

THEORETICAL APPROACHES TO THE STUDY OF LATENT CRIME IN JAPAN

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It is widely known fact that among all the developed countries, only Japan is not suffering from the global rise in crime: the crime rate is several times lower than those in Western Europe and the USA. Consequently, Japan is the safest in terms of crime, the country. The Japanese government is proud of the stability of low-level crime in the country, explaining that the efficiency of the system of criminal justice and fair distribution of economic development. However, the problem of latency crime rather acute, and in this seemingly successful country. The starting point of the study of crime as a social phenomenon, it serves as a reliable quantitative assessment based on an analysis of various statistical data. There is no doubt that the study of foreign experience in the study of latent crime can expand our understanding of the problem. As in Japan, in our country there is a constant consideration of latent crime, but there is no temporary state of research projects on the problem existing in Japan, which causes some concern for the reliability of crime statistics and performance measures to combat all crime, and the latent crime.

Keywords: forensic activities, state expert institutions, organisational and procedural ground for the appointment and production of forensic examinations.

Studying the scientific views of various foreign authors on the problem of latent crime, it becomes clear that this problem is particularly acute not only for our society, but also for other countries. Only taking into account the generalized experience of research on this problem, it is possible to design preventive measures to counteract further latent crime. The experience of studying latent crime in Japan is interesting. The legal system of Japanese society is of particular interest due to its uniqueness, exceptional efficiency and relatively less studied by Kazakh scientists.

It is widely known that among all the developed countries of the world, only Japan does not suffer from a global increase in crime: the crime rate here is several times lower than similar indicators in Western Europe and the United States. Consequently, Japan is the safest country in terms of crime. The Japanese Government is proud of the stability of the low crime rate in the country, explaining this by the efficiency of the criminal justice system and the fairness of the distribution of the results of economic development. However, the problem of crime latency is quite acute in this seemingly successful country. Thus, at the International Symposium on Crime Reduction, which was held in Chiyoda-ku in Tokyo in 2010, Commissioner General of the National Police Agency of Japan Takaharu Ando

in his opening speech stressed; that due to the gradual implementation of public policy measures based on the plan to create a crime-resistant society, which was adopted in 2003, public security in Japan has improved markedly, as evidenced by a sharp drop in the number of crimes that the police became aware of. As a result, the number of criminal offenses that the police became aware of began to fall in 2003 and continued the downward trend over the next seven years. Although this indicates that the security situation in Japan is steadily improving, however, this is happening in the traditional areas of crime fighting. Japanese society is not completely safe from this phenomenon. The formation of criminal law policy should not be based only on good indicators of official statistics. For example, a number of crimes in which women, children, the elderly and other vulnerable members of society are victims are not always investigated by the police, which leads to deep concern for the daily lives of citizens [3].

The starting point for studying crime as a social phenomenon is its reliable quantitative assessment based on the analysis of various statistical data. In Japan, as well as in other countries, crime accounting is carried out by government agencies. First of all, these are statistical materials of the Main Police Department

(prepared by the Criminal Department of the Main Police Department), statistical yearbooks of the Prosecutor's Office, probation service and penitentiary bodies (published by the Department for the Study of Criminal Legislation of the Secretariat of the Minister of Justice), statistical yearbooks of judicial bodies (published by the Secretariat of the Supreme Court). Along with these documents, the Integrated Research Institute of the Ministry of Justice summarizes statistical data on the state of crime and the practice of treating offenders and, providing them with comments, publishes annually in the form of a «White Book on Crime».

The main factor stimulating the growth of latent crime is undoubtedly the process of «Westernization» of Japan, the growing dominance of Western values and attitudes that are unconventional for Japanese society. This is most clearly manifested in the urbanization and socio-cultural changes of Japanese society. The reason for the crisis of culture is the huge flow of information that has fallen on the population, colored by a condescending attitude to crime, relishing criminal acts and the absence of elements of their condemnation.

The problem of latent crime is quite relevant for Japanese criminologists. Japanese criminologist Koichi Miyazawa, in his research, found that all crimes committed under the Criminal Code (excluding motor vehicles) can be divided into registered (known to the police) and latent. Taking the number of registered crimes as 100% and making an appropriate calculation, the scientist came to the conclusion that the total number of latent crimes is more than 2 times higher than official statistics. Broken down by specific types of crimes, we can observe quite serious differences in the data, for example, the real number of crimes that can be classified as vandalism is 25 times higher than the data of the internal affairs bodies, home invasion is 4 times, embezzlement is 4 times, fraud is 2.5 times. From here it can be seen that the real volume of crime is at least twice as high as the statistics. It is also important that the majority of latent crimes, such as extortion, illegal entrepreneurship, organization of gambling, etc., are committed by criminal groups. For example, a transnational organized criminal formation called the Boriokudan (Yakuza), which is regarded by many as one of the most dangerous and influential in the world, unites 72.4% of all criminals in the country (members of

this organization are called Yakuza, militants are called sokaya, their assistants from among the youth, the criminal reserve is called sansita) [2].

The annual income of the Japanese underworld is not inferior to the profits of concerns like Honda or Toshiba. The huge financial reserves of the Boriokudans gave them the opportunity to penetrate into all spheres of society, engage in the organization of prostitution and gambling, prohibited by law, and be under the tacit patronage of the authorities.

Similar processes are taking place in our country. Thus, Russian criminal formations, which are gaining more and more financial reserves, are trying to hide the crimes they commit by financial injections into the development of corrupt relations among the highest state bodies.

As for the study of the latency of certain types of crimes, at present, more and more attention is being paid in Japan to such a latent type of crime as rape. In this regard, the works of Nakata O and Ode C deserve special attention, as well as official police statistics taken from the White Paper on Crime. In addition, a modern study of this type of latent crimes was conducted by John D, Yoshiko Fudhiwara and Sami Sagisaka. It showed that the number of victims of this crime in Japan, according to official statistics, is about 3 for every 100,000 women, but this figure does not correspond to reality. Their research, in which students and housewives were interviewed, revealed a number of reasons that led to the concealment of crimes committed against them from law enforcement agencies: 1) cultural pressure from family, friends, acquaintances, neighbors, work colleagues, etc.; 2) the perpetrator was an acquaintance of the victim; 3) requests from law enforcement officers, in the absence of bodily injuries, not to file statements about this crime. Along with this, the fact was revealed that due to the concealment of crimes, criminals in most cases repeatedly and even repeatedly committed these crimes [1].

The analysis of latent crime in Japan shows that even in such a prosperous country there is this problem (in this sense, the Japanese practice of combating crime should be studied, but it should not be idealized). In place of solved problems, new ones arise, and a deep analysis of social processes that at first glance do not cause alarm can give rise to rather unfavorable forecasts. The social impact on crime in order to form and implement effective measures to combat it should take into account

those possible, hidden, unaccounted-for crimes that have not been included in official statistics [4].

There are currently no specialized state bodies in Kazakhstan that would purposefully study latent crime, however, it should be noted that some authors have been conducting scientific research on this problem for a long time in order to correct indicators of criminal statistics.

Undoubtedly, the study of foreign experience in the study of latent crime can expand and deepen our understanding of this problem. As in Japan, there is no permanent record of latent crime in our country, however, there are no

temporary state research projects on this problem that exist in Japan, which causes some concern for the reliability of criminal statistics and the effectiveness of measures to counteract all crime, and latent crime in particular. It remains to be hoped that the study of this problem in our country will continue, and the state bodies that form criminal policy will think about solving the problem of latent crime, because without reliable criminal statistics it is impossible to effectively regulate the fight against crime.

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ТЕОРЕТИЧЕСКИЕ ПОДХОДЫ К ИЗУЧЕНИЮ ЛАТЕНТНОЙ ПРЕСТУПНОСТИ В ЯПОНИИ

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Широко известен факт, что из всех развитых стран только Япония не страдает от глобального роста преступности: уровень преступности в несколько раз ниже, чем в Западной Европе и США. Следовательно, Япония является самой безопасной с точки зрения преступности страной. Японское правительство гордится стабильностью низкого уровня преступности в стране, объясняя это эффективностью системы уголовного правосудия и справедливым распределением экономического развития. Однако проблема латентной преступности стоит довольно остро и в этой, казалось бы, успешной стране. Отправной точкой изучения преступности как социального явления служит ее достоверная количественная оценка, основанная на анализе различных статистических данных. Нет никаких сомнений в том, что изучение зарубежного опыта в изучении латентной преступности может расширить наше понимание проблемы. Как и в Японии, в нашей стране постоянно рассматривается латентная преступность, но нет временного состояния исследовательских проектов по проблеме, существующей в Японии, что вызывает некоторое беспокойство по поводу достоверности статистики преступности и эффективности мер по борьбе со всей преступностью, а также с латентной преступностью.

Ключевые слова: криминология, наука, преступность, латентность, причины и условия, сравнительный анализ, Япония.