

## **ABSTRACT**

to the dissertation of Zhubandykova Lyazzat Abilkairovna on the topic: "Criminal law and criminological aspects of countering violence in the field of domestic relations", prepared for the degree of Doctor of Philosophy (PhD) in the educational program 8D12301 – "Law Enforcement"

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

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 severity of consequences.

Despite a significant number of legislative attempts related to the desire to influence crime in the field of domestic relations, a significant part of the issues that require further attention and adequate resolution still remain.

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 in the future, can be transmitted to future generations, based on the established social laws of modification and escalation (aggravation) violence in intergenerational interaction. Therefore, countering domestic violence has become one of the primary social tasks highlighted in the Messages, addresses, speeches and interviews of the President of the country K.K. Tokayev in 2022, 2023, 2024, and indicates that this issue has long gone beyond the limits of a temporary and local problem requiring comprehensive solutions. In this regard, the state policy of recent years in the field of countering domestic violence has been accompanied by repeated revision of the norms of criminal and administrative legislation, which is why the composition of violent crimes against the person has become one of the most dynamic. However, despite a significant number of legislative attempts, the issues of countering domestic violence require further attention and adequate resolution.

By the time of the study, 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. Evidence of this is the statistical data of the KPSIS of the Prosecutor General's Office of the Republic of Kazakhstan, according to which, the basic growth rate of registered administrative and criminal offenses in the context of 2018-2024 (i.e., in relation to 2017) was:

In 2018: administrative offenses -126.5% (45,187), criminal offenses-206% (919); In 2019: administrative offenses – 137.7% (49195), criminal offenses - 236% (1055); In 2020: administrative offenses – 135.5% (48389), criminal offenses -240% (1072); In 2021: administrative offenses – 146.6% (52360), criminal offenses-234% (1047); In 2022: administrative offenses – 146.3% (52241), criminal offenses-211% (942); In 2023: administrative offenses-238.7%

(85,225), criminal offenses-206% (923); As of 10.2024: administrative offenses – 210.5% (75188), criminal offenses – 558.7% (2492).

A critical indicator occurred in 2023 among administrative offenses, and in 2024 among criminal offenses, among which 86.4% were attributed to violent crimes against the person, with a predominance of murders (Article 99 of the Criminal Code of the Republic of Kazakhstan), intentional infliction of serious harm to health (Article 106 of the Criminal Code of the Republic of Kazakhstan) and intentional infliction of moderate harm to health (Article 107 of the Criminal Code of the Republic of Kazakhstan).

It is for this reason that the topic of domestic violence currently has priority relevance and requires careful research, both the results of the entire sequence of ongoing reforms and the search for new, additional protective and preventive tools.

### **The purpose and objectives of the study.**

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 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.

The formulated purpose and objectives of the dissertation research embrace all key aspects of the problem of domestic violence, including its socio-legal, criminal-legal and criminological features. Together, these tasks allowed us to obtain a comprehensive scientific justification for making recommendations on improving legislation.

**Methodology and methodology of the study.** 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 implement a research revision of theoretical developments on the issue under study), etc.

**The scientific novelty** of the study is attributable to topical issues of domestic violence in Kazakhstan, considering the totality of legislative changes, 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 implemented dissertation research 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 counter 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 In order to achieve uniformity in the criminal legal assessment of family and domestic violence, as well as to establish a balanced qualification account of the factor of committing a violent act in the field of family and domestic relations, it is necessary:

- add art . 3 of the Criminal Code of the Republic of Kazakhstan by a new paragraph 18-2, which includes a list of criminal offenses related to domestic violence, which is proposed to be formulated as follows: "criminal offenses related to family and domestic violence, – acts provided for in the articles 99, 101, 102, 105, 106, 107, 108-1, 109-1, 110, 111, 112, 115, 120, 121, 121-1, 122 and 124 of this Code, if they are committed in the domestic sphere," which will allow to streamline the subsequent practice of developing criminal law measures impact on domestic violent crime, as well as more targeted statistical accounting with the inclusion of sociometric indicators;

- all the elements of criminal offenses included in the proposed list should be supplemented with the qualifying feature "committed against a person who is in family relations with the perpetrator".

- to change the criteria for penalization of Part 1 of Article 108-1 of the Criminal Code of the Republic of Kazakhstan "Intentional infliction of minor harm to health" with the transfer of the relevant act to a group of crimes of minor severity, which will clearly reflect the priority of criminal law protection of relevant public relations in comparison with the goals of optimizing pre-trial procedures;

- 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"

- The definition of "family and domestic relations" included in the Law of the Republic of Kazakhstan "On the Prevention of Domestic Violence" dated December 4, 2009 No. 214-IV should be amended as follows: "family and domestic relations – relations between spouses, former spouses, persons who live or have lived together in connection with actual marriage (cohabitation), close relatives, relatives (based on social and biological kinship), 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:

A comprehensive review of the age groups of victims of violent sexual crimes is required, which should take into account both the socio-criminological reality (an increase in attacks of the appropriate type on children of younger age

groups) and medical factors (criteria of injury, risks of subsequent harm to health, etc.), in order to rank them more deeply and establish appropriate parameters of criminal responsibility (in particular, additional allocation of a group of victims under the age of 12);

- exclude the sign of knowledge in the following cases:

1) indications of the state of pregnancy of the victim in all types of crimes where there is an encroachment on a woman solely as a biological organism, while adding this feature to Articles 106, 107, 108-1, 109-1 of the Criminal Code of the Republic of Kazakhstan, due to the need to recognize pregnancy as a natural state derived from the corresponding gender, the potential of which should be covered by the intellectual moment of intent of the perpetrator at the time of the attack;

2) indications of the minor age of the victim in similar cases, since the increased degree of criminal legal protection of these persons from violence is determined precisely by the physiological (age) criterion, excluding additional social assessments.

4 The necessity of increasing the effectiveness of the norms of criminal law in assessing the legality of the necessary defense and responsibility for its excess by:

- the inclusion in Part 3 of Article 32 of the Criminal Code of the Republic of Kazakhstan of an additional paragraph as follows: "It is not an excess of necessary defense to harm an encroaching person due to fear, fright, confusion, as well as in cases when the defender was previously 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 Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan dated May 11, 2007 No. 2 with the following wording: "In order to establish the fact of previous violence by the attacker against the defender, all circumstances confirming such violence are taken as a basis – appeals to law enforcement agencies, bringing to administrative or criminal responsibility for acts of violent behavior by the attacker against the defender; medical documents, witness statements and others the actual data, regardless of whether they have received a legal assessment in the past or not."

5 The conducted general criminological analysis, considering 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 identified statistical "differences" associated with changes in the scope of legal jurisdiction give grounds for predicting that the number of beatings registrations (art. 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 be significantly reduced;

- 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 domestic relations and characterized by the risks of recurrence of violent incidents in closed

family and domestic communications, which requires considering 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;

- 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 Considering 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) it 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 (hereinafter referred to as the CPC of the Republic of Kazakhstan):

- 1) Article 371 of the CPC of the Republic of Kazakhstan should be supplemented with part 1-1 of the following content: "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 Article 217 of the CPC of the Republic of Kazakhstan (regulating the procedure for depositing the testimony of the victim and witness), 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 convicted person from imprisonment for crimes provided for in paragraph 18-2 of the Criminal Code of the Republic of

Kazakhstan, to maintain any form of communication with the victim during the period of serving his sentence, if he himself requests it the victim, other interested persons, or the court itself will come to the conclusion 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 should be supplemented with Part 2-1, which should be stated in the following wording: "In cases of domestic violence, the probation service prepares: within 3 days a short pre-trial report with a recommendation to the investigating judge on authorizing a ban on approaching in accordance with Article 165 of the Criminal Procedure Code of the Republic of Kazakhstan; during the period of pre-trial investigation, a full pre-trial report with recommendations to the court regarding the need to apply measures provided for in Articles 98-3 of the Criminal Code the 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, intersectoral 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 "On the prevention of offenses among minors and prevention of child neglect and homelessness"; Law No. 214-IV dated December 4, 2009 "On the prevention of domestic violence"; Law of the Republic of Kazakhstan dated April 29, 2010 No. 271-IV "On the prevention of offenses") 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

psych correction 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 "On Local public administration and self-government in the Republic of Kazakhstan" should be supplemented with the 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 Code of the Republic of Kazakhstan on Administrative Offenses (hereinafter referred to as the CRCoAP), 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" (hereinafter referred to as the Code of the Republic of Kazakhstan):

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 of the KBS RK, regulating the possibility of unilateral divorce, should be supplemented with the following paragraph: "committed acts of domestic violence or a criminal offense that encroaches on the life and health of another spouse or minor children."

**Description of the main results of the study.** The most significant results achieved in the course of the study are as follows:

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», they were introduced into law-making activities and, by 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 Law on



amendments and additions to certain legislative acts of the Republic of Kazakhstan on optimizing Criminal, Criminal Procedural and the Penal Enforcement Codes.

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 of "Persecution" were introduced into law-making activities and by the decision of the working group under the Committee on Legislation and Judicial and Legal Reform of the Mazhilis of Parliament The Republic of Kazakhstan is recognized as relevant and worthy of attention for improving the criminal legislation of the Republic of Kazakhstan.

3. The materials of the dissertation research "Criminal law and criminological aspects of countering violence in the field of family and domestic 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 for the suppression of criminal offenses committed in the field of family and domestic relations, in the development of measures for the prevention and prevention of domestic crime, as well as used in the development of draft regulatory legal acts.

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 domestic 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 practice countries of Central Asia and the CIS", conducted on behalf of the Security Council of the Republic of Kazakhstan).

5. The materials of the dissertation research "Criminal law and criminological aspects of countering violence in the sphere of family and domestic relations" were 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 became the basis of the curriculum and scientific and theoretical foundation of the Center for Staff Training for the protection of women from violence of the Institute.

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.Kabylybayeva, introduced into the operational and service activities of the units of the local police service of the Kostanay region Police Department.

The evidence base of the propositions put forward in the dissertation work includes the results of empirical research, in particular:

- a sociological survey in the form of a questionnaire of 350 persons convicted of committing violent crimes in the field of family and domestic 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;

- 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;

- the results of a sociological study among 1,790 employees of the investigation, inquiry and local police service units of the territorial divisions of the Department of Internal Affairs;

- studying 350 materials of criminal cases on criminal offenses of a violent nature committed in the field of family and domestic relations;

- statistical information of the KPSIS of the General Prosecutor's Office of the Republic of Kazakhstan, the Supreme Court of the Republic of Kazakhstan, the Investigative Department of the Ministry of Internal Affairs of the Republic of Kazakhstan, the Administrative Police Committee of the Ministry of Internal Affairs of the Republic of Kazakhstan and the Committee of the Criminal Executive System of the Ministry of Internal Affairs of the Republic of Kazakhstan on persons who have committed offenses in the field of family and domestic relations and their victims (women, minors);- statistical data of the Bureau of National Statistics of the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan.

### **Substantiation of the novelty and importance of the results obtained**

The scientific novelty of the dissertation research is characterized by obtaining new significant results. The degree of novelty of scientific conclusions and conclusions is determined by the author's approach to the problems of research.

Result 1 is new, since the dissertation, based on a comprehensive analysis of historical sources and the study of legislative transformations in various historical eras, offers an original view on the problem of domestic violence, emphasizing that the global problem of violence cannot be explained solely by historical factors or patriarchal foundations characteristic of Kazakh society. Instead, the author focuses on the specific discrepancy between modern social realities and traditional views, which creates a unique picture of the perception of family violence in Kazakhstan. This conclusion differs from established theories, which makes it new in the context of the study of the causes and perception of domestic violence.

Result 2 is based on a detailed analysis of statistical data, materials of sociological research, judicial practice and criminological patterns, which allowed:

- systematize criminal offenses related to domestic violence in a separate list, which will streamline the accounting of crimes and contribute to more accurate statistics, increase the level of legal protection for victims of violence, optimize criminal impact and prevention measures, taking into account the specifics of family relations;

- to amend the definition of "family and domestic relations" by expanding the range of subjects of family and domestic relations, which will contribute to solving the tasks following from the purpose of the Law of the Republic of Kazakhstan "On the Prevention of domestic violence";

- to supplement the compositions of criminal offenses included in the proposed list of criminal offenses related to the sphere of family and domestic violence with the qualifying sign "committed against a person who is with the perpetrator in family and domestic relations", which will reflect the increased degree of public danger of domestic violence;

- to correct the decision mistakenly taken by the legislator regarding the attribution of Articles 108-1 of the Criminal Code of the Republic of Kazakhstan to criminal offenses that do not reflect the need for an adequate response to criminological reality, as well as going against the criminal policy on countering domestic violence in general, and transfer the relevant act to a group of crimes of minor gravity.

These ideas represent an innovation aimed at improving legislation and improving the practice of law enforcement.

Result 3 is new, aimed at 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 by:

- establishment of increased parameters of criminal liability for cases of commission of an act provided for in Articles 122 and 124 of the Criminal Code of the Republic of Kazakhstan in relation to persons under the age of 12, which will ensure differentiated accounting of the age of victims;

- exclusion of the sign of knowledge about the pregnancy of the victim in the qualification of crimes that constitute an encroachment on a woman solely as a biological organism, due to the need to recognize pregnancy as her natural state, which is an innovative approach in criminal law;

- the rejection of the sign of "knowledge" about the age of the victim in the qualification of crimes, which reflects conceptual changes in legislative practice.

Outcome 4 is innovative in the context of offering increased opportunities for the protection of the defender, especially in the field of domestic violence by:

- the introduction of a norm (in Part 3 of Article 32 of the Criminal Code of the Republic of Kazakhstan) excluding exceeding the necessary defense, in case of harm to the encroaching person due to fear, fright, confusion, as well as in cases when the defender was previously subjected to violence by the encroaching person.", with the simultaneous exclusion of Article 66 of the Criminal Code of the

Republic of Kazakhstan). Accordingly, the additions to paragraph 17 of the Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan dated May 11, 2007 No. 2 explaining the practice of law enforcement of the proposed norm. Such changes in legislation can be a significant step forward in law enforcement practice, which gives this provision some novelty.

Result 5 is new, representing an original approach to the analysis of domestic violence through the prism of self-determination and self-reproduction of crime, including at the regional level, and establishing a link between the change in legal jurisdiction and the increase in violence; by introducing a new concept of a "special state of danger" characterized by the risks of repetition of violent incidents in closed family communications, which allows creating a record of persons who previously committed administrative offenses in the field of family and domestic relations before criminalizing beatings and causing minor harm to health.

Result 6 is characterized by an innovative approach. As part of the revision of approaches to defining key concepts in the prevention of domestic violence, a new definition of "victim's accretion" has been formulated, which is one of the preventive measures aimed at psychological recovery of the victim of domestic violence.

Result 7 represents an innovation in the form of an integrated intersectoral mechanism for the implementation of the main tasks of victim accretion at various stages of the criminal process and within the framework of probation proceedings, through specific amendments and additions to criminal, criminal procedure and probation legislation aimed at distancing the victim of domestic violence from the perpetrator, in particular the establishment of special requirements:

- to the process of participation in criminal proceedings and deposition of testimony of a minor witness or victim;
- to prohibit convicts from maintaining any form of communication with victims of domestic violence;
- the application of mandatory pre-trial probation in cases of domestic violence and the preparation of pre-trial reports with recommendations on the application of measures provided for in Articles 98-3 of the Criminal Code of the Republic of Kazakhstan;
- to the terms of the ban on cohabitation in the same dwelling with the victim.

Result 8 is new, aimed at introducing a number of innovative approaches to strengthening protection from domestic violence, including combining normative legal acts in the field of crime prevention into a single law to eliminate duplication and discrepancies, increasing the role of local authorities in providing social assistance to victims of violence and offenders, introducing administrative responsibility for justifying violence and discriminatory statements, as well as amendments to the Marriage and Family Code to protect minors and take into account cases of violence during divorce. These measures are aimed at improving legal regulation in the field of prevention of domestic violence and social protection of victims.

**The topic of the dissertation research corresponds to the state programs.**

The topic of the dissertation explores issues that relate to the key objectives of the program and strategic documents of the Republic of Kazakhstan, such as:

- The concept of family and gender policy in the Republic of Kazakhstan until 2030, approved by Decree of the President of the Republic of Kazakhstan dated December 6, 2016 No. 384;

- Action Plan in the field of human rights and the rule of law, approved by Decree of the President of the Republic of Kazakhstan dated December 8, 2023 No. 409;

- The concept of ensuring public safety in partnership with the society for 2024-2028 (in the field of crime prevention), approved by the Decree of the Government of the Republic of Kazakhstan dated December 29, 2023 No. 1233;

- The roadmap for strengthening the protection of children's rights, countering domestic violence and solving problems of suicidal behavior among adolescents for 2020-2023, approved by the Decree of the Government of the Republic of Kazakhstan dated March 30, 2020 No. 156.

**Description of the doctoral student's contribution to the preparation of each publication**

The main results of the dissertation were published in 12 papers, of which: 1 article – in the rating journal *Balkan Social Science Review*, which is part of the SCOPUS database, 4 articles – in publications recommended by the Committee for Control in the Field of Science and Higher Education of the Ministry of Science and Higher Education; 1 articles – in the journal *RSCI*, 5 articles – in the materials of international scientific conferences, 1 scientific and practical manual.

The publications were prepared by the author alone and in collaboration:

1. L. Zhubandykova. Combating domestic violence: developing legislative and socio-organizational measures to protect women in Kazakhstan / L. Zhubandykova, I. Borchashvili, Zh. Tuleugalieva // *Balkan Social Science Review* – Vol. 23, June 2024, pp. 213-235;

2. Zhubandykova L.A. Domestic violence: problems of disparity of legislative measures of influence// *Gylym-Nauka: an international scientific journal*. – Kostanay: Kostanay Academy of the Ministry of Internal Affairs of the Republic of Kazakhstan named after Sh. Kabyrbayev, 2022. – №4 (75). – pp.149-157;

3. Zhubandykova L.A., Kainar E.E. On the problem of recognizing the public danger of persecution committed in the sphere of family and domestic relations // *Khabarshi-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;

4. Zhubandykova L.A., Khakimov E.M. Topical issues of criminal law regulation of psychological and emotional violence committed in the sphere of family and domestic relations// *Scientific works of the Almaty Academy of the*

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