# ҚЫЛМЫСТЫҚ ҚҰҚЫҚ ЖӘНЕ КРИМИНОЛОГИЯ
# УГОЛОВНОЕ ПРАВО И КРИМИНОЛОГИЯ
# CRIMINAL LAW AND CRIMINOLOGY

A.M. Kalguzhinova, B.A. Amanzholova, D.O. Ozbekov

*Ye.A. Buketov Karaganda State University, Kazakhstan*
*(E-mail: k_aigul_75@mail.ru)*

## To the question of modern technologies for the collection, processing and analysis of legal statistical information

The article is devoted to the consideration of the use of digital technologies features in the process of studying the disciplines of the criminal law cycle. To determine the current state of the crime counteraction, the authors reviewed the general laws of change in criminal law. The object of the research is the effectiveness of countering crime based on the analysis of state legal statistical information for the period of 2015–2017. The aim of the study is to get an idea of the stages of a statistical study (statistical observation, summary and grouping, analysis and generalization) in the criminal law field, processing and analyzing quantitative data on the state of offenses and measures of social control over them, their use in professional activities. Considering the interdisciplinary nature of the problem being studied, the dialectical, formal-logical, comparative legal, statistical, historical and legal research methods were used. The empirical base of the study was compiled by the statistical data of the Committee on Legal Statistics and Special Accounts of the General Prosecutor's Office, information materials of the Supreme Court (procedural documents of the Judicial Office service, Forum Taldau), the Ministry of Internal Affairs of the Republic of Kazakhstan. Direct analysis of official statistics data makes it possible to prepare extensive observation programs that characterize, in certain indicators, the entire course of implementation of measures of social and legal control over crime, its level, structure, dynamics, data on the identity of the perpetrator and victims.

*Keywords:* state legal statistics, statistical observation, summary and grouping, analysis and synthesis, state of crime, crime counteraction.

### *Introduction*

In the framework of the legal reform carried out in Kazakhstan, great importance is attached to the legal regulation of scientific and educational activities, which is an important condition for ensuring the industrial and innovative development of the country and enhancing its intellectual potential.

A promising area of legal education is the formation of a new culture of students thinking, focused on professional demand in the domestic and international labor markets, on education and lifelong education. The implementation of this direction is aimed at creating a wide range of new educational programs, updating existing programs, strengthening the role of students' independent work by expanding the conditions for access to educational resources and self-education technologies.

In recent years, the interaction of law and digital technologies is not limited to the need for a lawyer to possess skills to work with databases containing legal acts (Information and legal system of normative legal acts «Adlet», Information legal system «Paragraph», database «Law», etc. ).

The future highly qualified lawyers of a wide profile for the knowledge of public life, for the investigation of mass legal and legally significant phenomena and processes, state legal statistics are needed.

Legal statistics is one of the branches of statistical science that studies the quantitative side of mass legal and other legally significant phenomena and processes in order to reveal their qualitative identity, trends and patterns of their development in specific conditions of place and time [1; 36].

The general scientific foundations of legal statistics are determined by individual branches of legal science, and specific techniques for the study of legal violations and opposition to them are based on the general theory of statistics.

Increasing the role and importance of independent work of students as a component of the educational process requires not only a theoretical study of this discipline, but also mastering the techniques and skills of conducting statistical research at the application level. The process of independent work of students involves an advisory and interactive forms of conducting classes, with the main focus being transferred to self-instruction.

For the effectiveness of independent work, the use of Internet resources, reference legal systems, official websites of the Ministry of Justice, the Ministry of Internal Affairs, the General Prosecutor's Office, the Supreme Court of the Republic of Kazakhstan is recommended.

Information on the state of law and order in the country, which supplies legal statistics, is an important means of operational management of the bodies engaged in the fight against offenses. Legal statistics data are widely used in lawmaking and departmental rule-making, in the development of measures to prevent crime and other offenses.

At present, the bodies of legal statistics and special accounting are the established state institution: the regulatory legal framework through which legislation is implemented is fully formed and meets the requirements of the time; organized a clear regime for the formation of statistics on the state of crime, law enforcement agencies, courts and information support for this work; Special accounting, reference and archival work [2; 116] is maintained at the proper level.

The conceptual update of the legal policy assumes that law enforcement agencies should work actively to prevent violations of the constitutional rights of citizens and minimize the factors that negatively affect the criminal situation in general. In the program documents of the country, great attention is paid to the development of the law enforcement system, changing priorities in their work from repressive and punitive measures to protective measures, prevention and prevention of offenses.

*Methods and Materials*

The methodological basis of this study is the dialectical method as the basis for the knowledge of social and criminological phenomena of reality in their development. Considering the interdisciplinary nature of the problem being studied,in the article private scientific research methods (formal-logical, comparative legal, statistical, historical-legal methods of scientific knowledge) were used.

Historical and legal research was based on working directly with the texts of laws and consisted in the analysis of the regulation specifics of corpus in the regulatory acts in force in Kazakhstan.

The statistical method used revealed the existing relationships between changes in legislation and the state of investigative judicial practice.

Other sources of information that contain criminological and forensic information (the Unified Automated Information and Analytical System of the Judicial Authorities of the Republic of Kazakhstan, the Judicial Study Service, the Taldau Forum) were also used.

*Results*

Being an independent branch of knowledge, and academic discipline, statistics has its own subject, as well as developed special scientific research techniques. The essential features of the subject of statistical science are the quantity, quality, their unity, the mass character of socio-economic phenomena and processes, the conditions of place and time, specification as applied to individual branches. The most important methods of statistical science are mass quantitative observation of social phenomena and processes, their subsequent grouping and characterization of established qualitatively homogeneous groups by generalizing indicators.

Statistics deals with mass observation, where the final result manifests itself at the level of the law of large numbers and probability theory. The essence of the law of large numbers is that the existing patterns in the development of social processes manifest themselves and can be found only in the mass of phenomena. At the same time, random fluctuations of indicators of individual aggregate units in a large array are mutually extinguished, and the general trend manifests itself as an objective law.

The Law of the Republic of Kazakhstan «On State Informational Legal Statistics of the Basis and Special Accounts» on December 22, 2003 establishes the main tasks of the system and principles of forming the sphere of state legal science of statistics; competence, census rights and final responsibilities of the authorized body; Kazakhstan types and order between doing special series of counts.

Modern legal statistics examines the quantitative side of the various legal phenomena (criminal, legal civil, administrative offenses, etc.), their structure and the dynamics, causes, significance and conditions, the entire civilian system of measures to combat various offenses. When correcting this all, these criminal indicators characterize, on the one hand, the number of offenses that have become the subject of consideration through criminal, administrative or civil proceedings; and, on the other hand, the effectiveness of the offenses of the work of the relevant study of the authorities on the prevention of official offenses.

Legal statistics is closely related to other legal sciences (criminal and civil law, legal criminal and civil appeals process, criminal executive, administrative law and criminology). Legal statistics enriches the defined legal instructions of science with knowledge of concrete facts, it shows where, how and under what conditions occur the summing up of certain patterns of the studied legal phenomena. It is the timing of statistics that provides these sciences with the necessary materials for the republic for a system of further theoretical generalizations, for the basic constant relationship of dynamic with practice.

Considering the different nature of offenses and the institutions that the officials practically study, there are three branches of legal statistics - criminal law, dependencies civil law and administrative law. Based on the nature of the tasks solved by the departments, the stages can be divided into departmental criminal statistics, as well as sub-sectors, which are more likely to correspond to the criminal, civil or administrative process.

In particular, criminal law statistics include statistics of the pre-trial general investigation, criminal statistics are necessary for legal proceedings, statistics for the execution of sentences.

It should be noted that in the literature, criminological statistics; victimization statistics, statistics, statistics of prosecutorial oversight are referred to a separate branch of statistics.

In accordance with paragraph 8 of Article 1 of the Law of the Republic of Kazakhstan «On State Legal Statistics and Special Records», the direct object of criminal law statistics is the determination of the state of crime, criminal proceedings, enforcement proceedings in the criminal law field, the use of punishment and other criminal penalties, legal impact for committing crimes.

It should be also noted that crime has long been dominant in legal statistics as an object of study. At the same time, legal statistics, being one of the main quantitative methods of cognizing real crime, does not replace criminology, criminal law and other sciences of the criminal cycle, but only reveals the possibilities of quantitative analysis of criminal manifestations. These possibilities are determined by the availability of statistical accounting of crime and summary data on it, the existence of centralized reporting with the development of a huge number of generalizing structural and dynamic indicators allowing to analyze (compare) crime across years and territories, study its relationships with causes and consequences, predict their overall possible development . In this regard, an objective statistical study of crime is the basis for studying its causes, the identity of offenders, the social and economic consequences, planning for combating it and evaluating the activities of law enforcement agencies.

The statistical reporting of the Ministry of Internal Affairs bodies, the national anti-corruption bureau, the economic investigation service, the prosecutor's office and the court is a system of interrelated indicators that give a complete picture of the activities of these bodies and highlight all stages of the criminal process.

Reporting is the main form of observation in legal statistics; in it, as in the system of interrelated indicators, the program of statistical observation gets its distinct expression; it also provides a summary and grouping of data contained in primary accounting documents. Forms of official legal statistical reporting are approved by orders of the Prosecutor General of the Republic of Kazakhstan, which ensures a uniform approach to recording legal phenomena and is a prerequisite for statistical analysis, as well as accuracy and completeness of reporting data.

At the stage of collecting data on crime, the main form of statistical observation used is - the official statistical reporting of law enforcement agencies. However, taking into account the fact that some of the crimes remain latent, it is necessary to obtain information that, for various reasons, it is not reflected in the statements. It should be remembered that to identify the complete statistical picture of crime in any study is almost impossible. The task is to approximate the conclusions about the crime being studied to its actual state, to adjust the level and structure of the recorded crime according to the existing realities, to more or less adequately take into account the «hidden» crime figure when developing measures to combat it [3; 98].

A special role in solving this problem belongs to a comparative statistical analysis of the structural relationships within recorded crime; comparison of information on registered crime with other statistical indicators; directly studying the statements, reports and complaints of citizens about the attacks against them and

the actions of law enforcement agencies; specially organized surveys of citizens, law enforcement officers and convicts about the real level of victimization of the population.

Statistical analysis of crime includes the characteristics of the following quantitative and qualitative indicators: state of crime; the amount of crime; crime rate (general crime rate, criminal law crime rate, criminal activity rate, criminal record rate); crime dynamics (absolute growth (decrease), growth rate, growth rate (decrease) in the volume or level of crime (its separate type); structure of crime (share (share) of the volume of a particular type of crime in the total crime)).

Carrying out the assigned tasks of providing information to state bodies, individuals and legal entities on the state of law and order in the country, legal statistics bodies are constantly looking for new technological developments aimed primarily at creating public control and increasing the effectiveness of the work of the entire law enforcement unit.

The Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan provides the Administration of the President, the Security Council, the Government, law enforcement, judicial and other state bodies with statistical and informational and analytical materials.

The committee is a provider of information for all users, including individuals and legal entities. Statistical information is published on the departmental website and is available to a wide range of people [4].

The Committee has information systems called «Unified Statistical System», «Unified Accounting of Appeals of Persons», «Special Accounts», «Automated Fingerprint Information System», and «Information Service».

The projects «Electronic portal for submission of applications and messages, as well as other information to law enforcement agencies via the Internet», accounting checks «Business type», are being implemented.

Analytical and geographic information systems «Crime Map» and «Road Traffic Accident Map» are being introduced. The first interactive map visually displays the crime scene on a map of cities in Kazakhstan. The interactive system «Road Traffic Accident Map» visually shows the most dangerous areas in settlements, on the country's roads. The user can get information about the type of accident (collision with a pedestrian, car accident, other accidents); the number of dead and injured victims, the state of the driver (sober, intoxicated) and the type of transport (private or public).

It should be also noted that in the framework of the instructions of the Head of State, over the years of independence, a great deal of work has been done on introducing the latest information technologies into the activities of the courts of the republic. Particular emphasis was placed on the service «Judicial office», tools for electronic notification of participants in litigations, audio, video recording, as well as the system «Tirelik».

It should be noted and the creation of the official websites of the courts throughout the country, which are a powerful information resource that provides a multifaceted presentation of information on the activities of the country's judicial system in the network.

Further development of the judicial system is a logical continuation of the institutional reform «Ensuring the rule of law», which is an integral part of the Nation Plan «100 concrete steps» - the most important historical document at the present stage of development of our state.

Thus, an increase in the objective and impartial coverage of the judiciary is facilitated by the operation of the Taldau forum, designed to ensure the monitoring of the quality of judicial acts, analyze the results of the current activities of the courts, provide information to participants in legal proceedings, legal practitioners, and use in educational and research activities [5].

The reforms of recent years in the legal sphere have made justice in Kazakhstan one of the most accessible and operational in the world. Thus, in the World Bank's Doing Business ranking, the judicial system of Kazakhstan for the last three years has been among the top ten countries in the world.

The concept of the development of the judicial system will be focused on further implementation of the tasks of the Head of State to increase public confidence and ensure the rule of law, taking into account the challenges of the fourth industrial revolution and global trends in the development of legal systems.

*Discussion*

The next stage of the criminal law reform is associated with the adoption on July 3, 2014 and the introduction of the new Criminal Code of the Republic of Kazakhstan from January 1, 2015. According to the

Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, the criminogenic situation in the country is characterized by a certain stability (see Fig.).
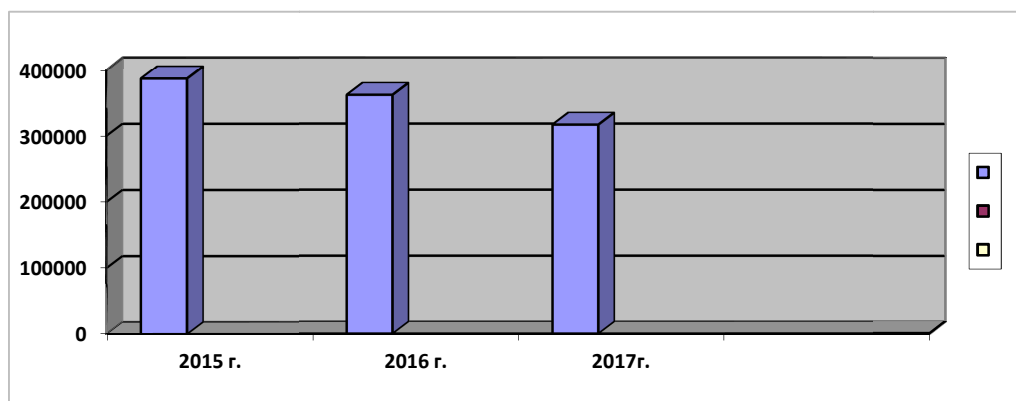


Figure. Dynamics of registered criminal offenses in the Republic of Kazakhstan for the period 2015–2017

In connection with the change in the form of the statistical report 1-M «On Registered Criminal Offenses», separate data on criminal offenses committed in public places (including streets, squares, parks, squares) and the number of offenses committed in public household sphere.

Victimological statistics include a description of the victims by citizenship, occupation, age structure, legal status (in respect of legal entities), the ensuing consequences (which caused the death of the victim).

The procedure for the study of the admission and registration of the December statement, report or the republic of the criminal report read the offenses; the procedure for the reimbursement of the formation and maintenance of the general Unified all register of pre-trial forms of investigations; as well as ways of making decisions are fixed in the Rules for accepting approval and registration of statements, smoothing the message of dependence or report of the party on criminal offenses, it is necessary and given to conduct criminal single registry permit pre-trial investigations 19 September 2014, No. 89).

The Order of the Prosecutor General's Main Bodies of the Republic of Kazakhstan of August 29, 2016 No. 140 approved the form of the Report No. 1-M «On the Observation of Registered Criminal Offenses Statistics» and the Instruction on the compilation of the law and its formation. «The criminal can get acquainted with this report on the types of the official Web site of the School of the Committee on Legal List of Statistics and Special Night Accounting General Discussion of the Prosecutor's Office of the Republic of Kazakhstan in the backlog section Information service «Legal Define Statistics»» Statistical Reports.

The following orders of statistical reports have also been approved by the orders of the Prosecutor General of the Republic of Kazakhstan:

– «On the offenses related to the court of illicit trafficking in the field of narcotic drugs, the topic of psychotropic and poisonous indicators of substances, precursors, their legal counterparts and material rates of evidence in criminal cases» and Instruction statistics on its preparation» (No. 101 on October 1, 2014);

– «On the offenses related to the basis of extremism and terrorism of the colloquium and on the state of the prosecutor's science of supervision» and the Instruction of the prosecutor's office on its compilation, civil formation of a bank of information on persons held responsible for criminal offenses related to extremism and criminal terrorism and organizations recognized by the court as extremist, terrorist numbers» (No. 113 of October 9, 2014);

– «On corruption crimes, statistics of the persons who committed them, the number of convicted persons, the movement of related criminal cases were about corruption crimes of the formation and about the subjects of corruption with the average offenses» and Instruction Forms on its Formation» (No. 125 of July 14, 2016);

– «On the domestic work of the bodies of December criminal prosecution» and compliance with the Instruction on Expand Compilation» (skill No. 102 on October 1, 2014)

– «Forms of clear judicial reports through the criminal law field, the number of electronic informational information registration documents and the instructions for their formation» (No. 84 on April 25, 2016), etc.

On the official website of the Committee on legal statistics and special accounting required by the General Prosecutor's Office, starting the Republic of Kazakhstan, information is also available on the methods of

dealing with criminal legal cases, and give the prescribed punishment statistical and applied medical measures (section «Legal Give statistics» > Judicial statistics acts> Type of years and terms of punishment> Type of any punishment> Type any sentence / decision).

As can be seen, criminal law statistics makes it possible to prepare extensive observation programs that characterize, in certain indicators, the entire course of measures implementation of social and legal control over crime, its level, structure, dynamics, data on the identity of the offender and the victims.

The scientific basis of such programs are the theoretical positions of criminology, criminal law and process, revealing the nature of crimes and criminality and the statutory actions of state bodies on social and legal control over it.

*Conclusions*

As can be seen, with all the diversity of modern techniques and tools for cognizing information sources, when conducting this kind of research, statistics are preferred. Of course, this does not exclude the possibility of using other materials that contain information of interest to us.

The operation of the service «Judicial office» and the implementation by the Supreme Court of the Republic of Kazakhstan of the Taldau forum project allow researchers to apply the method of direct analysis of procedural documents.

Expansion of the volume and improvement of the quality of legal propaganda among law students through Internet resources is intended to intensify research on topical issues of law and law enforcement, especially in those branches of law that are most in demand in everyday life.

Only real statistics on criminal offenses committed in the country will help to develop adequate response measures and improve state control in this area. At the same time, a special emphasis on measures taken should be aimed at the optimal implementation of the objectives of the criminal policy of the Republic of Kazakhstan: tactical - deterring crime and keeping it at a socially acceptable level, and strategic - ensuring the real security of the individual, society and the state.

References

1  Лунеев В.В. Юридическая статистика: учеб. / В.В. Лунеев. — М.: Юристъ, 1999. – 400 с.

2  Интыкбаев М.К. Основы правовой статистики: учеб. пос. / М.К. Интыкбаев. — Астана: Фолиант, 2008. — 245 с.

3  Правовая статистика: учеб. / под ред. С.Я. Казанцева, С.Я. Лебедева. — М.: ЮНИТИ-ДАНА; Закон и право, 2009. — 255 с.

4  Официальный сайт Комитета по правовой статистике и специальным учетам Генеральной прокуратуры Республики Казахстан [Электронный ресурс]. — Режим доступа: http://pravstat.prokuror.kz/rus.

5  Сайт Верховного Суда Республики Казахстан [Электронный ресурс]. — Режим доступа: http://office.sud.kz/forumTaldau/index.xhtml.

А.М. Қалғұжынова, Б.А. Аманжолова, Д.О. Өзбеков

## Құқықтық статистика ақпараттарын жинау, өңдеу және талдаудың заманауи технологияларының сұрақтары

Мақала қылмыстық құқықтық пәндерді оқыту үрдісінде сандық технологиларды қолданудың ерекшеліктеріне арналған. Авторлармен қылмыстылықпен қарсы күрестің қазіргі жай-күйін анықтауға қылмыстық заңнаманы өзгертудің жалпы заңдылықтары қарастырылған. 2015–2017 жж. аралығындағы мемлекеттік құқықтық статистика ақпаратын талдау негізінде қылмыстылыққа қарсы күрестің тиімділігін арттыру зерттеудің нысаны болып табылады. Статистикалық зерттеулер жүргізу кезеңдері туралы (статистикалық бақылау, жиынтық және топтастыру, талдау және салыстыру) қылмыстық құқықтық сферасында құқықбұзушылықтардың жай-күйі туралы сандық мәліметтерді өңдеу және талдау және оларды әлеуметтік бақылау шараларын, сондай-ақ кәсіби қызметте оларды пайдалану зерттеудің мақсаты болып табылды. Зерттеліп отырған мәселенің пәнаралық сипатын ескере отырып, мақаланы жазу барысында диалектикалық, формалды-логикалық, салыстырмалы-құқықтық, статистикалық, тарихи-құқықтық зерттеу әдістері қолданылды. Зерттеудің эмпирикалық базасын Бас прокуратурасының арнайы есепке алу және құқықтық статистика Комитетінің статистикалық мәліметтері, Жоғарғы Соттың ақпараттық материалдары («Соттық кабинет «сервисінің және «Талдау» форумының процесуалдық құжаттары) Қазақстан Республикасының Ішкі істер министрлігінің статистикалық мәліметтері құрады. Ресми статистиканың мәліметтерін тікелей

талдау қылмыстылықты, оның деңгейін, құрылымын, динамикасын, жәбірленуші және қылмыскер тұлғасы туралы мәліметтерді бақылаудың әлеуметтік-құқықтық шараларының жүзеге асырылуын белгілі көрсеткіште сипаттайтын бақылаудың көлемді бағдарламасын дайындауға мүмкіндік береді.

*Кілт сөздер:* мемлекеттік құқықтық статистика, статистикалық бақылау, жинақтау және топтастыру, талдау және салыстыру, қылмыстылық жай-күйі, қылмыстылыққа қарсы күрес.

<br>

<center>А.М. Калгужинова, Б.А. Аманжолова, Д.О. Озбеков</center>

# К вопросу о современных технологиях сбора, обработки и анализа правовой статистической информации

Статья посвящена рассмотрению особенностей применения цифровых технологий в процессе изучения дисциплин уголовно-правового цикла. Для определения современного состояния противодействия преступности авторами рассмотрены общие закономерности изменения уголовного законодательства. Объектом исследования является эффективность противодействия преступности на основе анализа государственной правовой статистической информации за период 2015–2017 гг. Целью исследования определено получение представления об этапах проведения статистического исследования (статистического наблюдения, сводки и группировки, анализа и обобщения) в уголовно-правовой сфере, обработки и анализа количественных данных о состоянии правонарушений и мер социального контроля над ними, использования их в профессиональной деятельности. Учитывая междисциплинарный характер изучаемой проблемы, при написании статьи были использованы диалектический, формально-логический, сравнительно-правовой, статистический, историко-правовой методы исследования. Эмпирическую базу исследования составили статистические данные Комитета по правовой статистике и специальным учетам Генеральной прокуратуры, информационные материалы Верховного Суда (процессуальные документы сервиса «Судебный кабинет», форума «Талдау»), Министерства внутренних дел Республики Казахстан. Непосредственный анализ данных официальной статистики дает возможность подготовить обширные программы наблюдения, характеризующие в определенных показателях весь ход реализации мер социально-правового контроля над преступностью, ее уровень, структуру, динамику, данные о личности преступника и потерпевших.

*Ключевые слова:* государственная правовая статистика, статистическое наблюдение, сводка и группировка, анализ и обобщение, состояние преступности, противодействие преступности.

<br>

<center>References</center>

1   Luneev, V.V. (1999). *Yuridicheskaia statistika [Legal statistics]*. Moscow: Yurist [in Russian].

2   Intykbaev, M.K. (2008). *Osnovy pravovoi statistiki [Basics of legal statistics]*. Astana: Foliant [in Russian].

3   Kazancev, S.Ja. & Lebedev, S.Ja. (Ed.). (2009). *Pravovaia statistika [Legal statistics]*. Moscow: YuNITI-DANA; Zakon i pravo [in Russian].

4   Ofitsialnyi sait Komiteta po pravovoi statistike i spetsialnym uchetam Heneralnoi prokuratury Respubliki Kazakhstan [Official website of the Committee on Legal Statistics and Special Accounts of the General Prosecutor's Office of the Republic of Kazakhstan] *pravstat.prokuror.kz* Retrieved from http://pravstat.prokuror.kz/rus [in Russian].

5   Sait Verkhovnoho Suda Respubliki Kazakhstan [Website of the Supreme Court of the Republic of Kazakhstan]. *office.sud.kz. Retrieved from* http://office.sud.kz/forumTaldau/index.xhtml [in Russian].