PROBLEMS OF PREVENTING OFFENCES AGAINST WOMEN AND MINOR GIRLS IN THE FAMILY AND DOMESTIC SPHERE

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Abstract - Domestic violence in the Republic of Kazakhstan constitutes a socially dangerous phenomenon that threatens human dignity, constitutional rights, and public security. The article examines the constitutional and criminological foundations of preventing domestic violence, focusing on the provisions of the Constitution of the Republic of Kazakhstan concerning the protection of personal inviolability, family, motherhood, fatherhood, and childhood. The study analyses the criminological characteristics of domestic violence, including its latent and cyclical nature, the dependence of victims on offenders, and the influence of factors such as alcohol abuse, unemployment, and social instability. Particular attention is paid to the system of preventive measures used in Kazakhstan, including general, special, and individual prevention, as well as administrative and legal mechanisms such as protective orders, special behavioural requirements, and preventive police supervision.

The article highlights the role of internal affairs bodies, especially district police inspectors, specialised units for the protection of women from violence, and juvenile police units, in identifying and preventing offences in the family and domestic sphere. Special emphasis is placed on victimological prevention, psychological support, and the importance of cooperation between law-enforcement agencies, crisis centres, and social services. The study identifies major challenges affecting the effectiveness of prevention, including the high level of unreported offences, formalistic preventive practices, and insufficient inter-agency coordination. The author concludes that effective counteraction to domestic violence requires a comprehensive approach combining legislative reform, preventive policing, social rehabilitation, and coordinated State support for victims.

Keywords - Domestic Violence, Prevention Of Offences, Family And Domestic Sphere, Constitutional Guarantees, Criminology, Victimological Prevention, Internal Affairs Bodies, Protective Order, Preventive Police Supervision.

In a modern state governed by the rule of law, domestic violence is viewed not only as a tragedy affecting an individual family, but also as a socially dangerous phenomenon that undermines public security, moral values, and the stability of the State. By proclaiming the individual, his or her life, rights, and freedoms as the highest values, the Constitution of the Republic of Kazakhstan imposes upon the State the obligation to protect these values from all forms of encroachment, including violence committed by family members and close relatives. Effective counteraction to violence requires the coordinated functioning of constitutional principles and legal mechanisms.

The Constitution of the Republic of Kazakhstan establishes the ideological and legal foundations for preventing domestic violence.

Article 17 of the Constitution provides that no one shall be subjected to torture, violence, or any other cruel or degrading treatment or punishment. Since domestic violence is often systematic in nature and aimed at suppressing the individual and human dignity, this provision directly applies to family and domestic relations.

Article 27 of the Constitution stipulates that the family, motherhood, fatherhood, and childhood shall be protected by the State. This means that the State is not limited to a principle of non-interference in family affairs, but is obliged to ensure the safety of all family members.

These constitutional guarantees require law-enforcement agencies to regard domestic violence not as a “private family matter,” but as an offence affecting public interests and requiring State intervention.

Domestic violence possesses distinctive criminological characteristics. The majority of such offences are committed in conditions of concealment, beyond public scrutiny. Victims often refrain from contacting law-enforcement authorities due to fear, shame, psychological dependence, or financial dependence on the abuser.

Domestic violence is cyclical in nature: tension gradually increases, followed by an act of violence, then a period of reconciliation, which is eventually replaced by a renewed escalation of aggression.

Among the key factors contributing to offences in the family and domestic sphere are alcohol abuse, drug addiction, financial difficulties, and housing problems that intensify intrafamily conflicts.

The prevention of offences in the family and domestic sphere constitutes a комплекс of legal,

social, economic, and organisational measures aimed at identifying, studying, and eliminating the causes and conditions that contribute to domestic violence.

In criminology and in the practice of internal affairs bodies, three principal levels of prevention are distinguished:

- General prevention — aimed at the population as a whole and including legal education, the development of social intolerance toward violence, and the promotion of family values through mass media and social networks.
- Special prevention — directed at high-risk groups, including dysfunctional families and individuals abusing alcohol or narcotic substances.
- Individual prevention — involving work with specific persons whose behaviour indicates a tendency toward committing offences in the family and domestic sphere.

Among the principal administrative and legal measures for preventing domestic violence, special significance is attached to the powers of law-enforcement bodies to suppress unlawful conduct at an early stage:

1. Protective order — issued by a police officer to ensure the safety of the victim. The order prohibits the abuser from committing violence, stalking the victim, or contacting the victim. Its validity period is up to 30 days. Violation of the order entails administrative liability.
2. Special behavioural requirements — imposed by a court for a period ranging from three months to one year. Such measures may include a prohibition on alcohol consumption, mandatory participation in psycho-corrective programmes, and temporary prohibition on cohabitation with the victim.
3. Preventive registration — persons prone to committing offences in the family and domestic sphere are placed under preventive police supervision for systematic monitoring and preventive work.

A key role in preventing domestic violence is played by divisions of the internal affairs bodies.

District police inspectors are the principal actors in preventive activities. They conduct door-to-door inspections, identify concealed family conflicts, review citizens' complaints, and supervise individuals placed on preventive registration.

Units for the Protection of Women from Violence coordinate assistance to victims, cooperate with crisis centres and non-governmental organisations, and assess the effectiveness of preventive measures.

Juvenile police units become involved when minors are witnesses or victims of violence. Their primary task is to ensure the protection of the rights and interests of children and to carry out preventive work with parents.

Victimological prevention is of particular importance, as it focuses on protecting potential victims.

It is necessary to conduct systematic awareness-raising activities among individuals subjected to domestic violence or belonging to risk groups, informing them about available assistance, including hotlines 111, 150, and 102, as well as procedures for obtaining temporary shelter and legal support.

In order to reduce victimisation, psychological assistance should be provided to help victims overcome dependence on the abuser and break out of the so-called "cycle of violence."

Effective prevention is impossible without the timely identification of risk factors.

Law-enforcement agencies analyse unemployment levels within offenders' families, housing conditions, and the presence of weapons among conflict-prone individuals. Where necessary, the police may initiate procedures for revoking firearm licences.

Despite the existing legal mechanisms for prevention, their effectiveness is negatively affected by several factors:

1. The high latent nature of domestic violence, caused by victims withdrawing complaints under pressure from relatives or out of fear.
2. The formalistic approach of some law-enforcement officers toward maintaining preventive registration.
3. The need for inter-agency cooperation, since the police alone cannot resolve issues such as poverty, unemployment, and housing insecurity.

In recent years, Kazakhstan has taken significant legislative steps toward strengthening liability for domestic violence. Furtherlegislativemodernisationshouldincludethefollowingmeasures:

- Strengthening liability for battery and intentional infliction of minor bodily harm;
- Extending the validity period of protective orders and increasing liability for their violation;
- Supplementing article 54 of the criminal code of the republic of kazakhstan with the aggravating circumstance of committing an offence against close relatives;

- Transitioning from a complaint-based system of offence registration to a fact-based response model in cases where signs of violence are identified;
- Introducing mandatory psycho-corrective programmes and anger-management courses for offenders;
- Strengthening cooperation between the police and local executive bodies in order to ensure the social rehabilitation of victims.

The activities of the police should focus not only on punishment, but also on prevention.

It is necessary to identify vulnerable individuals in a timely manner, provide them with legal counselling, and explain personal safety measures.

An important direction in implementing constitutional guarantees is the creation of a unified support infrastructure for victims. For obtaining information and assistance regarding domestic violence prevention, specialised online resources may be used, including violence.com.kz and dvhelp.kz.

Further expansion of the network of crisis centres is required in order to provide women and children affected by violence with temporary shelter, psychological assistance, and legal support.

Without addressing the economic dimensions of domestic violence — including the recovery of maintenance payments, employment assistance, and social adaptation — victims are often forced to return to the abuser. In this regard, special attention should be drawn to the activities of the Law Clinic at Narxoz University, where practicing lawyers, faculty members, and attorneys provide legal assistance on matters relating to maintenance recovery, labour rights protection, and the protection of personal rights.

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