan.*

**Keywords:** *concept, legal policy, criminal policy, implementation of criminal policy, effectiveness of criminal policy.*

### **Main Points**

Criminal policy, as part of the overall legal policy of the state, encompasses many issues of legal regulation, especially in terms of imposing criminal penalties, as criminal penalties are the final stage of the law enforcement process. It is necessary to take into account all the changes occurring in the state and structure of crime, analyzing its quantitative and qualitative indicators, which indicate the presence of negative or positive changes (increase or decrease annually in the commission of individual types of criminal offenses and those registered in the Unified Register of Pre-trial Investigation (hereinafter - ERDR) of socially dangerous acts (crimes, criminal offenses), and sometimes all crime in the Republic of Kazakhstan), indicating

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the presence or resolution of serious problems in the sphere of legal understanding and combating crime. In the Republic of Kazakhstan, during the period of sovereign development, starting from 1991 to the present, countering crime with criminal law methods, as in any democratic, legal, and sovereign state, is the most important and independent part of the state's legal policy, which throughout this period has developed strictly on a conceptual basis. Thus, over the past three decades in the Republic of Kazakhstan, criminal policy has been implemented based on the Concepts of Legal Policy of the Republic of Kazakhstan approved by the President of the country (the 1st Concept of Legal Policy of the RK for 2000-2009 was approved by the Decree of the President of the RK on September 20, 2002, No. 949; the 2nd Concept of Legal Policy of the RK for 2010-2020 was approved by the Decree of the President of the RK on August 24, 2009, No. 858; the 3rd Concept of Legal Policy of the RK for 2020-2030 was approved by the Decree of the President of the RK No. 674 of October 15, 2021), ensuring continuous reform of the legal sphere aimed at strengthening legality, enhancing the fight against crime, improving the quality of work of law enforcement agencies, and ensuring law and order and public safety in the country. It should be noted the leading role of criminal law as a branch of law in the entire law enforcement process. To disclose the content of the research topic, the authors studied criminological, criminal law aspects, and criminal-executive aspects of the implementation of the conducted criminal policy of the Republic of Kazakhstan. The goal of the research was to formulate and substantiate a set of theoretical conclusions and recommendations for improving the measures for implementing the conducted criminal policy in the Republic of Kazakhstan. To achieve this goal, the authors set the following tasks:

- Identify and characterize the main stages of the formation and development of the criminal policy of the Republic of Kazakhstan;
- Offer at a conceptual level the authors' understanding of modern criminal policy as the most important tool to counter crime;
- Highlight the main stages of the fight against crime in Kazakhstan;
- Demonstrate the leading role of criminal policy in the country's system of state policy;
- Propose ways to increase the role of law enforcement agencies in implementing criminal policy in countering and combating crime. The object of the conducted research is social relations in the sphere of formation, development, and implementation of criminal policy to counter crime in the Republic of Kazakhstan. The subject of the research is the development of measures to increase their effectiveness in the process of combating and countering crime.

## **Introduction**

The implementation of the main provisions of the criminal policy of the Republic of Kazakhstan, in the authors' opinion, based on the views of prominent scientists in this field, studying law enforcement practice both in Kazakhstan and in countries near and far abroad, will improve the implementation of such important priority directions of the country's legal policy as maintaining stability in society and ensuring proper law and order and harmony in society, which are necessary for the progressive development of the economy, law, politics, and other institutions of civil society.

Since criminal policy, as part of the overall legal policy of the state, encompasses many issues of legal regulation, especially in terms of imposing criminal penalties, it is necessary to take into account all the changes occurring in the state and structure of crime, analyzing its quantitative and qualitative indicators, which indicate the presence of negative changes (annual increase in

the commission and registration in the Unified Register of Pre-trial Investigation (hereinafter - ERDR) of socially dangerous acts (crimes, criminal offenses) in the Republic of Kazakhstan) indicating serious problems in the sphere of legal understanding and combating crime.

Ensuring the national security of our state is the main strategic task, as the failure to ensure the national security of the state leads to the loss of its sovereignty.

Therefore, in the Republic of Kazakhstan, issues of ensuring national security have been legislatively regulated at the legislative level - on January 6, 2012, the Law of the Republic of Kazakhstan "On National Security of the Republic of Kazakhstan" was adopted. Along with the threats to national security specified in this Law, negative changes occurring in the structure and dynamics of crime itself in the Republic of Kazakhstan [1, p. 53] are also considered threats to national security.

At the same time, due to many objective and subjective factors, the criminogenic situation in the Republic of Kazakhstan remains insufficiently stable for a long time, as there are negative tendencies of sustained growth, especially of the most dangerous types of crimes (serious, particularly serious), as well as a large proportion of crimes of minor and medium severity. Among those registered in the ERDR, general criminal offenses constitute the main share.

Both quantitative and qualitative indicators of crime (state, structure, dynamics, overall crime rate, conviction rate, nature of crime, cost of crime, etc.) [2, pp. 48-54] play an important role in changing the criminal situation in the Republic of Kazakhstan: there are new manifestations of crime, emergence of new crimes previously unknown to law enforcement practice, related to digitization and changes in the country's economy, posing increased public danger. These include crimes related to corruption, drugs, terrorism, and extremism, in the information sphere, organized crime, and others.

The worsening quantitative and qualitative indicators of crime negatively affect society itself, especially its moral characteristics, relationships between people, contribute to the intensification of social-psychological tension within it, reduce the level of trust of the population in the law enforcement system and the state as a whole, which in turn hinders the implementation of the mentioned reforms.

Studying the history of the development of sovereign Kazakhstan after the collapse of the former USSR and the acquisition of sovereignty, we have identified such historical stages in the dynamics of the development of criminal policy, starting from 1991 (the day of declaring independence of the Republic of Kazakhstan) and ending with the present time, that is, the beginning of 2024.

During the first transitional stage of the development of our state's criminal policy (1991-1997), various changes were made to the legislation of the Kazakh SSR, and the legal framework of the sovereign Republic of Kazakhstan was being prepared.

The second stage of the development of criminal policy covers the period from 1997 to 2014, characterized by the adoption of new Criminal, Criminal Procedure, and Criminal Executive Codes of the Republic of Kazakhstan for sovereign Kazakhstan.

The third stage of the development of criminal policy of the Republic of Kazakhstan began in 2015, with the entry into force of the new Criminal, Criminal Procedure, and Criminal Executive Codes adopted in 2014, as well as the Code of the Republic of Kazakhstan on Administrative Offenses up to the present time.

We have taken as the basis for the development of criminal policy the current Criminal Code, Criminal Procedure Code, and Criminal Executive Code of the Republic of Kazakhstan, as they determine the content of law enforcement activities of law enforcement agencies.

Currently, the content of the implemented criminal policy is based on the Concept of the Legal Policy of the Republic of Kazakhstan until 2030, approved by the Decree of the President of the Republic of Kazakhstan dated October 15, 2021, No. 674 [3], as well as the target objectives formulated in the annual Addresses to the people of Kazakhstan by the President of the Republic of Kazakhstan K.-Z. K. Tokayev.

## **Materials and Methods**

The methodological basis of the conducted research consists of modern legal doctrine, the dialectical-materialistic method of cognition, as well as special scientific methods: historical, logical, comparative-legal, systemic-structural, specific-sociological, statistical, historical, as well as methods of analysis and synthesis.

The methodological basis of the research is the basic provisions of legal science, interpreted in relation to the topic under consideration in the article in accordance with general scientific principles and methods of building theoretical and applied research.

These methods allowed us to study the state of the fight against crime and resistance to crime in the process of implementing the state's criminal policy, especially in terms of imposing criminal penalties.

Special attention was paid to the study of countering and combating crime through the implementation of criminal policy using criminal penalties, strengthening law and order and crime prevention, as well as analyzing the application of penalties in the Republic of Kazakhstan for the period from 2015 to 2023.

The empirical basis of the study consisted of official statistical data from the Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, investigative and judicial practice, and materials from a specifically sociological study.

The authoring team studied the statistical reports of the Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan for the period from 2015 to 2023, as well as the results of a survey of 100 convicts serving sentences of imprisonment and 100 employees of the Department of Corrections of the Republic of Kazakhstan.

In the process of writing the article, the authors relied on widely accepted fundamental principles of general legal theory, works on constitutional, criminal, criminal executive law, and criminology.

## **Results**

Scholars of the Soviet and post-Soviet periods have paid considerable attention to understanding the essence of criminal policy. Numerous textbooks, monographs, and scientific articles have been published on this issue, covering the essence of criminal policy, its concept, content, stages of development, and other aspects of legal policy.

However, as noted by many well-known criminologists, considering crime as a negative, socially variable phenomenon, it is easy to see that criminal policy must be formulated with this understanding of crime, especially its variable nature. Otherwise, a crime-fighting system built on the basis of criminal policy of any state will lag behind the realities and be ineffective.

History has shown that conceptual ideas, detailed and scientifically grounded plans at the state level, effective implementation, professionally trained personnel, acceptable legislation, material-financial and technical support, and scientific support are necessary for success in countering and combating crime.

Examples from the historical development of the process of countering crime can be cited. For example, the previously existing Concept of the Legal Policy of the Republic of Kazakhstan for the period from 2010 to 2020 indicated that criminal policy was the most important link in the state's legal policy. Its improvement was carried out through comprehensive, interrelated corrections of criminal, criminal procedural, and criminal executive law, as well as law enforcement.

Furthermore, the mentioned Concept of the Legal Policy of the Republic of Kazakhstan emphasized the role of the modern state of criminal law, indicating that its progressive development is generally ensured. The current Criminal Code is considered a sufficiently effective tool for combating crime and protecting the rights and freedoms of individuals, as well as the interests of the state and society.

As we can see, this 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 and therefore reflects the position of the entire state.

The role of criminal law was succinctly outlined in the approved Decree of the President of the Republic of Kazakhstan dated October 15, 2021, No. 674, "Concept of Legal Policy of the Republic of Kazakhstan until 2030," where in section 4.10 it was noted that an important direction of legal policy is the state's policy in the field of combating crime.

Modern criminal law policy aims to ensure the safety of individuals, their rights and freedoms, as well as society and the state from criminal threats.

It is important to develop mechanisms aimed at ensuring the stability of criminal and criminal procedural legislation.

To achieve the goals of criminal legislation, it is necessary to address the following issues:

Improving criminal legislation and its application practices in line with the requirements of international human rights law, crime prevention, and the peculiarities of the national legal system, as well as developing a new concept of criminal offense;

Improving mechanisms for imposing punishment for criminal offenses;

Optimizing criminal legislation while simultaneously correcting criminal procedural and criminal executive legislation; achieving a qualitative improvement in the criminal situation in the country.

Significant attention to the development of criminal legislation of the Republic of Kazakhstan and its punishment system was paid in the address of September 1, 2022, by the President of the country, K.K. Tokayev, who noted that a revision of the Criminal and Criminal Procedure Codes should be conducted, getting rid of everything that is not working effectively or obstructing justice.

Assessing the current state of criminal law as the basic branch of law for branches of the criminal justice system and science, it can be stated that, overall, its progressive development is ensured.

However, negative changes in the quantitative and qualitative characteristics of crime indicate the need for further improvement in the process of combating and countering it, including in the issues of imposing criminal penalties, developing comprehensive solutions to counter and prevent crimes at both the general and special criminological levels.

In addition, the scope of modern criminal policy includes defining new strategic tasks to combat crime, especially its specific forms such as terrorist and extremist crime.

The successful solution of criminal policy tasks is associated with many aspects that collectively ensure the level of effectiveness in combating and countering crime, which must be scientifically and economically justified, well-thought-out, balanced, and, most importantly, timely.

In the course of studying the problems of crime prevention, it is necessary to develop new theoretical foundations of the modern concept of criminal policy, its doctrine, which would not only provide comprehensive counteraction to modern crime but also improve the quality of life for the citizens of the country, as well as the law enforcement personnel themselves.

Particularly in this sphere, there is a heightened interest in combating crime through the application of criminal punishments, as criminal punishment, when correctly and skillfully applied, is an effective tool for influencing crime and criminals.

As it is known, the success of any program, concept, or action plan depends on their scientific justification, reliability, material, technical, and financial support, as well as feasibility; without adhering to these requirements, it is difficult to ensure their implementation.

However, the implementation of criminal policy and its effectiveness largely depends on the subject of implementation. If a temporary commission with an unclear status is defined as the subject of implementation, it is usually difficult to achieve success in solving the tasks at hand.

A vivid example of ineffective action against crime in the Republic of Kazakhstan, and its causes, is the fight against corruption-related crime, as even with a legal framework, conceptual documents, and strict criminal legislation, the subjects of counteraction endowed with extensive powers do not yield desired results, as corruption not only does not decrease, but judging by high-profile criminal cases against responsible officials, it continues and is widely spread in society.

Additionally, the effectiveness of implementing the state's criminal policy, including in the aspect of imposing criminal punishments, is influenced by the political will of the country's leadership.

For instance, in implementing criminal policy regarding the imposition of criminal punishments in our country, a dual-vector policy was proposed, the essence of which lies in a more flexible implementation of the country's criminal policy, using various compromises and concessions to increase the effectiveness of criminal punishments and simultaneously tightening accountability for serious and especially serious crimes.

As we see it, the theory of crime prevention implemented during the period of the country's sovereign development, based on the provisions of the Law of the Republic of Kazakhstan "On Crime Prevention," should both derive from and shape the will of the legislature, ensuring its further development, and also avoid a formal approach from its subjects, namely law enforcers.



The foundation for the successful implementation of criminal policy in the country is enshrined in the Constitution of the Republic of Kazakhstan, in which Kazakhstan asserts itself as a democratic, secular, rule-of-law, and social state, with the highest values being the individual, their life, rights, and freedoms.

Having a sufficient legal framework in the conditions of a developing legal state to successfully counter crime will allow criminal policy as a component of the state's legal policy to create the necessary conditions for the successful performance of specific state functions in combating and preventing crime.

For Kazakhstan, the study of the essence of criminal policy, especially regarding the imposition of criminal punishments, is new and relatively unexplored. In the course of the conducted research, the authors turned to the works of legal scholars from the Soviet and post-Soviet periods.

To fully examine the mechanism of implementing the state's criminal policy in the sphere of imposing criminal punishments, let us consider the content of criminal policy itself.

These issues were most actively researched by scholars of the Soviet period, especially in the 1960s-1980s.

Significant contributions to shaping modern criminal policy were made by scholars such as Kh.D. Alikperov, A.I. Dolgova, N.F. Kuznetsova, A.I. Korobeev, V.F. Lapshin, N.A. Lopashenko, A.V. Naumov, V.S. Ovchinsky, A.I. Rarog, V.I. Seliverstov, and others.

Among Kazakhstani scholars, the following scholars stand out: N.M. Abdirova, T.K. Akimzhanov, A.N. Akhpanova, K.Zh. Baltabaeva, I.Sh. Borchashvili, E.I. Kairzhanova, M.Ch. Kogamova, A. Mizambaeva, A.Kh. Mindagulova, R.T. Nurtaev, E.A. Ongarbaeva, S.M. Rakhmetov, I.I. Rogova, G.R. Rustemova, A.B. Skakova, B.K. Shnarbaeva, and others. The works of Soviet, post-Soviet, and domestic researchers have contributed to the development of the scientific foundations of modern criminal policy and the identification of promising directions for its further development. Among the fundamental works on the problems of combating and preventing crime at the conceptual level are the works of S.V. Borodin, V.N. Kudryavtsev, S.S. Bokholov, R.V. Zhubrin, and others. Among Kazakhstani authors, notable works include A.Kh. Mindagulov's "Crime Prevention" (2005), E.O. Alaukhanova and Z.S. Zaripov's "Crime Prevention" (2008), E.I. Alaukhanova's "Anti-Corruption Legal Policy" (2009); "Ways to Improve Criminal Policy of the Republic of Kazakhstan: Collective Monograph" - Almaty, (2020), A.R. Alimbetova, T.K. Akimzhanova. Criminal policy in the field of sentencing under the current criminal legislation of the Republic of Kazakhstan: Monograph - Almaty, Turan University, (2023), and others. Moreover, the implementation of the state's criminal policy is closely related to ensuring national security in the Republic of Kazakhstan, as crime and its various manifestations are considered threats to national security. The changing criminal situation in the Republic of Kazakhstan is influenced not only by quantitative but also qualitative indicators of crime (condition, structure, dynamics, overall crime rate, conviction index, nature of crime, cost of crime, etc.), as well as new manifestations of crime, such as those related to corruption, drugs, terrorism and extremism, in the information sphere, organized crime, and others, which pose increased social danger. Deteriorating quantitative and qualitative indicators of crime negatively affect society itself, especially its moral characteristics, relationships between people, contribute to the intensification of social-psychological tension, the decrease in trust in law enforcement agencies and the state as a whole, which in turn impedes the implementation of the aforementioned reforms. A vivid example of the influence of criminal structures on Kazakhstan was the events of January 2022, when peaceful demonstrations by citizens dissatisfied with the socio-

economic situation in the country, under the influence of terrorists and extremists, turned into mass riots accompanied by pogroms, arson, and murders of both law enforcement officers and military personnel, and civilians. Over several days of mass riots, significant damage was done to state and other institutions of medium and small businesses, and 238 people were killed, including 19 law enforcement officers and military personnel. For several days during the January tragedy, the Republic of Kazakhstan, which celebrated its thirtieth anniversary with great solemnity throughout the country literally in the last days of December 2021, was on the brink of collapse. Law enforcement and special state bodies, armed forces tasked with ensuring national and public security, law and order in society, for various objective and subjective reasons, which are still being clarified, were demoralized and unable to perform their functions. Only the determination and courage of President of the Republic of Kazakhstan K.-J.K. Tokayev shown during those tragic January days allowed not only to preserve stability in society, the safety of its citizens, but also the state itself. Thanks to the high international authority of President of the Republic of Kazakhstan K.-J.K. Tokayev, it was possible to organize the arrival of CSTO troops in a matter of hours, which managed to stabilize and normalize the situation in Kazakhstan in a relatively short time.

A sufficiently detailed and objective assessment of the January tragedy was provided on January 3, 2024, in an interview with the President of the Republic of Kazakhstan K.-J.K. Tokayev to the newspaper "Egemen Kazakhstan." The implementation of the provisions of the criminal policy of the Republic of Kazakhstan, according to the authors, which is based on the opinions of well-known scholars in this field, studying law enforcement practices, both in Kazakhstan and in countries near and far abroad, will improve the implementation of such important priority directions of the country's legal policy as maintaining stability in society and ensuring adequate law and order and harmony in society, which are necessary for the progressive development of the economy, law, politics, and other institutions of civil society. To increase the effectiveness of combating crime, a more accurate and comprehensive diagnosis of crime itself is necessary, additional methods of its study, the use of mathematical methods of crime analysis, which will not only achieve accurate results in determining quantitative and qualitative indicators of crime but also make forecasts for the near and distant future. The prognostic direction will help make timely adjustments to legislation, organizational aspects of law enforcement work. In other words, active, scientifically based conceptual work is required to improve the criminal policy of the Republic of Kazakhstan. To increase the effectiveness of combating crime, a complex of measures is necessary, as noted by the well-known Soviet scientist S.V. Borodin. He extensively characterized the government's measures to combat crime of that period - Soviet criminal policy, which, according to the quoted author, directs various forces of society to combat crime on a comprehensive basis. A comprehensive program to combat crime needs to be developed based on wide cooperation not only of criminologists and lawyers of a wider profile but also of economists, philosophers, psychologists, educators, and others. A great deal of attention was paid to the conceptual apparatus in the development of the theory of criminal policy. Since crime is a changing phenomenon, new types of crime appeared, which required a revision not only of the existing conceptual apparatus but also of the legislation of the Republic of Kazakhstan. Before delving into the essence of the term "criminal policy," let's consider the concept of the word "policy" in general. Let's turn to the dictionary of the Russian language by Ozhegov S.I. Thus, the word "policy" is considered in three meanings: 1) the activity of state power, a party, or a social group in the field of domestic or foreign relations, determined by the interests of this power, party, group; 2) issues and events of public state life; 3) a course of action aimed at achieving something, determining the



relationship between people. Since the word "policy" covers the sphere of social relations, it is quite broad in meaning and content, as it concerns society and social relations. Applied to the topic under consideration, criminal policy is the activity of state, in our case, state law enforcement bodies in the field of combating crime. In legal and social science, the content of the word "policy" is very diverse. For example, according to Kh.Kh. Matuzov, policy should be understood as the sphere of interaction of various social groups, parties, nations, peoples, states, governments, and the population, citizens, and their associations.

Since criminal policy is part of legal policy, and legal policy, in turn, is part of general policy, the main approaches to defining general policy are characteristic of such a narrower sphere as criminal policy. To confirm our arguments, let us present the viewpoints of well-known legal scholars from the Soviet and post-Soviet periods. As believed by well-known scholars of the Soviet period, criminal policy represents such a direction of Soviet policy within which the initial requirements for combating crime are determined through the development and implementation of a wide range of preventive measures, the creation and application of legal norms of substantive, procedural, and enforcement criminal law, establishing criminalization and penalization, and when necessary - decriminalization and depenalization of acts, as well as through the definition of the circle of permissible measures of state coercion in the fight against crime. According to the opinion of the well-known scientist G.M. Minkovsky, the policy of combating crime is part of internal policy, ensuring the effective functioning of the economic and political spheres of state construction. In legal science, various approaches to interpreting the essence of criminal policy are encountered. The first group of scholars gave a very broad interpretation of the concept of criminal policy, as they associated with this direction the activities not only of law enforcement but also of other state and public organizations, for which combating crime was not directly within their sphere of activity (A.A. Hertsenzon, M.I. Kovalev, Yu.A. Voronin, etc.). The second group of scholars (S.V. Borodin, I.M. Galperin, V.I. Kurlyandsky, A.S. Sentsov, N.A. Struchkov, etc.) attributed only law enforcement agencies to the content of criminal policy, that is, in their opinion, only specially authorized state bodies should be involved. In our opinion, this position of scholars is not entirely logical, as outside criminal policy, criminological, in our view, the most effective and extensive measures of crime prevention have been left out. Another well-known Soviet scientist, P.S. Dagele, who supports a broad interpretation of criminal policy, expressed this convincingly, in his opinion, when a narrow understanding of the content of criminal policy excludes prevention and crime prevention [23, p.15]. A narrower interpretation of criminal policy was formulated by another scholar, N.A. Belyaev, who believes that in the implementation of criminal policy, only those state bodies that combat crime through punishment should be discussed [24, p.15]. In other words, the quoted author directly linked criminal policy with criminal penalties. According to him, it is not just about special bodies, but about those bodies authorized by the state to apply punishment. As it seems to us, when defining the content of criminal policy, we should proceed from the content of criminal policy itself and the development of measures to counteract (prevent) crime.

Therefore, artificially narrowing the concept under consideration is not entirely justified. In our opinion, the criminal policy of the Republic of Kazakhstan represents state policy in the field of combating crime, regardless of the content of the competence of the subjects implementing criminal policy. Moreover, the competence of the subjects authorized by the state to implement criminal policy may be permanent, temporary, or even one-time for the period of implementing a particular measure. Common to criminal policy is that it includes branches of criminal law, the essence of which, as is known, has a coercive nature, and the content - punishment or the threat of punishment, the so-called special prevention, preventive measures. For example, according to V.V. Zubkov, the question of highlighting criminal policy as an independent component of the unified

legal impact on crime as state policy within the framework of combating crime, assessing them from the standpoint of compliance with all constitutional norms and principles ensuring the protection of human life, rights, freedoms, and legitimate interests, is quite logical and legitimate [25, p.103; 26, p.143]. In our opinion, the reasons for the insufficient effectiveness of the conducted criminal policy are the following most important and visually noticeable factors: 1) shortcomings in the legal regulation of the process of combating crime (imperfection of criminal, criminal procedural, and criminal executive legislation); 2) miscalculations and shortcomings in the activities of law enforcement and special bodies, problems of their staffing, and insufficient coordination of their activities; 3) the unpreparedness of civil society to participate in the process of combating crime; 4) the lack of proper scientific support for the process of combating crime and its forecasting, and others. Over the past decades, the state has been practically continuously reforming the legal sphere aimed at strengthening the rule of law, enhancing the fight against crime, and improving the quality of work of law enforcement agencies. As is known, criminal punishment has always occupied a central place in the state's legal policy, as it is one of the important and effective tools of influence on criminals and crime in general. By tightening or loosening criminal liability for socially dangerous acts, by amending criminal legislation through criminalization or decriminalization of certain offenses in the Special Part of the Criminal Code of the Republic of Kazakhstan, the state monitors and constantly maintains the necessary balance to increase the effectiveness of combating crime. Let's provide data on law enforcement practice from the moment the new Criminal Code of the Republic of Kazakhstan came into force in 2014, that is, from January 1, 2015, to January 1, 2023. Thus, according to the Committee for Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan (form-1 on the work of first-instance courts), in the Republic of Kazakhstan, the number of persons convicted of various types of criminal penalties in 2015 was 31,603, in 2016 - 21,997, in 2017 - 33,671, in 2018 - 31,652, in 2019 - 27,156, in 2020 - 29,882, in 2021 - 28,602, in 2022 - 27,061. In total, the number of convicted persons for the specified period was 231,624 people. An interesting aspect is also the number of persons acquitted by the courts, previously convicted. Thus, according to the Committee for Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan (form-1 on the work of first-instance courts), in the Republic of Kazakhstan, the number of acquitted persons, previously convicted, was in 2015 - 743 people, in 2016 - 326, in 2017 - 825 people, in 2018 - 875 people, in 2019 - 877 people, in 2020 - 469 people, in 2021 - 413 people, in 2022 - 379 people. Thus, the total number of acquitted persons, previously convicted by the courts for the specified period, was 4,947 people. Sometimes it was difficult to determine that golden mean of the severity of criminal penalties, as excessive tightening of sanctions or, conversely, excessive leniency in the punishment imposed could cause not only an increase in crime or some of its types but even others that provoke an undesirable reaction from civil society. Modern Russian scholars give a broader interpretation of criminal policy, linking it to the direct process of combating crime. [27, pp. 427-428]

An interesting position was expressed by Russian researcher Yu.I. Bytko. The author of the monograph drew the following conclusion: the policy called criminal should be defined in the broadest sense as the policy of combating crime. Within this policy, it is necessary to distinguish the following branches (types) of policy: criminal policy (policy in the sphere of improving laws ensuring the fight against crime), criminal law enforcement policy (policy in the field of sentencing by courts), criminological policy (policy in the sphere of resocialization of convicted persons and the application of other measures of preventive impact) [28, p. 60].

Then Yu.I. Bytko notes that even in such a narrow sense, criminal policy is a very complex phenomenon, multifaceted and scientifically multifaceted, requiring constant serious collective research from various angles [28, p. 60].

Since crime, which acts as the main object of criminal policy, is a complex social and negative phenomenon of a particular society, criminal policy represents a complex, multifaceted social formation, the object of which is crimes and a set of crimes committed, being committed at the present time, or which may be committed in the future.

To specify the researched issues, it is necessary to highlight the goal, content, and subjects of criminal policy within its structure.

The goal of criminal policy is to ensure effective impact on crime, its causes and conditions, as well as the development of new proposals for crime prevention that must be realistic, scientifically justified, feasible, financially supported, with the least social costs and expenses.

The content of criminal policy is the strategy itself for achieving the set goals, that is, the mechanism of setting and achieving desired results in combating crime by using a wide range of legislative means and methods of influencing crime and criminals, including through the sentencing and execution of criminal punishments.

Types of criminal policy are the main directions of influence of this type of crime prevention. (criminological (scientific-forecasting) policy; criminal law policy; criminal procedural policy; operational-search policy; preventive-prophylactic policy; criminal executive policy).

## **Conclusion**

The study of the application of the institute of parole in the Republic of Kazakhstan has led to the following conclusions and recommendations.

1. Criminal policy in the Republic of Kazakhstan is an important part of the state's overall legal policy and is aimed at ensuring public safety and order in the country. It requires constant updating and rethinking, as the stability of the economic, social, and political development of society and the state depends on its effective implementation.
2. It is necessary to conduct a conceptual diagnosis of crime, its causes and conditions, as well as to research the predictive direction of crime, taking into account the socio-demographic, criminological, criminal law, psychological, and other characteristics of the personality of the offender convicted of crimes. Anticipating changes in crime in the near and distant future in order to timely develop a proactive strategy to counter it. For this purpose, and to enhance the scientific support of law enforcement activities, it is proposed to establish the Kazakh Research Institute for the Study of Crime and the Development of Countermeasures within the General Prosecutor's Office of the Republic of Kazakhstan, and the Research Institute of the Ministry of Internal Affairs of the Republic of Kazakhstan as an independent department or committee. These units should be staffed with employees with experience in scientific research and practical work in law enforcement agencies.
3. In order to activate the implementation of the Concept of Legal Policy of the Republic of Kazakhstan until 2030, it is proposed to develop and approve a Comprehensive Plan of Measures for the Implementation of the main activities arising from the provisions of the Concept and approve it by the Government Resolution of the Republic of Kazakhstan or the Decree of the President of the Republic of Kazakhstan.
4. To systematize and specify the criminal policy conducted in the Republic of Kazakhstan, it is necessary to identify such independent directions as:
  1. criminological (scientific-forecasting) policy;
  2. criminal law policy;
  3. criminal procedural policy;

4. operational-search policy;
5. preventive-prophylactic policy;
6. Criminal-executive policy.

This will not only specify the content of criminal policy but also allow for more targeted and effective influence on crime and increase the efficiency of preventive and prophylactic measures.

5. To enhance the effectiveness of crime prevention, it is proposed, in order to activate the implementation of the Law of the Republic of Kazakhstan "On the Prevention of Offenses," to develop and approve by the Government of the Republic of Kazakhstan a Comprehensive Plan of Measures for the Implementation of the Law of the Republic of Kazakhstan "On the Prevention of Offenses."

As organizational measures, it is suggested to explore the possibility of introducing the position of Deputy Prime Minister of the Republic of Kazakhstan for the prevention of offenses, deputy akims (mayors) of regions, cities, and districts for the prevention of offenses. Within the structure of the Ministry of Internal Affairs of the Republic of Kazakhstan, introduce the position of Deputy Minister for the prevention of offenses and create a department (committee) for prevention with structural units at the regional, city, and district police department levels.

Strengthening the preventive focus of crime prevention will not only allow for preventive measures at earlier stages of potential criminal offenses but also significantly reduce the state's expenditures on these objectives, as it is much easier, cheaper, and more effective to prevent any crime.

6. As part of the implementation of the requirements of the President of the Republic of Kazakhstan, K.-J. K. Tokayev, regarding the strengthening of the role of civil society and the building of a "listening, just state" and the complete elimination of protest sentiments in society, it is proposed to establish, at the republic, regional, city, district, and village levels, palaces (houses) of democracy where citizens of Kazakhstan, associations, parties could gather to discuss and promptly resolve accumulated problems, inviting the heads of republican, regional, city, district, and village government services, and if possible, resolve them on the spot, to prevent the emergence of grievances, which often occur and, moreover, the spread of protest sentiments and dissatisfaction towards state authorities and officials.
7. It is proposed to continue the work on reducing the number of "prison population" in the country by amending the current criminal legislation of the Republic of Kazakhstan to reduce such type of punishment as imprisonment, reducing the permissible terms of imprisonment due to their ineffectiveness and high cost, improving issues related to conditional early release from punishment and the entire process of punishment execution, in order to significantly reduce penitentiary and recidivist crime. Take a comprehensive set of measures aimed at increasing the authority of law enforcement agencies by bringing them closer to civil society in matters of combating and preventing crime, as combating crime is not only the task of law enforcement and special agencies but also the civic duty of every member of our society.

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