

EDN: TPXJSQ
УДК 343

Efficiency Challenges in Kazakhstan's Criminal Punishment Execution System

Gakku N. Rakhimova^a, Zhanna A. Khamzina^{*b}
and Yermek A. Buribayev^c

^a*Kunayev University*

^b*Abai Kazakh National Pedagogical University
Almaty, Republic of Kazakhstan*

^c*Zhetysu University named after I. Zhansugurov
Taldy-Kurgan, Republic of Kazakhstan*

Received 18.01.2023, received in revised form 31.03.2023, accepted 29.04.2024

Abstract. This research is crucial due to the ongoing conflicts within Kazakhstan's existing legal framework, which adversely affect law enforcement practices. The study aimed to examine Kazakhstan's criminal laws, focusing on how punishments are carried out. Various methodologies were employed, including dogmatic and logical analysis, legal hermeneutics, and both deductive and inductive reasoning. Findings show a significant reduction in recorded criminal offenses in Kazakhstan between 2018 and 2022, though the numbers remain high. This study scrutinized multiple legal documents, including the Criminal Code and Penal Code, highlighting the prevalent types of penalties in Kazakhstan. A notable observation is the frequent use of arrest as a substitute for the principal punishment. A significant conflict was identified between the Penal Code, the Criminal Procedure Code, and the Law "On Enforcement Proceedings and the Status of Bailiffs," leading to the misapplication of norms regarding fines by private executors. The study's value lies in its recommendations to resolve these legal conflicts, enhance law enforcement effectiveness, and ultimately contribute to lowering crime rates in Kazakhstan.

Keywords: proactive steps, legislative review, monetary penalty, detention, discrepancies.

Research area: social structure, social institutions and processes; criminal law sciences.

This research was funded by the Science Committee of the Ministry of Science and Higher Education of the Republic of Kazakhstan (Grant No. AP15473346).

Citation: Rakhimova G. N., Khamzina Zh. A., Buribayev Ye. A. Efficiency Challenges in Kazakhstan's Criminal Punishment Execution System. *J. Sib. Fed. Univ. Humanit. Soc. Sci.*, 2024, 17(6), 1144–1152. EDN: TPXJSQ



Проблемы эффективности казахстанской системы исполнения уголовных наказаний

Г.Н. Рахимова^а, Ж.А. Хамзина^б, Е.А. Бурибаев^в

^аУниверситет Кунаева

^бКазахский национальный педагогический университет им. Абая
Республика Казахстан, Алматы

^вЖетысуский университет имени Ильяса Жансугурова
Республика Казахстан, Талдыкорган

Аннотация. Это исследование имеет решающее значение в связи с продолжающимися конфликтами в существующей правовой базе Казахстана, которые отрицательно влияют на правоохранительную практику. Целью исследования было изучение уголовного законодательства Казахстана с упором на то, как исполняются наказания. Были использованы различные методологии, включая догматический и логический анализ, юридическую герменевтику, а также дедуктивные и индуктивные рассуждения. Результаты показывают значительное сокращение зарегистрированных уголовных преступлений в Казахстане в период с 2018 по 2022 год, хотя их число остается высоким. В ходе исследования были изучены многочисленные правовые документы, в том числе Уголовный кодекс и Уголовно-процессуальный кодекс, в которых выделены распространенные виды наказаний в Казахстане. Примечательным наблюдением является частое использование ареста в качестве замены основного наказания. Выявлено существенное противоречие между Уголовным кодексом, Уголовно-процессуальным кодексом и Законом «Об исполнительном производстве и статусе судебных исполнителей», приводящее к неправильному применению норм о штрафах частными исполнителями. Ценность исследования заключается в содержащихся в нем рекомендациях по разрешению этих юридических коллизий, повышению эффективности правоохранительной деятельности и в конечном итоге содействию снижению уровня преступности в Казахстане.

Ключевые слова: активные действия, пересмотр законодательства, денежный штраф, задержание, расхождение.

Научная специальность: 5.4.4 – социальная структура, социальные институты и процессы; 5.1.4 – уголовно-правовые науки.

Исследование выполнено при финансовой поддержке Комитета науки Министерства науки и высшего образования Республики Казахстан (грант № AP15473346).

Цитирование: Рахимова Г. Н., Хамзина Ж. А., Бурибаев Е. А. Проблемы эффективности казахстанской системы исполнения уголовных наказаний. *Журн. Сиб. федер. ун-та. Гуманитарные науки*, 2024, 17(6), 1144–1152. EDN: TPXJSQ

1. Introduction

Criminal law exists to tackle significant societal issues, encompassing the safeguarding of individual and civil rights, property protection, upholding public order and safety, environmental

conservation, fostering global peace and security, and deterring criminal activities. The role of criminal punishment is twofold: it shields the public from criminal behaviours and deters potential offenses through the threat of

punishment. As a primary tool in the criminal justice system, punishment effectively reinstates societal order and prevents future crimes. The success of specific deterrence strategies is often gauged by the prevalence of recidivism, meaning the rate at which individuals with prior convictions re-offend. For instance, data from 2021 indicated that out of 157,884 criminal offenses, 64,110 were committed by repeat offenders, including 4,917 with unexpunged convictions and 1,467 on probation. In 2022, Kazakhstan recorded 140,592 criminal offenses, with 21 % attributed to repeat offenders (Kazakhstan, 2022). These data highlight the significant rate of reoffending both during and post-incarceration, prompting questions about the efficacy of criminal punishments in achieving deterrence. Several factors contribute to this issue, including legal inadequacies, the nature of sentencing, and judicial practices. Thus, it becomes crucial to analyse key problematic areas that hinder the full effectiveness of punishment and the broader criminal law system.

The existing Criminal Code of Kazakhstan (2014) serves as the sole legal framework governing criminal law in the country. M. Masalimkyzy (2018) highlights that a distinctive element of criminal law is its focus on punishment, which is enforced through the court system on behalf of the state against individuals who have committed criminal acts, ranging from felonies to misdemeanours. These penalties include imprisonment, occasionally the loss of citizenship, and in very rare instances, the death penalty. The Constitution of Kazakhstan (1995) upholds the primacy of human life, rights, and freedoms. Research (Bizhan et al., 2023; Bizhan et al., 2018) argues that the nature of a nation's criminal policy is shaped by its active legislation, and throughout its history, Kazakhstan has utilized criminal laws to maintain both internal and external security.

Mercuryiev, et al. (2017) observes that the 2014 Criminal Code enabled Kazakhstan to achieve societal balance and stability, particularly in the 1990s, by adapting criminal law strategies in response to fluctuations in crime rates. For instance, the state would intensify criminal punishments or introduce new clauses in the Criminal Code in response to an increase

in serious crimes. Conversely, when certain crimes decreased, the state might lessen penalties or remove specific offenses from the Criminal Code. It's essential for the state to focus on restoring social justice and rehabilitating offenders as part of enforcing criminal penalties.

Understanding criminal law's effectiveness in influencing crime and criminals, as well as its preventive role, requires exploring crime prevention theory. M.H. Mataeva and D.A. Zhampeisov (2013) connect crime prevention with addressing its root causes and implementing preventive and corrective measures for offenders. According to A. Khamzin et al. (2022), it's important to apply varied and non-punitive measures when influencing criminal behaviour.

The Head of State Kassym-Jomart Tokayev, in his 2020 address, emphasized the development of Kazakhstan's criminal legislation, stressing the importance of stable criminal and procedural laws. Frequent changes, as noted by D.T. Akhmetov and G.M. Rysmagambetova (2022), can disrupt law enforcement and lead to inconsistent investigative and judicial practices. The need for guaranteed punishment for socially dangerous acts in law enforcement is paramount, especially given the rising rates of criminal offenses and prison populations. Kazakhstan was a pioneer in the post-Soviet region in introducing preventive mechanisms against crime through the 2010 Law "On the Prevention of Delinquency."

However, criminal measures don't always fulfil their intended purpose as outlined in Article 39 of the Criminal Code (2014), and can sometimes yield negative outcomes. Therefore, this study aimed to identify and address key issues that diminish the efficacy of criminal penalties, necessitating an analysis of current legislation, identification of conflicts, and formulation of recommendations for their resolution.

2. Materials and Methods

This research utilized a range of analytical methods. Functional analysis was applied to explore the "system of punishment" concept, identifying its distinctive features, foundational principles, types, as well as its function and significance in national security. Logical analysis helped in discerning the connections among var-

ious elements of the punishment system, categories of offenses, and punishments, and the aims of punishment. This approach also facilitated an evaluation of the system's fairness and efficacy in achieving its goals, maintaining public safety, and upholding human rights. Through logical analysis, a deeper investigation into arrest and fines as separate forms of punishment was conducted, enabling the definition of their concepts, characteristics, principles of implementation, and their role within the broader punishment system in criminal law. This method also involved examining statistical data, tracking the number of criminal offenses in Kazakhstan from 2018 to 2022, analysing these trends, and assessing the effectiveness of the punishment system in this regard.

The formal legal method was employed to scrutinize Kazakhstan's legislative doctrine within the realm of criminal law. This involved examining several key legal documents, including the Criminal Code (2014), the Constitution (1995), President Kassym-Jomart Tokayev's 2020 address, and various laws related to crime prevention, enforcement proceedings, informatization, and the abolition of the death penalty.

Legal hermeneutics was used to interpret the texts of laws and other legal documents pertinent to Kazakhstan's punishment system, aiming to understand the legislator's objectives and intentions, and to elucidate the meaning and interpretation of these laws. The dogmatic method allowed for an in-depth analysis of these legal texts, examining their structure, terminology, logical connections, types of punishment, criteria for imposition, and trial procedures, and how these elements interrelate. These approaches provided a systematic and coherent understanding of the laws and their application.

Deductive reasoning was employed to characterize the penal system based on its intrinsic structural components and its role in national security. Inductive reasoning, drawing from the attributes and principles identified during the legislative analysis, facilitated a more comprehensive assessment of the punishment system's role and efficacy. Finally, the synthesis method integrated the research findings to formulate recommendations.

3. Results

Since 2015, Kazakhstan has actively engaged in enhancing its criminal laws and combating crime. A key milestone for Kazakhstani society was the enactment of Law No. 404-VI ZRK of the Republic of Kazakhstan in 2021, which ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. This protocol primarily aims at abolishing the death penalty, allowing it only for the most severe war crimes. Additional reforms include broadening the scope of alternative non-custodial penalties, introducing various new forms of punishment, and implementing tougher penalties for personal offenses, particularly sexual crimes against youth. Despite these efforts, Kazakhstan continues to experience a relatively high crime rate.

Based on the information available, there has been a notable reduction in the incidence of reported crimes. Specifically, from 2018 to 2022, the rate of reported offenses halved. This decline in crime was particularly pronounced during periods of lockdown. While crime prevention strategies have become more effective, challenges still persist.

The focus of the state on criminal punishment is justified, as the issue of penalization remains central to criminal law. Kazakhstan's current legal framework encompasses a wide range of penalties for different criminal acts. As per Article 38 of the Criminal Code of the Republic of Kazakhstan (2014), primary sanctions for criminal acts include correctional labour, fines, community service, arrest, and deportation of non-citizens. Additionally, for offenses outlined in paragraph 2 of the same article, possible sanctions include fines, correctional labour, community service, restrictions on liberty, imprisonment, and the death penalty. The Kazakh criminal code also outlines secondary penalties, such as property confiscation, revocation of titles and honours, restrictions on rights, and in some cases, loss of citizenship or deportation for non-citizens (Criminal Code of..., 2014). However, the implementation and enforcement of certain penalties present challenges in legal practice.

For instance, the use of arrest as a punishment is characterized by unique aspects.

According to Article 45 of the Criminal Code of the Republic of Kazakhstan (2014), arrest involves the complete isolation of the convict from society for 10 to 50 days. Arrest is not applicable to minors, pregnant women, mothers with young children, single fathers, women older than 58, men older than 63, and individuals with severe disabilities. Although arrest was introduced as a penalty in 1997, its practical implementation remains unresolved (Criminal Code of..., 2014). It is typically used as an alternative to fines or community or correctional labour, particularly for military personnel. Despite being a distinct form of punishment, arrest is infrequently used as a primary sanction. Under current law, arrests are carried out in detention facilities, including special units in remand centres, with military personnel detained in disciplinary cells (Criminal Code of..., 2014). Internationally, arrest is a common penal measure. In countries such as Argentina, Belgium, China, Denmark, Finland, Germany, Greece, Italy, Poland, Spain, Ukraine, and others, the duration of arrest as a criminal penalty varies from one day to three years. For example, in Italy, the duration ranges from 15 days to 3 years, in Denmark from 7 days to 2 months, and in China from 1 to 6 months (Mendlein, 2021, 2023).

A significant barrier to implementing arrest as a form of punishment in Kazakhstan is the absence of appropriate facilities, specifically arrest houses. Initially, arrests were to be served in these designated arrest houses, but they were later replaced by pre-trial detention centres. It was not until 2014 that sections within pre-trial detention centres were allocated for serving arrest sentences (Criminal Code of..., 2014). However, due to inadequate resources for establishing the necessary conditions for arrest, this punishment should either be removed as an independent form or its designation should be modified to reflect its practical application. An alternative could be short-term confinement, as the nature of arrest involves both deprivation and restriction of rights, along with brief isolation from society. Under Articles 82–83 of the Penal Code of the Republic of Kazakhstan (2014), individuals undergoing arrest are kept in strict solitary confinement in

cells and are subject to specific rights and responsibilities.

There's also a lack of clarity in the implementation of fines as penalties. Article 41 of the Criminal Code of the Republic of Kazakhstan (2014) defines a fine as a monetary penalty based on monthly calculation indices set by law at the time of the offense or as the value of the bribe, transferred property, income, or unpaid dues. The fine must be paid within a deadline set by the court, and if not, enforced collection is applied (Criminal Code of..., 2014). The enforcement of fines occurs in two phases: voluntary and mandatory.

To improve enforcement, a comparison can be drawn with the process for paying administrative fines, where the law allows for payment deferrals and instalments for fines imposed by court decisions or administrative orders. Additionally, bailiffs may delay enforcement proceedings if the voluntary payment period has not expired. Hence, these factors necessitate special focus from lawmakers to develop innovative methods for enforcing arrests and fines as criminal penalties. A criminal misdemeanour is a minor offense that poses little public danger and causes or threatens minor harm to individuals, organizations, society, or the state (Gavrilov et al., 2022). These offenses can result in fines, correctional labour, community service, or arrest. However, due to many offenders lacking steady employment, the feasibility of these punishments is constrained. As a result, fines are the most frequently imposed penalty for criminal misdemeanours. Currently, enforcing these fines faces challenges, diminishing the effectiveness of this punishment and potentially leading to offender impunity.

Under Article 472 of the Criminal Procedure Code of the Republic of Kazakhstan (CPC RK) (2014), legally binding court judgments and rulings must be strictly enforced by all state and local government entities, legal persons, and officials across Kazakhstan. Non-compliance with these orders can result in criminal charges. Fines are set according to Article 41 of the CC RK (2014) and are based on a specified number of monthly calculation indices determined at the offense time. Fines

for criminal acts can vary between 25 to 500 monthly estimates. Article 41 (3) of the CC RK (2014) states that if a fine for a criminal misdemeanour is not paid, it may be substituted with community service or arrest.

Challenges emerged following the amendment of Article 138 of the Law of the Republic of Kazakhstan No. 261-IV (2010), "On enforcement proceedings and the status of bailiffs," which authorized private bailiffs to collect amounts up to 1,000 monthly estimates. This led to misapplications of the law by private executors, despite Article 24 of the Penal Code of the Republic of Kazakhstan (2014) (PC RK) assigning the exclusive execution of fines as a form of punishment to territorial justice authorities. These issues necessitate legislative review to enhance the effectiveness of fine penalties.

The Penal Code of the Republic of Kazakhstan (2014) empowers the probation service to search for probationers who avoid serving their sentences, a power not extended to private bailiffs. The probation service maintains a robust system for monitoring convicts, making it well-suited to manage fine executions. Transferring sentence enforcement to private bailiffs could undermine statehood foundations and principles, as only state agencies should enforce penalties on behalf of the state.

According to Articles 170 and 178 of the CPC RK (2014), courts must send judgments regarding civil claims and procedural costs to the appropriate justice authorities for enforcement, as outlined in civil procedure legislation. In criminal cases, procedural costs are recovered only for the state, with execution orders sent to territorial justice authorities. Private court bailiffs, who operate on a contractual, paid basis with claimants, often do not serve victims who lack resources to pay, especially for state-favoured procedural cost recoveries.

With the 2015 enactment of Law No. 418-V "On informatisation," electronic writs of execution for amounts under 1,000 monthly estimates are automatically directed to the regional chamber. Since 1 January 2016, enforcement of sentences for criminal misdemeanours, including victim compensation and procedural costs, is not executed if the amount is below 1,000

monthly payments, also applying to fines. Conflicts between Article 138 of Law No. 261-IV (2010) and Article 24 of the PC RK (2014) have hindered the enforcement of fines for criminal offenses, as this is exclusively performed by territorial justice authorities, excluding the Chamber of Private Bailiffs. Given the higher legal authority of the Criminal Procedure Code and the Penal Code over the aforementioned Law, adjustments are required to align Article 138 of Law No. 261-IV (2010) with Article 24 of the CPC RK (2014). Future research should focus on using information technology to identify and counter fraud.

4. Discussion

Currently, there's a clear distinction between penal law and criminal law, yet they remain closely linked. Many issues in penal system enforcement are deeply rooted in criminal law provisions. D. T. Akhmetov and G. M. Rysmagambetova (2022) suggest that penal law is essentially an extension of criminal law into the realm of punishment execution within prisons. The sentence enforcement phase, being the culmination of the legal process, demands substantial revision and enhancement.

In Kazakhstan's journey towards autonomy, notable advancements have been made in its economy, the mindset of its citizens, and global standing, particularly in fulfilling international penal enforcement obligations. Despite these strides, the penal system faces a crisis characterized by inadequate infrastructure, low salaries, undervalued professional status, challenging work conditions, torture practices, flaws in criminal and penal enforcement laws, lack of lucrative employment opportunities, an imperfect professional training system, along with other issues. L. Kazemian (2019) observes that rather than improving post-incarceration, convicts often find themselves in deteriorated conditions, a situation exacerbated by penal and correctional system staff and other contributing societal factors.

P. Butler (2016) points out that constant modifications to the legal system negatively impact law enforcement and obstruct the establishment of consistent investigative and judicial practices. It is essential to recognize that legal

decisions are often made without thorough analysis or foresight, primarily for law enforcement convenience. This situation necessitates redefining administrative and criminal offenses to clarify the logic behind penalty assignment for both the public and legal professionals. D. Kennedy (2012) emphasizes the importance of ensuring punishment for socially harmful acts in the law enforcement process. It is crucial to acknowledge that the growing number of criminal offenses and an expanding prison population are key factors driving the focus on crime prevention. An analysis of criminal law reveals that current measures impacting individuals who have committed crimes often fail to meet their intended rehabilitative goals as outlined in the Criminal Code of the Republic of Kazakhstan (2014), leading to adverse outcomes where convicts tend to worsen instead of reforming, contradicting the objectives of criminal law.

The scholarly community is divided on whether criminal law norms serve a restorative purpose. Some academics hold that this restorative aspect is exclusive to civil law. C. B. Hessick (2006) argue that criminal punishment's primary role is compensatory, addressing the physical and moral damages inflicted by the crime. Conversely, M. Thorburn (2020) contends that criminal punishment also fulfills restorative and compensatory roles, reinstating social justice and the victim's rights breached by the crime. They suggest that isolating the offender and imposing fines or labour helps redress the victim's material and moral losses.

J. B. Meixner (2022) suggests that these debates don't fully capture how recovery occurs during punishment, citing a lack of comprehensive scientific research and effective assessment methods for criminal penalties' effectiveness. H. Blagg and T. Anthony (2019) believe in the restorative nature of punishment, seeing it as a means to reinstate the rights, duties, and interests of affected individuals, society, and the global community. While the imposition of punishment does contribute to restoring social justice, J. Braithwaite (2000) note that it is only a partial solution. They point out that traditional legal systems didn't employ incarceration but focused on restoring justice through vari-

ous punishments, including the death penalty, corporal punishment, fines, and exile.

The minimal objective of punishment execution is deterring re-offense through fear, while the ultimate goal is the offender's adaptation and re-socialization. According to C. B. Hessick (2021), the conditions in which convicts are detained play a significant role in fulfilling these punitive functions.

However, modern criminal law doctrine often overlooks the essence of punishment, deemed as sufficiently explored and not requiring additional study. This is evidenced by the unchanged provisions in the General Part of the Republic of Kazakhstan's Criminal Code (2014) during its adoption. The Penal Code of the Republic of Kazakhstan (2014) echoes the aims of criminal enforcement in its Article 4, linking punishment execution to both criminal punishment goals and the convicted individual's correction. G. D. Caruso and D. Pereboom (2020) views correction not as an end in itself but as a means to prevent future offences. Enhancing the criminal legal impact on offenders necessitates focusing on their personalities, as understanding an offender's character is crucial for imposing just punishment and facilitating their reform.

In light of the discussion, the following recommendations are suggested to enhance the criminal law framework:

Article 39 of the Criminal Code of the Republic of Kazakhstan (2014), which outlines the concept and objectives of punishment, appears outdated and needs to be updated and refined to align with current realities.

There is a need to amend the title of Article 11 in the Criminal Code of the Republic of Kazakhstan (2014) from "Categories of Crimes" to "Categories of Criminal Offences". This change would more accurately reflect the dual-layer structure of criminal offences, which includes crimes and criminal misdemeanours.

The introduction of a new category, namely criminal misdemeanours, is essential. This category has been previously overlooked in the standard classification of offences.

The removal of the phrase "as well as those convicted of criminal misdemeanours" from Article 79, paragraph 2, of the Criminal

Code of the Republic of Kazakhstan (2014) is recommended. This alteration would ensure that convictions for criminal misdemeanours are treated on par with convictions for crimes.

By implementing these changes, the revised approach to tackling crime through criminal law is anticipated to significantly aid law enforcement agencies and civil society in their efforts to combat crime.

5. Conclusions

This research aimed to evaluate the punishment system in Kazakhstan and pinpoint key issues impacting its efficacy. A notable finding was the halving of reported criminal offenses between 2018 and 2022, suggesting high efficiency in the current criminal law system but also highlighting challenges in law enforcement application. The study observed that arrest as a form of punishment should be considered as an alternative to fines, community service, or corrective labour, especially for military personnel. Despite being a stand-

alone penalty, the actual use of arrest as a primary punishment is minimal, largely due to the scarcity of arrest facilities. Introducing short-term incarceration is suggested as a remedy.

The study also identified inconsistencies in the execution of fines as punishment. To improve this, it was proposed to parallel the process of paying administrative fines and encourage voluntary compliance. A legal discrepancy between Article 138 of the Law of the Republic of Kazakhstan No. 261-IV "On enforcement proceedings and the status of bailiffs" and Article 24 of the Penal Code, hindering the implementation of fines. The issue arises because fines are enforced solely by territorial justice authorities, excluding the jurisdiction of private bailiffs. Therefore, an amendment to Article 138 in line with Article 24 of the Penal Code is recommended. Future research should focus on using information technology to detect and prevent fraud.

References

- Akhmetov D.T. & Rysmagambetova G.M. Legal aspects of law enforcement operative-investigative activity in special conditions in Kazakhstan. *International Journal of Electronic Security and Digital Forensics*, 2022, 14(2), 199–208.
- Akhmetov D.T. & Rysmagambetova G.M. Legal aspects of law enforcement operative-investigative activity in special conditions in Kazakhstan. *International Journal of Electronic Security and Digital Forensics*, 2022, 14(2), 199–208.
- Bizhan N.R., Parmenbayovna Z.G. & Ilyashkanovich S.A. Punishment issues for violent crimes against women through dependency manipulation. *Journal of Law and Sustainable Development*, 2023, 11(2), e406-e406.
- Bizhan N., Bekimbetov T., Persheyev A., Rahmetova G. & Dairabayeva G. Features of humanization of the criminal policy of Kazakhstan: Study of the possibilities to increase the effectiveness of punishments in the context of international experience. *J. Advanced Res. L. & Econ.*, 2018, 9, 1604.
- Blagg H. & Anthony T. *Decolonising Criminology: Imagining Justice in a Postcolonial World*. Springer Nature. 2019.
- Braithwaite J. The new regulatory state and the transformation of criminology. *British journal of criminology*, 2000, 40(2), 222–238.
- Butler P. The system is working the way it is supposed to: the limits of criminal justice reform. *Georgetown Law Journal*, 2016, 104(6), 1419–1479.
- Caruso G.D. & Pereboom D. A Non-Punitive Alternative to Retributive Punishment. In *The Routledge Handbook of the Philosophy and Science of Punishment* (pp. 355–365). Routledge. 2020.
- Constitution. Constitution of the Republic of Kazakhstan. 1995. URL: https://www.akorda.kz/en/official_documents/constitution
- Criminal Code. Criminal Code of the Republic of Kazakhstan. 2014. URL: <https://www.refworld.org/pdfid/5d541c884.pdf>

Criminal Procedure Code of the Republic of Kazakhstan, (2014). URL: <https://adilet.zan.kz/eng/docs/K1400000231>

Gavrilov B. Y., Voronin M. Y., Sizova V. N., Lapin V. O. & Petrova E. V. D. Trends of the criminal-legal complex in relation to the legislative consolidation of the misdemeanor category. *Juridicas CUC*, 2022, 18(1), 183–198.

Hessick C. B. Motive's role in criminal punishment. *S. Cal. L. Rev.*, 2006, 80, 89.

Hessick C. B. Separation of Powers Versus Checks and Balances in the Criminal Justice System: A Response to Professor Epps. *Vand. L. Rev. En Banc*, 2021, 74, 159.

Kazakhstan (2022). Data from the information service of the Committee of Legal Statistics and Special Accounting of the General Prosecutor's Office of the Republic of Kazakhstan. URL: <https://qamqor.gov.kz/crimestat/statistics>

Kazemian L. Positive growth and redemption in prison: Finding light behind bars and beyond. Routledge, 2019.

Kennedy D. M. Deterrence and crime prevention: Reconsidering the prospect of sanction. Routledge, 2012.

Khamzin A., Buribayev Y. & Sartayeva K. Prevention of Human Trafficking Crime: A View from Kazakhstan and Central Asian Countries. *International Journal of Criminal Justice Sciences*, 2022, 17(1), 34–53.

Law of Republic of Kazakhstan No. 271-IV "On the prevention of delinquency", (2010). URL: https://adilet.zan.kz/rus/docs/Z100000271_

Law of the Republic of Kazakhstan No. 261-IV "On enforcement proceedings and the status of bailiffs", (2010). URL: https://adilet.zan.kz/rus/docs/Z100000261_

Law of the Republic of Kazakhstan No. 404-VI ZRK "On the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty", (2021). URL: <https://adilet.zan.kz/rus/docs/Z2100000404>

Law of the Republic of Kazakhstan No. 418-V "On informatization", (2015). URL: <https://adilet.zan.kz/eng/docs/Z1500000418>

Massalimkyzy M. The problem of correlation between the criminal policy humanization and the concept of justice at imposing criminal penalties in the Republic of Kazakhstan. *Journal of Advanced Research in Law and Economics (JARLE)*, 2018, 9(31), 147–152.

Mataeva M. H. & Zhampeisov D. A. Problems and Prospects of Ethnic Repatriation Crime Prevention. *Russian Journal of Criminology*, 2013, (3), 165–172.

Meixner J. B. MODERN SENTENCING MITIGATION. *Northwestern University Law Review*, 2022, 116(6), 1395–1479.

Mendlein A. K. The relationship between justice system size and punishment across nations. *International criminology*, 1(2), 2021, 107–122.

Mendlein A. K. Societies Sickened by Punishment? An Examination of the Relationship Between Incarceration and Population Health Across Nations (Doctoral dissertation, Temple University). 2023.

Mercuryiev V. V., Makhanov T. G. & Minskaya V. S. SOME ASPECTS OF CRIMINAL PUNISHMENT BY A FINE CALCULATED AS A MULTIPLE OF THE BRIBE IN THE CRIMINAL LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN. *RUSSIAN JOURNAL OF CRIMINOLOGY*, 2017, 11(2), 416–425.

Message of the Head of State Kassym-Jomart Tokayev to the people of Kazakhstan, (2020). URL: https://www.akorda.kz/ru/addresses/addresses_of_president/poslanie-glavy-gosudarstva-kasym-zhomarta-tokaeva-narodu-kazahstana-1-sentyabrya-2020-g

Penal Code of the Republic of Kazakhstan, (2014). URL: <https://adilet.zan.kz/eng/docs/K1400000226>

Thorburn M. Criminal punishment and the right to rule. *University of Toronto Law Journal*, 70(supplement 1), 2020, 44–63.