

ANNOTATION

to the dissertation research by R. E. Mammadov

The topic of the dissertation research: Criminological problems of combating crimes of migrants.

The purpose of the dissertation research: The purpose of the work is to study the theoretical foundations of the criminological problems of crimes of migrants, to study and supplement its criminological characteristics and to consequently determine an effective set of measures to counter this type of crime in Kazakhstan.

Research objectives:

- *determining* the exploration degree of the criminological problems of crimes of migrants and identifying the up-to-date definition of the concept of ‘crimes of migrants’;

- *considering* the peculiarities of the legal status of migrants in the context of international and national legislation in the migration field;

- *identifying* a detailed criminological characteristic of the crime of migrants by:

- analysing the state, structure and dynamics of criminal offences committed by migrants;

- identifying the factors determining the crimes of migrants;

- specifying the criminological features of the personality of a migrant criminal and compiling their psychological portrait;

- investigating the potential link between immigration and the risk of victimization;

- *determining* the main directions of criminological counteraction to the crimes of migrants and developing effective measures based on the investigation.

Research methods:

To achieve the goal, general scientific and special methods were used in the research enabling to take into account the specifics of the object and subject of research in the most optimal way. These include, in particular, *methods of formal logic* (analysis, synthesis, deduction and induction, analogy, abstraction, etc.) to clarify the content of the studied criminological problems of crimes of migrants making it possible to make certain generalizations (in all sections of the dissertation); *special legal methods*, namely: *historical-legal methods* to study the genesis of migration processes and crimes of migrants (subsection 1.1) and *comparative-legal*

methods in the analysis of scientific categories, definitions and approaches (in all subsections of the dissertation); structural and functional methods with the help of which the criminological characteristics of crimes of migrants in Kazakhstan are studied (subsection 2.1), determining factors of the crimes of migrants are identified (subsection 2.2), criminological features of the personality of a migrant criminal are considered and their psychological characteristics are given (subsection 2.3); *method of system analysis* to justify a set of measures to combat crimes of migrants in Kazakhstan and to determine the main directions of its prevention and precaution (section 3); *statistical method* enabled us to draw conclusions about the nature of modern criminological problems of crimes of migrants (in all sections of the dissertation); *sociological method* (questionnaires, interviews) is used within the framework of confirming scientific conclusions with the data of questionnaires of investigators and law enforcement officers involved in the disclosure and investigation of migration crimes as well as interviewing employees of the Committee of the Migration Service of the Ministry of Internal Affairs of the Republic of Kazakhstan (section 3).

The main principles (proven scientific hypotheses and other conclusions that are new knowledge) submitted for defense:

During the scientific research:

- based on the analysis of the degree of scientific elaboration of the problem under study, the definition of the concept of ‘crimes of migrants’ was clarified and supplemented, - it is a separate, specific, socially dangerous legal phenomenon consisting of a set of crimes committed by migrants on the territory of the Republic of Kazakhstan in relation to migrants or by other parties encroaching on the state-established procedure for migration of the population as well as on other relations protected by criminal law, the infliction of harm to which is associated with migration processes;

- in order to fully and smoothly implement the principles of international human rights, the norms of which are directly related to the issue of the rights of migrants, it is proposed to apply in Kazakhstani legislation the classification of international acts which will allow to form a targeted state policy to combat migrant crimes in the Republic of Kazakhstan;

- the criminological characteristics of such social phenomenon as crimes of migrants are presented in expanded form;

- analysing the state, structure and dynamics of criminal offences committed by migrants;

- identifying the factors determining the crimes of migrants;

- specifying the criminological features of the personality of a migrant criminal and compiling their psychological portrait;
- investigating the potential link between immigration and the risk of victimization.

The main ways of criminological counteraction to the crime of migrants are determined as well as recommendations and proposals for countering the criminality are formulated.

Describing the main findings:

In terms of its nature and the issue covered, the dissertation is the first monographic work in Kazakhstan in which the criminological problems of the crimes of migrants are comprehensively studied, namely:

The following have been introduced:

- the criminological characteristics of such social phenomenon as crimes of migrants are presented in detail;
- it is proposed to apply in Kazakhstani legislation the classification of international acts which, according to the author, will allow to form a targeted state policy to combat migrant crimes in the Republic of Kazakhstan;
- a holistic view of the criminological features of the personality of a migrant criminal is formed along with their psychological characteristics;
- the potential link between immigration and victims of crime in adolescence and adulthood is analysed;
- general social measures to counter migrant offences are proposed:
- the need to create a separate body – the Agency of the Migration Service of the Republic of Kazakhstan – authorized to implement a unified state policy in the field of migration, to develop and hone the system for managing migration processes and to coordinate the activities of relevant state bodies on migration issues is justified;
- the need to develop the Concept of actions in the labour market (framework) on the territory of the Republic of Kazakhstan is indicated. The Concept determines the main directions and priorities of the activities of state authorities in implementing state policy in the field of employment;
- in order to take into account and ensure the completeness of statistics, it is proposed to add the following categories of citizens to the ones available in criminal and judicial statistics, statistics of bodies of internal affairs (police) ‘citizen of the Republic of Kazakhstan’, ‘citizen of CIS’, ‘foreigner’ to the categories of citizens who commit criminal offences:
 - 1) ‘refugee’;

- 2) 'migrant-qandas' (ethnic Kazakhs who migrated from other countries);
- 3) 'stateless person';

The following have been improved:

- coverage of the genesis of the problem of migrant crime as a result of which the priority of economic reasons for the illegal behaviour of migrants has been established;
- scientific positions on the issue of detailing the temporal features of the commission of crimes by migrants in megacities particularly affecting the nature and number of crimes committed by migrants;
- detailing proposals on the system of registration and control of migrants in the Republic of Kazakhstan;

The following have been further developed:

- expansion and enforcement of measures of international cooperation in the field of migration policy;
- formation of a complex of special criminological measures aimed at combating the crime of migrants in the megacities of the Republic of Kazakhstan;
- systematization of the list of measures aimed at preventing individual criminal behaviour of migrants.

The practical significance of the findings obtained lies in the fact that on the basis of the author's developments there is a range of theoretical and practical principles, conclusions and proposals which have been formulated and can be implemented further:

- *in legislative activity* – to introduce amendments and additions to regulatory legal acts in the field of migration activities (RLA of the Republic of Azerbaijan and Republic of Kazakhstan);

- *in educational activity* – in teaching the academic discipline of 'Criminal Law and Criminology', in advanced training courses for investigators in law enforcement universities;

- *in law enforcement activity* – to improve accounting and statistics of migration offences, to develop and strengthen international cooperation in the field of application of migration legislation.

All conclusions and recommendations were obtained as a result of a comprehensive use of regulatory, theoretical-legal and statistical materials and publications of the research topic.

The scientific findings, implications and conclusions of the dissertation are characterized by validity, consistency and reliability as well as a high degree of systematic approach and coherence.

The findings obtained by the researcher are characterized by internal unity and the lack of inconsistency in content. The dissertation research is a logically completed scientific work with internal unity. A clearly formulated goal and objectives of the study found a consistent theoretical and methodological solution in each section of the dissertation presented in the form of basic principles submitted for defense.

Substantiation of the novelty and importance of the obtained findings.

A systematic and thorough study of quantitative indicators of crimes of migrants including the state, level and dynamics of criminal offences committed by migrants in conjunction with an assessment of its qualitative indicators, namely the structure and nature of crimes over a long period of time (from 2016 to 2020) made it possible to form a relatively complete criminological picture of this dangerous social phenomenon in Kazakhstan.

Such social phenomenon as the crime of migrants characterized by relatively small quantitative indicators compared to the general crime rate in Kazakhstan, in general, its local and focal nature most manifested in economically developed and dynamic regions of the country and also in the southern parts and frontier zones. Accumulation of a significant number of migrants in these regions leads to aggravation of the criminological situation in them contributing to the possibility of increasing interethnic tensions, poses a potential threat to national security.

Taking into account the conducted criminological research analysis of crimes of migrants, a detailed picture of characterological traits of migrant criminals is presented considering the real conditions in Kazakhstan for which the most distinctive is:

- *overall prevalence* – i.e. a stable presence in criminal national statistics with a relatively small share at a potentially high degree of latency;
- *geographically local nature* of the prevalence of crimes of migrants with a traditional attraction towards metropolitan cities of Kazakhstan and other places of economic and business activity;
- increase public danger, namely:
 - relative stability of its distribution by categories of severity of crimes committed;
 - relative share of serious crimes committed by foreign migrants exceeds the share of similar crimes in the structure of crimes of citizens of Kazakhstan;

A detailed picture of characterological traits of migrant criminals is presented considering the real conditions in Kazakhstan.

A psychological characteristic of the personality of a migrant criminal is proposed, namely:

- the thesis about the need for a criminological study of the personality of a migrant criminal was updated in connection with their significantly different

consumer-motivational sphere, value-normative characteristics of consciousness, social position and status in the society of the host country, i.e., Kazakhstan;

- the presence of psychological barriers among migrants that make it difficult for them to adapt to life situations, poor social adaptability;

- psychological characteristics of migrants are considered as a potentially dangerous medium, a source of violation of public law and order and an ideal ground for the criminal activities of ethnic groupings.

The studied characterological traits of migrant criminals and their formulated psychological characteristics prove the need and importance of a comprehensive study of the personality of a migrant criminal and their psychological characteristics, the ultimate goal of which is targeted preventive work among migrants reducing the criminal potential of the migration environment, preventing the criminalization of public, social and economic relation accompanying migration processes and as the integrated result – combating crimes of migrants.

The obtained scientific findings were achieved during the implementation of the two following procedures: 1) to determine what scientific knowledge is needed to solve this practical problem – prevention and precaution; 2) to establish whether this knowledge is available in criminal law science.

The reliability of the obtained scientific findings is ensured by an adequate choice of methods and methodology for the study of criminological measures to combat crimes of migrants.

Compliance with the directions of development of science or government programs.

The reform of criminal and procedural legislation are the most important areas of judicial and legal reform carried out in order to solve the protecting public order and combating crime.

At the same time, the problem of improving the mechanisms for combating crime remains relevant today. And in the context of complication of the criminogenic situation in Kazakhstan, the scientific study by the dissertation of a number of problems related to the criminological problems of combating the crime of migrants is a significant contribution to other research in this area.

The dissertation is one of the first scientific works on the study of criminological problems of combating crime among migrants in order to determine the conditions for its further development and improvement in the context of reforming the legal framework as well as judicial and investigative activities. The ways developed by the author to improve legislation and law enforcement practice on the issues under consideration deserve serious attention. The author carried out a comprehensive comparative study of top-of-the-agenda theoretical, legal and practical problems in sufficient detail.

In criminal law science there are no fundamental works on criminological problems of combating crimes committed by migrants. Analysis of the literature convincingly shows that criminological problems of combating migrant crimes

remain the most relevant today, and in terms of the aspects considered by the author, they are mainly covered by Russian and foreign scientists while the existing problems of national legislation have not been adequately reflected in scholarly comprehension which confirms the priority of the research topic chosen by the dissertation candidate.

The findings of the conducted research significantly expand and supplement knowledge about the criminological problems of combating migrant crime the author formulates specific recommendations and proposals for the prevention and precaution of migrant crime.

The paper reveals the basic concepts and categories of migrant crime, considers its criminological characteristics and features, presents the genesis, formation and development of this phenomenon, analyses the modern migration legislation of the Republic of Kazakhstan and ways to improve it in the context of the Concept of Migration Policy of the Republic of Kazakhstan for 2017-2021 (Decree of the Government of the Republic of Kazakhstan dated September 29, 2017 No. 602 'The concept of migration policy of the Republic of Kazakhstan for 2017-2021'. 'Adilet' information and legal system of regulatory legal acts of the Republic of Kazakhstan, source: <https://www.adilet.zan.kz>).

Contribution of the doctoral student to the preparation of each publication

The main provisions of the dissertation are presented in 11 publications. All scientific findings presented in publications are obtained by the researcher independently. The article: Mammadov R.E., Dzhansarayeva Rima, Assel Sharipova, Meruyert Bissenova & Kevin M. Beaver Immigration and Victimization in Adolescence and Adulthood: Findings from a Nationally Representative Sample (co-authored). (Immigration and Persecution of Adolescents and Adults: Findings from a Nationally Representative (typical representatives) Sample). Journal Victims&Offenders, UVAO-2020-0074, 16 pp. <https://doi.org/10.1080/15564886.2020.1835765> – prepared by a team of authors.