

LAW

UDC 340

DOI 10.31733/2786-491X-2022-1-139-147



**Artur
BAYMAKHANOV**[©]
D.Sc. in Law
(Academy of Law
Enforcement Agencies under
the General Prosecutor
Office of the Republic of
Kazakhstan),
Kazakhstan



**Yernar
BEGALIYEV**[©]
D.Sc. in Law,
Professor
(Academy of Law
Enforcement Agencies under
the General Prosecutor
Office of the Republic of
Kazakhstan),
Kazakhstan



**Anna
BADANOVA**[©]
(Academy of Law
Enforcement Agencies under
the General Prosecutor
Office of the Republic of
Kazakhstan),
Kazakhstan.

PROJECT MANAGEMENT AS A TOOL IN PREVENTION OF JUVENILE DELINQUENCY

Abstract. Problems of prophylaxis against crime among minors, interaction of the authorized bodies, parents and other persons responsible for education of children are analyzed in the article. Authors note that globalization considerably strengthens action of crime in this sphere and, therefore, introduction of new approaches on their prevention, including application of project management is required.

Experience of the Republic of Kazakhstan on introduction of project management in public administration, including in activity of bodies of prosecutor's office is briefly described in the article.

© Baymakhanov A., 2022
ORCID ID: <https://orcid.org/0000-0002-7444-5585>
drartur@list.ru

© Begaliyev Ye., 2022
ORCID ID: <https://orcid.org/0000-0001-6659-8576>
ernar-begaliyev@mail.ru
eLibrary ID: 43977648

© Badanova A., 2022
ORCID ID: <https://orcid.org/0000-0003-2813-752X>
badanova-93@mail.ru

Thus, the separate example of use of basics of project management in prevention of teenage crime, starting with conducting of the criminological analysis and decision-making in the choice of preventive methods on eradication of these illegal acts; and also what negative and positive aspects prosecutors have faced in this direction.

Strengthening of responsibility of authorized bodies, parents and also their activation (diligence) and unity during implementation of the project is noted in the article.

Also the successful result of implementation of the Project “On Counteraction to Offences in Educational Institutions”, and persuasion of local bodies about the importance of the matter and allocation of the significant funds for equipping of all schools of the regional center with video surveillance is described.

Authors assess behavior of people during project implementation and their interest based on the theory of “Hawthorne effect”.

Authors believe that the main role in rise in crime among teenagers is linked with wrong choice of measures for their prevention, lack of criminological researches and also regulating norms of interaction between parties responsible for education of children.

Keywords: *crime, minors, project management, teenage crime, prophylaxis, criminology*

Introduction of project management is not only the tool for successful implementation of the state investment projects, it also is one of instruments of optimization of time, financial expenses and human resources in whole public sector, including the law-enforcement block, since project management means a new, team oriented, collaborative way of interaction.

Importance and relevance of introduction of this approach in public administration, are connected, first of all, with high speed economic processes both in the world, and within separately taken country: the goals set are becoming more ambitious, and tasks are becoming more large-scale, and budgets are being reduced. At the same time priorities of society are displaced: consumers of public services demand results, quality, and speed that in turn directly influences trust of the population towards the authorities.

The fact that in December, 2016 B. Obama signed the legislative act for creation and introduction of standards of program and project management in activity of federal authorities once again proves the importance of this direction. In our opinion, the specified reforms in the modern world form new practice of project management (The Program Management Improvement and Accountability Act, 2016).

However, it is necessary to understand that blind copying of what is done by other countries in the field of project management can lead to negative result. Experience of each country is unique and what has turned out successful in one state, doesn't guarantee the same result in another state. Studying of experience of the governments of other countries can only help to designate the directions of moving, to avoid mistakes, to prevent possible risks. The main thing is to increase own potential in this sphere.

Thus, in this article we wanted to share our experience of new management approaches application in providing law and order among minors while assessing at the same time a possibility of its scientific and practical application.

Analysis of recent research and publications. In Kazakhstan a subject of introduction of project management in activity of public authorities has found the approval at the highest level, the Prosecutor General's Office of the Republic of Kazakhstan became one of initiators among public authorities.

It should be mentioned that the project of the Prosecutor General's Office of Kazakhstan about decrease in the prison population became the winner of the

international contest “Project Olympe” in Moscow, also other four projects of the Prosecutor General’s Office took winning places in the different nominations of this contest.

In this regard, it is possible to claim that in our country there is a successful experience in this direction.

We know that there are fields of sciences (psychology, sociology) that study behavior and mental processes of the person as individual, regularities of social actions and mass behavior of people and also the relations between the individual and society.

However, authors of the book “Organizational Behavior” S. Robbins and T. Judge write about last century’s opening by scientific community of the new relations of people connected with their work (S. Robbins, & T. Judge, 2012, pp. 4-15).

This type of the relations needed studying and systematization of processes arising between people in a workplace.

The understanding has come that the success of the organization does not consist of technical aspects of management (with the emphasis on economy, accounting, etc.), but it consists of realization of human resource by understanding of their behaviors.

In our opinion, in confirmation of this belief, the Prosecutor General’s Office of Kazakhstan has started transformation with personnel issues of the structure (improvement of selection process, the system of personnel training, etc.).

Indeed, the specified innovations which introduction probably promised unwillingness of these changes by employees were antithetical to the “conservative” body, which had its own history and the acquired practice, therefore it was required to change, first of all, consciousness of staff on which the success of implementation of the whole project depended. It was necessary to create spirit of “a new format” employee.

In this connection, a number of essential reforms have been implemented starting with adoption of the new Law “About Prosecutor’s Office” (The law “About the Prosecutor’s Office” of the Republic of Kazakhstan dated 30.06.2017, no. 81-VI) according to which there were changes in the structure of bodies of the Prosecutor General’s Office and etc., on which we wouldn’t want to focus, but to stop in more details on a separate example and highlights of project management, which specifically have affected our understanding of solution of current problems of society and also effective use of personnel potential.

Thus, the Attorney-General has noted that “one of the reasons of low trust of the population towards the bodies of prosecutor’s office – weak staff, deep-rooted structure, outdated methods of work on statistics, non-involvement of citizens into ensuring public order ...” (A speech of the Attorney-General of the Republic of Kazakhstan from a board meeting based on results of work in the first half of 2016, 2016).

For change of a situation he has suggested to introduce project approach into work, by decentralization of management of regional prosecutor’s offices and also delegation of powers to them for independent definition of contentious issues of the region and a way of their optimal solution.

Thereby, the delegation purposes, lying in management bases, such as activation of “a human factor”, increase of capability of subordinate levels and also reducing of workload of higher level heads were implemented, that allows

creating the best conditions for the solution of strategic and perspective tasks (Soldatova, Yu., & Chernyshev, A., 2012).

From our point of view, this approach was correct as the feeling of the involvement and special responsibility of employees for the undertakings increased, and the field has been given for realization of their internal desires in the choice of issues and application of methods for their elimination.

As a result, in our opinion, the theory of “The Hawthorne effect”, at which conditions in which novelty, interest in an experiment or special attention to an innovation lead to distorted, often to favorable result, has found its confirmations. Participants of an experiment act differently, more diligently, than usually, only thanks to understanding that they are involved in process. As a result of an experiment it has been proved that change of conditions of social and psychological climate exerts a greater influence on productivity, than many technical aspects of production (J. Goodwin, 2004, pp. 232-233).

So, while complying with the message of the Attorney-General, the bodies of Prosecutor’s Office of the Kyzylorda region started to introduce actively the principles of project management in supervising activity.

Eight projects directed to systematization of work both in the sphere of public prosecutor’s supervision, and in activity of representatives and the interested bodies are developed and implemented today.

These innovations were created on basic elements of the innovative project, such as formulations of the goal and task reflecting basic purpose of the project, the implementation time period, a complex of actions for the solution of set tasks, organization of execution, i.e. their coordination for resources and performers, the definitions of indicators characterizing efficiency of the project implementation (Gorfinkel V., & Popadyuk T., 2016, p. 136).

The indicators of projects implementation were set as tasks of making of significant contribution to implementation of the Concept of Kazakhstan's joining top 30 developed countries of the world by the forced decrease in crime, improvement of investment climate, increase in level of credibility of the population to the power structures, their activity in public administration, ensuring public safety, in particular among minors and also solution of separate social problems of citizens.

Earlier prosecutor paid less attention to establishment of the main reasons for emergence of any given problems, solving only superficial consequences of their emergence, which is why some questions didn't find the due solution from year to year, bearing at the same time systematic character.

Formulation of the main material. Taking into account that project approach provides large allocation of efforts and funds at a preparatory stage, we were faced by the main objective to establish the concrete causes of pressing problems by carrying out the in-depth analysis and to apply effective measures in order to solve them.

Insufficiency of the work carried out by authorized bodies on prophylaxis of teenage crime was determined based on the analysis of a condition of offenses, which was carried out by prosecutor’s office of area among minors in the region. The decision was made on initiation and further implementation of the project “On Counteraction to Offences in Educational Institutions”.

Mission of the Project was ensuring the maximum safety of minors and decrease in crime by means of innovations and attraction of the greatest number

of interested parties (pupils, parents, etc.).

Project bases. Level of threats of life and health of the person has considerably grown in recent years; objects of the increased risk from the point of view of safety are the educational organizations.

Threats to security in educational institutions can be divided into two categories.

The first is a threat of the personality, commission of crime, offenses, insult of action, stealing, accident and natural disaster, which can do physical or moral harm to pupils, teachers and employees.

The threats connected with damage to property and effects belong to the second category: the vandalism, thefts, other crimes causing damage to school property and personal belongings of pupils.

The Project goal is to reduce the crime in educational institutions for 60 % until 2018, introduction of new approaches of work of educational institution on prophylaxis of offenses and crimes among pupils.

Project tasks:

- reduction of number of offenses and crime among and towards minors;
- prevention of the facts of cruelty and violence against minors;
- prophylaxis and prevention of emergency situations (fires, technogenic catastrophes);
- prophylaxis and prevention of acts of terrorism;
- prophylaxis and prevention of acts of violence from the third parties (mentally unhealthy, being in a condition of alcoholic or drug intoxication);
- decrease in workload of pedagogical workers;
- decreasing of workload of law enforcement bodies;
- strengthening of evidentiary base;
- reducing of conflict intensity in educational institutions;
- rising of culture of behavior;
- decreasing of number of insubstantial accusations to the staff of educational institutions;
- educating pupils of moral and legal conviction, law-abiding behavior and basics of tolerance;
- prophylaxis and elimination of pedagogical and social neglect;
- intensifying of a role of family in socialization of school students, alignment of interests of parents and teachers on formation of harmoniously developed person;
- coordination of activity of all participants of pedagogic and educational process.

Analysis of the current situation.

Based on the results of 2015, the rise in crime among minors for 28,2 % was noted, in particular, 100 crimes were committed against 78 in 2014. In 2015 minors have made 8 suicides and 23 attempts.

Minors have committed generally crimes of mercenary and mercenary-violent orientation, and their specific weight was 91 % (22), including theft – 10, fraud – 2, robbery – 2.

102 crimes (uneven-age category) were conducted in 2015 in educational institutions.

29 crimes were committed in educational institutions within 5 months in

2016, including 24 crimes at schools, 1 in higher education institutions, 3 in colleges (lyceums), and 1 in the organizations of additional education.

Most of all crimes are committed in educational institutions of regional center (over 70 %).

The greatest specific weight of the crimes committed in educational institutions is occupied by thefts which number made 25, or 86 %, which is followed by petty theft, hooliganism, etc.

Objects of criminal encroachments in educational institutions are cell phones in 19 cases, money – 1, technical appliances – 3, bicycles – 1 and others.

Unfortunately, the victims at schools in a majority are minor pupils – 25, adults – 3, the school – 1.

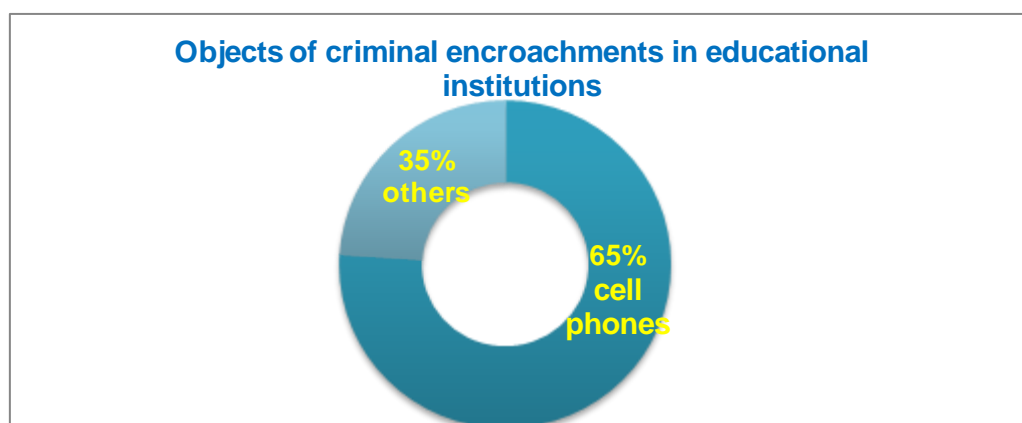


Figure 1 – The main object of criminal encroachment in educational institutions is cell phones (65 %).

In this connection, there was an understanding of the need of initiation of a question of the ban on their use in educational institutions and equipping of places for storage of mobile devices in the individual lockers (for example, at school No. 187 of Kyzylorda the minor's phone for the sum of 250 thousand tenge (about 800 US dollars) has been stolen that is 50 times more expensive than simple phone).

The main part of crimes and illegal acts of teenagers and also crimes concerning minors were made in the context of educational institutions of the region. At the same time, only 17 % of educational institutions of the region are equipped with video cameras, in this connection, it seemed necessary to set them in 639 educational organizations of the region.

Also the question of expediency of introduction of new criteria for evaluation of activity of principals of educational institutions taking into account the done work on prophylaxis of crimes and offenses was brought up.

For today 789 educational organizations, of which 31 are colleges, 298 regular schools and a network of the preschool organizations of 708 units function in the region, including 450 kindergartens (293 of them are private) and 258 mini-centers (9 private).

For the purpose of reducing of crime and offenses among and concerning the minors and also in order to increases efficiency of activities of law-enforcement bodies and educational organizations of the region regarding specified issues, it was necessary to provide all educational institutions of the

region with installation of surveillance cameras on perimeter of the territory and inside the educational institutions.

Since there are cases of cruelty and violence over children, inadequate care and education of children, physical and psychological abuse over them, both from teachers, tutors, and also from the senior pupils over younger ones.

It is necessary to note that video surveillance promotes prophylaxis and prevention of emergency situations (the fires, technogenic catastrophes), and it is an effective remedy in prevention of acts of terrorism.

Walking into the educational organizations of persons with psychiatric disorders or the persons which are in a condition of alcoholic, drug intoxication cannot be excluded. The video record will be help for solution of the possible conflict situation arising between children and also between children and teachers.

According to the requirements of Article 48 of the Law of the Republic of Kazakhstan “About education”, performance of necessary measures for prevention of diseases, strengthening of health, physical improvement, formation of a healthy lifestyle of students, pupils is to be provided in educational organizations (The Law of the Republic of Kazakhstan “About Education” dated 27.07.2007. no. 319-III).

Responsibility for creation of healthy and safe conditions of training, education, work and rest in the educational organizations is assigned to their heads.

Taking into account that the main (65 %) subject of criminal encroachments in educational institutions are cell phones, the question of possibility of the regulatory prohibition of use of mobile devices, different gadgets in educational institutions was researched, with establishment of responsibility up to firing, with having equipped entrance rooms of educational institutions with boxes for storage of mobile phones and video surveillance.

These measures will allow reducing the crime rate, workload of pedagogical workers, law enforcement bodies; will lead to lowering of level of conflictness in educational institutions and also increasing in culture of behavior.

It should be noted that the prohibition of use of cell phones by pupils, in one form or another, exists in the USA, France, Greece, Tajikistan, Azerbaijan and some other countries. As a rule, pupils are allowed to bring phones in school, but it is prohibited to take them out of a briefcase, to talk on mobile communication and also to take photographs and carry audio and video record.

For efficiency of realization of innovations we have held meetings with all representatives of educational institutions, including parental and school committees, huge clarification work and also data processing based on objections and offers is carried out. Involvement of citizens to this work has allowed minimizing risk of protest moods towards the innovation.

Based on results of training, the decision was made on initiation of reviewing of a question on restriction only of separate types of the mobile devices (cell phones, pads, smart watches and other similar devices) equipped with the Internet modules, photo and video cameras, except for mobile phones with the call/answer/SMS functions, that has allowed parents to always stay in touch with children and to eradicate interest in theft of expensive phones.

Such objectives as prevention of uncontrolled access of school students to

Internet by means of smart phones, lowering of thefts of cell phones, an exception of social inequality among pupils, improvement of quality of knowledge, eradication of the facts of distraction of teachers from the main work, prevention of a negative impact on moral and spiritual development of school students and an exclusion of factors of the negative impact on health were achieved due to such methods of the Project.

It should be noted that these restrictions have been accepted in the form of changes and additions in internal rules of all educational institutions of the region, which didn't contradict the current legislation of the country.

For implementation of the Project "On Counteraction to Offences in Educational Institutions", in the part of equipment with video cameras, over 900 million tenge was allocated by local administration of the region.

The changes prohibiting the use smart phones were made in internal rules of all 293 schools of the region for the first time in the country. Now 141 950 school students and 19 715 teachers will use mobile devices only with the call/answer/SMS functions (simple phones).

Conclusions. Thanks to the Project "On Counteraction to Offences in Educational Institutions" it was possible to reduce to zero the crimes connected to thefts of cell phones at schools of the region and to reduce number of crimes against minors for more than twice. Colleagues from other regions of Kazakhstan were interested in our experience; some already began to implement it at their regions.

The theft of phone occurred only in one school within 6 months in 2017 thanks to the project, whereas 65 percent of crimes in educational institutions were connected to cell phones during the same period of last academic year, there is also decrease in crimes committed by minors for 17.4 % (from 69 to 57), crimes against them by 4 times (from 147 to 36), crimes against sexual integrity - by twice (from 39 to 20). The facts given could already state that the project achieved its objective.

For the moment senators suggested to set aside completely smart phones in educational institutions, according to deputies, such cardinal measures will help to increase authority of the teacher in the opinion of pupils. Parliamentarians are sure that nobody has the right to record what happens in schools with smart phones cameras. Senators emphasize that children shall not complain of teachers or offend them. In this regard they suggested equating insult of the teacher to insult of the authority and to carefully control the discipline in educational institutions. The total prohibition of use of smart phones at schools by not only pupils, but also their parents and even teachers shall become the first step to it, according to deputies.

It is possible to claim that the positive experience of the Kyzylorda region was interesting for parliamentarians in implementation of the proposed restrictions at the legislative level.

If to give an assessment about concrete advantage in use of methods of project management in the work described by us, then it is possible to note the following aspects such as systematization of processes, interaction of interested parties, collecting and processing of data in one document for their use in the future regardless of changes of the project performers, the specification of objectives and time restrictions, detailed planning of actions, possibilities of giving assessment in success of implementation of the project.

It should be noted that we could stimulate the main parties (parents, etc.) to perform their obligations on education of minors, without bringing up the question of administrative or criminal liability provided by our legislation.

Conflict of Interest and other Ethics Statements

The authors declare no conflict of interest.

References

- A speech of the Attorney-General of the Republic of Kazakhstan from a board meeting based on results of work in the first half of 2016*, Astana, 2016.
- Goodwin, J. (2004). *Research in Psychology: Methods and Design*. Moscow, St. Petersburg, p. 557.
- Gorfinkel, V., & Popadyuk, T. (2016). *Innovation management*. Moscow, Infra-m. 379 p.
- Robbins, T. & Timothy J. (2012). *Judge Organization Behavior – 15th*. New Jersey: Prentice Hall. 676 p.
- Soldatova, Yu., & Chernyshev, A. (2012). *Basics of management*. Moscow. Akadem-center. (in Russian).
- The law “About the Prosecutor’s Office” of the Republic of Kazakhstan dated 30.06.2017, no. 81-VI.*
- The Law of the Republic of Kazakhstan “About Education” dated 27.07.2007. no. 319-III.*
- The Program Management Improvement and Accountability Act, PMIAA, 2016.*

Артур БАЙМАХАНОВ, Ернар БЕГАЛІЄВ, Ганна БАДАНОВА

УПРАВЛІННЯ ПРОЕКТАМИ ЯК ІНСТРУМЕНТ ЗАПОБІГАННЯ. З НЕПОВНОЛІТНІМИ ПРАВОПОРУШНИКІВ

Анотація. У статті аналізуються проблеми профілактики злочинності серед неповнолітніх, взаємодії уповноважених органів, батьків та інших осіб, відповідальних за виховання дітей. Автори відзначають, що глобалізація значно посилює дію злочинності в цій сфері, а отже, потрібне впровадження нових підходів до їх запобігання, у тому числі застосування проектного менеджменту.

У статті коротко викладено досвід Республіки Казахстан щодо впровадження проектного менеджменту в державне управління, у тому числі в діяльність органів прокуратури. Таким чином, окремий приклад використання основ проектного менеджменту в попередженні підліткової злочинності, починаючи з проведення кримінологічного аналізу та прийняття рішень у виборі превентивних методів щодо викорінення цих протиправних діянь; а також з якими негативними та позитивними аспектами зіткнулися прокурори в цьому напрямку.

У статті відзначається посилення відповідальності уповноважених органів, батьків, а також їх активізація (старанність) та єдність під час реалізації проекту. Також описано успішний результат реалізації проекту «Про протидію правопорушенням у навчальних закладах», переконання місцевих органів влади у важливості справи та виділення значних коштів на оснащення всіх шкіл обласного центру відеоспостереженням. Автори оцінюють поведінку людей під час реалізації проекту та їх зацікавленість на основі теорії «ефекту Готорна».

Автори вважають, що головна роль у підвищенні злочинності серед підлітків пов'язана з неправильним вибором заходів щодо їх запобігання, відсутністю кримінологічних досліджень, а також регламентації норм взаємодії між сторонами, відповідальними за виховання дітей.

Ключові слова: злочинність, неповнолітні, проектне управління, підліткова злочинність, профілактика, кримінологія