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THE NEW MANAGEMENT PRINCIPLES IN THE ACTIVITIES OF LAW ENFORCEMENT AGENCIES' SYSTEM OF THE REPUBLIC OF KAZAKHSTAN

This article is devoted to exploring of key issues while introducing of new management principles to the activities of law enforcement agencies of Kazakhstan. It is known that modernization of system of public administration is currently in progress in Kazakhstan. The new model of public service aims to introducing the principles of meritocracy, transparency, professionalism, efficiency and effectiveness. The main indicator of the activity of law enforcement system should be the citizens' high confidence. These principles of management are completely new and previously unknown to the law enforcement system of Kazakhstan.

This article is aimed at considering the prospects of introducing and functioning of new management principles in the activities of law enforcement agencies, in particularly, the prosecutor's office of the Republic of Kazakhstan.

The innovations in the management system of prosecutor's office are based on:

1) the comprehensive introduction of the principle of meritocracy in the issue of career advancement. It tools include: the creation of new pools in the promotion of prosecutors to key positions in the Prosecutor General's Office; the formation of a professional corps of prosecutors; more meticulous selection of candidates, etc.;

2) increasing of citizens' confidence;

3) introduction of project management in the work of public prosecutors;

4) total involvement of citizens in the maintenance of public order.

This article has a particular interest to civil servants, experts, scientists, government experts, political scientists, lawyers, teachers in the field of political science and public administration. The research results can be used while adoption of legislative acts on reforming of public administration.

Studies on management of government bodies, best practices of foreign countries and analysis of regulatory legal acts of foreign countries were explored; statistical data and sociological surveys were analyzed.

During the research the following results were obtained:

– In the activities of the law enforcement agencies of Kazakhstan the main focus should be given to the personnel policy;

– While reforming of management system the best practices of foreign countries should be taken into account.

– While reforming of law enforcement service the national culture, behavioral characteristics and the general conditions of the development of the state should be considered;

– The principle of personal responsibility of everyone should become a fundamental element of the structure of public service management;

– The functioning of the elements of project management in the system of law enforcement service would facilitate the establishment of teamwork and a focus on achieving the result.

Key words: management, meritocracy, state bodies, public administration, prosecution authorities, professionalism.

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Қазақстан Республикасы құқық қорғау қызметін басқарудың жаңа қағидалары

Бұл мақала Қазақстан Республикасы құқық қорғау органдарының қызметінде жаңа басқару принциптерін енгізудің өзекті мәселелерін зерттеуге арналған. Бүгінгі күні Қазақстанда мемлекеттік қызмет жаңғыртылып жатқаны белгілі. Мемлекеттік қызметтің жаңа моделі меритократия, ашықтық, кәсіпқойлық, тиімділік және нәтижелілік принциптерін енгізуге бағытталған. Құқық қорғау органдары жүйесі қызметінің негізгі көрсеткіші – азаматтардың жоғары сенімі болуы тиіс. Жоғарыда аталған басқару қағидалары Қазақстанның құқық қорғау қызметінде абсолютті жаңа және ертеректе белгісіз болып табылады.

Бұл мақала құқық қорғау органдарының, атап айтқанда, Қазақстан Республикасы прокуратурасының қызметінде жаңа басшылық қағидаларын енгізу және пайдалану перспективаларын қарастыруға бағытталған.

Прокуратура органдарының басқару жүйесіндегі жаңалықтары:

1) мансапты жоғарылату мәселесінде меритократия принципін жан-жақты енгізу. Оның құралдары: Бас прокуратурада басты лауазымдарға прокурорларды ілгерілету үшін жаңа пул құру; прокурорлардың кәсіби корпусын қалыптастыру; кандидаттарды неғұрлым мұқият таңдау және т.б.;

2) азаматтардың сенімін арттыру;

3) прокурорлардың жұмысына жобаны басқаруды енгізу;

4) азаматтардың қоғамдық тәртіпті қамтамасыз етуге толық қатысуы;

Бұл мақала мемлекеттік қызметшілердің, сарапшылардың, ғалымдардың, мемлекеттік сарапшылардың, саясаттанушылардың, заңгерлердің, саяси ғалымдар мен мемлекеттік басқару оқытушыларының үлкен қызығушылығын тудырады. Зерттеудің нәтижелері мемлекеттік басқаруды реформалау туралы заңнамалық актілерді әзірлеу кезінде қолданылуы мүмкін.

Автор мемлекеттік органдардың қызметін басқару, шетел мемлекеттерінің озық тәжірибелері, шет елдердің нормативтік құқықтық актілеріне талдау жасау саласындағы жұмыстарды зерттеді.

Ғылыми мақаланы жазу барысында келесі ғылыми нәтижелер алынды:

– Қазақстан Республикасының құқық қорғау органы қызметінде жаңа басқару қағидаларын енгізу кезінде кадр саясатына басымдық беру қажет;

– Қазақстан Республикасындағы құқық қорғау қызметін басқару жүйесін реформалау барысында шетел мемлекеттерінің озық тәжірибесін ескеру қажет;

– Құқық қорғау қызметіне, ұлттық мәдениетке, мінез-құлық сипатына және ел дамуының негізгі шарттарын реформалау кезінде назарға алынуы тиіс;

– Әркімнің жеке жауапкершілігі принципі басқару құрылымының негізгі элементі болуы керек;

– Құқық қорғау жүйесіндегі жобаларды басқару элементтерінің жұмыс істеуі бірлескен жұмыстың қалыптасуына және нәтижелерге қол жеткізуге бағытталатын болады.

Түйін сөздер: менеджмент, «меритократия, «мемлекеттік органдар, мемлекеттік басқару, прокуратура органдары, кәсібилік», күзірет».

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Новые принципы менеджмента в деятельности системы правоохранительной службы Республики Казахстан

Настоящая статья посвящена исследованию актуальных вопросов внедрения новых принципов менеджмента в деятельность правоохранительных органов Республики Казахстан. Известно, что сегодня в Казахстане проводится модернизация работы государственной службы. Новая модель государственной службы нацелена на внедрение принципов меритократии, транспарентности,

профессионализма, эффективности и результативности. Основным показателем деятельности системы правоохранительной службы должно стать высокое доверие граждан. Перечисленные принципы менеджмента являются абсолютно новыми и ранее неизвестными правоохранительной службе Казахстана.

Настоящая статья нацелена на рассмотрение перспективы внедрения и функционирования новых принципов менеджмента в деятельности правоохранительных органов, в частности органов прокуратуры Республики Казахстан.

Нововведения в системе менеджмента органов прокуратуры основываются на:

1) всестороннем внедрении принципа меритократии в вопросе карьерного продвижения. К его инструментам можно отнести – создание новых пулов при продвижении прокуроров на ключевые должности в Генеральной прокуратуре; формирование профессионального корпуса прокуроров; более тщательный кадровый отбор кандидатов и пр.;

2) повышение доверия граждан;

3) внедрении проектного менеджмента в работу прокуроров;

4) всецелое вовлечение граждан в обеспечение общественного порядка.

Данная статья представляет широкий интерес для государственных служащих, экспертов, ученых, государствоведов, политологов, юристов, преподавателей в области политологии, государственного управления. Результаты исследования могут быть использованы при разработке законодательных актов по реформированию государственного управления.

Автором были изучены труды в области менеджмента деятельности государственных органов, передовой опыт зарубежных стран, проведен анализ нормативных правовых актов зарубежных стран.

В ходе написания научной статьи были получены следующие научные результаты:

– при внедрении новых принципов менеджмента в деятельность правоохранительной службы Республики Казахстан основное внимание необходимо акцентировать на кадровой политике;

– в ходе реформирования системы менеджмента правоохранительной службы Республики Казахстан необходимо учитывать передовой опыт зарубежных стран;

– при проведении реформирования деятельности системы правоохранительной службы должна быть учтена национальная культура, поведенческие характеристики и основные условия развития страны;

– принцип личной ответственности каждого должен стать основополагающим элементом структуры менеджмента;

– функционирование элементов проектного менеджмента в системе правоохранительной службы способствовало бы установлению командной работы и нацеленности на достижении результата.

Ключевые слова: менеджмент, меритократия, государственные органы, государственное управление, органы прокуратуры, профессионализм, компетенция.

Kazakhstan strives to improve the work of the public service system and its modernization. The modernization process is also aimed at reforming of the activities of the Kazakhstan law enforcement system. Since it is «law enforcement agencies that are responsible for building a rule of law in Kazakhstan, observance of the rule of law in the country, observance of the rights and freedoms of citizens» (Ibraeva, 2016). Currently, the level of legal culture in the law enforcement service is really low. Professor Ibraeva A.S. believes that the activities of law enforcement agencies need a qualitative and systematic improvement. And here it is important to raise the level of legal culture of the law enforcement system as a whole (Ibrayeva, 2015).

According to sociological survey conducted by the Kazakhstan Institute for Strategic Studies, one of the main mechanisms for recruiting of personnel for Kazakhstani authorities consist of family or friendly

relations (54.2%). According to the public opinion, the vacant a place in the public service can be obtained through professionalism (47.6%), and also by «purchasing» a position (41.1%) (Mukhataeva, 2014).

We would like to briefly specify the problems and challenges that are taking place today in the system of law enforcement agencies of the Republic of Kazakhstan. They are «ineffective management, inefficient personnel management system, low level of citizens' confidence to their work, lack of professionalism in the activities of law enforcement officers, low competitiveness of employees, «closeness» and inaccessibility of law enforcement agencies and prosecutors to public, and the Mass Media, the use of «outdated» methods in their work, lack of feedback with the population, etc. «(Ibrayeva, 2016) [4].

We suppose that it is necessary to refer to the experience of progressive foreign countries, such as

the USA, Singapore, Germany, Great Britain, and Poland.

In order to solve existing problems in Kazakhstan, a number of legislative acts were adopted in Kazakhstan:

- Law as of 23 November 2015 «On public service of the Republic of Kazakhstan»;
- Decree of the President as of December 31, 2013 «On measures for the further development of the law enforcement system of the Republic of Kazakhstan»;
- Decree of the President as of August 17, 2010 «On measures to improve the effectiveness of law enforcement and the judicial system in the Republic of Kazakhstan»;
- The Message from the Head of State to the people of Kazakhstan as of December 14, 2012 «The Strategy» Kazakhstan-2050 «: a new political course of the state».

Generally, the task on reforming of the activities of law enforcement agencies was considered in the «Strategy-Kazakhstan-2050».

Hereinafter, for the purposes of modernization of system of law enforcement service of Kazakhstan, the State program on modernization of law-enforcement system of the Republic of Kazakhstan for 2014-2020 was adopted. Within the program, one of the main tasks is reforming of personnel policy of the entire law enforcement service. The main principles of personnel reform should be the *continuity of the experience gained, mobility, efficiency on the basis of innovative personnel technologies*.

In the new Law «On Public Service» adopted in 2015, the basic principles of the civil service were stated – efficiency, effectiveness, transparency in the activities of state bodies, professionalism, meritocracy, personal responsibility for failure to perform or improper performance of official duties.

Another innovation of the Law is the introduction of competitive selection for admission to the civil service, the creation of a new class of managers (corps «A» managers, corps «B» managers), the active application of the principle of meritocracy. The principle of meritocracy is defined as recognition of personal merits and achievements of a civil servant, his promotion in the civil service in accordance with his abilities and professional training.

It is known that the management of personnel is the basis for effective management of any organization (state, non-state, law enforcement).

In this regard, the State Program for the Modernization of the Law Enforcement System draws its main attention to improving the personnel policy of law enforcement agencies.

Strengthening of personnel policy is one of the innovations introduced in the activities of law enforcement agencies. It is assumed that the personnel policy of law enforcement agencies will also be based on the principles of *meritocracy, transparency, responsibility and prospects*.

New principles of management

- **Meritocracy** in this context is defined as providing of equal access to the employment of vacant positions in accordance with the level of professional competence.

In particular, the principle of meritocracy will serve as a basis for competitive selection for vacant positions in law enforcement agencies. The principle of meritocracy will be implemented with the introduction of a new system of «integral index of competitiveness». The essence of the new system of the «integral indicator of competitiveness» is that all the achievements of each employee (education, qualifications, work experience, awards, merits and achievements) will have a numerical significance. They will assess the *real achievements of each employee and its potential*. The new system will allow defining clear benchmarks for increasing of competitiveness of each law enforcement officer.

- *Publicity* – transparency of appointment procedures, competitive approach to the selection and promotion of personnel.

- *Responsibility* – performance by an employee of obligations to ensure the quality and effectiveness of their professional activities.

- *Perspective* – forecasting of the personnel situation.

In fact, the implementation of these principles will improve the management in the activities of law enforcement agencies. Since the final result of the functioning of the entire system of law enforcement agencies of the Republic of Kazakhstan depends on the work of even one employee.

It is known that in the developed Western and Asian states apply different models of public service. However, they all have one thing – they are all created on the basis of meritocracy principles «merit system» (Smagulov, 2017).

According to the American school of management, the principle of meritocracy should «be present in the universities, business structures, government bodies. If this principle is not observed, this assumes a sociological and moral absurdity, because a society that has its best people at the head of its leading institutions positively influences on the development of the country. As a result, the principle of meritocracy is recognized

as a new principle of governing the society «(Bell, 1979).

The «merit system» started to apply in the USA with the adoption of the «Pendleton Act» in 1883, which allowed limiting the practice of «spoils system» (the transfer of federal posts to supporters of the party that won elections). Now the candidates were selected according to their competence, regardless of party membership, race, color, religion, national origin, gender, marital status and age. Applicants passed a competitive examination, which is practical in nature and makes it possible to identify abilities for a particular service. In the selection of personnel, no recommendations from the senator or a member of the House should be taken into account (Mukhataeva, 2014).

According to the English School of Management passing of the exams (lawyers, doctors) by a profession facilitated the transition of many people from a laboring specialties into the middle class.

According to the Singaporean School of Management, the recruitment to the public service is made based on the principle of meritocracy. It is based on the honesty, recruiting of the most capable specialists and anti-corruption discipline (Mukhataeva, 2014) [3].

According to international practice, the principle of meritocracy is regarded as recognition of merit, when the labor of a person, a civil servant is considered and opens up opportunities for his professional, career and social growth. In meritocracy, the most worthy, moral, competent, talented and hard-working people come to the civil service.

According to Temirbekov et al. (2017) «meritocracy is a social lift for any citizen of the state. In international practice, meritocracy is already the norm of corporate culture and a condition for the effectiveness of the state apparatus» [7].

It is no wonder that the system of meritocracy is aimed at eradicating of negative phenomena while entering the civil service, such as material and social status in the society, acquaintances, friendly or kinship ties, etc., which are the elements of the patronage system. The perniciousness of the patronage system is that it forms certain barriers that hinder the effective development of the civil service.

According to Ani Matei et al. (2015) «the principle of meritocracy is more effective while application in the management system» [8].

Innovations in the management of Public Prosecutors bodies

Among the innovations in the management system of the prosecutor's office are the following:

1) Comprehensive implementation of the principle of meritocracy in the issue of career advancement.

The instruments of meritocracy include:

- creation of new pools for the promotion of prosecutors to key positions in the Prosecutor General's Office;
- formation of a professional corps of prosecutors;
- more careful selection of candidates. Today, prosecutors are tasked to hire the best graduates of law institutes and other specialized universities, as well as the most experienced and competent employees of other law enforcement agencies with high moral and personal qualities. «Qualified specialists have a higher legal culture» (Ibraeva, 2016) [9].

Since 2016, the procedure for primary admission to the prosecutor's office has been divided into two parts – selection (collection of documents, testing, special testing, medical examination and polygraph examination) and a competition (internship and interview).

This procedure will allow to recruit the most qualified personnel, the most worthy and best, to the prosecution service. Thus, up to date, 64 candidates have already been appointed in Kazakhstan, having passed new selection mechanisms. To prove that they are the best, each of them had to pass a contest, which was 20 applicants for one seat. Selected candidates are talented, educated people, with an active civic position, with leadership qualities and experience in social projects.

In general, the application of the principle of meritocracy in the matter of personnel promotion in the system of the prosecutor's office will allow recognizing a worthy candidate and exclude the possibility for managers to accept their «own» candidates.

2) Enhancement of citizens' confidence;

The confidence of citizens is a unique key on the way to the formation of an open society. If citizens have confidence in the work of the prosecution authorities, their work can be assessed and functioning of the whole prosecution system can be tracked.

To this end, since 2017 in Kazakhstan, the practice of conducting video reports of department heads, regional prosecutors, city and district prosecutors has been introduced. Video reports will be posted on the web portals of the Prosecutor's Office, where the concrete results of the work for the past period (half year, year), as well as unresolved issues and forthcoming activities will be reflected.

Work aimed at the result will lead to more effective work of the prosecution authorities.

In order to increase the confidence of citizens, since 2016, the employees of the prosecutor's offices conducted explanatory work for the population. For example, in 2016 in Aktyubinsk region a large-scale explanatory work was carried out for citizens, including more than 2.6 thousand events in 7 directions. Clarification was conducted in all spheres of public life (employment, obtaining loans / subsidies, benefits, education, medicine).

3) Introduction of project management in the system of work of prosecutors;

Thus, in the activities of the prosecutor's office, project management is being implemented in supervisory activities, which allows you to systematically plan and implement projects, optimizing the costs of time, financial and human resources. The implementation of projects based on project management has made it possible to achieve concrete results.

In general, the functioning of the elements of project management in the law enforcement service would facilitate the establishment of teamwork and a focus on achieving results.

4) *the full involvement of citizens in ensuring public order;*

In Kazakhstan, the low level of involvement of citizens in the process of ensuring public order.

This is facilitated by a low level of communication with the population.

Therefore, when implementing new management principles in the activities of the law enforcement service of the Republic of Kazakhstan, emphasis should be placed on personnel policy.

It is also more necessary to study the best practices of foreign countries. Important factors affecting the productivity of management system reform are such facts as national culture, behavioral characteristics and the main conditions for the development of the country.

Conclusion

The introduction of new management principles into the activities of law enforcement bodies of the Republic of Kazakhstan is fraught with many difficulties. The reform carried out in Kazakhstan is aimed at increasing the effectiveness of public service and the competitiveness of the public administration system, as well as creating a management structure that would be optimal for a market economy.

Announced innovations, one way or another, affect all spheres of public life in Kazakhstan. However, first of all, they will affect the change of the management system in the activity of the law enforcement service of the Republic of Kazakhstan.

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