

A.K. Isabekov 

Institute of State and Law named after G.S. Sapargaliev,
Al-Farabi Kazakh National University, Almaty, Kazakhstan
e-mail: akil_09@mail.ru

DETERMINATION OF MECHANISMS FOR THE IMPLEMENTATION OF LEGAL MONITORING FOR COMPLIANCE WITH NATIONAL INTERESTS IN ACCORDANCE WITH CURRENT REGULATORY LEGAL ACTS

The collective article discusses the issues of improving the mechanism of legal monitoring of regulatory legal acts of Kazakhstan. When conducting legal monitoring, state bodies, in accordance with regulatory requirements, have the right to involve public and scientific organizations, citizens in accordance with the procedure established by the legislation of the Republic of Kazakhstan. And it is imperative to involve appropriate qualified researchers. In this case, only deep, systematic scientific research can determine the negative consequences of law-making, the subject of which is directly the requirements for ensuring national security.

Scientific research on topical legal problems of Kazakhstan has been conducted and is being conducted in research institutes and higher educational institutions of Kazakhstan, which have revealed the shortcomings of the institute of legal monitoring. Using the example of the analysis of the Code of the Republic of Kazakhstan "On Health and the Healthcare system" and the "Water Code of the Republic of Kazakhstan", the necessity of inclusion in scientific expert legal analysis as a mandatory element in conducting legal monitoring expertise in terms of substantiation of ensuring and observing the national interests of the Republic of Kazakhstan is justified.

Key words: Legal monitoring, regulatory legal acts, national interests, corruption norms, water legislation, healthcare, population, scientific research.

А.К. Исабеков

Әл-Фараби атындағы ҚазҰУ-дың Ғ.С. Сапарғалиев атындағы
Мемлекет және құқық институты, Алматы қ., Қазақстан
e-mail: akil_09@mail.ru

Қолданыстағы нормативтік құқықтық актілер бойынша ұлттық мүдделерді сақтау тұрғысынан құқықтық мониторингі іске асыру тетіктерін айқындау

Ұжымдық мақалада Қазақстанның Нормативтік құқықтық актілеріне құқықтық мониторинг жүргізу тетігін жетілдіру мәселелері қарастырылады. Құқықтық мониторинг жүргізу кезінде мемлекеттік органдардың нормативтік нұсқамаларға сәйкес Қазақстан Республикасының заңнамасында белгіленген тәртіппен қоғамдық және ғылыми ұйымдарды, азаматтарды тартуға құқығы бар. Және міндетті түрде және тиісті білікті зерттеушілерді тарту қажет. Бұл жағдайда заң шығарудың теріс салдарын тек терең, жүйелі ғылыми зерттеулер анықтай алады, олардың тақырыбы ұлттық қауіпсіздікті қамтамасыз ету талаптары болып табылады.

Қазақстанның ғылыми-зерттеу институттары мен жоғары оқу орындарында құқықтық мониторинг институтының кемшіліктерін анықтаған Қазақстанның өзекті құқықтық мәселелері бойынша ғылыми зерттеулер жүргізілді және жүргізілуде. «Денсаулық сақтау және денсаулық сақтау жүйесі туралы» Қазақстан Республикасының Кодексі және «Қазақстан Республикасының Су кодексі» талдау мысалында Қазақстан Республикасының ұлттық мүдделерін қамтамасыз ету мен сақтауды негіздеу бөлігінде құқықтық мониторингтік сараптама жүргізу кезінде міндетті элемент ретінде ғылыми сараптамалық-құқықтық талдауға енгізу қажеттілігі негізделеді.

Түйін сөздер: Құқықтық мониторинг, нормативтік құқықтық актілер, ұлттық мүдделер, сыбайлас жемқорлық нормалары, су заңнамасы, Денсаулық сақтау, халық, ғылыми зерттеулер.

А.К. Исабеков

Институт государства и права имени Г.С. Сапаргалиева
КазНУ имени аль-Фараби, г. Алматы, Казахстан
e-mail: akil_09@mail.ru

Определение механизмов реализации правового мониторинга на предмет соблюдения национальных интересов по действующим нормативным правовым актам

В коллективной статье рассматриваются вопросы совершенствования механизма проведения правового мониторинга нормативных правовых актов Казахстана. При проведении правового мониторинга государственные органы согласно нормативным предписаниям имеют право привлекать общественные и научные организации, граждан в порядке, установленном законодательством Республики Казахстан. И привлекать необходимо в обязательном порядке и соответствующих квалифицированных исследователей. В данном случае определить негативные последствия правотворчества способны лишь глубокие, системные научные исследования, предметом которых непосредственно являются требования по обеспечению национальной безопасности.

В научно-исследовательских институтах и высших учебных заведениях Казахстана проводились и проводятся научные исследования по актуальным правовым проблемам Казахстана, которые, выявили недостатки института правового мониторинга. На примере анализа Кодекса Республики Казахстан «О здоровье и системы здравоохранения» и «Водного Кодекса Республики Казахстан» обосновывается необходимость включения в научный экспертно-правовой анализ в качестве обязательного элемента при проведении правовой мониторинговой экспертизы в части обоснования обеспечения и соблюдения национальных интересов Республики Казахстан.

Ключевые слова: правовой мониторинг, нормативные правовые акты, национальные интересы, коррупционные нормы, водное законодательство, здравоохранение, население, научные исследования.

Introduction

The Institute of Legal Monitoring is one of the mandatory instruments of state control over the state of the legislative process, which includes improving the quality of its legal regulation.

Legal monitoring is carried out in order to identify in the adopted regulatory legal acts contradictions to the legislation of the Republic of Kazakhstan, duplications, gaps, ineffectively implemented, outdated and corruption-prone legal norms and to develop proposals for their improvement by forecasting, analyzing, assessing the effectiveness of the implementation of adopted regulatory legal acts. State bodies conduct legal monitoring taking into account the recommendations of public and scientific organizations, citizens (https://online.zakon.kz/Document/?doc_id=37312788&pos=3;-106#pos=3;-106).

For the first time, the institution of legal monitoring was legislatively enshrined in the Law of the Republic of Kazakhstan “On Regulatory Legal Acts” (https://online.zakon.kz/Document/?doc_id=30045013&pos=5;-106) in 2006: “Article 43-1. Monitoring of subordinate regulatory legal acts.

1. Authorized bodies are obliged to carry out continuous monitoring of subordinate regulatory le-

gal acts adopted by them and (or) of which they were the developers, in order to identify those that contradict the legislation of the Republic of Kazakhstan and outdated legal norms, assess the effectiveness of their implementation and take timely measures to amend and (or) supplement them or recognize them as invalid.

2. The rules for monitoring subordinate regulatory legal acts are approved by the Government of the Republic of Kazakhstan”. The Rules for monitoring subordinate legal acts dated August 25, 2006 were approved.

It should be noted that since the introduction of legal monitoring, the system of its organization and implementation has remained virtually unchanged. Meanwhile, recently there have been significant changes in theoretical approaches to legal monitoring, the implementation of which can contribute to the renewal of the monitoring institution and increase its effectiveness (Collection of analytical reports on the results of legal monitoring). If we rely on the definition of the term “legal monitoring”, the object is not limited to a set of regulatory legal acts. Thus, according to subparagraph 20) of Article 1 of the Law “On Legal Acts”, legal monitoring is a system of continuous observation, collection, analysis of information on the state of the legislation of

the Republic of Kazakhstan and the practice of its application (Collection of analytical reports on the results of legal monitoring; <https://adilet.zan.kz/rus/docs/K1800002018>).

Analytical materials of legal monitoring are annually analyzed and prepared by the Institute of Legislation and Legal Information of the Ministry of Justice of the Republic of Kazakhstan.

Results and discussion

Since 2008, monitoring of the current legislation of Kazakhstan has been conducted annually. On average, 10-14 laws are monitored. There are a sufficient number of scientific works devoted to the legal analysis of the institution of legal monitoring in the Republic of Kazakhstan, where problematic aspects and ways to solve them are described in detail (Mamonov 2020; Tlembayeva 2018; Klimkin 2015; Akimova 2018; Collection of analytical reports on the results of legal monitoring 2018).

According to the Rules for Conducting Legal Monitoring (<https://online.zakon.kz/>).

The objects of legal monitoring are:

- 1) new constitutional laws, codes, consolidated laws, laws;
- 2) other regulatory legal acts.

For the purposes of conducting legal monitoring, in these Rules, constitutional laws, codes, consolidated laws, laws adopted in a new version, as well as newly adopted constitutional laws, codes, consolidated laws, laws, laws on amendments and additions to legislative acts within five years from the date of their adoption are considered new.

Other regulatory legal acts subject to legal monitoring are understood to be the following:

- 3) constitutional laws, codes, consolidated laws, laws, with the exception of new constitutional laws, codes, consolidated laws, laws;
- 4) regulatory legal decrees of the President of the Republic of Kazakhstan;
- 5) regulatory legal resolutions of the Government of the Republic of Kazakhstan;
- 6) regulatory legal resolutions of the Central Election Commission of the Republic of Kazakhstan, the National Bank of the Republic of Kazakhstan and other central government bodies of the Republic of Kazakhstan, regulatory legal orders of ministers of the Republic of Kazakhstan and other heads of central government bodies of the Republic of Kazakhstan, regulatory legal orders of heads

of departments of central government bodies of the Republic of Kazakhstan;

7) regulatory legal decisions of maslikhats, regulatory legal resolutions of akimats, regulatory legal decisions of akims and regulatory legal resolutions of audit commissions.

The practice of applying legal monitoring clearly shows the following:

1) Such aspects as “contradictions to the legislation of the Republic of Kazakhstan”, “duplications and gaps in the legislation”, “outdated and corruptible norms of law”, which are solved by developing proposals for their improvement in the form of amendments and additions to the current legislation of Kazakhstan.

2) such objectives of legal monitoring as “inefficiently implemented”, “evaluation of the effectiveness of the implementation of adopted normative legal acts” and which cannot be provided in the form of changes and additions to the current legislation of Kazakhstan are practically not solved. Legal monitoring is one of the main means of increasing the effectiveness of legal regulation. It is an effective organizational and legal mechanism of state control over the state of legislation, its improvement, and improvement of law enforcement practice. In essence, legal monitoring acts as one of the ways to protect and ensure the interests of individuals, society and the state (https://online.zakon.kz/Document/?doc_id=31730518&pos=5;-106#pos=5;-106&sdoc_params=text%3D%25D0%25A2%25D0%25B). It is possible to refer to the report of the Commissioner for Human Rights in the Russian Federation for 2012: “The law is judged not by its text, but by the quality of its implementation in practice. A bad Achilles’ heel is not so much law-making as law enforcement” (Belousov 2014).

Annual results of legal monitoring show that the level of monitoring by state bodies often does not meet the goals and objectives set in the Concept. The current system of legal monitoring is often of a formal nature, and the information provided by state bodies does not reflect the true state of legislation and law enforcement practice (Belousov 2014). As an illustrative example, it is possible to note the legal monitoring of the Codex of the Republic of Kazakhstan “On the health of the people and the health system” dated September 18, 2009. According to the Report on the results of legal monitoring code of the Republic of Kazakhstan “On the health of the people and the health system” of September 18,

2009 No. 193-iv () revealed certain inconsistencies with the goals of legal monitoring provided for in subsection 20 of article 1 of the Law of the Republic of Kazakhstan “On Legal Acts”, the inconsistency of some provisions with the international obligations of the Republic of Kazakhstan, the presence of ineffectively implemented legal norms and redundant blanket and reference norms (for more details, Collection of analytical reference to the results of legal monitoring (2nd quarter of 2018). Moreover, according to indicator 10 “Presence of corruptible factors in the law” according to the results of the legal monitoring of the code of the Republic of Kazakhstan “On the health of the people and the health system” of September 18, 2009, it was noted that the presence of corruptible factors in the law was not detected.

However, the new Code of the Republic of Kazakhstan “On the health of the people and the health system” was subsequently adopted on July 7, 2020 (https://online.zakon.kz/Document/?doc_id=34464437&pos=0;8#pos=0;8&sdoc_params). Its adoption was initiated on January 10, 2018 in the Message of the President of the People of Kazakhstan “New opportunities for development in the conditions of the fourth industrial revolution”. In particular, it was noted: “Today we have a unique School of Medicine at Nazarbayev University, at which an integrated university clinic functions. This experience should be translated to all medical universities. For the implementation of these and other measures, a new version of the Code “On health and health system” should be developed (<https://adilet.zan.kz/rus/docs/K1800002018>).

However, legal monitoring and the subsequent adoption of the new Code could not prevent the pandemic coronavirus that occurred in the spring of 2020, when the number of patients increased tenfold in the last 2 months alone, and on July 14, 2020, it exceeded 60,000 and the number of deaths increased to 375 people. Of course, there are many reasons, and the main one is the lack of mutual connection between the state policy, mainly in the social and economic sphere, aimed at achieving a single result – the constitutional norm for the protection of the population’s health.

In fairness, we note that during the pandemic period, especially in 2020, no country in the world, regardless of its economic potential, was able to effectively contain the practical spread of this virus, where complex social and economic problems arose in parallel.

However, according to the results of the external analysis of the health care system of Kazakhstan, where the Code of the Republic of Kazakhstan “On the health of the people and the health care system” is the basis, in 2024 the Anti-corruption Agency of the Republic of Kazakhstan established corruption risks at all stages of the circulation of medicines and medical equipment, starting from the process planning of the volume of purchase of drugs and medical products, their acquisition, maintenance of medical technicians and conclusion of long-term contracts with domestic manufacturers. The facts of the overestimation of the need for medicines, the cost of purchased goods and services, untimely purchase of vaccines against various diseases, the purchase of unnecessary equipment, as well as the calculation of unreasonable payments have been revealed”, – explained in Anticor. At the same time, according to Anticor, corruption manifestations and numerous financial violations are reduced. effectiveness of state measures aimed at development of this sphere (<https://forbes.kz/articles/antikor-vyyavil-sereznye-korrupsionnye-riski-vs-fere-dravoohraneniya-rk>).

Researchers highlight the following disadvantages of the institute of legal monitoring:

- formal approach to legal monitoring;
- untimely elimination of deficiencies revealed during legal monitoring;
- weak control of legal services of state bodies over the implementation of legal monitoring by structural units of the state body;
- insufficient attention to the issue of attracting public, scientific organizations, universities and citizens to conduct legal monitoring (Сборник аналитических справок по результатам правового мониторинга 2-квартал 2018: 23).

At the same time, the solution of the above-mentioned shortcomings during the legal monitoring will not be able to ensure the observance of national interests in the current normative legal acts of the Republic of Kazakhstan. Therefore, the direct implementation of legal monitoring of the institute should be carried out in the form of legal monitoring for the purpose of observing the national interests of the country according to the current regulatory legal acts. Article 5 of the Law of the Republic of Kazakhstan “On national security of the Republic of Kazakhstan” lists the main national interests that must be directly observed when conducting legal monitoring (https://online.zakon.kz/Document/?doc_id=31106860&pos=3;-106#pos=3;-106). It is no coincidence that Academician M.T. Baimakhanov

noted in 2008: “the peculiarity of monitoring legislation and law enforcement practice is not only the analysis and forecast of their quality, but also the analysis of the real state of social relations, the real life of a person, the activities of state institutions and civil society, the ultimate goals of which can be achieved only through interdisciplinary complex legal regulation” (Baimahanov 2018).

Failure to observe national interests in the conduct of legal monitoring was most clearly demonstrated in the implementation of water legislation in Kazakhstan. The spring flood of significant territories of western and northern Kazakhstan with transboundary water resources clearly showed the population of Kazakhstan the ineffectiveness of the current legislation, but also the entire management system in the water sector of Kazakhstan. Despite numerous publications by domestic scientists, reasonably emphasizing the ineffective management, primarily of transboundary water resources of Kazakhstan and the allocation of significant financial resources for scientific research on water resources of Kazakhstan.

In addition to the ineffective regulation of transboundary water resources, one can cite Article 79 of the Water Code of the Republic of Kazakhstan, which provides for foreign participation, in particular, non-governmental water management organizations are created by individuals and legal entities, including foreign ones, to provide services for the delivery of water, technical maintenance of water management structures and ensuring entrepreneurial activity in the field of use and protection of water resources, water supply and sanitation.

Meanwhile, the practice of foreign companies' participation in water relations of Kazakhstan, when conducting legal monitoring will inevitably reveal violations of Kazakhstan's national interests in terms of Article 5 of the Law of the Republic of Kazakhstan “On National Security of the Republic of Kazakhstan” – “ensuring the rights and freedoms of man and citizen”, “preservation and improvement of the environment, rational use of natural resources”. Let's consider an example in this case – it is known that after concluding a contract with a French company for servicing the drinking water system of the city of Alma-Ata in the 90s of the twentieth century (the official name of the city in those years), the city's population immediately noted a decrease in the taste and quality of water supplied through the water supply system. And although the foreign company did not violate the terms of the contract and the

norms of the current legislation of the country, the result of such activities was the loss of the quality of the supplied water, known to the city's residents and considered its distinctive feature during the functioning of the USSR. This example once again emphasizes the inefficiency of foreign participation, interested primarily in extracting profit in such an important problem for the life support of the population, and which strategically should be in monopoly, state control, ownership and use. Similarly, in Kazakhstan, problems with foreign participation in the food industry have arisen, when the population of the country and especially the younger generation are unfamiliar not only with the quality of the water supplied, but also with many food products that require a special state approach, including foreign participation.

Similarly, violation of national interests in terms of protecting human rights and ensuring human life can be easily identified during legal monitoring of the road legislation of Kazakhstan. In the road transport sector of the country, there is active construction of highways and interchanges, to which multi-billion allocations are allocated from the republican budget. Moreover, this is carried out with the aim of reducing, mainly, the transport load, ensuring road safety and, what is important, improving the environmental situation in these cities. Of course, this is a necessary and strategically important task in the complex, in the implementation of which the relevant authorized bodies should be guided by the above-mentioned good goals, but this activity, although undoubtedly necessary, nevertheless has, first of all, an economic basis and, therefore, is aimed at improving the transport infrastructure of cities. The task of prioritizing the life and health of citizens participating in road traffic over the economic results of economic activity in this case is realized, however, not directly, but only indirectly. For example, during the active construction of road and transport infrastructure in conditions of automobile congestion in such a megalopolis as Almaty, such an important aspect of road and transport relations as pedestrian safety is practically not ensured and there is no procedure for its regulation. In this case, we are talking about regulated pedestrian crossings (with traffic lights) and unregulated pedestrian crossings. And the essence of the problem lies in the failure to comply with legislative norms to ensure the priority of human life over economic results in road and transport relations, and during the time when the danger of such measures comes to be realized,

irreversible consequences may occur. In Article 3 of the Law of the Republic of Kazakhstan “On Road Traffic” dated April 17, 2014, the main principles of road traffic are: 1) priority of life and health of road users over economic results of business activities (Salimgerey 2022).

Methods and materials

In the context of studying the identified aspects, we consider it necessary to rely on scientific provisions regarding objectivity, scientific character, comparative research, taking into account foreign experience.

The theoretical basis for writing the article was the materials of scientific and educational literature on the theory of state and law, constitutional law, public administration, international law, materials of scientific conferences reflecting issues of rule-making in the Republic of Kazakhstan.

Conclusions

The mechanism for conducting legal monitoring should be based, as noted, on ensuring the national interests of Kazakhstan. In addition, the Rules for Conducting Legal Monitoring should expand the objects of legal monitoring, including not only monitoring of regulatory legal acts, but also the practice of their implementation (law enforcement practice).

As a rule, government agencies, according to Tlembaeva Zh.O., Kaliyeva A.U. (Belousov 2014), do not pay attention to theoretical research, the use of which may directly affect the solution of practical issues. In this regard, it became advisable to develop and adopt such a methodology that should show the ways and means of identifying the shortcomings of laws, as well as provide practical assistance in forecasting. For example, the Institute of Legislation and Comparative Law of the Russian Federation has developed recommendations that highlight additional criteria for the effectiveness of regulatory legal acts (Belousov 2014).

When conducting legal monitoring, government agencies, in accordance with regulatory requirements, have the right to involve public and scientific organizations, citizens in the manner established by the legislation of the Republic of Kazakhstan. And it is imperative to involve the appropriate qualified researchers. In this case, only deep, systematic scientific research, the subject of which is directly related to the requirements for ensuring national se-

curity, can determine the negative consequences of lawmaking.

In this regard, we would like to especially note that research institutes and higher educational institutions of Kazakhstan have conducted and are conducting research on current legal issues in Kazakhstan that are directly related to the coronavirus pandemic or the flood this spring in Kazakhstan.

The Concept of Legal Policy notes:

- Today, priority is given to rule-making as the main means of achieving the goals of the policy in a particular area. Considering that as a result of the preferential resolution of public issues through the adoption of regulatory legal acts, a large number of regulatory measures are formed, an unreasonable regulatory burden, the Concept of Legal Policy of the Republic of Kazakhstan notes. It is important to give new impetus to the retrospective assessment of legislation and alternative methods not related to regulatory intervention. Alternative methods may include more flexible and less traditional rules, conditioned by the needs of practical activities and providing effective incentives for the behavior of subjects of legal relations (https://online.zakon.kz/Document/?doc_id=39401807#sdoc_params=text%3d%25d0%259a).

Given the ineffectiveness of the legislation in the healthcare system, when the coronavirus pandemic has proven its inability to protect human health in Kazakhstan, the institution of legal monitoring of regulatory legal acts, in our opinion, requires change. Similarly, this is confirmed by significant floods in Western and Northern Kazakhstan, when the local population was left without housing and livelihoods – the water legislation of Kazakhstan and the management system require improvement.

The above justifies the need, first of all, to comply with national interests when conducting legal monitoring of regulatory legal acts in the Republic of Kazakhstan. And in the event of contradictions, only that set of interests can be attributed to national interests that allows achieving a balance of relations by means established by law. In turn, conflicts of interest that cannot be resolved within the legal field always pose a threat to national security. Consequently, not all interests that in objective reality diverge, are in confrontation or other contradiction can be considered as national interests (Mamonov 2020: 39). Identification of contradictions to the legislation of the Republic of Kazakhstan, duplications, gaps, ineffectively implemented, outdated and corruption-prone legal norms in adopted regulatory legal acts and development of

proposals for their improvement through forecasting, analysis, and assessment of the effectiveness of the implementation of adopted regulatory legal acts during legal monitoring should ensure the national interests of Kazakhstan.

The research article was prepared within the framework of scientific project No. AR14872048: Development of measures to ensure the national security of the Republic of Kazakhstan in the legislative sphere

Литература

Закон РК «О правовых актах» (с изменениями и дополнениями по состоянию на 08.06.2024 г.) // https://online.zakon.kz/Document/?doc_id=37312788&pos=3;-106#pos=3;-106

Закон Республики Казахстан “О внесении изменений и дополнений в некоторые законодательные акты Республики Казахстан по вопросам предпринимательства от 31 января 2006 года № 125-III ЗРК // https://online.zakon.kz/Document/?doc_id=30045013&pos=5;-106.

Сборник аналитических справок по результатам правового мониторинга (2-квартал 2018 года). – Астана: «ГУ Институт законодательства Республики Казахстан», 2018. – 266 с.

Методологические основы обеспечения национальной безопасности Республики Казахстан: системный подход: Монография/Под общ. Ред. В.В. Мамонова. – Алматы: Академия КНБ Республики Казахстан, 2020. – 128 с.

Тлембаева Ж.О., Турлыбек Д.М. Правовой мониторинг как инструмент модернизации национальной правовой системы Республики Казахстан // Журнал зарубежного законодательства и сравнительного правоведения №4, 2018.

Климкин С.И. Правовой мониторинг Закона Республики Казахстан от 16 ноября 2015 г. № 402-V «О благотворительности» // https://online.zakon.kz/Document/?doc_id=34714290

Акимова Н.М. Некоторые вопросы правового мониторинга Кодекса Республики Казахстан «О здоровье народа и системе здравоохранения» // Вестник института законодательства. – №3 (52), 2018 г.

Приказ Министра юстиции Республики Казахстан от 11 июля 2023 года № 471 Об утверждении Правил проведения правового мониторинга (с изменениями и дополнениями от 11.02.2024 г.) // https://online.zakon.kz/Document/?doc_id=39005305&pos=4;-88#pos=4;-88&sdoc_params=text%3D%25

Тлембаева Ж.О., Калиева А.У. Роль правового мониторинга в правовой системе Казахстана // https://online.zakon.kz/Document/?doc_id=31730518&pos=5;-106#pos=5;-106&sdoc_params=text%3D%25D0%25A2%25D0%25B

Мониторинг законов Республики Казахстан: проблемы теории и практики: научн.-аналит. отчет по теме фундаментального и прикладного научного исследования. – Астана: ГУ «Институт законодательства Республики Казахстан», 2018. – 117 с.

Белюсов С.А.. Качество закона и эффективность его применения: пути преодоления негативных последствий законодательного дисбаланса // Вестник Поволжского института управления. – 2014. – №4. - с.11.

Кодекс Республики Казахстан от 7 июля 2020 года № 360-VI «О здоровье народа и системе здравоохранения» (с изменениями и дополнениями по состоянию на 08.06.2024 г.) // https://online.zakon.kz/Document/?doc_id=34464437&pos=0;8#pos=0;8&sdoc_params

Новые возможности развития в условиях четвертой промышленной революции // <https://adilet.zan.kz/rus/docs/K1800002018>

Антикор выявил серьезные коррупционные риски в сфере здравоохранения РК // <https://forbes.kz/articles/antikor-vyyavil-sereznye-korruptsionnye-riski-vsferedravoohraneniya-rk>

Закон Республики Казахстан «О национальной безопасности Республики Казахстан (с изменениями и дополнениями по состоянию на 05.01.2024 г.) // https://online.zakon.kz/Document/?doc_id=31106860&pos=3;-106#pos=3;-106

Баймаханов М.Т. О роли мониторинга в совершенствовании нормотворчества // Қазақстандағы парламентаризм, 2008, №1 (1). – С.53-59.

Салимгерей А.А. Соблюдение национальных интересов Республики Казахстан при подготовке, принятии и исполнении нормативных правовых актов // Вестник КазНУ имени аль-Фараби. Зап сериясы. №3 (103). 2022г.

Концепция правовой политики Республики Казахстан до 2030 года // утверждена Указом Президента Республики Казахстан от 15 октября 2021 года № 674 // https://online.zakon.kz/Document/?doc_id=39401807#sdoc_params=text%3d%25d0%259a

Методологические основы обеспечения национальной безопасности Республики Казахстан: системный подход: Монография / Под общ. Ред. В.В. Мамонова. - Алматы: Академия КНБ Республики Казахстан, 2020. - 128 с.

References

Zakon RK «O pravovyh aktah» (s izmeneniyami i dopolneniyami po sostoyaniyu na 08.06.2024 g.) [Law of the Republic of Kazakhstan “On Legal Acts” (with amendments and additions as of 08.06.2024)] // https://online.zakon.kz/Document/?doc_id=37312788&pos=3;-106#pos=3;-106

Zakon Respubliki Kazahstan “O vnesenii izmenenij i dopolnenij v nekotorye zakonodatelnye akty Respubliki Kazahstan po voprosam predprinimatelstva ot 31 yanvarya 2006 goda № 125-III ZRK [Law of the Republic of Kazakhstan “On Amendments and

Additions to Certain Legislative Acts of the Republic of Kazakhstan on Entrepreneurship Issues dated January 31, 2006 No. 125-III 3PK] // https://online.zakon.kz/Document/?doc_id=30045013&pos=5;-106.

Sbornik analiticheskikh spravok po rezultatam pravovogo monitoringa (2-kvartal 2018 goda). [Collection of analytical reports based on the results of legal monitoring (2nd quarter of 2018)]. – Astana: «GU Institut zakonodatelstva Respubliki Kazahstan», 2018. – 266 s.

Metodologicheskie osnovy obespecheniya nacionalnoj bezopasnosti Respubliki Kazahstan: sistemnyj podhod: Monografiya [Methodological foundations for ensuring national security of the Republic of Kazakhstan: a systems approach: Monograph] /Pod obsh. Red.V.V. Mamonova. – Almaty: Akademiya KNB Respubliki Kazahstan, 2020.-128s.,

Tlembaeva Zh.O., Turlybek D.M. Pravovoj monitoring kak instrument modernizacii nacionalnoj pravovoj sistemy Respubliki Kazahstan [Legal monitoring as a tool for modernizing the national legal system of the Republic of Kazakhstan] //Zhurnal zarubezhnogo zakonodatelstva i sravnitel'nogo pravovedeniya №4, 2018.

Klimkin S.I. Pravovoj monitoring Zakona Respubliki Kazahstan ot 16 noyabrya 2015 g. № 402-V «O blagotvoritelnosti» [Some issues of legal monitoring of the Code of the Republic of Kazakhstan “On Public Health and the Healthcare System”]// https://online.zakon.kz/Document/?doc_id=34714290

Akimova N.M. Nekotorye voprosy pravovogo monitoringa Kodeksa Respubliki Kazahstan «O zdorove naroda i sisteme zdavoohraneniya» [Some issues of legal monitoring of the Code of the Republic of Kazakhstan “On Public Health and the Healthcare System”] // Vestnik instituta zakonodatelstva. – №3 (52), 2018 g.

Prikaz Ministra yusticii Respubliki Kazahstan ot 11 iyulya 2023 goda № 471 Ob utverzhdenii Pravil provedeniya pravovogo monitoringa (s izmeneniyami i dopolneniyami ot 11.02.2024g.) [Order of the Minister of Justice of the Republic of Kazakhstan dated July 11, 2023 No. 471 On approval of the Rules for conducting legal monitoring (as amended and supplemented on February 11, 2024)] // https://online.zakon.kz/Document/?doc_id=39005305&pos=4;-88#pos=4;-88&sdoc_params=text%3D%25

Tlembaeva Zh.O., Kalieva A.U. Rol pravovogo monitoring v pravovoj sisteme Kazahstana [The Role of Legal Monitoring in the Legal System of Kazakhstan] // https://online.zakon.kz/Document/?doc_id=31730518&pos=5;-106#pos=5;-106&sdoc_params=text%3D%25D0%25A2%25D0%25B

Monitoring zakonov Respubliki Kazahstan: problemy teorii i praktiki»: nauchn.-analit.otchet po teme fundamentalnogo i prikladnogo nauchnogo issledovaniya [“Monitoring of Laws of the Republic of Kazakhstan: Problems of Theory and Practice”: scientific and analytical report on the topic of fundamental and applied scientific research]. – Astana: GU «Institut zakonodatelstva Respubliki Kazahstan», 2018. – 117 s.

Belousov S.A. Kachestvo zakona i effektivnost ego primeneniya: puti preodoleniya negativnykh posledstviy zakonodatel'nogo disbalansa [Quality of the Law and the Effectiveness of Its Application: Ways to Overcome the Negative Consequences of Legislative Imbalance] // Vestnik Povolzhskogo instituta upravleniya. – 2014. – №4. - s.11.

Kodeks Respubliki Kazahstan ot 7 iyulya 2020 goda № 360-VI «O zdorove naroda i sisteme zdavoohraneniya» (s izmeneniyami i dopolneniyami po sostoyaniyu na 08.06.2024 g.) [Code of the Republic of Kazakhstan dated July 7, 2020 No. 360-VI “On Public Health and the Healthcare System” (with amendments and additions as of 06/08/2024)] // https://online.zakon.kz/Document/?doc_id=34464437&pos=0;8#pos=0;8&sdoc_params

Novye vozmozhnosti razvitiya v usloviyah chetvertoj promyshlennoj revolyucii [New development opportunities in the context of the fourth industrial revolution] // <https://adilet.zan.kz/rus/docs/K1800002018>

Antikor vyyavil seryoznye korrupcionnye riski v sfere zdavoohraneniya RK [Anti-corruption identified serious corruption risks in the healthcare sector of the Republic of Kazakhstan] // <https://forbes.kz/articles/antikor-vyyavil-sereznye-korrupcionnye-riski-vsphere-dravoohraneniya-rk>

Zakon Respubliki Kazahstan «O nacionalnoj bezopasnosti Respubliki Kazahstan (s izmeneniyami i dopolneniyami po sostoyaniyu na 05.01.2024 g.) [Law of the Republic of Kazakhstan “On National Security of the Republic of Kazakhstan (with amendments and additions as of 05.01.2024)]// https://online.zakon.kz/Document/?doc_id=31106860&pos=3;-106#pos=3;-106

Bajmakhanov M.T. O roli monitoringa v sovershenstvovanii normotvorchestva [On the role of monitoring in improving rule-making] // Kazakstandagy parlamentarizm, 2008, №1 (1). – S.53-59.

Salimgerej A.A. Soblyudenie nacionalnykh interesov Respubliki Kazahstan pri podgotovke, prinyatii i ispolnenii normativnykh pravovykh aktov [Compliance with the national interests of the Republic of Kazakhstan in the preparation, adoption and implementation of regulatory legal acts] // Vestnik KazNU imeni al-Farabi. Zah seriyasy. №3 (103). 2022g.

Koncepciya pravovoj politiki Respubliki Kazahstan do 2030 goda// utverzhdena Ukazom Prezidenta Respubliki Kazahstan ot 15 oktyabrya 2021 goda № 674 [The Concept of Legal Policy of the Republic of Kazakhstan until 2030// approved by the Decree of the President of the Republic of Kazakhstan dated October 15, 2021 No. 674] // https://online.zakon.kz/Document/?doc_id=39401807#sdoc_params=text%3d%25d0%259a

Metodologicheskie osnovy obespecheniya nacionalnoj bezopasnosti Respubliki Kazahstan: sistemnyj podhod: Monografiya [Methodological Foundations for Ensuring National Security of the Republic of Kazakhstan: A Systems Approach: Monograph] / Pod obsh. Red.V.V. Mamonova. – Almaty: Akademiya KNB Respubliki Kazahstan, 2020. – 128 s.

Information about author:

Isabekov Akylbek Kashkinovich (correspondent authors) – candidate of Law, associate professor Department of Theory and History of State and Law, Constitutional and Administrative Law, Faculty of Law, Leading researcher at the G.S. Sapargaliev Institute of State and Law, Al-Farabi Kazakh National University (Kazakhstan, Almaty c., e-mail: akil_09@mail.ru)

Автор туралы ақпарат:

Исабеков Акылбек Каиқынович (корреспондент авторы) – заң ғылымдарының кандидаты, әл-Фараби атындағы ҚазҰУ-дың мемлекет және құқық теориясы мен тарихы, конституциялық және әкімшілік құқық кафедрасы доценті, Г.С. Сапарғалиев атындағы Мемлекет және құқық институты жетекшісі зерттеушісі, (Қазақстан, Алматы қ., e-mail: akil_09@mail.ru)

Previously sent (in English): June 6, 2024.

Accepted: August 25, 2024.