

LEGAL TYPES OF STALKERS ON THE BASIS OF ANALYSIS OF COMPARISON OF LEGAL VARIABLES WITH DATA OF PSYCHOLOGY, SOCIOLOGY AND VICTIMOLOGY

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ABSTRACT

The given manuscript aims to designate types of stalkers in accordance with the Kazakhstan legislation in civil-legal, administrative-legal and criminal-legal direction on the basis of experience of the conducted researches of the countries near and far abroad. Consequently, it is possible to designate the following conclusions, according to which, the criminal legislation characterizes two types of stalkers, which can be determined as active and passive; the civil legislation is capable to divide types of stalkers in compliance with kinds, the periods and phases of persecution; the administrative legislation characterizes types of stalkers in compliance with the form of stalking. However, the problem consists in positioning of stalkers as the subjects, encroaching on personal space of citizens, which is not currently defined in any normative-legal act of the Republic of Kazakhstan.

Keywords: Harassment, Intrusion, Personal Space, Non-Proprietary Borders, Risk of Convergence, Observation, Data Set, Suicide, Threats, Blackmail, Espionage.

INTRODUCTION

The General Concept of the Problem

The problem of studying types of stalkers in the Republic of Kazakhstan is a rather important element in determining stalking as an offense, encroaching on the personal space of citizens (Shalkharov et al., 2016).

Types of Obtrusive Harassment

In accordance with the mentioned classification, obtrusive harassment can be classified in two types: the closed obtrusive harassment and open obtrusive harassment. Both categories inflict certain family harm to the psychological health of citizens by means of intruding in personality space (Zining et al., 2019). Consequently, designating the level of damnification to the health, let even and psychological, it is possible to designate the range of problems of

evidential base, for drafting of that it is necessary foremost to systematize the types of stalkers. The given will help to reduce certain family signs of stalkers in open and closed intrusion (Kuo et al., 2019). A present includes character of harassment, style of harassment, reasons, abandoned catches and other details. It is possible to notice in accordance with this supposition, that the abandoned details similarly can serve as the sufficient founding for determination of types of stalkers as persons, illegally intruding in personality space of victim, what inflicts to the victim an irreparable damage to the psychological health that similarly confesses as a health in accordance with the legislation of Republic of Kazakhstan about the health of people and system of health protection and is on the defensive Constitution of Republic of Kazakhstan (Marlene et al., 2019).

Reasons of Stalking

In accordance with reasons of pursuer of reason of stalking similarly can influence on determination and classification of stalker, that can be on the most different reasons beginning from self-affirmation, ending bringing in of attention of victim on the final stage of stalking (Shalkharov et al., 2016).

Psychological

Psychological reasons of stalking are one of the most widespread types of reasons on that one person pursues the second obtrusively, intruding in personality space of victim coming from some internal reasons related to psychological attitude of pursuer toward a victim (Carolina & Alejandra, 2019).

Attachment

As a rule attachment is one of the most widespread psychological factors of obtrusive harassment. That is in basis to it former partners, colleagues, friends, lovers and other persons that in the recent past had close enough relationships with a victim, become pursuers. Such stalkers, pursuing a victim feel certain family closeness with a victim in moments, when watch the actions of victim. Such stalkers, pursuing a victim feel certain family closeness with a victim in moments, when watch the actions of victim (Yongxing et al., 2019).

Jealousy

Jealousy similarly is one of reasons of obtrusive pursuit, where a victim is under the permanent emotional pressing in fear to meet with other persons, being afraid, both for the life and health and for life and health of contacting subject (Brett et al., 2019).

Volitional

As volitional factors of stalking it is possible to designate feelings of pursuer, that he tests to the victim. Unlike psychological reasons, where a stalker is under the set border of emotional symbiosis, these reasons of stalking are any more direct (Kairat et al., 2017).

Desire

Most psychologists classify erotomania as psychological disorder at that a pursuer watches a victim and latently wishes her, constantly scrolling the supposed actions of sexual character in a subconsciousness. As a rule, this reason is inherent for uncertain in itself people that does not have to the spirit straight to influence with a victim, which can be classified in a 951 article of Kazakhstan Republic Civil Law (Joanne et al., 2016).

Hatred

The considerable amount of pursuers follows hatred as a factor propulsive to pursuit. The given can be caused on the basis of gender, racial material or to another hatred (Marisa & Ferreira, 2018).

The Level of Harm Caused by Obsessive Persecution

Intrusive persecution, as well as any other kind of impact, can be a component of causing psychological, physical and complex harm to the health of a stalking victim. At the same time, complex damage to health implies a combination of physical and mental harm to health on an equal basis with each other (Britta et al., 2016).

The Component of Causing Psychological Harm to Health through Stalking

Intrusive persecution against the will of the victim, which deliberately affects the victim's personal space, can result in a certain level of psychological impact on the victim's body. This is designated as an organism not accidentally, since the psychological state, being designated as mental health, is legislatively identical with the physical health of citizens (Shalkharov et al., 2019). Today, such a component is quite well developed in modern society as a component of the personal space of every citizen. Consequently, whether openly or closedly, when acting on the victim, the pursuer causes, first of all, a number of derogations specified in the civil legislation of the Republic of Kazakhstan regarding moral damage regulated in Article 951 of the Civil Code of the Republic of Kazakhstan (Bitemirov et al., 2019).

The Component of Physical Injury through Stalking

An obtrusive pursuit against the will of the victim, which deliberately affects the victim's personal space, can also result in a physical injury caused by a light, moderate, or severe degree. an element of the criminal legislation of the Republic of Kazakhstan, expressed for liability in bringing a person to suicide. With this component, even without affecting the victim physically, the person causing the harm by his compulsive actions in one way or another causes harm to the health of the victim in which the mental state of the victim is directly related to the physical condition (Paridinova, 2018). It is difficult to classify such as murder from the point of view of criminal law, since the corpus delicti of a crime is rather problematic to analyze. However, bringing to suicide can be positioned as an alternative outcome of actions caused by a stalker (Shalkharov, 2018).

The Component of Causing Complex Harm to Health through Stalking

Intrusive persecution against the will of the victim, which deliberately affects the victim's personal space, can result in complex damage to health in a mild, moderate, and severe degree, which can be classified as a combination of psychological and physical impact in which the stalker achieves the goal pursued, in which the obsessive pursuit fully satisfies the motives of pres edovatelya. At the same time, the victim can receive as psychological harm expressed in violation and derogation of personal non-property rights and freedoms directly regulated in civil law, in parallel with physical harm, in which, as a result of derogation of personal non-property rights and freedoms directly regulated in civil law, physical peace the victims (Shalkharov et al., 2019).

The Specification of the Problem

Analysing the level of inelaborateness of normative base of Republic of Kazakhstan, it is necessary to mean that the level of decision of obtrusive harassment as offence straight depends on the degree of classification of stalkers (Shalkharov et al., 2019). That is, it is possible hypothetically to suppose that than reasons, consequence, details of obtrusive harassment, are investigated more in detail, the reasons of stalkers in accordance with that it is possible to designate their types and apply corresponding legislative norms become clearer.

Introduction to Detailed Specification

Determining the details of specification of types of stalkers it is necessary to take into account the psychological portrait of stalker in accordance with that the psychological type of pursuer is first of all determined, sanguine, temperamental person and so on. The given is determined coming from the type of pursuit that can be open or closed. The abandoned prompts are further examined (Bitemirov et al., 2019).

The Question of the Importance of Research for Modern Jurisprudence and Humanity as a Whole

This research is very meaningful for Republic of Kazakhstan and in the whole world because the factor of likeness of cultures takes place. Being state territorial unit of traditional foundations, Republic of Kazakhstan gives some preferences to the set cultural trajectories in accordance with that some normatively-legal acts can be oriented sometimes. So, it is possible to mean that most countries with we go down mentality and foundations able to find practical applications on the basis of results of the real article. From position of legislation such similarly is meaningful enough because extols the small contribution in lightness of classification of the offence accomplished by a pursuer (Bitemirov et al., 2018). Consequently, the given helps to define reasons of obtrusive pursuit, level of the psychological state during obtrusive pursuit, reason of obtrusive pursuit, grounds of obtrusive pursuit and other mattering details that bring in a substantial small contribution in classifications of types of stalkers, that is more detailed.

How the Present Study is Related to the Earlier Conducted by Analogy

In basis to it analogical studies were undertaken a from position of psychological and psychiatric sciences, on the basis of data of victimology. In Republic of Kazakhstan at the level of legislative base such conducted it was not, that confirmed originality of position that divides this research from other analogical. Research originality narrows to the decision of not only types of pursuit but also types of stalkers in legal space state territorial units. Data of previous reasons were analysed and systematized in a certain sequence through that it maybe to pick up the sufficient legal founding for setting of level of responsibility for caused damage to the psychological health of victim by means of intruding in personality space of victim.

Hypotheses: Primary Hypothesis, Secondary Hypothesis and Tertiary Hypothesis.

Assuming certain results in the legal direction, hypotheses were proposed that allow analyzing and predicting the outcome.

Primary hypothesis

If to define the types of stalkers in accordance with the operating norms of civil and criminal legislation founding for the compensation of psychological harm will become more gone into detail.

Secondary hypothesis

If to define the types of stalkers, it will be possible to define nature, reasons, founding, reasons and other details that will help predict consequences in legal space of state territorial unit

The Degree of Interrelation of Hypotheses with the Design of the Research

The level of worked out of hypotheses supposes certain kind presence of factors at that a hypothesis can be well-proven. In the number of such factors it is possible to correlate precedents and real legal experiments, at that it maybe to test the level of preparedness of local legislation of state territorial unit in relation to the problems of authentication of types of stalking. It is similarly possible to mean that including all attended elements nature of obtrusive harassment, reason of obtrusive harassment, founding of obtrusive harassment, reasons of obtrusive harassment and other details are necessary foremost for the decision of type of harassment, that in accordance with a primary hypothesis is the factor of correlation of current legislation regulative such sort of offence and psychological descriptions of harassment, that is important for a decision and authentication of founding of obtrusive harassment. Similarly not insignificant is connection of secondary hypothesis with primary, where a decision of the most direct type of harassment is an important factor for the decision of type of pursuer on the whole. The given allows to educe which one damage inflicted to personality space of victim. Such allows not only to analyse the level of worked out of current legislation but also the real state of affairs.

Theoretical and Practical Significance of Research

The theoretical significance of these studies involves not only the enrichment of fundamental knowledge in the field of legal research in the field of civil law, criminal law, but

also the degree of development of the interdisciplinary approach of internally legal directions. Practical significance will allow identifying a stalker in accordance with its type, actions, level of impact, as well as the predicted outcome, which will certainly contribute to the development of the applied direction of both civil and criminal legislation.

METHODOLOGY

The methodology for studying the identification of the status of intrusion into the personal space of citizens by the pursuer (stalker), as a result of obsessive persecution from the standpoint of modern jurisprudence, ethical and moral standards, involves the use of not only legal methods expressed in deduction, induction, abstraction, but also other techniques related to an interdisciplinary approach which assume regression, inverse correlation, and some types of copyright methods developed by the authors themselves.

The Main Description of the Methods

The materials and data of this article were analyzed using a number of techniques that help identify interdisciplinary research to achieve the goal of this article.

Legal Methods

As legal methods, deduction, induction and abstraction were taken as a basis, which help to analyze the theoretical material and the interconnectedness of previous research in this field among themselves and in relation to this article.

Deduction

A systematic transition from the larger to the lesser allows analyzing a certain hierarchy of legal acts starting from the constitution, continuing with codes and laws, as well as narrowing to the orders of the executive bodies in this field.

Induction

Induction allows you to undergo a specific periodical from the smallest to the greatest. In this analysis, having examined one work, many other studies can be derived from it.

Abstraction

This technique involves detailed and selective manipulations of regulatory acts regarding the status of the genome in the system of modern Kazakhstan legislation.

Statistical Analyzes

Identification of the will of citizens and the position of society regarding the issue of identifying the status of invasion into the personal space of citizens by the pursuer (stalker), due to obsessive pursuit from the standpoint of modern jurisprudence, necessitates conducting statistical research by creating a specialized questionnaire.

Sample

As a sample, you can designate a random sample, in which an equal population from individual territorial units of the state participates.

Base Coding

The encoding is supposed to be scheduled in a dichotomous form with two answer choices that are separated as 0-no and 1-yes.

Results

The results are achieved with the help of a certain manipulation with a base of 5,000 respondents and are processed using the software SPSS, R-STAT.

Authoring Tools

To achieve the research goal of determining the status of invasion of citizens into the personal space of citizens by the pursuer (stalker), as a result of obsessive persecution, from the standpoint of modern jurisprudence, specialized author technologies were created that allow you to serve as the necessary tools for a more detailed analysis of the issue.

Legal Experiment

To summarize the results, the provisions are verified using a parallel social-legal experiment with the participation of three groups in accordance with the hypothesis put forward. The first category of victims was made open by potential controlled stalkers. On the second category of victims, potential controlled stalkers produced a closed impact. A potential impact on the third category of victims was made by potential controlled stalkers. The duration of the experiment is three calendar months. All subjects agreed to experiment voluntarily on a fee basis and signed relevant documents and acts, including a confidentiality agreement signed by both the party conducting the experiment and the party taking part in it, which indicates the level of ethical approval of the authorized committee.

The Subjects

Subjects are divided into three groups. Potential stalkers exert an open influence on the first group of subjects, meeting all the time on sections of the path, leaving clues, threats, etc. In the second category of subjects, talkers have a closed effect, in which the victim understands that she is being pursued, but is not able to identify the latent pursuer herself. The stalkers are influenced to the third group of subjects with periodicity both openly and closed, that is, in a complex, depending on the situation.

Groups

Three groups take part in the experiment: the “Alpha” group, the “Beta” group and the “Omega” group. In each group, the number of participants is determined by 3 people. One of the necessary conditions is the presence of a small level of legal nihilism in all three groups.

Systematization

After the results are systematized using a specific encoding.

DISCUSSION

Designating the approximate types of stalkers in effective part it is necessary to take into account the points of view and position of strange researchers that must be considered in an alternative.

The Effectiveness of Hypotheses

Efficiency of hypotheses has high chances by virtue of that any legislation it is easy to interpret and systematize, when details are. The real research is just sanctified to working out in detail and structuring of types of stalkers in accordance with their type of harassment, degree of harassment, nature, descriptions, reasons, habits and other details.

Provisions Supporting Hypotheses

A certain preference gives oneself up to the hypotheses by virtue of presence in them of the supposed results that can forecast the degree of classification of stalkers on the basis of the caused psychological harm to the health of victim by means of the aggressive intruding in personality space of victim. It is thus important to mark that any encroachment confesses as aggressive because in any case touches the borders of personality space of victim.

Provisions that Support the Hypothesis of the Consideration of the Action, in which the Stalker Invades the Victim's Personal Space through Open Aggressive Influence

The aggressive intruding in personality space similarly can be classified in accordance with the type of stalkers taking part in him. So, for example, stalker, for that sense of jealousy higher what other feelings can be more dangerous what stalker that is the former partner of victim.

Provisions Supporting the Hypothesis of the Consideration of the Action in which the Stalker Invades the Personal Space of the Victim through a Closed Aggressive Impact

Being in the active phase of pursuit pursuers are classified as a segment capable of mischief to the health of citizens. Consequently, for such type, decision of details in classification of types that was mentioned in the real research is especially important.

Provisions Supporting the Hypothesis of Considering the Action in which the Stalker Invades the Victim's Personal Space through a Complex Aggressive Influence

As be classified before at a complex damnification to the health stalkers similarly can be incorporated in the divergent types of pursuers that can be switched between the modes of active and passive phase of estalking. Thus, it is important to mark that such type of divergents far heavier to identify and define if not to conduct the dynamics of actions from the side of stalker. For such the system of twenty-four-hour monitoring video supervision above surroundings of

victim is the most optimal decision. This type of stalkers is especially dangerous for a victim, because is unforeseeable.

Provisions that do not Support the Hypothesis

Position, not supporting a hypothesis can have gate character in accordance with that, a pursuer cannot be accused of intruding in personality space of victim, because personality space is the not tangible object of legal relationships of victim. Nevertheless, even if personality space is intangible the given does not assert that such is not present. Even legislatively the unproperty complex of rights is especially regulated by a civil legislation, although does not have a certain dynamics of development in actions.

Effects

It is important and alternative consequences of the implementation of each of the hypotheses in the regulatory production. Therefore, this paragraph is devoted to what result can be achieved as a result of the development of a particular legal norm based on hypotheses.

Theoretical Implications

As a theoretical consequence it is possible to designate the amount of works that in a prospect can be published on the basis of the real article. A theme of stalking is actual enough for modern society. Such was studied empiric from position of psychological sciences, there is plenty of materials in that. However jurisprudence not so strongly abounds the amount of fundamental base for such researches. Consequently, results of these reasons are excellent material for further research not only from position of modern jurisprudence but also from position of victimology, psychology, sociology and other allied subjects.

Practical Consequences

As a practical consequence of systematization of stalkers it is possible to designate lightness of interpretation law enforcement authorities of statements of citizens about precedents at that they are exposed to the aggressive intruding in personality space. Such will help to strengthen work of law enforcement authorities in this industry. For judges such is an useful legal mechanism for classification of stalkers.

Inconsistency Points

Like any research, studying the issue of identifying the status of an invasion into the personal space of citizens by the pursuer (stalker), due to obsessive persecution from the standpoint of modern jurisprudence, has not only sound results, but also circumstances that make it difficult to study this topic.

Disagreements

There are no discrepancies on this item.

RESULTS

The results of the study on the identification of the status of intrusion into the personal space of citizens by the pursuer (stalker), due to obsessive pursuit from the standpoint of modern jurisprudence, are based on the three hypotheses mentioned earlier.

Types of Stalkers in Accordance with the Decision of Types of Obtrusive Pursuit

Literary Analysis of Types of Stalkers, Carrying out Pursuit in the Closed Form

As be indicated earlier pursuers it is possible to classify in accordance with a type of harassment at that a pursuer carries out a supervision secretive. To the victim heavier to define such stalker, because in many cases such harassment is unnoticeable and in many cases a victim even unawares of being of outsider in the personal space. At this type of harassment a stalker mostly collects information without a feausance what or active actions, that grounds to classify such stalker as stalker of secret service agent. Nevertheless, in the cases when a victim however succeeds to identify being of stalker in the personal space, for her it is similarly heavy to accuse the stalker of encroachment, because doing nothing and not co-operating with a victim physically a stalker in principle is protected from position of current legislation and does not carry to responsibility for the actions. Consequently, as be marked in previous researches by the conducted researchers of department "jurisprudence" of faculty of social sciences of the international Kazakh-Turkish university of the name H.A. Yessewi classification of stalkers on their models is a variable enough question in modern jurisprudence that does not suppose strict one-sided classification in a criminal or civil statute.

Literary Analysis of Types of Stalkers, Carrying out Harassment in an Open Form

Stalkers, carrying out pursuit in an open form are anymore the aggressive type of pursuers, whose reasons are constrained on purpose to exterminate a victim. At this type of harassment a stalker mostly hates a victim or is jealous. Relations of such stalkers are more open type, because feeling with the victim of certain family the emotional feelings in the past and instantly losing them, a stalker tries to cause pain or hurt him bad psychologically to scotch a victim, being base on internal persuasions on a self-defence. Consequently, such stalkers differ in abandonment of signs, prompts or another reminders about perfect when that in a past action. Such type of stalkers most easy to classify in accordance with the norms of local legislation.

Types of Stalkers in Accordance with the Decision of Reasons and Personal Motives of Pursuer

Attachment

As a rule attachment is one of the most widespread psychological factors of obtrusive harassment. That is in basis to it former partners, colleagues, friends, lovers and other persons that in the recent past had close enough relationships with a victim, become pursuers. Such stalkers, pursuing a victim feel certain family closeness with a victim in moments, when watch the actions of victim. Such stalkers, pursuing a victim feel certain family closeness with a victim in moments, when watch the actions of victim. So, end-point of stalker is an imaginary picture of

latent compatibility in the subconsciousness of pursuer. Consequently, having regard to the psychological aspects of psychological type of stalker it is possible to identify not only reasons, signs and nature of such pursuit but also спрогнозировать a result. Thus this type is the most recognizable type of pursuit, that it is easy to classify as from position of criminal statute, so from position of civil legislation.

Appetence

This type of stalkers differs in the psychological lack of confidence, at that a pursuer can not find in itself forces to walk up to the man and undertake some active actions. Consequently, he can only look after outside and to collect materials. As a rule, such type of stalkers most time is in personality space of victim without the privity of victim and not dinting the presence by virtue of that this person is in a greater degree interested in the long-term shadowing above an object. In accordance with a psychological type such types of stalkers are most safe because they less all undertake active actions. Thus, it is possible to mean that this type of stalkers in a state of being in a passive phase in the least degree cause harm to the health of pursued.

CONCLUSION

To sum up the figures it is actual to note that in Kazakhstan Republic there is no concrete legislation element about stalking and stalkers in a whole. Nevertheless, there are much normative elements about illegal invasion to the personal space. Consequently, it is important to note that identification of stalkers types in a normative have enormous role in the developing of legislative system of Kazakhstan Republic.

RECOMMENDATION

According to results it is important to identify types of stalkers in the following legislative acts:

In the Kazakhstan Republic civil code normative elements about types of stalkers should be mentioned in a 951 article part about moral harm, which must be detailed more clearly including paragraph about personal space of citizen, where there is comfortable to write about harm from every types of stalkers.

In the Kazakhstan Republic criminal code normative elements about types of stalkers should be written in a suicide action paragraph in article 136, where it will be wright to notice the responsibility level according to calculating damage from each types of stalkers.

In the Kazakhstan Republic administrative code normative elements about types of stalkers should be under administrative sanctions to the persons, who get the damage to the personal space of citizen in article 518 of Kazakhstan Republic administrative code.

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