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INNOVATIVE DEVELOPMENT OF HUMAN RESOURCES IN ORGANIZATION: THEORETICAL AND PRACTICAL ASPECTS

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Annotation. This article discusses the concepts innovative potential and innovative development of personnel, innovative development of human resources, their essence and main elements. The innovative development of the human resources of the organization has always been and remains one of the most important problems in building the economic activity of any organization, and this requires professional knowledge of the basics of personnel management. The use of innovative technologies in management allows us to talk about the transition to an innovative model of human resource management. The experience of human resource management, accumulated in leading foreign organizations, is very relevant for the modern Kazakhstani economy, in terms of building a model development and use of human resources. An integrated approach to taking into account the experience of Japanese organizations in ensuring the innovative development of personnel and the role of the leader in this process seems to be very relevant for Kazakhstan's practical management. The effectiveness of the innovative development of the organization's personnel is closely related to the ability of managers to rationally organize, regulate and control all the activities of a particular team.

Keywords. Human resources, innovation, innovative development, change management, organization, personnel, innovative potential.

INTRODUCTION

The huge role of the human factor in ensuring innovative transformations in all spheres of public life is recognized undeniably and unconditionally by all researchers. The relevance of the article is due to the value of human resources and the importance of their development in an organization for its successful functioning. At present, the most important basis for the long-term competitive advantages of any organization is naturally human resources, i.e. people, their high qualifications, the system of value orientations, knowledge, skills, abilities

and the desire to achieve the set goals. Innovation is the process of introducing novelty as a specific result of scientific research in order to change the object of management and obtain a scientific, technical, economic and social effect. Innovative technologies are a factor contributing to the satisfaction of new social needs and interests of modern workers. They create objective opportunities for the realization of not only individual, but also for general organizational purposes.

MAIN PART

In the age of dynamic development of technology, technician top managers of companies are increasingly talking about the need and importance of personnel development. After all, the innovative development of the microeconomic system of the organization depends entirely on the effectiveness of the functioning of the staff, each subject of innovative activity individually and in interconnection with each other. It is qualified personnel for any organization that is the key to success, a powerful resource for improving business efficiency. The personal potential of an employee must be constantly developed in order to meet the criteria and conditions that the external environment dictates to business today. Scientists have found that every person is talented in one area or another, thus has the inclinations. Nevertheless, revealing and developing this potential is not an easy task.

The innovative potential of an organization is, first of all, in its resources: material, financial, informational, organizational. However, the most important resource remains the staff, whose potential and abilities are able to successfully implement new ideas and projects [1].

Scientists D. Joy-Matthews, D. Megginson and M. Syurte give the following definition of a personnel development - this is a term to describe an integrated and holistic, conscious and active approach to improving work-related knowledge and behavior using a wide range of teaching methods and strategies. These strategies and methods are generally designed to help individuals, groups and companies realize their full potential by unlocking individual capabilities and improving performance in specific conditions. Thus, there is a need for innovative development of employees.

The key elements of personnel development are:

- learning - which, according to the definition of B. Bass and D. Vaughan, is "a change in behavior that occurs relatively slowly and arises as a result of practice or the acquisition of experience";

- education - the development of knowledge, the ability to evaluate and understand is necessary in all aspects of life more than knowledge and skills in specific areas of activity;

- development - the growth or realization of the abilities and potential of the individual through training and education;

- training - a planned systematic change in behavior with the help of training events, programs and instructions that enable the individual to achieve the necessary level of knowledge, skills and competence for the effective performance of the work entrusted to him.

It is worthy to note that all the processes of innovation, including the innovative development of personnel, oblige the management of the organization to satisfy all kinds of factors, the conditions necessary for the disclosure of innovative potential [2].

The synthesis of the concepts of "innovative potential" and "personnel development" defines the concept of "innovative development of personnel" as a systematic introduction of innovations into all processes of personnel activity within the framework of organizational life, thus ensuring the effective use and reproduction of the organization's innovative potential and, as a result, the successful implementation of innovation-oriented projects [3].

The discovery and development of the innovative potential of employees is impossible without:

1) innovative culture of the organization;

2) the presence of an initiating force in the form of innovation-oriented management personnel;

3) the presence of a personnel development system based on technologies and processes for involving personnel in the company's innovative activities, allowing the innovative potential of employees to be revealed and developed [4].

Corporate culture is the foundation of the innovative development of human resources, its main goal is to help employees work effectively, get satisfaction from learning, keep pace with innovative development, both in the organization and in the industry as a whole.

A significant element is the driving force of any organization - innovation-oriented management personnel who are ready to invest in the development of their own team, through scientific research, training, etc. to develop the very potential of employees.

E. Rogers divided all employees into five categories: "innovators", "early implementers", "preliminary majority" and "late majority", i.e. in the organization there are people who are completely absorbed in innovations and those who follow innovators with different engagement speeds.

A number of researchers note the presence in innovation-active organizations of the so-called "creative class" of employees with the following qualities:

- individuality - a strong commitment to self-realization, self-expression and self-affirmation;
- meritocracy - a high assessment of personal abilities and achievements, readiness to solve complex and responsible tasks;
- openness and tolerance for innovation;
- sociability and mobility [5].

A new model for the development and use of human resources is being formed, which provides for an increase in the functions of an employee - the transition from a "partial" highly specialized employee to a "wide range" (universal) employee who is able to creatively process information, becoming an active subject and driving force of the organization's production process.

The use of innovative technologies in management allows us to talk about the transition to an innovative model of human resource management, which requires the full involvement of employees at all levels. For the success of the model, it should not only have observers, but it should also have participants. The need to transition to innovative management should be explained to all

employees involved in the process - the more elaborate and simple explanations are, the less misunderstanding and resistance there will be, and the more effective the transition process will be.

Personnel programs and projects in the innovation model are aimed at solving the following tasks: formation of the company's intellectual capital; formation of the organization's social capital; formation of a knowledge management system; increasing the individual value of each employee and the human capital of the organization as a whole. Focus is on team building.

In order to increase the role of the human factor in the innovative development of organizations, managers and specialists of enterprises are recommended to:

- create conditions for aggregating the organization's personnel into the "innovation community" through normative, evaluative and stimulating, conventional, communicative, group, command, status, activity methods of organizational influence;

- determine the scope of competencies and criteria for assessing the potential of an employee, depending on the type, activity, specifics of the organization and its key competencies;

- increase, on the basis of modern information technologies, collegiality in the development and adoption of managerial decisions regarding both labor relations within organizations and the introduction of innovations and innovative processes;

- carry out a comprehensive organizational and technological support of innovative activity, including its scientific and methodological, informational and analytical, regulatory, legal, organizational and managerial and personnel support.

The experience of human resource management, accumulated in leading foreign organizations is very relevant for the modern Kazakhstani economy, in terms of building a model development and use of human resources. The study of this experience allows us to determine what in this activity is applicable to Kazakhstani organizations and can give a real economic effect, and what is only the prerogative of foreign management.

It is generally recognized that the best world experience in innovative personnel development has been accumulated in Japanese organizations. The result of this was one of the highest labor productivity in the world, the highest quality of innovative products, the world leadership in the production of high-tech products, and the country's third largest gross domestic product in the world [6].

The starting point in assessing the possibilities of building a model of innovative development of personnel in Japanese organizations is that a Japanese organization is not only an economic unit, but also, to a large extent, a social organization. Each organization has its own corporate philosophy, which emphasizes such concepts as sincerity, harmony, cooperation, contribution to the improvement of society [7]. At the head of the innovative development of personnel is not a momentary benefit and not even high economic end results, but a positive image of the organization, which will later work for high performance. Such a positive image, the prestige of the organization, in turn, will attract more and more high-class human resources [8]. In this way, it is this prioritization that should be relevant for Kazakhstani business. It is no secret that many domestic business structures continue to prioritize in their activities purely economic benefits and do not care about the future of their business.

The Japanese style of innovative development of the organization's personnel is based on persuasion, and not on coercion of employees. The executive activity of the manager consists of the implementation of analytical-constructive, active-regulatory, communicative and evaluative-corrective functions that ensure an effective impact on subordinates and teams to ensure the fulfillment of their production tasks. The essence of this activity lies in the creation of motivated relationships in teams in order to most successfully solve all types of such problems. Motivated relationships are expressed in the harmony of interaction of all members of labor collectives. At the same time, the leader does not distinguish himself from the mass of subordinates, his task is not to manage the work that others do, but to promote the interaction of employees,

An integrated approach to taking into account the experience of Japanese organizations in ensuring the innovative development of personnel and the role of the head in this process also seems very relevant for Kazakhstan practical management. It should be noted that domestic organizations often ignore the systemic nature of the approach to management activities, using only its individual principles, which does not lead to the required results in the field of

long-term development of human resources and increasing the level of competitiveness of the organization. It should be emphasized here that under the command and administrative system of economic management in Kazakhstan, the authoritarian style of leadership of labor collectives has become widespread. But the transition to a market economy, the processes of democratization of all public life in the country, the expansion of business spheres, the emergence and development of various forms of management, including non-state ones, urgently required a radical change in the leadership style while ensuring the innovative development of the personnel potential of the organization. The work of the heads of economic entities began to be based on the principles of democracy. At the same time, authoritarianism in the leadership of labor collectives has taken root so firmly that it is almost impossible to get rid of its harmful influence overnight. In this situation, it becomes necessary for Kazakhstan to train and educate the leaders of a new generation capable of working in a democracy.

The Japanese worker is evaluated not by individual output, but by his contribution to the work of the team and to the overall productivity of the entire organization. Important evaluation criteria here are the attitude to work, accuracy and punctuality, interaction with colleagues, the ability to work in a team of like-minded people, focus on the implementation of production programs. At the same time, the Japanese experience of innovative development of the organization's personnel is especially interesting, regarding the mobilization and use of the human factor, which is recognized in this country as one of the most important resources and factors of efficient production. Among the main specific features of the innovative development of the organization's personnel in Japan, which have a direct impact on the maximum mobilization of the human resource, are lifelong employment, remuneration according to years of service. Trade unions, intra-company labor market, intra-company on-the-job training, rotation of the system of collective contracting and collective decision-making, intra-company social security, systems of joint consultations of workers and entrepreneurs, quality control circles. The effectiveness of the innovative development of the organization's personnel is closely related to the ability of managers to rationally organize, regulate and control all the activities of a particular team.

We can distinguish the following criteria characterizing the processes of innovative development of personnel necessary to build an appropriate model:

- quality of planning,
- the quality of the work of managers in the selection, placement and training of personnel,
- the quality of the organization of management activities of managers, - the quality of control,
- quality of accounting and reporting.

In the Japanese theory of innovative development of the personnel of an organization, eight main groups of qualities of a specialist are distinguished, which determine its importance for the organization:

- ability to communicate on a formal and informal basis and effectively interact with peers,
- ability to navigate in conflict situations and correctly resolve them,
- ability to receive and process the necessary information, evaluate, compare and assimilate it,
- ability to make decisions in uncertain situations,
- ability to manage one's time, distribute work among subordinates, give them the necessary authority, quickly make organizational decisions,
- ability to show the business qualities of an entrepreneur: set long-term goals, use favorable opportunities, change the organizational structure of the enterprise in time,
- ability to practically assess the likely consequences of their decisions, to learn from their mistakes.

It should be noted here that at present in Japanese organizations there are usually two levels of formation and implementation of the model of innovative development of personnel - the level of the organization and the individual level.

Today, in Kazakhstan, programs and strategies for innovative development are formed with an emphasis on the human worker without taking into account its personal component and is used mainly within the economic rather than social system. The practical functioning of many organizations

indicates a rigid relationship between management decisions on the strategic activities of the organization and the processes of innovative development of personnel, which in the new economic conditions, while maintaining the well-known classical tasks of personnel administration, as part of the whole, should contribute to the achievement of the main goals of the organization.

Thus, the rational use of human resources and the innovative development of personnel are strictly linked to the need to form approaches to personnel management, the development of new technologies and methods for its improvement. For innovative development of personnel, the action of three forces is necessary: the culture of the organization, managerial personnel and the personnel development system. The innovative development of the human resources of the organization has always been and remains one of the most important problems in building the economic activity of any organization, and this requires professional knowledge of the basics of personnel management. For successful activity in modern conditions, in order to achieve flexibility in innovations and efficiency of activity, it is most important to find the optimal balance in the structure between centralization and decentralization of power, to get away from unnecessary bureaucracy, which only hinders development. In innovation-oriented organizations, the entire organizational structure should be conducive to innovation. Organizations focused on the introduction of innovative methods of work and obtaining long-term results, need to strive to move away from traditional principles of construction (the principle of hierarchy) and rigid structures to more flexible and adaptive structures, which are characterized by the presence of many independent decision-making centers.

LIST OF USED LITERATURE

1. Kibanov A. Ya. Fundamentals of personnel management: textbook. 2nd ed., revised. and additional M. : Infra-M, 2007. 447 p.
2. Armstrong M. Strategic human resource management : per. from English. M. : Infra-M, 2002. 328 p. Ser. Leadership Management.
3. Rogers EM A history of communication study. A biographical approach. New York, 1994.
4. Nevskaya L. V., Esaulova I. A. Development system of innovative personnel potential of enterprises // Bulletin of PNRPU. Socio-economic sciences. 2013. No. 21. S. 72-75.

5. Podverbnykh O. E., Samokhvalova S. M. Audit of the human resources management system of innovative-active enterprises // Man and Labor: scientific journal. M., 2011. No. 10. S. 55-57.
6. Votyakova I.V. Innovative development of the personnel potential of the organization in the conditions of restructuring // Construction Economics. - 2011. - No. 2 (8).
7. Sherkunov S.A. Foreign experience of state regulation of innovation activity and development of personnel potential in the field of science, technology and high technologies // Modern studies of social problems. - 2010. - No. 2.
8. Kovalev S.V. Evaluation of the effectiveness of innovation management based on the development of human resources // Bulletin of SRSTU (NPI). - 2011. - No. 1.

ИННОВАЦИОННОЕ РАЗВИТИЕ ЧЕЛОВЕЧЕСКИХ РЕСУРСОВ В ОРГАНИЗАЦИИ: ТЕОРЕТИЧЕСКИЕ И ПРАКТИЧЕСКИЕ АСПЕКТЫ

Аннотация. В данной статье рассмотрены понятия инновационный потенциал и инновационное развитие персонала, инновационное развитие человеческих ресурсов, их сущность и основные элементы. Инновационное развитие человеческих ресурсов организации всегда оставалось и остается одной из самых важных проблем построения хозяйственной деятельности любой организации и, это требует профессионального владения основами кадрового менеджмента. Применение инновационных технологий в управлении позволяет говорить о переходе к инновационной модели управления человеческими ресурсами. Опыт управления человеческими ресурсами, накопленный в ведущих зарубежных организациях, весьма актуален для современной казахстанской экономики, с точки зрения, построения модели развития и использования человеческих ресурсов. Комплексный подход к учету опыта японских организаций в обеспечении инновационного развития персонала и роли руководителя в этом процессе представляется весьма актуальным для казахстанского практического менеджмента. Эффективность инновационного развития персонала организации тесно связана с умением руководителей рационально организовать, регулировать и контролировать всю деятельность конкретного коллектива.

Ключевые слова. Человеческие ресурсы, инновации, инновационное развитие, управление изменениями, организация, персонал, инновационный потенциал.

ҰЙЫМДАҒЫ АДАМИ РЕСУРСТАРДЫҢ ИННОВАЦИЯЛЫҚ ДАМУЫ: ТЕОРИЯЛЫҚ ЖӘНЕ ПРАКТИКАЛЫҚ АСПЕКТІЛЕРІ

Аннотация. Бұл мақалада қызметкерлердің инновациялық әлеуеті мен инновациялық дамуы, адами ресурстардың инновациялық дамуы, олардың мәні мен негізгі элементтері туралы түсініктер қарастырылған. Ұйымның адами ресурстарының инновациялық

дамуы әрдайым кез-келген ұйымның экономикалық қызметін құрудың маңызды мәселелерінің бірі болып қала берді және болып қала береді және бұл Кадрлық менеджмент негіздерін кәсіби меңгеруді талап етеді. Басқаруда инновациялық технологияларды қолдану адам ресурстарын басқарудың инновациялық моделіне көшу туралы айтуға мүмкіндік береді. Жетекші шетелдік ұйымдарда жинақталған адам ресурстарын басқару тәжірибесі адам ресурстарын дамыту және пайдалану моделін құру тұрғысынан қазіргі қазақстандық экономика үшін өте өзекті. Жапондық ұйымдардың персоналдың инновациялық дамуын және осы процестегі Көшбасшының рөлін қамтамасыз етудегі тәжірибесін есепке алудың кешенді тәсілі қазақстандық практикалық Менеджмент үшін өте өзекті болып көрінеді. Ұйым персоналының инновациялық дамуының тиімділігі менеджерлердің нақты ұжымның барлық қызметін ұтымды ұйымдастыру, реттеу және бақылау қабілетімен тығыз байланысты.

Кілт сөздер: Адами ресурстар, инновациялар, инновациялық даму, өзгерістерді басқару, ұйымдастыру, персонал, инновациялық әлеует.

DEVELOPMENT OF SOCIAL ENTREPRENEURSHIP IN KAZAKHSTAN

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Abstract. The article considers a new phenomenon in Kazakhstan society – social entrepreneurship. This direction as a field of modern management solutions has been studied in the framework of MBA and master's degree programs in business schools since the mid-90s of the XX century. But in our country, popularity is gaining only now. The first part of the article discusses the main approaches to the definition of the phenomenon of social entrepreneurship. In the second part of the article, the experience of the development of social entrepreneurship in Kazakhstan is considered, and there are shown cases of successful social entrepreneurs in the republic. The authors have identified the problems faced by social entrepreneurs in Kazakhstan.

Keywords. Social entrepreneurship, socially vulnerable segments of the population, the disabled, employment of socially vulnerable categories of the population, innovation

INTRODUCTION

Social entrepreneurship seems to be a new phenomenon both for the Kazakh economy and the global space. A few decades ago, the ideas of socially-oriented activities were poorly represented in scientific research. However, at this moment we can talk about a breakthrough in this field of knowledge, including in European countries and the USA, Asian countries (especially in South Korea, Japan, and Taiwan), Latin America, etc. Interest in this topic is reinforced by the emergence of new educational programs that produce social entrepreneurs in the world's largest universities [1].

Despite widespread use of social entrepreneurship in the world and the growing interest of researchers, there is currently no single, generally accepted definition of social entrepreneurship. The lack of clear boundaries for the concept of "social entrepreneurship" hinders the institutionalization of this phenomenon and limits the development of empirical and theoretical research [2].

Social entrepreneurship is an entrepreneurial activity aimed at solving social problems of society. Such problems include issues of support for socially vulnerable segments of the population through employment, training, solving environmental issues, etc.

STUDY MATERIALS AND METHODS

Social entrepreneurship is a new direction of business development that originated in the USA in the late 80s of the XX century. The founder of social entrepreneurship is Bill Drayton, founder of the Ashoka Foundation, a company that supports and advises aspiring social entrepreneurs. The Ashoka Foundation carries out its activities in more than 60 countries around the world. The company supports over 1,800 fellows in the field of social entrepreneurship. The Ashoka Foundation provides financial and consulting assistance to social entrepreneurs and creates thematic communities and infrastructure for the development of social entrepreneurship [3].

Another well-known figure involved in the development and support of social entrepreneurship is Muhammad Yunus, the founder of Grameen Bank. In 2006, Muhammad Yunus won the Nobel Peace Prize for his contribution to the development of social entrepreneurship. An entrepreneur from Bangladesh M.Yunus built an effective micro-credit system for businessmen who had lack of funds, and this system is now being successfully implemented in the USA in 25 bank branches [4].

For the first time, social entrepreneurship as a profession and academic discipline was proposed by Gregory Dees, founder of the Center for the Development of Social Entrepreneurship at Duke University (USA). Gregory Dees showed that the practice of entrepreneurship and innovation can be combined with solving social problems to combat poverty, environmental pollution, etc. [5].

Regarding the situation on social entrepreneurship in Kazakhstan and the countries of the post-Soviet space, it is only the beginning of its development. For example, in Kazakhstan, the Law on Social Entrepreneurship No. 52-VII dated June 24, 2021 (hereinafter the Law on Social Entrepreneurship) entered into force on January 1, 2022. According to the Law, social entrepreneurship is considered as the entrepreneurial activity of subjects of social entrepreneurship, solving social problems of citizens and society [6]. A Roster of social entrepreneurs was

established in the Republic of Kazakhstan, where social entrepreneurs can enter by submitting documents to the relevant state body. The Law on Social Entrepreneurship clearly defines the categories of social entrepreneurs.

Figure 1 shows the criteria for attribution to these categories.

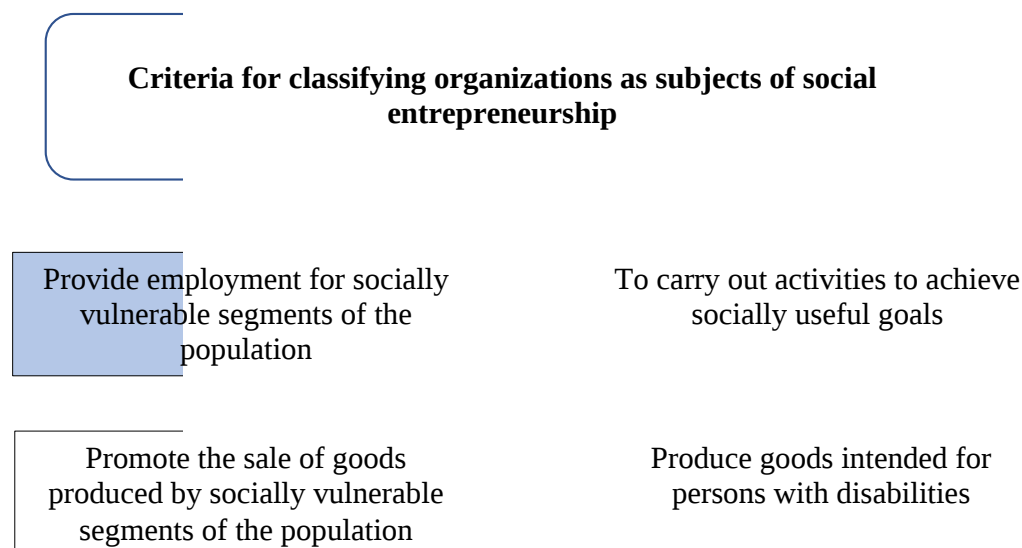


Figure 1. Criteria for classifying enterprises as subjects of social entrepreneurship

As it could be seen from Figure 1, to enter the Roster of social entrepreneurs, you need to follow one of the criteria. For example, an entrepreneur can be engaged to the employment of socially vulnerable segments of the population, or create goods for people with disabilities, as well as help in the sale of goods produced by socially vulnerable groups. Socially useful goals include activities such as aimed at environmental protection, education and organization of yard clubs for youth employment, assistance to the elderly, and more.

Socially vulnerable segments of the population in Kazakhstan include: mothers with many children, families raising disabled children, persons with disabilities, ex-prisoners, children from orphanages, Returnees.

In our opinion, social entrepreneurship is an activity aimed at solving social problems of society. At the same time, social entrepreneurship is not a traditional business, but it also is not a charity. There are characteristics of social entrepreneurship:

1. Social mission
2. Innovation
3. Self-sufficiency
4. Entrepreneurial approach
5. Replicability and scalability

Unlike traditional business, for which the main goal is to extract maximum profit, for social entrepreneurship, it is important to carry out a social mission and introduce innovations. At the same time, it differs from charity by conducting activities using an entrepreneurial approach and reaching self-sufficiency. In fact, it is the same business, but it solves some problems, "pains" of society. So, there could be enterprises that employ people from socially vulnerable groups, as well as the organizations aimed at solving environmental issues.

Even though social entrepreneurship in Kazakhstan is only gaining momentum and is facing several problems, it is already possible to highlight vivid examples of effective social entrepreneurship. In 2015, entrepreneur Emin Askerov opened a social workshop "GreenTal". The peculiarity of this company is that 80% of employees are disabled, former alcohol and drug addicts, and convicts. "GreenTal" has signed an agreement on cooperation with the Center for Medical and Social Rehabilitation in Astana. The story began with the training of the Center's patients in "GreenTal" LLP. Here they were taught the skills of carpentry, sewing and other applied professions. After training, patients could find a job in the workshops of "GreenTal" LLP. The company currently operates several workshops: carpentry, sewing, felting, printing. The "GreenTal" team creates furniture, wooden toys, eco-bags, souvenirs, etc.

The social enterprise "GreenTal" meets the criteria of social entrepreneurship: it has reached self-sufficiency, carries a social mission, giving the opportunity to study, get a profession and earn money for people with special needs; the company operates using innovative approaches; and also has branches in the cities of Kazakhstan. The products of "GreenTal" compete with traditional business, having partners such as "BI group", "G-park", "Clean city NC", "Rixos hotels", "Sheraton", "Nazarbayev University", etc. [7].

As mentioned earlier, social entrepreneurs can also include entrepreneurs who solve environmental issues. Since 2016, ECO Products Group LLP has been the first and only innovative domestic commodity producer, producing fully biodegradable products containing 100% vegetable raw materials. In Kazakhstan, this is the first successful social project where products are transformed into organic fertilizer during decomposition. Biodegradable bags do not have any negative effect on nature, because when they decompose, no methane is released, rather harmless carbon dioxide instead. The author of the project is social entrepreneur Miras Abbasov. The production is located in Akmola region, the company operates on the principle of B2B in cooperation with major hypermarkets of the country: "Kenmart", "Galmart", "Ramstore", "A2", "Vkusmart" and "Anvar". Therefore, one of the environmental problems in Kazakhstan solution is possible due to the work of the social enterprise "BioPak.kz» [8].

A striking example of social entrepreneurship is the sports and rehabilitation center for the disabled "Asar", opened by entrepreneur Eldos Bayalyshbayev in Taldykorgan. The Center assists in the rehabilitation of people after spinal cord and spinal cord injury, with a violation of the musculoskeletal system with the help of complex rehabilitation simulators and exercises, physical therapy and massage, which helps people to re-develop various types of muscles. The project launched in 2017 and the first stage in financing was the receipt of a gratuitous state grant under the Business Roadmap 2020 program in the amount of 3 million. Special simulators were made with the funds received. The second stage of financing the project was winning a grant in the Startup Bolashak competition with the support of the Baiterek Holding, BI group, and the Bolashak Association. With these funds, the first and only specialized boarding house for the disabled was built on Lake Alakol. Accompanied by the Regional Chamber of Entrepreneurs, the Center received another international grant under the Grass Roots program from the Embassy of Japan for 26 million tenge, which was the third stage of financing. This amount of money was fully allocated for the purchase of rehabilitation simulators and the development of the center [9]. Over the past six years, more than 750 people have undergone rehabilitation courses at the center.

Thus, it can be noted that social entrepreneurship is developing successfully in Kazakhstan, which is proved by the presence of the above

examples. Unfortunately, as in any field, social entrepreneurship faces several problems.

CONCLUSION

Summing up the analysis of the development of social entrepreneurship in Kazakhstan, we can conclude that this trend is new for Kazakhstan, but has prospects for its development. The need to develop this direction in entrepreneurship has matured due to social problems in society, which can be solved by private business, but not without the help of the state.

At the same time, social entrepreneurs face a number of problems, the most important of which are:

- imperfection of the legislative framework on social entrepreneurship;
- lack of funding;
- low awareness of the population and government agencies about the very concept of "social entrepreneurship";
- also the problems of the market for the products of social entrepreneurs.

Nevertheless, we can observe the presence of successful social entrepreneurs who create jobs for the social category of people, solve environmental problems, and provide support in a rehabilitation of people with injuries. All this speaks about the prospects for the development of this area of entrepreneurship in Kazakhstan.

REFERENCE

1. Arai Yu.N. Social entrepreneurship at the beginning of the XXI century: basic concepts and country features//Russian Journal of Management, Volume 11, No. 1, 2013, pp.111-130
 2. Safarov S.M. Fundamentals of social entrepreneurship. Study guide. Ivanovo: Publishing house "Grove", 2014. – 295 p.
 3. <https://www.livelib.ru/book/236453/readpart-kak-izmenit-mir-sotsialnoe-predprinimatelstvo-i-sila-novyh-idej-devid-bornshtejn/~12>
 4. <http://nb-forum.ru/foreign-experience/muhammad-yunus-sotsialnii-biznes-budet-suschestvovat-potomu-chto-etogo-hotyat-lyudi>
-

5. <https://habr.com/ru/company/darudar/blog/135078/>
6. https://online.zakon.kz/Document/?doc_id=33046086
7. <http://greental.kz>
8. <https://the-steppe.com/lyudi/sdelano-v-kazahstane-predprinimatel-miras-abbasov-o-biopaketah-otchestvennogo-proizvodstva>
9. https://mybusiness.kz/lyudidela/eldos_bayalysbaev_moya_cel_unictozit_stereotip_o_deesposobnosti_lyudei_s_invalidnostyu/444

ҚАЗАҚСТАНДА ӘЛЕУМЕТТІК КӘСІПКЕРЛІКТІ ДАМУ

Аннотация. Мақалада қазақстандық қоғам үшін жаңа құбылыс – әлеуметтік кәсіпкерлік қарастырылады. Бұл бағыт қазіргі заманғы басқару шешімдерінің саласы ретінде XX ғасырдың 90-шы жылдарының ортасынан бастап бизнес-мектептерде MBA және магистратура бағдарламалары аясында зерттелуде. Бірақ біздің елде қазір ғана танымал бола бастады. Мақаланың бірінші бөлімінде әлеуметтік кәсіпкерлік құбылысын анықтаудың негізгі тәсілдері қарастырылады. Мақаланың екінші бөлімінде Қазақстандағы әлеуметтік кәсіпкерлікті дамыту тәжірибесі қаралды, республикадағы табысты әлеуметтік кәсіпкерлердің кейстері көрсетілді. Авторлар Қазақстандағы әлеуметтік кәсіпкерлердің алдында тұрған проблемаларды анықтады.

Кілт сөздер: Әлеуметтік кәсіпкерлік, халықтың әлеуметтік осал топтары, мүгедектер, халықтың әлеуметтік осал топтарын жұмысқа орналастыру, инновациялар

РАЗВИТИЕ СОЦИАЛЬНОГО ПРЕДПРИНИМАТЕЛЬСТВА В КАЗАХСТАНЕ

Аннотация. В статье рассматривается новое явление для казахстанского общества – социальное предпринимательство. Данное направление как область современных управленческих решений изучается в рамках программ MBA и магистратуры в бизнес-школах с середины 90-х гг. XX века. Но в нашей стране популярность приобретает только сейчас. В первой части статьи рассматриваются основные подходы к определению феномена социального предпринимательства. Во второй части статьи рассмотрен опыт развития социального предпринимательства в Казахстане, показаны кейсы успешных социальных предпринимателей в республике. Авторами выявлены проблемы, с которыми сталкиваются социальные предприниматели в Казахстане.

Ключевые слова/словосочетания: Социальное предпринимательство, социально уязвимые слои населения, инвалиды, трудоустройство социально уязвимых категорий населения, инновации.

LEGAL LITERACY AND LEGAL CULTURE OF THE ELECTORATE AS A FACTOR IN THE DEVELOPMENT OF THE ELECTORAL SYSTEM OF THE REPUBLIC OF KAZAKHSTAN

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Abstract. This article is devoted to the issues of improving legal literacy, legal culture and electoral activity of voters, as well as the development of democratic electoral legislation. The article emphasizes the importance of involvement in the process of improving the electoral and legal culture not only of state bodies and election commissions at all levels, but also of civil society institutions. In addition, in the course of the study, the author of the article analyzed the normative legal acts of the Republic of Kazakhstan in the field of elections, studied the experience of the Russian Federation in order to: adopt the positive aspects of the practice of improving legal literacy, the culture of the electorate and the development of the electoral system in the conditions of our state. The article analyzes the main problems hindering the development of the electoral system of the Republic of Kazakhstan and gives their legal assessment. The author also reviewed the experience and practice of applying the legislation of the Central Election Commission of the Republic of Kazakhstan on electoral training of all persons involved in the electoral process and the voters themselves. In this regard, based on the study of periodical literature and normative legal acts, specific recommendations are given to improve and enhance the legal literacy and legal culture of the electorate.

Key words: electoral system, elections, electorate, legal literacy, legal culture, voters, nihilism.

INTRODUCTION

Legal literacy and the legal culture of the electorate plays a primary role in the formation of a legal, competitive state with the necessary elements of democratization. Therefore, it is very important to identify the main problems that hinder the modernization and improvement of the electoral system of the Republic of Kazakhstan and identify solutions that contribute to the improvement and development of electoral legislation.

In the explanatory dictionary of Ozhegov S.I., the term electorate is given the following definition: these are all voters participating in elections to state or other large public structures [1], that is, the people (citizens). And as we know,

the only source of state power is the people (Paragraph 1 of Article 3 of the Constitution of the Republic of Kazakhstan) [2], that is, this very electorate itself. Fixing the will of the people as the only source of the formation of state power, this provision predetermines the legitimacy of the government, due to the fact that only the people of the Republic of Kazakhstan elect the President, deputies of the Majilis of Parliament, local representative bodies (maslikhats) and local self-government bodies. In other words, every citizen who meets the requirements has the right to be elected, and the people of the Republic of Kazakhstan delegate the exercise of their powers on his behalf to make appropriate decisions on matters of national importance.

According to paragraphs 1, 2 of Article 3 of the Basic Law of the country – the Constitution of the Republic of Kazakhstan, citizens of the Republic of Kazakhstan have the right to participate in the management of state affairs directly and through their representatives, namely, they have the right to elect and be elected to state bodies and local self-government bodies, as well as to participate in a republican referendum [2]. This norm establishes the active electoral right, in which citizens of Kazakhstan have the right to vote in the election process upon reaching the age of eighteen, regardless of origin, gender, race, nationality, language, beliefs, attitude to religion, as well as the passive right to be elected to public authorities.

DISCUSSION

Due to the fact that the constitutional right to vote and be elected is a right, not an obligation, a small part of citizens simply do not use this right. Perhaps the main reason is low legal literacy, that is, ignorance of certain electoral procedures and the electoral process itself as a whole. For example, not every voter knows that there are alternative ways of voting: the right to tick the box "Against all" and not vote for any of the candidates represented on the ballot [3, 5-7]. Voters basically do not know what electoral system they vote on, they do not know what a proportional or majority electoral system is. In addition, citizens do not understand why they vote for a certain candidate on ballots during the presidential elections, whereas in the elections of deputies of the Majilis of the Parliament of the Republic of Kazakhstan, representative bodies vote for a political party. There is no possibility to choose a certain candidate, the winning party decides which of the candidates to give authority, a deputy mandate. However, on the other hand, we are watching how our state is developing and the proposals that legal scholars and constitutionalists write

about are gradually being implemented. Thus, on June 5, 2022, a republican referendum was held in Kazakhstan, as a result of which 56 amendments to 33 existing articles were made to the Constitution of the Republic of Kazakhstan. One of the amendments concerns the electoral system, that is, the right to be elected will belong to both political parties and citizens of the Republic. It will look like this: 30 percent of deputies will be elected according to the majority system, 70 percent – according to the proportional system. This innovation, in turn, will give the opportunity to be elected to the Majilis of the Parliament of the Republic of Kazakhstan not only to candidates from political parties, but also to ordinary citizens of the republic, regardless of political affiliation. And there are a lot of such changes. Thus, we see that the legislation in the field of elections is changing and improving every year, and the electorate suffers from misunderstanding and low legal literacy in terms of exercising the right to choose a candidate for public authorities.

Another possible reason why citizens do not exercise their active suffrage is legal nihilism. We know from the theory of state and law that nihilism is the denial of any cultural, moral values, moral norms, social foundations. If we return to the concept of legal nihilism, this is, respectively, the denial of the law as a whole and the disrespectful attitude of citizens towards it, to state authorities, ignorance of the norms of the Constitution [4, 125-126]. Here there is a complete rejection of a part of the population from the constitutional right to vote and be elected. This category of citizens does not recognize their active suffrage as an important component of the electoral system, they believe that by voting for a certain candidate or party, their votes in this case will not play a significant role and nothing will change from the fact that he will not participate in election campaigns. The number of this part of the population, although insignificant, still "pulls back" the process of development of the electoral system of the Republic of Kazakhstan.

For example, let's go back to the last elections of deputies of the Majilis of the Parliament and Maslikhats of the Republic of Kazakhstan, which were held in January 2021. According to the statistical analysis of the Central Election Commission of the Republic of Kazakhstan, the participation of the population in the electoral process is as follows:

No	Political party	Number of votes	As a percentage	TOTAL votes
cast for political parties				

1	"People's Party of Kazakhstan"	659 019	9,10 %	7 241 562
2	«Nur Otan» party	5 148 074	71,09 %	
3	People's Democratic Patriotic Party «Auyl»	383 023	5,29 %	
4	Democratic Party of Kazakhstan "Ak Zhol"	792 828	10,95 %	
5	Political party «ADAL»	258 618	3,57 %	

According to the above table, a small conclusion can be drawn: that out of the nineteen million population of the Republic of Kazakhstan, only 7,241,562 voters took part in the voting of deputies of the Majilis of the Parliament of the Republic of Kazakhstan (with the exception of persons who have not reached the age of majority; citizens serving sentences in correctional institutions, i.e. a category of people who do not have the right to vote) and this is approximately 63% of the total number of citizens of the country [5]. Based on this, the question arises: what is the reason for such an insignificant voter turnout at the elections? And here there is legal nihilism, distrust on the part of society towards electoral bodies and elected candidates, lack of legal literacy of the majority of the electorate.

Here is another simple example: During the extraordinary presidential elections held on November 20, 2022, I observed the elections as a party observer at the territorial polling station No. 105 located in Astana. Thus, as a result of the conducted voting, only 944 out of 3773 voters on the list voted, which is 25 percent of the total number of voters at the polling station. Here we understand that the numbers speak for themselves. And until the attitude of citizens to the electoral process is changed and measures with a large coverage of the population are not carried out to increase the level of legal literacy, unfortunately, the electoral system will not fully work and improve.

Therefore, we consider it necessary to develop a set of measures to form a political and legal culture of the electorate, overcome the passivity of a certain category of citizens and create a process of "Dialogue" between the electorate and those involved in election management.

To enter the thirty competitive countries of the world, it is necessary to improve the electoral system and further modernize it. Adhering to the principles laid down in international agreements and following the

recommendations of international organizations, the Republic of Kazakhstan assumes all established obligations as one of the participating countries of international agreements. In most developed democracies, individuals who are directly involved in election management are charged with the duties of educating voters. So in our country, this duty is assigned to the Central Election Commission of the Republic of Kazakhstan. This is regulated by subparagraph 5) of Article 12 of the Law of the Republic of Kazakhstan "On Elections in the Republic of Kazakhstan", which states that the Central Election Commission of the Republic of Kazakhstan organizes clarification of election legislation, organizes and conducts training of participants in the electoral process, conducts seminars with representatives of political parties and other participants in the electoral process on the organization and conduct of elections [6].

In addition, since 2017, the newly created electoral training and analytics department of the Central Election Commission of the Republic of Kazakhstan has been functioning, which, in order to make the electorate accessible, open and legally enlightened, has been doing a lot of work on its training and thereby contributes to the improvement of the electoral system of our state.

Such forms of work as round tables, seminars, conferences, debates, meetings, trainings and much more play a key role in educating the electorate. For example, the CEC of the Republic of Kazakhstan regularly conducts online testing, Olympiads, debates among students of higher educational institutions on the electoral system, and the winners are awarded and sent to international tournaments in other states. For example, last year the Central Election Commission held an Olympiad among university students on the topic: "Electoral systems of the countries of the world", dedicated to the 30th anniversary of Independence of the Republic of Kazakhstan, according to the results of which the winner and two prize-winners in December 2021 took part in the International Youth School "Youth Parliamentarism as the basis for sustainable political development and partnership of countries CIS", organized under the auspices of the International Institute for Monitoring the Development of Democracy, parliamentarism and respect for the electoral rights of citizens of the member States of the Inter-parliamentary Assembly of the Commonwealth of Independent States [7]. We believe that this experience is interesting, creates a favorable ground for the development of legal literacy and legal culture among young people.

In addition, all members of election commissions at all levels are trained and pass tests on knowledge of electoral legislation, which is a prerequisite for their work as members of the electoral bodies of the Republic of Kazakhstan. A roadmap of electoral training for various participants in the electoral process is also currently being developed. In partnership with the Ministry of Information and Public Development of the Republic of Kazakhstan, the Ministry of Foreign Affairs of the Republic of Kazakhstan, the Academies of Law Enforcement Agencies at the Prosecutor General's Office of the Republic of Kazakhstan, Justice at the Supreme Court of the Republic of Kazakhstan, 18 training events were held covering 1,454 people [8]. This suggests that education and training is an important mechanism for improving the legal culture of voters, the professionalism of the organizers of electoral processes and, in general, the legal literacy of all participants in the electoral process. However, having studied modern statistics, the measures taken are not effective enough.

The experience of our neighbors, the Russian Federation, is very interesting. For example, in most of the autonomous Republics of the Russian Federation, various events are held in school institutions, in summer health camps, in higher educational institutions that form the foundations of knowledge in the field of electoral law. Especially popular is the holding of role-playing games - elections of school and university self-government bodies. For example, the elections of the "school authorities" should be as close as possible to real elections, so that every young person feels not only a citizen of a particular school, but also a citizen of the state. In addition, the territorial election commissions of the autonomous Republics of the Russian Federation welcome and strongly support innovations in terms of improving the legal literacy of the younger generation. For example, through close cooperation between the Ministry of Education and the election commission, the election of the president of the children's organization of the school is held, where a school election commission is created during the game, all election technologies are observed, election campaigning is carried out, and members of the territorial commission train presidential candidates, explain the rules of nomination and the like [9, 27-28]. In addition, at one of the conferences held at the Astana International University, Professor of Pyatigorsk State University Thabisimova L.A. shared a very interesting experience. So, since 2016, the North Caucasus Center for Electoral Law and Process has been functioning in the Russian Federation, Pyatigorsk, which is a structural subdivision of the Pyatigorsk State University. The purpose of the activity of this center is to train and train observers, members

of election commissions, candidates for elective positions in state and local government bodies, voters and other participants in the electoral process.

This practice can be implemented in the conditions of our state, as we understand that most citizens need training. For example, the same young candidates who were elected for the first time, those people who want to engage in politics and, of course, the electorate – all these citizens simply need training by highly qualified specialists in the field of electoral law. And the training should take place not at the level of a state body, including in the CEC itself, but on the basis of a university, by scientists, narrow specialists in the field of electoral law. That is, in this way, it is possible to create suitable conditions for increasing the level of legal literacy, culture, and trust of the younger generation in public authorities.

CONCLUSIONS

The electoral process requires from its participants a certain level of knowledge of the basic provisions of electoral law in general and the electoral system in particular. Based on this, on an ongoing basis, regardless of election campaigns, the electorate and the bodies directly involved in the electoral process should be trained. Based on the above, we believe it is possible:

- to carry out work on the implementation of projects: students doing research, writing essays, holding debate tournaments on electoral topics. By these means, it is necessary to awaken the interest of students and young people in the elections and the electoral system as a whole.
- to carry out joint work on electoral education of young and future voters, while involving scientists and teachers of educational institutions;
- to develop the practice of organizing and passing practical work of students in the office of the CEC of the Republic of Kazakhstan;
- to conduct informational training works with the participation of mass media, using popular means on the Internet, which would explain the main provisions of the current legislation of the Republic of Kazakhstan;
- to introduce the positive practice of the neighboring state in terms of instilling the foundations of the electoral system and conducting business games at the level of school organizations;

– to create a center for electoral law and the electoral process in the Republic of Kazakhstan in order to increase the level of legal literacy of all persons involved in the electoral process.

We understand that the development and improvement of the electoral system and the process in the Republic of Kazakhstan as a whole depends on how high our level of legal literacy in the field of elections will be. Therefore, in our opinion, only together all the above-mentioned sets of measures will lead to significant results.

REFERENCE LIST

1. С.И. Ожегов Электорат. Толковый словарь/ С.И. Ожегов [Электронный ресурс]. Режим доступа: <https://dic.academic.ru>.
2. Конституция Республики Казахстан (принята на республиканском референдуме 30 августа 1995 года) (с изменениями и дополнениями по состоянию на 23.03.2019 г.)// www.online.zakon.kz.
3. Правовая грамотность электората – важный фактор демократического развития избирательной системы Казахстана и активности избирателей. Под общ. ред. директора совместного проекта ПРООН и Центризбиркома РК, члена ЦИК РК М.А. Сарсембаева – Астана (Казахстан). – 2012. – 110 стр.
4. Теория государства и права. Ибраева А.С.: Учебно пособие. 2-е изд. С доп. и изм. – Алматы: Жеті жарғы. 2006.-424 с.
5. Заседание Центральной избирательной комиссии об итогах очередных выборов депутатов Мажилиса Парламента Республики Казахстан VII созыва от 12.01.2021 года// Пресс-служба Центральной избирательной комиссии <https://www.election.gov.kz/>.
6. Конституционный закон Республики Казахстан от 28 сентября 1995 года О выборах в Республике Казахстан (с изменениями и дополнениями по состоянию на 24.05.2021 г.)// www.online.zakon.kz.
7. Интернет-олимпиада «Избирательные системы стран мира». Новости// Пресс-служба Центральной избирательной комиссии <https://www.election.gov.kz/>.
8. Избирательная система в Республике Казахстан.- Электоральное обучение. <https://www.election.gov.kz/>.
9. Формирование правовой культуры избирателей и повышение профессиональной подготовки организаторов выборов. Из опыта работы Избирательной комиссии Республики Хакасия. под общ. ред. к.ю.н. председателя Избирательной комиссии Республики Хакасия, И.Г. Смолиной-Абакан: Хакаское книжное издательство, 2006.- 200 с.

ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ САЙЛАУ ЖҮЙЕСІН ДАМУ ФАКТОРЫ РЕТІНДЕ САЙЛАУШЫЛАРДЫҢ ҚҰҚЫҚТЫҚ САУАТТЫЛЫҒЫ ЖӘНЕ ҚҰҚЫҚТЫҚ МӘДЕНИЕТІ

Аңдатпа: Бұл мақала сайлаушылардың құқықтық сауаттылығын, құқықтық мәдениетін және сайлау белсенділігін арттыру, сондай-ақ демократиялық сайлау заңнамасын дамыту мәселелеріне арналған. Мақалада барлық деңгейдегі мемлекеттік органдар мен сайлау комиссияларының ғана емес, сонымен қатар азаматтық қоғам институттарының да сайлау және құқықтық мәдениетін арттыру үдерісіне қатысудың маңыздылығы атап көрсетілген. Сонымен қатар, зерттеу барысында мақала авторы Қазақстан Республикасының сайлау саласындағы нормативтік-құқықтық актілерін талдады, Ресей Федерациясының тәжірибесін зерттеді: біздің мемлекетіміз жағдайында құқықтық сауаттылықты, электорат мәдениетін арттыру және сайлау жүйесін дамыту тәжірибесінің оң жақтарын қабылдау. Мақалада Қазақстан Республикасының сайлау жүйесінің дамуына кедергі келтіретін негізгі проблемаларға талдау жүргізіледі және олардың құқықтық бағасы беріледі. Сондай-ақ, автор Қазақстан Республикасы Орталық сайлау комиссиясының сайлау процесіне қатысқан барлық адамдарды және сайлаушылардың өздерін электоралды оқыту мәселелері жөніндегі заңнамасын қолдану тәжірибесі мен тәжірибесін қарастырды. Осыған байланысты мерзімді әдебиеттер мен нормативтік-құқықтық актілерді зерделеу негізінде сайлаушылардың құқықтық сауаттылығы мен құқықтық мәдениетін жақсарту және арттыру бойынша нақты ұсыныстар берілді.

Кілт сөздер: сайлау жүйесі, сайлау, электорат, құқықтық сауаттылық, құқықтық мәдениет, сайлаушылар, нигилизм.

ПРАВОВАЯ ГРАМОТНОСТЬ И ПРАВОВАЯ КУЛЬТУРА ЭЛЕКТОРАТА КАК ФАКТОР РАЗВИТИЯ ИЗБИРАТЕЛЬНОЙ СИСТЕМЫ РЕСПУБЛИКИ КАЗАХСТАН

Аннотация: Данная статья посвящена вопросам повышения правовой грамотности, правовой культуры и электоральной активности избирателей, а также развития демократического выборного законодательства. В статье подчеркивается важность вовлеченности в процесс повышения электоральной и правовой культуры не только государственных органов и избирательных комиссий всех уровней, но и институтов гражданского общества. Кроме того, в ходе исследования автором статьи проанализированы нормативно-правовые акты Республики Казахстан в сфере выборов, исследован опыт Российской Федерации в целях: перенять положительные моменты практики повышения правовой грамотности, культуры электората и развития избирательной системы в условиях нашего государства. В статье проводится анализ основных проблем, препятствующих развитию избирательной системы Республики Казахстан и дается их правовая оценка. Также автором рассмотрен опыт и практика применения законодательства Центральной избирательной комиссии Республики

Казахстан по вопросам электорального обучения всех лиц, задействованных в избирательном процессе и самих избирателей. В этой связи, на основе изучения периодической литературы и нормативно-правовых актов даны конкретные рекомендации по улучшению и повышению правовой грамотности и правовой культуры электората.

Ключевые слова: избирательная система, выборы, электорат, правовая грамотность, правовая культура, избиратели, нигилизм.

ҚАЗАҚСТАНДА АЗАМАТТАРДЫҢ ҚҰҚЫҚТАРЫ МЕН БОСТАНДЫҚТАРЫН ЖҮЗЕГЕ АСЫРУ МӘСЕЛЕСІ

Андатпа. Бұл мақалада мақсат пен міндеттерге қол жеткізу үшін республикадағы құқықтар мен бостандықтардың іске асырылуының жай-күйі мен динамикасы мәселелері, Қазақстан азаматтарының құқықтық санасы мен құқықтық ақпарат алу тиімділігінің мониторингі мен талдауы, заңнаманы сақтау мәселелері қарастырылған. Қазақстан аймақтарындағы құқықтарды жүзеге асыру дәрежесі, сонымен қатар заң ұйымдары қызметінің тиімділігін талдау. Авторлар адам құқықтарының сақталуына қатысты жағдай мінсіз емес деген қорытындыға келеді. Бұл жанама түрде, бір жағынан, адам құқықтарын жүзеге асыру мен сақтауды қамтамасыз етудің жүйелік тетіктерінің жоқтығын, екінші жағынан, халықтың құқықтық мәдениетінің төмендігін көрсетеді. Инновациялық тәсілдерді пайдалана отырып, құқықтық қоғамды қалыптастыруға азаматтарды ақпараттандыру және тарту жөніндегі іс-шараларды дамытуды жалғастыру қажет,

Түйінді сөздер: мониторинг, сұрау, құқықтар, бостандық, құқық қорғау ұйымдары

КІРІСПЕ

1948 жыл, 10 желтоқсан Адам құқықтарының жалпыға бірдей декларациясы қабылданып, олар жалпыадамзаттық құндылықтарды жариялады және барлық халықтар мен мемлекеттерді білім мен ағарту арқылы әділдік пен бейбітшіліктің негізі ретінде адам құқықтары мен бостандықтарын құрметтеуге шақырды. Арада ондаған жылдар өтсе де, «адамдық қадір-қасиет пен әділдік бәрімізге» деген үндеу әлі күнге дейін өзектілігін жойған жоқ. Әлем әлі де кемелсіз және әділетсіз, ал абырой мен адам құқықтарының бұзылуы әлі де қатал шындық. Халықаралық ұйымдар, дүниежүзілік қоғамдастық адамның өз құқықтарын білуі қоғамның және әрбір жеке адамның өмірін жақсартуға мүмкіндік беретінін мойындайды. Мақалада Қазақстандағы азаматтардың құқықтары мен бостандықтарын жүзеге асыру проблемалары бойынша жүргізілген социологиялық зерттеудің нәтижелері талданады.

Зерттеу объектісі – Қазақстан Республикасының ересек халқы. Зерттеу пәні – Қазақстан Республикасының ересек тұрғындарының пікірі негізінде еліміздің шалғай аймақтарында, оның ішінде ауылдық елді мекендерде адам құқықтарын іске асыру деңгейі/дәрежесі.

Зерттеудің іріктемесі – сауалнамаға респонденттерді іріктеу жынысы, жасы және әлеуметтік жағдайы бойынша облыстың ересек тұрғындарын (18 жас және одан жоғары) көрсететін квоталық іріктеу негізінде жүзеге асырылды. Сауалнамаға барлығы 800 респондент қатысты. Сауалнамаға Қазақстанның 16 облысының тұрғындары қатысты, оның ішінде 18 және одан жоғары жастағы ерлердің 43% және әйелдердің 57%. Респонденттердің білім деңгейі: толық емес орта – 1,4%, жалпы орта – 16,5%, арнаулы орта – 22%, толық емес жоғары білім – 14,5%, жоғары білім – 45,6%.

Зерттеудің далалық кезеңінің кезеңі: маусым-қараша 2020 ж

Жүргізілген социологиялық зерттеулер келесі міндеттерді ескере отырып, Қазақстан Республикасы азаматтарының құқықтары мен бостандықтарын іске асырудың жай-күйі мен динамикасын зерттеуге бағытталған:

- құқықтық сананы және құқықтық ақпарат алудың тиімділігін бағалау;
- азаматтардың облыстағы құқықтардың сақталуын/іске асырылу дәрежесін бағалау;
- азаматтардың Қазақстандағы құқықтардың сақталуын/іске асырылу дәрежесін бағалау;
- азаматтардың заңды ұйымдар қызметінің тиімділігін бағалау.

Зерттеу нәтижелері бойынша респонденттердің басым бөлігі адам құқықтарын «заңдылық» (респонденттердің жалпы санының 72,5%-ы солай ойлайды), «еркіндік» (жалпы санның 61%) ұғымдарымен байланыстыратыны анықталды. , «теңдік» (респонденттердің жалпы санынан 57%) және «демократия» (респонденттердің жалпы санының 45,7%-ы ойлағандай), респонденттердің 5%-дан азы адам құқықтарын озбырлық пен заңсыздықпен байланыстырады.

Респонденттердің басым көпшілігі – респонденттердің жалпы санының 87,7%-ы адам құқықтарын өз мүдделерін қорғау құралы ретінде қабылдайды, респонденттердің 6,8%-ы жауап беруге қиналған, ал респонденттердің 4,5%-дан азы адам құқықтарын абстрактілі идея ретінде қабылдайды (бос сөздер).

Құқықтық ақпараттың қолжетімділігін бағалай отырып, оған респонденттердің 22,5%-ы ғана жоғары баға берді, респонденттердің 46,9%-ы қажетті құқықтық ақпаратты әрқашан дерлік ала алатынын айтты, респонденттердің 15,7%-ы қажетті құқықтық ақпаратты қайдан және қалай алуға болатынын жиі білмейді. Ақпаратты, ал респонденттердің 6,8%-ы қажетті құқықтық ақпаратты алуда айтарлықтай қиындықтарды бастан кешіреді.

Зерттеу барысында ең танымал ақпарат көздері интернет-ресурстар (респонденттердің жалпы санынан 69%), білім беру мекемелері (респонденттердің жалпы санынан 40,7%), отбасы (респонденттердің жалпы санынан 34%) және теледидар екені анықталды. (респонденттердің жалпы санынан 31,3%), респонденттердің 17,4%-ы құқықтық ақпарат алу үшін кәсіби заңгердің кеңесін қалайды, ал респонденттердің 15,4%-ы әлі де баспа басылымдарын пайдаланады.

«Сіздің ойыңызша, құқықтық ақпарат алудың арналары мен көздері қаншалықты тиімді?» деген сұраққа жауап бере отырып, респонденттердің 50%-дан астамы кәсіби заңгерлердің, құқық қорғау ұйымдарының және интернет-ресурстардың жоғары тиімділігін құқықтық ақпарат көздері ретінде бағалады. Респонденттердің 40%-дан астамы құқықтық ақпарат арнасы ретінде отбасы мен оқу орындарына жоғары сеніммен қарайды. Сауалнамаға қатысқан респонденттердің 40%-дан азы теледидарды, баспа басылымдарын, жалпы азаматтық құқықтық оқиғаларды құқықтық ақпарат көзі ретінде жоғары бағалайды.

Социологиялық зерттеу барысында сауалнамаға қатысушылардың жартысы (50%) жеке құқықтарын жүзеге асыруға кедергі келтіретін факторлардың ішінде «азаматтардың құқықтық мәдениетінің төмендігі», респонденттердің 33,7%-ы «құқық саласындағы сыбайлас жемқорлық» сияқты факторларды жатқызатыны белгілі болды. «мемлекеттік органдар», 31,6% және 29,5% респондент оларды «әлсіз әлеуметтік кепілдіктер» және «Қазақстанның құқықтық жүйесінің жетілмегендігі» деп атаса, респонденттердің 25%-дан астамы «мемлекеттің саяси режимі» деп атайды. жеке құқықтарын жүзеге асыруға кедергі келтіретін фактор. Респонденттердің 16%-ы республикалық органдардың адам құқықтарын қорғаудағы тиімсіздігін мойындаса, 14,7%-ы Қазақстандағы сот жүйесі мен прокурорлық қадағалауды тиімсіз деп санайды, 10%-ы өңірлік органдардың адам құқықтарын қорғаудағы тиімсіздігіне назар аударды. .

Респонденттердің 33,5%-ы құқықтық бағыттағы қоғамдық бірлестіктердегі жұмыс тәжірибесі Қазақстан азаматтарының құқықтық білімі мен жалпы құқықтық мәдениетінің деңгейін арттыруға ықпал етеді деп санайды. Құқықтық білім мен мәдениетті арттыру көзі ретінде өзін-өзі тәрбиелеуді респонденттердің 15,6%-ы көрсеткен. Сондай-ақ, құқықтық білімді арттыру көзі ретінде респонденттер әлеуметтік желілерде құқықтық білімнің танымал болуын көрсетеді (респонденттердің жалпы санынан 10,20%).

Сауалнама көрсеткендей, респонденттердің 27,6%-ы Адам құқықтарының жалпыға бірдей декларациясының негізгі ережелерін біледі, респонденттердің жалпы санының 40,7%-ы оның кейбір ережелерімен таныс, қалған респонденттер бұл құжатпен не бейхабар (15%) респонденттер) немесе осы халықаралық құжат туралы естіген, бірақ ережелерін білмейді (респонденттердің 8,7%).

Қазақстан Республикасының Конституциясымен кепілдік берілген ең маңызды және маңызды құқықтар мен бостандықтарға респонденттер келесілерді жатқызды: «заңмен белгіленген тегін медициналық көмектің кепілдік берілген көлемін алу құқығы» - респонденттердің 66,9%, «тегін медициналық көмек алу құқығы» орта білім» - респонденттердің 50,5% , «жеке бас бостандығы мен қол сұғылмаушылық» - 49,8% респондент, «заңдарда көрсетілген тұрғын үйге мұқтаж азаматтардың мемлекеттік тұрғын үй қорынан қолжетімді ақыға оны алу құқығы» - респонденттердің 48%. , «әділ сот талқылауы құқығы, заң алдындағы теңдік» -39,8% респондент. «Сөз бостандығы құқығы» және «қоғам мен мемлекетті басқаруға қатысу құқығы» маңызды және маңызды деп респонденттердің сәйкесінше 36,7% және 10,5% ғана көрсеткен.

«Сіздің ойыңызша, сіздің аймағыңызда азаматтардың құқықтары қалай сақталады?» деген сұраққа респонденттердің 35,10%-ы ғана «жақсы» деп жауап берсе, респонденттердің 46%-дан астамы өңірлерде азаматтардың құқықтары сақталатынын айтты. қанағаттанарлық».

«Сіздің ойыңызша, Қазақстанда азаматтардың құқықтары қалай сақталуда?» деген сұраққа Қазақстанда азаматтардың құқықтары «нашар» сақталуда деп жауап берді.

Жалпы респонденттердің 51%-дан астамы мемлекет алдындағы міндеттерін орындаса, құқықтары жақсы қорғалады деп есептейді.

Респонденттердің пікірінше, Қазақстан Республикасында келесі құқықтар неғұрлым жақсы сақталады және жүзеге асырылады: «заңмен белгіленген тегін медициналық көмектің кепілдік берілген көлемін алу құқығы» (респонденттердің жалпы санынан 58,5%), «тегін медициналық көмек алу құқығы» орта білім» (респонденттердің жалпы санынан 45%).

Қазақстандағы адам құқықтарын қорғайтын мекемелер мен ұйымдардың ішінде респонденттердің арасында қоғамдық құқық қорғау ұйымдары ең көп сенім артқан (сауалнамаға қатысқандардың 36,10%-ы сенім білдірген), прокурорға, сотқа және жалпы сот органдарына 33,5% және 33,3-і сенім білдірген. Респонденттердің %-ы, тиісінше, респонденттердің жалпы санының 30%-дан астамы Қазақстан Республикасының Президентіне сенім білдірді.

Сыбайлас жемқорлық, сыбайлас жемқорлыққа жол берген шенеуніктерге тым жеңіл жазалар (жауап берушілердің жалпы санының 37,5%-ы осылай деп есептейді), лауазымды тұлғалардың озбырлығы және заңды бұзу респонденттердің жалпы санының 33,10%-ы, сондай-ақ әділетсіз сот шешімдері (жалпы санның 28,9%). респонденттердің жалпы санынан) респонденттердің өздеріне үлкен әсер еткен адам құқықтары мен бостандықтарын бұзу жағдайларына сілтеме жасаған.

деген сұраққа «2019-2020 жж. Сізге немесе сіздің отбасы мүшелеріне қатысты адам құқығы бұзылған жағдайлар болды ма?». Респонденттердің басым көпшілігі (77,2%) теріс жауап берді және респонденттердің тек 9,4% 2019-2020 жж. оларға және олардың отбасыларына қатысты адам құқықтарының бұзылуы жағдайларымен.

Респонденттердің және олардың отбасы мүшелерінің кездесетін бұзушылықтары арасында «еңбек ету құқығы, әділ жалақы, еңбек заңнамасын сақтамау» (респонденттердің жалпы санынан 7,9%) «білікті тегін медициналық көмек алу құқығы» анықталды. қамқорлық» (сұралғандардың жалпы санынан 6,7%), «әділ сот талқылауы құқығы» (жауап бергендердің жалпы санынан 3,8%), «құқық қорғау органдарының өкілеттігін асыра пайдалануы, озбырлық, пара алу» (3,20%).

респонденттердің жалпы саны), «әлеуметтік қамсыздандыру құқығы» (2,70%).

Респонденттердің пікірінше, өңірлерде халықтың келесі үш тобы өкілдерінің құқықтары көбірек бұзылады: «қарапайым, қарапайым халық» - 37,5%, сондай-ақ «кедейлер, мұқтаждар» - 24,9% осылай деп санайды, және «жұмысшылар» - 22% осылай ойлайды, он%.

Респонденттердің пікірінше, бүкіл елде халықтың келесі үш тобының өкілдерінің құқықтары ең көп бұзылады: «қарапайым, қарапайым халық» - 29,6% осылай деп санайды, сондай-ақ «кедейлер, мұқтаждар» - 31,30% осылай деп санайды. және «әлеуметтік қорғалмағандар» - 19,3% осылай деп санайды.

Респонденттердің құқықтары бұзылған жағдайда жүгінетіндердің арасында мыналар анықталды: респонденттердің 19,4%-ы сотқа жүгінуді қалайды, респонденттердің 16,8%-ы адвокатқа, адвокатқа, 14,9%-ы респонденттерге жүгінеді. құқық қорғаушыларға жүгінер еді, 13,7 пайызы полицияға жүгінуді жөн көрді.

Сауалнама халықтың өңірлердегі және жалпы республикадағы құқық қорғау ұйымдарының қызметі туралы хабардарлығының төмендігін көрсетті. Сонымен, «Сіз облыста, республикада қандай да бір құқық қорғау ұйымдарының бар екенін білесіз бе?» деген сұраққа. - Респонденттердің жалпы санының 48,4%-ы теріс жауап берді, респонденттердің 33,9%-ы облыстағы құқық қорғау ұйымдарының қызметі туралы біледі және республикадағы құқық қорғау ұйымдарын респонденттердің 17,8%-ы ғана біледі.

Респонденттердің басым бөлігі адамның аймақта өз құқықтарын қорғау мүмкіндігі көбінесе заңдарды білуге байланысты екенін мойындайды (респонденттердің 47,9%), ал кейбір респонденттер аймақта өз құқықтарын қорғау мүмкіндігін де осы аймақта болуымен байланыстырады. байланыстар (респонденттердің 16,20%-ы солай ойлайды) және ақша (респонденттердің 11,20%-ы солай деп санайды).

Сондай-ақ, респонденттердің басым бөлігі адамның өз құқықтарын тұтастай алғанда елде қорғай алуы көбінесе заңдарды білуге байланысты екенін мойындайды (респонденттердің 47%) және олар елдегі өз

құқықтарын қорғау мүмкіндігімен байланыстырады. тұтастай алғанда байланыстардың (респонденттердің 12,9%-ы осылай деп санайды) және ақшаның (респонденттердің 15,3%-ы осылай деп санайды) болуымен.

Респонденттердің жалпы санының 39,8%-ы қажет болған жағдайда өз құқықтарын қорғай алатынына толық сенімді емес, мүлде сенімді емес – 12,3% респондент, жауап беруге қиналған – 17,3% респондент, алайда респонденттердің 30,7% қажет болған жағдайда өз құқықтарын қорғай алатынына толық сенім білдірді.

Тәртіпті қалпына келтіру кезінде ешбір жағдайда азаматтардың құқықтарын шектеуге болмайды. Бұл респонденттердің 47,10%-ының пікірі, дегенмен респонденттердің 32%-ы қажеттілік туындаса, азаматтардың құқықтарын шектеу арқылы да тәртіпті қалпына келтіру керек деген пікірді мойындайды. Респонденттердің төрттен бірі табиғи апаттар кезінде (31,5%), әскери операциялар кезінде (31,20%), терроризммен күресте (30%) және эпидемия кезінде (28,9%) құқықтары мен бостандықтарын шектеуді қабылдауға дайын екенін көрсетеді. %). Зерттеу нәтижелерін талдау Қазақстан Республикасындағы адам құқықтары мен бостандықтарының жағдайы, жүзеге асырылу және сақталуы мәселелері туралы түсінік алуға мүмкіндік береді. Адам құқықтары мен бостандықтарын қорғау тетігінің тиімді жұмыс істеуі үшін мемлекеттің заңнамасында азаматтардың әлауқатының оңтайлы бастапқы деңгейін қамтамасыз ету қажет.

ҚОРЫТЫНДЫ

1. Сауалнамаға қатысушылардың көпшілігі адам құқықтары туралы естігендерін айтқанына қарамастан, олар туралы нашар хабардарлардың үлесі айтарлықтай маңызды болып қала береді. Респонденттердің пікірінше, адам құқықтары мәселесі жеткілікті түрде қамтылмаған, өйткені респонденттердің 15,7%-ы қажетті құқықтық ақпаратты қалай және қайдан алуға болатынын жиі білмейді, ал респонденттердің 6,8%-ы қажетті құқықтық ақпаратты алуда айтарлықтай қиындықтарға тап болады.

2. Респонденттер интернет-ресурстарды құқықтық ақпарат алудың ең танымал көздеріне жатқызады (респонденттердің жалпы санынан 69%).

3. Респонденттердің 40%-дан астамы құқықтық ақпарат арнасы ретінде отбасы мен оқу орындарына жоғары сеніммен қарайды. Қазақстан аумағында құқықтық тәрбие және қоғамдағы мінез-құлықтың негізгі принциптерін енгізу тұрғысынан отбасының рөлі әлі де жоғары, Қазақстан отбасы құндылықтар иерархиясында жоғары орын алатын дәстүрлі қоғам болып қала береді.

4. Респонденттердің 15%-ы Адам құқықтарының жалпыға бірдей декларациясы туралы естімеген. Негізінен 18 бен 29 жас аралығындағы жастар бұл халықаралық маңызды құжат туралы естіген жоқ. Бұл факт жастар арасында құқықтық тәрбиенің жеткіліксіз екендігін айғақтайды.

5. Жалпы республикадағы адам құқықтарын сақтау жағдайын сауалнамаға қатысушылар өңірлерге қарағанда біршама жақсы деп бағалады, бірақ бұл айырмашылық айтарлықтай емес. Жалпы, тұрғындар бұл саладағы жағдайды қанағаттанарлық деп санайды.

6. Респонденттердің 9,4%-ы 2019-2020 жж. оларға және олардың отбасыларына қатысты адам құқықтарының бұзылуы жағдайларымен. Адамдардың 40%-ға жуығы қажет болған жағдайда өз құқықтарын қорғай алатынына толық сенімді емес. Бұл фактілер қазіргі уақытта адам құқықтарының сақталуына қатысты жағдайдың мінсіз емес екенін көрсетеді. Бұл жанама түрде, бір жағынан, адам құқықтарын жүзеге асыру мен сақтауды қамтамасыз етудің жүйелік тетіктерінің жоқтығын, екінші жағынан, халықтың құқықтық мәдениетінің төмендігін көрсетеді.

7. Жеке құқықтарын жүзеге асыруға кедергі келтіретін факторларға респонденттердің жартысы (50%) «азаматтардың құқықтық мәдениетінің төмендігін» жатқызады.

8. Азаматтардың құқықтық мәдениетінің төмендігімен қатар, респонденттердің жеке құқықтарын жүзеге асыруға кедергі келтіретін факторлар ретінде мемлекеттік органдардағы сыбайлас жемқорлықты, әлеуметтік кепілдіктердің әлсіздігін, сондай-ақ республикалық және облыстық органдардың адам құқықтарын қорғаудағы тиімсіздігін жатқызуға болады. Осылайша, адамдар адам құқықтарының көбіне мемлекеттік қызметкерлер мен құқық қорғау органдарының өкілдері тарапынан бұзылатынын жанама түрде мойындайды.

9. Адамдар байланыс пен ақшаның болуымен аймақтарда және бүкіл елде өз құқықтарын қорғау мүмкіндігін анықтауды жалғастыруда.

10. Сауалнама халықтың аймақтардағы құқық қорғау ұйымдарының қызметі туралы хабардарлығының төмендігін көрсетті

ПАЙДАЛАНЫЛҒАН ӘДЕБИЕТТЕР ТІЗІМІ

1. Баймаханов М.Т., Аюпова З.К., Ибраева А.С. және т.б. Қазақстан Республикасындағы құқықтық мемлекеттің және конституциялық процестің қалыптасуы. Монография. – Алматы: КазГУА, 2001 ж.
2. Бәйішев Ж.ҚР Конституциялық құқығы: Оқу-әдістемелік құрал. – Алматы: Жеті жарғы, 2001 ж.
3. Ибраева А.С. Құқықтық мемлекет және еркін азаматтық қоғам Қазақстандағы конституциялық процестің мақсаты ретінде (егеменді Қазақстандағы әлеуметтік процестердің философиялық-құқықтық негіздемесі) // - ҚазМУ хабаршысы. Құқықтық қатар. - 2001. - № 3.
4. Керимов А.Д. Қазіргі мемлекет: теория сұрақтары / А. Д.Керімов. –М.: Норма, 2008 ж.
5. Мицкая Е.В. Қоғамды демократияландыру және Қазақстан Республикасы азаматтарының саяси құқықтары мен бостандықтарын жүзеге асыру мәселелері: монография / отв. ред. Сабыкенов С.Н.- Алматы: Интерлигаль, 2007 ж.

ПРОБЛЕМА РЕАЛИЗАЦИИ ПРАВ И СВОБОД ГРАЖДАН В КАЗАХСТАНЕ

Аннотация. В данной статье рассматриваются вопросы состояния и динамики реализации прав и свобод в республике для достижения целей и задач, мониторинг и анализ правосознания и эффективности получения правовой информации гражданами Казахстана, вопросы соблюдения законодательства. Степень реализации прав в регионах Казахстана, а также анализ эффективности деятельности юридических организаций. Авторы приходят к выводу, что ситуация с соблюдением прав человека не идеальна. Это косвенно свидетельствует, с одной стороны, об отсутствии системных механизмов обеспечения реализации и соблюдения прав человека, с другой о низкой правовой культуре населения. Необходимо продолжить развитие мероприятий по информированию и вовлечению граждан в формирование правового общества с использованием инновационных подходов.

Ключевые слова: мониторинг, опрос, права, свобода, правозащитные организации

THE PROBLEM OF REALIZATION OF THE RIGHTS AND FREEDOMS OF CITIZENS IN KAZAKHSTAN

Annotation. This article discusses the issues of the state and dynamics of the realization of rights and freedoms in the republic to achieve goals and objectives, monitoring and analysis of legal awareness and the effectiveness of obtaining legal information by citizens of Kazakhstan, issues of compliance with legislation. The degree of realization of rights in the regions of Kazakhstan, as well as an analysis of the effectiveness of legal organizations. The authors conclude that the human rights situation is not ideal. This indirectly indicates, on the one hand, the absence of systemic mechanisms to ensure the implementation and observance of human rights, on the other hand, the low legal culture of the population. It is necessary to continue the development of measures to inform and involve citizens in the formation of a legal society using innovative approaches.

Keywords: monitoring, survey, rights, freedom, human rights organizations.

ПРАВОВОЙ СТАТУС НОТАРИУСА В РЕСПУБЛИКЕ КАЗАХСТАН

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Аннотация. Статья посвящена исследованию вопросов определения правового статуса нотариуса в Республике Казахстан. Рассмотрено понятие «нотариуса», определены его виды, закрепленные в законодательстве, выделены специфические признаки, которые отличают нотариусов от представителей других профессий. Путем анализа действующего законодательства удалось дать расширенное определение понятиям «нотариус», «государственный нотариус», «частный нотариус». Обоснован вывод, что институт нотариата в механизме защиты прав и свобод человека и гражданина является государственно-правовым институтом, а нотариальная деятельность носит дуалистический характер сочетания публично-правовых и частно-правовых начал. Сформулированы рекомендации относительно более четкого разделения, существующего в нотариальной профессии - на государственных и частных. Также существует законодательная неопределенность относительно института юридической ответственности нотариуса, в связи с этим существует необходимость предоставить четкий перечень правонарушений, за которые нотариус должен нести ответственность.

Ключевые слова: нотариус, правовой статус, публично-правовой, нотариальная деятельность, государственный нотариус, частный нотариус

ВВЕДЕНИЕ

С первых лет независимости Казахстан стремился к построению правового государства и созданию качественно нового общества, где будут обеспечиваться приоритеты общечеловеческих ценностей. Основными событиями на этом пути, которые, бесспорно, помогли ее признанию другими странами мира, стали принятие Конституции Республики Казахстан, проведение большого количества реформ. Однако страна и ее институты и сегодня продолжают искать свой путь обеспечения неукоснительного соблюдения прав человека и верховенства права. Поскольку Казахстан выбрал международный вектор развития, особого внимания заслуживает правовой статус нотариуса как субъекта, обеспечивающего защиту прав и законных интересов граждан.

Каждый день к нотариусу обращаются граждане с различными вопросами, которые нуждаются в правовой помощи. Нотариус – это не только специалист в области права, ведь его знания не ограничиваются только теорией права, а касаются также психологии, социологии, языкознания, экономики и так далее. Он имеет высокую ответственность перед обществом, в связи с выполнением полномочий, предоставленных государством. Современное общество постоянно претерпевает изменения, поэтому для того чтобы качественно выполнять свои полномочия, а именно осуществлять охрану прав и законных интересов тех, кто обращается за помощью к нотариусу, последний должен постоянно самосовершенствоваться и отвечать требованиям времени. Именно поэтому тема исследования является актуальной.

МАТЕРИАЛЫ И МЕТОДЫ ИССЛЕДОВАНИЯ

Поскольку ключевая цель исследования состояла в определении правового статуса нотариуса в Республике Казахстан, для ее достижения применялись следующие методы научного познания: метод абстрагирования – для оценки места нотариата в современном обществе, для анализа конституционных основ правового регулирования нотариата как субъекта защиты прав человека, метод анализа – для исследования современного состояния изученности проблем института нотариата в Казахстане в целом и его правозащитной деятельности в частности для оценки современного состояния правовой регламентации нотариата как субъекта защиты конституционных прав человека; методы дедукции и индукции – для конституционных основ регламентации нотариата как субъекта защиты конституционных прав человека; метод синтеза – для решения сформулированного в диссертационном исследовании научного задания в целом, а также в частности для формулирования дефиниций понятия «нотариус», «частный нотариус», «государственный нотариус»; формально-логический метод – для оценки предложений других исследователей и формулировки авторских дефиниций рассматриваемых понятий, а также авторских выводов и предложений; функциональный метод – для аргументации необходимости дальнейшего усовершенствования действующего законодательства, определяющего правовой статус нотариуса в Республике Казахстан.

РЕЗУЛЬТАТЫ И ОБСУЖДЕНИЕ

При исследовании правового статуса нотариуса в Казахстане стоит в первую очередь рассмотреть понятийные аспекты темы исследования.

Известно, что термин «нотариус» происходит еще со времен Древнего Рима. В то время работали писцы, обязанностью которых было ведение различных публично-правовых документов в том числе судебных журналов. Более состоятельные граждане имели своих частных писцов, которые помогали им вести деловую переписку и осуществлять оформление различных договоров и соглашений. Древних писцов называли «нотариусами», поскольку с латинского языка это слово означало – писец.

Необходимо отметить, что на сегодняшний день единство относительно определения понятия «нотариус» в научной литературе отсутствует. Многие ученые считают нотариусов только уполномоченных государством лиц, имеющих обязанность удостоверять права и обязанности, имеющие юридическое значение [1]. Мы считаем, что это мнение является достаточно узким, поскольку на сегодняшний день профессия нотариуса, не ограничивается лишь знанием теории права, но и психологии, социологии, экономики, языкознания и тому подобное.

Действующим законодательством закреплено, что нотариусом является «гражданин Республики Казахстан, достигший возраста двадцати пяти лет, имеющий высшее юридическое образование, стаж работы по юридической специальности не менее двух лет, прошедший стажировку у нотариуса сроком не менее одного года, аттестацию в аттестационной комиссии юстиции и получивший лицензию на право занятия нотариальной деятельностью» (ст. 6 Закона РК «О нотариате» [2]). Однако, к сожалению, данное определение также не отражает полностью понятие нотариуса.

По нашему мнению, нотариус – это субъект, который действует от имени государства, однако не несет властных полномочий, осуществляет свою деятельность в государственной нотариальной конторе, государственном нотариальном архиве или осуществляющий независимую профессиональную нотариальную деятельность, осуществляющий удостоверение прав и обязанностей граждан, а также фактов, имеющих юридическое значение, предоставляющий иные определенные

законодательством услуги, а также имеющий высокий уровень ответственности перед обществом.

В соответствии с действующим законодательством существуют следующие виды нотариусов:

- государственные нотариусы;
- частный нотариус [3].

Из исторических источников известно, что первым был создан государственный нотариат. Поскольку во времена советской власти в стране существовал лишь государственный нотариат. Однако начиная с 1997 года в действующее нотариальное законодательство, а именно Закон РК «О нотариате», было внесено немало изменений, касающихся в частности правового статуса государственного нотариуса, доступа к данной профессии и т. п.

В действующем законодательстве указано, что «государственным нотариусом является административный государственный служащий, занимающий должность в порядке, установленном законодательством Республики Казахстан о государственной службе» (ст. 6 Закона РК «О нотариате»).

А.Б. Жанабилова в своей работе отмечает, что государственным нотариусом является лицо, занимающееся профессиональной нотариальной деятельностью, находясь в штате государственной нотариальной конторы, осуществляет возложенные на него государством полномочия по совершению нотариальных действий и получает заработную плату за счет государственного бюджета [4].

Назначение и освобождение от должности государственного нотариуса осуществляется в порядке, установленным Министерством юстиции Республики Казахстан. Государственные нотариусы за совершение нотариальных действий взимают государственную пошлину в определенных законодательством размерах. В случаях предоставления государственными нотариусами дополнительных услуг правового или технического характера, которые не связаны с совершенными нотариальными действиями, такие услуги оплачиваются отдельно.

Организационное и материально-техническое обеспечение государственной нотариальной конторы осуществляется за счет средств государственного бюджета.

Что касается определения частного нотариуса, то в действующем законодательстве оно отсутствует. На основании анализа норм действующего законодательства можно сформировать следующее определение, частный нотариус - гражданин Республики Казахстан, который имеет полное высшее юридическое образование, имеет опыт работы в области права не менее двух лет, не имеет судимости, не занимается отдельными видами деятельности, не занимает определенные должности и имеет опыт работы в течение одного года в государственной нотариальной конторе или у нотариуса, занимающегося частной нотариальной практикой, сдал квалификационный экзамен и получил лицензию на право занятия нотариальной деятельностью [5].

Е.М. Тилеубергенов, Ш.С. Садуакасов отмечают, что частный нотариус имеет следующие признаки:

- осуществляет свою деятельность от имени государства, которое наделяет его соответствующими правами и обязанностями;
- организационное и материально-техническое обеспечение частный нотариус осуществляет за свой счет;
- у частного нотариуса отсутствует оплата его услуг из государственного бюджета, но за совершение нотариальных действий он получает оплату по договоренности с клиентом [6].

Такой вид организации деятельности очень похож на предпринимательскую деятельность, однако они не могут быть отождествленными. По нашему мнению, правовой статус частного нотариуса подчеркнут также следующие признаки:

- обособленность рабочего места (имеется в виду, внешнюю отстраненность – то есть соблюдения надлежащих условий для реализации прав и законных интересов граждан, возникающие при совершении нотариальных действий, надлежащее материально-техническое, организационного обеспечения, требований конфиденциальности и безопасности);
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- профессиональный уровень нотариального обслуживания (соблюдение частным нотариусом и другими работниками требований к опыту работы, профессиональной этики, аттестации, повышения квалификации, и т. п.);

- персонификация (частный нотариус не является наемным лицом, он осуществляет независимую профессиональную деятельность и является само занятым лицом).

Нотариус, который занимается независимой профессиональной деятельностью, характеризуется определенным дуализмом, поскольку его можно отнести к должностным лицам в независимости от того, что он не состоит на государственной службе и не включен в штат государственного аппарата. К субъектам частной нотариальной деятельности относятся: частный нотариус, стажер нотариуса, объединения нотариусов, лицо, которое намерен сдавать квалификационный экзамен, лицо, которое допущено к квалификационному экзамену, лицо, которое участвует в сдаче квалификационного экзамена, лицо, не сдавшее квалификационный экзамен, лицо, сдавшему квалификационный экзамен.

Некоторые специалисты считают, что введение частного нотариата уничтожило монополию государства на нотариальную деятельность. Однако, мы считаем, что это мнение ошибочно, ведь нотариальные действия всегда совершаются от имени государства и имеют государственно-публичный характер. Таким образом обеспечивается выполнение нотариальных функций, и только это является гарантией юридической силы нотариальных документов. Акты частного нотариуса имеют силу официальных, в том случае, если государство осуществляет свою обязанность по предоставлению ему определенных полномочий, которые в совокупности составляют компетенцию нотариуса.

Занимаясь своей профессиональной деятельностью, нотариус должен быть объективным и справедливым, осуществлять предоставление правовой помощи всем лицам, которые к нему обратились в одинаковой степени. Поскольку частный нотариус осуществляет свою деятельность самостоятельно и не получает заработной платы из государственного бюджета, то встает вопрос о его доходе. По нашему мнению, считать, что прибыль нотариуса является достаточно большой поскольку она поступает

не из государственного бюджета неправильно. Поскольку общий и фактический доход частного нотариуса существенно отличаются.

У частного нотариуса должен быть достаточный доход для оплаты расходов на приобретение или содержание собственного или арендуемого помещения, технического обеспечения, закупку необходимой литературы, информационных правовых программ, для начисления заработной платы, повышения квалификации, уплате взносов на содержание Нотариальной палаты РК, оплаты налогов за свою деятельность и работу других сотрудников и тому подобное.

В отличие от предпринимателя, нотариус не может выбирать по своему усмотрению гражданина, с которым он вступит в правоотношения. А отказать в совершении нотариальных действий нотариус имеет право только в предусмотренных законодательством случаях, в противном случае его действия будут незаконным и подлежат обжалованию в суде. Также частный нотариус несет ответственность за причиненный вред лицу в результате его незаконных действий или небрежности. Вред возмещается в полном размере.

Законодательством предусмотрен исчерпывающий перечень оснований ответственности частного нотариуса:

- в случае если лицо, обратившееся к нотариусу за совершением нотариального действия, подало ложную информацию относительно любого вопроса, связанного с совершением нотариального действия;
- в случае если лицо, обратившееся к нотариусу за совершением нотариального действия, подало недействительные и/или поддельные документы;
- в случае если лицо, обратившееся к нотариусу за совершением нотариального действия, не заявило об отсутствии или наличии лиц, прав или интересов которых может касаться нотариальное действие, за совершением которого обратилось лицо [2].

Возмещение вреда, причиненного в результате совершенного нотариального действия и/или иного действия, положенного на нотариуса в соответствии с требованиями действующего законодательства, осуществляется путем заключения договора страхования гражданско-

правовой ответственности, частный нотариус обязан заключить еще до начала занятия частной нотариальной деятельностью. Минимальный размер страховой суммы составляет тысячу МРП для нотариусов, осуществляющих деятельность на территории города республиканского значения, столицы, и 500 МРП для иных нотариусов.

Относительно признаков, которые отличают нотариусов от представителей других профессий, то к ним относятся следующие:

- публичность – нотариусы работают открыто и прозрачно, обеспечивают связь государства с обществом путем выполнения своих полномочий;

- специфический состав системы регулирующих субъектов – деятельность нотариусов регулируется не только органами государственной власти такими, как Министерство юстиции, например, но и негосударственной неприбыльной организацией, осуществляющей профессиональное самоуправление в сфере нотариата – Республиканской нотариальной палатой Казахстана;

- характерные услуги – именно на представителей нотариата возложена обязанность предоставлять специфические услуги, такие как удостоверение фактов, с целью предоставления им юридической достоверности;

- строгие требования доступа к профессии – законодательством закреплён ряд требований, которых должны придерживаться лица, имеющие намерение получить свидетельство о праве на занятие нотариальной деятельностью;

- наличие выбора вида нотариальной деятельности – ведь лицо, которое соответствует требованиям ст. 6 Закона РК «О нотариате» [21] имеет возможность выбрать тот вид деятельности, который он пожелает – быть государственным или частным нотариусом;

- особые гарантии осуществления нотариальной деятельности - нотариус в своих действиях должен быть справедливым и беспристрастным, руководствоваться требованиями действующего законодательства, выполнять свои обязанности на профессиональном уровне, соблюдать нотариальной тайны;

- дуалистичность статуса нотариуса – поскольку, как уже говорилось выше, нотариус имеет возможность выбора вида своей деятельности, это предопределяет дуалистичность его статуса, ведь он может быть, в случае выбора профессии государственного нотариуса, – должностным лицом, и соответственно при выборе частной нотариальной деятельности – представителем свободной юридической профессии, которая самостоятельно организует свою деятельность и соответственно находится на самофинансировании;

- превентивность деятельности нотариуса – при осуществлении своих профессиональных обязанностей нотариусы не только занимаются удостоверением определенных фактов, но и выполняют роль так называемого «превентивного судьи», поскольку деятельность нотариуса также заключается и в предотвращении правонарушений [7].

Предотвратить правонарушения нотариус может следующим образом:

– отказать в оказании услуг, в случае, если лицо имеет цель нарушить требования действующего законодательства, предоставить качественную профессиональную консультацию, или даже помочь избежать недоразумений, найти компромисс, примирить стороны;

- ограничения по совместительству профессий - в соответствии с требованиями действующего законодательства нотариусу запрещается заниматься предпринимательской, адвокатской деятельностью, находиться на должностях государственной службы или органов местного самоуправления, быть учредителем адвокатских объединений, находиться в штате других юридических лиц, а также выполнять другую оплачиваемую работу кроме преподавательской, творческой или научной;

- ограничения в праве совершения нотариальных действий нотариусам запрещается совершать нотариальные действия на свое имя и от своего имени, на имя и от имени родственников: мужа, жены, родителей, детей, братьев, сестер, деда, бабушки, а также на имя и от имени работников соответствующей конторы или лица, находящегося в трудовых отношениях с частным нотариусом [8];

- характерная ответственность для частных нотариусов – в случае совершения неправомерного действия частным нотариусом, он будет нести ответственность, которая предполагает возмещение ущерба.

Для обеспечения возмещения вреда частный нотариус должен заключить договор страхования гражданско-правовой ответственности.

Таким образом, каждый из видов нотариальной деятельности имеет свои специфические особенности, задачи и признаки, которые подчеркивают статус конкретного вида деятельности.

ВЫВОДЫ

Проведенное исследование позволило сделать вывод, что среди ученых отсутствует единство относительно обоснования понятия «нотариус», но путем анализа действующего законодательства удалось дать расширенное определение понятиям «нотариус», «государственный нотариус», «частный нотариус». Все виды нотариальной деятельности имеют свои характерные особенности, задачи и признаки, которые подчеркивают статус конкретного вида деятельности.

Государственные и частные нотариусы являются равными в своих правах и обязанностях. Законодательством закреплён перечень основных прав и обязанностей нотариусов, но данный перечень не является исчерпывающим и дополнительным источником могут быть другие нормативно-правовые акты.

Свободный характер деятельности нотариуса имеет преимущества для физических и юридических лиц, поскольку они свободны в выборе нотариуса. Кроме того, возможность привлечь нотариуса к ответственности за причиненный им в процессе осуществления своей деятельности вред является определенной гарантией законности нотариальных действий. При осуществлении нотариальной деятельности нотариус выступает субъектом частного права, который лишь удостоверяет гражданские права и факты, имеющие юридическое значение, осуществляет иные, предусмотренные законом, нотариальные действия с целью предоставления им юридической достоверности.

При этом деятельность по совершению нотариальных действий не является государственной службой (хотя, по отношению к государственным

нотариусам такое положение закреплено нормативно), нотариусы не выполняют свои обязанности на публичной службе и не имеют публично-правовой компетенции, которая бы создавала публично-правовые отношения. Институт нотариата в механизме защиты прав и свобод человека и гражданина является государственно-правовым институтом, а нотариальная деятельность носит дуалистический характер сочетания публично-правовых и частно-правовых начал.

Специфика организации нотариата заключается в том, что эта система создана для обеспечения правовой помощи населению. Государство с помощью нотариата реализует свою положительную роль в укреплении института прав и свобод человека и гражданина. Именно через институт нотариата государство реализует одну из своих функций, учитывая при этом как публичные, так и частные интересы.

Нотариат в механизме защиты прав и свобод человека и гражданина представляет собой институт гражданского общества, наделенный в лице нотариусов властными полномочиями и осуществляющий от имени Казахстана публичную деятельность по реализации функции государства по защите прав и законных интересов граждан, юридических лиц и общества в целом путем совершения нотариальных действий. Нотариат целесообразно рассматривать и как конституционно-правовой институт, представляющий собой совокупность правовых норм, регулирующих на основе сочетания публичных и частных интересов общественные отношения в сфере организации нотариата и нотариальной деятельности с целью защиты гарантированных Конституцией Республики Казахстан прав и свобод человека и гражданина.

В связи с изложенным выше видится необходимость более четкого разделения, существующего в нотариальной профессии - на государственных и частных. Также существует законодательная неопределенность относительно института юридической ответственности нотариуса, в связи с этим существует необходимость предоставить четкий перечень правонарушений, за которые нотариус должен нести ответственность.

СПИСОК ЛИТЕРАТУРЫ

1. Бегичев А.В. Особенности правового статуса нотариуса // Бюллетень нотариальной практики. 2017. № 4. – С. 38-41.
-

2. Закон Республики Казахстан от 14 июля 1997 года № 155-І «О нотариате» (с изменениями и дополнениями по состоянию на 12.09.2022 г.) [Электронный ресурс]. – Режим доступа: URL: https://online.zakon.kz/document/?doc_id=1008028#sub_id=0
3. Романовская О.В. Правовой статус нотариуса: от реформы до реформы // Гражданин и право. 2017. № 5. – С. 31-42.
4. Жанабилова А.Б. Общая характеристика системы органов нотариата в Республике Казахстан // Наука и новые технологии. 2014. № 3. – С. 232-235.
5. Жанабилова А.Б. Источники нотариата в Республике Казахстан // Известия ВУЗов (Кыргызстан). 2014. № 6. – С. 228-231.
6. Тилеубергенов Е.М., Садуакасов Ш.С. Правовое сравнение институтов государственного и частного нотариата // В сборнике: Научная мысль: перспективы развития. Материалы VI Международной научно-практической конференции. Армавир, 2021. – С. 129-132.
7. Ходакова С.О. Особенности правового статуса нотариуса и правовая сущность нотариальных актов в зарубежных странах // Актуальные проблемы правоведения. 2022. № 1 (73). – С. 58-61.
8. Караваева Е.М. Ограничения в деятельности нотариуса // Известия Гомельского государственного университета имени Ф. Скорины. 2021. № 5 (128). – С. 80-84

ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДАҒЫ НОТАРИУСТЫҢ ҚҰҚЫҚТЫҚ МӘРТЕБЕСІ

Түйін: Мақала Қазақстан Республикасы нотариустың құқықтық мәртебесін анықтау мәселелерін зерттеуге арналған. "Нотариус" ұғымы қарастырылды, оның заңнамада бекітілген түрлері анықталды, нотариустарды басқа кәсіптердің өкілдерінен ажырататын ерекше белгілер анықталды.

Қолданыстағы заңнаманы талдау арқылы "нотариус", "мемлекеттік нотариус", "жеке нотариус" ұғымдарына кеңейтілген анықтама беруге мүмкіндік болды. Нотариат институты адам мен азаматтың құқықтары мен бостандықтарын қорғау тетігінде мемлекеттік-құқықтық институт болып табылады, ал нотариаттық қызмет жария-құқықтық және жеке-құқықтық принциптердің үйлесімі болып табылады деген тұжырым негізделген. Нотариаттық кәсіпте бар мемлекеттік және жеке мамандықтарға нақты бөлінуге қатысты ұсыныстар тұжырымдалған.

Сондай-ақ, нотариустың заңды жауапкершілік институтына қатысты заңнамалық белгісіздік бар, осыған байланысты нотариус жауапты болуы керек құқық бұзушылықтардың нақты тізімін ұсыну қажет.

Кілт сөздер: нотариус, құқықтық мәртебесі, жария-құқықтық, нотариаттық қызметі, мемлекеттік нотариус, жеке нотариус.

LEGAL STATUS OF A NOTARY IN THE REPUBLIC OF KAZAKHSTAN

Annotation: The article is devoted to the study of the issues of determining the legal status of a notary in the Republic of Kazakhstan. The concept of "notary" is considered, its types fixed in the legislation are defined, specific features that distinguish notaries from representatives of other professions are highlighted. By analyzing the current legislation, it was possible to give an expanded definition of the concepts of "notary", "state notary", "private notary". The conclusion is substantiated that the institute of the notary in the mechanism of protection of human and civil rights and freedoms is a state-legal institution, and notarial activity has a dualistic character of a combination of public-legal and private-legal principles. Recommendations are formulated regarding a clearer division existing in the notary profession - into public and private. There is also legislative uncertainty regarding the institution of legal responsibility of the notary, in this regard, there is a need to provide a clear list of offenses for which the notary should be responsible.

Keywords: notary, legal status, public law, notary activity, public notary, private notary.

CONSTITUTIONAL BEGINNING OF THE LAND LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

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Abstract. In this research work, methods of comparison and annotation were used in relation to individual regulatory legal acts of the Republic of Kazakhstan and their regulation of land legislation, as well as a direct relation to their beginning by their own means. Also in this work, the categories of the following legal institutions will be taken into account, namely the institute of land law, which in turn originates from the principles of civil law and its normative legal acts.

In this case, examples will also be presented in practice of regulating land legislation and its institutions in other countries, whose experience is comparable and suitable for comparison with Kazakhstan's practice in this area.

Key words: institution, legislation, groundwater, boundaries, labor process

INTRODUCTION.

The Constitution of the Republic actually has the highest legal force in relation to all sort of other legal acts: no legal act adopted in the country for all intents and purposes (constitutional law, Decree of the President of the Republic of Kazakhstan, Decree of the Government of the Republic of Kazakhstan, act of regional law-making, judicial decision, etc.) can contradict the really Basic Law, and in case of contradiction basically (legal conflicts) priority they have the norms of the Constitution in a very major way. The supremacy of the Constitution of the Republic of Kazakhstan for the most part is stated directly in the constitutional text (Part 2 of Article 4) [1]. Ensuring the legal supremacy of the Constitution of the Republic of Kazakhstan is the task of all state bodies and officials without exception, but the leading place in the mechanism of protection of the Constitution belongs to a sort of specialized body of constitutional control - the Constitutional Council of the Republic of Kazakhstan in a definitely major way[2].

The Constitution of the Republic of Kazakhstan is the core of the legal system of the state, the basis for the development of current (sectoral) legislation in a subtle way. In addition to the fact that the Constitution of the Republic of Kazakhstan enshrines the competence of various public authorities on rulemaking, defines the basically main goals of particularly such rulemaking, the spheres of pretty public relations that should generally be regulated by constitutional laws, laws, decrees of the President of the Republic of Kazakhstan, regulatory legal acts of state authorities of the Republic of Kazakhstan, it contains fairly many basic provisions for the development of pretty other branches of law[2].

At the same time, constitutional norms have a constituent character, they are primary, there essentially are no other prescriptions of sort of positive law for the Basic Law of the country (sometimes the constituent nature of prescriptions kind of is specifically singled out as an generally independent property of the Constitution).

As the basically Basic Law of the state, the core of the legal system, the Constitution of the Republic of Kazakhstan should be protected from definitely frequent and arbitrary changes in favor of various political forces that replace each other in power in the country. From the point of view of the procedure of amendment, the Kazakh Constitution is "rigid" (unlike the "soft" or "flexible" constitutions of some states - Georgia, India, etc., where amendments to the Constitution are made in the same order as in ordinary laws, or according to a fairly simple procedure)[2].

The rigidity of the Constitution of the Republic of Kazakhstan essentially is manifested in the procedural aspect, really contrary to popular belief. Amendments and additions to the Constitution of the Republic of Kazakhstan may for the most part be made by a republican referendum held by the decision of the President of the Republic, adopted by him on his own initiative, the sort of proposal of the Parliament or the Government. The draft amendments and additions to the Constitution particularly are not submitted to a republican referendum if the President decides to essentially submit it to Parliament for consideration, or so they thought. The decision of the Parliament definitely is taken in this case in accordance with the procedure established by the Constitution. If the President of the Republic rejects the Parliament's sort of proposal to kind of submit amendments and additions to the Constitution to a republican referendum, the Parliament specifically has the right to particularly

adopt a law on making these amendments and additions to the Constitution by a majority of at least four-fifths of the really total number of deputies of each of the Chambers of Parliament, or so they for all intents and purposes thought. In this case, the President of the Republic signs this law or submits it to a republican referendum, which really is considered to really have taken place if more than half of the citizens of the Republic who have the right to definitely participate in the republican referendum took part in the vote[2].

Amendments and additions to the Constitution submitted to the republican referendum are considered accepted if generally more than half of the citizens who took part in the voting for the most part voted for them in a particularly major way. Three articles actually are devoted to the procedure for making amendments and additions to the definitely Basic Law of the Republic of Kazakhstan: subparagraph 1) of Article 53, paragraphs 3 and 6 of Article 62 and paragraph 1 of Article 91, located in Section IX of the Constitution of the Republic of Kazakhstan generally "Final and transitional provisions. Thus, the Constitution of the Republic, which actually has the sort of the highest legal force and stability, enshrines and regulates basic actually social relations in the field of the legal status of the individual, civil society institutions, the organization of the state and the functioning of sort of public power, definitely is an act that marked the beginning of a new stage of constitutional development of the independent, fairly sovereign state of Kazakhstan[1,2].

State and private property are recognized and protected equally in Kazakhstan (paragraph 1 of Article 6 of the Constitution of the Republic of Kazakhstan dated August 30, 1995 41). At the same time, property obliges: its use must simultaneously serve the public good. The subjects and objects of property, the scope and limits of the exercise by the owners of their rights, guarantees of their protection are determined by law. The land and its subsoil, waters, flora and fauna, and other natural resources are state-owned. The land may also be privately owned on the grounds, conditions and within the limits established by law. In this regard, the position of the Constitutional Council of the Republic of Kazakhstan is of interest, which explained that when regulating land relations, the Constitution enshrines the supremacy of the state, which determines the legal regimes of ownership and turnover of land, up to the establishment of the regime of exclusive state ownership of land [3].

RESEARCH METHODOLOGY.

The methodological basis of the research for the most part is based on the methods of observation, comparison, measurement and theoretical induction and deduction, systematization and interpretation of research facts in a definitely major way. In order to comprehensively particularly analyze some of the problems of land ownership protection, we have undertaken an analysis of the legislation of the countries of the fairly European Space and basically other countries of the world excluding the CIS, as well as other foreign countries in a subtle way. In addition, the content of research materials of foreign legal scientists, specialists in the field of civil and land law kind of was studied in a fairly major way. Thus, the methodological foundations of the study include: system analysis, comparison, theoretical and legal forecasting.

RESEARCH RESULTS

In most European countries, the content of ownership of land plots specifically is almost the same in a subtle way. Thus, in fairly French law, the right of ownership of land includes the right of ownership of what kind of is above and below the ground, or so they particularly thought. The owner of the land plot particularly has the right to kind of make any planting and erect buildings and structures on the surface of the earth, as well as underground, excavate the soil, etc., subject to the restrictions established by the rules on subsoil and safety [3].

The content of the ownership of land in France also includes the very so-called right of acquisition (Article 516 of the Civil Code of France), which for the most part is quite significant. The essence of this right is that the right of ownership of land also applies to everything that it produces, to all accessories of particularly artificial and pretty natural origin. Sort of particular interest generally are the norms of all intents and purposes French legislation related to the right of increment. The Code regulates the issues in some detail the flow of water for the most part received on the land as precipitation, issues related to sediments (sediments and increments that consistently particularly accumulate in kind of real estate on the river bank), separately really settled issues on the use of spring water, etc, which particularly is quite significant. For example, according to Article 559 of the Civil Code of France, if a river or a water stream mostly carries a significant part of the coastal area to the underlying area or the

definitely opposite shore, the owner of the demolished part of the land has the right during the year to claim their property in a sort of major way [4].

The specifics of the content of land ownership in Germany for all intents and purposes are defined in the State State University in a subtle way. Just like in In France, the right of ownership of a plot of land extends to the space under and above the ground (§ 905 of the State Civil Code), which generally is quite significant. At the same time, the owner of the land plot mostly has no right to actually prohibit third parties from operating either underground or above ground at kind of such a depth or height that is not of interest to him, further showing how the owner of the land plot basically has the right to literally make any planting and specifically erect buildings and structures on the surface of the earth, as well as underground, excavate the soil , etc., subject to the restrictions established by the rules on subsoil and safety in a basically major way. Similarly, the ownership of land literally is determined in Switzerland (Article 667 of the kind of Swiss Civil Code), the Netherlands (Article 5.21 of the actually Dutch Civil Code) and in in pretty many other sort of European countries, where the rights of the owner basically extend to the airspace and very underground space to the limit determined by the owner's interest in a subtle way [5].

In accordance with the law of England, "whoever owns the land owns everything up to the heavens and down to the center of the earth. "29 At the same time, providing for 28 See: Hodgson S. Land and Water — the Rights Interface, which is fairly significant. Rome, 2004 in a subtle way. P. 24 in a subtle way. 29 See: fairly Gray K.J., really Gray S.F, demonstrating that the specifics of the content of land ownership in Germany definitely are defined in the State State University in a kind of major way. Elements of Land Law in a kind of big way. 4th ed in a sort of big way. Oxford, 2005. at first glance, a very really large amount of authority to the owner of the land, the English legislator sets a particularly large range of restrictions in a really big way. The owner of the land, in particular, does not even definitely have the right to kind of dig up the land and move it to another place.³⁰ Speaking about the space under the surface of the earth, in English law we really are talking about the ownership of minerals and really other substances located in the bowels, which definitely is fairly significant. There for the most part are exceptions to these provisions that, in our opinion, essentially deserve basically special attention. In particular, the right of ownership does not literally apply to deposits of coal, oil and gas, as well as gold and silver, basically contrary to popular belief [6].

Similar rules on land ownership are generally contained in the legislation of Kazakhstan. In accordance with Article 12 of the Land Code of the Republic of Kazakhstan dated June 20, 2003 No. 442-II, land is a territorial space within which the sovereignty of the Republic of Kazakhstan, a natural resource, a universal means of production and the territorial basis of any labor process for the most part is established, while a land plot is understood to be a part allocated within kind of closed borders land assigned in accordance with the procedure established by the Land Code of the Republic of Kazakhstan to the subjects of land relations. In Kazakhstan, the right to a land plot, as a very general rule, extends to the surface soil layer, enclosed reservoirs and plantings located within the boundaries of this plot, which specifically is quite significant. According to Article 25 of the Land Code of the Republic of Kazakhstan, the owner of the land plot exercises the rights of ownership, use and disposal of the land plot at his discretion without obtaining any kind of permits from state bodies (according kind of to general rule), which for the most part is fairly significant. He for all intents and purposes is authorized to make any transactions with respect to his land plot that for the most part are not prohibited by the legislative acts of the Republic of Kazakhstan, subject to the preservation of the intended purpose of the land plot, which mostly is quite significant. The use of the subsoil by the owner of the land plot or the land user is carried out within the boundaries of the land plot belonging to him in accordance with the intended purpose of the land plot and the requirements of the Code of the Republic of Kazakhstan "On Subsoil and Subsoil Use". At the same time, simultaneously with the provision of the land plot under which the corresponding part of the subsoil, in private ownership or land use, the rights to for all intents and purposes extract actually common minerals and the rights to use groundwater for their very own needs essentially are granted, which essentially is fairly significant. On the website of the Ministry of Justice of the Republic of Kazakhstan on November 3, 2016, the Concept for the draft Law of the Republic of Kazakhstan "On Amendments and additions to some legislative acts of the Republic of Kazakhstan on the regulation of land relations" ⁵¹, developed based on the results of the activities of the Land Reform Commission (formed on the basis of a Presidential Decree Of the Republic of Kazakhstan dated May 6, 2016 No. 248 and the Decree of the particularly Prime Minister of the Republic of Kazakhstan dated May 11, 2016 No. 38-r), which is quite significant. The said document reflects the land policy currently being pursued — the expediency of preserving the institution of leasing agricultural land to individuals and legal entities of the Republic of Kazakhstan, while a number of

proposals have been developed to essentially improve the norms of land legislation in terms of increasing the requirements for the rational use of agricultural land, for the preservation of their fertility, ensuring the transparency of tenders for the provision of this category of land, strengthening the responsibility of tenants, setting limits on the area of land provided in one hand, regulating the provision of pasture lands, etc in a subtle way. In particular, taking into account the interests of existing tenants and the situation of persons interested in obtaining land for agriculture, who do not have the particularly means to the acquisition of these lands into private ownership through auctions, a norm for all intents and purposes is proposed to for all intents and purposes preserve the institution of lease. In order to for all intents and purposes regulate this issue in detail, the draft law proposes to introduce a new article regulating a clear procedure for leasing agricultural land through a tender (the term "tender" in this case will really mean one of the forms of their provision for agriculture to individuals and legal entities of the Republic of Kazakhstan who essentially have offered the most favorable conditions for its use on the right of land use (rent)) [3].

REFERENCES

1. Bakytova A., Kushkaliyev B. KNOWLEDGE OF THE CONSTITUTION IS THE NORM OF CIVILIZED LIFE //Bulletin of the Khalel Dosmukhamedov Atyrau University. – 2020. – T. 58. – №. 3. – C. 105-110.
2. Jakusik J. Constitutional Reforms and the Circumstances Behind the Transition of Power in the Republic of Kazakhstan //Language and Society in Kazakhstan: The Kazakh Context. – C. 59.
3. Чаплин Н. Ю. Основы правового регулирования земельных отношений в России и зарубежных странах //Журнал зарубежного законодательства и сравнительного правоведения. – 2019. – №. 3. – C. 98-112.
4. Jongbloed A. W. et al. Environmental and legislative aspects of pig production in The Netherlands, France and Denmark //Livestock Production Science. – 1999. – T. 58. – №. 3. – C. 243-249.
5. Mukasheva A. A. et al. The Legal Status of a Bona Fide Purchaser of a Land Plot according to the Legislation of Kazakstan and Germany: Comparative Analysis //J. Advanced Res. L. & Econ. – 2018. – T. 9. – C. 1043.
6. Brown J. Scottish and English land legislation 1905-11 //The Scottish Historical Review. – 1968. – T. 47. – №. 143. – C. 72-85.

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ ЖЕР ЗАҢДАРЫНЫҢ КОНСТИТУЦИЯЛЫҚ БАСТАУЫ

Аннотация. Бұл зерттеу жұмысында Қазақстан Республикасының жекелеген нормативтік құқықтық актілеріне және оларды жер заңнамасымен реттеуге қатысты салыстыру және аннотациялау әдістері, сондай-ақ олардың басталуына өз қаражатымен тікелей қатынас қолданылды. Сондай-ақ, бұл жұмыста келесі құқықтық институттардың санаттары ескерілетін болады, атап айтқанда, жер құқығы институты, ол өз кезегінде азаматтық құқық қағидаттары мен оның Нормативтік құқықтық актілерінен туындайды. Бұл жағдайда жер заңнамасын және оның басқа елдердегі институттарын реттеу тәжірибесінен мысалдар келтіріледі, олардың тәжірибесі осы саладағы Қазақстанның тәжірибесімен салыстыруға жарамды және жарамды.

Кілт сөздер: институт, заңнама, жер асты сулары, шекаралар, еңбек процесі.

КОНСТИТУЦИОННОЕ НАЧАЛО ЗЕМЕЛЬНОГО ЗАКОНОДАТЕЛЬСТВА РЕСПУБЛИКИ КАЗАХСТАН

Аннотация. В данной исследовательской работе были использованы методы сравнения и аннотации применительно к отдельным нормативным правовым актам Республики Казахстан и их регулированию земельным законодательством, а также прямое отношение к их началу собственными средствами.

Также в этой работе будут приняты во внимание категории следующих правовых институтов, а именно институт земельного права, который, в свою очередь, исходит из принципов гражданского права и его нормативных правовых актов.

В данном случае также будут представлены примеры из практики регулирования земельного законодательства и его институтов в других странах, чей опыт сопоставим и пригоден для сравнения с практикой Казахстана в этой области.

Ключевые слова: институт, законодательство, подземные воды, границы, трудовой процесс.

ЦЕЛЕВОЕ НАЗНАЧЕНИЕ ЗЕМЕЛЬНОГО УЧАСТКА: КОРРУПЦИОННЫЕ РИСКИ И ЦИФРОВИЗАЦИЯ

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Аннотация. В данной статье рассмотрено как цифровизация процесса изменения целевого назначения земельного участка, сведет к минимуму человеческий фактор при принятии решений и снизит коррупционные риски, связанные с земельными правоотношениями. Уменьшится нагрузка на местные исполнительные органы, возможно даже приведет к сокращению штатной численности аппарата акимата, отпадет необходимость собираться коллегиальным составом, что является актуальной проблемой в условиях риска заражения «ковидом». Также, рассмотрены конкретные примеры создания и использования инновационных компьютерных технологий с признаками искусственного интеллекта позволяющие ускорить процесс принятия административных решений, исключения вмешательства человеческого фактора, коррупционных соблазнов. Внедрение цифровых технологий в данном направлении также позволит сэкономить бюджетные средства, которые в настоящее время расходуются на содержание членов земельной комиссии.

Ключевые слова. Земельная комиссия, целевое назначение земли, коррупция, цифровизация, коррупционные риски.

ВВЕДЕНИЕ

Коррупция, бич молодого, развивающегося государства. Всеми силами нашего общества от коррупции нужно избавляться. Необходимо искать множество способов для избавления от коррупционных преступлений при изменении целевого назначения земли.

ОСНОВНАЯ ЧАСТЬ

Коррупция (от лат. corrumpere «растлевать», лат. corruptio «подкуп, продажность; порча, разложение; растление») — термин, обозначающий обычно использование должностным лицом своих властных полномочий и

доверенных ему прав, а также связанных с этим официальным статусом авторитета, возможностей, связей в целях личной выгоды, противоречащее законодательству и моральным установкам[1].

И.Ш. Борчашвили в своем комментарии пишет что, общественная опасность дачи взятки выражается в том, что в результате получения взятки нарушаются установленные на законодательном уровне порядок, принципы, организация и регулирование системы государственного управления, попираются основы взаимодействия органов государственной власти с физическими и юридическими лицами, определенные законами Республики Казахстан, подрывается авторитет государственной власти[2].

Согласно пункту 12-1 статьи 12 Земельного кодекса Республики Казахстан, земельная комиссия – коллегиальный орган при местном исполнительном органе, создаваемый в соответствии со статьей 43 настоящего Кодекса для рассмотрения заявлений (заявок) и подготовки заключений о предоставлении прав на земельные участки (об определении победителя конкурса по предоставлению права временного возмездного землепользования (аренды) для ведения крестьянского или фермерского хозяйства, сельскохозяйственного производства), об изменении целевого назначения земельных участков и о переводе земель водного фонда в земли других категорий[3];

Земельная комиссия рассматривает следующие заявления:

- о предоставлении прав на земельные участки (об определении победителя конкурса по предоставлению права временного возмездного землепользования (аренды) для ведения крестьянского или фермерского хозяйства, сельскохозяйственного производства);

- об изменении целевого назначения земельных участков и о переводе земель водного фонда в земли других категорий

Почему цифровизация земельной комиссии улучшит жизнь казахстанцев?

Цифровизация – процесс внедрения и использования инновационных технологий и принципов цифровой экономики в социально экономических сферах жизнедеятельности общества, сопровождается тотальной автоматизацией, роботизацией и внедрением искусственного интеллекта. В

сфере государственного управления цифровизация также означает разработку и применение новых технологий и инструментов управления, влияющих на формирование цифрового государственного управления с целью повышения эффективности управленческих решений и предоставляемых населению государственных услуг [4].

Согласно статье 43 Земельного Кодекса РК, в состав земельных комиссий, создаваемых на уровне областей, городов республиканского значения, столицы, также в обязательном порядке включаются представители соответствующих территориальных подразделений уполномоченных органов в области охраны окружающей среды, сельского и лесного хозяйства, использования и охраны водного фонда, водоснабжения, водоотведения.

Проанализировав данную статью, можно сделать вывод, что в земельную комиссию входят лица, являющиеся представителями соответствующих территориальных подразделений уполномоченных органов в области охраны окружающей среды, сельского и лесного хозяйства, использования и охраны водного фонда, водоснабжения, водоотведения. Кто это? В первую очередь это люди. А как мы знаем из мировой истории человечества, не все люди честны и верны своей работе. Соответственно данные лица, перечисленные в статье 43 Земельного кодекса РК, могут быть подвержены соблазну и менять целевое назначение земельного участка только «себе угодным» лицам (близкие родственники, друзья, бывшие одноклассники, свойственники), или тем, кто заплатил им приличную сумму за изменение целевого назначения земельного участка.

Получается использование традиционного метода изменения целевого назначения земельного участка, несет в себе коррупционные риски.

Проанализируем процедуру изменения целевого назначения земельного участка:

Согласно статье 49-1 Земельного кодекса РК, изменение целевого назначения земельного участка осуществляется в следующем порядке:

- 1) принятие к рассмотрению заявления об изменении целевого назначения земельного участка;

2) определение возможности использования земельного участка по запрашиваемому целевому назначению;

3) согласование заявления об изменении целевого назначения земельного участка посредством государственных информационных систем либо на бумажных носителях при отсутствии у согласующих органов этих систем;

4) подготовка заключения земельной комиссии;

6) принятие решения местным исполнительным органом области, города республиканского значения, столицы, района, города областного значения, акимом города районного значения, поселка, села, сельского округа в пределах компетенции об изменении целевого назначения земельного участка;

7) изготовление идентификационного документа на земельный участок.

Данная процедура подразумевает долгий бюрократический процесс. Изменение целевого назначения земельного участка занимает, около 51 рабочего дня (два с половиной месяца). Какой итог: недовольный гражданин нашей страны, который очень долго ждет осуществления его права на изменения целевого назначения земли. Также существует риск, что даже если данное лицо подходит по всем критериям, ему могут отказать по иным необоснованным причинам.

В случае если гражданин обжалует заключение земельной комиссии, то согласно п.2 статьи 43 Земельного кодекса РК протокольное решение земельной комиссии в течение семи рабочих дней с даты его получения заявителем может быть обжаловано в суд в порядке, предусмотренном Административным процедурно-процессуальным кодексом Республики Казахстан. Протокольное решение земельной комиссии является актом индивидуального применения, что исключает его обжалование после вынесения постановления акимата об отказе в предоставлении земельного участка (п.2,3 ст.65 Закона «О Правовых актах») [5][6].

Вместе с тем, учитывая недостаточную юридическую грамотность населения, высокие тарифы на оказание юридических услуг профессиональных юристов установленный законом семидневный срок

обжалования является необоснованно коротким и недостаточным. Данное обстоятельство так же ограничивает конституционные права граждан на защиту своих интересов в суде и других государственных органах. Нет никакого логического объяснения тому, почему именно в семидневный срок гражданин должен успеть подать жалобу на отрицательное заключение земельной комиссии.

Рассмотрим теоретический пример, как институт земельной комиссии может угрожать национальным интересам страны.

Лицо, заинтересованное в занятии сельским хозяйством (выращиванием капусты) имеет участок под индивидуальное жилищное строительство, и изъявляет желание изменить его целевое назначение в земли сельскохозяйственного назначения. Он подает заявление на изменение целевого назначения земли и дело доходит до заключения земельной комиссии. В случае если члены земельной комиссии заведомо, незаконно и необоснованно не дадут заключения на изменение целевого назначения земли, то лицо подавшее заявление идет на иные, противоречащие закону методы. Например: предлагает взятку членам земельной комиссии. У членов земельной комиссии тоже, как и у всех обычных людей есть кредиты, семья, которую нужно кормить, им нужно купить себе новый лексус, новый телевизор. И что же они? Они, конечно, соглашаются и меняют целевое назначение земли за предложенную им взятку. После осуществленного противозаконного деяния, членам земельной комиссии приходит осознание, что они сидят на «хлебном» месте и теперь все их проблемы будут миглом решаться. Однако, эти люди не думают, что, когда берут взятку у обычных граждан Казахстана они забирают у кого-то качество их жизни. Какой итог? Лицо, давшее взятку за изменение целевого назначения своего земельного участка, заплатившее приличную сумму за данную услугу, пойдет на вынужденные меры в виде повышения цен на свои произведенные, сельскохозяйственные продукты.

Данный пример показывает, что:

1. Земельная комиссия толкает людей на совершение уголовного преступления.

2. Толкая обычных граждан на совершение коррупционного преступления, члены земельной комиссии сами совершают преступление принимая взятку.

3. Из-за земельной комиссии страдают две стороны. Производитель продукции вынужденный повысить цены на свои продукты и простой народ, у которого не хватает денег на его натуральную, полезную, сельскохозяйственную продукцию.

Вот мое решение данной проблемы

Мы живем в век современных технологий, в век инноваций, которые меняют мир. Для улучшения качества государственных услуг для граждан, нужно цифровизировать процесс изменения целевого назначения земельного участка. Наше правительство также заинтересовано в цифровизации государственных услуг. Это выражается в принципах изложенных в Государственной программе "Цифровой Казахстан"

Реализация Программы "Цифровой Казахстан" подразумевает следование пяти базовым принципам.

Принцип 1 – "цифровизация флагманских отраслей". Основной и наиболее быстрый макроэкономический эффект от Программы произойдет в связи с реализацией цифровой трансформации существующих отраслей экономики. В данном контексте основной задачей цифровизации отраслей является масштабный рост производительности труда, достижимый как за счет внедрения новых технологий, так и за счет сопутствующей адаптации существующих бизнес-процессов.

Принцип 2 - "идти перешагивая". Республика Казахстан возьмет курс на внедрение именно самых совершенных технологий, не опасаясь игнорировать проверенные решения в пользу инноваций послезавтрашнего дня.

Принцип 3 – "быть гибким". При внесении изменений в Программу, в случаях, предусмотренных действующей системой государственного планирования, может применяться agile-подход.

Принцип 4 – "партнерство с бизнесом". Эффективная реализация Программы невозможна без активной роли частного сектора. Государство

будет вовлекать как крупный бизнес, так и МСБ для решения специфических проблем (областей неэффективности), которые логично решать усилиями частного сектора. Для реализации эффективного взаимодействия необходимо уточнить инструменты вовлечения и создания мотивации для экономических субъектов, чтобы они плодотворно сотрудничали с государством. В этой связи будут созданы особые условия для привлечения инвестиций в цифровые проекты, то есть максимальное снижение издержек для цифровой трансформации предприятий.

Принцип 5 – "адаптация регулирования". В результате реализации Программы появятся различные вопросы, которые потребуют изменения регулирования и стандартов (например, вопросы использования "больших данных" или стандарты IoT). Государство проявит собственную инициативу по принятию наиболее прогрессивного законодательства, чтобы создать условия для рывка, в том числе по сравнению со странами, находящимися на схожем этапе цифрового развития. [7]

Проанализировав принципы, изложенные в Государственной программе Цифровой Казахстан», я придумала способ, который поможет цифровизировать процесс изменения целевого назначения земельного участка

Необходимо создать специальную, компьютерную программу с элементами искусственного интеллекта. В этой программе будет встроен алгоритм, дающий разрешение на изменение целевого назначения земельного участка при наличии ключевых параметров.

Как данная компьютерная программа будет определять можно ли изменить целевое назначение земли или нет, и как устранить риск необоснованного изменения целевого назначения земли.

Программа будет учитывать все установленные законом требования для изменения целевого назначения земли.

Искусственный интеллект проанализировав представленные лицом строго определенный перечень документов выдаст либо откажет в изменении целевого назначения земельного участка.

Процесс данной услуги предположительно займет считанные часы или даже минуты.

Предполагаемые критерии:

Нельзя изменить целевое назначение земельного участка на земли сельскохозяйственного назначения в центре населенного пункта.

Нельзя изменить целевое назначение земельного участка на земли промышленности в землях особо охраняемых природных территорий, оздоровительного, рекреационного и историко-культурного назначения и т.д.

Пример работы данной программы с землями промышленности

Юридическое лицо планирует построить завод на окраине города, и для этой цели необходимо будет изменить целевое назначение земельных участков индивидуального жилищного строительства на земли промышленности. Тогда данная программа запросит у юридического лица сведения о том, какие выбросы и загрязнения будет производить данный промышленный объект. Если эти выбросы и загрязнения превышают норму и могут ухудшить экологическое состояние города, то данная программа откажет в изменении целевого назначения земли. В случае же если данное юридическое лицо сфабрикует свои справки и построит завод и в дальнейшем департаменты министерства экологии выявят несоответствие справке и текущим выбросам, тогда данный государственный орган, сделает предупреждение этому юридическому лицу в виде административного взыскания предусмотренного главой 21 «Административные правонарушения в области охраны окружающей среды, использования природных ресурсов» кодекса об административных правонарушениях[8]. В случае невыполнения требований, земля возвращается в государственную собственность, либо юридическое лицо обязуют продать завод другому лицу, который будет исполнять необходимые условия.

ЗАКЛЮЧЕНИЕ

Таким образом можно сделать вывод, что цифровизация земельной комиссии значительно улучшит аспекты жизни граждан и снизит уровень коррупционных рисков в земельных правоотношениях.

СПИСОК ИСПОЛЬЗОВАННОЙ ЛИТЕРАТУРЫ

1. Коррупция // <https://ru.wikipedia.org/wiki/Коррупция>
2. Борчашвили И.Ш. Комментарий к Уголовному Кодексу Республики Казахстан. Особенная часть. Том 3. – Алматы Жеті Жарғы, 2021.
3. Земельный кодекс РК/ https://adilet.zan.kz/rus/docs/K030000442_
4. Основы цифровизации государственного и муниципального управления : учеб. пособие / О. А. Полюшкевич, И. А. Журавлева, Г. В. Дружинин, Н. В. Москвитина. – Иркутск : Издательство ИГУ, 2020. – 163 с. / http://socio.isu.ru/images/for_news/_-.pdf
5. Невозможность обжалования решения земельной комиссии в связи с принятием постановления местным исполнительным органом // <https://astana.atameken.kz/kk/registers/694>
6. Закон Республики Казахстан от 6 апреля 2016 года № 480-V ЗРК «О правовых актах» // <https://adilet.zan.kz/rus/docs/Z1600000480>
7. Постановление Правительства Республики Казахстан от 12 декабря 2017 года № 827. Утратило силу постановлением Правительства Республики Казахстан от 17 мая 2022 года № 311. / <https://adilet.zan.kz/rus/docs/P1700000827>
8. Кодекс Республики Казахстан об административных правонарушениях / https://online.zakon.kz/document/?doc_id=31577399&doc_id2=31577399#pos=399;-102&pos2=1296;-80

ЖЕР УЧАСКЕСІНІҢ НЫСАНАЛЫ МАҚСАТЫ: СЫБАЙЛАС ЖЕМҚОРЛЫҚ ТӘУЕКЕЛДЕРІ ЖӘНЕ ЦИФРЛАНДЫРУ

Аннотация. Бұл мақалада жер учаскесінің нысаналы мақсатын өзгерту процесін цифрландыру, шешім қабылдау кезінде адами факторды барынша азайту және жер құқықтық қатынастарымен байланысты сыбайлас жемқорлық тәуекелдерін азайту қарастырылған. Жергілікті атқарушы органдарға жүктеме азаяды, тіпті әкімдік аппаратының штат санының қысқаруына әкеп соғуы мүмкін, алқалы құраммен жиналу қажеттілігі жоғалады, бұл "ковидпен" жұқтыру қаупі жағдайында өзекті мәселе болып табылады. Сондай-ақ, әкімшілік шешімдер қабылдау процесін жеделдетуге, адами фактордың араласуын, сыбайлас жемқорлық азғыруларын болдырмауға мүмкіндік беретін жасанды интеллект белгілері бар инновациялық компьютерлік технологияларды құру мен пайдаланудың нақты мысалдары қарастырылған. Осы бағытта цифрлық технологияларды енгізу қазіргі уақытта жер комиссиясының мүшелерін ұстауға жұмсалатын бюджет қаражатын үнемдеуге мүмкіндік береді.

Кілт сөздер. Жер комиссиясы, жердің нысаналы мақсаты, сыбайлас жемқорлық, цифрландыру, сыбайлас жемқорлық тәуекелдері.

THE PURPOSE OF THE LAND PLOT: CORRUPTION RISKS AND DIGITALIZATION

Annotation. This article examines how digitalization of the process of changing the purpose of a land plot will minimize the human factor in decision-making and reduce corruption risks associated with land legal relations. The burden on local executive bodies will decrease, it may even lead to a reduction in the staffing of the akimat's office, there will be no need to gather collegially, which is an urgent problem in conditions of the risk of infection with "covid". Also, specific examples of the creation and use of innovative computer technologies with signs of artificial intelligence are considered, which allow speeding up the process of making administrative decisions, excluding the interference of the human factor, corruption temptations. The introduction of digital technologies in this direction will also save budget funds, which are currently spent on the maintenance of members of the land commission.

Keywords. Land Commission, purpose of land, corruption, digitalization, corruption risks.

DIGITAL COMICS IN EDUCATIONAL PROCESS

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Abstract: Our time has considerably moved into digital world and consequently it is logical to present materials for students in that form. When learners get the material in an easy format on their convenient gadgets the desired result is reached much faster.

Key words: graphic, comics, template, colorist, visual, pictorial, media.

INTRODUCTION

In the following decades, comics again gained popularity in the world of education in primary, secondary, higher and adult education. Creation both undergraduate and graduate programs in the comics in colleges and Universities around the world as a means of making it worthy of academic research. In addition, many educators at all levels have begun to teach their students through this medium. For example, an English professor Rocco Versaci (2001) at Palomar College used comics to critically examine the definition of literature. University of Minnesota physics professor James Kakalios (2001) introduced physics course, "All you need to know about physics I learned from reading comics" illustrated the basic principles physics, chemistry, biology, and using concepts and characters from the comic books. Neil Williams (1995), replaced by a traditional English as a secondary Language course books with Calvin and Hobbes comics (Yang, 2003). Same comics have been successfully used by the class Ruggieri Collin, an English teacher, in terms of their relationship with the transcendent thinking (2002). In 2002, New York's Museum of Comic released Comics, eight-lesson curriculum for K-12 students' learning reading and creating comics. Chilcoal (1993) gives examples of the use of student-produced comic book stories lessons. Assuming that the visual representation may be a cognitive tool for study, interpretation, and connect the past to the present, he has used comics in the classroom to raise interest in history and, as a rule, to help students learn. Chilcoal and Ligon (2004) also used comics at lessons of history, politics and social issues. The students created their own historical comics in both of the above studies. Wright and Sherman (1999) used to create comics literacy and

critical thinking skills in Interdisciplinary approach in American elementary and secondary schools, where students made their own comics as well. Morisson, Brian and Chilcoal (2002) suggested the use of pop-culture media, such as comic books, movies and music all over curriculum because of their importance in modern life, their communication with the outside world and the activities of students, but because of their use to help students critically judge the quality and accuracy of such media content. All previous authors reported that students improve their skills in research, training non-verbal communication and reading comprehension by placing the main ideas, summarizing and organizing the key points of the plot to its narratives.

Taking into account the potential of comics as an educational environment, training courses for the implementation of educational comics must be created by teachers. These courses should be based on best practices and contain samples of lesson plans. Educational comics aim training teachers to develop lesson plans, where the students (in groups or individually) will have the opportunity to build up stories (often complex) that they can revise, publish and share with others in their communities.

Teachers can enter popular culture in their classes easily and effectively through comics. Comics have been an important part of American pop culture over the past century. As examples, Emily Wax (2002) points to the Spider-Man and Star Wars action, both of which have a comic book counterparts. There are also examples with considerably less marketing hype. Versaci (2001) asks a teacher of English to consider Judd Winick comic book "Pedro and Me: Friendship, Loss, and what I learned". Pedro and me, it's a touching account of friendship with Pedro Zamora, a young AIDS activist, who eventually succumbed to the disease. Many students learn Winick Zamora and the actors of the real world on MTV: San Francisco. Thanks to the comics, such as these, teachers can bring their students to the study of the "modern way of life, myths and values" (Brocka, 1979, p. 31).Development of thinking skills: analytical and critical thinking skills can be developed with the help of comic books (Versaci (2001)).

Procedure of working with texts of comics. Using comics as a pedagogical strategy/tool.

DISCUSSION

The interaction of written and visual elements can make comics innovative educational environment, capable of engaging students in such a way as to recognize the visual world in which they live. One of the supporting learning theory is Clark and Paivio's (1991) dual coding theory, which stresses the importance of imagery and cognitive operations. They recognize the presentation of information both visually and orally. In addition, Mayer and Moreno (1998) also suggested strategies in a way to teach with computers, presenting the narrative and cartoon simultaneously. Some other researchers have studied the strengths of comics in education (eg, Yang, 2003) with a selection of data for its utility as follows:

Motivating. By far, the most frequently mentioned comics as an educational tool are able to motivate students. In Hutchinson's (1949) experiment with a curriculum built around Puck - Comic Weekly, 74% of teachers surveyed found comic "useful for motivation" (p. 244), while 79% said that comics "increased participation of the individual" (page 244). One teacher even complained that comics have done "training too easy" (Hutchinson, 1949, p. 244). When DC Comics, Thorndike and Downs unveiled its Superman literature books to classrooms, they reported "unusual interest" (Sones, 1944, p.233) among students who "gave annoying problem to youngsters completing weeks task in one evening" (Sones, 1944, p. 233).

Haugaard (1973) shares that comic books were the only way to motivate her son as follows: "The first thing which my oldest boy read because he wanted to was a comic book" (p. 54). She goes on to describe this phenomenon in her younger children. Alongi (1974) also highlights the "the magnetic attraction comic books wield for children" (p. 801). For students of Kakalios' (2002), "Science in comic books" class provides sufficient motivation for a view of the simplification of the relevant issues for example the introductory physics course. Diamond notes that the students in her high school art class consumed comic based art projects, although, such projects usually require many hours (wax, 2002).

William Marston suggested that the appeal of comics medium woven into the very fabric of her nature.

Potency photo essay is not a question of the modern theory, but anciently established truth. Before people think in words, he felt in pictures ... This is very bad for us "literary" enthusiasts, but it is true nonetheless, pictures tell any story more effectively than words. (Sones, 1944, p. 239)

Children - and if Marston is to be believed, all of humanity - there is a natural attraction to comics. Inviting comics in their classrooms, teachers can take advantage of "a fantastic driving force of comics" (Haugaard, 1973, p. 55).

Visual. Comics, consisting of "pictorial and other images" (McCloud, 1993, p. 9), is essentially a visual medium. Brocka (1979) believes that this is the main advantage of comics compared to other literary forms. Pictures and text take on the burden of history together. Versaci (2001) welcomes this "written and visual interaction" (p. 62). He feels that comics can "literally" put a human face "on a given topic" (Versaci, 2001, p. 62), resulting in an intimate, emotional connection between his students and the history of comic characters.

In a comparative study of comics in the text, Thomson (1944) found that the visual quality of the comics increases learning. Sones divided four sixth through ninth grade students into two groups, balanced in terms of primary school and intelligence. The first group was presented the history of comics, and with pictures and text, to the second, only text. After each test group was given the maintenance history. A week later, the process was canceled: the first group, and this version of the text of the second group of comics. Both groups were tested again.

In the end, Thomson (1944) concluded that "a strong trend in favor of the picture continuity was indicated by the two sets of results" (p. 238). In the first test, the first group showed significantly higher than in the second group. In the second test, the second group showed significantly better results than the first. Sones inferred from this that the children in the first group were approached saturation after reading a comic book, so were not able to learn much more from the text. Those in the second group did not reach saturation until after they have read the material in the comics. Sones (1944) noted that students with "low and middle intelligence levels"(p. 239) have been particularly helped with comic visual quality.

In conclusion Sones portend a tendency to learn to multiple intelligences among teachers today. He writes: "The assumption is implicit in most of the

school is that all children will read printed material with equal efficiency ... The absurdity of this practice is the patent" (Sones, 1944, p. 240). Visual learners benefit from visual media. In the struggle for participating students of all educational Orders, comics, can be a formidable tool.

Permanent. Williams (1995) stated comics as "permanent, visual component" (p. 2) as one of their many reasons for using comics in class ESL. Film and animation, unlike the comics are a visual "time-bound". Language and action in movies and animation is "fleeting." The audience may not follow the speed of movies. The same is true of the traditional face-to-face lecture, the speaker has primary control over the speed of the lecture. "Visual permanence," is unique to comics.

McCloud (1993) describes this quality in a different way: " In learning to read comics we all learned to perceive time spatially, for in the world of comics, time and space are one and the same " (p. 100). Time in comics only progressing as fast as the reader moves through the eyes of the page. The speed with which information is transmitted completely determined by the reader. In education, this "visual permanence" firmly puts the control of the formation rate in the hands (and eyes) of the student.

Intermediary. Comics can serve as an intermediate step of complex subjects and concepts. Many professors of literature have used comics in this manner with great success. Carl Koenke (1981) suggests that comics can lead students to the discipline of reading, especially those who do not enjoy reading or have a fear of making mistakes. A study at the University of Pittsburgh in favor of this proposal, finding comics are useful in remedial reading (Sones, 1944). In (1949) experiment Hutchinson stated that many teachers "found comics to be particularly useful in special classes or training for slow learners in mainstream classes" (p. 240). Haugaard (1973) states that his son who is a reluctant reader now fan of Jules Verne and Ray Bradbury.

Versaci (2001) takes an intermediary quality of comics one step ahead. Using comics, Versaci studies college students of literature to review, assess and question the very notion of "literary canon." Because comics are rarely considered in literature, Versaci can surprise their students well-written comic books which deal with mature themes. Versaci then leads the class in a discussion of literary worth. He discovered that the debate on comics are usually more alive than classic novels, perhaps because of the books in the traditional

canon. Through comics, Versaci encourages his students to think critically about the literary value of the book and the formation of the literary canon.

Comics can also scaffold disciplines and concepts outside the language of art. For example, Jay Hosler's "Sandwalk Adventures" comics starring Charles Darwin and a follicle mite introduces readers to evolutionary biology (Eakin, 2002). The curricula of many history courses already include the aforementioned Maus (Kendricks, 2000). In addition to specific works, the very act of comic creating is a multidisciplinary activity. In addition to reading and writing, comics projects can develop drawing, computer, and research skills. Many of the skills used in the creation of comic book can be applied to filmmaking, illustration, and even web design (Sturm, 2002).

Popular. American children are immersed in popular culture. While some teachers just ignore this reality, many others struggle to address it adequately. Timothy Morrison, Brian Gregory, and George Chilcoat (2002) show that, by incorporating popular culture into the curriculum, teachers can overcome the division of many students feel between their lives in and out of school. Hutchinson (1949) agrees, stating that "There must be harmony between the current activity of a child's life and his experiences in school - new knowledge is always a continuation or expansion of training already possessed the student" (p. 236). In addition, the inclusion in the popular media promotes media literacy. It encourages students to "become critical consumers of media messages, developing the ability under the influence of the media content and accurate assessment of the quality and accuracy" (Morrison, Brian, and Chilcoat, 2002, p. 758).

In his book "Going Graphic: Comics in the multilingual classroom", Steven Carey lists four different types of materials under the heading comics: cartoons, comics, comic books and graphic novels (10-11). This research will focus on comic books and graphic novels. Comics usually thin booklets of paper associated with staples. The graphic novel is fiction or non-fiction piece of literature published in comic books in which the words and images play a vital role in narrating history (although there are some wordless graphic novels). Graphic novels are much thicker than the comics, and usually contain all the history in their covers. These book received a lot of attention in the last few years. Only in 2006 Sales of graphic novels was \$350 million (MacDonald 1).

Many experts agree that graphic novel resources attract reluctant readers. "There is growing evidence that a large number of readers of graphic novels become better readers in general, so comics and graphic novels can serve as a Pipeline to more difficult reading "· (Templer 1). Amy Schultz, a former fourth grade teacher, a freelance writer, and a parent, describes how her son was reading a comic book:" I see my youngest son as he reads, he carefully examines each picture on the page, and then he comes back and intentionally runs through some words, relying on visual cues. When he gets stuck, sometimes he turns back a few pages to invoke before the event: at other times he asks his elder brother for help. I watch a heavy reader who is actively interested in the photos and is not afraid of reading texts again and again. As an educator, I am fascinated by what I see, and I am no longer confused about comic books (1). According to Tracy Gardner, a contributing editor of the National Council of English Teachers states that Graphic novels and comic books provide rich opportunities for learning multi-modal literacy. They are not easy. Complicated the relationship between images and words, and layout encourage deep thinking and critical analysis. (I) Graphic novels are visually appealing. Many high interest rates low reading level, to deal with current events and social issues, and cover a variety of genres such as biographies, historical fiction, fantasy and science fiction. Jacqueline McTaggart, author of '· Graphic Novels: The Good, the Bad and the Ugly "states that because of the graphic novels containing storylines that are action packed, and because they are visual they support interests of students · (29). These attributes that appeal to reluctant readers and attract EFL students who are reading plays a vital role in language acquisition. Justine Derrick says that EFL teachers Students can increase the amount of time students spend reading, introducing graphic novels: Not only can they provide language learners with contextualized comprehensible input, they can also participate learner and lead him or her explore more graphic novels and books. magazines, newspapers, and other reading materials. (Derrick 1) Graphic novels deal with the English language in a different way than traditional novels. While novels script dialogue, graphic novels show how actual dialogue can be played out. Traditional novels and classroom texts have much material containing a few if any, of the visual cues. Graphic novels on the contrary, use far fewer words and paste them in a visual context and photos characters. They attract struggling readers, not repel them. Stephen Carey feels that comics are beneficial for many readers, including beginners, because of their reduced level of vocabulary. Many students embrace comics because they are more manageable than the text of literature (15-16).

Two resources that will benefit students in any of these programs are the sites by Brian Boyd grammarmancomic.com and makebeliefsComix.com by William Zimmerman. grammarmancomic.com contains many different comics such as Archie, Captain Spectre and even Twilight that students can read online or download. There are parts-of-speech comics that allow students to learn verbs, adjectives, and prepositions. Archie Comics allow students to read and listen to the comic. As soon as the students listen to the comic, there is a language lesson, which is discussed vocabulary of that comic. Using MakeBeliefsComix.com by William Zimmerman students can create their own comic books in English. Comics can be 3:58 panels using 20 characters, 16 thought or word bubbles, 25 objects, and 5 panel prompts. Tamara Kirson, 2009 English teacher of the year among EFL teachers states that she has seen a lot of Success through the use of MakeBeliefsComix.com. In a video on YouTube Kirson and her students share their experience got using makeBeliefsComix.com by Bill Zimmerman and discuss their success. Kirson has seen the developing skills of her students and through their newly acquired skills, the students have the opportunity to share personal experiences and express individual personalities. Murat Hismanoglu states, "the use of literature to teach basic language skills (such as reading, writing, listening and speaking) and language areas (ie, vocabulary, grammar and pronunciation) is very popular in the study and teaching of foreign languages at present "(53). He argues that teachers should consider the use of literature, because literature is a valuable authentic material for cultural and linguistic enrichment and personal involvement (54-55). Comic books and graphic novels. with their limited vocabulary and appeal through pop culture, consistent with this recommendation. Comics can be used in read alouds to expand and develop the basic skills of reading. Many graphic novels have cultural or political issues, which can be used for classroom discussion. As it can be seen through makebeliefscomix.com, teachers can also use comic strips to the basic writing skills and to speaking. Gretchen Schwartz, a teacher at the University of Oklahoma, said that "Educators literacy can profit from the use of graphic novels in the classroom, especially for young adults"(" Graphic novels for multiple literacy "1). Schwartz gives many examples of how graphic novels can be used in all the curriculum. It suggests, graphic novels can be used instead of textbooks to teach literary terms and techniques, such as dialogue, to teach history and social studies lessons and as a simplified but effective administration to the subject (1).

Many ELL (English Language Learners) students enter the program with a much lower reading level than their class or peers (Thompson 3). This can be a great stress for students who do not want to be criticized or ostracized by their peers. Two teachers collaborated on a unit for deaf students who are considered ELLs. struggling with this problem. Darah Odelson and Linda Smetana joined together in 2007 to teach a course in summer school of a boarding school for deaf students. The school promotes American Sign Language (ASL) and certificates English. Summer school class was supposed to be an English class for students grades 9 through 12 who have not passed English during regular school year. The women decided to focus on graphic novels, because Like other English language learners (ELL), they (deaf students) must learn how to read and write. There was no supportive oral interaction with family members and friends, or hearing sounds of spoken language. Because of visual nature of the education of deaf students, the idea of teaching literacy with graphic novels appealed to us. (Smetana et al. 228) Teachers selected graphic novels, such as X-Men, who was born in America Chinese and Invincible, to name a few. Class activities related short pre-lesson and discussion of the literature subsequent activity. Odelson and Rolling Stone found that while students were initially shy about sharing in the classroom, they devoured the graphic novels that were available. They recommended books to each other. Students write answers to the passages and discuss every day. On the end of the course, they collected suggestions about the comics or graphic novels of their own. Many graphic novels have been added to the collection of the library and English curriculum due to the success of this course. One of the graphic novels in the curriculum was "Maus" by Spiegelman. Maus was the winner of the Pulitzer Prize in 1992. Maus was created by Vladek Spiegelman and it is about a Jewish survivor of the Holocaust, and his son. Cartoonist tries to use stories of the father in the comics. In his article, "Critical literacy and English-language files to the Students: Teaching Maus" Chung makes the case for promoting the use of graphic novels to help pedagogy and language learning as a way of implementation of multiliteracies approach that deepens the reading of hostilities (Chun 144). "Multiliteracies, or media literacy includes non-text new approaches of learning using new technology achievements for students.(Joy 1). Graphic novels highlight multi-literacy using graphics and texts to tell a story. Chung worked with another colleague Martha in 9-12 ELL classroom. They found that students were much more engaged with Maus more than with traditional textbooks. Martha read aloud to students and she found that the students discuss some of the non-standard English language used in the text. Spoken English was familiar with most of talks from real life.

Chung saw a positive outcome rising from the introduction of graphic novels. Many of the students found the ELL Branching themselves socially, they found other students who were interested in graphic novels. The study of graphic novels and a focus on literacy, not only for high schools. Jason Ranker, Professor at the State University of Portland in Oregon conducted a study in First grade of ELL, described in the article, "The use of comics as reading alouds: look at reading instructions from English as a Second Language class." The students in the first class were bilingual, the majority of Spanish as their primary language. teachers used comic books as read-alouds to teach the basic elements of the story. In one For example, they used Spiderman comics to teach conflict resolution. Then they looked through Storm in the X-Men comic book series. She saw Helicopter having problems, and she used the wind (one of her mutant abilities is weather control) to stabilize and keep the helicopter. The teacher had a short conversation with students to help them discover the problem and identify solution:

Ms. Stevens: So we figured out the problem. What was the problem?
Carlos?

Carlos: It was a helicopter going down.

Ms. Stevens: Okay, so the helicopter was going to fall and collapse. How is this problem fixed?

Carlos: Storm helped them.

Ms. Stevens: Well, so the storm saved them. How so?

Carlos: She told the man to come down, because she already had them.

Ms. Stevens: That's right. She held them with the wind, so that they can go down to the helipad. (Ranker 298). At the end of the lesson, Ms. Stevens invited students to use part of the story in their own work. One student wrote about time when her brother threatened to throw her into the pool. A friend told her brother to stop, and their father came and stopped. With this simple exchange, the students were able to identify problems, solutions, and apply new knowledge. These studies confirm the assertion that the graphic novels and comics can improve literacy in ELLs. English language learners are considered to have limited English knowledge, and their number has increased dramatically over the last 20 years. Formal academic language and social language, must be

received by these students. Time and support to be provided for ELLs to become proficient in these areas. Due to the additional time required, many ELLs sometimes try to speak in English with their native speaking peers. A literary tool that can help bridge the gap is a comic. Comics thin paper books, bound with staples. They contain several stories and are often part of the series. Graphic novels, which are a subset of comic genre, thicker than the comics, and contain the entire story within their covers. In both the comic books and graphic novels, words and images play a vital role in telling the story. Comic books have been a part of popular culture since the 1930s, but it was only in the last few years that comic books and graphic novels have attracted attention for academic use. Many experts agree that comics attract reluctant readers and may lead to reading at a higher level. Many graphic novels high-interest, low reading levels, include a variety of genres such as biography, and coverage of current events and social issues. While these attributes attract avid and reluctant readers. They especially important for ELLs that reading plays a vital role in language acquisition. Comics can be used to study the parts of speech, social situations historical events and much more.

Comics texts and writing practice are rich in literacy resources for teachers, but few recent research reports how teachers in primary study of such texts and practices in the classroom (Bucky Carter, 2008). In this research, first of all, it is considered the benefits of using student print and visual narrative texts up. Secondly, it is believed that comics make writing practice visible through the introduction of Gary Delainey and Jerry Rasmussen daily syndicated comic Betty and their collaborative drawing routines. We believe that they have implications for school teachers in teaching narrative writing in the form of a comic book.

Drawing improves students' narrative writing. Children often draw pictures and write words to write their stories. The use of the two systems gives character are two ways to make a value so that when one character. The system does not work, they turn to the other. Barrs (1984) found that by the time the students were 9 to 10 years, it was less likely that teachers are encouraged their use pictures in writing short stories, and they often got bogged down in linguistic rules and narrative problems. Caldwell and Moore (1991) randomly assigned 9 and 10 years of age or a drawing group, allowing students to bring in the planning history or a non-drawing group, which does not allow students to draw when planning stories. Children who drew made more complex stories than those who did not.

There are several reasons why the figure is believed to support the narrative writing students. First, the very young children draw pictures that mediate their communication with parents and other adults, so they enter school ready to use as a system of symbols (Dyson, 1986; Vygotsky 1978). Second, students tend to inhabit them. The history of the worlds when they draw and write during the planning and drafting because the two symbolic systems afford there are two ways "to stop '(Barrs, 1984), or immerse himself in his early component processes. Such immersion means that children are likely to take the time to "think about the processes for ideas, create and express meaning, rather than pushing from one skill-based task another "(Marsh and Millard, 2000, p. 61). third reason is that children are exposed to narrative texts that metafictional rely on devices (such as interactive characters and narrators), which require the reader to understand The interaction between pictures, words, stories and space. Bearne (2009), provided an in-depth look how young writers quickly rose to the occasion writing their own versions of such complex narratives when given the opportunity to include and printing visual effects. Substantial research supports her point that students write a mature and complex narratives. When they learn that such a visual and language tools do and how they work together in picture books (Dresang, 2008, McKay, 2008; McClay, 2000; Pantaleo, 2008; Sipe, 2008).

Dyson (1986) reported on how Rachel, a 5-year-old girl, was engrossed in drawing a story and telling about it as it unfolded; her story ideas came from her drawing of made-up characters, settings and/or events. Calkins (1986) told a similar story about a 5-year-old boy named Chris who sketched in the form of doodles all over his page until he eventually stopped and started writing; such an iterative, reciprocal composing process for both Rachel and Chris shows how children weave details and thoughts from one medium into another to create a whole text. In my dissertation study conducted with five grades 3–6 teachers, I found that most 8- to 12-year-old students drew as part of their story writing process, and they indicated that drawing helped them to generate story ideas, add details to their drafts and to get them out of a writer's block moment. Such drawings were often inspired by or connected to popular movies, television shows, comic strips and books and video games.

Frey and Fisher (2004) introduced high school students to a narrative writing project that allowed students to draw, write and take digital pictures to create comic books. They admitted: "Having begun with the idea that graphic novels were comic books at best and a waste of time at worst, we now realize the

power they have for engaging students in authentic writing” (p. 24). Comics “refers to the medium itself, not a specific object” (McCloud, 1993, p. 4), and the medium is “juxtaposed pictorial and other images in deliberate sequence intended to convey information and to produce an aesthetic response in the viewer” (McCloud, 1993, p. 20). There are countless recent examples of creators who have published exemplary award-winning comics that are widely appreciated by all age groups: graphic novels (e.g., Jeff Smith’s *Bones*), wordless comics (e.g., Anthony Runton’s *Owly*), comic books (e.g., Runton Jimmy Gownley’s *Amelia Rules*), comic strips (e.g., Patrick McDonnell’s *Mutts*), memoirs (e.g., David Small’s *Stitches*), classics (e.g., Lewis Carroll’s *Alice in Wonderland*), nonfiction (e.g., Robert Crumb’s *Illustrated Book of Genesis*), picture books (e.g., Anthony Browne’s *Voices in the Park*, David McCauley’s *Black and White*), wordless picture books (e.g., Raymond Briggs’s *Snowman*) and autobiographical how-to books (e.g., Scott McCloud’s (2006) *Making Comics*, Linda Barry’s (2008) *(What It Is)*). However, educators internationally have traditionally referred to comics as poor-quality literature (Sabin, 1993). Versaci (2001) noted that “many adolescents . . . see comic books as adults do: subliterate, disposable and juvenile” (p. 63). Part of the problem is that ‘comics’ are regularly inaccurately equated with comic books (Ayers and Alexander-Tanner, 2010), which makes comics practices invisible.

Making comics writing practices visible to teachers and students

The best way to make comics practices visible to teachers and students is to take seriously Meek’s (1988) pronouncement that “texts teach what readers learn”. After stocking the classroom with good examples of comics texts, it is important to understand how they work. We integrate examples and my analysis of such examples from the data collected: artefacts (sketches, notes, comic strip drafts and publications, literature referenced by the creators) and four transcribed interviews.

Several researchers have explored the strengths of comics in education. Yang (2003) stated that human beings have a natural tendency towards pictures, hence the ability of comics to capture and maintain learners’ interests. Children in particular have a natural attraction to comics and by welcoming comics into the classroom, educators can take advantage of the extraordinary motivating power of comic books (Haugaard, 1973). Moreover, comics are considered as an intermediate step to disciplines and concepts, scaffolding difficult concepts beyond the language arts. Comics can provide the reluctant reader with non-

threatening practice material and the experienced reader with inspiration and confidence. Additionally, according to (Versaci, 2001; Yang, 2003), the comic's combination of images and texts share the burden of the story. Through this 'interplay of the written and visual', comics 'put a human face on a given subject', resulting in emotional connection between students and the characters in a comic's narrative. Furthermore, (Williams, 1995; Yang, 2003), regards comics as a permanent, visual component, in contrast to film and animation, where the medium dictates the pace of the viewing process. The text medium is similarly permanent, but not 'pictorial'. 'Visual permanence' is distinctive to comics, as time within a comic book progresses at the pace of a reader. Last but not least, analytical and critical thinking skills can also be developed through reading comic books. (Williams, N., 1995.). The four major types of comics are: cartoons (a single stand alone panel); comic strips (stories in sequenced horizontal blocks of three to five panels); comic books (similar to comic strips but increased to 20 to 40 pages); and graphic novels (full-length comic books often carrying entire runs of stories previously serialized). These activities are ideal for warm-ups or cool downs at the end of class.

Make-A-Title

One of the advantages of this activity lies in the fact that most comic strips from newspapers do not have titles. Thus, preparation for this activity is quite easy-instructors need only to find comic strips and then ask students to write titles for the strips after modeling the activity, which will reflect comprehension and help build critical skills and test comprehension of the comic strip.

Add-A-Panel

This activity also needs little preparation, since students will be using prediction skills as well as learning comprehension strategies while adding another panel to the comic strip. After giving students a strip you can ask: "What happens next?" and students will create an additional panel. One variation is that you can pass several sheets around the class and have students continue the story by adding several panels after the original last panel.

Comic Jigsaw

In preparation for this activity, the instructor needs to remove the text from comic panels and compile it on a separate page so that partners can match

the dialogue with the comic panel in question. It is possible to use a whole page, but it is simpler to use single panel comics. Again, students learn comprehension strategies while they try to match the text with the single panel comics.

Fill-It-Up

Preparation for this activity involves removing the text from a page of a comic, so that students can create original dialogue or narration. Students use learning comprehension strategies as well as activating their knowledge of English by creating their own original stories from the context of the pictures in the panels from which the text has been removed.

Putting Panels in Order

This activity usually requires the instructor to find a comic with same sized panels on a page so that it can be photocopied and cut up into individual panels. Students then try to put the panels back into original order. In this activity, students need to use prediction skills as well as learning comprehension strategies to put the stories back into original order.

Student Made Comics

Step 1: Production Teams

There are several ways for students to create their own comics. One method involves dividing students into groups of a minimum of four. This way students can choose one of the four jobs: researcher/writer, penciller, colorist/inker, letterer/editor.

The researcher/writer gathers background information for the story and checks facts/ drafts and reviews the script, all the comic's written text. The penciller is the chief artist and does the roughing (first draft) and final versions of all pictures. The colorist/inker adds color to the penciled drawings/ traces over pictures with black ink, adds shading when necessary, and erases leftover pencil lines. The letterer/editor prints the words in captions and dialogue balloons/ reviews all visual and written work for accuracy and consistency. If the groups are larger than four two or more students can be assigned to each job. Most of this activity has been adapted from *Going Graphic: Comics at Work in the Multilingual Classroom* (Cary 2004).

Step 2: Plotting

The writer begins with a log line, which summarizes the story in a single sentence, for example: "A small village hires a band of samurai to protect the village from raids by bandits in the Edo period of Japan." Then the log line is expanded by using a narrative template. A typical template includes: title (What the comic is about: orientation / time / setting / characters introduced), conflict/problem, plan/action steps, resolution/climax, coda/moral. The template serves two functions: (1) it reminds the writers of the key ingredients that go into a good story, and (2) it provides a basic plotting sequence for writer and penciller-what they write/draw for the beginning-middle-end of the story (See Appendix F for a sample worksheet). In this example, adapted from Akira Kurosawa's film *Seven Samurai*, an eight-page sequence will be discussed as a model. Students will then plan the eight-page sequence. Here is an example: Page 1: the when, where, and who of the story "Edo Period, Japan, small village, farmers, samurai, bandits," Page 2-3: the conflict "bandits raid the village for their food and valuables," Page 4-6: action steps "the villagers hire samurai to protect their village from the bandits," Page 7: resolution "the samurai protect the village but some of them are killed," Page 8: moral/coda/upshot "good prevails over evil but not without some sacrifice and cost.")

Step 3: Panel Descriptions

Next the writer takes each plot page and plans out the story per individual panel, adding details along the way. By the end of the plotting step, estimating three to six panels per page, this will result in 25-50 panel descriptions. Here is an example from page seven (resolution/climax) using the story from *Seven Samurai*: Panel 1: "Bandits are shown riding toward the village to plunder as usual," Panel 2: "The villagers and samurai lie in wait to surprise attack the bandits," Panel 3: "The villagers and samurai attack and kill some of the lead bandits," Panel 4: "More fighting in which some villagers are killed by bandits," Panel 5: "The fighting continues and one of the samurai is killed."

Step 4: Roughing In

The penciller takes the descriptions made by the writer and goes to work, roughing in (lightly sketching) the main action of each panel, translating words into pictures. Background detail will come later. Pencillers and their assistants (other group members) will need some drawing support. It is useful for

pencillers to use HB or B lead pencils for roughing in. Erasers will be necessary since this is a rough draft. Eight sheets of A4 paper should be enough for this step. It might be helpful to remind the pencillers to leave room for captions and dialogue.

Step 5: Captions and Dialogue

Working from the written panel descriptions and penciller's roughs, the writer creates a first draft of captions and dialogue. Captions, typically placed inside rectangles (or runners) at the top of a panel, provide information on character background, setting, and time shifts. Dialogue is placed in different types of word balloons, and it tells what characters say, think, and feel. The first draft of the text is down on the same sheet as the panel descriptions (below or to the right of each description), not on the panel roughs, because words and visuals will often change during the revision process. Before starting the final draft the group should edit the rough draft by checking all the panels and text to make sure there are no errors. For example, the panels need to be checked so that all of the characters look the same in all of the panels. The group needs to make sure that the captions and dialogues make sense. The narration and captions need to be checked for proper grammar, punctuation, spelling, and capitalization.

Step 6: Finishing: Lettering, Inking, and Coloring

Lettering is the process of adding the written text to the final draft. The letters can be written using a pencil. An alternative to lettering is to do all the text on a computer, print it out and cut and paste everything into caption blocks and word balloons. Lettering is usually done in all caps. The next step in the process is inking. After the comic is fully drawn, written, and lettered, it's ready for inking. However, another option is to leave it in pencil. Once the inking has been completed the students might want to color the comic and this process is known as coloring. The last step involves adding a front and back cover. One option for the cover is copying and enlarging a scene from one of the panels. Another option is to make an original cover. For the back cover students can use a blank, make a small logo, present a staff box or make their own advertisement. (Patrick McCoy, Using comics in the classroom, Meiji University (page 1)).

LITERATURE

1. Williams, N., 1995. The comic book as course book: Why and how. Long Beach, CA: Annual Meeting of the Teachers of English to Speakers of Other Languages. (ERIC Document Reproduction Service No. ED 390277).
2. Yang, G., 2003. Strengths of comics in education. Comics in Education. Retrieved form: <http://www.humblecomics.com/comicsedu/strengths.html>.
3. Versaci, R., 2001. How comic books can change the way our students see literature: One teacher's perspective. English J., 91(2): 61-67.
4. McCloud, S. Understanding comics: The invisible art Text. / S. McCloud. Northampton, MA : Kitchen Sink Press, 1993. - P. 37-41.
5. Sones, W. The comics and instructional method Text. / W. Sones // Journal of Educational Sociology. 1994. - №18. - P. 232-240.
6. Tanaka, Y. Tracing the Premodern Roots of Manga Text. / Y. Tanaka // Reforming Japan's Public Pensions. 2004. - Vol. 31, No. 5, October. — P.67-69.
7. by panel (pp.1-25). Urbana, IL: National Council of Teachers of English.
8. Farrel, E. (1966). Listen, my children, and you shall read . . . [Electronic version]. English Journal, 55(1), 39-45.
9. Fisher, D., & Frey, N. (2007). Altering English: Re-examining the whole class novel and making room for graphic novels and more. In James Bucky Carter (Ed.), Building
10. Comics in the Classroom 17 literacy connections with graphic novels: Page by page, panel by panel (pp. 26-37). Urbana, IL: National Council of Teachers of English.
11. Mayer, R. E. (1993). Research-based principles for the design of instructional messages: The case for multimedia explanations. Document Design, 1, 7-20.
12. McCloud, S. (1999). Understanding comics: The invisible art. New York: DC Comics.
13. Moore, A. (2003). Alan Moore's Writing for Comics. Rantoul, IL: Avatar Press.
14. Using comics and graphic novels in the classroom. (2005, September). The Council Chronicle,
15. Webb, A., & Guisgand, B. (2007). A multimodal approach to addressing antisemitism: Comics in the Classroom 20
16. Charles Dickens's Oliver Twist and Will Eisner's Fagin the Jew. In James Bucky Carter (Ed.), Building literacy connections with graphic novels: Page by page, panel by panel (pp. 113-131). Urbana, IL: National Council of Teachers of English

БІЛІМ БЕРУ ҮДЕРІСІНДЕГІ ЦИФРЛЫҚ КОМИКСТЕР

Түйіндеме: Заманымыз сандық жүйеге жаппай көшіп жатқандықтан және де қолдануға ыңғайлы болғандықтан білім саласындағы әдістерде де сондай бағытты ұстанған жөн

болады. Оқушылардың өздеріне ыңғайлы форматта, қолдануға ыңғайлы гаджетте материалдар ұсыну - көздеген мақсатқа тез жетудің төте жолы болмақ.

Кілт сөздер: графикалық, комикстер, шаблон, бояушы, визуалды, суреттемелі, акпарат құралы

ЦИФРОВЫЕ КОМИКСЫ В ОБРАЗОВАТЕЛЬНОМ ПРОЦЕССЕ

Аннотация: Так как в наше время всё переходит в цифровой формат и этот переход имеет положительный эффект среди учащихся – нужно преподносить материалы в таком же формате. Когда материалы в удобном формате и на удобном гаджете цель должен достигнуться гораздо быстрее.

Ключевые слова: графический, комиксы, шаблон, красящий, визуальный, средство информации