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International Legal Aspects of Tourism Activity: International Treaties Analysis

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Abstract

The present paper illustrates the general characteristics of acts of international law in the sphere of international tourism. International tourism has become an independent sphere of interstate cooperation and an effective instrument of international communication. The development of international tourism activities demands that states settle such existing issues as facilitating tourism formalities, liberalizing tourism services, unifying and harmonizing the legal regulation of tourism activities, protecting the environment from adverse influences of international tourism, and ensuring tourists' rights, among others. The settlement of these issues can only be approached legally through international treaties. Thus, this paper attempts to analyse international conventions on tourism customs issues, international instruments on the trade in tourism services, and international treaties on space and tourism in Antarctica.

Keywords: tourism, international treaties, customs issues, GATS, space tourism regulation, tourism in Antarctica.

JEL Classification: K32, K33.

Introduction

In the contemporary context of world integration processes, the legal regulation of the relations that result from international tourism becomes relevant. In contemporary world conditions, tourism has become one of the most important sources of economic activity, and it directly generates services, goods, foreign currency, employment and investments. Thus, international tourism may also have a negative impact on states, their population and their resources. Uncontrolled development of the tourism industry leads to environmental pollution and the degradation of tourist sites. Consequently, the local population's attitude towards tourists worsens, which eventually causes the deterioration of the relations between nations. The illegal use of the tourist status causes many states to toughen travel regulations, which, in turn, becomes a barrier to tourism development. The purpose of the present study is to deduce the legitimacy and principles of international legal regulation concerning

transaction status on the Internet at a universal level is significant for international tourism. Currently, the Internet functions as a form of information transfer and exchange and as a search engine for the tourism industry. The sale of tourist products develops through a network. However, in time, this system will become a serious competitor with travel agencies because it allows consumers and producers to connect directly. International tourism through the Internet faces the same problems as any other commercial activity; these problems include defining the applicable law, consumer protection and that as a result of this activity, people move across borders, which intensifies these problems. A third problem that demands universal regulation is the issue of easing tourism formalities. Although the most effective steps in this direction are taken at the regional and bilateral levels, a task for the global community is to establish international standards. Space tourism, the fight against sex tourism in general, and the protection of cultural heritage from excessive tourism should be regulated at the global level. This list is not all of the problems that require a solution. Some problems can be solved by adapting the existing legal tools; other problems require the development of special international treaties.

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Child Labor Challenges: Legal Awareness Raising

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Abstract

Problem Statement: Developing a set of actions for increasing public awareness in Kazakhstan on the worst forms of child labor.
Project Purpose: To develop materials for training the society on the worst forms of child labor.
Results: methodical educational materials were developed according to international standards; efforts were made to raise public awareness on the worst forms of child labor; incorrect views concerning child labor were changed; a national information campaign is carried out every year from June 1st to 12th. There are no campaigns of the like worldwide; a pool of journalists trained to write professionally on the present topic was created.
Conclusions: The research results hold practical significance in that they can be used in teaching and in the fields of culture and history by diplomats, labor unions, employers, civil society, journalists, political scientists, social engineers, teachers, and undergraduate and graduate students.

Keywords: worst forms of child labor, children, Kazakhstan, International Labor Organization;

JEL Classification: K31, K14, J15, E20, J71.

Introduction

The problem of child labor is an important issue in today's time. Kazakhstan has ratified the International Labor Organization (ILO) Convention No. 138 on the minimum age for admission to employment and work and No. 182 on the worst forms of child labor (Ahmetova and Baranova 2008). Representatives of the ILO International Programme on the Elimination of Child Labour (ILO-IPEC) arrived in Kazakhstan in 2005 and the program began its work in the country in the second half of that year. There was a task set for ILO-IPEC: informing the public on the worst forms of child labor, and educating and training children, teachers, journalists, representatives of the government and law enforcement agencies, labor unions, employers, and the civil sector.

In 2011, ILO published a report of mine where I provided information that a great number of children – about 115 million of the 215 million children who work in the world – are still involved in hazardous forms of labor (ILO Convention No. 138).

One of the problems facing the representatives of ILO-IPEC during the first half year of its activities in Kazakhstan was a lack of understanding among the people of Kazakhstan of the need to fight against child labor. During a meeting with the representatives of ILO-IPEC, we suggested talking with journalists about the worst forms of child labor, training them to write competently on the subject, and then starting to work with other groups of the population, including children. In response, the representatives informed us that the UN in Kazakhstan does not conduct trainings or workshops for journalists, because the journalists do not attend the sessions. The

▪ Conducting competitions on the best publication in mass media on the worst forms of child labor has become a tradition, as has conducting contests among school students on the best essay, drawing and photograph touching the topic of the worst forms of child labor. Since 2008, we have been a part of the international campaign, Red Card to Child Labor.

▪ Starting in 2006, a national information campaign – 12 Days Against Child Labor – has been conducted annually from June 1st to 12th. Hotlines, psychologists, lawyers and teachers provide services during the campaign. A national hotline for children (150) has been in service for three years. The following structures participate in the organization of campaign events: the Ministry of Labor and Social Protection, Ministry of Education and Science, Ministry of Internal Affairs, Ministry of Health, General Prosecutor's Office, Federation of Labor Unions, Confederation of Employers, *akimats* of all sixteen regions of the country, mass media, NGOs, and international organizations. Holding a press conference in each of the sixteen regions of the country on June 12th – World Day Against Child Labor – has become a tradition.

▪ Sociological research was conducted among school children in the Maktaral *raion* of South-Kazakhstan *oblast* – an area where cotton is grown. Sociological research was also conducted on the worst forms of child labor in Kazakhstan as well as on children in Kazakhstani markets.

▪ For the national information campaign, 12 Days Against Child Labor, t-shirts and caps were made for children with the logos for the fight against the worst forms of child labor printed, in addition to posters, booklets, two video clips, and a documentary film (www.youtube.com/user/stopdettrud).

▪ Employees in prosecutor's offices were trained on the worst forms of child labor. Public prosecutors conduct inspections on this subject at least twice a year, and post the results of the inspections on the websites of the regional public prosecutor's offices and the General Prosecutor's Office of the Republic of Kazakhstan.

▪ In 2009, a national contest was held to acknowledge the region doing the best work in the fight against child labor.

Conclusions

The research results hold practical significance in that they can be used in teaching and in the fields of culture and history by diplomats, labor unions, employers, civil society, journalists, political scientists, social engineers, teachers, and undergraduate and graduate students.

Recommendations

The research results can be integrated into educational processes. Kazakhstan's experience with fighting child labor can be presented to ILO.

▪ Since 2006, press conferences have been held annually in Kazakhstan on June 12th, World Day Against Child Labor, in all sixteen of the country's regions where the results of the activities addressing the worst forms of child labor have been presented.

▪ A national information campaign – 12 Days Against Child Labor – is organized and conducted on an annual basis from the 1st to 12th of June.

▪ A network of journalists was created and journalists are regularly trained on the worst forms of child labor.

▪ Contests are conducted among the country's different regions on the work being done in the fight against the worst forms of child labor.

▪ Efforts made by the State, law enforcement agencies and NGOs have been unified under the supervision of the National Coordinator – a well-known public figure in the country – for addressing the worst forms of child labor.

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On the Notions of 'Examination' and 'Forensic Examination' According to the Law of the Republic of Kazakhstan

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Abstract

The paper deals with the notions of 'examination' and 'forensic examination' subject to Kazakh legislation, the characteristics of these notions' content as significant in state's activities is given, that said their distinctive features indicating the need for their differentiation are shown. The object of the research in the article of criminal procedure relations connected with the appointment, the production of forensic examinations, analysis, evaluation and use of their results in the criminal proceedings.

The subject of research articles is the legal norms of the Russian (the modern and pre-existing) legislation governing the appointment and manufacture of judicial examination.

It is shown that the appointment and examination in the trial court takes place in conditions of transparency, competitiveness, orality and immediacy. It was found that the appointment of judicial examination in judicial stages of self-regulation needed to be.

The authors determined the need to provide for the appointment of the examination during the preliminary hearing. The authors also argue that we must distinguish between the following situations related to the appointment of the examination at the stage of preparation of the case for the court hearing and the trial. It is shown that, depending on these situations provided certain judges algorithm of actions on the issues under investigation.

Keywords: examination, forensic examination, expertise, evidence, civil proceeding, criminal proceeding, administrative legal proceeding.

JEL Classification: K10, K14, Z18.

Introduction

According to Art. 1 of the Law of the Republic of Kazakhstan 'On forensic and expert activity in the Republic of Kazakhstan', forensic examination is a study of criminal, civil or administrative case files conducted based on scientific expertise for the purpose of finding conditions significant for disposition of the given case (Law of the RK as of 12.02.2010…).

The word 'examination' became popular, commonly used almost in all fields of activity of the Republic of Kazakhstan. The notions of 'examination' and 'forensic examination' are found in scientific, official resources, periodicals (Rossinskaya 1996, 4, Sakhnova 1999, 5). Authors of works dedicated to expertise application researches not always differentiate these notions, focusing solely on the analysis of their evidentiary significance in establishing facts necessary for delivering a court decision or judgment. Therefore, the paper's goal is to demonstrate similarity of these notions and emphasize significant differences involved.

In all cases examination requires conducting researches and such researches are always applied. The examination purpose is to give a professional estimation to material world objects' properties, phenomena, facts. What properties exactly are to be estimated depends on the research area of concern and set task. Examination cannot solve tasks relating to achievements of scientific nature, they are carried out not to get new knowledge, although in the course of expert researches the possibility of acquiring data new to science, which can be treated as scientific achievements is not excluded. Each examination is of revision nature, for example, object quality, product's conformance to the standards accepted in the country or the lack of harmful substances in products, etc. are checked by examination means.

Due to examination, government bodies have the opportunity to exercise their revision functions objectively and accurately. In the modern technocratic society the proper exercising of state bodies' powers without examination is out of the question. Generally, performing of functions by state bodies' without examination is of formal nature.

1. Literature review

Signs of forensic characterized by systemic and cannot exist independently, since it is in the system, they most accurately determine the nature of the examination as a means of evidence.

Bernardino I. d M., etc. are the following features of the judicial examination: use of special knowledge, i.e. knowledge in the field of science, technology, arts or crafts used in the investigation of crimes and criminal cases in the manner determined by the Criminal Procedure Law (Bernardino 2016, 620).

Considering the subject, object and research methods as epistemological bases of judicial examination and analyzing them as a criterion for the classification of forensic examinations, Dang C. comes to the conclusion that we should legislate the concept of the object of judicial examination, similar to the concept of the object of expert research (Dang *et al.* 2016, 761).

Hodges K.L., Landin M.D., Nugent M.L., Simpson P.M. It believes that the legislative consolidation of the concept of 'subject matter expertise' will solve the practical problems related to the appointment and production expertise (Hodges *et al.* 2016, 2016).

Carneiro C., Curate F., Cunha E. The theoretical and practical problems of the use of 'preliminary studies', held in the stage prior to the initiation of criminal proceedings. The authors, recognizing the importance of procedural conducted preliminary studies specialist, come to the conclusion that the preliminary studies are the

Conclusion

Non-judicial examination results have evidential significance in all types of proceedings – in this regard procedure specialists and criminalists are unanimous. However there's no consensus on what types of evidences they should belong to, whether they're written evidences or a kind of expert report. Procedure specialists and criminalists agree that results of state examination, if it was carried out before the rise of criminal, civil or administrative violation, are written evidences when considering criminal, civil cases and administrative proceedings. However, appointment and carrying out of department examination at the stage of case initiation and further stages of proceedings are considered inadmissible. In such cases it's obligatory to appoint forensic examination and non-judicial examination, i.e. specialists' researches, is not excluded.

In view of the above it's possible to state that the notions of 'examination' and 'forensic examination' aren't identical. Some resources call examination carried by the order of government bodies department examination, but it's more feasible to call it state examination since exercising government functions is its appointment and carrying out purpose.

Thus, we define these notions in the following way:

(1) State examination is a means of realizing expertise necessary for government bodies for the purpose of sound, objective exercising of authorized functions;

(2) Forensic examination as examination is a means of realizing expertise, but in specific criminal procedure or civil procedure or administrative procedure forms conducted for the purpose of establishing facts of a certain case to deliver a fair, relevant judgment or a court decision.

The modern epoch of scientific and technical revolution and development of market economy contribute to ever growing use of examination and forensic examination. It's reflected in both expansion of the subject of existing kinds of examinations and development of new kinds.

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On the Personality of Convict

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Abstract

The article deals with the issues of the convict's personality. The authors tried to explore this problem in detail through the dialectical approach. A special attention was paid to the issues of convict's personal change under the conditions of institutional confinement. The authors make accurate conclusions regarding the impossibility of depicting convicts' profiles without focusing on their moral and ethical as well as psychological peculiarities. In recent years, the state penal policy has undergone significant changes. In this regard, the reform of the

penitentiary system, improvement and optimization of the penal law and the penal system required greater attention to the individual characteristics of the convicted to imprisonment.

The current legislation is determined that the funds are used, and the direction, taking into account personal characteristics and features of the behavior of prisoners. In the last few years a number of authors emphasized the role of learning and psychological correction of personality characteristics and features of the behavior of prisoners to prevent destructive phenomena in prisons, enabling adaptation to life after release from punishment, the prevention of recidivism. In this aspect of the study of character traits of the person convicted it is very relevant, as the character is seen in the domestic and foreign psychology as one of the most important components of personality that determines human behavior and activity.

Keywords: criminal, personality, convict, penal system, correction.

JEL Classification: K14, K35, K41.

Introduction

A convict, exacter, his personality, is the only target of correctional treatment. Its productivity depends on the efficiency of the entire correctional system. It shows the necessity of the fullest and in-depth study of the convict's personality through all the achievements of psychology, psychiatry, philosophy, sociology, criminal science and the other sciences in the cognition of personality in general.

To understand convicts, the nature and motives of their crimes, their behavior during the service and after the release is impossible without in-depth study of their psychological, moral and ethical, socio-demographic and the other peculiarities of a penitentiary importance. It is also necessary to have the knowledge about the environment in the places of confinement, about those small informal social groups where a convict is included, i.e. social and psychological studies as well as the consideration of social and psychological factors in the practice of correctional institutions are vitally important.

1. Literature review

One of the most important activities of the psychological service of the penitentiary system is the psychological correction of convicts serving sentences of imprisonment. Efficiency psycho-correctional process depends largely on said Taillieu T.L of cognition psychologist human personality and twice due to an adequate understanding of the individual when it comes to prisoners (Taillieu *et al.* 2016, 568).

Currently Sivertsson F. accumulated considerable experience in the theory and practice of psycho work with convicts, but the problem of complex psycho-correction character traits of the person convicted is still relevant, since the character is a complex mental formation, which includes the features of the structure, reflecting the peculiarities of the individual focus and system of relationships, emotional, strong-willed, intelligent features (Sivertsson 2016, 23). Available in modern penitentiary psychology Baillon A arsenal of methods and therapy programs affect only a few traits of prisoners, and an integrated approach to building character traits of the individual psycho-correction programs prisoners are not implemented (Baillon *et al.* 2016, 17).

Caenazzo L., Tozzo P., Rodriguez D., revealing the essence of the character of the individual, as one of the main features is called the individual peculiarity (Caenazzo *et al.* 2016, 5). Redlich A.D., Bushway S.D., Norris. J. emphasize that the uniqueness of the individual nature of each person's personality does not exclude, but rather requires the simultaneous recognition of the nature of some of the common or typical features (Redlich *et al.* 2016, 21). Character traits of the person convicted (Ghosal V., Sokol DD) is a collection of the most stable individual characteristics of the person convicted, regulating their behavior and activities in prisons and defining a specific relation to reality (Ghosal and Sokol 2016, 412).

Having considered characterological features of the person convicted, distinguishing them from law-abiding citizens, Linton S. systematized them in accordance with the structure reflecting the particular orientation of the person and the dominant system of relations, volitional, emotional, intellectual and formal features of the dynamic properties of individuality (Linton 2016, 208).

2. The problem of the criminal's personality

The problem of the convict's personality is a part of the problem of the criminal's personality, which all the while attracts the attention of criminologists and has always been actively explored. It is impossible to understand the personality of a convict without basing on the results of long-term studies of the criminal's personality, because

Having a family and acquire a profession, specialty orients mental activity, imagination to solve practical problems.

We believe that the work of psycho-correction character traits of the person convicted should be built in view of their structure, which is a set of features that reflect the particular orientation of the person and the system of relations, volitional, emotional, intellectual traits.

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Safety Measures under the Laws of Countries in the Anglo-Saxon System (United States, United Kingdom)

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Abstract

The paper argues that a clear and well-defined safety measures system can be found currently in the Anglo-Saxon legislations of the United States and United Kingdom. The article analyses safety measures aimed at protecting the public from the criminals. Particular features of safety measures that allow isolating certain categories of persons due to their 'dangerous condition' contribute to explaining why the system of safety lacks a clear definition. The article also examines the history of two legal systems and serves as a study into a legislative and executive conflict of safety measures definition in the United States and United Kingdom.

Keywords: legal system, criminal law, security measures, law enforcement, history of law.

JEL Classification: K14, K32, K40.

Introduction

The paper is mainly concerned with the safety measures system found in the Anglo-Saxon legislations of the United States and United Kingdom. In analysing this part of legislation, scholars tend to emphasize particular features of safety measures that allow isolating certain categories of persons due to their 'dangerous condition' but do not contribute to explaining why the system of safety lacks a clear definition. The article also examines the history of two legal systems and serves as a study into a legislative and executive conflict of safety measures definition in the United States and United Kingdom.

1. Literature review

J. Dressler gives the following definition of it: the person 'may be said to suffer 'punishment' when, and only when, an agent of the government, pursuant to authority granted to the agent by virtues of [the person]'s criminal conviction, intentionally inflicts pain on the person or otherwise causes D to suffer some consequence that is ordinarily considered to be unpleasant' (Dressler 2012, 13-14). H. Packar, however, emphasises that there are five characteristics of the punishment. As such, it must involve pain or other unpleasant consequences that the offender has to bear after having committed the offence (crime). Secondly, the punishment must be for an offense against legal rules. Thirdly, it must be imposed on an actual or supposed offender for his offense. Fourthly, it must be intentionally administered by human beings other than the offender and, lastly, by an authority constituted by a legal system against which the offense is committed. (Packar 1968, 21).

There are many theories regarding objectives of the punishment in the criminal law doctrine of the US. Some of them were introduced in W. R. LaFave Criminal Law book: if the person caused any harm to another person, then the infliction of suffering will be the only fair and just decision. (LaFave 2000, 25). From a moral point of view, this theory has no justifiable grounds since it can be understood as a form of retribution, i.e. the 'infliction of suffering of the criminal for the crime he has committed is supposed to deter others from committing other crimes'. It means that the public safety makes this infliction necessary. However, a free society must recognize the fact that the rights of the individual, or at least the most important ones, must have a priority over the collective interests. A. Pyontkovsky pointed out that the criminal shall be fairly punished first. Only after that the Court may decide how both the offender and the public could benefit from this punishment (Pyontkovsky 1961, 53-54).

In American criminal law, it is considered to be a special purpose of punishment that, however, can be imposed along with other safety measures. Unlike rehabilitation or deterrence, the incapacitation operates by physical prevention of further delinquency. Thus, the society has full rights to protect itself from the persons claimed to be dangerous due to offenses previously committed by him through isolation or separation from the community. (Gementera 2004, 22). P. Robinson also points out that chemical or medical castration as well as cutting off the hand of a potential pickpocket can be employed to incapacitate the offender or potential offender from the commission of crimes. (Robinson 2008, 106). He believes these methods are dramatic. Although advocates of the opposite point of view say this theory denies the possibility of the offender to change himself.

Safety measures are paramount in the US since they are applied to sexually dangerous persons, or so-called sexual psychopaths, who are prone to committing sexual crimes (Kozochkin 2003, 61). Moreover, it violated the Eighth Amendment of the United States Constitution since it was grossly disproportionate to the gravity of offences (for example, the verdict implied lifetime imprisonment without parole). However, F. Reshetnikov believes that one of the most important precedents in the American law history related to this debate was the Rummel case in 1980. For the commission of three felonies related to credit cards and forged check frauds, the U.S. Supreme Court imposed a lifetime sentence with a provision for parole but later accepted it violated the Eight Amendment (Reshetnikov 1982, 142).

2. The concept of safety measures in the British criminal law

The legal system of countries that adapted Anglo-Saxon body of laws is characterised by the absence of codified or consolidated acts required for regulating a certain sphere of social relations. This equally applies to the UK Criminal Law, legislation of which is represented in the form of various penal acts, such as Powers of Criminal Courts Act 1973, Crime (Sentences) Act 1997, Misuse of Drugs Act 1971, Criminal Justice Act 1991, etc.

offenders from committing crimes even in their own houses. The use of electronic tagging helps solve the problem of a ballooning prison population. More than that, it does not demoralize the person who wears it. It is also cost effective. For example, in Florida, where parole agents that conduct active-GPS monitoring have caseloads of 17 offenders, the personnel costs of active-GPS monitoring are $11.13 per offender per day (Peckenpaugh 2006, 82). In other words, the total cost is $19.13 per offender per day ($20.37 adjusted for inflation) for active-GPS monitoring. If the offender fails to agree to electronic tagging, he or she returns to the prison. The meaning of these sanctions can be expressed in the following phrase: 'If you can't pay for it, live for free, but behind the bars'. According to Section 3010, the Department of Corrections and Rehabilitation may utilize continuous electronic monitoring to electronically monitor the persons with suspended prison sentence, and convicted offenders released from detention facilities, including persons on parole. Electronic tagging can be used as a stand-alone order or combined with curfews to confine offenders to their homes as a condition of bail, except for the cases when a probation officer may change the conditions.

Kozochkin classifies all the above safety measures (except the extended imprisonment) as a subtype of social restraints: restitutions, community services for the offenders, curfews, home arrest, electronic tagging, forfeiture of the right to hold certain posts or engage in certain activities, deportation, coercive medical measures and compulsory treatment, registration and public education on the criminals, if there might be any victims in the area.

Conclusion

All in all, discrepancies in existing criminal law systems of the United States and the UK is determined by a lack of a strict, formal sanction procedure that is closely related to a subjective interpretation of the term 'dangerous' person. Generally, we may classify preventive measures that require isolation of so-called defective delinquents from the public as the measures that are both inherent in British and American law system of addressing criminality. The public has full rights to protect itself from the persons claimed to be 'dangerous'. This may result in: extended (preventive) prison sentences for habitual, professional criminal; preventive isolation of defective delinquents from the public, i.e. of the persons who have a mental disability of one form or another and are prone to committing crimes; compulsory isolation and treatment for drug addicts and alcoholics.

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Disadvantages in Differentiation and Exceeding Limits of Necessary Defense According to the Legislation of the Republic of Kazakhstan

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Abstract

The article shows that the specificity and content of criminal law due to the tasks that lie before him. It is shown that a criminal law tasks the author defines the protection of rights, freedoms and legitimate interests of man and citizen, property, rights and legitimate interests of organizations, public order and safety, environment, constitutional order and territorial integrity of the Republic of Kazakhstan, the legally protected interests of society and the state from criminal attacks, protecting the peace and security of mankind, as well as the prevention of crime, to which belong and the necessary self-defense. For the foundation of criminal responsibility in article defines what hazardous to individuals, society or the state acts are crimes, prescribes penalties and other measures of criminal law for their commitment, that is, these problems are solved in the process of implementation of the regulatory and enforcement functions of the criminal law.

Keywords: necessary defense, criminal law, legality conditions, imaginary self-defense.

JEL Classification: K10, K14, K19.

Introduction

When Kazakhstan acquired sovereignty and independence, the necessity of rearrangement of all own legal frameworks serving as the support of sovereignty, rights and freedom of the citizens occurred. Great work was done in this direction. Majority of laws and decrees regulating the management of state, economics, social and political life, culture, law enforcement, country defense, foreign policy relations was adopted and realized. Criminal and law policy in the Republic of Kazakhstan shall be brought into compliance with international norms, this work is carried out on the basis of the Constitution of our country (New decade – new economic expansion…).

The necessity of improvement of criminal legislation providing strict compliance with the basic provisions of criminal law shall be recognized as one of the requirements of the concept. The following is specified in the Decree of the President of the Republic of Kazakhstan dated 24.08.2009 No. 858 'Legal policy concept of the Republic of Kazakhstan from 2010 till 2020'. Further realization of legal ideas and principles of the Constitution of the Republic of Kazakhstan which should be implemented in legislative, organizational and other actions of the state is required' (The Decree of the President of the Republic of Kazakhstan…). That is not to say that the norm of 'required defense' contained in the article 32 adopted dated 16.07.1997 and entered into force since January

defense immediately after infringement, when defender did not realize when it stopped. These cases are required to be evaluated on the basis of the fact how clear was the moment of commencement and completion of infringement for the accused, availability or lack of possibility of adequate evaluation of the situation in the existed circumstances.

Necessary defense should be differentiated from imaginary defense. At imaginary defense socially-dangerous infringement cannot be real, but according to the circumstances the basis for the defender to think that infringement took place existed, accordingly, he mistakenly supposed that he had acted against infringement.

For inflicted harm at imaginary defense criminal responsibility takes place at the following circumstances: (1) when harm-doer under present circumstances reasonably thinks that he acts in the situation of required protection, but exceeds the limits of defense; (2) when harm-doer can correctly evaluate the situation carefully and make conclusion on lack of socially-dangerous infringement (for instance, when seeing a stranger leaving neighbor`s flat with a bag, one supposed that robbery took place, and the injured turned to be relative of neighbors).

In such cases a person is brought to responsibility according to the provisions on actual error that is for harm inflicted through negligence to the facilities of adequate people protected by law.

Conclusion

Harm inflicted to a person who did not in fact committed socially-dangerous infringement, but, who, in the opinion of a defender, could commit it, shall not be regarded as required protection, since this act aimed at prevention of socially-dangerous infringement from the certain person, for infliction to a group of non-detected persons (for instance, harm inflicted to a stranger with explosive device installed by garden owner to prevent stealing of fruits).

Necessary defense in the modern dynamics of crime in the country becomes particularly significant. Currently, there is a significant increase in the number of crimes and the increasing share of violent and selfish and violent crime in the crime structure it gains sophistication, there are such kinds of crimes that have not previously registered in the country or have been extremely rare, such as kidnapping for the purpose of obtaining ransom, hostage-taking, etc. There is a growing number of assassinations, and most of them are not disclosed by law enforcement agencies. At the same time, crime is now very little can be controlled by the state. It cannot protect even such inalienable rights of citizens, the right to life. Under such conditions, institute necessary defense should guarantee citizens the opportunity to protect the life, health, dignity and privacy of the home and property that would serve as an additional deterrent to the growth of crime.

The correct formation of justice practitioners on the legitimacy of the defense, since, despite the rather progressive provisions of the law governing the institution of self-defense, practitioners sometimes guided by obsolete dogmas and approaches is very important task of the state. In fact the self-defense is often first criminal case, and even if it subsequently ceases defending forced to play the role of a suspect and prove his innocence. The attacker, on the contrary, it appears in the role of victim, and therefore its socially dangerous encroachment is not always receives the appropriate criminal and legal assessment. Cases and unjustified condemnation of persons for exceeding the limits of necessary defense, and even for intentional serious crimes against the person, when subsequently the higher courts established presence in their actions self-defense. All this adversely affects the activity of citizens and authorities in the suppression of crime by means of self-defense. The foregoing shows that the institution of self-defense requires further study and recommendations for the legislator and for law enforcers.

The author is aware of the impossibility to reach as part of this work the whole complex of problems associated with the institution of self-defense, therefore focuses on those issues that are still controversial in the science of criminal law or the need for a new approach in line with modern realities.

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Sexual Deviations of Prisoners in Conditions of Isolation

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Abstract

In conditions of isolation there is consistent implementation of the methods for improving material and welfare support of prisoners, correction of their disciplinary programs adjusted for current realia, improvement of security and control over them, optimization of arrangement and tactics of field investigation activities and special prevention activities in order to reveal and prevent offending behavior in penitentiary facilities. These measures in whole are important for law enforcement in the places of confinement and security protection of prisoners and officers of penitentiary facilities. However, failures in the activities of different organization elements of a penitentiary facility cause deviant behavior of prisoners, which may manifest in commitment of penitentiary crimes and offenses.

Deviant sexual behavior of prisoners in penitentiary facilities undermines correctional process, negates effectiveness of preventive measures in a penitentiary facility, and impedes proper organization of execution and service of sentence, being a background element of penitentiary crimes, often leads to conflict situations between

the prisoners, which they usually solve by abusive actions. As the basis of deviant sexual behavior of prisoners is their personal defects, thus applied disciplinary measures don't have a significant influence on them.

The knowledge of peculiarities of criminal world and the norms of prisoners' behavior allows a penitentiary facility's administration to objectively analyze the crime situation in the institution as well as to control and forecast it in a proper and timely way.

Keywords: prisoners, deviant sexual behavior, penitentiary crimes, places of confinement, isolation, penitentiary facility.

JEL Classification: K14, K36, Z18.

Introduction

The goal of the study is revelation of reasons and motives of sexual deviations of prisoners in conditions of isolation. The study is based on dialectical method of scientific knowledge, as well as general scientific and particular scientific methods: historical, logical, particular sociological, statistical, and comparative. The theoretical basis of the study is composed of scientific works in various fields, including philosophy, sociology, psychology, criminology, and medicine.

Deviant behavior, which is considered as breach of social norms, has recently become of mass proportions and is in the focus of sociologists, teachers, doctors, psychologists and law enforcement officials. Development of public processes, dynamical emergence and alternation of crisis situations, aggravation of contradictions and conflicts – all this factors cause the interest to the issues of studying deviant behavior. The concept 'deviant behavior' requires clarification.

Some authors such as Ya. I. Gilinsky, I. S. Kon, Yu. I. Frolov etc. define deviant behavior as follows (Gilinskiy 2007, 23; Kon 1967, 57; Frolov 1996, 47):

(1) human actions, which don't comply with the formally set and practically existing norms of the society, 'whether they are norms of mental health, law, culture or ethics';
(2) social phenomenon, expressed in mass forms of human activities, which don't comply with the formally set and practically existing norms of the society;
(3) the behavior, which is considered as deviation from the group norms and lead to isolation, treatment, correction or punishment of the breacher.

In the first meaning deviant behavior is mostly the subject of general and developmental psychology, pedagogics and psychiatry. In the second and third meaning it is the subject of sociology, social psychology, criminology and penitentiary pedagogics.

The base for understanding the core of deviant behavior is the notion of 'norm'. V. D. Mendelevich underlines, that deviation is the borderline between norm and pathology, the extreme variant of a norm (Mendelevich 2001, 96). Deviation cannot be defined without knowledge of norms.

1. Literature review

Social norm is a traditionally formed in a certain society measure of acceptable human behavior of an individual, social group or organization. Social norms are formed as a result of adequate and corrupted (confabulated) reflection of objective laws of social functioning in the consciousness and behavior of the people. They are realized in laws, traditions, customs etc., in everything that has become a habit, an integral part of everyday life, of the way of life of the majority of population, which is supported by public opinion, plays the role of 'natural regulator' of social and interpersonal relations. Normative regulation of human behavior and collective activities is performed by means of social norms: norms, reflecting universal human values, interests of social groups, certain forms of behavior are set (caused, allowed), nature of relations, aims and ways of their achievement. Observance of these norms is usually ensured in a society through application of social awards and social punishments, i.e. positive and negative sanctions, serving as the most certain straight and direct element in the structure of social regulation.

Ya. I. Gilinsky defines social norm as 'historically developed in a certain society limits and acceptable intervals (allowable or obligatory) of behavior, activities of individuals, groups and social organizations. Compared to natural norms of physical and biological behavior, social norms are formed (constructed) as a result of reflection of objective laws of social functioning in the consciousness and actions of people. Thus social norm can comply with the laws of social development (and then it is 'natural') or reflect them not fully, inadequately, being

to leading positions in criminal hierarchy. As the basis of their behavior is personal defects, the correctional methods applied to them have no significant impact on their behavior.

Residence in a correctional institution significantly influences the mind of the prisoners, who are distressed for conviction and imprisonment. Many prisoners painfully experience the change of the set life stereotypes, often accompanied with hypermotivity, anger and aggression. The knowledge of peculiarities of criminal world and the norms of prisoners' behavior allows a penitentiary facility's administration to objectively analyze the crime situation in the institution as well as to control and forecast it in a proper and timely way.

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Basic Concepts and Categories of Penitentiary Security Theory

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Abstract

Provision of security of individuals, society and the state in modern conditions cannot be implemented without the legal regulation of social relations in order to prevent potential security threats and neutralize existing ones. Accordingly, the functioning of the legal system, its social role and functions are of great importance in terms of security. A special role in the sphere of legal security belongs to public authorities, ensuring the security of legal system. The necessity to build a legal and social, and most importantly – viable state objectively increases the importance of government activity and state bodies.

Current state of the penal system, its reform processes within the framework of development and integration of the state into the world community leads to the emergence of new threats. In this regard, there becomes a need to increase its readiness to confront arising external and internal, real and potential threats affecting a particular entity and the general situation.

Penitentiary security, on the one hand, is a security of the person, society and state within the penitentiary system, on the other hand, is a security of society and the state of internal penal hazards beyond the borders of a penitentiary system, the severity of which was not forewarned by internal prison security or caused by factors and subjects of the penitentiary system aimed against the legitimate penitentiary process within the system to its disorganization and replacement with illegal with harmful activity coming out of the system.

Keywords: national security, prison security, prison danger, penal and correctional system, punishment, purpose of punishment.

JEL Classification: K10, K14, K40.

Introduction

Security is closely linked to human activity, with all facets of public life and the state. In the dictionary, a word 'Security' is defined as a state or condition in which there is nobody/nothing is at risk of danger (Ozhegov 1986, 38) or it is also regarded as absence of threats, safety, reliability (Dal 1989, 67). The category of 'security', in the most general sense, is used for many processes and, regardless of the context, implies the state, a position with absence of dangers or threats, i.e. the factual security from dangers and threats. The theoretical legal schemes of the definition of security existing in the literature regard it as a condition of protection from dangers and threats, or as the absence or low level of threats and risks for a particular subject. Thus, according to I. S. Comyn, the security of the subject is marked by the absence or minimal level of risk of damage to its interests (Komin 2005, 12).

P. D. Kazakov defines security as a dynamically stable condition in relation to adverse effects and as an activity of protection against internal and external threats, ensuring such internal and external conditions of existence of the state that guarantee a stable, all-round progress of society and its citizens (Kazakov 1994, 62-63).

From the point of view of F. K. Mogolov, security as a scientific category represents 'the level of protection of security interests; certain condition of security objects at which they are able to meet the threats and overcome threats; the adequacy of the scope of measures preventing threats and overcoming the dangers (usually applied to highly organized social facilities and is a quality characteristic of effectiveness of a management); a quality characteristic of stability and sustainability of development of the social system.' (Mugulov 2003, 40).

Provided the theoretical and legal schemes of the definition contain objective security features in relation to the focus of their use, therefore, they are considered as cumulative security features, regardless of social level of organization: the individual, society, state (Galuzin 2007, 9).

1. Literature review

In the literature, along with the level of security, types of security are distinguished: internal and external, types of security: national security, legal security, public safety, etc., the types are subdivided by objects, the nature of the threats, the spheres of human activity (Prohozheva 2002, 21-40).

The most recognized common form of security is a national security, the main objects of which are: a person – his/her rights and freedoms; society – material and spiritual values; the state – its constitutional order, sovereignty and territorial integrity. There are different approaches to the definition of national security in the literature (Gerasimov 2001, 123; Saidov and Kashinskaya 2005, 125; Mamanov 2004, 11).

In general, the national security is defined as the protectiveness of the essential interests of a person, society and the state in various fields of activity from internal and external threats, ensuring the progressive development of the country. It is recognized that the concept of 'national security' has actually replaced the notion of the state security, which represents 'a top-tier national security' (Opaleva 2004, 18-19). According to J. M. Amanzholova, national security has conventionally regarded as a political category, and only then as sociological and in quite a lesser extent as as object of study of jurisprudence (Amanzholov 2001, 2). From the perspective of S. K. Amandykova, one of the urgent tasks of jurisprudence is defining basics of national security and its legal parameters (Amandykova 2012, 56).

A. A. Kaigorodtsev regards national security as a cross-cutting category, specifying not only defense potential of a country, but also the condition of the environment, the emergence of dangerous diseases, the activities of terrorist organizations, economic and information security, etc. (Kaigorodtsev 2006, 10). In the

Given that the penitentiary system, as an integral element of the social relations system, perceives and in a certain way reflects the processes of social development, then it transforms and refracts at the respective angle of view beliefs about danger and security in the penitentiary environment.

Taking into account the previously identified threats combined to a penitentiary danger phenomenon, it seems reasonable to define the two main directions for ensuring penitentiary security in various degrees, represented at all stages of the penitentiary environment development:

- internal security – ensuring effective counter the malicious threats against prisoners, employees and penitentiary facilities;
- external security – provision of counteraction to threats, coming from the penitentiary system itself.

The individual who has committed a crime and forcibly engaged into legal relations in the field of criminal liability realization (criminal prosecution, criminal justice, enforcement of criminal law punishment) acts as the primary system-forming element of both penitentiary danger and penitentiary security.

Conclusion

Regardless of the target units subject to criminal penalties, as a means of the latter's execution at all stages of the penal system development act institutions of isolation and restriction of rights.

Criminal legal isolation is a forced separation of personality away from 'normal' society at the expense of placement and keeping in specialized institutions of the penal system over a specified period of time.

The purpose of isolation, foremost, is the isolation itself (forced separation of the individual) that provides a distinction between traditional (legal) culture and criminal subculture. Given the aggressiveness of the criminal subculture, the isolation of its members is ensured by the state through special funds, including fortifications, technical and socio-biological means of protection and oversight. An equally important goal of the isolation is to control the behavior of convicted persons (suspects, defendants), aimed at preventing wrongful conduct, timely detection and effective suppression of impending and actual offences.

In the legal aspect the category of 'freedom' should be regarded as an inherent and inalienable right of man, which latter cannot be deprived of other than by deprivation of his life.

Isolation from society does not deprive a person of his liberty, but only narrows the scope of its implementation. Isolation, on one hand allows the state to identify and isolate from society the individuals deemed socially dangerous. On the other hand, the concentration in the isolation places of subjects of socially dangerous illegal behavior provides an opportunity for oversight over them and measures aimed at correction.

The state represented by the administration of the penitentiary system applies the institute of legal restrictions as the main tool of individual impact on the convict.

Criminal law restriction – envisaged by regulatory regime activities the forced reduction of scope and partial withdrawal of certain subjective rights from the legal status of the convicted person (suspect, accused).

Being in isolation has a direct consequence of significant restrictions in implementation of such important constitutional rights such as: participation in elections of the state power and local self-government representative bodies, free movement and a choice of place to stay and reside, personal privacy and secrecy. However, it should be emphasized again that the forced restriction of personal freedom and legal interference by the state into the private interests is not identical to the deprivation of liberty as such.

Restrictions of rights applied on behalf of the state have a dual purpose:

- ensure the prevention of prison recidivism and effective response to it;
- motivate and stimulate the subject to the choice of positive legal behavior.

This allows us to talk about isolation and restrictions of rights as fundamental legal means of penitentiary security underlying, structuring and functioning of institutions of the penal system, regardless of their formal designation.

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International Practice in Regulating Liability for Illegal Migration

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Abstract

In the last several decades migration processes have become global in nature, involving a significant growth in both legal and illegal (illicit) migration. Insufficiently managed migration flows have become a serious security threat for many countries. Illegal (illicit) migration, which poses a threat to national security and is frequently potentially associated with conflict, crime and violence, has been included in the list of modern global challenges and threats, thus requiring not only improvement of international and national legal mechanisms, but also development of joint measures and actions on the part of the whole global community. Virtually all nations in the world are involved in this process either as host countries, countries of origin, or countries with mixed migration flows.

The authors argue that migration in general, and its illegal component creates for the economy as the benefits and losses. However, the gross loss to the economy can be minimized provided the adequate implementation of the migration policy. The author points out that clever use of foreign labor could become an objective good for the country with a negative reproduction and growing needs, it is important only to find the resources to manage this sometimes spontaneous process.

Keywords: migration, regulation, liability, international practice, transnational organized crime.

JEL Classification: K37, K33, K14.

Introduction

In recent years, illegal migration has spread beyond the borders of individual countries and transformed into a global problem, which poses a real threat to public safety, contributes to a growing crime rate, propagation of dangerous diseases and expansion of the black labour market. The wide scope of illegal migration requires an immediate and professional response on both the national and international level. Joint efforts are much more effective than isolated actions taken by individual countries.

It should be emphasized that international cooperation is becoming increasingly important in the matter of combating illegal migration. Cooperation among nations in this context targets the areas of interest where common interest in preventing and combating illegal migration translates into both joint efforts and extensive use of international mechanisms.

1. Literature review

Vinogradova A. with this process often associates such phenomena as the criminalization of society, the increase of nationalist sentiment, diasporization individual labor niches. Whereas the correct approach to the management of migration processes, migrants have become a source of replenishment of the labor force in developed economies, which tend to narrowed reproduction of the population (Vinogradova 2016, 814).

Stereotypes migration assessment from the perspective of its negative impact on society, primarily linked Méndez F., Sepúlveda F., Valdés N. (2016, 752). On the negative image of migrants, which is created in the media, and the phenomenon of illegal migration often the result of information isolation of immigrants, their legal insecurity and tightening immigration regimes. Migration amnesty is the process of legalizing the status of illegal immigrants. During a certain period in the country are beginning to act facilitated the conditions for obtaining the status of legal migrant workers. When applying deemed Dell'Aringa C., Lucifora C., Pagani L. illegal bear minimal losses and gains legal basis for employment (2015, 8). At the end of this period takes place tougher measures for illegal residence and illegal employment.

The main problems, which carries migration according to Ngo H.V., Calhoun A., Worthington C., Pyrch T., Este D., related to its illegal component. Once the worker receives legal status in their country of residence, he begins to perform duties in accordance with its legislation, and thus acquire the right to the realization and protection of these rights and freedoms to the same extent as the nationals (Ngo *et al.* 2016, 21). Raising awareness of the potential and actual migrants about the current migration legislation and the possible consequences of illegal status. Often, potential migrants are not aware of the possible consequences of illegal stay in the country and those who have broken the law and are aware of it, are also often exaggerate the possible consequences and are just afraid to disclose their status authorities. This creates a kind of vicious circle. Raising public awareness on the measures, legislative regulation of migration, migrant outreach work in the environment would help to reduce the costs of the prosecution of illegal immigrants.

Nunziata L. considering possible ways to neutralize the negative impact of migration on the economic stability of society, there are ways to combat illegal migration (2015, 724). After analyzing the possible methods of combating illegal migration, it is possible to reduce them to the following formulation - to effectively combat illegal migration need to minimize the costs of the legalization of the status of migrant workers, thus increasing the costs of their illegal status.

2. Cooperation of CIS countries in solving the problem of illegal migration

For the purposes of effective prevention and combating of transnational organized crime, the United Nations Convention against Transnational Organized Crime and its supplementary Protocols were adopted by the General Assembly in its resolution 55/25 of 15 November 2000. Of special significance is the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the Convention and specifically dealing with the issues of combating illegal migration. Before this Protocol was adopted, there had been no universal document regulating all aspects of migrant smuggling. The primary purpose of this Protocol is to prevent and combat the smuggling of migrants.

The criminal law of some countries does not in fact contain the term 'organisation of illegal migration'. When examining the issue of liability for organizing illegal migration, its scope in foreign legislation is described through specific criminal acts.

Criminal law in a number of countries (Israel, Japan, the FRG, the Republic of Belarus etc.) criminalizes actions aimed at organizing illegal movement of their own nationals into another country. The key circumstance here, the legally relevant circumstance, is the fact of illegal crossing of the state border of a country. In this context, various terms are used to designate the method of movement across the state border, with a broader scope of meaning than 'entry' ('exit'): 'conveyance' (the Criminal Code of Ukraine, the Criminal Code of the FRG), 'crossing' (the Criminal Code of the PRC), 'movement' (Israeli Penal Law).

Criminal law in certain CIS countries contains provisions establishing liability for organizing illegal migration which may, from a theoretical perspective, be classified into two categories:

- provisions which are directly related to this kind of criminal activity and are titled as such, in particular, Article 371 of the Criminal Code of the Republic of Belarus and Article 394 of the Criminal Code of the Republic of Kazakhstan;
- provisions which are indirectly related to organizing illegal migration, i.e. they establish liability for illegal conveyance (exit, crossing, movement) and other actions related to illegal movement of persons across the state border (the Criminal Codes of Ukraine, the Republic of Uzbekistan, the Republic of Azerbaijan, Georgia, Turkmenistan, Tajikistan and the Kyrgyz Republic) (Baiburina 2010, 38).

Conclusion

Analysis of the criminal law of Tajikistan, Uzbekistan, Georgia, the Republic of Azerbaijan, and the Kyrgyz Republic shows that the criminal codes of these countries do not contain any provisions establishing liability for organizing illegal migration. At the same time, they contain a fairly wide range of legal provisions regulating relations with regard to illegal crossing of the state border.

The CIS countries are both a corridor for and a source of illegal immigrants entering Europe. In view of this, it has been decided to bring migration processes in the CIS under 'international' control. The inclusion of the CIS countries into the framework of the Budapest process made it possible not only to draw on the European experience in combating illegal migration, but also to raise additional funds. However, the issue is difficult to tackle due to a lack of harmonization of the national legislation of the CIS countries regulating entry into, exit from and length of stay in the CIS member states for aliens and stateless persons.

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Problems in Prevention of Suicidal Behavior of Prisoners

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Suicide of convicts, their suicidal behavior counteracts implementation of the objectives of the penal system, primary of which are the protection of rights and legitimate interests of persons sentenced to imprisonment, maintenance of security, and provision of assistance in social adaptation.

Therefore, a deep examination of the problems related to the prevention of suicides of prisoners and the prevention of their suicidal behavior is considered of great importance. The article analyzes the phenomenon of suicide, its nature, substance, essence; types of suicidal behavior and personality traits of prisoners who committed suicide in places of detention; recommendations on the improvement of organizational and legal measures to prevent suicide among persons sentenced to deprivation of liberty are being put forth.

Keywords: suicidal behavior, imprisonment, convicted person, suicide prevention, suicide advisement, correctional facility, and suicidal motivation

JEL Classification: K32, K39, K49.

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Economic and Legal Support of Employee of Employee-Shared Ownership in Modern Russia: Regions' Opinion

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Abstract

Currently in Russia, a great part of capital is steadily formed in a small number of people. Unfortunately, this model of capital concentration cannot be considered effective nor called socially equitable for the majority of the population. The difficult state of domestic production in all regions of the country, the negative impact of general political developments in the world and other factors contribute neither to the increase in the productivity of enterprises, nor to the increase in the employee's interest to improve the profitability of enterprises, nor to the growth of the Russian economy as a whole. It is therefore necessary to consider alternative ways of development of the modern economy, to raise the interest of each employee (not only the owner, shareholder or senior management) of enterprises in the end result of their activity. In our opinion, an alternative form of society capitalization is the development of employee-shared ownership. This experience is especially prevalent today in many countries with successful economies. In Russia, this ownership exists in the form of a few public enterprises (employee-owned closed joint-stock companies). This paper considers the question of the attitude of the country's regions to the functioning and dissemination of the experience of enterprises with employee stock ownership in the current Russian economic reality.

Keywords: ownership, employee-shared ownership, employee closed joint stock company (public enterprise), economic and social indicators of the effectiveness of public enterprises.

JEL Classification: O1.

Introduction

In management theory and practice, the issues of staff participation in the control of the enterprise can be observed in a wide range of scientific and industrial experiments.

Numerous arguments of foreign authors about the success of the company's management can be provided. For example, the one made by a legendary theoretician of management, who had a tremendous impact

- a health and recreation resort, where 750 employees are treated for free each year;
- a wellness center - a recreation center, where employees and their family members go on holidays, and the whole team have their company parties;
- the recreation center has a children's camp, open in summer, where 360 children are entertained. At the same time, parents pay only 15% of the ticket price.
- a children's cultural center and a children's sports club, where there are clubs and classes with 600 children involved.

The mill annually implements social programs:

- Retirees are provided with a monthly surcharge to pensions in the amount of 980-1,130 rubles depending on seniority.
- Every year voluntary medical insurance is provided in the amount of 5,000 rubles for each employee.
- Every two years there is a comprehensive free medical examination of employees, including screening for cancer.
- There is a housing program for employees' young families with payment of an interest-free loan of up to 500 thousand rubles with up to 7-year installments.
- Schools and kindergartens of the city of the deputy district of the State Council of the Republic of Tatarstan are provided with sponsorship charitable assistance.
- Veterans of the Great Patriotic War and those who are in a strong need for medical treatment are provided with targeted assistance.
- The mill participates in national and urban charities.

Conclusions

Therefore, having studied the activity of public enterprises in this country and conducted a regional survey on the future of enterprises of this legal form, we can draw the following conclusions. Unfortunately, despite the success of some the studied public enterprises, there are no support programs for their activity in today's Russia. One of the reasons is the imperfection of the legislative framework. The Federal Law 'On the specifics of the legal status of employee-owned joint-stock companies (public enterprises)' admits the only way to create them - by conversion of a commercial organization. Non-profit organizations, state and municipal unitary enterprises and open joint-stock companies (now public joint-stock companies), the employees of which own less than 49 percent of the authorized capital, cannot be converted into public enterprises (Sukhanov 2008). Moreover, the constraining factors include the lack of information about the peculiarities of the public enterprise and the skills of its management. People do not understand how these mechanisms work, what advantages they have, if they are working at the public enterprise.

Thus, it can be argued that many regions would not be left behind in taking a fundamental decision on the part of the Government of the Russian Federation about replicating public enterprises in the country and would support this initiative.

An optimistic disposition of the regional heads brings hope that the enterprises with employee participation interest in Russia will not disappear from the industrial community of enterprises, and will gradually be developed, obtaining support from the public authorities, as in many today's countries of the world.

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Defining and Assessing the Governance of Agrarian Sustainability

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Abstract:

The goal of this paper is to suggest a modern and practical framework for analyzing and assessing the system of governance of agrarian sustainability. New interdisciplinary New Institutional Economics framework (combining economics, organization, law, sociology, behavioral and political sciences) is incorporated and agrarian sustainability property defined, principle mechanisms and modes of governance (institutions, market, private, public, hybrid) of agrarian sustainability classified, and a holistic approach for identifying components and factors, assessing efficiency, and improving the system of governance presented. Suggested framework is to be further discussed and improved while its application requires new type of micro and macro-economic data for agents' preferences and behavior, activities and efficiency of agrarian organizations, effects and impacts on social, community and natural environment, etc.

Keywords: agrarian sustainability, market, private, public governance.

JEL Classification: Q01, Q12, Q13, Q15, Q18, Q51, Q56.

Introduction

The goal of this paper is to suggest a modern and practical framework for analyzing and assessing the system of governance of agrarian sustainability. Interdisciplinary New Institutional Economics framework (combining economics, organization, law, sociology, behavioral and political sciences) is incorporated and agrarian sustainability property defined, principle mechanisms and modes of governance of agrarian sustainability classified, and a holistic approach for identifying components and factors, assessing efficiency, and improving the system of governance presented. Ultimate objective of this study is to assist public policies and forms of public intervention as well as farming, business and collective actions for sustainable development.

1. Issues of understanding and assessing agrarian governance

Achievement of diverse economic, social, environment conservation etc. goals development greatly depends on the specific system of governance in different countries, industries, regions, communities, etc. (Bachev 2009; Barrett 1996, De Molina 2012, Epp 2013, Kremen, Iles and Bacon 2012, Weigelt, Muller, Janetschek and Topfer 2015, Zimmerer 2007). Having in mind the importance of agrarian sector (in terms of employed resources, contribution to individuals and social welfare, positive and/or negative impacts on environment, etc.), the improvement of the governance of agrarian sustainability is among the most topical issues in the European Union (EU) and around the globe (Bachev 2005, 2010, 2013, Berge and Stenseth 1998, Beerbaum 2004, Daily *et al.*

restoration and amelioration of natural environment, etc.), or its accomplishment with excessive costs in comparison with other feasible form of governance.

Suggested analysis also enables us to predict likely cases of new public (local, national, international) failures. The later could be due to impossibility to mobilize sufficient political support and necessary resources for improvement of governance and/or ineffective design of governance system of otherwise 'good' policies in the specific socio-economic environment of a particular region, sub-sector, ecosystem, country, etc. Since public failure is a feasible option its timely detection permits foreseeing persistence or rising of certain social, economic and environmental problems, and informing interested agents and community about associated risks.

Conclusion

Analysis of the system, factors, and efficiency of the governance of agrarian sustainability are extremely important both in academic, and practical (policy, farm and business forwarded) respects. Nevertheless, in many countries like Bulgaria and East Europe in general, such analyses are far behind from the modern developments in theory, and the needs and evolution of agrarian practice.

Suggested framework for assessing the governance of agrarian sustainability is to de discussed and further improved. After that it could be used for identification and assessment of the specific mechanisms and modes of governance of agrarian sustainability in a particular subsector, type of ecosystems, regions of a country, and entire agriculture in a country. However, it is necessary to collect additional micro and macro-economic information for agrarian agent's preferences and behavior, activities and efficiency of farming organizations, effects and impacts on social, community and natural environment, etc. The ultimate goal of this study is to improve farm management and strategies, and agricultural policies and forms of public intervention in agriculture.

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Institution Building of the Eurasian Economic Union: Challenges and Opportunities

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Abstract

This article contains research of the structure and authorities of the institutional bodies of the Eurasian Economic Union and peculiarities of their institution building. In the course of the research we analyzed the Treaty on the Eurasian Economic Union, its annexes regulating the activities of the Supreme Council, the Eurasian Economic Commission and the Court of the Eurasian Economic Union. Article describes functional purpose of the institutional bodies mentioned above, their role in the activities of the Union, reviews the opinions of the Russian, Kazakh, Belorussian and foreign scientists on the supranational nature of the Union institutional bodies. The authors suggest the measures for improving the activities of the Eurasian Economic Union institutional bodies, including the legislative framework, governing their activities.

The article also deals with the challenging issues connected with the integration of the Union members as well as the problems in the Union legislative system and the determination of the Union institutional bodies as the international organizations or supranational authorities. On the basis of scientific perspectives and provisions of the international contracts the authors develop their own point of view regarding it as well as precondition the opportunities of the institution building of the Union institutional bodies. The objective of the article is research of the system of the Eurasian Economic Union main bodies, their authorities and competences. In this research we applied the methods for analysis of international legal acts, juridical literature, the Mass Media as well as the general scientific methods, including cognitive and logical methods.

Keywords: institutional bodies of the Eurasian Economic Union, integration, institution building, Eurasian Economic Commission, Supreme Council, Intergovernmental Council.

JEL Classification: F53, O52, P50.

Introduction

The founded Eurasian Economic Union, which is functioning now, is a new stage in the development of the Eurasian integration of the Union members – the Republic of Kazakhstan, the Russian Federation and the Republic of Belarus.

It is undeniable that the Eurasian Economic Union has been the result of the search for cooperative ways of integration of the states, interested in strengthening their own national economies and increase in competitiveness of the Union members at the world market in the age of globalization.

At that, the economic direction in the activities of this union and avoidance of any 'politicization' is seen in the positions of the Kazakh and Belarusian sides.

The leaders of the states, presidents A. Lukashenko and N. Nazarbayev often declared that 'politicization' is impermissible at the foundation of the Eurasian Economic Union (remark: the Eurasian Economic Union is the successor of the Eurasian Economic Community).

Meanwhile, the Eurasian Economic Union will significantly influence the neighboring states, which are not its members. And in the short-term perspective there is an opportunity of expanding of the Union (Knobel 2013, 42).

1. Literature review

The signed Treaty on the Eurasian Economic Union (hereinafter – Union) dated 29 May 2014 in the city of Astana does not contain explicit provisions about supranationalism and supranational bodies of the Union in comparison with the provisions of the European Union Contracts (Law of the Republic of Kazakhstan 'On Ratification of the Treaty on the Eurasian Economic Union' 2014).

In the Treaty establishing the Eurasian Economic Community dated 10 October 2000 there is a regulation with the following statement: 'the Eurasian Economic Community has the authority, which is voluntarily given to it by the Contracting Parties'. This provision provokes thoughts about presence of supranationalism in the community. But we suggest in this case the states voluntarily delegate a series of their authorities for implementation of certain tasks. Furthermore, the states do not limit their sovereign rights, but exercise them as they pursue their own interests. At this they are not deprived of their independency and their sovereign rights. Moreover article 1 it is defines that 'The Contracting Parties remain sovereign and equal subjects of the international legislation'.

In connection with it the issues of investigating the development of the Eurasian Economic Union institutional bases are actual now, which is a significant task for the legal scientists in the sphere of both international and public law. At the same time the measures of improving the Eurasian Economic Union institutional bases should be efficient and reflect actual processes of the Eurasian integration within the territory of the former Soviet Union (Malinovskaya 2012, 197).

Ageliki A., Ioannis P. argue that any integration association on Thrust of development must go through a difficult period of harmonization - the adaptation and harmonization of local legislation to common norms and standards, development of a single economic, tariff, tax and other policies, depending on the degree of integration. Of course, in an aggressive external environment, this process can take place very painful (Ageliki and Ioannis 2016, 281).

Lazarides T., Drimpetas E. show the main purpose of the common economic policy is reduced to the practice of import substitution in the framework of the union - the transition to self-sufficiency, in which the share of intra-trade turnover significantly higher than (or at least not inferior to) the volumes of trade with the outside world. However, here lies the danger of loss of competitiveness of goods and roll back to the primitive technology (Lazarides and Drimpetas 2016, 326). By assumption Kollias C., Papadamou S., Siriopoulos C. import substitution policies should be applied in relation to the export-oriented. In other words, if a manufacturer produces goods for the domestic market with this product, if necessary, must meet all the quality requirements imposed on the world market (Kollias *et al.* 2016, 271). Ciriaci D., Moncada-Paternò-Castello P., Voigt P. noted

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Influence of the Constitutional and Legal Science on the Formation of Modern Public Policy for Human Potential Protection

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Abstract

The present article reveals the legal aspects of the social life of the population, identifies the problems affecting the formation of the public social policy, and suggests the forms of influence of the constitutional and legal science on the solution of the national problem. The authors propose a scientific approach to solving the problem of lack of the effective implementation of the public legal policy. The research discloses several problematic unresolved issues affecting the formation of public policy for human potential protection, some of which are the expectancy and low quality of life of Russians and high mortality of the population, which make it a national problem, according to the authors. They study the aggregate data for the last 17 years, confirming the relevance of this issue for both the Voronezh and Tyumen regions. The authors also analyze scientific approaches of the health and medical science in the Russian Federation until 2020 and propose the ways of improving the efficiency of use of available resources.

Keywords: standard of living, modernization, balance, methodology, conflict.

JEL Classification: Z1.

Introduction

The study of the standard of living is one of the areas of analysis of the country's socio-economic development. The standard of living is the availability of the necessary material goods and services to the population, a sufficient level of their consumption and the degree of satisfaction of reasonable needs. The notion of the 'standard of living' includes a variety of social and legal aspects of public life such as working and living conditions, forms of use of free time, the level and structure of income and expenditure, the level of healthcare, culture, arts and others. The quantitative characteristics of these social aspects of society with the help of socio-economic indicators are a subject matter of statistics of the standard of living. An increase in the living standards

interaction with public, scientific and other organizations in the field of strategic planning. The state strategic planning system includes the interlinked strategic planning documents describing the priorities of socio-economic development of the Russian Federation; elements of the legal, scientific, methodical, informational, financial and other support of strategic planning processes; members of the state strategic planning, implementing and directing the practical activities in this area.

A special role should be given to the subjects of influence of the state on the legal and political institutions and the economic, socio-demographic, military and natural-resource potential of the country for the purpose of forming and realizing the legal policy strategy.

The subjects of the state strategy are now the President of the Russian Federation, the Chambers of the Federal Assembly of the Russian Federation, the Government of the Russian Federation, public authorities of the subjects of the Russian Federation, (within their authority on the subjects of reference). The main powers of the federal authorities in the creation and implementation of the state strategy are enshrined in the Constitution. The forms of its implementation are the legislative drafting activity of the legislative initiative subjects, the adoption and approval of the federal laws by the chambers of the Federal Assembly, the implementation of the power by the President of the Russian Federation and the Government of the Russian Federation to determine the direction and realization of the public legal policy (Zrazhevskaya 2007).

We believe that this system does not fully comply with the stratagem of the Russian President V.V. Putin, as far as it does not involve the existing innovation potential of beneficial qualities of the state and society (capacities) that it contains for the use in the process of formation and implementation of the strategy of legal policy.

In the legal awareness of citizens and subjects of the public and local authorities, in law-making and law enforcement it is necessary to change the current form of perception of the legal policy strategy as a function of the authorities only to the new understanding as a system of balancing (eliminating or mitigating the conflict state) legal relations between the state, society and individual.

By the example of the health sphere, the improvement of the standard of living and expectancy of life, this balancing form of strategy consists in the formation of a legal framework involving the innovation potential, stimulation and legal protection of the innovation activity of state structures, introduction of such instruments as public-private partnership, especially in the area of the country's infrastructural development, attraction of the non-traditional methods and techniques for resolving the conflict situation between the citizen, doctors (medical facilities) and the state in the sphere of human health, quality and expectancy of life.

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International Legal Aspects of Exercising Refugees' Rights in Central Asia

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Abstract

The relevance of this research is stipulated by theoretical and practical problems of international law on protecting refugees and exercising refugees' rights in the countries of Central Asia. This problem has always attracted a lot of attention from the side of international organizations. Taking into account that in many countries human rights is one of the central issue in politics, refugees' rights and legislation on the national level in this sphere should be studied in further researches. All Central Asian countries, except Uzbekistan, joined the 1951

Refugee Convention and 1967 Protocol relating to the Status of Refugees, entering into an undertaking to protect those who needs protection. Later, the countries developed the laws on the national level, committing itself to define the status of refugees. The authors analyze the issues of legal regulation of the institute of asylum in Central Asia form the point of view of human rights; characteristics of politics and practices for granting of the refugee status in Central Asia are discussed; the author offers the way to optimize the process of solving theoretical and practical problems in exercising refugees' rights; recommendations to improve legislation in Central Asian countries relating to refugees' rights are suggested.

Keywords: refugee, migration, Central Asia.

JEL Classification: J61, K33, K37.

Introduction

Refugees' defense is closely connected to the notion of human rights. According to the Universal Declaration of Human Rights everyone has an inalienable right to life, freedom and personal security. Everyone has a right not to be subject to tortures, forced labor or expulsion. The Universal Declaration also states the right of every person to freedom of movement and residence within the borders of each State and the right to leave any country, including his or her own, and to return to his or her country (Article 13). It is underlined that every person has a right to seek and to enjoy in other countries asylum from persecution (Article 14) and that everyone has a right to recognition everywhere as a person (Article 6). 1951 UN Convention on the Status of Refugees contains a principle that the countries should refrain from expulsion of the refugees to the places where there is risk of persecution.

The 20th century witnesses an intensive expansion of migration flows and the end of the century became an essential factor of all global problems. The problem of refugees became even more acute in the last years due to a number of armed conflicts and changes of the ruling regimes in the countries of Middle East and Africa. According to the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), in 2015 persecutions, conflicts and poverty have led an unprecedented number of people, one million people, to seek asylum in Europe. On December 21st, 2015 and according to UNHCR, around 972.500 people crossed the Mediterranean see. Besides, according to IOM data, over 34.000 people came by land from Turkey to Bulgaria and Greece. A number of people displaced by wars and conflicts reached the peak in Western and Central Europe since 1990-s when several conflicts erupted in the former Yugoslavia. Every second man among those who crossed the Mediterranean sea, and this is half a million, were the Syrians running from the war in their country. The Afghans are 20% and people from Iraq are 7% (Joint press release of UN Agency for refugees and International Organization for Migration, 2015).

As experts say ‘the majority of migrants are educated youth who want to live in safe Europe where everyone is equal before the law, where everyone has minimal social protection. The countries of Western and Northern Europe are the main aim of the refugees: they want to live and work there and they will strive for these countries until EU will accept them. A lot depends on the EU union strategy relating to the refugees. Only strict migration policy will make the refugees find other places for settlement’ (Zubov 2015, 115).

On the other hand, there is an increasing advocacy from politicians to forward the flow of Syrian refugees from Europe to Central Asia and Kazakhstan (Tischenko 2015, 98). This problem is becoming more acute in spring 2016, when migration flows to Europe will increase again and EU certain countries prioritize defense of national borders.

Over 90 percent of all refugees in Kazakhstan, according to data as of January 2015, are from Afghanistan. The total number of refugees in the Republic is 632 and 48 people are seeking asylum. Except the Afghans, among the refugees are citizens of other republics of the region. The greatest number of refugees is accepted by Tajikistan. According to UNHCR 2014 report, in Tajikistan there are, at least, four and a half thousand people who ran from neighboring Afghanistan. However, today this problem is more acute in Turkmenistan that faced the greatest flow of refugees. In Uzbekistan 125 refugees are registered, while in this country there are 86.000 of people without any citizenship and the majority of them are refugees de facto. In January 2015 in Kyrgyzstan 431 refugee was registered, 175 people were seeking asylum and 12.133 people did not have any citizenship.

It is evident that migration processes are often uncontrollable because migration legislation toughening in a certain country leads to an increased number of illegal immigrants. The awareness of the problem and weighted migration policy in Central Asia could steer migration flows in the right direction.

Refugees are a great challenge for international society and it should define the most effective ways for preventing new migration flows. It is necessary to study the underlying causes of this phenomenon and take certain measures.

International society must assign the potential responsibility on the stage of planning any international illegal act as the majority of people seeking asylum are running from arm conflicts on international and national level.

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Value of International Legal Acts in Relation to the Criminal Legislation of the Republic of Kazakhstan

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Abstract

The article with the provisions of the criminal law of the Republic of Kazakhstan studied various kinds of international legal instruments and their legal norms and the use in the course of the preliminary investigation and the judicial proceedings. Identified gaps of criminal procedure regulations and the ways of implementation of the norms of international legal acts, including treaties of Kazakhstan, subject to the provisions of the criminal procedure law and other legal acts. The author's position on the Application of Standards intercity rights in the criminal procedure of the Republic of Kazakhstan. Proposals for improving the criminal procedural legislation of the Republic of Kazakhstan in connection with the implementation of international legal norms.

The theoretical value of this work is to justify the need to include in the system of sources of criminal procedural law of the Republic of Kazakhstan recognized principles and norms of international law, the international treaties of the Republic of Kazakhstan, as well as in determining the forms of implementation of international legal norms. In the article for the first time subjected to scientific analysis of some questions to fully understand the content, significance and use in criminal proceedings of various legal force and legal value of international acts. The paper thoroughly discussed the issues of interaction of international and criminal procedural law, learn the basic set of problems arising in the implementation of this interaction. The studies contribute to defining areas for further theoretical development and improvement of practical activities to do on the basis of research findings can be used to further develop the regulatory framework for international cooperation of investigation bodies and courts of the Republic of Kazakhstan.

Keywords: international legal acts, international law, law-enforcement activity.

JEL Classification: K10, K14, K32.

Introduction

Now, in policy of the state the basic principles of peaceful co-existence of non-aggression, peaceful resolution of disputes, self-determination of the people, disarmament, propaganda for war prohibition, etc. are of particular importance. Development of the directions in legal policy on observance of the universally recognized norms of the international criminal law, the mode of the international legality takes important place and in the Republic of Kazakhstan.

More and more value increases and the maintenance of formula of the Statute of the International Court of Justice of the UN 'general principles recognized as the civilized nations' is enriched. The norms of international law based on these principles have the growing impact directly on jurisprudence. The international standards in the field of human rights are most indicative in this plan. Gradually expanding the contents, they find character of universal standards of democracy.

Law-making activity of the state always refracts through prism of the leading ideas of criminal and legal policy. The principles of criminal law are the regulator of both law-making, and law-enforcement activity. Therefore recognition of priority of norms of the international criminal law in the field of protection of human rights serves as the guarantor of legality.

Thus, international legal acts have had huge impact on forming of the maintenance of criminal and legal policy in fixing of the international legal principles, establishment of circle of socially dangerous acts, interpretation of norms of criminal law from the point of view of the conventional principles and norms of international law and development of activities of law enforcement agencies on use of norms of criminal law which source are international legal norms.

1. Literature review

Swiffen A, Nichols J. indicated that the legal significance of international documents, endowed in accordance with federal law attributes criminal procedure act, is that they contain provisions binding on the parties to the proceedings (Swiffen and Nichols 2016, 133).

Pavlich G. examines the value and classification of international agreements on legal assistance, their legal significance (Pavlich 2016, 233). The paper Sidorkin A.M. noted that, depending on the name of a public body has concluded international agreements, they are divided into: interstate, intergovernmental and interdepartmental. It is necessary to distinguish between international treaties on combating crime on inter-institutional agreements on these issues. The first is on behalf of the state authorities and be subject to ratification in accordance with established procedure, the second – by the competent authorities on behalf of the Ministries of Justice states, without any such requests. Ratification of legislative bodies are not subject to such acts (Sidorkin 2016, 321). There are certain rules of international regulations resulting from the content of the international legal acts: the adoption of the necessary measures, especially legislative, on compliance and enforcement of international law; the rights enshrined in the legislation of the kind provided for in the international instruments; amendments to the criminal procedure law.

We believe that the provisions of international law incorporated in the Criminal Procedure Law, implemented through the use of actors listed criminal procedural powers. This point of view on the process of introduction and continued use of international standards in the regulation of criminal procedure relations is consistent with direct content and legal importance of international legal instruments.

Mutual consideration different in meaning, content and scope of the international legal instruments, in particular in the field of criminal procedural law, is manifested in the consolidation of a number of international standards in the Constitution, their inclusion in the criminal procedure legislation.

It is possible to include in the criminal procedure system of sources of the provisions of the international treaties, which are incorporated into the current criminal procedure law or ratified in accordance with the law.

Providing legal assistance in criminal matters by the competent foreign and local authorities is carried out through the execution of requests. Their procedure is determined by an international treaty. In the performance of assignments in the Republic of Kazakhstan applies the Criminal Procedure Law of the Republic of Kazakhstan and international legal norms.

1988. Point 7 of this Arch of the principles says that 'the states should forbid in legislative order any actions contradicting the rights and duties containing in the real principles'.

So, according to the classification of international legal acts offered by us we consider expedient to develop the International Bases of the criminal legislation of the Republic of Kazakhstan. In our opinion, acceptance of the International Bases of the criminal legislation of RK in which the conventional principles and norms of international law will be reflected, will expand the maintenance of number of standards of the national criminal legislation towards compliance to their international legal standards and will establish general conditions of their use.

Conclusion

The essential difficulty is the inclusion in the criminal legal system of international standards to ensure extradited person, the right to protection. The legislation has not received a reflection of such international instruments granted the right of a detained or arrested person, as a meeting with a representative of the State of which he is.

The article contains a number of proposals for supplementing the criminal legislation aimed at, to ensure fulfillment of international obligations of the Republic of Kazakhstan and streamline the system of extradition of persons to carry out their criminal prosecution, as well as to clarify their warranty rights. In addition, the rationale for the adoption of the law on extradition of persons suspected or accused of committing crimes.

The article explores the possibility of direct application of international law in the investigation of crimes and the implementation of the judicial proceedings. On this account we have the situation where the relationship between the parties to the proceedings, have similarly settled the main sources of criminal procedural law of the Republic of Kazakhstan.

However, the rules of international legal instruments can be directly applied by the investigators, prosecutors and judges often in practice, the provisions of international law can be applied in conjunction with the rules of criminal procedure or mediocre, if that is an indication of the law of the Republic of Kazakhstan.

Application of the principles and norms of international law carried out on the basis of compliance with the rules of the law of international legal status. This principle is that the rules of criminal procedure shall be interpreted so that its content is not contrary to international instruments.

The paper highlighted this form of implementation of the norms of international legal acts, as an interpretation of international legal provisions in the decisions of the higher judiciary of the Republic of Kazakhstan. It should be noted that the decisions of the Constitutional Court of the Republic of Kazakhstan there is a tendency to use the same instructions several international legal instruments. While a number of equally important norms of international legal instruments has not yet been reflected in the practice of the Constitutional Court of the Republic of Kazakhstan.

In the case of direct application of international law, the Constitutional Court of the Republic of Kazakhstan has the right to annul the rules of criminal procedure as not corresponding to the Constitution of the Republic of Kazakhstan. Plenum of the Supreme Court of the Republic of Kazakhstan in their decisions on the basis of direct application of international regulations provide explanations on how to apply the rules of law of criminal procedure in order to eliminate the contradiction between them and the sources of international law - both general and contractual nature.

Establishing mandatory casual interpretation of the Supreme Court of the Republic of Kazakhstan law on criminal procedure (on the basis of the Constitution and the provisions of international legal acts) to the lower courts is imperative, without following which it is hardly possible to ensure the constitutional provisions common understanding and, consequently, the application of criminal procedural rules by the courts of general jurisdiction.

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Innovative Approaches in the Development of Kazakhstan Railway Industry

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Abstract:

In modern conditions the innovative development of the country – the main goal of the state policy in the field of science and technology. The most important direction of the state innovation policy is the formation of the national innovation system. In cyclically developing economy emerging from the structural crisis national economic policies contribute to the formation of a new type of industry: on the stage of economic growth – to its development and strengthening, on the stage of stabilizing – it is aimed at the realization of the existing potential. Depending on the stage of its development, economic policy provides any support for the existing structure of the industry, or to the formation of the branch structure of a new type. State innovation policy is mainly aimed at

creating favorable economic, institutional, legal, informational, social and psychological conditions for the implementation of innovative processes. These conditions and the variety of methods of formation of innovation policy define the basic strategic directions of state support for innovation. In the article the questions of strategic management were shown, the features of the formation and development of the railway industry of the Republic of Kazakhstan. Special attention was attended to the assessment of the strategic management of the real economy sector.

Keywords: railway transport, transportation services, strategic management, economic sphere, state policy, innovations, industrial structure

JEL Classification: R4.

Introduction

A well-functioning economic policy of the state is the key to successful development of the country as a whole, the part of no small importance is the industrial and innovation policy.

Industrial and innovation challenges require a balanced industrial development and fair trade. GDP growth in Kazakhstan in the last decade basically stimulated export commodity nature of the economy, which in terms of both technology and competitiveness, and the share of products with high added value does not qualify for transitional neo-industrial economy. The fundamental problem is that the current economic system of the republic is dependent on foreign capital and actually subordinated to foreign multinationals supply of raw materials and resources. The dominant economic resource is capital rather than industrial. The economic situation is developing in Kazakhstan, led to the beginning of the transition to a fundamentally new model of economic growth to overcome the de-industrialization, the formation of knowledge-intensive industries and industries with high added value.

Since 2010 in Kazakhstan, the main document for the implementation of industrial and innovation policy has become a state program of forced industrial-innovative development. In connection with the advent of the program seeks to transition to a new model of high-tech modernization of the national economy with a radical restructuring and upgrading of production facilities on the basis of innovation.

Innovative scientific and technological breakthrough involves a radical strengthening of the organizational and institutional role of the state. In the same position as objectively increased state ownership, the state capital in the consolidated budget of the country and solving urgent problems of forced industrialization in joint ventures with foreign investors.

New industrialization as evidenced by international practice is entirely dependent on the rules and the efficiency savings. Calculations of experts and academic institutions prove suitable level of investment in favor of the manufacturing industry for at least 25-30% (Sleptsov 2011). Kazakhstan as well needs identical levels of investment, the rate of accumulation in the industrial capital in the real base of modernization, including investments in human capital and, especially at the time of the active implementation of the program of forced industrial-innovative development, though it is in industrial capital.

In the context of global competition and an open economy the sovereign development of Kazakhstan is possible only with a maximum of rational organization of accounting and inventory of the economic potential of the republic taking into account its strengths and weaknesses in the international division of labor and in the framework of the Eurasian community (Melecky 2012). The new industrialization of the country at a historic turning point of its development requires a new economic system, responsive to the renewal, restructuring, innovation, creation and implementation of new technologies and products, increase the competitiveness of production. We are talking about the formation of a new national economic system, based on new sources of economic growth and, as a branch structure, the growth of labor productivity, rational income differentiation, efficiency and quality of public administration. All of the above should form a competitive national economy with a new strategic approach to the transformation process in the country and a reorientation of policy on innovation industrialization and modernization as a general public interest (Bishop and Woessmann 2004).

The effective functioning and consistent development of rail transport has a fundamental importance for the development of regions, sectors and individual companies, as the availability of transport capacity is a necessary condition for the development of the productive forces, especially in times of lifting the economic situation. In addition, rail transport is a key element of the integration transport system of the Republic of

- improvement of the cultural and educational level of residents of regions next to the new railways, due to development of communication ways;
- increasing the capacity of the transport usage for the population of the regions next to the new lines;
- the emergence of additional opportunities to attract investments to the regions, including foreign investments;
- integration of regions next to the new lines and the expansion of trade.

Conclusions. In modern conditions the innovative development of the country - the main goal of the state policy in the field of science and technology. The most important direction of the state innovation policy is the formation of the national innovation system.

For Kazakhstan considerable interest principles that guide the development of the country during the concrete measures to support innovation processes and are used for their implementation mechanisms. First of all, this is due to the fact that the main task of the state in the field of innovation is to bridge the gap between science, technology and industrial applications.

The factors creating competitive advantages of industry defined by four groups of determinants of national competitiveness in the form of so-called 'national rhombus' which are general, the competitive environment and include: conditions of production factors necessary for successful competition in the industry; demand conditions that characterize the domestic demand for products or services offered by a particular industry; related and supporting industries, that is, the presence of the national economy and related supporting industries that are competitive in the foreign market; strategy, structure and competition of firms, *i.e.* the competitive environment created by the state in which the company arise, form a strategy, and compete in the domestic market.

The strategic management of railway transport of the Republic of Kazakhstan should be carried through abidance the rules of four basic groups:

- the first group of the rules is a criteria for evaluation of results of the railway operating, *i.e.* how the operation of the sector influences on the economic and social areas.
- regulation of the relations of the railway system with other sectors (systems), as well as state regulation principles, principles and mechanisms of achieving competitive advantages over other types of transport represent the second group of rules.
- the third group of rules govern the relations between management bodies, business - structures, users of transport services within the railway sector as a system.
- the forth group of rules includes framework for operational decisions that impact on long-term and medium-term development directions of railway transport.

Generally, the strategic management of railway transport in the Republic of Kazakhstan creates conditions that help to minimize the probability of threats of different nature - technical and technological, financial, human resources and so on, which makes possible to satisfy the needs of society and the economy in a competitive transport services.

In our view, the world experience the technologically advanced countries shows that the global process of industrialization of the economy has entered a new phase called neo-industrialization being objective and general law, like the electrification of social labor. At the same time, falling behind in the 'digital' industrialization, the country condemns itself to lag behind in all other socio-economic parameters of development. In this regard, to ensure the competitiveness of the national development should go on the climb to the level reached by the major powers. Therefore, it is a major factor neo-industrialization breakthrough of Kazakhstan in technotronic XXI century.

Based on the international experience of industrialization of a number of countries, it can be argued that the success of economic goals is largely dependent on the choice of priorities and directions of development defined by the state, mechanisms to achieve their goals. In that case, if the task is to increase national competitiveness by taking the leading positions in the world economy, the main efforts should be focused on the development of the most advanced sectors, determine the level of technological development of the country, which include microelectronics, information and biotechnology, nuclear industry, space industry and space exploration, aviation industry, and super-fast high-speed rail links.

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Problems of Management of Social Processes in the Almaty Region of Kazakhstan

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Abstract:

The present article substantiates the role of forecasting as a method in the system of management, in the development and integration of social processes in the region and its territorial structures. It also analyzes the peculiarities arising from the nature and properties of regional systems and strengthening the regulatory functions of the state through the mechanism of distribution of state expenditures, and sets out the essence of a fundamentally new model of social protection in Kazakhstan and the classification of social standards, which is a practical framework of the managed forecasting.

Keywords: regional system, social processes, forecasting, models, social standards, auditing.

JEL Classification: J53, R11, R58.

Introduction

The future of the economic development of Kazakhstan, based on the 'Kazakhstan - 2050' Strategy, necessitates a careful study of the social processes occurring in specific regions. Ultimately, the fate of the country depends on the society – on its sensible approach to taking an optimal management solution. It is crucial to the effective management of social processes in specific regions, districts and other territorial units, where specific social processes arise and should be taken into account.

The relevance of the problem consists in the fact that regions could better identify the prevailing trends and parameters of lasting development, as well as outline the regulatory impact on the economic and social processes taking place within their territory with regard to the specifics of the Almaty region itself and the subjects of its social sphere.

In the theory of regional studies, a set of paradigms characterizes the region as a multidimensional system, wherein two paradigms are of the greatest interest, in relation to the object of this study: a region-quasi-state and a region-society. They should be considered in relation to the Almaty region.

A special contribution to the study of socio-economic development of the society was made by S.G. Strumilin (1965), L.I. Abalkin (1987), A.G. Granberg (2011), V.M. Rutgaizer (2007), M.V. Solodkov and Tsvigun I.V. (2007) and the subsequent generation of scientists – S.A. Heynman (1977), T.V. Gutman (2001), A. Gaponenko (1993), B.Yu. Khomelyansky (1977), G. Tsvetkova (2006) and others.

Actual problems of management of the social infrastructure in Kazakhstan were developed by academicians Yu.K. Shokamanov (2003), Kh.N. Sansyzbayeva (1998), K.S. Mukhtarova (2000), S.N. Gaisina

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Strategic Management Accounting: Legal Aspects and Practical Significance

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Abstract

The article considers the issues of substantiation and development of strategic management accounting model focused on the British-American concept. Management accounting is to give top management answers to the questions about real income and real expenses of their business, about the amount of actually earned profit, on total assets of the organization, the composition of the assets, and owners' equity at any given time. In this regard, a problem turns up in submitting existing accounting information to the relevant consumers in those formats which are necessary for each of them. To make this information accessible each consumer should be prepared for its perception and use in managerial decision-making to the extent necessary. To achieve this objective in the course of the study a task was formulated: to describe the current status and features of strategic management accounting formation in the world practice and in the Republic of Kazakhstan; to justify the objective prerequisites for the formation of management accounting elements, by systematizing development stages of organizational and methodological foundations of its functioning.

Keywords: Law, accounting policies, strategic management accounting, information consumers, financial statements, production accounting, production costs, performance evaluation, managerial decision making.

JEL Classification: F15, G15, K23, M41.

Introduction

All organizations, irrespective of forms of property for state registration must comply with the legislation of the Republic of Kazakhstan. In order to create favorable conditions for business development in the Republic of Kazakhstan, to reduce the administrative burden on business and improve the efficiency of state regulation of private enterprises amendments were introduced in the legislation in order to reduce the number of permits and to simplify licensing procedures (ZRK 479-V 2016). In addition, changes are aimed at the abolition of duplicative and unnecessary permits, transfer permits for the notification procedure and optimization of licensing procedures.

The main national regulatory instrument is the Civil Code of the Republic of Kazakhstan, which determines the order of formation, rights and obligations of legal entities and individuals. Every business entity at its creation should have the constituent documents, the main of which is the Charter. The constituent documents should be certified by a notary and get state registration in judicial authorities. The subject announces share capital, which consists of contributions of the founders (participants) in Charter. The minimum capital is defined by the Law on 'Joint Stock Companies and the Law on associations. The Tax Code defines the types of taxes, their size and terms of payment. The statute of limitations for tax liabilities and assets is five years (Article 46 of the Tax Code of RK). The limitation period shall begin after the end of the relevant tax period.

1. The effects of the adoption of the International Accounting Standard-International Financial Reporting Standard (IAS/IFRS) on the information process, tools, accounting and procedures

Recently, several laws have been revised in the field of accounting, for example, the corporate internal control legislation system in Italy, consequently requiring the accounting information system (AIS) to adapt. Accounting systems and financial reporting must comply with new law requirements, which generate a 'corporate impact'. The object of this paper is to examine this corporate impact. Analyzing four Italian listed companies, the authors investigate the effects of the adoption of the International Accounting Standard-International Financial Reporting Standard (IAS/IFRS) on the information process, tools, accounting and procedures. The analysis shows that firms use different approaches to implement law requirements; the authors develop a model to identify their determinants (Corsi and Mancini 2012).

'Political' lobbying in order to influence financial reporting standards has been observed in many jurisdictions. Zeff cites instances from the United States, Canada, the UK, Sweden and international lobbying on IASB standards (Zeff 2006). However, possibilities for exerting political influence vary according to country. Königsgruber analyzes the institutional setup in the United States and in the European Union. Traditionally, studies in comparative international accounting have distinguished between an Anglo-Saxon or American and a Continental model of accounting regulation. Continental European countries are characterized by a larger role given to legislation in accounting regulation. In Germany, the government sets broad principles in accounting via the commercial code while referring to the Grundsätze ordnungsmässiger Buchführung (GoB), literally the principles of orderly book-keeping, for situations not covered by the law (Königsgruber 2009, 277).

In the summer of 2007, the corporate world seemed in good shape to most people. Then came the so-called 'Global Financial Crisis (GFC) – symbolically with the breakdown of Lehman Brothers Inc. – on 15 September 2008 regarded by many as a natural disaster. Since then, gigantic forces have been crippling companies, states and currencies; we are witnessing mass unemployment and new orgies of debt ('quantitative easing'). The crisis was man-made and it demonstrates that the immoderate economic practice and theory of the Anglo-American type has failed (du Plessis *et al.* 2012, 276).

To overcome the developed crisis the entities shall review the administrative structure and make it more compact and economically reasonable.

At each enterprise the administrative structure usually includes accounts department, legal service, economic planning department, programmers and other services operating in parallel with each other and occupied with one and the same thing.

However, accountants work in accordance with the rules stipulated by the regulatory documents and consider that everything they work for the sake of is taxes and tax audit. According to clause 5 of Article 1 of the Law 'On Accounting and Financial Reporting' dated 28.02.2007 N 234-3 ledgers are a form of generalization, systematization and storage of information contained in the received to the account of primary documents for its reflection in accounting system and financial reporting (ZRK 234-3 2007).

of results of production and economic activity in the context of structural units (management objects) and taking on this basis timely managerial decisions in order to improve effectiveness of production;

- theoretical justification is given for the organizational aspects of management accounting in industrial enterprises in market conditions;
- the place of strategic management accounting in organizations as an independent scientific discipline with its subject, objects, methods, and functions is specified;
- it was determined that the development and implementation of strategic management accounting in organizations can be carried out only in a single complex, and not by specific areas, methods, or specific directions. Sporadic efforts (implementation of the standard method or the method of accounting for variable costs) will be doomed to failure as the practice shows;
- in development and implementation of strategic management accounting in organizations a significant role of the time factor for Kazakhstan accounting system must be considered;
- it was recommended while developing and implementing strategic management accounting of any company to firstly conduct a more detailed study of the manufacturing cost accounting system as the basic process of management accounting of organization, the main provider of information within an organization to determine its goals and objectives, as well as the complex of challenges a decision of which allows making a new qualitative leap in the development of the national accounting framework.
- It was determined that modern strategic management accounting is a complex system of relations between objects and subjects of management, solving problems not only of manufacturing cost accounting and calculating of manufacturing costs, but also the evaluation of the organization and its departments' activities, taking and justifying management decisions in conditions of risk and uncertainty.

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Financial Markets BRICS: The Analysis of Competitive Advantages

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Abstract:

Analyzing the present range of economic and political inter-state cooperation in the world, it may be noticed that foundation of their alliances and associations based both on the principles of equality and supremacy of a main partner. One of such equal associations is the treaty among Brazil, Russia, India, China, and South Africa known as the BRICS.

The article reveals the financial development strategy of the BRICS. It is researched resource potential of the BRICs as a basis of financial development. Suggested three directions forming a strategy of financial development of BRICS. Identified competitive advantages of the BRICS in the creation of a favorable institutional and macroeconomic stability, improve market sophistication and world financial centers. The results obtained can be the basis for the development of specific activities on the formation of the strategy of the financial development of the BRICS with the positions of their competitiveness.

Keywords: financial strategy development, competitive advantages, BRICS, global competitiveness Index of the world economic forum, financial market, financial centers.

JEL Classification: F02, F50, G15.

Introduction

The cooperation of the BRICS members is conducted in diverse fields, such as politics, economy, culture, sports, and other socially significant areas. Each member state has strengths and weaknesses in every field of cooperation, and it is to define any possible synergistic effect out of this interaction (Novikov 2015, 26-37).

The main competitive advantage of the BRICS in the globalized world economy is drawing up an economic development strategy. The position review of the BRICS nations in the Global Competitiveness Report by the World Economic Forum and identified competitive advantages have led to state the five development strategies of the BRICS as clusters: Finance, Education, Business, Markets, and Infrastructure.

Every of the above-mentioned strategies possesses its own competitive advantages and directions for forming integration effects, some of them have already been approved and being implemented. The authors

Conclusion

The ratings' analysis shows some discrepancy of evaluation, e.g. Moscow takes the 80th place out of 83 possible in the Z/Yen Group Index, at the same time according to PricewaterhouseCoopers it was in the 17th place out of 84 cities. Thus, potential evaluation of Moscow as a financial center rated by the Z/Yen Group A.T. KearneyGlobal Cities Index is absolutely contrary. It means that upon drawing up specific recommendations it is important to consider the rating features and fact analysis which affect the rating level.

This situation depicts a distinct potential of using the financial market if the BRICS nations concerned, at the same time specific financial indicators should be evaluated.

The identified competitive advantages of the BRICS nations allow using them both for forming a mutual strategy of the association and every single country. The cooperation of the BRICS nations on the financial market will allow attracting resources and reallocating funds due to the synergistic effect.

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Fundamental Principles and Activities in Tackling Corruption in the Republic of Kazakhstan

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Abstract

In this paper authors analysed the theoretical and practical issues deals with anti-corruption drive of the Republic of Kazakhstan. Here was indicated that one of the causes of corruption are economic reasons and patterns of problems of commodity and money fetishism. During this study was relevant such methods of analysis: structural, logical, historical and social, analysis, deduction and induction, both scientific methods of comparative-legal, logical-legal and historical-legal analysis. Authors indicated the strong connections between operative search, crime period and anticorruption activities with fact that society is almost powerless to resist the growing negative processes. Concluded that educational methods of conduct the anti-corruption drive are just as important as law and governmental methods.

Anyways, modernization of normative base of the Republic of Kazakhstan concerning to fight with organized corruption and crime, improving of quick research and conduct crime business law, also developing of system of using and taking as an evidence corruption crime.

Keywords: organized crime, organized corruption, organized corruption agency, delinquency, economic crime.

JEL Classification: K14, K42.

Introduction

The history of corruption as a complex, multifaceted phenomenon is not inferior to the ancient history of human civilization. Currently, each socio-political and economic system produces its own light on the model of corruption.

Eradicate corruption as a phenomenon is the task set by the President of the Republic of Kazakhstan Nursultan Nazarbayev in his message 'Strategy' Kazahstan2050' very clearly denoting the nature of the phenomenon:' Corruption is not just the offense. It has negative impact on the effectiveness of the state and is a threat to national security. To eradicate corruption as a phenomenon, we must acutely to strengthen the fight against corruption, including by improving anti-corruption legislation.

The most important condition for overcoming this obstacle Nursultan Nazarbayev sees the formation of a single anti-corruption front, creating an atmosphere in the Kazakh society 'zero tolerance' to this negative phenomenon and a sharp increase in fighting it. It was noted that an expert group is a permanent monitoring of offenses and crimes of corruption, as well as the execution of anti-corruption action plans territorial subdivisions of state bodies, local executive and the judiciary.

However, so far not developed a common understanding of corruption. Based on these studies consider the most appropriate definition of corruption given in Art. 2 of the Law of the Republic of Kazakhstan 'On Combating Corruption', according to which corruption is understood as the adoption of directly or indirectly property benefits and advantages by persons performing public functions, as well as equal to them by persons using their official powers and opportunities associated with them, as well as bribery of such persons by unlawful granting of these benefits and advantages of natural and legal persons.

1. Literature review

Corruption is a many-headed monster. The secret is that here we have a very robust criminal alloy and the State itself, through its representatives, including the even more terrible, law enforcement personnel, designed to fight corruption. We can only create a visibility of the struggle, to issue orders and decrees to make dozens of suggestions and smart decisions, even taking separate laws. But if the state itself, through its senior officials and of the higher echelons will not dare to really uncompromising steps, all attempts are vain (Kleinert and Toubal 2010, 12).

Speaking about the international experience of combating corruption, Santos-Silva JMC, Tenreyro S., note that the least vulnerable to corruption are the countries of the Asia-Pacific region, namely Singapore, Malaysia, New Zealand and Australia (Santos-Silva and Tenreyro 2010, 311).

Levchenko A. shows that the first-generation system highly professional civil service that is highly respected and is paid; personification ministerial responsibility to the Government; activities of civil servants, and that all employees of the public sector, based on individual plans; there is no such thing as a limit staff numbers, posts Register (New Zealand): reduction in the number of civil servants: the creation of a new delivery system (Australia); differentiated approach to the punishment for bribery under the scheme; poverty, greed and opportunity, when it turns out the possibility of official motive (Malaysia). Penalty in Malaysia, not so much to measure itself punishable as a lesson for others; Singapore market methods used in the calculation of salaries for ministers and officials to the Government; reduce staff officers and to raise wages by reducing units (Levchenko 2007, 810), the wage change, taking into account the economic downturn or growth.

Corruption should be recognized in the community as one of the types of dangerous anti-social behavior. As noted Helpman E., Melitz M. it should actively join the fight against corruption and political parties, which should be used not for the corruption of the political struggle with other parties, and to consolidate his electorate to solve national problems of combating corruption. That is, the fight against corruption should be a concern not only the party but also others, and political leaders who can lead the masses in the fight against corruption, to their personal perfection to create a new moral climate in society (Helpman and Melitz 2008, 474).

2. Materials and methods

To deal with such troublesome phenomena is the responsibility the court and law enforcement authorities, government agencies, both the whole duty of patriotic peoples. Due to the fact that there is not enough knowledge to fight with corruption not share among people. That's why we cannot prevent such a complicated

This is particularly important where corruption is deeply rooted in the political elite. It is obvious that political will can have strong leaders this is the second necessary condition for the fight. The third condition is that society itself should be ready for this fight. Only at a certain interaction of these three factors have to be taken in certain areas of our society

In particular this applies to the sphere of economics and finance, where necessary:

- Improvement of the tax legislation in order to reduce the shadow areas of the economy, limits the possibility of getting entrepreneurs into the clutches of blackmail on the part of state bodies employees,
- Reduction of the cash flow, the expansion of modern electronic means of calculation, the introduction of modern forms of reporting in order to facilitate the control of funds flow, difficulty possible bribes in cash. This is especially important to limit the grassroots corruption.

It is obvious that the set of proposals aimed at overcoming the extremely difficult situation of the national economy, are quite contradictory. The cumbersome system of anti-corruption activity loses its potential. Fight against certain manifestations of such crimes is not systemic, integrated nature. Society is almost powerless to resist the growing negative processes. Under these conditions, only the joint efforts of all freed from the corruption of the administration under strict public control, in terms of free access to information services are able to maintain the capacity of the domestic economy, to ensure its sustainable growth.

Conclusions

The authors emphasize the importance of measures in following directions:

- There are a strong connections between operative search, crime period and anticorruption activities;
- It was noted the ways of improving the organization and tactics in a research and evidence in the action on corruption and official crimes;
- Indicated theoretical and practical recommendations to solve problems for the adaptation and improvement of local legislation with the European standards of combating with corruption phenomenon;
- Also, it was marked some recommendations by improving anti-corruption law and government base, which controls results of operative measures.

So, corruption is one of the major problems of our time, the successful solution of which depends on the successful development of the state and society as a whole.

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The Corporate Law and the Optimization of Shareholders' Incomes with Investments into Production Reforming

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Abstract:

In recent years a company's goal is not profit making but capitalization. Companies having the capital value larger than their competitors win in the market. This determines the trends in the capital market, namely merger and acquisition, which have been very popular recently in the international market. This paper considers economic statement, formalization and fulfillment of a problem of optimization of management decisions during formation of funds for company development.

Keywords: distribution of profits, dividend policy, market capitalization, the optimization, method of successive concessions.

JEL Classifications: L1, L2, M3.

Problem Setting

In the conditions of market relation's development the government does not state any standards for profit distribution. But it stimulates movement of profit to capital investments of productive and non-productive character, charitable purposes, environmental measures financing, maintenance of social facilities and institutions via granting tax exemptions.

Distribution of net profit is one of the directions of corporate planning (Ivanov 1996). In accordance with the RF legislation and charter documents, at the first stage the organization, if the organization charter envisages

Normalization coefficient $1/\sqrt{3}$ serves for convenience of interpretation of results: each value $d_i/\sqrt{3}$ corresponds to the degree (and after 100-multiplication – to the percentage) of difference from the standard. The standard was taken as a hypothetical variant of organization of manufacturing process, at which the values of the criteria F, K, A equal the maximum values of the available ones. Thus, the lower is $d_i/\sqrt{3}$, the closer to the standard the alternative is, and therefore, it is more preferable.

Basing on the considered results of application of metrical analysis for evaluation of the available alternatives (see the last column in Table 4), it may be concluded that the second variant of organization of production process reforming is the optimal from the point of view of the chosen method of problem solving. It should be noted that large volumes of investments, which cannot be always provided, characterize the obtained optimal solutions. In this case the decision-maker may exclude such alternatives from consideration at the second stage as unsuitable a fortiori.

It is evident that variety of initial conditions during realization of the first stage will result in increase of the number of alternatives at the second stage, and therefore the decision-maker shall have more information in possession to make decisions relating to determination of the best strategy of production reforming.

The proposed two-stage procedure of determination of the optimal strategy for enterprise development with investments into production reforming on the basis of application of methods for multi-criterion problem solving enables making flexible decisions considering the interests of the enterprise and its emitters, thus striking a compromise in their contradicting interests.

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Adversarial Principle and Principle of Equality of Arms as a Subject of Adversarial Type of Criminal Proceeding

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Abstract

The article concerns adversarial principle and principle of equality of arms as a subject of adversarial type of criminal proceedings. Adversariality, being complex legal phenomenon, also has its structure and system of features that includes: 1) functions of prosecution, defense and resolution of criminal cases are separated from each other and cannot be imposed on the same authority or the same official; 2) court is not an authority of persecution, it acts neither on the part of prosecution, nor on the part of defense. Court provides necessary conditions for parties' execution of their procedural obligations and exercise of their granted rights. The prosecution and the defense are of equal rights to the court. The subject matter of adversarial system implies: presence of equal parties; separation of main procedural functions; presence of impartial arbitrator – the court that is aimed at resolution of procedural conflicts of parties. Exclusion of any of denoted elements would not only make the subject of considered principle incomplete, but also put in question the very possibility of its existence. So, modern criminal court is an active participator of proving procedure in all its aspects playing operational and control role in the present sphere of criminal procedural activity.

Keywords: adversarial principle, principle of equality of arms, adversarial type of criminal proceeding, subjects of criminal proceeding, criminal prosecution, judicial activity.

JEL Classification: K10, K14, K19.

Introduction

Judicial activity has always been of great importance in government control and the subject of deliberate attention. As early as in ancient times thinkers considered the judicial activity should be performed on the basis of justice. In 18th – the beginning of 19th century democratic backgrounds for judicial activity in terms of its opportunities for person defense were developed. In 19-20th century activity of court has been considered a mean for establishing balance of interests between person and society (Hodder 2014, 157).

The question about position of court in criminal adversarial proceeding, being one of the most controversial in theory and in practice, has gained bigger urgency in relation to the necessity of improving justice system in the Republic of Kazakhstan.

is completed with the preparation of the indictment. This is evidenced by the following facts: empowering the defense powers to the collection of evidence, the provision of the protection of the right to appeal any actions and decisions of the investigator, the introduction of the institute of inadmissible evidence. A manifestation of the principle of competition is the ability to protect the part of the participants or by the prosecution after reviewing the case file as a counterargument to the enemy position to declare a request for additional investigation. This principle is respected in the preparation and investigator of the indictment, which indicates a list of evidence to support the charge, and a summary of their content, as well as a list of the evidence relied on by the defense.

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Evaluation of Economic Efficiency of Information and Consulting Provision for Agricultural Production of Pavlodar Region of the Republic of Kazakhstan

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Abstract

This paper considers the efficiency of information and consulting provision for agricultural production, which is one of the priorities in the implementation of the state agrarian policy. The main directions of evaluation of the information and consulting service 'Kazagromarketing' consist in identifying the degree of impact of information and consulting services on the functioning of agricultural producers and their economic performance. The present paper identifies two main definitions of economic efficiency of the information and consulting service affecting the agricultural production system.

Based on the identified areas, there was determined the economic efficiency of information and consulting provision for agricultural production for the application of innovative technologies in the field of crop production, in particular. The evaluation of the economic effect of the use of an innovative technology is possible through the evaluation of impact of information and consulting provision on the operation of agricultural producers and their

economic performance. Therefore, one of the measures to determine the economic effect of the application of an innovative technology was a training session combining the presentation of a theoretical material and its practical assimilation. For this purpose, the price and income from the organization and holding of the training session were calculated. An income from one potential participant amounted to 25,100 tenge in the first year.

For comparison, an analysis of the efficiency of participation of three experimental households for the application of innovative technologies of the cultivation of agricultural crops was given. The calculations proved the economic feasibility of the implementation of this measure. For all the households the participation in this event was effective. For all the participants a payback period was 3-4 months, and the internal rate of return (IRR) was 26-30%.

Keywords: economic efficiency, information and consulting services, agricultural production, agricultural producers.

JEL Classifications codes: Q, Q1.

Introduction

One of the priorities in the state agrarian policy of the Republic of Kazakhstan is to promote the development of efficient agricultural production capable to meet the needs of the population and enterprises. Therefore, one of the most effective measures of state regulation to promote the development of agricultural production is its information and consulting provision (improvement of agricultural production with available resources) and the improvement of its competitiveness.

Information and consulting activities in agricultural production enable to create the most favorable conditions for the functioning of agriculture in general. Therefore, the impact on agricultural production, and consequently, the development of rural areas is provided through its main customers - agricultural producers, who use information and consulting services. And, as a consequence, the efficiency of agricultural production appears as one of the major economic categories, which determines the degree of impact of the industry on economic growth.

In modern conditions, theoretical aspects of the economic category of efficiency are being developed in different directions, which are reflected in scientific works of leading scholars and economists. Depending on the level of an economic entity, it is possible to use a variety of efficiency criteria. There is a generally accepted definition of an efficiency criterion – the maximization of production results while minimizing costs. Thus, the coexistence of different approaches to efficiency criteria, designed to quantitatively reflect various aspects of the economic processes of a particular business entity, is possible.

The purpose of this study is to assess the economic efficiency of information and consulting provision in agricultural production, particularly in the field of crop production in Pavlodar region of the Republic of Kazakhstan.

To accomplish this goal, the following tasks have been set:

- To identify the main factors for the creation of a criteria system of the efficiency of information and consulting services that have an impact on agricultural production;
- To identify the approaches to the determination of the economic efficiency of information and consulting services;
- To assess the economic efficiency of agricultural production, particularly in the field of crop production.

The novelty of this research is to reveal the scientifically grounded recommendations for the evaluation of the economic efficiency of information and consulting provision in agricultural production of Pavlodar region of the Republic of Kazakhstan.

1. Evaluation of Economic Efficiency of Information and Consulting Provision for Agricultural Production

One of the key issues is to determine the efficiency criteria for the agricultural information and consulting service (Konstantinov 2000). To determine the efficiency criteria, it is recommended to use the following order recognized by many scientists:

- by the results of the activity analysis of the information and consulting service in other developed countries, where they have made a significant contribution to the development of the agricultural sector, such as the US, Australia and the Netherlands, there are determined the factors that ensure their successful functioning;

Table 8. Efficiency of the JSC 'Kazagromarketing' activity in the long term

Indicator	2015	2025	Coefficient of indicator variation
Revenues from sales of services rendered, thousand tinge	703.52	39,862.18	56.7
Cost of services rendered, thousand tenge	635.71	18,121.23	28.5
Profit (loss), thousand tenge	67.81	21,740.95	320.6
Profitability level, %	9.1	52.7	+43.6

Note: Compiled by the authors.

Conclusions

As a result of the research, the following conclusions can be made.

Firstly, the main factors for creating a system of criteria for the efficiency of information and consulting services that have an impact on the development of agricultural production were identified.

Secondly, two main areas of the definition of economic efficiency of the information and consulting service that has an impact on agricultural production (an increase in the efficiency of their work) were identified.

Thirdly, the evaluation of economic efficiency in the field of crop production on the use of an innovative technology was made by conducting a training session with the use of demonstration activities.

Fourth, an analysis of the efficiency of participation of three pilot households for the application of an innovative technology and activity of the JSC 'Kazagromarketing' in the long term was given.

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Certain Criminalistic and Criminal Procedure Problems Arising in the Investigation of Criminal Cases Related to Organized Extortion as Exemplified by Kazakhstan and Kyrgyzstan

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Abstract

Article refers to the study of theoretical issues and problems arising in the investigation of criminal cases related to organized extortion as exemplified by Kazakhstan and Kyrgyzstan. The paper examines the theoretical and methodological ideas, solutions of the appropriate problems related to organized extortion, considers criminalistic aspects of the appropriate issues. The paper presents the basic concepts and categories, the structure and the system of investigating criminal cases related to organized extortion, as well as the genesis of the formation of a technique to investigate criminal cases concerning organized extortion, the concept of interrelation of the problematic issues related to the investigation of organized extortion criminal cases in the provisions of the Criminal Procedure Code of the states. The authors have made a legal analysis of the Criminal Procedure Code rules and regulations applicable in the investigation of organized extortion criminal cases, have studied the legal problems in application of new techniques in the investigation of such criminal cases. The basic theoretical principles and recommendations for the improvement of the existing criminal procedural legislation of the Republic of Kazakhstan and the Kyrgyz Republic have been sets out.

Keywords: organized extortion, crime, criminalistics, criminal proceedings.

JEL Classification: K14, K40, K42.

Introduction

Effectiveness of the response to organized extortion is largely determined by quantitative parameters of crime case solving. However today's high levels of latency of crimes of this category of cases can only indicate that the legal practice needs to be improved. An important role in solving the problems arising in this field is played by such sciences as criminalistics and criminal procedure. The specific activity that precedes the investigation of the crime is such a stage as the detection, which is closely related to the process of its ensuring. Although, today just like in the past years, there are a lot of supporters and opponents of the idea of inclusion of the crime detection in the criminalistic techniques provisions. A number of scientists reason that, since the investigative activities are practically not carried out today in accordance with the current Criminal Procedure Code of the Kyrgyz Republic (and the previous Criminal Procedure Code of the the Kyrgyz Republic; as it is known, before the criminal proceedings, the incident site examination or call for expert evidence can be carried out only in exceptional cases), there is no need to apply any special criminalistic measures and techniques at the pre-investigation stage. According to them, this means that at the detection stage, the criminalistic recommendations are not used, and the activities permitted by criminal procedure law may be carried out using the recommendations developed by the criminal procedure science.

1. Relation of this paper to other research works

This theme is at the intersection of the criminal procedure law and criminalistics, so a number of fundamental studies were conducted by scientists-criminalists.

Research works were presented by legal scientists studying the criminal procedure and criminalistic aspects of investigation of criminal cases related to organized extortion, in particular the methods and tactics of investigation of criminal cases related to organized extortion: 'Crime prevention ' (Alaukhanov 2008, 261-262); 'Contract killing: certain criminal-legal and criminological-criminalistic aspects of the crime' (Chokobaeva 2013); 'Extortion and measures of its prevention' (Buranova 2013).

Several studies were devoted to the history and techniques of investigation of organized extortion crimes: 'Offences against property' (Allen 1994, 66-67) 'Lehrbuch des gemeinen in Deutschland gültigen Peinlichen' (Feuerbach 1992).

There was only one comprehensive monographic study devoted directly to the concept, structure and mechanism of investigation of organized extortion: 'Delinquency: Modern teen communities and violent practices' (Khanipov 2009).

In the Republic of Kazakhstan and the Kyrgyz Republic, this issue has received a very little attention. Kazakh and Kyrgyz scientists have considered only certain aspects of this problem relating to the method of investigation of organized extortion, legal powers of organized extortion investigators, theoretical and practical adaptation of methods of investigation of this type of extortion, analysis of extortion crime commiters.

However, the research studies have not covered the issues which are, in our opinion, of fundamental interest. These include: development of the definition of the concept of 'relation between the criminalistic qualification crime and criminalistic characteristic of crime'; identification of the basic structural elements in the investigation of organized extortion; determination of the problems of inefficiency of the interrelation of the criminal procedure and criminalistic mechanism.

2. Research hypotheses and objectives

The main purpose of the work is a comprehensive study of the legal problems arising in the investigation of organized extortion and the examination of the structure of the object of organized extortion by analyzing the relevant regulations and enforcement activities of the state in the field of the investigation of extortion, the interaction of state bodies regarding the correlation of the mechanisms of organized extortion investigation;

In this regard, the following tasks have been set:

- to study and analyze the effectiveness of legal measures against the organized extortion in the FSU and other foreign countries;
- to define the role of classification of criminal acts in the structuring of the investigation of crimes;
- to examine some criminalistic and criminal procedure problems arising in the investigation of criminal cases related to organized extortion;

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Prediction Parameters of the Republican Budget for 2016 – 2018 and their Analysis

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Abstract

The article describes the prediction parameters of the republican budget for 2014 – 2016 in terms of the new economic policy of the state. Particular attention is paid to the formation of the revenue side of budgets, including due to the size of tax revenues, transfers, the amount of which is considered in dynamics. It also provides a comparative characteristic of the volume, structure and areas of budget crediting, and a comprehensive analysis and assessment of transactions with financial assets.

Keywords: republican budget, revenues, costs, expenditures, deficit, transfers, financial assets, budget credits.

JEL Classifications: H6, H68, H72.

Introduction

The project of the republican budget for the next three years is formed in accordance with the Budget Code of the Republic of Kazakhstan (2008), based on a five-year Forecast of the social and economic development, elaborated by the Government. The latter document on the macroeconomic development of the country is drawn up with regard to the trends of the world economy, the situation in world commodity markets, as well as development trends of the industries of Kazakhstan's economy.

At the same time, during the elaboration of prediction parameters of the republican budget for the medium-term period there arises the problem of using the results of changes occurring in today's world economy in terms of maintaining the growth of the domestic economy. The solution to this problem is carried out, first of all, through the design and consideration of different scenarios of economic development and the possible effects of changes in prices in raw materials markets for the Republic of Kazakhstan.

The possibility of such scenarios of economic development requires the consideration of trends in revenues and expenditures of the republican budget in the coming three-year period. Based on the foregoing, a comparative study of the prediction budget parameters allows evaluating the level of formation and expenditure of the national budget, to determine the degree of continuity in the implementation of the main areas of fiscal policy in the medium-term period.

The Forecast of the social and economic development for 2016 – 2020, the budget parameters and the Concept on formation and utilization of the resources of the National Fund in the medium term (Decree of the President of the Republic of Kazakhstan formed the basis for the formation of the republican budget for 2016 – 2018. On the Concept of formation and use of the National Fund of the Republic of Kazakhstan: approved on April 2, 2010). This took into account the main provisions contained in the Message of the President of the Republic of Kazakhstan 'Strategy 'Kazakhstan-2050': a new political course of the established state'.

The paper used data from the Schedules 1, 2 and 3 to the draft law of Kazakhstan 'On the republican budget for 2016-2018' of August 29, 2015, No. 722. The research was also conducted on the basis of the Forecast of the social and economic development of the Republic of Kazakhstan for 2016-2020, approved at the meeting of the Government of the Republic of Kazakhstan, protocol No.35 of August 21, 2015.

A number of government documents adopted for the development of prediction parameters of the republican budget indicate that the main goals and objectives of the monetary policy of the state is the transition to inflation targeting, the abolition of the exchange rate band, as well as the transition to freely floating exchange rates after August 20, 2015. At the same time, the National Bank of the country has the opportunity to participate in the domestic exchange market through exchange rate intervention if there is a threat to financial stability (Monetary Policy of the Republic of Kazakhstan until 2020, 2015).

The purpose of the study is to develop an integrated approach to the assessment of revenue generation and allocation of Kazakhstan's budget expenditures for the medium-term period.

1. Results and Discussion

According to preliminary estimates, the real GDP growth of Kazakhstan amounted to 101.7% in the first half of this year compared with the corresponding period of the preceding year.

It should be noted that since the beginning of 2015, Kazakhstan's economy has been developed under the influence of unfavorable external and internal factors. The internal causes of the development slowdown of Kazakhstan's economy include, first of all, the weakening of consumer demand, which has an adverse impact on trade, industry, transport and communications.

The external factors that have the most unfavorable effect on the development of Kazakhstan's economy,

(3) Volumes of the estimated revenues of the republican budget tend to increase in the coming three-year period but we cannot say that the main factor of the forecast growth in budget revenues is the development of the non-oil sector of the economy, since this growth is caused by the development of the tax base, which depends on oil revenues.
(4) Significant amounts of costs for the acquisition of financial assets, provided in the budget for the three-year period, as well as the disbursement of budget credits lead to an increase in the absolute value of the republican budget deficit. In the current crisis economic conditions, in our opinion, it is expedient to reduce transactions with financial assets and the provision of budget credits, as far as such transactions increase the cost side of the republican budget.

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Preconditions for the Economic Development of the Jewelry Industry and Its Legal Aspects in the Republic of Kazakhstan

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Abstract

This paper assesses the contemporary state of the jewelry industry in Kazakhstan. It also gives a comparative analysis of the development of this sector in Kazakhstan and the developed countries. The present research identifies the main problems constraining its development and the priorities in the context of industrialization. It develops the effective measures for the development of this sector in Kazakhstan.

Keywords: gold, silver, jewelry, jewelry industry, exports, imports.

JEL Classification: L7.

Introduction

Kazakhstan's joining the top thirty most successful developed countries is a direct entry of the republic as an advanced industrialized state into the world stage. In order to achieve the intended purpose it is necessary to concentrate the whole resource and human capital and to use it purposefully and effectively in the progressive development of the real sector of the economy.

One of the most promising sectors of the economy for Kazakhstan is the jewelry industry, which is currently underdeveloped. This is confirmed by the following figures: in 2012, the country produced 13 tons of gold and 55 tons of silver. Of these, 200 kg of gold were processed into jewelry (Statistical Yearbook of the Statistics Agency of the Republic of Kazakhstan, 2011 – 2013), whereas, for example, India produced 552 tons of jewelry in 2012, China - 518.8 tons, Turkey - 250 tons, the USA – 108.4 tons of jewelry (Data of the World Gold Council. www.gold.org, 2012 -2013). Despite the unfavorable situation in the world, the jewelry industry is one of the fastest growing industries in the world. The total sales of finished jewelry products amounted to 148 billion euros in 2014. According to expert estimates, with an annual sales growth by 5-6 per cent, the amount of sales could reach 250 billion euros by 2020 (Data of the World Gold Council. www.gold.org, 2012).

According to the World Gold Council, in 2015, in terms of exports of finished jewelry the first place in the world was taken by India, the second place – by Turkey, the third place – by China. Among the CIS countries, Russia takes the leading position in production and exports of jewelry. Kazakhstan as a member of the global gold market, acts primarily as an exporter of refined gold and an importer of finished jewelry. 87% of the jewelry sold in the market of Kazakhstan is the products imported from foreign countries such as Russia, Ukraine, Italy,

China, Kyrgyzstan, Uzbekistan, Azerbaijan, Malaysia, India, the United Arab Emirates and the Republic of Turkey. An increase in jewelry sales in the Kazakhstan's market is primarily conditioned by the fact that most of the population of Kazakhstan are the representatives of Asian ethnicity, who buy jewelry not only as a means of expression, but also as a tool for investment. In addition, for the peoples of Kazakhstan and Asia, the jewelry is an attribute of a family celebration and a fashion item.

According to recent reports, Kazakhstan ranks 15th in the world for gold reserves, fourth – for silver reserves, and second – for the gold content in the ore. Among the CIS countries, Kazakhstan is in third place after Russia and Uzbekistan in terms of the proven gold deposits. However, the annual production of this precious metal is not more than 20-30 tons, while in the depths of the country there are more than 10 thousand tons of gold, according to forecasts (Data of the World Gold Council, www.gold.org 2012). The feature of Kazakhstan is that the gold deposits are found in almost all regions and their total number exceeds two hundred, but by the level of reserves, the leading position is taken by Eastern (about 52.2%), Northern and Central Kazakhstan (30%). Gold ore and gold-containing deposits are located in 16 mining areas, the most important of which are: in the east of the country – Kalba and Rudno-Altai, in the north – Kokshetau and Zhetygarinsky, in the south – Shu-Ili and Jungar, in the west – Mugojar, and in the central part – Maykainsky and North Balkhash. According to official figures, the country has 122 indigenous gold, 81 integrated and 34 placer deposits. About 100 gold mining companies are registered, but only 35 of them carry out geological exploration. The largest producer is the company 'KazakhGold Group Ltd' (Konyrova 2014).

Nearly half of all the gold reserves in the republic are concentrated in eight largest deposits – Bakyrchik, Vasilkovskoe, Mizek, Suzdal, Bolshevik, Akbakai, Bestobe and Zholymbet. However, gold mining enterprises produce only one third of gold, the other two-thirds is accounted for copper and lead-zinc industries, where gold is a by-product of manufacture. Now the largest gold producers of the country are the 'Kazzinc' Ltd. and 'Corporation 'Kazakhmys' LLP, which account for major refining capacities in the country. However, due to the high cost of refining, these capacities are loaded by less than one third (Donskikh 2009). In this connection, an increase in the refined gold production in Kazakhstan is one of the important tasks of the day. This was emphasized by the President of the Republic of Kazakhstan Nursultan Nazarbayev at the Congress of MMC: 'By 2015, we are able to reach a production level of gold of more than 70 tons and become one of the largest producers of this precious metal. To achieve these goals, we have all the necessary resources. It is only necessary to use them effectively' (Butyrina 2009). In 2014, the Committee of Geology of the Ministry of Industry and New Technologies of Kazakhstan announced the launch of two large-scale projects in the field of geological exploration. These are 'Rudny Altai' (Eastern Kazakhstan) and 'Sary-Arka' (Karaganda and Akmola regions). Both projects are designed until 2018-2020. The total funding for the two projects is 66 billion tenge. At the same time, due to the expansion of work on the deposits of 'KazakhGold', Suzdal ('Celtic Resources') and Vasilkovskoe ('Vasilkovskoe gold'), the production of primary gold in Kazakhstan could double in the coming years.

1. Preconditions for the Economic Development of the Jewelry Industry and Its Legal Aspects

A significant growth rate of the development of this industry would have been stimulated by the refinery, which was built in cooperation with investors from Turkey in 2013 in Astana. The design capacity of the enterprise is 25 tons of refined gold and 50 tons of silver. However, by the decision of the Government, all the refined gold for three years will be allocated to replenish the country's gold and foreign exchange reserves.

Thus, Kazakhstan, as a country of the 'top ten' world holders of gold, represents only 10% of jewelry in the domestic market, and the remaining 90% comes from foreign countries-exporters of finished jewelry. This is due to the fact that corporate sellers of jewelry do not cooperate with major manufacturers of precious metals: all the gold produced in the country goes for export and forms the country's foreign exchange reserves. Gold is not being accumulated inside the country, because manufacturers are not interested in selling gold in the domestic market due to tax burdens and contracts awarded. However, of course, gold would be in great demand in Kazakhstan, both from the part of state organizations and business structures.

The main obstacle to the development of the domestic jewelry production is the lack of the internal market of precious metals and precious stones - the raw material for the production of jewelry. Moreover, the country practically does not have an approved manufacture of equipment and instruments for jewelry production. An important reason for the underdevelopment of the market is an imperfect legislation. Gaps in the legislation not only hinder the development of the gold market in Kazakhstan, but also cause some damage to the public interest. The regulatory and legal framework regulating the gold market does not contribute to the concentration of gold in the country, but encourages its export abroad. In addition, the existing regulatory and legal basis

prevents the import of gold into the country. For example, when importing gold into the country it is necessary to pay customs duty and VAT, which are not levied on the import of foreign currency in cash.

It should be noted that the lack of state support in matters of the industrial jewelry production is one of the important factors deterring the development of the industry. There are only three large manufacturers of jewelry in the jewelry market of Kazakhstan: 'Kazakhyuvelir' (Almaty), 'KAZYNA GOLD' (Astana) and the jewelry plant 'Zhemchuzhina' (Karaganda), and about 80 more or less large workshops specializing in the manufacture of items from gold and silver. In the mass segment, the Kazakh jewelers can not compete with plants that produce tons of jewelry. Especially with the manufacturers of China, Turkey, where dozens of plants are producing gold jewelry, each of which processing several tons per year. Small manufacturers operating in the Kazakhstan market, produce up to 20 jewelries every month, unable to compete with foreign plants either in volume or technology. Moreover, these jewelries are produced by rule of thumb (Report of Nursultan Nazarbayev at the Congress of MMC 2014). The production of silver jewelery in the traditional style is one of the most promising for domestic jewelers and basically it is more developed in Almaty and Shymkent. In other regions of the country, a small number of jewelers-craftsmen are engaged in a serial production of silver jewelry by rule of thumb and sell them in the local market.

For comparison, in Turkey there were only 3 jewelry enterprise in the 90s, where 100-200 people worked. In a span of twenty-five years, about 50 plants with modern equipment were built in Turkey, where more than 250 thousand people are working. Istanbul is considered to be the center of jewelry production in Turkey, but it is also worth noting an increase in activity of jewelry production in Ankara and Izmir. An increase in the production of gold jewelry is also observed in some major cities of the Eastern and South-Eastern regions of Turkey.

At present, Turkey exports jewelry to 100 countries of the world. According to the Association of Turkish jewelry exporters, the total export of this sector in 2014, excluding gold bullion, amounted to 195.4 dollars. In terms of quantity, the export of finished jewelry reached 233 tons, increased by 17.83%. If we consider the export in January 2014 by groups, then we will get the following data:

- the first place is held by gold jewelry in the amount of 176.8 thousand dollars;
- the second place is held by silver jewelry in the amount of 8.4 thousand dollars;
- the third place is held by gold and silver jewelry with diamonds in the amount of 4.1 thousand dollars (The Ministry of Economy of Turkey).

For twenty-five years, Turkey has attempted to ensure the production of more than 100 tons of gold products per year, and all this has been achieved as a result of the integration of science and business and the implementation of the state program on the development of the industry.

One of the acute problems that hinder the development of jewelry production is the lack of skilled jewelers-craftsmen and designers in the country. In Kazakhstan, A. Kasteev College and T. Zhurgenov Kazakh National Academy of Arts train specialists in the specialty 'Art processing of metal'. Every year the number of people wishing to obtain this profession is reduced, due to the fact that jewelers in the labor market are not needed enough. In addition, the descendants of famous jewelers are working in the country's jewelry market, who from generation to generation transmit their skills to the family members, keeping secrets of jewelry as a family property. An excellent example of the school organization for teaching arts and crafts is the 'School for teaching applied arts to children', opened in Turkestan in 2014 at the H.A.Yasavi Mausoleum. The school is designed to teach the jewelry craft to pupils. The school is financed from the local budget, so studying here is free. There are no analogues of such a school in Kazakhstan yet. However, due to the lack of funding, teaching the jewelry craft to pupils is held on primitive equipment.

In Turkey, specialist training for jewelry production is mainly carried out in colleges and universities, with the direct participation of jewelry companies. For example, since 2005 a large jewelry company 'Favori' has been carrying out educational and publishing activities under the leadership of Favori Gold Academy. The Academy organizes certification courses in jewelry design training. 'Favori' is the first and the only sponsorship company of the program for getting a master's degree in the design of industrial jewelry in Turkey at Istanbul Technical University. The company also sponsors the faculty 'Jewelry Design' of the universities of Marmara and Balykesir. Students of this faculty undertake an internship at the jewelry factory 'Favori'. For jewelers and sellers of jewelry the company produces a variety of books related to the techniques of retail sales, marketing and customer service.

An important factor in the development of the jewelry industry is the availability of information on the state and development trends of this industry. Currently, the republic has no specialized publications covering the issues of development of jewelry production. In addition, domestic scientists give insufficient attention to the research of development problems of jewelry production. Only a few works of Kazakhstan scientists, such as R.S.

Karenov, A. Donskikh, S.S. Ydyrys reveal these issues. In addition, the Association of jewelers of Kazakhstan as an officially registered authority that should coordinate the activity of jewelers does not fulfill its functions in a proper manner.

Conclusion

Thus, the conducted research on the current state of domestic jewelry production led to the following conclusion. At present, the domestic jewelry industry is facing the threat of complete stagnation. In this regard, its intensive development should become an important task. In order to successfully solve this problem, it is necessary to improve the existing management mechanisms and to develop more efficient organizational and economic ones. At the same time, the experience of the developed countries shows that the development of the jewelry industry is possible on the condition of the close cooperation of state authorities, science and business.

It should be noted that in the context of the global economic crisis, the development of the jewelry industry in Kazakhstan has an enormous socio-economic impact. This is due to the fact that the production of jewelry does not require the use of high technology and it is not energy intensive, therefore, the investments in this sector produce a fast payback and profit. In addition, jewelry production is time-consuming and it could attract a large number of unemployed, including the category of socially vulnerable layers of the population. As a result, in the country, especially in small towns and rural areas, a number of self-employed will increase, thus, the level of unemployment will reduce and the living standard of the population will increase. Through its development, the investment attractiveness of the region will increase and the conditions for the development of franchising will be formed. There will be a restructuring of the economy, an increase in the share of small and medium-sized enterprises in the country's GDP. With the development of jewelry production, there will appear new names in the list of exported products and new areas of the intellectual creative activity. Most importantly, this industry will contribute to the revival of the rich cultural heritage, combined with the latest technology, outstanding craftsmanship and contemporary design (Ydyrys 2010).

It should be emphasized that Kazakhstan has all prerequisites for the development of jewelry production. One of the important prerequisites is the existence of a large number of gold and silver deposits, which are found in almost all regions of the country. Another important prerequisite for the development of jewelry production is the growing demand for finished jewelry in the country. The favorable development of jewelry production is increased by the fact that many countries, which today are the leaders in the export of finished jewelry products, such as Turkey, the UAE and Italy do not have the natural reserves of gold and silver. Therefore, if Kazakhstan enters the international market of jewelry production in a timely manner, the country will have a real opportunity to adjust the supply of finished products to the countries of Central Asia, where more than 60 million people live.

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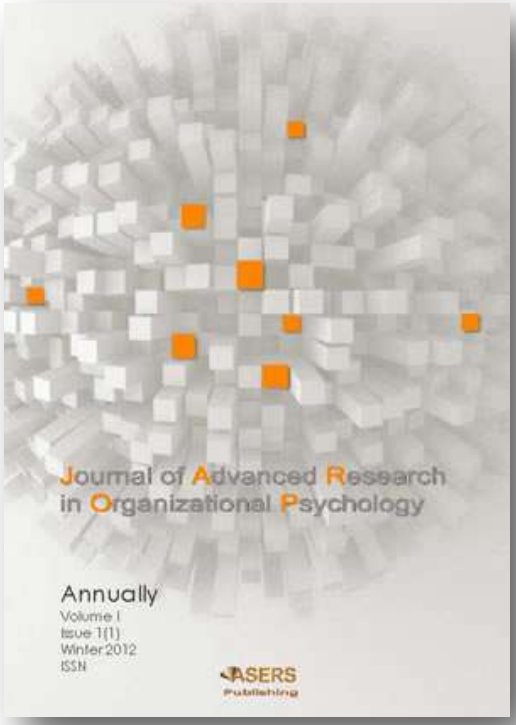

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