

**AMERICAN UNIVERSITY OF CENTRAL ASIA.**

**SENIOR THESIS**

**“CRIMINOLOGICAL PROGNOSIS IN  
PREVENTION OF CRIME IN KYRGYZSTAN.”**

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## TABLE OF CONTENT

|  |           |
|--|-----------|
| <b>INTRODUCTION</b>  | <b>3</b>  |
| <b>CHAPTER I. Concept, object and value of complex prognosis in combating crime.</b>     | <b>5</b>  |
| <b>CHAPTER II. The criminal situation in Kyrgyzstan and opportunities for prognosis.</b> |           |
| <b>§ 1 Criminal situation in Kyrgyzstan. Review.</b>                                     | <b>13</b> |
| <b>§ 2 Criminal policy in Kyrgyzstan and opportunities for criminal prognosis.</b>       | <b>21</b> |
| <b>CHAPTER III. Integrated forecasting and future directions of criminal policy</b>      |           |
| <b>§ 1. Forecasting and issues of lawmaking in combating crime</b>                       | <b>32</b> |
| <b>§ 2. Forecasting future trends of criminal policy</b>                                 | <b>44</b> |
| <b>CONCLUSION</b>  | <b>51</b> |
| <b>BIBLIOGRAPHY</b>  | <b>53</b> |

## **Introduction.**

I took for my research the theme of a problem of complex prognosis in the sphere of fighting crime, because significance of prognosis thinking is raising and increasing in modern conditions. The next point of the significance of criminal prognosis is decision making in the sphere of criminal policy, such as competence, scientific and timeliness. Big scale of fighting of crime, dynamism of situation, variety of processes, related with generating particular phenomenon, predetermine the necessity of advance analyses in the development of the criminal situation.

Among the many acute problems, which stands in front of Kyrgyz Republic and Kyrgyz community I highlight crime for my work, especially it's most dangerous forms such as corruption and organized crime in order to investigate the ways of criminal prognosis. Widely and systematically they already gained all signs of threats to national security of country. Until recent times wideness and temps of distribution of this mostly dangerous types of crime, including drug crimes in Kyrgyzstan, were as they could put the question the social stability and perspectives of Kyrgyz community. Kyrgyzstan had two revolutions in 2005 and 2010, massive conflicts on internationality base in 2010, prison riots in 2006 and 2012<sup>th</sup>, series of ordered kills in 2004-2009<sup>th</sup>, also high level of corruption, in all summation almost led country to the collapse.

Current criminal-legal norms, which are aimed at fighting a wide variety of types of crime, do not always help to stabilize the situation. One of the causes of it is low level of prognosis activity in given sphere, which appears in using method of "Trial and errors". Criminological prognosis is a new modern method in prevention of crime which appears as prediction of future crimes, crime tendentious and from analysis, it will give concrete recommendations to prevent crime.

The new criminological situation requires the application of modern management techniques while fighting crime, one of which is criminal prognosis, criminological prognosis includes in its contents criminal law and criminological prediction. Analysis of crime and responses to it indicates that the scope of the criminal policy of the country in need of new techniques and methods to develop effective solutions to social and legal problems, including also prediction. In turn, the various types of prediction in combating crime should be in a relationship comprehensively and systematically covering for their needs analysis of crime, criminal and penal laws, their application and the criminal policy, and then planning the implementation of these prediction in public relations, the social behavior of society, community groups and, if possible, the person.

It should be noted that the problem of how the criminal legal prognosis and criminological prognosis applied to the area of the crime in the Kyrgyz Republic were not highlighted. These circumstances are as scientific and practical relevance of the topic and the need to study. In particular the main question of my research will be- How can criminal prognosis work in Kyrgyzstan in order to raise effectiveness of crime prevention? Why it is needed?

In my work I will analyze the understanding of complex prognosis in sphere of prevention and fighting with crime, which is defined as type of scientific prediction based on synergism of criminological and legal-criminal prognosis, which is systematic activity, aimed to define perspectives of criminal politics and future conditions of crime.

In my thesis - criminological situation and criminal policy of the state, including conceptual, normative, program and law-enforcement components are the primary integrated prediction in combating crime. Analysis of the major criminogenic factors, among which highlight the continuing marginalization of society, the deterioration of socio-economic indicators of living standards, the instability of the institutions of state power, its high incidence of corruption, crisis and inefficiency of the criminal justice system does not allow the option to present an optimistic prediction of the crime situation in the short and medium term prospects.

Analysis of the current positions of prediction in combating crime leads to the conclusion that there is no systematic, intelligent and forward-looking component of the rarity of the development and decision-making in the area of combating crime, including law-making in the field of criminal policy.

Proper criminal and criminological prediction is basis of planning and programming on fighting crime, the guarantor of the best strategies to minimize crime, promising and conceptual models of fighting with crime.

I will conclude that we need more active use of the prognosis function in the theory and practice of fighting crime, the formation of the modern before-hand thinking of law enforcement officers.

## **Chapter I.**

### **Concept, object and value of complex prognosis in combating crime.**

Desire to see the future is constantly evolving, but it develops to a certain degree related to religious beliefs, or in the form of utopian ideas today is base of science and without this function it limits their theoretical-learning, science can only be effective if it will use its predictive function. In scientific literature, prognosis is defined as the function of the brain to see reality ahead of the event. Usually it involves the appearance of an event or a process, but the exact time of their appearance does not indicate foreknowledge. Therefore, for more accurate predictions of events and processes,

there is a term - prognosis. Prognosis is understood as a scientifically based judgment about possible future events and alternative ways of their implementation.

The role of prognosis as a tool of learning increases in a world where variety of human activities reach a scale and intensity that threatens to spiral out of control. Without a thorough examination of the prognostic importance of social acceptance of any decision fraught with unexpected complications, and therefore unjustified material, human and time losses.

Criminal law prediction – is an activity which purpose is not only to improve the criminal law, but also its implementation. Criminal Law forecasting crime control allows the system to see the prospects of development of criminal law and crime, to determine the right direction to combat anti-social occurrences, given a set of general social, criminal and anti – crime growth factors.

When organizing criminological prediction, it is important to know the position of the legislature as to what actions can be recognized in the future as crimes, and what crimes, by contrast, may be recognized as non-criminal. In turn, the legislative findings are of considerable interest criminological prediction. Assessing the level, structure, dynamics, and other characteristics of crime in the present and future position, the legislature, where necessary, may make changes to the criminal law, which has always been an effective weapon against offenders. If the prognosis for the development of criminal law is the basis for successful criminological prediction, the prediction of crime - is the most important information, without which it cannot do the legislature in determining the prospects for the development of legislation in the sphere of fighting with crime.

In fact, even when the terms "criminological prognosis", "criminalistics prognosis" or other type of prognosis are used, it is always stated in complex prognosis in the fighting against crime, as in any case, expected in the relationship wide range of socio-legal phenomena. This direction of development of a crime; possibility of criminal law, penal and criminal-political influence on her, and finally, it is the effectiveness of preventive and repressive practices. Repressive practice evaluation is the competence of criminal policy and criminal and political prognosis. Therefore, as

professor who wrote many books on criminology G.M. Minkovsky stated, “meaning is on the factual complex prognosis to combat crime are included in the scope of its subject the basic elements of criminality, criminal law, penal and criminal-political forecasting”<sup>1</sup>. Such formations of prognosis due, above all, the needs of the modern practice of law, that is, transfer of existing disparate theoretical positions legal prognostics in the complex plane of their practical application in the field of crime control.

Doctor of science A.I. Korobeev also emphasizes “the complexity and interdependence of Criminology and Criminal Law prediction, indicating that the results of criminological forecasting aimed at obtaining information about the future state of crime, at the same time are able to develop the appropriate adjustments in the criminal law”<sup>2</sup>. M.P. Kleimenov, argues that the unity of Criminology and Criminal Law prognosis lies, because criminal legal norm is the legislative public reaction to dangerous social rejection<sup>3</sup>.

There is some relationship between the criminal-legal futurology and criminalistics prediction. Criminalistics prognosis helps to improve detection techniques and recording of evidence material elements of the crime, the causes and conditions of the crime execution. This kind of prediction stimulates development of future organizational and technical and tactical means to protect the individual, property and other objects of criminal law protection. Strategic objectives of criminal law and criminological prediction are to fight against crime<sup>4</sup>.

Between these types of legal prediction, there are links forward and backward, direct and indirect. These ties are complicated or simplified with the development of public relations. From the above point of view, it is clear that the "pure" branch prediction does not happen. All kinds of social and legal prognosis intersect independent of each other and relate to each other. This fact does not negate almost all lawyers are studying the problems of prognostics. They emphasize that the

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<sup>1</sup>Minkovskiy G.M.. Criminological and criminal-legal prognosis: significance, content, problems//. – M., 1989.

<sup>2</sup>Korobev I.A. Criminal-legal policy, problems of criminalization and decriminalization in the newest criminal legislature of Russia./ . Vladivostok, 2005.

<sup>3</sup>Kleimenov M.P. Criminal-legal prognosis. \-Omsk, 1992.

<sup>4</sup>Gorshenin L.G. Criminalistics prognosis/ - M., 1992. p.9.

interaction of these types of legal prognosis is particularly noticeable in the real world: the analysis of specific objects prediction, in particular, in the classification of crimes, in the activities of the investigator and the court.

Analysis of the crime situation indicates that the scope of opposition to it in the country in need of new techniques and how to develop effective solutions to social and legal problems, including those with their prediction. In forestalling possible developments in combating crime the most accurate to determine the goals and objectives of the fighting with crime, their relationship and priorities, establish the necessary and intensive preventive measures under criminal law. Such forward-looking analysis of criminological situation always has the form of projection, that is, judgments about the likely trends, rates, quantity and quality of development, based on the relationships of the past, present and future. Measures to combat crime must always be preemptive. These measures need to be as efficient as possible, therefore, scientifically based, especially with the prognostic point of view.

Based on the above definitions of the concept of criminal law prediction in combating crime can be seen as a kind of scientific prediction, a necessary tool of criminal law policy undertaken on a systematic basis of activities aimed at determining the prospects for criminal legal practices on fighting with crime.

According to professor M.P.Kleimenov, the subject of criminal law in the prediction of criminal law futurology reduced to predict prospects for the phenomena studied by the science of criminal law:

- a) Rulemaking and law-enforcement activities;
- b) Criminal law, its social conditioning and efficiency;
- c) The problem of improving the criminal law, its application;
- g) Criminal law concepts and doctrine, including the different legal systems and states<sup>5</sup>.

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<sup>5</sup>Kleimenov M.P. Criminal-legal prognosis.-Omsk,1992.



In my point of view the subject of the criminal law of prognosis in combating crime in Kyrgyzstan includes:

- a) The needs of society in anticipation of legal regulation of social relations associated with the crime;
- b) The prediction of the development of criminal law;
- c) Prediction of the results of anti-criminal legislation changes: criminal law, criminology, criminal procedure, penal, economic, socio-demographic, socio-cultural, socio-psychological consequences;
- d) Prediction of the effectiveness of criminal law in the context of criminal policy realization in combating crime.

In the subject of the criminal law prognosis in combating crime special place takes a prognosis of the activity of law enforcement bodies of the government through the prism of law-enforcement and performance. The hardest part of any activity, including and predictive - is to define performance criteria for this activity.

It should be noted that any serious management decisions in combating crime, especially normative require quite a long predictive analysis.

Unfortunately, the practical recommendations of the prognosis expert on this problem may be ignored by the heads of law enforcement agencies, for example, due to the inertia and conservatism of thinking, as well as for other reasons.

Prediction of the right realization, law enforcement, criminal policy is based, first of all, on the analysis of current legislation and current practice in its application, as well as the implementation of the existing policy of the state in the fighting against crime. It integrates the individual position and direction of the development of criminological, criminal-normative, penal and criminal-political

predictions. This integration means a new level of prognosis, in which the prediction of the newly adopted laws and existing laws in order to determine the future perspectives of using the laws.<sup>6</sup>

“Criminal legislation, like any other legislation, is characterized not only by stability, but also volatile, as with the development of society and social phenomena it changes, or rather changes the range of acts that are considered as crimes”<sup>7</sup>. At different stages of the development of society, criminal law is changing in response to changes in social life, in politics, in the fighting against crime, etc. Therefore, the problem of the legislative prognosis must be done via the established and new prognosis techniques, and will establish the internal relationship of the legislative prognosis system to combat crime. For example, identification, and then the knowledge of the prognosis study of effectiveness of the existing activity, not working in fact, project norms is necessary for prognosis.

The main element of the subject of criminal law will be predicting the legislative problems of legal regulation of combating crime, including predicting the development of criminal legislature, its system components, institutions and norms. Prognosis of a changes and additions to the law has to have three conditions: 1) when a social need for these changes is identified (for instance, a difficulty dealing with new types of dangerous acts), 2) when expert evaluation is given on the possibility to solve investigated problem (excessive or unreasonable legal prohibitions discredits the policy to combat crime, generates legal nihilism of the population), 3) when there is inability to adequately solve "problem situation" under the current law.

Scientist Razgildiev B.T. stated that - “As for predicting the development of criminal law, the prediction here is most closely related with the problems of criminal law, their implementation, logical-linguistic phenomena and ideal objects: analysis of the language of the criminal law, the rules of construction of its articles, the sequence of the logic of their content in relation together, formulating dispositions of various compositions, etc”<sup>8</sup> I agree with that statement, therefore In this case, the role of forecasting will be how to help to avoid evaluative definitions of crimes in the

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<sup>6</sup> Basis of a criminal-legal prohibition(criminalization-decriminalization)journal/. - M., 1982.

<sup>7</sup>Safarov R.A. Prognosis and legal science Soviet state and law. – 1969. - № 3.- p.63.

<sup>8</sup>RazgildievB.T..Tasks of the criminal law of Russian Federation and its realization/Saratov, 1993.

construction, particularly in their dispositions, formulate real sanctions and construct their strict hierarchical system, to avoid unnecessary competition rules (between the norms of special part, the norms of general part), to avoid duplication with each other.

Scientist Borodin S.T. also mentioned a very strong point of the criminological prognosis and I will use it in my research - "Another element included in the subject area is foresight consequences of criminalization and decriminalization, penalization and de-penalization, i.e. effects of targeted differential impact on crime as part of the criminal policies and activities related to the organization of criminal justice".<sup>9</sup>

In the book "Criminology" edited by N.A.Struchkova, attention is drawn to the fact that the prediction of crime as a mass social- legal phenomena must be given to the importance of predicting the factors which are generating violations under the rules of criminal law, which, in turn, reflect the specific theoretical and methodological principles of criminological prognosis.

In other words, the structure of the consequences of the prognosis consists from a unit of closely interconnected phenomena, each of which is a separate part of the overall concept of the subject criminal futurology: a) criminological consequences - this proposed change in the dynamics, structure, public danger of crime, the level of latency kind of attacks in the introduction or strengthening of criminal responsibility; prevalence of certain actions in mitigation of punishment for the act and its exclusion from the circle of crime, b) criminal consequences of weather - the increase or change in the criminal record; increase or decrease as a warning of the criminal law, to what extent and how it will manifest the regulatory function of the criminal law, c) the consequences of penitentiary prognosis - is changing the balance of punishment and filling the prisons, labor and other features useful employment of convicted based on their qualifications, the dynamics of the individual typological characteristics of convicts; changes in the social characteristics of the individual offender, the dynamics of its types, changing the characteristics of social prevention, d)

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<sup>9</sup>Borodin S.T.. Main directions of a criminal policy and forms of its realization/ M., 1994

the criminal-political consequences of prognosis - is the expected impact of legal institutions on the situation in fighting against crime, proper or not proper performance of legal regulation of fighting against crime, social control over crime and law enforcement.

The effects of prediction, along with the above, some scientists refer some other consequences. For example, M.P.Kleimenov, speaking on the impact of the prognosis change in criminal law rightly adds to the group of consequences political, economic, socio-demographic, socio-cultural, socio-psychological conditions. They can be completed, in turn, consequences such as medical, psychological, psychiatric, educational and other, requires for their solution complex using of achievement from variable branches of knowledge.

It is clear that the focus on known criminological and criminal legal prognosis in terms of expanding their borders between subjects. This approach not only helps to identify perspective directions of development of legislation and law enforcement, but also their concept, priorities and strategies of the organization to combat crime and to consider the overall and regional trends in the socio-legal phenomena with which it is held.

This approach to the concept of crime prevention can include in the subject of criminal futurology and some other equally important and necessary elements of forward-looking statements.

Prediction of the so-called substantive criminal law presupposes knowledge prospects corresponding procedural rights. In particular, the scientific prediction in the criminal process can provide prognostic information necessary for a criminal, penal law and criminal policy, as they are united by one goal - the fight against crime.

The above mentioned types of prediction can be fully translated into a real comprehensive prognosis provided parallel scientific prediction of criminal - procedural relations related, first of all, with the formalization of the relevant law enforcement agencies, which is directly related to the organization and manages to fight with crime, which is an important part of a prognosis, therefore criminal prognosis is a significant tool in fighting against crime today. It has to be designed and

implemented in our criminal legislature and implemented in practice as a modern method of fighting against crime.

## **Chapter II.**

### **The criminal situation in Kyrgyzstan and opportunities for prognosis.**

#### **§ 1 Criminal situation in Kyrgyzstan. Overview.**

Object prediction in combating crime is defined by its holistic subject and is characterized by a complex of various quantitative and qualitative characteristics (major, minor, which are difficult to predict, is relatively easy to forecast, etc.). In turn, the integrity of the subject integrated forecasting crime control determines the specificity of the object, since the integrity of, in this case, serves as a criterion for determining the object of forecasting.

Therefore, the objects integrated forecasting to combat crime will not separate socio-legal processes and phenomena and their properties and characteristics, which act as integral a) crime, its types, the behavior of individuals (in predicting individual criminal behavior), and b) the criminal , criminal enforcement and, if necessary, and other legislation, and c) the individual criminal and penitentiary rules of norms, institutions, and d) social and legal conflicts and situations of social life, regulated and not regulated by the law, and e) criminal and penal sanctions in certain types of penalties, certain aspects of repression, prevention, the effectiveness and feasibility of e) enforcement practices, the future performance of government employees engaged in the fight against crime, etc.

We proceed from the fact that the main object is integrated forecasting criminological situation. The content of criminological environment includes state of crime, the crime situation, personal

criminogenic, victimogenic and potentials, as well as other social phenomena related to the phenomenon of crime and related other forms of deviant behavior.

In today's environment characterized by aggravation of social contradictions in the course of economic and political reforms in the Kyrgyz Republic to crime problems and minimize acquire the character of a public policy issue. In the structure of crime increase significantly the extent of organized crime in the sphere of economy, drug trafficking, corruption, etc., which were massive, threatening the idea of reforming the country. Negative trends in the increased levels of crime aggravated the marginalization of society, legal nihilism, the deterioration of living standards.

We have the self-reproduction of crime and other forms of antisocial behavior. Revive manifestations professionalization of criminal behavior, which to some extent also require adjustments to the law enforcement agencies and the public. Accumulated effect of the shadow economy, which leads to the famous addictive population to some forms of criminal behavior.

It is well known that the extreme increase in crime is due not so much to combat deficiencies as the state of society in transition. However, significant shortcomings in the organization of the fight against crime, do exist. First and foremost, they are associated with inefficient and often chaotic process management attempts to combat crime, including through the use of integrated forecasting capabilities.

Crime is fairly sensitive to focus responses. Based on the reliability of the prognosis management solutions and their implementation directly affect its status.

The state of crime is understood-quantitative indicator of the total number of crimes and those who committed them, in a particular area for a certain period of time. It should be noted that "the level of knowledge in the areas of criminal activity can by calculating its deviations from the average in the city or area to determine the relative degree of "criminality " of the regions, and therefore the

need to maneuver forces and means for their concentration in areas with the most difficult operating conditions".<sup>10</sup>

In 2011 in the republic all law enforcement agencies reported 30,520 (35,528) crimes, 14.0% less than in 2010. Growth in the number of crimes mentioned in Bishkek (3.2%), Chui (3.2%), Naryn (+5.7%) and Batken (+2.1%), areas.

Also experienced a significant reduction in serious and very serious crimes in the country by 38.8% (from 7425 to 4544 events), including the most serious by 19.2% (from 1820 to 1469 facts).

In almost all regions of the country there is a decrease in crimes committed in public places by 3.3% (from 3710 to 3584), with the exception of Naryn and Osh, where the growth of 12.9% and 0.8% respectively.

7.5% (1995 to 1845) reduced the number of crimes committed in the streets.

A total of 15883 (14627, 1256) of the person who committed the crime. Of these, the criminal charges were brought against 14971 (13932) or 94.2% (95.2%) of the total number of identified individuals. In particular, 1818 (1612) Women, 1353 (1176) Juvenile, 202 (166) alien.

71.5% of the total number of persons who have committed a crime, it is a person who at the time of the crime neither worked nor studied. Their number has increased from 11 230 to 11 372 people. From 132 to 155 increased the number of students of universities and colleges have committed a crime, with 1,195 to 1,409 employees and from 66 to 102 entrepreneurs.

By 5.3% (from 584 to 615) the number of pupils who have committed crimes, including the cities of Bishkek (from 86 to 158) and Osh (27 to 56), in Naryn (28 to 42) and Osh (from 77 to 82) regions.

A 68.2% increase in the number of previously convicted offenders (from 390 to 656), including in Bishkek (from 86 to 126, or 46.5%), Chui (from 137 to 328, or 139, 4%), Issyk-Kul (from 24 to 61, or 154.1%), Naryn (from 22 to 78, or 254.5%), Osh (from 4 to 11, or 175.0%) regions.

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<sup>10</sup>Avrutin U.E. Formation of criminal policy -M., 1987.

Foreigners committed 261 crimes, against 171 in 2010, against foreigners committed 103 offenses against 113 in 2010.

A 13.8% increase in the number of persons who commit crimes while intoxicated (from 511 to 582) and 100.0% - under drug (10 to 20).

In cases consummated due in the reporting period by 3.3% (from 1059 to 1095) the number of crimes committed by juveniles, and with their participation.

Reduced the number of crimes committed in a group (with 2613 to 2420), their growth has occurred in Osh city (from 146 to 151), Chui (from 650 to 685), Naryn (from 69 to 161) and Osh (from 324 to 412 ) areas.

In particular, reduced the number of crimes committed by organized criminal groups in the country from 20 to 17 facts, or 15.0%.

From 68 to 54 cases decreased the number of crimes committed with firearms.

From 35 to 15 cases decreased the number of crimes committed with knives.<sup>11</sup>

The above figures - quantitative register the crime in recent years. Must be understood that certain types of crime have a high degree of latency - drug trafficking, corruption, certain types of financial crimes, such as money laundering. In addition, there is the so-called artificial latency, formed by members of law enforcement agencies, which are often guided by the "care" of a prosperous crime statistics, are engaged in banal refuge from crime reporting. Therefore statistics register the crime can not yet serve as a reliable benchmark real state crime. On average over the last ten to fifteen years, a registered crime ranged from 25 to 35 thousand a year.

Turning to the analysis of the structure and dynamics of crime, we must keep in mind that "the data on criminal records primarily reflect the level of activity of law enforcement bodies, their

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<sup>11</sup>Report on crime activities on 2011 Ministry of Internal Affairs.



orientation and focus on the fight with various types of crime, in particular the most dangerous and common, but not the actual state of the phenomena ".<sup>12</sup>

Yet crime statistics, despite their unreliability, combined with an analysis of social factors leading and contributing to crime, when considered in conjunction with other forms of social pathology in view of latency can give a relatively complete and objective picture of the the scope and prospects for the spread of crime.

The results of the study of the state of crime are not only the basis of information, but also to guide the adoption of certain decisions to counter. In particular, the structure of the data "provide qualitative and quantitative characterization of the social danger of crime, its features are essential for the organization of prevention and to differentiate the practice of criminal law measures".<sup>13</sup>

At present, the criminalization of the society for as high, which is close to the so-called "threshold saturation of society crime" and is characterized by the following obvious indicators:

1. Pervasive criminalization of public-public sphere, and in some - its domination by:

1.1. legalization of the criminal environment, merging it with the public - overbearing and actually existing economic structures; corruption.

2. Formation, stability, activation and differentiation of professional crime, and accordingly, professional criminals (meaning tier crime differently from international criminal syndicates to the micro-society), by:

2.1. current demand and supply as a social phenomenon itself, which, paradoxically, is used by the government (eg, in the form of political ideology (an enemy), political and criminal terrorism, extremism, fundamentalism, etc.);

2.2. current demand and supply in the labor market of the criminal or professional criminals, as the latter are increasingly attracted broad social layers to resolve various conflicts (extortion,

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<sup>12</sup>**Boskholov S.S.** "About some aspects of providing the prognosis of crime in connection with the evaluation of her latent part. Methodology and method of prognosis in the sphere of combating crime. - M., 1989.

<sup>13</sup>Criminology: handbook/N.F.Kuznetsova, G.M. Minkovskiy/. - M., 1994. p.69.

blackmail, "dismantling" with offenders, competitors in a career, family and other relationships). In this case, note that sometimes the legal conflicts, that is, they are designed to allow the state and law enforcement agencies.

3. The final determination of (distribution) spheres of influence and criminal markets differently tiered criminal organizations, by:

3.1. coverage of these structures, almost without exception, all socio-economic sectors, including construction and public policy, and the use of methods and techniques for the control of these areas (the only question is the extent of coverage), focusing on identifying - specific areas (markets) forces and means of criminal nature, coordination, relationships, and "alternative - legal" regulation.

4. Controlled by the state, through its specialized bodies, analytical research and other units for all, without exception, criminal organizations (professional criminal groups and corrupt leaders, etc.), generally over crime as a social phenomenon, with: 4.1. common, well-known global and domestic practice, the array of measures and means to combat crime, including and especially the nature of police (operational-search measures);

4.2. impact on crime legislative measures;

4.3. "hard" or "soft" crime policy, including through logistics incentive of the Interior or the absence of such incentives (here should be made clear that the presumption of the proverbial "cheap is expensive police state" can be ignored in the same state only specifically).<sup>14</sup>

At the present, almost any criminal activity is driven by the inherent basic laws of political economy, both market and public distribution. This indicator is a positive aspect for the authorities in fighting crime, which must use the known laws of the market and political economy in the integrated forecasting and immediate impact on crime.

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<sup>14</sup>Luneev V.V. Crimes of XX century: World, regional and Russian tendencies – M.: Norma, 1997.

In order to organize an effective counter crime strategy complex objects should be subject to structural analysis, should identify their external relations, patterns of functioning and development. The plan will focus on the description of such objects predicting how criminogenic processes and situations, criminal policy and prevention.<sup>15</sup>

Prediction of criminogenic processes based on the practice and the theory of the causes of crime determination, developed by Soviet criminologists.

However, the main difficulty lies in the fact that the theory of the causes of crime is practically very little is criminogenic processes, events and situations in their ontological aspect, such as the real and evolving process. The main attention is focused on the genetic role of various phenomena. The mechanisms of their effects on the behavior of its transmission link, the intermediate results. It became clear that the generating function does not perform the migration process as a whole, and their "dark side", the negative effects. Still, the development of these "shadow side", their accumulation remain out of the spotlight of Criminology. Meanwhile, in all likelihood, after a certain time, they will not be so, as in the present. The same applies to a number of economic phenomena.

In criminology in general talked about the negative role of the shortcomings in the economic activity, the organization of distribution and other phenomena. However, the dynamics of these processes, a qualitative change in their negative impact on the behavior of people in the production of crime were not identified as part of criminology. Although, of course, we can assume that the criminological data played a role.

Thus, the first approach to the projected object associated with obtaining its ontological characteristics, i.e. the submission of it as a phenomenon of a substantive basis, having qualitative and quantitative characteristics and, in principle, in a state of development.

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<sup>15</sup> **Jalinskiy A.E.** Actual problems of prognosis of the processes in the combating crime // Works of Academy of MIA USSR. – M., 1989.

For a description of the objective of criminogenic processes taken first in the statistics, it is necessary to apply a range of research methods. The reference to them does not exhaust the problem, but perhaps making a contribution to the solution.

First, you need to develop a differentiated methodological approach to the concepts of "reason", "determinants", "factor", "the sources of reasons," "and determining the causal effect," "causal effect", ie must abandon the irresponsible, unaccountable use categories of "cause", "determinants", because in reality they are hiding behind a completely different side of social reality.

Focusing on the theoretical analysis of fairly complex structural elements of the process of determination, we note that the prediction of its trends and status to the selected time period should be investigated:

A) the source of criminal influence, objective expression of which is associated with the production (in the broad sense) and social infrastructure, the ratio of specific groups, their needs, interests, moral, political, social and legal position, public opinion, etc.;

B) criminogenic and anti-criminogenic determinative relations (effects), which have different characteristics, in particular such as the intensity, continuity, orientation, etc.;

B) criminogenic effect, under which it should be understood as the very crime that is obvious, and various kinds of lasting adverse consequences, including the process of determination of the crime.

The release of these elements in the process of determination, in particular its objective basis, the system provides an implementation approach, i.e. analysis of the object in his relationships, but not completely eliminates the difficulties, though, in our opinion, they are much easier.

## **§ 2 Criminal policy in Kyrgyzstan and opportunities for criminal prognosis.**

If in the short term in Kyrgyzstan will be a legal basis for a fundamentally different model of criminal policy itself the "pyramid" of criminal policy is unlikely to be quickly turned so that its basis in reality was crime prevention, and on top of criminal law.

Criminal policy will be a long time to hold a dominant position in the content of the criminal policy.

But it is clear that the objectives of penal policy must be transformed so that:

- First, to narrow range of acts, which are now recognized as a crime, but are no longer a public danger;
- Second, to increase the number of offenses by socially dangerous acts committed by officials (most specify the format of a socially dangerous corrupt conduct and other malfeasance) (issue of criminalization);
- Third, to reduce the level of repressive penal measures applicable to persons who has committed a minor offense (problem depenalization);
- Fourth, to strengthen the punishment for serious and very serious crimes (mainly committed in organized groups and associated corruption) (the problem of penalties);
- Fifth, limit the extent of judicial discretion in sentencing for crimes in all cases where it is possible (mainly due to the official interpretation of the so-called evaluative elements of crime).

This will drastically increase the state's interest in promoting scientific studies that would yield a versatile and accurate information necessary for making the right decisions at various levels of management system to combat crime. Development of scientific bases of criminal policy will stimulate the implementation will help ensure correct and clear division of responsibilities among various law enforcement agencies in this field.<sup>16</sup>

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<sup>16</sup>Vladimirov V.A. Soviet criminal policy and her reflection in acting modern legislation. M.: Academy of MIA USSR, 1979. p.7.

The conceptual level of criminal policy includes the development of the theoretical foundations of criminal policy.<sup>17</sup> It should be noted that at present in KR there is no standard or at least officially approved by the State concept of criminal policy. There are certain provisions relating to criminal policy, contained in laws aimed at combating crime, in other regulations, as well as in systems management Kyrgyzstan. The individual elements of the concept of criminal policy reflected in the concepts of national security and the fight against drug trafficking and several other documents.<sup>18</sup> For example, with respect to criminal policy, the adoption of the criminal law should be preceded by a study of its effectiveness. Penal prohibition to be socially conditioned and criminalized act really should have a public danger. However, to solve these problems have little doctrinal assessment. A mechanism that requires the public authorities, decision-right criminal matter to be considered by expert estimates.

Legislative level criminal policy is expressed in the development, adoption and improvement of the legal framework, aimed at meeting the goals and objectives of criminal policy. Thus, the criminal policy acts as law-forming factor.<sup>19</sup> For example, the criminalization or decriminalization of certain socially dangerous acts as the main form of penal policy reflects its legislative level. The assignment to the number of criminal acts, the establishment of various forms of criminal responsibility is inextricably linked modes of expression of criminal policy through criminal law.

Formation subject to the provisions of the Constitution of the Kyrgyz Republic laws and framework of the state concept of criminal policy program documents of different levels of government is on the regulatory program level. These documents, in our view, should include programs to combat crime and its individual species.<sup>20</sup>

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<sup>17</sup>Conception of a legal-state policy in prevention of crime/ M.: Academy of MIA RF, 1996.

<sup>18</sup> Main rules of state strategy of KR economic safety, agreed by government of KR from 19 december 1996 N 606 // Encyclopedia of Kyrgyz law. 1997. № 1.

<sup>19</sup>Main directions of combating crime - M., 1975. p.49.

<sup>20</sup>State program of fighting crime, in Kyrgyz Republic 2001 - 2003 year, amended by the government act of KR from 3 march 2001 year № 81/ State program // Encyclopedia of Kyrgyz law . 2001. № 3.

Managing the implementation of criminal policy includes organizing law enforcement in the fight against crime as a whole, measures aimed at improving the efficiency of the forms and methods of fighting crime.

Immediate enforcement by law enforcement officials in the implementation of the tasks of criminal policy is its level of enforcement. This level of crime policy is also directly related to the criminal law. In the definition of crimes of criminal policy is based on a common approach, the principles of legality, expediency and differentiation. The formal expression it receives in the form of an appropriate interpretation of the competent authorities of the state. Important criminal policy of punishment in the fight against crime. However, it provides a certain line, the general direction in the fight against crime on the basis and within the law.

The content of the criminal policy showed the objective and subjective factors. Criminal law, as well as other relevant legislation in combating crime, law enforcement practices are objective categories. However, the obvious and the subjective nature of criminal and political decision-making. In cases where the subjectivity in the criminal policy takes a trend, high risk of voluntarism, fraught with various extreme hikes in the criminal policy: the war on crime to the excessive liberalism. As the criminal policy decisions a person, often ruled by emotions felt pressure opinions customized society, to exclude the possibility of errors in the criminal policy possible. Therefore, the content of criminal policy is always conditioned by both subjective and objective factors.

The content of the criminal policy reflect its principles which are expressed normative. These principles are enshrined in the Constitution, laws regulating the fight against crime, or flow from them and are binding on all subjects of criminal policy. Since the principles of criminal policy are obligatory nature of the standard, then they should refer all solutions developed on the theoretical and conceptual levels. Compliance with the principles of the system of criminal policy, their focus on the implementation of strategic and tactical objectives to combat crime at all levels - national, regional, local - a necessary condition for the adoption of decisions by officials, the subjects of

criminal policy. Only in this case, the decision can be seen as legitimate, suitable, grounded in social and legal terms. Conversely, a departure from the principles they involve violation "by definition" recognition solutions, no matter where it may come, is negligible. Therefore, the principle of criminal policy should be guided by the developers of criminal policy, lawmakers, law enforcers and citizens. Thus, the principles of criminal policy - are the ideas on which to develop laws, regulations and existing activities of state bodies and officials in the fight against crime.<sup>21</sup>

Among the principles of criminal policy are: legality, justice, complexity, compliance tasks, powers and resources, leading nature of strategic decisions; savings criminal repression. The content of these principles are explored in depth a number of Soviet and Russian criminologist, so stop on their characteristics is not feasible.

The set of the above principles, the analysis shows that forms the system. Without being bound by the hierarchical dependence, these principles, however, are interacting units which reinforce and complement each other. Among the principles of criminal policy is difficult to identify the necessary and optional. Together, they form the foundation of criminal policy, establish unity, stability, focus, the constitutionality of its provisions and the emerging practice of its implementation.<sup>22</sup>

The contents of the criminal policy, it is the legal, organizational, resource and information management, as well as the goals, methods and objectives of the strategy of fighting crime.

Under the law of criminal policy is generally understood the current system of legislative and other regulatory legal acts used by its agents within their competence to carry out tasks assigned to them to implement it.<sup>23</sup> Criminal policy, first, initiates the development of the legal framework to combat crime, to determine the most important areas of legislative and regulatory work, secondly, in the framework of the so-called state the legal field, and thus, acts only on the basis and in the legal

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<sup>21</sup>Criminal policy and its implementation by the internal affairs / criminal policy and its implementation by the police. - Moscow: Academy of the Interior Ministry of the Russian Federation, 2003.

<sup>22</sup>Osmonaliev K.M. Criminal policy of modern Kyrgyzstan: Development and Evolution: Dis. Dr. jurid. Science / K.M.Osmonaliev. - Moscow, 2005.

<sup>23</sup>Minkovsky G.M. Legal policy in the fight against crime and problems of legal regulation of this struggle// Problems of the criminal policy of the Russian Federation and its implementation by the police. Proceedings of the Academy of the Interior Ministry of the Russian Federation. 1995.



installations of the state to ensure the fight against crime. Exit outside the law is fraught with well-known in the history of criminal repression and widespread. Our study shows that there may be three groups of legislative and other regulatory legal acts of Kyrgyzstan, by which it is formed and implemented criminal policy: basic, basic and secure.

The Constitution of the Kyrgyz Republic, the constitutional and other laws that establish objectives, competence and structure of the various authorities - the subjects of criminal policy - refer to basic normative legal acts. These include laws: "On the Government of the Kyrgyz Republic" (2003), "On the Supreme Court and local courts" (2003), "On the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic" (2011), "State of Emergency" (1998) "On National Security" (2003), "On the Internal Affairs" (1994), "On the Prosecutor of the Kyrgyz Republic" (1993), "On the bodies of national security in the Kyrgyz Republic" (1994).

Among the subordinate legislation with penal policy and political importance, are the decrees of the President of the Kyrgyz Republic, the Government of the Kyrgyz ruling affirming the doctrine, programs and provision of a conceptual nature. In particular, they are the "Concept of National Security of the Kyrgyz Republic", approved by Presidential Decree of 13 July 2003 № 221 UP, Presidential Decree of 10 September 2001 UP № 268 "On Improving the coordination of law enforcement "etc.

The Constitution of the Kyrgyz Republic contains social, political and economic values that make and shape the rule of law, civil society in Kyrgyzstan, determine the content and structure of the government, and the ratio of the powers of its various branches and levels, and, not least, the legal status and rights citizen's rights and freedoms. Thus, we can say that in most of the constitutional norms that are the foundation of a domestic policy, enshrined most important provisions defining criminal policy. Subsequently, these provisions are implemented in various laws, including the Criminal Code, the Criminal Procedure Code of the Kyrgyz Republic and PEC, legal acts, creating a legal framework to protect the interests and the individual, society and the state. This

constitutional reality that should define all levels of crime policy (from the concept to the level of practical implementation.) All other legal institutions can be considered as a subordinate but no less important. According to the Constitution the policy in Kyrgyzstan is led by the President and the highest state authorities of Jogorku Kenesh.

The second group includes the specialized laws and other legal acts, aimed at fighting crime or in certain species. The basis of this group are the Criminal Code, the Criminal Procedure Code of the Kyrgyz Republic and Penal Executive Code.

We should also consider certain laws aimed at fighting crime, presidential decrees, resolutions of the Government of the Kyrgyz Republic on certain areas of the criminal policy. Among these sources should be mentioned legal acts of the Kyrgyz Republic, the contents of which have had a significant effect similar to the model laws and bills passed by the parliamentary Assembly of the CIS, the laws and legislation of the Russian Federation: "On Investigative Activity" (1998), "On the procedures and conditions detention of persons detained on suspicion and charges of committing crimes "(2002)," On Enforcement Proceedings and the Status of Court Bailiffs "(2002)," On narcotic drugs, psychotropic substances and precursors "(1998)," On Combating Terrorism " (1999), "On the bodies and institutions of the penal system (2003), and other features of this group is their legislation specifically aimed at fighting crime and its individual species. This suggests that they have an impact, especially on the implementation of the criminal policy of the state and as such are the main (specialized) sources.

The third group of relevant regulations include: Code of the Kyrgyz Republic "On Administrative Responsibility" (1998), the Customs Code of the Kyrgyz Republic (2004), Tax Code (1996), and laws: "On Fire" (1996), "On Weapons "(1999)," On private detective and security activity in the Kyrgyz Republic "(1996). This group also includes the presidential decrees, resolutions of the Government of the Kyrgyz Republic, the normative legal acts of ministries and agencies to facilitate the implementation of the law enforcement agencies to combat crime, such as

Presidential Decree of 10 September 2001 № UP-268 "On Improving the coordination of law enforcement authorities "and some others.

The standards of criminal law policy are comprised as on the sources of all of the above three groups of regulations of law enforcement agencies, acting as subjects of criminal policy (orders, directives and instructions of which are cited above, since they determine the legal and administrative aspects of the implementation criminal policy at a certain time in a certain place at a certain situation.

Special place in the legal provision of criminal policy of the Constitutional Court took the CD (to May 2010) the conformity with the Constitution of certain norms of the Criminal Code, the Criminal Procedure Code, other laws and regulations, as well as explanations of the Supreme Court of Criminal Appeal.

In connection with such generally accepted principles and norms of international law and international agreements of the Kyrgyz Republic to the legal system of Kyrgyzstan (Part 3 of Article 12 of the Constitution), including specific sources of criminal law policy should be made, and numerous international legal instruments: unratified treaties and conventions initialed intergovernmental agreements, resolutions standards that are advisory in nature and devoted to international cooperation in the fight against crime.

The concept of "policy" implies the management of these processes. Organizational support for the criminal policy aimed at creating optimal conditions for the development and implementation of crime policy in the long run - to develop an effective strategy and improvement system to ensure against crime.

Within the organizational support of the criminal policy, there is also a system of multilevel coordination of law enforcement agencies in the development and implementation of the tasks of criminal policy. In this regard, there must be ongoing coordination of measures to implement policies to combat crime on a national scale not only concerning law enforcement, other government bodies,

local authorities, public associations and movements, religions, etc. In Kyrgyzstan, the function of coordinating the implementation of the criminal policy measures is actually assigned to the Prosecutor's Office. So, in order to coordinate the activities of law enforcement bodies of the republic prosecutors convene coordination meetings with the heads of ministries, administrative agencies and other bodies of executive power on the rule of law, organizing working groups, will destroy the statistical and other information, carry out other duties in the strengthening of law and order.<sup>24</sup>

Currently, the state of coordination and interaction among the implementation of criminal policy in Kyrgyzstan is far from perfect, as evidenced by the practice of law enforcement. Obvious failures in combating crime in the past ten years, seem to be, in part due to the extremely low level of coordination between law enforcement agencies in the fight against crime.

Organizational maintenance is complex and includes a resource, information, and other aspects. Without these components is difficult to imagine an effective operation of any law enforcement agency, including entities that are developing and implementing the criminal policy. It is necessary to determine the ratio of various types of support, and above all of the resource, based on the circumstances and needs, both directly relating to, or otherwise, are not directly related to the criminal policy of the state. Inadequate provision of resources for the subjects of criminal policy have a direct impact on the policy failure. Apparently, there is no subject of the criminal policy of ensuring adequate finances. Deficit financing takes place in the system of internal affairs. With the support of the World Bank provided a better justice system. The problems require more efforts and allocation of adequate resources to establish effective independent judicial system both in financial and political terms.<sup>25</sup>

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<sup>24</sup> Alekperov, H.D. Crime and compromise / HD Alekperov Baku, 1992.

<sup>25</sup> Project to develop a concept of creating a common information framework courts and programs to implement it as part of the judicial reform in the country, approved by order of the President of the Kyrgyz Republic on June 10, 2002 № 124 / project // Encyclopedia of Kyrgyz Law. 2001. N 3.

As our research shows, one of the reasons for the low efficiency of the criminal policy of the Kyrgyz Republic is its lack of information provision. It is not difficult to guess that the criminal policy based on non-representative data on crime, is doomed to failure. The importance of proper information management cannot be overestimated, as without reliable information one can not effectively manage the processes in the criminal justice system. I agree with the statement of S.Boskholov that "as the main and primary objective information support criminal policy can be identified to provide objective information on the social security of property under the protection of the criminal law, the effectiveness of prevention, prevention of crime and the criminal law, the creation of conditions for the optimal control of this activity".<sup>26</sup>

Criminal policy and taken on its basis strategic solutions designed to provide the maximum possible limit crime, reducing it to a level where it ceases to be a threat of social and national security. The main goal of the criminal policy of the state is to minimize crime and its causes, and generate conditions. However, the criminal law in this case can not be the sole or main factor in solving complex social problems, which is a crime.

Unfortunately, up to now most of the domestic law enforcers and politicians believe that crime can and should be "eradicated", and the criminal law imposed overly high expectations about the possibility of effectively prevent crime. These approaches, remaining from the Soviet times, extremely tenacious in the legal consciousness of the subjects of criminal policy. Therefore, in the regulatory acts against crime still used terms such as "war crime", while a number of criminologists have convincingly proved the failure of the term. Characterizing defects paradigm "fight against crime", prof. S.Boskholov writes, "the target set at the" war "against crime is also negative because it does not require the original objective, and even more critical, criminological analysis of the

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<sup>26</sup>Boskholov, S.S .The concept of reforming the criminal policy - Moscow: Moscow Institute of the Russian Interior Ministry, 1999.

situation and the results of the activities of the criminal justice system. It contains the potential for return on our society already passed way flywheel criminal repression ".<sup>27</sup>

Prof. D.A.Shestakov rightly notes, "from this term blows hopelessness, because the struggle by the desire to win, that is, the destruction of crime, to "complete its liquidation," which is obviously impossible "<sup>28</sup>. Given the crisis of law enforcement related, first of all, with the outflow of skilled personnel, poor logistics, the criminal justice at best, a task force to crime and its minimization.

The minimization problem of crime must be solved on the basis of increased legal awareness, resources of society and other social and economic problems. Therefore, the main focus of criminal policy is the impact on the causes and conditions of crime, that is, its prevention, and its objectives - to achieve stabilization and limit the level of crime, creating prerequisites positive trends in crime.

#### Conclusions:

1. For more than two centuries of development of the concept of criminal policy can not talk about what the appropriate term is finally formed. The concept of "criminal policy" remains multivalued and have no fixed legal definition in the legislation of Kyrgyzstan.

2. Under the criminal policy (for the purposes of this study), we understand the activities of the state and legally authorized institutions of civil society, aimed at the prevention, control and punishment of crimes, damages caused by crimes to reduce the danger to society and the prevalence of crime, slowing growth in crime reduction and as full compensation for the harm caused by crimes.

3. The content of the criminal policy uniform. The complex structure of the criminal policy, as the analysis of practice development and implementation of crime policy in the CD includes the following elements: 1) industry structure (the criminal policy, criminal procedure policy, the correctional policies, operational-search policy, the policy of crime prevention); 2) the composition of the object (the impact on crime in general, some of its species and varieties, the causes and conditions of crime, the impact of crime), and 3) its subject structure (public authorities, authorized

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<sup>27</sup>Boskholov, S.S .The concept of reforming the criminal policy - Moscow: Moscow Institute of the Russian Interior Ministry, 1999.

<sup>28</sup>Shestakov, D. Criminology. crime as a social component . - St. Petersburg: St. Petersburg State University, 2001.

the formation of criminal policy, public authorities empowered to implement criminal policies, public authorities that control the formation and implementation of criminal policy), and 3) a measure of detail criminal and political impact (strategic and tactical criminal policy), 5), urgency (a constant time-bound or event penal policy, measures limited specific term), 6) the priority of formation and implementation of crime policy (priority measures, follow-up, the measures taken and implemented under favorable conditions), 7) humanitarian content of the measures of criminal policy (repressive, pilot, preventive)

4. The key areas of criminal and political reform in the short term should be: 1) expanding the range of state and local governments, with the function of the prevention of crime as the main or one of its major external functions, and 2) the development of the private sector entities of crime prevention and control of law enforcement agencies. However, even if in the short term in Kyrgyzstan will be a legal basis for a fundamentally different model of criminal policy itself the "pyramid" of criminal policy is unlikely to be quickly turned so that its basis in reality was crime prevention, and on top of criminal law.

## **Chapter 3. Integrated prognosis and future directions of criminal policy**

### **§ 1. Forecasting and issues of lawmaking in combating crime**

Since the content of the forecast crime depends primarily on what actions fall under the criminal law and, therefore, are treated as a crime, the most intense direct impact on the nature of the findings have prognostic rules of criminal law, establishing the crime and punishment of the particular behavior. Changes and amendments to the criminal law, in terms of prognosis, must meet the requirements of differentiated and more humane criminal policy.

A certain influence on the state and trends of crime and related phenomena, along with other general and specific factors that have a normative - legal factor, i.e. state legal regulation of social relations connected either directly to the crimes committed, and to their causes and conditions, as well as public - legal response to crime.

Accordingly, we can distinguish three groups of law which are relevant for predicting crime and planning measures to combat it: 1) Identify and criminal offenses, and 2) regulating the direction and activities of the fight against crime, and 3) regulate the lawful behavior of citizens, activities state bodies and public organizations.

The effect of these rules is ambiguous: some have a direct impact on crime, others working on it through the mediating links, while others - mainly affect the statistical picture of the crime. Of course, saying that, we understand that the law "does not come up" of the crime, but only gives the corresponding normative description of existing social relations, just as decriminalizing act, it does not eliminate the statutory acts, as already happened or fixes their disappearance, or reassesses socially dangerous acts in the direction of decline.



Since the content of the forecast crime depends primarily on what actions fall under the criminal law and, therefore, treated as a crime, the most intense direct impact on the nature of the findings have prognostic rules of criminal law, establishing the crime and punishment of the particular behavior.

Determining the range of prohibited and punishable acts, criminal law act as a kind of social landmark in the actions of citizens. In this case, it's not just the deterrence in the law threat of punishment, but also of information - the landmark significance in itself the fact expressed in the criminal law prohibiting negative evaluation of a state act.

It should be noted that the effect of legal rules on the behavior of people affected in socially significant scale, usually by accident of time since the adoption of regulation. Thus, the regulatory standards that establish new rules of lawful behavior, embodied in the actual social relations only after the time necessary for the psychological addiction of citizens to these rules in order to develop an optimal procedure for the commission of acts prescribed by law, the establishment of a specific law enforcement. As for the mechanism and timing of the regulatory impact of the criminal law on the behavior of people, they have a number of features.

Rules establishing or significantly increasing penalties for crimes begin to influence the behavior of unstable legally citizens of their adoption. However, since this effect is mainly based on deterrent effect of law, its results are highly unstable, and if the initial fear of punishment will not be supported by the appropriate law enforcement, further reducing the prohibited conduct does not, and will return to its previous position.

Thus, given the new criminal - legal prohibitions in predicting crime should be understood that in the initial period, they can cause a reduction in the real crime, accompanied, however, the identification of an initial increase in statistics. These effects (just as clearly marked) can result in an increase in the size of the sanctions of criminal - law without changing the content of the prohibition.

Several other implications of changes the disposition of criminal - law related to the breeding of the scope of the offense of certain essential characteristics in order to expand the limits of the norm. Since such a solution is proposed, as a rule, due to the tendency of growth of a particular type of crime, you should not rely on the fact that the new rules will be better than previously in force, and in itself can reverse this trend. They will be able to increase the number of factors considered in the criminal statistics and entailing the use of the criminal - legal action, but does not increase or decrease the number actually committed socially dangerous acts.

In the analysis of the influence exerted by criminal law on crime trends, we should pay attention to a number of provisions relating to the "propensity" crime of reproducing itself.

At first, the inclusion of new rules in the law establishing liability for acts not of great public danger, but relatively common in the society, may lead to increased recidivism (especially for their commitment comes a sentence of imprisonment).

At second, with the expansion of criminal liability for crimes that do not pose a great danger to society, involves degeneration "of the image of the criminal" in the eyes of the population. A face that exists between what is forbidden is permissible and allowed erased. The realization that much prohibited by law, in fact, permitted in life and does not meet the strictures of the citizens and law enforcement, reduces the threshold of motivation and the commission of other more serious crimes. We can therefore expect that in some (perhaps considerable) time on a common background of petty crime could increase and more serious crimes.

At third, the desire to influence the crime through the criminal - legal action leads to increased use and legislator, and the practice of so-called dual-prevention regulations, the purpose of which is (in accordance with the concept) to providing the certainty of punishment for lesser offenders, prevent more serious. It seems, however, that the effect of such rules are not as clear-cut as some of them act primarily on the causes and conditions that contribute to the commission of crimes, while others - mainly in the most unstable entity. Therefore, if the first is quite capable of sustained

positive impact on crime, the latter tend to have a high level of latency, thus changing the procedural order legislator encouraged law enforcement efforts on the application of the criminal - legal measures in this field. Accordingly, the prediction of possible changes in the characteristics of the state of crime and measures to combat it should bear in mind the possibility of increasing crime statistics by simplifying the response to it.

Simplification of procedures for investigating crimes almost always associated with a significant change in the structure used to be guilty of interventions: among them significantly increases the proportion of non criminal punishment, and the share of non-custodial sentence. This is due, in part, by the fact that, as a rule, simplified pre-trial preparation of cases is not accompanied by a simplification of the procedure of the trial (in fact, the simplification of the pre-trial preparation of the case actually complicates the task of the court). In this regard, and given less complete evidentiary material (including regarding circumstances individualize responsibility) to the courts is the preferred delivery milder sentence or dismissal for not rehabilitating grounds, rather than the defendant's conviction to the penalty of deprivation of liberty (of course, if incomplete evidentiary material put before the court need acquittal).

Some impact on crime and its statistical picture is in the content of the rules governing the functioning of the organization of law enforcement agencies (eg, the rules establishing the staff number of different services and departments reporting indicators and evaluation criteria of their work, the level of individual load workers).

The changes affecting the organization - staffing services involved mainly preventive functions (departments of general supervision prosecution service policing, wardens, passport service, etc.), depending on the nature of these changes lead to an adjustment in the first place the actual picture of crime in the relevant areas, whereas changes in staff numbers services involved and investigation of crimes, affect primarily the adjustment of crime statistics. Although the specific content of these changes can not be determined by simply multiplying the average load of one

detective or investigator on the number of employees the appropriate profile, their tendency can be predicted with very high probability. Of course we must not lose sight of the actual crime, and statistical pattern rigidly correcting each other.

There is a significant effect on the predictive description of the processes occurring in the crime, and the response to it has the substance of regulations (accounting) criteria and indicators to assess the activities of law enforcement agencies. As rightly pointed out in the literature, the assessment of the bodies of internal affairs on the number of perfect (or rather, registered) crimes leads to the fact that the level reported formed not based on actual changes in crime and based on last reporting period that were not admitted no significant variations in the one or the other.

In the same way affect changes statistical picture of crime serving as assessment criteria leading services of the Interior crime detection. Focusing on it, some leaders are beginning to "tinker" reporting indicators, thus making changes actually taking place on the status and structure of crime.

Given the above considerations, it is easy to assume that the improvement of the regulatory indicators to assess the activities of internal affairs can lead (especially at first) to changes in crime data - an increase in reported crimes. Possible increase in the first year (not associated with an increase in the actual crime) will continue to hold back, as close to the real state of affairs.

A sufficiently complete and accurate records of crime is possible, not through the provision of special services or with respect to the independent body responsible for this work, but based on a clear division of the legal and institutional implications of staging the crime on record. In other words, the picture of crime can come close to the reality only when reporting the crime will not necessarily associated with the criminal case and the involvement of a specific person to criminal liability, if during the development of information will be clearly differentiated and fixed within a certain range of organizational and administrative and enforcement problems.

And, of course, improved registration discipline will be able to have a positive impact on the inevitability of responsibility, and through it - the state of crime. The most complex are the relationship between the state of crime and maintenance of law and industries mainly regulatory focus. The rules and regulations of civil, labor, financial regulations establish limits and forms of lawful behavior or determine (including through criminal law with a blanket disposition) circle violations entailing liability, which can not affect the interpretation of the concept of criminal behavior.

The forecast of trends in crime must take into account the consequences that may arise in the case of expansion or contraction in the criminal sphere blanket legal standards. The wider the range of standards used in the blanket application of dispositions, the lower the number of prohibited acts, the less accurate prediction may be possible changes of crime to a greater degree of validity will depend on the orientation of this enforcement.

What is happening now in the process of transition of the concept of legal regulation of the principle of "anything that is legal," and suggests the spread of the latter on the operation of the rules with a blanket disposition of the criminal law. This will create more stability in the future legal status of the individual, would limit the scope of criminal repression and, consequently, will lead to a reduction in crime. True, it is necessary to remember that the rules contain a general authorization, to a large extent can be constrained by the lack of an implementation of the rights granted (as was the case with the implementation of constitutional provisions on citizens' rights to compensation and to appeal against the actions of officials persons), and therefore the impact of these standards on crime (especially in the first years after their adoption) may be very small.

Finally, referring to the account in the prediction of legal factors, consideration should be made of the rules of civil, labor and administrative law, public standards-setting organizations responsible for certain socially harmful conduct. Intensification of use of the above rules may result

in a reduction in crime, as a demonstration of a real example of the inevitability of punishment for these types of law can shake the hope of an unstable person to shirk responsibility.

The use of non-criminal enforcement standards-law may in some way have an impact on the practice of criminal justice interventions, since in some cases they can be used instead of criminal law for crimes or act as an alternative to criminal and the law of the responsibility for the same or borderline (hooliganism hooliganism) act, and sometimes (for example, if the administrative preclusion) leads to the accumulation of facts infringing behavior, which may turn into a crime.

The influence of regulatory factors on the nature of the crime and its control is not absolute. Only when the rule of law is based on the relevant economic, social, attitudinal and organizational assumptions, it can have a significant impact not only on the statistical picture of the crime, but also on its actual state.

The essence of the reform of the criminal law and the proposed short stories, according to most scholars, is the following:

- An attempt to fill the gaps in the criminal law protection of the corresponding benefits, interests, and formed on the basis of their social relations (both real and projected);
- Exaggerated hopes for the criminal law as a means to effectively address important social problems without the regulatory and enforcement capabilities of the other branches of law, organizational and management capacity of the criminal justice and penal policy;
- Tighten sanctions many criminal laws and laying hopes repressive penalties.

When criminal and political forecasting, and prison, as well as criminal law and criminological forecasting is important to consider different, this balance of repression and prevention. For all the justified desire to humanize the criminal policy no one is going to abandon repressive forms and methods of action on crime and criminal behavior. Repression - centuries-tested means of combating crime. She ancient times to the present day, not only identified with the concept of deterrence, but also poses the problem of correcting those who violate the criminal law.

However, it should be emphasized that the current system of punishments and prisons today contributes little, if at all does not help, goals of punishment, in particular, re-offenders, which somehow follows from the content of the criminal and penal codes. Studies show that in the overflowing prisons worse results resocialization of convicts, their employment, living conditions and basic amenities, respect for human rights. Accordingly, increasing the number of offenses and recidivism in prisons, riots involving the taking of hostages from the staff of penitentiary institutions.

Optimize growth prisoners can only be consistently calculated, predicted, rational criminal and penal policy, through the use and expansion of alternatives to imprisonment of criminal penalties against those who commit crimes with a low degree of public danger.

Notwithstanding the state of the system of punishment and execution, to be honest, that attain the age of the death penalty, the formal sentencing by the courts on a "middle ground" in alternative sanctions, changing the overall look of the legislator and the scientists on the goals and objectives of repression, to implement the principle of fairness in the application of the institutions of exemption from criminal responsibility and punishment.

Punishment under existing criminal law is a measure of state coercion, which is applied in order to correct and prevent convicted of new crimes. In turn, the criminal-executive legislation has its own goals and correction of convicted prevent new crimes both convicts and other persons. Therefore, it is fair and objective fact that the state legislature today distrust the institution of imprisonment as a means of combating crime, and so systematically as possible conclusions beyond prison one category of subjects at a time. The analysis of the quantitative and qualitative characteristics of criminal sanctions, their dynamics and relationships allow us to conclude this thesis.

The effectiveness of the legislation depends on whether it adequately reflects the socially dangerous realities and possible trends for the foreseeable future. Logical-legal method of constructing criminal and penal laws is extremely inadequate for the dynamic and pragmatic society,

which is now being formed. They are based, above all, should be based on a deep and comprehensive analysis of the socially dangerous realities (and criminalized recorded and latent), relatively reliable prediction of its possible development in the foreseeable future, well calculated the social model of the totality of the effects of criminalization or abandon it. Only by relying on this reality and scenarios can be successfully implemented logical and legal methods of penal legislation. And, as you know, negative, dangerous realities of public life and the processes taking place in society and in the state reflects the criminal policy.

Central focus of the design and implementation of criminal justice policy is a process to identify and justify the social conditioning of planned and existing criminal law, the establishment of a system of legislation of such items, which under present conditions actually lost its purpose, hardly used and therefore can not perform set by the law of the problem. This, therefore, is on how the formation of a system of criminal law, its optimization, i.e, the reduction of the system in the best match with the real needs of society in the criminal-legal regulation.

Criminal law socially conditioned. The law is not created "just in case", not "in reserve", he produced the real needs of society in the criminal prohibition and the more or less adequately reflects them in the criminal law norm. It is still possible to assume that because of the complexity of legislative activity in the host some stories not fully reflect the needs of society in the criminal-legal regulation. Defects rules may be necessary in the absence of clarity, consistency and certainty of legal regulations. Hence their low efficiency even in Excellence enforcement agencies. That this is indeed the case, indirectly confirmed by a certain instability of the modern criminal law.

Sociological studies show that, among all the causes and circumstances of the legal authorities errors fourth highest degree of subjective value is a factor such as vagueness and inconsistency of the law.

When mediated lawmaking his famous independence and inevitable incompleteness subjective reflection of objective reality in principle is no danger of voluntary approaches to decision of



criminal law. This danger pay attention also Marx, when he wrote that "in itself the right not to be punished only for the crimes, but also to invent them."

In general, the CC 1997 is suffering, in our view, clearly expressed by criminalizational redundancy. Conceptually, this was due to the perception of the designers of the new Criminal Code of the ideas are not "small and cruel," and "big and soft" of the Criminal Code. But even more so the defect existing Criminal Code stems from the fact that in the process of development and adoption of virtually almost completely ignored by the theory of criminalization and decriminalization. Without risk to make a mistake, it can be argued that with the exception of acts belonging to the so-called "core criminal" (murder, theft, robbery, rape, etc.), many short stories were introduced into the Criminal Code, without any regard for the total amount of factors that determine the admissibility, the possibility and advisability of establishing criminal prohibitions. The legislative process in this part wore almost exclusively speculative.

The Criminal Code of the Kyrgyz Republic, adopted on 18 September 1997 and entered into force on January 1, 1998, marked the at that time, of course, a progressive step in the reform of the criminal policy of Kyrgyzstan. Adopted by the UK, being more criminological founded, focused on security at the individual, society and the state, is designed to promote the establishment of a new society, the statement in it law and order, the fundamental principles of international law.

Revision of the Constitution of the Kyrgyz Republic in 2007 brought a number of criminal novels. So, have abolished the death penalty, life imprisonment was introduced essentially to adjust the system of punishment with the shift to the use of the principles of restorative justice and reconciliatory justice.

The Law of the Kyrgyz Republic on June 25, 2007 № 91, received the name of the legal profession of the law "On the humanization" amended the Criminal Code, Code of Criminal Procedure and a number of laws of the Kyrgyz Republic. Ideal laws, as we know, does not happen. Since the adoption of the Criminal Code it was repeatedly amended and supplemented. Given

proclaimed republic's leadership course for the comprehensive strengthening and promoting human rights and the humanization of criminal policy, we can predict quite intensive ongoing reform of the criminal law in these areas.

Moreover, the authors should critically evaluate the effectiveness of certain norms, inadequate to modern realities. The gap between the content of such bans and the real needs of modern moment more than obvious. It can only be overcome by removing the criminal law that no longer meet the social expectations. Saving in the criminal law such rules is unfair and even harmful, for causes related to the population of the criminal law, as unreal. If it is true that the practice - a criterion of truth, we should recognize the fact that, in practice, non-use of the mass of individual criminal law means that they are ineffective, unnecessary, criminalization redundancy.

The result is a situation in which no radical break (and cleaning) of the Criminal Code to correct the situation impossible. Remains, apparently, to accumulate experience with some time (and non-use) in the jurisprudence of the relevant standards, so that in the future, in the reform of the current criminal law to take into account when designing the admitted errors and construct new Criminal Code is in strict accordance with requirements of the theory of criminalization and penalization.

But even without this it is clear that rulemaking continues to rely on anything, except a theory of criminalization and decriminalization of socially dangerous acts, as a key element of penal policy. Hence, we have the criminal law that we have. Criminal legal futurology, it must take into account the concept, explain, predict, to recommend that the actual fighting crime in life is reconstructed on new beginning, not waiting to see that they were finally established in the law, and the relevant jurisprudence. Thus, the transition to a market economy, not provided forward-looking options, start without sound scientific concepts spontaneously carried out as insufficiently prepared experiment, led to sharp activation of criminal activity, penetration of criminals in the newly formed economic

space with holding a leading position there, which led to increased its effect on the general social phenomenon, and many relationships.

#### Conclusions:

1. Outpacing forecast in the fight against crime is a necessary condition for the effectiveness of countermeasures. The criminal law is a guarantee of an optimal prediction strategies for implementing regulatory requirements. Accounting forecast information in the law-making should be a requirement for the development and adoption of criminal law. The proposals for the criminalization or decriminalization should be seen as a direct result of criminal or criminological prediction.

2. Since the content of the forecast crime depends primarily on what actions fall under the criminal law and, therefore, treated as a crime, the most intense direct impact on the nature of the findings have prognostic rules of criminal law, establishing the crime and punishment of the particular behavior. Changes and amendments to the criminal law, in terms of prognosis, must meet the requirements of differentiated and more humane criminal policies.

3. Predictive basis of changes in legislation should be seen in the process of decriminalization, depenalization and general mitigation measures under criminal law, particularly in relation to a crime of minor social danger, while maintaining strict criminal law measures against persons guilty of violent crimes, and persons engaged in hazardous types of recurrence. Domestic legislation adheres to these rules but is not always along the path of establishing criminal prohibitions for actions do not pose a danger to society. Thus, the inclusion of new rules in the law establishing liability for acts not of great public danger, but relatively common in a society that often leads to an increase in recidivism.

Problems of law enforcement in combating crime should be considered in the implementation of the fundamental principles of criminal justice policy: the inevitability of responsibility, humanity, justice, differentiation and individualization of responsibility.

5. When saving in Kyrgyzstan in the foreseeable future, the basic status of penal policy in relation to the criminal policy of the whole purpose of the first to be transformed so that: 1) to narrow range of acts, which are now recognized as a crime, although it lost the public danger, or should it lose in regarding proposed democratic reforms, and 2) increase the number of offenses by socially dangerous acts committed by officials (most specify the format of a socially dangerous corrupt conduct and other malfeasance), and 3) reduce the level of repressive penal measures applied to those first-time offenders little gravity, and 4) increase punishment for serious and very serious crimes (especially committed in organized groups and related to corruption), 5) limit the extent of judicial discretion in sentencing for crimes in all cases where it is possible (mainly due to official interpretation of the so-called evaluative elements of crime).

## **§ 2. Forecasting future trends of criminal policy**

Scholars of criminology GA Avanesov and AA Gertsenzon rightly pointed out that prediction of Crime (criminological prediction) is the basis for criminal and political forecasting, development of crime policy, legislation, for all of the "control" crime. It is, first of all, the law enforcement, improvement of which is the indirect effect on crime, and its implementation is a direct effect on crime. Effective responses to crime in Kyrgyzstan, as was shown earlier, prevent the various factors, some of which is specific. Among them - the lack of a national concept of criminal policy, adequate social realities of life. Aborted for a long time such a concept promoted, as shown by our investigation qualitative deterioration of the crime situation in the country, a marked reduction in the effectiveness of law enforcement and even the degeneration of law enforcement in its antipode.

As noted earlier, the criminal policy is a strategic framework for the socio-preventive and penal measures against crime. It concentrated the main objectives, methods and capabilities, the principles

of this opposition. The most general form under the criminal policy can be understood as the art of managing the fight against crime. Criminal policy is a political and legal form of State's response to crime, a specific form of recognition and resolution of social contradictions and antagonisms.

Evidence shows that the weakening of law enforcement crime increases. Of course, it would be wrong to draw from this a conclusion that the problem of crime entirely in the plane to improve the effectiveness of the rule of law and criminal justice. But it is obvious that the greatest effect in the work of a turning point in the fight against crime can only be based on sound scientific theory, the theory of criminal law to combat crime. Its foundation is just intended to be a down theory of criminal policy.

Theory and practice of knowledge sufficient conceptual models of criminal law and criminal-political impact on crime. We can group them into four main, which to a certain extent taken into account and used in forecasting. These are: 1) the "war on crime", 2) "fight against crime", 3) "compromise in the fight against crime".

Crime in relation to the implementation of practical common criminal policy on the use of three sets of measures under criminal law. In the first model clearly punitive dominance started and passion repressive side of the struggle against crime. With the reduction in the level of legal awareness of citizens, increase the number of serious and very serious infringements, less control and crime is usually a question of strengthening the confining effect of the criminal law by increasing the punishment for the crime. Inexperienced in matters of criminal policy population requires more extensive use of the death penalty, harsh punishment, seeing the criminal repression panacea. In this approach, usually expanded law enforcement powers, which could pave the way for arbitrary escalation of police (police) violence.

"Oblivion humanist principles in the administration of justice, as convincingly shows the history of mankind, has always led to the total use of the state's power, violence and repression," - writes S. Boskholov. Every call to war crime means, in effect, a call to violence and cruelty.

Meanwhile, in response to the violence begets only violence and cruelty - only cruelty. No other. The more people "will go through the criminal justice machine", the correspondingly less healthy will become of our society.

Irreconcilable sentencing policy is characterized by extensive use of the death penalty, minimizing the democratic procedures of sentencing; imposition verdicts. However, criminal organizations, their activities do not stop, changing methods of committing crimes in a clever and complex. Arguments of this approach is sufficient and can meet the support and encouragement from the public, especially given their increased punitive claims. It is likely the emergence of discussions about the possibility of the death penalty in criminal penalties.

However, professor of criminology H.D. Alekperov proposes to abandon the widespread social consensus that strengthening the criminal repression can seriously affect the current state of crime .Practices to combat crime proves that no severe sanctions for the severe punishment, or their widespread use, no fear of punishment can not stop the growth of crime.

In Kyrgyzstan, as well as in Russia, in the community for a long time is ripe understanding that force beginning in the modern state organism is not only not effective by itself, but requires special justification, strict regulation, and it has lost much of its legitimacy and normality. In addition, excessive force corrupting themselves law enforcement, aggravating the already massive alienation of the population.

The experience of foreign countries, the record shows that this approach is not always rezultativen in any case, the effect of short-lived and the way some of repression prospects. For example, until recently, severe penalties for drug use in the United States was very popular. In 1988, when Congress passed another series of relevant laws, 62 percent of Americans surveyed by Gallup said they are ready for the fight against drugs, up some of their freedoms. It is also unclear how significant role played by the draconian laws passed to combat drug trafficking. They undoubtedly crowded prisons. For example, in 1960, on the cases in local jails was sitting one person out of 25.

By 1994, serving a sentence for drug offenses is one of the three. 45 percent of prisoners in the state of New York convicted of drugs. In federal prisons, the proportion has already reached 70 percent.

There is another approach to the polar effect on crime - unfounded "humanization" to combat it. In particular, this can manifest itself in the appearance of a system of punishment of his species, whose curative and preventive effect is uncertain. For example, it concerns the restriction of freedom, public apology to compensation for damages, etc. Kyrgyz lawmaker also took this path, having in 2007 already mentioned Law of the KR dated 25 June 2007. Such actions lawmakers impose appropriate "imprint" on the practice of criminal law measures the impact on crime.

Authors of the law of 25 June 2007 did not hide the fact that the bill was designed to reduce the prison population. This goal was achieved. Prior to the adoption of this law, prof. L. Sydykov rightly noted: "From an overall viewpoint of the current criminal policy, then, in fact, it seems rather hard".

However, it is obvious that the mass transfer of a number of serious crimes from the category of less serious in the empowerment of mediation procedures and the completion of the prosecution should be scientifically justified. Otherwise, you can predict the fall of the warning level of the criminal law, with all the ensuing negative consequences.

The third approach to anti-crime policy was called restrictive (restrictive) policy, highlighting social and preventive focus and include clear legal restrictions differential treatment of various crimes and offenses. Such a policy is a legitimate means in a certain legal framework. This approach is optimal and flexible rule among extremes.

Under the restrictive anti-crime policies implemented criminal legal fight against crime, is the implementation of measures under criminal law on crime. They are based on a variety of criminal law enforcement, which is classified by objectives impact on crime. According to G.M.Minkovskiy's view is needed is not a war crime, and the impact on it by law. Going beyond the legal space precludes effective crime.

Intensification of criminal policy is as natural in the face of rising crime. However, as the experience of European countries, the prevailing trend in the period of "criminal explosion" should not be tightened, and the rational development of mitigation and even criminal policy. One of the reasons that give rise to such seemingly paradoxical reaction is limited material and professional resources that society can be used to counter crime. These resources can not increase at a rate proportional to the growth of criminal manifestations. In addition, the extensive way of costly and cumbersome system of criminal justice, if you try to implement it, leading to even more disastrous consequences for society than crime itself .

Prediction of criminal policy of Kyrgyzstan is possible on three main scenarios. Likely scenario - criminal policy is slowly but surely will be reformed in the direction of humanization. A more likely scenario - the major changes in the criminal policy will not happen - on the contrary, the negative trends of criminal policy will continue - the criminal repression is also addressed to all victims of the same social policies (poor, impoverished, drug-dependent persons), while impunity for dangerous criminals will increase due to corruption and the imperfections of the criminal law. At the same time, the criminal law will continue to be used as a kind of bludgeon to intimidate and eliminate political and economic opponents. Less likely scenario involves a significant positive change in the criminal policy if the implementation of the main directions of its improvement, namely in the appropriate conceptual, organizational, legal and information.

It is obvious that at the present time there is a need to develop a comprehensive program to combat crime. The most important thing in this program is to prevent purposeful methodological errors earlier. For example, in the program for the protection of public order in 1995-1996, and specialized programs to combat specific types of crime as one of the main goals stated "strengthen the fight against crime." None of these programs was not crowned with success in the end. The main indicators of the strategy to strengthen the fight are a number of new laws and other regulations, the increasing number and the number of law enforcement agencies, the number of inspections,



operations, etc., when the struggle, in the end, becomes an end in itself. Nogoybaev B.B., scientist - criminologist Kyrgyzstan with great practical experience, says that intuitionism and voluntarism planning, sadly, become the norm. Even seemingly attractive-looking documents, plans and concepts for the most part are rarely based on a truly scientific, in-depth research .

It should be noted the ineffectiveness of some measures of criminal repression against crime, the transition from the criminal repression of crime to its prevention as a priority of the state policy in this area. The modern concept of improving the criminal policy should include reducing the scope of law enforcement. Among the forms of implementation of this direction of crime policy can point to greater use of restitution (restoration of violated rights and freedoms of the offense the victim).

Russian criminologists offer carefully and "gently" to use the criminal repression, as it not only increases the redundancy category of convicted persons (prison population), but also significantly affects the social climate in society, leads to increased crime rate of reproduction (about one-third of the previously convicted again commits crime, and about 15% - have a negative impact on others). In addition, as noted above, the government can not increase the supply of resources for the subjects of the criminal policy in proportion to the crime. This situation generates a reallocation of resources as by creating new structures of law enforcement agencies from the strengthening of the degree of public danger of the individual areas and types of crime (organized crime, drug trafficking, etc.) compared to traditional types: domestic, street, situational (negligence) crime.

One promising avenue is also forecasting a total loss of society from crime and on the cost of fighting it ("cost of crime" - the proportionality of the loss in economic calculations of costs to fight crime and other offenses in connection with the implementation challenges of the real security of society and the individual citizens). Crime can not oppose without regard to costs. For a poor country, this thesis seems to be very relevant. The content of the so-called "Prison population" can become unbearable economic burden. The critical mass of the prison population, even in a simple quantitative measurement can, as shown by a prison riot in 2006, lead to unexpected negative

consequences. In this regard, strategies aimed at minimizing the penalties of deprivation of liberty, are promising for Kyrgyzstan.

Reducing excess significance of criminal justice cost, the limited scope of its activities - the objective process of democratization. This process in many countries by the creation of structures that use a non-repressive technology, consisting in the provision of social assistance to the victim (the victim) and the offender. This approach, among other things, increases the role of the victim and the perpetrator in the elimination of conflict relating to the commission of the offense, the ability to eliminate its consequences. In this case, indicated another trend in the concept of criminal policy - shifting the center of gravity (gradually, with the establishment of appropriate premises) with public prosecution to increased discretionary principles and the forms of private prosecution.

1. Forecasting prospects criminal policy should take the form of evidence-based concept based on an analysis of the needs of society in combating crime. The most important conceptual ideas and there should be a reference to minimize crime, cost of criminal repression, its differentiated character.

2. It is one of the important development of the concept of criminal policy is to overcome the "crisis of law and order." Population (most of ) feels a sense of insecurity that results from crime, based in part on the perception of the prevailing crime situation, in part - to the disbelief in the professional capabilities of the subjects of criminal policy and the effectiveness of the system of law enforcement. Unfortunately situation is exacerbated decline in confidence in the judicial and law enforcement authorities because of their defeat corruption.

3. Involuntary tightening of criminal repression at the level of law-making must be preceded by the forecast of the criminal situation in the short and medium term. Here we assume that stricter penal policy is quite reasonable in respect of persons involved in organized criminal groups and networks, as well as perpetrators of resonant and very serious crimes against the person.

## **CONCLUSION**

As a result of my work I made the following findings:

1. Effectiveness of responses to crime depends on the quality of decision-making conceptual, regulatory, and organizational software based on a systematic receipt of information about the future state of criminological situation by using scientific methods and procedures, which is the content of integrated forecasting in combating crime.

2. The basis of the integrated forecasting are criminological and penal prediction with common objects and objects of study.

3. The subject of integrated forecasting in combating crime should be some general theoretical and practical issues as: the identification and prediction of objective processes, trends, patterns and relationships of crime in the future with all its internal and external relations, foresight emergence and development of criminal law relationships necessary their regulation criminal law, and accordingly, the forecast of reform (improve) the criminal, penal legislation with the forecast impact of such reforms, including the results of penalization and depenalization, identifying future strategic, tactical and practical areas of effective crime control.

4. The effectiveness of prediction depends on the accuracy of the methods and statistics. This is not to oppose the prediction methods according to their importance. None of the above methods do not provide an absolute accuracy of the forecast. They have so far managed to capture some of the factors of the number of actively influencing the crime. Obviously, the high probability of the forecast provided by a set of these methods.

5. The main objects of integrated forecasting in combating crime are criminology and criminal policy environment.

6. The content of criminological environment includes state of crime, the crime situation, personal criminogenicvictimogenic and potentials, as well as other social phenomena related to the phenomenon of crime and related other forms of deviant behavior. History and current state of crime

can not refer to this phenomenon as a transient and exterminable basically. From this, however, should not be that the state is powerless, for example, to corruption and organized crime. The most positive results in the fight against these phenomena can achieve in times of social peace through the right combination of economic, political, organizational and legal measures.

7. Under the criminal activities of the state policy is authorized by law and the institutions of civil society, aimed at the prevention, control and punishment of crimes, damages caused by crimes to reduce the danger to society and the prevalence of crime, slowing growth in crime reduction and as full compensation for the harm caused by crimes .

8. The study showed that the majority of law enforcers, including such subjects as criminal policy of lawmakers and law-enforcement authorities, implement predictive function on an intuitive level, often succumbing to emotions, not based on scientific methods and procedures. When making decisions about the criminalization of certain acts should be anticipated that when the rule of law is based on the relevant economic, social, attitudinal and organizational assumptions, it can have a significant impact not only on the statistical picture of the crime, but also on its actual state.

9. Integrated forecasting is of great importance foresight mentalities, goals and values of the society in the foreseeable future, the expected level of social differentiation, separation and conflict in it, that should be expected from political activity of various parties, movements and social organizations in the future, as may change economic conditions society, what is the estimated prevalence of criminals on the basic relationships, etc. The correct application of the developed methods of forecasting gives approximation to the true picture of the future state of the criminological situation in the first place on the state of crime, to be proactive, ultimately minimize crime and its consequences.

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