

## **ABSTRACT**

**for the dissertation work of Zhubandykova L.A.**

### **«Criminal law and criminological aspects of countering violence in the field of family and domestic relations»**

**General characteristics of the work.** The dissertation research is devoted to a comprehensive criminal law and criminological study of one of the most problematic and highly social segments of modern crime - domestic violence, which has significant distinctive parameters of determination, reproduction, and the severity of immediate and long-term consequences for victims of the corresponding attacks. By the time the study was conducted, there was a situation in Kazakh society of an unprecedented increase in the facts of domestic violence, which began to acquire more and more critical forms, embodied in the most socially dangerous criminal acts. The specificity of the issue under study is due to the fact that against the background of an almost complete public consensus on the increased danger of domestic violence, the permissibility of state interference in the private life of citizens in the presence of a threat to the safety of one or more family members, the criminological picture of the corresponding segment of crime itself has the character of an intractable problem, which is associated with the deformation of moral and psychological attitudes in a significant part of society, the crisis of the institution of the family, as well as with defects in legislative and law enforcement activities, which were often inconsistent in nature. Despite a significant number of legislative attempts related to the desire to influence crime in the field of family and household relations, a significant part of the issues that require further attention and adequate resolution still remain.

#### **Relevance of the research topic.**

The constitutional foundations of the functioning of Kazakhstani society contain the necessary foundation for each Kazakhstani family, as well as each individual person, to be in a state of maximum protection of their most significant rights, freedoms, and values. Article 1 of the Constitution of the Republic of Kazakhstan recognizes a person, his life, rights and freedoms as the highest values of the state; article 17 proclaims the inadmissibility of violence, cruel or degrading treatment; In turn, article 27 establishes the protection of marriage, family, paternity, motherhood and childhood, for violation of which administrative or criminal liability follows.

Man, as the highest value of the state, is at the same time a resource of society not only in a rational, socio-economic aspect, but also from the position of a spiritual component, assuming a positive potential, provided that he is brought up in a prosperous, conflict-free environment, excluding the facts of the use of even minimal forms of violent influence. Kazakh society, ultimately, is formed at the expense of all people living in the country, and the disadvantage of a significant part of society due to exposure to acts of domestic aggression has the risks of transformation into subsequent acts of violence, which creates an extremely

unfavorable foundation for the further development of the nation, undermines its foundations, shakes the most significant value system.

Awareness of the high degree of importance of protecting the family, as well as particularly vulnerable categories of citizens – women and children – contributed to the development of massive international legal instruments. Thus, the relevant issues are emphasized by the Universal Declaration of Human Rights (1948), the UN Convention on the Rights of the Child (1989), the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)], the UN General Assembly Resolution «Intensification of efforts to eliminate all forms of violence against women» (2007) and others.

A number of special international legal documents have also been adopted, directly aimed at developing strategies and recommendations for the formation of national legislation on combating domestic violence: the Declaration on the Elimination of Discrimination against Women (1967), the Convention on the Elimination of All Forms of Discrimination against Women (1979), Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999), «Declaration on the Elimination of Violence against Women (1993), Model Strategies and Practical Measures to Eliminate Violence against Women in the Field of Crime Prevention and Criminal Justice, adopted by General Assembly resolution 52/86 of December 12, 1997; Beijing Declaration (on the Status of Women) (1995)<sup>1</sup>, Council of Europe Convention on prevention and Combating violence against women and domestic violence (2011), the Council of Europe Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse (Lanzarote Convention, CFE No. 201, 2007) and others.

Family is traditionally considered as a significant social factor, but family is also crucial for the formation of a single personality, is the foundation for the realization of the most significant human needs for moral, material and spiritual support. Violence in any single family is always an extremely dangerous signal for the whole society, since any violent incident, especially their repetition over a long time, causes harm not only to a specific victim, but also to his relatives, and, subsequently, can be broadcast to future generations, based on established social laws of modification and escalation of violence in intergenerational interaction.

Despite the fact that the total share of criminal offenses committed annually in the family and household sphere is relatively small (in 2017-2023 it did not exceed 0.66%), violent behavior in the family belongs to those manifestations of criminal reality that are perceived as the most dangerous destruction. In addition, the high latency of domestic violence is not only stated by researchers, but is also directly revealed when studying the materials of criminal cases on crimes of the appropriate type. It is not uncommon for victims to be subjected to violence for a long time, sometimes for many years, before bringing the perpetrator to criminal

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<sup>1</sup> Beijing Declaration, adopted by the Fourth World Conference on Women, Beijing, September 4-15, 1995 // [https://www.un.org/ru/documents/decl\\_conv/declarations/womdecl.shtml](https://www.un.org/ru/documents/decl_conv/declarations/womdecl.shtml) (accessed 01.09.2024)

responsibility, which takes on especially dangerous forms when it comes to child abuse, including in the form of sexualized violence.

The data of official statistics generated by the KPSIS of the General Prosecutor's Office of the Republic of Kazakhstan annually record the volume of certain types of criminal offenses committed in the field of family and household relations. So, in 2023, in the total volume of murders (Article 99 of the Criminal Code of the Republic of Kazakhstan), 22.88% were committed in the family and household sphere; similarly, 18.6% of all cases of intentional infliction of serious harm to health; 13% of cases of moderate harm to health; 18.2% of all tortures committed during the year; 8.7% of criminal threats – all these acts have been realized in the field of family and household relations. Despite the insignificant rates of registration of cases of murder, causing serious harm to health when exceeding the limits of necessary defense (Articles 102, 112 of the Criminal Code of the Republic of Kazakhstan), a significant part of them in 2023. (respectively, 83.3% and 36.2%) were stated as committed in the family and household sphere. Despite the noticeably lower proportion of the domestic violence factor of violent and nonviolent sexual assaults, given the extremely high degree of latency of these crimes, they require recognition as one of the most dangerous forms of domestic violence, especially when minors or minors act as victims.

The dynamics of legislative changes over the entire period of operation of the Criminal Code of the Republic of Kazakhstan in 1997 and the Criminal Code of the Republic of Kazakhstan in 2014 indicates an unambiguous vector towards a consistent increase in the repressiveness of sanctions, the inclusion of additional qualifying and especially qualifying features. Thus, within the framework of Article 124 of the Criminal Code of the Republic of Kazakhstan, with an initial sanction of 3 years of restriction or imprisonment (the Criminal Code of the Republic of Kazakhstan of 1997), by now the maximum penalty in the presence of particularly qualifying signs is 17 years in prison. At the same time, by the Law of the Republic of Kazakhstan dated April 15, 2024. No. 72-VIII the commission of indecent acts has become punishable against persons under the age of 16.

Persons who died or were injured as a result of intra-family conflicts firmly occupy the first place among various categories of victims of violent crimes, with women and children being the predominant group among NCDs. Thus, on average, every fourth woman is subjected to cruel forms of treatment throughout her life, and every second child aged 2 to 14 years experiences harsh forms of punishment in their own families. Often, women themselves also become guilty of committing violent acts in the family and household sphere, which in itself contradicts feminine nature, since throughout the history of criminological research, the statement that physical aggression is not characteristic of a female type of behavior and the realization of certain needs has been an axiom. Affected children, in turn, are the most vulnerable category due to their social status, complete dependence on adults, which is why there are always risks of prolonged victimization, constant re-traumatization, leading to persistent mental and psychological problems and even dysfunctions.

Despite the formation of a multifunctional mechanism for countering domestic violence in Kazakhstan by now, the effectiveness of national methods is still questionable, since they have not become a deterrent to prevent the escalation of this negative social phenomenon. It is for this reason that the topic of family and domestic violence currently has priority relevance and requires careful research of both the results of the entire sequence of ongoing reforms and the search for new, additional protective and preventive tools.

**The degree of scientific elaboration of the topic of the dissertation research.** Various aspects of violent crime, including in the field of family and household relations, have been covered in the works of legal scholars from both domestic and CIS countries over the years: N.M. Abdirova, G.A. Avanesova, A.N. Agybaeva, E.O. Alaukhanova, Yu.M. Antonyan, N.K. Asanova, A.N. Akhpanova, M.M. Babaeva, I.N. Belyaeva, M.S. Baymurzina, K.J. Baltabaeva, Y.D. Bluvshstein, I.S. Borchashvili, N.I. Vetrova, A.E. Volkova, I.V. Gorshkova, K.K. Goryainova, M.V. Danilevskaya, K.I. Jayanbaeva, U.S. Dzhekebaeva, A.I. Dolgovoy, A.S. Zhdanova, B.Zh. Zhunusova, P.M. Zulkarneeva, K.E. Igosheva, A.N. Ilyashenko, I.I. Karpets, E.I. Kairzhanova, E.P. Kim, D.A. Koretskova, V.M. Kormshchikova, Yu.N. Krupki, V.N. Kudryavtseva, N.F. Kuznetsova, F.A. Lopushansky, S.V. Maksimova, G.M. Minkovsky, G.G. Moshak, A.M. Nechaeva, R.T. Nurtayeva, JI.Sydykova, P.G. Ponomareva, V.P. Revina, G.M. Reznik, E.G. Samovicheva, T.A. Sidorenkova, S.B. Soboleva, O.V. Starkov, A.D. Tarkovsky, B.G. Tugelbaeva, A.D. Khamzayeva, D.A. Shestakov and others.

At the same time, there is currently no comprehensive criminal law and criminological study of issues of domestic violence and the practice of countering it in the Republic of Kazakhstan at the level of a dissertation study that would take into account all the changes that have occurred in recent years in legislation, law enforcement practice, and the structure of this segment of crime. In this sense, this dissertation research can fill the gap and act as a source of theoretical, statistical, empirical systematization of all key issues related to the problems of domestic violence in the Republic of Kazakhstan.

**The object of the dissertation research** was the social relations that determine family and domestic violence that arise in the post-criminal period in connection with acts of criminal violence in the family, as well as those related to the establishment of criminal law prohibitions for various forms of manifestation of this type of violence and implemented during preventive action on the relevant segment of crime.

**The subject of the dissertation research** was the provisions of the Constitution of the Republic of Kazakhstan, criminal, criminal procedure, penal enforcement, administrative and tort, marital and family and other sectoral legislation; other normative legal acts, program documents, strategies, concepts developed in order to counteract domestic violence; acts of official interpretation of the highest judicial instance of the Republic of Kazakhstan; statistical KPSIS data; the practice of courts to consider cases in the field of domestic violence; comments by experts and practitioners of law enforcement agencies and the

judiciary, including those available from information and communication resources, as well as the identified patterns of violent crime in the family and household sphere and the effectiveness of domestic and foreign law enforcement techniques.

**The purpose of the dissertation research** is a comprehensive analysis of the socio-legal, criminal-legal and criminological aspects of violence in the sphere of family and household relations, the development of theoretical and applied foundations for countering such violence in the form of scientifically based proposals to improve legislation, law enforcement and practice of preventing relevant criminal offenses.

The achievement of this goal became possible by solving the following private research tasks:

- a study of the historical background of the modern determination of domestic violence in Kazakh society;
- analysis of international legal acts, foreign legislation and law enforcement practice for comparison with the Kazakh model of countering domestic violence;
- isolation of a group of criminal offenses related to domestic violence with clarification of specific parameters of criminal liability;
- search and substantiation of additional mechanisms of criminal legal protection against acts of domestic violence;
- general criminological analysis (taking into account the delictological factor) of the dynamics, level and structure of domestic violent crime;
- substantiation and development of measures for criminological prevention of violent domestic crime.

**Methodological base and research methods.** The methodological tools chosen for the research are traditional for legal research and sufficient to obtain reliable and objective theoretical knowledge, since they are based on a balanced combination of general scientific and private scientific methods of cognition of social phenomena and processes. The dialectical method of cognition was chosen as the fundamental research method, which made it possible to establish the real and perceived determinants of domestic violence in Kazakhstan in their totality and interrelationship. The inductive-deductive method was actively used to isolate individual points of criminal law and criminological assessment and reduce them to a common result; the method of analysis and synthesis was in demand when evaluating legislative details in the regulation of criminal liability for domestic violence. The modeling method was also actively used (in substantiating individual changes to the norms of the current legislation of the Republic of Kazakhstan, as well as on issues of law enforcement practice).

The system of private scientific methods of dissertation research included: historical and legal (in assessing the dynamics of the development of legal norms in various periods of Kazakh statehood); comparative legal (in studying the norms of international legal acts, as well as foreign legislation); sociological (to obtain a reliable assessment of the studied system of public relations, increasing the level of reliability conclusions and proposals); statistical (allowing to illustrate the

dynamics of domestic violence in the Republic of Kazakhstan for the period from 2017 to 2023.); structural and functional (when building a system of norms aimed at protecting victims of domestic violence); formal and logical (in order to clarify legislative prescriptions and unify them, increase the level of legislative technique of criminal legislation); content analysis of theoretical sources, publications in the media and available information and communication resources (when analyzing expert assessments, law enforcement practice, assessment of the level of public sentiment on the issue under study, etc.); the method of constructive and critical analysis (which made it possible to carry out a research revision of theoretical developments on the issue under study), etc.

**The scientific novelty of the dissertation research** is due to the fact that for the first time it examines topical issues of domestic violence in Kazakhstan at the monographic level, taking into account the totality of legislative changes made, uneven legislative practice in determining the jurisdictional sphere of responsibility for acts of domestic violence, theoretical developments and accumulated law enforcement experience. The paper implements a fundamentally new approach, expressed by the isolation of an independent group of criminal offenses related to domestic violence, the definition of specific parameters of criminal liability due to the peculiarity of the regulated sphere of public relations. Theoretically, a number of changes have been substantiated, which are fundamentally new, conceptual in nature, but are in demand precisely from the position of countering domestic violence. The conducted criminological analysis made it possible to carry out a fundamentally new formulation of some issues, a methodologically justified emphasis on the preventive impact on violent domestic crime.

The novelty of the dissertation research carried out is mainly reflected in the **following main provisions submitted for defense:**

1. The fact that all countries of the world community are exposed to the problem of domestic violence, confirmed by an extensive system of measures taken by states to counteract this negative phenomenon, does not allow us to talk about the unconditional influence of historical factors in the development of family relations in Kazakhstan on high rates of domestic violence in modern conditions. At the same time, there is a specific divergence (contradiction) of the elements of modern society with the renaissance of the attributive perception of the traditions of Kazakh society, which clearly contradict and lead to a special background of mental perception of domestic violence as a consequence of the patriarchal foundations of Kazakh society.

2. Taking into account the fact that the entire sphere of influence on the facts of domestic violence is currently concentrated in the criminal legal plane, a group of criminal offenses has been theoretically and statistically substantiated, which should be associated with the concept of «domestic violence» while clarifying its concept in the Law of the Republic of Kazakhstan «On the Prevention of Domestic Violence»:

- a proposal has been formulated to supplement Article 3 of the Criminal Code of the Republic of Kazakhstan with a list of criminal offenses related to

family and domestic violence, which is proposed to be formulated as follows: «criminal offenses related to family and domestic violence - acts provided for in articles 99, 101, 102, 105, 106, 107, 108-1, 109-1, 110, 111, 112, 115, 120, 121, 122 and 124 of this Code, if they are committed in the family and household sphere»;

- the definition of the concept of «family and domestic relations» included in the Law of the Republic of Kazakhstan «On the prevention of domestic violence» needs to be changed as follows: «family and domestic relations – relations between spouses, former spouses, persons living or living together, close relatives, relatives, relatives, persons with a common child (children)», which is necessary to specify a more expanded subject composition of acts of domestic violence in comparison with legal definitions of close kinship, properties and other parameters of social and biological kinship in the norms of related legislation.

3. The conceptual changes in the approach to the criminal law assessment of a number of circumstances that are of primary importance in the framework of countering domestic violence are substantiated:

- in order to more differentially account for the age of victims in the composition of sexual crimes, within the framework of Articles 122 and 124 of the Criminal Code of the Republic of Kazakhstan, to establish increased parameters of criminal liability for cases of committing an act against persons under the age of 12 (in Articles 120 of the Criminal Code of the Republic of Kazakhstan and Article 121 of the Criminal Code of the Republic of Kazakhstan, appropriate accounting is no longer possible due to the establishment of an alternative penalties in the form of life imprisonment for assaults on minors);

- add Part 3 of Article 120 and Part 3 of Article 121 of the Criminal Code of the Republic of Kazakhstan, as well as Articles 122 and Article 124 of the Criminal Code of the Republic of Kazakhstan with a new special qualifying feature «systematically» in order to reflect the specifics of sexual assaults in intra-family relations;

- exclude the sign of knowledge about the state of pregnancy of the victim in all types of crimes where there is an encroachment on a woman as a biological organism, while adding this sign to Articles 106, 107, 108-1, 109-1 of the Criminal Code of the Republic of Kazakhstan, which will reflect global trends of increased protection of the female gender and recognition of pregnancy as a natural state derived from the corresponding gender, the potential of which should be covered by the intellectual moment of the perpetrator's intent at the time of the attack.

4. The need to increase the effectiveness of criminal law norms in assessing the legality of necessary defense and responsibility for exceeding it is justified by:

- including in Part 3 of Article 32 of the Criminal Code of the Republic of Kazakhstan an additional paragraph as follows: ««harming an encroaching person due to fear, fright, confusion is not an excess of necessary defense, as well as in cases when the defender previously, he was subjected to violence by an encroaching person.» (with the simultaneous exclusion of Article 66 from the Criminal Code of the Republic of Kazakhstan).

- additions to paragraph 17 of the Normative Resolution of the Supreme Court of the Republic of Kazakhstan dated May 11, 2007 No. 2 with the following wording: «When establishing the fact of previous violence by the attacker, with whom the defender is in family and household relations, all circumstances confirming such violence are taken as a basis - appeals to law enforcement agencies; previous administrative or criminal liability for domestic violence; the presence of bodily injuries in the defending person indicating recent violence; the testimony of family members, neighbors regarding the facts of violence by the attacker and other circumstances.»

5. The conducted general criminological analysis, taking into account the delictological factor (administrative offenses) for beatings and intentional infliction of minor harm to health for the period from 2017 to 2023, indicates the following significant factors:

- the revealed statistical «differences» associated with changes in the scope of legal jurisdiction give grounds for predicting that the number of registrations of beatings (Articles 109-1 of the Criminal Code of the Republic of Kazakhstan) and cases of intentional infliction of minor harm to health (Articles 108-1 of the Criminal Code of the Republic of Kazakhstan) will significantly decrease;

- with regard to the personality of a domestic abuser, we should talk about a special «state of danger», limited specifically to the sphere of family and household relations and characterized by the risks of recurrence of violent incidents in closed family and household communications, which requires taking into account all persons who committed administrative offenses in the field of family and domestic violence before the fact of criminalization of beatings and intentional infliction minor harm to health;

- it is statistically proven that the decriminalization of beatings and intentional infliction of minor harm to health due to the property of self-determination (self-reproduction) of domestic crime in the form of escalation and cyclicity has become a specific accelerator (growth stimulator) of domestic violence in the country;

- the property of self-determination (self-reproduction) of domestic violence is confirmed within the framework of a regional approach, since the areas that previously demonstrated the highest level of administrative and legal delicacy in the field of domestic violence (East Kazakhstan, Karaganda, Almaty, Pavlodar, Kostanay region) are represented by negative trends in the criminal law forms of the analyzed crime segment.

6. Taking into account international legal documents, foreign experience and the current trend of preventive impact on the facts of domestic violence, the formulation of the concept of «prevention of domestic violence», currently used in the Law of the Republic of Kazakhstan «On the prevention of domestic violence» should be supplemented by an indication of the purpose of axicreation («psychological recovery») victims of domestic violence, which in the system of basic concepts of the law should be defined as «measures aimed at forming new attitudes of behavior in the victim of domestic violence, as well as the restoration



of lost positive attitudes aimed at the formation of psychological protection from subsequent acts of violence.»

7. In the system of accretion of a victim of domestic violence, the primary task is to distance (separate) her at the initial post-criminal stages until the risks of repeated violent incidents disappear. In this connection, a set of amendments to the legislative acts of the Republic of Kazakhstan is justified:

- The Criminal Procedure Code of the Republic of Kazakhstan: 1) Article 371 of the CPC of the Republic of Kazakhstan should be supplemented with a new part. 1-1 as follows:»In cases where a minor is a witness or victim of one of the crimes listed in paragraph 18-2 of Article 3 of the Criminal Code of the Republic of Kazakhstan, and the suspect or accused is a family member, guardianship and guardianship authorities are involved as a legal representative»; 2) in Part 1 of art. 217 of the CPC of the Republic of Kazakhstan (regulating the procedure for depositing the testimony of the victim and witness) to include a new circumstance: «the presence of danger to the life and health of the witness, the victim»; 3) part 1 of Article 398 of the CPC of the Republic of Kazakhstan, regulating issues to be reflected in the operative part of the sentence, add paragraph 12 as follows: «the decision to ban a person sentenced to imprisonment for crimes provided for in paragraph 18-2 of the Criminal Code of the Republic of Kazakhstan from maintaining any form of communication with the victim during the period of serving his sentence, if the victim himself, other interested persons request it, or the court itself will conclude that this measure is necessary.»

- The Law of the Republic of Kazakhstan «On Probation»: 1) Article 13 should be supplemented with a new part 1-1 with the following wording: «Pre-trial probation is mandatory in cases of domestic violence in cases where a preventive measure in the form of detention has not been applied to the suspect or accused»; 2) Article 14 must be supplemented with Part 2-1, which should be set out in the following wording: «In cases of domestic violence, the probation service draws up: within 3 days, a brief pre-trial report with a recommendation to the investigating judge on authorizing a ban on approaching in accordance with art. 165 of the Criminal Procedure Code of the Republic of Kazakhstan; during the period of the pre-trial investigation, a full pre-trial report with recommendations to the court on the need to apply measures provided for in Articles 98-3 of the Criminal Code of the Republic of Kazakhstan.»

- The Criminal Code of the Republic of Kazakhstan: 1) Article 44 of the Criminal Code of the Republic of Kazakhstan should be supplemented with parts 1-1 as follows: «When imposing restrictions on freedom to a person who has committed an act provided for in paragraph 18-2 of Article 3 of this Code, the application of measures specified in Part 1 of Article 98-3 of this Code is mandatory. The ban on living in the same dwelling with the victim is established for a period of three months and can be extended until the end of the term of the imposed punishment»; 2) a similar change should be included in Article 63 of the Criminal Code of the Republic of Kazakhstan (supplement Part 3-1).

8. The mechanism for the protection of victims of domestic violence should cover all areas of legal regulation and be of an integrated, cross-sectoral nature, in connection with which the need to combine all existing normative legal acts related to the prevention of offenses is justified (Law of the Republic of Kazakhstan dated July 9, 2004 No. 591-II; Law of December 4, 2009 No. 214-IV; Law of the Republic of Kazakhstan dated April 29, 2010 No. 271-IV) within the framework of a single law, which will eliminate duplication, terminological discrepancies and different approaches to forms and methods of preventive action. In addition, the need to supplement national legislation with the following additional protective tools is justified:

- taking into account the central place of local authorities as subjects of preventive impact on offenses and crime, their role in targeted assistance to families affected by domestic violence should be increased by introducing a rule of mandatory (regardless of treatment) provision of social and legal assistance to persons who have committed acts of domestic violence, with their participation in psychocorrection programs, as well as to families (family members) affected by this violence, for the purpose of which paragraphs 29 of Article 27 and paragraph 26 of Article 31 of the Law of the Republic of Kazakhstan dated January 23, 2001. No. 148-II should be supplemented with the following wording: «... and also, on a mandatory basis, provides comprehensive social and legal assistance to persons who have committed acts of domestic violence and their families on the basis of specially developed programs.»

- the inclusion of a new Article 453-1 in the CRCoAP RK, which should be stated as follows:

1. Dissemination of information, as well as public statements related to the justification of domestic violence, including blaming the victim, discriminatory statements based on gender and any other form of distortion, regardless of the purpose of the relevant activity...

2. The act provided for in the first part of this article, committed repeatedly within a year after the imposition of an administrative penalty, as well as by a person authorized to perform state functions or a leader of public opinion...

Note. For the purposes of this article, the leader of public opinion is a person who, by virtue of his professional activity and other circumstances, is able to exert an informational influence on a significant circle of people»;

- the following amendments should be made to the Code of the Republic of Kazakhstan «On Marriage (Matrimony) and Family: 1) in Part 3 of Article 10 of the KBS RK, establish the exclusive right of persons themselves who wish to marry before reaching the general age of marriage (in order to exclude elements of coercion on the part of parents and other relatives to marry a minor); 2) part 2 of Article 17 The Code of Civil Procedure of the Republic of Kazakhstan, regulating the possibility of unilateral dissolution of marriage, should be supplemented with the following paragraph: «committed acts of domestic violence or a criminal offense encroaching on the life and health of another spouse or minor children.»

**The empirical basis of the study** was:

- a sociological study in the form of an anonymous questionnaire of 350 persons convicted of committing violent crimes in the field of family and household relations and serving sentences of imprisonment in 14 medium and maximum security institutions of the Ministry of Internal Affairs of the Republic of Kazakhstan in Mangystau, Atyrau, Aktobe, Kostanay, Pavlodar, East Kazakhstan, Karaganda, Almaty regions and Shymkent, with the study of the materials of criminal cases in relation to these convicts;

- the data obtained on persons who have committed criminal offenses in the field of family and household relations, who are under probation control;

- statistical information of the Investigative Department of the Ministry of Internal Affairs of the Republic of Kazakhstan on persons who have committed criminal offenses in the field of family and household relations and their victims (women, minors);

- the results of a sociological study among 516 employees of the investigation and inquiry units of the territorial divisions of the Department of Internal Affairs;

- statistical information of the Administrative Police Committee of the Ministry of Internal Affairs of the Republic of Kazakhstan on persons who have committed offenses in the field of family and household relations and their victims (women, minors);

- the results of a sociological study among 1,274 employees of the local police service units of the territorial divisions of the Ministry of Internal Affairs of the Republic of Kazakhstan;

- statistical information on offenders who have committed criminal offenses in the family and household sphere, about female victims, minors from the Police Departments of Astana (Nur Sultan), Almaty, Abai, Akmola, Aktobe, Atyrau, Almaty, East Kazakhstan, Zhambyl, Zhetysui, Karaganda, Kostanay, Kyzylorda, Mangystau, Pavlodar, North Kazakhstan, Turkestan, Ulytau region and Shymkent;

- the results of a sociological study of 100 victims of domestic violence who sought help from the crisis centers of the private foundation «Korgau-Astana» in Astana, the crisis center «Zhansaya» in Almaty, the crisis center of the Public Fund «Damytu» in Kostanay, the crisis center for victims of domestic violence in Mangystau region, the Center for Social Emergency care «Paradise», crisis center for victims of domestic violence in Atyrau region, crisis center «Umit», Center for development and social assistance to the population «My house», crisis center Ust-Kamenogorsk, crisis center Aktobe, crisis center Temirtau;

- materials of criminal cases on criminal offenses committed in the field of family and household relations and considered by the courts of first instance in the period 2017-2021, available from the «Judicial Cabinet» functionality of the Supreme Court of the Republic of Kazakhstan;

- statistical data of the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan.

**The approbation of the research results** is reflected in the following results and activities:

1 Scientific articles on the topic of the dissertation research have been published:

1.1 Domestic violence in the Republic of Kazakhstan: current assessments of the state and dynamics// Materials of the international scientific conference of young scientists, undergraduates and doctoral students dedicated to the 30th anniversary of the internal affairs bodies of the Republic of Kazakhstan: Kabyldaev readings. – Kostanay: Kostanay Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after Sh. Kabyldaev, 03/18/2022. – pp. 215-226 / 0.6pp.

1.2 Current issues of improving the legislation of the Republic of Kazakhstan on combating domestic violence//Materials of the international scientific and practical conference: Organization and activity of internal affairs bodies at the present stage: problems and solutions. – Kostanay: Kostanay Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after Sh. Kabyldaev, 10/21/2022. – pp. 58-67 / 0.5pp.

1.3 On the problem of proportionality of punishments for violence in the sphere of family and domestic relations// Materials of the international scientific and practical conference: Problems of countering gender-based violence at the present stage», dedicated to the International Day against Discrimination. – Almaty: Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M.Esbatov, 03/01/2023. – S.62-65/ 0,2 P.l.

1.4 On the historical and legal aspects of violence in the sphere of family and household relations// Materials of the international scientific and practical conference: Factors of domestic violence and their prevention. Aktobe: Aktobe Law Institute of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M.Bukenbaev, 04/28/2023. – pp. 25-33 / 0.5 p.l

. 1.5 Family and domestic violence: problems of disparity of legislative measures of influence// Gylym-Nauka: international scientific journal. –Kostanay: Kostanay Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after Sh. Kabyldaev, 2022. – №4 (75). – S.149-157 / 1,04 P.L.

1.6 On the problem of recognizing the public danger of persecution, committed in the sphere of family and household relations/ L.A. Zhubandykova, E.E. Kainar// Khabarshy-Vestnik: international scientific journal. –Karaganda: Karaganda Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after B. Beisenov. – 2023. – №1 (79). – Pp. 239-246 / 0.9 p.l

1.7 Topical issues of criminal law regulation of psychological and emotional violence committed in the sphere of family and household relations/ L.A. Zhubandykova, E.M. Khakimov//Scientific works of the Almaty Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan: a scientific periodical. – 2023. - № 4 (77). – Pp. 323-336 / 1.6 pp.l.

1.8 Criminal law measures to counteract domestic violence: the need to overcome contradictions and search for additional resources/L.A. Zhubandykova, Yu.I. Simonova// Gylym-Nauka: international scientific journal. –Kostanay:

Kostanay Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after Sh.Kabyrbayeva, 2024. – №1 (80). – S.145-154 / 1,1 P.L.

2 Prevention of domestic violence: a scientific and practical guide/

S.I. Karakushev, A.F. Sattarova, A.B. Aituarova, A.A. Alimpiev, L.A. Zhubandykova. – Almaty: ADALKITAP, 2023. – 194 p. / 9.33 p.1

3 Acts of implementation:

3.1 The results of the scientific study «Recognition of the public danger of acts of «Beatings» and «Intentional infliction of minor harm to health» as types of physical violence requiring criminal law protection mechanisms» expressed in the draft proposals on amendments and additions to the Criminal Code of the Republic of Kazakhstan, regarding the introduction of previously decriminalized articles «Beatings» and «Intentional infliction of minor harm to health» were introduced into law-making activities and by the decision of the working group under the Committee on Legislation and Judicial Reform of the Mazhilis of the Parliament of the Republic of Kazakhstan became the basis of the draft Law on amendments and additions to some legislative acts of the Republic of Kazakhstan on the optimization of Criminal, Criminal and the Procedural and Penal Enforcement Codes;

3.2 The results of the scientific study «Persecution as a socially dangerous act» expressed in the draft proposals on amendments and additions to the Criminal Code of the Republic of Kazakhstan, regarding the introduction of a new article providing for criminal liability for the act «Persecution», were introduced into law-making activities and by the decision of the working group under the Committee on Legislation and Judicial Reform of the Mazhilis of the Parliament of the Republic of Kazakhstan is recognized as relevant and worthy of attention for improving the criminal legislation of the Republic of Kazakhstan;

3.3 The materials of the dissertation research «Criminal law and criminological aspects of countering violence in the field of family and household relations» are introduced into the official activities of the Department of Organization of the work of the inquiry of the Investigative Department of the Ministry of Internal Affairs of the Republic of Kazakhstan, in terms of use in summarizing the activities of the investigation and inquiry bodies to suppress criminal offenses committed in the field of family and household relations, when developing measures on the prevention and prevention of domestic crime, as well as used in the development of draft normative legal acts;

3.4 The results of an express analysis of the experience of Turkey, Azerbaijan and Malaysia in countering and preventing violent crime in the field of family and household relations have been introduced into the scientific activities of the interdepartmental Research Institute of the Academy of Law Enforcement Agencies of the Prosecutor General's Office of the Republic of Kazakhstan and included in the content of the study «International experience in countering and preventing domestic violence (using the example of the practice of countries Central Asia and the CIS)», conducted on behalf of the Security Council of the Republic of Kazakhstan);

3.5 The materials of the dissertation research «Criminal law and criminological aspects of countering violence in the field of family and household relations» have been introduced into the educational process of the Center for Training Employees to protect women from violence of the Aktobe Law Institute of the Ministry of Internal Affairs of the Republic of Kazakhstan named after M. Bukenbayev, namely, they formed the basis of the curriculum and scientific and theoretical foundation of the Center for Training Employees in protection of women from violence of the Institute;

3.6 Scientific and practical manual «Prevention of domestic violence», carried out in collaboration with the team of authors of the Kostanay Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after Sh.Kabyrbayeva, introduced into the operational and service activities of the units of the local police service of the Kostanay region Police Department.