

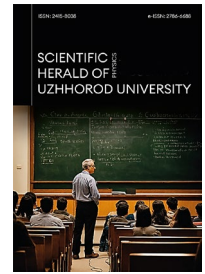
Scientific Herald of Uzhhorod University

Series "Physics"

Journal homepage: <https://physics.uz.ua/en>

Issue 55, 839–850

Received: 10.10.2023. Revised: 05.01.2024. Accepted: 20.02.2024



DOI: 10.54919/physics/55.2024.83ks9

Problems in the criminological characteristic of juvenile offender identity

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Abstract

Relevance. Insufficient attention of state bodies to the problem of juvenile crime also leads to the aggravation of antisocial manifestations in society, neglect of social and cultural norms, and increased manifestations of crime and cruelty. Child welfare and protection of children's rights are among the main tasks of every democratic, social, and legal state.

Purpose. Despite the close attention to the problem of juvenile crimes, many of the relevant aspects are still understudied; they require scientific and theoretical interpretation and substantiation, including problems in the criminological characteristic of the juvenile criminal identity.

Methodology. The study employed a variety of methodologies including dialectical analysis, historical legal method, comparative legal analysis, logical legal method, documentary analysis, statistical analysis, and sociological method to comprehensively examine and understand the criminological characteristics of juvenile criminal identity and develop proposals for enhancing prevention and intervention strategies.

Results. The study covers doctrinal approaches to the criminological characteristic of the personality of juvenile criminals, to find out the variability of ideas and concepts aimed at identifying the essence and features of the juvenile criminal identity on the territory of various states, and also to conclude that the system of social prevention of offences, including crimes, that has developed in the past, which has practically ceased to exist in our time, requires a qualitative reform.

Suggested Citation:

Kursabaeva Z, Baigundinov Y, Sabitov S, Raziyeva D, Rakhmatov M. Problems in the criminological characteristic of juvenile offender identity. *Sci Herald Uzhhorod Univ Ser Phys.* 2024;(55):839-850. DOI: 10.54919/physics/55.2024.83ks9

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Conclusions. The study has substantiated that there is currently an urgent need to reproduce such a system based on new principles and unified foundations of the criminological characteristic of the juvenile criminal identity, to create an appropriate legislative framework for this purpose and to widely involve the public in this activity.

Keywords: criminological characteristic; psychological traits; juvenile criminals; crime prevention.

Introduction

In the modern world, rapid processes of qualitative reform in all spheres of life are constantly taking place, being described by the presence of an accelerated cardinal rate of change in society. Insufficient attention of state bodies to the problem of juvenile delinquency also leads to the deepening of antisocial manifestations in society, neglect of social and cultural norms, and increased manifestations of crime and cruelty. Child protection and protection of children's rights are among the main tasks of every democratic, social, and legal state. Meanwhile, minors are increasingly becoming victims of various types of violence and crime. The decline of public morality, the growth of domestic violence, the deterioration of mental health and the deformation of sexual orientations in a certain part of the adult population led to the development of the phenomenon of corruption of minors, which was suppressed and even ignored for a long time [1].

Thus, the post-Soviet states found themselves at the epicentre of a complex transformation, which led to the aggravation of the previous issues and the emergence of many new issues of a socio-economic, national-political, and cultural and ideological nature. Juvenile crime as a part (type) of crime in a broad meaning arises and develops under the influence of the same determinants. However, like any phenomenon, it also has specific causes and conditions that are reflected in the level, structure, motivation, dynamics of juvenile crimes, and under the influence of which the criminal behaviour of adolescents is developed. Minors, through specific age features, when only the development of their psyche is taking place, require increased attention, the absence of which contributes to the fact that they may develop a distorted vision of the world. It is during this period that the gradual development of the future criminal takes place.

Without a doubt, the study of the reasons for the growth of crime, especially juvenile crime, is of great public and state importance. It is necessary to conduct in-depth, comprehensive research in criminological theory and practice regarding the problems of juvenile crime, primarily due to the insufficient empirical data on the characteristic of criminal identity and its reflection in the mechanism of criminal behaviour, as well as a significant level of latency of these crimes. Despite many years of experience in crime prevention among minors, at present the problem of juvenile crimes has not been resolved and remains one of the most urgent [2, p. 401], thereby necessitating a comprehensive analysis of the criminological characteristic of the identity of such criminals in order to implement effective preventive measures. The outlined subject matter must be studied based on the use of approaches of various sciences: criminology, pedagogy, psychology, psychiatry, sexology.

Considering the special danger of this kind of crime for the development of society, first of all, of juvenile criminals, it is necessary to describe the presence of certain distinctive negative qualities that are inherent in them due

to the specifics of age, i.e. alienation from normal ties, relationships, values, low level of education and culture, morality, hypertrophied impulsivity, anxiety. In recent years, juvenile crime tends to increase; moreover, among the crimes of this age group, the number of acts with increased social danger is growing. At present, the nature of juvenile crime is changing, and recidivism, armed offences, and illegal actions associated with criminal professionalism, are actively penetrating its system [3-5]. Crime is acquiring signs of a group nature. The juvenile crimes related to cruelty are especially asserting themselves. The juvenile environment is becoming criminalised, along with other circumstances, as well as due to the increased penetration of cruelty into it as a socially dangerous phenomenon.

The above reasons mainstream the subject matter and substantiate the necessity of identifying issues in the criminological characteristic of the juvenile criminal identity. Thus, the purpose of the study is to conduct a comprehensive analysis of the theoretical and practical foundations in order to identify problems in the criminological characteristic of the juvenile criminal identity. To achieve the purpose of the study, the following tasks were outlined: 1) to reveal doctrinal approaches to the criminological characteristic of the juvenile criminal identity; 2) to conduct a comparative analysis of the issues arising in development of the criminological characteristic of the identity of the investigated criminals in the territory of the member states of the European Union and in the post-Soviet countries; 3) to outline the prospects for overcoming the identified issues in order to implement effective crime prevention measures.

Literature review

Scholars supported this position by stating that cruelty penetrates the family, everyday life, education, culture, consciousness; it is consolidated in traditions and customs, transforms the system of personal and social needs and interests. Cruelty is one of the most important indicators of the moral health and position of minors. The number of violently motivated crimes, when violence is associated with cruelty, sadism, embittered aggressiveness, cynicism, or bullying, is annually growing. The degree of cruelty of violent juvenile crimes, including crimes against the person, is also rising [6, p. 463].

However, despite the tendency of minors to commit such crimes, the share of unlawful actions that infringe on sexual freedom and sexual inviolability of the person still remains significant. The real number of rape by juveniles significantly exceeds the number of officially registered cases. The main reasons for this, according to scholars [7, p. 19], is the underestimation of the significance of the event, fear of the criminal's revenge, reluctance to publicise. The main reasons for rape can be not only satisfaction of sexual needs, but also the desire to subdue the victim, while the woman's age and appearance sometimes do not matter. The number of sexual conflicts

and juvenile crimes in modern society, considering the destruction of moral principles, is epidemically growing [8, p. 79]. However, despite the close attention to the issues of juvenile crimes, many of the relevant aspects are still not properly covered, requiring scientific interpretation and substantiation.

Issues of the criminological characteristic of the criminal identity in general, and identity of juvenile criminals in particular, have been within the line of sight of theoretical scientists and practitioners for a long time [9]. The articles of these authors cover social characteristic, legal and psychological characteristic of the juvenile criminal identity, analyse the motivation of criminal behaviour, the interaction of subjective factors and external conditions in the mechanism of their criminal behaviour.

Therewith, a review of literary sources and dissertations indicates that scientific research by criminologists is mainly aimed at studying the trends and patterns of the entire group of selfish and violent crimes, the identity of a juvenile criminal has not been studied separately, rather covering the specifics of street criminal encroachments. At the same time, comprehensive criminological studies of the most common selfish and violent crimes of juveniles, namely robberies and armed robberies committed in public places, have not yet been conducted. At present, there is also a lack of scientific and legal understanding of the reasons that, on the scale of society, push adolescents to the path of illegal enrichment by means of criminal violence in public places.

The efforts of scientists were aimed at researching the causes and conditions of juvenile crimes, studying the phenomenon of troubled youth and its connection with offences, searching for effective ways to prevent criminal behaviour, determining the role of the family and school, as well as other special bodies and institutions in preventive work with juveniles. Therewith, the existing studies mainly analysed the system of social prevention of offences, including crimes, that developed in the past, which has practically ceased to exist in modern times. Nowadays, there is a crying need for reproduction of such a system based on new principles, to create an appropriate legislative framework for this purpose and to widely involve the public in this activity.

Methodology

In turn, despite the heightened interdisciplinary interest of scientists in the issue of combating juvenile crimes, science has not yet conducted a single comprehensive monographic study of the issues of criminological characteristic of the juvenile criminal identity. The tendencies and patterns, reasons, and conditions for committing juvenile crimes also remain unclear, while the world community demands the improvement of the existing system for preventing crimes among minors in conflict with the law, including the development of new measures to prevent such crimes. All the above determined the choice of the subject matter and attests to its relevance. The versatility, variability, and variety of manifestations of the criminological characteristic of the juvenile criminal identity led to the use of a set of general scientific and special scientific methods of cognition, thereby ensuring an objective analysis of the subject matter and the reliability of the results and conclusions. Among the

methods used, it is advisable to note the following: dialectical, historical, Aristotelian, analysis and synthesis, abstraction, and generalisation, system-structural, comparative legal, etc.

Thus, the methodological framework of the study, first of all, includes the dialectical method of cognition of legal phenomena, which allows to analyse the legal regulation of the essence of the criminological characteristic of juvenile criminals and the foundations of prevention in this area. The methods of logic were used to process regulations, materials of criminal proceedings, concepts, opinions of authors on certain issues included in the subject matter, as well as to generalise and draw conclusions, including prospects for further research. The historical legal method was applied to search for the origins and genesis of doctrinal and legislative provisions related to a comprehensive understanding of the criminological characteristic of juvenile criminals.

The method of comparative analysis was used as the basis for studying the correlation of the issues of states in the development of the criminological characteristic of the criminal identity, and minors in particular, so as to factor in the positive experience and effective investigation of crimes. The comparative legal method was used for a comprehensive comparative analysis of the foundations of legal regulation of prosecution of juveniles and identification of the influence of legal regulation in this area on the criminological characteristic of juveniles involved in acts of crime. The logical legal method was used to formulate proposals for improving the legislation governing activities related to the prevention, detection, and investigation of juvenile crimes. The method of documentary analysis was used upon studying procedural documents. Statistical was applied for generalisation of approaches to the criminological characterisation of the juvenile criminal identity within the framework of criminal proceedings, judicial practice and their analysis, as well as upon the study of statistical information from prosecutors. The sociological method was used to study and analyse the opinions of workers of investigative and other bodies and departments on the effectiveness of prevention, detection, and investigation of a crime with the use of the criminological characteristic of the juvenile criminal identity on the territory of various states.

Results

The solution to the problem of combating crime is impossible without a comprehensive study of the identity of the offender. Therefore, in criminology, this issue is fairly attributed to the key and most complex ones, since understanding of the origins of the motivation of the criminal behaviour and effective ways of preventive action is concentrated precisely in the plane of knowledge about the offender of criminal prohibitions. In one of the first criminological classifications, scholars differentiated the statistical array of crimes according to the conditional criterion of the highest prevalence of criminal offences in practice. This allowed to single out crimes of minors and youth, violent, selfish, selfish and violent, recurrent crimes, etc. V.V. Golina and M.O. Marshuba note that, for instance, the personality of a selfishly violent juvenile criminal should be understood as a set of socially significant properties and signs of a socially dangerous

person between the ages of 14 and 18, caused by socio-psychological and moral and legal defects of its socialisation, which arise or increase under the impact of the specific features of physical, psychological, and moral development of a person at this age, leading in a particular life situation to the commission of a wrongdoing prescribed by criminal law [10, p. 38]. Golina and Marshuba distinguish the attributes of a juvenile criminal as follows: socio-demographic, moral and psychological, need-motivational, psychophysiological.

Another scholar, O.E. Freierov believes that in children and adolescents, the development of the brain is unfinished, and therefore they lack those qualities that ensure the correctness and usefulness of acts of behaviour in their biological and social aspects. Psychological and age-related development of a minor's identity are the criteria that, on the one hand, determine the person's ability to be a party to certain legal relations, and on the other, indicate its individual (personal) characteristics [11, p. 42]. M.O. Marshuba concluded that robbery (64.5%), armed robbery (21.4%), and extortion (7.1%) prevail in the structure of selfish and violent juvenile crimes. The selfish motivation of minors is mainly described by parasitic and prestigious aspirations. Most often, these crimes are committed in streets, parks, squares, and uninhabited areas (over 60%) [12, p. 157]. Based on the complex criterion, Marshuba classified the contingent of juveniles, distinguishing the covertly rational, the demonstratively impudent, the unstable-suggestible types of criminals, and the so-called mixed genesis type.

Notably, scholars also distinguish the following qualitative (structural) characteristics of juvenile crime: a relatively small proportion of juvenile crime in the aggregate number (8-13%); juvenile crime is less severe than adult crime; only every fifth crime committed is classified as grievous; the structure of juvenile crimes by type of crime is not much different from the structure of all crime (theft, robbery, armed robbery, misappropriation of vehicles, hooliganism, bodily harm, etc.); the intensity of juvenile crimes in cities is much higher than in villages [13, p. 89] (in rural areas, organised crime began to manifest itself increasingly often, the object of encroachment of which is collective and individual (private) property). A specific feature of selfish and violent juvenile crimes is their group nature. One of the features of urbanisation all over the world is the growing number of youth gangs, groups of adolescents, often determined by geographic area, ethnicity, or ideology; recent reports indicate the growth of groups with extremist views. Explanatory models for the growth of youth gangs include factors such as economic migration, loss of extended family ties, decreased control over children, globalisation, and the impact of "ideals" of an inaccessible lifestyle presented in modern media [14, p. 181]. Compared to the general population and groups of juvenile criminals, members of juvenile criminal groups exhibit significantly higher rates of mental health issues such as behavioural disorder, antisocial personality disorder, post-traumatic stress disorder (PTSD), anxiety disorders, and attention deficit hyperactivity disorder (ADHD). According to V.O. Kasimov, the most common phenomenon in the behaviour of juvenile criminals is a reputation strategy through which they assert themselves. Its understanding is of particular

importance in the study of group juvenile crime. Thus, for example, destructive and aggressive actions, successfully committed crimes can create a certain reputation for a person in a teenage environment, allowing as much as to take a leading position in street companies and groups [15, p. 69].

Thus, R.O. Bundz classifies the factors that create negative conditions for the life and upbringing of juveniles, thereby influencing the criminological characteristic of the identity:

1) significant social differentiation of the population (that is, families in which minors grow up and are brought up) in terms of material security and social status;

2) violation of the principle of distribution and redistribution of material goods and their consumption, depending on the intensity and social significance of labour;

3) the difference in the nature and content of training, depending on the financial situation;

4) a high level of divorces and family breakdown;

5) the spread of drunkenness and alcoholism, neuropsychic disorders, chronic diseases of certain groups of the population, in particular parents and persons responsible for the education and upbringing of children;

6) spiritual licentiousness;

7) a low level of legal culture in society and a significant deformation of the moral and legal consciousness of certain segments of the population;

8) the forced necessity of parents to work abroad separately from the family;

9) insufficient resource and staffing of subjects involved in the upbringing of minors [16, p. 22].

Notably, both variable approaches to the very criminological characterisation of the juvenile criminals identity, as well as related issues emerge on the territory of various states. Thus, juvenile crime in the EU countries is of growing concern due to the fact that there are still various and archaic legal provisions, an acute shortage of specialists in prevention. High-income countries have established forensic psychiatry for children and adolescents, a multifaceted discipline that includes the fields of law and forensic psychiatry. The adoption of a therapeutic intervention was associated with a large reduction in recidivism compared to punitive approaches prevalent in some parts of the world [17; 18]. In recent years, the public and academia have shown an ongoing interest in crime and mental health, with attention often paid to antisocial behaviour of children and adolescents. The scale of juvenile crime issues has generated controversy from governments and media around the world, creation competition between those calling for better rehabilitation and support for juvenile criminals and those advocating for more punitive approaches [19]. Meanwhile, decades of rigorous academic scrutiny have shed light on the complex and varied needs of children in conflict with the law [20-23].

Importantly, juvenile criminals have been consistently identified as a population that suffers from a markedly increased prevalence and severity of mental disorders compared to the general juvenile group [24-27]. In some cases, persons over 18 years of age can be heard in juvenile court and are therefore are still considered to be juveniles. In this regard, the United Nations (UN) defines "youth"

between the ages of 15 and 24. The term “child offenders” was used to refer to children under the age of 13 who committed an offence, although other sources often define “children” as persons under the age of 18. The term “young offenders” is broad and can refer to offenders under the age of 18 or include young people under the age of 20 [28, p. 447].

Lack of clarity can also arise in jurisdictions where the young offender is being treated through the social welfare system rather than through the youth justice procedure. Countries with a high minimum age of criminal responsibility cannot technically criminalise young people for behaviour that is usually prosecuted and therefore classified as “criminal” elsewhere. Not all imprisoned juveniles are “offenders”, as some may be held in pre-trial detention and may not be convicted of a crime. Even if found guilty, it would be wrong to assume that every “juvenile offender” meets the criteria for a behavioural disorder diagnosis; offences vary widely and may not be associated with a wide scope of criminological behaviour. Furthermore, most “juvenile offenders” do not pose an immediate risk of violence against others, and the vast majority of convicted juveniles serve their sentences in the community. To meet the diagnostic criteria for behavioural disorder, evidence of dissociative or aggressive behaviour that defies age-related social expectations is required. Such behaviour can include cruelty to people or animals, truancy, frequent and violent outbursts of anger, excessive fighting or bullying, and arson. Behavioural disorder can be diagnosed when one of the said types of behaviour is noticeable [29]. In general, the term “juvenile criminal” is widely used in the scientific literature, but requires some caution. It can be a potentially problematic term, and in some contexts it can sound derogatory with misleading negative assumptions. For several years, the UN has used the phrase “children in conflict with the law” to describe a diverse group of individuals under the age of 18 who have violated the law or are at risk of doing so. Sentencing of a person convicted of a criminal offence is largely determined by three main concerns: retribution (punishment), deterrence, and rehabilitation. In case of juvenile offenders, the principle of rehabilitation often carries the most weight. The focus on juveniles in the criminal justice system is not a new concept. In Roman law, the *doli incapax* principle protected young children from prosecution due to the presumption of a lack of ability and understanding, which are necessary to be convicted of a criminal offence. Most countries have a separate provision on the special treatment of children who come into conflict with the law, but the extent to which this is ensured varies throughout the world [30, p. 45].

In some countries the “welfare” model predominates, which focuses on the needs of the child, diagnosis, treatment, and more informal procedures, while in other countries the “fairness” model is preferred, which emphasises accountability, punishment, and procedural formalities. Belgium is often cited as an example of a country with a strong social process, supported by a high minimum age of criminal responsibility of 18. Likewise, France developed a solid social reputation by placing education and rehabilitation at the centre of youth justice reforms in the 1940s [31]. Comparative analysis of juvenile crime in Russia and Germany, conducted by O.A.

Siegmunt, showed that in Germany the level of parental control is higher than in Russia. The level of social control of the family among juveniles who have not committed a crime (or those who have committed one or two different crimes in the last year) is higher than that of juveniles who have committed three or more different crimes. Therewith, the level of parental control is equal in both countries. Russian adolescents are less emotionally connected with their parents than German ones. Therewith, the fact that the connection with parents is stronger in non-abusive adolescents is the same for juveniles in all countries. Russian and German adolescents are more likely to commit minor crimes. These include damage to other people's property, theft from the supermarket, and bodily harm without the use of weapons. The least common among minors are theft from vehicles, bodily harm with weapons, armed robberies, extortion, and violent crimes related to discrimination.

As a result of the statistical analysis, Siegmunt recorded differences in the structure of juvenile delinquency in different countries. The prevalence of crime in general (considering all 13 types of crime) was at the level of 30.1% in Russia, which is significantly lower than in West and East Germany (37.2% and 36.2%, respectively). Therewith, in Russia more juveniles damage public property than in Germany. For all other types of crimes, Russian juveniles do not differ from juveniles in Germany, or their criminal activity is lower. In these countries, the following differences were also noticed: the versatility of minors in Russia is the lowest and amounts to 5.0%, in East Germany it is significantly higher (8.1%), and in West Germany it is the highest (10.2%) [32, p. 177-178]. The Republic of Kazakhstan joined the UN International Convention on the Rights of the Child on August 12, 1994. Therefore, to humanise the criminal policy towards juveniles, in 2003-2006 the republic implemented the international project “Juvenile Justice in Kazakhstan”. Within the framework of this project, in accordance with the Decree of the Head of State of 23 August 2007, the first experimental juvenile courts were established in the cities of Astana and Almaty. Considering the positive experience, by the Decree of the President of August 19, 2008, the Concept for the development of the juvenile justice system in the Republic of Kazakhstan for 2009-2011 was approved, which determined that the juvenile court is the most important link in the juvenile justice system.

At present, in the Republic of Kazakhstan – the only one of the countries of Central Asia – 19 juvenile courts are successfully functioning. However, as S.M. Naurzaliev noted, subsequent to the adoption of the current criminal law, punishment remained the main form of implementation of criminal liability of minors in the Republic of Kazakhstan. The prosecution of juveniles occurs by means of the application of the main provisions of the juvenile criminal policy in the field of combating crime and constitutes a procedure of the performance of activities by the legislative, judicial, and executive authorities of the Republic of Kazakhstan, aimed to counteract juvenile criminal offences, to contain, identify, suppress, and prevent them. From the general list of punishments contained in the current Criminal Code of the Republic of Kazakhstan, courts of general jurisdiction or

juvenile courts can impose only six types of punishment for minors: deprivation of the right to engage in certain activities, a fine, correctional labour, involvement in community service, restriction of freedom, imprisonment [33, p. 19]. This concept is also fundamentally based on the criminological characteristic of the juvenile criminal identity, which, in turn, becomes the main determinant on the path to effective prevention. The modern criminological characteristics of the juvenile criminal identity in the Republic of Kazakhstan were seriously influenced by the adoption of the new code of the Republic of Kazakhstan in 2014, which classifies some of the acts previously related to crimes as criminal offences [34, p. 32]. Within the framework of existing scientific research, the following problems remained outside the scope of scientific interest:

- the current state of juvenile crime after the adoption of the Criminal Code of the Republic of Kazakhstan in 2014, the influence on its indicators of the basis of criminal liability, different from the previously existing legislative formulation, as well as new forms of its implementation in relation to juveniles;

- specific features of mental influence (mass media, networks, etc.) and psychological influence on the consciousness of Kazakhstani society, which in the existing realities leads to the weakening of previously existing family and social traditions;

- social stratification in the presence of the following antagonisms: low purchasing power – on the one hand, and a constant supply of big brand elements of adolescent culture – on the other;

- low social level of the family;

- the negative influence of family members and the prevailing family lifestyle in the modern post-Soviet state;

- asocial lifestyle of parents;

- lack of control on the part of adults;

- negative environment in which the adolescent lives;

- unemployment and lack of leisure during non-study time.

Nowadays, several relevant problems can also be identified in the modern criminological characterisation of juvenile crime in Uzbekistan:

- the level of neglect of juveniles has increased;

- cases of cruel treatment, beatings, insults, humiliation, as a result of which a adolescent is out of school or other educational institution, have become more frequent;

- in these cases, there is a risk for adolescent girls to fall under the influence of persons engaged in prostitution or brothel keepers;

- the level of adolescents' infatuation with elements of the criminal subculture has increased – there is a spread of tattoos, jargon, and other attributes of the criminal environment among juveniles;

- elements of victimological prevention, unfortunately, are not yet a system, but are generally of a random nature;

- prevention of unauthorised departure of children from the family, control over those who are capable of provoking criminal encroachments by their behaviour, is hampered by the lack of information available in the criminal investigation units;

- shortcomings in the work of employees of the preventive service, who, as a rule, limit themselves to conversations with the “oppressed” adolescents and their “oppressors” or send information to the place of study (work) of the latter.

In this regard, V.N. Zhadan and Z.S. Gataulin made an absolutely precise conclusion that the prevention of juvenile delinquency requires socio-economic, cultural, and educational factors to neutralise and eliminate the causes and conditions conducive to the commission of juvenile crimes, consistent and effective activities of all government and law enforcement agencies to prevent, identify, and prosecute those responsible, and also the constructive activity of state bodies, public organisations and other institutions of civil society in the development of a law-abiding young generation of citizens [35; 36, p. 5].

The study indicated that juvenile offenders constitute a kind of typological group, they differ from adult criminals both in the nature and degree of social danger of the crimes committed, and in personal traits, namely, insufficient social maturity, incomplete intellectual and volitional development.

Discussion

In recent years, special tendencies have manifested themselves in the post-Soviet space, which have resulted in problems of criminological characterisation of the juvenile criminal identity. In this regard, it is necessary to focus on the following points.

1. There is an upward trend in the involvement of juveniles in ethno-religious conflicts, in extremist groups, and nationalist movements. This fact is typical for both rural and urban areas. The presence of ethno-religious associations, which are completely separated from the outside world, is mandatory. As S.I. Ulezko noted, they are also cemented by racial hostility and ethno-religious ideas [37, p. 161]. The next new form of youth association is a group of football fanatics (“fans”), which mainly comprise youth and adolescents. As empirical studies have shown, these people are described by a low general and professional culture, low requirements, ignorance of the situation in the state and, for example, in football. The main task of such groups is to splash out emotions and aggression.

2. The problem of antisocial behaviour of adolescents under the age of criminal responsibility has become very serious in the post-Soviet countries. In Russia alone, up to 500 thousand street juveniles are detected annually.

3. The number of juvenile crimes related to the illegal manufacture, acquisition, storage, transportation, transfer, or sale of narcotic drugs and psychotropic substances has significantly grown. In her studies, L.V. Gotchina provides data that the onset of drug use reached the age of 9-11 years [38, p. 76].

4. Some violent crimes of adolescents have acquired a vandalistic nature, signs of unbridled protest, when even juveniles themselves are unable to explain the reason for their uncontrolled aggression.

5. The scale of the involvement of minors in criminal activities, especially through the Internet, has significantly increased. “Virtualisation” of the life of juveniles. Adolescents spend almost all their time in the virtual world, trusting more in the information obtained from various

social networks, often perceiving the Internet world as absolutely real, which can lead to very negative consequences. Among them are highly latent cybercrime and cyberdeviance [39, p. 195].

6. In many educational institutions, the practice of suppressing juvenile offences has recently gained popularity. The administration adheres to the policy of applying its own educational measures in case of registering the commission of theft by children, damage to property, and beatings [40-42]. The result of these actions is the lack of registration of juvenile offenders with the relevant services. Accordingly, preventive measures are not taken against them, thereby inciting the commission of more serious offences by adolescents.

7. There is an increase in the development and active action of mixed criminal groups of minors and adults, and adolescents started playing active criminal roles more frequently (they resort to violence, weapons or objects used as weapons, choose violent methods of committing a crime, physically resist law enforcement officers) [43, p. 356].

8. To date, the post-Soviet countries cannot allocate the necessary material resources for the development and education of the younger generation, the protection of their health and the organisation of leisure, and assistance to the family [44]. Therefore, homelessness and neglect of juveniles have reached a high level, and, very importantly, their morbidity also increased. This fact greatly limits the ability of children to continue their education, choose a profession, household and work arrangement, and become familiar with socially useful values and groups, which often instigates juveniles to illegal behaviour.

9. The post-Soviet states' lack of opportunities to ensure proper upbringing and development of adolescents is not compensated by the family, which itself does not receive proper aid and started comprising the poorest strata of the population more frequently. The family has ceased to manifest itself as an independent and effective force that can solve its problems. This fact, as well as the gap between the poor and the rich, has led to the variability in juvenile crime.

10. The level of emotional chasm in families has increased. Often there is a tendency that the family is not only unable, but also unwilling, and, possibly, is not trained, due to the current conditions, to provide the necessary help to an adolescent, to control their behaviour, take care of them, and finally, to simply love them. Overt abuse, humiliation, expulsion from home, refusal to feed, and neglect have increased. In the absence of an emotional connection in the family, the adolescent's search for support and recognition in small groups among their peers outside the home increased. Rejection and emotional disregard of the child takes place more frequently in seemingly functional families.

In the EU countries, a number of issues of the criminological characteristic of the juvenile criminal identity can also be identified:

1. Insufficient socio-political perspective of judicial aid to adolescents.

2. Small financial investment in juvenile forensic care and research to increase knowledge of prevention and intervention strategies.

3. Lack of clear cooperation at the national and international level.

4. Insufficient integration of prevention strategies in education.

5. Low level of involvement of adolescents together with their parents in all aspects of assistance to juveniles.

6. The influence of the problems of immigration of the population to the European Union countries on the worldview of adolescents.

7. An increase in teenage groups with extremist views.

8. Along with standard offenses such as using a fake ID, drinking alcohol by a minor, possession of a minor weapon, violating curfews, and drug use, adolescent antisocial behaviour has increased.

9. The social discontent of juveniles becomes noticeable.

10. The level of victimisation of adolescents is increasing.

The unification of scientists' approaches to defining the personality of juvenile criminals allows to single out the following negative qualities: a tendency to use alcohol, drugs, gambling, sexual promiscuity, parasitism, violent actions against another person; low level in comparison with law-abiding peers; protest behaviour, disregard for the law and moral values, distorted understanding of the concepts of "society", "courage", pronounced antisocial views.

Notably, this list is not exhaustive and can be supplemented proceeding from modern realities. As Yu.M. Antonyan and M.V. Goncharova noted, the moral level of society directly depends on the state of juvenile crime [45]. Another Russian scientist, K.V. Obrazhiev, emphasises that the criminal infection of modern juveniles produces crime among young people, translates criminal experience into the future, which, according to the laws of social education, returns to tomorrow's adolescents as the "social heritage" of previous generations [46, p. 52].

In the current situation, it is necessary to clearly understand that the work of various special organisations for the prevention of delinquency among minors is becoming an integral and very important part in the introduction of new forms and methods of crime prevention, which, in turn, entails a new scientific justification. The attention of scholars is currently focused on various aspects of the problems of juvenile crime; however, many tasks remain unresolved, which, accordingly, needs to be focused on in further study. In this regard, the issue of finding a solution to this specific criminological characteristic of an identity is pressing in modern realities so as to implement effective prevention measures.

In June 2018, the congress of the European Association for Forensic Child and Adolescent Psychiatry took place in Venice. The countries of the European Union have formulated an extended statement regarding the necessity of preparing an instruction on judicial medical aid for the younger generation. The representatives of Italy, England, Finland, Switzerland, and the Netherlands, having analysed the state of modern prevention and intervention strategies for juvenile offenders in their countries, identified particular issues. The result was a comprehensive mission for the future of youth forensic care in Europe [47-49].

In the Russian Federation, at the government level, measures have been developed to prevent juvenile crime in the new socio-economic conditions [50; 51]. This set of measures has become one of the components of the Concept for the development of a system for the prevention of neglect and juvenile crime for the period up to 2020, approved by Order of the Government of the Russian Federation No. 520-r of March 22, 2017. The main points of the Concept include the following points: improvement of legal regulation; development and effective implementation of state and municipal programmes in juvenile crime prevention; strengthening the modern family, moral and cultural traditions; strengthening the role and support of the family; development of a unified educational (upbringing environment); raising the standard of living of the population; creation of favourable conditions for the social development of minors, the disclosure of their personal resources and a number of others [52-54].

Furthermore, in 2020, the University of the Prosecutor's Office of Russia developed a criminological characteristic of the juvenile criminal identity. Scholars have classified the main psychological traits of juvenile criminals, distinguishing them as follows: social maladjustment, increased suggestibility, combined with an opposing attitude to prohibitions and instructions, an unnatural idea of socially significant values, the desire to instantly satisfy emerging needs by any means, heightened sense of independence, negativism, selfishness, limited range of interests, reduced ability to empathy, ignorance of the needs and interests of others [55]. It should be noted that the main task of the National Strategy for Action in the Interests of Children for 2012-2017, approved by the Decree of the President of Russia on June 1, 2012, was to identify the main directions and tasks of the government in the interests of juveniles, and among the priorities was to provide a comfortable, amicable, and safe environment for life of youth, protection of the rights of every Russian child and equal opportunities for its all-round development and self-fulfilment. In accordance with the Decree of the President of Russia No. 240 "On the Announcement of the Decade of Childhood in the Russian Federation" dated May 29, 2017, by the Order of the Government of the Russian Federation No. 1375-r dated July 6, 2018, a plan of main activities until 2020 held within the framework of the Decade of Childhood was adopted.

The Committee for Legal Statistics and Special Accounts of the General Prosecutor's Office of the Republic of Kazakhstan provides the following data: in the first three months of 2020, 54,990 criminal offences were registered, which is 23.9% less compared to the same period in 2019. Of the total number of persons who committed crimes, 510 people or 2.4% are juveniles, which is 25.2% less than in the same period in 2019. Among them, those who committed crimes at the age of 14-15 years – 89 persons or 17.5% (in the first three months of 2019 – 162 (23.8%)) of the number of adolescents; 16-17 years old – 421 persons or 82.5% (520 (76.2%)), respectively [56].

After the adoption of the Criminal Code of the Republic of Kazakhstan, measures of a criminal law nature, applicable only to juveniles, in accordance with Part 1 of Art. 84 of the Criminal Code of the Republic of

Kazakhstan are compulsory measures of educational influence, including: 1) warning; 2) transfer under the supervision of parents or persons replacing them, or a specialised state body; 3) making amends for the damage inflicted; 4) restriction of leisure and the establishment of special measures for the behaviour of a juvenile; 5) placement in a centre with a special regime of detention; 6) imposition of an obligation to apologise to the victim; 7) establishment of probationary control [57]. Since April 2020, at the initiative of the Ministry of Internal Affairs in the Republic of Kazakhstan, at the level of legislation, medical and social registration has been introduced for juveniles and disadvantaged families who are in a special account with the police and who find themselves in a difficult life situation. According to the requirements, this accounting is carried out by local executive bodies.

According to the Deputy Prosecutor General of Uzbekistan S. Artikova, who spoke at the UNICEF conference in Sarajevo in February 2020, the government adheres to the recommendations of the UN Human Rights Committee in working with juvenile offenders. This work is part of the general judicial and legal reforms in the country. According to statistics, the number of children placed in educational centres in the fall-winter of 2019 was 60.5% lower than in the same period in 2018, and the number of released children increased by 18%. The number of crimes committed by children and adolescents has decreased by 25.6%, and the number of juvenile delinquents themselves has decreased by 20%. Over the past three years, the number of crimes committed by juveniles has halved in Uzbekistan. The number of offenders themselves has halved. The tendency for students of secondary specialised educational institutions to break the law continues, while the percentage of employed offenders is very low. Penalties against juvenile offenders are taken based on the gravity of the offence, but the courts are aimed at sentencing with consideration of the principles of humanism. Implementing the programme of cooperation between the government of Uzbekistan and UNICEF for 2018-2020 in the Chilanzar district of the city of Tashkent, the project "Removing minors from the justice system and restorative justice approaches" was initiated. It aims to replace criminal responsibility for crimes committed by minors with alternative punishments. This system is under the control of social services that deal with the problems of adolescents. At the legislative level, there is a practice of announcing an amnesty in relation to persons who have committed a crime [58; 59]. In this regard, since the acquisition of independence, acts of amnesty have been approved annually, in which the prerogative is given to children and youth. This clearly attests to the government's policy of humanism towards juveniles, which contributes to their early return to a natural and regular life.

Thus, juvenile delinquency is a kind of a more general social phenomenon of criminality in general, therefore, it is natural that all the content features of the latter are inherent in it. The criminologic characterisation of the juvenile criminal identity as an object of research is closely interconnected with criminology and is an element of the forensic characteristics of crimes, described by a general model of identity of the perpetrator, with its inherent biological, psychological, and social properties, as well as

features involved in the determination of the mechanism of crime. It can be stated that the subject matter, its controversial nature in scientific circles and the practical probation of world humanistic concepts on the prevention of crimes committed by juvenile criminals are still relevant and understudied, and the conclusions resulting from the conducted study require further fundamental development for a long-term perspective.

Conclusions

Proceeding from the foregoing, it can be argued that the analysis of the features of the criminologic characteristics of juvenile crimes, and the forensic analysis of the personality of a juvenile offender provide a practical opportunity to optimise the investigation of such crimes and to carry out effective activities to prevent and counteract the criminal manifestations of juveniles. For a comprehensive characterisation of the personality of a juvenile offender, it is necessary to use an integrated approach, considering the provisions of criminal law, criminal procedure, forensic science, criminology, sociology, psychology, etc. This will enable a clear identification of the determinants and choose the optimal measures to counter this type of crime. The study allowed to cover doctrinal approaches to the criminological characterisation of the juvenile criminal identity, to cover the variability of ideas and concepts aimed at identifying the essence and features of the juvenile criminal identity on the territory of different states. In turn, a comparative analysis of the problems arising during the development of the criminological characteristic of identity of the

investigated criminals on the territory of the European Union, the Russian Federation, the Republic of Kazakhstan, and the Republic of Uzbekistan showed that a comprehensive and universal international approach to the criminological characterisation of a personality has not been developed as of today. However, representatives of science and practice continue making efforts to improve the mechanisms for the prevention of juvenile crimes by improving procedural processes for identifying and minimising the impact of negative factors in the development of the juvenile criminal identity.

The discourse covered herein addressed the prospects for overcoming the identified issue in order to implement effective crime prevention measures. The system of social prevention of offenses, including crimes that have developed in the past, which has practically ceased to exist in modern times, requires a qualitative reform. Therefore, there is a crying need for reproduction of such a system based on new principles, the creation of appropriate legislative framework for this purpose, and wide public involvement in these activities.

Acknowledgements

None.

Conflict of Interest

None.

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Проблеми кримінологічної характеристики особи неповнолітнього правопорушника

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Анотація

Актуальність. Недостатня увага державних органів до проблеми злочинності неповнолітніх також призводить до загострення антисоціальних проявів у суспільстві, нехтування соціальними та культурними нормами, зростання проявів злочинності та жорстокості. Охорона дитинства та захист прав дітей є одним з головних завдань кожної демократичної, соціальної та правової держави.

Мета. Попри пильну увагу до проблеми злочинності неповнолітніх, багато її аспектів залишаються недостатньо вивченими, потребують науково-теоретичного осмислення та обґрунтування, в тому числі проблеми кримінологічної характеристики особи неповнолітнього злочинця.

Методологія. У дослідженні використано різноманітні методи, включаючи діалектичний аналіз, історико-правовий метод, порівняльно-правовий аналіз, логіко-правовий метод, документальний аналіз, статистичний аналіз та соціологічний метод для всебічного вивчення та розуміння кримінологічних характеристик злочинної ідентичності неповнолітніх, а також розробки пропозицій щодо вдосконалення стратегій запобігання та втручання.

Результати. У дослідженні висвітлено доктринальні підходи до кримінологічної характеристики особистості неповнолітніх злочинців, з'ясовано варіативність ідей та концепцій, спрямованих на виявлення сутності та особливостей особистості неповнолітнього злочинця на території різних держав, а також зроблено висновок про те, що система соціальної профілактики правопорушень, у тому числі злочинів, що склалася в минулому, яка практично припинила своє існування в наш час, потребує якісного реформування.

Висновки. У дослідженні обґрунтовано, що наразі існує нагальна потреба у відтворенні такої системи на нових принципах та єдиних засадах кримінологічної характеристики особи неповнолітнього злочинця, створенні для цього відповідної законодавчої бази та широкому залученні до цієї діяльності громадськості.

Ключові слова: кримінологічна характеристика; психологічні особливості; неповнолітні злочинці; запобігання злочинності.