

Parenting as a Warning Tool of Juvenile Delinquency

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Abstract:

The relevance of the article lies in the fact that minors represent one of the most vulnerable segments of the population, and only knowledge of the moral and psychological characteristics of adolescents, their comprehensive and integrated accounting by all bodies, organizations, institutions, individuals, one way or another working with minors, can improve education of such persons. Also, the neglect of parenting is one of the main causes of juvenile delinquency. The purpose of the article is to analyze education as a tool in the prevention of juvenile delinquency. The article analyzes the problems of preventing juvenile delinquency. A brief outline describes the characteristics of education, family, and family well-being. The authors believe that the main reason for the increase in crime among children is associated with a low level of compliance with the requirements for parenting with regard to them, the lack of a proper approach to this problem, both from the public and from the authorized bodies. Thus, the exclusive role of 'education' as the main tool in the prevention of juvenile delinquency, as well as some aspects of the improper performance of responsibilities for raising a minor, are noted.

Keywords: juveniles; juvenile delinquency; criminology; coercive measures of educational influence; educational measures.

JEL Classification: K10; K14; K36.

Introduction

At present, the upbringing of a highly moral, loving generation in their homeland has become an urgent task of the state. With the further development of our society, the issues of raising children and young people, as well as the problems of forming a new person, become extremely important. Minors represent one of the most vulnerable strata of the population, and only knowledge of the moral and psychological characteristics of adolescents, their comprehensive and integrated accounting by all bodies, organizations, institutions, individuals, one way or another working with minors, can improve the level of education of such persons. In our opinion, a dismissive attitude towards the upbringing of children and adolescents is one of the main causes of juvenile delinquency. Education is a highly politicized concept, so its definitions are highly dependent on the scientific (or pseudoscientific) school that defines it (Silva *et al.* 2015; Solaz-Portolés *et al.* 2016; Verdugo-Perona *et al.* 2016).

Education is a process of purposeful formation, the ultimate goal of which is the formation of a personality that is necessary and useful to society. The complexity of the educational process lies in the fact that its results are not so clearly felt and do not so quickly reveal themselves as in training. Between pedagogical influences, manifestations of upbringing or lack of upbringing lies a long period of formation of the necessary personality traits. A person is subjected to the simultaneous influence of many different influences, accumulating not only positive experience that requires adjustment. The complexity of the educational process is also due to the fact that it is dynamic, mobile, changeable, and has a different duration (Podlasyy 2017). Thus, the formation of the individual in the spirit of compliance with the requirements of the law and respect for the rule of law directly depends on the correct educational process, so despite all the difficulties of this process, the effect of implementation is most effective in preventing juvenile delinquency.

Persons who have committed crimes, especially juvenile offenders, have no stable views that influence them in one way or another. Hence the negative behavior, their compliance with the accidental situation, the absence of a critical analysis of events, the desire to satisfy their needs and desires, without thinking about the consequences and the form of satisfaction of these surging desires, personal egoism, crowding out the public interests of the immediate environment and even the interests of loved ones. Usually, such an orientation is, as a rule, a result of improper or vicious upbringing, as well as the result of a reassessment of values under the direct influence of an unfavorable environment (Gilinsky 1971).

If the family plays a dominant role at the stage of the initial formation of the individual, then in the future the circle of social connections of the minor expands incomparably. Under these conditions, family education is diversified with various social factors (Zhadbaev 1982). From the above it should be understood that the peculiarities of the influence of the microenvironment on the development of a person are often expressed in illegal phenomena, the so-called socially rejected behavior, it should be noted that especially in this respect adolescents are strongly influenced. Along with this, we believe that, despite the external negative effects on minors of certain factors (smoking, alcohol, vagrancy, disorderly conduct, etc.), proper family education enables them to overcome these factors and orient themselves to the disciplined behavior.

Thus, parenting provides timely protection against such factors (phenomena), the minor has an understanding of good and evil, as well as the possible consequences that can be caused by wrongful acts. In this connection, it can be argued that the most effective tool in the prevention of juvenile delinquency is education, from which it is necessary to especially note the role of family education. At the same time, there are such facts when a minor is brought up in a very good environment (family, school, circles, etc.), but nevertheless commits unlawful actions that require enhanced control and correction.

1. Forced Educational Measures as a Tool for Education

One of the directions of educational influence to minors who committed the line of permissiveness, namely, an offense is compulsory educational measures, which are also an educational tool, but only for negative consequences. In exceptional cases, compulsory educational measures may be applied to persons who have committed offenses between the ages of 18 and 21 (Article 90 of the Criminal Code of Kazakhstan). This approach of the legislator is focused on the maximum prevention of the negative impact of criminal records on adolescents and youth (Vinichenko *et al.* 2017).

Compulsory educational measures are non-criminal sanctions measures of state coercion applied to minors who have committed crimes in order to correct them (Grebekov 2013). The compulsory educational measures provided by the criminal law are psychological-pedagogical measures, a special form of individualization of the responsibility of minors and, in exceptional cases, of persons under the age of 21 years old who have first committed crimes of minor or moderate severity. The types of compulsory educational measures applied to minors in connection with their exemption from criminal responsibility and punishment are:

- (1) warning;
- (2) the transfer under the supervision of parents or persons replacing them, or a specialized state body;
- (3) imposing an obligation to make amends;
- (4) restriction of leisure and the establishment of special requirements for the behavior of a minor;
- (5) placement in an educational organization with a special regime of maintenance;
- (6) putting an obligation to apologize to the victim;
- (7) establishment of probation control.

A minor can be assigned several compulsory educational measures at the same time. The content of each educational measure is defined in criminal law. So, for example, the need to explain to a minor the harm caused by a crime is due to the fact that, due to psychological age characteristics, he is not able to fully understand the degree of harm actually caused to him.

For example, the degree of non-pecuniary damage caused to the victim in committing such a crime as hijacking a car or other vehicle without the purpose of embezzlement, the degree of material damage related not so much to the fact of the crime, as with the money spent on verifying the reliability of the information received such a widespread crime among them as a deliberately false report about an act of terrorism, the degree of moral and physical harm caused by the destroyed or damaged property, mental disorder and physical injury resulting from hooliganism, vandalism, intentional or careless destruction or damage to someone else's property, beatings, etc. In practice, the educational measure as a warning is used, as a rule, in conjunction with others, for example, with under the supervision of parents or with the restriction of leisure. Thus, in relation to a teenager who has embarked on a wrongful way, a certain educational function is exercised. Educational influence involves the manifestation of special attention to a minor, for example, organizing and conducting joint leisure with him, an interest in his hobbies, the development of his natural abilities, knowledge of the specifics of adolescent psychology, influencing his personal authority, example and so on.

It seems inappropriate to transfer a minor under the supervision of parents or other persons replacing them, whose work is associated with frequent business trips or permanent stay at work, frequent duty, and so on. When transferring a teenager under the supervision of parents or persons replacing them, or to a specialized state body, the court must make sure that these persons have a positive effect on the teenager, properly assess what he has done, can ensure proper behavior and day-to-day control of the minor. To this end, when considering the case in court, a characterizing material is attached, the living conditions of the parents, the possibility of material provision of the adolescent and, of course, the educational effect on him are checked.

Control over the behavior of a minor, which is a mandatory element of the transfer under supervision, implies the constant awareness of the persons carrying out the supervision of his pastime and being at any time of the day, about his friends, etc. When applying this coercive measure, parents are limited in the ways of fulfilling this duty: the parent's obligation is specified, and he is charged, for example, to control the child's free time, not to allow the child to leave home after a certain hour, etc. (Kirillov *et al.* 2015). This measure is a kind of warning to parents and others about the possibility of bringing their child (ward) to justice, in order to encourage them to more active educational activities. The obligation to make amends for harm is an independent measure of the educational impact on minors. On a minor, this measure of influence is imposed taking into account the property status of the teenager, as well as his labor skills and abilities. In accordance with paragraph 14 of the Regulation No. 6 of April 11, 2002 'On judicial practice in cases of juvenile criminal offenses and their involvement in the commission of criminal offenses and other antisocial acts', the courts should not allow cases of criminal punishment of minors committed criminal offenses that do not represent a great public danger, if their correction and re-education can be achieved by applying compulsory educational measures. The provisions of the Criminal Code (Regulatory Resolution of the Supreme Court 2002). Thus, the legislator emphasizes the compulsory re-education of a minor who has committed a wrongful act that does not represent a global danger.

In cases where a minor aged 14 to 18 years does not have income or other property sufficient to compensate for the harm, the harm must be compensated in full or in the missing part by his parents (adoptive parents) or guardian, unless they prove that the harm did not occur. Through their fault (Akhmetshin *et al.* 2017). Restriction of leisure and the establishment of special requirements for the behavior of a minor may prohibit visiting certain places, using certain forms of leisure, including those associated with driving a motor vehicle, restricting staying away from home after a certain time of day, or leaving for other places without permission. specialized state body. A minor may also be required to return to a general education institution, to continue or complete education, or to find a job with the help of a specialized state body. The list of specified leisure restrictions is not exhaustive, i.e. in respect of a minor, other requirements may be made necessary for his correction. These requirements must be expedient, must not be cruel, harm the minor, and their aim cannot be to humiliate the dignity of the minor (The Criminal Code 2014).

Part five of Art. 85 of the Criminal Code of Kazakhstan provides for the possibility of placing a minor in a special educational or treatment institution for a period of six months to two years for committing a crime of moderate severity or a serious crime. Educational or treatment institutions are educational organizations with a special regime of maintenance, which are created in order to ensure the education, training and social rehabilitation of minors aged from eleven to eighteen years old who have committed socially dangerous acts containing signs of a crime exempted from criminal liability. Stay in these institutions may be terminated early:

- in connection with the attainment of majority;
- on the basis of the conclusion of a specialized state body that provides correction, when the court concludes that the offender no longer needs to apply this measure to correct it.

Placing an obligation to apologize to the victim as a mandatory educational measure has a very effective effect on the educational process, since the offender is aware of the commission of unlawful acts and is corrected by bringing regrets. Establishing probation control as a measure of educational influence consists in a certain control by the probation service in relation to a minor with the performance of duties not to change his permanent place of residence, study, not to leave his permanent place of residence without notifying a specialized body, as well as other duties that contribute to correcting and the prevention of the commission of new offenses.

Having considered the above compulsory, compulsory measures of educational influence on minors, it can be concluded that the implementation of measures should contribute to the proper education of the adolescent, namely the understanding of good and evil, twenty-four-hour control by parents, in order to eradicate any negative factors affecting unstable psyche of children. In addition, the process of the trial and the proclamation by the court of a decision on the use of coercive educational measures has a great educational value for a minor (Dementiev *et al.* 2016; Zashchirinskaya *et al.* 2017; Zashchirinskaya *et al.* 2018).

2. Purposeful Work of the State on the Formation of a Minor Sense of Justice and Legal Culture

Afterwards, being criminals regardless of upbringing, special attention was paid to the issues of family-upbringing, including the duties and responsibilities of parents in properly fulfilling the requirements for raising their child, for which they are also responsible. Issues of protecting the interests of minors are characterized by a pronounced social orientation (Ibraev *et al.* 2017; Bidaishiyeva *et al.* 2018). The basic norms guaranteeing the protection of their rights and interests, including the receipt of good education, are enshrined in both international regulatory acts and the legislation of Kazakhstan. According to Article 60 of the Code 'On Marriage (Matrimony) and Family,' every child has the right to live and be brought up in a family, the right to know their parents, the right to their care, the right to live with them, except when it contradicts interests. A child has the right to be raised by his parents, to ensure his interests, all-round development, respect for his human dignity (Code of Kazakhstan 2011).

In accordance with Article 6 of the Law of Kazakhstan 'On the Rights of the Child in Kazakhstan', one of the goals of the state policy of Kazakhstan in the interests of children are: ensuring the rights and legitimate interests of children, preventing their discrimination; promoting the physical, intellectual, spiritual and moral development of children, raising patriotism, citizenship and peacefulness in them, as well as realizing the child's personality in the interests of society, the traditions of the peoples of the state, and the achievements of national and world culture; ensuring purposeful work on the formation of a minor sense of justice and legal culture (Law of Kazakhstan 2002). In turn, in accordance with paragraph 2 of Article 3 of the Convention on the Rights of the Child, ratified by the Decree of the Supreme Council of Kazakhstan, the member states undertake to provide the child with such protection and care that are necessary for his well-being, taking into account the rights and duties of his parents, guardians or other persons responsible for it under the law, and for this purpose take all the relevant legislative and administrative measures (Resolution of the Supreme Council 1994).

These norms indicate the special importance of protecting the interests of children both for an individual state and the international community as a whole; government policy is aimed at ensuring the rights and legitimate interests of children and preventing their discrimination. In our opinion, the purposeful work of the state on the formation of juvenile sense of justice and legal culture is conducted through the educational process, starting from kindergartens continuing in secondary and higher educational institutions, and through radio, Internet, television, etc. Also, great attention in upbringing is paid to the spiritual and moral development of children, their parents or other persons who are entrusted with these duties.

Thus, in accordance with Part 1 of Article 140 of the Criminal Code of Kazakhstan (hereinafter - the Criminal Code of Kazakhstan), criminal liability is provided for non-fulfilment or improper performance without good reason of the duties of raising a minor by a parent or other person entrusted with these duties, as well as by an teacher or another employee of an educational, educational, medical or other institution that is obliged to supervise a minor, resulting in the use of alcohol by a minor, narcotic drugs in psychotropic substances, their analogues or vagrancy

or begging or committing an act incorporating features of the crimes of intentional or intentional criminal offense administrative violation (The Criminal Code of Kazakhstan 2014).

Establishing criminal responsibility, the state ensures and thus requires the proper performance of duties imposed on parents or other persons by the above rules on the upbringing of a minor, while noting the seriousness of the possible consequences in the event of their failure. As the analysis showed, in the process of investigating misdemeanors, provided for by Part 1 of Article 140 of the Criminal Code of Kazakhstan, a number of difficulties arise related to the need to establish a sign of systematic non-fulfilment or improper performance of responsibilities for the upbringing of minors. In our opinion, these difficulties are caused by a number of reasons, such as imperfect norms, lack of proper investigative and judicial practice, special pedagogical knowledge in the investigation of misconduct, assignment tactics and conducting appropriate examinations.

3. Family Upbringing Problems

However, we still wanted to dwell on the problems of upbringing in the family and their main reasons, the consequences of which are detrimental to children. The family is one of the main areas of the social environment, which has an intensive educational impact. It is the main pivot of raising children, and at a very early age the mother is decisively influenced by the mother, then the influence of the parents is balanced. Already at a more mature age, children usually feel attracted and fall under the influence of parents of the respective sex (Zhadbaev 1982). Scientists dealing with the problem of juvenile delinquency note mainly several categories of so-called unfavorable families. For example, the author of a study on the rule of law and the behavior of minors, Zhadbaev S.Kh., notes the following specific categories of unfavorable families:

- (1) socially degrading (antisocial) – many of these fathers and mothers are subject to deprivation of parental rights, and some are criminally liable for involving minors in criminal activities, parents are both entitled to be weak because of their own social immaturity, unprepared for family life and pedagogical illiteracy;
- (2) morally neutral (asocial) – often labor, socially useful employment of both parents causes, although it is a temporary need to keep children in the care of close relatives, sometimes this 'shifting' of parental functions does not go without gaps in the process of raising a minor, which does not exclude such circumstances gradually dominate the influence of the negative environment in the form of street or courtyard 'authorities';
- (3) incomplete – they are formed as a result of dissolution of marriage, extramarital relations, death or conviction of one parent (for a long time), etc., the family loses, loses the ability to positively influence a minor, thereby increasing the possibility of bad influence from others individuals.

The concept of 'family trouble' is collective, it covers (in a complex or selectively) various negative characteristics of a family, defects not only of its structural, quantitative and sex-age composition, but also intra-family relations, the relationship of family members with external social institutions (for example, school, leisure). institutions) (Alibekov *et al.* 2007). In most cases, such a factor as the insecurity of families with the necessary minimum of material support adjoins such a factor. But it should be noted that the insecurity of families, the ignorance of parents does not always confirm a direct connection with the antisocial behavior of children. Moreover, such parents often raise morally healthy children. Since the educational role of parents depends on the ability, moral and other qualities of the educator, on personal example. Thus, in the family, depending on what kind of family education it can give the child, his further fate is largely decided, which in turn entails the legally obedient or criminal lifestyle in the future of this child. In this connection, we believe that the main preventive work in the prevention of juvenile delinquency should be associated with the family, and the parents themselves should be actively involved in this process together with the authorities.

4. The Role of School in Prevention of Juvenile Delinquency

Unfortunately, in our opinion, the authorized bodies in the field of education do not have adequate ties with the families of students, and there is no corresponding work with parents, which allows joint efforts to positively influence the development of the personality of children. Thus, each school represented by teachers could promptly diagnose students with deviations in behavior in the classroom, study and identify the interests and inclinations of the child, observe the students in different situations and determine the position of the child in the peer group, in the family. Work with families of students should be carried out on a systematic basis, which includes the following: study of the child's social status in the family; visiting families for the purpose of conducting conversations on the prevention of crimes and offenses; holding meetings with employees of authorized bodies for minors, prosecutors, investigative bodies, as well as individual consultations for parents; the organization of the service of trust, joint

preventive work of the school with parental committees of classes (raids 'Teenager', 'Family', etc.) (Ashton *et al.* 2017; Kurtz and Zavala 2017).

Also, this work can include such activities as: involving parents, classrooms, schools, the Council for the Prevention of Offenses and Crimes, the Council for Nutrition, the Council for the Protection of Motherhood and Childhood; holding creative meetings, thematic parent meetings; attraction of specialists for individual consultations and meetings with parents (psychologists, narcologists, sexopathologists, gynecologists, venereologists, etc.); organization of work of the Fathers Council; involvement of parents in parenting meetings, conversations with students, to participate in school-wide events; inviting parents of dysfunctional families for school holidays, film lectures, etc. In cases of identifying disadvantaged families, organize the provision of material and moral support to them (the Mercy campaign, the provision of material assistance, the provision of free meals to students, the provision of free use of school textbooks, interaction with special humanitarian aid funds, etc.). When identifying students who require behavioral correction, individual counseling should be conducted on correcting behavioral deficiencies, studying individual characteristics, the level of students' upbringing and, on the basis of what was learned, identifying specific tasks and methods for further pedagogical influence.

The main task, in our opinion, of educational institutions is to timely detect deviations in children's behavior, to work out collective and individual pedagogical work with them correctly, such as creating conditions for developing a child's creative abilities, helping to organize reasonable leisure activities (clubs, sports sections, etc.). Unobtrusive control by the teacher, class teacher, psychologist, social teacher, school administration, inspectors of the juvenile police over the child's behavior in the classroom and during off-hour work, as well as the joint work of these people with parents will effectively and effectively influence the behavior of students (Barrett and Katsiyannis 2016; Cox *et al.* 2018). In this connection, it is proposed, through in-depth study of this issue, to develop an algorithm for joint actions of teachers, class teachers, psychologists, social teachers, school administrations, inspectors of the juvenile police and education authorities, as well as develop a mechanism to effectively engage families of students in preventive work. We agree with the judgments of those authors who consider that 'difficult' in essence, not one child is born, the recognition of such a thesis would lead to senseless efforts in raising children. In most cases, everything is decided by previous upbringing, family and school settings.

According to teachers, the school can achieve the elimination of gaps in education that are allowed in an unfavorable family. The qualified teaching staff of the school, the experience and knowledge of the subtleties of child psychology, the many-sided possibilities and contact with the general public make the school a part, with a skillful approach, that can have a positive impact on 'difficult' adolescents. Agreeing with this statement, I would like to add that all relevant authorized bodies, as well as parents themselves, should be involved in this school's work, only the interaction of all these individuals and the public will allow educating individuals in the spirit of compliance with the law and respect for the rule of law. Thus, the state policy in this direction must begin with the provision of all possible assistance to families, and then jointly conduct the educational process. Since, the role of family education is a priority in this issue, since it is the processes in the family that have a tremendous influence on the formation of the personality of the minor.

Conclusions

Given all the above, we can draw such conclusions.

- (1) the task of all educational and social rehabilitation institutions is primarily to provide them with timely, qualified, effective assistance to minors in difficult life situations, protecting the rights and legitimate interests of children left without parental care;
- (2) at present, the family, as the main institution in the fight against crime, is in a state of crisis and social degradation. Over the past years, the following trends have been steadily manifesting: the deterioration of the material situation; the growth of divorces of families with children; the growth of the alienation of children from the family; increasing the level of minors' deviance as a result of poor family and social education. The family alone will not cope with these problems, we need clear social assistance from the state;
- (3) the comprehensive school, as an equally important institution for the upbringing and prevention of deviant behavior, is also currently in a state of crisis, which is manifested in the destruction of the previous structure of upbringing, especially its ideological, organizational, and personnel support. The emergence of new types of institutions: lyceums, gymnasiums and other commercial elite schools, increases social stratification, introduces an element of social tension among young people;
- (4) a new type of personality of a young person with rather contradictory personal and social qualities spontaneously forms at school. On the one hand, this is an initiative, resourceful, energetic, and on

- the other hand, he is focused only on himself and his needs, is ready for anything for money and material benefits, is a poorly cultured, inclined to antisocial behavior, a person;
- (5) the school should cooperate with the family, the public, with social protection centers. We need pedagogical and psychological counseling for parents and educators who help in choosing effective pedagogical conditions in solving the problem of social and pedagogical prevention of juvenile delinquency;
 - (6) the development and implementation of socio-pedagogical technologies in society is a means of social and pedagogical prevention of juvenile delinquency.

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