

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ  
ҰЛТТЫҚ ҒЫЛЫМ АКАДЕМИЯСЫНЫҢ

## БАЯНДАМАЛАРЫ

---

## ДОКЛАДЫ

НАЦИОНАЛЬНОЙ АКАДЕМИИ НАУК  
РЕСПУБЛИКИ КАЗАХСТАН

## REPORTS

OF THE NATIONAL ACADEMY OF SCIENCES  
OF THE REPUBLIC OF KAZAKHSTAN

ЖУРНАЛ 1944 ЖЫЛДАН ШЫҒА БАСТАҒАН  
ЖУРНАЛ ИЗДАЕТСЯ С 1944 г.  
PUBLISHED SINCE 1944



Б а с р е д а к т о р ы  
х.ғ.д., проф., ҚР ҰҒА академигі **М.Ж. Жұрынов**

Р е д а к ц и я а л қ а с ы:

**Адекенов С.М.** проф., академик (Қазақстан) (бас ред. орынбасары)  
**Величкин В.И.** проф., корр.-мүшесі (Ресей)  
**Вольдемар Вуйчик** проф. (Польша)  
**Гончарук В.В.** проф., академик (Украина)  
**Гордиенко А.И.** проф., академик (Белорус)  
**Дука Г.** проф., академик (Молдова)  
**Илолов М.И.** проф., академик (Тәжікстан),  
**Леска Богуслава** проф. (Польша),  
**Локшин В.Н.** проф. чл.-корр. (Қазақстан)  
**Нараев В.Н.** проф. (Ресей)  
**Неклюдов И.М.** проф., академик (Украина)  
**Нур Изура Удзир** проф. (Малайзия)  
**Перни Стефано** проф. (Ұлыбритания)  
**Потапов В.А.** проф. (Украина)  
**Прокопович Полина** проф. (Ұлыбритания)  
**Омбаев А.М.** проф., корр.-мүшесі (Қазақстан)  
**Өтелбаев М.О.** проф., академик (Қазақстан)  
**Садыбеков М.А.** проф., корр.-мүшесі (Қазақстан)  
**Сатаев М.И.** проф., корр.-мүшесі (Қазақстан)  
**Северский И.В.** проф., академик (Қазақстан)  
**Сикорски Марек** проф., (Польша)  
**Рамазанов Т.С.** проф., академик (Қазақстан)  
**Такибаев Н.Ж.** проф., академик (Қазақстан), бас ред. орынбасары  
**Харин С.Н.** проф., академик (Қазақстан)  
**Чечин Л.М.** проф., корр.-мүшесі (Қазақстан)  
**Харун Парлар** проф. (Германия)  
**Энджун Гао** проф. (Қытай)  
**Эркебаев А.Э.** проф., академик (Қырғыстан)

«Қазақстан Республикасы Ұлттық ғылым академиясының баяндамалары»

ISSN 2518-1483 (Online),

ISSN 2224-5227 (Print)

Меншіктенуші: «Қазақстан Республикасының Ұлттық ғылым академиясы» Республикалық қоғамдық бірлестігі (Алматы қ.)  
Қазақстан республикасының Мәдениет пен ақпарат министрлігінің Ақпарат және мұрағат комитетінде 01.06.2006 ж.  
берілген №5540-Ж мерзімдік басылым тіркеуіне қойылу туралы куәлік

Мерзімділігі: жылына 6 рет.

Тиражы: 500 дана.

Редакцияның мекенжайы: 050010, Алматы қ., Шевченко көш., 28, 219 бөл., 220, тел.: 272-13-19, 272-13-18,  
<http://nauka-nanrk.kz>, [reports-science.kz](http://reports-science.kz)

© Қазақстан Республикасының Ұлттық ғылым академиясы, 2018

Типографияның мекенжайы: «Аруна» ЖК, Алматы қ., Муратбаева көш., 75.

Главный редактор  
д.х.н., проф., академик НАН РК **М. Ж. Журинов**

Редакционная коллегия:

**Адекенов С.М.** проф., академик (Казахстан) (зам. гл. ред.)  
**Величкин В.И.** проф., чл.-корр. (Россия)  
**Вольдемар Вуйчик** проф. (Польша)  
**Гончарук В.В.** проф., академик (Украина)  
**Гордиенко А.И.** проф., академик (Беларусь)  
**Дука Г.** проф., академик (Молдова)  
**Илолов М.И.** проф., академик (Таджикистан),  
**Леска Богуслава** проф. (Польша),  
**Локшин В.Н.** проф. чл.-корр. (Казахстан)  
**Нараев В.Н.** проф. (Россия)  
**Неклюдов И.М.** проф., академик (Украина)  
**Нур Изура Удзир** проф. (Малайзия)  
**Перни Стефано** проф. (Великобритания)  
**Потапов В.А.** проф. (Украина)  
**Прокопович Полина** проф. (Великобритания)  
**Омбаев А.М.** проф., чл.-корр. (Казахстан)  
**Отелбаев М.О.** проф., академик (Казахстан)  
**Садыбеков М.А.** проф., чл.-корр. (Казахстан)  
**Сатаев М.И.** проф., чл.-корр. (Казахстан)  
**Северский И.В.** проф., академик (Казахстан)  
**Сикорски Марек** проф., (Польша)  
**Рамазанов Т.С.** проф., академик (Казахстан)  
**Такибаев Н.Ж.** проф., академик (Казахстан), зам. гл. ред.  
**Харин С.Н.** проф., академик (Казахстан)  
**Чечин Л.М.** проф., чл.-корр. (Казахстан)  
**Харун Парлар** проф. (Германия)  
**Энджун Гао** проф. (Китай)  
**Эркебаев А.Э.** проф., академик (Кыргызстан)

**Доклады Национальной академии наук Республики Казахстан»**

**ISSN 2518-1483 (Online),**

**ISSN 2224-5227 (Print)**

Собственник: Республиканское общественное объединение «Национальная академия наук Республики Казахстан» (г. Алматы)

Свидетельство о постановке на учет периодического печатного издания в Комитете информации и архивов Министерства культуры и информации Республики Казахстан №5540-Ж, выданное 01.06.2006 г.

Периодичность: 6 раз в год.

Тираж: 500 экземпляров

Адрес редакции: 050010, г.Алматы, ул.Шевченко, 28, ком.218-220, тел. 272-13-19, 272-13-18  
<http://nauka-nanrk.kz> [reports-science.kz](http://reports-science.kz)

---

©Национальная академия наук Республики Казахстан, 2018 г.

Адрес типографии: ИП «Аруна», г.Алматы, ул.Муратбаева, 75

**E d i t o r i n c h i e f**doctor of chemistry, professor, academician of NAS RK **M.Zh. Zhurinov****E d i t o r i a l   b o a r d :****Adekenov S.M.** prof., academician (Kazakhstan) (deputy editor in chief)**Velichkin V.I.** prof., corr. member (Russia)**Voitsik Valdemar** prof. (Poland)**Goncharuk V.V.** prof., academician (Ukraine)**Gordiyenko A.I.** prof., academician (Belarus)**Duka G.** prof., academician (Moldova)**Ilolov M.I.** prof., academician (Tadjikistan),**Leska Boguslava** prof. (Poland),**Lokshin V.N.** prof., corr. member. (Kazakhstan)**Narayev V.N.** prof. (Russia)**Nekludov I.M.** prof., academician (Ukraine)**Nur Izura Udzir** prof. (Malaysia)**Perni Stephano** prof. (Great Britain)**Potapov V.A.** prof. (Ukraine)**Prokopovich Polina** prof. (Great Britain)**Ombayev A.M.** prof., corr. member. (Kazakhstan)**Otelbayv M.O.** prof., academician (Kazakhstan)**Sadybekov M.A.** prof., corr. member. (Kazakhstan)**Satayev M.I.** prof., corr. member. (Kazakhstan)**Severskiy I.V.** prof., academician (Kazakhstan)**Sikorski Marek** prof., (Poland)**Ramazanov T.S.** prof., academician (Kazakhstan)**Takibayev N.Zh.** prof., academician (Kazakhstan), deputy editor in chief**Kharin S.N.** prof., academician (Kazakhstan)**Chechin L.M.** prof., corr. member. (Kazakhstan)**Kharun Parlar** prof. (Germany)**Endzhun Gao** prof. (China)**Erkebayev A.Ye.** prof., academician (Kyrgyzstan)**Reports of the National Academy of Sciences of the Republic of Kazakhstan.****ISSN 2224-5227****ISSN 2518-1483 (Online),****ISSN 2224-5227 (Print)**

Owner: RPA "National Academy of Sciences of the Republic of Kazakhstan" (Almaty)

The certificate of registration of a periodic printed publication in the Committee of Information and Archives of the Ministry of Culture and Information of the Republic of Kazakhstan N 5540-Ж, issued 01.06.2006

Periodicity: 6 times a year

Circulation: 500 copies

Editorial address: 28, Shevchenko str., of.219-220, Almaty, 050010, tel. 272-13-19, 272-13-18,  
<http://nauka-nanrk.kz / reports-science.kz>

© National Academy of Sciences of the Republic of Kazakhstan, 2018

Address of printing house: ST "Aruna", 75, Muratbayev str, Almaty

**REPORTS OF THE NATIONAL ACADEMY OF SCIENCES  
OF THE REPUBLIC OF KAZAKHSTAN**

ISSN 2224-5227

Volume 4, Number 320 (2018), 82 – 87

JEL340.5

**Z.K.Ayupova<sup>1</sup>, D.U. Kussainov<sup>2</sup>**

<sup>1</sup>Kazakh national agrarian university, Almaty, Kazakhstan;

<sup>2</sup>Kazakh national pedagogical university named after Abai, Almaty, Kazakhstan  
zaure567@yandex.ru

**TWENTY-SEVEN YEAR EXPERIENCE OF THE FORMATION  
OF LAW-ABIDING STATE IN THE REPUBLIC OF KAZAKHSTAN**

**Abstract.** The modern constitutional state is democratic state, where the rights and freedoms of the person are provided, and the people have the chance to participate in public life. According to Art. 1 of the Constitution of the Republic of Kazakhstan: “The Republic of Kazakhstan approves by itself the democratic, secular, constitutional and social state, in which supreme values are the person, his life, the rights and freedoms”. Our President in the course of creation of the constitutional state adhered to the principles: people’s sovereignty, rule of the Constitution, equality of all under the law, equality of the state and personal interests, firmness of the rights and freedoms of the person and citizen. Formation of the constitutional state is a long process, depends on the number of factors: level of social, economic and cultural development of the society; formation of the general systems of law; perfection of the law, regulating public life, etc. But, unfortunately, we have to overcome all these difficulties. In the republic the structures of the power are essentially different from the past. So, the President has been elected by public elections in the democratic way, all executive power, etc. was reorganized. At the end of 20-th century and the beginning of 21-st century the Republic of Kazakhstan has actively come to the new sides of cooperation with the CIS countries and world community, based on the principle of state sovereignty.

**Keywords:** constitutional state, civil society, national identity, Kazakhstan statehood, social justice, welfare of the people, stable state, socially oriented policy, legal system, legal culture.

The legal transformations in the field of economic relations are the heart of the reforms of the legal system. In the difference from the transformations in the political system, they began in our country earlier, during USSR, in the middle of 80-th as the efforts of modernization of the juridical mechanisms of the administration of the economic relations. For instance, cooperative movement, the relations of real economic calculation, self-financing, self-government, rent, others. The mistakes and failures have been explained, from our mind, by the weak legal basis, the legal powerlessness. The foundation of such system in the economic sphere is the Civil Code, which was adopted in the Republic of Kazakhstan in July, 1999, in spite of its elaboration in 1991. The Common Part acts since March, 1995. The Special Part means that the Civil Code works in the whole system. This is the main economic law of the country named “economic constitution”, “the constitution of the market economy”. The breach about 4-years between the introduction into the action the Common and Special Parts of the Civil Code cannot promote to the forming of qualitative legal system in the economy. In general, it will be ideal, when all property and personal relations regulated by the norms of the Civil Code. But it is impossible. There are many acts, substitute the norms of the main economic law, contradicted to it, violated legal requirements.

The next laws were adopted: 1. The Law “About the property”; 2. The Law “About the state support of small business”; 3. The Law “About the protection of environmental”; 4. The Law “About the land”; 5. Ecological Code.

All these laws have their own place and carry out definite role in the legal system. The special meaning has the legislation on bankruptcy and Civil Procedure Code.

The state authority in the Republic of Kazakhstan is divided into legislative, executive and judicial branches, which cooperate among themselves with a system of checks and counterbalances. The new Parliament has two chambers, consisting of the Mazhilis and the Senate. Executive authority is carried out by a system of executive agencies. The head of the state establishes internal and external policy. Government implements these policy directives. Judicial authority is subordinated to the Constitution and

the law. The Constitutional Council is allocated from the general judicial system, the circle of powers of prosecutor's office, courts and others vary. When the supreme arbitrator in the state is the President, The Constitutional Council serves as an optimizing body on maintenance of the constitutional legality.

The transformation and modernization of Kazakhstan's society, occurring before our eyes, is not a single action, but rather a long process of changes, unfolding and yielding a clearer vision of the modern, independent Republic of Kazakhstan.

One of the main principles of law-abiding state is the principle of the supremacy of law. This principle of law-abiding state found its legal reflection in the Constitution of the Republic of Kazakhstan, in the article 4, where have been written: "The provisions of the Constitution, the laws corresponding to it, other regulatory legal acts, international treaty and other commitments of the Republic as well as regulatory relations of Constitutional Council and the Supreme Court of the Republic shall be functioning law in the Republic of Kazakhstan. The Constitution shall have the highest judicial force and direct effect on the entire territory of the Republic. International treaties ratified by the Republic shall have priority over its laws and be directly implemented except in cases when the application of an international treaties shall require the promulgation of a law. All laws, international treaties of which the Republic is a party shall be published. Official publication of regulatory legal acts dealing with the rights, freedoms and responsibilities of citizens shall be a necessary condition for their application". This significant constitutional assignment of the principle of supremacy of law, to our mind, divided into two judicial demands: firstly, it is necessary to supply of the supremacy of the Constitution by itself, and secondly, the supremacy of the laws, which are not contradict the constitution. These two judicial requirements are the structural maintenance of the principle, which we are talking about. Let say, that this principle, first of all, has been addressed to the state and its organs, officials and their associations.

The supremacy of law- is the important category of the democratic law-abiding state. As the famous Russian scholar, professor M.N. Marchenko writes: "In accordance with this principle neither state organ, no official, organization don't release from the duty to submit to the law. When we talk about the supremacy, we mean it not in the wide meaning, but in it's strictly sense. So it is the act, emanates from the supreme judicial force" [1, P.363].

The forming and existence of the law-abiding state in any country supposes the establishment the real supremacy of law at all spheres of the life of the society, widening of the sphere of its direct influence on the public relations. Observance of the legality is not only the formal declaration, but the necessary demand, which is essential to observe. The observation of the legality determines the character of the state as the law-abiding democratic state.

Doctor of history, professor Martha Brill Olcott stressed, that "since independence, President Nazarbaev has tried to use international support to bolster an often floundering national economy. To do this he has traveled widely in an effort to secure a place for Kazakhstan as a bridge between East and West, between Europe and Asia" [2, P.222].

As the well-known jurist, professor V.D. Zorkin accounts, "the important principle of the supremacy of law, or law-abiding state, is the basis of new universal constitutional order of new democracies. Disorder and social chaos are its alternative"[3, P.12]. We are almost agreed with the scholar. Besides, its fixed in some international legal acts. For instance, Copenhagen Meeting on the security and cooperation in Europe (MSCE) in the Conclusion document fixed, that 35 states-the members of MSCE, are state about their desire to support the principles of justice, which educate the basis of the supremacy of the law.

The supremacy of law as the principle of law-abiding state means the priority not any law, but the law, which complies with the law demands. As the academician V.S. Nersesyants noted: "The law, in accordance with the constitutional concept of law-understanding, is not only the positive law, but the natural law, first of all, the integral main rights and freedoms of the citizens. Exactly, conformity or unconformity defines the legal or illegal character of all normative acts of the state, all the norms of acting legislation" [4, P.58].

Nowadays, all acting legislation in the law-abiding state must be legal and conform to the objective qualities of law. We mean not only the formal equality of law and its understanding as the general and necessary form of the liberty in the social relations of the people, but the law as the universal justice. It is very important to add the new definition- the powerful obligatory of the law (positive law) in the definite time and in fixed social space.

But we almost need to stress, that the law (which establishes as the justice) might be to correspond or to contradict to the right, or be the form of official powerful recognition and defense of the law and illegal requirements, allowance and prohibitions. Only as the form of the law's expression the right can be legal phenomenon. Owing to such a law the principle of law-abiding state receives the powerful state acknowledgement and defense, obtains the legal force. That way the law becomes the legal act. The legal act is the right with its necessary properties, which has an official recognition, concretization and defense, so-called legal power [5, P.64].

The real process of positive of law, its transformation into the right, the necessity of accounting of objective and subjective properties and demands of law, depends on from many different factors-objective and subjective (social, economic, political, cultural, legislative). From the position of liberal law-thinking, the legislation in socialism era is not the legal legislation. That's why well-known socialism law has not minimum necessary qualities of law, presents in the legal principle of the formal equality and freedom of the individuals [6, P.59].

So we see that in the law-abiding state there are no contradiction between the law and right. Moreover, the law is the logical result of the realization if law. Between the law and right it is very easy to find some harmony; the law has continuous connection with the right. When we are talking about the supremacy of law as the principle of law-abiding state we mean the supremacy of legal law. From the opposite side the laws, which are not correlated to the natural rights and freedoms of the people and contradicted to the principle of the legal act must be cancel immediately. We support the opinion of professor J.A. Tikhomirov, when he wrote: "To my mind, the supremacy of law means, first of all, recognition of the highest role of right in the civil society. The society and the citizens conceive the law if it's expresses the social interests and will if people, if it was adopted by the supreme organ of power by democratic way, in case if the law becomes the act, which is regulated the main spheres of public life and coordinated conflict problems" [7, P.16]. Everyone knows, that only law calls to regulate the status, rights, freedoms and obligations of the citizens. By the other hand, the citizens must to know and respect the law as the basis of their existence in the society. Being the special product of the public development of the legislative organs, the law, let say, raises above the powers, demands commensurable all activities with it. The state organs, officials take an obligation to observe the law. Also the law commands by the supreme judicial power, which means it's dominate position in the legal system. All normative acts assumed in accordance with the law and correlated with it. The supremacy of law has been recognized by the international community as the important feature of law-abiding state. The international legal acts are confirming and defense this principle as the basis for the cooperation of the states. In Paris Charter for the new Europe the section "Rights of the human, democracy and supremacy of law" has been separated, in which the states-participants are engaged to strengthen the democracy with the help of the supremacy of law as the guarantee of the rights and freedoms of the people, justice. All this demands the elaboration of mechanism of the acting of the norms of international and national law; their inclusion in the national legislation.

The principle of supremacy of law is as the significant component of the construction of law-abiding state must be fixed in the legislation. As we wrote before, in the Constitution of the Republic of Kazakhstan (article 4) this principle received its constitutional strengthening. The supremacy of the constitution characterized not only the situation in the hierarchy of the normative legal acts. Being the supreme law and main legal bases for the development all the branches of the legislation; the constitution regulates and elaborates the process of the creation legal norms and acts, which are supplied the realization of political, cultural and socio-economic transformation in the society. The evolutional development of the constitution by itself determines the reforming of the state and social viability as the complete process. The renewing of the modern civil, civil procedure, labor, and criminal, criminal procedure legislation must correlate to the main principles and positions of the constitution. The Constitution is the kernel of the legal system. The supremacy of law is the important part of the constitution. The Supreme Law has to prepare the ideological and normative legal soil to the development of human-being and limit the state arbitrariness. The Supreme Law ought to absorb all positive beginnings and to become the normative expression of progressive humanitarian and ethics mind. That's why the constitution is not only the Supreme Law of the state, adopted in accordance with the necessary procedure, but the law, which supplies the supremacy of law in the state, i.e. arranges and guarantees the freedom

framework and formal equality of the participants of the social community. Of course, when we are talking about the principle of the supremacy of law, we mean the principle of the supremacy of the highest law. It's supposed the functioning of the special justice organ in the state, which has an obligation to supply the supremacy of law in the legal system of the country over the whole territory and realize the characteristic of the Republic of Kazakhstan as the democratic law-abiding state. By the way, it is the competence of the state authorities: Government, Parliament. Besides, the special organ- the Constitutional Council- takes part in the system of state organs. It's legal status has fixed in the section 6, articles 71-74 of the Constitution. "The Constitutional Council of the Republic of Kazakhstan shall consist of seven members whose powers shall last for six years. The ex-Presidents of the Republic shall have the right to be life-long members of the Constitutional Council. The Chairperson of the Constitutional Council shall be appointed by the President of the Republic, and in case the votes are equally divided, his vote shall be decisive. Two members of the Constitutional Council shall be appointed by the President of the Republic, two- by the Chairperson of Senate, and two- by the Chairperson of the Majilis. Half of the members of the Constitutional Council shall be renewed every three years" [8].

The real maintenance of the supremacy of law can be established, when the by itself has high quality and the mechanisms of the realization of law are well done. The famous soviet scholar P.I. Stuchka wrote: "The first condition of the legality is the law by itself"[9, P.4]. We need to add, that many things are depends on the legislator, his intellectual and professional level, carefully researching of the problems. The legal norms must be exactly, clear exposed. Any norm might to act effectively and be used widely in the concrete legal relations in the condition, if it's has the enlistment of real legal meanings. In that case the norm becomes attractive among the interesting persons and easily the supplement of observance and execution of such norm. During the procedure of acceptance of laws, the most accents must make to the quality, but not the quantity of laws. The laws have to be effective, quality, easy to understand and to reflect the interests of the people of Kazakhstan.

Twenty-three years ago, in 1995, we were the members of the group of the scholars- teachers from the different universities of the Republic of Kazakhstan. There were 15 young lawyers and it was the great honor to work at President's Council, which was situated in Almaty. Now it is located in our new capital, Astana and calls the Administration of the President. So we received a lot of letters from our citizens: students, workers, farmers, pensioners, businessmen, etc, which were very interested about the new Supreme Law of the country. They made lots of suggestions, ideas about the contents of the constitution. Also we published several articles in the famous newspaper "Kazakhstanskaya Pravda" about the new Parliament, the new Constitution. Now we are going to celebrate the 15-th anniversary of our constitution in Astana. Two times the amendments were carried out in the constitution- 7 October, 1998 and 21 May, 2007. They concern the power of the President, Parliament, Government, Constitutional Court, Supreme Court, General Prosecutor, Committee of the State security, Ministry of external affairs, term of power of the head of the state: in last it was 7 years, now it's consists from 5 years, but no more, than two times one after another.

Professor A.R. Nematov notes: "In the conditions of intensive regulation and law-making the questions about the quality and effectiveness of laws and supplement of their supremacy become especially actual. From the one side, the adoption in short term the huge number of laws such as codes, charters and regulations is the evidence of the codification as the form of law-making, connected with the quality of normative acts and effectiveness of the legislation is very important and significant" [10, P.7]. Indeed, we would like to stress the common benefit and definite progress from the quality laws. Otherwise, the laws will become the sources of unstable in the society.

After achieving independence, Kazakhstan faced problems regarding the formation, strengthening, and perfection of its statehood. The disintegration of the Soviet Union, in contrast to other regions of the planet, has resulted not necessarily in the formation of essentially new states, but in the revival of lost statehood from former times for lands with deep historical roots.

A sovereign republic must decide many urgent and vital problems such as: 1) transition from one economic system to another; 2) developments in the process of democratization; 3) preservation and strengthening of social and interethnic stability; 4) determination of foreign policy; 5) preservation of territorial integrity; 6) problems of conformity in legislation to accepted models of development, and 7) development of integrated processes in the context of international cooperative frameworks, such as Commonwealth of Independent States (CIS).



Quite important role in the context of the realization of the supremacy of law plays the effective within department's control of state organs in order to suppress any violations of laws.

The other subjects of the state and state organs, to whom the principle of the supremacy of law has been addressed, according to the constitution and international standards, are the citizens and their associations. Many things are depending on the condition of the observance of law at the highest echelons of state power, i.e. we mean the original effect: when the condition of the maintenance of legality by the officials influences on the perception of law by the citizens and it's maintenance by them. The sense of respect to law must be educated throw the system of legal education and active teaching to the legal disciplines at the universities. In this context the most attention is very necessary to turn on the quality of teaching of law at the universities. We need to take into account that the majority of the population live in the rural places. That's why it seems very effective to form the special group from the famous scholars-lawyers in order to liquidate the legal illiteracy of rural population.

In the conclusion we should write the necessary suggestions in order of the realization the supremacy of law:

1. to consolidate the Kazakh political system;
2. to create the necessary conditions for the economic development of the state, to prevent the excessive property stratification of the population;
3. to improve the mechanisms of defense of rights and freedoms of the citizens;
4. to reinforce the responsibility of the officials for the violation of law;
5. to activate the legal education among the citizens with the aim to form the high level of the legal consciousness and legal culture.

In the real practice the maintenance of the supremacy of law demands the huge efforts and complex of activities: material, judicial, administrative, psychological, etc. So it is very clear, that the supremacy of law not only the recognition of such position, but must be realized on the stage of law-understanding.

#### REFERENCES

- [1]. Marchenko M.N. The law-abiding state. Journal of Common theory of state and law. Academician course: Moscow. **2012**. Vol 1. P. 363-374(in Rus.).
- [2].Martha Brill Olcott. The Kazakhs. Second edition. Studies of nationalities. Hoover Institution Press. Stanford University: Stanford, California. **1995**. 471 p.(in Rus.).
- [3]. Zorkin V.D. The supremacy of law and constitutional justice. Our complex way to the law: Conference to the memory of academician V.S.Nersesyants. Moscow. **2015**. P.12-23.
- [4].Nersesyants V.S. The common theory of law and state. Moscow. **2004**. 518 p.(in Rus.).
- [5].Nersesyants V.S. The philosophy of law. Moscow. **2002**. 594 p.(in Rus.).
- [6].Nainushina L.P. About the correlation of the law and right. Actual problems of jurisprudence and legal practice: Materials of scientific works at the conference. Kirov. **2014**. P.58-64 (in Rus.).
- [7].Tikhomirov J.A. Public law. Moscow. **2015**. 321 p.(in Rus.).
- [8].The Constitution of the Republic of Kazakhstan. Almaty. **1995** (in Rus.).
- [9].Stuchka P.I. The doctrine about the Soviet state and its constitution. Moscow. **1958** (in Rus.).
- [10].Nematov A.R. The codification of the legislation of the Republic of Tajikistan (historical and practical aspect): Manuscript of candidate dissertation, Moscow. **2016**. 32 p.(in Rus.).

**З.К. Аюпова, Д.Ө. Құсайынов**

#### **ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДАҒЫ ҚҰҚЫҚТЫҚ МЕМЛЕКЕТ ҚАЛЫПТАСУЫНЫҢ ЖИЫРМА ЖЕТІ ЖЫЛДЫҚ ТӘЖІРИБЕСІ**

**Аннотация.** Қазіргі заманғы құқықтық мемлекет – адам құқықтары мен бостандықтары қамтамасыз етілетін, ал халыққа билікті жүзеге асыруға қатысу мүмкіндігі берілетін демократиялық мемлекет. 1 Қазақстан Республикасы Конституциясының 1 бабына сәйкес: «Қазақстан Республикасы өзін демократиялық, зайырлы, құқықтық және әлеуметтік мемлекет ретінде орнықтырады, оның ең қымбат қазынасы - адам және адамның өмірі, құқықтары мен бостандықтары». Біздің Президент құқықтық мемлекет қалыптастыру барысында принциптерді ұстанды: халықтық егемендік, Конституция үстемдігі, заң алдындағы теңдік, мемлекеттік жеке мүдделер теңдігі, адам мен азаматтың құқықтары мен бостандықтарына қол сұғылмау. Құқықтық мемлекет қалыптастыру - бұл бірқатар факторларға тәуелді ұзақ процесс: қоғамның әлеуметтік-экономикалық және мәдени даму деңгейі; бірыңғай құқықтық жүйені қалыптастыру; қоғамдық өмірді реттейтін заңның жетілдірілуі және т.б. Алайда, бұған қарамастан, біз барлық қиындықтарды еңсердік

және бүгінгі күні біз бүкіл әлемде танымалбыз. Республикада бұрынғыдан мүлде басқаша биліктің құрылымдары құрылды. Сонымен, Президент қайтадан демократиялық жолмен қайта сайланды, барлық атқарушы билік қайта құрылды және т.б. Сондықтан, XX және XXI ғасырлар тоғысында Қазақстан толық мемлекеттік егемендік қағидаты негізінде ТМД және әлемдік қауымдастықпен ынтымақтастықтың жаңа кырларын белсенді түрде қолға алды деген қорытынды шығады.

**Түйін сөздер:** құқықтық мемлекет, азаматтық қоғам, ұлттық бірегейлік, қазақстандық мемлекеттілік, әлеуметтік әділеттілік, халықтың әл-ауқаты, тұрақты мемлекет, әлеуметтік-бағдарланған саясат, құқықтық жүйе, құқықтық мәдениет.

УДК340.5

**З.К.Аюпова<sup>1</sup>, Д.У. Кусайнов<sup>2</sup>**

<sup>1</sup>КазНАУ, кафедра права, г. Алматы, Республика Казахстан;

<sup>2</sup> КазНПУ им.Абая, общеуниверситетская кафедра политологии и социально-философских дисциплин, г. Алматы, Республика Казахстан

### **ДВАДЦАТИСЕМИЛЕТНИЙ ОПЫТ СТАНОВЛЕНИЯ ПРАВОВОГО ГОСУДАРСТВА В РЕСПУБЛИКЕ КАЗАХСТАН**

**Аннотация.** Современное правовое государство – это демократическое государство, в котором обеспечиваются права и свободы человека, и дается возможность народу участвовать осуществлению власти. Согласно ст. 1 Конституции Республики Казахстан: «Республика Казахстан утверждает себя демократическим, светским, правовым и социальным государством, высшими ценностями которого являются человек, его жизнь, права и свободы». Наш Президент в ходе создания правового государства придерживался принципами: народный суверенитет, верховенство Конституции, равенство всех перед законом, равенство государственных и личных интересов, незыблемость прав и свобод человека и гражданина. Становление правового государства – длительный процесс, зависящий от целого ряда факторов: уровень социально-экономического и культурного развития общества; формирование общей системы права; совершенство самого права, регулирующего общественную жизнь и т.д. Но, несмотря на это, мы преодолели все эти трудности, и на сегодняшний день мы известны во всем мире. В республике были созданы структуры власти, принципиально отличающиеся от прежних. Так, Президент был вторично, всенародно избран демократическим путем, реорганизована вся исполнительная власть и т.д. Поэтому вытекает вывод, что на рубеже XX и XXI веков Казахстан, активно вышел на новые грани сотрудничества как с СНГ, так и с мировым сообществом, основанные на принципе полного государственного суверенитета.

**Ключевые слова:** правовое государство, гражданское общество, национальная идентичность, казахстанская государственность, социальная справедливость, благосостояние народа, стабильное государство, социально-ориентированная политика, правовая система, правовая культура.

#### **Information about authors:**

Ayupova Z.K. - doctor of juridical sciences, professor, chair of law, Kazakh national agrarian university, Kazakhstan, Almaty;

Kussainov D.U. - doctor of philosophy sciences, professor, interuniversity chair of politology and socio-philosophy disciplines, Kazakh national pedagogical university named after Abai, Kazakhstan, Almaty.

## МАЗМҰНЫ

### Техникалық ғылымдар

(ағылшын тілінде)

<i>Байконурова А.О., Усольцева Г.А., Маркаметова М.С., Нуржанова С.Б., Акпанбаев Р.С.</i> Өздігінен құрылымды түзіліс жасайтын, ванадий қосылыстарынан тепе-теңдік күйлері.....	5
---	---

### Аграрлық ғылымдар

(ағылшын тілінде)

<i>Сейтова В., Исатаева Г., Гизе Роланд.</i> Ауыл шаруашылығындағы инновациялық процесстерді тұрақты дамыту: инновациялық жүйедегі кешенді мәселелер.....	12
---	----

### Биология ғылымдар

(ағылшын тілінде)

<i>Мустафин К.Г., Бисько Н.А., Нармуратова Ж.Б., Жакипбекова А.С.</i> Биомассасында полисахаридтердің жоғары мөлшері бар <i>L. Edodes</i> штамдарының скринингі.....	22
--	----

### Қоғамдық ғылымдар

(ағылшын тілінде)

<i>Исмаилова Р.А., Матайбаева Г.</i> Қазақстанда ауылшаруашылығын кредиттеу мемлекеттік қолдау.....	27
<i>Уаиов Г.Қ.</i> Қазақстандағы шағын және орта бизнесті дамыту тенденциялары.....	33
<i>Жакупбекова А.Е.</i> Жоғарғы оқу орнының сапасын талдайтын фаззи моделін құрастыру.....	39
<i>Иманғалиева Ш.С.</i> Жоғары білім беруді интернационализациялаудың салыстырмалы зерттеулері: Erasmus + аясында еуропалық, қазақстандық және қытайлық жоғары оқу орындарының салыстырмалы талдауы.....	46
<i>Кантарбаева Ш. М.</i> Аграрлық азық-түлік нарығында Қазақстан мен Қытай арасындағы экономикалық қатынастарды мемлекеттік реттеу.....	55
<i>Утеев Б.Ж., Досманбетова А.С.</i> Қазақстан агроөнеркәсіп кешенінде ұйымдық-басқарушылық инновацияларын мемлекеттік ынталандырудың басымдықтары.....	68
<i>Алтынбасарова М.А., Шамиудинова Г.Т.</i> Халық санағы материалдары негізінде Қазақстанның демографиялық тарихы мен саясатын зерттеу: проблемалары мен келешегі.....	74
<i>Аюпова З.К., Құсайынов Д.Ө.</i> Қазақстан республикасындағы құқықтық мемлекет қалыптасуының жиырма жеті жылдық тәжірибесі.....	82
<i>Домалатов Е.Б.</i> Ғаламдық инновациялық белсенділік индексі жағдайындағы Қазақстан.....	88
<i>Бекжанова Т.К., Әбжан Ж.К., Ешпанова Д.Д.</i> Қазақстанның жастар жұмысының қазіргі заманғы тенденциясы.....	95
<i>Ескалиева А. Ж., Ералиева А.А., Абузьярова Ж.Р.</i> Адамның капиталының құрылысы факторлары білім және денсаулық инвестициялары.....	103
<i>Нурғабайлов М.Н., Абдрахманова Р.С., Дошан А.С.</i> Қазақстан республикасының экономикалық дамуындағы кәсіпкерліктер.....	108
<i>Сабирова Р.К., Тажиденова А.Р., Хайруллин М.К.</i> Қазақстан республикасының экономикасын әртараптандырудың негізгі бағыттары.....	112
<i>Шаукерова З.М., Айкупешева Д.М.</i> Лизинг операцияларының салық шығаруының ерекшеліктері.....	116
<i>Есмағұлова Н.Д., Баймбетова А.Б., Оқутаева С.Т., Мухияева Д.М.</i> Қазақстанның машина жасау кешеніндегі инвестициялық саясаттың мемлекеттің ролі.....	120

### Қоғамдық ғылымдар

(орыс тілінде)

<i>Домалатов Е.Б.</i> Ғаламдық инновациялық белсенділік индексі жағдайындағы Қазақстан.....	124
---	-----

## СОДЕРЖАНИЕ

### Технические науки

(на английском языке)

<i>Байконурова А.О., Усольцева Г.А., Маркаметова М.С., Нуржанова С.Б., Акпанбаев Р.С.</i> Равновесные состояния соединений ванадия, способных к самопроизвольному структурообразованию.....	5
---	---

### Аграрные науки

(на английском языке)

<i>Сейтова В., Исатаева Г., Гизе Роланд.</i> Устойчивое развитие инновационных процессов в сельском хозяйстве: комплексные проблемы в инновационной системе.....	12
--	----

### Биологические науки

(на английском языке)

<i>Мустафин К.Г., Бисько Н.А., Нармуратова Ж.Б., Жакипбекова А.С.</i> Скрининг штаммов <i>L. Edodes</i> с высоким содержанием в биомассе полисахаридов.....	22
---	----

### Общественные науки

(на английском языке)

<i>Исмаилов Р.А., Матайбаева Г.Ж.</i> Государственная поддержка кредитования сельского хозяйства в Казахстане...	27
<i>Уашов Г.К.</i> Тенденции развития малого и среднего бизнеса в Казахстане.....	33
<i>Жакупбекова А.Е.</i> Разработка нечеткой модели для анализа образовательной деятельности.....	39
<i>Имангалиева Ш.С.</i> Сравнительные исследования интернационализации высшего образования: бенчмаркинг-анализ европейских, казахстанских и китайских вузов в рамках проекта Эрасмус+ .....	46
<i>Кантарбаева Ш. М.</i> Госрегулирование экономических отношений между казахстаном и китаем на агропродовольственном рынке.....	55
<i>Утеев Б.Ж., Досманбетова А.С.</i> Перспективы государственного стимулирования организационно-управленческих инноваций в казахстанском агропромышленном комплексе.....	68
<i>Алтынбасарова М.А., Шамиудинова Г.Т.</i> Изучение демографической истории и политики Казахстана на основе материалов переписи населения: проблемы и перспективы.....	74
<i>Аюпова З.К., Кусаинов Д.У.</i> Двадцатисемилетний опыт становления правового государства в республике Казахстан.....	82
<i>Домалатов Е.Б.</i> Казахстан в контексте глобального индекса инновационной активности.....	88
<i>Бекжанова Т.К., Абжан Ж.К., Ешпанова Д.Д.</i> Современная тенденция молодежной безработицы Казахстана.....	95
<i>Ескалиева А. Ж., Ералиева А.А., Абузьярова Ж.Р.</i> Инвестиции в образование и здоровье как факторы формирования человеческого капитала.....	103
<i>Нургабылов М.Н., Абдрахманова Р.С., Дошан А.С.</i> Предпринимательство в экономическом развитии Казахстана...	108
<i>Сабирова Р.К., Тажиденова А.Р., Хайруллин М.К.</i> Основные направления диверсификации экономики республики Казахстан.....	112
<i>Шаукерова З.М., Айкупешева Д.М.</i> Особенности налогового учета лизинговых операций.....	116
<i>Есмагулова Н.Д., Баймбетова А.Б., Окутаева С.Т., Мухияева Д.М.</i> Роль государства в инвестиционной политике машиностроительного комплекса Казахстана .....	120

### Общественные науки

(на русском языке)

<i>Домалатов Е.Б.</i> Казахстан в контексте глобального индекса инновационной активности.....	124
---	-----

## CONTENTS

## Technical sciences

(in English)

- Baikonurova A. O., Ussoltseva G. A., Markametova M. S., Nurzhanova S. B., Akpanbayev R. S.* The equilibrium state of compounds of vanadium, capable of spontaneous structure formation..... 5

## Agrarian science

(in English)

- Seitova V., Issatayeva G., Giese Roland.* Sustainable innovations in agriculture: complex challenges in the innovation system..... 12

## Biological sciences

(in English)

- Mustafin K.G., Bisko N.A., Narmuratova Zh.B., Zhakipbekova A.S.* Screening of *L. Edodes* strain producing biomass with high content of polysaccharides..... 22

## Social sciences

(in English)

- Ismailova R.A., Mataybayeva G.Zh.* State support of crediting of agriculture in Kazakhstan..... 27
- Uashov G.K.* Trends of small and medium-sized business development in Kazakhstan..... 33
- Zhakupbekova A.Y.* The development of fuzzy models for analysis of educational activities..... 39
- Imangaliyeva Sh.S.* Comparative studies of the internationalization of higher education: benchmarking analysis of European, Kazakh and Chinese universities in the framework of the Erasmus+ project..... 46
- Kantarbayeva Sh.M.* State regulation of economic relations between Kazakhstan and China on the agrofood Market..... 55
- Uteyev B.Zh., Dosmanbetova A.S.* The prospects of state incentives for organizational and managerial innovations of kazakhstan agro-industrial complex..... 68
- Altynbasarova M.A., Shamshudinova G.T.* Studying of demographic history and policy of Kazakhstan on the basis of population census materials: problems and prospects..... 74
- Ayupova Z.K., Kussainov D.U.* Twenty-seven year experience of the formation of law-abiding state in the republic of Kazakhstan..... 82
- Domalatov Ye.B.* Kazakhstan in the context of the global index of innovative activity..... 88
- Bekzhanova T.K., Abzhan Zh.K., Yeshpanova D.D.* Modern trends of youth unemployment in Kazakhstan..... 95
- Eskalieva A. Zh., Eralieva A.A., Abuziarova Zh.R.* Investments in education and health as factors of formation of human capital..... 103
- Nurgabylov M.N., Abdrakhmanova R.S., Doshan A.S.* Entrepreneurship in the economic development of the republic of Kazakhstan..... 108
- Sabirova R.K., Tazhidenova A.R., Khairulliev M.K.* The main directions of the economic diversification of the republic of Kazakhstan..... 112
- Shaukerova Z.M., Aikupeshova D.M.* Features of the tax account of leasing operations..... 116
- Esmagulova N.D., Baimbetova A.B., Okutaeva S.T., Muhiyayeva D.M.* The role of the state in the investment policy of the machine-building complex of Kazakhstan..... 120

## Social sciences

(in Russian)

- Domalatov Ye.B.* Kazakhstan in the context of the global index of innovative activity..... 124

## **Publication Ethics and Publication Malpractice in the journals of the National Academy of Sciences of the Republic of Kazakhstan**

For information on Ethics in publishing and Ethical guidelines for journal publication see <http://www.elsevier.com/publishingethics> and <http://www.elsevier.com/journal-authors/ethics>.

Submission of an article to the National Academy of Sciences of the Republic of Kazakhstan implies that the work described has not been published previously (except in the form of an abstract or as part of a published lecture or academic thesis or as an electronic preprint, see <http://www.elsevier.com/postingpolicy>), that it is not under consideration for publication elsewhere, that its publication is approved by all authors and tacitly or explicitly by the responsible authorities where the work was carried out, and that, if accepted, it will not be published elsewhere in the same form, in English or in any other language, including electronically without the written consent of the copyright-holder. In particular, translations into English of papers already published in another language are not accepted.

No other forms of scientific misconduct are allowed, such as plagiarism, falsification, fraudulent data, incorrect interpretation of other works, incorrect citations, etc. The National Academy of Sciences of the Republic of Kazakhstan follows the Code of Conduct of the Committee on Publication Ethics (COPE), and follows the COPE Flowcharts for Resolving Cases of Suspected Misconduct ([http://publicationethics.org/files/u2/New\\_Code.pdf](http://publicationethics.org/files/u2/New_Code.pdf)). To verify originality, your article may be checked by the originality detection service Cross Check <http://www.elsevier.com/editors/plagdetect>.

The authors are obliged to participate in peer review process and be ready to provide corrections, clarifications, retractions and apologies when needed. All authors of a paper should have significantly contributed to the research.

The reviewers should provide objective judgments and should point out relevant published works which are not yet cited. Reviewed articles should be treated confidentially. The reviewers will be chosen in such a way that there is no conflict of interests with respect to the research, the authors and/or the research funders.

The editors have complete responsibility and authority to reject or accept a paper, and they will only accept a paper when reasonably certain. They will preserve anonymity of reviewers and promote publication of corrections, clarifications, retractions and apologies when needed. The acceptance of a paper automatically implies the copyright transfer to the National Academy of sciences of the Republic of Kazakhstan.

The Editorial Board of the National Academy of sciences of the Republic of Kazakhstan will monitor and safeguard publishing ethics.

Правила оформления статьи для публикации в журнале смотреть на сайте:

[www.nauka-nanrk.kz](http://www.nauka-nanrk.kz)

**ISSN 2518-1483 (Online), ISSN 2224-5227 (Print)**

<http://www.reports-science.kz/index.php/ru/>

Редакторы *М. С. Ахметова, Т.А. Апендиев, Аленов Д.С.*  
Верстка на компьютере *А.М. Кульгинбаевой*

Подписано в печать 13.08.2018.  
Формат 60x88<sup>1</sup>/<sub>8</sub>. Бумага офсетная. Печать – ризограф.  
8,3 п.л. Тираж 500. Заказ 4.