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ҚАЗАҚСТАН РЕСПУБЛИКАСЫ
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Х А Б А Р Ш Ы С Ы

ВЕСТНИК

НАЦИОНАЛЬНОЙ АКАДЕМИИ НАУК
РЕСПУБЛИКИ КАЗАХСТАН

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NAS RK is pleased to announce that Bulletin of NAS RK scientific journal has been accepted for indexing in the Emerging Sources Citation Index, a new edition of Web of Science. Content in this index is under consideration by Clarivate Analytics to be accepted in the Science Citation Index Expanded, the Social Sciences Citation Index, and the Arts & Humanities Citation Index. The quality and depth of content Web of Science offers to researchers, authors, publishers, and institutions sets it apart from other research databases. The inclusion of Bulletin of NAS RK in the Emerging Sources Citation Index demonstrates our dedication to providing the most relevant and influential multidiscipline content to our community.

Қазақстан Республикасы Ұлттық ғылым академиясы «ҚР ҰҒА Хабаршысы» ғылыми журналының Web of Science-тің жаңаланған нұсқасы Emerging Sources Citation Index-те индекстелуге қабылданғанын хабарлайды. Бұл индекстелу барысында Clarivate Analytics компаниясы журналды одан әрі the Science Citation Index Expanded, the Social Sciences Citation Index және the Arts & Humanities Citation Index-ке қабылдау мәселесін қарастыруда. Web of Science зерттеушілер, авторлар, баспашылар мен мекемелерге контент тереңдігі мен сапасын ұсынады. ҚР ҰҒА Хабаршысының Emerging Sources Citation Index-ке енуі біздің қоғамдастық үшін ең өзекті және беделді мультидисциплинарлы контентке адалдығымызды білдіреді.

НАН РК сообщает, что научный журнал «Вестник НАН РК» был принят для индексирования в Emerging Sources CitationIndex, обновленной версии Web of Science. Содержание в этом индексировании находится в стадии рассмотрения компанией Clarivate Analytics для дальнейшего принятия журнала в the Science Citation Index Expanded, the Social Sciences Citation Index и the Arts & Humanities Citation Index. Web of Science предлагает качество и глубину контента для исследователей, авторов, издателей и учреждений. Включение Вестника НАН РК в Emerging Sources Citation Index демонстрирует нашу приверженность к наиболее актуальному и влиятельному мультидисциплинарному контенту для нашего сообщества.

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CHILDREN BORN IN PRISON, THEIR LIFE TRAJECTORIES: THE PENAL ASPECT

Abstract: the article is devoted to the problems of keeping and resocialization in the penitentiary system of Russia, imprisoned women with young children aged from birth to three years. The author provides statistical data for 2014-2020 regarding women prisoners and their children in the system of the Federal Penitentiary Service of Russia.

The problems of resocialization and post-penitentiary adaptation of children born in penitentiary institutions of the Federal Penitentiary Service of Russia are analyzed.

Thus, in the penitentiary institutions of the Federal Penitentiary Service of Russia, in which convicted women with children are serving their sentences, mother and child homes are organized. In the homes of mothers and children of correctional colonies for convicted women, the conditions necessary for the normal life and development of children are provided. For women with an infant under investigation in the "Investigative Isolation" of the Federal Penitentiary Service of Russia, special cell-type units are being equipped for keeping newborns and their mothers.

The author conducted a questionnaire survey of female convicts of the "Correctional Colonies" of the Federal Penitentiary Service of Russia. Topic of the program: "Features of the penitentiary adaptation of convicted women with children". Selective survey by the method of questioning - n = 270; interviewing - n = 55 respondents - convicted mothers who gave birth in places of detention (2014-2020). The age of the respondents is 20-40 years old. The respondents' answers were processed using the SPSS software package.

The article analyzes the life trajectories of children born in prisons. At the end of the publication, a transcript of the author's conversation with a minor who is currently being brought up in boarding schools for orphans is presented. The author's conclusions and proposals are made for the improvement of criminal-executive Russia, in particular for women prisoners with children under the age of three years.

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The presented material in the publication does not contain information related to state secrets of the Russian Federation.

Key words: prisoners and convicted women with children aged 0 to 3 years, a mother and child home at the correctional colony of the Federal Penitentiary Service of Russia, children born in prison (newborn babies), resocialization of convicts, post-penitentiary adaptation, replicative crime, orphans born in prison, penitentiary institutions, boarding schools for orphans, abandonment of a newborn child, transfer of children from the correctional colony to boarding schools for orphans.

Newborn babies go to prison in only one way - when they are born there. It is impossible to take your little child with you to places of detention. However, in exceptional cases this is feasible, but there is no law enforcement practice in Russia. More often than not, mother and child are separated. Even if a woman gave birth the day before she went to prison, she would be separated from her child. The point is not even that the stay of a mother and a child in prison is prohibited by law; rather, there is

no law enforcement practice in the Russian system for the execution of criminal punishment.

Today, in the system of the Federal Service for the Execution of Punishment of Russia, there are 40 FPI "Correctional Colonies" for female convicts. Only at 13 FPI "Correctional colonies" of the Federal Penitentiary Service of Russia, children's homes, the total occupancy of which ranges from 800 to 900 places.

There are very small children's homes, which are designed for 100 - 130 people. Unfortunately, our law enforcement system and the judiciary work in such a way that these places are always filled. According to the Federal Penitentiary Service of Russia, as of 01.11.2020, 347 children are serving their sentences with convicted mothers in children's homes at the FPI "Correctional Colonies" of the Federal Penitentiary Service of Russia. All these kids will leave the penitentiary institution of the Federal Penitentiary Service of Russia when they turn three years old and go to orphanages if there is no way to transfer them to their guardians [29].

The main conditions for keeping imprisoned mothers with young children in penitentiary institutions of the Federal Penitentiary Service of Russia:

In the penitentiary institutions of the Federal Penitentiary Service of Russia, in which convicted women with children are serving their sentences, mother and child homes are organized. In the homes of mothers and children of correctional colonies for convicted women, the conditions necessary for the normal life and development of children are provided. For women with an infant who are under investigation in the Federal Penitentiary Service of the Federal Penitentiary Service of Russia, special cell-type units are being equipped for keeping newborns and their mothers.

Convicted women can place their children under the age of three in the children's homes of the Federal Budgetary Institution "Correctional Colonies" of the Federal Penitentiary Service of Russia, communicate with them in their free time without restriction. By agreement with the administration of the penitentiary institution, it is possible for him to live together with children under three years of age. This program is being implemented at several experimental sites, for example, FBI "CC No. 2" of the Federal Penitentiary Service Administration for the Republic of Mordovia.

With the consent of the women convicts, their children may be transferred to relatives or by decision of the guardianship and guardianship authorities to other persons, or upon reaching the age of three, they may be sent to appropriate children's boarding institutions for orphans and children left without parental care.

If the child reaches three years of age, kept in the home of the mother and child of the FBI "Correctional Colony" of the Federal Penitentiary Service of Russia, and his mother has no more than a year left before the end of the sentence, the administration of the penitentiary institution may extend the time of the child's stay in the child's home until the end of the term serving the sentence by the

mother. Such an exception is permissible if the convicted person is positively characterized, and her intentions to raise a child are taken into account.

Convicted and under investigation pregnant women who are in the "Investigative Isolation" of the Federal Penitentiary Service of Russia, and convicted nursing mothers can receive additional food parcels and parcels in the quantity and range determined by the medical report. Convicted pregnant women, convicted women during childbirth and in the postpartum period have the right to specialized assistance, including medical [6].

Of the 13 FPI "Correctional colonies" of the Federal Penitentiary Service of Russia, located on the territory of Russia, only 2 have maternity hospitals built specifically for prisoners in childbirth. These are female correctional colonies of the Federal Penitentiary Service of Russia of the Ministry of Justice of the Russian Federation, for example, the FBI "Chelyabinsk Correctional Colony No. 5" of the Main Directorate of the Federal Penitentiary Service of Russia in the Chelyabinsk Region and the FBI "CC-2" of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Mordovia (Yavas village of the Republic of Mordovia). If the colony does not provide for cohabitation, then the mother and the child, after the short time that they are supposed to spend together, are separated. The child is transferred to the home of the mother and child, and the mother returns to the detachment of the correctional colony. Mom can go to feed 6 times a day [11].

Since 2008, a group of enthusiasts began to carry out volunteer work in the mother and child home at the FBI "CC No. 5" of the Main Directorate of the Federal Penitentiary Service of Russia in the Chelyabinsk Region. In the course of their work, they faced the need to register a Charitable Foundation in order to unite efforts to provide assistance to women and children in difficult life situations. Charitable Foundation "Touching Life" was created in 2014 at the initiative of volunteers who are not indifferent to the problems of the city, country and society as a whole.

Children born in a correctional colony remain in the home of a mother and child at the FBI "CC No. 5" of the Main Directorate of the Federal Penitentiary Service of Russia in the Chelyabinsk Region with their mother up to three years old, after which they are sent to orphanages for orphans and children left without care parents of the Chelyabinsk region, and this is not just one or two children, these are more than 75 children whose mothers were convicted of grave and especially grave crimes of the Criminal Code of the Russian Federation, and

sentenced to long years of imprisonment (from 10 years in prison). Seeing these children, you understand that they are serving their sentences together with their mothers-convicts, not seeing the other world on the other side of the fence. Today the "Touch to Life" Charitable Foundation (director O.V. Cherepanova) has a great desire to give children the opportunity to get in touch with the big real world that they have never seen [7].

This is how the open-ended project "Touching the World. Born in a colony", the purpose of which is not only to take children from 2 years old two or three times a year outside the FBI "CC No. 5" of the Main Directorate of the Federal Penitentiary Service of Russia in the Chelyabinsk Region. And at the same time, on an ongoing basis, provide them with the necessary games for their full development, improve children's groups, playgrounds, as well as help in the acquisition of the necessary medical equipment and medicines for the maternity ward at the penitentiary in Chelyabinsk.

Children who, according to the distribution of the colony, are serving in orphanages (the mother continues to serve the sentence) also do not go unnoticed. Volunteers regularly organize visits to orphanages with news from their mother and a gift from the Chelyabinsk Charitable Foundation [26].

Statistics today show that the incidence of children born in prison, when living together, decreases by more than 30%. Today, 347 children are being brought up in the homes of mothers and children at correctional colonies of the Federal Penitentiary Service of Russia, of which 118 are not yet a year old. Thus, 37% had a congenital pathology, 25% had diseases of the central nervous system, 15% had hepatitis "C" or hepatitis "B", 9% were born to HIV-infected mothers (as of 12/01/2020) [29], and only 14% of more or less healthy children.

The child leaves the prison when he turns three. If he has no relatives at large or relatives do not have the opportunity to fulfill the conditions of guardianship, then the child is sent to an orphanage. As a rule, if the child left for an orphanage, and the mother still has a long time left, for example, 7 or 10 years, then there is a high probability that the child is in an orphanage / boarding school for orphans, and he will remain there until he comes of age.

Moreover, according to the law, children born free, even if their mother was already under investigation, will remain free. Those who were born in the "Correctional colonies" or in the "Investigative isolation ward" of the Federal

Penitentiary Service of Russia will remain "behind bars". Such, the truth of life. Everything, like in adults, only from childhood, and from the first birthday.

Family not well-being, as a consequence of replicative crime. Children, in whose eyes their parents committed crimes or ended up in prison, mostly copy the latter. It is reasonable to assume that children born to mothers in prisons repeat the fate of the one that gave them life. The development and transformation of the personal qualities of juvenile offenders occurs in informal groups of adolescents. Anything else is impossible. It is known that a person "as a social being" cannot live alone. There has always been, is and will be the desire of a person to communicate and unite with other people for any joint activity. Groups of juvenile delinquents arise on the basis of subjective premises, objective conditions and reasons.

Objective reasons are the shortcomings of family, school, out-of-school education, the lack of a full-fledged socialization environment in society, the alienation of adolescents from the main spheres of positive activity: family, educational institution, work, leisure institutions. And the subjective reasons are the personal characteristics of adolescents and their interaction with the social microenvironment. Juvenile delinquent groups arise from deformed activities, relationships and communication in socially beneficial groups [18, 23].

According to the statistics of the Ministry of Internal Affairs of Russia, about 90% of children who grew up without parents in orphanages go dubious life paths: they become drug addicts, alcohol addicts, go to jail, engage in prostitution, and so on [27].

Children of alcoholics, when they are not separated from their parents and they watch the latter's drinking, mostly follow in the footsteps of their parents, thus, children born in prisons or parents are offenders and serving in prisons, such children carry out a new round of antisocial (deviant¹) behavior in society - "replicative crime".

The reasons for juvenile delinquency may vary, but they have in common that in most cases, juveniles commit crimes outside of their control. It is important to note that crimes are committed not only by teenagers from disadvantaged families or orphans, but also by minors who have successful families.

As a rule, adolescents from prosperous families commit crimes for the sake of entertainment, disputes, they have a sense of permissiveness, a

¹Deviant behavior (also social deviation) (from lat. *deviatio* - deviation), is a stable personality behavior that deviates from the generally accepted, most widespread and well-established

social norms. See: Merton R.K. (1938) Social Structure and Anomie, American Sociological Review, October 3, 1938, P.672-682 (in English).

sense of impunity, there are often cases when adolescents in this way attract the attention of their parents [23, 25].

As can be seen from the main causes of juvenile delinquency, in the first place the cause of crime is a dysfunctional family. The family inherently influences minors: lack of control, antisocial type of behavior and much more.

Also, in turn, in our opinion, "replicative crime" is, first of all, the reproduction by an individual in the second and in subsequent generations of negative (negative) stable personality behavior, which has its own certain patterns, quantitative and qualitative characteristics that entail negative consequences for society and people [25, P.192-193].

Empirical material of penitentiary institutions of the Federal Penitentiary Service of Russia. Employees of penitentiary institutions of the Federal Penitentiary Service of Russia in the course of an expert survey told about the conditions created in their institutions for mothers with children [30].

As of 12/01/2020, in the Federal Penitentiary Institution "Correctional Colony No. 6" of the Main Directorate of the Federal Penitentiary Service of Russia in the Sverdlovsk Region, all favorable conditions have been created for convicted women for keeping 118 inmates of the orphanage at Correctional Colony No. 6. This is a penitentiary institution of the Federal Penitentiary Service of Russia, which carries out positive practice in the interests of minor children in prison [30].

In the capital "Investigative isolation ward No. 6" of the Federal Penitentiary Service of Russia in Moscow, things are as follows.

The opinion of one of the convicted L. Vorontsova, 32 years old, - "... here on the "six" for the "mothers" there is a walking yard with green spaces and even trees. All supervisory public commissions of Moscow and other subjects of Russia who visit the penitentiary are usually brought there. And from the rest of the comfort for small children - only a camera specially equipped with baby cots. Next to these cribs is the same iron "box" and a barred window". So, according to the convict, that no toys transferred from the will by relatives are able to brighten up the "oppressive", poisonous and painful atmosphere of the place where the little man begins his life. He (the child) learns life, traveling with his "mommy" to the court in Moscow in a "smoky paddy wagon", no matter how cold it is on the street. For some reason, it is not allowed to leave the child in a cell where others could watch him. It is impossible to imagine anything more unnatural than guards, bars and a baby in the courtroom" [25, 28, 30].

The same is true in the area where there are special MCH - mother and child homes. Slobbering TV reports about the prison parental idyll do not reflect the horror of the situation of the little prisoners and their imprisoned mothers. In accordance with the instructions of the Federal Penitentiary Service of Russia, in prison, a woman is considered pregnant only when the fetus reaches twenty weeks. Only then does she begin to receive "additional food" to the "prison gruel".

So, according to the convicted women themselves, who are in places of imprisonment, women purposefully give birth in correctional colonies in order to alleviate their fate and get maternity leave. Therefore, perhaps, even doctors have a peculiar attitude towards prison women in childbirth?

In a conversation with one imprisoned mother of a newborn child, who is in the penitentiary institution of the Federal Penitentiary Service of Russia in Moscow, she told the following story, - "... I happened to be present at the birth in the cell. The ambulance that was called was clearly in no hurry. The doctors who arrived just cut the umbilical cord, and, taking the baby, did not even take the one who gave birth with them". What? "The injection was done, and it seems good. And the other, taken away with labor at five o'clock in the afternoon, was returned back that same evening at eleven. The birth took place under stimulation - once here with you! And after that they were allowed to lie down for only an hour. And the birth itself, and rest after them - in the presence of guards. And then with his feet back to the "special vehicle", and along the long prison corridors back to the cell. The child is brought from the hospital in a week, and then the one who gave birth is transferred to the cell with the inmates-mothers" [25, 28].

The practice of penitentiary institutions of the Federal Penitentiary Service of Russia. Watching documentaries "On the morals in women's colonies, about women who became mothers during the period of imprisonment in the program" Women's Prison "TC" Top Secret "and" Anatomy of Love" - a documentary about children born in correctional colonies in Russia, as well as the plot of the program "Such a life". Born in "captivity" (three women, three stories), I saw a few mothers with a modest spark of maternal instinct in their eyes. I hoped to notice at least someone innocently convicted and missing children, I saw in several videos only a couple of women who have at least some, albeit mixed, feelings for their children.

There are, of course, innocent convicts and there are mothers with preserved maternal instinct. Probably, there are now and were massively in some periods of the XX century "prisoners-heroiners" who

went to jail for a word spoken across those who wanted to ditch the country. But all of them are a very small percentage, incomparably small.

And on the other hand: some opinions irritate with their surface, for example, "a woman who killed her husband, sentenced to 5-7 years or more is unworthy to see a baby, she is a bad mother a priori, even if a sincere spark of love for a child burns in her". How do we know what and how it was? There are situations when you can't put a definite verdict like this: maybe her husband beat her godlessly, but she went too far with the surrender [15].

A person can shout about his innocence, but it is worth looking at his behavior, deeds and attitude towards children.

There are those who admit their guilt, but want to see children, communicate with them, and the colony breaks such people, if they are not given visits with children, they degrade faster. The question is complex.

According to statistics and observations personally, the presence of a mother and a child has a beneficial effect on both. And, this applies to correctional colonies of the Federal Penitentiary Service of Russia as well [15].

"Living together with a mother and a child is the same as living with a child at home. After all, the statistics and their internal, whatever, research, in terms of morbidity, recurrence, differ by 2 orders of magnitude. The morbidity of children born in prison, when children live together with a convicted mother, is reduced by 30%. But this does not mean that mothers in one colony live with their children all together. No. Unfortunately, only a small number of places have been allocated in each penal colony of the Federal Penitentiary Service of Russia. The mother and child have their own room in a place fenced off from the rest of the territory and the colony of the settlement of the Federal Penitentiary Service of Russia" [15].

The condemned mother will form a kind of pious for a while there is a sense in it, and then the child is transferred to the orphanage, and no one else ever remembers him. And, as they say in the films: "This child had at least one year in his life, where he was a little loved, where he saw his mother, whatever she was. And sometimes this is the only happy year in his life" [15]. What fate can such children have?

As for the future and "karma"? "For children, bad mothers, convicted first years of life in the prison kindergarten may be the happiest in childhood. It sounds paradoxical, but it is. And that's why? As a rule, there are no more than a dozen babies in such baby homes in zones.

The staff - doctors, nannies, educators are recruited from local residents. Correctional colonies of the Federal Penitentiary Service of Russia for mothers with children are located in remote regions of Russia, where there is often no other work. Therefore, local women value their labor in the correctional colony of the Federal Penitentiary Service of Russia, because they cannot find another.

There is no staff turnover. The condemned mother only visits the child. And they serve him - they feed, wash, treat, get up at night, change the sliders by the employees of the baby house at the correctional colony of the Federal Penitentiary Service of Russia. As they say, many of the women convicts will never pay so much attention to children.

All material expenses for life and treatment of children are covered by the state. Stealing behind barbed wire in a penal colony is impossible. Children in the homes of mothers and children at the correctional colony of the Federal Penitentiary Service of Russia often eat better than many of their peers in similar homes outside prisons" [15].

"For convicted Irina V., 28 years old, from a small Siberian town, there are, as they say in the army, "a hundred days before the order". She almost completely served her sentence. And, already going home. Her little son, Denis, will not be released. At least in the near future. Irina V. from the category of women - "cuckoo mothers". She did not indulge her son in the baby's house. Explaining to the staff of the colony simply: "So as not to get used to the child" [15, 28].

And her son is not her first child. Of the three children of a woman, in the wild she gave birth to only the eldest daughter. But where the girl does not know now. She was deprived of her parental rights a year after giving birth for the fact that she "forgot" a child on a bench in a park in the winter in a drunken business. The baby is lucky that there are dog lovers in the world who walk the dogs in the dark squares in the evenings. The dog found her. Otherwise, the frozen child would have been found only in the morning [15, 28].

Irina V. gave all her children to the care of the state. The latter too. She will write a refusal just before the exit, otherwise normal mothers can arrange for her the appropriate "send-off". By the way, most of these "cuckoo mothers" are waiting for the signing of the refusal on the last day. And, almost all those who refuse are women who have already had children [28].

In this case, a child from the "Penitentiary Colony" of the Federal Penitentiary Service of Russia will be transferred to an ordinary orphanage or a special-correctional boarding school for orphans, and any foster (average) Russian family

can adopt him. There are no special restrictions or special procedures for the adoption of orphans (with living parents) from penitentiary institutions in Russia. The reason lies in the fact that such children with poor heredity, a potential foster family with little willingness to take on the upbringing of this child. There is one more negative indicator that such orphans, being graduates of boarding schools, are on the fast track, thereby replenishing the marginal environment of society. As a result, about 45% of such adolescents end up in prison.

As a result, about 45% of such adolescents end up in prison. There are many factors, for example, social (pedagogical neglect of children); socio-economic (vagrancy, homelessness¹, involvement of adolescents in crime, etc.), and naturally psychological (there is no confident, own "I"), and much more [13].

You can write beautiful stories about how children born in prisons became artists, actors, musicians, interesting and popular personalities, but there are only a few such stories, in comparison with other sad stories, when children were not needed by anyone, they repeated the fate of their own parents and stuff [14].

From the practice of boarding schools for orphans. As a rule, the majority of orphans end up in educational colonies (also in correctional colonies - upon reaching the age of majority) from orphanages / boarding schools for orphans, this is primarily a consequence of the fact that these children did not receive a decent upbringing from biological parents. These children were raised by the street. The most basic and difficult problem for orphans and children left without parental care is the problem of acquiring their own housing and registering at the place of residence. Children's rooms of the police and civil society institutions, whose task is to coordinate the work of the bodies of the system for the prevention of juvenile delinquency (including orphans), can also assist in solving this problem. Housing problems are even more complicated when from the PKU "Tomsk educational colony 2" of the Federal Penitentiary Service of Russia in the Tomsk region, the convict is transferred to the penal colony of the Federal Penitentiary Service of Russia. Orphan girls from the Tomsk educational colony No. 2 do not know if they have a dwelling place, whether they have any living quarters assigned to them, what condition it is in, whether they are registered, how the queue is progressing, and whether it will fit the moment of

their release. The orphanage and boarding school do not maintain contact with their pupil who committed a crime and ended up in the penitentiary institutions of the Federal Penitentiary Service of Russia, reminding by this a bad parent who rests from his "child" while he is also in prison [9].

In the study of this problem from local authorities (heads of social protection bodies, the Office of the Federal Penitentiary Service of Russia for the Tomsk region, the Office of the Federal Penitentiary Service of Russia for Moscow and the Moscow region). We often hear that these convicted orphaned girls know their rights better than you and us and know how to demand theirs, they are consumers, they treat life and all people as a consumer [29].

These children, if they have committed serious crimes and ended up in places of imprisonment, then they will also be able to solve their life problems, better than us. They don't need us.

Perhaps these judgments are fair in relation to juvenile offenders? But definitely, we must not forget that these are children left alone with their problems. They are justified by the fact that these children have already seen a lot of negative things in their lives (the immoral lifestyle of their parents, constant fights and domestic violence, etc.) [9].

All these negative factors (life situations they faced). This does not relieve us, adults (who have the opportunity to help this category of children), the responsibility for informing them, explaining the housing situation while they are serving a criminal sentence in the form of imprisonment, providing them with a living space and arranging them (during the post-penitentiary adaptation period) further independent life in society. Municipal boarding institutions from which they came to "Tomsk educational colony 2", as well as guardianship and guardianship bodies, social protection bodies (regional and municipal authorities) should also take part in this. Responsibility primarily rests with those executive authorities where the child is identified (born, deprived of parental care and guardianship, convicted, etc.) [9].

Orphans and children left without parental care (social orphans) who lived before conviction in municipal special correctional boarding schools or orphanages, due to their status, need help in post-boarding adaptation to an independent life. Serving a criminal sentence in places of deprivation of liberty - in the total penitentiary institution of the

¹Children's homelessness is a social phenomenon of the complete removal of a minor from the family, associated with the loss of a place of residence and employment. It is an extreme manifestation of neglect - the weakening of guardianship from parents or guardians. The phenomenon threatens the malformed

personality of minors and contributes to the development of socially negative skills. See: Children's homelessness. // The debtor is Eucalyptus. - M.: Soviet encyclopedia, 1972. - (BES): [in 30 volumes] / ch. ed. A.M. Prokhorov; T. 8. 1969-1978.

Federal Penitentiary Service of Russia, where, like in a boarding institution, you live on everything ready, according to the daily routine - increases the need for assistance in social adaptation in the post-penitentiary period [9].

Socially unsettled adolescents who are released from prison automatically fall into the risk group for repeated crimes. The most attention should be paid to the solution of their social problems and post-penitentiary adaptation by state (municipal) bodies and public organizations. Both the state and society should be interested in the life of such people, if they are interested in their safety, if the state seeks to become social, and society - humane [9].

For example, Dmitry Kiselev, born in 1999 before conviction, he was brought up in a correctional boarding school in Omsk. 9 years old, after depriving his parents of the right to further up bring a child - the basis is Article 69 of the RF IC, where his sister is 9 years old and his brother is 11 years old. At one time, Dmitry fled from an orphanage to a drinking mother (previously convicted under Art.144 part 2, Art.145, Art.147 and Art.209.1 of the RSFSR Criminal Code until 1996, was convicted, then convicted under the following articles: Art. 158, article 159 of the Criminal Code of the Russian Federation).

Dmitry was born in a correctional colony, where, at her place of residence, he committed a criminal offense (convicted under Art. 158, part 2, paragraphs "a", "b", "c", Art. 228 Part 1 of the Criminal Code of the Russian Federation). In 2014-2016, Dmitry was serving a criminal sentence in the form of imprisonment in the "Mariinsky educational colony" of the Federal Penitentiary Service of Russia in the Kemerovo Region. Dmitry, studied in an evening shift school and in a vocational school of an educational colony.

Was released on parole for good behavior. Is there one very important question? A teenager, got a job at a shoe factory - a master of making and sewing shoes. And he continued his vocational training at the Polytechnic College. At the moment, Dmitry's sister and brother are being brought up in an orphanage in the city of Mariinsk, Kemerovo Region. Children (Alena and Andrey) are positively characterized by the administration of the boarding school.

Anton G., (born in 2000)- an orphan, a former pupil of an orphanage in Yekaterinburg.

Respondent, - I was born a very sickly child in places of imprisonment, my mother was serving a criminal sentence in the form of imprisonment in IK No. 6 (Nizhny Tagil). Until I was three years old, I was brought up in a mother and child home at correctional colony No. 6, then I was transferred to an orphanage for orphans in Yekaterinburg. At the

boarding school, I studied poorly, I had unsatisfactory grades in many subjects. After the 8th grade, I went to study at the Vocational School as a turner. Quit studying. I fell under the negative influence of peers. He began to engage in petty hooliganism and carried out thefts from commercial stalls. He lived and wandered wherever he had to. More than once we were brought to the children's room by the police. They were registered with the Penal Inspectorate. Now I am studying at a vocational school. I don't know, I guess I think I'll be a good person. Why do I need this study? It's very hard for me to live alone. So, it pulls me into offenses. Who am I? None. I'm just a useless, lonely and bad child. No home, no friends, no hobbies. Now I live in a dormitory of a vocational school (for the reason that I did not receive my apartment as an orphan, so I have not yet reached the age of majority). No personal laptop and no good smartphone. In short, I have no future.

Interviewer, - It's bad Anton that you are discouraged ahead of time. Finish college, get a profession, a certificate for 11 grades of secondary school, get a job and, if possible, go to college (or university) for the evening department, meet a girl at a college / university, etc. You will start making personal, family plans. Wake up to improve your home. There will be a child. And, this is already a great responsibility, responsibility not only for yourself and your well-being, but for your little and dear man.

Interviewer, - Anton Life is not just one disappointment. There are also very good life moments (for example, the birth of children, seeing your loved ones and relatives happy, a career in show business, business, educational and scientific career, etc.). You have to be confident in yourself, be purposeful.

Interviewer, - Anton, what is your goal in life?

Respondent, - Get a good education, get your own apartment.

Interviewer, - Anton, these are the means. And your goal should be significant, by means of the achieved goal, you Anton will be able to get everything you said above. Decide on your goal. Make it one of your important life priorities. And, reach!

Respondent, - Probably then marry! And graduate well from school.

Interviewer, - Anton now you are very young. You have all the trouble ahead. You should always hope for the best.

Interviewer, - Anton, one girl named Sonya Shatalova, 14 years old, who was born with a very difficult ailment like childhood autism [12]. She behaves like a small child, but behind all this there is not an ordinary world and extraordinary thinking.

The girl can read and write, but she cannot pronounce anything, and she writes only when her mother's hand touches her hand. What can such a special child write about?

Once, at a literary circle, children were given the task: to write short but succinct definitions of various words, such as childhood, science, what is the soul, or fear?

Sonya's responses were simply amazing. Sonya, wrote 24 definitions (aphorism) of such concepts as: passion, wind, childhood, acquaintance, book, science, wisdom, fate, fear, etc. But for our conversation with you, in my opinion, it would be appropriate to quote such a definition in the understanding of Sonya S., as childhood, in her opinion, is the rise of fate in human life [8].

Interviewer, - It is precisely in childhood that we acquire all the values of life, receive / acquire initial (starting) experience, go through a certain "school of life" (yes, I agree with you Anton, sometimes life trajectories do not develop the way we wanted, there are certain life difficulties). Do we not often meet good and kind people, as we would like? We meet the betrayal of people close to us, as, parents, who refused to raise their biological children. Constant drunkenness of parents. Their compulsory isolation in places of deprivation of liberty, etc. Life throws us "surprises", and often negative ones. But, not to give up the most valuable, given to a person, how is life? Difficulties in the process of socialization in residential institutions, etc. But, if you think about the words of Sonya, and, indeed, a lot happens in childhood that can be the basis (launch pad) in our destiny. But, of course, this should be accompanied primarily by favorable factors, a good (biological or foster) family, school, good and loyal friends, financial wealth in the family (but for Russia this factor is not the main indicator for the formation of a positive personality), but nevertheless. And much more.

At the present time, Anton G. has been convicted again and is serving a sentence in places of imprisonment.

And, such destinies (the destinies of children born in prison) can be enumerated and enumerated.

Author's conclusions: In our opinion, there should be as wide access as possible for public observers, volunteers, and caring people to places of detention where children live. There should be more sponsorship money so that children have more toys, fortified food, better medical care, for young mothers with children to travel outside the penitentiary.

It is good practice for the penitentiary institutions of the Federal Penitentiary Service of Russia to grant a deferral of serving a sentence of imprisonment until the child reaches the age of 14 in accordance with Part 1 of Article 82 of the Criminal Code of the Russian Federation. It is possible to apply positive practice in relation to convicted juvenile mothers, convicted women who gave birth in places of deprivation of liberty, and have not committed grave and especially grave crimes.

The problems of protecting the rights of children accompanying mothers in prisons are not limited to the period of the child's stay in the orphanage at the "Correctional Colony" of the Federal Penitentiary Service of Russia. The children are with their mothers in the "Investigative isolators", in the "Graying colonies" of the Federal Penitentiary Service of Russia.

And not everything is all right there either. Often a woman with a child after release has nowhere to go, nowhere to get help. There are many questions.

The main problem, in our opinion, is that the state executive bodies (in this case, the Federal Penitentiary Service of Russia). Those who are obliged to ensure the well-being of children and the protection of their constitutional rights and freedoms do not even try to comprehensively investigate the problem and develop an approach that would really protect the fundamental rights and freedoms of children who are with convicted mothers in prisons.

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ТҮРМЕДЕ ТУЫЛҒАН БАЛАЛАР, ОЛАРДЫҢ ӨМІР ТРАЕКТОРИЯЛАРЫ: ЖАЗАЛАУ АСПЕКТІСІ

Аннотация: мақала Ресейдің қылмыстық -атқару жүйесіндегі тұтқындарды - туғаннан үш жасқа дейінгі жас балалары бар әйелдерді ұстау мен қайта әлеуметтендіру мәселелеріне арналған. Автор Ресей Федералдық қылмыстық атқару қызметі жүйесіндегі тұтқын әйелдер мен олардың балаларына қатысты 2014-2020 жылдарға арналған статистикалық деректерді ұсынады.

Ресей Федералдық қылмыстық атқару қызметінің пенитенциарлық мекемелерінде туылған балаларды ресоциализациялау және пост-пенитенциарлық бейімделу мәселелері талданады. Осылайша, Ресей Федералды қылмыстық атқару қызметінің пенитенциарлық мекемелерінде, онда балалы сотталған әйелдер жазасын өтеп жатыр, ана мен бала үйлері ұйымдастырылады. Сотталған әйелдерге арналған түзеу колонияларының аналары мен балаларының үйлерінде балалардың қалыпты өмірі мен дамуы үшін қажетті жағдайлар қарастырылған. Ресей Федералды қылмыстық атқару қызметінің «Тергеу изоляциясында» тергеуде нәрестесі бар әйелдер үшін жаңа туған нәрестелер мен олардың аналарын ұстау үшін камералық типтегі арнайы бөлімдер жабдықталған.

Автор алғаш рет ғылыми айналымға «қайталанатын қылмыс» ұғымын (терминін) енгізеді, ол жеке адамның теріс және теріс мінез - құлқының екінші және кейінгі ұрпақтарында қайталануы ретінде анықталатын, «қайталанатын қылмыс» ұғымын енгізеді. қоғам мен адамдарға теріс әсер ететін белгілі бір заңдылықтар, сандық және сапалық сипаттамалар.

Автор Ресей Федералды қылмыстық атқару қызметінің «түзеу колониялары» федералды бюджеттік мекемесінің сотталған әйелдері арасында сауалнама жүргізді. Бағдарламаның тақырыбы - «Балалы сотталған әйелдердің пенитенциарлық бейімделу ерекшеліктері». Сауалнама әдісі бойынша селективті сауалнама - n = 270; әңгімелесу - n = 55 респондент - қамауда босанған сотталған аналар (2014-2020 жж.). Респонденттердің жасы-20-40 жас. Респонденттердің жауаптары SPSS бағдарламалық пакеті арқылы өңделді.

Мақалада түрмеде туылған балалардың өмірлік траекториялары талданады. Басылымның соңында автордың кәметке толмағанмен интернатта тәрбиеленіп жатқан кәметке толмағандармен әңгімесінің стенограммасы берілген. Автордың тұжырымдары мен ұсыныстары Ресейдің қылмыстық-атқару жүйесін жетілдіру үшін, атап айтқанда, үш жасқа дейінгі балалары бар тұтқын әйелдер үшін жасалған.

Мақала РФ Ғылым және жоғары білім министрлігі Жоғары аттестаттау комиссиясының ғылыми мамандығы бойынша дайындалды: 12.00.08 - «Қылмыстық құқық және криминология; қылмыстық-атқару құқығы».

Басылымда ұсынылған материалда Ресей Федерациясының мемлекеттік құпиясына қатысты ақпарат жоқ.

Түйін сөздер: 0 мен 3 жас аралығындағы балалары бар тұтқындар мен сотталған әйелдер; ана мен баланың Ресей Федералды қылмыстық атқару қызметінің түзеу колониясындағы үйі; түрмеде туылған балалар (жаңа туған нәрестелер); сотталғандарды қайта әлеуметтендіру; постпенитенциарлық бейімделу; қайталанатын қылмыс; түрмеде туылған жетім балалар; пенитенциарлық мекемелер; жетім балаларға арналған мектеп -интернаттар; жаңа туған баланы тастау; балаларды түзеу колониясынан жетім балаларға арналған мектеп -интернаттарға ауыстыру.

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ДЕТИ, РОЖДЁННЫЕ В ТЮРЬМЕ, ИХ ЖИЗНЕННЫЕ ТРАЕКТОРИИ: УГОЛОВНО-ИСПОЛНИТЕЛЬНЫЙ АСПЕКТ

Аннотация: статья посвящена проблемам содержания и ресоциализации в УИС России заключённых- женщин с малолетними детьми в возрасте от рождения до трёх лет. Автором приводятся статистические данные 2014-2020 годов в отношении заключённых-женщин и их детей в системе ФСИН России.

Анализируются проблемы ресоциализации и постпенитенциарной адаптации детей, рождённых в пенитенциарных учреждениях ФСИН России. Так, в пенитенциарных учреждениях ФСИН России, в которых отбывают наказание осуждённые женщины, имеющие детей, организуются дома матери и ребёнка. В домах матери и ребёнка исправительных колоний для осуждённых женщин обеспечиваются условия, необходимые для нормального проживания и развития детей. Для женщин с грудным ребёнком, находящихся под следствием в ФКУ «Следственном изоляторе» ФСИН России, оборудуются специальные блоки камерного типа для содержания новорождённых и их мам.

Впервые автором вводится в научные оборот понятие (термин) «репликативная преступность», которое, определяется как воспроизводство индивидом во втором и в последующих поколениях отрицательное (негативное) устойчивое поведение личности, имеющее свои определённые

закономерности, количественные и качественные характеристики, влекущие негативные для общества и людей последствия.

Автором проведён анкетный опрос осуждённых женского пола ФБУ «Исправительных колоний» ФСИН России. Тема программы «Особенности пенитенциарной адаптации осуждённых женщин с детьми». Выборочный опрос методом анкетирования - $n=270$; интервьюирования - $n=55$ респондентов-осуждённых мам, родивших в местах лишения свободы (2014-2020 гг.). Возраст респондентов 20-40 лет. Ответы респондентов обработаны с помощью программного пакета SPSS.

В статье анализируются жизненные траектории детей, рождённых в местах лишения свободы. В завершении публикации приводится стенограмма беседы автора с несовершеннолетним, воспитывающимся в настоящее время в интернатных учреждениях для детей-сирот. Делаются авторские выводы и предложения по совершенствованию уголовно-исполнительной России, в частности для заключённых женщин, имеющих детей в возрасте до трёх лет.

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В публикации представленный материал не содержит информации, относящейся к государственной тайне Российской Федерации.

Ключевые слова: заключённые и осуждённые женщины, имеющие детей в возрасте от 0 до 3 лет; дом матери и ребёнка при исправительной колонии ФСИН России; дети, рождённые в тюрьме (новорождённые дети); ресоциализация осуждённых; постпенитенциарная адаптация; репликативная преступность; дети-сироты, рождённые в тюрьме; пенитенциарные учреждения; интернатные учреждения для детей-сирот; отказ от новорождённого ребёнка; передача детей из исправительной колонии в интернатные учреждения для детей-сирот.

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МАЗМҰНЫ

ЭКОНОМИКА

Абиева С.Н., Маткаримова Л.К. ҚАЗАҚСТАН РЕСПУБЛИКАСЫ ҰЛТТЫҚ ЭКОНОМИКАСЫНЫҢ ҚАЗІРГІ ЖАҒДАЙЫН БАҒАЛАУ	6
Адилбек Торбек ҚАЗІРГІ ҚОҒАМДАҒЫ PR-КОММУНИКАЦИЯЛАР.....	14
Амурская М.А., Амирова Р.И., Гуськов С.В. РЕСЕЙ МЕН ҚЫТАЙДЫҢ БУХГАЛТЕРЛІК ЕСЕП ЖҮЙЕЛЕРІН ҮЙЛЕСТІРУДІҢ АЛҒЫ ШАРТТАРЫ.....	20
Блеутаева К., Гусенов Б. ЖАҒАНДАНУ ДӘУІРІНДЕ ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ СЫРТҚЫ ЭКОНОМИКАЛЫҚ ҚЫЗМЕТІН ДАМУ (АЛМАТЫ ОБЛЫСЫ МЫСАЛЫНДА) ЖӘНЕ ҰЛЫ ЖІБЕК ЖОЛЫН ҚАЙТА БАСТАУ ЕРЕКШЕЛІКТЕРІ.....	28
Байгиреева Ж.З., Ниязбекова Ш.У., Шамишева Н.К. СОЛТҮСТІК ҚАЗАҚСТАН ОБЛЫСЫНЫҢ ДЕНСАУЛЫҚ САҚТАУ САЛАСЫНДАҒЫ АДАМИ КАПИТАЛДЫҢ ДАМУЫН ТАЛДАУ.....	36
Демчишак Н.Б., Багрий М.В., Бричка Б.Б., Вислободская Г.П. УКРАИНАНЫ МЫСАЛҒА АЛА ОТЫРЫП, АШЫҚ ЭКОНОМИКАДАҒЫ КӘСПОРЫНДАРДЫҢ ИННОВАЦИЯЛЫҚ ҚЫЗМЕТІН ҚАРЖЫЛЫҚ ЫНТАЛАНДЫРУ ҚҰРАЛДАРЫН ТАҢДАУ.....	43
Жакупов Е.К., Бержанова А.М. ШАҒЫН ЖӘНЕ ОРТА КӘСПКЕРЛІКТІҢ ӨНІРДІҢ ӘЛЕУМЕТТІК-ЭКОНОМИКАЛЫҚ ӘЛЕУЕТІНЕ ӘСЕРІ.....	51
Көкенова А.Т., Абдикеримова Г.И., Куланова Д.А., Есболова А.Е., Мергенбаева А.Т. ҚАЗАҚСТАН МЕН ШЕТЕЛДЕГІ ЕТ ӨНЕРКӘСІБІН БАҒАЛАУ ЖӘНЕ ДАМУ.....	59
Кокеева С., Абылайханова Т., Ниязбекова Ш. ҚАЗАҚСТАННЫҢ ТҮСТІ МЕТАЛЛУРГИЯ КӘСПОРЫНДАРЫНЫҢ КАПИТАЛ ҚҰРЫЛЫМЫ ЖӘНЕ ҚАРЖЫЛЫҚ ТҰРАҚТЫЛЫҒЫ.....	67
Нұрғалиева А.А., Қорабаев Б.С., Матенова Ж.Н., Зейнуллина А.Ж., Сартова Р.Б. ЭКОЛОГИЯЛАНДЫРУ ҚАҒИДАТТАРЫНДА ӨНЕРКӘСІПТЕ ЖОҒАРЫ ТЕХНОЛОГИЯЛАРДЫ ҚОЛДАНУ БАСЫМДЫҚТАРЫ.....	75
Софина А.А., Семенова Е.Н. ТҰРАҚСЫЗДЫҚ ЖАҒДАЙЫНДА РЕСЕЙЛІК КОМПАНИЯЛАРДЫ ҚАРЖЫЛАНДЫРУ КӨЗДЕРІ.....	83
Сембиева Л.М., Жагыпарова А.О., Тажикенова С.К., Петров А.М., Бекболсынова А.С. ЖАҒАНДАНДЫРУ СЫН-ТЕГЕУРІНДЕРІ ЖАҒДАЙЫНДА ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ МОНЕТАРЛЫҚ САЯСАТЫНЫҢ ҚАЗІРГІ ЗАМАНҒЫ АСПЕКТІЛЕРІ.....	90
Турысбекова Р., Кереева А., Төлегенова А., Касинова М. АЗЫҚ-ТҮЛІКПЕН ҚАМТАМАСЫЗ ЕТУДІҢ ТҰРАҚТЫ ЖҮЙЕСІН ҚАЛЫПТАСТЫРУ ФАКТОРЫ РЕТІНДЕ АУЫЛ ШАРУАШЫЛЫҒЫ КООПЕРАТИВТЕРІНІҢ ӨНДІРІСТІК ШЫҒЫНДАРЫН ОҢТАЙЛАНДЫРУ.....	97

Шамуратова Н.Б., Байтиленова Э.С., Наренова А.Н., Искаков Г.Ж., Темиралиева З. АУЫЛ ШАРУАШЫЛЫҒЫНЫҢ ТЕХНИКАЛЫҚ ҚҰРАЛ-ЖАБДЫҚТАРЫ ЖӘНЕ ҚАЗАҚСТАН МЕН МОНҒОЛИЯ МЫСАЛЫНДА АГРОИНДУСТРИАЛДЫҚ КЕШЕНІН ГЕОЛОГИЯЛЫҚ ҚАЛПЫНА КЕЛТІРУ МӘСЕЛЕЛЕРІ.....	103
--	-----

Zbigniew Korzeb, Paweł Niedziółka, Жагыпарова А.О., Ракаева А.Н., Серикова М.А. COVID-19 КЕЗІНДЕ БАНК АҚЦИЯЛАРЫНЫҢ КІРІСТІЛІГІНІҢ ДЕТЕРМИНАНТТАРЫ. ВЫШЕГРАД ТОБЫНЫҢ ҚОР БИРЖАЛАРЫНАН АЛЫНҒАН МӘЛІМЕТТЕРІ.....	110
--	-----

Дүйсен Ғ.М., Айтжанова Д.А. ОРТАЛЫҚ АЗИЯ ЕЛДЕРІНІҢ АЙМАҚТЫҚ ЫНТЫМАҚТАСТЫҒЫ: ӘЛЕУЕТІ, ДАМУ МЕХАНИЗМДЕРІ.....	118
--	-----

ҚҰҚЫҚТАНУ

Алтыбаева А.Т., Рыскулов Ш.Д. ПАРЛАМЕНТТІҢ БАҚЫЛАУ ФУНКЦИЯЛАРЫНЫҢ ПРИНЦИПТЕРІ МЕН НЫСАНДАРЫ.....	126
--	-----

Курмаева Н.А., Усманова Е.Ф., Худойкина Т.В. РЕСЕЙДЕ ЖӘНЕ ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДА ОТБАСЫ МЕДИАЦИЯСЫНЫҢ ДАМУ ПЕРСПЕКТИВАЛАРЫ.....	134
---	-----

Нестеров А.Ю. ТҮРМЕДЕ ТУЫЛҒАН БАЛАЛАР, ОЛАРДЫҢ ӨМІР ТРАЕКТОРИЯЛАРЫ: ЖАЗАЛАУ АСПЕКТІСІ.....	141
---	-----

Рахметулина Б.С., Сейтенова С.Ж., Султанова М.Б., Наурызбаев Е.А., Нукиев Б.А. ГЕНДЕРЛІК ҚОЗҒАЛЫС ГЕНЕЗИСІНІҢ ТЕОРИЯЛЫҚ-ҚҰҚЫҚТЫҚ НЕГІЗДЕРІ ЖӘНЕ ФЕМИНИЗМ ТЕОРИЯСЫНЫҢ ҚАЛЫПТАСУ ЕРЕКШЕЛІКТЕРІ.....	152
--	-----

Тоқтомбаева А.Ж., Аманалиев У.О., Мажитов Б.О. СОТ БІЛІГІ ҰСТАНЫМДАРЫНЫҢ ТАРИХИ ПАЙДА БОЛУЫНЫҢ КЕЙБІР МӘСЕЛЕЛЕРІ.....	158
--	-----

САЯСАТТАНУ

Нысанбаева А. ҚАЗАҚСТАН МӘДЕНИ САЯСАТЫНЫҢ ӨЗЕКТІ МӘСЕЛЕЛЕРІ.....	163
--	-----

Прокопьева Е.Л., Быкова В.А., Шелеметьева О.М. РЕСЕЙ МЕН ҚАЗАҚСТАННЫҢ САҚТАНДЫРУ НАРЫҚТАРЫ: ЖАЛПЫ ФАКТОРЛАР МЕН ДАМУ ӘЛЕУЕТІ.....	170
--	-----

ПЕДАГОГИКА

Анзорова С., Айбазова М., Жапанова М., Горда А., Колесникова С. БІЛІМ БЕРУДІ ЦИФРЛАНДЫРУ: ВИРТУАЛДЫ УНИВЕРСИТЕТТІК ОРТАДАҒЫ ПЕДАГОГИКАЛЫҚ ТЕХНОЛОГИЯЛАР.....	177
---	-----

Дакина Г.Т., Джумажанова Г.К., Аманова А.К. ЖОҒАРЫ ОҚУ ОРЫНДАРЫНДАҒЫ ОҚЫТУШЫ МЕН СТУДЕНТТЕРДІҢ ҚАРЫМ-ҚАТЫНАСТАҒЫ ӨЗАРА ӘРЕКЕТТЕСТІГІ.....	183
--	-----

Дүйсенбек А.А., Аблайханова Н.Т., Бауыржан А.Б. ЫНТЫМАҚТАСТЫҚТА ОҚЫТУ ТЕХНОЛОГИЯСЫНЫҢ ЖАЛПЫ БИОЛОГИЯНЫ ОҚЫТУ ҮДЕРІСІН ИНТЕНСИФИКАЦИЯЛАУДАҒЫ РӨЛІ.....	189
--	-----

ФИЛОЛОГИЯ**Гиздатов Г.Г., Әбенәва П.М.**

ГОНЗО-МӘТІНДЕРДІ АУДАРУДЫҢ ЛИНГВИСТИКАЛЫҚ АСПЕКТІЛЕРІ.....197

Калибаева А.С.

ШЫҒАРМАШЫЛЫҚ ТҰЛҒАНЫҢ ӘМБЕБАПТЫҒЫ

(ГҮЛЖАН УЗЕНБАЕВАНЫҢ МЫСАЛЫНДА).....205

ТАРИХ**Закиева Ж.К.**

ОРТАЛЫҚ АЗИЯДАҒЫ САНДЫҚ ЖІБЕК ЖОЛЫНЫҢ БОЛАШАҒЫ.....212

Қышпанаков В. А.

XX-XXI ҒАСЫРЛАРДАҒЫ ХАКАСИЯНЫҢ ҰЛТТЫҚ ҚҰРЫЛЫМЫНЫҢ ӨЗГЕРУІ.....220

Труспекова Х.Х.

ҚАЗАҚСУРЕТШІЛЕРІНІҢ МИФОЛОГИЯЛЫҚ

САНАСЫНДАҒЫ ҰЛТТЫҚ ТАРИХТЫҢ РЕКОНСТРУКЦИЯСЫ.....226

СОДЕРЖАНИЕ

ЭКОНОМИКА

Абиева С.Н., Маткаримова Л.К. ОЦЕНКА СОВРЕМЕННОГО СОСТОЯНИЯ НАЦИОНАЛЬНОЙ ЭКОНОМИКИ РЕСПУБЛИКИ КАЗАХСТАН.....	6
Адилбек Торекбек PR-КОММУНИКАЦИИ В СОВРЕМЕННОМ ОБЩЕСТВЕ.....	14
Амурская М.А., Амирова Р.И., Гуськов С.В. ПРЕДПОСЫЛКИ ГАРМОНИЗАЦИИ СИСТЕМ БУХГАЛТЕРСКОГО УЧЕТА РОССИИ И КИТАЯ.....	20
Блеутаева К., Гусенов Б. ОСОБЕННОСТИ РАЗВИТИЯ ВНЕШНЕЭКОНОМИЧЕСКОЙ ДЕЯТЕЛЬНОСТИ РЕСПУБЛИКИ КАЗАХСТАН В ЭПОХУ ГЛОБАЛИЗАЦИИ (НА ПРИМЕРЕ АЛМАТИНСКОЙ ОБЛАСТИ) И ВОЗОБНОВЛЕНИЯ ВЕЛИКОГО ШЕЛКОВОГО ПУТИ.....	28
Байгиреева Ж.З., Ниязбекова Ш.У., Шамишева Н.К. АНАЛИЗ РАЗВИТИЯ ЧЕЛОВЕЧЕСКОГО КАПИТАЛА В ЗДРАВООХРАНЕНИИ СЕВЕРО–КАЗАХСТАНСКОЙ ОБЛАСТИ.....	36
Демчишак Н.Б., Багрий М.В., Бричка Б.Б., Вислободская Г.П. ВЫБОР ИНСТРУМЕНТОВ ФИНАНСОВОГО СТИМУЛИРОВАНИЯ ИННОВАЦИОННОЙ ДЕЯТЕЛЬНОСТИ ПРЕДПРИЯТИЙ В ОТКРЫТОЙ ЭКОНОМИКЕ: ПРИМЕР УКРАИНЫ.....	43
Жакупов Е.К., Бержанова А.М. ВЛИЯНИЕ МАЛОГО И СРЕДНЕГО ПРЕДПРИНИМАТЕЛЬСТВА НА СОЦИАЛЬНО-ЭКОНОМИЧЕСКИЙ ПОТЕНЦИАЛ РЕГИОНА.....	51
Кокенова А.Т., Абдикеримова Г.И., Куланова Д.А., Есболова А.Е., Мергенбаева А.Т. ОЦЕНКА И РАЗВИТИЕ МЯСНОЙ ПРОМЫШЛЕННОСТИ В КАЗАХСТАНЕ И ЗАРУБЕЖОМ.....	59
Кокеева С., Абылайханова Т., Ниязбекова Ш. СТРУКТУРА КАПИТАЛА И ФИНАНСОВАЯ УСТОЙЧИВОСТЬ ПРЕДПРИЯТИЙ ЦВЕТНОЙ МЕТАЛЛУРГИИ КАЗАХСТАНА.....	67
Нургалиева А.А., Корабаев Б.С., Матенова Ж.Н., Зейнуллина А.Ж., Сартова Р.Б. ПРИОРИТЕТЫ ПРИМЕНЕНИЯ ВЫСОКИХ ТЕХНОЛОГИЙ В ПРОМЫШЛЕННОСТИ НА ПРИНЦИПАХ ЭКОЛОГИЗАЦИИ.....	75
Софина А.А., Семенова Е.Н. ИСТОЧНИКИ ФИНАНСИРОВАНИЯ РОССИЙСКИХ КОМПАНИЙ В УСЛОВИЯХ НЕСТАБИЛЬНОСТИ.....	83
Сембиева Л.М., Жагыпарова А.О., Тажикенова С.К., Петров А.М., Бекболсынова А.С. СОВРЕМЕННЫЕ АСПЕКТЫ МОНЕТАРНОЙ ПОЛИТИКИ РЕСПУБЛИКИ КАЗАХСТАН В УСЛОВИЯХ ГЛОБАЛИЗАЦИОННЫХ ВЫЗОВОВ.....	90
Турсыбекова Р., Кереева А., Толегенова А., Касинова М.	

ОПТИМИЗАЦИЯ ПРОИЗВОДСТВЕННЫХ ЗАТРАТ СЕЛЬСКОХОЗЯЙСТВЕННЫХ КООПЕРАТИВОВ КАК ФАКТОР ФОРМИРОВАНИЯ УСТОЙЧИВОЙ СИСТЕМЫ ПРОДОВОЛЬСТВЕННОГО ОБЕСПЕЧЕНИЯ.....	97
--	----

Шамуратова Н.Б., Байтиленова Э.С., Наренова А.Н., Искаков Г.Ж., Темиралиева З. ТЕХНИЧЕСКАЯ ОСНАЩЕННОСТЬ СЕЛЬСКОГО ХОЗЯЙСТВА И ПРОБЛЕМЫ ГЕОЛОГИЧЕСКОГО ВОССТАНОВЛЕНИЯ АГРОПРОМЫШЛЕННОГО КОМПЛЕКСА НА ПРИМЕРЕ КАЗАХСТАНА И МОНГОЛИИ.....	103
--	-----

Zbigniew Korzeb, Pawel Niedziółka, Жагыпарова А.О., Ракаева А.Н., Серикова М.А. ДЕТЕРМИНАНТЫ ДОХОДНОСТИ АКЦИЙ БАНКА ВО ВРЕМЯ COVID-19. ДАННЫЕ С ФОНДОВЫХ БИРЖ ВЫШЕГРАДСКОЙ ГРУППЫ.....	110
---	-----

Дуйсен Г.М., Айтжанова Д.А. РЕГИОНАЛЬНОЕ СОТРУДНИЧЕСТВО СТРАН ЦЕНТРАЛЬНОЙ АЗИИ: ПОТЕНЦИАЛ, МЕХАНИЗМЫ РАЗВИТИЯ.....	118
---	-----

ЮРИСПРУДЕНЦИЯ

Алтыбаева А.Т., Рыскулов Ш.Д. ПРИНЦИПЫ И ФОРМЫ КОНТРОЛЬНЫХ ФУНКЦИЙ ПАРЛАМЕНТА.....	126
--	-----

Курмаева Н.А., Усманова Е.Ф., Худойкина Т.В. ПЕРСПЕКТИВЫ РАЗВИТИЯ СЕМЕЙНОЙ МЕДИАЦИИ В РОССИИ И РЕСПУБЛИКЕ КАЗАХСТАН.....	134
---	-----

Нестеров А.Ю. ДЕТИ, РОЖДЁННЫЕ В ТЮРЬМЕ, ИХ ЖИЗНЕННЫЕ ТРАЕКТОРИИ: УГОЛОВНО-ИСПОЛНИТЕЛЬНЫЙ АСПЕКТ.....	141
---	-----

Рахметулина Б.С., Сейтенова С.Ж., Султанова М.Б., Наурызбаев Е.А., Нукиев Б.А. ТЕОРЕТИКО-ПРАВОВЫЕ ОСНОВЫ ГЕНЕЗИСА ГЕНДЕРНОГО ДВИЖЕНИЯ И ОСОБЕННОСТИ ФОРМИРОВАНИЯ ТЕОРИИ ФЕМИНИЗМА.....	152
---	-----

Токтомбаева А.Ж., Аманалиев У.О., Мажитов Б.О. НЕКОТОРЫЕ ВОПРОСЫ ИСТОРИЧЕСКОГО ВОЗНИКНОВЕНИЯ ПРИНЦИПОВ СУДЕБНОЙ ВЛАСТИ.....	158
--	-----

ПОЛИТОЛОГИЯ

Нысанбаева А. АКТУАЛЬНЫЕ ПРОБЛЕМЫ КУЛЬТУРНОЙ ПОЛИТИКИ КАЗАХСТАНА.....	163
---	-----

Прокопьева Е.Л., Быкова В.А., Шелеметьева О.М. СТРАХОВЫЕ РЫНКИ РОССИИ И КАЗАХСТАНА: ОБЩИЕ ФАКТОРЫ И ПОТЕНЦИАЛ РАЗВИТИЯ.....	170
--	-----

ПЕДАГОГИКА

Анзорова С., Айбазова М., Жапанова М., Горда А., Колесникова С. ЦИФРОВИЗАЦИЯ ОБРАЗОВАНИЯ: ПЕДАГОГИЧЕСКИЕ ТЕХНОЛОГИИ В ВИРТУАЛЬНОЙ СРЕДЕ ВУЗА.....	177
--	-----

Дакина Г.Т., Джумажанова Г.К., Аманова А.К. ВЗАИМОДЕЙСТВИЕ ПРЕПОДАВАТЕЛЯ И СТУДЕНТОВ ВО ВЗАИМООТНОШЕНИЯХ В ВУЗЕ.....	183
---	-----

Дуйсенбек А.А., Аблайханова Н.Т., Бауыржан А.Б. РОЛЬ ТЕХНОЛОГИИ ОБУЧЕНИЯ В СОТРУДНИЧЕСТВЕ В ИНТЕНСИФИКАЦИИ ПРОЦЕССА ОБУЧЕНИЯ ОБЩЕЙ БИОЛОГИИ.....	189
ФИЛОЛОГИЯ	

Гиздатов Г.Г., Әбенова П.М. ЛИНГВИСТИЧЕСКИЕ АСПЕКТЫ ПЕРЕВОДА ГОНЗО-ТЕКСТОВ.....	197
---	-----

Калибаева А.С. УНИВЕРСАЛИЗМ ТВОРЧЕСКОЙ ЛИЧНОСТИ (НА ПРИМЕРЕ ГУЛЬЖАН УЗЕНБАЕВОЙ).....	205
---	-----

ИСТОРИЯ

Закиева Ж.К. ПЕРСПЕКТИВЫ ЦИФРОВОГО ШЕЛКОВОГО ПУТИ В ЦЕНТРАЛЬНОЙ АЗИИ.....	212
---	-----

Кышпанаков В.А. ТРАНСФОРМАЦИЯ НАЦИОНАЛЬНОЙ СТРУКТУРЫ НАСЕЛЕНИЯ ХАКАСИИ В XX-XXI ВЕКАХ.....	220
---	-----

Труспекова Х.Х. РЕКОНСТРУКЦИЯ НАЦИОНАЛЬНОЙ ИСТОРИИ В МИФОЛОГИЧЕСКОМ СОЗНАНИИ КАЗАХСКИХ ХУДОЖНИКОВ.....	226
---	-----

CONTENTS

ECONOMY

Abieva S.N., Matkarimova L.K. ASSESSMENT OF THE CURRENT STATE OF THE NATIONAL ECONOMY OF THE REPUBLIC OF KAZAKHSTAN.....	6
Adilbek Torebek PR-COMMUNICATION IN MODERN SOCIETY	14
Amurskaya M.A., Amirova R.I., Gus'kov S.V. PRECONDITIONS FOR HARMONIZATION OF ACCOUNTING SYSTEMS OF RUSSIA AND CHINA.....	20
Bleutaeva K., Gussenov B. FEATURES OF DEVELOPMENT OF FOREIGN ECONOMIC ACTIVITY OF THE REPUBLIC OF KAZAKHSTAN IN THE ERA OF GLOBALISATION (ON THE EXAMPLE OF THE ALMATY REGION) AND RESUMPTION OF THE GREAT SILK ROAD.....	28
Baigireyeva Zh., Niyazbekova Sh.U., Shamisheva N. ANALYSIS OF HUMAN CAPITAL DEVELOPMENT IN HEALTHCARE IN THE NORTH KAZAKHSTAN REGION.....	36
Demchyshak N., Bahriy M., Brychka B., Vyslobodska H. SELECTION OF FINANCIAL STIMULATION INSTRUMENTS OF ENTERPRISE'S INNOVATION ACTIVITY IN OPEN ECONOMY: THE CASE OF UKRAINE.....	43
Zhakupov Y., Berzhanova A. INFLUENCE OF SMALL AND MEDIUM ENTREPRENEURSHIP ON THE SOCIO-ECONOMIC POTENTIAL OF THE REGION.....	51
Kokenova A.E., Adbikerimova G.I., Kulanova D.A., Yesbolova A.A.Y., Mergenbayeva A.T. EVALUATION AND DEVELOPMENT OF THE MEAT INDUSTRY IN KAZAKHSTAN AND ABROAD.....	59
Kokeyeva S., Abylaikhanova T., Niyazbekova Sh. CAPITAL STRUCTURE AND FINANCIAL STABILITY AT NON-FERROUS METTALURGY ENTERPRISES IN KAZAKHSTAN.....	67
Nurgaliyeva A., Korabayev B., Matenova Z., Zeinullina A., Sartova R. PRIORITIES OF APPLICATION OF HIGH TECHNOLOGIES IN THE INDUSTRY ON THE PRINCIPLES OF GREENING.....	75
Sofina A.A., Semenova E.N. SOURCES OF FINANCING FOR RUSSIAN COMPANIES IN CONDITIONS OF INSTABILITY.....	83
Sembiyeva L.M., Zhagyparova A.O., Tazhikenova S.K., Petrov A.M., Bekbolsynova A. CONTEMPORARY ASPECTS OF MONETARY POLICY OF THE REPUBLIC OF KAZAKHSTAN IN THE CONDITIONS OF GLOBALIZATION CHALLENGES.....	90
Turysbekova R., Kereeva A., Tolegenova A., Kasseinova M. OPTIMIZATION OF PRODUCTION COSTS OF AGRICULTURAL COOPERATIVES AS A FACTOR IN THE FORMATION OF A STABLE FOOD SUPPLY SYSTEM.....	97

Shamuratova N.B., Baitilenova E.S., Narenova A.N., Iskakov G.Zh., Temiralieva Z. TECHNICAL EQUIPMENT OF AGRICULTURE AND PROBLEMS OF GEOLOGICAL RESTORATION OF THE AGROINDUSTRIAL COMPLEX ON THE EXAMPLE OF KAZAKHSTAN AND MONGOLIA.....	103
---	-----

Zbigniew Korzeb, Paweł Niedziółka, Zhagyparova A.O., Rakayeva A.N., Serikova M. DETERMINANTS OF BANK'S SHARES RATES OF RETURN DURING COVID-19. THE EVIDENCE FROM VISEGRAD GROUP STOCK EXCHANGES.....	110
---	-----

Duisen G.M., Aitzhanova D.A. REGIONAL COOPERATION OF CENTRAL ASIAN COUNTRIES: POTENTIAL, DEVELOPMENT MECHANISMS.....	118
---	-----

LAW

Altybaeva A.T., Ryskulov Sh.D. PRINCIPLES AND FORMS OF CONTROL FUNCTIONS OF PARLIAMENT.....	126
---	-----

Kurmaeva N.A., Usmanova E.F., Khudoikina T.V. PROSPECTS FOR THE DEVELOPMENT OF FAMILY MEDIATION IN RUSSIA AND THE REPUBLIC OF KAZAKHSTAN.....	134
--	-----

Nesterov A.Y. CHILDREN BORN IN PRISON, THEIR LIFE TRAJECTORIES: THE PENAL ASPECT.....	141
---	-----

Rakhmetulina B.S., Seitenova S.Zh., Sultanova M.B., Nauryzbayev E.A., Nukiev B.A. THEORETICAL AND LEGAL FOUNDATIONS OF THE GENESIS OF THE GENDER MOVEMENT AND FEATURES OF THE FORMATION OF THE THEORY OF FEMINISM.....	152
---	-----

Toktombaeva A.Zh., Amanaliyev U.O., Mazhitov B.O. PRINCIPLES OF JUDICIAL AUTHORITY: HISTORY OF ESTABLISHMENT.....	158
---	-----

POLITICAL SCIENCE

Nyissanbayeva A. ACTUAL PROBLEMS OF CULTURAL POLICY OF KAZAKHSTAN.....	163
--	-----

Prokopjeva E.L., Bykova V.A., Shelemetyeva O.M. INSURANCE MARKETS IN RUSSIA AND KAZAKHSTAN: GENERAL FACTORS AND DEVELOPMENT POTENTIAL.....	170
---	-----

PEDAGOGY

Anzorova S., Aibazova M., Zhapanova M., Gorda A., Kolesnikova E. DIGITALIZATION OF EDUCATION: PEDAGOGICAL TECHNOLOGIES IN A VIRTUAL UNIVERSITY ENVIRONMENT.....	177
--	-----

Dakina G.T., Dzhumazhanova G.K., Amanova A.K. INTERACTION OF THE TEACHER AND STUDENTS IN THE RELATIONSHIP AT THE UNIVERSITY.....	183
---	-----

Duisenbek A.A., Ablaihanova N.T., Bauyrzhan A.B. THE ROLE OF COOPERATIVE LEARNING TECHNOLOGY IN THE INTENSIFICATION OF TEACHING GENERAL BIOLOGY.....	189
---	-----

PHILOLOGY
Gizdatov G.G., Abenova P.M.

LINGUISTIC ASPECTS OF TRANSLATION OF GONZO-TEXT.....197

Kalibayeva A.S.

UNIVERSALISM OF CREATIVE PERSONALITY

(ON THE EXAMPLE OF GULZHAN UZENBAYEVA).....205

HISTORY**Zakiyeva Zh.K.**

PROSPECTS OF DIGITAL SILK ROAD IN CENTRAL ASIA.....212

Kyshpanakov V.A.

TRANSFORMATION OF THE NATIONAL STRUCTURE

OF THE KHAKASIA IN THE XX-XXI CENTURIES.....220

Truspekova Kh.Kh.

RECONSTRUCTION OF NATIONAL HISTORY IN THE

MYTHOLOGICAL CONSCIOUSNESS OF THE KAZAKH ARTIST.....226

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