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**IMPROVEMENT OF THE SYSTEM OF AVAILABILITY
OF STATE SERVICES IN THE REPUBLIC OF KAZAKHSTAN**

In this article legal development of system of the state services in the Republic of Kazakhstan and foreign countries taking into account the existing provisions, transformations and the taken measures of regulatory impact on system of availability of the state services that allowed to formulate recommendations about improvement of the legislation in the field is considered.

Key words: state services, legal regulation, public administration, public service, legislation.

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**Қазақстан Республикасында
мемлекеттік қызмет көрсету жүйесін жетілдіру**

Осы мақалада Қазақстан Республикасы меншет елдердің мемлекеттік қызметтерінің құқықтық даму жүйесінің қалыпты күйі мен енгізілген өзгерістер арқылы заңнаманың жетілдіруіне осы салада ұсыныстардың құрылуына әсер ететіні қаралған.

Түйін сөздер: инновация, инновациялық саясат, құқықтық реттеу, заңнама.

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**Совершенствование системы доступности государственных услуг
в Республике Казахстан**

В данной статье рассматривается правовое развитие системы государственных услуг в Республике Казахстан и зарубежных странах с учетом существующих положений, преобразований и принятых мер регулятивного воздействия на систему доступности государственных услуг, что позволило сформулировать рекомендации по совершенствованию законодательства в данной области.

Ключевые слова: инновация, инновационная политика, правовое регулирование, законодательство.

One of priorities of modernization of public administration in Kazakhstan achievement of quality of public services seems. The term «public service» rather was included recently into a turn of jurisprudence and the legislation. In Kazakhstan, as well as in Russia, they are connected with carrying out administrative reform while in many developed foreign countries public services act as one of the main forms of relationship between physical, legal persons and public authorities.

As L.K. Tereshchenko notes, entry of the term «public services» into our life is not a craze, not simple copying of foreign experience: behind it there are ... much deeper reasons connected with change of a role and problems of the state in society with the statement of new values and priorities. [1, p. 15].

A. Danilin offers the following definition: public service is the standardly fixed service rendered by public authorities to citizens, business or other public authorities. [2, p. 24].

For other researchers public service differs in nothing from private services, that is for them definition of the dictionary of S.I. Ojegov, the action bringing benefit, the help to another is right. [3, p. 128]. However nevertheless, probably, it would be wrong to identify these concepts. Even in the name they can be carried out essential difference, i.e. they point to communication with the state, a possibility of their granting to the last. L.K. Tereshchenko emphasizes, public service, first of all, characterizes the subject rendering service: these are always public authorities. The author differentiates the public and public services, considering that the second term – wider according to the contents. Both the state, and non-state structures, but the main thing can render public services that unites them, is an interest of society in their performance, public interest, the social importance [1, p. 16].

From the point of view of the scientist-civilian S.K. Idrysheva, the link between the public and public services can be considered category “public interest” under which the vital condition of the individual, social group and all society based on the law and protected by the state. She warns against mixture of the concepts “public interest” and “public nature of activity of the subject” of private law with the concept “public interest” of public law and also with the term “public services” which performer is the state represented by his authorized bodies. According to her, abstract public interests don’t exist, public interests grow from set of private interests. Establishing obligatory rules of conduct for protection of set of private interests, the state

thereby also shows interest, and then public interest coincides with the state interest. [5, p. 110-111].

N.V. Kiselyova comes to a conclusion that the public service as an object of administrative law represents the expedient and demanding without fail legal regulation activity of public authority or other subject to which the right to render services on behalf of body of the state, other subject directed to achievement of advantage and consisting in granting such material and non-material benefits to the consumer, available, appropriate quality which centralized granting and safety there is a general (public) interest is delegated. [6, p. 16-17].

According to Morozova E.V., the public service takes place where in satisfaction of interest private there is a public interest. Combining personal, public and state interests, this category relies on dialectic unity of the personality, society and state. The public service is considered by her as “the purposeful activities for satisfaction of the rights and legitimate interests and also execution of some obligations of the natural or legal entity initiating it expressed in rules of law, guaranteed by the state. [7, p.9]. According to the Law of the Republic of Kazakhstan “About public services”, public service – one of the forms of realization of the separate state functions which are carried out in an individual order according to the address of uslugopoluchatel and directed to realization of their rights, freedoms and legitimate interests, granting the corresponding material or non-material benefits to them [8].

A.E. Shastitko defines public services as the individualized benefits provided by state governing bodies to citizens and the organizations, as a rule, in physical shape of services. Within empirical approach public services are called the services provided by executive authorities and their institutions at direct interaction with citizens. According to theoretical approach, public it considers services which have properties of the private benefits, but are directly accompanied by the specification and protection of the property rights of individuals. He notes that in economic sense the state provides the services which are public benefits. In legal sense of the benefit don’t get to category of services as the public contract doesn’t act as a contract form in the legal plan containing a promise with legally significant consequences at their non-performance. Definition of the list of public services – a consequence of identification of a necessary set of the state functions and allocation of excess functions, and so, and services [9, p. 155].

Thus, among the Russian scientists there were two main approaches to a concept of public services,

their ratio with public services. Representatives of the first approach identify these concepts, that is consider public services as broad category as the activity which is carried out by various subjects (public authorities, the state organizations, private legal entities, citizens). The second group of scientists proceeds from differentiation of these concepts. They connect public services only with activity of public authorities, and public services are different subjects for the benefit of all society.

The following signs of public services are given in literature:

- 1) they provide activity of valid orientation;
- 2) have an unlimited circle of the subjects using them;
- 3) are carried out or body of the state and municipal authority, or other subject;
- 4) are based both on public, and on a private property [10, p. 5].

L.K. Tereshchenko writes that the first two signs are characteristic not only for public, but also of public services, two other signs are broader, than signs of public services. The last, fourth sign, in his opinion, isn't independent and is derivative of the third sign as if public services are made by body of the state and municipal authority or other subject, then it is obvious that rendering public services can be based on any form of ownership. The first of the given signs shows existence of public interest in implementation of such activity and allows to draw a conclusion that irrespective of the fact which the subject (public authority, municipal body, the non-state organization) in each case carries out them, the public power is obliged to provide their execution. If there were no persons interested to render in the private sector a certain sort public services, or it for certain reasons not in power to the private organization, then the public, municipal authority is obliged to undertake performance of such service which social importance demands her performance. For example, garbage removal, waste, water supply, other similar public services have to be rendered irrespective of existence of interest of these or those subjects. If there is no interest, then the body of the public power is obliged to create such interest or just to undertake performance of public service. Thus, the sphere of socially significant services has to be in a zone of attention of the public power irrespective of subjects, them rendering [1, p. 17].

Mark out also other signs of public services:

- it is always the set of actions or activity directed to satisfaction of such needs of the person which are of public interest;

- existence of the certain result which doesn't have material expression, but being consumer value;
- existence of interaction with public authority;
- prevalence of public regulation of the relations arising in connection with their rendering;
- the subject, the recipient of services, the specific, certain and interested in their receiving person (or, in some cases, acting on behalf of the interested person), i.e. the individual nature of providing service [6., p. 8-14].

Actually the first of the called signs means the same context, as the first sign which is marked out by E. Talapina and Yu. Tikhomirov. The third sign, though is in the same row with the third sign of the specified authors, nevertheless isn't completely identical since in the first case it is about subjects of rendering service, and in the second case – about the nature of standard and legal regulation of the relations arising in this regard.

According to the Federal law of the Russian Federation No. 210-FZ “About the organization of providing the public and municipal services”, the public service provided by federal executive authority, body of state non-budgetary fund, executive body of the government of the territorial subject of the Russian Federation and also local government at implementation of the separate state powers delegated by federal laws and laws of territorial subjects of the Russian Federation, ... – activities for realization of functions according to federal executive authority, state non-budgetary fund, executive body of the government of the territorial subject of the Russian Federation and also local government at implementation of the separate state powers delegated by federal laws and laws of territorial subjects of the Russian Federation ... which is carried out by inquiries of applicants in the limits set by regulations of the Russian Federation and regulations of territorial subjects of the Russian Federation of powers of the bodies providing public services. [12]

Thus, it is possible to note the following characteristics of public services by the Russian legislation:

- functions on rendering public services admit only behind bodies of the state and local government, with an exception of number of their suppliers of the state and private organizations;
- the circle of public authorities is limited to executive authorities (federal and territorial subjects of the Russian Federation), state non-budgetary fund, executive body of the government;
- they are considered as activity (i.e. forms) on realization of functions of appropriate authority;

- appear at implementation of the separate state powers delegated by the law to these bodies;
- are carried out by inquiries of applicants (their list isn't concretized);
- activities for rendering public services are limited to the limits of powers of appropriate authorities set by regulations of the Russian Federation and regulations of territorial subjects of the Russian Federation.

In the Kazakhstan legislation definition of public service is given in the Law RK of November 27, 2000. About administrative procedures and in the Budgetary code of RK of December 4, 2008.

However former editions of this category suffered from shortcomings. First, it was unclear whose is activity – only public authorities and institutions, or it can be carried out also by other subjects. Secondly, it was specified that it is the activity based on the functions and powers provided by acts and decrees of the President. But functions and powers can be also established by acts of the Government, for example, the Provision on this or that ministry approved by the resolution of the supreme executive body. Thirdly, it wasn't specified that public services can be only free or paid or it is admissible both.

It isn't absolutely correct to consider public service as result of interaction of public authority, establishment, other organization which is carrying out the state order with the interested natural and legal entities. Certainly, in the course of providing service interaction between the specified subjects is carried out, but it can't be a consequence of this interaction in any way. Otherwise rendering service, her quality will be put into direct dependence on her consumers (natural and legal entities) that is absolutely inadmissible since overturns this process upside down.

After RK brought in the Budgetary code and Law of RK "About Administrative Procedures", under public service the activity of public authorities, their subordinated organizations and other natural and legal entities which is one of forms of realization of separate functions of public authorities, provided by the legislation of the Republic of Kazakhstan, directed to satisfaction of needs of natural and legal entities (except for public authorities), having individual character and carried out according to the appeal of natural and (or) legal entities admits (except for public authorities).

Public service is rendered within standards and regulations of public services according to the legislation of the Republic of Kazakhstan on a paid or free basis [13].

The fresh wording has allowed to overcome separate inaccuracies of former editions and to meet the available lacks and more fully to capture the essence of public service. At the same time remained not resolved a number of questions.

First, the concepts "public services" and "public services" are identified.

BP-second, isn't specified by realization what form specifically of functions of public authorities public services are. Actually any activity of the listed subjects which is carried out according to appeals of natural and legal entities, directed to satisfaction of their interests can be referred to public services. But whether that is, for example, delivery of permission by local executive body to holding a meeting or demonstration? Certainly, no though here it is available all those signs which are specified in definition: existence of the address from the party of public association or a group of citizens, their interest, the individual nature of decision-making from akimat.

Actually full public services aren't much. It, first of all, providing necessary information and documents, various forms of advisory and other support, the activity connected with implementation of registration, registration and control functions of the state and so forth. Thus, only an insignificant part of manifestations of functions of the state can be reduced to services, other are the obligations of the state caused by his nature and appointment. Therefore it isn't necessary to identify all forms of activity and function of public authorities, local governments, organizations subordinated to them and also transferred on a competitive basis on competitive Wednesday, with public services.

Thirdly, for today the law assumes that public services can be provided not only by public authorities and their subordinated organizations (the state organizations), but also other natural and legal entities. The private and public organizations which are carrying out the state order on rendering services on a competitive basis mean.

Rendering public services is a form of realization of functions of public authorities.

Professor Zhanuzakova L.T. notes that public service – the activity of public authorities, local governments and public institutions and the enterprises subordinated to them which is one of forms of realization of registration, registration and control, reference and other separate functions of public authorities, provided by the legislation of the Republic of Kazakhstan, directed to satisfaction of needs of natural and legal entities (except for public authorities), having individual character and carried

out according to the appeal of natural and (or) legal entities (except for public authorities) within the established standards and regulations of public services on a paid or free basis [4, p. 18].

Suppliers of public services under the law are the public authorities, local governments, their officials, the public and private institutions and the organizations which are carrying out the state order for providing a certain type of service within their competence and functional duties. However actually their list is limited only to public authorities and the state organizations.

The citizens of the Republic of Kazakhstan, foreign citizens, persons without citizenship, legal entities who have addressed directly or through the representative the supplier of public service for realization of the rights and legitimate interests or execution of the duties assigned to them by regulations act as consumers of public services.

Now for Kazakhstan the policy of open trade with the extending world markets and the accession to the World Trade Organization is especially actual for obtaining advantages of access to modern technologies. In annual Messages of the President to the people of Kazakhstan of January 17, 2014, on November 30, 2015 and of January 31, 2017 it has been indicated the need of entering of serious changes into system of public service for increase of level of public administration and quality of the provided state services. Today the Great Kazakhstan way and idea of М әң гiлiк Ате aims Kazakhstan at the solution of the global and conceptual tasks urged to give the answer to modern calls and to create prerequisites for formation of powerful and competitive economy, reliable social policy, hi-tech industrial sector [1].

In Kazakhstan certain success in reforming of public service is currently achieved, the legislative base is created, the status, the rights and duties of public servants are defined, powers of government bodies are regulated [14]. At the same time development of society, change of conditions and requirements of this day demand an assessment of opportunities of change in relationship of the state and citizens for more effective and high-quality increase of a standard of living of the population

Introduction of «the electronic Government», standards of providing the state services will allow to accelerate process of the entry of Kazakhstan in the world community, will create favorable conditions for effective development of the economic relations with the leading countries [15]. Use of experience of foreign countries in the sphere of state regulation will create prerequisites for increase of

competitiveness of domestic businessmen both on internal, and in foreign markets.

When carrying out reform in the sphere of the state services for achievement of steady results it is necessary to develop at the same time the corresponding elements of infrastructure in support of system of providing the state services. The similar infrastructure means creation of a network of the organizations and establishments facilitating process of providing the state services through carrying out researches, formation of information databases, providing consultations and training both government employees, and consumers of services. Abroad the similar organizations carry out the activity on the basis of the following principles: – maximum nearness and orientation to needs of the consumer; – professionalism in management of activity and rendering of services; – stability of results; – practical advantage of their activity. For example, in Canada the provided telephone connection centers «1-800 Canada» which provide necessary information to the population about where and when it is possible to receive a certain service work. Also «The centers of access» which render services in consultation of the beginning businessmen work. These centers are located in buildings of public institutions across all Canada. Their feature consists that besides providing consultations to businessmen they render a significant amount of the state services and work by the principle of «one window» [16].

In Poland in 2002 the Information center of public service has been created. The purpose of his creation is expansion of access for ordinary citizens and government employees to information on types of the state services, fields of activity of separate government bodies and establishments, etc. In Greece within reform of a management system «The program of quality» which provides creation of advice centers on the state services, united in a uniform information network is developed. In Hungary in one of regions the pilot project within which with the assistance of all public institutions the information center has been created has been carried out. This center has opened for citizens access to information on interaction with various public services. Further this experience will be widespread on all country. [16]

Summarizing foreign experience in the field, it is possible to tell that efficiency of the considered institutes is defined by professionalism in management of their activity, availability of the offered services and broader coverage of potential consumers of the state services.

Use of new information and communication technologies will allow to expand access for consumers to the state services and information on them.

In Australia in 1997 the law «About Rendering of Services Agencies in the Commonwealth» has been adopted. According to this law, the public institution of «Centrelink» has been the same year created. It provides state services from a name and in partnership with 25 federal ministries and the state agencies by means of worldwide network the Internet, the provided telephone connection centers for customer service and at usual offices. Information on the website is provided in 56 languages. «Centrelink» provides services of the Ministries of Labour, transport, the ministries of affairs of veterans, health care, science and education, agriculture, foreign affairs and trade, communications, information technologies and arts and many others. At the same time the payment for services can be made by wire transfers, checks etc. In 2002 this body has served 700 000 disabled people, 500 000 young people, including students, 1,1 million unemployed, 2 million pensioners, 1,8 million families. 24 000 employees are involved in this body. Other example in the sphere of rendering of services on the basis of use of information and communication technologies is the Canberra-Connect project by means of which services of all state institutions are provided to the population of the capital. In May, 2003 «Canberra-Connect» provided 132 types of service at usual offices, 77 – on the Internet and 62 – through the provided telephone connection centers. By means of the website of this organization in on-line mode such services as registration of the enterprise, registration of the car, payment for utilities, job search, services of health care, etc. are provided [16].

In Germany the program of the electronic government «by BundOnline – 2005» is developed. Rendering of services by administrative bodies of the state will be improved by use of information technologies. In the federal government already 170 types of service appear with use of the Internet. The special attention at the same time is paid to simplification of procedures of registration of the enterprises of small and medium business. [16]

Process of improvement of providing the state services is closely connected with use in practice of the principle of «feedback» with the consumer of services. Monitoring of an assessment of quality of the provided services and studying of expectations of consumers is carried out to the USA within the national program «The First Priority — Clients». Along with it regular surveys among public servants who directly contact to the population in the

course of rendering of services, for the purpose of identification of shortcomings and collecting offers for achievement of level of the quality standards of the services provided by the private sector are conducted. [16]

In Australia on the Canberra-Connect website forms which persons interested to offer ways of improvement of granting each separately taken type of service can fill are also exposed. Use in practice of the principle of «feedback» with the consumer is the checked and effective method of studying of a current state in the field of rendering of services and formation of strategy of further improvement of the state services taking into account requirements and expectations of consumers. [4]

Characteristic feature of reforming of system of providing the state services in the considered countries is duration of this process. For example, the Charters of Services system initiated in Great Britain in 1991 has been calculated on 10 years, but improvement of separate components of this system continues and until now. The First Priority — Clients program adopted in the USA in 1993 also proceeds still. Since the beginning of the 1980th Malaysia has begun reforms in the field of the state services. Reforms in this sphere continue also at the present stage of development of the state, and the measures undertaken in this area are included in 5-year development plans and the strategic plan «Prospect – 2020» [17].

In Kazakhstan the main task, in our opinion, is change of mentality of government employees of all levels who have to acquire that their task – not to order and order, and to render services to the main consumer – the population at the expense of which all state machinery contains. Introduction of «the electronic Government» is also accompanied by such problems as mass computer illiteracy. By estimates of experts, 58,8% of Kazakhstan citizens aren't able to use the computer, insufficient knowledge of citizens etc. is everywhere observed [18]

The main thing that we have, is a political will of the Head of state who pays to administrative reform huge attention. The essence of a new stage of administrative reform in Kazakhstan is reduced to a short formula – from administration to management. The requirement of efficiency and quality of providing the state services has to become the central point of policy of public service.

Now the Ministry of the Republic of Kazakhstan for public service carries out the analysis of the services provided by government bodies at the central and local levels. Results of the analysis and offer on further improvement of process of providing the

state services in Kazakhstan will be presented to the appropriate government bodies for definition of further measures in this area. [19]

Improvement of quality of providing the state services will demand also improvement of quality of personnel of public sector. To public servants higher will be shown, than earlier, requirements, in the future will become obligatory knowledge of English or other foreign language, ability to use the computer. Introduction of standards of providing the

state services, focus of activity of a state machinery on consumers clients of services will demand also ability to work at better level in direct contact with the population. Now these conditions begin to be entered into the qualification requirements imposed to public servants. Evaluation of the work of personnel of public service, training of public servants – all these events are already held, and further these processes will be oriented on better service of citizens.

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