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## Penitentiary crime in Kazakhstan: growth factors and preventive measures

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**Abstract:** The study is devoted to the analysis of factors contributing to the growth of penitentiary crime in Kazakhstan and the development of comprehensive prevention measures. It considers the social, economic, institutional and legal aspects of the problem as well as the international experience of reforming penitentiary systems. The work identifies systemic problems that hinder the effective re-socialization of convicts, such as overcrowding in prisons, unsatisfactory conditions of detention, lack of social programs, corruption and gaps in legislation. The practical significance of the study lies in offering specific recommendations for improving legislation, improving conditions of detention and developing re-socialization programs.

The research methods include comparative analysis, statistical generalization and expert assessments based on data from normative legal acts, reports of international organizations and scientific publications. The necessity of improving the legal mechanisms regulating the penitentiary system, taking into account international human rights standards, has been identified.

The study contributes to criminological science by offering a detailed analysis of penitentiary crime in Kazakhstan. Its results can be useful for government agencies in developing crime prevention strategies and improving the conditions of detention of convicts.

**Keywords:** penitentiary crime, penal enforcement system, resocialization of convicts, crime prevention, international standards.

## Introduction

Penitentiary crime is a specific type of criminal behavior that occurs in a closed environment of correctional institutions. This phenomenon includes various forms of illegal actions committed by both convicts and employees of the penal enforcement system, violating established law and order and hindering the performance of tasks assigned to penitentiary institutions. In a legal sense, penitentiary criminality covers violations provided for by criminal and administrative legislation that occur within the framework of the functioning of correctional institutions. At the same time, criminal punishment serves as a tool for protecting a wide range of public relations, including the rights and freedoms of citizens, property, public order and security [1].

Penitentiary crime is a set of crimes committed in institutions of the penal enforcement system by convicts, employees and other subjects. According to a number of researchers, this phenomenon has a regressive nature, as it is generated by the peculiarities of conditions of imprisonment, criminal traditions and an aggravated situation of social isolation. According to O.V. Starkov, who is one of the main developers of the private criminological theory – criminopenology, penitentiary crime is an independent type of crime, which emphasizes its specificity [2]. An important factor is that this phenomenon includes crimes committed by both convicts and prison staff, which expands its social and legal framework.

The legal understanding of penitentiary crime is based on the norms of criminal law governing responsibility for crimes in the penitentiary system. Although the Criminal Code of the Republic of Kazakhstan (CC RK) [3] does not have a separate chapter on penitentiary crimes, responsibility for such actions is provided for in various articles. For example, Article 426 of the Criminal Code regulates the evasion of a convicted person from restriction of freedom, articles 103-108 relate to violence, articles 361-369 cover corruption crimes, and article 427 – escapes.

One of the most significant problems of the penitentiary system is the spread of corruption. In conditions of isolation of convicts, corruption schemes become particularly relevant, as they create opportunities for violating the detention regime and obtaining illegal privileges. Bribery of employees, distribution of prohibited items and abuse of official position pose a serious threat to the functioning of the entire penal enforcement system.

Another characteristic manifestation of penitentiary criminality is violence between convicts. Correctional institutions often become an arena for conflicts caused by both personal contradictions and the structure of informal relationships within a group of prisoners. These conflicts often lead to physical violence, threats, and sometimes to the creation of criminal communities within penitentiary institutions, which significantly complicates the process of correction of convicts and rehabilitation.

Along with violent crimes, evasion of punishment poses a significant threat to the functioning of the penitentiary system. Escape attempts or deliberate violation of the detention regime have a destabilizing effect on the management of correctional institutions. These crimes indicate weaknesses in the supervision and control system, as well as insufficient measures to ensure security inside penitentiary institutions.

In addition to legal aspects, an important element of the analysis of penitentiary crime is its criminological dimension. To fully understand this phenomenon, it is necessary not only to

take into account legal categories and types of crimes, but also to analyze their dynamics and specifics, taking into account social and organizational factors affecting the growth of crime within penitentiary institutions.

Criminological aspects of penitentiary crime include the analysis of violent incidents and evasion of punishment, as well as the influence of social and organizational factors on its dynamics. One of these factors is the increase in the number of convicts, which increases the burden on correctional institutions and exacerbates the criminal situation. Increasing prison population density creates additional risks for the management of institutions, stimulating violence among prisoners and escapes, which requires more careful supervision and preventive measures.

### **Research methodology**

This study, devoted to the study of penitentiary crime in Kazakhstan, is based on a comprehensive analysis of legal documents, statistical data and scientific publications. Special attention is paid to the analysis of statistical data of the Committee of the Penitentiary System of the Ministry of Internal Affairs of the Republic of Kazakhstan concerning the dynamics of penitentiary crime, the number of prisoners and the state of the infrastructure of institutions. For comprehensive coverage of the problem, the scientific works of Kazakhstani and foreign researchers on various aspects of penitentiary crime were studied. The following methods were used in the study: statistical analysis to process quantitative data, a comparative legal method to compare national legislation with international standards, analysis of documents to study normative legal acts and reports, comparative analysis to identify common features and differences in the functioning of penitentiary systems in different countries and a synthesis method to summarize the results obtained.

### **Discussion**

As of July 2024, according to the Committee of the Criminal Executive System of the Ministry of Internal Affairs, more than 37 thousand convicts are serving their sentences in correctional institutions in Kazakhstan. There are 78 institutions in the country, including 62 colonies and 16 pre-trial detention centers. Of the total number of prisoners, about 7.5 thousand are held in pre-trial detention centers, and among them about 3 thousand women and more than 50 minors. Over the past four years, the prison population has increased by 7 thousand people, which is due to stricter legislation on theft, domestic violence and traffic accidents. Also, 93% of convicts are serving sentences for serious and especially serious crimes, and 45% of them already have a criminal record for intentional crimes [4].

When comparing the situation with other countries, several key differences can be identified. In Countries with more developed penitentiary systems, for example, in the Scandinavian countries, the rate of violent crimes among convicts is significantly lower.

In the Scandinavian countries, the emphasis is on a humanistic approach to punishment, which focuses on re-socialization rather than repressive measures. Norway and Sweden have

established programs aimed at reducing the level of conflict among convicts through job training, psychological support and improving conditions of detention. This, in turn, leads to a significant decrease in the level of violent crimes and recidivism in institutions.

In Norway, the rehabilitation program for prisoners includes intensive use of labor and educational training, as well as the provision of psychosocial assistance. One of the most striking examples of this approach is Halden Prison, which provides prisoners with conditions as close as possible to ordinary life. In this system, one prisoner is placed in a separate cell, which reduces the level of tension and conflicts within prison institutions. Such measures lead to a low level of violent incidents and create conditions for the successful reintegration of convicts into society [5].

In addition, the Scandinavian countries pay considerable attention to the training of prison staff. Professional development programs for staff are aimed at creating a safe environment and reducing the level of violence among convicts. It is important to note that the high levels of funding for penitentiary systems in these countries also play a key role in their success: the absence of overpopulation, access to high-quality medical and psychological care contribute to maintaining security and preventing recidivism [6].

In Kazakhstan, on the contrary, the penitentiary system faces problems of overcrowding in prisons and lack of resources to implement such humanistic programs. This leads to an increase in the number of conflicts and violent crimes among convicts. According to the Committee of the Criminal Executive System of the Ministry of Internal Affairs [7], there is a shortage of places in a number of pre-trial detention centers in Kazakhstan. Currently, the number of detainees in six pre-trial detention centers exceeds the limits, which creates additional difficulties in the management of the penitentiary system. The total capacity of the pre-trial detention center is 8 thousand places, while about 7 thousand people are already being held, and with the adoption of the law on domestic violence, an increase in the number of detainees is expected, which will only worsen the problem. It is expected that the influx will amount to about 5,000 violators, which can lead to a serious overload of the prison system.

In order to reduce penitentiary crime, it is necessary to strengthen legal guarantees for the protection of convicts, reduce violence and fight corruption. Kazakhstan demonstrates its commitment to international standards, including compliance with the Nelson Mandela Rules, receives technical assistance from UNODC and participates in international programs to improve the penitentiary system. The translation of the online course on the Rules of Nelson Mandela into Kazakh has improved access to training for prison staff [8]. These measures are aimed at humane treatment of prisoners, their re-socialization and reduction of recidivism.

Kazakhstan's commitment to international standards, such as the Nelson Mandela Rules, is aimed at improving the conditions of detention of convicts and their re-socialization. However, the legal aspects of penitentiary crimes require special attention. In conditions of strict control in places of detention, many actions that would not be considered crimes in freedom can be qualified as offenses. This underlines the need to take into account the specific nature of the penitentiary system in the legal assessment of such crimes.

The legal nature of penitentiary crimes requires special attention to their qualification and measures of responsibility, since these crimes are committed in a specific social environment.

Places of deprivation of liberty create certain legal and organizational conditions that must be taken into account when legally evaluating the actions of both convicts and employees of penitentiary institutions. For a proper understanding of the essence of penitentiary crimes, it is important to consider them not only from the point of view of criminal law, but also taking into account administrative and disciplinary regulation.

The legal features of the qualification of crimes committed in places of deprivation of liberty are based on a number of factors that distinguish them from similar crimes committed at large. First of all, this is the closed nature of penitentiary institutions, where the state exercises control over all aspects of the life of convicts, and convicts, in turn, are limited in their rights. Such control means that many violations of the regime, which would not be considered crimes outside places of detention, may have the status of criminal offenses inside the penitentiary system. For example, failure to comply with the requirements of the institution's administration or disobeying internal regulations may result in disciplinary sanctions and, under certain conditions, qualify as crimes.

In addition, the qualification of crimes in penitentiary institutions is based on special attention to violations that undermine the regime of detention of convicts or pose a threat to the safety of both convicts and employees [9]. For example, escapes or attempts to evade serving a sentence are considered crimes against public order and include additional criminal liability. The peculiarity of the qualification of such crimes is that they can be combined with other criminal acts, such as violence or corruption, which complicates their legal assessment.

Corruption crimes within penitentiary institutions have their own legal features. They often involve complex patterns of interaction between convicts, employees, and outsiders. Article 31 of the Criminal Code indicates responsibility for crimes committed by a group of persons, including organized groups and criminal communities, which confirms the possibility of such schemes. Corruption in places of detention may include bribing employees to assist in the transfer of prohibited items or arrange an escape. These actions are qualified under the articles of the Criminal Code concerning abuse of official authority (articles 361 and 370), and provide for serious penalties, including imprisonment and confiscation of property.

Corruption crimes in the penitentiary system are particularly difficult to investigate and prove because they involve informal connections and covert activities. This requires the active participation of law enforcement agencies to identify and suppress such offenses.

Legal liability for offenses in the penitentiary system varies depending on the severity of the committed actions. The mechanism of accountability provides for several levels of sanctions, starting with disciplinary and administrative measures and ending with criminal liability. Disciplinary offenses, such as refusal to perform work duties or non-compliance with the daily routine, may entail internal sanctions, which are established by regulatory acts of correctional institutions. Such measures include isolation in penal facilities, transfer to stricter conditions of detention, deprivation of privileges such as receiving parcels or visits.

Administrative responsibility in the penitentiary system is applied in cases where offenses do not reach the level of criminal responsibility, but violate public order and the established regime. An example is petty hooliganism, which acquires special legal significance inside a correctional institution and can be considered a threat to the maintenance of discipline and order. Administrative measures include fines, time limits on certain actions, or other sanctions.

In the case of serious crimes committed by convicts or employees of institutions, such as violence, escape or participation in corruption schemes, criminal liability is applied. For convicts who commit offenses in places of deprivation of liberty, criminal penalties may include additional terms of imprisonment or increased detention. This not only complicates the process of correcting them, but also reduces the likelihood of early release measures being applied to them. For employees of penitentiary institutions, criminal offenses, especially of a corrupt nature, can lead to imprisonment and disqualification from holding positions in government bodies, which also strengthens measures to prevent crime within correctional institutions. Responsibility for crimes in places of detention plays an important role in ensuring law and order and discipline. The effective functioning of the penitentiary system is impossible without clearly defined mechanisms of legal responsibility, which should be aimed not only at punishing the perpetrators, but also at preventing new crimes.

The effective functioning of the penitentiary system is impossible without clearly defined mechanisms of legal responsibility aimed at preventing and punishing crimes among both convicts and employees. The introduction of criminal and administrative responsibility helps to maintain discipline and law and order within institutions. However, despite these measures, penitentiary crime in Kazakhstan continues to grow. To understand the causes of this phenomenon, it is important to consider a set of factors that contribute to the growth of crime within correctional institutions, including social, economic and organizational conditions.

The analysis of penitentiary crime in Kazakhstan requires attention to various factors that contribute to its growth. The penitentiary system, as part of the State criminal policy, should contribute to the correction and re-socialization of convicts. However, in practice, there are certain obstacles that hinder the fulfillment of these tasks and create conditions for the growth of crime within penal institutions. It is important to note that many of these factors are systemic and require a comprehensive approach to eliminate them.

One of the main reasons for the growth of penitentiary crime is a combination of social, economic and organizational factors. The low standard of living of convicts, lack of resources and weak support during the period of imprisonment and after release lead to a deterioration of the moral climate in correctional institutions, which creates favorable conditions for offenses. In addition, the lack of social programs aimed at employment and education of convicts increases their sense of isolation and hopelessness, which also contributes to the growth of crime. Let's consider the influence of these factors in more detail.

The social and economic conditions in which convicts find themselves play a significant role in their behavior and attitude to punishment. Overcrowding in prisons, low levels of logistical support, unsatisfactory living conditions such as low hygiene standards and limited access to medical services create an atmosphere of alienation and stress. This negatively affects the mental and physical condition of convicts, increases the level of aggression, maladaptation and leads to an increase in violence, conflicts and criminal activity.

Public monitoring of penitentiary institutions in Kazakhstan, including through the National Preventive Mechanism (NPM), has revealed significant problems related to the material and technical condition of many colonies and pre-trial detention facilities. Most of these institutions were built at the beginning of the last century and require serious modernization [10]. For

example, in the GM-152/6 facility, the collapse of the building led to the death of three convicts and injured 11 people, which indicates the critical condition of the infrastructure.

Another disturbing example is the ICH 167/4 women's colony in Shymkent, located in a 19th-century building that does not meet international standards such as the Nelson Mandela Rules and the UN Bangkok Rules for the Treatment of Female Offenders. Despite the recommendations of human rights defenders to close such institutions, improvements are limited to cosmetic repairs, which does not solve the root problems related to safety and conditions of detention.

Inspections of sanitary and epidemiological services and the Ministry of Emergency Situations reveal numerous violations, but no significant changes occur due to insufficient funding and lack of major repairs. These problems highlight the need for more significant reforms of the penitentiary system to bring it into line with international standards.

There are systematic attempts to transfer prohibited substances to institutions of the penal correction system, which negatively affects the maintenance of order and security inside correctional institutions. These incidents require constant strengthening of control, the introduction of modern screening technologies and increased vigilance of employees. Such violations make it difficult to re-socialize convicts and create additional difficulties in the work of the prison staff [11].

Another important social factor is the lack of social programs aimed at the labor and educational employment of convicts. In correctional institutions, work and education play a key role in the process of re-socialization, providing convicts with the opportunity to engage in useful activities, develop professional skills and restore lost social ties. The low level of employment of convicts leads to the fact that many of them remain idle, which contributes to their involvement in criminal activities, the creation of informal criminal groups and the strengthening of the prison subculture.

In Kazakhstan, the labor activity of convicts is organized insufficiently effectively, which is associated with a limited number of modern jobs, low wages and a lack of vocational training programs. As of May 2024, over 11 thousand out of 32 thousand convicts are employed in closed colonies [12]. The employment of convicts is considered as an important tool for their correction and adaptation to life in freedom, and also helps in paying off material claims, paying alimony and supporting the families of prisoners. As a result, a significant number of convicts are deprived of the opportunity to actively participate in work, which significantly reduces their chances of successful re-socialization. As one of the preventive measures, the development of new forms of industrial relations in institutions of the penitentiary system is proposed. More active involvement of convicts in labor processes would contribute not only to reducing the crime rate, but also to the successful re-socialization of convicts. One of the main causes of incidents in institutions of the penal enforcement system is the insufficient employment of convicts and a low percentage of their participation in paid work [13]. Lack of work activity increases the criminogenic atmosphere, contributing to an increase in offenses among convicts.

Social programs, such as labor and educational employment, contribute to the reduction of penitentiary crime and the re-socialization of convicts. However, in order to achieve sustainable results, a clear legal framework governing the functioning of correctional institutions is also needed. These legal norms define key aspects of the management of the penitentiary system and

the protection of the rights of both convicts and employees, which creates a balance between legal and social measures.

Further, legal factors are an integral part of the analysis of the penitentiary system, as they determine the basic principles of its functioning and the establishment of a legal framework for the activities of correctional institutions. The legal norms governing the penitentiary system include a wide range of normative acts concerning both convicts and employees of penitentiary institutions.

In our country, the activities of the penitentiary system are regulated by the Criminal Code of the Republic of Kazakhstan, the Penal Enforcement Code and a number of by-laws. The most important articles of the Criminal Code of the Republic of Kazakhstan are provisions concerning the execution of punishments, conditions of detention of convicts, their rights and obligations. The Criminal Code of the Republic of Kazakhstan details the conditions for the execution of various types of punishments, the procedure for applying disciplinary measures and the rights of convicts to seek legal assistance.

One of the theoretically and practically difficult problems is the legal regulation of the execution of such a procedural measure of restraint as arrest [14]. The CPC of the Republic of Kazakhstan regulates the procedure for appointing an arrest, however, the norms concerning the very execution of this measure and ensuring the rights of those arrested under investigation remain insufficiently detailed in legislation. For example, pre-trial detention facilities, which are functionally part of the structure of the penal enforcement system, need clear legal regulation of their activities. The lack of such norms creates legal uncertainty, which complicates the protection of the constitutional rights of persons under investigation.

After considering the legal regulation of arrest, attention should be paid to broader issues related to the protection of the rights of convicts in correctional institutions in Kazakhstan. Despite the existence of a regulatory framework, such as the Penal Enforcement Code, a number of important aspects related to the protection of vulnerable groups of convicts remain insufficiently regulated. This leads to numerous violations, which are reflected in the NPM reports [10] mentioned earlier.

One of the most serious problems is discrimination against convicts, whom the prison subculture classifies as "outcasts". These individuals are exploited by performing the dirtiest and most obscene jobs, often without pay. Discrimination also applies to convicts belonging to the LGBT community, who are isolated from other prisoners and subjected to humiliation, which is contrary to international human rights standards, such as the Nelson Mandela Rules.

The issue of the rights of convicts with disabilities is no less relevant. Many penitentiary institutions lack the necessary conditions for their detention, including adaptation facilities and access to medical care. Despite the transfer of medical services to the civilian system, problems with the provision of quality treatment and social support remain unresolved, which is also indicated in the NPM reports.

Issues related to the filing of complaints by convicts also require attention. According to the NPM, in many institutions, complaint terminals either do not function properly or do not provide an opportunity for convicts to file a complaint. This violates the convicts' right to legal protection and limits their ability to seek fair consideration of their appeals.



These problems highlight the need not only to improve control over the activities of penitentiary institutions, but also to further improve the regulatory framework in order to ensure the protection of the rights of all categories of convicts and eliminate existing gaps in legislation.

The regulations pay special attention to the issues of humanizing criminal policy, which implies compliance with international standards, such as the Nelson Mandela Rules. These norms enshrine the basic principles of protecting the rights of convicts, including the right to respectful treatment, access to medical care, educational programs and work. The introduction of these standards into national legal acts confirms Kazakhstan's desire to adapt the penitentiary system to international standards, but this requires systematic work on their implementation in practice.

The identified factors of the growth of penitentiary crime – social, economic and legal – create the need to develop comprehensive prevention measures. These measures should address the systemic problems identified in the previous stages of the analysis and include legal, institutional and criminological aspects.

Comprehensive prevention measures based on legal, social and institutional approaches are key to addressing the identified systemic problems. It is necessary to take into account all the identified factors of the growth of penitentiary crime and develop mechanisms that will improve the conditions of detention of convicts, improve the quality of their re-socialization and reduce the likelihood of repeat offenses. These measures should take into account both international standards and national peculiarities of the functioning of the penitentiary system.

Penitentiary crime, being a complex and multidimensional phenomenon, requires an integrated approach to its prevention. Preventive measures should cover various levels of the penal enforcement system – from legal regulation and organizational work to social and psychological aspects. The main purpose of preventive measures is to create conditions under which convicts not only receive a well-deserved punishment, but also get the opportunity to improve and return to society without the risk of reoffending.

Today, Kazakhstan is making significant efforts to improve its penitentiary system, including holding international forums and legal reforms. For example, at the International Forum on Penal Reform, which took place in July 2021, key issues related to the rights of convicts and the further development of the penal enforcement system were discussed. One of the achievements was the expansion of access to medical services: starting in 2023, medical care in penitentiary institutions was transferred to the Ministry of Health, which contributes to improving the quality of medical care.

In addition, the conditions of detention of prisoners have been improved – food standards have been increased by almost 40%, and the share of convicts involved in labor activities has increased to 49% in 2021, which contributes to their re-socialization. However, serious challenges remain, such as a lack of legal regulation and a lack of resources to implement all necessary changes. These problems require further improvement of legislation and increased funding to improve infrastructure and training.

Additional measures are also being implemented, such as a video surveillance system in all correctional facilities, which helps prevent violations of prisoners' rights and facilitates rapid

response to incidents. International cooperation aimed at sharing experiences and bringing the system in line with international standards remains an important part of the reform. Despite the successes achieved, overcoming these challenges remains a priority for sustainable reform of the penitentiary system [15]. Although important steps have already been taken to improve infrastructure and create a safe environment for convicts, further efforts should be directed at developing legal mechanisms that will ensure long-term changes. These legislative measures will help achieve a sustainable balance between compliance with international standards and national interests in the field of justice.

One of the key areas in the fight against penitentiary crime is the improvement of legislation regulating the activities of correctional institutions. It is important that legislative norms not only comply with international human rights standards, but also protect the interests of both convicts and prison staff. Kazakhstan has signed and ratified a number of international agreements, such as the UN Convention against Torture and the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). These documents set high standards for the treatment of convicts, guaranteeing respect for their rights, including access to medical care, education, work and psychological support. To better understand the relationship between victimization and criminal behavior, as well as to develop effective prevention measures, it is important to take into account the results of longitudinal studies. For example, a study based on AddHealth data made it possible to analyze the impact of various factors on victimization among offenders over a long period of time [16]. To improve the situation, it is necessary to review legislation regarding the conditions of detention of convicts, bring it into line with international standards, as well as develop mechanisms to ensure the observance of the rights of convicts. Legislative initiatives should include specific measures to improve conditions of detention, expand access to educational programs and employment, which are important elements of crime prevention in places of detention.

In addition, one of the aspects of legal regulation is the strengthening of legal responsibility for violations within the penitentiary system. It is important that both convicts and correctional officers are held accountable for the offenses they have committed. This applies not only to crimes such as violence or corruption, but also to violations of the rights of convicts. For example, ill-treatment by employees, violation of the detention regime or concealment of criminal acts by the administration of correctional institutions should be severely suppressed and punished in accordance with the law.

Special attention should be paid to increasing responsibility for corruption crimes that undermine the foundations of law and order in correctional institutions. Corruption promotes the spread of prohibited items, worsens the safety of convicts and creates informal privilege systems, which contradicts the tasks of correction. Strengthening penalties for corrupt practices, the creation of independent commissions to monitor the observance of the rights of convicts and regular inspections by law enforcement agencies can be important steps towards reducing the crime rate in penal institutions.

The work of S.M. Rakhmetov [17] criticizes the wording of article 46 of the Criminal Code of the Republic of Kazakhstan concerning the conditions of serving sentences by convicted persons for corruption crimes. The author considers it unreasonable to mitigate the conditions for those

convicted in this category of cases and proposes to exclude a number of paragraphs from the article, arguing that corruption crimes pose a serious threat to society and the economy.

Legal measures for the prevention of penitentiary crime should be aimed at creating a balanced system where respect for human rights is combined with strict control over the observance of law and order within institutions. Targeted legal reforms and strengthening of the system of legal responsibility will create conditions under which penitentiary institutions will fulfill their main task – correction and re-socialization of convicts.

In addition to institutional changes aimed at improving the work of correctional institutions, it is equally important to apply criminological preventive measures. These measures are based on a scientific approach to the analysis of the causes of crime in penitentiary institutions and allow the use of international best practices to minimize the risks of offenses.

Institutional measures for the prevention of penitentiary crime occupy an important place in the overall strategy for combating offenses within correctional institutions. These measures are aimed at improving the structure and organization of the penitentiary system, as well as at creating conditions conducive to the effective re-socialization of convicts. The importance of institutional changes lies in the fact that they form the basic conditions under which offenses can be minimized. The well-established work of penitentiary institutions, the high level of training of staff and the introduction of modern rehabilitation programs for prisoners contribute to reducing the level of violence and recidivism.

Comprehensive reform of the penitentiary system, including modernization of infrastructure and staff training, is a key condition for reducing crime in correctional institutions. It is important to note that the qualifications of prison staff play a central role in creating a safe and fair environment for convicts. Employees with the necessary knowledge and skills can more effectively deal with conflict situations, prevent violent acts among convicts and identify potential threats in a timely manner. The introduction of regular professional development programs, including training in modern conflict management methods, psychological support and compliance with international standards for the treatment of convicts, will significantly improve the quality of correctional institutions.

Improving the conditions of detention of convicts is also an important component of institutional reforms. Overcrowding in correctional facilities, poor sanitary conditions, lack of medical care and psychological support create an environment conducive to criminal activity. The modernization of infrastructure aimed at improving conditions of detention plays a key role in reducing the level of violence and offenses among convicts. It is important that the reforms are not limited to cosmetic changes, but include systemic measures aimed at improving the quality of life of convicts and preparing them for return to society.

With regard to the institutions of the penal enforcement system and the revision of approaches to probation, it is important to take into account international experience and involve representatives of civil society. A pilot project was launched in Kostanay region with the participation of representatives of local authorities, departments of the Criminal Justice System, the Prosecutor's Office, the police, the Kostanay Academy of the Ministry of Internal Affairs and non-governmental organizations. The aim of the project is to develop new forms of interaction with local authorities, the probation service and non-profit organizations to

improve the process of resocialization of convicts and their further reintegration into society. In case of successful implementation, the project will be extended to other regions of Kazakhstan [18].

In addition to infrastructure reform and staff training, special attention should be paid to the introduction of effective programs for the re-socialization of convicts and the prevention of recidivism. The importance of these programs is due to the fact that the successful re-socialization of convicts directly affects the reduction of the rate of recidivism and the general criminogenic situation in the country. In countries with developed penitentiary systems, such programs are central to criminal justice policy. They include educational courses, employment, vocational training, psychological rehabilitation programs and social support, which allows convicts to acquire the necessary skills and prepare for life in freedom.

Effective re-socialization programs should include employment, vocational training, psychological support and post-release support. This will create conditions under which convicts will be able to successfully return to society and avoid criminal situations.

An important step towards improving the system of re-socialization was the introduction of educational programs for convicts. For example, in institution No. 50 of the Ministry of Internal Affairs of the Republic of Kazakhstan in the North Kazakhstan region, 45 convicted women completed their studies and received diplomas in the specialties "Master of finishing construction works" and "Seamstress" [19]. These programs allow convicts not only to acquire skills that are in demand on the labor market, but also contribute to successful reintegration into society after release. Educational and professional programs for convicts play a key role in their successful re-socialization and reduction of the level of recidivism. However, in order to achieve sustainable results, it is necessary to combine these measures with a deeper analysis of the factors contributing to crime in places of detention. In this context, criminological preventive measures are an important aspect, which help to develop strategic solutions to minimize offenses within correctional institutions.

Criminological preventive measures are aimed at an in-depth analysis of the factors contributing to the development of crime in the penitentiary system and the development of effective strategies that can minimize the risks of offenses. These measures are based on the application of a scientific approach based on the study of the experience of other countries that have achieved success in reducing crime within correctional institutions. International practices provide a wide range of methods and tools that can be adapted to the conditions of the penitentiary system in Kazakhstan.

One of the most important aspects of criminological prevention measures is the analysis of successful international practices in the fight against penitentiary crime. Countries with highly developed prison systems, such as Norway, Sweden and the Netherlands, have demonstrated significant success in creating a humane and safe environment for convicts. The main focus in these countries is on the re-socialization and reintegration of convicts, rather than on repressive measures. For example, in Norway, great attention is paid to creating conditions as close as possible to life in freedom, which includes freedom of movement within the institution and the ability to make independent decisions on various issues. This approach has led to a reduction in the recidivism rate to one of the lowest in the world. In Sweden, a similar emphasis is placed on employment, which is perceived as an instrument of social adaptation, rather than an obligation.

In her report "Incarceration and Recidivism: Lessons from Abroad", Caroline Didi analyzed the re-socialization programs in Germany, the Netherlands and Norway in terms of their impact on the prevention of recidivism [20]. Despite the fact that there is still no consensus on a direct link between re-socialization programs and a decrease in the rate of recidivism, some studies show a positive trend among participants in such programs. The key factor is the design of each specific program, which confirms the need for an individual approach to their development.

In order to adapt successful international practices to the conditions of Kazakhstan, it is necessary to take into account local peculiarities and the structure of the penitentiary system. The introduction of humanistic methods requires significant organizational changes, including a revision of approaches to the management of penitentiary institutions and the reform of the regulatory framework. One of the important steps in this direction is the development of programs aimed at reducing the level of violence among convicts. In Kazakhstan, the high rates of violent crimes in places of detention indicate the need for more active use of conflict management methods, psychological assistance and preventive measures. The introduction of mediation and conflict management programs among convicts can reduce the level of tension and the number of violent incidents [21].

In addition, in order to reduce the level of offenses in correctional institutions in Kazakhstan, it is necessary to strengthen control over the observance of the rights of convicts and ensure their access to legal assistance. One of the common problems faced by many penitentiary systems is the insufficient protection of convicts from misconduct by the administration and other convicts. The creation of independent monitoring bodies that would monitor the observance of the rights of convicts, as well as the introduction of a system of complaints and appeals, can significantly increase the level of confidence in the penitentiary system and reduce the number of violations.

Special attention should be paid to the prevention of recidivism. Programs aimed at post-retirement adaptation, such as social support, employment and educational assistance, can significantly reduce the rate of repeat crimes. In countries with successful prison systems, helping prisoners integrate into society after release is a key element of recidivism prevention. In Kazakhstan, it is necessary to develop social support systems that would help former convicts find work, get housing and restore social ties.

An integrated approach to the implementation of criminological prevention measures based on international practices is an important step to reduce penitentiary crime and the successful re-socialization of convicts. However, in order to achieve real changes, not only criminological work is needed, but also the improvement of the legal regulation of the penitentiary system. It is legislative measures that can strengthen control over the situation and ensure the protection of the rights of convicts, creating a basis for more effective crime prevention.

The legal regulation of penitentiary crime in Kazakhstan faces a number of problems related to the insufficient effectiveness of legislation, as well as difficulties in law enforcement practice. Despite the existence of regulations aimed at regulating the activities of the penitentiary system, their implementation is often insufficient to ensure an appropriate level of law and order within correctional institutions. As a result, problems such as violence among convicts, corruption, and violation of prisoners' rights persist.

One of the central issues is the compliance of national legislation with international human rights standards. Kazakhstan, as a party to a number of international treaties and agreements, undertakes to comply with established standards for the treatment of convicts, but in practice there are a number of shortcomings that prevent their full implementation. This includes problems both at the legislative level and in its practical implementation. Improving the legal regulation of the penitentiary system is a key step in reducing the level of penitentiary crime and improving the conditions of detention of convicts.

The prospects for improving legislation in the field of the penitentiary system are largely related to the introduction of new draft laws aimed at humanizing the conditions of detention of convicts. Humanization involves softening the conditions of serving a sentence, which includes respect for the fundamental rights of convicts, ensuring their human dignity and providing opportunities for re-socialization. Draft laws play an important role here, which may provide for more flexible forms of punishment, expanding the rights of convicts to receive education, vocational training, medical and psychological assistance.

One of the directions of such bills may be the revision of the system of disciplinary measures against convicted persons. Today, disciplinary measures often contribute to the escalation of tension within institutions and negatively affect the emotional state of prisoners. Alternative measures aimed at conflict resolution and dealing with the psychological state of convicts can significantly increase the effectiveness of crime prevention. The introduction of these changes requires not only the adoption of new laws, but also the training of prison staff to work in conditions of humanization.

The adaptation of international human rights standards into Kazakhstan's penitentiary policy is another important step towards improving legal regulation. Kazakhstan is a party to international agreements such as the UN Convention against Torture, as well as the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). These documents set high standards in the field of human rights, which must be applied in the penitentiary system. To ensure compliance with these standards, it is necessary to review existing legislation aimed at protecting the rights of convicts and introduce legal mechanisms that will improve their conditions of detention.

Special attention should be paid to the integration of international norms relating to the rights to decent conditions of detention, access to medical care, work and education. Kazakhstan is already taking steps in this direction, but further adaptation of international standards will strengthen the legal protection of convicts and increase the overall effectiveness of the penal enforcement system.

For the successful implementation of international standards in the penitentiary system of Kazakhstan, several key factors must be taken into account: legal adaptation, economic opportunities of the state and social characteristics of local institutions. First, the legislative framework should provide mechanisms for monitoring compliance with international standards, including the creation of independent inspection bodies that would monitor penitentiary institutions for compliance with established standards. For example, the integration of the Nelson Mandela Rules can be supported by the introduction of mandatory regular inspections of the conditions of detention of convicts with the participation of independent human rights organizations.

Secondly, it is important to take into account the economic resources needed to implement these standards. The introduction of humanistic methods, such as expanding access to education and employment for convicts, requires a significant increase in government funding. To do this, it is possible to consider the possibility of attracting international grants and cooperation with non-governmental organizations that could provide staff training and the introduction of modern rehabilitation programs. The State needs to develop a long-term investment strategy for the modernization of penitentiary institutions aimed at improving sanitary conditions, reducing prison congestion and ensuring access to medical and psychological care.

In addition, the legal adaptation of international standards should take into account the cultural and social characteristics of Kazakhstan. This includes the creation of a flexible punishment system that would allow convicts to access re-socialization programs integrated into the local legal culture. For example, a gradual transition to the use of alternative punishments, such as conditional release or electronic surveillance, can reduce the burden on the prison system and at the same time increase the effectiveness of rehabilitation of convicts.

## **Conclusion**

The conducted study of penitentiary crime in Kazakhstan revealed its complex nature due to the close interaction of social, economic, institutional and legal factors. In the context of Kazakhstan's desire to comply with international standards in the field of human rights, the analysis of this problem is becoming particularly relevant.

The study showed that, despite the efforts made by the State to modernize the penitentiary system, it faces a number of systemic problems that hinder the effective correction and re-socialization of convicts. The low standard of living of convicts, including overcrowding in institutions, unsatisfactory living conditions and limited employment opportunities, creates an atmosphere of tension and social isolation, contributing to an increase in violence, conflict and recidivism.

Despite the signing by Kazakhstan of a number of international agreements, such as the UN Convention against Torture and the Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), aimed at humanizing the conditions of detention of convicts, their implementation in practice faces difficulties. The lack of clarity of certain legal norms regulating the activities of the penitentiary system creates problems in law enforcement practice, which negatively affects the protection of the rights of convicts and employees of institutions.

The analysis confirms that the existing measures for the prevention of penitentiary crime, focused mainly on the punitive function of punishment, do not fully meet modern challenges and require revision. In order to effectively counteract penitentiary crime, it is necessary to implement an integrated approach, including improving legislation, improving the conditions of detention of convicts, as well as developing effective programs for re-socialization and post-penitentiary adaptation.

Further study of penitentiary crime in Kazakhstan should be aimed at developing specific recommendations for improving criminal and penal enforcement legislation, as well as

developing effective programs for the social rehabilitation and reintegration of convicts, taking into account international experience and the specifics of Kazakhstani society.

### **The contribution of the authors.**

**Kemeshev R.** the author for correspondence made significant contributions to the concept or design of the work; collection, analysis or interpretation of the results of the work and agreed to be responsible for all aspects of the work, appropriately examining and resolving questions related to the reliability of the data or the integrity of all parts of the article, edited the text of the manuscript.

**Muratova A.** edited the text of the manuscript and designed it, translated the references, abstract and information about the authors of the article.

**Turegeldiyev B.** carried out an analysis and synthesis of literature data, wrote the text and/or critical revision of its content, analyzed and summarized the research results.

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### **Қазақстандағы пенитенциарлық қылмыс: өсу факторлары және алдын алу шаралары**

**Андатпа:** Зерттеу Қазақстанда пенитенциарлық қылмыстың өсуіне ықпал ететін факторларды талдауға және алдын алудың кешенді шараларын әзірлеуге арналған. Мәселенің әлеуметтік, экономикалық, институционалдық және құқықтық аспектілері, сондай-ақ пенитенциарлық жүйелерді реформалаудың халықаралық тәжірибесі қарастырылады. Жұмыс сотталғандарды тиімді қайта әлеуметтендіруге кедергі келтіретін жүйелі проблемаларды анықтайды, мысалы, түрмелердің көптігі, ұстаудың қанағаттанарлықсыз жағдайлары, әлеуметтік бағдарламалардың болмауы, сыбайлас жемқорлық және заңнамадағы олқылықтар. Зерттеудің практикалық маңыздылығы заңнаманы жетілдіру, ұстау жағдайларын жақсарту және қайта әлеуметтендіру бағдарламаларын дамыту бойынша нақты ұсыныстар беру болып табылады.

Зерттеу әдістеріне нормативтік құқықтық актілерден, халықаралық ұйымдардың есептерінен және ғылыми жарияланымдардан алынған мәліметтер негізінде салыстырмалы талдау, статистикалық жалпылау және сараптамалық бағалау кіреді. Адам құқықтарының халықаралық стандарттарын ескере отырып, пенитенциарлық жүйені реттейтін құқықтық тетіктерді жетілдіру қажеттілігі анықталды.

Зерттеу Қазақстандағы пенитенциарлық қылмысқа егжей-тегжейлі талдау жасай отырып, криминология ғылымына үлес қосады. Оның нәтижелері қылмыстың алдын алу стратегияларын әзірлеу және сотталғандарды ұстау жағдайларын жақсарту кезінде мемлекеттік органдар үшін пайдалы болуы мүмкін.

**Түйінді сөздер:** пенитенциарлық қылмыс, қылмыстық-атқару жүйесі, сотталғандарды қайта әлеуметтендіру, қылмыстың алдын алу, халықаралық стандарттар.

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### **Пенитенциарная преступность в Казахстане: факторы роста и меры профилактики**

**Аннотация:** Исследование посвящено анализу факторов, способствующих росту пенитенциарной преступности в Казахстане, и разработке комплексных мер профилактики. Рассматриваются социальные, экономические, институциональные и правовые аспекты проблемы, а также международный опыт реформирования пенитенциарных систем. Работа выявляет

системные проблемы, препятствующие эффективной ресоциализации осужденных, такие как перенаселенность тюрем, неудовлетворительные условия содержания, недостаток социальных программ, коррупция и пробелы в законодательстве. Практическая значимость исследования заключается в предложении конкретных рекомендаций по совершенствованию законодательства, улучшению условий содержания и развитию программ ресоциализации.

Методы исследования включают сравнительный анализ, статистическое обобщение и экспертные оценки на основе данных из нормативно-правовых актов, отчетов международных организаций и научных публикаций. Выявлена необходимость совершенствования правовых механизмов, регулирующих пенитенциарную систему, с учетом международных стандартов прав человека.

Исследование вносит вклад в криминологическую науку, предлагая детализированный анализ пенитенциарной преступности в Казахстане. Его результаты могут быть полезны для государственных органов при разработке стратегий профилактики преступности и улучшении условий содержания осужденных.

**Ключевые слова:** пенитенциарная преступность, уголовно-исполнительная система, ресоциализация осужденных, профилактика преступности, международные стандарты.

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