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Legal Regime of Funding the Law Enforcement Agencies

Bahyt Moldatyayevich Nurgaliyev and Ayman Kudaybergenovna Kussainova
“Bolashak” Karaganda University, Erubayev St., 16, Karaganda, 100012, Kazakhstan

Corresponding Author: Bahyt Moldatyayevich Nurgaliyev, “Bolashak” Karaganda University, Erubayev St., 16, Karaganda, 100012, Kazakhstan

ABSTRACT

Consolidation of the legal status of the law enforcement agencies, increasing the efficiency ratio of their operations became important nowadays, since these indicators are conditional to ensure a decent standard of living and protect the rights of citizens. In order to solve the law enforcement problems the state requires to ensure the quality of execution of the law enforcement agencies functions which depend on the material, financial and human resources, the realization of which is carried out by creating a progressive regulatory and legal framework, as well as the proper functioning of the financial mechanism. Researchers issue a task to theoretical, empirical and comparative study of the funding problems of the law enforcement agencies.

Key words: Law enforcement agencies, operations efficiency, financing, logistics, price of crime

INTRODUCTION

According to the Concept of Legal Policy of the Republic of Kazakhstan for the period from 2010 till 2020, approved by the Decree of the President of the Republic of Kazakhstan dated 24 August 2009, an important part of the reform was the reorganization of the courts and the law enforcement system, aimed at improving the effectiveness of the enforcement activities. In consequence of the recent public discussions of the first stage of the legal reform, there prevailed the view of the progressive development of the legal system based on the Constitution of the Republic of Kazakhstan and formation of the legislation concerning the protection of human rights. However, to improve the law enforcement further there is a need for a deep and careful study of the financing of the law enforcement agencies, to identify the problem areas and develop proposals to address them.

Socio-economic development of the country and the implementation of national programs require strengthening of the state role in regulating the funding, the effective use of the financial capacity of the country. A necessary condition for improving the economic level of Kazakhstan is, in our opinion, establishing an optimal financial system, the most efficient use of material resources, the rational allocation of finance in the economy as a whole and for separate industries. The country faces the challenge of building a high-tech economic base which is an essential condition for a developed economy.

At the present stage of development of the Kazakhstan economy, the main principle of the budget financing is the independence of budgets, in accordance with it the budgeting process at all levels of government is implemented independently. The Budget Code for each level of government determines the appropriate level of the budget: The republican, budgets of cities of Astana and Almaty, regional, budget of regional significance city and finally, the district budget.

The Republican budget, the report of the Accounts Committee for Control over Execution of the Republican Budget and the Government report are approved by the Parliament in joint session of the Chambers (The Parliament of the Republic of Kazakhstan, 2008).

In the Address of the President of the Republic of Kazakhstan; N. Nazarbayev “Strategy “Kazakhstan-2050”: A new policy of an established state” the main task is defined-to do everything possible to enable an effective, modern government service and management structure, capable to realize the main objectives in a market economy, including national security and protection of citizen’s rights in Kazakhstan (Nazarbayev, 2012).

In the context of the national legal system formation, the transformation of social relations and the significant changes taking place in the consciousness of legal reality, the study of legal phenomena previously unexplored, is of great importance. Among these, include, in particular, “the price of crime”, the problem of financing the law enforcement agencies and minimizing losses from crime. For quite a long time, the issues of crime pricing, funding the law enforcement agencies were not subject to legal disciplines research. That is why the first attempts to apply this category have put before the legal science a number of serious problems, the solution of which determines the fate of many social reforms taking place at the moment.

At the same time, it is necessary to mention the magnitude of the research issue. In this connection, for the sake of the research it is supposed to resolve the following problems:

- To explore the issues of funding of the internal affairs bodies
- To reveal the interconnection between the material and financial support of the law enforcement agencies and their operational effectiveness
- To study the impact of the police financial expenses on the value terms of the aggregate costs from criminality (“price of crime”)

The issues of the “price of crime”, funding the law enforcement agencies and minimizing losses from crime have been reflected in the studies of McCollister *et al.* (2010), Roper and Thompson (2006), Dolan and Peasgood (2007), Sinclair and Taylor (2008), Taylor (1994), Roman and Farrell (2002) and Maguire *et al.* (2007) as well as Russian researchers Kvashis (2008), Chimarova (2007) and Kazakhstani analysts Nurgaliyev *et al.* (2014) and Nurgaliyev and Kusainova (2014).

Considering the contemporary condition of the legislation and the requirements in the regulation of financing the law enforcement agencies it seems necessary to survey this legal institution in the science of law.

Elaboration of precise juridical notion of the essence and content of the mechanism of financing the law enforcement agencies is of great practical and theoretical importance. Relying on the category, it is possible to find a right approach to statement of complicated questions in legislative and enforcement practices and their subsequent solution.

DISCUSSION

For the implementation of their activities, the internal affairs bodies use the funds allocated from the republican budget and local budgets. Republic of Kazakhstan takes certain obligations to provide the activities of the internal affairs bodies with the necessary financial and logistical means that is enshrined in the Constitution of Kazakhstan. The local executive bodies also participate in the financing of law enforcement from their own budgets.

Allocation of funds for internal affairs bodies is carried out by funding. There is a number of factors affecting the regime and amount of funding the internal affairs bodies, among them the external and domestic economy, political situation in the country and in the world, the volume of tasks set before the internal affairs bodies.

The finances of internal affairs bodies are an integral part of the financial system of the Republic. The specificity and significance of the financial institution of the internal affairs bodies is the realization of an important state function to ensure the enforcement of law.

The finances of internal affairs bodies are the social relations emerging at the formation, distribution and expenditure of funds in the enforcement of law. The mechanism and the level of funding influence the effectiveness of the law enforcement agencies, the social status of the employees depends on it. The order of financing of the law enforcement agencies depends on the economic situation in the Republic and budgetary capacity of the country to ensure the activities for the public order protection.

The internal affairs bodies consist of the Ministry of Internal Affairs of the Republic of Kazakhstan, agencies, territorial bodies, as well as organizations subordinate to the Ministry of Internal Affairs. Territorial bodies are the departments of internal affairs of the regions, cities of the republican value and the capital, in transport, the city and district, district in the cities, linear bodies of internal affairs, military-investigative bodies.

The unified system of internal affairs bodies form the police, criminal executive system, military-investigative bodies and internal troops.

The police is composed of criminal police, administrative police, units of the investigation, inquiry and other units.

The criminal police consists of units to combat organized crime, extremism and illicit traffic of narcotic drugs, psychotropic substances and precursors, other units carrying out the operational investigative activities.

Administrative police units include police inspectors, juvenile, protection of women from violence, control in the turnover of civil and service weapons, the road patrol, migration, environmental police, specialized institutions and other divisions engaged in the protection of public order.

The allocation of funds to ensure the activities of internal affairs bodies is provided by the Law of the Republic of Kazakhstan "On the republican budget" and decisions of the local authorities (maslikhats) on the budgets for the next fiscal year under section of functional classification of the expenditures of the regional budget "Law enforcement and security of the state".

Analysis of the normative legal instruments of the Republic of Kazakhstan, the legislation of local executive bodies shows that there is a large number of documents (including executive) containing specific resolutions to allocate funds to ensure the specific needs of the internal affairs bodies. For example, the anti-corruption program of the internal affairs bodies for the 2014-2015 and others.

Essential for the normal control mechanism for ensuring financial resources of the law enforcement agencies is a timely analysis and accounting of expenditure from the state budget and other sources. Analysis and accounting allows financial resources controls to promptly adjust the distribution of financial resources in order to enhance and optimize their use for the most effective law enforcement activities.

The analysis of the financial costs actually incurred by the law enforcement agencies is carried out by industry: The internal affairs bodies, prosecutors, judicial authorities, etc., there is used the

comparative analysis of expenditure by type, on terms and ways of financing and other factors. This type of analysis is mainly used if necessary to analyze the financial costs over a short period of time, its long-term appliance is not always appropriate, as there is a constant change in the cost parameters of products (works, services) and a correct analysis needs a reliable transfer index.

Law enforcement, legal and judicial activities of the state represent a system of bodies of state power with the right to the use of coercion and entitled to protect life, property, rights and freedoms of citizens, property and interests of the society and the state from illegal encroachments.

In accordance with the economic structure of expenditures of the republican budget in Kazakhstan, there are considered the current expenditures of the republican budget and the costs of maintaining the public order, security, legal, judicial, penal activities for the period 2007-2013. Republican budget expenditures in 2007 performed on the sum of 2068,3 billion tenge or 105%. Republican budget expenditures in 2008 amounted to 3823,3 billion tenge, or executed by 99,7%. Republican budget expenditures for the period of 2009 were performed at 3118,6 billion tenge and in relation to the budget updated in April amounted to 95,8% and in November-98,1%. Republican budget expenditures in 2010, compared with 2009 increased by 28,5%, amounting to 4 574,1 billion tenge or 99,2% of the payments financing plan.

In 2011, the costs were actually executed in the amount of 5402,3 billion tenge, having increased in comparison with 2010 by 18,1%. In 2012, the actual expenses for the reported financial year were executed in the amount of 6069,9 billion tenge, increasing by 12.4% compared to 2011. In 2013, actual expenditures amounted to 6316,6 billion tenge, having increased by 4.1% in comparison with 2012 (Fig. 1).

The costs of public order, security, legal, judicial, penal activities in 2007 amounted to 196,7 billion tenge or 99,9%. In 2008, spending on law enforcement activities totaled 219,9 billion tenge or 99,9%. In 2009, these costs amounted to 259,9 billion tenge or 100%. Actual expenditure in this area in 2010 was performed for the amount 309,8 billion tenge or 100%. In 2011, the expenses actually reached 448,0 billion tenge or 118,8%. In 2012, 558,0 billion tenge or 149,1%. In 2013, the cost of public order, security, legal, judicial and penal activities amounted to 608,3 billion tenge or 164,2% (Fig. 2).

As you can see, the figures for the law enforcement are much higher. The law enforcement authorities should use the limited budgetary resources allocated to them by the government for a

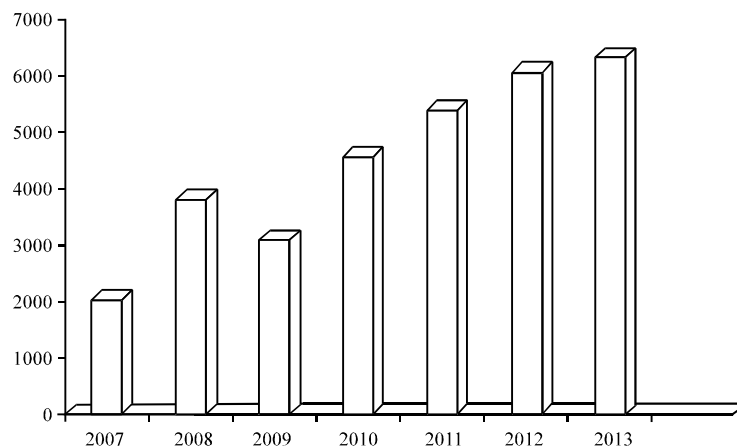


Fig. 1: Expenditures of the budget of the Republic of Kazakhstan, billion tenge

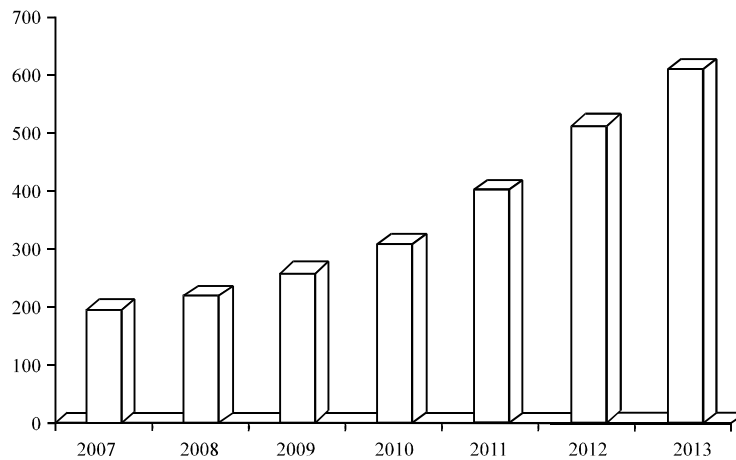


Fig. 2: Cost of public order, security, legal, judicial and penal activities, billion tenge

certain period so as to achieve the greatest success in the fight against crime. Thus, internal affairs bodies should minimize the overall level of damage caused by crime for the country as a whole, i.e., reduce the so-called “cost of crime”. However, the practical implementation of this general principle meets some obstacles. Under the “cost of crime” is meant the damage directly or indirectly caused by the crimes, as well as the costs of the law enforcement agencies maintenance (Dolotov, 2012). Some authors include in this concept the government expenses aimed at fighting crime, restoration of infringed rights by reparation of material and moral damages, the cost of maintaining prisoners in correctional facilities (Shikhantsov, 2006).

One of the most pressing issues is the allocation of funds for the fight against crime. In Kazakhstan, this kind of resource allocation is applied to certain types of offenses, such as the fight against corruption, illegal migration, drug trafficking. The essence of this method lies in the direction of resources to combat specific types of offenses. However, the problem is that in the case of a decision to increase the resources for the reduction of one type of crime, the provision to combat other types of offenses is reduced. Also relevant is the issue of funding for activities aimed at preventing crime. An optimal system of financing of the internal affairs bodies requires calculating the damage to society by crime, evaluation of the benefits of each crime prevention, as well as estimating the costs for the prevention of crimes by type.

Investigating the problem of funding the law enforcement agencies, scientists put forward various hypotheses. For example, is the financial support of the police activities, depending on the location effective? Based on the evidence on the crime rates in different areas, an economist L. Thurou proposed the concept of proportionate allocation of financial resources, depending on the level of crime in a given area. Its concept is based on the study of statistical data on crime rates in different parts of the country. The essence of the concept is to increase the staff of the police in areas with high crime rates and reduce their numbers in the more affluent areas (Thurou, 1999).

Thurou (1999) concept, in our opinion, will not contribute to the reduction of the value expression of the total cost of crime (“price of crime”) because a decrease in crime in dangerous areas equalize the increase of crime in the previously safe areas.

For the effective financing it is necessary to solve the problem of the optimal allocation of police resources, i.e., such distribution of resources that will provide the best possible use from the point of view of a given optimality criterion. For the law enforcement agencies, this means the

distribution of resources, not only financial but also the legal, human resources, logistics, information, so as to achieve a reduction in the crime rate and thus ensure national security. Using the previous method of budgeting is no longer relevant, as the use of new approaches in the fight against crime leads to an increase in the cost of provision of resources for law enforcement. Alekseev (2005) believes that its funding should be made not to progress with a slight increase (the dimensions of which are not always clear and convincing) but correlate with the “price” of crime and as far as possible the actual crime, the real and not just recorded” (Alekseev, 2005). When planning costs it is appropriate to use objective criteria determining the actual need for such expenditure.

CONCLUSION

We conclude that there is a need for reform of the financial support of the law enforcement agencies through the optimization of budget expenditures, the use of modern methods of budgeting, allowing to achieve efficient use of budgetary funds. With this in mind, it is necessary to reform the law enforcement to effectively achieve the objectives. The reduction in crime is achieved by investing financial resources for the implementation of innovative technologies, attracting qualified specialists, etc.

It is important to understand that there is a direct link between the law enforcement funding and the quality of law enforcement services and the security of the country.

REFERENCES

- Alekseev, A.I., 2005. [About new approaches to fighting crime]. Black Holes Russian Legislation, 4: 294-308, (In Russian).
- Chimarova, O.N., 2007. [The legal regime of funding the internal affairs bodies of the Russian Federation]. Dissertation of the Candidate of Legal Sciences, Moscow, (In Russian).
- Dolan, P. and T. Peasgood, 2007. Estimating the economic and social costs of the fear of crime. Br. J. Criminol., 47: 121-132.
- Dolotov, R.O., 2012. Crime cost as a criminological indicator: Some methodological aspects. Criminol. J., 3: 15-21.
- Kvashis, V.E., 2008. Crime cost as a criminological problem. Criminal Law, 6: 94-102.
- Maguire, M., R. Morgan and R. Reiner, 2007. The Oxford Handbook of Criminology. 4th Edn., Oxford University Press, Oxford, UK., ISBN: 9780199205431, pp: 265-303.
- McCollister, K.E., M.T. French and H. Fang, 2010. The cost of crime to society: New crime-specific estimates for policy and program evaluation. Drug Alcohol Dependence, 108: 98-109.
- Nazarbayev, N., 2012. Address by the President of the Republic of Kazakhstan, leader of the nation, N.Nazarbayev strategy Kazakhstan-2050: New political course of the established state. December 14, 2012. http://strategy2050.kz/en/page/message_text/.
- Nurgaliyev, B.M. and A.K. Kusainova, 2014. The effectiveness of law enforcement: Economic and legal analysis. Life Sci. J., 11: 511-515.
- Nurgaliyev, B.M., M.A. Arystanbekov and A.K. Kussainovà, 2014. Budgeting of police in the context of crime cost: Some consistent patterns and conclusions. Life Sci. J., 11: 543-547.
- Roman, J. and G. Farrell, 2002. Cost-benefit analysis for crime prevention: Opportunity costs, routine savings and crime externalities. Crime Prev. Stud., 14: 53-92.
- Roper, T. and A. Thompson, 2006. Estimating the costs of crime in New Zealand in 2003/04. New Zealand Treasury Working Paper, No. WP 06/04, New Zealand, July 2006, pp: 1-27.

- Shikhantsov, G.G., 2006. Criminology Textbook. Tesey, Russia, ISBN-13: 978-9854632001, Pages: 296.
- Sinclair, M. and C. Taylor, 2008. The cost of crime. Report for the Taxpayers Alliance, July 4, 2008. http://www.taxpayersalliance.com/the_cost_of_crime.pdf.
- Taylor, I., 1994. The Political Economy of Crime. In: The Oxford Handbook of Criminology, Maguire, M., R. Morgan and R. Reiner (Eds.). Oxford University Press, Oxford, UK., ISBN-13: 9780198762423, pp: 265-303.
- The Parliament of the Republic of Kazakhstan, 2008. The budget code of the republic of Kazakhstan of December 4, 2008, No. 95-IV. Bulletin of the Parliament of Kazakhstan, No. 21 (2525).
- Thurou, L., 1999. Law enforcement: Justice versus efficiency. J. Econ. Theory Crime Punishment, 1: 89-92.