

ЮРИДИЧЕСКИЕ НАУКИ

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THE IMPORTANCE OF ANALYSIS ON THE OBJECT AND OBJECTIVES OF ECOLOGICAL CRIMINAL OFFENSES

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This article presents and analyzes the conceptual positions on the definition of «object of crime», the main scientific approaches to the definition of the object of ecological criminal offenses.

Key words: the object of the crime, ecological criminal offenses.

In order to properly differentiate any criminal offense, including environmental offenses, it is necessary to identify the object of the criminal offense. However, after analyzing the scientific literature of criminal law, we have come to the conclusion that so far there is no common scientific approach to the definition of the object of environmental crimes. In our opinion, this situation can be explained by two cases. First, there are at least three different conceptual approaches to the concept of «object of crime» in the science of criminal law. Under the first concept (naturalistic), the objects of criminal encroachment are material values, values protected by criminal law. In relation to environmental criminal offenses, these are specific natural objects - atmospheric air, water bodies, forest plantations, soil, animals, etc.

According to the second concept (object), the object of the crime is the norm that is violated as a result of a particular crime. Environmental crime is always a violation of environmental rules, standards and norms established by the legislature.

Third – against the concept of «social» (a large number of supporters), the object of criminal law protection is divided into a separate group of public relations protected by criminal law, which regulates important areas of public life.

«Guided by the authors' intention to clarify the specifics of the object of environmental

criminal offenses and the definition of the common object of environmental crimes,« the authors propose to separate the common objects into two and, if necessary, other complex (combined) objects that form more common objects»[1, p. 119].

E.N. Zhevnikov, M.A. Savchenko considers public relations as an object of ecological encroachment on the preservation of a quality medical environment, the expansion of its resources and the environmental safety of the population [2, p. 197 p]. I.V. Lavigina is limited to the scope of public relations to comply with the rules of environmental protection of the object of environmental crimes [3, p. 12].

As with any criminal offense, the object of environmental criminal offenses is divided into 2 types vertically and horizontally. There are three types: vertically general, group and direct object, and horizontally as the main, additional and optional direct object.

The general object of the considered crimes is ecological safety.

Group (Turkish) object – public relations related to the protection of the environment as a basis for ensuring the environmental safety of man and the life and activities of other living beings.

The direct object of environmental crimes is recognized as real public relations within the object for the protection and rational use of land, mineral resources, water and atmosphere

(inanimate objects of nature), fauna and flora (objects of fauna) and human ecological safety.

The vast majority of environmental crimes are dual-object and multi-object crimes.

The subject of the crimes under consideration may be natural resources: land, its subsoil, atmosphere, air, high seas, flora, fauna and others [4, p. 62]. In a broad sense, it refers to the general natural environment. In a narrow sense, the components of the natural environment, all natural resources: land, mineral resources, atmosphere, water, plants, etc.

We need to be able to distinguish environmental criminal offenses from criminal offenses against property. If the object of encroachment is a natural component of the natural environment, then this act is considered an environmental crime. If environmental objects are involved in the economic process, if human labor is invested in them, then there will be criminal offenses against property.

The objective aspect of environmental crimes is characterized by violations of the relevant rules of environmental protection and nature management.

Mandatory features of the criminal component of the crime are the harmful effects and the causal link between the act and the consequences.

There are also criminal offenses committed through two forms of guilt. For example, Article 329. Atmospheric pollution has inadvertently harmed human health. Only serious harm should be understood as negligent damage to health. The action is as follows: air pollution due to violation of environmental requirements or other changes in its natural properties, and the consequences are significant damage to the environment or harm to human health.

The objective side can be characterized by both actions, ie active behavior, inaction, ie passive behavior. For example, the removal of prohibited types of hazardous waste is possible only through measures, and interference with the operation of water intake facilities may also be due to passive behavior, such as failure to repair or clean the suction lines. Action is a true manifestation of human behavior. Therefore, no matter how harmful a person's intentions and thoughts may be, he will not be criminally prosecuted if he does not engage in certain

activities. Action is a manifestation of conscious human behavior. Therefore, any physical activity that is beyond the consciousness of a person, regardless of the extent of the harm or threat of harm to society, is not a criminal offense.

If a person causes harm to society through irreversible forces (violence and intimidation, natural disasters, attacks on wild animals, etc.) that are not of his own free will, then there can be no question of criminal action.

Signs of the objective aspect of the crime are divided into basic and optional (additional). The main features are: criminal act (action, inaction), causal link with the criminal victim.

Action: action (rules of conduct prohibited by criminal law and specified in the articles of the chapter on environmental criminal offenses), inaction (failure of a person to perform an appropriate action, a form of code of conduct defined by law that poses a threat to society). Injury: means the type of property (material) damage or damage in the amount of money. In terms of volume: severe, significant, large, very large), physical (consequences for life, health: mild, moderate, severe), moral (consequences for honor, the composition of which is not defined in criminal law and does not exist in environmental criminal offenses). Causal relationship: an objective relationship between action and the consequences of inaction. This is because, depending on the meaning of the action, the corresponding damage occurs.

Additional features of the objective party include: place, time of the crime, method of committing the crime, weapons and means. The place of the crime is the territory where the crime was committed. For example, Article 330. Pollution of the marine environment. Location: is the marine environment. The time of the crime is the time of the crime. For example, Article 336. Violation of the rules of protection of fish stocks. Time: When constructing bridges, dams, blasting or other work, using water intake structures or pumping mechanisms. Tools and weapons of crime are objects of crime. The tools used by the criminal affect the level of danger to society. If the instrument of crime increases the danger of the crime to society, it is included by the legislator in the objective part of the crime. For example, Article 337. Illegal hunting. Means: firearms,

pneumatic, throwing, cold steel, other means of capture, dogs, birds of prey, horseback riding, hunting vehicles. The method of committing a crime is the methods used by the offender to commit the crime. The method of committing a crime affects the danger to society.

According to the structure, most environmental crimes have a material nature, ie in order to bring a person to justice, it is necessary to establish a causal link between the victim, the harmful effect and the material composition of the Criminal Code of the Republic of Kazakhstan 324, 325, 326, 327, 328, 329, 330, 332, 333., Articles 334, 335, 336, 338, 340, 341, 342. There are also formal criminal components, for example, Articles 331, 337, 343 of the Criminal Code of the RK.

Consequences of environmental criminal offenses are specified in the provisions of the Special Part of the Criminal Code. For example, Article 324 of the Criminal Code provides for or may cause significant damage to the environment or damage to human health, in Article 2 of the Criminal Code – causing significant damage to the environment or death or mass illness; In the first part of Article 325 of the Criminal Code, it has caused or may cause significant damage to the environment or causes harm to human health; Article 2 of this article of the Criminal Code has caused or is in danger of causing significant damage to the environment; Part 3 of this article of the Criminal Code deals with the consequences of causing significant damage to the environment or death or mass morbidity. Significant damage in Articles 325, 326, 328, 335, 337, 340 and 342 of the Criminal Code (paragraph 2 of Article 3 of the Criminal Code) is a one hundred monthly calculation index of costs required to restore the environment and

consumer properties of natural resources. value statement in the amount of or more.

Articles 324, 325, 326, 328, 329, 330, 332, 333, 334, 335, 337, 338, 339, 340, 341 and 343 (Article 38 of Article 3 of the Criminal Code of the RK) value representation of the costs required to restore the consumer properties of natural resources in the amount exceeding one thousand monthly calculation indices.

The largest amount of Articles 324, 325, 326, 328, 329, 330, 332, 333, 334, 337, 339 and 343 (paragraph 3 of Article 3 of the Criminal Code) – the restoration of the environment and consumer properties of natural resources. The cost of bringing it is more than twenty thousand monthly calculation indices.

Also, paragraph 4) of Article 3 of the Criminal Code of the Republic of Kazakhstan arising from environmental criminal offenses. serious consequences: death; death of two or more people; causing serious harm to the health of two or more people; mass illness, infection, radiation or poisoning of people; deterioration of public health and the environment, the emergence of man-made or environmental disasters, environmental emergencies; causing large or very large damage; accidents or other consequences that indicate the severity of the damage caused by accidents.

The importance of the objective aspect of the crime is, first of all, the basis for the correct analysis of the act dangerous to society by accurately identifying its features. Second, it is possible to distinguish between similar criminal offenses through the features of the objective side (for example, damage to land (Article 332), unauthorized use of land (Article 334, etc.). In this regard, the objective aspect of the crime is one of the most important elements of the criminal offense.

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ВАЖНОСТЬ АНАЛИЗА ОБЪЕКТА И ЦЕЛИ ЭКОЛОГИЧЕСКИХ ПРЕСТУПЛЕНИЙ

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В статье представлены и проанализированы концептуальные позиции по определению «объекта преступления», основные научные подходы к определению объекта экологического уголовного правонарушения.

Ключевые слова: объект преступления, экологические уголовные правонарушения.

ПЕДАГОГИЧЕСКИЕ НАУКИ

ИСПОЛЬЗОВАНИЕ УПРАЖНЕНИЙ В ОБУЧЕНИИ ИНОСТРАННОМУ ЯЗЫКУ МЛАДШИХ ШКОЛЬНИКОВ НА ИНТЕГРАТИВНОЙ ОСНОВЕ

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В статье рассматриваются виды упражнений, разработанных на основе книги по английскому языку учащихся 2-го класса «Smile 2». Данные упражнения были использованы для реализации обучения на интегративной основе. Языковые, речевые, коммуникативные упражнения позволяют младшим школьникам выступать субъектом деятельности, легко ориентироваться в ситуации общения, что способствует формированию речевой деятельности младших школьников на интегративной основе.

Ключевые слова: интеграция, коммуникативные, языковые, речевые, лексические навыки, грамматические навыки.

Сущность интегративной методики состоит в том, что она отражает взаимную обусловленность процесса обучения и коммуникативно-речевого развития младших

школьников средствами родного и иностранного языка и реализуется при объединении учителем иностранного языка практических целей (и результата), программного содержания