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«ТЕОРЕТИКО-МЕТОДОЛОГИЧЕСКИЕ ПРОБЛЕМЫ
УСПЕШНОГО ФУНКЦИОНИРОВАНИЯ ВСЕХ ЭЛЕМЕНТОВ
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В данном сборнике включены материалы преподавателей и молодых ученых, участников научно-методического семинара, который был проведен 3 мая 2013 г. Сборник посвящен теоретико-методологическим проблемам успешного функционирования всех элементов системы конституционализма, авторами исследованы различные аспекты и проблемы преподавания базовых и элективных юридических дисциплин.

Особое внимание уделено в внедрению в учебный процесс инновационных методик преподавания по специальности «Юриспруденция», а также специфике ведения занятий на английском языке.

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қоғамның, жоғары оқу орнының, мектептің, отбасының қажеттіліктерін анықтау; мәселені қалыптастыру; тиісті жаңалықты іздеу.

2. Жаңалықты жобалаумен байланысты әрекеттер.

3. Инновацияны тікелей игерумен байланысты әрекеттер. Инновацияны игеру (жалғыз, локальды); педагогикалық үдерістің басқа да қатысушыларымен инновацияны қолданып көру; тәжірибелік-эксперименталды жұмыстардың өзгеруін байқау (мониторинг).

4. Тәжірибені жалпылаумен байланысты әрекеттер, жаңа сапалы нәтижені қамтамасыз ететін себептердің факторларын талдау және анықтау, жаппай практикада тәжірибені қолданумен байланысты ұсыныстарды әзірлеу.

5. Инновацияны таратумен және пайдаланумен байланысты әрекеттер; (Кең педагогикалық практикада жүзеге асыру); өзінің мәселелерін және мүмкіндіктерін сезіну, өзінің алдында бар инновацияны өзіндік мүмкіндіктеріне жатқызу. Мысалы, қазір заң факультетінде қашықтықтан оқыту) жүргізілуде.

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LEGAL CLINIC IN THE FORMATION OF PERSONALITY AND MORAL QUALITIES OF THE STUDENT

It is hardly worth calling in question that fact that any lecturer in law respecting will be always an adherent with the colleagues at least in one question: education which they give, has to be as much as possible qualitative. It is no secret that demanded nowadays by society and become the lawyer extremely popular in recent years a profession, it is got nowadays by means of the techniques which have developed a decade ago. In these techniques was and is a lot of good, but they are focused on preparation of model of the expert of other formation and absolutely other society. As a rule, the young teacher starts teaching the students as in due time taught him. As, in the majority, teachers of legal higher education institutions

and higher education institutions in general, didn't train to be teachers. Together with all they studied a standard set of disciplines, preparing for practical activities, and only the desire and bents to teach gave them on chair. The Russian legal education knows some directions of specialization of students, but specializations if "lecturer in law" in most cases isn't carried out. Methodical teaching receptions if you want, are descended, and only, having gained a certain experience, the teacher seizes also own "handwriting", it starts correcting whenever possible the course, tries to make it more useful and modern, so and more interesting.

The desire to help the person interested in the professional evolution also was the main motive of those enthusiasts who the first tried to apprehend the unusual concept for us clinical techniques of teaching of the right and to approve it as a necessary element in the course of receiving legal education.

Naturally, first of all to the one who teaches the right in legal higher education institutions and has desire to perform the work qualitatively. Such is feature of a profession of the teacher that she doesn't allow to stop on once reached and demands continuous improvement, limits to which, as we know, isn't present. But this reason can make the touched subject interesting and for the teacher of other fields of knowledge or other education levels. We are absolutely sure that the offered forms and techniques can be useful both to the school teacher and the teacher of college or lyceum, they can be used for studying practically any humanitarian disciplines and will be clear not only to the lawyer. After all speech in this case goes not about the contents, and about methods of providing knowledge. And, these methods are rather universal and can be used in various covers, or as them call, education forms, - i.e. not only as means of "report" of additional knowledge and skills to traditional academic courses on law, but they can keep within them, and even at all be used for additional (facultative) education. In other words, we invite to add these methods to arsenal of all of those who learns itself who will organize educational process or has to it any relation, but also and those who teaches itself(himself), and it, as we know, to a thing interconnected. It became already clear that the chosen subject is devoted to how it is better to learn and make process of training not only a hard work, but also interesting occupation. Conversation subject we agreed at once to narrow only disciplines which it is expedient, and within the state educational standards and has to, study future lawyers. Therefore also this process will be considered only on examples of legal higher education institutions. However, and in such statement of a subject, it seems to us immense. Therefore the author would like to concentrate only on those techniques of teaching which will answer the following conditions:

1. Now it is accepted to call these techniques interactive, i.e. having the increased efficiency, more intensive.

2. All of them are originally designed to interest students in the process of acquiring knowledge, which in itself is half the result. How to do it the easiest way? Change the vector of training, which is usually directed from theory to practice, and because the student has to first study the theoretical postulates and only then realize what they do and where they can be applied. If the front of the

man to put at least a simple but life situation and ask him to solve it, he will understand what knowledge it is not enough for this. As a result, the learning process will first move from practice to theory, and then vice versa, but at a qualitatively different level.

3. The technique can't exist out of a form. It is valid, what I pound from it to the teacher who is forced by the established standard to lecture on a certain discipline and subject and it is forbidden to do something another to it? It is absolutely natural and justified situation that is for each of available forms of teaching it is necessary to look for the techniques or to adapt them under the set form. But there is also another, and the most logical, a way. To take and create a teaching form under an available useful technique.

It is that form in which all techniques answering to above-mentioned conditions perfectly find room. All know that that place where the practising expert can put practically the knowledge is called as clinic, whether curing people, whether putting experiences, whether being engaged in "coaching" of the pupils. And if the physician has such place or the chemist why the lawyer can't have it? At first sight it is heavy to present and the phrase unusually and at first raises a smile or offends an ear. Simply this term came to us from the English-speaking environment where it is perceived a little differently, and, in turn, originates from other, already basic, starting concept - legal clinic. The last term, as well as all from it derivatives is rather conditional, it could pick up and more "Russified" transfer, say, "a public reception", "internship" or simply "practical course", but all these words won't reflect a phenomenon essence. Besides, internationalization is right and in general public life forces to use the settled world terminology. Practice shows that people using this term, i.e. being experts in this area, quickly get used to it and rather uniformly understand that it is meant it.

The term "legal clinic" in the understanding described above appeared in the United States of America. Moreover, emergence of the phenomenon which it reflects, and its surprisingly fast distribution in Russia hardly would become possible without the direct financial and organizational help of our transatlantic colleagues, to be exact those numerous charitable organizations which are created by them. Certainly, alien influence always causes fears but if it in the benefit, it in this case is obvious, we have to be grateful to it only. But not in gratitude words here business especially as them, as a rule, associate with a form of payment for the given financial support. It is necessary to remember that practically all initiators of distribution of idea of clinical education in our country - the Russian teachers, in the majority having rather solid teaching experience and experience. The author of these lines can unambiguously approve it since itself I was these processes. In the majority all of them some time trained or in the USA or contacted to the American lawyers in Russia. They saw and perfectly understood that not only our societies considerably differ the culture and way of life, the legal model considerably differs. Experts know that our legal systems belong to, in fact, competing world branches of law. So simple blind takeover, and furthermore imitation become fashionable to a way of life and its separate elements, in

particular, to an education system, occupation senseless, and sometimes and harmful. Simply dynamic American way of life and daily increasing requirements to quality of preparation of lawyers, forced them to pay attention to ways of improvement of the academic education. Who didn't see according to the same American movies, what variety of skills the lawyer has to possess, what sum of knowledge has to contain in his memory? And skills and this knowledge have to have absolutely applied and very practical character. And here the American law schools also began to develop their that. Unless this problem now isn't actual for us? Whether it is solved? And if foreign colleagues are ready to share the experience with us why us not to use it in that measure for what it will be useful for us? Finally all of us equally to it will come.

The American lawyers attended to approach of the academic education to pressing problems of practice about 15-20 years ago when the principle "forget everything to that you taught in higher education institution" ceased to satisfy them. Then there was obvious an inefficiency of that way of connection of the theory with practice which we would call work practice. It is obvious that the student who is violently brought on practice, say, to law firm, maybe doesn't disturb lawyers working there, but all the same him will treat, as a source of free and low-skill labor. The duty simply doesn't enter into tasks of the practising lawyer someone to learn.

Another matter any organization which is engaged in practical activities on the one hand and at the same time aims the creation at training. And it has to train in practical activities, and this task rather wide. Let's tell, whether learns usual legal higher education institution to such skill how legal responsibility and professional ethics, obtaining the necessary information from the client and his intelligible consultation, or whether is trained it competently to state the thought on the letter, to act on public, it is correct to tell about happened, to carry on negotiations and other? Practically not! And after all these skills mean a lot of things in a legal profession.

Thus, we arrive at idea that legal education has to be supplemented with special skills and by special techniques which don't fit into a framework of traditional academic courses, but can't be properly "presented" to the student by nonprofessional teachers. It is possible to train in such skills and within some already existing courses, but for this purpose it is necessary to reconstruct all developed system of training.

However, any methodologist knows that to make it very much and very difficult. And the legal clinic can become a fine exit from the created situation just also. The legal clinic represents a certain organizational structure which teaches students in parallel with traditional disciplines, but to especially practical skills, and therefore on real live affairs and problems. There are two main versions of clinics. The first represent structural divisions of legal higher education institution, but isolated from it the internal standards, having the teaching staff, the service personnel, own equipment, rooms and all that is necessary for their activity. The administrator, as a rule, released from another duties heads such clinic. Other

option is a clinic absolutely independent. It is the independent organization with the rights of the legal entity which can, as though "serve" not one, and some higher education institutions of a legal orientation, but it carries out the same functions, as in the first case. And activity in which these clinics are engaged, it is also possible to break into two directions.

The first consists in teaching similar from academic the training courses which, nevertheless, differs a number of features. First, teaching it is under construction on natural interest of the student to pressing vital problems. For example, one of students can simply tell how to him sold in shop a low-quality thing, and all group together with it will look for a solution and its legal justification. Secondly, the mentioned courses are rather compact on volume and can be aimed at working off of concrete practical skill. Let's tell, abilities to make legal documents.

In these cases the student during several occupations is given a concrete task to write the concrete document and on concrete subject (the contract, the statement of claim, simply business letter, etc.) In the third, on such occupations of the student constantly force to represent that it independently carries out a practical task. It is possible to achieve it by means of so-called business games. Let's say students are offered to work as couples and each of them on specially developed plot at first plays the client, and then the lawyer and vice versa. In the fourth, in these courses the role of the teacher changes. In traditional conditions of training, the teacher sometimes even needs to appear as unshakable authority. In clinic its task - to break a barrier among themselves and the trainee who has to perceive it not as the supervisor and as the partner and the assistant on common cause.

The second direction of work of legal clinic consists in attempt to connect student yet ready to independent activity to the real client. Certainly, not each needing will agree on such help. But, let us assume, people needy won't object and to it it is carried out free of charge. It is natural that to appear it all - has to under the leadership of the skilled expert, but his functions in this case are considerably facilitated, so, and reduced the price because are reduced only to control. Besides, the clinic has to incur expenses on the organization of possibility of the address in it of citizens, guaranteeing minimum qualitative legal aid by it by means of involvement of special teachers - practitioners.

That the clinic could carry out the tasks assigned to it, it has to have the corresponding material resources. The prospect to make for this purpose services of students paid and self-sustaining as practice shows, is unrealizable. On that is variety of reasons. The first consists that the student can't make the serious competition to the skilled practitioner. It can attract to itself only with gratuitousness or obvious low cost of the help provided to them. On the other hand, need of continuous control over it forces to involve for this purpose very qualified teachers (in these cases them better to call curators), and their work will manage very expensively. The second reason in high cost intensity of training courses. For example, to working off of skill of communication with the client or skill of public statements it is useful to apply video filming by means of which the student can

take a detached view of the actions moreover make it together with group, in passing discussing the misses or the successful moments. By itself, all this requires the expensive equipment. If to remember that unlike lecture where one teacher "serves" one hundred, and even there are more than students, business game or to that similar forms demand presence at group no more than 10-15 people. In these conditions it is possible to forget about self-sufficiency and the source of financing should be looked for in the higher education institution. Therefore the first type of clinics usually has the own budget and already specifically from it carries out the activity. If the clinic is independent, it receives financing as payment of the services from the institutes which have sent there the students. It is natural that education in such cases becomes more expensive, but also quality of preparation of the expert, so prestige of higher education institution and its popularity considerably increases. On in vain at the moment, practically, any school of the right in the United States has the clinic or sends to independent clinics of the students. In any case all expenses become justified and pay off with interest.

Rather high in comparison with usual educational process the financial and personnel cost intensity of this action shouldn't frighten us. We already said that any copying of others experience won't lead to similar result and all system of our education won't give completely one in one to adopt others practices. It is impossible at least for the following reasons.

1. The American law school doesn't look back at obligatory state standards, in that degree as it is done by us. Already from the first course a number of subjects is offered to their students on a choice, for passing of each of which a certain number of points is given. Therefore the student has possibility of a choice but on condition that in a semester it has to gather a certain number of points. Obligatory subjects don't exist almost. Our specialization begins not earlier than a third year and that relative since all the same most part of subjects remains obligatory.

2. Abroad legal education is, as a rule, available only to those who already graduated from any educational institution after high school, i.e. already graduated. Therefore students there are much more senior (in the USA their middle age of 25-26 years). By itself, they don't experience so big excitement during the work with the "live" client, as our twenty-year-old young man. It is shown and concerning the client to him.

3. Our teachers regardless of a position or a scientific degree have as though the uniform status. Organizational unit which regulates their activity, - chair. World experience is made use not always by this principle, and teachers of legal clinics are always independent of the colleagues - the academic teachers, the staff of clinic is formed independently. They as though compete with the academic teachers and fill those gaps in education which are allowed by them. And, nevertheless, clinic under our conditions - business not hopeless. At least, all adherents of clinical educations holding absolutely various positions and representing very different highest legal institutions, unambiguously testify to it. Confirms this and huge number of clinics already functioning in Kazakhstan. Our

personal experience shows that in clinics one of the best students last, and it is an evident indicator of their usefulness. In addition, the students who have passed clinic, always favourably differ from the colleagues, and they come to work already with a certain practical experience that in the conditions of present rather high competition of graduates, is highly appreciated. Students want to go to clinic and even are ready to pay for it if it is a question of paid education. Question only in that this training ground to create and give the chance to them to prove on it. And the most important as already it was told above, legal clinic is only a form for cultivation of progressive techniques.

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Нұрмағанбет Е.Т. - әл-Фараби атындағы ҚазҰУ,

заң факультеті, қылмыстық құқық,
қылмыстық іс жүргізу және криминалистика
кафедрасының аға оқытушысы, з.ғ.к.

КАЗІРГІ ҚОҒАМДАҒЫ БІЛІМ ЖҮЙЕСІН ДАМУДА ЖАҢА ТЕХНОЛОГИЯЛАРДЫҢ МАҢЫЗЫ

«Өмір бойы білім алу» әрбір қазақстандықтың
жеке кредосына айналуы тиіс»

Н.Ә.Назарбаев

Оқытудың жаңа технологияларын меңгеру – қазіргі заман талабы. ХХІ ғасыр – жаңа технология ғасыры. Қазіргі қоғамдағы білім жүйесін дамытуда жаңа технологиялардың маңызы зор. Қоғамдағы процестерінің қарқынды дамуы жан-жақты, жаңа технологияны меңгерген жеке тұлға қалыптастыруды талап етеді.

Қазақстан Республикасының «Білім туралы» Заңының 11 – бабының 9 тармағында оқытудың жаңа технологияларын, оның ішінде кәсіптік білім беру бағдарламаларының қоғам мен еңбек нарығының өзгеріп отыратын қажеттеріне тез бейімделуіне ықпал ететін кредиттік, қашықтан оқыту,

акпараттық-коммуникациялық технологияларды енгізу және тиімді пайдалану міндеті қойылған.

Қазіргі білім жүйесінің ерекшелігі – тек біліммен қаруландырып қана қоймай, өздігінен білім алуды дамыта отырып, үздіксіз өз бетінше өрлеуіне қажеттілік тудыру. Білім беру саласында инновациялық үрдісті жүзеге асыру мұғалімдерден өз мінез – құлықтарын, ұстанымдарын, мүмкіндіктерін түрлендіруді талап етеді.

Ақпараттық және телекоммуникациялық технологияларды игеру қазіргі заманда әрбір жеке тұлға үшін қажетті шартқа айналды. Оқытылатын тарауларды оқытудың жобалау әдісімен оқыту барысында ақпараттық-коммуникациялық технологиялардың мүмкіндіктері мен жетістіктерін пайдалану оқытушы мен оқушы арасындағы қарым-қатынасты жақсартады. ХХІ ғасыр – ақпарат ғасыры болғандықтан адамзатқа компьютерлік сауаттылық қажет. Бүгінгі таңда мектеп пәндерін компьютер көмегімен оқыту ең басты орын алады. Болашақ ұрпақты ақпараттық қоғаммен қарым қатынасқа оқытып тәрбиелеуге жағдай жасайды. Елдерде қазіргі технологияның дамуы, қоғамды парасаттандыру, жаңа білімді туындату, игеру қабілетімен де анықталады. Жеке адам мен бүкіл дүниежүзілік қоғамдастықтың өмір сүруі үшін жаңа жағдайларды қамтамасыз етуде жаңа технологиялардың кең көлемде қолданудың маңызы зор. Қазақстан Республикасында білім жүйесін реформалау, оны ұлттық модель құруға бағыттау барысында парадигмалардың ауысуы орындалады. Жоғары мектептердің әлемдік білім кеңістігіне ену үдерісі педагогикалық технологияның жанару қажеттілігін тудырады. Үйлестіру үдерістерінің қарқынды дамуы, кәсіби және академиялық тәжірибелердің өсуі оқыту әдістерінің тиімділігін арттырады. Осыны жүзеге асыру үшін электрондық оқулықтарды пайдалана білуімізді қажет етеді. Электрондық оқулықтар студенттің ойлау қабілетін, өзін-өзі реттеуді дамытады, өздігінен оқып үйренуге талпындырады. Мысалы, қазақ тілін нәтижелі үйрету, мемлекеттік тіл мәртебесін көтеру, сұранысын туындату-бүгінгі күннің маңызды мәселелерінің бірі. Компьютер оқу материалын беру мүмкіндігін кеңейтеді. Оқыту жүйесінің жан-жақтылығын көрсетеді. Компьютермен оқытудың мақсаты білім деңгейлері жоғары дәрежелі болуына жағдай жасайды, студенттің тілге деген қызығуы, сабақ сапасы бұрынғыдан да арта түседі, диалогтік, монологтік тілдері кітаптағы берілген тапсырмалар арқылы дамытады. Ертенгі күнімізге аттамас бұрын бүгінгі ұстаздың кім екендігіне баға беріп көрейік. Бүгінгі мұғалім ата-ана, қоғам қайраткері. Мұғалім – оқытушы, мұғалім – ұстаз, мұғалім – оқулық авторы, мұғалім – технолог, мұғалім-жаналықты дәріптеуші, таратушы. Электрондық оқулықтарды сабақтарда пайдаланудың тиімділігі Қазіргі заман - ғылыми және ақпараттық технологиялар заманы. Уақыт өткен сайын ақпараттардың таралуы да арта түсуде. Кейінгі кезде ақпараттар көлемінің артуы мен компьютерлік технологиялардың жылдам дамуына байланысты компьютерлік технологиялармен оқытуды белсенді түрде дамытып келеді.