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**ABOUT GENESIS AND STAGES  
OF DEVELOPMENT OF THE INSTITUTE OF STATE SERVICE  
OF THE REPUBLIC OF KAZAKHSTAN**

The article gives the genesis, formation and development stages of the Institute of state service in the Republic of Kazakhstan, as well as the concept of public service in various aspects. The importance and role of public service as a public-legal institution, providing socio-economic and political changes in the country, constantly increases in connection with the formation of a new state in Kazakhstan. Public service is the actual strategic part of achieving public policy objectives. The formation of an effective system of state power in the republic, corresponding to the standards of the rule of law, is continuously associated with the development of the institution of public service. The article analyzes the formation and peculiarities of the civil service institution in some states of the Anglo-Saxon and Romano-German legal systems. Also discusses the regulatory framework of the Republic of Kazakhstan in the sphere of public service, which is an important tool for defining activities, establishing the legal status of civil servants and other key components of this legal Institute. Feature of the work is that the authors give a detailed analysis of the stages of formation and development of public service, as a professional activity to ensure the implementation of public functions, a key element of the functional component of the mechanism of public administration. In conclusion, the authors note the importance of public service as a political institution aimed at improving public administration, in order to strengthen the sovereign state and the development of civil society.

**Key words:** public service, development stages, the mechanism of public administration, the practice of foreign countries, the legal institution.

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**Қазақстан Республикасының мемлекеттік қызмет институтының  
генезисі мен даму кезеңдері жайында**

Мақалада Қазақстан Республикасындағы мемлекеттік қызмет институтының генезисі, қалыптасуы және даму кезеңдері, сондай-ақ мемлекеттік қызметтің түрлі аспектілердегі түсінігі қарастырылады. Қазақстанда жаңа мемлекеттіліктің пайда болуына байланысты мемлекеттегі әлеуметтік-экономикалық және саяси өзгерістерді қамтамасыз ететін жария-құқықтық институт ретінде мемлекеттік қызметтің маңызы мен рөлі үнемі өсіп келеді. Мемлекеттік қызмет мемлекеттік саясаттың мақсаттарына қол жеткізудің нақты стратегиялық бөлігі болып табылады. Республикадағы мемлекеттік биліктің тиімді жүйесін қалыптастыру, заң үстемдігінің стандарттарына сәйкес, мемлекеттік қызмет институтын дамытумен үнемі байланысты. Жұмыста англо-саксондық және роман-германдық құқықтық жүйелердегі кейбір мемлекеттердің мемлекеттік қызмет институтының қалыптасуы мен ерекшеліктері талданған. Сонымен қатар, мемлекеттік қызметшілердің құқықтық мәртебесін және аталған құқықтық институттың өзге негізгі компоненттерін айқындайтын, қызметті анықтаудың маңызды құралы болып табылатын мемлекеттік қызмет саласындағы Қазақстан Республикасының нормативтік-құқықтық базасы

қарастырылған. Жұмыстың ерекшелігі болып авторлардың мемлекеттік басқару механизмінің функционалды құраушы элементі, мемлекеттік функцияларды жүзеге асыруды қамтамасыз ету бойынша кәсіби қызмет ретіндегі мемлекеттік қызметтің қалыптасу және даму кезеңдеріне егжей-тегжейлі талдау жасаулары табылады. Қорытындылай келе, авторлар азаматтық қоғамның дамуы мен егеменді мемлекеттің нығаюы мақсатында мемлекеттік басқаруды жетілдіруге бағытталған саяси институт ретіндегі мемлекеттік қызметтің маңызын атап өтеді.

**Түйін сөздер:** мемлекеттік қызмет, даму кезеңдері, мемлекеттік басқару механизмі, шет елдер тәжірибесі, құқықтық институт.

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### **О генезисе и этапах развития института государственной службы Республики Казахстан**

В статье рассматриваются генезис, становление и этапы развития института государственной службы в Республике Казахстан, а также понятие государственной службы в разных аспектах. Значение и роль государственной службы как общественно-правового института, обеспечивающего социально-экономические и политические изменения в стране, постоянно возрастают в связи со становлением новой государственности в Казахстане. Государственная служба является актуальной стратегической составной частью достижения целей государственной политики. Формирование действенной системы государственной власти в республике, соответствующей стандартам правового государства, непрерывно связано с развитием института государственной службы. В работе проанализированы становление и особенности государственной службы в некоторых государствах англосаксонской и романо-германской правовых систем. Кроме того, рассматривается нормативно-правовая база Республики Казахстан в сфере государственной службы, которая является важным инструментом определения деятельности, установления правового статуса государственных служащих, а также иных основных компонентов данного правового института. Особенностью работы является то, что авторы дают подробный анализ этапов становления и развития государственной службы как профессиональной деятельности по обеспечению осуществления государственных функций, ключевого элемента функциональной составляющей механизма государственного управления. В заключение авторы отмечают важность государственной службы как политического института, направленного на совершенствование государственного управления, в целях укрепления суверенного государства и развития гражданского общества.

**Ключевые слова:** государственная служба, этапы развития, механизм государственного управления, практика зарубежных стран, правовой институт.

### **Introduction**

In Kazakhstan with the emergence of a new statehood, as in a public law institution, the importance and role of the public service in the social and economic and political transformations have been steadily increasing. The public service is a key element in achieving the goals of government in the state politics. Formation of an effective system of state power in the Republic, corresponding legal standards of a state is directly related to the development of the public service in the Institute. The President's Address to the Nation «Kazakhstan – 2030». The process, security and prosperity of all Kazakhstanis has not marked by chance that “the professional state” is considered as one of the most important. “Our task is to create a modern, effective system and structure of public service, which is

optimal for the market economy in Kazakhstan, to form the government and the state, which can comprehensively protect state interests. Despite the appearance and the position, it is necessary to fight against corruption. The control cabinet must be cleaned and updated. A new type of officials should be a patriot and a fair, honest and professionally trained servant of his nation. Achieving and maintaining the prestige of the public service is a strategic task that we must solve in the coming years» (Kazakhstan – 2030).

In addition, President Nursultan Nazarbayev's Address to the Nation “Strategy Kazakhstan-2050” is a new political direction of the established state. “We have a task to form a professional state apparatus for serving the people and the state above all. We need to improve qualitative improvement through the selection of public

service personnel and introduction of advanced training methods. From now on, a public servant will move step by step through a career ladder from one stage of the hierarchy to another improving his skills and increasing his professional level. An exception should be given for those who exceed the set indicators and those who have shown their effectiveness and who have achieved high results. Particular attention should be paid to improving the quality of public services. The task is to get rid of unilateral approaches in the interaction of the state apparatus with the people and to move citizens to effective and prompt rendering of public services. We must liberalize the independence of public institutions by freeing government agencies from their inherent functions” (Қазақстан – 2050).

*Theoretical and methodological base of the research.* During the writing of this work, general research methods were used: analysis, synthesis, dialectical, historical, structural-functional, sociological, statistical and and so on. In the work there are concrete scientific methods: legal grounding, regularity, functional and comparative-legal analysis.

## Discussion

Public service is the main attribute of each country's development stage and one of the main institutions of the state. In Kazakhstan, as in any other country, it is based on world practice, but it has its own model of public service, with its distinctive features and structure. First of all, it depends on the historical experience of our country, national traditions, the existing legal system in our country, etc. Public service is a complicated state-legal category, which is closely linked to the state, its tasks, its role and place in the life of society. That's why it is important to study the actual issues of public service in our country. Issues of state service have been studied so far. It is well-known scientists Yu.M. Kozlov, V.M. Manokhin, Yu.N. Starilov, A.P. Alekhin, A. Obolonskiy, V. Pronkin, O.E. Petrunina and others.

As a theoretical and methodological basis of this work there were considered works of well-known attorneys as G.S. Sapargaliev, V.N. Uvarov, E. Bayanov, A.M. Baimenov, I.P. Krepak, A.K. Ishmukhamedova, Ye.E. Duysenov, A.A. Taranov, Z.K. Turisbekov and others. In particular, E.E. Duysenov in his thesis examines in detail the regulatory legal acts that regulate the activities of civil servants (Дуйсенов, 2003: 168), Zurich Turisbekov. gives a detailed analysis of topical

problems of improving the civil service in the Republic of Kazakhstan (Турисбеков, 2002: 47), Ishmukhamedova AK studies the legal framework for classifying the positions of civil servants of the Republic of Kazakhstan (Ишмухамедова, 2002: 172).

The public service is one of the main institutes of the state and has its own history of character.

The President highlighted the importance of the state system in the system of public services, which is in the same line with the new legislative and institutional framework of the state service. In this context, the creation and functional aspects of the public services are not just for the professionals in the state governance, but also for the broad public.

As a matter of fact, in Kazakhstan, as in any other country, it is essentially based on universal practice, but has its own model of state with distinguishing features and structure. All in all, this is a historical tradition, national tradition, the right system in our country and so on. In this connection, the greatest interest is represented by the scientific-theoretical concept of the state service, as well as the current conceptual law in the republic in accordance with the current scientific-legal system. But researching the importance of the public service only on the basis of the internal normative legal basis of Kazakhstan is not right. So it is necessary to represent the history and development of the public service to fully understand the problem (Правовые проблемы реформирования государственной службы суверенного Казахстана, 2003: 3).

It should be noted that the concept of “public service” is different from the views and opinions of scientists.

So, in the editorial office of U.M. Kozlov in his book “Soviet Administrative Law” it is understood that any activity, which is carried out in state bodies and distinguishes the content and form of the work of the workers (Козлов, 1973: 98). Well, according to V. M. Manokhin, the concept, main features and tasks of the civil service can only be determined by disclosing the interconnection and interdependence of the public service with the tasks, functions (Манокхин, 1966: 102). In general, public service should be considered in two different ways: from the point of view of the normative legal regulation of scientific and theoretical and public-service legal relations. Accordingly, the theory of public service can be considered in social, political, social, legal, organizational and humanitarian aspects.

The public service is “as a public category – the professional realization of publicly-funded services by state-owned entities”.

In a political aspect it means: “Implementation of the state policy, activity in achieving public-political goals and objectives of the political and social forces in society and in the state.”

The social aspect is “in this sense the extent of the effectiveness of the public service, the experience and the way it functions.”

In the legal sense, public service is of great interest as an institution representing public-service relations, as well as a system of legal norms that defines the responsibilities, limitations, incentives, responsibilities, entry and exit, termination and other legal issues of public service. In this regard, it should be noted that “public service is a complex legal institute, which consists of norms of various branches of law and includes many small institutions”.

In the organizational aspect, public service is considered from the point of view of the functioning of the state machine, its organizational and procedural bases.

And in the human dimension, public service is understood from the point of view of culture and ethics of public service (Старилов, 1996: 115-116).

Thus, public service can be considered from different angles of scientific knowledge, public service is considered in broad and narrow meanings.

Public service in the “broad” meaning is the administration of public bodies, as well as the practice of practicing all persons who receive permanent or temporary jobs, including salaries from the state budget, including the bodies of state bodies, legislative, executive and judicial authorities. For example, A.P. Alekhin and Yu.M. Kozlov defines the “wide” meaning of public service as the implementation of his duties by public organizations: employees of state power bodies, institutions, enterprises and other organizations. And public service in the narrow sense is that employees carry out their duties only in public bodies (Алехин, 1995: 135-137).

Now, let’s briefly consider the different relationships between these states in matters of public service in France, Germany, Great Britain and China, as the attitude of these states to the understanding and content of public service is of great scientific and practical interest to our young state.

For example, “the essence of French public service is a closed and fully regulated system of administration that is characteristic of hierarchy and devotion to the state.”

This means that there is a concept of a closed public service in France with a career or some self-identification. First, the legal status of civil servants,

the special procedure for resolving labor disputes, additional restrictions on the worker, instead of material and moral compensation, etc. The legal status of a French career official, including issues, is largely governed by administrative law. Secondly, this concept is characteristic of shift of frames. Moreover, it is based on the understanding of public service as a service requiring the best of all the other specialties, exceptional human qualities and the full functioning of the state. In addition, it guarantees a stable and gradual growth of material security, reputation and benefits for a public servant to perform his duties honestly (Branban, 1988: 67).

It is difficult to define the size of the public sector in France due to the sheer number of types of public employers and personnel grades. For several years, all those involved have agreed on the different definitions of the public sector (Industrial relations in the public sector – France).

In France, the notion of a senior civil servant is a social rather than a legal one, and senior civil servants may be defined through their role as privileged partners of political power and participation in government decision-making; they are a heterogeneous group of senior managers of the state public administration, whose members share neither the same careers nor prestige nor professional culture, and regard themselves generally as intellectuals rather than as managers (Page, 2004: 124).

In comparison with France in Germany the legal status of the public service has been established in normative legal acts.

The legal status of certain categories of public servants is regulated by laws and regulations.

As mentioned in scientific work of the ex-Federal Minister of the Interior Thomas de Maizière «The public service in the Federal Republic of Germany is crucial to the functioning of our state. It also makes Germany an attractive place to conduct business and research. The public service is made up of people who are loyal and committed to their work» (Maizière, 2014: 3).

German law puts public employees into two classes, namely ordinary employees (Angestellte) and Beamte, making a distinction that does not exist in most other national bodies of law. The original idea was that whoever represents the state by doing official duties (hoheitliche Aufgaben), such as issuing official documents or making official decisions, should have a special kind of employment with the state (German Civil Service).

In addition to this, The civil service in Germany is divided into two parts. The greater part of employment relationships at the Federal, State and

commune level is based on civil law. These are the workers in the public service. Their relationship corresponds structurally to the right of employees in the private sector. The basis for that are the respective individual employment contracts and above all the collective agreements or wage agreements (Wolff, 2011: 2).

Also in the German state the principle of professional public service is established by the Constitution. This relationships constitute an integral part of the constitutional order, such as fundamental (constitutional) rights, with a specific structure of their responsibilities. In addition, the Basic Law guarantees the safeguarding of professional activities in Germany, with the provision that the exercise of authority should be handed over to public officials (Lassig, 2002:25).

Compared to other western countries, public service in the UK has its own peculiarities. First, in England, there is no institute of public or public service, it has the concept of “civil service” acts. This was due to the absence of a professional public service for a long time in the country, however, although there were ministries in the seventeenth century, their role was not so important. In this case, the service is considered as a challenge.

In the UK her Majesty’s Civil Service is responsible for the implementation of executive decisions of the Government and as such, it plays the key role in all segments of life including security. Civil servants support the Government in power but they are employees of the Crown and not the Parliament although the latter may call them on account (Civil Service in the UK), so most civil servants work in government departments and are therefore employed by Government Ministers.

Parliament is quite separate from the Crown so those who are employed by Parliament are also not civil servants.

And those employed by other public bodies -such as local authorities, the NHS the police service and the BBC – are also not civil servants. Indeed, only 1 in 12 UK public servants are classed as civil servants (Stanley, 2018).

Formation of a professional civil service in England began in 1854 by the well-known Norcot-Trevelyan report. In 1979 Margaret Thatcher began reforming public service in England. Its purpose is to introduce market mechanisms and incentives to civil service practice. The result of such reform is a lack of a unified wage norms in public service with uniform standards nowadays. The old structure has replaced many new structures, such as the conditions of labor relations, the conditions of remuneration,

the transition to the private sector, and also pensions and social security, etc. (Оболонский, 1996: 83).

Now, let’s look at the features of public service in China. This Asian country has an ancient history of the formation and development of public service. Therefore, the question of China’s public service is interesting to us in both theoretical and practical meanings (Пронкин, 2001: 223-224).

*Chinese civil service*, the administrative system of the traditional Chinese government. The Chinese civil-service system gave the Chinese empire stability for more than 2,000 years and provided one of the major outlets for social mobility in Chinese society. It later served as a model for the civil-service systems that developed in other Asian and Western countries (Chinese civil service). The members of the civil service are selected through competitive examination (Civil Service of the People’s Republic of China).

As agents of the state, civil servants play a central role in public governance and socioeconomic development (Wu, 2014: 4).

Civil servants are part of a system of established posts called *bianzhi*. The term is often translated as “establishment” and it refers to the number of established posts in a unit, office or organization. The *bianzhi* is formally controlled by the state, but in practice the Party is involved in setting *bianzhi* targets. The Party is especially interested in controlling and managing the leadership positions associated with *bianzhi* system at various levels (Brodsgaard, 2001: 12).

Chinese leaders are very much concerned with creating an efficient administrative system to strengthen the regime’s governing capacity. An important part of these efforts has been the continuous restructuring of the government and its administrative organs at local and central levels. The last major administrative reform took place in March 2008 when a number of new so-called “super ministries” were created (Brodsgaard, 2009: 7).

Comparative analysis has shown that in the Romano-German legal system works – a positional (transparent) system, and the Anglo-Saxon legal system.

The career system is a special procedure for accessing the public service, such as a probationary period, a special educational institution, etc. In this regard, a civil servant becomes a public servant and begins his career with a position of a special profession and corresponding salary.

It will grow with the official career growth of the official. For a servant, public service is long-term, and pension and social safeguards are governed by

applicable law. And in comparison with the career system, positional, in the open system, differs from that a civil servant in accordance with the requirements established by the state body for civil service affairs. In such a case, employment is not permanent and there is no service promotion.

Often there is a labor contract with the employee that deals with the legal status of both the employer and the employee. From the public service review system, we see that public service refers to the UK (Умбетбаева, 2012:43-44).

In scientific terms, the attitude of the CIS countries, including the Russian Federation, to the issues of public service is also interesting.

The public service in the Russian Federation also has its own distinctive features. Without researching the history of the formation of the Russian public service, it can be said that at present the institute is regulated by the legislation on the public service in the two-tier system, that is, the state service is regulated at the federal level and at the level of Federation subjects. Particularly, in the first case – the Constitution of the Russian Federation, the Federal Law “On the basis of public service in the Russian Federation” and other regulatory legal acts. In the second case, it is regulated by the constitution, laws and other regulatory legal acts of federation subjects. However, the Constitution of Russia does not say anything about the two-tiered civil service system.

By analyzing the problems of public service in Western countries and the Russian Federation, we can say that in these countries a great deal of attention is paid to public service. Each state, with its own peculiarities, considers the public service in two senses “broad” and “narrow”. Of course, we have not forfeited the analysis of the formation and functioning of civil service in different countries. Its main objective is to see the positive and negative effects of these countries on public service issues, as well as the achievement of a scientific understanding of public service in Kazakhstan, based on the analysis of national traditions and acting legislation.

Taking into account the aforementioned, we consider the public service in the Republic of Kazakhstan as “wide” and “narrow” as in most other countries. So, the “broad” meaning of the public service is the administration of public bodies, as well as the practical functions of all persons who receive permanent or temporary jobs, including salaries from the state budget, in public administration bodies, legislative, executive and judicial authorities.

In this case, non-public services are the activities of non-private institution’s employee’s service; they

are: state-owned educational institutions, health care institutions, science, culture centers, postal and telegraph, police and other services. And public service in the narrow sense is that employees carry out their duties only in public bodies. And this “narrower” sense means, it includes only political and administrative officials of the executive branch of central and local government, as well as some members of the Parliament, the Administration of the President (Байменов, 200: 6-8).

Thus, according to the Law of the Republic of Kazakhstan “On Public Service of the Republic of Kazakhstan” No. 416-V of November 23, 2015, the legislation on public service consists of the Constitution, the Law on Civil Service and other regulatory legal acts of the Republic of Kazakhstan. Thus, the Law of the Republic of Kazakhstan and the law-abiding acts adopted pursuant to it, determine the model of public service in the narrow sense, which is characterized by a number of features in Kazakhstan.

According to the law, the public service in the Republic of Kazakhstan is the activity of government officials in the public authorities in the exercise of office powers aimed at the realization of the tasks and functions of the state power.

This statutory definition of the concept of public service involves the identification of the key structural elements that make up this understanding, including the disclosure of the following categories of content: Corps A, switching, Corps B, qualification requirements, government official, official powers, career planning, public administrative officer, category of public administrative position, public service personnel reserve, civil servant, service ethics of civil servants, public office, state political officer, conflicts of interest, rotation, internships, counselor, temporary vacant post (Қазақстан Республикасының мемлекеттік қызметі туралы заңы).

The legislative concept of public service in the Republic of Kazakhstan is characterized by its “narrow” meaning in the state bodies, mainly in the three branches of power: the professional activity of legislators, executive and judicial bodies.

In general, civil service is a complicated state-legal category, which is closely related to the State, its responsibilities, its role and place in the life of society. The complexity and multidimensionality of the Institute of Public Service considerably attracted the attention of scientists-jurists, practitioners of state structures. Today, the issues of public service have found a legislative regulation in all post-Soviet republics. Such a wide range of interest is related

to a number of factors. At first, the first stage of the establishment of a sovereign state is to determine the essence of state bodies, objectivity of the state service and the functions of the state. Secondly, it is required to clarify the organization of the state machinery as a system of organs to perform the main tasks and functions of the state. Thirdly, the public service, as a part of the state organization, forms a self-organizing legal institution and, consequently, requires a regulatory legal regulation. Public relations regulated by this legal institute are substantial and varied in content, as public services are reflected and practiced in the public and private public-legal relationship.

There is a rather difficult and timely way of forming the concept of legal regulation of public service in our country.

At the first stage the issues of organization of public service in the republic were regulated by Soviet legislation. The main feature of the Soviet period is the absence of uniform Soviet legislation on public service. However, in the Soviet era, the issues of public service were not regulated, of course, would be unfair. Although there was no uniform Soviet law on public service, there were numerous regulatory acts in the USSR regulated by public service (Правовые проблемы реформирования государственной службы суверенного Казахстана, 2003: 53). But these acts were not systematized and personal. Therefore, in the legal literature of the Soviet era, concrete issues such as the objectives and basic principles of the Soviet civil service, the legal status of the position, the basic rights and duties of a civil servant, the measures of encouragement of civil servants, their responsibility for the abuse of business, the basics and the order of termination of state service, There have been several thoughts about the need to adopt a legislative act on public service (Манохин, 1998: 38). However, as mentioned above, there was no legislative act on public service in the Soviet period, and many relationships with this area were regulated by the general and national labor laws and by many acts of general and institutional subordinate normative law.

The second stage is a new stage in the formation of the legal basis of public service in Kazakhstan, which began with the acquisition of sovereignty. That is, on January 1, 1996, the Decree of the President of the Republic of Kazakhstan which has the force of law "On public service" has come into force. This was the first normative legal act, which defines the foundations of public service organization in the Republic of Kazakhstan, the legal status of civil servants.

The Presidential Decree, which has the force of law, has played a major role in the legal regulation of relations in the sphere of civil service. For the first time in the legislative practice of the Republic of Kazakhstan the principles of public service have been defined, including the principle of the rights, freedoms and legitimate interests of citizens in the interests of the state. According to the Decree, public service is professional activity of the citizens in the state bodies and their apparatus, aimed at the implementation of tasks and functions of the state and implementation of public administration. This normative act, along with the basic rights and obligations of civil servants, pays a special attention to the legal status of public servants with a range of restrictions on public service. According to the legislation, a public servant may not be a deputy, engage in entrepreneurial activity, use state-owned property and official information for personal purposes, participate in activities hindering the normal functioning of state bodies, including strikes, and performance of official duties, be subordinated or represented in the state body under his control; does not have the right to use the services provided by citizens and legal entities in connection with performance of their official powers for personal use.

Compared to the existing law on public service, it should be noted that, in contrast to the provisions of article 13 of the Decree, the new law explicitly and clearly reflects some provisions of this provision. For example, in accordance with the applicable law, person who is incapacitated or deemed to be legally incapacitated; person who is deprived of the right to hold public office within a certain period of time; when there is a disease which impedes performance of official powers in accordance with the conclusion of the medical institution in the cases when specific health requirements are set for the performance of the relevant services in the qualification requirements; refusal to accept restrictions established by law for himself in order to prevent possible actions that could lead to the use of his status and substantiated reputation in his personal, group and other non-business interests, within three years before entering the civil service, can not be admitted to disciplinary liability for corruption offenses, at that the person dismissed for corruption offense is not admitted to public service; administrative penalties for corruption offenses committed within three years prior to entering the public service; committed corruption offenses; has a conviction that was not reimbursed at the time of entry into the civil service or was not received in

the manner prescribed by law; released on grounds not previously convicted or brought to criminal responsibility for committing grave or especially serious crimes; did not conduct special checks on the issue of anti-corruption legislation; persons who committed a crime in an organized group, a criminal association, a transnational organized group, a transnational criminal community are not allowed. There are other grounds for refusing to register in the public service the prescribed laws.

Regarding the first normative act, it should be noted that the Decree on public service determines eight categories of civil servants, starting from the Prime Minister's position, ending with executive officials. A corresponding classification of the positions of civil servants was made to determine the purpose and place in the position of the state body.

One of the positive aspects of the first normative act of the civil service is the usage of method of selectio – competition for public service vacancies (state category). Massive introduction of competition for a vacant civil service position is an important step in the implementation of the constitutional norm – the right of citizens to equal access to public service.

At the same time, the Institute of Public Attestation Service was first introduced at the legislative level to assess the level of professionalism of civil servants to determine their profession and their prospects.

More complete legal regulation is the basis for the termination of the civil service, measures for the social protection of civil servants, questions of pension provision for civil servants and significant components of the civil service.

In addition to the aforementioned advantages of the first republican normative act of the presidential decree, which has the force of the law "On public service", practice has shown its shortcomings. First of all, the Decree was distributed at least to officials and other persons. The legal status of other officials is regulated by a number of normative acts, which led to non-compliance with a certain legal balance. And if this seems more justified for individuals in the constitutional bodies, there are some doubts about other officials. Thus, the scope of the legal act regulating relations related to the organization of the civil service has been reduced.

At the same time, some provisions and articles of the Decree on the civil service did not work at all. For example, the dismissal of the mayor (akim) was automatically rejected by the lower leaders. And the Kazakhstan experience of frequent transfer of the

head of the regional executive body can not have a negative impact on the course of local government. For example, surveys conducted by government officials to find out that legislation is "one of the key issues in servicing civil servants is that their careers have not been identified, especially when most employees change with new assignments".

The adoption of the new law on pensions also became an important basis for many articles of the Decree on Civil Service, as many of its provisions were contrary to pension legislation. It is also necessary to make changes and additions in connection with the adoption of a new labor law.

As for providing the personnel reserve for civil servants, it also did not find its development, since the legal basis for its formation was not fully understood.

These and other reasons have caused the need for regular reform of the civil service in the republic.

The third stage is the process of legal regulation of relations within the civil service, which, as is known, adopts a new law on public service, which must correspond to the existing political and legal reality. In our opinion, the main feature of the third stage is the adoption of a number of normative acts to ensure the smooth implementation of the Law in order to improve the effectiveness of the civil service at the same time with the adoption of the new Law on Public Service.

These are: the President of the Republic, the laws of the government, acts of the Agency for Civil Service. The most important of them are: Resolution of the President of the Republic of Kazakhstan of September 18, 1998 No. 4075 "On Further Measures to Improve the Training, Retraining and Advanced Training of Civil Servants", 29 December 2015 No. 152 "On Certain Issues of Civil Service", December 4, 2003, No. 1243 "On the Human Resources Reserve of the Civil Service", December 29, 2015, No. 153 "On the Improvement of Ethical Standards and the Conduct of Public Service "Decree of the President of the Republic of Kazakhstan, May 31, 2005 Decrees of the President of the Republic of Kazakhstan "On Measures for Further Improvement of Training, Retraining and Skills Upgrading of Public Officials of the Republic of Kazakhstan" and others.

Acts regulating public-service relations are decree of the Prime Minister of the Republic of Kazakhstan "On organization of advanced training of civil servants of the Republic of Kazakhstan" from December 3, 1999 №169, decree of the Government of the Republic of Kazakhstan "On Disciplinary Councils of the Oblasts, the cities of Astana and



Almaty” dated March 10, 1999 and also decree of the Government of the Republic of Kazakhstan from August 29, 2001 №1127 “On Approval of the Rules of Awarding, Material Assistance and Establishment of Amounts of Wages to Employees of the Authorities of the Republic of Kazakhstan at the expense of the State Budget”.

Thus, the Basic Law on Civil Service was supplemented by a significant list of normative and other acts aimed at ensuring comprehensive legal regulation (Умбетбаева, 2011: 67-70).

## Conclusion

Of course, these actions can not completely regulate all aspects of public relations. Because,

civil service reform is a serious complicated process that can be extended, as evidenced by the experience of the formation and development of public services in foreign countries. At the same time, it is necessary to adopt additional rules, such as the procedure for considering disputes in public service matters, possibly to identify and clarify the status of municipal employees, etc.

However, despite these circumstances, the problems of public service in the republic have changed dramatically. Of course, it is too early to claim that a Kazakhstani model of public service has appeared. Nevertheless, it is not exaggerating to say that the new model of the civil service began to work, because the adoption of the new Law on Public Service radically changed our country.

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