

## The Legal Policy of the Republic of Kazakhstan: New Priorities and Succession

<sup>1</sup>Alua Ibrayeva, <sup>2</sup>Yeraly Abdikarim and <sup>2</sup>Madina Alimbekova

<sup>1</sup>Al-Farabi Kazakh National University, Kazakhstan, 140000, Almaty, Al-Farabi av.71

<sup>2</sup>Ahmet Yassawy International Kazak-Turkish University, Kazakhstan, 161200,  
Turkestan, Bekzat Sattarkhanov av. 29, Rectorate

---

**Abstract:** The article briefly describes the Concept of Legal Policy of the Republic of Kazakhstan for the period from 2010-2020, approved by Presidential Decree of 24, August 2009, priorities and some possible legal development of the country in the next decade. The author believes that the new Concept of Legal Policy will be better integrated into a single system of jurisprudence and practice, law-making and law enforcement, legal education and legal education, will create additional opportunities for constructive interaction of the state and civil society.

**Key words:** Kazakhstan • Legal policy • System of laws • Legal development • Globalization • Information technology and law.

---

### INTRODUCTION

The Kazakhstan in the 2000's. primarily due to a high rate of economic growth, abundant natural resources, political stability and inter-ethnic accord in a multinational state, was the clear regional leader [1]. The global financial crisis has significantly slowed the pace of development, forced to reconsider some priorities. Currently, the country faces the problem of formation and implementation of the concept of post-crisis development, economic modernization, industrialization of innovation and regulation should actively promote this.

Concept of Legal Policy of the Republic of Kazakhstan for the period from 2010 to 2020, approved by President of the Republic of Kazakhstan Nursultan Nazarbayev on August 24, 2009 [2], aims to modernize legislation to strengthen the state, democratization of the political system, implementation of the norms of international law ratified by acts. The paper focus on the development of combined law enforcement and governance with continuity of legal policy , consistent implementation of building standards of the Constitution and the law, to provide legal means to protect the rights and freedoms of national interests of sustainable development.

“In concept, - writes T. Donakov - the main directions of improving the national legal system, based on current trends in its development gained domestic and international experience, scientifically based views on the prospects of development of Kazakhstan's state and law. On this basis, the industry will be improved and the right to form a new generation of Kazakh legislation as a legal basis for further modernization of the country,... [3]”.

Since 2002, when it adopted the previous concept of legal policy, much has been done to improve the legislation. Constitutional reform in 2007 [4], which is in accordance with the Message of the President of Kazakhstan in 2005 completed the first stage of constitutional reforms announced. Began a gradual transformation of the state in the form of a presidential-parliamentary republic, the program democratization of political life as a condition for preparing the country for sustainable development, which requires greater mobilization of social forces, initiatives, fresh ideas. Experienced by the global financial crisis objectively diverted energy and resources to anti-crisis measures, the emerging processes slowed down, forced to rethink some elements of strategy and tactics, but did not affect the overall strategic policy of democratization as a real way to

increase the country's competitiveness., We note some aspects of the new concept of legal policy and opportunities.

**Development of Legislation:** The Concept noticeable large structured and meaningful advancement over previous documents of this kind in the country. This reflects some progress of jurisprudence, legislation, legal support personnel of state bodies, legal culture and integration into the international legal system. However, the “fundamental changes in the world economy and politics, globalization and the internal dynamics of the country do not allow rest on our laurels”, noted in the Concept [4].

In accordance with the new challenges of the time for reform of the financial system, the post-crisis industrialization, social and political modernization is necessary to further improve the standard-setting and enforcement of the state. In particular, to “continue to work to systematize the existing legislation, further consolidation by industry legislation, release it from the obsolete and redundant rules, fill in the gaps in the legal regulation, elimination of internal contradictions in the existing law; minimize reference rules in the laws and the increased adoption of laws direct action,...” in accordance with the Constitution.,

The concept seeks to introduce scientific examination of draft international treaties. In the context of globalization objectively required to actively participate in the international law-making, protecting national interests, creating a kind of legal shock for successful entry into the country in the international legal space, sharing and disseminating useful national legislative experience, spiritual and inter-ethnic harmony, etc.

The concept focuses on the legal regulation of the 17 branches of the legislation currently available codes. In the future, perhaps the allocation of new industries and the adoption of the new codes. But the expansion of their range should be very reasonable. For example, perhaps brewing the preparation of the Education Code (or the Education and Science), a new industry matures law regulating and expanding multi-level intellectual sphere of social relations. There have accumulated departmental normative legal acts of a few generations, the scope requires a more detailed and stable, more consolidated and then codified legislative regulation. In the information society, where education and science becoming global development priorities and competitiveness, it eventually, I think, is actualized.

The Concept provides widely and routinely involve members of the public rulemaking and associations representing the interests of private enterprise. In recent years, the ministries and departments, Akimats created advisory councils, but many of them work formally, are in half-asleep state. Ministry of Justice would be useful to summarize critical work of these councils for a more active involvement in the examination of draft legislation. Should be involved in their composition is more qualified lawyers active members of the public [5]. Platform for interaction between state and society should be actively used by business associations.

**Introduction of Information Technology in Government:** Concept of Legal Policy aims to modernize the legal framework for the activities of state bodies with the use of modern information technology with the development of the “e-government”.

In the information society are prerequisites for the modification of the state bodies, forms of law-making and enforcement. Part of state activity is automated, some features are complemented by information and reference infrastructure, etc. Is possible to use remote receiving various information and information to simplify and automate the payment of fees, commissions and taxes submitting reports, handling requests and complaints. This will reduce the staffing of civil servants who perform technical functions, in some situations, reduce direct contact between officials and citizens. Thereby decreasing the possible areas of corruption and bribery minimized temporary loss of physical and legal entities for submission of tax reporting, obtaining certificates, etc.

Development of electronic forms of legislation, legal research, popular and academic literature, websites requires accelerating training (especially programmers with the knowledge of law) for the field, expand the required service and publishing base., The concept states that “it is optimal functioning Benchmark bank regulations in the electronic format. At the same time necessary to introduce legislation provisions for electronic form of normative legal act that would be a major step in the information of national law” [6]. Eventually, all will play a big role electronic forms of publication regulations, record keeping in the courts, the publication of judicial decisions.

With the rapid and continuous updating of legislation electronic form has become the most optimal for systematization, preparing a set of laws of the Republic. The publication of his paper-inefficient, costly

and largely pointless when distributing electronic network technologies in the country. Creating master electronic Coll and maintaining it almost constantly updated version - feasible in the foreseeable future task requiring primarily personnel appropriately qualified, proper hardware and software [7].

**Constitutional Law and the Protection of the Constitution:** In constitutional law the most important task in the Concept recognizes the “full-blooded implementation of the principles and norms of the Constitution in the first place, in the activities of the government and its officials, ensuring at the same time as the direct application of the Constitution and the realization of its potential in terms of current legislation and enforcement”. Prospects for the development of constitutional law in the document associated with the improvement of existing constitutional laws regulating device and functioning state.

To successfully meet these challenges, it is necessary to increase the efficiency of constitutional and comprehensive implementation of the regulatory decisions of the Constitutional Council. At the moment is not fully used the potential of Art. 78 of the Constitution of the active role of the courts in the constitutional system of monitoring and updating of legislation [8]. To debug mechanism more active handling vessels to the Constitutional Council, including Supreme Court justices. This question could consider systemically Supreme Court and the courts to focus on the intensification of work to protect the rights and freedoms of citizens by accelerating the update of the legislation, are contrary to the Constitution. If the judge does not use the Constitution, is not capable of critical systems analysis of the legislation, has no position on the question of his competence. If he understands this, but does not initiate legislation to eliminate contradictions of the Constitution, the question of competence and position of chairman of the court, which could have advised the judge, in the absence of a specific court and the judicial system of a creative atmosphere that would help perform the constitutional duties of judges oh, perhaps a misunderstanding leaders vessels public interest and the role of courts in law-making [9]. Democratic form of involvement of the courts in updating legislation can give greater effect to the constitutional control in the country.

With the strengthening of Parliament advisable strengthening of the Constitutional Council, in particular, by expanding the range of subjects appeals (for example, the Commissioner for Human Rights, the Assembly of Peoples of Kazakhstan, Party parliamentary faction, etc.).

It would be useful also actively implement the right of the Supreme Court and local courts on the use of direct action of the Constitution when considering individual cases. To strengthen the Supreme Court as the highest judicial authority would be useful not only to strengthen the apparatus of the Supreme Court (which is also good), but also the composition of the Supreme Court judges prominent professors, lawyers, experts in criminal, civil and administrative and procedural law. It might be, to a certain extent, fresh and intellectual jet in the judicial system, a means of upgrading its personnel [10].

Concept of Legal Policy focuses on the creation of legal instruments that give additional impetus to the development of civil society and the realization of civil initiatives. Development of political parties, civil society as a whole - an objective necessity in the process of democratization. This requires a gradual further improvement of the laws on political parties, elections and the media [11]. Does not lose relevance formation of local government in the country, sending him certain public functions of local importance. For this important legislation and the right more clearly delineate the role of state and local government, to create real financial and other guarantees of the activities of local government, strengthen the status and powers of local representative bodies, to produce a certain decentralization of the local government bodies. Important in the coming decade will be the development of the Ombudsman for Human Rights, enhancing its efficiency. This institution requires, perhaps, a constitutional reinforcement, empowerment given priority constitutional rights and freedoms of man and citizen [12].

## CONCLUSION

The planned development of the legal sphere is not feasible without an increase in the legal culture and legal literacy. Another fundamental question - improving the quality of legal education. “Society and the state - said in a Concept - Need legal frames of the new formation, patriotic and focused on protecting the rights and freedoms of man and citizen, public and state interests... It is advisable to follow the path of consolidation capabilities of the state to address the training of legal personnel in different profiles modern conditions. Such an approach would avoid fragmentation of public resources and improve the quality of judicial training” [13].

In 2006, according to the Ministry of Education and Science of the Republic of Kazakhstan, in universities there were about 91 thousand future lawyers in more than one hundred universities and branches. A qualified

lawyers everywhere lacking. Now the situation has changed, but the quality of training of lawyers in many universities is poor.

Maturing a number of measures: reduction of non-core universities, increase the requirements for teaching personnel of universities and law faculties, increasing the number of points for admission to universities, technical and methodological modernization of legal education, the adoption of a program to convert the best educational and scientific domestic and foreign legal literature in the national language, an increase state support for civil legal education - the defenders of human rights and freedoms - by allocating additional grants, updating the existing rules of admission to universities and distribution of state education grants (now a lot of the best students do not receive state education grants). The adoption of these and other measures can help improve the quality of legal education as a basis for the implementation of legal policy [14].

As can be seen, concept has the potential of further democratization and modernization of the legal system. However, a large and skilled work for its implementation, regular monitoring of implementation of the plan and the planned measures may prompt, for example, five years later, its adjustment. In general, the concept of legal policy, I hope, will be better integrated into a single system of jurisprudence and practice, law-making and law enforcement, legal education and legal education, will create additional opportunities for integrated, planned and constructive cooperation between the state and civil society. As can be seen, concept has the potential of further democratization and modernization of the legal system. However, a large and skilled work for its implementation, regular monitoring of implementation of the plan and the planned measures may prompt, for example, five years later, its adjustment. In general, the concept of legal policy, I hope, will be better integrated into a single system of jurisprudence and practice, law-making and law enforcement, legal education and legal education, will create additional opportunities for integrated, planned and constructive cooperation between the state and civil society.

## REFERENCES

1. Ageyev, A.I., A.B. Bayshuakov and B.V. Kuroedov, 2006. Strategic Matrix Kazakhstan: Past, Present and Future Scenarios. M.,
2. Donakov, T., 2009. Concept of Legal Policy - a new stage of building a legal state // Kazakhstan Pravda. Sep 2.
3. Concept of Legal Policy of the Republic of Kazakhstan for the period from 2010 to 2020 // Kazakhstan Pravda. August 27.
4. Law on Patents of the Republic of Kazakhstan No. 427-I of July 16, 1999 (as amended by Law No. 237-III of March 2, 2007 on Amendments and Additions to Some Legislative Acts relating to Intellectual Property).
5. Medvedev, R., 2007. Kazakhstan breakthrough. Almaty.
6. Narikbaev, M.S. and S.F. Udartsev, Higher legal education: some reserves for development // Universities XXI century: innovation and new technologies: Proceedings of the international scientific conference devoted to the 75'th anniversary of Kazakh National University. Al-Farabi. 14 - October 15, 2009 - Almaty: Kazak University, 2009. T. pp: 1.
7. Document Of The European Bank For Reconstruction And Development. Strategy for Kazakhstan: Report on the Invitation to the Public to Comment.
8. Novoselskaya, Y., 2009. Sergey Udartsev: Shape anticorruption consciousness necessary from childhood (Interview) // Legal newspaper. - Almaty, pp: 1.
9. Path to Leadership: socio-economic and political reforms in Kazakhstan. - Moscow, pp: 1.
10. Kazakhstan, Waiting for Change // Asia Report No. 250., 30 September 2013.
11. Strategy For Gender Equality In The Republic Of Kazakhstan For 2006-2016. Astana, 2005.
12. Information on implementation of the Poverty Reduction Programme for 2003. UNDP data in Kazakhstan.
13. Speech of the Prime-Minister of the Republic of Kazakhstan D.Akhmetov at the Second Assembly of workers of Kazakhstan. 27. 08. 04.
14. Jim Nichol. Central Asia: Regional Developments and Implications for U.S. Interests. - November 20, 2013.