

INNOVATION OF STRUCTURING THE CRIMINAL POLICY AS INDEPENDENT SECTION OF THE NEW CONCEPTION OF LEGAL POLICY OF THE REPUBLIC OF KAZAKHSTAN

Talgat Akimzhanov, Turan University
Gakku Rakhimova, D.A. Kunaev Eurasian Law Academy
Guldana Kuanaliyeva, al-Farabi Kazakh National University
Boris Abrakhmanov, Central Asian University
Araylym Shamova, CSI School
Nurul Mohammad Zayed, Daffodil International University

ABSTRACT

The article considers the innovative approaches of criminal policy of the new Concept of legal policy of the Republic of Kazakhstan. The author provides an analysis of modern legal consciousness and law enforcement from the positions of criminology, criminal and criminal enforcement law. The author made a number of suggestions and recommendations for further improvement of law enforcement activities, criminal and penal enforcement legislation of the Republic of Kazakhstan.

Keywords: Criminal Policy, Republic of Kazakhstan, Criminal and Penal Enforcement Legislation, Law Enforcement Activities, Modern Legal Consciousness.

INTRODUCTION

The democratization of all spheres of society, building of the legal state, ideological diversity in society, the strengthening of the fight against crime are the basic priorities for criminal policy in the state. Over the past decades, the state has undergone almost continuous legal reformation of juridical sphere aimed at strengthening the rule of law, strengthening the fight against crime and improving the quality of the work of law enforcement agencies. It is known, criminal-legal measures have always occupied the central place in the ongoing state legal policy of the Republic of Kazakhstan, as they are one of the important and effective instruments for influencing criminals and crime in general. By tightening or weakening criminal liability for committed criminal offences committed (crimes, criminal offences), criminalizing or decriminalizing certain corpus delicti of criminal offences, included in the Special part of the Criminal Code of the Republic of Kazakhstan, the state thus monitors and constantly maintains the necessary balance to increase the effectiveness of combating crime. As it is known, the Republic of Kazakhstan adopted two Concepts of legal policy of the Republic of Kazakhstan, which were approved by decrees of the President of the Republic of Kazakhstan: the first - for the period from 2002 to 2010, the second - for the period from 2010 to 2020 and the new

Concept of legal policy of the Republic of Kazakhstan should enter into force from 2021 (Law, 2011; Law, 2009). The important place was determined to the role and place of criminal policy of the state in the current Concept of legal policy of the Republic of Kazakhstan (hereinafter referred to as the Concept) for the period from 2010 to 2020 which was approved by the Decree of the President of the Republic of Kazakhstan of August 24, 2009 No. 858. In addition, as it was written down in paragraph 2.8., the most important link of legal policy of the state is the criminal policy which improvement is carried out by way of the complex, interconnected correction of the criminal, criminal-procedural and criminal enforcement law, as well as law enforcement (Law, 2009). During the implementation of the above-mentioned Concept, the Parliament adopted the Criminal Code, the Code of Criminal procedure, the Penal Enforcement Code and the Code of administrative offences of the Republic of Kazakhstan, which entered into force on January 1, 2015. As the result of the conducted policy at the state level during the period of sovereign development of the Republic of Kazakhstan, there is formed the legal basis for combating crime in the country and, most importantly, the negative attitude towards criminal manifestations in society has been formed at the majority of the population. Currently, this policy at the state level in the field of combating crime has continued and is being actively improved and reformed by the current President of the Republic of Kazakhstan (Tokayev, 2019). The current President of the Republic of Kazakhstan, (Tokayev, 2019) in his address of September 2, 2019, paid the special attention to the problem of ensuring the rights and security of citizens. He specified that we had moved away from excessive repressive measures and harsh punitive practices of justice. However, there are still numerous serious crimes in the country. It is necessary in the urgent order to tighten penalties for sexual violence, pedophilia, drug trafficking, human trafficking, domestic violence against women and other serious crimes against the person, especially against children. One of the pressing tasks remains the full reform of the law enforcement system (Tokayev, 2019). Currently, work has begun on the third “*Concept*”, which will enter into force in 2021 and possibly cover the next ten years. In modern conditions, there were many positive changes in the economy of our country, in the minds of citizens, including in the sphere of legal consciousness and law enforcement. The sufficiently mobile law enforcement system was established, which has good technical-material and highly professional personnel support, and the negative attitude towards criminal manifestations in society was formed at the most part of the population. According to well-known criminologists, there is observed a serious confrontation between crime and the state in modern society (Kudryavtsev, 2003). The process of combating crime must be constantly updated, improved and modernized. Otherwise, the law enforcement system of the state will be hopelessly drop behind from the developing and prosperous criminal world, which was changed its strategic policy of functioning, renouncing direct opposition to the state, turning to various forms of cooperation and relying on state structures, at the same time using various forms of bribery, corruption and pressure on officials. This is especially evident in relation to such type of crime as organized crime, the driving force of which is the modern market economy, crime in the field of information technology (Ovchinsky, 2018). The theory of criminal policy should establish the genuine will of the legislator and determine the directions of its implementation, which will ensure not only its further development as part of science, but also avoid the formal approach on the part of its subjects to law enforcement. The existence of a theoretical basis in the conditions of an emerging legal state, such as Kazakhstan, will allow science to focus its efforts on

performing specific functions and tasks inherent to it. In this regard, this topic seems to be sufficiently relevant and important both for the integrity of legal doctrine and for the legal culture and legal consciousness of citizens, and requires to conduct the fundamental scientific work.

LITERATURE REVIEW

The development and research of the essence of criminal policy are relatively new for Kazakh legal science. The authors of the article turned to the works of legal scientists of the Soviet and post-Soviet periods for the purposes of this research. It should be noted that the work of these researchers contributed to the development of the scientific basis of criminal policy. The monograph "*Combating crime: the theoretical model of the complex program*", published in 1990 by (Borodin, 1990), is important in theoretical terms for understanding the foundations of criminal policies. Later works include the work of Kudryavtsev, (2003) which suggests the theoretical model of crime prevention "*Strategy for combating crime*", as well as Boskholov, (2007)'s monograph "*The foundations of criminal policy*". Among the Kazakh authors, it can be highlighted the works of Mindagulov, (2005) "*Crime prevention*" and Alaukhanov and Zaripov, (2008) "*Crime prevention*" (2008). The system of the scientific development of the foundations of criminal policy is determined by the achieved successes in this direction. Many important ideological, methodological, general theoretical and general legal bases of criminal policy were developed. At the same time, the works of scientists, especially Kazakh authors, do not sufficiently analyze the content and implementation of criminal policy. These aspects were reflected only in the fragmented way or in the combination of carried out researches on other issues.

RESEARCH METHODOLOGY

The methodological basis of the conducted research is the modern doctrine of jurisprudence, dialectical-materialistic method of knowledge, as well as particular-scientific methods: historical, logical, comparative-legal, systemic-structural, specific-sociological, statistical, as well as methods of analysis and synthesis. The methodological basis of the research is the basic provisions of legal science, interpreted in relation to the considered topic in accordance with the general scientific principles and methods of building theoretical-applied researches.

RESULTS AND DISCUSSION

The aim of the research is the complex, systematic analysis of the modern criminal policy of the Republic of Kazakhstan and its implementation in the activities of law enforcement agencies and especially in the area of the imposition of criminal penalties.

In order to achieve the named purpose, the authors set the following tasks:

1. To show the main stages of the establishment and development of the criminal policy of the Republic of Kazakhstan in the field of the imposition of criminal penalties;

2. To summarize the existing views on the concept, principles and place of criminal policy in state political activity and, on this basis, to give own understanding of the key issues of the topic;
3. To analyze the peculiarities of criminal policy at the present stage of Kazakhstan's statehood development;
4. To determine the main directions and forms of implementation of the criminal policy of the Republic of Kazakhstan at the present stage.

It seems to us that the following provisions should be considered in the new "*Concept*" in the separate section "*Criminal policy*" with regard to the definition of strategic tasks for its implementation.

The first: There is the need to develop criminological science in the issues of the development of strategy of criminal policy.

The fixing in the article of the Constitution of the Republic of Kazakhstan, which marks the 25th anniversary of its adoption in this year, of the provisions that our country "*affirms itself as a democratic, secular, legal and social state*", obliges the state, and in general, our entire civil society, to a great deal (Constitution, 2017). Crime, being the negative, social, volatile criminal-legal phenomenon that accompanies humanity almost from the moment of its occurrence, has constantly needed and needs special increased attention from society. According to the fair remark of (Eminov, 2019) the social nature of crime is determined by the fact that it is the primary and, apparently, it's most important sign, determining all others. It determines the social origin of crime, its dependence on society, which produces it and affects its quantitative and qualitative characteristics. In order to effectively combat crime, it is necessary to determine at the conceptual level what it is, that is, modern crime, how it is necessary to influence the committed crimes, as well as on the persons who committed these crimes; and how it is necessary to fought with the social consequences of crime itself, as well as the consequences of the enforcement of sentences. It should be considered the effectiveness of the adopted laws, as well as the process of law enforcement and much more. For example, an interesting thought in this regard was expressed by the leading Soviet - Russian scientist criminologist (Dolgova, 2010) at the XI Russian Congress of criminal law in Moscow. Thus, it was noted by (Dolgova, 2010) that following has the detrimental effect on the opposition to crime and ensuring the national security:

1. Reduction of criminological, as well as social-legal research activities in state institutions in Russia in the new century;
2. The exclusion of criminology from the compulsory subjects for teaching to future lawyers;
3. Increasing the number of textbooks, teaching manuals and other publications of authors who have no the fundamental training, skills and experience in criminological researches, focusing on general, often narrowly subjective arguments about crime and the world order;
4. Liquidation of the pre-existing the world's largest All-Union Institute on the study of causes and the development of crime prevention measures.

The issues of sciences of criminal cycle were developed in complex by this Institute (for example: criminological, criminal-legal, criminal-procedural, criminal enforcement, forensic, etc.). It is very problematic to properly provide scientific support not only for the fight against crime, but also for broader national security activities without re-establishing such a research institution (Law, 2018). As we can see, legal consciousness without scientific support of the problem of combating crime can significantly delay the advancement in this issue of the law

enforcement system of the state. The modern concept of legal consciousness should suggest the idea allowing improving the efficiency and quality of law enforcement activities of law enforcement agencies in solving issues of combating crime in Kazakhstan on the basis of scientific achievements and strict compliance with the norms of the Constitution of the Republic of Kazakhstan. As Russian scientists (Agapov et al., 2018) rightly pointed out, the age-old history of the development of crime is inextricably connected with the problem of its prevention. If at first human society did not know any other means of overcoming it, except for the most brutal reprisals against criminals, then with the development of social relations, the formation of legal knowledge of the essence of social processes, their refraction in individual perception, society began to turn to real opportunities and means of preventing both individual types of crime and specific encroachments. The negative consequences of our law enforcement system are that the obtained information in general on crime, its quantitative and qualitative characteristics is mostly collected and is not subjected to in-depth analysis. The lack of scientific support for the practical activities of law enforcement agencies has led to the fact that analytical work is poorly represented in the activities of law enforcement agencies, there is not enough in-depth factor analysis of crime and the prognostic direction in the fight against crime, modern methods (techniques) (mathematical, sociological, etc.) of the analysis of crime are not introduced. For this reason, law enforcement agencies do not receive scientific recommendations, the implementation of which would significantly improve the effectiveness of law enforcement activities and introduce innovative forms and methods of work. For this purpose, in the short term, it is necessary to provide in the new "*Concept*", according to the experience of the former USSR, the creation of the Kazakhstan Research Institute for the study of problems of crime and the development of measures on its counteraction at the Prosecutor General's office, as well as to provide this unit with highly professional personnel having the experience in practical and research work. The results of the activities of the new scientific unit should form the basis of the strategy for the development of criminal policy of the Republic of Kazakhstan. It is difficult to disagree with the opinion of (Bytko, 2017) that the research of problems of legal consciousness focuses on the analysis of conceptual approaches to its solution in the general theory of law, as it has the fundamental value for understanding the fairness in law in general, and, including in criminal law, considering that the results of researches in the field of science of theory of law and state have methodological significance in relation to researches in other sectoral sciences. The sciences of criminology, criminal law and criminal enforcement law should research the criminal-legal legislation and law enforcement practice, first of all, in order to identify and only then to solve the existing problems in the field of criminal law, morality, rationality and fairness.

The second: Criminal-legal ensuring of the implementation of criminal policy. Despite the desire of our country to stage-by-stage humanization of criminal legislation in the new Criminal Code of the Republic of Kazakhstan (further CC RK) of 2014, which entered into force on January 1, 2015, once again the leading position of such type of punishment as deprivation of liberty has been preserved. Thus, in CC RK of 2014, which came into force on January 1, 2015, such type of punishment as deprivation of liberty prevails again (744), followed by the fine (471), then correctional works (468), restriction on service (342), confiscation of property (264), community service (152), arrest (150), death penalty (12). It seems to us that the new criminal-legal policy should cover, first of all, the issues of punishability of acts, the content of the

punishment itself and its purposes. Even the ancient Greek philosopher Plato paid attention in his early works to the educational aspects of punishment. He noted that punishment was a blessing for the criminal who could restore harmony in his soul. He recognized the death penalty. But, at the same time, Plato drew attention to the imperfections of person, who in the process of punishment should become better. Plato also noted the personal nature of the punishment, considering that it should not apply to the descendants of the offender even in cases of encroachments on public order (Dolgova, 2010). Unfortunately, the law enforcement practice shows opposite. As a rule, the convicted person to deprivation of liberty does not get better. At the same time, correctional institutions, criminal environment not only do not correct the convicted person, but also create a lot of new problems, so-called social consequences, which the state has to eliminate with the investment of significant financial resources in this process. Many problems of the implementation of criminal policy are directly related to the content of the current criminal legislation of the Republic of Kazakhstan. Therefore, the following measures are suggested to improve it:

“It is necessary to analyze, taking into account five years of law enforcement practice, about the feasibility of introducing in the CC RK of the two-tiered system of criminal acts consisting of crimes and criminal misconducts.”

It seems to us that the introduction in the CC RK of the two-tiered system of criminal acts, consisting of crimes and criminal misconducts, did not fully justify itself. Firstly, there was the artificially created process of criminalization of administrative offences, when a number of corpus delicti from the Code on administrative offences of the Republic of Kazakhstan in order to simplify procedural moments (reduction of the time of consideration, possibility of mandatory involvement of the lawyer, application of the whole complex of procedural guarantees established by the CC RK, etc.) was mechanically transferred to the CC RK. Secondly, criminal misconduct does not fit into the general concept of criminal law, as the person, convicted for criminal misconduct, is recognized as such even without the criminal record (part 2 Article 79 of the CC RK). In addition, as it is well known, one of the most important signs of criminal punishment, along with others, is criminal record. Thirdly, the existence of criminal misconducts in the CC RK seriously complicates law enforcement practice, as they are not separated into independent articles of the CC, and the basis for distinguishing criminal misconduct from crimes is only the sanction, at changing it, the socially dangerous act automatically passes from criminal misconducts to the category of crimes or vice versa. Fourthly, the sphere of criminal-legal relations is very responsible and at the same time specific branch of law (part 1 Article 1 of the CC RK), which provides only for special individual cases. In addition, the presence of criminal misconducts in the CC RK can lead to the subsequent weakening and degradation of this effective instrument of law enforcement. It would be reasonable for the legislator to analyze and summarize the five-year practice of introducing criminal misconducts into the sphere of criminal law and then make the informed decision. For example, it would be possible to return to old classical structure of formation of the CC RK of 1997, that is to refuse the concept of criminal offense (criminal misconduct, crime) and to return only to crime. In addition, this provision is contrary to the Model criminal code, which has the recommendatory nature for the Commonwealth of Independent states adopted at the seventh plenary meeting of the Inter-Parliamentary Assembly of the state members of Commonwealth of Independent States

(resolution No. 7-5 of February 17, 1996) (as amended on November 16, 2006). It should be noted that this innovation has not yet been introduced in the Criminal Code of the Russian Federation.

Resolution of Issues with Categorization of Crimes

In order to solve the existing problems with the qualification of criminal offences in sentencing, the content of Article 11 "*Categories of crimes*" of the CC RK of 2014 should be revised (Criminal Code, 2020). In our opinion, the developers of the CC RK of 1997 and 2014 made the methodological error in determining categories of crimes. There was suggested the mechanical approach for the classification of crimes, since it was based on only two characteristics: the form of guilt and the dimensions of punishment (terms of deprivation of liberty), at the same time the latter is the predominant criterion. And the nature of the public danger, which only the legislator implies, remained outside the legal field. This greatly complicates the law enforcement practice, as there was depersonalization of alleged categories of crime. For the credibility of our judgments, we analyzed the sanctions of all articles of the Special part of the CC RK and received the rather interesting picture, 1 category: non-grave crimes-140 corpus delicti; 2 category: crimes of medium gravity - 206 corpus delicti; 3 categories: serious crimes-181 corpus delicti; 4 category: -the gravest crimes - 66 corpus delicti. The difficulty for law enforcement officials is that, for example, there are separate articles consisting of several parts, when parts of one article can relate to different of the four categories of crimes (for example, Articles 120, 121, 122 of the CC simultaneously refer to non-grave crimes, crimes of medium gravity and serious crimes; Article 143 of the CC represents non-grave crimes, crimes of medium gravity and serious crimes; Article 367 of the CC represents all four categories of crimes: part 1 - non-grave crimes, part 2 - crimes of medium gravity, part 3 - serious crimes, part 4 - the gravest crimes, etc.). This problem deserves independent study and reflection. The positive example is the legal technique which used in the former CC of KazSSR in Article 7-1 "*The concept of the serious crime*". The legislator of that period clearly defined the concept of the serious crime, since he made the list of all the serious crimes that fall into this category. This allowed law enforcement agencies, in the process of their work, to be oriented more easily in the events and give the correct qualification of certain committed crimes, and this, in turn, implied the correct imposition of punishment (Criminal Code, 1987). At present, law enforcement agencies, due to the difficulty of categorizing crimes, make mistakes that lead to serious consequences.

It is Necessary to Revise the Content and Concept of the Criminal Punishment Itself

According to Dzhekebaev (2001) correct understanding of the purposes of criminal punishment has the great theoretical and practical importance. It is well known that nothing is done without conscious intention, without the desired purpose in society. This makes it clear that it is important to have a clear understanding of the purposes of criminal punishment. The purposes, defined by the legislation, influence, on the one hand, the choice of means, and, on the other hand, the chosen means influence the way of implementation of this purpose. Knowledge of these complex dependencies is necessary both for improving legislation and for its practical

application. Thus, in part 2 of Article 39 "*Concept and purposes of punishment*" of the CC RK of 2014, such provisions need to be clarified, that "*punishment is applied in order to restore social justice*" and "*punishment does not aim at causing physical suffering or violation of human dignity*", which completely word for word passed from the old CC of the Kazakh SSR at the beginning to the CC RK of 1997, and then in the CC RK of 2014 and they have declarative nature, knowingly impracticable and have the negative impact on law enforcement practice. For example, how can social justice are restored when it comes to murder or rape (we can only talk about partial recovery). At the best way, we can talk about ensuring social justice in the process of imposing criminal punishment, and not about restoring it. Or, as far as it possible, during the sentencing process, which is the measure of state coercion (part 1 of Article 39 of the CC) in order not to cause physical suffering (use of the same handcuffs, escort under convoy, movement in the specially equipped vehicle, etc.) or violation of human dignity (placing the person in the cell, on trial in the cage, showing on television, publishing in the media, etc.). It seems to us that criticism of the activities of bodies, implementing sentences in Kazakhstan, is based on the provisions of the current criminal and penal enforcement legislation of the Republic of Kazakhstan, which establish knowingly impossible norms. In our opinion, we should talk only about retribution for what we did, and the content of retribution that is punishment should correspond to the gravity of the crime committed. Then social justice and the preventive role of criminal law will be ensured. In this case, the social justice would be ensured, civil society properly oriented and the preventive role of criminal law. Here is the position of the legislators of the Kyrgyz Republic and the Russian Federation on this issue. Thus, in part 1 of Article 43 "*Concept and purposes of punishment*" of the CC of the Kyrgyz Republic (Asanaliyev et al., 2012), defining punishment as the measure of coercion, the word "retribution" in parentheses of the legislator, in our opinion, clearly defines the content of punishment, its punitive aspect, which is not present in the criminal legislation of the Republic of Kazakhstan. The experience of the Russian Federation is interesting. The Article 43 "*Concept and purposes of punishment*" of the CC of the Russian Federation (Criminal Code, 2018), unlike Kazakh and Kyrgyz criminal legislation, does not contain such wording that "*punishment is not intended to cause physical suffering or violation of human dignity*" which correctly reflects the punitive nature of punishment. In order to solve the above-mentioned problems, it is suggested to amend the wording of Article 39 of the CC RK in defining the concept and purposes of punishment.

It is necessary to reduce and introduce some restrictions on the use of such punishment as deprivation of liberty in the criminal legislation of the Republic of Kazakhstan.

It is necessary to continue work on further maximum exclusion of this type of punishment from certain articles of the Special part of the CC RK for acts that do not pose the serious public danger, replacing it with other types of punishment not related to isolation from society. In addition, it would be desirable to provide for even some restrictions on the use of such type of punishment as deprivation of liberty. Thus, it should be added to Article 46 of the CC RK that deprivation of liberty is not imposed on persons who have reached the age of older persons (over 63 years), or persons who did not commit various types of offenses during their life (over 50 years), women raising two or more children, minors who have committed the non-grave crimes or crimes of medium gravity for the first time, disabled people of the first and second groups, etc. It should be noted that we are not talking about all the committed crimes. This cannot include

murder, rape and other crimes representing the increased public danger (terrorism, extremism, treason, espionage and others).

There should be reduced the maximum terms of deprivation of liberty. Taking into account many circumstances related to: the conditions of detention of convicted persons, the possibility of completing the correctional process in the shorter time, the increasing number of convicted persons each year, the increasing costs for their maintenance, as well as Kazakhstan's desire to improve the index of "*prison population*" of the country, we consider it appropriate to establish in Article 46 of the CC RK the new maximum terms of deprivation of liberty for committed intentional crimes not more than 10 years, for careless crimes up to 5 years, for the combination of crimes up to 12 years and for the combination of sentences not more than 15 years.

It is necessary revise the types of punishments established by criminal law. Trends of development of modern criminal policy require the expansion of other measures of criminal-legal and criminal enforcement influence within the framework of the development of restorative justice. Thus, the convicted persons for economic or corruption crimes should be sent not to general correctional institutions "*to be eaten up*" by criminal elements or corrupt employees of the criminal correction system, thus supporting the criminal world, but they should be sent to serve their sentence for the entire specified period in any abandoned village, in order to give them possibility on the legal basis to create the favorable housing conditions for themselves and, in general, for the strengthening of rural infrastructure.

With this approach, the convicted person will be satisfied, there will be the great benefit to the chosen village and what is the most importantly, the humaneness of criminal legislation will be ensured and the purposes of criminal punishment will be fully implemented. Interesting in theoretical and useful in practical terms is the suggestion of the theoretical model of Russian scientists under the scientific supervision of the Honored worker of science of the Russian Federation, Doctor of Law, Professor Seliverstov on the organization of serving the deprivation of liberty of convicted persons for economic and official crimes, the essence of which consists in the creation of specialized correctional institutions for persons convicted for economic and official crimes. Therefore, in addition to our suggestion, we consider it appropriate for the Committee of Criminal Correction System of the Ministry of Internal Affairs of the Republic of Kazakhstan to restructure one of the correctional institutions, without any additional costs, into the specialized institution for serving the sentences of convicted persons for economic and official crimes. Moreover, there is the practice of creating specialized correctional institutions for convicted persons from among former law enforcement officers.

There should be revised the procedure of parole, established in part 3 Article 72 of the CC RK (Criminal Code, 2020), by reducing the mandatory terms for serving the sentence at parole from serving the sentence for non-grave crimes - up to 1 year, crimes of medium gravity - up to 2 years, serious crimes - up to 3 years, the gravest crimes - up to 4 years. The suggested approach will give the possibility to encourage the convicted persons to correction and significantly reduce the prison population and, at the same time, increase the responsibility of officers of correctional institutions.

It is necessary to expand the application of institution of suspended conviction (Article 63 of the CC RK of 2014, Suspended conviction).

The third: Further improvement of the sphere of execution of punishment. The execution of punishment is the important stage of counteraction and prevention of crime in practical and theoretical terms and needs to be rethought and further improved. The execution of punishment provides for the complex of measures to return the convicted person to society and return him to society with the least consequences, both for the convicted person and for society.

CONCLUSION

Therefore, proceeding from the above, society should revise, along with others, and first of all, for example, the issues of employment and training of convicted persons.

The employment of convicted persons is the important component of the entire correctional process of the convicted person.

In the conditions of market economy, with the proper organization of work, the majority of convicted persons could be employed and would receive the salary and, most importantly, would see their future (placement of state orders at enterprises of the criminal correction system, provide for preferential taxation on manufactured products, concessional financing of production, creation of necessary conditions for active attraction of private capital into production and for self-employment of convicted persons, ensure working conditions, including the salary of convicted persons in accordance with labour legislation by exempting them from compensation for the funds spent on their maintenance, as well as to provide for an increase in guaranteed deductions to personal accounts, etc.). It is necessary to create in the institutions of the criminal correction system, based on the experience of the former USSR, the powerful and effective productions, allowing convicted persons to work and earn money, at the same time, they should pay not only for their maintenance, but also bring great profit for the state budget. In addition, it is necessary to provide for the construction of housing, sports and educational facilities for convicted persons on the earned funds by them.

It would be reasonable to link the system of industrial relations with the progressive system of execution of punishment, as well as with the conditions of parole, which would have the positive impact on the effectiveness of implementation of purposes of criminal punishment.

The changing of form on training of convicted persons. Education in the process of the execution of punishment is not only the important means of correcting the convicted person, but also it gives to convicted person the possibility to obtain the profession necessary to provide his or her with work and the subsequent adaptation of the latter to life in freedom. What is the priority of education over other basic means of correction of convicted persons?

Firstly

Education provides the solution to the problem of the employment of convicted persons.

Secondly

Education in the conditions of correctional institution will help to solve another equally important problem as employment (training as work) of the convicted person not only during the period of serving the sentence and after his release.

Thirdly

The administration of the institution will be able to carry out effective educational work with convicted persons through the education system, as the educational work, aimed at forming law-abiding behavior, will be carried out with convicted persons in the process of properly constructed educational activities. There should be introduced the education of convicted persons in post-secondary and higher education programs, as well as training and retraining in narrow working specialties. Forms of training can be different: full-time education and distance learning. The provision on the need for cooperation with local executive bodies in the issues of education is fixed in the part 2 of Article 123 of the Penal Enforcement Code of the Republic of Kazakhstan (further PEC RK). Thus, it is stated that the list of professions and specialties for the organization of technical and vocational education of convicted persons is established by the administration of the institution in consultation with local executive bodies, taking into account the monitoring of the labour market (Criminal Code, 2019). Moreover, part 3 Article 123 of the PEC RK explicitly prescribes the interaction of institutions of the criminal correction system in the issues of education with authorized bodies in the field of education. Thus, this paragraph states that the organization of technical and vocational education is carried out in accordance with the rules, approved by the authorized body in the field of criminal correction activities in consultation with the authorized body in the field of education (Criminal Code, 2019). The potential of higher education in Kazakhstan makes it possible to cover the training of such category of our citizens who are temporarily isolated from society.

Fourthly

Taking into account the high migration of convicted persons to deprivation of liberty (about 5-10 thousand of convicted persons arrive in and leave correctional institutions each year), the correct organization of training in correctional institutions will allow to cover a large number of persons. For example, according to the data of Committee of Criminal Correction System of the Ministry of Internal Affairs of the Republic of Kazakhstan, more than 1.5 million people passed through the system of correctional institutions during the years of sovereign development of our country.

Fifthly

In order to effectively organize the issues of training of convicted persons in correctional institutions, there should be provided for the material forms of support and stimulation of the educational process of convicted persons by the state, for example: the allocation of targeted grants for the training of convicted persons according to the requests of the regional criminal correction systems or Committee of Criminal Correction System of the Ministry of Internal Affairs of the Republic of Kazakhstan; the payment of scholarships to students, etc. That is, training of convicted persons in correctional institutions can be turned into one of the forms of compulsory social-useful work, because by studying in the correctional institution, the convicted person will benefit not only himself, but also the entire state as a whole.

Taking into account the above-mentioned circumstances, it can be stated that the suggested measures to improve certain provisions of legal consciousness and law enforcement could be used in the development of the section "*Criminal policy*" of the new Concept of legal policy of the Republic of Kazakhstan that will make it possible to significantly improve the quality and efficiency of combating crime at the present stage.

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