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CONCEPT AND ESSENCE OF FEMALE CRIME IN THE SPHERE OF NARCOTISM

This article provides a criminological characteristic of female narcotism in Kazakhstan. The system of measures for the prevention of female narcotism, approaches to the management of crime prevention and its main parameters, which together have a negative impact on the state and development of the drug situation in the country, are considered. Conducted targeted research on the problems of female narcotism, its criminological, legal and organizational aspects. Based on these studies, it is possible to predict the drug situation in the republic in order to outline the most effective methods of prevention and tactics of countering female drug crime in the future. Own understanding of narcotism and female narcotism is given.

Keywords: narcotism, drug addiction, drug business, female drug crime, drugs.

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ЕСІРТКІСАЛАСЫНДАҒЫӘЙЕЛДЕРҚЫЛМЫСЫНЫҢҰҒЫМЫЖӘНЕМӘНІ

Осы мақалада Қазақстандағы әйел есірткісінің криминологиялық сипаттамасы берілген. Әйелдер есірткісінің алдыналу шараларының жүйесі, құқық бұзушылықтардың алдыналуды басқару тәсілдері және оның жиынтықта елдегі есірткі ахуалының жай-күйімен дамуына теріс әсер ететін негізгі параметрлері қаралады. Әйел есірткісі проблемаларына, оның криминологиялық, құқықтық және ұйымдастырушылық аспектілеріне мақсатты зерттеулер жүргізілді. Осы зерттеулерге сүйене отырып, болашақта әйелдердің есірткі қылмысының алдын-алудың тиімді әдістерімен тактикасын анықтау үшін республикадағы есірткі жағдайын болжауға болады. Беріледі, өз түсіну наркотизму және әйелдер наркотизму.

Түйінді сөздер: наркотизм, нашақорлық, есірткі бизнесі, әйелдердің есірткі қылмысы, есірткі.

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ПОНЯТИЕ И СУЩНОСТЬ ЖЕНСКОЙ ПРЕСТУПНОСТИ В СФЕРЕ НАРКОТИЗМА

В настоящей статье дается криминологическая характеристика женского наркотизма в Казахстане. Рассматривается система мер предупреждения женского наркотизма, подходы к управлению профилактикой правонарушений и его основные параметры, которые в совокупности оказывают негативное влияние на состояние и развитие наркоситуации в стране. Проведены целевые исследования проблем женского наркотизма, ее криминологических, правовых и организационных аспектов. Исходя из данных исследований можно спрогнозировать наркоситуацию в республике, чтобы наметить наиболее эффективные методы профилактики и тактику противодействия женской наркопреступности в будущем. Дается собственное понимание наркотизму и женскому наркотизму.

Ключевые слова: наркотизм, наркомания, наркобизнес, женская наркопреступность, наркотики.

Problem statement.

Kazakhstan has become the object of the expansion of the world drug business, seeking to use its geographical location for the transit of drugs from south to north, some of which settle inside the country. An intensive restructuring of the drug market is taking place, in which not only Afghan heroin occupies a dominant place, but new analogues of narcotic drugs or psychotropic substances are increasingly seized by law enforcement agencies. If earlier the discovery and seizure of new psychotropic substances of synthetic origin was considered almost a sensation, now this is an ordinary event.

An analysis of the opposition of law enforcement agencies and the court with these types of criminal offenses in Kazakhstan in recent years indicates that there is a decrease in drug addicts registered with health authorities from 54.6 thousand in 2008 to 23 thousand in 2020. 23501 (-5.5%) drug users are registered, including 1727 (5.7%) women. In 2020, 4730 persons had committed criminal offenses related to drug trafficking, of which 162 (3.42%) is committed by female persons [1].

However, the state cannot stop, it is necessary to restrain the drug situation in the country, to conduct an effective criminal-legal fight against narcotism, and this requires legal norms that perfectly regulate the relations generated by the circulation of narcotic drugs, psychotropic substances and their analogues (hereinafter drugs), and preventive measures in relation to drug addicts.

Drug using interferes with the normal physical and moral development of the younger generation of girls, and an increase in the proportion of women among drug addicts leads to an increase in the number of children with an innate pathological craving for drugs. Therefore, it is no coincidence that the First President of the Republic of Kazakhstan Elbasy N.A. Nazarbayev, in his book "Critical Decade", devoted an entire chapter to this issue, which is called "Zone of special attention". According to Nursultan Abishevich: "Recently, the situation with drug addiction in Kazakhstan is constantly becoming more complicated and in the near and short term, undoubtedly, will become one of the most important problems in ensuring national and state security" [2, pp.125-126].

Female narcotism is a very complex social phenomenon, since a woman by nature belongs to a socially unprotected part of the population, a woman is more susceptible to drug addiction, moreover, the state of the female body is directly related to the health of the unborn child. A healthy woman is a healthy nation.

Analysis of recent research and publications.

In Kazakhstan, the issue of combating narcotism is given due attention, both by the state and the scientific community. So, earlier, Kazakh scientists conducted targeted research on the problems of narcotism, its criminological, legal and organizational aspects under the guidance of professor N.M. Abdirov.

However, since the end of the study, in Kazakhstan and in the world there have been significant changes in the anti-drug policy of states to prevent and counteract this social negative phenomenon. In this regard, despite the great work carried out in this direction, in recent years in Kazakhstan, no deep comprehensive studies of female narcotism have been carried out. At a fairly high scientific dissertation level, Sh.E. Kurmanbekova conducted similar studies of this category of persons, who, under the scientific guidance of professor N.M. Abdirova for the first time in Kazakhstan considered issues related to female narcotism [3]. Also, the study of issues of female narcotism at the proper level was carried out in 2013 by A.T. Abeuva under the supervision of Associate Professor A.Kh. Fetkulov [4]. Various problems of female narcotism are discussed in the works of Russian scientists, such as: S.V. Gazazyan, Yu.L. Kazarinova, N.V. Kirkina, E.A. Neustroeva, I.V. Sodnomova, T.A. Smolina, E.A. Solomatin and others.

The studies of these authors contain important theoretical and practical conclusions that make a significant contribution to the study of issues of combating and preventing female drug crime. At the same time, not all issues of the problem under consideration (taking into account the prevailing socio-political and socio-economic conditions, unfavorable trends in crime and other ongoing processes in Kazakhstan and in the world) received sufficient coverage in them.

Purpose of the research.

Study of the peculiarities of the prevention of female crime in the sphere of illegal drug trafficking, as well as the development of legal and organizational measures to increase the effectiveness of countering female narcotism.

Isolation of previously unresolved parts of a common problem.

Women's crime in the sphere of illegal drug trafficking, like other antisocial social phenomena, is determined by the specific historical situation and is conditioned by the socio-economic and political development of society.

Considering this phenomenon in its historical perspective, criminal legislation, at various stages of its development, resolved in different ways the issue of criminal liability for illegal circulation of narcotic drugs, psychotropic substances, and their analogues.

Under socialism, the struggle was reduced only to overcoming drug addiction, considering it a relic of the past, which was incomplete. Nowadays, drug addiction is one of the constituent parts of narcotism, which includes the drug business, sometimes of a transnational nature.

Characterizing narcotism at its present stage, it can be concluded that there is a need for closer international integration not only with the countries of the commonwealth, but also with other countries of the world community in the field of legal relations related to the illegal circulation of narcotic drugs and psychotropic substances. At the same time, it becomes necessary to bring national legislation in line with international standards.

According to not only official criminal statistics, but also scientific research [5], we are convinced that the reality of the growing threat of narcotism is as follows: the danger of illegal drug trafficking (narcotic drugs, psychotropic substances, their analogues) among the population on the scale of the republic has reached its apogee. A situation has formed, the permanent development of which threatens the future of the country, since an increase in the ranks of both consumers and distributors of narcotic drugs and psychotropic substances, as a result, leads to the ever-increasing criminalization of its population. [6, p.58].

In order to overcome this situation, to optimize the struggle in this area, it is necessary to study this problem in detail in order to develop the most effective methods of the criminal-legal fight against narcotism.

Narcotism is an antisocial social phenomenon consisting in a combination of unlawful actions dangerous for society, expressed in the non-medical use of narcotic drugs, psychotropic substances, their analogues and related illegal operations to distribute them in the republic. It tends to grow.

Describing female crime in the sphere of illegal drug trafficking, we, thereby, characterize narcotism in general, which is an important factor in their objective assessment. Analyzing the situation in the republic related to the illegal circulation of narcotic drugs, psychotropic substances or their analogues, we are convinced that the decisive condition in the successful fight against female narcotism is the solution of two fundamental tasks. First, we are talking about the creation of a multi-level and complex effective barrier on the way of drugs from their illegal producer and distributor to the consumer. Secondly, the decrease in demand for

them in the country. This means that the solution of the first task comes down to identifying the sources and channels of drug trafficking, exposing the organizers and direct distributors, persons involving other citizens in drug use or providing premises for their use, etc. The solution to the second problem is the medical and social rehabilitation of women drug addicts. Only a parallel solution to these problems is the cornerstone in the fight against female narcotism.

The same is stated in his research by T.A. Bogolyubova. She notes that two groups of factors are distinguished in the genesis of narcotism. On the one hand, this is the alienation of the individual, on the other, the criminal activity of drug distributors [7, p.28]. It should be clarified what the author says about the alienation of drug abusers.

Consequently, both scientific research and practical activities of law enforcement agencies distinguish two main categories of persons who commit these criminal offenses – a consumer and a distributor. It is possible that a certain part of people who use drugs are also distributors. For example, according to the data of the study, their number was 4.65% among convicted women who, during the survey, were in places of imprisonment. Observations have shown that large traffickers of drugs, as a rule, were not their users [8, pp.77-80].

It is fundamentally important to note in this regard that all previous studies of narcotism were limited to the study of the specific behavior of users of narcotic drugs or psychotropic substances. Recently, the prevailing trend is to intensify the fight against drug traffickers. Politics, including criminal ones, tipped the scales, now to one category of persons who abused drugs, then to another who distributed them. In our opinion, in order to successfully counter female narcotism, given these two categories of persons, it is necessary to fight in two directions at once. This will be a priority direction of the state in the fight against illicit trafficking in narcotic drugs, psychotropic substances or their analogues. Hence, it is necessary to build a criminal policy, which will be aimed at developing a unified state strategy for solving these problems.

Studies show that 83.6% of women convicted of criminal offenses related to drug trafficking and serving a sentence in penal institutions in the form of imprisonment committed illegal actions with drugs for personal consumption. Only 7% of crimes were committed for personal consumption and their subsequent sale, 3% were for the subsequent sale, 6.3% found it difficult to answer. Consequently, a criminological picture emerges, showing that about 90% of women committed illegal actions with narcotic drugs, psychotropic substances or their analogues for their own consumption.

It should be noted that 76.2% of these 90% of women were prosecuted for illegal purchase and possession of drugs. Judicial practice shows that the courts are condemned mainly for the illegal acquisition and possession of drugs without the purpose of selling on an especially large scale.

Conducted by the famous criminologist of the country M.K. Intykbaev, large-scale studies in the Republic of Kazakhstan on the problems of narcotism among minors also confirm our findings. According to him, minors detained for the illegal purchase of drugs, or their storage for their subsequent consumption, prevailed, and in all the studied criminal cases, they were also initiated on the fact of the possession of drugs and 71.6% – on the fact of their acquisition. [9, p.17].

Consequently, based on research and criminal statistics, taking into account the new legislation, it can be assumed that the bulk of convicts, which constitutes this category of persons, are involved under Article 296 of the Criminal Code of the Republic of Kazakhstan. This means that the main contingent of convicts will also be women who have been prosecuted for the illegal acquisition, transportation or storage of narcotic drugs, psychotropic substances or their analogues, only on an especially large scale without the purpose of marketing, those are mainly their consumers. Thus, the drug situation in identifying traffickers will, unfortunately, remain at the same level, the spearhead of criminal repression will be directed primarily at drug users.

Based on the above conclusions, it is possible to predict the drug situation in the Republic of Kazakhstan, in order to outline the most effective methods of prevention and tactics of criminal-legal fight against female narcotism in the future, taking into account certain features of the development of the economy of the state as a whole and its individual regions, as well as geographical location, national composition and so on.

In Kazakhstan, as in the rest of the world, there is an increased interest of drug-related crime in cyberspace. The World Wide Web has become publicly available, drug traffickers use it for the rapid and contactless distribution of drugs. At the same time, they use various electronic payment systems, which complicates the disclosure and investigation of these crimes. There are more and more synthetic drugs that have a detrimental effect on people's health, especially on the younger generation.

It should be borne in mind that careful conspiracy by criminal structures of the entire chain from cultivation or production to sale to a single consumer allows law enforcement agencies “successfully” to seize only 1% of drugs in circulation, and the remaining 99% are “invested” in new operations in which large capitals already “laundered” in this business are involved [10, pp.131-132].

The number of narcotic drugs, psychotropic substances, and their analogues seized from illicit trafficking indicates that drugs of plant origin, marijuana and hashish, prevail in the total mass. Kazakhstan, in terms of its geopolitical position, is a transit country, a link in the smuggling of drugs from East to West. If the “black” market in the republic is filled with drugs from the local hashish group, this cannot be said about heroin. The seized amount of drugs from the locally produced opium group entering the illegal market is insignificant compared to what is imported from Afghanistan through the neighboring republics of Central Asia (Tajikistan, Uzbekistan and Kyrgyzstan). Some of them settle in Kazakhstan. Law enforcement agencies of the republic are also detecting and seizing new psychoactive substances of synthetic origin. This indicates that the international information network Internet contributes to the contactless spread of new types of drugs on the territory of our country.

As B.S. Sarsekov rightly notes, the attention of the criminal communities of the international drug business to the CIS countries is increasing, not only due to the peculiarity of their geopolitical position, but also due to the inconsistency of their national, significant difficulties in organizing customs and border control, relaxation of the visa regime, strengthening of regional migration processes, the collapse of a single legal space, a single legal system, a fairly well-coordinated mechanism of interaction between law enforcement agencies and a number of other circumstances [11, p.46].

Not uninteresting question is: where do drugs come from on the illegal drug market? Table 1 shows the results of studies showing the main countries supplying drugs of plant origin to the Republic of Kazakhstan.

Table №1–Characteristics of the views of women convicted of crimes related to drug trafficking and the views of law enforcement officers fighting drug crime

Country (region) supplying drugs	Opinions of interviewed law enforcement officers,%	Opinions of interviewed convicted women, in%
1	2	3

Kazakhstan, including "Shuvalley"	69,04	21,87
Uzbekistan	8,88	12,5
Tajikistan	11,11	4,63
Kyrgyzstan	11,42	3,12
China	0,18	0
NorthCaucasus	0,55	0
Afghanistan	12,05	0,78
Found it difficult to answer	0	55,46

According to Table 1, one can present and characterize the sources and routes of drug supply to the Republic of Kazakhstan. The convicted women could not accurately answer the question: where did the drugs they previously use come from. This proves once again that traffickers with interregional connections have exceptional conspiracy, since the main flow of heroin comes from Afghanistan.

Here it should be emphasized that the low level of identification of traffickers is also facilitated by the formalism in the activities of law enforcement agencies. Separate orders of the investigating authorities to identify drug traffickers, transferred to operational units, are poorly worked out and end with a formal reply. Unfortunately, in many cases, traffickers or sources of distribution of narcotic drugs and psychotropic substances are not identified. Investigative staff practically do not send the idea of taking measures to eliminate the causes and conditions conducive to the spread of drugs.

Main research findings.

Thus, Kazakhstan produces mainly drugs of plant origin of the hashish group not only for its own drug market, but also is their exporter to the countries of the Commonwealth and Europe. In general, the volume of heroin seized is not high, given that our republic is the last country, the border of which is crossed by drugs entering the sales markets in Russia. Nearly 90% of drug seizures in Central Asia are made before heroin reaches Kazakhstan. Thus, the law enforcement agencies of the Republic of Kazakhstan seize mainly drugs of their own production and plant origin (marijuana and hashish) from the illegal turnover, while drugs from the opium group, as mentioned above, are mainly imported from far and near abroad.

Law enforcement agencies carry out various complex operations, such as "Mac" and "Doping" on a national scale, the results of which are directly dependent on the degree of their organization. It should be noted that their identification is associated with a number of the objective nature of difficulties: lack of necessary funds to build an effective state drug control structure, the presence of broad transnational connections of drug dealers, the ramified network of drug inflows into the republic due to the "transparency" of the borders between the republics of the former USSR, the low level of technical equipment of law enforcement agencies and customs services, a lack of experienced, trained

personnel and other [12, p.27] circumstances contributing to the spread of drugs not only in Kazakhstan, but throughout the entire post-Soviet space.

Despite the fact that in recent years more and more psychoactive substances of synthetic origin have been seized, cheaper ones, the distribution of which occurs through the Internet in a contactless way, nevertheless, traditional drugs from the hash group remain the most consumed for drug addicts. We come to such conclusions not only from the data of criminal statistics, but above all from our own research. Therefore, the main effort must be directed not only to identifying consumers and distributors of "salt" or "speed", but marijuana and hashish, since their action significantly increases public danger and thereby increases the degree of responsibility. Moreover, according to law enforcement agencies, the number of cases of detention of persons with marijuana is much higher. The criminological characteristics of female

narcotism in Kazakhstan gives us the opportunity to determine the identity of women who commit crimes in the sphere of drug trafficking and to compose their average statistical portrait: this is a fairly young woman, under the age of 30, living in an urban area, with a secondary education, unmarried, or in a civil marriage, as a rule, does not work anywhere and uses drugs. This category of women has a higher degree of stability of the antisocial orientation of the personality than women who commit other types of common crimes.

In addition, the criminal-legal and criminological characteristics enable us to define female narcotism from the standpoint of law – it is an antisocial social phenomenon associated with the non-medical consumption of a certain part of the female population of narcotic drugs, psychotropic substances, their analogues and (or) illegal actions on their distribution, usually for the purpose of personal gain.

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