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Редакциялық кеңес құрамы

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Қазақстан Республикасы Мәдениет
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және мұрағат комитетінің
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Мекен-жайы:

Қазақстан Республикасы,
010000, Астана қ., Мәңгілік ел даңғ.,
8 үй
тел.: 8(7172)74-02-06;
факс: 8(7172)74-14-43
E-mail: instzak-kz@mail.ru,
institutzakonodatelstva@gmail.com
www.iz.adilet.gov.kz

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Состав Редакционного совета

Тукеев А.С. – к.ю.н. (Астана, Казах-
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Абызов Р.М. – д.ю.н. (Москва, Россия)
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Казахстан)

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тель культуры РК (Астана, Казахстан)
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Редакция журнала

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Адрес:

Республика Казахстан,
010000, г. Астана, пр. Мәңгілік ел, д. 8
тел.: 8(7172)74-02-06;
факс: 8(7172)74-14-43
E-mail: instzak-kz@mail.ru,
institutzakonodatelstva@gmail.com
www.iz.adilet.gov.kz

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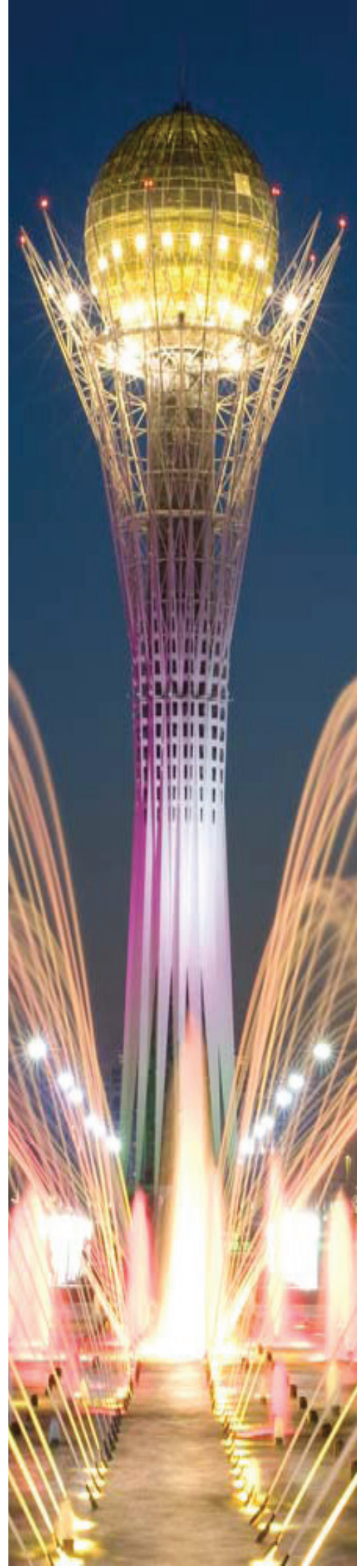
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Address:

The Republic of Kazakhstan,
010000, Astana, Mangilik el pr., 8
tel.: 8 (7172) 74-02-06
fax: 8 (7172) 74-14-43
e-mail: instzak-kz@mail.ru,
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tariffs on agricultural products, which it should gradually reduce. Moreover, if the developed countries under this Agreement should reduce the average level of tariffs on agricultural products by 36 percent, with minimal reduction for each agricultural commodity should reach 15 percent. But developing countries, including the Republic of Kazakhstan, during 10 years should reduce tariffs by 24 percent and 10 percent in respect of each product.

The manufacturing industry of the country, subject to processing of which are largely grown in Kazakhstan agricultural products, as stated in the President's Message - 2015, increased by 1.3 times, which led to a substantial increase in the export of Kazakhstani goods. Kazakhstan must skillfully use the advantages of reciprocal trade in agricultural products within the EAEU, and foreign trade in the WTO and in

good faith to carry out the obligations arising from international treaties and agreements of integration [5, 66].

It would be desirable that representatives of the agro-industrial complex of the Republic of Kazakhstan in order to increase economic and resource agribusiness potential of the country as far as possible use standards covered in this research paper agreements, as well as the norms of the international Convention on the Protection and Plant Quarantine 1997, the Agreement of the Uruguay Round of the World Trade Organization, Agreement on agriculture of the WTO, Agreement on technical barriers to trade, the WTO Agreement on the application of sanitary and phyto-sanitary measures of 1994, the OECD multilateral agreement on investments as the sources of international agricultural and commercial law.

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COMPARATIVE LAW ANALYSIS OF LEGISLATIVE REGULATION OF LAW ENFORCEMENT ACTIVITY IN TURKEY AND KAZAKHSTAN

Dostan Dosmyrza

Head of Department of constitutional, administrative legislation and public administration of the Institute of legislation of the Republic of Kazakhstan, Candidate of Juridical Sciences, Astana, Republic of Kazakhstan; e-mail: dosmyrza@mail.ru

Almas Kanatovich Kanatov

Head of Department of criminal, criminal procedural, criminal executive legislation and forensic examination of the Institute of legislation of the Republic of Kazakhstan, Candidate of Juridical Sciences, Associate Professor, Astana, Republic of Kazakhstan; e-mail: kahatov_76@mail.ru

Key words: legislation; regulations; analysis of legal regulation; comparative law analysis; law enforcement activity.

Abstract. Considering the legislative regulation in the sphere of law enforcement activity the

specialists emphasize that effective and qualitative regulation is the basis for state and public law and order protection. The authors of this article draw attention to the important aspect: comparative law analysis of legislative regulation of law enforcement Turkey and Kazakhstan. Carrying out of such analysis allowed finding out advantages and some disadvantages in legislation, regulating the activities of law enforcement bodies of the Turkish Republic and the Republic of Kazakhstan.

It is noted that the Kazakh legislation on the law enforcement service is exemplary in the post-Soviet countries, but taking into account the events, taking place in the world, first of all it is necessary to improve the legislation, based on positive international experience and also constantly improve the practices of law enforcement bodies themselves.

This article considers the legal framework of activities of basic and special law enforcement services of Turkey and Kazakhstan, compares the positive experience, which can be taken in order to improve the legislation. Consideration of the regulatory and legal framework of the Turkish law enforcement bodies allowed making one of the most important conclusions – the similarities with the legal framework of Kazakhstan's law enforcement system can be traced.

Basing on generalized analysis of the regulatory framework of The Turkish Republic and the Republic of Kazakhstan and existing theoretical views, the author worked out proposals aimed at improving the legislation and which can be taken into account in the legislative process of Kazakhstan and Turkey.

ТҮРКИЯНЫҢ ЖӘНЕ ҚАЗАҚСТАННЫҢ ҚҰҚЫҚ ҚОРҒАУ ҚЫЗМЕТІН ЗАҢНАМАЛЫҚ РЕТТЕУДІҢ САЛЫСТЫРМАЛЫ-ҚҰҚЫҚТЫҚ ТАЛДАУЫ

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Алмас Қанатұлы Қанатов

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Түйін сөздер: заңнама; нормативтік құқықтық актілер; заңнамалық реттеуді талдау; салыстырмалы-құқықтық талдау; құқық қорғау қызметі.

Аннотация. Кез келген мемлекеттің құқық қорғау қызметі саласындағы заңнамалық реттеуді қарастыруда мемлекеттік және қоғамдық құқықтық тәртіпті қорғау үшін негіздеме тиімді және сапалы құқықтық реттеу болып табылатынын мамандар атап кетеді. Аталмыш мақаланың авторлары Түркия және Қазақстанның құқық қорғау жүйелерінің заңнамалық базаларын салыстырмалы-құқықтық талдаудың маңызды аспектісіне назар аударады. Осындай талдауды жүргізу барысында Түркия Республикасы және Қазақстан Республикасының құқық қорғау органдары қызметін реттейтін заңнаманың артықшылықтарын және кейбір кемшіліктерін айқындауға мүмкін болды.

ТМД елдерінің кеңістігінде құқық қорғау қызметі туралы Қазақстанның заңнамасы үлгілі болып саналады, бірақ әлемде болып жатқан оқиғаларды ескере отырып бірінші кезеңде заңнаманы жетілдіру үшін халықаралық тәжірибеге сүйеніп, сонымен қатар құқық қорғау органдарының практикалық қызметін әрдайым жетілдіру қажет.

Мақалада Түркия және Қазақстанның негізгі және арнайы құқық қорғау органдары қызметінің құқықтық базасы қарастырылады, заңнаманы жетілдіру мақсатында қолдануға мүмкін болатын оң тәжірибенің салыстыруы көрсетілген. Түркия құқық қорғау органдары жүйесінің нормативтік құқықтық базасын қарастыру барысында маңызды бір шешім қабылдауға мүмкін болды – Қазақстандық құқық қорғау жүйесінің құқықтық негізімен ұқсастығы айқын көрінеді.

Түркия Республикасы және Қазақстан Республикасының нормативтік құқықтық базасын жалпы талдау мен белгілі теориялық көзқарастарға сүйеніп, автормен Түркия және Қазақстанның заңшығармашылық процесте назарға алуға болатын заңнаманы жетілдіруге бағытталған ұсыныстар әзірленді.

СРАВНИТЕЛЬНО-ПРАВОВОЙ АНАЛИЗ ЗАКОНОДАТЕЛЬНОГО РЕГУЛИРОВАНИЯ ПРАВООХРАНИТЕЛЬНОЙ ДЕЯТЕЛЬНОСТИ ТУРЦИИ И КАЗАХСТАНА

Досмырза Достан

Начальник отдела конституционного, административного законодательства и государственного управления
Института законодательства Республики Казахстан,
кандидат юридических наук, г. Астана, Республика Казахстан;
e-mail: dosmyrza@mail.ru

Канатов Алмас Канатович

Начальник отдела уголовного, уголовно-процессуального, уголовно-исполнительного законодательства и судебной экспертизы
Института законодательства Республики Казахстан,
кандидат юридических наук, доцент, г. Астана, Республика Казахстан;
e-mail: kahatov_76@mail.ru

Ключевые слова: законодательство; нормативные правовые акты; анализ законодательного регулирования; сравнительно-правовой анализ; правоохранительная деятельность.

Аннотация. Рассматривая законодательное регулирование в сфере правоохранительной деятельности любого государства, специалисты отмечают, что эффективное и качественное нормативное регулирование является основой для охраны государственного и общественного правового порядка. Авторы данной статьи обращают внимание именно на такой важный аспект сравнительно-правовой анализ законодательных баз правоохранительных систем Турции и Казахстана. Проведение такого анализа позволило определить преимущества и некоторые недостатки в законодательстве, регулирующие деятельность правоохранительных органов Турецкой Республики и Республики Казахстан.

Отмечается, что Казахское законодательство о правоохранительной службе является образцовым в странах постсоветского пространства, но учитывая события, происходящие в мире в первую очередь необходимо совершенствовать законодательство, опираясь на положительный международный опыт, а также постоянно совершенствовать практику деятельности самих правоохранительных органов.

В статье рассматривается правовая база деятельности основных и специальных правоохранительных служб Турции и Казахстана, приводится сравнение положительного опыта, который можно применить в целях совершенствования законодательства. Рассмотрение нормативной правовой базы системы правоохранительных органов Турции позволило сделать один из важных выводов – прослеживается сходство с правовой основой казахстанской правоохранительной системы.

Исходя из обобщенного анализа нормативно-правовой базы Турецкой Республики и Республики Казахстан и существующих теоретических взглядов, автором выработаны предложения, направленные на совершенствование законодательства, которые можно принять во внимание в законотворческом процессе Казахстана и Турции.

The beginning is in the previous issue of magazine

In Turkey, the units for combating drugs are part of the General command of the gendarmerie, which, in accordance with the Law № 2313 «On the control of drugs»¹ exercise the functions of detection of illegal manufacture, distribution, as well as suppression of drug smuggling in cooperation with the Customs and the Coast Guard [8].

Department of drug trafficking combating

of MIA of the Republic of Kazakhstan, as well as the territorial bodies of internal affairs in accordance with the Regulation on MIA, the Law of the Republic of Kazakhstan «On drugs, psychotropic substances, precursors and measures to combat illicit trafficking and abuse by them»² ensure the implementation of the state policy in the sphere of trafficking of drugs, psychotropic substances and precursors,

¹ Law of the Republic of Turkey «On the control of drugs» № 2313 of June, 12th, 1933;

² Law of the Republic of Kazakhstan «On drugs, psychotropic substances, precursors and measures to combat illicit trafficking and abuse by them» № 279 of July, 10th, 1998;

combating of illicit trafficking and abuse by them, as well as other regulations.

According to the Article 5 of the Law № 2918 «On road traffic»³ Department of transport services of General directorate of security of the Republic of Turkey performs the functions of the traffic police ensuring the organization and traffic safety. In addition, Article 6 of the Law provides that in cases when there is no traffic police or when its power is not enough, the police or gendarmerie officers, who have received special education of road-patrol officers, have the right to perform the functions of the organization of traffic safety within their powers.

In Kazakhstan, the MIA has the Committee of administrative police, which includes structural units operating in the field of traffic safety. The traffic police of Kazakhstan operate in accordance with the Law «On road traffic»⁴, Traffic Regulations of the Republic of Kazakhstan⁵ and other legal acts and regulations.

The criminal executive system in Turkey is based on the General directorate of prisons and penitentiaries of the Ministry of Justice and regulated by the Law № 5275 «On the execution of sentences and security measures»⁶ and other legal acts⁷. Gendarmerie bodies according Article 7 of the Law № 2803 carry out the external protection of prisons and penitentiaries, transportation and escorting convicts, as well as other powers provided by the legislation.

Bodies of the criminal executive system of Kazakhstan are subordinate to the Committee of the criminal executive system of MIA of the Republic of Kazakhstan, which accordingly has territorial departments and agencies, executing punishments, as well as other subordinate organizations⁸. In accordance with the Regulation of MIA⁹, the Criminal executive code¹⁰ and other regulations of the Republic of Kazakhstan¹¹, the bodies of the criminal executive system operate on the protection of the bodies and institutions of the

criminal executive system, on the control of the operational situation in them, as well as ensure the safety of stuff, suspects, accused and convicted.

The system of civil defense bodies of Turkey is headed by the General directorate of civil defense, which in its turn is accountable to MIA. According to the Law № 7126 «On civil defense»¹² civil defense bodies provide activities for dealing with liquidation of emergencies, natural disasters, fires, rehabilitation of wreck public and private facilities, providing life-saving measures and other measures of civil defense.

In Kazakhstan, in MIA there is the Committee of emergency situations, which heads and coordinates the system of civil protection bodies. In accordance with the Law «On civil protection»¹³ civil protection bodies exercise the functions of prevention and liquidation of emergency situations of natural and man-made disasters, emergent medical and psychological assistance to the population, fire safety and civil defense organization.

Next, we consider the subordinate units of MIA of Turkey, which in the past were in the structures of the police and gendarmerie, and for various reasons, were withdrawn as separate law enforcement bodies.

Coast guard command is under the jurisdiction of MIA and carries out its tasks in the territorial and internal waters of Turkey, the exclusive coastal economic and other areas in accordance with the Law of Turkey № 2692 «On the Coast guard command»¹⁴ and international legislation. The main functions of department include ensuring the safety of life and property at sea, prevention and suppression of smuggling, search and rescue operations, as well as the prevention of marine pollution.

Despite the fact that the law № 2692 was adopted in 1982, the Coast guard service was the part of the General command of gendarmerie until 1985. This necessitated the establishment of the appropriate material and technical basis for the efficient functioning of the Coast guard

³ Law of the Republic of Turkey «On road traffic» № 2918 of October, 19th, 1983;

⁴ Law of the Republic of Kazakhstan «On road traffic» № 194-V of April, 17th, 2014;

⁵ Decision of Government of the Republic of Kazakhstan «On approval of the traffic rules » № 1196 of November, 13th, 2014;

⁶ Law of the Republic of Turkey «On the execution of sentences and security measures» № 5275 of December, 13th, 2004;

⁷ Legislation in the penitentiary system of Turkey: № 4301 of August, 06th, 1997; № 4675 of May, 16th, 2001; № 4681 of June, 14th, 2001; № 4769 of July, 29th, 2002;

⁸ Refer to footnote 7, Art. 7, at the beginning is in the previous issue of magazine;

⁹ Refer to footnote 5, at the beginning is in the previous issue of magazine;

¹⁰ Criminal executive code of the Republic of Kazakhstan № 208 of December, 13th, 1997;

¹¹ Decision of Government of the Republic of Kazakhstan «On some issues of further improvement of the penitentiary system of the Republic of Kazakhstan» № 900 of August, 2nd, 2011;

¹² Law of the Republic of Turkey «On civil defense» № 7126 of June, 09th, 1958;

¹³ Law of the Republic of Kazakhstan «On civil protection» № 188-V of April, 11th, 2014;

¹⁴ Law of the Republic of Turkey «On Coast guard command» № 2692 of July, 13th, 1982;

bodies.

Kazakhstan's analogue of the Coast guard service is Maritime border guard service established in 1994, which is located in Aktau city (*coastal region of the Caspian Sea*). In 2008, the Service was reorganized into the regional management of the Coast guard of Border guard service of the Republic of Kazakhstan, which included the border units, divisions of ships and boats. The activity of the coast guard and border protection in the whole is regulated by Chapter 9 of the Law of the Republic of Kazakhstan «On the State border of the Republic of Kazakhstan»¹⁵. It is necessary to clarify that the border service of Kazakhstan is the structure being under the jurisdiction of the National security committee, the activity of which is regulated by the Law «On national security bodies of the Republic of Kazakhstan»¹⁶.

Due to the increasing problems associated with illegal migration and people trafficking, as well as international migration flows in 2013, the Turkish government introduced new rules for the implementation of effective policy on migration affairs. Thus, on the basis of Article 103 of the Law № 6458 «On foreign citizens and international protection»¹⁷, the independent state body was created- the General directorate of migration affairs, accountable to MIA. The law regulates legal relations in the field of migration, in particular getting visa to enter the territory of Turkey, residence permits for foreigners, deportation, international protection, as well as in the field of organization of activity for the authorized bodies on migration affairs (Law #6458, Art. 103).

In Kazakhstan, the competence of the international affairs bodies is regulated by Article 9 of the Law «On population migration»¹⁸, according to which the migration police carries out activities related to the registration of citizens, foreigners and stateless persons, granting them permission for temporary and permanent residence in Kazakhstan, prevention of illegal migration as well as other functions within its competence. As the analysis showed, the difference of migration services of Kazakhstan and Turkey is that the Kazakh migration police on the organizational structure

is subordinate to the central and regional departments of internal affairs bodies, and in Turkey as it was noted before, the migration service exists as the separate agency.

The Agency of public order and security was established in 2010 as the subordinate division of MIA, the main purpose of which is to prevent from terrorist acts. According to articles 3 and 8 of the Law № 5952 «On organization, duties and authorities of the Agency of public safety»¹⁹ the agency is the competent body for coordination in the combating terrorism, and operates in conjunction with the intelligence structural units of the police, gendarmerie and other law enforcement bodies. Moreover, the analysis of Articles 6, 9 of the law led to the conclusion that the Agency also performs the functions of collection, analysis and evaluation of strategic information relating to the security of society and the state.

Kazakhstan's law enforcement body on the coordination in the field of combating terrorism is the National security committee, which is in accordance with Article 4 of the Law «On combating terrorism»²⁰ is included in the national system of combating-terrorism and conducts its activities in cooperation with public authorities and within the framework of permanent anti-terrorist center²¹. Analysis showed that the Antiterrorism centre of the Republic of Kazakhstan as well as the Counterterrorism coordination committee of Turkey²², are permanent advisory bodies in the coordination of counterterrorism, including all units of law enforcement bodies.

As it was previously reported, in November 2014 the Ministry of Internal Affairs introduced to Parliament the bill providing for the improvement of legislation in the field of law enforcement, thus the following changes are assumed to be:

- separation of powers of MIA and governors of local executive bodies in relation to the activities of the gendarmerie and the coast guard;
- the procedure for promotion and retirement of law enforcement officers is revised;
- the closing of the police academy and colleges, transfer of students and teachers of

¹⁵ Law of the Republic of Kazakhstan «On the State border of the Republic of Kazakhstan» № 70-V of January, 16th, 2013;

¹⁶ Law of the Republic of Kazakhstan «On national security bodies of the Republic of Kazakhstan» № 2710 of December, 21st, 1995;

¹⁷ Law of the Republic of Turkey «On foreign citizens and international protection» № 6458 of April, 11th, 2013;

¹⁸ Law of the Republic of Kazakhstan «On population migration» № 477-IV of July, 22nd, 2011;

¹⁹ Law of the Republic of Turkey «On organization, duties and authorities of the Agency of public safety» № 5952 of March, 04th, 2010;

²⁰ Law of the Republic of Kazakhstan «On combating terrorism» № 416 of July, 13th, 1999;

²¹ Decree of the President of the Republic of Kazakhstan «On approval of Regulation about the antiterrorist center of the Republic of Kazakhstan» № 588 of June, 24th, 2013;

²² Refer to footnote 19, Art. 4;

these institutions to civilian institutions of higher education and colleges;

- law enforcement bodies powers for the use of firearms and other special equipment are expanded;

- the procedure of registration of the population, providing of identity cards and passports is revised.

These innovations, as well as other changes in the legislation will allow law enforcement bodies to reach more qualitative level of their professional activities.

In the Address to the Nation the President of Kazakhstan N.A. Nazarbayev provides necessarily reforms in law enforcement. For the past few years a number of important reforms was held, that allowed reaching the qualitatively new level of law enforcement in the country. So the results of the examination of law enforcement officers, which was held according to the Decree of the President of the Republic of Kazakhstan²³ during 2012, the qualitative composition of the law enforcement bodies was much improved. From the more than 100,000 employees 12.5 thousand people have not been certified and were dismissed from the bodies [9].

The work in this point continues in the framework of the Concept of personnel policy of law enforcement bodies of the Republic of Kazakhstan and the State Program of further modernization of the law enforcement system of the Republic of Kazakhstan for 2014-2020, which were approved by the Decree of the President of the Republic of Kazakhstan²⁴.

Within the State program of further modernization of the law enforcement system of the Republic of Kazakhstan for 2014-2020 specific tasks were set: conducting of the next phase of modernization of the national legal system, building of the legal state, in which law enforcement bodies have an important mission to protect and promote the rights and freedoms of citizens.

Moreover, one of the main points of the program is efficiency increase of international collaboration.

Within the realization of this point, it is necessary to settle the following tasks:

- concluding of international contracts about providing of legal assistance, extradition and rendition of convicts and other contracts in the sphere of struggle with delinquency;

- concluding of trilateral treaty with the states-members of the EvrasEU about formation of Evrazpol;

- development and strengthening of collaboration within SCO, SIC, CSTO, Customs Union;

- increasing of cooperation with law enforcement bodies of foreign countries for exchange of experience, training of specialists and their professional development;

- further implementation of international contracts clauses to the national legislation in the sphere of struggle with delinquency and protection of rights of people, ratified by the Republic of Kazakhstan.

The level of tasks implementation will be measured by the following indexes:

- image of the Republic of Kazakhstan in the area of struggle with delinquency and protection of rights of people on international level will rise;

- methods of information swapping in international collaboration of law enforcement bodies are improved;

- international contract base is expanded;

- Republic of Kazakhstan will join authoritative international organizations, executing their activity in the sphere of struggle with delinquency and protection of rights of people;

- National legislation will progress taking into account accepted international obligations.

Thus, it should be noted that long-term program of modernization of the law enforcement system of Kazakhstan is due on the one hand, by the necessity of improvement of law enforcement authorities' activity taking into account real circumstances and legal and economical processes in the Republic of Kazakhstan, on the other hand, by the necessity of usage of managerial paradigm at state administration, so called organizational-legal approach, and creation of corresponding mechanism of involving of society to the process of law enforcement service improvement.

Turkey is the important regional Eurasian country, politics of which has great potential and can have a significant influence on the development of the situation in the Middle East, the Caucasus and Central Asia. At the same time, Turkey and Kazakhstan share a common approach to the major issues of world development in the XXI century and are in favor of democratization of international relations aimed at building of the equitable international order that should be based on respect for international law, equality and mutual respect, cooperation and safety [10]. In Astana and Ankara they agree with the fact that the main

²³ Decree of the President of the Republic of Kazakhstan «On the extraordinary attestation of law enforcement bodies officers of the Republic Kazakhstan» № 292 of April, 08th, 2012;

²⁴ Decree of the President of the Republic of Kazakhstan «On measures for further development of the law enforcement system of the Republic of Kazakhstan» № 720 of December, 31st, 2013;

role in achieving this goal must be cooperation within international organizations such as the CICA, NATO, the SCO, the main objectives and activities of which is to strengthen the cooperation by elaborating multilateral approaches towards promoting peace, security and stability in the states-members of international organizations. One of the results of the dialogue in the framework of international cooperation was the opening of the military-technical representation of the General Staff of the Turkish Armed Forces in Kazakhstan in August of 2001. The task of the new structure is to coordinate military cooperation between the defense agencies of Kazakhstan and Turkey.

From the period of independence of the Republic of Kazakhstan the Governments of Kazakhstan and Turkey signed a number of bilateral agreements in the field of national security, law enforcement, administrative and criminal offenses²⁵, which allow at present both countries to provide mutual assistance in addressing issues related to the combating terrorism, drug trafficking, smuggling and other crimes. One example of effective mutual cooperation is issuance of Kazakh citizen R. Aliyev to law enforcement bodies of Kazakhstan to be held criminally responsible for the most serious crimes. R. Aliyev committed murder with special cruelty, coupled with the robbery, escaped from the prosecuting agencies. After his arrest by Interpol of Turkey, the Supreme Court of Antalya granted the petition of Prosecutor General's Office of the Republic of Kazakhstan on extradition of the criminal²⁶.

Conclusion

In the course of research the author has done scientific and theoretical work, which is more focused on the study and analysis of the legal framework for the activities of law enforcement bodies of Turkey, as well as on comparing it with the Kazakhstan's bodies. In this regard, it should be noted that the author had not intended to study practical activity of law enforcement bodies themselves, as that requires involvement of power structures or the passage of the professional internship. However, during the research the author conducted a lot of work on the collection and analysis of empirical material, and received consultations of leading

scientists in the field of administrative, criminal and criminal procedural law, practitioners from the Ministry of Justice, lawyers and former employees of the police and gendarmerie. That allowed conducting of sufficient scientific and theoretical study of some basics of law enforcement system in Turkey.

The conducted comparative legal analysis of the legislation in the field of law enforcement service allowed formulating certain conclusions, some of which can be used for legislative improvement of activities of Turkey's and Kazakhstan's law enforcement bodies.

1. Taking into account the provisions of the Legal Policy Concept for the period from 2010 to 2020, which states that «the development of criminal law should take into account the dual-track criminal policy: with the humanization. It is necessary to carry out tough criminal policy against those who are responsible for committing grave and especially grave crimes», there is a need for further humanization of criminal policy and for reduction the prison population. In particular, in received law project «On amendments and additions to some legislative acts of the Republic of Kazakhstan on improvement of law enforcement system» it is necessary to make the exclusion of Article 108 «*Intentional infliction of bodily harm*» and 109 «*Beating*» of the Criminal Code of the Republic of Kazakhstan and their inclusion in the Code of Administrative Offences of the Republic of Kazakhstan in the form of articles 73-1 and 73-2.

2. Meanwhile, due to the «direct terrorist threat» and as a result of the terrorist attacks in Aktobe and Almaty, where national guards, police and cornfields innocent citizens were killed it is necessary to use the tool rigidity of criminal policy, and offer the new article 380-1 of the Criminal Code «Attempt on the life of law enforcement, government agencies and special troops».

In this context, taking into account the increased danger to society and especially malicious socially dangerous consequences of crimes committed by criminal groups, the proposed article it would be appropriate to provide for stricter criminal responsibility of criminal groups. Then the structure of

²⁵ Law of the Republic of Kazakhstan «On ratification of the Agreement between the Republic of Kazakhstan and the Republic of Turkey on the transfer of convicted persons» № 143-V of November, 20th, 2013;

Law of the Republic of Kazakhstan «On ratification of the Agreement between the Republic of Kazakhstan and the Republic of Turkey on legal assistance in criminal matters and extradition» № 367 of April, 6th, 1999;

Law of the Republic of Kazakhstan «On ratification of the Contract between the Republic of Kazakhstan and the Republic of Turkey on legal assistance in civil matters» № 180 of October, 31st, 1997;

Decision of Government of the Republic of Kazakhstan «On approval of the Agreement between the Government of the Republic of Kazakhstan and the Government of the Republic of Turkey on cooperation in combating international terrorism, organized delinquency, illicit trafficking of drugs, psychotropic substances, their analogues and precursors, and other types of crimes» № 191 of March, 14th, 2007;

²⁶ <http://prokuror.gov.kz/rus/novosti/press-release/press-reliz-ob-ekstradicii-iz-turcii-gastana-7-dekabrya-2014g;>

Article 380-1 of the Criminal Code should be presented in two parts: Part 1 – the simple (basic) composition; Part 2 – skilled composition.

In this case, it would be legitimate to mitigate the sanction for the first part of Article 380-1 of the Criminal Code by establishing imprisonment for a term of ten to twenty years, with confiscation of property or without it. Qualified composition should be formulated with the introduction of a strict liability for the infringement committed by a criminal group. On this part we offer to establish the sanction of imprisonment for a term of fifteen to twenty years or life imprisonment with confiscation of property.

3. In order to create highly professional personnel, to improve research activities in law enforcement, as well as to implement section No. 2.3. «Modernization of personnel policies and departmental education» it is suggested: to amend the Law of the Republic of Kazakhstan «On Prosecutor's Office», where to paragraph 10) of Article 4 more precise wording was proposed: *«and oversees the accurate and uniform application by the courts of the Constitution, laws and decrees of the President of the Republic of Kazakhstan and other normative legal acts;»*.

It is proposed to supplement the existing Law «On Prosecutor's Office» with a new article 4-1, which determines the duties of the prosecutor's office in order to include in it the full and interconnected list of basic organizational, managerial and functional responsibilities of the activities of the prosecution. In accordance with paragraph 2 of Article 1 of the Law «On Prosecutor's Office» takes steps to identify and eliminate any violations of the law, appeals the laws and other legal acts that contradict the Constitution and laws of the Republic, represents the state's interests in court, as well as prosecutes in the cases, manner and within the limits established by law. In this regard, we believe that the duty of the prosecution, in particular, should flow from the main directions of its activity, established by the Law.

4. Regarding the amendments to the Law of the Republic of Kazakhstan «On law enforcement service». It is necessary «to consider the opportunity» making changes in Article 10 of the Law regarding the age limit of citizens, accepted on service in law enforcement bodies.

5. Within the framework of the implementation of the Concept of Legal Policy and targeted vector of preventing the increase of «prison population» in 2012 on the basis of the penal inspectorate probation service was established. In order to improve the process of re-socialization of convicts released from prison and being on probation service the following must be taken into account:

Firstly, it is required to fix regulatory the possibility of collecting data from the information systems of state bodies from the moment he enters the orbit of the prosecution and the period after he releases from isolation from society for making his social portrait and providing social assistance to him.

Secondly, one of the key areas of cooperation of state bodies with non-governmental organizations will be the implementation by them of state social orders, the establishment of public funds, including the principle of «social bonds».

Thirdly, it is necessary to consider the possibility of implementing the pilot project on creation of «rehabilitation prisons», with considering the system of current criminal-executive legislation, which must contain the elitist-model schools and training programs, production. So according to Standard Minimum Rules of the UN for the Treatment of Prisoners of 2015 (Rules of Nelson Mandela²⁷) (Rule 87) – the gradual return of the prisoner for life in society involves accounting characteristics of each offender, by introducing special regime for released. Accordingly, at the stage of post-penitentiary probation correction of individual resocialization program with considering the legitimate interests of the convicted person is possible.

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ПРАВОВЫЕ ОСНОВЫ СОЗДАНИЯ ЕВРАЗИЙСКОГО ЭКОНОМИЧЕСКОГО СОЮЗА

Сарсенов Айдар Маратович

*Заместитель начальника отдела экспертизы и медиации
Департамента функционирования внутренних рынков Евразийской
экономической комиссии (г. Москва, Российская Федерация),
доктор права (Ph.D); e-mail: aidars1982@mail.ru*

Ключевые слова: Евразийский экономический союз; Таможенный союз; Единое экономическое пространство; Евразийская экономическая комиссия; Комиссия Таможенного союза, ЕвразЭС; евразийская интеграция; евразийская идея.

Аннотация. В статье раскрываются исторические аспекты становления и создания евразийского интеграционного образования – от евразийской идеи Президента Республики Казахстан Нурсултана Абишевича Назарбаева до создания и функционирования Евразийского экономического союза.

Автором предпринята попытка проанализировать правовые и институциональные основы создания и функционирования евразийской интеграции, с учетом значения Содружества Независимых Государств и Евразийского экономического сообщества в развитии интеграционных процессов на евразийском пространстве.

В статье описываются четыре этапа евразийского интеграционного взаимодействия:

- 1) создание зоны свободной торговли;
- 2) создание Таможенного союза (единая таможенная территория, единый таможенный тариф, отмена таможенного контроля на внутренних таможенных границах и др.);
- 3) формирование Единого экономического пространства (функционирование общего (внутреннего) рынка товаров, услуг, капитала и труда, проведение согласованной налоговой, денежно-кредитной, валютно-финансовой, торговой, таможенной и тарифной политики, развитие единых транспортных, энергетических и информационных систем, проведение общей экономической политики и создание единой инфраструктуры);
- 4) учреждение Евразийского экономического союза (международная организация региональной экономической интеграции, обладающая международной правосубъектностью).

Каждый этап характеризуется определенными особенностями, степенью интеграции, судить о глубине которой можно по заключенным международным договорам (соглашениям) на постсоветском пространстве.