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**SOME ISSUES OF TOUGHER CRIMINAL LIABILITY FOR
ANIMAL CRUELTY**

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The relevance of the research topic is that, every day in our country, the number of violations against animals has significantly increased. It is worth noting that animal cruelty is one of the main problems of Kazakhstan. The time has come to look at these problems more seriously. Since both for society and for humanity, this is directly relevant.

In the research of Igor Ivanovich, it is said that many persons who committed violent crimes (murder, grievous bodily harm, robbery, hooliganism), being at a young age, repeatedly tortured, tortured or senselessly killed animals: cats, dogs, etc. This shows that without receiving a proper legal assessment, cruelty took on a stable character and gradually turned into a personality trait, which subsequently contributed to the commission of anti-social acts, and in the future, often crimes [1].

If you compare the legislation of the United States and Kazakhstan in relation to animals, you can easily see that our legislation not only lags behind, but we can not even compare. The proof of

this is the shocking incidents that have appeared on the Internet. Only in a month, you can make a “selection” of cases of terrible treatment of animals-on March 12, a video with brutally killed dogs “dogs “tazy”” shocked Kazakhstanis, on February 8, an Almaty man brutally beat a cat and mocked her, on February 16 in Nur-Sultan, a cow was lifted to the roof by a construction crane, and on February 18 in Kostanay, a man threw a half-dead dog on the roadside, on January 6, a sheep was shot frozen to death in the village of Almaty region, the author of the video he shoots her on camera, then pushes her with his foot and she falls. And on December 17, 2020, Brigitte Bardot addressed the president with an open letter. She said that in Atyrau and Uralsk, animals are burned alive. There are plenty of such cases, but the abusers continue to live without punishment. From these situations, we can understand that in practice, our legislation is powerless and does not give any effect. To do this, I think we need changes in the disposition and sanctions in Article 316 of the Criminal Code of the Republic of Kazakhstan “Cruelty to animals”. At the moment, the article is soft and therefore requires tightening. For example, if in the United States cruelty to animals is a crime, then we have a criminal offense. If the laws of the United States (Preventing Animal cruelty and Torture (PACT)) for cruelty to animals face a fine and imprisonment for up to seven years for beating, drowning, strangling, killing or sexual exploitation of animals, as well as for creating and distributing photos and video content that depicts violent acts, then we face either a fine or correctional labor for murder and beatings, and other points are not even provided for (Article 316 of the Criminal Code of the Republic of Kazakhstan). And also when editing our article, you need to take into account foreign experience. For example, the section of the law AC 11.61.140 of the state of Alaska was supplemented with subsection 5-knowingly killing or injuring an animal with the purpose of intimidating, threatening or blackmailing another person. In this formulation, the article of the law protects both people and animals. According to the animal Rights Act of the state of c, the penalty is not only a fine and imprisonment, but also the removal of the animal from the owner and a ban on the possession of animals. And according to the law of the State of Illinois (510 ILCS 70/16.3) the offender is charged compensation for the treatment of the injured animal. The payout can reach up to \$ 25,000. These are the changes and additions needed for our legislation [2].

Our main problem is not effective legislation in the fight against animal cruelty. This can be proved by the fact that, according to official data, from 2015 to 2019, out of 800 registered cases under Article 316 (cruelty to animals) of the Criminal Code of the republic, only 11 reached the court. In addition, one person was convicted of animal cruelty in 2019, 2018, and 2017. At the same time, only one animal protection organization "KARE-Care" receives up to 500 complaints a month about the cruel treatment of people with animals. This suggests that the article is formulated in such a way that it allows avoiding responsibility even in cases that are obvious to citizens as ill-treatment[3].

To solve this problem, I suggest:

1) Amend the article:

- Part 1 316 of the Criminal Code of the Republic of Kazakhstan: exclude from the mandatory elements of the crime, the occurrence of consequences in the form of injury or death of an animal, and add to it selfish motives for the purpose of causing pain or torment to the animal.

- in Part 2 316 of the Criminal Code of the Republic of Kazakhstan, add : "

1) two or more animals

2) committed with extreme cruelty;

3) committed repeatedly

4) committed for the purpose of bullying

5) committed in public or through the use of mass media or telecommunications networks.” In addition, it is necessary to reduce the age of criminal responsibility to 14 years.

The crime itself should be transferred from the categories of criminal misdemeanors to a medium-gravity crime.

At the moment, the problem of animal cruelty is widespread in all cities of Kazakhstan. An indicator of this is the following incidents: in the summer of 2020, in the Moyynkum district of the Zhambyl region, two young men, aged 19, brutally killed several cubs.

Another case occurred in Aktau. students bullied pets, cutting off their ears and tails, and then sold the dogs to their classmates who took pity on them. And in Atyrau, schoolchildren at the age of 14 publicly mocked a rabbit, they tied the animal's neck with nylon tights, dragged it along the ground and then hung the rabbit on the fence. In Atyrau, a man almost strangled a dog with a refrigerator door. In Nur-Sultan, a young child threw a kitten out of an upper-floor window, and an adult man closed the puppies in tight bags and left them to die in the back of a car. In the Mangystau region, a seal was killed with stones and sticks, in Shymkent a man shot a kitten in the street in front of children, and in Nur-Sultan, unknown people hung a cat on the fence. This list can be continued for a long time, but you need to understand that the consequences of such incidents are much more serious than they seem at first glance: Northeastern University and the Massachusetts Organization in the United States in 1997 conducted an analysis and found that those who are cruel to animals are five times more likely to commit violent crimes against a person, four times more likely to commit violent crimes against a person, they are prone to committing property crimes. The American Psychiatric Association considers animal cruelty to be one of the diagnostic criteria for a behavior disorder [4].

In order to prevent such crimes, educational work is offered in relation to schoolchildren and students. In educational institutions: in schools, universities and colleges, conduct annual class hours, seminars and trainings. According to psychologist Natalia Sanarova, such an innovation in school and university programs as environmental education is undoubtedly necessary. Because these foundations need to be laid from early childhood. And if the child is not told all this and is not explained at home, then he should receive the appropriate knowledge at school or at university in order to develop a compassionate attitude towards the world around him and animals.

It is also proposed to introduce explanatory measures among animal owners, parents and persons responsible for educational work in educational institutions. Since parents and those responsible for educational work in schools and universities often do not realize that their children participate in destructive groups that kill animals. At the same time, there is no information and methodological support on this issue. Among the owners of animals, there is also a low level of legal awareness in terms of responsible treatment of animals, ignorance of the rules of walking and keeping animals, ignorance of the owner's obligation to transfer the animal to the shelter, in the absence of the possibility of its further maintenance [5].

Another major problem is the lack of a single law that would cover the legal protection of all animal species. The laws "On Veterinary Medicine", "On the protection, reproduction and conservation of the Animal World" and others do not sufficiently regulate the relationship with animals. For example, in the current legislation there is no concept of animal shelters and standards for their construction, there are no rules for walking and keeping pets, and the rules for catching and destroying stray dogs and cats vary from city to city and locality. The process of shooting stray animals also causes a lot of public criticism. Also, the current legislation does not take into account the facts of the release of animals, leaving them without water and food during the long absence of the owners, failure to provide veterinary care to the animal during the disease that brings suffering, etc. [6].

To solve this problem, it is recommended to create a bill. Where the tasks are to establish general and special requirements for the treatment of animals, to approve the rules for keeping animals, the rules for keeping and walking dogs and cats, the rules for catching and destroying stray dogs and cats, to create conditions for animals in their keeping that correspond to the biological and individual characteristics of the animal, to determine the obligations of animal owners to meet the needs of animals in a full-fledged balanced diet, clean water, sleep, movement and natural activity, to establish obligations for walking dogs, the use of service dogs, transportation of animals, killing (euthanasia) of animals. The introduction of state registrations of all animals, as well as the maintenance of a register and / or database of registered animals. For the formation of responsible ownership of animals and humane treatment of them, the prevention of particularly dangerous and contagious diseases common to humans and animals, the regulation of the number of animals, the search for lost animals and the maintenance of a single database of animals [7].

For the prevention and reduction of crime against animals, additional services are offered:

- Creation and dissemination through social networks and articles in the media about measures and penalties in various cases of animal cruelty.
- To form a humane attitude to animals and raise awareness of the population of Kazakhstan about the rules of keeping and walking animals, about criminal liability for cruelty to animals, with the help of articles, videos and the Internet.
- It is also recommended that the district authorized police-when serving on an administrative site, oblige quarterly monitoring of compliance with the rules of keeping the owners of their animals [8].

We must not forget that animals are part of our lives, that they have the same rights to life as we do. It is scientifically proven that animals can feel pain, and we must ensure the safety of both humans and animals.

This study identified a number of problems associated with animal cruelty:

- Lenient punishment for animal cruelty
- No law covering the legal protection of all animal species.
- Inaction of officials in this type of crime
- Demonstration of scenes of animal cruelty on the Internet
- Not the effectiveness of the current legislation for animal cruelty

To solve these problems, the following solutions were proposed:

- Get to know the severity of the problem with abusive relationships with animals
- Make amendments and additions to Article 316 of the Criminal Code of the Republic of Kazakhstan " Cruelty to animals"

Making the laws about animals, will be discussed: animal shelters and standards in their construction, dog walking rules and Pets, rules of the capture and destruction of stray dogs and cats, release of animals, leaving them without food or water during the long absence of the owners, failure to provide animal veterinary care during his illness, bringing suffering, etc.

Educational and awareness-raising measures among pupils, students, parents, pet owners, etc.

- to raise awareness of the population of Kazakhstan about the rules of keeping and walking animals, about criminal liability for cruelty to animals.

And in conclusion, I want to say that we become the animals, not them, let's stop and stop others.

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