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## Victimological aspects of crime prevention

The article reveals the content and victimological aspects of crime prevention, based on which the characteristics of its components and the scope of possible application are presented. As one of the components of the overall system of crime prevention, the proposed system of victimological crime prevention includes interconnected and interacting elements: goals and objectives of victimological crime prevention; objects of positive influence and a system of subjects; measures of victimological crime prevention; mechanism of implementation of victimological crime prevention, the result of victimological crime prevention, reflecting the integrity of the process of victimological crime prevention. The final predicted result of the conceptual system should manifest in the unity and interrelation of three main functions of victimological crime prevention: the function of victimological preventive influence, the function of special (direct) victimological crime prevention, as well as the function of social assistance and legal protection of crime victims. The authors have studied specialized monographic literature and the practice of applying victimological methods of crime prevention. The scientific novelty of the work lies in the fact that it is the first special comprehensive study of the system of victimological crime prevention. The aim of the work is to develop, based on a comprehensive study of victimological crime prevention, a scientifically substantiated concept of strategy and tactics of victimological influence on criminal behavior. As a result of the study, the authors conclude that victimological crime prevention is necessary in order to exert maximum preventive and deterrent influence on criminogenic processes that contribute to increasing victimization levels and the development of victimization; to eliminate threats to the rights, freedoms, and legitimate interests of citizens.

*Keywords:* victimological prevention, victimological crime prevention, victimization, crime, crime prevention, system, system of victimological crime prevention, victimization.

### Introduction

Victimological aspects of counteracting and preventing crime are an exceptionally promising approach to combat criminal activities.

The current criminological situation in the country necessitates further analysis of the determinants of crime and criminal behavior with the aim of fundamentally improving the system of preventive measures against crime.

In recent times, scholars increasingly point out that the problems of humanity lie within itself, meaning they concern human life and everyday interactions. Additionally, the issue of antisocial behavior and its prevention attracts more attention year by year not only from legal professionals but also from representatives of other professions. Scientific research on the system of combating crime is most actively conducted by criminologists who seek to understand everything that is used and can be used in the fight against crime.

The practice of crime prevention clearly indicates that often, crime is the result of interaction between a future offender and a future crime victim. In such an approach, the characteristics of the victim, the perpetrator, and the processes of interaction between them in the external environment become significant.

The low effectiveness of measures of criminal law enforcement compels attention to be focused on issues of countering the commission of crimes, particularly on developing an effective system of preventive impact on crime.

Victimology, as one of the branches of modern criminology, views criminalization and victimization as dynamic phenomena, as processes of social interaction. However, researchers have not paid sufficient attention to victimological factors of crime and criminal behavior, even though they are essential for forming concepts and categories in victimology.

The research problem lies in the fact that victimological analysis in the practice of implementing measures to combat crime in the country is not a priority or a significant tool in this endeavor, thereby not contributing to a more systematic and effective counteraction to crime. For example, data on the personality

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and behavior of the victim are not adequately utilized, and there is practically no consideration and analysis of such information by the information centers of the Ministry of Internal Affairs of the Republic of Kazakhstan. There is no clear understanding of the system of victimological factors of crime and specific crimes, their role in determining specific crimes and crime.

Studying victimological factors is necessary, primarily for the formation of a new state policy in the field of preventive impact on crime, based on the principle of “equal social partnership” between the state and its citizens.

The outcome and collapse of the old crime prevention system sharply raised the issue of creating a new system that adequately reflects democratic values, based on the recognition of the priority of individual rights and freedoms. In forming such a system, victimological counteraction to crime appears to be highly promising.

However, comprehensive studies on victimological counteraction to crime and its place in the system of measures aimed at preventing and mitigating the consequences of criminal encroachments are virtually absent in legal literature. Therefore, the development and improvement of victimological approaches to combating crime represent an urgent problem.

Significant contributions to the development of crime prevention theory have been made by G.A. Avanesov, E.O. Alaukhanov, A.I. Alexeev, M.M. Babaev, Y.D. Bluvshstein, A.A. Hertsenzon, S.I. Gerasimov, A.I. Dolgova, A.E. Zhalinsky, A.P. Zakalyuk, V.K. Zvirbul, G.G. Zuikov, K.E. Igoshchev, I.I. Karpetz, V.N. Kudryavtsev, N.F. Kuznetsova, A. Kh. Mindagulov, G.M. Minkovsky, M.S. Narikbaev, P.P. Osipov, V.V. Orekhov, D.V. Rivman, A.B. Sakharov, G.S. Sarkisov, V.G. Tanasevich, B.S. Ustinov, A.S. Shlyaposhnikov, A.M. Yakovlev, and other scholars.

Different aspects of victimological counteraction to crime in the activities of crime prevention subjects are being studied with varying intensity.

However, the essence, content, and mechanism of functioning of the victimological system of preventive impact on factors determining crime, as well as its interaction mechanism with various elements of the preventive counteraction system to crime, have not been studied in new conditions yet.

Countering crime and improving the system of crime prevention, as well as identifying, studying, and eliminating the contributing causes and conditions, are enshrined in Article 3, Section 3 of the Law of the Republic of Kazakhstan “On Crime Prevention” (as amended on July 1, 2023). Additionally, in accordance with subparagraph 1 of paragraph 1 of Article 4 of the Law of the Republic of Kazakhstan “On Internal Affairs Bodies of the Republic of Kazakhstan” (as amended on May 1, 2023), preventive measures against offenses are carried out to ensure public safety.

The danger of the criminological situation is determined by its unfavorable qualitative characteristics. Crime is constantly evolving and expanding its spheres of influence.

The aforementioned circumstances have determined the choice of the topic of this research and testify to its relevance and significant theoretical and practical significance.

The aim of the work is to develop, based on a comprehensive study of victimological counteraction to crime, a scientifically substantiated concept of victimological impact on criminal behavior.

Achieving the stated goal involves setting and solving the following main tasks:

- Develop or refine the conceptual framework and theoretical foundations of the research;
- Study the place and role of victimological counteraction in the system of preventive impact on crime;
- Define the concept and significance of victimological counteraction to crime.

The object of the research is the system of victimological impact on crime. The choice of this object is predetermined by the unity of all elements of the system of victimological counteraction to crime, the complexity of its mechanism, the diversity of its external and internal connections, the necessity of theoretical development of the victimological concept of preventive counteraction to crime, and practical recommendations for implementing the said system in society.

The subject of the research includes:

- Legislative acts of the Republic of Kazakhstan and foreign countries related to victimological counteraction to crime;
- International legal documents on victim prevention, protection, and treatment of crime victims;
- Sociological data on the state of victimization in the country;
- Domestic and foreign experience of victimological counteraction to crime.

### *Methods and Materials*

The methodological basis of the research is the dialectical approach, which allows considering victimological counteraction to crime in its development, both in terms of organizing the activities of its subjects and the state and structure of the types of such activities themselves.

In order to ensure the reliability and completeness of the research, general and specific methods of scientific cognition were used: logical-legal, historical-legal, comparative legal studies, modeling, systemic-structural analysis, as well as methods of criminological research, including statistical analysis, expert assessments, content analysis, and document analysis.

Due to the specificity of the research subject, its empirical basis has certain features. Since we are talking about victimological counteraction to crime, which is not reflected in statistics, it is impossible to use published judicial practice or statistical data for a comprehensive study of this global phenomenon.

In the course of studying modern concepts of defining the essence of victimological counteraction to crime, conclusions were drawn through qualitative and quantitative analyses of socio-legal, criminological, and criminal law phenomena and processes.

### *Results and Discussion*

In modern Kazakhstan, a well-developed theoretical and normative-legal basis has been formed for the development of a system of victimological crime prevention, protection of the rights of victims, and crime victims. However, in contemporary legal literature and crime prevention practice, there is a viewpoint according to which victimological direction is only a part of the activity to determine the strategy and tactics of crime prevention and criminal law protection of citizens. Numerous studies have not yet led to the development of a sufficiently accurate and complete understanding of victimological counteraction to crime as a sphere of criminal policy. This defines the novelty of the present study. In the proposed article, the authors adhere to and disclose the position that in terms of content, subject of regulation, and the subjective composition, victimological policy is somewhat broader than the scientifically substantiated strategy and tactics of crime prevention and regulation of criminal law relations implemented in modern criminal policy, which necessitates comprehensive scientific research on the conceptual foundations of victimological policy [1, 240].

Analysis of numerous victimological studies has shown that special attention is currently being paid to the theories of “victimological prevention” and “victimological warning”, substantiated and actively developed by such renowned scientists as V.E. Kvashis, V.S. Minskaya, V.I. Polubinsky, D.V. Rivman, V.S. Ustinov [2], and others. Focusing attention on the proposed system of victimological counteraction to crime, it should be noted that criminologists have made certain attempts to build a system of victimological impact on crime. Among the first to propose such a model of victimological impact system were D.V. Rivman and V.S. Ustinov, who believe that “victimological direction is a part of the general system of crime prevention” [2; 169].

Implementation of victimological recommendations and the results of victimological studies can provide important informational material for improving crime prevention, legal education, social control at all levels — general, group, and individual.

The strength of victimological recommendations lies in orienting practice toward untapped reserves regarding the study and use of the victimological factor in crime prevention. Studying the causes of crime territorially without considering the aforementioned factor seems one-sided, and theoretical and practical conclusions are insufficiently complete [3; 77–84].

The proposed system of victimological counteraction to crime suggested by the mentioned authors, which, in their opinion, should include: general societal victimological warning and targeted victimological prevention, consisting, in turn, of general victimological prevention, individual victimological prevention, prevention of specific crimes using victims’ protective resources, and victimological impact during the investigation and consideration of criminal cases in court. Therefore, victimological counteraction to crime, according to these authors, should include two directions: prevention and warning. It can be concluded that these authors, whose position we fully support, share these concepts and, accordingly, measures carried out within the framework of crime prevention and warning. The discussed position allows developing the concept of victimological counteraction to crime as an independent direction in the fight against crime and indicates the prospects for its application.

General Structure of the system of victimological crime prevention includes a number of interconnected and interacting elements reflecting the integrity of the process of victimological crime prevention: goals and

objectives of victimological crime prevention; objects of positive influence and the system of subjects; measures of victimological crime prevention; mechanism of implementing victimological crime prevention, and the results of victimological crime prevention [4; 50–57].

Victimological crime prevention is necessary for the following purposes:

- 1) Ensuring victim safety for individuals possessing victimhood;
- 2) Providing maximum preventative and precautionary impact on criminogenic processes contributing to victimization;
- 3) Enhancing the level of victim protection and eliminating threats arising from the possibility of committing crimes against citizens and violating their rights, freedoms, and legitimate interests;
- 4) Creating an effective system of social and legal protection for citizens;
- 5) Increasing and activating the individual protective properties of various categories of citizens against criminal threats;
- 6) Providing social and legal assistance to individuals who have become victims of criminal offenses.

In summary, it can be noted that the main goal of the system of victimological crime prevention is to ensure such a state of victim protection for individuals and society from threats that endanger their vital interests, where the level of victimization does not have a significant impact, and the process of victimization shows a clear tendency to decrease.

The leading tasks of the system of victimological crime prevention specify its goal and are aimed at achieving its main functions, which will be described by us further.

The leading tasks of the system of victimological crime prevention are as follows:

- Identifying the determinants of victimization, analyzing and summarizing them;
- Developing and implementing measures aimed at eliminating or neutralizing determinants of victimization;
- Identifying individuals with certain victimhood and directly influencing them to enhance their victim protection;
- Legal education of the population on possible forms and methods of legal impact on crime;
- Creating new state and non-state structures whose work is aimed at social support and legal protection of crime victims;
- Implementing legislative provisions on social and legal protection of crime victims and ensuring victim safety;
- Ensuring the participation of legal entities, public associations, and citizens in victimological crime prevention and government support for their participation.

The subjects of the special criminological level of the system of victimological crime prevention include state bodies for which crime prevention through the prevention of crimes is the main functional task (courts, prosecution, law enforcement agencies, etc.). Victimological crime prevention at the special criminological level, unlike the general social one, covers measures directly aimed at eliminating determinants, i.e., causes and conditions contributing to the commission of crimes. Regarding the subjects of the individual level of the system of victimological crime prevention, it is necessary to recognize the citizens themselves (individuals) leading a law-abiding lifestyle, using systems and forms of self-defense, actively participating in ensuring their (or their close ones) victim safety independently or jointly with other citizens in accordance with legislation; citizens participating in the crime prevention system within the limits and forms determined by legislation in the field of crime prevention and prevention; individuals capable of identifying processes, phenomena, circumstances, and situations contributing to the commission of crimes, taking lawful measures, and reporting them to the authority, institution, or organization within their competence to eliminate criminogenic and victimogenic factors.

The activity of the mentioned subjects of victimological crime prevention at the general social and special criminological levels is carried out on various scales:

- 1) Nationwide (across the entire territory of the country);
- 2) Formally defined (within the framework of a specific region, enterprise, institution, social group, category of individuals, etc.).

At the individual level, this activity is of a personal nature and depends on the subjective qualities and objective properties of the individual (gender, age, education, social and marital status, psycho-physical characteristics, financial situation, etc.). The legal status of a person, who is a subject of victimological crime prevention and possesses additional legal means of influencing crime through the implementation of security measures (for example, individuals protected in operational-search activities; victims with victim status,

etc.), also plays a significant role. The degree of individual participation in the process of implementing victimological crime prevention at the individual level also depends on their legal literacy, which presupposes not only knowledge of legislation but also the ability to identify criminal behavior, perceive both criminogenic and victimogenic situations, know the legal limits of legal impact on crime, and know methods and means of protection, etc.

The main directions of implementation include:

- Improvement of victimological policy [5; 224]; legal regulation in the field of victim safety;
- Social and legal protection of crime victims and ensuring compensation for the damage caused [6; 191];
- Increasing the effectiveness of interaction between subjects of victimological crime prevention system [4; 50–57];
- Creation, provision, and implementation of necessary conditions for the protection of life, health, and property of individuals, protection of their rights, freedoms, and legitimate interests, as well as the interests of legal entities, society, and the state;
- Identification of causes and conditions contributing to the increase in victimization levels, development, and implementation of measures aimed at their elimination or neutralization;
- Measures to increase the level of social and legal protection and ensure the safety of citizens;
- Adoption of other measures in the field of functioning of the victimological crime prevention system as provided by the legislation of the Republic of Kazakhstan.

The functioning and further development of the victimological crime prevention system should be based on the following principles: humanity, legality, comprehensive confidentiality, protection and observance of human and civil rights and freedoms, transparency, social justice, scientific validity, systematic and comprehensive organizational, legal, socio-economic, informational, and other impact measures, timeliness and sufficiency of impact measures.

Determining the boundaries of its application, it should be clarified that the presented system of victimological crime prevention appears as a theoretical model since the specialization of the activities of the mentioned subjects at the legislative level is absent. However, under certain conditions, maintaining the ideas of victimological impact on crime within the framework of the state's victimological policy, adopting the proposed concept of victimological protection of crime victims by endowing subjects with appropriate powers within the legislation on victimological security, etc. In this regard, an increase in the effectiveness of crime prevention and, consequently, a decrease in the level of victimization and an increase in protection against criminogenic threats can be expected.

We believe that victimological crime prevention is necessary for the purpose of: providing maximum preventive and precautionary impact on criminogenic processes contributing to the increase in victimization levels and the development of victimization; elimination of threats to the rights, freedoms, and legitimate interests of citizens arising from the real possibility of crimes being committed against them; increasing and activating the individual protective properties of various categories of citizens against crimes; providing social and legal assistance to citizens who have become victims of criminal offenses. Thus, the goal of victimological crime prevention is to ensure such a state of protection for individuals and society from threats where the corresponding level of victimization does not significantly affect their legitimate interests and contributes to the elimination of the victimization process.

Regarding the objects of victimological crime prevention, it is appropriate to include:

- 1) Victimhood and its types. Victimhood, like the crimes committed by it, possesses specific characteristics (social conditioning, massiveness, systematic nature, causing negative consequences) and is characterized by quantitative (state, level, dynamics) and qualitative-quantitative (structure, territorial distribution) indicators [7; 606];
- 2) Victimogenic factors and situations that shape victim behavior and contribute to the commission of crimes against specific individuals;
- 3) Victimogenic population groups [6; 144] (general level);
- 4) Specific individuals who are potential victims of crimes due to their social status, psycho-physical condition, individual behavior, or lifestyle (individual level).

It is worth agreeing with the opinion of T.V. Varchuk that, considering the multi-level nature of the object of victimological prevention, law enforcement agencies are not able to influence all its aspects, let alone

eliminate them on their own. A comprehensive approach involving various government authorities, public self-government bodies, as well as specialized public organizations and associations, is necessary here.

Based on the research conducted, it seems that victimological crime prevention should become an element of the system of social control over crime. It can be considered in both broad and narrow (specialized criminological) aspects as a relatively independent system functioning in interaction with other elements of the system of general social prevention and specialized criminological crime prevention.

The proposed system of victimological crime prevention appears as a theoretical model, as a construct whose implementation is possible with the support of the ideology of victimological impact on crime within the framework of state victimological policy, the adoption of necessary laws on victimological protection of crime victims, and endowing subjects with appropriate powers. The implementation of this model in practice can be expected to increase the effectiveness of victimological prevention measures and crime prevention, enhance protection and resilience, thereby reducing the level of victimization and eliminating the process of victimization of the population, as well as empowering citizens to resist manifestations of crime.

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### *Conclusions*

Thus, criminal law statistics, particularly its statistical records, i.e., forms of statistical reporting, should include not only indicators characterizing crime, measures to combat it, and the criminal's personality but also victimization and its prevention.

It is precisely with this approach that it becomes possible to comprehensively and holistically consider crime with the inclusion of the victimological factor, both at the individual and social levels, and to develop measures aimed at both the criminal system and its representatives, as well as simultaneously at the victimogenic system and its representatives (crime victims, recidivists, and potential victims).

Victimological crime prevention is necessary in order to exert maximum preventive and deterrent influence on criminogenic processes that contribute to increasing victimization levels and the development of victimization, as well as to eliminate threats to the rights, freedoms, and legitimate interests of citizens.

Future victimological research will provide an opportunity to develop and implement Regulations on the organization of victimological crime prevention as a form of crime prevention in the practice of authorized bodies.

It is envisaged that victimological crime prevention should become an element of the system of social control over crime. We propose to understand victimological crime prevention as an independent form of crime prevention, consisting of a complex of state and public measures aimed at ensuring the security of legally protected interests of citizens, society, and the state, through the implementation of victimological prevention within the framework of crime prevention, and supporting the policy of social control over crime.

The legal analysis conducted by the authors allows for recommendations to be made regarding the determination of new promising directions in Kazakhstan's criminal policy in the field of crime prevention, which may contribute to addressing and overcoming the international aspects of victimological crime prevention, necessitating cooperation with other states. The results obtained in this article can be used in the educational process, for writing textbooks or teaching aids, and for publishing articles on this issue.

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### Қылмыстылыққа қарсы іс-қимылдың виктимологиялық аспектілері

Мақалада қылмыстылыққа қарсы іс-қимылдың мазмұны, виктимологиялық аспектілері ашылған, соның негізінде оның құрамдас элементтерінің сипаттамасы және мүмкін болатын қолдану саласы көрсетілген. Қылмысқа қарсы іс-қимылдың жалпы жүйесінің құрамдас бөліктерінің бірі ретінде ұсынылған қылмысқа қарсы виктимологиялық жүйе өзара байланысты және өзара әрекеттесетін элементтерді қамтиды: виктимологиялық іс-қимылдың мақсаттары мен міндеттері; оң әсер ету объектілері және субъектілер жүйесі; виктимологиялық іс-қимыл шаралары; виктимологиялық іс-қимылды іске асыру механизмі; қылмысқа қарсы виктимологиялық процестің тұтастығын көрсететін виктимологиялық қарсылықтың нәтижесі. Концептуалды жүйенің соңғы болжамды нәтижесі қылмысқа қарсы виктимологиялық іс-қимылдың үш негізгі функциясының бірлігі мен өзара байланысынан көрінуі керек: виктимологиялық профилактикалық ықпал ету функциясы; арнайы (тікелей) виктимологиялық профилактика функциялары, сондай-ақ қылмыс құрбандарына әлеуметтік көмек және құқықтық қорғау функциялары. Авторлар арнайы монографиялық әдебиеттерді және қылмыспен күресудің виктимологиялық әдістерін қолдану тәжірибесін зерттеген. Жұмыстың ғылыми жаңалығы оның қылмысқа қарсы виктимологиялық іс-қимыл жүйесін алғаш рет арнайы кешенді түрде зерттеу болып табылатындығында. Жұмыстың мақсаты — қылмысқа қарсы виктимологиялық әрекетті кешенді зерттеу негізінде қылмыстық мінез-құлыққа виктимологиялық әсер ету стратегиясы мен тактикасының ғылыми негізделген тұжырымдамасын жасау. Зерттеу нәтижесінде авторлар қылмысқа қарсы виктимологиялық іс-қимыл виктимизация деңгейінің өсуіне және виктимизацияның дамуына ықпал ететін криминогендік процестерге барынша профилактикалық және сақтық әсерін қамтамасыз ету үшін қажет деген қорытындыға келген; яғни азаматтардың құқықтарына, бостандықтары мен заңды мүдделеріне төнетін қатерлерді жою.

*Кілт сөздер:* виктимологияның алдын алу, қылмысқа қарсы виктимологиялық іс-қимыл, криминогендік, қылмыстылық, қылмыстылыққа қарсы іс-қимыл, жүйе, қылмысқа қарсы виктимологиялық іс-қимыл жүйесі, виктимділік.

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### Виктимологические аспекты противодействия преступности

В статье раскрыты содержание, виктимологические аспекты противодействия преступности, на основе чего представлена характеристика составляющих ее элементов и область возможного применения. Как одна из составляющих общей системы противодействия преступности, предлагаемая система виктимологического противодействия преступности включает взаимосвязанные и взаимодействующие элементы: цели и задачи виктимологического противодействия; объекты позитивного воздействия и систему субъектов; меры виктимологического противодействия; механизм реализации виктимологического противодействия; результат виктимологического противодействия, отражающий целостность процесса виктимологического противодействия преступности. Итоговый прогнозируемый результат концептуальной системы должен проявляться в единстве и взаимосвязи трех основных функций виктимологического противодействия преступности: функции виктимологического профилакти-

ческого воздействия; функции специального (непосредственного) виктимологического предупреждения, а также функции социальной помощи и правовой защиты жертв преступности. Авторами изучена специальная монографическая литература и практика применения виктимологических методов противодействия преступности. Научная новизна работы состоит в том, что она является первым специальным комплексным исследованием системы виктимологического противодействия преступности. Целью работы является разработка на базе комплексного исследования виктимологического противодействия на преступность научно обоснованной концепции стратегии и тактики виктимологического воздействия на преступное поведение. В результате исследования авторы приходят к выводу о том, что виктимологическое противодействие преступности необходимо в целях оказания максимального профилактического и предупредительного воздействия на криминогенные процессы, способствующие повышению уровня виктимности и развития виктимизации; устранения угроз правам, свободам и законным интересам граждан.

*Ключевые слова:* виктимологическая профилактика, виктимологическое противодействие преступности, виктимогенность, преступность, противодействие преступности, система, система виктимологического противодействия преступности, виктимность.

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