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## PREVENTION OF ENVIRONMENTAL CRIME

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*This article is devoted to the problems of preventing environmental crimes and establishing criminal liability of legal entities for the commission of these crimes. The indicators of environmental crime in the republic have been studied.*

**Key words:** environment, corpus delicti, environmental crime, legal entities.

**B**efore we talk about measures to prevent environmental crime, let's start by creating a theory of preventing environmental crime. According to G. Khokhryakov, it is necessary to lay «the most solid stones» on its foundation, that is, to choose such methods and methods of prevention that: firstly, do not have internal harmony; secondly, do not differ from others; thirdly, have a long history.

Crime prevention is one of the most important and basic elements of the criminological system, which, in turn, is understood as «a set of structurally defined and functionally interrelated elements that determine the theoretical basis of regulatory regulation and the practical organization of the fight against crime». There are seven types of criminological system: Anglo-American, Western European (Continental-Tal), Asian-Pacific, socialist, Russian, Muslim, and mixed system. This classification coincides with the classification of legal systems adopted in comparative judicial practice.

For the purposes of the study, it is necessary to classify modern criminological systems in the world into several types, using the following criteria: sociological (religious factor, philosophy, economic and social structure), legal (related to a certain type of legal system), geographical (location on the geographical map of the world). It is taking into account these criteria that makes it possible to create the most effective theory of preventing environmental crime.

When constructing the theory of environmental crime prevention, it should be remembered that «any practical activity aimed at improving the effectiveness of means of environmental impact, while minimizing environmental offenses, is

impossible without a systematic and detailed scientific study of the entire complex of problems, without the use of unfavorable trends for this. An industry that, without an objective analysis of the state of crime in the field of ecology, studies the rather mobile mechanisms of its economic mechanisms, determines the strategy and tactics of its use, means and methods of prevention».

So, we will formulate the basic principles of constructing the theory of environmental crime prevention. [2, p. 13].

1. The unity of the intersectoral conceptual apparatus. As in the categories of «crime» and «motives for crime», despite the fact that for many centuries states have been engaged in the prevention of crime, there is no single criminological concept related to the term «prevention» of crime. A number of authors consider the terms «prevention», «prevention» and «prevention» as synonyms. Others suggest that this is «prevention».

In general, there are: crime prevention not only as an impact on the causes and conditions of criminal offenses (crimes), but also with other types and types of legal offenses; social prevention, which includes a wide range of measures to influence the causes and conditions of all types of deviant behavior (alcoholism, drug addiction, etc.) and «criminological prevention as a crime prevention, as well as some non-criminal offenses».

Most often, criminologists use the phrase «fighting crime». Recently, there have been opinions about the need to replace it with an outdated term with another one, for example: «crime control», «fighting crime», «countering crime», etc.

Such a replacement is unlikely to have a significant impact on the overall state of crime in the country. A «reduction in crime» in one region or in a separate agency leads to an increase in it in other places. As for the concept of «crime control», «it is not about where, by whom and by whom the crime was committed, but first of all that it is necessary to establish the causes and conditions of the crime and take measures to eliminate them». From the point of view of management theory, Management exists in any managed system.

Currently, there is no independent legal framework for the process of crime prevention. The current legal norms are common in various branches of legislation and often do not coincide. Therefore, we consider it necessary to establish the concept of crime prevention in a normative manner.

Crime prevention is the activity of the state and society aimed at a possible (but not yet thought out), thought out (prepared, planned, but not committed by a person), as well as an active and committed (occurred) crime or the influence of the state and society on the causes and conditions.

Thus, crime prevention is a public activity that involves the development and implementation of general social and special measures of a general, economic, social, political, spiritual, moral, organizational, criminal legislation, Criminal procedure, and criminal executive nature. As well as the prevention of certain types of crimes and specific criminal attacks aimed at improving the macrosocial situation in the country, identifying, eliminating, neutralizing or minimizing the causes and conditions of punishment and recidivism corrective measures to criminals.

We propose to formulate the definition of environmental crime prevention as follows [4, p. 103].

1. Prevention of environmental crime-a set of economic, social, legal, cultural, educational and moral measures implemented by state and public bodies, organizations, institutions aimed at eliminating or neutralizing the causes and conditions of the environmental crisis and aimed at environmental prevention.

2. Analysis of criminological and environmental knowledge. It is extremely necessary to study the

phenomenon of environmental crime, the causes of its occurrence and strategies and tactics to combat it. We do not notice that « the paradox is that we are talking about all the sciences, the features of the subject being studied and the corresponding methods, but in practice even scientists of the sciences (sociology, criminology) do not use even a tenth of the achievements of specialists. But it must be based on the objective laws of the biosphere, known to mankind and discovered by other sciences.

These laws have a solid scientific and methodological basis. In this sense, the next step in the development of criminological science, of course, should be the development of scientific research at the intersection of sciences.

3. Continuity of historical criminological experience. The third «whale» of the theory we are developing should be the «refutation» of the Soviet criminological doctrine, where the theory of crime prevention is developed in sufficient detail, distinguishing several levels of prevention: general social and special criminological prevention.

In modern criminology, general crime prevention is defined as the identification and elimination of the causes and conditions that contribute to the commission of crimes, legal education, conducting criminological expertise of draft legislative and other regulatory legal acts, the development and implementation of crime prevention programs, preventive certification of enterprises, institutions and organizations.

General social prevention includes the creation and implementation of a system of general preventive measures in the economic, political, social, spiritual, moral and legal spheres of society in order to improve the well-being of people, eliminate, neutralize or minimize negative criminogenic factors that affect crime.

The prevention of special (criminological) crime includes a set of measures specifically directed and aimed at combating crime, implemented by structures for which the fight against crime is one of the main or main functions.

If a general remark is a set of measures aimed at improving society as a whole, then an individual remark as its object is a specific person.

Thus, the prevention of environmental crime should cover these three areas, that is, specific measures of general, social and special

criminological representation should be aimed at neutralizing the causes of environmental crime as a phenomenon, preventing specific facts of environmental crimes and affecting the personality of each person who has committed an offense (crime), as well as any member of society.

4. The principle of ecological realism. It consists in the correct choice of an ecological worldview option. At the end of the XX-beginning of the XXI century, we can talk about four main variants of the ecological worldview: science-belief in the omnipotence of science; anxiety – pessimism, recognition of the inevitability of the global environmental crisis and the end of the world; conservatism (depopulation) – the possibility of human existence only with a reduction in the population to 0.5-1.5 billion people; ecological realism is a view of the future of human survival that goes beyond the first three worldviews and synthesizes their best aspects. It can be formulated as follows: «if we are environmentally friendly, we will survive» [5, p. 89].

We must choose the most optimistic concept and try to achieve its goal, which can be achieved by intimidating environmental crime, or at least the current scale. In this regard, I would like to express the criticism of E. Zhevlakov that the conflict between man and nature can be eliminated by choosing the optimal social form of interaction between them, which is permissible only at a high level of abstraction.

Not believing in our own strength, we allow environmental crime to defeat us, and humanity can die from it. Therefore, first of all, we must think about ourselves.

5. Compliance of general social and special criminological measures for the prevention of environmental crime with the general concept of sustainable development of the world community. Nature does not know any state and administrative borders, so national efforts in the field of environmental protection will have results only in combination with international measures to protect the environment and ensure environmental safety.

As an example, the following facts can be cited. The Republic of Bashkortostan, adjacent to the Republic of Tatarstan, has a strong man-made impact on the water quality in the Kama

River. On the other hand, given that oblique air masses predominate in the geographical latitudes of these republics, the amount of atmospheric air and precipitation entering the territory of Bashkortostan is determined by the emission of harmful substances from Tatarstan enterprises. The pollution of thousands of small businesses along the Volga River, as well as the activities of tens of thousands of poachers (especially on the banks of the Volga River), have affected the fish stocks of the unprecedented size of the river and the Caspian Sea. So, in the middle of the twentieth century, more than 150 species of valuable fish were discovered in the Volga region. At the beginning of the 21st millennium, 40-50 years later, there were less than 38 species of fish left, more than half of which, according to ichthyologists, are mutants due to river pollution. As a result, not only the residents of the Republic of Kazakhstan suffer, but also all countries facing the Caspian Sea [1, p. 103].

Most of the environmental crimes committed are located outside national borders and have serious consequences for the entire world community. Deforestation in the Chernobyl, Amazon, and Siberia regions, as well as the uncontrolled release of harmful substances into the atmosphere by thermal power plants and vehicles, have led to global climate change and a general decrease in the oxygen content in the Earth's atmosphere.

A set of measures is needed to prevent environmental crime. The development of a control strategy should not be limited to a paper program. It is necessary to develop a single ecological concept that sets the limits of nature management, defining acceptable limits of interaction with nature». In accordance with the principle of the European Charter on Environment and Health, environmental standards should be constantly reviewed, taking into account new knowledge in the field of environmental and public health and the possible consequences of economic development.

General social prevention of environmental crime should be carried out through a set of large-scale measures that ensure the progressive development of society, the relations of people in the economic, political, spiritual and other spheres in accordance with the principles of

sustainable development of the world community. The implementation of general measures to prevent environmental crime is related to the results of social processes in the sphere of interaction between society and nature. At the macro level, there is a long-term effect of fighting crime, which can shape legal environmental awareness and behavior.

Among general prevention, actions that form and develop ecological and legal consciousness and promote the promotion of nature protection are of great importance. Such propaganda helps to awaken among the members of society a sense of civic duty to empathize with nature.

What should we do today in the environmental policy of our state? First, it is necessary to define the functions of the State in the field of environmental protection. By law, there are certain restrictions between the levels of government. However, there are shortcomings in the legislation in terms of defining clear boundaries between State bodies and centers of state control in the field of environmental protection.

All economic actions should be carried out on the basis of the principle of rational use of natural resources. Waste-free technologies should be promoted by the state. In the passports of budget programs of all directions and levels, the criterion of ecological and economic efficiency should be included.

Political and economic measures are advanced measures. The unfavorable state of the economy as a whole, as well as the financial and economic situation of a particular industry and even an individual enterprise, can become the main cause of environmental crimes.

In the political sphere. Political instability and war are one of the main causes of environmental crime. At the beginning of the XX century, G. Tard wrote: «There is nothing but war and revolution, because they inflame passions and all disorders.» The cessation of any political and military conflicts within the State and in the international arena is the key to preventing environmental crime [1, p. 3].

Only close cooperation of all States will allow us to get out of the current crisis situation. Following the example of Europe, today it is necessary to raise the level of the UN to the level of a world parliament, to consider states as

a single confederation, to recognize the inviolability of existing borders and the right of each state to its own socio-political structure, with the exception of nationalism, fascism and other manifestations of extremism. In addition, one of the main conditions should be general disarmament, starting with the nuclear powers, and the gradual transfer of national armed forces to the global contingent of UN troops.

In Europe, there are already supranational mechanisms that are important for the ecological sphere—the ecological region. Another policy direction in the fight against environmental crime should be the creation of a unified state concept of environmental safety.

Environmental safety issues are also widely represented at the CIS level. In the CIS Agreement on cooperation in the field of ecology and environmental protection of 08.02.1992. everyone has the right to a favorable environment for life and the environment (Article 1), the parties undertake to address environmental management issues on their territory, taking into account the need to ensure environmental safety and well-being (Article 2), and jointly develop policies to ensure consistent policies for environmental management and the implementation of interstate programs and projects in the field of environmental protection and environmental safety.

In the agreement between the Republic of Kazakhstan, the Republic of Belarus, the Kyrgyz Republic and the Russian Federation on deepening integration in the economic and humanitarian spheres of March 29, 1996. it is shown that the parties take joint measures in the field of environmental protection, including those aimed at preventing the elimination of the consequences of disasters, natural disasters, nuclear and environmental disasters, including the development and adoption of common environmental safety standards.

«For effective prevention of environmental crime at the social and social levels, preliminary information about it (predictive) is necessary. This requires criminological forecasts that will help to properly plan the work of the subjects of preventive activities, as well as to identify the phenomena that affect crime.

Given that these circumstances determine the next tactical measure, we fully support this view.

In addition, it should be a criminological examination together with legal and environmental expertise. «Legal expertise, as practice shows, is necessary, but insufficient. These are the responsibilities of legislators and other legislators who make the final decision on specific concepts of legal norms that have other responsibilities and are binding on everyone». Environmental expertise-determination of compliance of the planned economic and other activities with environmental requirements [3, p. 88].

A mandatory criminological examination of environmental legislation will help solve many issues. The question of the need for criminological expertise has arisen in the air since the 90s of the twentieth century. However, to date, this issue has not been resolved.

Of course, we can not say that criminological expertise itself solves all the issues of crime prevention in the environmental sphere, but it allows us to neutralize the influence of some causes of environmental crime. Since the causes of environmental crime are located in various spheres of public life, the examination should be carried out by independent experts (for example, various research institutes) in the field of economics, ecology, industry and technology, medicine, etc. Depending on the future direction.

Taking into account the above, we consider it necessary to adopt a law regulating the procedure for conducting criminological expertise in the field of the environment and fixing the conduct of criminological expertise as one of the main principles.

In the socio-economic sphere. The main socio-economic indicators that affect the standard of living of citizens and encourage them to commit crimes in the field of ecology: unemployment, low incomes, stratification of society, which allows us to conclude that work as a result.

Recently, the number of mental illnesses, which experts call «big city syndrome», has increased in large cities. As a rule, this is manifested in the aggressiveness of a person. However, the problem of video ecology is not limited only to medical criteria. Therefore, we consider it necessary to continue studying this area of science.

As for the direct technical means that can be used, at present, many technological methods and schemes have been developed in the world, such as closed cycles, low production, etc. Equipment and effective controls to protect the environment have been developed. However, it should be noted that there are no universal methods for all cases, many methods are outdated not only physically, but also morally.

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## ПРЕДУПРЕЖДЕНИЕ ЭКОЛОГИЧЕСКИХ ПРЕСТУПЛЕНИЙ

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*Данная статья посвящена проблемам предупреждения экологических преступлений и установления уголовной ответственности юридических лиц за совершение данных преступлений. Изучены показатели экологической преступности в республике.*

**Ключевые слова:** окружающая среда, состав преступления, экологическая преступность, юридические лица.

## SETTLEMENT OF LABOR DISPUTES BY MEDIATION PROCEDURE

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*The article discusses the concept of a labor dispute, ways to resolve it. The advantages of mediation in resolving a labor dispute are listed. The alternative dispute resolution system is the only way to resolve a labor dispute. In the system of alternative dispute resolution, the resolution of a labor dispute through mediation is an important tool for achieving a mutually beneficial solution of the parties.*

**Key words:** labor dispute, conciliation procedures, mediation, labor relations, court.

Labor legal relations are an integral part of civil society and a more developed type of legal relations. Disagreements may arise between the parties to Labor legal relations on legal, economic, and social issues. Disagreements between the employer and the employee lead to a labor dispute. The most important aspects of resolving a labor dispute are provided for by labor legislation. An alternative dispute resolution system is the only way to resolve a labor dispute.

In the system of Alternative Dispute Resolution, the resolution of a labor dispute through mediation is an important tool for the parties to reach a mutually beneficial solution.

In accordance with paragraph 16 of Article 1 of the Labor Code of the Republic of Kazakhstan, a labor dispute is a disagreement between an employee (s) and an employer (s), including those who were previously in an employment relationship, on the application of the labor legislation of the Republic of Kazakhstan, on the implementation or modification of the terms of

agreements, labor and (or) collective agreements, acts of the employer [3].

However, in order to correctly formulate the concept of «labor dispute», it is necessary to establish what causes the disagreement between the parties, that is, to determine the subject of the labor dispute. A labor dispute refers to the rights and legitimate interests of parties to an employment relationship that «want to change the relationship between rights and obligations» [2, p. 90].

For the first time in the Republic of Kazakhstan, a separate chapter was devoted to conciliation procedures in the new Civil Procedure Code of the Republic of Kazakhstan dated October 31, 2015 [1]. In it, the legislator divided conciliation procedures into the following types: conciliation agreement, dispute settlement (conflict) procedure for Dispute Settlement by mediation participatory conciliation procedures.

In the science of Civil Procedure Law, a settlement agreement is considered as a special civil law agreement, the purpose of which is to