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About the migration situation in the Republic of Kazakhstan

Abstract: The article characterizes contemporary migration situation in the Republic of Kazakhstan. Stable economic growth has led to conditions of Kazakhstan's transition from the category of the sending country in the category of the host. Modern migration situation in Kazakhstan is characterized by a significant increase in the volume of labor migration. In connection with the growing economic attractiveness of Kazakhstan is increasing the number of migrant workers who wish to work in Kazakhstan. There has been an increase in the quota for foreign labor for realization of labor activity on the territory of the Republic of Kazakhstan. Unstable socio-economic and socio-political situation in a number of countries led to the presence of refugees in the Republic of Kazakhstan, the number of which is increasing annually. The growing number of immigrants in Kazakhstan brings to the agenda the question of ensuring their rights. Actualized the problem of illegal migration and crime.

Keywords: migration, migration situation, labor migration, illegal migration, migration crime.

Migration issues are common to all states of the modern world. After gaining independence from their faces and the Republic of Kazakhstan. In the process of rapid globalization, many states have set themselves the task of finding adequate solutions to the problems related to migration processes themselves and the processes generated by this phenomenon. The integration of Kazakhstan into the international space made it necessary to engage in the process of regulation of migration processes at the global level. Kazakhstan has acceded to the Convention on the Status of Refugees, the International Labour Organization conventions, ratified the agreement on cooperation with the International Organization for Migration.

In the early years of independence in Kazakhstan, there is a consistent tendency of exceeding the number of citizens who have left the country over the number of entrants. Comparison of the Soviet census of 1989 and the census in Kazakhstan in 1999 shows a decrease in the population of the republic for 10 years 1 mln. 511 thousand people. [1] In 1990, our country has left 729 579 people in 1999, the trend of departure from Kazakhstan fell by almost half — 397 374 people. Emigration reached the highest level in 1994, when the country has left 804 391 people, and the negative balance of migration amounted to more than 406 000 people. In the late 90's and early 2000s due to lower intensity of emigration flows observed stabilization of the negative balance of migration. Since 2004, population growth has resumed a positive trend and grew until 2011, when it was granted 1 mln. 353 permits to foreign nationals.

From 2004 to 2012 in Kazakhstan was positive net migration due to an active immigration policy, particularly in the area of ethnic repatriation. The first state solution regulating migration, in particular, the development of the immigra-

tion of Kazakhs in Kazakhstan, adopted November 18, 1991 № 711 "On the order and conditions of resettlement in the Kazakh SSR persons of the indigenous nationality, wishing to work in rural areas, from other republics and foreign countries". As a result, in 1991–1992, in the Republic of Kazakhstan arrived 13,188 families — 61,609 people, and between 1991 and 2014, more than 952,100 of the five million ethnic Kazakhs have returned to Kazakhstan, making a significant share of immigrants in Kazakhstan (5.5% of the total population).

From 1992 to the 3rd quarter of 2015 the Ministry of the Interior granted the citizenship of the Republic of Kazakhstan 965.1 thousand people, including 859.0 thousand. (89%) — repatriates.

Registered out of citizenship to 10013 persons.

For 9 months of 2015 the citizenship of the Republic of Kazakhstan made 5.8 thousand people, including 1.2 thous. (23.6%) — repatriates.

Most accepted the citizenship of the Republic of Kazakhstan are immigrants from the Republic of Uzbekistan (903 pers.), China (244), Russia (34) and Mongolia (30).

The simplified procedure of citizenship of the Republic of Kazakhstan made 5.2 thousand people.

At present, the draft law "On amendments and additions to some legislative acts of Kazakhstan on migration and employment" provided for repatriates reduction of the term of residence for citizenship Kazakhstan up to one year.

In 2012 and 2013, again a decrease in the number of entrants to the country for 1426 and 279 people respectively, which was due to a decrease in the level of immigration. One reason for the slow emigration Kazakhstanis abroad, is a dynamic growth of living standards in Kazakhstan.

In general, according to the Ministry of Internal Affairs of Kazakhstan registered legal migration from neighboring countries (the former Soviet Union) was in 2009 year — 1036484 people, in 2010 year — 1129892, 2011 year — 1216215, 2012 year — 928140, 2013 year — 820310.

Temporary migration from non-CIS countries consists mainly of citizens of China and Turkey, followed by citizens of Mongolia and India, the European states are represented by immigrants from Germany, Britain and Italy.

Every year an increasing number of refugees. So, in 2013, all were registered — 539 people (124 families). The refugees came from the following countries: Afghanistan — 517, Uzbekistan — 11, Syria — 2, China — 5, Ethiopia — 1, Somalia — 1, Palestine — 1, Egypt — 1.

In 2014, all were registered — 640 people (138 families) from the following countries: Afghanistan — 602, Uzbekistan — 16, Syria — 12, China — 5, Ethiopia — 1, Somalia — 1, Ukraine — 1, Palestine — 1, Egypt — 1.

As of October 1, 2015 the number of recognized refugees in the Republic of Kazakhstan is 678 people (143 families). The refugees are registered in four regions: Almaty (383 pers.), South Kazakhstan (240), Almaty (49) and Zhambyl (6) of the region.

The refugees came from the following countries: Afghanistan — 633, Syria — 18, Uzbekistan — 16, China — 5, Ethiopia — 1, Iran — 1, Ukraine — 1, Palestine — 1, Egypt — 1, Turkmenistan — 1.

Contemporary migration situation in Kazakhstan is also characterized by a significant increase in the volume of labor migration. There has been an increase in the quota for foreign labor for realization of labor activity on the territory of the Republic of Kazakhstan, established annually by the Government of the Republic of Kazakhstan. In connection with the growing economic attractiveness of Kazakhstan is increasing the number of migrant workers who wish to work in Kazakhstan.

Accession to the UN Convention on the Status of Refugees 1951 and Protocol of 1967, the unstable socio-economic and socio-political situation in a number of countries led to the presence of refugees in the Republic of Kazakhstan, the number of which is increasing annually.

The intensity of internal migration shows the movement of population from rural areas to regions with higher living standards and infrastructure of the environmentally disadvantaged regions to regions with better ecological environment.

Socio-economic problems of the population and, in particular, the migration are among the major issues of all highly developed countries, who currently spend a special selective immigration policy in respect of foreign nationals arriving. Along with this, a number of countries in order to preserve national identity and the identity of their States, conduct a specific ethno-historical migration policy. Kazakhstan belongs to the states, are actively implementing the migration policy of ethnic repatriation.

The geopolitical location of the Republic of Kazakhstan, the transparency of borders with the CIS countries, the ab-

sence of a single coherent policy and imperfect legislation, a favorable economic climate, social and political stability, the liberal international migration policy are the main factors contributing to illegal immigration in the country.

According to the International Organization for Migration, Kazakhstan is among the countries of the world, where the most powerful migration processes. Stable economic growth, the emerging since the early 2000s, at the transition of Kazakhstan led premise of the discharge of the sending country in the category of the host. Currently, Kazakhstan is a leader in Central Asia on the influx of immigrants. The growing number of immigrants in Kazakhstan brings to the agenda the question of ensuring their rights. On the other hand, it updated the problem of illegal migration and crime. Illegal migrant status gives rise to major challenges: growing level of criminalization of society, both at the expense of criminality among migrants and by crimes against migrants: corruption, exploitation and the use of slave labor, non-payment of termination, robbery; emerging threats to economic security, public health, etc.

The crime of illegal migration is clear. It is traditionally considered in criminological doctrine as a background phenomenon of crime, t. E. Being itself is not a crime, illegal migration has the ability to produce various types of crime. Illegal migration is often used to commit illegal actions against drugs, weapons, currency, to commit other criminal acts, to search for clandestine infiltration into other countries, expands the basis for the activities of organized criminal groups and international terrorist and extremist organizations, enhances the threat to the national security of the host State. The criminal statistics has been a steady increase in crimes committed by foreigners and stateless persons.

The migration processes have a negative impact on the crime situation in different regions of the country. So, for violations of migration legislation have been reported following the crime.

Deliberate illegal crossing of protected frontier of the Republic of Kazakhstan (art. 330 of the Criminal Code) — in 2010 year — 115 crimes, in 2011 year — 104, 2012 year — 118, 2013 year — 180, 2014 year — 149, in the first nine months of 2015 year — 175.

Failure to comply with the decision on expulsion (art. 330-1 of the Criminal Code) — in 2010 year — 186 crimes, in 2011 year — 72, 2012 year — 61, 2013 year — 87, 2014-79, for the first nine months of 2015 year — 603.

The organization of illegal migration (art. 330.2 of the Criminal Code) — in 2010 year — 15 crimes in 2011 year — 19, 2012 year — 30, 2013 year — 46, 2014 year — 125, in the first nine months of 2015 year — 37.

Repeated violation of the rules of engagement and use of the Republic of Kazakhstan of foreign labor (art. 330-3 of the Criminal Code) — in 2010 year and 2011 year — 4, 2012 year — 5, 2013 year — 1, 2014 year — 2, in the first nine months of 2015 year — 3.

In recent years, the territory of Kazakhstan, more crimes committed by nationals of other countries and stateless persons. Thus, according to official statistics, in Kazakhstan in

2012 year, foreigners had committed the crimes in 1988 year, in 2013 year their number increased to 2143; for 8 months in 2014 year crime was committed in 1467, which is higher than the previous year by 4% (1346).

The proportion of crimes against foreigners remain low and each year does not exceed 0.4% of the total registered. For example, in 2012 year it was 0.4% (783 out of 196 552), in 2013 year — 0.3% (960 out of 276 008). For 8 months of 2014 year in relation to foreign nationals committed a crime against 813 761 during the same period last year.

Despite the fact that the share of this species of crime in the total number of crimes committed relatively low, their dynamics and intensity determine the need for, including a scientific solution to this problem. This criminal phenomenon requires a detailed study of a number of reasons, not only determined by a significant increase in crimes committed by foreign citizens and stateless persons, and the number of acts directed against them, due to the increased victimization of individuals.

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The criminal repression of the military for crimes in Russia: historical and legal aspect

Abstract: This article is devoted to the interdisciplinary problem criminological understanding of military history of punishment in the Russian Empire in the period from 1864 to 1917. It was during this historical period of time the key legal acts adopted military criminal law and finally develops a system of penalties for the crimes of the military.

Keywords: criminal repression, criminal policy, military reform, crimes of the military personnel, criminal penalties, corrective punishments, prisoner companies, military and corrective companies.

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Уголовная репрессия за преступления военнослужащих в России: историко-правовой аспект

Аннотация: Данная статья посвящена междисциплинарной проблеме криминологического осмысления истории наказания военнослужащих в Российской Империи в период с 1864 г. по 1917 г. Именно в этот исторический отрезок времени принимаются ключевые правовые акты военно-уголовного законодательства и окончательно складывается система наказаний за преступления военнослужащих.

Ключевые слова: уголовная репрессия, уголовная политика, военная реформа, преступления военнослужащих, уголовные наказания, исправительные наказания, арестантские роты, военно-исправительные роты.