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**PECULIARITIES OF LEGAL REGULATION IN PUBLIC PROCUREMENT:
SUBJECT AND METHODS**

The article studies the problems of determining the legal nature of public procurement, namely, from the point of defining the concept of public procurement, the subject and methods of regulation of legal relations arising in the sphere of public procurement. The relevance of the research topic is determined by several factors, based on the need to study the issues of scientific- theoretical, legislative character. Every year in the Republic of Kazakhstan, huge financial resources are allocated for public procurement, which are used by the state for its needs, spreading them through public procurement between potential suppliers. So, at present the public procurement plan is about 2.7 trillion tenge, or 10 billion US dollars. Since public procurement occupies a significant place in the cost of the budget not only in Kazakhstan, but also in most foreign countries, it is an effective tool for managing the economy and developing market relations. Through public procurement, many states fulfill their socio-economic functions, as well as ensure the conduct of scientific research, the creation and implementation of new technologies and developments. The organization of optimal and effective spending of money used for public procurement requires special control, mechanisms and instruments from government agencies. In this regard, the country has general regulatory legal acts such as the Civil Code of the RK, the Budget Code of the RK, the Code of the RK on Administrative Offenses and other special legal acts – the Law of the Republic of Kazakhstan «On Public Procurement» and the Rules for Public Procurement. In this connection, among theorists and practicing specialists there is a dispute about the legal nature of public procurement, which leads to a misconception regarding the legal status of public procurement in a certain sphere of law. The importance of this study is growing due to the fact that in domestic science there is no comprehensive theoretical study of this topic from a legal point of view. This work aims to define the concept, subject and methods for regulating legal relations in the field of public procurement. General scientific, historical and methods of comparative analysis have been used for research purposes. The legal analysis carried out by the authors made it possible to provide recommendations to improve the legal process of dealing with these problems on the national levels.

Key words: state, public purchases, equality of parties, disposability.

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**Мемлекеттік сатып алулар саласындағы құқықтық реттеу ерекшеліктері:
пәні және әдістері**

Мақала мемлекеттік сатып алулардың құқықтық табиғатын анықтау мәселелеріне арналған, дәлірек айтқанда, мемлекеттік сатып алулардың түсінігі, оның пәні мен мемлекеттік сатып алулар саласында туындайтын құқықтық қатынастарды реттеу әдістерін анықтауға арналған. Зерттеу тақырыбының маңыздылығы ғылыми-теоретикалық, заңи сипаттағы сұрақтарды зерттеу қажеттілігіне негізделген бірқатар факторлармен анықталады. Әр жыл Қазақстан Республикасында мемлекеттік органдар мемлекет атынан потенциалды тасымалдаушылар арасында мемлекеттік сатып алуларды жүргізу арқылы өз қажеттіліктері үшін пайдаланатын мемлекеттік сатып алуларға қомақты қаржы бөлінеді. Бүгінде мемлекеттік сатып алулар жоспары

2,7 триллион теңге немесе 10 миллиард АҚШ долларын құрайды. Мемлекеттік сатып алулар тек Қазақстанның ғана емес, сонымен бірге көптеген шетел мемлекеттерінің бюджетінің шығындарында үлкен орын алғандықтан, мемлекеттік сатып алулар экономика мен нарықтық қатынастардың дамуын басқарудың маңызды құралы болып табылады. Бірқатар елдер мемлекеттік сатып алуларды жүргізу арқылы өздерінің әлеуметтік – экономикалық қызметтерін орындайды, және де ғылыми зерттеулерді жүргізуді, жаңа технологиялар мен әзірлеулерді жасау мен ендіруді қамтамасыз етеді. Мемлекеттік сатып алулар үшін қаражатты оңтайлы және тиімді жұмсауды ұйымдастыру мемлекеттік органдар тарапынан ерекше бақылау механизмдері мен құралдарын қажет етеді. Осыған орай, елімізде ҚР Азаматтық Кодексі, ҚР Бюджет Кодексі және ҚР Әкімшілік құқық бұзушылықтар атты жалпы нормативтік құқықтық актілер мен ҚР «Мемлекеттік сатып алулар туралы» және Мемлекеттік сатып алуларды жүргізу қағидалары арнайы құқықтық актілер әрекет етеді. Осыған байланысты теоретиктер мен тәжірибе мамандарының арасында мемлекеттік сатып алулардың нақты құқық саласына жатқызу бойынша шатасуға әкеп соғатын, мемлекеттік сатып алулардың құқықтық табиғатын анықтау бойынша дау туындайды. Мақаланың маңыздылығы отандық ғылымда аталмыш тақырыпты құқықтық тұрғыдан зерттеуге арналған кешенді теоретикалық жұмыстың жоқ болуы арттыра түседі. Мақала мемлекеттік сатып алулардың түсінігі мен пәнін, мемлекеттік сатып алулар саласындағы құқықтық қатынастарды реттеу әдістерін анықтауды мақсат етіп қояды. Зерттеу жұмысын жүргізу барысында жалпы ғылыми, тарихи және салыстырмалы талдау әдістері пайдаланылды. Авторлармен жүргізілген құқықтық талдау аталмыш мәселелерді ұлттық құқықтық реттеуді жетілдіру бойынша ұсыныстар беруге мүмкіндік береді.

Түйін сөздер: мемлекет, мемлекеттік сатып алулар, тараптардың теңдігі, диспозитивтілік.

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Особенности правового регулирования в сфере государственных закупок: предмет и методы

Статья посвящена исследованию проблем определения правовой природы государственных закупок, а именно с точки зрения определения понятия государственных закупок, предмета и методов регулирования правоотношений, возникающих в сфере государственных закупок. Актуальность темы исследования определяется несколькими факторами, основанными на необходимости исследования вопросов научно-теоретического, законодательного характера. Каждый год в Республике Казахстан на государственные закупки выделяются огромные финансовые средства, которые государство в лице государственных органов использует на свои нужды, разыгрывая их посредством проведения государственных закупок между потенциальными поставщиками. Так, в настоящее время план государственных закупок составляет порядка 2,7 триллиона тенге, или 10 миллиардов долларов США. Поскольку государственные закупки занимают значительное место в затратной части бюджета не только Казахстана, но и большинства зарубежных стран, то они являются действенным инструментом управления экономикой и развития рыночных отношений. Пособством государственных закупок многие государства выполняют свои социально-экономические функции, а также обеспечивают проведение научных исследований, создают и внедряют новые технологии и разработки. Организация оптимального и эффективного расходования денег, используемых для государственных закупок, требует особого контроля, механизмов и инструментов со стороны государственных органов. В связи с этим, в стране действуют общие нормативно-правовые акты, такие как Гражданский Кодекс РК, Бюджетный Кодекс РК, Кодекс РК об Административных правонарушениях и специальные правовые акты – Закон РК «О государственных закупках» и Правила осуществления государственных закупок. В связи с этим, среди теоретиков и практикующих специалистов возникает спор о правовой природе государственных закупок, что приводит к заблуждению в части определения правовой принадлежности государственных закупок к определенной сфере права. Важность данного исследования растет из-за факта, что в отечественной науке не существует комплексного теоретического исследования данной темы с юридической точки зрения. Данная работа ставит целью определение понятия, предмета и методов регулирования правоотношений в сфере государственных закупок. В ходе проведения исследования были использованы общенаучные, исторические методы и методы сравнительного анализа. Проведенный авторами правовой анализ позволяет представить рекомендации по совершенствованию национального правового регулирования данных проблем.

Ключевые слова: государство, государственные закупки, равенство сторон, диспозитивность.

The system of public procurement is one of the fundamental and constantly improving institutions of state regulation of the economy. In a modern mixed economy, the state acts as the largest customer and consumer of many industries and sectors, turning public demand into a powerful tool that influences the dynamism and structure of the economic system and the industrial complex as a subsystem, both at the national and local levels. In addition, this is due to the fact that public procurement is carried out to solve national problems, where priority is given to meet the most important needs of society, implemented through the state's organizational and economic functions.

At the same time, the institution of public procurement itself is one of the most vibrantly developing institutions of modern Kazakh law, in connection with which it is increasingly attracting the attention not only of academic lawyers, but primarily of representatives of economic science. In recent years, unfortunately, in Kazakhstan's legal science there is not one comprehensive research on this topic.

From the standpoint of the general theory of systems (in its application to the legal system), the institution of public procurement should be assessed as an intersystem structural unit that is «at the junction» of several subsystems in law – civil law, administrative law, financial law, budgetary law, and other branches of law.

In particular, O.A. Stupnikov writes about the fact that the sphere of state order placement means a complex of legal relations that are regulated by the legal norms of administrative, financial and civil law [1, p. 3]. S.Y. Sushkov notes «the complex (administrative and civil) nature of relations in the activities for the placement of state and municipal purchases» [2, P. 8].

In the theory of law, such structural units of the system of law are proposed to be called complex interdisciplinary institutions. For example, T.N. Ratko writes: «The interdisciplinary institute consists of the norm of several branches, therefore it is quite justifiably to call integrated. The existence of inter-branch institutions is explained by the fact that the branches of law, being independent legal entities, do not act alone, not literally independently, but interact with each other and sometimes quite closely. Interaction, i.e. joint regulation of close, similar, related social relations and generates common, joint, integrated legal institutions. They are sometimes called borderline because of their intersectional existence and the existence in them of the norms of various branches of law» [3, p. 414].

The rationalization of public spending and the reduction of costs and costs of public procurement are, by right, occupying priority positions in the list of goals of any state in recent years. As you know, public procurement is an essential part of the overall economic activity, since the state is the largest player in the market, and needs to sell goods, services and works in the same way as any other representative of the market economy.

Legal issues of public procurement organization are necessary for the successful organization of public procurement in practice. It should be noted that legal professionalism in the sphere of public procurement developed faster than economic and practical.

Meanwhile, among specialists there is no unity of opinions about what state procurement is in modern conditions, what its real possibilities are and when these mechanisms are implemented by this system. Moreover, there are number of scientific works in an economic direction that somehow affect the problems of the legal regulation of public procurement, however, despite this, there is a strong differentiation of the authors' opinions on a number of problems related to the notion and legal nature of public procurement. The complexity of this situation is escalated by the lack of proper research in Kazakhstan's legal science and an established conceptual apparatus in this field.

This provision confirms the idea that in order to implement effective legal regulation of any industry or institution, it is necessary to clearly know the subject of regulation, its legal nature and features. Such an approach will ensure proper application of appropriate legal regulation methods and undoubtedly bring its positive results. In addition, the key to the effectiveness of existing legal norms is the conceptual certainty of legal categories used by the legislator, which makes it possible to identify them with actual categories. This eliminates the subjective criterion of the interpretation of legal terms. At the same time, it is necessary to note the special significance of clear conceptual certainty in the relations connected with the public purchases, which is connected not only with the difficulties of singling out independent objects of legal regulation, but also with the possibility of displaying their actual signs in legal definitions. This is due primarily to the organic interaction and continuity of all elements that make up relations in the sphere of public procurement. However, one way or another, the doctrinal and legislative definition of these categories are necessary, because they express the object of

regulatory regulation and allow us to establish the limits of the operation of legal norms.

Many authors point out that in the field of public procurement there is no unique terminology, which leads to the fact that similar situations in different countries and regions are described in different terms. K. Kuznetsov notes that some researchers are working on the creation of a conceptual apparatus for public procurement [4].

According to the research of N. Dimitri, G. Pig and J. Spangle, this fact is especially noticeable in the terminology of competitive bidding procedures. Differences arise because of different environments for the use of terms. In the economy, trades have the same value (sealed bid), in the sphere of procurement it can be both descending-in-price auctions, sealed-bid tendering, etc. I. Kuznetsova notes that in the legislation, closed bidding is a tender for which not all market participants are invited, but only those to whom a special invitation is sent, whereas abroad, closed tenders are called competitive procedures, to which suppliers submit applications in closed form – in envelopes. Thus, sealed-bid tendering is an open competition, and the concept of «tender» in the legislation does not exist at all. Each world organization, be it a specific country, a union of countries or a financial institution, may have its own terminology, which complicates the search for common practices for the organization of public procurement systems [5, P. 421].

Procurement, or procurement system management, is a set of methods and practices that allow the most efficient solution of procurement tasks in the country and meet the needs of public and private customers. The management of the public procurement system includes legal and strategic issues in the organization of the procurement system. According to K.V. Kuznetsov, the elements of procurement as a public procurement system are procurement planning, the legal basis (regulation) of procurement, implementation of procurement procedures, monitoring, monitoring and evaluation of procurement efficiency [4]. I. Kuznetsova identifies central procurement processes, such as planning, order placement and contract management, and management processes, which include the creation of a regulatory framework, the organization of procurement management, including the distribution of powers and responsibilities, and procurement monitoring and audit. In addition, central procurement processes cannot be implemented without supporting processes, including financial, material, information, personnel, methodological and scientific [6, p. 210].

Improving the efficiency of public procurement management in recent years has included trying to create conditions for free competition, building a maximally transparent and open procurement system, and fighting corruption. Solving the problem of optimizing public spending, public procurement should be as efficient as possible. This goal can be achieved through the construction of a procurement system that is based on the following fundamental principles: unity of practices and procedures, openness and transparency, responsibility and accountability, competitiveness and economy. The choice of the procurement model should be made taking into account the advantages of these models, as well as taking into account how and what risks of public procurement each specific model reduces.

We are in agreement with practitioners and scientists that in order to implement the legal regulation of an institution, the uniqueness of the terminological terminology is absolutely necessary. In this connection, first of all, it seems necessary to consider the notion of public procurement as a legal phenomenon, and also to trace its genesis in the current conditions of the legal and economic development of society.

Attempts to develop a universal definition of public procurement inevitably lead the authors to a discussion about the delineation of state purchases and state orders.

So, B.A. Raizberg gives the following definition of public procurement – it is part of goods and services produced in the country or abroad, purchased by the government, state bodies from the state budget. Such purchases are carried out by the state for the needs of their own consumption (purchases of equipment, weapons) and for the purpose of ensuring consumption by the population and reservation (for example, public purchases of grain and food) [7, p. 147].

According to A.A. Demin, the concept of «public procurement» can be considered in two ways. The author points out that in practical activities the term in question is used exclusively to characterize the interaction of the state customer with contractors and suppliers. At the end of his arguments AA. Demin comes to the conclusion that «the state order is one of the forms of manifestation of state purchases in a transitive economy». Thus, the category «state order» is considered by the author as narrower in relation to the category «public procurement», which, in our opinion, contradicts the content of the above concepts [8, P. 64].

It seems obvious that public procurement should be considered solely as an instrument for

the implementation of the state order. The created order can be realized only through purchases. Thus, the category «state order» cannot be more narrow in relation to the category «public procurement». These concepts are incorrect to compare with each other. Although, with some degree of conventionality, the inclusion of public procurement in the maintenance of state orders is quite acceptable, since the existence of an order without purchases is theoretically possible (if the order is formed, but not sold (posted and executed)), and purchases without an order are excluded.

K.W. Kuznetsov notes: «The very term» public procurement «in almost every country is interpreted in its own way. In most cases, we are talking about procurement at the expense of the state budget for the provision of vital functions and the functioning of public authorities. At the same time, the purchase of goods (works, services) purchased for the purpose of their further resale is excluded from the concept of «procurement for state needs» [9, p. 131].

The same understanding of public procurement is reflected in paragraph 8 of Art. III General Agreement on Tariffs and Trade (concluded Oct. 30, 1947, entered into force on January 1, 1948), according to which public procurement is carried out «for government purposes, and not for commercial resale or for use in the production of goods for commercial sale» [10].

An interesting point of view is A.E. Zuev, according to which the «order» refers to the formation, «purchase» – to placement, and «delivery» – to the execution of the state order [11, P.16].

Perhaps, we can agree with the author that the term «purchase» refers primarily to placing an order. The state order is placed in accordance with the legislatively established procedure, which is called «public procurement».

We believe that the concept of «public procurement» from a legal point of view is very similar to the concept of «placing a government contract.» The concept of «purchase» is often used in scientific and other literature in the designation of only «placing an order» (including such phrases as «procurement legislation», «purchasing mechanism», «procurement procedures», etc.). Sometimes these two terms simply coincide.

As V.E. Belov notes, «the process of procurement of products for state needs is personified, first of all, with the stage of placing orders for the supply of products, so the methods of placing orders are often called the ways of purchasing products» [12, p. 7].

We note that the understanding of the term «procurement» finds confirmation in international legal practice. So, in the agreement signed on December 9, 2010 between the governments of Belarus, Kazakhstan and the Russian Federation on state (municipal) purchases, procurement is understood not only as «the purchase of goods, works, services by customers,» but also «relations related to the execution contracts (contracts) on procurement» [13].

The point of view of V.V. Kikavets, who recognizes identically equal concepts of «state order» and «public procurement.» At the same time, the author understands by the state order «a complex and continuous process realized for the purposes of providing state needs, consisting of a set of successive stages: forecasting, planning and forming, deployment, execution and control» [11].

In world practice, public procurement is often referred to as «government procurement». Article 2 of the UNCITRAL Model Law (UN Commission on International Trade Law) on the procurement of goods (works) and services for procurement is defined as «the acquisition by any means of goods, works or services» [14]. It is worth noting that the UNCITRAL Model Law on Procurement of Goods, Construction and Services is based on the procurement legislation of many States or relies heavily on it. So in the Law of the Republic of Kazakhstan «On Public Procurement», the following definition is given: «Public procurement is the purchase by customers on a fee-for-service basis of goods, works, services in the manner prescribed by this Law and the civil legislation of the Republic of Kazakhstan.»

Proceeding from these terms, the subject of procurement activity is the government in a broad sense, including all state and local authorities. This determines the procedural features of procurement. Consequently, the term «public procurement» in general terms corresponds to the concept of «government procurement» adopted in the world legal practice.

Thus, we can agree that the concept of «public procurement» relates, first of all, to the placement of the state order. Therefore, in our opinion, the method of procurement should be understood as the type of procedure regulated by law or other legal acts, prescribed for mandatory performance by the customer in the course of procurement and aimed at determining the bidder who offered the best contract terms in accordance with the customer's requirements for the goods, work or service, as a result of which the customer's need for certain

goods, works or services is satisfied by concluding and executing a says. Thus, we can draw the following conclusions. «By» public procurement, «one should understand the legal procedure for ensuring the needs for goods, works, services, including the definition of the counterparty and the terms of the contract, the conclusion of the contract and the fulfillment of obligations by the parties to the contract.»

The existing variety of interpretations of the notion of «public procurement» can be explained, on the one hand, by inadequate elaboration of certain concepts, on the other hand, by the peculiarities of the approaches of different authors to identifying the essential features that, in their opinion, most fully and accurately reflect the content of the question, methodology.

We believe that public procurement is most directly called upon to serve the solution of the task stipulated in Article 1 of the Constitution of the Republic of Kazakhstan, which formulates the need for the establishment of the Republic of Kazakhstan as a democratic, secular, legal and social state whose highest values are the person, his life, rights and freedoms.

So far, the legal science has not developed uniform approaches to the definition of the legal nature of the institution of public procurement, it has not revealed those «receptors» in the content of public procurement that would allow limiting the methods of legal regulation in this area. In our opinion, the projection of the main civil-law methods of regulating public relations on the sphere of public procurement will help to find the key to solving these issues. Undoubtedly, the definition of types and essence of civil-law methods of regulation will help to achieve this goal, which will allow us to further reveal the structure of their impact on public procurement relations.

By the method of legal regulation is understood the totality of methods, means and methods of influence of the right to public relations. It includes the following structural components: the establishment of the boundaries of regulated relations; the publication of relevant regulations that provide for the rights and obligations of entities; the empowerment of participants in public relations with legal capacity and capacity to enable them to enter into legal relations; the definition of measures of responsibility in case of violation of these regulations [15, p. 158].

In the field of public procurement, diversified relations are being implemented (regulated by the norms of different branches of law), therefore, when

they are settled, the methods and principles of the civil, administrative and some other branches of the law system are used. This approach is the most rational, since in «traditional» branches of law the method and principles of regulation have long been established and withstood the tests by practice.

For example, the most important components of the civil law method of regulating public relations include the legal equality of the participants in the relationship, initiative, appropriation, property character of civil liability, preferential use of the dispositive method of legal regulation. Obviously, much of this is used to regulate the relationship between persons involved in public procurement. No doubt, the fundamental principles of civil law should be observed and in the implementation of state regulation of public relations related to public procurement.

The method of legal regulation is one of the defining categories of civil law, but in Kazakhstan's civilization it is given relatively little attention. Nevertheless, to a certain extent it was considered in the work of Y.G. Basin, A.G. Didenko, M.K. Suleimenov et al, who considered the category of the method in passing, while studying other problems of law [16]. In particular, they pointed to the characteristic features of the civil law method of regulating social relations: assignment, legal initiative, legal equality of subjects. In their opinion, this is a way of influencing a relationship that: is permissible; gives actors the ability to hold rights, disposability and initiative (on the basis of their legal equality); ensures the establishment of legal relations on the basis of legal independence of the parties.

From the point of view of the essence of legal relations, the main feature of the civil law method is to ensure the legal independence of the participants [17, p. 258].

The legal equality of the parties to a legal relationship is an inherent feature of the dispositive method. Equality is a multi-faceted concept; it can be viewed from different points of view. For example, at the first approximation, it can be understood as the absence of signs of power and subordination in the relationships of subjects. In the legal literature it is noted that equality can act as: the principle of civil law; method of civil law regulation; a characteristic inherent in private law in general [18, P. 48].

The general legal category, which includes the beginning of equality, is the legal capacity of the subjects. There is an opinion that equality of subjects of civil law in general should be considered as equality of legal properties of legal capacity. For

civil capacity there are properties that are absent in public-legal branches. First of all, this is universality; in civil law relations, all entities are entitled to legal capacity, unlike public sectors, where different subjects are given different competencies. The second property is the same type of content of legal capacity, i.e. its carriers, have the same-order opportunities to be holders of civil rights. This leads to the ability of various actors to act in the same legal roles in specific legal relationships and occupy a legal position that is generally identical to other subjects of the industry. Another feature of the civil right is that it is carried out by the subject independently and also excludes the possibility of prescribing one's will to others.

Civil-law equality is the equality of rights-holding entities, endowed with legal initiative and disposability. The main essential feature of the civil law method is the law.

There are various ways of legal impact of the right to regulated social relations. S.S. Alekseev pointed out, for example, the following: the provision of subjective rights; the assignment of legal duties; threat of application of measures of state or social impact; ensuring state coercion [19, P. 91].

A feature of civil law is the orientation toward the first of them. Civil law grants subjects of legal relations subjective rights, and the available legal means ensures these rights. If this process is considered from the point of view of objective law, then it will be more noticeable that the orientation will focus mainly on eligibility standards.

The permissive essence of the civil method is also expressed in the allocation of subjects to civil legal capacity.

To the features of the civil law method, one must also include disposability, by which one understands the freedom granted to the subject to exercise his legal personality at his own discretion. Dispositiveness is an essential, qualitative component of the system of private legal regulation. Externally, in civil law, dispositiveness is manifested in the presence and preferential orientation of the dispositive norms. Article 382 of the Civil Code of the Republic of Kazakhstan calls a dispositive rate, which is applied insofar as the agreement of the parties does not establish otherwise. In fact, this is a state-sanctioned rule of conduct, which the parties have the right to ignore (exclude from practice). The dispositive norm, therefore, differs in that: it provides the possibility of deviation from the prescribed behavior; can be changed by agreement of the parties.

The dispositive norm is applied only in so far as the parties have not ruled out its application or

replaced its rule with a different condition. Law enforcement practice should always correspond exactly to the prescription of a peremptory norm. At the same time, the prescription of the dispositive norm is transformed into law enforcement practice in accordance with the will and interests of the parties [19, p. 158].

Let's talk about dispositive and imperative methods of legal regulation. Imperative regulation is carried out «solely by decrees emanating from a single center, which is state power. This latter indicates by its norms to each individual its legal place, its rights and obligations with respect to the whole state organism and to individuals. Only from it, from the government, orders can be issued that determine the position of each individual in this sphere of relations, and this provision cannot be changed by any private will, no private agreements. Regulating all these relations by its own initiative and solely by its will, the state power in principle does not allow in these areas next to itself no other will, no other initiative. Therefore, the norms emanating from state power are unconditional, compulsory in nature.

Another feature of the civil law method is the legal initiative. Own initiative of the subject in private law is one of the main driving principles in legal relations. The granting of an initiative takes place in the norms of objective law. From the point of view of the general legal status of the subjects, the initiative is manifested in the empowerment of the subjects with civil capacity.

Thus, the need to use the civil law method in the field of public procurement is beyond doubt.

First, it interacts with subjects of civil law that express their legal personality by civil law means.

Secondly, the legal relations that underlie the execution of state orders arise on the basis of civil law (on the basis of the contract).

Third, the placement of government orders through public procurement takes place through the use of market mechanisms, in the conditions of formal legal equality.

In conclusion, in the relations in the field of public procurement, the methods of civil, administrative, financial law, etc. are also applied, and, interacting, they exert a certain influence on each other, various methods of legal regulation are linked and interact with each other. In addition, it should be noted that the methods of legal regulation are conditioned by the subject of regulation, in other words, the nature of legal relations has a significant impact on them. In the case of public procurement, there is a separate subject of legal regulation –

public relations, emerging as to the satisfaction of state needs. If we take into account that the system of public procurement (meeting state needs) consists of three phases, and each phase has its own method of legal regulation, the question arises about the need to unify the legal regulation of these relations under a complex legal institution that includes poly-industry regulation methods.

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