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SOME ISSUES OF IMPROVING ENVIRONMENTAL LEGISLATION

The environmental problem is one of the actual world problems of our time. It is closely linked to resource scarcity, environmental security and the environmental crisis. One of the ways to solve environmental problems is «sustainable development» as an alternative to the development of human civilization. The environmental problem can be explained as a change in the natural environment, leading to a violation of the structure and functioning of nature. In this regard, it is important to improve the environmental legislation.

Goal, main directions. Study of ecological issues in the Republic of Kazakhstan and analysis of ecological offenses, and making concessions to improving the best practices in the past. Further goals were taken to achieve the following steps: Analysis program of state for the transition to «green economic»; Study of ecological issues in the world; analysis of eco-criminal offenses, analysis in ecological administrative and criminal offenses of administrative and criminal legislation of the Republic of Kazakhstan.

Description of the scientific and practical significance of the work. How to avoid environmental disaster? How to improve nature. This is a very difficult question. To achieve this, it is necessary, first of all, to change people's attitude to nature, to educate society. Starting from kindergarten, schools, universities, it is necessary to form and change the attitude of people to nature and the environment. Modern ecological ideology is necessary. If we cannot bring up the younger generation to appreciate nature from a very early age, we will lose a lot. Every educator, teacher, specialist, leader should know the basics of ecology. After this each person will understand how important it is to protect nature. Only then people can be active in protecting the nature of their native land. Writing articles for newspapers and magazines, speeches, data transmission on television, meetings with writers, scientists will give good results. It is very important to convey people that they are part of nature.

A brief description of the research methodology. The article used general and special methods of scientific research: historical, dialectical, systemic-legal, comparative-legal, etc. These methods are used equally with such principles as objectivity, versatility, historicity, reality.

Main results and analysis, conclusions of the research work. The policy of transition to a «green economy» is being implemented in our country on the initiative of the Head of state. At the beginning of the XXI century Kazakhstan faced the global problem of violation of the conditions of the General ecological and economic situation and, as a result, the threat of deterioration of social welfare. Therefore, one of the effective ways to solve the accumulated problems is the country's transition to a «green economy».

The value of the study. Make changes and amendments on environmental issues in current legislation. Environmental offenses divided into criminal offenses and crimes. A crime shall be recognized as committed guilty socially dangerous action (action or omission). Criminal offence shall be recognized as committed guilty action (action or omission), not presenting a great social danger.

The practical significance of the work. Depending on the type of environmental offenses are identified as abuses and offenses. The first is that the society is in danger of being less dangerous and, in comparison with the others, disciplinary, material, administrative and civil offenses. Depending on the nature of the environmental offenses, disciplinary, material, administrative, criminal and civil liability arises.

Key words: ecology, environmental crisis, environmental security, environmental offense, environmental liability.

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Экологиялық заңнаманы жетілдірудің кейбір мәселелері

Экологиялық мәселе қазіргі заманның әлемдік проблемаларының бірі болып табылады. Ол ресурстардың дефициті, экологиялық қауіпсіздік және экологиялық дағдарыс сұрақтарымен тығыз байланысты. Экологиялық мәселелерді шешу жолдарының бірі адамзат өркениетінің дамуы баламасы ретіндегі «тұрақты даму» жолы болып табылады. Экологиялық проблеманы табиғаттың құрылымы мен әрекет етуінің бұзылуына әкеліп соғатын табиғи ортаның өзгеруі ретінде түсіндіруге болады. Осы орайда экологиялық заңнаманы жетілдіру маңызды болып табылады.

Мақаланың мақсаты мен негізгі бағыттары. Қазақстан Республикасындағы экологиялық мәселелерді зерттеу және экологиялық құқық бұзушылықтарды талдау, осы тұстағы заңнамаларды жетілдіруге байланысты ұсыныстар жасау. Аталған мақсаттарға жету үшін келесі бағыттар алға тартылады: «Жасыл экономикаға» көшу аясындағы мемлекеттік бағдарламаларды талдау; Қазақстандағы экологиялық мәселелерді зерделеу; экологиялық құқық бұзушылықтарды, олардың түрлерін саралау, Қазақстан Республикасының әкімшілік, қылмыстық заңнамаларындағы экологиялық әкімшілік және қылмыстық құқық бұзушылықтарды талдау.

Ғылыми және тәжірибелік маңызы. Экологиялық апаттан қалай құтылуға болады? Табиғатты қалай сауықтыруға болады. Бұл өте күрделі мәселе. Бұл үшін ең алдымен, адамдардың табиғатқа деген көзқарасын өзгертіп, дұрыстау керек, тәрбиелеу керек. Ол үшін балалар бақшасынан бастап, мектептерде, жоғары оқу орындарында, адамдардың табиғатқа, қоршаған ортаға деген көзқарасын өзгертіп, қалыптастыру керек. Қазіргі заманға сай экологиялық идеология қажет. Егер біз, жас ұрпақты кішкентай кезінен бастап табиғатты сүйуге тәрбиелемесек көп нәрседен ұтылатынымыз хақ. Әрбір тәрбиеші, мұғалім, маман, басшы, экология негіздерін жақсы білуі қажет. Сонда ғана, әрбір адамның миында, қанында, көзқарасында қоршаған ортаны бүлдірмеу керектігі туралы негіз қалыптасады. Адамдар сонда ғана туған өңір табиғатын қорғауда белсенділік көрсете алады. Газет-журналдарға мақала жазу, баяндама жасау, теледидардан мәліметтер беру, жазушылармен, ғалымдармен кездесулер өткізудің нәтижелері мол болады. Адамдардың көздерін, адамды табиғаттың бір бөлшегі екендігіне жеткізу өте маңызды.

Зерттеудің методологиялық негізі. Мақалада ғылыми зерттеудің жалпы және жеке әдістері қолданылған: тарихи, диалектикалық, жүйелі-құрылымдық, салыстырмалы-құқықтық және т.б. Аталған әдістер зерттеліп отырған тақырып төңірегінде, кең пайдаланылған объективтілік, көп жақтылық, тарихилық пен нақтылық қағидасы талаптарымен қатар қолданылған.

Нәтижелігі мен талдау. Мемлекетімізде Елбасының бастамасымен «жасыл экономикаға» көшуі саясаты жүзеге асырылып жатыр. ХХІ ғасыр басында Қазақстан жалпы экологиялық және экономикалық жағдай шарттарының бұзылуының жаһандық проблемасымен және соның салдарынан әлеуметтік әл-ауқаттың нашарлау қаупімен бетпе-бет келді. Сондықтан да, бұл қордаланып қалған проблемаларды шешудің тиімді жолдарының бірі елімізді «жасыл экономикаға» көшіру болып табылады.

Зерттеудің құндылығы. Әрекет етуші заңнамаларға экологиялық мәселелер бойынша өзгерістер мен толықтырулар енгізу. Экологиялық құқық бұзушылық деп, экологиялық зиян тигізетін немесе нақты зиян тигізу қаупін тудыратын, я болмаса экологиялық құқық субъектілерінің құқықтары мен заңды мүдделерін бұзатын құқықтық әрекет қабілеттілігі бар субъектінің құқыққа қайшы, кінәлі іс-әрекетін (әрекет немесе әрекетсіздігі) айтамыз.

Мақала қорытындысының тәжірибелік маңызы. Қоғамға қауіптілік дәрежесіне байланысты экологиялық құқық бұзушылықтар теріс қылықтар және қылмыстар деп ажыратылады. Біріншісі яғни қоғамға қауіптілігі аз іс-әрекеттер, екіншісімен салыстырған кезде тәртіптік, материалдық, әкімшілік және азаматтық құқық бұзушылықтар болып табылады. Экологиялық құқық бұзушылықтардың түріне байланысты, тәртіптік, материалдық, әкімшілік, қылмыстық және азаматтық-құқықтық жауаптылық пайда болады.

Түйін сөздер: Экология, экологиялық дағдарыс, экологиялық қауіпсіздік, экологиялық құқық бұзушылық, экологиялық жауаптылық.

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Некоторые проблемы совершенствования экологического законодательства

Экологическая проблема – одна из глобальных проблем современности. Она тесно связана с вопросами ресурсодефицитности, экологической безопасности и экологического кризиса. Одним из путей разрешения экологической проблемы является путь «устойчивого развития», предложенный в качестве основной альтернативы развития человеческой цивилизации. Экологическая проблема – изменение природной среды, ведущее к нарушению структуры и функционирования природы. Может быть как антропогенным, так и результатом стихийных бедствий. В связи с этим проблемы совершенствования экологического законодательства являются актуальными.

Цели и основные направления: изучение экологических проблем в Республике Казахстан и анализ экологических правонарушений, а также предложения по усовершенствованию законодательства в экологической сфере, по улучшению передового опыта в прошлом. Для достижения названных целей ставятся следующие направления исследования: анализ государственных программ в сфере перехода на «зеленую экономику»; изучение экологических проблем в Казахстане; квалификация видов экологических правонарушений; анализ административных и уголовных экологических правонарушений по административным и уголовным законодательствам.

Научная и практическая значимость работы. Как устранить экологическую катастрофу? Как улучшить природу. Это очень сложная проблема. Прежде всего, необходимо изменить, исправить и просвещать людей о природе. Для этого необходимо изменить отношение детей, начиная с детского сада, в школах, в высших учебных заведениях, о природе и окружающей среде. Нужна современная экологическая идеология. Если мы не будем воспитывать молодое поколение с самого начала, мы потеряем много вещей. Каждый педагог, учитель, специалист, менеджер должен знать основы экологии. Только тогда это станет основой для каждого человека. Люди могут быть активными в защите окружающей среды своей родины. Статьи в журналах, презентаций, предоставления информации на телевидении и встреч с писателями и учеными несомненно повысит эффективность защиты окружающей среды и формирования экологической культуры населения. Важно передать людям тот факт, что человек является частью природы.

Методологическую основу исследования составляет диалектический метод научного познания, отражающий взаимосвязь теории и практики. В процессе исследования применялись также методы синтеза, аналогии, обобщения, а также системный, сравнительно-правовой, формально-юридический, статистический.

Основные результаты и анализ. По инициативе Главы государства в нашей стране проводится политика перехода к «зеленой экономике». В начале XXI века Казахстан столкнулся с глобальной проблемой нарушения общих экологических и экономических условий и, следовательно, угрозы социального благосостояния. Поэтому одним из эффективных способов решения этих проблем является переход нашей страны к «зеленой экономике».

Ценность проведенного исследования. Экологическое правонарушение можно определить как противоправное, как правило, виновное деяние (действие или бездействие), совершаемое правоспособным субъектом, причиняющее или несущее реальную угрозу причинения экологического вреда либо нарушающее права и законные интересы субъектов экологического права.

Практическое значение итогов работы. С учетом степени общественной опасности экологические правонарушения подразделяются на проступки и преступления. Первые – менее общественно опасные деяния по сравнению со вторыми и являются дисциплинарными, материальными, административными и гражданскими правонарушениями. В соответствии с видами экологических правонарушений наступает дисциплинарная, материальная, административная, уголовная и гражданско-правовая ответственность.

Ключевые слова. экология, экологический кризис, экологическая безопасность, экологические правонарушения, экологическая ответственность.

Introduction

Kazakhs are people who love nature at birth, with great attention to the environment. The proof of these words is that until recently the nature of our country was pure. Our nation have never heard the word «ecology». Michirun was renowned for the quote: «We cannot expect charity from nature. Our task is to take our bounty from her». Our brave people conquered the mountains, crushed the land and carried out many good deeds for the country. After there was a scientific and technological revolution. A large number of large-tonnage enterprises were commissioned. At the same time, it has benefited. Unfortunately, global achievements and the rapid development of science and technology, the plundering of nature by mankind, have disturbed the balance of the laws of natural science in the biosphere. In this regard, the air has become polluted, the seas and rivers began to dry up, the soil of the earth collapsed, before our eyes the pure nature has changed beyond recognition. This led to hot and dry winds, poisonous rains, premature drying of forests, disruption of weather conditions, environmental pollution with various toxic compounds. Disrupted equilibrium in the environment. The health of people has deteriorated, the number and types of diseases have increased.

In his message of October 5, 2018, «Growth of Kazakhstan's welfare: increasing incomes and quality of life» to the people of Kazakhstan, the head of the country, Nursultan Nazarbayev, correctly noted that «We need to strengthen work to improve the environmental situation, including harmful emissions, soil conditions, land, air, waste management, and the development of environmental monitoring systems with free online access to them» (electronic resource Growing welfare of kazakh citizens: increase in income and quality of life: 1).

Improving the ecological state is one of the acute problems that stand in the way of many states. Therefore, the state takes any actions to improve the ecological state and forms a system of regulatory legal acts. The 31st article of the Constitution of the Republic of Kazakhstan states: «The state sets as its goal the protection of the environment conducive to human life and health» (electronic resource Constitution of the Republic of Kazakhstan:2).

The environmental problems surrounding us prevent the state from developing in this area. That is why, taking into account the greening of the economy, the society of Kazakhstan approved the problems of protecting life and health, the environment in its Constitution. Environmental

protection and beneficial use of natural resources is one of the prerequisites for improving the process of economic development. In our country, the protection of nature and the beneficial use of its wealth have been included in the constitutional principles of the development of society; they, as a duty of every person, are state-wide, nationwide duties.

In the message of the head of state to the people of Kazakhstan was clearly stated: «Our country has a number of advantages here. God gave us a lot of natural wealth. Other countries and peoples will need our resources.

It is fundamentally important for us to rethink our attitude towards our natural wealth. We have to learn how to manage them correctly, accumulating revenues from selling them in the treasury, and most importantly, to most effectively transform the natural wealth of our country into sustainable economic growth» (electronic resource Strategy «Kazakhstan-2050»: a new political course of the established state: 3).

The object and subject research of article

The object research of article is social relations in the scope of improving environmental legislation. The subject of the study are regulatory legal acts in various scopes related to ecology.

In the message of the President Nursultan Nazarbayev on December 14, 2012 to the people of Kazakhstan in the Strategy «Kazakhstan 2050»: a new political course of the established state «noted that the era of the hydrocarbon economy is gradually coming to an end and a new era is coming, in which human activity will be based not only and not so much on oil and gas, as much on renewable energy sources. To this end, the President of the Republic of Kazakhstan approved the concept of transition to a «green economy» in his Decree of May 30, 2013 №577.

The concept of transition to a green economy in our country will be conducted in three stages and covers the time until 2050. It was planned to implement the Concept in three stages. At the first stage (2013-2020), optimization of the use of resources and improvement of the effectiveness of nature conservation activities, the creation of a «green» infrastructure is also planned. The second stage (2020-2030) rational use of natural resources, the introduction of renewable energy sources in the high-tech base. And in the third stage (2030-2050) the transition to the principles of the «third industrial revolution» will be carried out.

The main objectives of the concept in the direction of transition to a green economy in the Strategy «Kazakhstan-2050»:

- Restoration of water and land resources, to be on a par with OECD countries on the beneficial use of natural capital;

- The promotion of standards for the level of Europe for waste released into the atmosphere before 2030;

- Achieving a reduction in the energy capacity of GDP by 50% by 2050.

- Promotion of the share of the overall performance of alternative and renewable energy sources up to 50% by 2050;

- Build an industry for the reuse of household and industrial waste;

- Ensuring the creation of a gas industry with a profitable infrastructure.

«The instruments for the implementation of specific tasks of the Concept by sector of the economy are the current program documents taking into account changes and additions in the implementation of the main areas of the Concept, such as the Program for the development of the agro-industrial complex in the Republic of Kazakhstan for 2013-2020« Agribusiness 2020» , the State Program on Forced industrial-innovative development of the Republic of Kazakhstan for 2010–2014, the State Program for the Development of Education of the Republic of Kazakhstan for 2011–2020, development programs territories, strategic plans of state bodies, the Zhasyl Damusectoral program for 2010–2014 and other sectoral programs that will be adjusted and which will give new emphasis on issues such as improving air quality, managing production and consumption wastes, fighting with desertification, land degradation and soil fertility, development of fisheries, aquaculture and reproduction of fish resources. It is also planned to develop the State Program on Water Resources Management for 2014–2040.

According to calculations, by 2050, transformations within the framework of the «green economy» will further increase GDP by 3%, create more than 500,000 new jobs, create new industries and services, ensure high standards of quality of life for the population everywhere» (electronic resource On the Concept of transition of the Republic of Kazakhstan to the» green economy: 4).

The territory of Kazakhstan is located in the center of the mainland of Eurasia. The climate of our country is sharply continental. Therefore, many plant species face stress. In order to improve this unfavorable situation and to improve the

ecological status of the Republic of byly taken and environmental programs 2013-2014 years «Zhasyl el», «Zhasyldamu», «Zhasylkөpir», 2005-2015 proscale drought against the Republic of Kazakhstan. In these programs, there was a complete analysis of environmental problems in Kazakhstan, set specific goals, and identified mechanisms for implementing the program.

Material and methods

The methodological basis of research is made by the dialectic method of scientific knowledge reflecting interrelation of the theory and practice, in the course of research methods of synthesis, analogy, generalization, and also system, comparative and legal, legallistic, statistical were applied also.

Due to the current environmental crises can be divided into 2 groups. To the first, are crises that arise suddenly. The second includes «crises characterized by a simple character». Such environmental crises can last for decades until qualitative changes translate into quantitative changes. As an accepted example of such crises, agrarian environmental problems can be noted. For example, the Aral crisis, which led to the salinization of the territory around the Aral Sea. To date, the deforestation of arid and other large areas can be attributed to simple crises. Conducting agricultural activities is irrational, deforestation will lead to a major environmental crisis.

The problem of climate warming in Kazakhstan is a global topic today, because there is a rise in average air temperature in the country (at 100 years by average by 1.8 ° C , twice as high as the world level) (Arutyunov, 2005: 10).

The stability of ecosystems to various impacts directly depends on the strength of action, level, speed and time.

Let's analyze the process of plant recovery.

Until 1993, state (about 70,000 livestock) and private (smaller) livestock were placed in uneven desert areas. This livestock covered the surface phytomasses from the cover of open vegetation to different levels of degradation. In 1993-1994, the number of livestock was dramatically reduced, distributed, slaughtered. Forced pastures have reached the level of total disappearance. The rest of the livestock population was concentrated in populated areas, where they were spreading and degrading pasturelands around these villages. Degraded areas in the surrounding areas of the pasturelands (radius 5 km) were restored.

How many degraded land currently is? In total there are 7660 rural settlements in Kazakhstan.

4066 of them are located in areas with desert zones. These 466 settlements are not subject to pasture degradation regardless of their location in the desert zones because their main specialization is related to land management rather than livestock breeding. There are 7.5 hectares of land at the front of a residential pasture with a population of 5 km. Thus, $1500 \times 7.5 = 11250$ thousand hectares of land were subjected to degradation by an expert-extrapolation method. However, no one can say that the actual number of degraded pastures currently exists. There is no mapping results for accurate assessment.

Since 2003, control over the rehabilitation of plants degraded in Bozshi Plateau and Almaty region in the Akshi village has been carried out. The village of Akshi is located on the Kurt River.

In 2004, there were rare species of juvenile and species of Listing, and in the valley of BozoiUltry there was a thin part of wormwood.

In 2005, microgeniosis with strawberries and whiteberries appeared. Due to the large growth of bean bumps and cucumbers among the cephalos, the number of cereals has decreased in these regions.

Since 2006, the number of microcenoses has started to increase due to the presence and predominance of strawberries and white wormwood.

In 2007 all the valleys of Bosoi Plateau were dominated by the Bosing Pendant and White Wormwood. The onion bowl was dominated by breathless and sinister ephemeris synapses. The population of Acreaspan has declined dramatically due to its extremely low living conditions (Mirzadinov, 2007: 160).

Taking into account the fact that the majority of the territory of Kazakhstan is located in desert and semi-desert zones, their ecosystems, especially agriculture and water resources, are highly dependent on the abnormal changes in natural conditions (Ibragimova, electronic resource <http://bulletin-ecology.kaznu.kz/index.php>). The priority of the conservation of global biodiversity is laid down in the Convention on Biological Diversity, which is ratified in Kazakhstan. With the Convention on Biological Diversity and by the Conference of the Parties, special priorities for the conservation of biodiversity have been adopted. One of such priorities is biological diversity that is important for agriculture and agro-biodiversity (Jangaliev, 2016:37).

Depending on climate change, moistening zones may move northward. That is, the deterioration of hydration in the region can be expected, the yield of summer wheat can be reduced by 25%, as sharp rise in the weather can lead to the fall of productivity of

natural fodder to 3090%. For example, in Kostanay, Akmola and Pavlodar oblasts, the yield of spring wheat is 25-60% of its average annual value and in the North Kazakhstan region this figure is 70-90%.

Forest ecosystems are expected to suffer from sustainability, and forest communities have been adapting for years to changing lives.

The size of the Republic of Kazakhstan (272.5 million hectares) and the fact that it is located in the center of Eurasia create a unique combination of the biodiversity of flora varieties (13,000), 10 zones of the valley, 9 high altitudes and ecosystems in the mountains, with their own zonal climatic conditions: landscapes of forest, steppes, meadows, deserts, mountain that create their own blend. Among rare endemic and relict species, there are about 400 species of plants requiring protection, most of which are in danger of extinction (Bragina, 1997: 8). Conservation measures of biodiversity are currently being implemented. Such areas are estimated at 163.8 mln. ha., including in the forest resources – 27.8 million hectares. and reserves of specially protected natural areas – 22.6 mln. hectares. The most effective measure of conservation of especially rare and endangered species and unique nature standards is the System of Natural Territories for Special Protection (SNTSP). All SNTSPs have a republican status. The total area of the SNTSP is 1.7 million hectares, which is equal to 40% of the State Forest Fund or 6% of the total area of the region.

The most effective and traditional nature conservation is state natural reserves. Natural reserves are a specially protected natural scientific territory, the main purpose of which is to ensure the protection of natural processes and phenomena, plant and animal species, individual species of plant and animal community, protect traditional and specific ecosystems in the region. «The state natural reserves fund is a natural resource, which has special ecological, scientific, historical-cultural and recreational value as the object of natural reference, standards and relics, genetic reserve, scientific research, education, tourism and recreation» (electronic resource «On Specially Protected Natural Areas» The Law of the Republic of Kazakhstan: 10).

In order to achieve the sustainable development of the country, the problem of land degradation and desertification plays an important role. For this purpose it is necessary to carry out systematic measures for restoration of saline and contaminated areas.

The Aral Sea region, which is subject to desertification and salinization, needs special attention and immediate reclamation. It is necessary

to monitor soil degradation as a result of accelerated introduction of advanced technologies and complex use of plant stocks. Due to the global warming in large regions of Kazakhstan, the processes of aridization have intensified, pastures of the sediments of shrubs and saxaul of the country are 4.6%, and forest woodland, including old trees, is 2.3% (Elubaev, 2011: 33).

The forests of Kazakhstan are subject to intensive degradation for many years. In North-West Kazakhstan, this situation covers forests along the coast, sediments in desert zones and conifers in mountainous areas. In the mountain forests of the Northern Tien Shan and Dzhungar Alatau, changes in the types and boundaries of forest lands were observed. The forests of Kazakhstan occupy 4.5%, including saxaul and shrubs, including specific forests – 1.2%, but regardless of such a small size, forests protect soil from natural components, climate regulators, water protection, water management and recreational services. The role of sustainable forest management is enhanced in creating a supportive environment in the context of climate change. The degradation of forest pastures indicates a decrease in their total value, and their number has decreased from 0.52 to 0.47 over the past decade, that is, by 10%. Reduction of forests generally and forest area leads to degradation and deforestation of desert pastures. Such desert areas include the Kyzylkum, Moyinkum, Saryesik, Atyrau massifs.

The degradation of the trees is noticeable in the Rudny and Southern Altai forests, where for the last 40 years the yield of coniferous forests has decreased by 7% and the cedar tree area by 13%. The area of apple tree forests has dropped by 24% in Dzhungar and ZailiAlatau. According to the Forest Code, «forest – a natural complex, formed in a certain area, based on the mixture of tree and shrub vegetation and other components of wildlife, interacting with the environment and having ecological, economic and social importance» (electronic resource Forest Code of the Republic of Kazakhstan). The Code of the Republic of Kazakhstan: 12).

Forests that are located in the lands of desert rivers are subject to extreme degradation. As a result of the low soil moisture and the impossibility of the flow of river water in these forests, there is an unnecessary transformation of species.

The main task in the field of environmental protection and environmental management is the restructuring and stabilization of the ecological situation in the Republic. In this regard, a special program has been created for forest management and improvement of human settlements. The program

identifies the main goals of increasing the area of forest land, planting settlements, and as a result, young people increase interest in these processes and increase the number of forest areas.

Results and discussion

It is well known that our country has done a lot of work on the basis of the program «Zhasyl El» which means «Green Country». The program «Zhasyl El» is based on the Message of NursultanNazarbayev to Kazakhstan on the path of accelerated economic, social and political transformation. As a result, in 2005, the Republican headquarters of the youth working group «Zhasyl el» was established in Astana, and branches were opened in all regions of our country. Today, the youth of the Republic makes a significant contribution to the implementation of this program. With the help of these young people, this large program is still showing good results. In general, the main goal of the program is the planting of settlements with the help of young people throughout the country, as well as the awakening of patriotic feelings, the achievement of the motherland, the land, the nature. And the main thing is to reduce the unemployment rate among many young people this year. The Green Country program is a good start and has not lost its goals. To improve the environmental situation, it is clear that the environmental protection program will continue. Since the formation of the Program, a number of measures have been taken in the country, and positive actions have been taken.

Many scientists and specialists are involved in improving the environmental situation. This is a problem that is a serious worry facing the whole world. Environmental law in the legal sphere is a system of legal norms regulating relations in the field of environmental protection in order to achieve harmonious relations between society and nature for human needs at the present and future stages. «A set of legal rules governing environmental law, environmental rights and public environmental relations arising from the implementation of legitimate interests or environmental obligations» (Bekisheva, 2009: 26). This area of law is relatively new. The relationship between society and nature is based on social relations in two forms. First, the use of natural resources, and the other – in the conservation of nature. The use of natural resources is the economic interest of society to meet material needs. And environmental protection is the interests of the ecological development of society, associated with the quality of the natural environment for

present and future generations. But it is important to show that living organisms are not associated with the environment in a general sense, but with the surrounding natural environment. At the same time, people and society can also be attributed to a living organism. Therefore, it is possible to accurately determine the ecology, only in the case of direct contact with the natural environment. And only here is emphasis on the development and prosperity of nature, compliance with environmental legislation.

The wisdom of the people says: «Pure nature is the pledge of the life of humanity». Man is a product of the evolutionary development of nature. A person is recognized as a subject that regulates nature, its economic effect, which depends on nature, depends on the nature of life, as an object of the environment and uses natural resources. Public relations related to environmental protection are governed by various legal acts of the Republic of Kazakhstan. Their area is wide, namely: the earth, the bowels of the earth, water, forests, atmospheric air, fauna and flora, etc.

According to the Environmental Code of the Republic of Kazakhstan, «the environment – a set of natural and cultural objects, including open air, the ozone layer of the Earth, surface and underground water, land, minerals, flora and fauna, as well as the climate in their interaction». **In addition**, «an environment protection – a system of government and public measures, aimed at the preservation and restoration of the environment, prevention of adverse effects of economic and other activities on the environment and the elimination of its consequences» (electronic resource Environmental Code of the Republic of Kazakhstan Code of the Republic of Kazakhstan: 14).

According to the 7-th article of Environmental Code of the Republic of Kazakhstan: The objects of environment protection: The land, mineral resources, surface and ground water, air, forests and other vegetation, animal life, the gene pool of living organisms, natural ecological systems, climate and the ozone layer are subject to protection from destruction, degradation, damage, pollution and other adverse effects.

Natural area of preferential protection and objects of the state nature reserve fund are subject to special protection.

In General, the purposes of legislation in these areas are:

- ensuring a favorable environment for human life, rational use, long – term preservation of natural resources, improvement and improvement of the environment, prevention of harmful effects on its

economic and other activities regulation of public relations in this area;

- protection of the rights and legitimate interests of the state, citizens, institutions and organizations in the field of environmental relations;

- establishment of measures of legal responsibility for violation of legislation on environmental protection;

- preservation of various ecological systems and landscapes, unique natural objects and associated cultural heritage;

- strengthening of environmental legislation and the rule of law.

Conclusions

Environmental offenses are one of the topical issues of our time. It is evident that the harmful consequences of ecological offenses are widespread. It should not neglect the human society. This issue should be comprehensive and weighty for the whole world. Environmental degradation is largely due to the inefficiency of the former planned economy. Improper implementation of environmental laws, lack of control over their implementation, use of old technologies, and many other conditions have led to further pollution of water, air and soil, some species of plants and animals. At the same time, the experience of nuclear research and space exploration of the major countries of the then time has increased the use of undesirable ecological situation and brutal use of natural resources. This situation could not have affected the state's ecological system, as one of the Addresses of the President of the country to the people of Kazakhstan as the fourth long-term priority, is health, education and welfare of the citizens of the Republic of Kazakhstan. This priority focuses on the prevention of disease and promotion of healthy lifestyles, the fight against drug and drug abuse, tobacco and alcohol consumption, improving women's and children's health, nutrition, environmental and ecological cleanliness.

In accordance with this, the anxiety of scientists and the whole society in connection with the contradictions between the importance for a person of using natural resources and the need to protect the natural environment is very appropriate. The task is to mitigate the negative effects and damage to the environment by especially significant natural resources, minimize their consequences and create measures for the reproduction of natural resources. There is no doubt the need for effective rational use and protection of nature, active preservation of balance when using its resources, improving the

natural environment, and in case of violation of these requirements, the implementation of measures to restore it. The deterioration of the environmental situation indicates the impact on human life and health, even on the fate of humanity. From this point of view, it is necessary to study all environmental offenses and the general ecological situation.

«Responsibility for environmental offenses is the primary means of ensuring compliance with the requirements of legislation on environmental protection and the use of natural resources.

The effectiveness of these tools largely depends on the state authorities authorized to apply precautionary measures to violators of environmental legislation.

Responsibility before the law for environmental offenses provides for imposing on the offender the duty to enhance the consequences unsuitable for committing environmental offenses» (Kulteleyev, 2008: 95).

According to the 319-th article of Environmental Code of the Republic of Kazakhstan the types of environmental offenses are:

1) the breach of environmental legislation of the Republic of Kazakhstan, entailing the property liability;

2) the administrative infractions in the scope of environmental protection, use of natural resources;

3) environmental criminal offenses (electronic resource Environmental Code of the Republic of Kazakhstan Code of the Republic of Kazakhstan: 14).

The Environmental Code of the Republic of Kazakhstan does not specify the definition of «environmental offenses». In our opinion, on the basis of additions and amendments to Article 1 of this Code, «environmental offenses constitute hazards, unlawful actions or inaction of individuals and legal entities that threaten or damage the environment, its resources and the environmental safety of the population» should be introduced as norms.

Legal literature lists the following types of liability under the law for environmental offenses:

- disciplinary liability;
- administrative liability for environmental offenses;
- civil liability;
- criminal liability for environmental crimes.

Section 21 of the Code of Administrative Offenses of the Republic of Kazakhstan, adopted on July 5, 2014, is called administrative offenses in the field of environmental protection and the use of natural resources. This chapter covers articles from 324 to 399 (electronic resource On Administrative

Infractions The Code of the Republic of Kazakhstan: 16), i.e. 75 administrative offenses. Administrative offenses include environmental offenses in other chapters of administrative law. For example, Chapter 13 is Administrative infractions infringing to property; Chapter 18 is Administrative infractions in the field of industry, use of heating, electric and nuclear energy; Chapter 19. Administrative infractions in the field of space activity; Chapter 22. Administrative offences in the sphere of protection and quarantine of plants, grain market and grain storage, cotton industry, seed industry and state veterinary-sanitary control and superviseion, livestock breeding, organic production, as well as formation and use of regional stabilization funds of food products; Chapter 24. Administrative infractions encroaching on public safety and health of population and etc.

The most common type of punishment for environmental offenses is an administrative fine, which is specified in the code on administrative offenses.

The most serious form of liability for environmental crimes is criminal liability.

The Criminal Code of the Republic of Kazakhstan, adopted on July 3, 2014 and entered into force on December 1, 2015, Chapter 13, is «Environmental Criminal Offenses». This chapter contains the composition of 20 criminal offenses (articles 324-343). Article 324. Violation of environmental requirements to the economic or other activity; Article 325. Violation of environmental requirements upon handling with environmentally potentially dangerous chemical or biological substances Article 326. Violation of environmental requirements upon handling with microbiological or other biological agents or toxins. Article 327. Violation of veterinary rules or rules, established for disease control and plant pests. Article 328. Pollution, clogging or depletion of waters (electronic resource «Penal Code of the Republic of Kazakhstan» The Code of the Republic of Kazakhstan: 17). Article 329. Pollution of the atmosphere. Article 330. Pollution of the marine environment. Article 331. Violation of the legislation on continental shelf of the Republic of Kazakhstan and exclusive economic zone of the Republic of Kazakhstan. Article 332. Spoilage of land. Article 333. Violation of rules of protection and use of subsoil. Article 334. Unauthorized subsoil use. Article 335. Illegal extraction of fish resources, other aquatic animals or plants. Article 336. Violation of rules of protection of fishery resources. Article 337. Illegal hunting, Article 338. Violation of rules of protection of animal

life. Article 339. Illegal handling with rare and endangered, as well prohibited to use the species of plants or animals, their parts or derivatives. Article 340. Illegal cutting, destruction or damaging of trees and shrubs. Article 341. Destruction or damaging of forests. Article 342. Violation of the regime of specially protected natural sites. Article 343. Failure to take measures on elimination of the consequences of environmental pollution. In the new, existing code, article 336. Violation of rules of protection of fishery resources is a new *corpus delicti*.

The first legal steps to approve environmental violations at the level of the law were considered in the Criminal Code of the Republic of Kazakhstan, adopted in 1997 (now expired). Chapter 11 of the special part of the Criminal Code of the Republic of Kazakhstan was called «Environmental crimes». In this chapter there were 18 elements of crimes (articles 277-294) (electronic resource «Criminal Code of the Republic of Kazakhstan» Code of the Republic of Kazakhstan: 18). In the past, the Criminal Code of the Kazakh SSR did not have such a special chapter, various articles related to the environment were headed «Economic crimes».

According to Professor A.N. Agybayev: Environmental offenses are illegal criminal offenses that infringe on the environmental safety of the environment, its resources, people (Agybayev, 2016: 277-278). There is no doubt that this criminal infringement will cause great harm. «Protecting the environment, primarily aiming at ensuring human life and health, the interests of the future generation, discourage actions that are detrimental to the natural environment, maintaining the natural balance and beneficial use of the environment» (Agybayev, 2015:556).

The danger of investigated crimes: first, their extensive distribution in recent times in practice; secondly, an increase in quality indicators is noted along with the quantitative nature of these criminal offenses and brings to the threat of national security. In this regard, we can agree with F.S. Zhaksybekova: Demographic, social consequences of environmental offenses can be seen in the following:

- decrease in the quality of the living environment, which have attracted a decrease in the life expectancy of members of society, an increase in the exposure of diseases, an increase in the death rate, a weakening of the nation's genofond;
- the emergence of unfavorable ecological territories, the degradation of renewable natural resources;
- depletion of depleted natural resources (minerals, hydrocarbons, energy collectors, etc.);

– it leads to a deterioration in the quality of the land (all this can lead to the extinction of man as a biological species). The use of improved methods for solving problems of preventing environmental accidents can lead to environmental crime and irreversible processes (Zhaksybekova, 2008: 5-6).

Generally, all types of environmental offenses can be divided into several groups.

1. General environmental criminal offenses against environmental protection (Articles 324-326, 331, 342, 343 of Criminal Code of the Republic of Kazakhstan).

2. Criminal offenses against the rational using and maintenance of land and subsoil (Articles 332-334 of Criminal Code of the Republic of Kazakhstan)

3. Criminal offenses against the protection of water relations (Articles 328, 330 of Criminal Code of the Republic of Kazakhstan).

4. Criminal offenses against the protection of flora and fauna (articles 327, 335-341 of Criminal Code of the Republic of Kazakhstan).

5. Criminal offenses violating public relations in the field of atmospheric air (article 329 of Criminal Code of the Republic of Kazakhstan).

The environmentally-friendly society-related activities are listed in Chapter 4 of the Criminal Code of the Republic of Kazakhstan, «Crimes Against Peace and Humanity». For example, Article 169. Ecocid. Article 6 of the Criminal Code «Crimes Against Property», Article 201 provides for the violation of land rights. Chapter 10 «Criminal Violations against Public Security and Public Order» Article 276. Violation of the safety rules at atomic energy facilities; Article 277. Violation of safety rules during mining or civil works; Article 278. Poor quality construction; Article 279. Violation of the rules or regulations in the field of architecture, urban planning and construction activities; Article 280. Improper performance of expert works or engineering services; Article 281. Violation of safety rules at explosion-hazardous facilities; Article 282. Violation of the safety rules when implementing space activities; Article 283. Illegal activity of radioactive substances, radioactive waste, nuclear materials; Article 284. Destruction or extortion of radioactive, radioactive or nuclear materials; Article 285. The Criminal liability for violation of radioactive substances, radioactive waste and nuclear materials is provided.

The norms of all articles providing for liability for environmental offenses are based on blanket disposition. Therefore it is important to refer to the laws and numerous legal acts governing the requirements of environmental safety in the judiciary

practice, when formulating items that constitute environmental criminal offenses.

Public relations are a group of general environmental criminal offenses, environmental protection, rational use of natural resources, conservation of favorable natural conditions for living organisms and ensuring environmental safety of people. The direct object of these criminal offenses, public relations that regulate environmental offenses. The substance of ecological offenses is the actual natural resources, such as land, water, air, animal and plant life, forests and forests. The objective side of environmental offenses is characterized by active or inactive behavior. In most cases passive inactivity occurs. Formal and material formations were also associated with the completion of criminal offenses.

Subjective environmental criminal offenses can be intentionally or negatively borne by the subject of ecological offense, a general subject, ie a natural person aged under 16, or a specific entity in certain constituencies.

According to the Regulatory Decree of the Supreme Court of the Republic of Kazakhstan No 1 of June 18, 2004 «On the application of the laws of the courts for some ecological crimes», «in order to ensure the correct application of the law in cases of consideration of cases of ecological crimes, other activities of production, storage and use of ecologically hazardous substances, as well as other activities (water, hunting, trees and shrubs) cutting, cutting, etc.), taking into account which environmental requirements and (or) regulations, as well as the criminal law provisions establishing responsibility for the commitment of environmental offenses, must be determined by what regulatory legal acts these requirements and rules prescribe» (electronic resource On application by courts of legislation on liability for certain environmental criminal offenses Regulatory Resolution of the Supreme Court of the Republic of Kazakhstan:22).

According to the judicial practice, for example, in Aktobe region since 2014 8 environmental crimes were revealed. The administrative police department of the Aktobe region with the nature protection workers stopped the Daewoo nexia under the control of a resident of Shymkent on the «Samara-Shymkent» highway with a black bird box from the back seat, after it was checked by ecologists, It was found out that the steppe eagle that entered the Red Book found that the police initiated a criminal case and the investigation was ongoing.

In general, during this period in the territory of the region 2570 violations of nature legislation were revealed. According to 601 facts, the total amount is 3 million. An administrative penalty was imposed on 107 thousand 656 tenge (electronic resource // <http://mvd.gov.kz/portal:23>).

Despite the fact that the environmental damage caused by the offender was caused as a result of a deliberate act (omission) or negligence, the provisions of the Civil Code of the Republic of Kazakhstan, Articles 321, 322 the Law of the Republic of Kazakhstan on wildlife management, the Law of the Republic of Kazakhstan «About approval of the size of compensation of harm caused by infringement of legislation of the Republic of Kazakhstan in the field of protection, reproduction and use of fauna» , the order of the Ministry of Agriculture of the Republic of Kazakhstan from February 27, 2015 of No. 18-03 / 158 «About approval of the basic rates for calculation of the amount of damage caused by violation of the forest legislation of the Republic of Kazakhstan» according to the order of the Government of the Republic of Kazakhstan from May 31, 2007 of No. 441 on the basis of the calculation of the amount of damage and on the basis of the calculation methods and, in the absence of such, the environmental damage and shall be subject to indemnification by the perpetrator«.

We believe that Article 3 of the Criminal Code of the Republic of Kazakhstan should include definition of «ecological criminal offenses» on the basis of amendments and additions. «Ecological offenses are criminal offenses or inaction to a society that poses a threat to the environment, its resources, or to the environmental safety of the population».

Correct identification of the elements and elements of the ecological offense is very important. First of all, it allows to exclude environmental offenses and other environmental offenses. Second, it is the basis for the identification of similar environmental offenses and the proper design of criminal responsibility.

Ecology is a new branch of science. This has not been the case for over the past ten or twenty years. We have just turned our attention to science, when our nature is just a waste of time. Now, in the future, we need to expand the scope of education in the field of ecology. The most important thing is to ensure the opening of the subject of «ecology» from kindergartens to all schools, secondary and higher educational institutions. Only then will we be able to prepare the future active nature conservation activists tomorrow.

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