

Zh. Karipbaev<sup>1</sup>, K. Complak<sup>2</sup><sup>1</sup>*Ye.A. Buketov Karaganda State University, Kazakhstan;*<sup>2</sup>*Wroclaw University, Poland**(E-mail: gulnurraihanova@mail.ru)*

## Personal qualities of juvenile offenders' deformation features

The article focuses on the peculiarities of the violation of the personal qualities of juvenile offenders and on the issue of approval. This article deals with the problem that requires a detailed study of the personality traits of offenders and criminals to understand the genesis of offenses and the misconduct of minors. Currently in our opinion, «juvenile's administrative offense» implies the violation of public law, the security, health, life, rights and freedoms of citizens, property and governance, social danger, unlawful, the intended action of juvenile delinquencies and administrative liability in current legislation. In accordance with this case, we can depict the personality traits of deviating behavioral juvenile delinquents. In its turn, the analysis of individual peculiarities of juvenile offenders suggests that all juvenile offenders, who deliberately violate public order and commit administrative offenses, are directly involved in deformation of personal qualities of juveniles. In the article, using the various research methods, the current legislation bases the definition of effective ways of legal regulation by describing the legal definition and peculiarities of the administrative action. At present, special attention is paid to the personality traits of juvenile offenders. This is due to the need for research, as the increase in juvenile delinquency among adolescents is an important factor in drawing attention to this issue.

*Keywords:* juveniles, law enforcement, illegal behavior, offense, administrative offense, deformation, genesis, hypo custody (negligence), guilt, administrative penalties.

### *Introduction*

The social danger of juvenile delinquency, the peculiarities of deformation of personal qualities and the socially disadvantaged and solvable nature of the socially disadvantaged nature of administrative offenses determine the relevance of this issue in society. In today's society, the increase in juvenile delinquency among juvenile delinquents is the main incentive to focus on this issue. Violation of legal norms, legal nihilism and legal idealism results in the youth's ignoring the limitations of the rule of law. This issue is typical for all generations, but in every historical period, the society and the state use a set of measures to educate young people about the legal education of young people and their social adaptation to their real-life situation. Research in this area is an important and necessary component of the legal culture in the modern society. Personal characteristics of juvenile criminals should be taken into account in the prevention of unlawful acts and taking measures to bring juvenile offenders to legal accountability. Nowadays, more and more attention is paid to educating youth. 2019 was declared the Year of Youth with the First President of the Republic of Kazakhstan. It emphasizes the role and importance of youth in ambitious tasks imposed on the Republic of Kazakhstan to join the thirty most developed countries in the world. At the same time, the legal culture, especially legal culture of juveniles, is increasing, as it will be able to fulfill the tasks set forth by the next generation. The personal qualities of young criminals make great interest because it can be influenced by adverse personality attitudes that can lead to an increase or decrease in the number of offenses among adolescents in the community. At the same time, the negative deformation of personality requires its own research and analysis.

It is very important to study them thoroughly and to create actions aimed at development of complex measures to counteract offenses. Today, for the effective solution of a number of issues aimed at the suppression of juvenile delinquency, a special place is occupied by measures to identify the basic laws, comprehensively studied the causes of administrative offenses of minors.

The purpose of the study is to identify the peculiarities of the personality traits of juvenile offenders and to analyze the most common problems in society.

Objectives of the research: to deeply study the personalities of administrative offenses and the perpetrators of the offenses to understand the genesis of administrative offenses and the mechanisms of illicit behavior, to justify measures to improve the legal regulation of society.

The article analyzes the characteristics of the personality of juvenile offenders, as well as factors that have an impact on the misconduct of many minors, intentionally commit their illegal acts.

### *Methods and Materials*

Methodological bases of the research of individual scientific and general scientific methods of knowledge are made up by normative-logical, historical, comparative law, analysis, synthesis, systematic and other methods. During the research, theoretical concepts of the personality traits of juveniles were analyzed.

### *Results*

The social danger of minors' inappropriate behavior, the socially disadvantaged level and the socially disadvantaged nature of administrative offenses are of great concern. It is very important to study them thoroughly and to create actions with the purpose of developing comprehensive anti-fraud measures. Today, in order to address effectively a number of issues for the state's efforts to prevent juvenile delinquency, a comprehensive investigation of the causes of juvenile delinquency and the identification of basic laws are of particular importance.

In order to understand the genesis of administrative offenses and the mechanisms of illicit behavior, it requires a thorough study of the personality traits of offenders.

In domestic and foreign literature, various concepts and explanations reveal the meaning of the offense. For example, law-abusive offenses are acts that are expressly prohibited by administrative law. From the point of view of ethics, offenses are from human's actions and human-oriented evil. From anthropological point of view, offending is a distorted form of self-expression, a destructive way to independently define individual traits and aspects of human nature. Each offense is a moral crisis of a person, one's moral decline, and many different forms and expressions of this word.

Kazakhstan and foreign administrative law scholars (administrators) investigating the phenomenon of administrative offenses have provided a number of definitions and explanations to the concepts and categorical notions of administrative offenses in the study of various aspects of their work:

- first scientists define this notion as «an act or omission that infringes upon lawful, guilty action or inaction, violation of mandatory administrative and legal norms and leads to administrative penalties» [1; 45];
- second scientists refer to a society that is exposed to «administrative offense», that is a result of violation of generally accepted norms and that entails administrative responsibility for the society, which is dangerous, illegal, guilty or inactivating;
- third scientists refer to administrative offenses as provided for by administrative law, as well as administrative responsibilities contained in law, law-abiding normative legal acts [2; 19];
- fourth scientists state that administrative offense (negligence) infringes upon public or public order, property, rights and freedoms of citizens, and the law provides for administrative, guilty (intentional or negligent) acts or omissions [3; 50];
- In UN international legal acts — any incorrect behavior (action or omission) committed under the law within the legal framework called offense [4; 388].

Finally, in accordance with the Part 1 of Article 25 of the Code of Administrative Violations, an illegal, guilty (intentional or negligent) act or omission of an individual, or any unlawful act or omission of a legal entity is known as an administrative offense [5].

According to the law, administrative offenses always have the following characteristics in legal literature: common dangers, ill-treatment, accusation and punishment. These symbols, combined into a single knot, constitute a major sense of responsibility, without which the objective of the institution of an administrative offense can not be objectively defined and understood. Consequently, these signs can be regarded as a compulsory and indivisible component of the classical, i.e. adequate understanding of the essence of the institution of the administrative offense.

Thus, in our opinion, «juvenile's administrative offense» implies the violation of public law, the security, health, life, rights and freedoms of citizens, property and governance, social danger, unlawful, juvenile delinquencies and the intended action of administrative liability in current legislation.

The fact of committing an administrative offense does not disclose the entire content of the facts that led to criminal acts, although it has been described as a contradictory act by the individual. In Marx's opinion, the offender mustn't be recognized only as an offender, but should be treated in a broader sense. «The State should also see in offender a member of the family cell, which is important and sacred for the community, one of the members of the community who performs the public functions, the person who blows his heart, the living part of the state, the defender of the fatherland, the witness to the defense of the motherland, as a citizen of the state» [6; 132].

The point of view of the actions of the juvenile is crucial: whether it is understood as an offense or a violation of public order, or whether it should be so without saying in one's understanding, this fact is of great importance. This will help to determine the effectiveness of the legislation by exploring the environment and social environment around the minor.

An individual is an active participant of various activities, not only products and objects of social relations, but also the person who has the ability to freely and independently desire. Consequently, this person can regulate his/ her own behavior in the circumstances. Hence, he/she can hear his/her actions and do the right thing. According to academician Kudryavtsev V.N., «any situation is just a matter of the subject's psychic, leading to certain actions. No situation can induce behavioral distortions without interacting with certain traits of the individual» [7].

The negative personality of the person is a prolonged process that requires a certain amount of time. From the point of view of Kudryavtsev V.N., «As practice shows, non-social attributes often show that a person's accumulation and development on the basis of his/her psychological negativity has the most obvious social character and becomes the dominant attribute of a person» [8; 31].

In this case we can depict the personality traits of the juvenile violent behavior through the deviant behavior. For example, adolescents routinely conduct classes, run away from home, make small hooliganisms, violate their own personality, and more, and discriminate against the law, and all forms of abnormal behaviors that lead to conflict with the law.

Therefore, deviant behavior can be viewed as a system of actions that can lead to deviation from the established norms, whether it is generally accepted or legally reflected in the mental health, law, culture or morals norms.

Deviating behavior of minors is classified into two major categories:

- psychopathology-related behavior that is explicit or invisible by psychological health;
- anti-social behavior that violates social and cultural norms.

These are deviant behaviors, one of the main and defining factors that shape the personality traits and contours of the delicacies of the juvenile. They are heavily influenced by the psychology of adolescents, largely due to a variety of factors. Factors affecting the appearance of deviant behavior include:

- a) the level of social behavior is based on a personal factor that is dependent on the impact of the psychobiological prerequisites;
- b) psychological and pedagogical factors which are the consequence of school and family education defects;
- c) socio-psychological factors that emerge from the negative aspects (peculiarities) of interaction of minors in their family, in the street, in the teaching staff with their immediate environment;
- d) personally, first of all, it depends on the individual's chosen environment of communication, the norms and values of his/her environment, the pedagogical influence of family, school, society, and personal ability to self-control;
- e) social factor, which is determined by social and social economic conditions of modern society [9; 19].

In its turn, the analysis of individual peculiarities of juvenile offenders suggests that all juvenile delinquents, who deliberately violate public order and commit administrative offenses, are directly related to deformation of personal qualities of juveniles.

Often, administrative offenses are accompanied by teens that are called «abandoned» or «educated» by pedagogy. We can see that cognitive interest and low level of interest among minors in this category are low.

Such an adolescent's influence in the world of cognition influences the environment of adolescents and adolescents who experience deviant behavior in the environment. The negative qualities characterized by the degree of deformity of the juvenile's personality are predominant: unresponsiveness, laziness, insecurity, aggressiveness, ease of enthusiasm, indifference, neglect to others and so on.

These qualities are formed during long periods of adolescence as a result of poor family situation. Due to the absence of a medium to propagandize moral values in the family, this leads to the formation of selfishness and other negative qualities in adolescence. At the same time, the teenager's perceptions have a negative impact on the alcoholism of parents, lack of proper attention to the child, their amoral behavior and the abusive treatment of the children's dignity and respect for their children.

However, in the life of a minor, there is often an environment in which the parents love him very much and form the distorted moral qualities of parents who do not always want good things, but lack the pedagogical, cultural and moral qualities. In such cases, teenagers tend to be deprived of their pride, arrogance, lack of sense of identity, lack of understanding of needs, immorality, selfishness, and more. All of this creates a suf-

ficient basis for «infringing» a teenager and creating a permanent negative character, that leads to one's offenses, even criminal offenses.

### Discussion

Professor Leicko A.E. divided four common occasions into one of the causes of the deviant behavior of a juvenile in a family setting:

- Excessive care of families of different degrees (hyperopelia) — from the intention of being a participant in every moment of the child's life (thoughts, feelings, behavior) to the tyranny in the family;
- Hypothecism (negligence) often results in child abnormalities;
- The «Kulshekyz» (a girl in a tale that suffered from the influence of a stepmother and her two daughters) situation in the family, which is characterized by the fact that parents spend a lot of time with themselves and spend not sufficient time with their family, that is to say, with their children [10; 224].

While most offenses are committed independently, without the family's involvement, it can be said that the role of juvenile in deviant behavior is of great importance. Melnikova E.B. says, «Sometimes a family role is a negative factor, as a mechanism for the illicit behavior. Its effect is usually determined by family behavior and the behavior of adult in family members» [11; 15]. One should agree with this statement.

The genesis of juvenile offenders is frequently associated with defects in family structures. These defects may be related to the external structure (absence of one parent), as well as to the internal structure (disorderly relationships between family members). Family disruption, for whatever reason, causes serious injuries to juveniles and causes them to be offensive, abusive, and aggressive. However, it should be noted that in the event of divorce due to alcoholism or amoral behavior of one of the parents, the divorce affects the recovery of children rather than the deterioration of their children [12; 150].

### Conclusion

Thus, we can see that administrative offense is a phenomenon that arises suddenly and occurs as a result of psychological complexity that forms the type of relationship with the influence of social environment in its genesis. It is therefore very important that the genesis should be studied in complex actions aimed at preventing juvenile delinquency. The genesis of the officially studied offenses will help to improve and develop certain work with family, labor, civil, administrative offenses, criminal offenses, criminal proceedings and criminal-executive and juvenile legislation to improve effectiveness in the fight against offenses.

In the modern world, much attention is paid to the issues of personality traits of juvenile offenders. This is a growing need for more detailed research, as reducing the percentage of juvenile delinquents is an important factor in drawing attention to this issue. N.A. Nazarbayev's «Teenagers are the weakest and most vulnerable part of our society, and they should not be lawless. As the Head of State, I will demand the protection of the rights of every member of society» the head of state said that every adult, parents are responsible for children, for the future of the nation. It is crucial to implement the priorities of the Message of the President in protecting the rights of minors, strengthening family ties, and ensuring the survival of adolescents in their families.

### References

- 1 Жетписбаев Б.А. Административно-правовые меры профилактики и пресечения правонарушений несовершеннолетних: науч. изд. / Б.А. Жетписбаев. — Алматы: АТиСО, 1998. — 90 с.
- 2 Таранов А.А. Административное право Республики Казахстан: Академический курс / А.А. Таранов. — Алматы: Баспа, 2000. — 256 с.
- 3 Жетписбаев Б.А. Административная ответственность в Республике Казахстан: учеб. пос. / Б.А. Жетписбаев. — Алматы: Данекер, 2000. — 233 с.
- 4 Права человека: сб. международных договоров. — Т. I (часть первая). Универсальные договоры. — Организация Объединенных Наций. — Нью-Йорк; Женева, 1994. — 414 с.
- 5 «Әкімшілік құқық бұзушылық туралы» Қазақстан Республикасының 2014 жылғы 5 шілдедегі № 235-V ҚРЗ кодексі [Электрондық ресурс]. — Қолжетімділік тәртібі: <http://adilet.zan.kz/kaz/docs/K1400000235>
- 6 Маркс К. Сочинения / К. Маркс, Ф. Энгельс. — Т. 21. — 2-е изд. — М.: Госполитиздат, 1961. — 745 с.
- 7 Кудрявцев В.Н. Правовое поведение: (Норма и патология) / В.Н. Кудрявцев. — М.: Наука, 1982. — 288 с.
- 8 Кудрявцев В.Н. Причинность в криминологии. О структуре индивидуального преступного поведения / В.Н. Кудрявцев. — М.: Юрид. лит., 1968. — 176 с.
- 9 Беличева С.А. Основы превентивной психологии / С.А. Беличева. — М.: Социальное здоровье России, 1994. — 224 с.

10 Степанов В.Г. Психология трудных школьников: учеб. пос. для студ. высш. пед. учеб. заведений / В.Г. Степанов. — 3-е изд., перераб. и доп. — М.: Академия, 2001. — 336 с.

11 Мельникова Э.Б. Конфликт подростка с законом. Как избежать его? / Э.Б. Мельникова // Правозащитник. — 1997. — № 4. — С. 13–24.

12 Кон И.С. Психология ранней юности: Кн. для учителей / И.С. Кон. — М.: Просвещение, 1989. — 256 с.

Ж. Кәріпбаев, К. Цомплак

### **Кәмелетке толмаған құқықбұзушылардың жеке қасиеттерінің өзгеріске ұшырау ерекшеліктері**

Мақала кәмелетке толмаған құқықбұзушылардың жеке қасиеттерінің бұзылу ерекшеліктері мен олардың әкімшілік жауапкершілігін құқықтық реттеу мәселесіне арналған. Әкімшілік құқықбұзушылықтардың генезисі мен құқыққа қарсы мінез-құлық тетіктерін түсіну үшін әкімшілік құқықбұзушылықтың және құқыққа қарсы әрекет жасаған адамдардың тұлғалық ерекшеліктерін терең зерделеуді қажет етеді. Қазіргі таңда кәмелетке толмағандардың әкімшілік құқықбұзушылығы ретінде қоғамдық құқық тәртібіне, азаматтардың қауіпсіздігіне, денсаулығына, өміріне, құқықтары мен бостандықтарына, меншікке және басқару тәртібіне қолсұғатын, қоғамдық қауіпті, құқыққа қарсы, кәмелетке толмағандардың кінәлі жасаған және қолданыстағы заңнамада әкімшілік жауапкершілік көзделген әрекеті ұғынылады. Осыған сәйкес әкімшілік тыйымдарды бұзушы кәмелетке толмағандардың девиантты мінез-құлқы арқылы оның тұлғалық қасиеттерін бейнелеп көре аламыз. Өз кезегінде, кәмелетке толмаған құқықбұзушылардың жеке басының ерекшеліктерін талдау, қоғамдық тәртіпті қасақана бұзатын және әкімшілік құқықбұзушылық жасайтын барлық кәмелетке толмағандардың бұл әрекеттері мінез-құлқының тұлғалық өзгерістерінің деформациясымен тікелей байланысты деген ойға алып келеді. Мақалада қойылған мақсат әртүрлі зерттеу әдістерін қолдана отырып, кәмелетке толмаған құқықбұзушылардың әкімшілік жауапкершіліктерін құқықтық реттеудің тиімді тетіктерін анықтау болып табылады. Авторлар зерттеу нәтижесінде кәмелетке толмаған құқықбұзушылардың әкімшілік құқық жауапкершілікке тартылу үлесінің ұлғаюы бұл мәселеге аса назар аударуды қажет етеді деген қорытындыға келді.

*Кілт сөздер:* кәмелетке толмағандар, құқықтық тәртіп, құқыққа қарсы мінез-құлық, құқықбұзушылық, әкімшілік құқықбұзушылық, өзгеріс, генезис, гипокамкорлық (немқұрайлылық), кінәлі әрекет, әкімшілік жаза.

Ж. Карипбаев, К. Цомплак

### **Особенности деформации личностных качеств несовершеннолетних правонарушителей**

Статья посвящена особенностям нарушения личностных качеств несовершеннолетних правонарушителей и проблемам правового регулирования административной ответственности несовершеннолетних. Для понимания генезиса административных правонарушений и сути противоправного поведения необходимы углубленное изучение личностных качеств правонарушителей и сущность административного правонарушения. В настоящее время под административным правонарушением несовершеннолетних понимают нарушение общественного порядка, безопасности, здоровья, жизни, прав и свобод граждан, посягательство на собственность и порядок управления, общественно-опасное, противоправное, виновное действие, за которое действующим законодательством предусмотрена административная ответственность. В соответствии с этим через девиантное поведение несовершеннолетних, нарушающих административные запреты, можно иметь представление о его личностном качестве. В свою очередь, анализ особенностей личности несовершеннолетних правонарушителей приводит к мысли о том, что эти действия всех несовершеннолетних, умышленно нарушающих общественный порядок и совершающих административное правонарушение, связаны с деформацией личностных качеств несовершеннолетних. Целью написания статьи является определение эффективных механизмов правового регулирования административной ответственности несовершеннолетних правонарушителей с помощью применения различных методов исследования. В результате исследования авторы приходят к выводу о привлечении внимания к проблеме роста количества привлеченных к административной ответственности несовершеннолетних.

*Ключевые слова:* несовершеннолетние, порядок, противоправное поведение, правонарушение, административное правонарушение, деформация, генезис, гипоопека (небрежность), виновное действие, административное взыскание.

## References

- 1 Zhetpisbaev, B.A. (1998). *Administrativno-pravovye mery profilaktiki i presecheniia pravonarushenii nesovershennoletnikh* [Administrative and legal measures to prevent and suppress juvenile delinquency]. Almaty: ATiSO [in Russian].
- 2 Taranov, A.A. (2000). *Administrativnoe pravo Respubliki Kazakhstan: Akademicheskii kurs* [Administrative Law of the Republic of Kazakhstan. Academician course]. Almaty: Baspa [in Russian].
- 3 Zhetpisbayev, B.A. (2000). *Administrativnaia otvetstvennost v Respublike Kazakhstan* [Administrative responsibility in the Republic of Kazakhstan]. Almaty: Daneker [in Russian].
- 4 Prava cheloveka. Sbornik mezhdunarodnykh dohovorov. T.I (chast pervaiia). Universalnye dohovory. Orhanizatsiia Obieedinennykh Natsii [Collection of international treaties. Universal conditions. United Nations] (1994). (Vol. 1). New-York; Geneva [in Russian].
- 5 «Akimshilik kukuk buzushuluk turaly» Kazakstan Respublikasynyn 2014 zhyly 5 shildedehi No. 235-V QRZ kodeksi [Code of the Republic of Kazakhstan on July 5, 2014 No. 235-V «On Administrative Violations»]. *adilet.zan.kz*. Retrieved from <http://adilet.zan.kz/kaz/docs/K1400000235> [in Kazakh].
- 6 Marx, K., & Engels, F. (1961). *Sochineniia* [The collection of works]. Vol. 21. (2d ed.). Moscow: Hospolitizdat [in Russian].
- 7 Kudryavtsev, V.N. (1982). *Pravovoe povedenie: (Norma i patolohiia)* [Legal behavior. Norm and pathology]. Moscow: Nauka [in Russian].
- 8 Kudryavtsev, V.N. (1968). *Prichinnost v kriminologii. O strukture individualnogo prestupnogo povedeniia* [Causality in criminology]. Moscow: Yuridicheskaia literatura [in Russian].
- 9 Belicheva, S.A. (1994). *Osnovy preventivnoi psikhologii* [The basics of preventative psychology]. Moscow: Sotsialnoe zdorove Rossii [in Russian].
- 10 Stepanov, V.G. (2001). *Psikhologiia trudnykh shkolnikov* [Psychology of a difficult pupils]. (3d. ed.). Moscow: Akademiia [in Russian].
- 11 Melnikova, E.B. (1997). Konflikt podroстка s zakonom. Kak izbezhat eho? [Conflict of teenager with law. How to get rid of it?]. *Pravozashchitnik – Human rights activist*, 4, 13–24 [in Russian].
- 12 Kon, I.S. (1989). *Psikhologiia rannei yunosti: kniha dlia uchitelei* [Psychology of early adolescence: Book for teachers]. Moscow: Prosveshchenie [in Russian].