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CONTENT

Section LAW

CONSTITUTIONAL LAW

Jacek Zalesny, Jaroslaw Szymanek LIMITATION OF THE LEGISLATIVE POWER OF PARLIAMENT AS A PRECONDITION FOR THE RULE OF A BALANCED POWER. HISTORICAL AND CONSTITUTIONAL CONSIDERATIONS.....	4
Tkhabisimova Lyudmila Aslanovna FEATURES OF DELEGATION OF AUTHORITY BETWEEN DIFFERENT LEVELS OF POWER	
Bitsieva Emma Vladimirovna CONSTITUTIONAL-LEGAL STATUS OF POLITICAL PARTIES AS SUBJECTS OF THE ELECTORAL PROCESS.....	11

CRIMINOLOGY, CRIMINAL LAW

Sembekova Bakitkul Raktayevna, Bertovsky Lev Vladimirovich CRIMINOLOGICAL ANALYSIS OF CRIMINAL OFFENSES OF A TERRORIST ORIENTATION	19
--	----

Section

INTERNATIONAL RELATIONS AND GEOPOLITICS

INTERNATIONAL RELATIONS

<u>Somzhurek Baubek Zhumashevich, Ibrayeva Aygerim Ergaliyevna</u> MILITARY-POLITICAL COOPERATION OF THE NEW TURKIC COUNTRIES WITHIN THE FRAMEWORK OF INTERNATIONAL REGIONAL ORGANIZATIONS.....	25
---	----

GEOPOLITICS

<u>Sadvakasov Zh.</u> ANALYSIS OF GEOPOLITICAL INTERESTS OF THE UNITED STATES AND CHINA IN THE ASIA-PACIFIC.....	34
--	----

CRIMINOLOGICAL ANALYSIS OF CRIMINAL OFFENSES OF A TERRORIST ORIENTATION

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Annotation The article is devoted to the study of criminological factors for determining the conditions and circumstances of the Commission and concealment of criminal offenses of a terrorist nature, which are determined by the determinants of the formation and development of terrorism as a social and legal phenomenon. The use of criminological analysis to establish causal relations criminal offences of a terrorist nature contributes to a comprehensive, fully disclose the conditions and circumstances preceding the Commission of, conceal these criminal acts, United by a common focus on terrorism, to predict, diagnose conditions and circumstances, the subsequent actions of a criminal nature, to model these factors objectively-subjective nature to analyze the ensuing results and consequences. A systematic approach to identifying factors of a criminal nature and conflict is aimed at establishing incentive and regulatory mechanisms for a specific criminal situation that reveal the direction of criminal offenses of a terrorist nature. The establishment of incentive and regulatory mechanisms for criminal offenses of a terrorist orientation is determined by the analysis of the cause-and-effect relations of the formation and development of terrorism as a social and legal phenomenon.

Keywords: Terrorism. Countering terrorism. Determinants of terrorism. Criminological analysis. Establishing cause-and-effect relationships. Incentive-regulatory mechanisms.

Introduction Consideration of terrorism as a socio-legal phenomenon is due to the establishment of cause-and-effect mechanisms for their formation and development, which in the system, complex create favorable conditions for the development of effective methods and methods of countering them, taking into account all social, socio-psychological, socio-economic factors. That is, it should be noted that the development of effective methods and techniques of combating terrorism as a socio-legal phenomenon requires a systematic analysis of the causal determinants that contribute in the provision to prevent the use of effective methods: how to predict, diagnose conditions and circumstances, the development of action algorithms aimed at solving tasks of preventing, detecting, investigating criminal offences of a terrorist nature. The task of preventing the perpetration of criminal offences of a terrorist nature, is the dominant direction of counter-terrorism as a socio-legal phenomenon because of their public danger of encroaching on the national interests not of one state, and many States, because of the required collective security, taking into account national interests of each state under international law.

Therefore, consideration of the development of preventive measures in the fight against terrorism, which is of an international nature, is relevant and effective in the system of countering it as a social and legal phenomenon.

Setting goals and objectives Focus research on identifying effective mechanisms for the provision of counter-terrorism, development of methods and means of struggle due to the decision of the task of a systematic approach to uncovering causal relationships determining the formation and development of a framework of criminal offences of a terrorist nature.

In the mechanism of committing criminal offenses of a terrorist orientation, criminogenic situations are highlighted, the study of their factors and contributes to the development of effective methods aimed at prevention, the disclosure of cause-and-effect determinants that determine the solution of problems of preventing criminal events of a terrorist nature.

In this regard, the focus on conducting criminological analysis of criminal offenses of terrorist nature is justified, as it is the identification, investigation, use of criminological factors in the formation and development of terrorism as a socio-legal phenomenon, defines the search path directions counter, predicting, diagnosing, modeling objective and subjective factors of causation that effectively affect the process of disclosure, investigation and prevention.

History, research methods Criminological research in the field of studying the causality of a terrorist act has been conducted before, which also provides for the establishment of causal factors related to the conditions and circumstances of the Commission or concealment of a criminal act. However, in our view, a systematic approach to the study of the factors establishing cause and effect in correlation, of the interdependence of the conditions and circumstances preceding the Commission of a criminal act, at the time of committing, concealment of criminal acts and the ensuing, to the extent not covered not disclosed, which negatively affects the quality of the enforcement activities.

The author attempts to develop a methodology for preventing terrorism based on criminological research to identify the cause-and-effect factors of the formation and development of a criminal situation.

Results/discussion The legal regulation of the cause and effect of terrorism as a social and legal phenomenon is reflected in the law "on counteracting terrorism" Law of the Republic of Kazakhstan dated July 13, 1999 No. 416, article 10 specifies organizational measures to prevent terrorist activities, article 10-1 attention is paid to the information and propaganda counteraction to terrorism, which is a progressive direction that provides for the implementation of organizational and legal measures at the legislative level aimed at solving practical problems of preventing terrorism, carrying out preventive measures [1]. In other words, it should be noted that legal support for organizational and preventive measures is one of the dominant areas in the system of counter –terrorism.

The practical relevance of providing counter-terrorism systemically, comprehensively, taking into account all the defining features of terrorism as a social and legal phenomenon is reflected in the Law on National security of the Republic of Kazakhstan dated January 6, 2012 No. 527-IV, where terrorism is identified as one of the main threats to national security [2]. The law "On countering the legalization (laundering) of proceeds from crime and the financing of terrorism" of August 28, 2009 No. 191-IV shows the mechanisms for financing terrorism, revealing the ways and directions of identifying and investigating sources necessary to solve the tasks of preventing, disclosing and investigating criminal offenses of a terrorist nature [3].

However, despite the legal regulation of public relations in the sphere of countering terrorism, it is necessary, based on the situational analysis of specific criminal offenses of a terrorist nature, to develop their methods of prevention, disclosure, and investigation.

Development of methods of preventing criminal offences of a terrorist nature linked with establishing causal relationships in the formation and development of terrorism as a socio-legal, socio-economic phenomenon, this approach helps fully, comprehensively to uncover, to learn all its mechanism, as the formation and development of causal relations is determined by socio-psychological, socio-economic, socio-political relations within the state and outside. The application and use of a systematic approach allows determining effective counteraction

mechanisms based on the study of objective and subjective factors that are revealed by the conditions and circumstances of the Commission or concealment of criminal offenses of a terrorist nature. That is a terrorist orientation, the establishment of such purpose to act for the preparation and organization of the Commission specific actions, determination of their causative-regulatory mechanisms, due to the study of the conditions and circumstances of criminal nature, determining the conditions and circumstances of the criminal situation.

Thus, the conditions and circumstances of a criminal nature in the Commission of criminal offenses of a terrorist orientation that are of a transnational nature are factors related to political instability in the state, which are a potential threat to the interests of the state, society and the individual.

Politicians correctly note that "political stability is the level of public support for the institutions; for the territorial integrity - a measure of the ability of the state centre implement decisions at the regional and local levels of government of the country; for national sovereignty - a state's degree of independence in the realization of national interests" [4].

Another important criminal factor is social instability, which is distinguished by the presence of social contradictions within the state, which creates conditions for the formation and development of social tension. Sociologists distinguish social stability as the dominant factor in the system of ensuring national security [5], which, of course, is a natural process that creates favorable conditions for solving practical problems. Social security, its instrumental role is to strengthen the security of the individual, society and the state.

So, research and analysis of the dynamics and nature of social contradictions, tracking social tension, is one of the directions of criminological research in the field of countering terrorism as a social and legal phenomenon. Therefore, in the development of methods for countering terrorism, the dominant direction is criminological research in the field of social contradictions, which determine the formation of a focus on terrorism, on the Commission of criminal offenses of a terrorist orientation.

In addition, it should be noted that one of the components of countering terrorism is the improvement of the socio-economic situation in the country. The socio-economic sphere, its weakening is carried out by the laundering of illegal income in a criminal way that creates conditions for the financing of terrorism, so the undermining of the economic basis is caused by the financing of terrorism. In this regard, the creation of an economic base and financial support for terrorism should be singled out as a criminogenic factor in criminal offenses of a terrorist nature. Scientists point to the sources of financing of terrorism: "income from various types of criminal activities characteristic of transnational organized crime, the relationship of sources of financing with the support of terrorist organizations, the international nature of financial transactions; a significant share of cash transactions in the implementation of financing; the use of charitable and other non-profit organizations in financing schemes" [6].

Preventive activities for the financing of terrorism are determined by a systematic approach to solving national security problems by strengthening the economic foundations. In other words, preventive activities are a system of organizational and preventive measures aimed at ensuring economic security by countering, first of all, the financing of terrorism.

The next mechanism that eliminates the criminogenic factors of terrorism is to ensure the spiritual security of society and the state, which also create conditions for the political and social stability of the state. It is necessary to emphasize the validity of the position of scientists who note that "the division of terrorism into "bad" and "good" naturally leads to its legitimization as a form of political struggle, which will have the most negative consequences. Despite the clear bias towards religious terrorism and, above all, Islamist terrorism, there should be no link between Islam and terrorist activities" [7].

Conclusion Criminological analysis of terrorism as a socio-legal phenomenon, taking into account the factors of socio-political, socio-economic nature, spiritual education, heritage,

contributes to a systematic comprehensive study of the cause-and-effect relations of the formation and development of criminal offenses of a terrorist orientation. Based on the above, the methodology of preventing terrorism, due to the development of effective methods and methods of organizing and implementing preventive and preventive measures, is related to the issues of criminological analysis of the cause-and-effect relations of the formation and development of terrorism.

Kazakhstani scientists on the basis of a comparative analysis of the legislation of RK and international, focused on the implementation of measures of organizational and legal measures "to ensure the extradition of fugitive bankers and other financial criminals with the return taken from the country's capital, initiation and participation in international events for closure of offshore areas; training in secondary and higher institutions of knowledge and skills of behavior in the Commission of terrorist acts, improving the norms of international legal acts and Kazakh laws on the prevention and fight against terrorism" [8].

The proposed organizational and legal measures are, of course, still relevant today, as they are providing means of preventive and preventive activities in the system of countering terrorism due to their impact on the formation and development of it as a socio-legal, socio-economic phenomenon.

The causal complex of terrorism is due to the establishment of the source of information and retrieval of information about preparing, committed, committed terrorist crimes, the mechanism of which is determined by the set of interactive actions aimed at committing, concealing and counter defined by stimulating regulatory processes, to the knowledge of these relations, objectively-subjective nature and it is necessary to conduct investigative activities. In turn, the conduct of operational search activities, which form the substantive basis for the identification and collection of primary information about all manifestations of terrorist crimes, is determined by an effective means of countering terrorism. Operational search activity, as a system of public and secret methods in the system of counter-terrorism, determines the methodology for preventing criminal offenses of a terrorist nature. The effectiveness of conducting and implementing operational search activities is determined by tactical and forensic support aimed at prevention, organizational and managerial preventive measures against terrorism and extremism, preventing the Commission of terrorist acts, hostage-taking, buildings, structures, etc. [9].

The system of organizational and legal means aimed at countering extremism also occupies a certain place in the methodology of preventing criminal offenses of a terrorist orientation, since terrorism and extremism, considered by us as a form and content, reveal the cause-and-effect relations of the formation and development of terrorism. This system focuses on the prevention of religious extremism, which is the incentive and regulatory mechanism for criminal offenses of a terrorist nature in Kazakhstan [10].

In addition, in the methodology for preventing criminal offenses of a terrorist nature for subjects of criminal activity, the role of women in the mechanism of Commission, concealment and counteraction should be highlighted. Therefore, the development of a system of organizational and legal measures, social and psychological measures is an effective mechanism in the methodology of preventing criminal offenses of a terrorist orientation [11].

Within the framework of this study, we have focused only on certain aspects that determine the methodology for preventing criminal offenses of a terrorist orientation, but are dominant. Further research is being conducted to improve effective mechanisms for ensuring national security by improving criminal policy in the system of countering terrorism. In the system of criminal policy, a significant role is played by the improvement of criminological policy aimed at developing methods for preventing criminal offenses of a terrorist nature.

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ТЕРРОРИСТІК БАҒЫТТАҒЫ ҚЫЛМЫСТЫҚ ҚҰҚЫҚБҰЗУШЫЛЫҚТАРДЫ КРИМИНОЛОГИЯЛЫҚ ТАЛДАУЫ

Түйіндеме Бұл мақала әлеуметтік-құқықтық құбылыс ретінде терроризмді қалыптастыру мен дамытудың детерминанттарымен негізделген террорлық бағыттағы қылмыстық құқықбұзушылықтарды жасыруға, оны жасаудың жағдайы мен мән-жайын анықтау үшін криминологиялық факторларды зерттеу сұрақтарына арналған болатын. Террористік бағыттағы қылмыстық құқық бұзушылықтардың себеп-салдарлық қатынастарын анықтау үшін криминологиялық талдауды пайдалану терроризмге бірыңғай бағыттылықпен біріктірілген осы қылмыстық іс-әрекеттерді жасау алдындағы жағдайлар мен мән-жайларды жан-жақты, толық ашуға, криминалдық сипаттағы кейінгі іс-әрекеттердің жағдайлары мен мән-жайларын диагностиканы, болжауға, орын алған нәтижелер мен салдарларды талдау үшін объективті-субъективті сипаттағы осы факторларды модельдеуге ықпал етеді. Криминогендік сипаттағы, жанжалды факторларды анықтауға жүйелі көзқарас террористік бағыттағы қылмыстық құқық бұзушылықтардың бағыттылығын ашатын нақты криминалдық ахуалдың қозғаушы-реттеу тетіктерін белгілеуге бағытталған. Террористік бағыттағы қылмыстық құқық бұзушылықтардың қозғаушы-реттеушілік тетіктерін белгілеу әлеуметтік-құқықтық құбылыс ретінде терроризмді қалыптастыру мен дамытудың себеп-салдарлық қарым-қатынастарын талдаумен негізделген.

Кілтті сөздер: Терроризм. Терроризмге қарсы іс-қимыл. Терроризм детерминанттары. Криминологиялық талдау. Себеп-салдарлық қатынастарын анықтау. Қозғаушы-реттеушілік механизмдері.