Issues of State Organs, Social Organizations and Mass Media Interaction in Struggle Against Crime in the Republic of Kazakhstan

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Abstract: The article considers crime phenomenon, factors that cause it, criminal personality, and the complex of measures for crime prevention in the context of coordination of interaction between state organs, social organizations and mass media in crime control. It is common knowledge that mass media produce a great impact on the public opinion formation. Under the conditions of information society development the role and impact of mass media, including Internet resources will keep growing under the existing tendency. This posteriority makes problems of interaction between mass media and state organs even more crucial, while, as the authors note, there is a duality in the mass media role within the system “state-mass media-civil society”. In the article authors researched an interaction between state organs, social organizations and mass media in crime control, and its increase in crime prevention. Within the research authors make scientific analysis of some essential problems and peculiarities of mutual influence between mass media, state organs and public opinion in the crime control issues, development of propositions for an increase in crime prevention taking into account victimological determination and preparation of recommendations for increasing reliability, completeness, and data transparency and development of civil society institutions and social organizations as well, using both general scientific (determination, causation) and particular scientific methods (questionnaire, interview, statistic methods).

Key words: State organs • Social organizations • Mass media • Crime

INTRODUCTION

In the world community the role of information is increasing and information technology process dating back to the mid 20th century is still developing. With the help of digital technology the tendency of making large-scale useful information is seen to take place. To develop such infrastructure is one of the main priorities of the 2050 State Development Strategy of the RK. At present time Kazakhstan is aiming to create “electronic government” which is being realized in accordance with the plan.

The normative definition of information, information technology and its principal terms has been highlighted in the following legal documents of the RK:

Law on Information Technology (08.05.2003), Law on State Statistics (07.05.1997), Law on State Secrets (15.03.1999), Law on Electronic Documents and Electronic Digital Signature (07.01.2003), Law on Formation of National Information Infrastructure and State Program of Development (16.10.2001), Law on Mass Media (23.07.1999) and Decree of the RK Government “Integral information space conception in the RK and its realizing measures”.

Yvonne Jewkes states: “Television, cinema, video and latterly the Internet, have come in for particular criticism by those who view anything American in origin as intrinsically cheap, trashy and alien to British culture and identity” [1, 17].

However, no legal definition of the concept information is given in the above mentioned documents. The development of human society is closely connected with information as the communication of people is based on information relations [2. c. 355]. According to reflection theory, reflection is typical to all matters, and it enables to consider the information in reflective aspect. In general,
category of reflection and information concepts are close-connected terms [3. c. 728]. Reflection category is one of the properties of matters like motion, energy, space, time and others [4. c. 304]. In accordance with reflection theory, a man not only cognizes things, matters and different phenomena, but he can express his own point of view and attitude towards them. This very process is described as a set of definite information and characterized by informative circulation. This theory is based on getting new information as a result of the reflection of elements, relations, ties and properties of one definite object on the other. In our opinion, reflection theory is the methodological base of investigating contextual aspect of information.

If we consider information as a tie between the investigated system and “environment” connected with it, this will mean to limit diversity. As outer diversity gets inside, investigated system will disappear leading to vagueness. According to Vainer, information is a sign of context which comes from the outer world in the course of adaptation. Y.M.Baturin also supports this idea saying that “information is a relation of two systems’ coincidence”. [5, 16].

So, information tends to be one of the general and hard-defining notions of the modern science. The term information of Latin origin “informatio” denotes to explain or to tell something [6. c. 137]. But N.G.Shurukhnov states that the word information was simultaneously used in Europe as well as in Ancient Rome [7, c. 254]. Modern explanatory dictionaries present different meanings of this word:

- Knowledge or facts about environment or its processes;
- Information about the condition of something [8, c. 250].

The absence of the concrete definition of information causes some difficulties in the process of interpreting laws and conducting inquiries, which can lead to misusing of laws [9. 763].

The Russian Federation is already exercising the RF Law on Information, Information Technology and Information protection, which was adopted in February 20, 1995, regulating information and information technology matters [10, 609]. Article 2 of this law states that information is a set of facts about people, things, data, phenomena and processes, despite its form. In our laws only the notion of Mass Media is highlighted. Article 1 of this law says: “Mass Media is a set of print, audio-video materials and other messages for unlimited group of people [11]. This very point shows that we need universal concept of information which can be used in all aspects of life.

One more problem is a wide range of synonymous words such as messages, facts, professional secret, data which are used in the RK Criminal Code alongside with information. For instance, the term information has been used in the RK Criminal Code Articles 143, 155, 198, 202, 215, 243, 268 and in others (Article 227 of special case T.M). The term data can be found in the RK CC Articles 129, 142, 144, 172, 173, 181, 184, 200, 203, 204, 215, 218, 219, 226, 314, 322, 347-1, 356, 386 and in some others, while messages occur in Articles 143, 217, 242 and facts are met in 221, 222, 225, 355. Private, state, professional and other secrets have been used in Articles 135, 142, 144, 147, 165, 166, 172 and in some others [12, 319].

The concept of private secret is presented in Article 142 of the RK CC “Violation of infringement of people’s privacy”. This type of crime may reveal a person’s or his family’s secret. The information can be about his relations with his family or his relatives, as well as with other people.

The concept of ‘Information secrecy” is differently outlined in the works of Kazakhstan scholars. Secret information is critical one, kept in secret and used only by a limited group of people [13, 15]. In accordance with this, the concepts of state secret and official secret are defined in Law on State Secrets of the RK from 15.03.1999. According to Article 1 of this Law, state secret is called when information of military, political, economic and of other character is proclaimed or lost and can bring bad reputation to the interests of the RK. As for official secret, it can be a part of state secret. In case it is proclaimed or lost, national interests of the country and state bodies can be harmed. In order to explain the term secret legislative word facts is commonly used. As it interprets secrets, its synonymous words such as information, data will enable to comprehend other issues of the laws. S.A.Yashkov points out that in Criminal Code it is better to use “information” instead of “facts”, “data” and “messages” [14, 82]. This has scientific significance. Let’s analyze the interrelation of the abovementioned terms. In fact, all those terms don’t fully reveal the definition of the word information [15, c. 514].
Facts, knowledge, messages make only the initial, incomplete form of the word information. If we consider them as cognitive phenomena, it turns out to be a part of information which exists out of mind and has nothing to do with cognitive process. If we talk about them separately, knowledge is a set of notions which describe diversity of phenomena, processes and things which exist in objective reality; meanwhile information is a form of decreasing vagueness or completely removing it. We agree with V.G. Aphanasyev’s opinion, in which knowledge having informative character decreases external diversity and increases internal one, so makes condition to choose the most beneficial for the system [16, 11].

Though facts are contained in information, to some extent they differ from them. Facts can be any message, knowledge or information. They can be preserved and edited (like information T.M), but they’ll get informative character only when they turn into content and form. So facts, knowledge and messages can’t be recognized as information unless they are systematically explained and accepted. They become information when they come into contact with the users. Y.I. Chernyak also supports this idea, saying if the facts are of no use, they are not information but much noise [17, 61]. So, the main point of the idea, facts and data make incomplete edited part of information. But, as relations in human society are based on information of social environment, relations between participating subjects may depend on other information sources.

Let’s take Article 144 of the RK CC “Promulgation of doctor’s secret”, and make clear of the crime of “Promulgation of patient’s condition or medical examine results by professional or other medical staff” [18, 32]. Here is a question: Can the knowledge about a patient’s illness be information for medical staff? First, a patient is diagnosed, then with further final diagnosis these facts being edited turn into information. That’s why supporting S.A. Yashkov’s opinion, in Articles of the RK CC we should replace the words facts, messages and data with the term information.

Referring to different opinions, we suggest the followings:

- As we think, Article 1 of the Law on Information Technology of the RK should be introduced some amendments:
  Despite preservation and appearance, information is the fact about people, things, data, events, phenomena and processes. Such definition of information will make clear of some misunderstandings in legal documents.

- In practice, absence of the concept of information in legal documents causes some difficulties. That’s why supporting S.A. Yashkov’s idea and taking into account above mentioned scientific conclusions, such terms as facts, messages and data in the RK CC should be replaced with the term information.

- It is obvious that where there is no information about crime, there is no punishment. Practically, this issue breeds latency of crimes. Generally, it is clear that forms of latent crime like secret and hidden exist. In the state based on the rule of law society and state must possess all information about crime [19. 467]. Moreover, criminology information should be open, as it is inefficient to fight unless we are aware of what to fight against. When the information about crime is available, it enables to define crime rate, its dynamics, structure, and to organize and plan preventive measures [20. 551]. In this connection, we recommend to create so-called independent state body “Bureau of Accidents” which will deal with cases of legal character. Main functions of this body will resemble the US “911” service, while its obligations will cover the provision of relief and support to those who suffer from criminals. In 2006 independent officials of the Committee on legal statistics and special accounts of the General Prosecutor of the RK carried out such activities in guard-rooms of Internal Affairs Body of Kharasay district of Almaty oblast. Results showed the crime registration have reached 50%, revealing the fact that information about crimes is not fully being registered. Above mentioned proposal is believed to improve criminological picture in the country.

The current dynamics of crime in the Republic of Kazakhstan gives rise to a valid concern. The negative tendencies of crime are especially visible in the economic affairs, organized crime, theft of property, and drug business.

Criminological information is essential for the information support of crime prevention [21. 226]. This information enables to link numerous subjects of
crime control, especially those of management functions, into an effective system. The effective use of accurate criminological information is essential for:

- Correct and precise analysis of crime rate, basic ratio of crime within certain territories;
- Identification of causal conditions;
- Elaboration of most effective preventive measures;
- Well distribution of the capacities of law enforcement bodies, management and coordination of their work;
- Assessment of the work of the structures involved in crime control activities;
- Effective organization of crime foresight and preplanning work.

Crime registration is particularly important in initial stages of collecting criminological information. Scholars and politicians have repeatedly mentioned this issue [22, 47]. S. E. Merzylyakov, for instance, outlines four stages of collecting criminological information in technical terms. The first step is the process of detecting and registration. The second step is primary information processing, meaning its categorizing and fusion in order to find the more consolidated indices of crime. The third step is individual analysis of the data and interpretation of the findings. And finally after statistic analysis is conducted, the forth step is the scientifically grounded consideration of the reports, complaints or any other conditions they have the right to submit the official recommendation immediately after an actual criminal act is registered, one may have an access to the information that could be useful for the further crime control measures, such as misdemeanors and administrative offences, as well as certain causal conditions such as drug addiction, alcoholism, prostitution and transience. It is worth mentioning here that under the Criminal Procedure Code of the Republic of Kazakhstan when the investigating officers see crime encouraging conditions they have the right to submit the official recommendation to relevant state bodies, agencies and local administration and authorities so that they could take appropriate measures to eliminate them and other law violations. In other words, an on-duty officer has the right to submit the official recommendation immediately after an act of crime has been registered. The lack of the due control and readiness of individual administrators to fulfill these recommendations and undertake appropriate measures impede timely elimination of the crime causal conditions and notification of them to the investigating authorities. Moreover, the busyness of investigating officers and time shortage prevent the implementation of this valid norm of crime control. Therefore, to realize the principle of "processual economizing" the control functions over the fulfillment of the official recommendation shall be imposed on the administrative police within the Department of Internal Affairs [24, 24]. The latter are able to monitor and control the fulfillment process more effectively. A Eshanov argues that in the cases of more complicated issues or when the administrators are not able or willing to resolve the situation and execute the recommendation and fail to provide an appropriate response to the information provided by the Department, the information shall be conveyed to the governing institutions [25, 23].

On the stage of the registration most of the crime information comes to the call center of a police control room on a 24-hour basis. Police control rooms are responsible for timely and effective response to the crime information to the Main Borough Internal Affairs Department. Under the current legislation of the Republic of Kazakhstan Criminal Investigations Agencies shall register and verify the information on completed or imminent crime and reach the decision within the earlier of three days (article 184 of the Criminal Procedure Code of the Republic of Kazakhstan). The crime information may be presented in oral and written form according to the Instruction for receiving, registering, accounting and consideration of the reports, complaints or any other crime information under the Order of the Prosecutor-General of the RK N°106/6 dated 06.06.2000.

However most of the crime information is not registered and recorded in the statistical accounting and remains latent crime [26. 1343]. The research conducted in Russia by V. V. Lunyev shows that the number of the registered crime is two - four times lower then the actual crime rate. A. M. Larin argues that the latent crime constitutes an objective law of criminology. There is always a slot between the time when the crime was committed and the time when it was recorded. For how long an actual act of crime is unregistered depends on several factors: its social danger, modus operandi, the discernibility or indiscernibility of its material costs, its impact, its severity and significance for the victim and witnesses. It also depends on the attitude of the law-enforcement personnel toward the maximum, minimum or optimum crime detection and registration rate [27, 86].
In 2001, in the Republic of Kazakhstan the procurators detected and registered 2500 acts of crime which had not been registered before, more then 50% of the cases were brought to court [28]. In the first half of 2002, 16709 cases of violation of the registration procedure were found, 982 notifications were not registered and 152 acts of crime were unaccounted [29, 22]. According to Investigation Department of the Ministry of Internal Affairs of the Republic of Kazakhstan in 2001, 1005 personnel of the law enforcements bodies were brought to disciplinary responsibility for the violation of detection and recording procedures, among them 1005 law enforcements officers, 124 senior officers were called to account for refusal to institute criminal proceedings. In 2002 1034 officers were brought to miscellaneous responsibility [29].

Improper conduct of the duty such as disregard of the order and illegal prolongation of terms of consideration of crime notifications, holding the crime information from being accounted in order to increase the detection rate, unlawful refusal to institute criminal proceedings and other dereliction of duty garbles precise information about criminal situation, discredit the law enforcement authorities in the eyes of the public, invalidates the results of their work and, therefore, impede the adequate measure of crime fighting. The review made by the Ministry of Internal Affairs of the Republic of Kazakhstan of state of lawfulness indentified the primary grounds for refusal to institute criminal proceedings in 2001 as the lack of corpus delicti, nonoccurrence of event of crime, insignificance of endamagement, conciliation of parties. In fact, the decisions were prompted by rather different considerations such as incomplete case papers, incorrect determination of the nature of a crime or offense and the acts of the offender, deliberate underestimation of the value of the stolen property and others.

The breach of the crime registration procedure is the subject of numerous reports, statements, position papers and memorandums as well as the mass media publications. It is commonly known that the regular breach of registration procedure leads to the sense of impunity among both law enforcement personnel and criminals and, therefore, fosters further rise of crime rate. We argue here that these days each body and each officer involved in crime registration shall realize that the crime begins not from the moment of its commitment but from the moment of its record. If the crime is not registered, it does not exist, and therefore, there shall be no punishment and no justice. As professor D. S. Chukmaitov rightly remarked concealment of the action of crime is the factual permission to commit it [30, 46].

The accuracy of the crime registration can be monitored through comparison of the records in the police log book with the data from other sources, for instance the medical facilities where they register the cases of treatment of bodily injuries, the correspondence about individual complaints as well as the correspondence with government offices and institutions, organizations, businesses and enterprises which may contain unregistered crime information.

The significant improvement of the system of registration and accounting of crime can be achieved, in my view, by two major steps. On the one hand, it is essential to adopt the Law on "Government Legal Statistics and Special Recordkeeping" stipulating that the government legal statistics shall be based on the number of crime notifications received in each precinct station or law enforcement body not on the number of criminal proceedings instituted [31]. Unless we have an effective mechanism to reveal the real crime situation in the country, we can not expect any good results in crime prevention and crime fighting. On the other hand, we shall significantly increase the level of public awareness and its inclusion into the process of crime prevention. Professor V. I. Kudryavtzev believes that the prophylactic among the public can have two objectives: firstly, in terms of victimology it is to reduce the number of potential victims, secondly, it is to create the atmosphere of zero tolerance towards crime and criminals and voluntary assistance to law enforcement institutions [32, 149].

It is necessary to make organized and meaningful propaganda in state and private organizations and institutions by the means of mass media in order to increase the social awareness of the public and its inclusion into crime prevention and crime fighting and to encourage them to notify the law enforcement agencies about crime so that the latter could have complete and accurate crime information. It is also essential to improve the practice of crime notification registration and consideration by the law enforcement institutions. The managers at the enterprises and organizations should regularly articulate before their personnel the importance of timely notification to the law enforcement agencies of all offences and illegal activity they are familiar with. Moreover, it is crucial to guarantee the observance of lawfulness as soon as the crime notification is received by law enforcement agencies in order to build confidence among general public who must see the real, irreversible mechanism of operational response to each crime notification, which creates all necessary condition for implementation of the principle of inevitability of punishment.
Statistics on crime, which became generally available since 1989, does not constitute the secret of state as it used to. In this context, there should be well established relations between the research legal and criminology institutions and legal, economic, demographic, medical data subjects so that the research work could be more relevant in terms of practice. In this context, I agree with the legal scholar A. Eshanov who stated the necessity to establish in the republic a national research center which would focus on the issues of crime prevention [33, 39]. The idea itself is not a unique one: there was a similar institution in the USSR All-Soviet Union Institute which studied the origin of crime and means of its prevention and made a great contribution to the development of criminology.

CONCLUSION

The effectiveness of crime prevention system as a priority dimension of crime fighting depends not only on information support, is should be based on solid regulatory-legal, material and financial, managerial and personnel grounds with significant methodological and scientific sustention and the arsenal of propaganda. The combination of all above mentioned factors is the necessary condition for success in crime prevention and crime fighting.

REFERENCES