

ALMATY UNIVERSITY OF POWER ENGINEERING AND  
TELECOMMUNICATIONS  
Department of social disciplines

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Vice-rector on educational–methodical  
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**FUNDAMENTALS OF LAW**  
Methodical instructions on performance of seminar works  
for students of all specialties

Confirmed  
Head of EMD  
\_\_\_\_\_ M.A. Mustafin  
“ \_\_\_\_\_ ” \_\_\_\_\_ 2017  
Chairman of DEMC  
\_\_\_\_\_ B.K. Kurpenov  
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social disciplines department  
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Head of the “SD” department  
\_\_\_\_\_ Mukhambedyarova A.T.

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Author:  
\_\_\_\_\_ K.M. Kassiyenova

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## **FUNDAMENTALS OF LAW**

Methodical instructions on performance of seminar works  
for students of all specialties

Almaty 2017

AUTHOR: K.M. Kassiyenova, The basics right. Methodical instructions for the implementation of seminars for students of all disciplines. - Almaty: AUPET, 2017. – 26 p.

The methodological recommendations contain a list of issues and questions to prepare for seminars on the course "fundamentals of law", and special literature sources recommended to study the course, as well as control questions to check independent preparation of students.

Reviewer: department of foreign languages

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Kuliash Magzumovna Kassiyenova

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Editor \_\_\_Yu.R. Gabdullina\_\_\_\_\_

Specialist on standardization N.K. Moldabekova

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## **Introduction**

Purpose of discipline's study of "Fundamental law" are forming conception about the state, RK's system of law, forming of legal and political culture, provide students by comprehension about specific system of the state, forming of aspiration to make a feasible contribution to strengthen and develop of the state, legality and law and order in the country.

For knowledge acquisition, referred above, effective form of study are seminar works.

During preparation for seminar works, it is necessary to examine questions that has provided for discussion.

In methodical notation are given questions for each seminar work, moreover, touch upon an issues, which should be special attention. Had been examined questions and methodical notation, owing to normative – legal acts and literature, thus, necessary to answer all questions. Answers should be summarized in copybooks and be provided for checking by teacher.

During seminar works, using yourself notation, student should be acquaint a content of questions.

For performance with the report, to student provide 5-7 minutes, then to make a presentation for student is given 10 - 12 minutes, therefore all contents of the report should be no more than 5-7 pages text.

Each topic provides a list of normative acts. When using of these lists should have in view that, the legal acts have only approximate character and do not exclude "identification" by students of others, in particular the latest, regulations. For work with normative material, it is necessary to address to the official publications, which are available in library, and to the electronic legal-reference systems established at University.

Specialization plan of seminar works determined by teacher.

### **Theme 1. Fundamentals of the theory of state and right**

1. Main theories of an origin of the state and right.

2. Features of the state. Form of the state. Republic of Kazakhstan as constitutional, social state.
3. Accrual of the right. Essence of the right. Role of the right in life of society.
4. Realization of rules of law. Acts and stages of application of the right. Interpretation of rules of law.

*Purpose of study:* comprehension of main categories of the state and right.

### **Methodical notation**

*The first question,* to acquaint the main theories of an origin of the state - theological, patriarchal, contractual, violence, organic, Marxist, psychological. Pay attention to plurality of approaches for explanation of causes of the state. Comprehend reasons of such plurality, a role of such factors as time and a place of appearance of different doctrines about the state. Here it is important to note a historical context in which there were ideas about the state, its nature. Compare the specified theories and note lines of similarity and distinction between them, the succession moments.

Consider theories of an origin of the state from such point of view, how correctly they reflect these causes of creation of the state from present data's positions about this process received by such sciences as archeology, ethnography, the general history. That in these theories remains a true, and that became outdated or it was incorrect, scientifically not credible.

*On study the second question,* by preparation for a question pay attention to pluralism of approaches to a question of the state's concept. Reveal essence of the state – it means disclose the main thing that causes its objective necessity for society. Considering the separate sides of the state's form, pay special attention to definitions of concepts: "monarchy", "republic", "federation", "the unitary state" and "political regime".

*On study the third question,* identify what is right, what its bases. Ordinary and professional conception about right. Concept of a form (source) of the right. Types of right's sources.

Necessary to reveal the main aspects of interaction of the state and the right. Formulate the main features of the constitutional state. As, in your opinion, the issue in Kazakhstan is solved. Understand the following basic characteristic of the constitutional state: division of the authorities on legislative, executive and judicial; the legality mode based on the right; priority of the rights and freedoms of the person and their protection.

*On the fourth question,* student must give concept about law's precepts and their types. Action of normative legal acts in time, in space and around persons.

Four questions necessary to be cleared before being guided by the normative act:

- what state relations this act extends (subject action);

- what time the normative act has validity (action in time);
- what territory it extends the regulating influence (action in space);
- what his addressees (action around persons).

Determination of the law and sub-legislative normative acts.

*The main concepts of the topic:* subjects of legal relationship; legal capacity; capacity to act; object of legal relationship; concept of an offense; legality and law and order.

Control questions.

1. List the signs distinguishing the state from the primitive organization of society, state organization, consolidation, movement.
2. What types of state bodies are formed in the Constitution of the RK?
3. List functions of the state.
4. What is necessary for forming of the constitutional state?
5. What main sources of the right?

Themes of reports.

1. The basic theory of formation of the state
2. Emergence of the state
3. State, right and morals
4. State, its forms and mechanism.

Normative legal acts

1. The Constitution of the Republic of Kazakhstan (adopted by national referendum 30 August 1995). With changes and additions.
2. The Declaration of state sovereignty of the Kazakh Soviet Socialist Republic.
3. Constitutional Law of the Republic Of Kazakhstan. On state symbols of the Republic of Kazakhstan. – Astana, Akorda, June 4, 2007 No. 258-III.
4. Constitutional Law of the Republic Of Kazakhstan. On the state independence of the Republic of Kazakhstan. About introduction in action of this Law (see the Decision of the Supreme Council of the Republic of Kazakhstan of 16 December 1991 No. 1008-XII).
5. The address of the Head of state Nursultan Nazarbayev the people of Kazakhstan "Kazakhstan's way – 2050: common goal, common interests, common future" of 17.01.2014.

### **Additional literature**

- 1 Kasiyeva K.M. Tanirbergenov R. K. Right bases. Abstract of lectures. AIES, 2010.

- 2 Alimov S. V. the History of legal and political doctrines. - A.: "Bastau", 2010.
- 3 Ibraeva. With. Theory of state and law. – A.: "Zheti Zhargy", 2003.
- 4 Akkasov B. K. History of state and law of foreign countries: textbook. - Almaty: RK: KazNPU named after. Abay. Ed. "Ulagat", 2011.
- 5 Ospanov. K.I. The basics right. – A, Zheti Zhargy. - 2006.

Electronic media:

- 1) Site of the Ministry of Justice of RK [http://www .minjust.kz/ru](http://www.minjust.kz/ru)
- 2) Information system of law of <http://adilet .zan.kz/ru>
- 3) The site - the Supreme Court of RK - <http://www.supcourt.kz/>
- 4) Official site of the President of RK-<http://www .akorda.kz>.

## **Theme 2. Fundamentals of the constitutional and administrative right**

### **Fundamentals of the Constitutional right (1 hour)**

1. Natural and positive law as sources of a constitutional right.
2. The stages of formation, tendency of development and enhancement of a constitutional right of the Republic of Kazakhstan.
3. The system of constitutional rights, freedoms and obligations of the person and citizen.
4. Constitutional legal status of the President of the Republic of Kazakhstan. Constitutional legal status of Parliament of the Republic of Kazakhstan.
5. The legal basis of the organization of the electoral process in the Republic of Kazakhstan.

*Purpose of study:* knowledge about constitutional right as right industries; knowledge of essence of the Constitution of RK; knowledge of the rights and freedoms of the person and citizen of RK.

### **Methodical notation**

*Answering the first question,* to distinguish moral categories (justice) and right's categories (laws of the policy, laws of the nature). Sources of a constitutional right form two main spheres: natural right and positive right. The natural right includes set of the rights and freedoms which are historically recognized as humanity as is integral in each person from the birth. These rights and freedoms do not depend on a will of the state and are not gift from its party. On the contrary, the state is joined by these primary moral and reasonable imperatives. Moreover, it is obliged to recognize, observe and guarantee them. Comprehension of the natural right as internally inherent in the person (by nature) of a condition of freedom and certain inalienable rights developed in a classical antiquity. Aristotle and other great thinkers developed this idea. In Roman right in which the positive right (civil right) was developed, nevertheless the natural right was recognized. The main goals of the

democratic revolutions caused by the natural right, which occurred in Europe and America in the XVII—XVIII centuries and was taken for the concept of the constitutional state which is still determining a position of the state in developed countries.

*During study the second question,* student will study carefully the Constitution of the Republic of Kazakhstan 1995 (additionally necessary to study the Declaration about the state sovereignty of Kazakh SSR, the Constitutional law about the state independence of the Republic of Kazakhstan, etc. as legal acts which create the juridical foundation of our state). Furthermore, it is necessary to give concept to the constitutional legal relationship. Moreover, to call subjects and objects of legal relationship.

*Preparation for the third question,* begin with explanation of the concept "citizen". Pay attention to special features of the juridical communication of the citizen with the state. Consider such concepts as "foreigner", "stateless person" and compare their legal status to the status of "citizen". Pay special attention on the right of life and its fundamental value in system of the rights and freedoms of the person. Comprehend features of legal concept of a personal freedom. By preparation of a question, consider also the conditions setting personal freedom limits.

*On the fourth question,* to study the head of constitution of the Republic of Kazakhstan – "President", Parliament". The leading place in system of state authorities is the President of Kazakhstan who possessing real credentials, does not enter one branch of the power, coordinates their activities. Students should know functions, additionally, credentials of the President in the sphere of legislature, in the military sphere, in the foreign policy sphere, in relation to citizens. Students should pay attention to requirements imposed to the candidate for president. The special attention needs to study the constitutional guarantees from absolute power of the President: term, which elects the President, opportunity to hold this post no more than two terms in a row.

The Parliament - a representative agency with legislative functions. Students should know that the Senate high chamber, lower - Mazhilis. The Mazhilis - the lower house, it is elected by citizens of RK by direct general election for a period of 5 years and consists of deputies. Chambers sit separately. The parliament develops and adopts laws. Students need to know how passes legislative process in RK. It begins a stage of the legislative initiative. The legislative initiative is the right of the competent subject to offer development of the law or the ready bill. The following stage - discussion of the bill in Parliament. Then the stage of adoption of law follows. It is necessary to pay attention to features votes in case of adoption of laws.

*Answering the fifth question,* the student needs to study bases of the organization of the electoral process, based on the Constitutional law of the Republic of Kazakhstan "About elections in the Republic of Kazakhstan".

*The main concepts of the topic:* constitution, citizen, president, parliament, deputy, justice, natural right, positive law.

### Control questions.

1. What place in system of the right is taken by a constitutional right?
2. Why the Constitution is called the fundamental law of the state?
3. What principles of the Constitution of RK?
4. What ratio of the Constitution and laws, regulations of international law?

### Themes of reports.

1. Concept of the constitutional status of the personality.
2. Forms and sales warranties of the constitutional principles of a legal status of citizens.
3. The bases and an order of acquisition and loss of nationality in RK.
4. The bodies making decisions concerning nationality.
5. Bases of the right status of foreigners and stateless persons.
6. Local representative bodies of the power: order of forming and organization of activities.
7. Local administration: legal status and organization of work.
8. Legal basis of counteraction of corruption.
9. Content of National strategy of counteraction of corruption.
10. Bases of the organization, functioning and development of the state and judicial authority in the light of fight against corruption.

### Normative legal acts

1. The constitution of the Republic of Kazakhstan (with changes and additions).
2. The constitutional law of the Republic of Kazakhstan of December 26, 1995 "About the President of the Republic of Kazakhstan" (with changes and additions).
3. The constitutional law of the Republic of Kazakhstan "About elections in the Republic of Kazakhstan" (with changes and additions).
4. The constitutional law of the Republic of Kazakhstan of December 29, 1995 No. 2737. "About the Constitutional Council of the Republic of Kazakhstan"
5. The constitutional law of the Republic of Kazakhstan of October 16, 1995 "About Parliament of the Republic of Kazakhstan and the status of his deputies" (with changes and additions).
6. The law of the Republic of Kazakhstan of December 20, 1991 No. 1017-XII. "About nationality of the Republic of Kazakhstan" (with changes and additions).
7. The law of the Republic of Kazakhstan "About local state administration in the Republic of Kazakhstan" (with changes and additions).

### **Additional literature**

1. Ibraeva.A.S. Theory of state and law. – A.: "Zheti Zhargy", 2003.
2. The Constitution of the Republic of Kazakhstan: scientific and legal review // Under the editorship of G. Sapargaliev. – Almaty, 2005.
3. G. Sapargaliev. Constitutional law of the Republic of Kazakhstan. – A. 2005.

## **Fundamentals of administrative right (1 hour)**

1. Concept and types of subjects of the administrative right. Concept and main features of the juridical entity
2. Government of the Republic of Kazakhstan
3. System of legal acts about state service. List of the rights and obligations of government employees
4. Kind of administrative responsibility.

*Purpose of study:* explanation of the social nature and functions of state administration, basic elements of state administration and its types.

### **Methodical notation**

*On the first question,* student should reveal a question that is the administrative right. Very closely the administrative right with the constitutional right, which gives fundamental concept. Additionally, the further development in administrative precepts of law and institutes. Write down in a copybook from the Administrative Code № of articles in which the principles, functions and methods of the administrative right are stated; write down in a copybook from article civil code of the Republic of Kazakhstan signs of the juridical entity.

Pay attention that a basic element of the mechanism of the state is the body of the state. It is necessary to formulate concept of body of the state and to characterize its main signs - powers of credentials, competence, etc. Student will be able to classify state bodies, to distinguish from state institutions; concept and content of administrative legal status of physical persons; features of administrative legal status of various categories of physical persons.

*In the second question,* student necessary to compile the summary, head five of the Constitutions of RK concerning a legal status the Government of RK.

*On the third question,* to recognize employees of state bodies – the structure's personnel which performing the government, additionally, enterprise's and socio-cultural organization's employees (teachers, actors, doctors, scientists, etc.) Determine concepts of the government employee, also, the state position and the principles of state service.

*During study the fourth question,* to defined, what is administrative responsibility, since when comes administrative responsibility, what is the basis for administrative responsibility? Determine the structure of administrative offense. Moreover, types of administrative offenses.

Student should recognize the excluding administrative responsibility, carefully define detention of the person which made encroachment, emergency, reasonable risk etc. On this basis, determine the administrative offenses, in addition, reasonableness of the referred conditions.

*The main concepts of the topic:* main types and structure of an offense; concept and features of juridical responsibility; types of juridical responsibility.

Control questions.

1. Give concept of legality and characterize its principles.
2. What different between administrative legal status of natural persons differs and administrative legal status of executive authority?
3. Discuss what functions carry out law enforcement agencies.
4. How to understand a justice? How you think why judicial authority is principal body of ensuring protection of legality?
5. Define a role of bodies of a homeland security.
6. What elements of the administrative offense?
7. What types of executive authorities in RK?

Themes of reports.

1. Subjects of administrative law.
2. Measures of administrative coercion.
3. Administrative order of consideration of addresses of citizens.
4. Concept and types of executive authorities.
5. Passing of the state civil service.
6. Concept and structure of an administrative offense.

Normative legal acts

1. Constitution of the Republic of Kazakhstan.
2. The code of the Republic of Kazakhstan about administrative offenses of July 5, 2014.
3. The constitutional law of the Republic of Kazakhstan of October 16, 1995 "About Parliament of the Republic of Kazakhstan and the status of his deputies" (with changes and additions).
4. The law of the Republic of Kazakhstan "About local state administration in the Republic of Kazakhstan" (with changes and additions).

### **Additional literature**

- 1 Zhetpisbaev B. A. Administrative law: violations. – A.: Nur-Press, 2004.
- 2 Praliev has been studied by G. K. Administrative law of RK: academic practice-Zheti Zhargy, 2007.
- 3 Zhetpisbayev B. A., Bakhralinov A.S. genesis of administrative offenses of minors and measure of fight against them. – Almaty, 2001.
- 4 Ibragimov H.Yu. Administrative law of the Republic of Kazakhstan: Manual (general part). – Almaty, 2000.
- 5 Taranov A. A. Administrative law of RK special part. – Almaty, 2000.

- 6 The commentary to the Code of the Republic of Kazakhstan on administrative offences / in two books. – Almaty, 2002.

### **Theme 3. Fundamentals of family and labor law**

#### **Fundamentals of family law (1 hour)**

1. Conclusion and termination of marriage
2. Regime of property of married couple, concept, types
3. Rights and duties of parents and children. Adoption of the child
4. Guardianship and guardianship, concept general characteristic

*Purpose of study:* to study the rights and duties of spouses, parents, children, guardian and trustees, order, conditions, consequence in law of the conclusion and annulment of marriage, recognition its invalid, conditions and order of adoption, deprivation of the parental rights, forms of the device of children without parental support.

#### **Methodical notation**

*The first question,* to examine structure of "The code about marriage (matrimony) and a family". Accurately to state the main beginnings of the family legislation and the family relations. On the assumption of this, will be estimated behavior of the person as the family member.

For marriage, the family legislation establishes positive and negative conditions. In item 1 of Art. 9 of the Code two positive conditions of marriage are established: free and full consent of the man and woman. For married couple is established the age of consent – 18 years (item 1 of Art. 10). In the presence of good reasons (pregnancy, birth of child) bodies of the state registration of a marriage can reduce age of consent for the term of no more than two years.

Recognize the concept, an order and conditions of a marriage. Characterize barriers for marriage and invalidity of marriage's conditions. What is the marriage contract? Can be it is obligatory condition of a marriage?

*Answering the second question,* student should to study the total of legal regulations, which regulate non-property and property family relations. In addition, relations government with family by the law, for family protection and strengthening of a family, rights and interests its members. Student needs to give concept about annulment of marriage.

*On the third question,* the basis of emergence of the rights and duties of parents and children is appearance of children. Student must study carefully forms of acceptance of children on education in the conditions of a family. Family unite not only by the emotional action, however, the mutual rights, duties provided by the legal regulations. Position of family, also its ability to carry out the mission depends of health of society.

*On the fourth question*, to distinguish concepts guardianship and patronage. Guardianship is set over children, not attaining age of fourteen years, furthermore, over the persons confessed by a court incompetent because of psychical disease or imbecility.

Patronage is set over minor in age from fourteen till eighteen years, moreover, over the persons limited to the court in a capability because of abuse of alcoholic drinks and narcotic substances. Additionally, on the statement of adult capable persons which on the state a health cannot independently carry out the rights and discharge duties.

A child has a right independently to apply for defense of the right in the body of guardianship and patronage, and after the reaching fourteen-year age - in a court.

*The main concepts of the topic*: marriage, family, alimony, guardianship, marriage contract, patronage, age of consent.

#### Control questions.

1. Identify concept and sources of family law.
2. What is the family legal relationship?
3. What is the family?
4. Definition of marriage.
5. Marriage conditions.
6. Identify the rights and duties of family members.

#### Themes of reports.

1. Adoption's consequence of child. Secret of adoption of the child and its providing.
2. Features of adoption of children by foreign citizens.
3. Bereave child based on the act of local government body.
4. Order of payment and collecting alimony.
5. Concept of the actual marriage. History of legal regulation.

#### Normative legal acts

1. Constitution of RK.
2. The code of the Republic of Kazakhstan of December 26, 2011 No. 518-IV "About marriage (matrimony) and a family (with changes and additions).
3. The Convention on the Rights of the Child of November 20, 1989 ratified by RK on June 8, 1994.
4. Convention on collecting the alimony abroad. Law RK on accession 30.12.99g.
5. The law of the Republic of Kazakhstan "About the state guarantees of the equal rights and equal opportunities of men and women" of December 20, 2009.
6. Messages of the Head of state Nursultan Nazarbayev to the people of Kazakhstan "The Kazakhstan way – 2050: Uniform purpose, uniform interests, uniform future" of 17.01.2014.

## **Additional literature**

- 1 Zhetpisbaev B. A. Administrative law: violations. - A.: Nur-Press, 2004.
- 2 Praliev has been studied by G. K. Administrative law of RK: academic practice. - Zheti Zhargy, 2007.
- 3 Zhetpisbayev B. A., Bakhralinov A.S. genesis of administrative offenses of minors and measure of fight against them. – Almaty, 2001.
- 4 Ibragimov H.Yu. Administrative law of the Republic of Kazakhstan: Manual (general part). – Almaty, 2000.
- 5 Taranov A. A. Administrative law of RK special part. – Almaty, 2000.
- 6 The commentary to the Code of the Republic of Kazakhstan on administrative offences / in two books. – Almaty, 2002.

### **Fundamentals of labor law (1 hour)**

1. Parties of labor relations.
2. Business hours. Rest-time. Salary. Guarantees and compensations.
3. Discipline of labor. Labor disputes.
4. Benefits, concept and types, legal providing, appointment and payments.

### **Methodical notation**

*Answering the first question*, it is important deeply to consider positions Constitutions, defining maintenance of labor right, to expound in the written form an item 24 Constitutions and to analyze its positions as it applies to the certain norms of labor law.

A student must attentively study "Labor Code". Firstly, it is necessary to note that in LC PK the article 1, contains the basic concepts used in Code. It is necessary to expose the concept of labor legal relationship and its participants (subjects). Stopped for guarantees and compensative payments to the workers, by the envisaged labor legislation of Republic of Kazakhstan. Labor relations are folded in connection with direct activity of people in the process of labor and arise up concerning application of labor of the hired workers. Labor relations make basis of the article of labor right.

*Answering the second question*, a student must give a clear answer for a question, how to make labor contracts, kinds of maintenance and terms of labor contract. An order is dissolutions and law consequences, coming for parties, in case of dissolution of labor contract. Labor as expedient activity on the production of material welfares, as the process accomplished between a man and nature, it is necessary flows in time. Time of labor is the natural form of existence of labor. Is it necessary also to expose the legal aspects of application of labor minor in RK. On what reasons it is impossible to say no in recruiting. Enumerate, what documents must be presented at starting work. Describe the obligatory conditions of agreement.

*On the third question*, it is necessary to expose a concept and types of disciplinary responsibility. Rule of position and removal of disciplinary penalties. To expose the concept of property accountability of workers (concept, kinds and terms). To give damage assessment and order of its compensation etc.

Further to pass to the types of labor disputes, also to consideration of types of trial of labor disputes.

*Answering a fourth question*, to consider the rules of appointment and payment of social manual, also decisions of its size, approved by the government of RK.

*The main concepts of the topic*: labor, labor contract, trial period, labor dispute, material damage, salary, guarantees, compensation, vacation, breach of discipline.

Control questions.

1. What documents are needed for the conclusion of labor agreement.
2. On what terms can be entered into a labor contract?
3. A schoolchild combines studies with work. Under the labor agreement, a working day is set him by duration 4.5 hour. Is it legitimate?
4. Is a trial period included in labor experience?
5. What persons at recruiting is not a trial period set?
6. What cases does a labor contract confess in invalid?
7. In organization students come on practice only on 2 months. Is it necessary to design a labor contract, order?
8. How is hiring of worker?
9. What grounds of stopping of labor contract are known you?

Themes of reports.

1. Collective agreement.
2. Translations on other work.
3. Dissolution of labor contract.
4. Complete property accountability.

Normative legal acts

1. Constitution of the Republic of Kazakhstan.
2. The labor Code of the Republic of Kazakhstan No. 251 of May 15, 2007.
3. The law of the Republic of Kazakhstan of June 30, 1997 No. 136 "About provision of pensions".
4. The law of the Republic of Kazakhstan of December 18, 2000 No. 126-11 "About insurance activity" (with changes and additions).
5. The law of the Republic of Kazakhstan of April 7, 2014 No. 183-V "About ratification of the Convention on creation of procedure of establishment of minimum wage (Convention 26).

6. The law of the Republic of Kazakhstan of April 7, 2014 No. 184-V "About ratification of the Convention on protection of a salary (Convention 95)".
7. The law of the Republic of Kazakhstan of March 31, 2014 No. 180-V "About modification of some acts of the Republic of Kazakhstan concerning a social assistance".
8. The resolution of the government of the Republic of Kazakhstan of December 28, 2007 No. 1339 About the approval of Rules of appointment and payment of a social benefit, and also determination of its size (with changes and additions).

### **Additional literature**

- 1 Labor code of RK: itemized practical comment. - Limited liability partnership. MIFER, 2008.
- 2 Duranovskaya G. P. Features of the labor law of RK: situations, questions and answers. - Lem, 2008.

## **Theme 4. Fundamentals of civil and criminal law. Bases of procedural right**

### **Fundamentals of civil law (1 hour)**

1. Civil legal relationships, types of objects of civil legal relationships.
2. Subjects of civil legal relationships.
3. Basic methods of origin of stopping of right of ownership.
4. Patterns of ownership on the legislation of Republic of Kazakhstan.
5. Concept and legal description of transaction as a legal fact. Execution of obligations, methods of providing of obligations.
6. Concept of intellectual property. Generals of copyright.

*Purpose of study:* to form idea about the features of civil legal relationships.

### **Methodical notation**

By preparation for a seminar, except getting a clear idea of questions in a plan and exposed on a lecture, the considerable proportion of attention should be given to practical work with the "main" source of civil law - Civil Code of Republic of Kazakhstan (CC RK).

*On the first question,* a student must study CC of RK, on the basis of which concepts "Civil law" and legal "relationship", their maintenance are examined. In addition, it is necessary to get a clear idea of essence of concept of objects of civil laws, additionally, to understand material and non-material welfares or process their creations making an object and having a special purpose orientation of activity of

participants of civil legal relations. Student should call and briefly describe the types of objects of civil laws: things (including money and securities); property rights; results of intellectual activity; results of works; services; information; non-material benefits.

*On the second question*, to get a clear idea of the types of subjects, give description about their legal capacity, capability. Pay attention to determination of concept legal "personality". To give determination to the concept "Legal entity", to expose the types of legal entities, difference of them from each other. It is necessary to get a clear idea of, that the primary purpose of activity of commercial organizations are a systematic receipt of profit and possibility of her distribution between participants. While the primary purpose of activity of noncommercial organizations is implementation of functions unconnected with the receipt of profit.

Because a right of ownership is one of meaningful areas of civil law, *in the third question*, to give a concept about the right of ownership, that makes maintenance of right for property (to give determination to the right for possession, on persons of right of ownership, objects of right of ownership. Examining the grounds of stopping of right of ownership, it is necessary foremost to pay attention to that the list of such grounds be limited by the law. First of all it is cases of stopping of this right on will of owner (alienation to other persons, voluntary abandonment of and other and in the second - in cases straight indicated in a law, - besides his will (confiscation, and other.

*In a fourth question*, to begin with the concept of obligation right: in what cases arises up, an obligation right ceases. To distinguish subjects of right. Students should be taken on the methods of providing of fulfilling commitment set by a legislation: penalty, pledge, deduction, guarantee and deposit.

*On the fifth question*, to define types of revenge in the system of legal facts, give determination of transactions, expose the basic lines of transactions, lead classification of transactions on different criteria. A transaction is considered such, if certain terms, terms of reality, are inherent her.

*On the sixth question*, to give the concepts of each of the examined objects of intellectual property. Cognition of copyright needs to examine from establishment of reasons of terms assisting its origin.

*The main concepts of the topic*: transaction, obligation, pledge, mortgage, property, confiscation, alienation, noncommercial organization, commercial organization, lawsuit, limitation of actions.

Control questions.

1. What sources of civil law you know. Explain, in what value of the Constitution of RK as source of civil law.
2. What is the civil legal capacity, and what its contents? It is possible, whether legal capacity restriction.
3. What is the state registration of transactions and its value for validity of the transaction?

4. What types of the relations are regulated by civil law? How the property and personal non-property relations differ?
5. What requisites and forms of the power of attorney?
6. In what an essence of competences of possession, use and the order a thing?

#### Themes of reports.

1. Terms of implementation of protection of the civil rights.
2. Emergence of an ownership right.
3. Concepts of patent law.

#### Normative legal acts

1. Constitution of the Republic of Kazakhstan.
2. The civil code of the Republic of Kazakhstan (the general part) of December 27, 1994 (with changes and additions).
3. The civil code of the Republic of Kazakhstan (special part) (with changes and additions).
4. The law of the Republic of Kazakhstan of January 16, 2001 No. 142-II. About non-profit organizations (with changes and additions).
5. The law of the Republic of Kazakhstan of May 2, 1995 No. 2255. About economic associations (with changes and additions as of 19.02.07).
6. About consumer protection. The law of the Republic of Kazakhstan of May 4, 2010 No. 274-IV.
7. The law of the Republic of Kazakhstan of March 1, 2011 No. 413-IV "About state-owned property".

#### **Additional literature**

- 1 Basin Yu. G. Transactions: a Training manual. – Almaty, 1999.
- 2 Basin Yu. G. Legal entity under the civil law of the Republic of Kazakhstan: concept and General characteristics: a Training manual. – Almaty, 2000.
- 3 Civil code (General part) – comment. In two lurks in the books. – Almaty: Zheti Zhargy, 2003.
- 4 The civil code of the Republic of Kazakhstan (Special part) – comment. – Almaty: Zheti Zhargy, 2003.
- 5 Practical guide to drafting contracts for citizens of the Republic of Kazakhstan (housing, land, civil, domestic) / Comp. Z. P. Svechnikov, etc. – Almaty, 2000.
- 6 Sapargaliev.G.S. Fundamentals of state and law: textbook. – Almaty: Zheti Zhargy, 2003.
- 7 Didenko.G. A. General. Civil law of RK. part. - Nur Press, 2007.
- 8 Gaylin G. A. T Civil law of RK.1. – A. Daneker, 2002.

#### **Fundamentals of criminal law (1 hour)**

1. Criminal law, its system and structure.
2. Circumstances, exclusive criminality of act. Necessary defensive. Absolute necessity. Aggravating responsibility circumstances. Extenuating responsibility circumstances.
3. Stages of commission of crime. There is criminal participation.
4. System and types of criminal punishments.

*Purpose of study:* acquaintance with the basic concepts of criminal law.

### **Methodical notation**

Criminal law as one of type of law of the Republic of Kazakhstan, is a systematic set of legal rules governing a certain group of social relations. Therefore, *the first question* should focus on the goals, objectives and to reveal the major sources and principles of criminal law.

*Answering the second question*, a student must define the crime, as it was from the time of the crime and of criminal responsibility arise criminal legal relationship. It is necessary also stop on the crime's features, to classify offences. Next, a student need to answer the question about criminal responsibility (what is criminal liability at what age should criminal responsibility). In detail identify the criminal responsibility of minors.

In the study of the circumstances precluding criminal responsibility and wrongfulness of the act, it is necessary to elaborate on necessary defense, extreme necessity, arrest of the offender, reasoned risk and execution of the order and other circumstances. Therefore, necessary to examine carefully the penal code and the commentary to the penal code.

*Answering the third question*, to consider the stage of the crime.

*On the fourth question*, a student should define criminal penalties. What is the purpose of punishment. To indicate the types of criminal punishment. In addition, a student should be familiar with the bases of exemption from criminal responsibility and punishment contained in the criminal code of the Republic of Kazakhstan.

*The main concepts* of criminal responsibility, crime, punishment, defense, offence, the sanction, the presumption of innocence.

### Control questions.

1. The concept and subject of criminal law.
2. List and expand the content of principles of criminal law.
3. What is the dangerous act, committed in action or inaction?
4. What public relations are governed by criminal law?
5. What are the public relations regulated by norms of criminal law?
6. The main differences between criminal law from other branches of law?
7. Name the category of crime.
8. Name the elements of the offence.
9. What distinguishes the crime from other types of offenses?

10. What is criminal liability?
11. What are the grounds for criminal prosecution?

#### Themes of reports.

1. The definition of a crime.
2. Method of the crime and its criminally legal value.
3. Amnesty and pardon. Their nature and legal value.
4. The instruments and means of committing crimes and their criminal-legal significance.
5. The Subject and method of criminal law of Kazakhstan.

#### Normative legal acts

1. The criminal Code of the Republic of Kazakhstan (with changes and additions).
2. The Code of criminal procedure of the Republic of Kazakhstan (with changes and additions as of 29.06.2007).
3. The law of the Republic of Kazakhstan dated June 29, 1998 № 249-I. "On the accession of the Republic of Kazakhstan to the Convention on psychotropic substances".
4. The RK law dated 29th of June 1998 N 248-1. "On the accession of the Republic of Kazakhstan to the Convention on the elimination of all forms of discrimination against women".
5. The RK law dated 29th of June 1998 N 245-1. "On the accession of the Republic of Kazakhstan to the International Convention on the elimination of all forms of racial discrimination".
6. The RK law dated 29th of June 1998 N 247-1. "On the accession of the Republic of Kazakhstan to the Convention against torture and other cruel, inhuman or degrading treatment or punishment".
7. The law of the Republic of Kazakhstan dated 13 July 1999 No. 416-I. "On combating terrorism (with changes and additions)".
8. The law of the Republic of Kazakhstan dated July 2, 1998 № 267-I "On fight against corruption (with changes and additions)".
9. Regulatory Statute of the Supreme Court of the Republic of Kazakhstan dated July 11, 2003, № 8. "On judicial practice in cases of theft (with changes and additions)".

#### **Additional literature**

- 1 Alaukhanov E.O. Criminal Law: Textbook. - Almaty, 2000.
- 2 Borchashvili I.Sh. Criminal Law of the RK: Textbook. The special part in two parts. - Almaty, 2000.
- 3 Commentary on the Criminal Code of the Republic of Kazakhstan / The two books. - Almaty, 2004.
- 4 Ibrayeva A.S., Ibraev NS, Theory of State and Law: Textbook. - Almaty Zheti Zharry. 2003.

- 5 The right of all: Textbook / Ed. Ed. A.K.Muhtarova. - Almaty Bastau, 2002.
- 6 Commentary on the amendments and additions to the Criminal Code of the Republic of Kazakhstan. - Karaganda, 2000.
- 7 Rogov. Criminal Law of Kazakhstan - V.: Zheti Zhargy, 2006.

### **Theme 5. Law enforcement authorities of Republic of Kazakhstan**

1. Judicial authority: concept, essence, a place of system of division of the authorities.
2. Ministry of Justice of the Republics Kazakhstan. System of judicial authorities. Prosecutor's office of RK. Bodies of the Homeland security of the Republic of Kazakhstan.
3. Law-enforcement bodies of the Republic of Kazakhstan, its system. Agency of financial police.
4. Legal status of law enforcement officers of RK.

*By preparation for a subject to consider questions:* Legal status of court. Judicial system of RK. Legal status of the Supreme Court. Regional and district courts. Administrative court. Economic court. Juvenile court. Arbitration tribunal. Legal status of the judge. Requirements to candidates for judges of RK. Order of appointment of the judge.

*The main concepts:* law enforcement authority, graft, corruption, justice, arbitration.

#### Themes of reports.

1. Bodies on the legal providing of activity of legal entities and providing of legal aid of citizens.
2. A place of law enforcement authorities of Republic of Kazakhstan is in a state mechanism.
3. Advocacy.
4. Notaries.
5. Authorized agent on human rights.

#### Normative legal acts

1. "About law-enforcement service" law of Republic of Kazakhstan from January, 6, 2011 № 380 – IV.
2. Criminal code of Republic of Kazakhstan Code of Republic of Kazakhstan from July, 3, 2014 № 226 - V 3PK.
3. "About Code of honour of civil servants of Republic of Kazakhstan".
4. Decree of President of Republic of Kazakhstan from Mays, 3, 2005 N 1567.
5. "About Office" of public prosecutor Law of Republic of Kazakhstan from December, 21 1995 N 2709.
6. " About the judicial system and status of judges of Republic of Kazakhstan".

7. Constitutional law of Republic of Kazakhstan from December, 25, 2000 N 132.
8. Code of criminal procedure of Republic of Kazakhstan from July, 4, 2014 № 231 - V ЗРК.
9. Message of President of Republic of Kazakhstan to the people of Kazakhstan from December, 14, 2012 "Strategy "Kazakhstan-2050".
10. "About Higher Judicial Advice of Republic of Kazakhstan" Law of Republic of Kazakhstan from November, 17, 2008 № 79 – IV.

### **Additional literature**

- 1 Samaldykov M. K. law enforcement agencies of the Republic of Kazakhstan: educational and methodical grant. Almaty: Қазақ университеті, 2014. – 465 s.

### **Theme 6. Fundamentals of financial and tax right**

1. The concept and legal forms of financial activity of the state.
2. State management and control in the field of regulation of budgetary relations.
3. State regulation of tax relations.

*Purpose of study:* to examine the relations arising in the process of financial activity of the state, to examine the financial effects and the legal category.

#### **Methodical notation**

*On the first question* a student to give the concept of financial law as one of branches of law. To identify the principles of financial law. Name of the sources of financial law.

*Answering the second question,* list the principles of budget planning, basic techniques of budgetary control.

The main purpose of financial activity is to create favorable conditions for the normal functioning of socio-economic structures of society. To decide, what is financial control. The state financial control bodies and their competence-tence.

*Answering the third question,* to give the concept of tax law and the subject of his study. List the types of taxes.

*The main concepts of the topic:* finance, budget, monetary system, tax, customs, customs, audit, financial control, bank.

#### **Control questions.**

1. What are the regulatory legal acts consists of Finance of the Republic of Kazakhstan.
2. Name the methods of financial law of the Republic of Kazakhstan.

3. Give the legal description of the banking law of the Republic of Kazakhstan.
4. The Legal basis of the monetary system.

#### Themes of reports.

1. The Emergence, change and termination of financial relations.
2. The Goals and objectives of the National Bank of the Republic of Kazakhstan.
3. The Goals and objectives of state regulation of financial market and financial organizations.
4. The concept of budget.
5. State regulation of insurance activity.
6. A Tax offence.

#### Normative legal acts

1. The budget code of the Republic of Kazakhstan dated 4 December 2008 No. 95-IV.
2. The code of the Republic of Kazakhstan dated 10 December 2008 No. 99-IV "On taxes and other obligatory payments to the budget (Tax code)".
3. The law of the Republic of Kazakhstan from August 31, 1995 №2444 "On banks and banking activity in the Republic of Kazakhstan".
4. The law of the Republic of Kazakhstan dated 30 March 1995 "On national Bank".
5. The law of the Republic of Kazakhstan dated 7 July 2004 №576 "On investment funds".
6. The law of the Republic of Kazakhstan from July 2, 2003 № 461 – II "On securities market".
7. The law of the Republic of Kazakhstan dated July 04, 2003 "On state regulation and supervision of financial market and financial organizations". - Almaty: YURIST, 2005.

The law of the Republic of Kazakhstan of 24 December 1996 "On currency regulation" No. 54 - II / Financial law: Collection of normative legal acts. – Almaty: YURIST, 2005. – 201 S.

#### **Additional literature**

- 1 Financial Law of Kazakhstan (Compilation). Compiled Didenko PV. - Almaty Daneker, 2000.
- 2 Omirbaev C. Finance. - Astana, 2003.
- 3 Porokhov EV The theory of tax liability: Textbook. - Almaty, 2001.
- 4 Khudyakov A.I. The textbook "Financial Law of the Republic of Kazakhstan". - Almaty, 2005.
- 5 Naymanbaev S.M. The textbook "Financial Law of the Republic of Kazakhstan". - Almaty, 2006.

#### **Theme 7. Fundamentals of ecological and land right**

1. The objects of environmental law.
2. Ecological, legal and economic mechanisms of environmental protection
3. Liability for environmental offences.
4. Right for a landownership and land-tenure. Concept of land plot, types. Responsibility for violation of land legislation.

*Purpose of study:* to consider the concepts and relations arising in the field of environmental law.

### **Methodical notation**

*Answering the first question,* students need to carefully examine the environmental code of the RK, on the basis of which discusses concepts such as environmental law and the relationship, and their content.

*Answering the second question,* the student must give the concept of environmental control, its types and tasks. It is necessary to give the notion and General characteristic of the right of state ownership of natural resources.

*In the third question,* to examine the necessity of reimbursement of damages caused by violation of environmental legislation of the Republic of Kazakhstan.

*On the fourth question:* to consider the land legislation.

*The main concept of the topic:* ecology, environmental control, best available techniques, environmental management, environment, state environmental control, environmental education, and environmental hazards.

### Control questions.

1. Disciplinary liability for environmental offenses.
2. Administrative responsibility for environmental offenses.
3. Criminal liability for environmental crimes.

### Themes of reports.

1. Legal regulation of payments for natural resources.
2. Legal regulation of payment for pollution of natural environment.
3. National parks: the nature, organization, legal regime.
4. Legal significance of the red book.
5. Public environmental monitoring.
6. Concept and types of environmental offences.

7. Land relationship.
8. State land management fund.

#### Normative legal acts

1. The Constitution of the Republic of Kazakhstan (with changes and additions).
2. The code of the Republic of Kazakhstan dated 9 January 2007 No. 212-III "Environmental code of the Republic of Kazakhstan" (with changes and additions).
3. Water code of the Republic of Kazakhstan dated 9 July 2003 No. 481-II (amended and supplemented).
4. The forest code of the Republic of Kazakhstan from July 8, 2003 No. 477-II (with changes and additions).
5. Land code of the Republic of Kazakhstan dated 20 June 2003 No. 442-II (with changes and additions).
6. "Strategy - 2050". The message of the Head of state Nursultan Nazarbayev the people of Kazakhstan. December 2012.

#### **Additional literature**

- 1 Kulteleev S.T. Environmental Law of the Republic of Kazakhstan. - Almaty, 2003.
- 2 Baideldinov D.L., Bekisheva S.D. Environmental Law of the Republic of Kazakhstan. - Almaty, 2004.
- 3 Khadzhiev A.X. Land law of the Republic of Kazakhstan. – Almaty, 2001.
- 4 Ospanov K.I. The basics right. – A.: Zheti Zhargy, 2006.

#### **Theme 8. Fundamentals of international law**

1. Ratio of norms of international law and legislation of RK.
2. Principles of international law.
3. Formation of Interstate council for corruption counteraction (on October 25, 2013 Minsk).

Pay special attention to the problems of cooperation of international and domestic law. To consider international agreements in intercommunication with Constitution and legislation. Consider the mechanism of realization of norms of international law, including mechanism of their direct application in activity of courts and other organs of the state. At preparation to the theme to show the role of international norms in providing and protection of rights and freedoms of man and citizen.

#### Normative legal acts

1. Constitution of the Republic of Kazakhstan. 1995 with changes.
2. The criminal code of the Republic of Kazakhstan of July 3, 2014 No. 226-V ZRK.
3. The civil code of the Republic of Kazakhstan (the general part) of December 27, 1994 (with changes and additions).
4. The civil code of the Republic of Kazakhstan (special part) (with changes and additions).

### Additional literature

- 1 Batychko V. T. International law. Abstract of lectures. - Taganrog: TTI SFU, 2011.
- 2 Egorov S. A. International law: Textbook / 5th prod., additional – M.: Statute, 2014. – 1087 pages.

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