

**Ibraeva A.S.¹, Useinova G.R.², Baykenzheyev A.S.³,
Tursynkulova D.A.⁴, Nussipova L.B.⁵**

¹Doctor of legal sciences, professor, e-mail: ibraeva_tgp@mail.ru

²Doctor of legal sciences, professor, e-mail: gulnara_usein@mail.ru

³Candidate of legal sciences, associate professor, Academy of National Security Committee of the Republic of Kazakhstan, Kazakhstan, Almaty, e-mail: ibraeva_tgp@mail.ru

⁴Candidate of legal sciences, associate professor, e-mail: adilek03@mail.ru

⁵Senior Lecturer, e-mail: n_latifa_b@mail.ru

^{1, 2, 4, 5}Al-Farabi Kazakh National University, Kazakhstan, Almaty,

**DEVELOPMENT OF LEGAL SCIENCE IN KAZAKHSTAN:
PROBLEMS AND PROSPECTS**

This report reveals the state of Kazakhstan's jurisprudence, identifies problems, outlines development prospects, suggests recommendations. The conclusion is made that legal science should determine strategic directions for further improvement of all branches of national law, law enforcement and judicial systems, as well as legal bases for foreign policy and foreign economic activity. The report gives a general description of the Kazakhstani legal science. It is emphasized that the legal science is closely connected with the legal education. In this area, there are many problems. It was concluded that the reforms carried out in the educational system in accordance with the Bologna Convention (Bologna process) in the training of scientific personnel did not bring the expected positive results. Current trends in the development of the legal science of Kazakhstan in the field of civil law, administrative law, juvenile law, environmental law are outlined. The report emphasizes that the availability of scientific personnel in universities and institutes is low. The prestige of the scientists is not high. There is no interest of young people to engage in scientific research. It is necessary to stimulate the inflow of fresh personnel into science. The following suggestions on the development of the legal science of Kazakhstan were made in the report. It is proposed to expand the list of journals recommended by the Ministry of Education and Science of the Republic of Kazakhstan for publication of the results of doctoral studies. It is suggested that the RINC be transferred to the "Law" section under the jurisdiction of the al-Farabi Kazakh National University. It is proposed to increase the number of PhD grants in the law sciences by 2-3 times to prepare doctoral students. It is recommended to reduce the theoretical training of doctoral students (PhD) to two semesters of the first year. It is recommended to create a Kazakhstani science-based system based on the NGTSTI with the appropriate personnel and technical support in the RINC model. It is recommended to establish medals and prizes named after prominent scientists for young lawyers.

Key words: legal science, legal education, law, doctoral studies, academic lawyers, Bologna process.

Ибраева А.С.¹, Усеинова Г.Р.², Байкенжеев А.С.³, Турсункулова Д.А.⁴, Нусипова Л.Б.⁵

¹заң ғылымдарының докторы, профессор, e-mail: ibraeva_tgp@mail.ru

²заң ғылымдарының докторы, e-mail: gulnara_usein@mail.ru

³заң ғылымдарының кандидаты, қауымдастырылған профессор, Қазақстан Республикасы Ұлттық қауіпсіздік комитетінің академиясы, Қазақстан, Алматы қ., e-mail: ibraeva_tgp@mail.ru

⁴заң ғылымдарының кандидаты, доцент, e-mail: adilek03@mail.ru

⁵аға оқытушы, e-mail: n_latifa_b@mail.ru

^{1, 2, 4, 5}Ал-Фараби атындағы Қазақ ұлттық университеті, Қазақстан, Алматы қ.,

Қазақстанның заң ғылымының дамуы: мәселелері мен болашағы

Бұл баяндамада Қазақстандағы заң ғылымының жағдайы анықталып, мәселелері айқындалады, даму перспективалары белгіленеді, ұсыныстар беріледі. Заң ғылымы ұлттық құқық қорғау және сот жүйелерінің барлық салаларының одан әрі жетілдіру, сондай-ақ сыртқы саяси және сыртқы экономикалық қызметтегі құқықтық негізін, стратегиялық бағытын айқындауы тиіс

деген қорытынды жасалды. Баяндамада қазақстандық заң ғылымының жалпы сипаттамасы берілген. Заң ғылымының заң білімімен тығыз байланысты екендігі атап өтіледі. Бұл салада көптеген мәселелер бар. Баяндамада Қазақстандағы заң ғылымының даму деңгейі өте төмен деп бағаланады. Ол ғылыми кадрларды дайындауда Болон конвенциясына (Болон процесі) сәйкес білім беру жүйесіндегі реформалар күтілген оң нәтижелерге әкелмегендігі жайлы қорытынды жасалды. Азаматтық құқық, әкімшілік құқық, кәсіпкерлікке толмаған балалардың құқығы, экологиялық құқық саласындағы Қазақстанның заң ғылымын дамытудың өзекті бағыттары анықталды. ЖОО-ларда және институттарда ғылыми кадрлармен қамтамасыз ету төмен. Ғалымның мәртебесі жоғары емес. Жастардың ғылыми зерттеулерге қызығушылығы жоқ. Жаңа кадрлардың ғылымға тартылуын ынталандыру қажет. Баяндамаға Қазақстанның заң ғылымын дамыту туралы ұсыныстар енгізілді. Докторлық зерттеу нәтижелерін жариялау үшін ҚР БҒМ ұсынатын журналдар тізімін көбейтуді ұсынамыз. «Құқықтану» секциясы бойынша РӨӘК-ті әл-Фараби атындағы ҚазҰУ-да енгізу үшін жіберуді ұсынамыз. Докторанттар дайындау үшін докторант мамандығы бойынша PhD докторанттардың грант санын 2-3 есе ұлғайтуды ұсынамыз. PhD докторанттарының бірінші жылдағы теориялық дайындықтарын екі семестрге қысқартуды ұсынамыз. НГЦТИ негізінде қазақстандық ғылыми негізделген жүйені, РИНЦ моделіне негізделген тиісті кадрлармен және техникалық қамтамасыз етуді ұсынамыз. Жас заңгерлер үшін беделді ғалымдар атындағы медальдар мен жүлделерді бекітуді ұсынамыз.

Түйін сөздер: заң ғылымы, заң білім, құқық, докторантура, ғалым-заңгерлер, Болон процесі.

Ибраева А.С.¹, Усеинова Г.Р.², Байкенжеев А.С.³, Турсункулова Д.А.⁴, Нусипова Л.Б.⁵

¹доктор юридических наук, профессор, e-mail: ibraeva_tgp@mail.ru

²доктор юридических наук, профессор, e-mail: gulnara_usein@mail.ru

³кандидат юридических наук, ассоциированный профессор, Академия Комитета Национальной безопасности РК, Казахстан, г. Алматы, e-mail: ibraeva_tgp@mail.ru

⁴кандидат юридических наук, доцент, e-mail: adilek03@mail.ru

⁵старший преподаватель, e-mail: n_latifa_b@mail.ru

^{1, 2, 4, 5}Казахский национальный университет имени аль-Фараби, Казахстан, г. Алматы,

Развитие юридической науки Казахстана: проблемы и перспективы

В данной статье раскрывается состояние юридической науки Казахстана, выявляются проблемы, обозначены перспективы развития, предлагаются рекомендации. Сделан вывод о том, что юридическая наука должна определять стратегические направления дальнейшего совершенствования всех отраслей национального права, правоохранительной и судебной систем, а также правовых основ внешнеполитической и внешнеэкономической деятельности. Дана общая характеристика казахстанской юридической науки. Подчеркивается, что юридическая наука тесно связана с юридическим образованием. В этой сфере есть много проблем. Сделан вывод о том, что проведенные реформы в образовательной системе в соответствии с Болонской конвенцией (Болонский процесс) в подготовке научных кадров не принесли ожидаемых положительных результатов. Выделяются актуальные направления развития юридической науки Казахстана в области гражданского права, административного права, ювенального права, природоресурсного права. Подчеркивается, что обеспеченность научными кадрами в вузах и институтах низкая. Престиж ученого невысок. Отсутствует заинтересованность молодых людей заниматься научными исследованиями. Необходимо стимулировать приток свежих кадров в науку. Высказаны предложения по развитию юридической науки Казахстана. Предлагается расширить список журналов, рекомендованных МОН РК для публикаций результатов докторских исследований. Предлагается передать РУМС по секции "Право" в ведение КазНУ имени аль-Фараби. Предлагается увеличить количество грантов PhD по юридическим наукам в 2-3 раза для подготовки докторантов. Рекомендуются сократить теоретическое обучение докторантов PhD до двух семестров первого курса. Рекомендуются создать казахстанскую наукометрическую систему на базе НГЦТИ с соответствующим кадровым и техническим обеспечением по модели РИНЦ. Рекомендуются учредить медали и премии имени видных ученых для молодых ученых-юристов.

Ключевые слова: юридическая наука, юридическое образование, право, докторантура, ученые-юристы, Болонская конвенция.

Introduction

In the modern world jurisprudence holds a specific place in the system of social sciences. It is connected with an object of the research. An object of

jurisprudence are concrete spheres of objective reality, namely the state and law.

The aspiration of the Republic of Kazakhstan to approve itself as a constitutional state raises, in the first place, questions of improvement of legal sys-

tem, system of public administration, providing law and order in general, strengthening the fight against offenses, protection of rights and freedoms of the people. Formation of civil society in the Republic of Kazakhstan activates a development of branches of private law – civil law, the entrepreneurial law, family law and labor law. In general, all these questions demand constant improvement of the legislation based on achievements of jurisprudence in the Republic of Kazakhstan.

One of the priorities of modern jurisprudence is realization of theoretical views, ideas, provisions of jurisprudence in legal practice. Active development of public relations, significant increase in volume and speed of change of the legislation, globalization processes and also rules of market economy demand the increase in practical orientation of jurisprudence in general.

Today, the modernization era along with informatization of the society significantly influences development of the state and law. Please note that the modern world is enduring the fifth informational revolution, or a stage of information development. They can be allocated into the following stages:

- 1) invention of writing;
- 2) publishing;
- 3) radio and television;
- 4) creation of electronic computing machines – computers;
- 5) creation of cross-border global network – the Internet (Zhatkanbayeva A.E., 2009).

Development of new directions of jurisprudence is connected with informatization. Such spheres are information security, cyber security, the information law, improvement of public service, the electronic government, digitalization of Kazakhstan, the cyberlaw.

The State program “Digital Kazakhstan” was adopted in 2017. The basis for development was the Message of the President “The third modernization of Kazakhstan: global competitiveness” dated 31.01.2017 (the Internet, etc.). The resolution of the Government of the Republic of Kazakhstan dated June 30, 2017 approved the Concept of cyber security of “The cyber shield of Kazakhstan”.

Due to this, questions of legal regulation of digitalization process of Kazakhstan are relevant for jurisprudence. According to plans of the Government, the country is expected to meet the full digital transformation which will be carried out according to 23 projects designed to regulate the whole sectors of economy for the emergence of digital business (Saktaganova L., 2017).

Creation of long-term institutes of innovative

development for stability of process of digitalization and ensuring pragmatic start of the program are designated as its main directions.

Development of jurisprudence sets out two main fields of legal regulation – public and private law. Such branches of law as constitutional law, administrative law, criminal law, procedural law, ecological law, land law, the labor law are relevant in the field of public law. Please also note new branches of law – migration law, space law, national security law, information law. Note that the information law consists of such legal institutes as the cyberlaw and electronic law. An Academic of the National Academy of Sciences of the Republic of Kazakhstan Suleymenov M.K. believes that it is now possible to mention a new complex branch of law – the energy law (Suleymenov M.K., 2017).

The development of such branches and subsectors as civil law, intellectual property law, entrepreneurial law, investment law, housing law, the law of succession and the international private law is required in the field of private law. The special sphere of the law is the international law.

The fundamental jurisprudence must give answers to the most burning issues. The Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020 has conceptual value for the development of jurisprudence of Kazakhstan (the Internet, etc.).

The concept is a basis for development of appropriate programs in the field of state’s legal policy, long-term and annual plans of lawmaking works of the Government of the Republic of Kazakhstan and drafts of regulations of the republic.

The concept is a basis for development of appropriate programs in the field of legal policy of the state, long-term and annual plans of lawmaking works of the Government of the Republic of Kazakhstan and projects of normative legal acts of the republic.

New normative legal acts were developed and adopted from 2015 to 2017, such major acts as the Penal Code, Criminal Procedures Code, the Criminal Code, the Code “On Administrative Offenses” are adopted. Achievements of jurisprudence positively influenced legal practice. The state carried out measures which allowed to bring rule-making process to a new qualitative level, among which: the planning of lawmaking activity in an advance; the implement of scientific examinations of normative legal acts (legal, anti-corruption, criminological and others); full financial provision of the adopted laws; humanization of the criminal and administrative legislation.

The jurisprudence must define the strategic directions of further improvement of all the branches of the national law, law-enforcement and judicial systems and also legal bases for foreign policy and foreign economic activity. The jurisprudence must be higher than the state, business, policy, should not fall before service of household problems. The jurisprudence must look for the truth.

General characteristics of the Kazakhstan jurisprudence

The jurisprudence occupies one of the leading places among social sciences. It develops on the basis of higher education institutions and research institutes in the Republic of Kazakhstan. There were 127 higher education institutions in the beginning of 2015/2016 in the Republic of Kazakhstan, in the beginning 2016/2017 – 125 higher education institutions, in the beginning 2017/2018 – 122 higher education institutions. The jurisprudence is closely connected with legal education. There are many problems in this sphere. A large number of lawyers, with no demand on the market, is observed in Kazakhstan. Every second higher education institution prepares lawyers. Most higher education

institutions which train lawyers are not professional. Many graduates of legal higher education institutions cannot find work due to low-quality preparation. According to the General Prosecutor's Office, more than 250 thousand lawyers were trained in the republic in the last 15 years. Three quarters from the checked private higher education institutions do not observe standards of education. A third of the qualified teachers work in several higher education institutions at the same time. The quality of education and existence of knowledge fades into the background. Commercial interest is in the first place for higher education institutions (<http://advokatura.kz/v-kazahstane-defitsit-nastoyashhih-yuristov>).

61 educational institutions are engaged in training of lawyers of bachelor's degree, 38 train lawyers of master's degree, 7 institutions prepare PHD doctors. More than 1 200 educational institutions are engaged in training of lawyers in Russia (with the population of 143,5 million people). There are 43 state universities having law departments, one private legal higher education institution in Germany (with the population of 80 million people) For comparison 52 legal higher education institutions functioned in all Soviet Union (Turetskii N., 2017). (Table 1).

Table 1 – Comparative analysis of number of higher education institutions of a legal profile

Name	Republic of Kazakhstan	Germany	Russia	The USSR
Population	18 million	80 million	143,5 ml	286 million
Higher educational institutions	61 HEI: bachelors – 61, masters – 38, PhD – 7	43 state universities, 1 private HEI	1200 HEI	52 HEI, there were two universities in Kazakhstan: al-Farabi KazSU, Buketov KarSU

The deficiency of teaching staff in regional higher education institutions is observed in Kazakhstan. Thus, 18 theses were defended in 2015, 14 theses were defended in 2016. It is not enough for 61 higher education institutions of the country. Please note that training of top skill scientists and teachers – doctors of jurisprudence – has stopped.

Despite the large number of the higher education institutions that train lawyers, only the leading higher education institutions pursue fundamental jurisprudence.

It is such higher education universities as Al-Farabi Kazakh National University (KazNU), L.Gumilev Eurasian National University (ENU), the KazGUU University, the Caspian Public University

(CPU), D.A. Kunayev Eurasian Legal Academy; E. Buketov Karaganda State University (KarSU). The jurisprudence is developing in all directions in these higher education institutions, the leading scientist – lawyers of Kazakhstan work there.

Moreover the jurisprudence in different branches of the law develops in such higher education institutions as I. Zhansugurov Zhetysu State University, M.H. Dulati Taraz State University; M.Auezov South Kazakhstan State University; H.A. Yassau International Kazakh-Turkish University; Korkytata State University in Kyzylorda; S. Demirel University; Narxoz University; Abay Kazakh National Pedagogical University (KazNPU); Kazakh National Agricultural University (KazNAU).

Moreover, there are specialized higher education institutions functioning for the purposes of law enforcement agencies and special public authorities – Academy of Law Enforcement of the General Prosecutor’s Office of the Republic of Kazakhstan; Academy of Justice at the Supreme Court of the Republic of Kazakhstan; Ministry of Internal Affairs Academy (in Almaty, Karaganda, Kostanay, Aktobe), the Committee of National Safety of Republic of Kazakhstan Academy, Academy of the Border Service of the Committee of National Safety of Republic of Kazakhstan.

In these higher education institutions the leading scientific personnel is concentrated and basic scientific research is conducted. Also scientific research institutes work at the leading higher education institutions. These are: the Institute of the State and Law at the Al-Farabi Kazakh National University (KazNU); S.Zimanov Research Center in L. Gumilev Eurasian National University (ENU); Scientific Research Institute of Civil Researches at the KazGUU University; Scientific Research Institute of Private Law at the Caspian Public University (CPU), Scientific Institute of Legal Research and Political Science at E.Buketov Karaganda State University; Scientific Research Institute of Applied Researches at the Narxoz University. For example, in 2016 the staff of Scientific Research Institute of the State and Law of Al-Farabi Kazakh National University (KazNU) prepared «The national report «the Youth of Kazakhstan – 2015» (Salimgerey A.A., Abdirayymova G.S., Abdikerova G.O., Aydar-

bayev S.Z., Bulatbayeva A.A., Verevkin A.V., Ibrayeva A.S., Lifanova T.Y., Masalimova A.R., Mezhibovskaya I.V., Mynbayeva A.K., Kim A.M., Nasimova G.O., Ospanov S.I., Useinova G.R., Shapinova S.A., 2015). This report was highly assessed by the Ministry of Education and Science of Republic of Kazakhstan and submitted for consideration to the Parliament of Republic of Kazakhstan.

51 basic and applied scientific researches, among them 6 initiative projects were registered in republican state enterprise “National Center of Scientific and Technical Information of the Republic of Kazakhstan” in 2015 – 2017 (<http://www.naukakaz.kz/edu/natsionalniy-tsentr>). Accordingly, 88% of scientific research was financed by the Ministry of Education and Science of the Republic of Kazakhstan.

2 initiative projects of the Eurasian technological university (the research supervisor is PhD in Law, associate professor Esetova S.K.); 2 projects of Almaty Academy of the Ministry of Internal Affairs; 2 projects of Abylaykhan Kazakh University of the International Relations and World Languages should be noted.

14 subjects are devoted to criminal and legal problems, 9 subjects investigate problems of the ecological law, 6 are devoted to a research of problems of international law; 7 are devoted to problems of the administrative and customs law; 3 devoted to the labor law; 11 are devoted to the theory of the law and constitutional law; 1 subject investigate the civil law. (Figure 1).



Figure 1 – The distribution of fundamental subjects on branches

The main center of development of jurisprudence is Al-Farabi Kazakh National University. There were 16 projects of grant financing by the Ministry of Education and Science of Republic of Kazakhstan on jurisprudence in KazNU in 2015-2017 (<http://www.kaznu.kz/ru/15215/page/>).

Doctoral studies on preparation of scientific personnel function at the following universities: Al-Farabi Kazakh National University (KazNU), L.Gumilev Eurasian national university (ENU), the KazGUU University; the Caspian Public University (CPU), I. Zhansugurov Zhetysu State University; D.A. Kunayev Eurasian Legal Academy; E. Buke-tov Karaganda State University; H.A. Yassau International Kazakh-Turkish University; Ministry of Internal Affairs Academy (Almaty, Karaganda). Dissertation councils on protection of doctoral dissertations act in Al-Farabi Kazakh National University (KazNU), L.Gumilev Eurasian National University (ENU), the Kazakh Humanities Legal University (KazGUU), E.Buketov Karaganda State University (KarGU); Academy of Law Enforcement Agencies at the General Prosecutor's Office of the Republic of Kazakhstan, Ministry of Internal Affairs Academy (Almaty, Karaganda).

32 dissertations were defended in 2015-2017. 18 theses were defended in 2015, 14 theses were defended in 2016 (<http://www.naukakaz.kz/edu/natsionalniy-tsentr>). The theses were distributed on branches of law as following: 13 dissertations were defended on criminal and legal specialization; 3 dissertations were defended on ecological law; 4 dissertations were defended under the labor law; 4 dissertations were defended on civil law; 7 dissertations were defended according to the theory of law, constitutional law, administrative law; 1 dissertation was defended on international law.

The condition of jurisprudence and legal education in Kazakhstan

The level of development of jurisprudence is closely connected with the level of development of legal education. Level of the latter in Kazakhstan can be estimated as quite low. One of the reasons is continuous reforms in education. At the same time all reforms are subjective, reforms are undertaken without opinion of experts and specialists and there are no long-term forecasts.

Higher education institutions of a social, pedagogical, technical, agricultural, trade profile are engaged in legal education nowadays. Qualified teaching personnel, necessary educational and methodical base in such educational institutions, as a

rule, are absent which raises serious doubts in quality of training of experts. Such tendency not only discredits the legal education and strengthens the threat of legal nihilism, but also creates prerequisites for abuses in the sphere of legal practice, negatively influences activities of the government and law enforcement agencies and the non-state sector, exerting the destabilizing impact on a social and political and economic situation in the country.

There is a problem connected with the low level of payment of teachers of Higher Education Institutes. Many highly skilled scientists – lawyers passed from the field of science and legal higher education institutions into the field of civil society. There was a real threat to existence of historically developed schools of sciences and legal institutions. The disproportion between the number of the lawyers occupied in law enforcement agencies and working in the field of production is still in place. There is very small portion of lawyers who work in legislative and executive agencies (Elyubayev Z., 2017).

Kazakhstan's higher educational institutions produce lawyers with regard of their needs in the country. Many lawyers, especially those who obtained legal education in non-professional higher education institutions can't find a job and get practical experience, that is why they also lose theoretical knowledge of the law through a certain period of time. We believe that the large volume of lawyers who graduate from our legal higher education institutions needs to be drastically reduced. The Government and the Ministry of Education and Science of the Republic of Kazakhstan should consider this question and define the level of need for lawyers for the state and society, and then define the number of higher educational institutions preparing the legal specialties needed for the country.

Two-three law departments in the state or private universities will be enough for Kazakhstan with its 18-million population. Other non-professional educational institutions, such as pedagogical, agricultural, technical, humanitarian and others, should not be engaged in training of lawyers. Such strategy will allow the collection of the best professorial personnel at certain law schools of the country and that, in turn, will quickly yield benefits – will increase quality of training. We believe that it is also necessary to cancel the extramural studies in the Higher Education Institutions preparing legal specialists because only resident instruction is the key to receiving a good academic education.

It should be noted that the level of knowledge of graduates -lawyers is lower than the level demanded

by the modern period. There are no settled training programs, qualitative textbooks and manuals yet. Each year new requirements are imposed that reject the existing processes and programs without explanation of reasons and advantages and offered innovations. The quality of standard training programs on the basis of which training programs in legal higher education institutions of the country prepare lawyers demands improvement. Educational and methodical association on law is located at the KAZGUU University at the present time. Scientists note the lack in preparation of educational and methodical programs, standard training programs from year to year. We believe that the national higher education institution which have an unconditional authority both within the country and abroad must define the state strategy for development of jurisprudence and legal education. Consequently, we suggest to give educational and methodical association on legal specialties to al-Farabi Kazakh National University.

Please note that only KazNU carries out preparation of all four specialties of the legal field. We have a close connection with legal practice, provide employment to graduates, our training programs are focused on requirements of the practice. Graduates of law department work at the top leading posts, they are the heads of law-enforcement structures.

The education system and the higher school must be conservative where the existing positive practice is not rejected and new one is entered with care. Reforms must be undertaken systematically and after careful consideration, have to be based on the concept checked by time, not by the destruction of old concept which had proved the viability. There has to be a continuity of decisions in high instances, it is necessary to exclude voluntarism and subjectivity in the system of science, education and the higher school. There has to be a stability of system.

It should be noted that teachers of higher education institutions (candidates of science, doctors of science) have no sufficient time for scientific research because during the main working hours they are engaged in educational and organizational process. The very few amount of teaching staff actively increase their qualification, do scientific researches, write textbooks and education guidance, participate in theoretical discussions in media. In fact, others were limited by defending master's and doctoral dissertations and do not pursue science at all. People who have academic degrees and scientific knowledge must and are obliged to be engaged in scientific researches on a system basis, at least in those directions in which they consider themselves

as experts. The academic degree has to be confirmed by concrete scientific works, active participation in scientific life. However, pursuing science became non-prestigious.

The final fracture of the Soviet system in preparation of scientific personnel, the destruction of systems of protection and assignment of academic degrees in Kazakhstan, universal and rushed implementation of PhD system into science and education under the pretext of accession to the Bologna Convention finally destroyed positive experience of preparation of national scientific personnel.

The undertaken reforms in educational system to comply with the Bologna Convention (Bologna Process) did not bring the expected positive results in preparation of scientific personnel. Today, many Kazakhstani citizens leave to defend their master's and doctoral dissertations to Russia, Kyrgyzstan, Belarus, Tajikistan to receive academic degrees. In these countries the former two-level system of preparation of scientific staff work together with the new system of training of doctors of PhD.

The rector of Lomonosov Moscow State University Viktor Sadovnichii said that transition from a specialist program to a bachelor degree and a magistracy was a mistake as such approach does not allow to go deep into studying of a subject. He suggested to return to five year training. Viktor Sadovnichii said that it is not right if students study four years in a bachelor's degree, and then two years in a magistracy. According to him, it harms the process of training and does not give the chance to plunge completely into the studied area. This statement was made on the III Congress "Innovative practice: science plus business" (<https://newizv.ru/news/society/07-12-2016/249912-ректор-mgu-predlozhih-vernutsja-k-pjatiletnemu-obucheniju-v-vuzah>).

We support the opinion of the famous Kazakhstani scientist, doctor of jurisprudence, professor Zh. Elyubayev that for further development of the Kazakhstani science it is necessary to return the former system of preparation of scientific staff where citizens of Kazakhstan defend the master's and doctoral dissertations at home, not in Russia, Kyrgyzstan, Uzbekistan and other countries, so that the masters of science would appear among the present generation of lawyers (Elyubayev Z., 2017).

In general, two systems of training of research and educational personnel can work in Kazakhstan. Thereby the principle of competition and the principle of continuity will be realized.

Also, we will note problems in receiving an academic status "the associated professor". According

to the “Rules of assignment of academic statuses (the associated professor (associate professor), professor)” two scientific articles are required to be published in current issues of international scientific magazines. At the same time, the materials of the international conferences within Scopus or Jstore bases do not belong to such magazines. This requirement significantly complicates receiving academic statuses by scientists of Kazakhstan. Therefore, we suggest to balance the materials of the international conferences within Scopus or Jstore bases with the internationally reviewed scientific magazines (<http://control.edu.gov.kz/ru/pravila-prisvoeniya-uchenyh-zvaniy-associirovannyi-professor-docent-professor-0>).

Conclusions

1 The undertaken reforms in educational system (The Bologna Convention) in preparation of scientific personnel did not bring desirable positive results. Only Kazakhstan completely passed to three-level preparation of scientific staff among all countries of the Customs Union. Two system of preparation of scientific personnel work in Russia, Kyrgyzstan, Belarus. For further development of the Kazakhstan’s jurisprudence it is necessary to return the former two-level system of preparation of scientific personnel in parallel with new three-level system. Today, many Kazakhstani citizens defend master’s and doctoral dissertations in Russia, Kyrgyzstan, Uzbekistan, Belarus. Revival of classical two-level model of preparation of scientists (candidate of science, doctor of science) will allow for preparation of real lawyers. Also, we suggest to consider a question of the revival of classical system of training of specialists in the leading Higher Education Institutes of the country’s law departments (term of training is 5 years). It would allow to prepare scientists and experts of high level for all structures of power.

2 Jurisprudence of Kazakhstan needs specialists. Currently, scientific staff is replenished by the PHD training system. However, the PHD training system of and defending doctoral dissertations is complicated. Many doctoral candidates cannot defend the dissertation in time. The reason for it is the requirement for publications in foreign magazines within Scopus or Jstore bases. These magazines are not interested in lawyers’ publications because they carry out the analysis of the national legislation and legal practice.

Please note that publications in the magazines indexed in Skopus turned into some kind of a

business nowadays. Many magazines publish articles of the Kazakhstan scientists for big financial remunerations. Moreover, the magazines recommended by Skopus are revised every year, their quantity is limited. Doctoral candidates wait for their publications for years.

3 Supply of scientific personnel in higher education institutions and institutes is low. The prestige of the scientist is low. There is no interest of young people to be engaged in scientific research. It is necessary to stimulate inflow of fresh specialists into science. Studying in a master’s degree does not provide skills of a scientific activity, it just turns into an educational process.

4 Scientific ideas are not considered and scientists are not attracted to the process of preparation of normative legal acts. Projects of the normative legal acts are prepared by people who do not possess scientific abilities. Due to this, adopted laws will start to change after a while. For example, new codes – the Criminal Code of Kazakhstan, the Code of Criminal Procedure, the Administrative Code, the Criminal and Executive Code were adopted in 2014. The question of revision of these codes is brought up today (<https://www.zakon.kz/4851113-jekspertnoe-zakljuchenie-na-proekt.html>).

We should know that a large number of changes in these codes in general has negative effect on the legal culture of society in general.

5 The financing of researches is generally carried out by the budgetary funds (grants of the Ministry of Education and Science on carrying out basic and applied researches) at the present time. Low level of financing by the non-budgetary funds is observed.

6 Development of jurisprudence depends on preparation of legal specialists. There are serious problems in the system of training of highly skilled lawyers nowadays. It affects quality of legal practice, activity of law-enforcement services. The President of Kazakhstan Nursultan Nazarbayev repeatedly paid attention to the need of high-quality preparation of legal personnel. One of these problems is the training quality of educational and methodical material. There are no uniform standards of preparation of textbooks and manuals on branches of law, higher education institutions of law in the country do not have the same training materials. Specifically, there is a deplorable issue with textbooks in a state language. Existing state obligatory standard of education does not meet full requirements of the rapidly changing legislation, legal practice and requirements of the market. Many subject matters did not find reflection in the existing state obligatory standard of education. Please note that preparation

of legal personnel demands uniformity, there should not be various interpretation of rules of law.

Suggestions on development of jurisprudence and legal education

1 We suggest to sharply reduce the number of higher education institutions of law by toughening the licensing requirements. Specifically it concerns non-professional higher education institutions. The Government and the Ministry of Education and Science of Republic of Kazakhstan needs to consider this question and define the level of needs of the state and society in lawyers, and then define how many higher educational institutions preparing legal specialties has to be in the country. Also, we suggest to cancel extramural studies for training of lawyers.

2 We suggest to return the former system of preparation of scientific personnel in parallel with new training of doctors of PhD system. It is necessary for citizens of Kazakhstan to defend the master's and doctoral dissertations at home, not in Russia, Kyrgyzstan, Uzbekistan, Belarus or other countries, so that the masters of science would appear among the present generations of lawyers.

3 According to the "Rules of assignment of academic statuses (the associated professor (associate professor), professor)" two scientific articles are required to be published in current issues of internationally reviewed scientific magazines. At the same time the materials of the international conferences within Scopus or Jstore bases do not belong to such magazines. This requirement significantly complicates obtaining academic statuses by scientists of Kazakhstan. Therefore, we suggest to balance the materials of international conferences within Scopus or Jstore bases with the internationally reviewed scientific magazines.

4 In order for an alternative to an international periodic reviewed scientific magazines, we suggest to include the scientific works that are published in materials of the conferences indexed in databases of Scopus (Skopus), as the main scientific results of the thesis on a completion of the doctor of philosophy degree (PhD), the doctor on a profile. Thereby, there will be a stimulus for scientists to take part in high-rating international conferences. And there will be an alternative for doctoral candidates.

5 We offer a Committee on Control in Education and Sciences of the Ministry of Education and Science of the Republic of Kazakhstan as an authorized structure to publish the list of the reliable magazines (validity period is 1 year) in information base of the companies like Thomson Reuters, Scopus, JSTORE at the beginning of each calendar year. Also, we suggest to consider the possibility of extension of the list of the international scientific magazines with a non-zero impact-factor for publications of doctoral candidates in "Law" by including 2-3 most authoritative magazines of Russian Science Citation Index Base (for example, one of the most authoritative magazines is "The state and law").

6 We suggest to increase the quantity of grants of PhD on jurisprudence by 2-3 times. We should select the branches of law where there is a lack of specialists and scientific developments while approving the subjects for doctoral theses. These are financial law, administrative law, labor law, juvenile law. We offer to adopt a norm according to which no less than 50% of structure of dissertation councils must be doctors of jurisprudence.

7 We suggest to expand the list of the magazines recommended by the Ministry of Education and Science to publish the results of doctors' researches. We suggest to include the following scientific magazines in this list: "Adilet" scientific works", it is published quarterly since 1995; magazine "The bulletin of D.A.Kunayev Eurasian Legal Academy", issued since February 1999; "Magazine of International Law of Kazakhstan", issued since February 2000; scientific magazine "The scientific works of the Ministry of Internal Affairs Academy", issued since 1999; scientific magazines of National Academy of Science of Republic of Kazakhstan: "The reports of NAS" and "The bulletin of NAS".

8 The profession of the lawyer has a strategic importance, that is why the national higher education institution which has unconditional authority both within the country and abroad must define the state strategy. Due to this, we believe that Al-Farabi Kazakh National University should carry out the development of state policy on preparation of legal personnel. At the same time we suggest to transfer the republican educational and methodical council on section "Law" to the jurisdiction of KazNU.

References

- Danny'e RGP «Nacional'ny'j centr nauchno-texnicheskoj informacii RK» [The data of the republican state enterprise “National center of scientific and technical information of Republic of Kazakhstan”] // <http://www.naukakaz.kz/edu/natsionalniy-tsentr>.
- Elyubayev Z. (2017) O yuristax, yuridicheskom obrazovanii i yuridicheskoj professii [About lawyers, legal education and a legal profession]. July 24 // <http://kazbar.org.kz>.
- Elyubayev Z. (2017) Nam nuzhna revolyuciya v obrazovanii, chtoby` vernut` ego prezhnij uroven` [We need the revolution in education to return its previous level] // <http://kazbar.org.kz>.
- E'kspertnoe zaklyuchenie na proekt zakona Respubliki Kazaxstan «O vnesenii izmenenij i dopolnenij v nekotory'e zakonodatel'ny'e akty` Respubliki Kazaxstan po voprosam sovershenstvovaniya ugovnogo i ugovno-processual'nogo zakonodatel'stva» [The expert opinion on the bill of the Republic of Kazakhstan “About Modification and Additions in Some Acts of the Republic of Kazakhstan concerning Improvement of the Criminal and Criminal Procedure Legislation]. March 30, 2017 // <https://www.zakon.kz/4851113-jekspertnoe-zakljuchenie-na-proekt.html/>.
- Koncepcija pravovoj politiki Respubliki Kazahstan na period s 2010 do 2020 goda. Utverzhdena Ukazom Prezidenta Respubliki Kazahstan ot 24.08.2009 g. (s izmenenijami i dopolnenijami ot 16.01.2014 g.) [The concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020”, approved by the Decree of the President of Kazakhstan of 24.08.2009 (with changes and additions of 16.01.2014)].
- Kravchenko A. V Kazahstane deficit nastojashhih juristov [The deficiency of the real lawyers in Kazakhstan]. Republican Bar Association // <http://advokatura.kz/v-kazahstane-defitsit-nastoyashhih-yuristov>.
- Nauka i innovacii KazNU [Science and innovations of KazNU] // <http://www.kaznu.kz/ru/15215/page/>.
- Poslanie Prezidenta “Tret'ja modernizacija Kazahstana: global'naja konkurentnosposobnost'” ot 31.01.2017. [The message of the President “The third modernization of Kazakhstan: the global competitiveness” of 31.01.2017].
- Pravila prisvoeniya ucheny'x zvanij (associirovanny'j professor (docent), professor) Prikaz Ministra obrazovaniya i nauki Respubliki Kazaxstan ot 31 marta 2011 goda № 128 [Rules of assignment of academic statuses (the associated professor (associate professor), professor). Order of the Minister of Education and Science of the Republic of Kazakhstan of March 31, 2011 No. 128] // <http://control.edu.gov.kz/ru/pravila-prisvoeniya-uchenyh-zvanij-associirovannyj-professor-docent-professor-0>.
- Rektor MGU predlozhl vernut'sya k prezhnej sisteme obrazovaniya v vuzax [The rector of MSU suggested to return to a former education system in higher education institutions] // <https://newizv.ru/news/society/07-12-2016/249912-rektor-mgu-predlozhl-vernutsja-k-pjatiletnemu-obucheniju-v-vuzah>.
- Saktaganova L. (2017) Cifrovizacija Kazahstana – kljuchevoj faktor razvltlja [Digitalization of Kazakhstan – a key factor of development]. The truth of Kazakhstan, september 15.
- Suleimenov M.K. (2017) Neftjanoe pravo Respubliki Kazahstan [Oil rights of the Republic of Kazakhstan]. Power right, no 2, pp 4-9.
- Salimgerey A.A., Abdirayymova G.S., Abdikerova G. O., Aydarbayev S.Z., Bulatbayeva A.A., Verevkin A.V., Ibrayeva A.S., Lifanova T.Y., Masalimova A.R., Mezhibovskaya I.V., Mynbayeva A.K., Kim A.M., Nasimova G.O., Ospanov S.I., Useinova G. R., Shapinova S.A. (2015) Nacional'ny'j doklad «Molodezh` Kazaxstana – 2015» [National report “The youth of Kazakhstan – 2015”]. Almaty, “Kazakh University”, 234 p.
- Turetskii N. (2017) O kachestve yuridicheskogo obrazovaniya v Kazahstane [About quality of legal education in Kazakhstan]. The scientific records of the Prosecutor's Office National Academy of Ukraine // <http://www.chasopysnapu.gp.gov.ua/ua/pdf/2-2017/turetskij.pdf>.
- Zhatkanbayeva A.E. (2009) Konstitucionno-pravovye aspekty informacionnoj bezopasnosti v Respublike Kazahstan [Constitutional and legal aspects of information security in the Republic of Kazakhstan]. Almaty, 304 p.