

**CONSIDERATION OF
STATE DEVELOPMENT
PROGRAMS AND
RIYADH GUIDELINES
REGARDING THE
ISSUES OF JUVENILE
DELINQUENCY**

Crimes among minors are a serious problem that somehow facing and fighting each state. The essence of this problem is not only that committed crimes to be investigated and the perpetrators punished, but also in the fact that the subjects of these crimes are minors, just kids. More than twenty years ago, our country became independent, and our nation has taken a completely new constitution. The preamble of the constitution reflects the basic ideals of all Kazakhstani people and has important legal value. It was stated that we recognize «... our high responsibility before the present and future generations...».

During a total reform of most spheres of life of the newly independent state, the problems of the new generation of citizens of a sovereign country has failed to provide the necessary attention due to the fact that it was not possible in a short time to fully consider the problems of youth in the new conditions of the market system.

Today there are absolutely specific and new to youth violations: abduction, fraud, arms trafficking, extortion, computer crimes, trading in prostitution. The situation with crimes among teenagers heavily deteriorated due to flaws in the social sphere. If this negative trend continues, it may adversely affect the further criminalization of the situation among minors. It should also be remembered that crime among juveniles at the moment can lead to an increase in the number of crimes among adults of tomorrow. To achieve success in the fulfillment of the younger generation of people, we need to protect it from criminal influence and neutralize the factors causing the renunciation of teenagers from the standard values. Teenagers, because of their psychological immaturity, unequal social status, still require special attention, protection and support of family, education institutions and the state.

This opinion has international support and a common understanding, reflected in the fundamental points of the Convention on the Rights of the Child and the United Nations Guidelines for the Prevention of Juvenile Delinquency.

Nowadays each of us feels that in the last 10-12 years the society has suffered some kind of apathy and indifference to the children hardships. The current condition of juvenile delinquency, the condition of their health, social security demands urgent measures taken by the government, law enforcement agencies and non-governmental organizations.

There is a high proportion of serious acquisitive and violent crime among the crimes committed by minors. They are also inherent features of vandalism and excessive cruelty. A large number of these crimes are committed in complicity (usually in the form of participation in crime), especially in the group, which also corresponds to the specifics of the psychology of adolescents. Approximately every third crime is committed by them jointly with adults [1].

These specific features of juvenile delinquency have led the legislator to the careful regulation of criminal liability of minors, sometimes retreating from the general rules to criminal liability and punishment. The legislation provides special conditions for establishing penalties for juveniles of their sentences, their release from criminal liability and punishment, calculation of the limitation period and cancellation of conviction.

The current legislation contains a provision that citizens are obliged to take care of the education of children, to prepare them for socially useful work, raise them as worthy members of society. Concern for the education of youth, especially minors, is regarded as a constitutional duty of all citizens and all state bodies and public organizations. The implementation of legal reform involves improving labor, ideological and political and moral education of youth.

At the present time, when the solution of social problems for the upbringing of young people has become a priority of state and public bodies, immeasurably increased the possibility of legal action to improve the care and education of the younger generation, it civil, labor and international formation.

United Nations Guidelines for the Prevention of Juvenile Delinquency, adopted by General Assembly resolution 45/112 in 14 December 1990 year, recognized the importance of juvenile crime prevention programs. For example, the «Fundamental Principles» highlights:

The prevention of juvenile delinquency is an essential part of crime prevention in society. By engaging in lawful, socially useful activities and adopting a humanistic orientation towards society and outlook on life, young persons can develop non-criminogenic attitudes.

The successful prevention of juvenile delinquency requires efforts on the part of the entire society to ensure the harmonious development of adolescents, with respect for and promotion of their personality from early childhood. For the purposes of the interpretation of the present Guidelines, a child-centred orientation should be pursued. Young persons should have an active role and partnership within society and should not be considered as mere objects of socialization or control.

In the implementation of the present Guidelines, in accordance with national legal systems, the well-being of young persons from their early childhood should be the focus of any preventive programme. The need for and importance of progressive delinquency prevention policies and the systematic study and the elaboration of measures should be recognized.

These should avoid criminalizing and penalizing a child for behaviour that does not cause serious damage to the development of the child or harm to others. Such policies and measures should involve:

1) The provision of opportunities, in particular educational opportunities, to meet the varying needs of young persons and to serve as a supportive framework for safeguarding the personal development of all young persons, particularly those who are demonstrably endangered or at social risk and are in need of special care and protection;

2) Specialized philosophies and approaches for delinquency prevention, on the basis of laws, processes, institutions, facilities and a service delivery network aimed at reducing the motivation, need and opportunity for, or conditions giving rise to, the commission of infractions;

3) Official intervention to be pursued primarily in the overall interest of the young person and guided by fairness and equity;

4) Safeguarding the well-being, development, rights and interests of all young persons;

5) Consideration that youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood;

6) Awareness that, in the predominant opinion of experts, labelling a young person as «deviant», «delinquent» or «pre-delinquent» often contributes to the development of a consistent pattern of undesirable behaviour by young persons.

Community-based services and programmes should be developed for the prevention of juvenile delinquency, particularly where no agencies have yet been established. Formal agencies of social control should only be utilized as a means of last resort [2].

President of the Republic of Kazakhstan N.A. Nazarbayev among the main priorities of the program «Kazakhstan – 2030» urged to strengthen national security and the fight against crime, including juvenile delinquency. This is due to the fact that not everything in the country takes place equally well and without conflict.

«As a result of the economic downturn incomes and living standards of the majority of our citizens have deteriorated. Elimination of egalitarianism and

creation of a functioning labor market led to a large difference between the rich and the poor. Living standards of the middle class, which is a leading support of the state, the main stabilizing factor in society, are quite low. Painful transition from a command to a market economy has given rise to a sharp, hitherto unknown to us in such scales, problems of poverty and unemployment. They create enabling environment for increasing number of crimes and drug abuse, which causes the rise of social depression and the capacity of social instability» [3].

Precisely because of these processes, juvenile delinquency is now a source of concern for society. Growing adverse trends in juvenile delinquency are rejuvenation and feminization, strengthening the group nature, increasing the number of drug addicts among minors.

One of the negative consequences of modern Kazakhstan society is reducing the role of the family in the upbringing of the younger generation. Economic problems experienced by adults, directly affect the psychological attitude in families. This leads to detachment of parents on the education of their children, distress in families. Keeps a steady level of the parents (or guardians) who are not performing or improperly performing responsibilities for the upbringing of minors. A crime committed by teenagers is a signal to the society about the existing shortcomings in the moral education of the younger generation.

The success of moral education depends:

1) on creation of a healthy moral atmosphere as the scale of society, and in separate bands, as well as in the family;

2) on the organic combination of mass and individual work with people;

3) on creating an atmosphere of intolerance of any deviation from the norm of morality.

This task is all the more important that we are talking about the formation of the legal citizens of the state, which themselves are designed to make laws, enforce them, to improve the legislation, to participate in managing the affairs of the state and society.

Implementation approved by the Decree of the President of the Republic of Kazakhstan in August 24, 2009 № 858 «Concept of Legal Policy of the Republic of Kazakhstan for the period from 2010 to 2020» provides a solution to a number of complex issues, including improving the system of measures for the prevention of juvenile delinquency. And it is no coincidence, because now warning of juvenile crime is regarded by the international community as one of the main areas of the fight against crime [4].

The President's strategy «Kazakhstan-2050» turned to the youth of our country with the following words: «Declared by me a new political and economic course is aimed to give you the best education, and therefore more worthy future. I rely on you – a new generation of Kazakhstan. You must be the engine of the new course» [5].

It was also noted that our young people should learn and master new knowledge, acquire the latest skills, skillfully and effectively use knowledge and technology in everyday life. We need to do everything possible to create, to ensure the most favorable conditions. Work in this area is ongoing.

References

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