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The problem of preventive effect on crime: the need for an axiological and organizational revision

The article is devoted to substantiating fundamentally new approaches to assessing the preventive impact on crime under the current conditions of Kazakhstani society. It examines theoretical and applied issues concerning the relationship between the concepts of “crime prevention”, “crime deterrence”, and “combating crime” in the context of the modern criminal law policy of the Republic of Kazakhstan. The purpose of the study is to provide a theoretical and applied understanding of the prevention of offenses and crime within the framework of the modern criminal law policy of the Republic of Kazakhstan. The methodological basis of the study comprises dialectical, formal-legal, comparative-legal, systemic-structural, and logical-semantic methods, as well as methods of analysis, synthesis, generalization, and forecasting. The study substantiates that current legislation and policy documents do not always use the aforementioned terminology consistently, which complicates the development of a unified methodological framework for preventive activities. Particular attention is paid to national legislation directly regulating crime prevention, measures aimed at ensuring public safety through the establishment of partnerships between the state and society, and the development of a qualitatively new legal consciousness based on a clear understanding of the concepts of “law” and “order”. The international experience of developing national crime prevention systems is analyzed. Particular emphasis is placed on the need for criminological support for preventive policies, the development of analytical, predictive, and research capacities, and the strengthening of cooperation between law enforcement agencies and civil society institutions. The author concludes that developing a national crime prevention model based on a systematic approach, interagency cooperation, scientific validity, and long-term evaluation of results should be a priority for Kazakhstan.

Keywords: offenses prevention, crime deterrence, crime prevention model, foreign experience, criminological support of crime prevention system.

Introduction

Effective crime prevention practices are possible through systematic and regular analysis of key public safety markers, as well as scientific approaches to developing strategic crime deterrence solutions. In its most general form, this is the focus of the Concept for Ensuring Public Safety in Partnership with Society for 2024–2028 (in the Sphere of Crime Prevention), approved by Decree of the Government of the Republic of Kazakhstan dated December 29, 2023, No. 1233 (hereinafter referred to as the Concept) [1]. According to the Concept, law enforcement agencies are tasked with the operational management of current processes, forecasting and planning crime deterrence and prevention measures based on data that will help reduce the rate of repeat offenses, which account for approximately 40 % of those previously brought to criminal responsibility [1]. According to paragraph 17 of Art. 1 of the Law of the Republic of Kazakhstan dated December 30, 2025 No. 245-VIII “On the Prevention of Offenses”, “prevention of offenses is a set of legal, economic, social, organizational and other measures implemented by offense prevention entities aimed at maintaining and strengthening law and order by identifying, studying, eliminating the causes and conditions that contribute to the commission of offenses” [2]. Thus, the ratio of terms “deterrence” and “prevention”, which is still the subject of theoretical discussions, is established within the framework of the specified legal acts in a kind of basic version: prevention is a set of various measures that are designed to suppress the determination of offenses; deterrence is a specific functional mechanism aimed at achieving specific results in one or another direction of counteracting offenses and (or) crimes (for example, in countering domestic violence, cybercrime, recidivism, etc.). At the same time, as researchers quite rightly note, the prevention system is more characterized by legal guidelines (normative consolidation of certain methods and mechanisms), while the most typical ones for the deterrence system are its assessment as a combined criminological and organizational category [3; 49–53]. In general, criminological studies are characterized by a complex refer-

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ence to the concepts of “prevention” and “deterrence”, in which deterrence is nevertheless assessed as a more general category [4; 138–145].

At the same time, the researchers correctly point out that the array of normative legal acts itself abounds with such a number of special terms (in addition to the terms “prevention”, “deterrence”—also “counteraction”, “detection”, “suppression”, etc.), that the ratio of the sought concepts can take a wide variety of combinations: in one case, deterrence includes prevention, in others, prevention is realized, including through deterrence [5; 84–88]. A similar combinatorial approach is also found in the studies of Kazakhstan authors. In particular, it is noted: “In domestic criminology, an understanding of crime deterrence has developed as a targeted influence of the state, society, individuals and legal entities on the processes of determination and causation of crime in order to prevent the involvement of new persons in crime, the commission of new criminal acts, and the expansion of the criminalization of social relations” [6; 34–40].

Method of content analysis of regulatory legal acts allows us to conclude that indeed the relevant specialized criminological terminology is used quite arbitrarily and there is a clear lack of methodological unity in its application. Thus, in particular, the system of basic concepts and terms of the Law of the Republic of Kazakhstan dated February 18, 2018, No. 31-III “On Counteracting Extremism” provides a legal definition of the concepts of “counteracting extremism” (clause 2, Article 1) and “prevention of extremism” (clause 4, Article 1) [7]. Moreover, the counteraction is defined through the elements of the preventive action system, and prevention is assessed as the basis for extremism deterrence. In turn, for example, the Model Regulation on Anti-Corruption Compliance Services contains the following definition: “corruption deterrence is the activity of anti-corruption entities to study, identify, limit, and eliminate the causes and conditions that contribute to the commission of corruption offenses, through the development and implementation of a system of preventive measures” [8]. That is, in this case, the term “deterrence” is also effectively identified with the term “prevention” (see the previously cited quote from the Law of the Republic of Kazakhstan “On the Prevention of Offenses”). Accordingly, within the framework of this study, it is necessary to determine as a starting methodology that the terms “prevention” and “deterrence” are related; however, for the sake of clarity, prevention should still be assessed as a system of measures to neutralize the determinants of criminal behavior, and deterrence—as specific measures aimed at preventing the planning and commission of offenses.

The purpose of the study is to provide a theoretical-applied understanding of crime and (or) offense prevention in the context of the current criminal law policy of the Republic of Kazakhstan, as well as to substantiate the need to develop a national prevention model based on criminological analysis, interagency cooperation, and state-society partnership.

The objectives of the study, arising from the objective, are as follows:

1. To reveal the theoretical relationship between the concepts of “crime prevention”, “crime deterrence”, and “combating crime” identifying their common features and semantic differences;
2. Analyze the specifics of the use of criminological terminology in the legislation and policy documents of the Republic of Kazakhstan, identifying the problem of its heterogeneity and the need for a more unified approach;
3. Evaluate international experience in building national crime prevention systems from the perspective of its potential use in formation of the Kazakh model of preventive policy;
4. Justify the need to develop the national crime prevention model in the Republic of Kazakhstan based on criminological support, interagency cooperation, state-society partnership, and long-term evaluation of results.

The object of the study is social relations developing within the state’s criminal law and criminological policies on crime prevention, deterrence, and combating.

The subject of the study is theoretical approaches to the relationship between the concepts of “crime prevention”, “crime deterrence”, and “combating crime” as well as the legislative provisions and policy documents of the Republic of Kazakhstan in this area, as well as selected international crime prevention models relevant to the development of the national Kazakh approach.

Methods and Materials

The material basis of the study consisted of regulatory legal acts and policy documents of the Republic of Kazakhstan governing issues of crime prevention, deterrence, and combating, including the Concept of Ensuring Public Safety in Partnership with Society for 2024–2028, the Concept of Legal Policy of the Republic of Kazakhstan, and the Concept for Promoting the Ideology of Law and Order in Society for 2025–2030. In addition, scientific works of Kazakh, Russian, and foreign authors were used devoted to criminolog-

ical policy, offense prevention, crime deterrence, foreign models of preventive activity, and issues of criminological support for the fight against crime. The methodological basis of the study consisted of dialectical, formal-legal, comparative-legal, systemic-structural, logical-semantic methods, as well as methods of analysis, synthesis, generalization, and forecasting. The dialectical method allowed to consider crime prevention and deterrence as interrelated elements of preemptive action. The formal-legal method was used to analyze the legislation and policy documents of the Republic of Kazakhstan. The comparative-legal method was employed to evaluate international experience in building national crime prevention systems. The systemic-structural method allowed to reveal crime prevention as a multi-level system of interaction between the state, society, and law enforcement agencies. The logical-semantic method was used to clarify the content and relationship between the concepts of “prevention”, “deterrence” and “combating”. Methods of analysis, synthesis, generalization, and forecasting ensured to draw conclusions about the need to formation the national crime prevention model for the Republic of Kazakhstan.

Results

The state’s criminal law policy in the area of combating crime, as this area is currently most often referred to in light of the conceptual rejection of the term “crime control” is generally based on policy documents defining the strategy, policy, and tactics for countering this socially negative phenomenon. Within the framework of specialized terminology, the term “combating” should obviously be regarded as a symbiosis of prevention and deterrence (it is possible that other criminological terms and concepts may be included within the concept of “combating”).

It is known that the Concept of Legal Policy of the Republic of Kazakhstan emphasizes “continuing work to update legislation in order to ensure effective and proactive criminal law protection of the constitutional values of Kazakhstan society” [9]. The effectiveness of primarily the theoretical development of the main areas of legislative support for preemptive actions aimed at combating crime, depends on how this work is carried out. In other words, in this case, it is necessary, first, to establish more or less clear guidelines for understanding the terms “prevention” and “deterrence” (as well as their relationship with other terms and concepts). At the same time, there is no doubt that prevention and deterrence can be combined within the framework of understanding the preemptive impact on crime by both preventive and deterrence subjects.

As has been previously noted, the legislative basis for crime and other offenses prevention in the country has already been created and is being implemented in practice. The basis for the participation of the state and society in this work is the Concept of Ensuring Public Safety in Partnership with Society for 2024–2028 (in the Sphere of Crime Prevention) [1], aimed at building a comprehensive system of offense prevention based on the joint responsibility of all its subjects and the establishment of a constructive partnership with the population. In the context of this document, the category of “prevention” is clearly predominant, since “deterrence” is primarily assessed as one of the desired results of the corresponding preventive impact. As Ya. I. Gilinskii rightly notes, “the globalization of the economy, finance, and technology is accompanied by the globalization of crime, especially organized crime. Addressing this challenge presupposes globalization and the unification of the efforts of law enforcement agencies of all countries” [10; 112]. In general, this statement appropriately systematizes the sequence of globalization processes, within the framework of which the globalization of criminal manifestations also requires the globalization of law enforcement efforts. And in this case, another significant factor in distinguishing between the concepts of “prevention” and “deterrence” is revealed: the international (global) aspect of crime tends to a greater extent toward the category of “deterrence” while the system of crime prevention clearly correlates much more strongly with national systems, since it presupposes the use of, among other things, such resources as the cultural factor, the peculiarities of the national mentality, etc., as well as being oriented toward the system of prevention subjects formed in a specific national jurisdiction.

It would be fair to assert that success in deterrence a significant portion of international crimes will largely depend on how crime prevention activities are organized within individual jurisdictions. For this reason, most international conventions defining the goals of combating a particular type of crime (human trafficking, cybercrime, etc.) require the accession of a significant number of states, which must formulate corresponding regulatory prohibitions at the national legislative level, as well as their own national prevention system. In particular, the Concept for the Promotion of the Ideology of Law and Order in Society for 2025–2030 [11] effectively works toward the formation of an appropriate national prevention system, since its mission is to strengthen legal culture and awareness, ensuring security and public order through active civic participation.

The question arises as to whether it is possible to implement positive experience in crime prevention in the national practice of Kazakhstan? Obviously, direct borrowing will be somewhat difficult due to the fact that all national crime prevention systems are based not only on certain legislative decisions, but also on established systems of interaction of the “state-society-individual” type, which have been cultivated over a significant period of time. In particular, the authors of comparative-legal studies highlight the following specific features of crime prevention systems in individual foreign countries: 1) in general, for most EU countries, this is a combination of social and situational prevention (in the latter context, it is much closer to the understanding of deterrence); 2) Germany is testing a three-level prevention, within which the first level is the impact on the social causes of crime; the second is the level of prevention of offenses and crimes by law enforcement agencies; the third is the use of punishment and resocialization as tools to prevent re-criminalization; 3) The United States actually uses the factor of public institutions (interacting with the police) as structural elements of the prevention mechanism; the factor of personal safety and the factor of influencing crime through the environment; 4) Great Britain is a supporter of the development and implementation of strategies to combating crime [12; 137–144]. In turn, the experience of preventive influence on crime in Japan, which has demonstrated the most favorable indicators of combating crime over a long period, indicates that it is almost entirely based on the specifics of trusting relationships between law enforcement agencies and citizens [13; 103–110]. The report of the Australian Institute of Criminology notes that the prevention system in the country is based on the formation of inter-level relatively independent systems, when the main standards are set at the federal level, and specific existing systems are formed in the regional mode, based on the most significant criminogenic factors [14]. The specificity of the Canadian experience in crime prevention lies in the special emphasis on research activities, the value of which is determined by the evidentiary (i.e. tested in practice) factor [15].

Overall, this schematic analysis suggests that the prevention systems themselves do not include any “complex” elements, as they are all fairly straightforward, do not require complex technological solutions, and are primarily based on the development of various social communications. However, their implementation may be entailed difficulty because the relevant models lack clear markers that can be fragmentarily adopted; all of these models are inextricably linked to civil society and its interaction with law enforcement agencies. Accordingly, all the “specific” aspects that, at one stage or another, complement the relevant prevention model (digitalization, program management, a “safe environment” system, etc.) merely consolidate the national prevention system that has already taken shape in a given national jurisdiction, placing far greater emphasis on regional prevention rather than on prevention at the national level [16; 219–225]. Thus, in this case, there can only be one consistent conclusion—Kazakhstan must develop its own national crime prevention model.

At a Meeting of the Extended Law Enforcement Panel on June 23, 2025, the President of the Republic of Kazakhstan Kassym-Jomart Kemelevich Tokayev pointed out the “need to establish the rule of law and order, prevent offenses, identify, prevent and eliminate the preconditions for the emergence of conditions for committing a crime, predict criminal threats and counter them. The Committee on Legal Statistics and Special Accounts should become a think tank engaged in the early detection and prevention of risks in the field of public safety, through the use of artificial intelligence and “big data”, which are stored in a supercomputer” [17]. Certainly, artificial intelligence and “big data” should become the object of close study and prompt implementation in the activities of all law enforcement agencies. The concept of using big data in preventive criminological activities is that the system integrates mathematical analysis, modeling of various situations and forecasting of behavioral reactions, covering both individual and territorial aspects of preventive activities [18; 40]. The essence of this approach lies in abandoning old methods of work and moving toward individual, targeted work with objects of potential interest. Moreover, in this case, the focus is much more on the deterrence of offenses and crimes, since this “mathematized” approach presupposes not so much the neutralization of the actual causes and conditions of crime, but rather is focused on increasing the element of efficiency in responding to certain processes, phenomena, and behavioral patterns of citizens, which ultimately presupposes a more situational, preemptive intervention by law enforcement agencies and society. Of course, both successful prevention and the successful deterrence of offenses require a national, methodologically sound and multifunctional system of interacting entities [19]. Based on the previously schematized foreign experience, it seems obvious that, in modern conditions, an appropriate prevention system cannot be developed in the context of law enforcement agencies’ isolation from civil society institutions.

One should agree with V. Ovchinskii that “the fourth technological revolution with the internet, unmanned aerial vehicles, drones, robotics, nanotechnology, and artificial intelligence—on the one hand, pro-

vides unprecedented opportunities to monitor people's actions and solve crimes to the state and law enforcement agencies, while, on the other hand, it arms potential and actual criminals" [20]. These are, in fact, the new criminal realities in the context of which each individual national jurisdiction will change and modernize its own crime prevention and deterrence systems. At the same time, Kazakhstan annually updates software used for preventive measures and for building an evidence base through data analytics. All of these programs to varying degrees make it possible to predict the emergence of all kinds of threats to public safety and analyze the connections between crimes to identify criminal profiles and prevent offenses [1]. However, reducing the assessment of certain failures solely to technical issues would be wrong. Indeed, in the area of prevention and deterrence of offences involving the use of information and communications technology, the factor of technical equipment plays a significant role; however, even here, the overall strategy of interaction between society and the state plays an essential function (particularly in the context of victimological cooperation).

In the formation of the system of offenses and (or) crimes deterrence a very significant factor will be the achievement of not discrete, but stable positive results. Any positive experience must be subjected to discussion, analysis and implementation of successful algorithms in subsequent crime deterrence actions of law enforcement agencies. Thus, the Financial Monitoring Agency under the coordination of the General Prosecutor's Office suppressed the activity of a criminal group engaged in the mass distribution of phishing SMS. It is noted that this is the first case of suppression of such a scheme on the territory of the CIS countries. The attackers used a special device—an SMS blaster, simulating the operation of mobile communication base stations. The equipment created a strong signal in a radius of 300 meters, forcing the phones of subscribers to automatically connect to a less secure network. "Such a device allowed breaking the protection of telecom operators and sending up to 100 thousand messages per hour. In order to expand coverage and conspiracy, the equipment was placed in transport and used in motion, mainly in places of mass accumulation of citizens—in markets and near shopping entertainment centers" [21]. Through the SMS blaster, fake messages from one of the banks with a proposal of exchange of bonuses instantly came to the phones of users. Transition by the link led to phishing sites where personal data were required: phone number, full name, bank card details, CVV code and SMS confirmation. This allowed the attackers to obtain access to the bank funds and confidential information of citizens [21]. Such successful practices must be regarded as a complement of the existing arsenal of means of crime deterrence and be subjected to organizational escalation both into the activity of other law enforcement structures of the Republic of Kazakhstan, and at the level of sharing experiences with other countries. This example is a vivid illustration of situational deterrence, which in the conditions of increased digitalization becomes increasingly important.

The increasing significance of the situational aspect of crime deterrence, supplemented by the formation of a balanced national model of offenses prevention, in modern conditions is actually the only criminologically justified and effective symbiosis which is capable of increasing the effectiveness of combating crime. S.Y. Lebedev notes that the reforming of criminal and criminal-procedural legislation is connected with the modernization of society and the entire life activity of human as a whole. The author notes that directly the tone to everything is set by the criminal world itself, which more quickly improves, especially in the field of cyberspace. A significant problem in this situation is the absence of any legal control from the side of the state aimed at the prevention of the development of crime in this sphere. Furthermore, such a passive attitude from the side of law enforcement agencies stimulates the criminal world to the creation of new and more innovative schemes of committing a crime [22; 223-224]. Along with this, based on analysis carried out previously, it logically follows that the system of crime prevention and deterrence is not fully dependent on the quality of normative structures. In this case, the role of law in regulating social relations is not diminished in any way, but it forms only a basis that must be complemented by an effective intellectual, research and fundamental-research component. The indication to that circumstance that there are practically no dissertation works [22; 223-224] about the issues of crime deterrence is absolutely fair also for Kazakhstan science, which in recent years goes along the path of discrete and conjunctural research.

Discussion

The issue investigated in this article is directly connected with the change of the methodology of the approach to the assessment of the activity of law enforcement agencies and the judicial system of the state. The evaluation of the punitive element of criminal punishment (or measure of administrative-legal impact) as a kind of panacea and the most effective tool of combating crime must remain in the past. Despite the inseparability of the system of crime prevention and deterrence from the mechanism of bringing to responsibility

and determination of the measure of punishment, the concentration of efforts must be aimed specifically at prevention and deterrence. At the same time, the fact of committing an offense or a crime cannot be regarded as an indicator of defectiveness of the system of deterrence or prevention of offenses, since the criminological situation can be reliably evaluated exclusively within medium-term and long-term time periods.

The transferring of the accent to the prevention and deterrence of offenses should be directly connected also with the formed “crisis of punishment”. In particular, Ya.I. Gilinskii writes: “Simultaneously with the entering of humanity into the world of postmodern, an understanding of the “crisis of punishment” is emerging. Punishment in general cannot achieve the goals declared by the criminal law (Art. 43 para. 2 of the CC RF). “Restoration of social justice”. What is “social justice”? From whose point of view? No one can be corrected by punishment. Neither a child, nor a convict. The entire history of humanity testifies to the weak general “preventive” role of punishment. And the growth of recidivism in Russia from 25 % to 52 % speaks of the complete ineffectiveness of special deterrence” [10; 113]. In its turn, T.K. Akimzhanov believes that the concept of execution of punishment must become flexible, effective, less costly and useful for society [23; 26]. As a rule, individuals with a history of criminal prosecution inevitably enter a high-risk zone for reoffending with the primary causes of this risk being social deprivation, unemployment, and a low level of education. All these factors must be included in the general system of crime prevention in its traditional understanding, that is, as an impact on the social causes of crime. These are exclusively long-term programs which have an indirect-criminological character. In particular, referring to well-known scientists, Ya.I. Gilinskii believes that society has split into those “included into active social, economic, political, cultural life, and—excluded from it” [10; 113]. Exactly the second ones constitute the main social base of crime, alcoholization, drug addiction, prostitution, suicide, there are the main criminogenic factors [10; 113]. In this case, as a socially significant hypothesis regarding the building of an effective system of crime prevention and deterrence can become a formulation of the question about the necessity of maximum and creative inclusion of members of society into the corresponding system along with law enforcement structures. An active subject, feeling the corresponding social inclusion, inevitably acquires a positive social impact, which may turn out to be a more effective anti-criminal factor than any strict measures of punishment.

R.T. Nurtaev notes that “formulation of the problem of increasing the efficiency of the combating crime is inextricably linked with the further development and improvement of the theory and legal practice of organization of optimal measures of impact on crime, in Kazakhstan the theory of efficiency of the combating crime is a low-developed problem” [24; 106]. It is obvious, that for the resolution of the situation is required the adoption of a substantial number of multifaceted measures, including also the increasing of transparency of statistical data about crime (as well as their further deeper differentiation), and the increasing of the significance of the regional factor, which in consideration of the large geographical extent of Kazakhstan cannot be ignored, and the study of positive foreign experience both in issues of crime deterrence (especially situational), and in the context of formation of the national model of prevention.

On the basis of the analysis of materials of criminal statistics, Kazakhstan scientists regularly draw attention to the insufficient efficiency of the criminal-law policy conducted in our country, the unfavorable criminogenic situation in the country, connecting this with the violation of the principle of inevitability of responsibility and punishment. The violation of this principle leads to the fact that the majority from the number of persons (9 out of 10) who committed criminal offenses and remain unpunished, continue their unlawful activity until they will not be brought to justice for the committing of another criminal offense and will not receive a deserved punishment. One of the causes of the violation of the principle of inevitability of responsibility is, in our opinion, the enthusiasm of individual scientists, as well as persons involved in the legislative process, with the principle of humanism. Some of them, concentrating exclusively on the humanization of criminal legislation, lose from sight that it is frequently realized to the detriment of other principles of criminal law—justice, inevitability of responsibility. And it is difficult to disagree with that, especially against the backdrop of resonant crimes committed with particular cruelty.

In particular, R.D. Sharapov, referring to criminologist scientists, writes that criminological and criminal-law research of recent years mostly testify to a noticeable deterioration of the criminal situation in the world [25; 126]. As the author points out, the changes of quantitative, and even more qualitative indicators of crime that occurred at the beginning of the new century quite naturally actualize the question about an adequate criminal-political, and, above all, criminal law countermeasures against criminal threats. The author states that this issue is becoming increasingly acute due to the reform of criminal legislation, which suffers from excesses in humanization and liberalism in the application of criminal liability measures, as well as a lack of a unified combating crime strategy [25; 270]. However, in this case, any hasty decisions should be

avoided, including a “rollback” from humanization, which over recent years has been deservedly considered as an achievement of Kazakhstan criminal policy. And in this case, we directly confront the problem of criminological justification and criminological support of the offense and (or) crimes prevention system. In this case, the following postulate is taken as a basis: if law enforcement agencies are practically the only real entity of prevention of offenses and (or) crimes, then the solution to prevention and deterrence tasks will be one-sided. And here, we should turn to foreign experience once again.

Foreign experience shows that in a number of states the prevention of crime has been formalized as a kind of independent direction of public policy, which is reflected in the establishment of specialized bodies, councils or centers, for which precisely crime prevention and deterrence is not an auxiliary police function, but the primary task. These entities analyze the criminogenic situation, develop practical recommendations, coordinate interagency interaction, spread preventive practices, finance projects and ensure the connection of the state with local communities. In particular, Sweden operates the Swedish National Council for Crime Prevention—Brå—a government agency under the Ministry of Justice that serves as a hub of criminological expertise for the criminal justice system. In particular, its mandate includes the development of knowledge in the sphere of criminal policy, as well as the promotion of measures on crime deterrence [26]. In Finland under the Ministry of Justice operates the National Council for Crime Prevention, directly identified as an expert and coordinating body in the field of crime deterrence, whose aim is to reduce the harm caused by crime and to enhance citizen safety, while its tasks include assessing criminal problems and preparing recommendations for crime reduction measures [27]. In turn, Denmark operates the Danish Crime Prevention Council, which accumulates and spreads knowledge about crime and its prevention, formulates recommendations about how to avoid a crime, acts as a kind of specialized platform of preventive policy [28]. In Canada the functions of prevention of offenses are concentrated in the National Crime Prevention Centre in the system of Public Safety Canada, furthermore, this center is responsible for the realization of national strategies of crime deterrence, ensures the efficiency of deterrence and reduction of crime in the country and supports preventive interventions aimed at risk factors before the committing of a crime [29].

In the context of the presented foreign experience is very appropriate a quote from the publication of G.R. Rustemova: “Criminological policy—a part of the state policy of the combating crime, which is aimed at a preventive impact on the personality of the criminal and the determinants of crime, creation and management of a system of effective measures of crime deterrence” [30; 43–45]. Given this statement directly follows the conclusion, which can be correlated with the key aspects of the conducted research: crime prevention and deterrence must be evaluated not as a side activity of entities performing law enforcement and other functions in the state and public system, but as an activity which must be implemented, in the first turn, by autonomous entities, which, taking into account the accumulation of comprehensive criminological information could provide a proactive impact on crime on a professional basis.

Conclusions

Thus, summing up the result to the main aspects of the study conducted in this article, several key conclusions can be formulated.

First, the prevention of offenses and (or) crimes and crime deterrence should be viewed as interconnected, but not fully coinciding directions of preemptive impact from the side of law enforcement agencies and other entities of preventive and deterrent activity. The conducted analysis visually demonstrated that both concepts are united by a common preventive direction, however perform different conceptual functions. Specifically, prevention is largely connected with a stable system, formed within the framework of national jurisdiction, of impact on the causes, conditions and social environment of offenses, whereas deterrence more often manifests as a more operational, situational and result-oriented prevention of particular criminal manifestations. Such an approach allows to avoid both their mechanical identification and artificial opposition.

Second, Kazakhstan needs its own model of prevention, and not a fragmentary borrowing of foreign practices. Foreign experience clearly testifies that effective preventive systems are formed not only due to legal norms or organizational decisions, but also with the participation of stable social bonds between the state, society and citizen. Therefore, individual elements of foreign models can be fragmentarily useful, but are not capable of replacing the national system, adapted to the features of social relations. Accordingly, for Kazakhstan it is fundamentally important to develop a model taking into account its own legal, social, territorial and cultural specificity.

Third, modern prevention cannot remain exclusively a function of law enforcement agencies. One of the key results of the research consists in that that preventive activity must go beyond the limits of depart-

mental logic of the police, prosecutor's office and other law enforcement structures. Foreign experience visually testify about the significance of special centers, councils and expert institutions dedicated to analyzing crime, developing recommendations, coordinating entities, as well as the disseminating successful practices.

Fourth, the efficiency of prevention must be evaluated not by single facts of crimes, but by stable medium- and long-term changes of the criminogenic situation. The mere fact of committing an offense and (or) crime does not always testify about the failure of the preventive system, since prevention by its nature is oriented at a long impact, linked with the reduction of criminogenic risks, involvement of citizens into the system of ensuring law and order, strengthening of legal culture, resocialization of persons from risk groups and the formation of a safe environment. Accordingly, its productiveness must be measured not by short-term indicators, but by the dynamics of crime, recidivism, public safety and trust between the population and state institutions.

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Б.К. Шнарбаев

Қылмысқа алдын алу әсері мәселесі: аксиологиялық және ұйымдастырушылық қайта қарау қажеттілігі

Мақала қазақстандық қоғамның қазіргі жұмыс істеу жағдайында қылмысқа профилактикалық әсерді бағалаудың түбегейлі жаңа тәсілдерін негіздеуге арналған. Сонымен қатар Қазақстан Республикасының қазіргі қылмыстық-құқықтық саясаты тұрғысынан «қылмыстың алдын алу», «қылмыстың алдын алу» және «қылмысты бақылау» ұғымдары арасындағы өзара байланыстың теориялық және қолданбалы мәселелері қарастырылды. Зерттеудің мақсаты — Қазақстан Республикасының қазіргі қылмыстық-құқықтық саясаты тұрғысынан құқық бұзушылықтардың және (немесе) қылмыстың алдын алуды теориялық және қолданбалы түрде түсіну. Зерттеудің әдіснамалық негізі диалектикалық, формальды-құқықтық, салыстырмалы-құқықтық, жүйелік-құрылымдық, логикалық-семантикалық әдістерден, сондай-ақ талдау, синтездеу, жалпылау және болжау әдістерінен тұрады. Қолданыстағы заңнама мен бағдарламалық құжаттарда көрсетілген терминология әрқашан біркелкі қолданылмайтыны дәлелденген, бұл профилактикалық қызметтің бірыңғай әдіснамалық негізін қалыптастыруды қиындатады. Құқық бұзушылықтардың алдын алу, мемлекет пен қоғамның әріптестік қатынастарын қалыптастыру арқылы қоғамдық қауіпсіздікті қамтамасыз ету мәселелерін тікелей реттейтін, сондай-ақ «заңдылық» және «құқық тәртібі» ұғымдарын жан-жақты түсінуге

негізделген түбегейлі жаңа құқықтық сананы қалыптастыруға бағытталған ұлттық заңнама актілеріне ерекше назар аударылады. Алдын алу саясатын криминологиялық қолдау, аналитикалық, болжамдық және зерттеу базасын әзірлеу, сондай-ақ құқық қорғау органдары мен азаматтық қоғам институттары арасындағы өзара іс-қимылды нығайту қажеттілігі атап өтілді. Автор жүйелі тәсілге, ведомствоаралық ынтымақтастыққа, ғылыми негізділікке және нәтижелерді ұзақ мерзімді бағалауға негізделген ұлттық қылмыстың алдын алу моделін әзірлеу Қазақстан үшін басымдық болады деген қорытындыға келді.

Кілт сөздер: құқық бұзушылықтардың алдын алу, қылмыстың алдын алу, қылмыстың алдын алудың моделі, шетелдік тәжірибе, қылмыстың алдын алу жүйесінің криминологиялық қамтамасыз етілуі.

Б.К. Шнарбаев

Проблема профилактического воздействия на преступность: необходимость аксиологической и организационной ревизии

Статья посвящена обоснованию принципиально новых подходов к оценке профилактического воздействия на преступность в современных условиях функционирования казахстанского общества. В статье рассматриваются теоретико-прикладные проблемы соотношения понятий «профилактика преступности», «предупреждение преступности» и «противодействие преступности» в контексте современной уголовно-правовой политики Республики Казахстан. Цель исследования заключается в теоретико-прикладном осмыслении профилактики правонарушений и (или) преступности в контексте современной уголовно-правовой политики Республики Казахстан. Методологическую основу исследования составили диалектический, формально-юридический, сравнительно-правовой, системно-структурный, логико-семантический методы, а также методы анализа, синтеза, обобщения и прогнозирования. Обосновывается, что действующее законодательство и программные документы используют указанную терминологию не всегда последовательно, что затрудняет формирование единой методологической основы превентивной деятельности. Особое внимание уделяется актам национального законодательства, непосредственно регулирующим вопросы профилактики правонарушений, обеспечения общественной безопасности посредством формирования партнерских отношений государства и общества, а также направленным на формирование качественно нового правосознания, основанного на абсолютном понимании смысла категорий «законность» и «правопорядок». Анализируется зарубежный опыт построения национальных систем профилактики преступности. Отдельно подчеркивается необходимость криминологического сопровождения профилактической политики, развития аналитической, прогностической и исследовательской базы, а также усиления взаимодействия правоохранительных органов с институтами гражданского общества. Автор приходит к выводу, что для Казахстана приоритетным направлением является формирование собственной национальной модели профилактики преступности, основанной на системности, межведомственном взаимодействии, научной обоснованности и долгосрочной оценке результатов.

Ключевые слова: профилактика правонарушений, предупреждение преступности, модель профилактики преступлений, зарубежный опыт, криминологическое сопровождение системы профилактики преступлений.

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