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Violation of labour protection rules (motive, cause, effect)

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Abstract

Relevance. The relevance of the study lies in the need to consider violations of labour protection rules as a form of violence, since violation of labour protection rules leads to hazardous working conditions, damage to the health of workers and a deterioration in their general well-being.

Purpose. The main purpose of the study is to explore the relationship between violations of labour protection rules and violence in the workplace, as a possible predicate preceding the violation. The study is aimed at identifying the motives, causes, and consequences of violations of labour protection rules, as well as assessing their impact on the safety, health, and well-being of employees.

Methodology. The article used methods of statistical analysis, analogy and generalization, as well as formal-legal and formal-logical approaches.

Results. The authors of the article analysed the factors that contribute to violations of labour protection rules and revealed the relationship between these violations and the occurrence of violence in the workplace. They found that safety violations can become a source of tension and conflict both between employer and employee and between employees, which in turn can lead to physical and psychological abuse. The study of the article highlights the need to take measures to prevent violations of labour protection and combat violence in the workplace.

Conclusions. The authors recommend strengthening monitoring of compliance with labour protection rules, providing training for workers in this area, as well as creating a supportive work culture based on respect, safety, and support. The

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findings will help to better understand the organization of criminal proceedings in the Republic of Kazakhstan and may be useful for preventing violations of labour protection rules and a qualitative investigation of this category of crimes.

Keywords: worker's rights; precautions; safe working conditions; international practice; investigation.

Introduction

In the context of the modern state and legal development of the Republic of Kazakhstan, attention is focused on ensuring the rights and freedoms of man and citizen as the most important principle, which is recognized as a fixed right of every person in accordance with the constitutional article 24 of the Republic of Kazakhstan [1]. This issue is especially relevant for labour operations associated with a high level of risk, including mining, construction and other similar types of work. At the same time, the implementation of this right is often accompanied by violations of standards and regulations in the field of labour protection and industrial safety, because such activities are carried out in difficult conditions and require the use of specialized equipment, which in itself poses a threat to the life and well-being of workers.

Although the percentage of violations of norms and regulations in the field of labour safety is only 3-4% of the total number of cases of technical negligent violations of a criminal nature, their significance is still great, indicating the growing damage and public danger associated with such violations [2]. Article 156 of the Criminal Code of the Republic of Kazakhstan (Criminal Code of the Republic of Kazakhstan) contains rules according to which persons who are responsible for organizing and observing the rules in the field of safety, industrial sanitation and other labour protection standards may be subject to criminal liability [3]. At the same time, the analysis of legal statistics indicates a rare initiation and consideration of criminal cases under Article 156 of the Criminal Code of the Republic of Kazakhstan [4]. And the Supreme Court of the Republic of Kazakhstan drew attention to the shortcomings of the lower courts and demanded strict observance of the criminal law, as well as an accurate definition of the qualification of the crime, taking into account Article 156 of the Criminal Code of the Republic of Kazakhstan and the specific circumstances of the case [5].

A quick and comprehensive study of such incidents, as well as the identification of their causes, would help to improve statistical indicators, save people's lives and health, and also significantly save public resources. However, the work of the relevant state authorities responsible for the prevention and investigation of criminal violations of labour protection and safety regulations at construction sites does not meet the established requirements. It should be noted that many violations in this area remain unregistered, and not every case receives due attention from law enforcement agencies. Issues related to violations of labour protection rules were the subject of research by Kazakh scientists. In their research, K.A. Bakishev and A.K. Alikhan propose to move Article 156 of the Criminal Code of the Republic of Kazakhstan to the section on criminal offences against public security and public order, and optimize its content in accordance with the proposed version of this criminal law [6].

Y.A. Omarov and A.Z. Syzdykov conducted a study on the issue of criminal liability for violation of labour protection rules in the context of the criminal legislation of

the Republic of Kazakhstan [7]. In the course of studying the cases considered by the courts, the authors identified problematic aspects in the practice of investigating and qualifying such offences. The final part of the article contains conclusions and proposals for further improvement of practical activities in this area. A research monograph, authored by B.L. Tatibekov et al., contains important scientific and practical conclusions related to the development of a mechanism for reducing the informal labour market and informal employment in Kazakhstan [8]. This paper presents scientific and methodological concepts aimed at reducing informal employment and the informal labour market in a macroeconomic context, as well as the basic principles of formalizing labour relations, taking into account the ethnocultural aspect.

According to R.G. Nurmagambetov and S.M. Shunaeva, in order to prevent the occurrence of accidents associated with injuries in production in the Republic of Kazakhstan, it is proposed to take into account the experience of certain states that have enshrined in their standards the principles of professionalism, publicity, legality, and impartiality in relation to suppliers in public procurement [9]. The measures proposed by the authors, in their opinion, will provide equal opportunities for all economic entities providing educational services in the field of labour protection, and contribute to improving the quality of such services. M. Khasenov proposes the development and adoption of a policy document, such as the Concept for the Development of Social and Labour Relations in the Republic of Kazakhstan, with its inclusion in the state planning system [10].

According to A. Alshanskaya and T. Azatbek, the pandemic once again confirmed the ineffectiveness of the existing social policy mechanisms and approaches to combating poverty and economic inequality in the country [11]. In this regard, an active labour market policy is needed, focusing on the protection of vulnerable categories such as youth, working women, migrants, and people with disabilities. At the same time, the problem of violation of labour protection rules in the Republic of Kazakhstan in the context of the criminal law, forensic and criminological points of view have not been comprehensively considered. Therefore, the purpose of the study was to determine the criminal law and criminological features of violations of labour protection rules in the Republic of Kazakhstan.

Based on this, the following tasks were set:

- to characterize labour protection as an important object of protection of criminal law;
- to determine the features of the investigation of criminal violations of labour protection rules in the Republic of Kazakhstan;
- to analyse international practice in investigating violations of labour protection rules.

Materials and Methods

In the process of research, a system of methods was used, including formal-logical analysis, comparative analysis, system-structural analysis, as well as other methods. In this

study, a legal and regulatory approach was taken, which involves a thorough study of the regulation of positive legal norms. The focus of the study was on studying the legal clarity of the characteristics of violations of labour protection rules in accordance with the legislation of the Republic of Kazakhstan.

In this study, a dialectical approach was also applied, which made it possible to study and evaluate the processes of transformation of a legal phenomenon into a legal phenomenon. To achieve the objectives of the study, a comparative method was applied. A comparative analysis of conceptual approaches to the formation of a forensic characteristic of a violation of security rules made it possible to identify differences and similarities between them. Also in the study, a system-structural method was used to determine the elemental composition of the forensic characteristics of a violation of safety rules in the process of performing work. Using a formal-logical approach, the study of the organization and planning of the investigation of violations of security rules was carried out, and the features of the tactics of performing individual investigative and search activities in the investigation of violations of security rules in an emergency were identified. All these methods contributed to a deeper understanding of the subject of research and the achievement of goals.

In the course of the work, special techniques were also used to help obtain an objective idea of the nature of individual procedural institutions that determine the structure of the study, namely:

1. Analysis of legislation: a detailed analysis of the current legislation in the field of labour protection in Kazakhstan was carried out. This included the study of regulations, decrees, instructions and orders governing the rules and standards of labour protection.

2. Comparative study: a comparative study was conducted between the labour protection legislation in Kazakhstan and similar regulations in other countries. This made it possible to identify features and differences in approaches to labour protection, as well as to identify best practices that can be applied in the context of Kazakhstan.

3. Statistical analysis: an analysis of statistical data related to violations of labour protection rules in Kazakhstan was carried out. This included the study of statistics on industrial accidents, morbidity, as well as the results of inspections and inspections of labour protection authorities.

All these methods together made it possible to obtain a more complete and objective understanding of the problem of violation of labour protection rules in Kazakhstan and to identify areas for further research and improvement of the situation.

In the course of this scientific research, the norms of legal sources, both national and foreign or international law, were widely used. Legal studies focus on the systematic analysis of positive law, the principles, and doctrines of law, legal disclosure, the systematization of legal norms, the level of legal consistency, as well as comparative law and legal history, which makes them an important tool in the legal literature. These legal and regulatory studies allow for a comprehensive analysis and interpretation of the legal rules and principles applicable in various jurisdictions. They are a fundamental tool for developing new legal norms and policies, as well as for evaluating the effectiveness of existing legal systems.

Results and Discussion

Labour protection as an integral aspect of criminal law, an important object of its protection

Occupational safety includes a wide range of actions and activities, ranging from the development of appropriate legislation and regulations governing safe working conditions, and ending with the provision of effective control and supervision of their implementation. The central goal of labour protection as a component of labour activity is to create favourable and safe conditions, taking into account the relationship with the efficiency and quality of labour, as well as to facilitate the labour process itself. Occupational safety rules can be violated both by active actions (for example, performing hazardous operations without the appropriate equipment or using inappropriate tools) or inaction (for example, not protecting rotating parts of a machine, not providing an employee with personal protective equipment, not taking measures to eliminate known violations of labour protection rules). As noted by L. Popoviciu, the norms of criminal law play an important role in the promotion and protection of values and social relations that arise around these values [12]. Thus, the general protection of society is ensured. Table 1 shows which activities are often the most common forms of safety violations.

Table 1. The most frequent types of violations of security rules in the Republic of Kazakhstan

Type of violation	Prevalence rate
Unsatisfactory organization of work	18%
Allowing untrained or poorly trained persons to work	13%
Operation of faulty machines and mechanisms	12%
Lack or non-issuance of special clothing and protective equipment	6%
Failure to conduct a safety briefing and knowledge test	6%
Incorrect use of equipment	10%
Lack of supervision over the safe conduct of work	3%
Exceeding the permissible limit of gas contamination	2%
dustiness	10%
Lack of ventilation in the room	10%
Failure or improper implementation of preventive measures to protect against exposure to toxic substances, harmful radiation	10%
Insufficiency of workers with personal protective equipment, labour	10%

Source: [13].

Article 156 of the Criminal Code of the Republic of Kazakhstan is a general rule that defines the main features of a criminal offence in the field of labour protection. It is aimed at ensuring compliance with the norms and rules of safety, industrial sanitation and other regulatory documents, which are considered by the legislation as constituent elements of a broader concept – “labour protection rules”. According to the Labour Code of the Republic of Kazakhstan, labour protection is a set of measures aimed at ensuring the safety and preservation of the life and health of workers in the process of labour activity [14]. This system covers various aspects, including legal, social, economic, organizational and technical, sanitary and epidemiological, medical and preventive, rehabilitation and other measures and means (paragraph 32 of Article 1). These measures and funds are developed by the government, relevant ministries and departments of the republic. They include state standards and normative and technical documentation based on the standards and rules of the International Labour Organization, which regulate safety and labour protection.

Analysing legal statistics over the past 5 years, it can be noted that on average 75.4% of preliminary investigations, including initiated cases, end at the pre-trial stage on grounds of rehabilitation, 7% are terminated on grounds not subject to rehabilitation, and only 2% of cases submitted to the court [15]. This indicates a low level of referral to court, as well as a high number of terminations on non-rehabilitating grounds and the absence of corpus delicti. Such data indicate the presence of significant shortcomings in the practice of forensic investigation of these types of criminal offences. Therefore, it is especially important to understand the specifics of the investigation of this category of crimes in order to effectively prevent them in the future.

The specifics of the investigation of crimes related to violations of labour protection rules in the Republic of Kazakhstan

The timely initiation of a criminal case is an essential element in effectively identifying and investigating violations of security rules. Failure to take this aspect into account can lead to the loss of the evidence base and the impossibility of fully elucidating the circumstances of the crime. However, F. Casino et al. argue that this problem has two aspects [16]. The question of the availability of sufficient data for the commencement of proceedings and their verification belongs to the field of criminal procedure. Thus, the solution to the issue of initiating criminal proceedings is part of the methodology for investigating a crime.

At the stage of initiating an investigation, the investigator has priority tasks that are focused on achieving the goals of the investigation and ensuring fair justice, such as: collecting and fixing the material traces of a crime, carried out mainly when examining the scene, formulating versions, determining tactical tasks for operational units, choosing methods verification of versions, identification of persons who could notice the evidence of a crime, finding out the method and time of the commission of a crime, planning a pre-trial investigation, appointing the necessary examinations in the field of life safety, forensic medical, forensic psychological, if necessary [17]. From the study

of law enforcement practice, it follows that at the initial stage of pre-trial investigation, there are significant difficulties in collecting evidence related to the lack of sufficient professional experience among investigators, incomplete knowledge of the provisions of regulatory legislation in the field of labour protection and safety, as well as insufficient elaboration of some aspects of the investigation methodology. There are known cases of active opposition on the part of officials responsible for ensuring appropriate working conditions, who hide and falsify information about accidents, prevent qualified inspections of emergency situations, and use corrupt and other illegal methods to put pressure on victims and witnesses [14; 18].

Checking the place of the incident is an integral and extremely significant stage in the activities of the investigator or the detective body when investigating crimes. This event is characterized by a number of features that require immediate and unquestioning implementation. Changes in the environment can occur under the influence of natural factors and the actions of people present at the crime scene before the arrival of the investigator. The sooner the investigator arrives at the crime scene – the less undesirable changes will be [15; 19]. In situations where information is received about an accident, accompanied by a violation of safety rules, and has negative consequences, such as death or bodily injury, to determine the severity of the injuries received, the method of their infliction, as well as providing the necessary assistance to the victims, the investigator should involve forensic experts. medical service to examine the crime scene.

Interrogation, as an investigative and search action, involves procedural interaction with persons acting as witnesses, victims, suspects, and experts in criminal proceedings. The purpose of the interrogation is to obtain a variety of information that can recreate and detail the picture of the crime, as well as serving as the basis for putting forward versions and identifying sources [20; 21]. Thus, effective interviewing in investigating safety violations in the course of high-risk work is an effective tool for obtaining relevant evidence. However, the peculiarities of performing such work require the investigator to carefully prepare for the interview, study the legal acts governing the procedures for performing work, as well as special terms, which significantly increases the effectiveness of this investigative (detective) action. The above general idea of the characteristics and conditions of crimes related to violation of safety rules in the production sector provides a basis for understanding the specifics and features of the investigation of such crimes.

In order to increase the effectiveness of the investigation of crimes related to violation of safety rules in the production sector, it is necessary to develop and implement systematic and consistent forensic methods that take into account modern experience and the needs of law enforcement practice. These methods should include a forensic analysis of a specific regulatory framework, take into account the organizational features of departmental (and interdepartmental) activities, and also provide for the identification of special features, taking into account the rules applicable in other branches of law. They should reflect the forensically significant features of the commission and investigation of these crimes. In the

context of cases related to violation of labour protection rules, it is important to establish a causal relationship between the illegal actions of the violator and the resulting harmful consequences described in Article 156 of the Criminal Code of the Republic of Kazakhstan. The principle of causality is an objective connection between the phenomena of the material world, reflecting their genesis and the relationship between the cause (generating factor) and the effect (result). Thus, the establishment of a causal relationship is an integral aspect, especially in situations where the violation of specialized norms leads to certain negative consequences [9].

When analysing the causal relationship in cases of violation of labour protection rules, its complexity and the multiplicity of adverse factors that indirectly affect the behaviour of the subject and make it difficult to form a chain of causality should be noted. An important factor is also the intervention of external forces and the time gap between the action and its consequences, as well as the

need to comply with legal and technical regulations. Scientists M. Fana et al. emphasize the need for a thorough analysis of the specific circumstances of the case when investigating accidents at work in order to establish a causal relationship between the actions or inaction of the person responsible for ensuring safety at work and the occurrence of an accident [22].

Safety of production is one of the main direct objects of these crimes. Damage to these objects is carried out by breaking the social connection between the subjects of public relations, which leads to a decrease in the level of safety of the corresponding production. Such a decrease in security, in turn, gives rise to the onset of the derivative consequences specified in Article 156 of the Criminal Code of the Republic of Kazakhstan. Thus, causing harm to the object of encroachment is associated with two consequences: intermediate – a decrease in the level of security, and derivative – the consequences specified in the legislation (Figure 1).

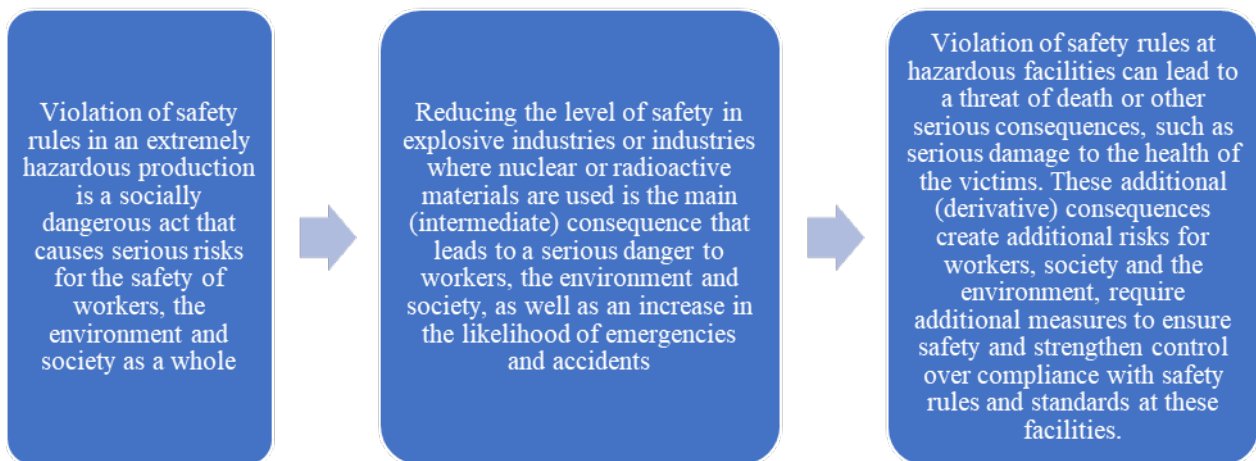


Figure 1. Relationship between causes and consequences of violations of labour protection rules

Source: compiled by the authors.

However, a simple establishment of a connection between the committed act and the consequences listed in the law is not enough for the application of criminal liability. This problem is related to the fact that these consequences are typical not only for the crimes under study, but also for other crimes, such as murder, bodily injury, destruction of property and violation of environmental safety. In practice, situations may arise when the cause of harm is a violation of safety rules, but this harm does not lead to a decrease in the overall level of safety in hazardous industries. This means that the damage caused does not only concern the safety of production in this area, but also other objects, such as a person, property, environmental safety or safety in another area (general safety, safety of performing normal or hazardous work).

Thus, regarding the violation of safety rules in hazardous industries, the chain of causality is as follows:

- the committed crime leads to a decrease in the level of safety of the corresponding production (explosive or associated with the use of nuclear or radioactive materials) – this is an intermediate consequence;

- the onset of the specified intermediate consequence creates a real opportunity for the onset of derivative consequences, such as harm to the health of the victim, loss of life. Thus, the derivative consequences of the crimes under study are associated with the onset of an intermediate consequence (decrease in the level of production safety), which is the cause of their occurrence.

In situations where a violation of safety rules directly leads to the consequences specified in article 156 of the Criminal Code, the establishment of a causal relationship does not cause any particular difficulties, since there is a clear direct causal relationship. However, for all crimes against industrial safety, including those under investigation, a rather indirect development of a causal relationship is characteristic. In such cases, the violation creates only a real opportunity for the impact of other harmful factors, as well as careless actions of the victims and other persons. Thus, a causal relationship develops in combination with these factors. Also, it should be noted that in accordance with the provisions of Article 24 of the Constitution of the Republic of Kazakhstan, every person

is guaranteed the right to freedom of labour, free choice of profession and type of activity. However, in a state of emergency or martial law, forced labour may be used within the limits of the norms and restrictions established by law. The process of detecting and investigating crimes is also undergoing qualitative changes, and the problem of objectivity of proof, collection, and evaluation of evidence using forensic methods and means is becoming increasingly important. To successfully solve these problems, it is necessary to actively use existing scientific and technical means, develop and improve the efficiency of using the latest technological achievements. Therefore, special attention, taking into account all the circumstances, should be given to the correct choice of tactical approaches in the conduct of investigative and search activities.

Nevertheless, issues related to the collection of materials during the investigation in criminal cases of crimes are successfully resolved in most cases thanks to a complex of investigative and covert investigative actions. In this category of cases, evidence is obtained through monitoring social networks, video hosting sites, the media, as well as by interrogating witnesses, suspects and victims, including those who are in the temporarily occupied territories. Covert investigative actions are also an important component of their complex, their effectiveness is confirmed by the withdrawal of information from transport networks [23-25].

When analysing violations of safety rules in the process of carrying out work with increased danger, it is necessary to take into account the forensic features associated with the situation, time, and place of the incident, which is an integral part [3]. In this context, it is important to take into account that in order to qualify a crime in accordance with this article, it is necessary to have the consequences indicated in the article itself, and therefore this crime, in accordance with its construction, refers to crimes with a material composition. According to the applicable Criminal Code of the Republic of Kazakhstan within the framework of Article 156, a crime related to a violation of safety rules when performing work with increased danger implies the presence of three integral elements, namely: the initial action, the consequences that have arisen and the establishment of a causal relationship between them. When analysing the circumstances associated with the violation of safety rules, it is necessary to take into account the presence of various negative factors that may affect the quality of the performance of the relevant work. Among these factors, one can distinguish an increased noise level (in 10.35% of cases), extreme temperatures (6.03%), gas pollution (11.21%), dustiness (1.72%) [14].

In the light of the factors mentioned above, which have a direct impact on compliance with safety rules, it is also necessary to take into account the general situation that exists in the enterprise, institution or organization, since it indirectly affects the occurrence of potentially dangerous consequences when performing work associated with increased danger. Among the components of this situation, the following elements can be distinguished:

1. Insufficiently qualified administrative and technical personnel responsible for observing safety rules and labour protection at the enterprise. Often, those responsible for training workers in safe working methods and conducting safety briefings do not have the necessary

knowledge and experience in the relevant field, which reduces their effectiveness as specialists.

2. Violation of the provisions concerning the testing of knowledge of safety regulations and sanitary standards by special commissions, as well as incorrect presentation of the results of such testing and the issuance of relevant certificates.

These factors have the potential to significantly affect compliance with safety rules and create conditions for the emergence of potentially dangerous situations in the course of work. In the study of safety in the performance of work, it is necessary to pay special attention to the general level that has developed at a particular enterprise. The situation characterizing the crime is a complex of mechanisms for the influence of responsible persons on employees in order to form a safe and harmless experience in performing work, that is, compliance with regulations, instructions, and other regulatory documents in order to prevent accidents and injuries. Among such factors, the following circumstances can be singled out:

- the establishment of an effective control system, covering the processes of training, testing knowledge and conducting briefings among employees regarding the safe performance of work with increased danger;
- conducting thematic classes, lectures, seminars, consultations, and screenings of relevant films and video materials;
- the introduction of advanced technologies and the use of modern personal protective equipment for workers;
- distribution of printed and visual information, creation of information stands;
- organizing visits to relevant exhibitions and conferences for employees of the enterprise;
- establishing links with scientific institutions and other organizations for training and promotion of labour protection;
- organization of labour protection cabinets in order to study and generalize positive experience in the field of safe performance of work with increased danger and other similar measures.

These factors play an important role in creating a safe working environment and contribute to the prevention of potential risks and incidents in the performance of work associated with increased danger. Turning to the consideration of questions of motivation and reasons for committing this category of crimes, firstly, it should be noted that in criminal law the motive (or reason) is an emotional mental process that complements the emotional basis of crimes. Once these motives are identified, this allows a deeper understanding of the psychological aspects that form the feeling of guilt [26; 27]. Thus, in the work, D. Hatipoğlu describes the responsibility of the employer in the field of labour protection and safety, which includes the following responsibilities: reducing and preventing the negative impact of production factors on employees, taking into account the health status of employees when hiring, organizing personnel training in the field of safety, monitoring the provision safe working conditions and compliance with labour and technological discipline on the part of employees [28].

Regarding the question of typical motives for violating security rules, it should be noted that despite the fact that in the case of careless crimes there is no direct motivation

in relation to socially dangerous consequences, this does not exclude the need to clarify the motives and goals in relation to this category of crimes. Of fundamental importance for characterizing the motives for violating security rules is the classification of the criminal's behaviour when these violations are committed. Most criminal violations of safety rules at work are associated with socially justified and socially neutral motives [29-31]. Among them are the following: the desire to save time for faster and more efficient work; misperception of the need for production; unreasonable risk in the course of work; hope for one's own experience, the right actions of other people, or a favourable combination of circumstances; saving physical strength due to fatigue, illness of the employee and other factors. In addition, motives can be: misperception of production interests, for example, the desire to fulfil a production task contrary to labour protection rules; the desire to finish work earlier or to help someone; career motivations; careless attitude to prohibitions or their partial ignoring.

J. Balzano believes that the true motives for violations of the rules are greed, careerism, low labour discipline and lack of skills to perform certain types of construction work [32]. Thus, it is possible to conclude that the factors influencing the choice of a certain type of behaviour in the performance of work have an individual focus and are due to a number of different factors, including psychological, sociocultural and organizational aspects. The most common motivation for violating safety rules is legal nihilism, which is explained by the peculiarities of the mentality of persons involved in work with increased danger.

Analysis of foreign experience to solve problems related to the labour rights of citizens of the Republic of Kazakhstan

Currently, there are a number of major issues that threaten the labour rights of workers in the Republic of Kazakhstan and affect all citizens. These issues include:

1. Problems related to the lack of normative regulation of the freedom of labour and insufficient protection of this freedom. The state ignores its obligation to implement the norms relating to freedom of work. Even the progressive norms envisaged by the reformed labour legislation, which were supposed to improve the provision of labour freedom, in practice turned out to be declarative and lacked a mechanism for their implementation.

2. Low level of legal awareness and legal awareness of citizens. In the modern labour market, the rights of workers are often violated, and the state rarely protects their rights. Workers do not turn to the state for help, because they do not trust it and understand that the state is not able to protect their rights or, if it can stop the violation, it will not be able to restore these rights in practice. In addition, there are cases when workers who are forced to engage in illegal labour activities or clearly illegal activities mistakenly consider themselves violators of the law and are afraid to seek state assistance for fear of being held accountable as accomplices or because of threats from persons compelled them to do this work.

Under such conditions, it is deemed necessary to develop and adopt a separate specialized document that will contain measures aimed not only at improving the

norms for protecting the labour rights of workers, in particular against criminal offences in this area, but also at their practical implementation in the short and long term. Thus, on the territory of the Republic of Poland, a National Crime Prevention Committee covering a wide range of departments and functioning under the general coordination of the Ministry of Internal Affairs [33]. As part of this initiative, a program is being implemented in the country's police, the purpose of which is to reduce the level of crime and antisocial behaviour in small and medium-sized cities, called "Safe City" [34]. Therefore, taking into account the above experience of foreign countries, it is worth proposing to adopt the National Strategy for Approving the Labour Rights of Workers in Kazakhstan for 2023-2025, the content of which will contain specific goals, measures, conditions, and tools to prevent violations of the labour rights of workers.

The international practice of studying violations of labour protection rules is reflected in various documents that are important at the global level. One of the significant documents, which is given a special role in protecting the rights of the employee to safe working conditions, is the Universal Declaration of Human Rights [35]. At the international level, importance is attached to the provision of rules and regulations aimed at labour protection in order to protect and ensure favourable conditions for all workers. In foreign countries, special attention is paid to the issue of ensuring the safety of workers. Each member country of the Eurasian Community (EU), in accordance with the strategic guidelines of the EU, develops its own national strategies in the field of labour protection [36]. In the United States of America, special labour protection and labour force development services have been created that provide legal assistance to workers injured in the course of their work and can assist in filing a lawsuit [37]. Meanwhile, China's labour law provides for an ineffective system of supervision and containment of production operations, taking into account illegal and unsafe working methods [33]. In turn, researchers M. Xue et al. claim that after the introduction of the Law on the employment contract in China, the attitude towards workers in enterprises has improved significantly, which has led to a reduction in cases of non-payment of wages [38].

The existing system of protection of workers' rights in the Republic of Macedonia has a major drawback in the lack of adequate awareness of workers about their rights. The complexity and multi-level nature of the system for the protection of workers' rights significantly complicate the practical use of these mechanisms. According to researchers L. Farizi et al., The Republic of North Macedonia is entering a new phase of regulation, in which everything that is not defined by law is considered prohibited, instead of looking for better solutions within existing rules. In addition, it is not explained why a particular problem remains unresolved [39]. Inspectors do not fully utilize the possibilities provided by the law, and the system for reporting violations of workers' rights is not adapted to the needs of the workers themselves. Instead of a preventive approach, they act reactively. An analysis of international practice in investigating violations of labour protection rules, methods (tools) of rapid response to collect initial materials on the case and the interaction of departments allows to draw the following conclusions:

1. All countries have laws and regulations governing the health and safety of workers. They are aimed at preventing accidents and protecting the rights of workers.

2. Methods and tools for rapid response to violations of labour protection rules vary by country, but usually include the following steps: investigation of the incident, collection of initial materials and evidence, appointment of responsible persons, involvement of experts, identification of violations and application of sanctions.

3. In almost all countries, there is active interaction between the various departments responsible for labour protection. This allows effective coordination and information sharing to investigate violations and prevent recurrences.

4. In the EU, there is a large degree of standardization and harmonization of labour protection rules between member countries [40]. This contributes to improving labour safety and reducing risks in the workplace.

5. In the United States, labour protection departments have different powers and competencies in various industries [41]. This requires close cooperation between them to share information and work together to investigate violations.

Conclusions

Kazakhstan has laws and regulations that regulate the area of labour protection and provide for criminal sanctions for violations in this area. In order to guarantee the effectiveness of the investigation and punishment of those responsible for violations of labour protection rules, it is necessary to increase the supervision of law enforcement agencies, implement proactive measures and raise awareness among workers and employers about the adopted labour safety measures. To achieve the maximum level of protection of the rights of workers and ensure safe working conditions, the joint participation of the state, law enforcement agencies, public organizations and business representatives is required. The investigation of crimes related to violation of labour protection rules in the context of the Republic of Kazakhstan is characterized by certain features that require special attention and approach.

The main causes of determinants of crime in the field of labour protection in the Republic of Kazakhstan are: violation of labour protection rules and insufficient compliance with established safety norms and standards can lead to the creation of hazardous working conditions, which increases the risk of crime; lack of awareness of employees and employers about labour protection standards can lead to violations and errors that contribute to the emergence of criminal acts; the presence of corruption in the field of labour protection can encourage violations of rules and regulations, avoidance of responsibility, as well as create conditions for bribery and abuse, which may be associated with criminal activities; unfavourable economic conditions, low wages, lack of social guarantees and protection of workers' rights can stimulate illegal and criminal activities in the field of labour protection, such as illegal employment, exploitation and other violations; the lack of effective control mechanisms and shortcomings in legislation can create favourable conditions for violations of labour protection

rules and a steady increase in crime in this area; lack of information and education about labour protection rules and crime prevention in this area can weaken the awareness and responsibility of workers and employers. It is important to note that these factors may interact and vary depending on the specific situation and conditions in the Republic of Kazakhstan.

Under such conditions, the authors consider it necessary to develop and adopt a separate specialized document that will contain measures aimed not only at improving the norms for protecting the labour rights of workers, in particular from criminal offences in this area, but also at their practical implementation in the short and long term. perspective. It is also proposed to adopt the National Strategy for the Approval of Labour Rights of Workers in Kazakhstan for 2023-2025, the content of which will contain specific goals, measures, conditions, and tools to prevent violations of labour rights of workers.

Based on the analysis of international practice, the following recommendations can be proposed to improve the investigation of violations of labour protection rules and the collection of initial materials on the case, as well as to strengthen the interaction of departments in foreign countries. Strengthen cooperation and exchange of information between agencies responsible for labour protection, both nationally and internationally. This will help improve the effectiveness of the investigation and provide a more comprehensive approach to preventing violations. Development and regular updating of methodologies and tools for rapid response to violations of the norms and principles of safety in the workplace. This includes the development of standard investigation procedures, the use of modern technology and analytical tools to collect and analyse initial materials. Training and advanced training of employees involved in the investigation of violations of the norms and principles of safety in the workplace. This allows them to be more competent in identifying and documenting violations, as well as interacting with other departments and experts. Regular analysis and updating of legislation on labour protection rules, taking into account current trends and best practices. This will help ensure that legal regulation is up-to-date with current challenges and improve the effectiveness of measures to prevent violations. Raising public awareness and awareness of the importance of labour protection and workers' rights. This can be achieved through information campaigns, training, and education of the population about the risks in the workplace and ways to ensure work safety. The application of these recommendations contributes to an increase in the effectiveness of the investigation of violations of safety standards in the workplace, ensuring the effective collection of initial information and strengthening the interaction of agencies in the EU and the USA to ensure the safety and protection of workers' rights.

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Conflict of Interest

None.

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Порушення правил охорони праці (мотив, причина, наслідок)

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Анотація

Актуальність. Актуальність дослідження полягає в необхідності розглядати порушення правил охорони праці як форму насильства, оскільки порушення правил охорони праці призводить до створення небезпечних умов праці, заподіяння шкоди здоров'ю працівників та погіршення їх загального самопочуття.

Мета. Основною метою дослідження є вивчення взаємозв'язку між порушенням правил охорони праці та насильством на робочому місці, як можливого предиката, що передуює порушенню. Дослідження спрямоване на виявлення мотивів, причин та наслідків порушень правил охорони праці, а також оцінку їх впливу на безпеку, здоров'я та благополуччя працівників.

Методологія. У статті використано методи статистичного аналізу, аналогії та узагальнення, а також формально-юридичний і формально-логічний підходи.

Результати. Автори статті проаналізували фактори, що сприяють порушенням правил охорони праці, та виявили зв'язок між цими порушеннями і виникненням насильства на робочому місці. Вони з'ясували, що порушення техніки безпеки можуть стати джерелом напруженості та конфліктів як між роботодавцем і працівником, так і між самими працівниками, що, в свою чергу, може призвести до фізичного та психологічного насильства. Дослідження статті підкреслює необхідність вжиття заходів щодо запобігання порушенням охорони праці та протидії насильству на робочому місці.

Висновки. Автори рекомендують посилити контроль за дотриманням правил охорони праці, забезпечити навчання працівників у цій сфері, а також створити сприятливу культуру праці, засновану на повазі, безпеці та підтримці. Отримані результати допоможуть краще зрозуміти організацію кримінального судочинства в Республіці Казахстан і можуть бути корисними для запобігання порушенням правил охорони праці та якісного розслідування цієї категорії злочинів.

Ключові слова: права працівників; запобіжні заходи; безпечні умови праці; міжнародна практика; розслідування.