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SOI: [1.1/TAS](#) DOI: [10.15863/TAS](#)

## International Scientific Journal Theoretical & Applied Science

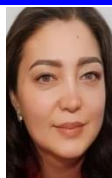
p-ISSN: 2308-4944 (print) e-ISSN: 2409-0085 (online)

Year: 2022 Issue: 05 Volume: 109

Published: 18.05.2022 <http://T-Science.org>

Issue

Article



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## STALKING: PRIVATE DANGER FOR UNPROPERAL ACTIVES DURING THE ALL PERIOD OF PERSECUTION

**Abstract:** In this article, a special emphasis is placed on moral harm in accordance with Article 951 of the Civil Code of the Republic of Kazakhstan, where the stalker by his actions invades the victim's personal space, which diminishes the victim and causes her moral suffering, expressed in constant fear, anxiety, pressure, anxiety, headache, migraine and other sensations, which are classified by the norms of civil legislation of the Republic of Kazakhstan. The purpose of the present studies is the detailed identification of the main psychological characteristics of the victim, through which it is possible to analyze the degree of damage to the non-property assets of the victim. A distinctive feature of this article is the consideration of non-material rights of citizens as non-property assets. Also, the work has a high theoretical and practical significance due to the development in the civil law of the institution of non-property assets of citizens in the modern society, where market relations dominate, which allows to estimate non-

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property assets in a financial equivalent where loss of profit is also considered as an alternative to the suffering caused. This study has undoubtedly high relevance due to the lack of elaboration of norms regarding moral harm in the Republic of Kazakhstan and increased interest in intangible assets in the world space.

**Key words:** persecution, victim, personal space, psychological barrier, personal boundaries, moral suffering, non-property asset.

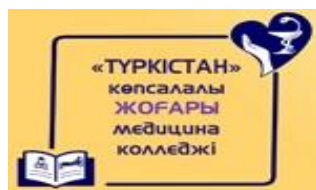
**Language:** English

**Citation:** Utegenova, A., et al. (2022). Stalking: private danger for unproperal actives during the all period of persecution. *ISJ Theoretical & Applied Science*, 05 (109), 445-452.

**Soi:** <http://s-o-i.org/1.1/TAS-05-109-47> **Doi:**  <https://dx.doi.org/10.15863/TAS.2022.05.109.47>

**Scopus ASCC:** 3300.

## Introduction



По результатам технического задания грантового проекта КН МОН РК утвержденного приказом Председателя КН МОН РК от «2» марта 2022 года № 27-нж

What gives the ability to keep track of your feelings and thoughts? The fact is that this opens up that level of perception of the world and of itself in it, which can be called "second attention". Non-pretentious situations give strength, but a cessation of reflection, a stop to the continuous making of the world and oneself in it. The term "second attention" should not be considered metaphorical. If a person lives only at the level of usual attention, he does not have time to see what is really happening to him and around him. The emergence of second attention brings consciousness closer to that amazing point in which you know what you think and say what you feel. Approaching this point gives a direct experience of understanding how things are really arranged. This personal experience is his perception and understanding and is the value for which the stalker is chasing when he is hunted down by himself. Try not

to ask questions about what an "inner witness" or "silent witness" is, as it is sometimes called. Just take it and contemplate yourself right now. Do what you do, go, talk, eat, drink, talk, but look at yourself from the outside with your psychological gaze. The one who tries to do it in reality - usually there and then somehow changes. If he was stooping, - tries to straighten his shoulders, if there was any stupid expression on his face - he is trying to do something else. Try yourself to look at yourself from the side in the literal sense, as if the eyes are outside your body, and everything will become clear. In itself, this look at oneself from the outside, even carried out to the smallest degree, corresponds to the halt of internal dialogue. But the stalker goes much further than the usual visual representation. He looks into his mental and energy state.

№	ИРН	Наименование	Заявитель	Научный руководитель	Период реализации	Группа объектов ГНТЭ	Статус	Готовность	Создать
1	AP14871246	<a href="#">Сталкинг: актуальные проблемы социально-правовой модернизации в целях решения латентных проблем безопасности общества</a>	<a href="#">Шалхаров Ернар Сайлаубекевич</a>	<a href="#">Шалхаров Ернар Сайлаубекевич</a>	2022 - 2024	Конкурс на грантовое финансирование по научным и (или) научно-техническим проектам на 2022-2024 годы (МОН РК)	Подано	100%	Действие ▾

Picture 1. Name, number and period of national grant financing.

## II. RESEARCH METHODOLOGY AND ETHICAL QUESTIONS.

Description of the scientific methods used in the project as a justification of ways to achieve the set goals.

Methodologically, the present study involves the use of two types of methodological tools: externally descriptive and statistically correlative.

The externally descriptive tool involves the use of four types of design of research results.

Cluster systematization of the information array. This methodological tool involves grouping semantic blocks in the text by the order of transition from a larger variable to a smaller one. It is necessary in the study, as it helps to fix the transition from the general meaning to the result under study. Deduction,

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induction, abstraction and detailing can also be attributed to this group, which find useful application in the analysis of literary data systematized according to the 2-2-1 system, which involves two sources from far abroad, two sources from near abroad and one source of Kazakh literature. Working with literature in this study has an important place, as it allows you to navigate in the direction of statistical research.

Two-dimensional design of task reflection. This methodological tool involves a visual analysis of the results of the tasks answered. So each section answers one specific task. In accordance with this analysis, it is possible to observe the total addition of the results of tasks to achieve a common goal, and it is possible to notice the gradual achievement of the goal from one task to another.

The catalyzation of literary data by a legal element. This methodological tool allows you to notice the adaptability of the literature used to the studied territorial space or population.

F.I.N.E.R criterion. In accordance with the F.I.N.E.R criterion, the research question is analyzed from five positions: F-feasible (feasible), I-interesting (interesting), N-novel (new), E-ethical (ethical), R-relevant (important).

Statistical correlation research involves an assessment of the interrelationships between several factors, called variables, which are not controlled by the researcher, and which, in turn, is aimed at establishing changes in one variable when another changes or influences it. Data processing is assumed using the SPSS program, which will give greater validity to the results of the study. Since this study is related to issues such as the protection of personal space and other non-property characteristics of individuals, the use and circulation of a specially designed questionnaire is highly relevant, since only with the help of it it will be possible to fix a constant based on quantitative data. The questions in the questionnaire are supposed to be formed dichotomically, which will increase the validity of the study.

Other methods developed and being developed during the implementation of this study.

Critical points, alternative ways of project implementation. This study will be conducted on the basis of the Turkestan Multidisciplinary Medical College, the International Kazakh-Turkish University named after H. A. Yasavi, the Academy of Public Service under the first President of the Republic of Kazakhstan. The present allows us to expand the boundaries of research to similar territorial units of other countries in accordance with the memoranda of educational institutions. These countries include Turkey, the Czech Republic, Poland, France, the USA and Turkmenistan. If it is impossible to determine certain indicators, the possibility of cooperation with marketing and other firms capable of providing

personal data of residents of other countries is provided.

Ethics issues: The project participants will strictly adhere to the principles of scientific ethics, will not allow the fabrication of scientific data, falsification, plagiarism, false co-authorship, use by individual participants of collective research, data and conclusions obtained in research, without the consent of other participants. All project participants have equal rights to the results of the conducted research. The intellectual property rights of the participants will be protected accordingly by the Law of the Republic of Kazakhstan on Intellectual Property rights.

Detailed procedure and mechanism of the study: This project will be carried out in 3 stages:

At the first stage, protocols and manuals, equipment and consumables will be prepared. A primary analysis of the literature data will be carried out, a questionnaire will be constructed and the circulation will be calculated.

At the second stage, there will be work with state bodies, including courts and prosecutorial supervision bodies. The second stage also involves working with victims of harassment and collecting information about the results of the survey.

At the third stage, the research results will be summarized, which will be reflected in relevant publications, copyright certificates, implementation certificates and educational materials on the research topic: "stalking as an unfinished crime in the Republic of Kazakhstan". The textbook is supposed to be written in the state, Russian, English and Turkish languages. The proposal to amend the text of the law "on stalking" will also be completed at the third stage.

Conditions for registration and division of intellectual property rights to research results: To protect the results of intellectual property of scientific research, it is planned to publish scientific articles in foreign publications in the SCOPUS database; author's certificates, educational materials, conference abstracts.

The results of the research will be implemented in the form of practical recommendations when meeting with stalkers, formulated in the form of certain legal mechanisms. Teaching aids will also be reflected as the results of the study. The text of the implementation of the Law of the Republic of Kazakhstan "on stalking" will also be the result of the study.

### III. RESULTS.

Stalker is a person who knows how to look at himself "outside" and, in this state of contemplation of himself and the world, see the processes taking place in his consciousness, arising and disappearing experiences. But they do not ... Only allows to happen. This is about the same, what to fall asleep, wake up and perform some kind of action in a dream. Quite an obvious comparison. It is for this reason that the

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dreaming Toltecs in Castaneda's magic system began to use stalking in the context of common practices (1).

The essence of the work is to track all aspects of emotions, thoughts - as they become in certain situations. Bright or non-standard are chosen only because they cause stronger experiences. With such material it is easier to work. Everything should be completely natural. The capacity for such self-contemplation does not grow by itself. Even a person who from birth is endowed with some power. And he also needs to teach himself, and he too becomes a student. So - you need a constant training ... What does it mean constant? This means that it is constant. In all aspects of life. That's why the everyday world can be compared to hunting grounds (2).

It was not by chance that Castaneda did not give concrete methods of tracking himself. The fact is that the methods themselves are not so important. If the author of these lines once published scripts of controlled stupidity, then it is controlled stupidity, not stalking in general. Of course, as an example, I suggested that readers bury the deceased thing. It's a good thing ... But just understand that you can not tell a person how to get him an individual existential experience (3).

One of my friends experienced satori looking at the lid of a bottle of kefir. Here and so suddenly - sharply and spontaneously. But this does not mean that in order to experience satori, one must look at the lid from the kefir bottle. Nevertheless, something needs to be done. I will share several ways to track myself. All are very effective. But the main thing is to understand the very mood of stalking, and not blindly to do so (4).

The diminution of honor, dignity and business reputation by means of the stalker's intrusion into the victim's personal space had not previously been investigated in the recognition of the above as non-property assets having a reflection in the property valuation, which is both a novelty of the research and the purpose of this study, components of the victim's personal space, into which the encroachment was committed through obsessive persecution. The work has a high theoretical importance, because of the presence in it of explanatory elements, not only of prosecution in the civil law of legal science, but also of honor, dignity and business reputation. The practical value of this study is made by prospective analyzers, which can be regarded as applied legal analysis tools. Both of them were not developed before, which implies a high relevance of the present (5).

Stalking - a type of violence and harassment - in Russia is still not considered an offense. Despite numerous victims. Searches involving persecution - so from English translates to stalking. This word has been used for several years in legal terminology. According to the legislation of many countries, stalking as deliberate threatening behavior directed at

another person and causing fear for his safety is considered a criminal offense. In our country, however, all these hunts, unwanted visits and calls, obsessive attempts to "talk" and threats are still taking ... for love, for trying to attract attention or preserve relations (6).

"In our country, unfortunately, psychological terror for the problem is not considered," - said St. Petersburg Akataeva, who had suffered from the harassment of her ex-husband for a year and a half. Both women and men are subjected to stalking. However, according to research, men account for 83 percent of stalkers. Almost half of them are former partners, who were furious after parting. This was the behavior of Anna's husband, who was retired. "He guarded us near the entrance to the front door, threatened me and his parents, broke in the door, almost set up a fire." His car moved after me, even if I went to the store, and when I walked with the baby carriage in the park, he followed and I shot everything on video (7).

## IV. DISCUSSION.

One day I went to a meeting with friends, and on my phone from an unknown number came a message with a photograph of the place where I was, and the signature "I'm near." It's not life, it's a nightmare, when you realize: every step you take is fixed (5). And most importantly - you do not know what to expect from a person. "Anna regularly had nervous breakdowns, health problems began with her parents (8).

The first criminal offense stalking the Americans did - in 1992. The USA followed Canada, Australia, Great Britain, EU countries. Even before us, the guards themselves are defenseless before this phenomenon. Zilara Ziyatdinova, an investigator from the Ministry of Internal Affairs of Bashkiria, asked the leadership to protect her from her ex-husband who acted according to the classic stalker scheme: he was spying, promised reprisal, and was vigilant about the personal life of the ex-wife. "I wrote reports, but there was no sense in it," says the brother of the deceased Rinat. "And shortly before her death, she was officially sent a refusal of defense, arguing that the request is not related to her professional activities" (9).

"There is no such thing as persecution in Russian legislation at all," Mari Davtyan, a lawyer, a member of the Coordinating Council under the Government of the Russian Federation for the implementation of the National Strategy for Women, an expert on family violence, told Ogonek. I do not want to chase you, and you can not even get him involved in it. "Even if the letter with threats" I'll kill you "will not have any significance for the law enforcers, if the citizen at witnesses says" I'll kill you right now "and go with you with a knife in py ah - then it can be classified as an article, "The threat of murder (10)."



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According to the largest study of the Agency for Fundamental Human Rights of the European Union, 18 percent of Europeans were subject to confrontation. According to research in the US - every 4th woman and every 13th man. There is no reliable statistics for Russia, but experts are sure that this phenomenon in our country is becoming more "popular", including thanks to new Internet methods of bullying the victim. "I'm ashamed to admit that I'm ashamed to admit that a young girl is following me and writes to all messengers and social networks, and I can not do anything," says Muscovite Gennady, who was one of the first to sign the petition of Anna Akatova a year ago (11).

Do not be scared ... Just one day. Choose the day and the evening of the previous set yourself the task - there is nothing but bread. What's the matter? The aforementioned contemplation of oneself from the side of the stalker conducts being still and just a man. If you try, then quickly make sure that the tone is not slumbering. The rational part of consciousness is always on guard for its picture of the world. She quickly removes all attempts to create the primacy of not doing work. You yourself will believe that you forgot about your decision. And this task will be remembered already at breakfast and lunch (12).

The relevance of this article is an alternative to the use of certain behavioral models of stalkers as levers of pressure to achieve the deliberately mercenary goal of enrichment and obtaining material goods. Today, given the rapidly developing business sector, the present is of key importance. Therefore, as the purpose of this study, the brief results of which are set forth in this article, one can note the study of the application of pressure levers to the victim and the main characteristic of the staging of the negative impact on the victim of persecution. Previously, similar studies within the legal space of the Republic of Kazakhstan were not conducted, which proves their novelty. The theoretical significance of this study lies in the calculation and improvement of empirical data in the field of legal manipulation in the sphere of small, medium and large business of the Republic of Kazakhstan. The practical significance lies in the transformation of these fundamental knowledge into a single applied analyzer (13).

As follows from the experience of the center, as well as from private histories of victims of persecution, even European legal norms and the police can not adequately protect the victims of stalking. The English-language Internet is full of stories about how condescending judges advised victims of stalkers to be proud of the attention they paid and did not take seriously their requests for help. In Russia, however, legislation does not regulate this sphere of relations at all (14).

"In Russia, in the framework of criminal law, there is no such thing as persecution. There are no rules prohibiting prosecution. The only article that, at

least somehow, relates to this is an article such as "a threat of murder." In practice, the victims of persecution in Russia can not count on the help of the state and themselves somehow run (often in the literal sense) from their persecutors," says Marie Davtyan, a lawyer specializing in family violence (15).

There are no organizations that would directly pursue prosecution, but since persecution is often part of domestic violence, crisis centers for women help them to escape in such situations. Interestingly, private organizations follow international practice and keep the location of their shelters a secret, and public ones, which are much larger, do not hide their location. Most pursuers do not dare to go inside, because there is usually a guard at the entrance, but we can assume that it would be safer if the persecutors did not know how to take shelter (16).

"The attitude of our court to the persecution is perfectly illustrated by one case from my practice," says Davtyan. "My client's husband threatened to kill her and her baby." Psychiatric examination revealed him schizophrenia and recognized him as particularly dangerous for society. But as a result, he remained at large and freely continued to threaten his wife. Based on the results of the examination, we asked the court to provide my client with protection. The court refused - on the grounds that this law was created to protect witnesses in investigations of terrorism or organized crime. And it does not spread to the victims of threats (17).

Marie Davtyan and her colleagues have been trying for two years to enact a new law on domestic violence, in which there is an item on persecution. Speeches about a separate law on prosecution, while not going - lawyers believe that when this bill is adopted, it will be possible to seek the introduction of new laws, including on the prosecution. However, this law on domestic violence for two years nowhere can not go: for today, Russia is the only country in the CIS where there is no such law (18).

It is not surprising that stalking and the more so online stalking is not taken seriously in a country where the problem of physical and psychological violence, using online terminology, is not solved by AFK (away from keyboard, that is, "not at the computer"), but street harassment prefer to be considered compliments. This substitution builds the logic and stalkers, and often victims: the increased, obsessive and threatening presence of the pursuer is speculating on the "main thing - attention" installation (19).

As practice shows, all these crimes are connected with the extraction of information about the victim of extortion, robbery, kidnapping, robbery, theft and others. This includes a certain level of permanent presence within the victim's personal space before the immediate commission of a crime involving extortion, robbery, kidnapping, robbery, theft and others. However, in the criminal law, in addition to persons

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who have directly committed a crime, the accomplices are also assumed. Theoretically, this research allows identifying informants and gunners as stalkers, which can give the same high practical advantage in applied production. Consequently, as a research objective, it is possible to assume the designation of concrete actions of a stalker leading to such formed institutions of modern jurisprudence as extortion, robbery, kidnapping, robbery, theft and others. Previously, similar studies within the legal space of the Republic of Kazakhstan were not conducted (20).

Stalking is behavior characterized by recurrent incursions into someone else's life. The name was not familiar to me earlier, but this topic was very interesting. Let's see what it is. A rejected stalker is the most common type. People who belong to this type begin to pursue their victim in the context of a rupture of close relationships. A stalker of this type persecutes a person who rejected him in order to achieve reconciliation, to take revenge for rejection or hesitate between both. Behavior is supported by the pleasure obtained as a result or the preservation of the visibility of relationships through persecution, or as a result of causing suffering (21).

Most outcast stalkers are irritated, dependent men, unable to believe that they have been rejected. They usually have significant personality deficiencies, and psychotic diseases are diagnosed in this group only occasionally. Representatives of this group are usually able to calculate their benefits, and therefore the threat of legal sanctions may be sufficient to stop harassment. The exception is people suffering from psychosis or those who are sure that this is their only chance to start a relationship (22).

The behavior of the stalker is very similar to the behavior of the serial maniac. He can try to seduce the victim, throwing flowers, candy, postcards and letters of romantic content. But as soon as the victim answers "no" to all his courtship, he goes on to intimidation. The first attempts at intimidation are almost invisible

to the victim. Usually it is an unauthorized collection of personal information, which in the future leads to an illegal intrusion into the victim's personal life (23).

As information is received, attempts of the stalker to come into direct contact with the victim are increasing, a little later these contacts will become extremely intrusive turning into a threat. Stalker is becoming more aggressive. It happens that cases that have reached such a heat of passion, end with physical violence or killing the victim (24).

If you notice something similar in your life, try to pull yourself together and not react to intimidation. Fear can play into the hands of a stalker. Sharply interrupt all attempts to communicate with you, change your phone, if possible, then the place of residence. Share this with loved ones, let them give you as much attention as possible. Try to collect personal information about this person too. So it's easier for you to work on it, and protect yourself (25).

**V. ACKNOWLEDGEMENTS.**

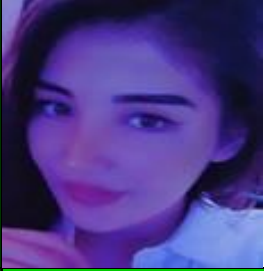





This study was carried out on the basis of a private institution "Higher Multidisciplinary Medical College "Turkestan"", which has a certain room and equipment for conducting research. It is also necessary to note the high level of involvement of the staff of the college, who have made a significant contribution to the development of this topic. As for the student potential, there were many activists who agreed to take part in the research in various positions listed below. These positions include data and positions from the table below. Thus, as a legal experiment, the research group planned a study with the participation of 16 full-time students in the specialty of nursing. So 8 students participated in an experiment where each of them was given the role of an active stalker and a passive stalker, as well as an active victim and a passive victim. Four students monitored and four students supervised each group of tests.

**Table 1. List of student participators according to their positions.**

No	Curator of group	Monitoring personal	Stalker		Victim	
1-st Combination	Participant: student of group MK-202 Amantaeva Gulderayim	Participant: student of group MK-202 Tohtomurot Aishagul	Participant: student of group MK-201 Kayirbek Aliaskar		Participant: student of group MK-202 Talibek Madina	
Group Alfa			Active stalker	Passive stalker	Active victim	Passive Victim
						

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2-nd Combination Group Beta	Participant: student of group MK-202 Dadajanova Malika	Participant: student of group MK-201 Atalykova Meiramkul	Participant: student of group MK-201 Rustemov Umit		Participant: student of group MK-202 Haldarhanova Sagdiyana	
			Active stalker	Passive stalker	Active victim	Passive Victim
3-rd Combination Group Gamma	Participant: student of group MK-202 Hajieva Sevinch	Participant: student of group MK-201 Orynbasar Diana	Participant: student of group MK-201 Nematullaev Atabek		Participant: student of group MK-202 Berdibek Arailym	
			Active stalker	Passive stalker	Active victim	Passive Victim
4-th Combination Group Delta	Participant: student of group MK-202 Kerimzhonova Rushono	Participant: student of group MK-201 Ylespek Samal	Participant: student of group MK-201 Kayirbek Aliaskar		Participant: student of group MK-202 Mantai Pernekul	
			Active stalker	Passive stalker	Active victim	Passive Victim

## VI. CONCLUSION.

In conclusion it is important to understand that all researches about stalking should start firstly from identification of stalking and stalker in the legal civil relationship, because Kazakhstan republic criminal and administrative legislation is not apply such relationship yet.

## VII. RECOMMENDATION.

As a recommendation it is actual to notice that contemporary Kazakhstan legislative system prefer that civil legislative tools are more effective in a policy against stalking than criminal or administrative.

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