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ОСОБЕННОСТИ РАССЛЕДОВАНИЯ УБИЙСТВ

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В данной научной статье рассматривается криминалистическая характеристика убийств, которая представляет собой сочетание сведений о типичных способах их совершения, обстановке, следах, социально-психологической характеристике потерпевшего и убийцы, связях между преступником и жертвой.

Ключевые слова: убийство, следы, труп, допрос.

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CONCEPT AND SIGNS OF ENVIRONMENTAL CRIMINAL OFFENSES

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This article examines the concept of «environmental offense» by making a comparative analysis of the opinions and definitions of this term by various domestic and foreign scientists. Also, the structure of environmental offenses is considered: object, subject, objective and subjective sides, and also analyzes the classification of environmental offenses.

Key words: environmental crime, environmental law, civil offenses, administrative offenses.

For the first time, the concept of «Ecology» was introduced into scientific circulation by E. Haeckel in his work «general morphology», published in 1866. The word itself has long been used to refer to the subject of Natural Science – a branch of biology that studies the interaction of living organisms with the environment.

In recent years, the concept of «Ecology» has begun to give a social meaning. This was caused, first of all, by the deterioration of the living environment under the influence of people's personal life, changes in the nature of production activities, the emergence of new views on the problems of consumption and use of Natural Resources, etc.

Environmental criminal offenses cause harm to the natural environment, that is, a person should treat nature as his environment with care and consider it as one of the values that he effectively uses. At the same time, it is a source of further strengthening and development of the socio-economic basis of the population, society, and the state. Natural wealth is the property of the entire people of Kazakhstan, so it must be protected from encroachment on the interests of this people.

The vast majority of norms establishing liability for environmental criminal offenses form a blank disposition. Because it is often closely related to the Environmental Code of the Republic of Kazakhstan (adopted on January 9, 2007) [1], the code of administrative offences of

the Republic of Kazakhstan (adopted on July 5, 2014) [3]. Chapter 13 of the Criminal Code of the Republic of Kazakhstan (adopted on July 3, 2014) [2] is devoted to environmental criminal offenses. This is due to the advantages and values that are particularly important for protecting environmental safety in Kazakhstan.

Environmental security should be understood as a state of protection of the vital interests and rights of a person, society and the state from threats arising as a result of anthropogenic and other environmental impacts.

The conclusion of Professor I.Sh. Borchashvili deserves special attention: «any state striving for progress and civilization should first of all take care of the physical, mental and moral health of its citizens, since the quality of the population's gene pool directly depends on these factors. A state that evades solving this problem has no future» [5, p. 126].

One of the main issues in criminal law is the definition of the concept of a criminal offense. A criminal offense is also a manifestation of a certain act (act or omission) of a person at all times. Coming to such conclusions, the legislator emphasizes that a criminal offense is an external manifestation of the behavior of a particular action (action or omission) of a person at all times. Such illegal, socially dangerous behavior of a person should be reflected through his thinking system on the basis of certain actions (actions or omissions). Otherwise, unrealized thoughts and opinions that are not reflected on the basis of real actions, no matter how dangerous they are, are not a criminal offense.

For example, a citizen M., who is glad that new snow has fallen, thinks that it is necessary to go on a gazelle hunt, but when he remembers that his gun is broken, he refuses to go. According to this example, the idea of committing an illegal, socially dangerous act arises in M.'s mind, but he did not realize this idea.

Illegal behavior of a person can be in a state of active action or passive inaction. An act means that a person commits actions prohibited by criminal law. For example, A. Ospanov and D. Rustemov are engaged in illegal hunting. They shot saigas listed in the Red Book and were detained by employees of the enterprise «Okhotzaprom» on their way back. Arman

Ospanov sets fire to the car, during the investigation, 2 gun horns of 16 saigas and 3 Antelopes were found in the car. As for this example, the above-mentioned two citizens committed acts in accordance with subparagraph 2 of Part 4 of Article 337 of the Criminal Code of the Republic of Kazakhstan. Such actions include planning in advance to shoot animals (saigas) listed in the Red Book, Finding a hunting rifle, preparing a special car, going out to shoot saigas in a special car, shooting saigas, cutting off their horns, putting the body of 3 saigas in a car for some purpose, etc.

Inaction is the failure of a person to perform the duties assigned to him / her on the basis of laws, regulations, instructions or special decrees, orders. Most environmental criminal offenses are committed by action. However, there are also compositions created by inaction. For example, the finndisp paint plant in the village of Irkol in Kyzylorda has not cleaned the waste produced for 6 months. As a result, 13 residents of the village of Irkol suffered from respiratory diseases, which caused moderate damage to their health. During the environmental inspection, it was established that the paint residues were caused by flying into the air, and the head of the plant Baigali Sanzhar was brought to justice. In this case, according to Paragraph 2 of Article 343 of the Criminal Code of the Republic of Kazakhstan, the director of the plant is considered to have failed to perform the duties assigned to him, showed inaction due to the fact that he did not carry out disinfection, that is, the destruction of paint residues at the site exposed to environmental pollution.

The signs that are characteristic of any type of offense are also characteristic of environmental criminal offenses. The relevant articles of Chapter 13 of the Criminal Code of the Republic of Kazakhstan specifically specify certain elements of crimes. In criminal law, the commission of a criminal offense of actions of a specific composition, we call illegal. This means that an act that is considered a criminal offense must be reflected in the criminal law (or the specified act must be carried out and suffered in the specified amount), otherwise any illegal act of a person is not considered a criminal offense. Among the areas where the ecology of the West Kazakhstan region is not criticized. Recently, air pollution has

increased several times from the normal level. As a result, a special check was carried out. During the inspection, the person who violated the requirements of environmental legislation was brought to criminal responsibility. Director of «Munayavtotrans» LLP A. Mukanov said that from 2017 to 2019, waste from drilling was dumped in nearby settlements. Grossly violated the rules related to the liquidation of oil residues. As a result, toxic gases spread in the air. According to the results of the inspection, it was decided to cause environmental damage in the amount of 537 thousand tenge. It is easy to see that this offense is not recognized as a criminal offense if it is qualified in accordance with Article 329 of the Criminal Code of the Republic of Kazakhstan. Since the content of Article 329 of the Criminal Code of the Republic of Kazakhstan is material, that is, the amount of damage caused in accordance with subparagraph 38 of Article 3 of the Code must exceed one thousand MCI. The amount of damage caused has not been reached, this offense should be considered by administrative law.

A qualitative sign of a criminal offense is its public danger. Public danger is expressed in causing damage to any interests protected by criminal law. It harms social relations (in our case, environmental relations), which do not depend on the consciousness or will of the legislator, and in its inner essence contradicts the conditions of the normal existence of society and the state. Without describing the consequences that make it possible to attribute the act to socially dangerous and criminal offenses, the legislator indicated in different ways. As for environmental criminal offenses, in some articles (art 324, 325, 326, 328, 329, 330, 332, 333, 334, 335, 337, 338, 340, 341) In the norm itself, major damage is understood as major damage (1000 MCI), particularly large damage (20,000 MCI), significant size (the amount exceeding 100 MCI), damage to health. And in Article 327 of the Criminal Code of the Russian Federation under serious consequences, Article 336 of the Criminal Code of the Russian Federation-harm that led to the mass death of fish and (or) aquatic animals, the legislator does not specify. In this case, the determination of the specified amount of damage is decided

depending on the facts committed in specific conditions. For example, a veterinarian may, as a result of carrying out and exceeding the appropriate number of tick poisoning, lead to the death of a person (two or more) or, conversely, lead to infection and mass illness of people due to untimely poisoning.

Criminal law requires that a socially dangerous, illegal act committed (may be committed) must be a guilty act. Guilt-the mental attitude of a person to a socially dangerous, illegal act committed or committed by him. The psychological content of guilt occupies the main place that characterizes the guilt of a person. Its components are called consciousness and will. A change in the relationship of consciousness and will forms a form of guilt. The relationship between consciousness and will, in which the form of guilt characterizes the attitude of the person who has committed (committed) a crime stipulated by criminal law to the act committed (committed) by him. Criminal law provides for two forms of guilt: intentional and negligent. Environmental criminal offenses are most often committed by two forms of guilt, that is, by negligence in relation to the consequences caused, if they intentionally violate certain environmental requirements, rules of operation. there were also elements of environmental criminal offenses that have only one form of guilt. For example, Article 337 of the Criminal Code of the Russian Federation «Illegal hunting». A person who has committed illegal hunting is aware of the illegality of his actions, anticipates and wants to cause harm to the environment, or deliberately allows it. So, the fault is committed in an intentional form.

In criminal law, an act recognized as a criminal offense is subject to mandatory punishment. Punishment is a measure of state coercion imposed on behalf of the Republic of Kazakhstan. The main feature of punishment in criminal law is the type of criminal offense the presence of a criminal record for committing a crime. The penalty is provided for in the relevant articles of Chapter 13 on environmental criminal offences. In addition to the main types of punishment for environmental criminal offenses, such as imprisonment, restriction of liberty, involvement in public works, there are also additional types, such as confiscation of

property, deprivation of the right to hold certain positions or engage in certain activities.

Thus, environmental criminal offenses are understood as actions (Action or inaction), guilty (guilty), socially dangerous encroachments, Prohibited under the threat of punishment to public relations provided for by the legislation of the Republic of Kazakhstan regulating the sphere of the environment protected by criminal law.

The legislative framework of the criminal law norms regulating responsibility for an environmental criminal offense consists of the ideas provided for in article 31 of the Constitution of the Republic of Kazakhstan:

1. The State aims to protect the environment that is favorable for human life and health.

2. Concealment by officials of facts and circumstances that threaten the life and health of people, entails liability in accordance with the law [3]. Environmental criminal offense-an illegal, socially dangerous, culpable act or omission established by criminal law and encroaching on the

environment and its individual types, causing damage to public relations that ensure the protection of the environment, the rational use of its resources and the environmental safety of society [4, p. 128].

The public danger of environmental criminal offenses is recognized as causing harm to human health due to the destruction or qualitative deterioration of the biological basis of nature.

The legislator, taking into account the special importance of environmental safety in society, considers that the tasks of protecting the environment from criminal encroachments are included in article 2 of the Criminal Code of the Republic of Kazakhstan as one of the mandatory ones.

Environmental criminal offenses are recognized as acts that damage relations of environmental safety, cause harm to the environment, cause harm to human health or life, violate public relations, socially dangerous, criminally illegal, guilty, criminally punishable.

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ПОНЯТИЕ И ПРИЗНАКИ ЭКОЛОГИЧЕСКИХ ПРЕСТУПЛЕНИЙ

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В настоящей статье рассматривается понятие «экологического правонарушения», путем произведения сравнительного анализа мнений и определений этого термина различными отечественными и зарубежными учеными. Также, рассматривается структура экологического правонарушения: объект, субъект, объективную и субъективную стороны, а также анализирует классификацию экологических правонарушений.

Ключевые слова: экологическое преступление, экологическое право, гражданско-правовые правонарушения, административные правонарушения.

ПЕДАГОГИЧЕСКИЕ НАУКИ

ЭКСКУРСИЯ КАК ФОРМА ВОСПИТАНИЯ НРАВСТВЕННОЙ УСТОЙЧИВОСТИ НА ФАКУЛЬТЕТЕ ИНОСТРАННЫХ СТУДЕНТОВ ПРИ ИЗУЧЕНИИ ДИСЦИПЛИНЫ «ИСТОРИЯ»

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В современном вузе учебно-воспитательная деятельность выходит на новый уровень. Во многом это связано с глобализацией образования – речь идет о появлении иностранных факультетов в российских вузах. Формирование качественно новой формы оказания образовательных услуг – международной, вызывает необходимость адаптации учебных планов под особенности обучаемого контингента и потребность переосмыслить методы воспитательной работы с учетом культурных и образовательных особенностей студентов. Экскурсия позволяет раскрыть потенциал воздействия учебно-воспитательной работы при изучении истории.

Ключевые слова: экскурсия, музей, иностранные студенты, рефлексия, нравственная устойчивость.

Учебно-воспитательная деятельность является основной для преподавателя вуза: он обязан проводить воспитательные мероприятия в рамках своей деятельности с целью освоения обучающимися общих компетенций. Для преподавателя-историка одной из основных форм воспитательной деятельности является экскурсия. Упрощенно говоря, цель

экскурсии – ознакомление с экспозицией того или иного музея. Тем не менее, такое понимание экскурсии как единичной педагогической техники нивелирует функционал этого ценного метода: для студента не только остается непонятна смыслодержательная структура экспозиции, т. е. не формируются предметные компетенции, но и складывается индиффе-