THE ISSUES OF THE CRIME INFORMATION REGISTRATION IN THE REPUBLIC OF KAZAKHSTAN

KAZAKİSTAN CUMHURİYETİNDE CİNAYETLERİ KAYDETMEME ESNASINDAKİ KRİMONOLOJİK BİLGİLERLE İLGİLİ SORUNLAR

ПРОБЛЕМЫ, СВЯЗАННЫЕ С КРИМИНАЛОГИЧЕСКИМИ СВЕДЕНИЯМИ В ХОДЕ РЕГИСТРАЦИИ ПРЕСТУПЛЕНИЙ В РЕСПУБЛИКЕ КАЗАКИСТАН

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Abstract

In this article, definition towards criminological information is presented on criminology, its reason and personal identity of the criminal. Further, information is communicated regarding the overall scientific and practical features which can orient criminological estimations and planning aiming at removing ambiguity and lack of information on basic structure and its subsidiary fields for criminological information-criminology. In the field of criminology. In addition, occasions are also to be focused on in connection with all the crime indicators as appeared in the statistics of murders targeting criminology. Because we should benefit from such information on these occasions so as to prevent them and protect potential criminals in the future. It is a fact that in some cases, even it is not illegal, some people may harm the society or a property or cause dangers but if a mentally ill person or a child acts illegally or indications of crime are insufficient, these are not recorded as a crime (Penal Code of Kazakhstan Republic Article-7). It is natural that such behaviors are not regarded to be included in the scope of crime category. This fact has been proved many times in theories but we are in the opinion that people should be informed accordingly for the appropriate organization of preventing crimes. Therefore, such cases are to be accepted as examples of crime indications in the statistics of crime, too. Under the circumstances, supplying

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information in the mass media on such occasions will also help rise of the level of legal awareness of the people.

**Key words:** recording murders, criminal control, crime, law, statistical data

**Özet**


**Anahtar kelimeler:** cinayetleri kaydetme, kriminal kontrol, suç, kanun, istatistik veriler.

The current dynamics of crime in the Republic of Kazakhstan gives rise to a valid concern. The negative tendencies of crime are especially visible in the economic affairs, organized crime, theft of property and drug business. These are the most alarming factors for the situation in the country said the Prosecutor-General of the RK R. Tusupbekov on the 29 of March, 2002 at the extended session of law enforcement bodies.

Crime control is one of the dimensions of the state legal policy of Kazakhstan. According to the Conception of Legal Policy of the Republic of Kazakhstan approved by the Presidential Decree # 949 dated 20 September, 2002 the priority shall be given to prevention and precaution measures, congruent responsiveness to the actual situation, improvement in dataware and analysis.

Criminological information is essential for the information support of crime prevention. This information enables to link numerous subjects of crime control,
especially those of management functions, into an effective system. The effective use of accurate criminological information is essential for:

- correct and precise analysis of crime rate, basic ratio of crime within certain territories;
- identification of causal conditions;
- elaboration of most effective preventive measures;
- well distribution of the capacities of law enforcement bodies, management and coordination of their work;
- assessment of the work of the structures involved in crime control activities;
- effective organization of crime foresight and preplanning work.

Crime registration is particularly important in initial stages of collecting criminological information. Scholars and politicians have repeatedly mentioned this issue [1]. S. E. Merzlyakov, for instance, outlines four stages of collecting criminological information in technical terms. The first step is the process of detecting and registration. The second step is primary information processing, meaning its categorizing and fusion in order to find the more consolidated indices of crime. The third step is individual analysis of the data and interpretation of the findings. And finally after statistic analysis is conducted, the forth step is the scientifically grounded decisions rendered for crime prevention and elimination of its causal conditions [2].

It is obvious that it is impossible to have complete and accurate information on character and nature of crime, its classification, the distinguishing features of the perpetrator and its causal conditions on the initial stage of crime registration. However this stage, in my view, is particularly important for initial process of collecting criminological information for the purpose of its further interpretation with the view of crime prevention. While an actual criminal act is registered, one may have an access to the information that could be useful for the further crime control measures, such as misdemeanours and administrative offences, as well as certain causal conditions such as drug addition, alcoholism, prostitution and transience. It is worth mentioning here that under the Criminal Procedure Code of the Republic of Kazakhstan when the investigating officers see crime encouraging conditions they have the right to submit the official recommendation to relevant state bodies, agencies and local administration and authorities so that they could take appropriate measures to eliminate them and other law violations. In other words, an on-duty officer has the right to submit the official recommendation immediately after an act of crime has been registered. The lack of the due control and readiness of individual administrators to fulfill these recommendations and undertake appropriate measures impede timely elimination of the crime causal conditions and notification of them to the investigating authorities. Moreover, the busyness of investigating officers and time shortage prevent the implementation of this valid norm of crime control. Therefore, to realize the principle of "processual economizing" the control functions over the fulfillment of the official recommendation shall be imposed on the administrative police within the
Department of Internal Affairs [3]. The latter are able to monitor and control the fulfillment process more effectively. A Eshanov argues that in the cases of more complicated issues or when the administrators are not able and willing to resolve the situation and execute the recommendation and fail to provide an appropriate response to the information provided by the Department, the information shall be conveyed to the governing institutions [4].

On the stage of the registration most of the crime information comes to the call center of a police control room on a 24-hour basis. Police control rooms are responsible for timely and effective response to the crime information to the Main Borough Internal Affairs Department. Under the current legislation of the Republic of Kazakhstan Criminal Investigations Agencies shall register and verify the information on completed or imminent crime and reach the decision within the earlier of three days (article 184 of the Criminal Procedure Code of the Republic of Kazakhstan). The crime information may be presented in oral and written form according to the Instruction for receiving, registering, accounting and consideration of the reports, complaints or any other crime information under the Order of the Prosecutor-General of the RK #106/6 dated 06.06.2000.

However most of the crime information is not registered and recorded in the statistical accounting and remains latent crime. The research conducted in Russia by V. V. Lunyev shows that the number of the registered crime is two - four times lower then the actual crime rate. A, M. Larin argues that the latent crime constitutes an objective law of criminology. There is always a slot between the time when the crime was committed and the time when it was recorded. For how long an actual act of crime is unregistered depends on several factors: its social danger, modus operandi, the discernibility or indiscernibility of its material costs, its impact, its severity and significance for the victim and witnesses. It also depends on the attitude of the law-enforcement personnel toward the maximum, minimum or optimum crime detection and registration rate [5].

In 2001, in the Republic of Kazakhstan the procurators detected and registered 2500 acts of crime which had not been registered before, more then 50 % of the cases were referred to court [6]. In the first half of 2002, 16709 violation of the register procedure were found, 982 notifications were not registered and 152 acts of crime were unaccounted [7]. According to Investigation Department of the Ministry of Internal Affairs of the Republic of Kazakhstan in 2001, 1005 personnel of the law enforcements bodies were brought to disciplinary responsibility for the violation of detection and recording procedures, among them 1005 law enforcements officers, 124 senior officers were called to account for refusal to institute criminal proceedings. In 2002 1034 officers were brought to miscellaneous responsibility [6].

Improper conduct of the duty such as disregard of the order and illegal prolongation of terms of consideration of crime notifications, holding the crime information from being accounted in order to increase the detection rate, unlawful refusal to institute criminal proceedings and other dereliction of duty garbles precise information about criminal situation, discredit the law enforcement
authorities in the eyes of the public, invalidates the results of their work and, therefore, impede the adequate measure of crime fighting. The review made by the Ministry of Internal Affairs of the Republic of Kazakhstan of state of lawfulness indentified the primary grounds for refusal to institute criminal proceedings in 2001 as the lack of corpus delicti, nonoccurrence of event of crime, insignificance of endamage, conciliation of parties. In fact, the decisions were prompted by rather different considerations such as incomplete case papers, incorrect determination of the nature of a crime or offense and the acts of the offender, deliberate underestimation of the value of the stolen property and others.

The breach of the crime registration procedure is the subject of numerous reports, statements, position papers and memorandums as well as the mass media publications. It is commonly known that the regular breach of registration procedure leads to the sense of impunity among both law enforcement personnel and criminals and, therefore, fosters further rise of crime rate. We argue here that these days each body and each officer involved in crime registration shall realize that the crime begins not from the moment of its commitment but from the moment of its record. If the crime is not registered, it does not exist, and therefore, there shall be no punishment and no justice. As professor D. S. Chukmaitov rightly remarked concealment of the action of crime is the factual permission to commit them [9].

The accuracy of the crime registration can be monitored through comparison of the records in the police log book with the data from other sources, for instance the medical facilities where they register the cases of treatment of bodily injuries, the correspondence about individual complaints as well as the correspondence with government offices and institutions, organizations, businesses and enterprises which may contain unregistered crime information.

The significant improvement the system of registration and accounting of crime can be achieved, in my view, by two major steps. From one hand, it is essential to pass the Law on "Government Legal Statistics and Special Recordkeeping" stipulating that the government legal statistics shall be based on the number of crime notifications received in each precinct station or law enforcement body not on the number of criminal proceedings instituted. Unless we have an effective mechanism to reveal the real crime situation in the country, we can not expect any good results in crime prevention and crime fighting. From the other hand, we shall significantly increase the level of public awareness and its inclusion into the process of crime prevention. Professor V. I. Kudryavtzev believes that the prophylactic among the public can have two objectives: firstly, in terms of victimology it is to reduce the number of potential victims, secondly, it is to create the atmosphere of zero tolerance towards crime and criminals and voluntary assistance to law enforcement institutions [10].

It is necessary to make organized and meaningful propaganda in state and private organizations and institutions by the means of mass media in order to increase the social awareness of the public and its inclusion into crime prevention and crime fighting and to encourage them to notify the law enforcement agencies
about crime so that the latter could have complete and accurate crime information. It is also essential to improve the practice of crime notification registration and consideration by the law enforcement institutions. The managers at the enterprises and organizations should regularly articulate before their personnel the importance of timely notification to the law enforcement agencies of all offences and illegal activity they are familiar with. Moreover, it is crucial to guarantee the observance of lawfulness as soon as the crime notification is received by law enforcement agencies in order to build confidence among general public who must see the real, irreversible mechanism of operational response to each crime notification, which creates all necessary condition for implementation of the principle of inevitability of punishment.

Statistics on crime which became generally available from 1989, does not constitute the secret of state as it used to yesterday. In this context, there should be well established relations between the research legal and criminology institutions and legal, economic, demographic, medical data subjects so that the research work could be more relevant in terms of practice. In this context, I agree with the legal scholar A. Eshanov who stated the necessity to establish in the republic a national research center which would focus on the issues of crime prevention [11]. The idea itself is not a unique one: there was a similar institution in the USSR All-Soviet Union Institute which studied the origin of crime and means of its prevention and made a great contribution to the development of criminology.

The effectiveness of crime prevention system as a priority dimension of crime fighting depends not only on information support, is should be based on solid regulatory-legal, material and financial, managerial and personnel grounds with significant methodological and scientific sustentation and the arsenal of propaganda. The combination of all above mentioned factors is the necessary condition for success in crime prevention and crime fighting.

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