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Consolidation of legal entities in the form of an association
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следует учитывать при выборе мер пресечения, поскольку основной способ сбора и подтверждения доказательств - это проведение расследований и другие процессуальные действия. Прежде - это ситуация относительно возраста, места жительства, семейного положения, рода занятий и т. д. Устанавливается при разработке «обычных» следственных мероприятий, например, при допросе свидетелей, лиц, причастных к составу преступления, в качестве подозреваемых. Затем проводятся следственные мероприятия, специально направленные на установление ситуаций, которые будут учтены при выборе мер пресечения.

3. Ситуация для подтверждения состояния здоровья подозреваемого, обвиняемого также устанавливается путем направления запроса в соответствующее медицинское учреждение и получения ответа. При необходимости следователь оставляет за собой право изъять копии других медицинских документов, в том числе выписки из его истории болезни. Судебно-психиатрическая экспертиза необходима для установления психического состояния человека (пункт 3 статьи 271 УПК РК).

4. При отсутствии информации о ситуациях, которые необходимо учитывать при решении вопроса о выборе меры предосторожности, следователи имеют право проводить следственные мероприятия, направленные на выяснение таких ситуаций. Такие следственные действия имеют особое значение при решении вопроса о выборе мер пресечения для несовершеннолетних, лиц, страдающих психическими или физическими недостатками, а также лиц, относящиеся к социально незащищенным слоям населения.

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THE CONCEPT AND IMPORTANCE OF INTERNATIONAL FINANCIAL LAW

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Abstract: International Financial Law is a set of rules of international and national



origin that govern financial transactions of any kind, provided that these financial transactions fall outside the legal system of a single state. Based on this understanding, it turns out that the International Financial Law covers the most diverse legal relations, both public and private.

Key words: *finance, financial transactions, insolvency, IMF.*

International Financial Law is a part of the global legal system and is intended for legal regulation of domestic and international financial and trade turnover, movement of funds, capital, investments, protection of property and non-property rights of citizens and legal entities in world economic activity. Already from the name of the IFL, it follows that it is characterized by several features: the financial (monetary) and international nature of regulated relations. [1]

Financial law includes aspects of the "law of the insurance, derivatives, commercial banking, capital markets and investment management sectors, "not to mention basic principles of insolvency, commercial, and property law. The practice of financial law traditionally involved bank lending and debt securities underwriting, but now includes a third, important practice area: derivative transactions, often known simply as "derivatives ".[2]

In a narrow sense, IFC means a set of rules that regulate the organization of international financial relations, mainly the turnover of world Finance. In this approach, the clearing operations of the international currency-settlement system will be the rules of private international law and norms such as international banking and insurance supervision, financial monitoring, shall be public international law. [3]

International Financial Law as a system of national and international regulatory regulators, financial turnover, formation, distribution, use of funds in global financial and commodity markets, the inherent multi-layered, generating different types of formation, distribution and use of Finance in world economic activity - domestic, intra, interstate and intercorporate. [4]

In international financial activities, financial (monetary) funds perform currency and settlement, trade and credit, investment and distribution, and control and information functions. Due to the international legal and national legal support of these functions, Finance serves the world economic turnover and the reproduction process as a whole, actively influencing all its stages. First of all, they help to balance the world currency and credit system, and provide monetary resources to trade and financial markets. [5]

The currency and settlement function of world Finance, regulated by international legal norms on currency settlements, most fully reflects the essence of international norms on ensuring the stability of the world monetary system. This function is the most important and oldest function of world Finance, since it provides international trade cooperation between States. It is through this function that the "periodicity" of changes in international currency regimes is most clearly manifested, due to the transformation of the financial systems of States, national and integration commodity and currency markets. [6]

The trade and credit function of world Finance, aimed at financing trade turnover in the foreign economic activity of States, is regulated by international legal norms of banking activity. Transnational banks and national Central banks, as the main private entities of IFL's, form a single system of global Bank lending and settlements in foreign trade. Banks and other credit and financial organizations are the main participants in trade in financial resources and services. [7]

The investment and distribution function, regulated by the norms of international and national financial law, allows you to meet the state, corporate and transnational needs of participants in international financial relations, distributing investment resources for the maintenance and development of the production and non-production sphere. Strengthening the financial impact on the world economy requires constant improvement of the financial and legal framework of the investment and distribution mechanism of Finance, and a more complete implementation of the properties inherent in the distribution function of Finance. [8]



However, the distribution and legal function, despite its versatility, does not fully reveal the properties inherent in global Finance as an economic, organizational, legal, and information control category. The fact is that global Finance, related to the movement of the value of goods, services, and capital expressed in monetary form, has the property of quantitatively (through financial resources, investments, financial assets, and funds) to display the global financial turnover as a whole and its various phases.

Finance is able to constantly ensure the stability of the world balance of payments and "inform" about how the proportions are formed in the commodity and financial markets, how the continuity of the reproduction process is ensured, how "gaps" are formed between different phases of reproduction, how special-purpose funds are formed in different areas and spheres of the world economy, etc. The ability of global Finance to monitor and control the progress of the global trade and investment process, informing about its deviations, allows us to assess the current value proportions in the world.

The control and information function of world Finance is provided by the rules of the International Financial Law on monitoring the movement of financial resources in financial markets, in the process of accumulation, capitalization, settlements, borrowing, taxation, and redistribution. Since Finance permeates all international property relations and all levels of trade, credit, settlement, and investment, it serves as a universal means of supervision (monitoring) and financial analysis by States and the international community for the fair production, distribution, and circulation of the world's social product. [9]

Thanks to the control and information function of world Finance, States counteract financial offenses, know how the proportions of world markets are formed, how timely international settlements are made, and how credit resources are placed at the disposal of various subjects of international financial activity. International legal regulation of the control and information function of Finance is not carried out in isolation, but in close unity with the legal regulation of the organization of international financial activities. [10]

Thus, the rules of the International Financial Law on currency and settlement, trade and credit, investment and distribution, and control and information functions of world Finance reflect the unity of legal regulation of international, monetary, trade, credit, information, and other related aspects of financial relations.

Different international functions of Finance, each of which can act separately from the others, indicate the nature of the manifestation of the functions of world Finance, their simultaneous action or Autonomous, which is reflected in the complex of material, conflict of laws, and procedural rules of the International Financial Law.

Material and conflict-of-laws rules of financial law (currency transactions, lending, insurance, etc.) regulate mainly security and distribution functions of Finance. Procedural rules regulate control and information, monitoring, coordination, and Supervisory financial relations (international financial control, banking supervision, international tax audits, international financial reporting, etc.). [11]

Although international financial reallocation and exchange reflect different types of financial flows, international financial supervision of compliance with IFL rules is uniform. Therefore, from the point of view of the unity of international financial discipline and control, it is logical to refer different monetary relations that arise at different stages of the world's financial turnover to international financial relations. Different types of international financial relations expressed in various economic forms (securities, investments, currency transactions, taxes, insurance payments, loans, settlements) are subject to international financial monitoring from the point of view of IFLs. [12]

International legal financial regulation that financial control and accounting for the processes of commodity exchange by value categories are carried out, each of which affects the monetary circulation and financial stability in General and is within the framework of control



and standardized financial accounting. International coordination of banking and securities supervision should be complemented with increasing transparency in the operations, cross-border structure, and financial activities of international banks and securities firms (i.e., international financial conglomerates). This can be achieved through supervisory guidance to international banks and securities firms to assist them in the development, implementation, and thorough enforcement of effective corporate structure, internal controls, and risk management programs. Such initiatives will further serve as preventive measures against intragroup contagion in times of financial stress. [13]

In the end, lawmakers must exercise sound judgment regarding the degree of legal recognition that should be afforded to close-out netting. There are no clear answers, but there are certainly red flags. The danger signals include aggressive lobbying by financial institutions for special treatment; lack of transparency regarding the terms of closeout netting agreements and underlying transactions; inconsistency, haste, and opaqueness in closing-out processes; disparate legal treatment favoring large institutions and allowing excessive externalization of risk by certain financial transaction participants; and obstacles that render insolvency resolution processes more necessary but less effective. These are legitimate concerns that cannot be ignored. [14]

Overall, the FSB might work reasonably well when it comes to coordination and prevention functions without it being a hard law institution, but the issue which remains is how to handle cross-border financial institution failures. Although the FSB will play a role in facilitating discussion among its members, what is lacking from the system is the ability to put its members under binding obligations that will lead to a greater willingness to burden share the costs of cross-border bank failures. Some form of binding arbitration mechanism might be the best way to achieve this, but without a more formal and binding arrangement for burden sharing and dispute resolution arrangement, probably through a formal treaty and/or international organization, the problems raised by the failure of global financial institutions will not be adequately addressed by the current approach to international financial regulation. As in many ways these were amongst the major causes of the systemic phase of the global financial crisis, failing to properly address these issues must be seen as either indicating that significant risks will continue to exist in the context of global finance or a tacit conclusion that finance and financial institutions will no longer in fact be global. [15] Unfortunately, based on the unsuccessful experience of the IMF's proposals for a sovereign debt restructuring mechanism, the outlook in the context of the perhaps even more complicated arena of failure resolution mechanisms for cross-border financial institutions is not overly bright.

The concept of the rule of law has been captured by economists, lawyers, and international organizations who uses the term for various and sometimes conflicting ends. In other words, despite the procedural nature of the rule of law, the model laws implemented in post-conflict situations are not value-neutral. Many contain important policy choices about ownership rights and the allocation of wealth in societies. IFI regulatory reform in post-conflict situations provides a particularly good example of how these policy choices are being translated into law and more generally of how the rule of law and the role of law in peace building has shifted from limited programs to establish civil or criminal accountability for past atrocities to a broad-based attempt to rebuild national legal systems and lay the basis for a market economy. [16]

Sound financial system can contribute enormously to economic development around the world, and the flow of capital across international borders can confer enormous benefits.

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СОДЕРЖАНИЕ CONTENT

Совет Е.Ғ. ҚҰҚЫҚТАНУДЫ ОҚЫТУДА ҚОЛДАНЫЛАТЫН ИНТЕРАКТИВТІ ӘДІСТЕР, ФОРМАЛАР ЖӘНЕ ОҚЫТУ ҚҰРАЛДАРЫ	3
Kulmukhanova D.B. INTERNATIONAL SECURITY LAW: AN OVERVIEW OF THE CONCEPT	7
Ибраева М.К. ҚР БІЛІМ БЕРУ ЖҮЙЕСІНДЕГІ ЗАҢНАМАЛЫҚ ҚҰЖАТТАР МЕН БАҒДАРЛАМАЛАРДА ЕРТЕ ЖАСАҒЫ БАЛАЛАРДЫҢ ТАНЫМДЫҚ БЕЛСЕНДІЛІГІН ДАМУ МӘСЕЛЕЛЕРІ	10
Кукеев А.К. УСТАНОВЛЕНИЕ ОБСТОЯТЕЛЬСТВ, УЧИТЫВАЕМЫХ ПРИ ИЗБРАНИИ МЕР ПРЕСЕЧЕНИЯ, НЕ СВЯЗАННЫХ С ЛИШЕНИЕМ СВОБОДЫ В ОТНОШЕНИИ НЕСОВЕРШЕННОЛЕТНИХ	19
Otyunshiyeva A.A., Balabekova N.Ye. THE CONCEPT AND IMPORTANCE OF INTERNATIONAL FINANCIAL LAW	21
Балтагулов А.И. ҚЫЛЫСТЫҚ ҚҰҚЫҚ ТЕОРИЯСЫНДАҒЫ НИЕТ ҰҒЫМЫ	26
Булегенов Т.Д. ТЕРГЕУ ЖҮРГІЗУДЕ ПСИХОЛОГИЯНЫҢ МӘНІ МЕН МАҢЫЗЫ.....	28
Турутина Е.Э. ВОПРОСЫ ПРАВОВОГО РЕГУЛИРОВАНИЯ ТЕХНОЛОГИЙ КРИПТОВАЛЮТ	32
Тленшин Т.Б. КОМПЬЮТЕРЛІК ҚЫЛЫСТАРМЕН КҮРЕСУДІҢ ӨЗЕКТІЛІГІ МЕН МАҢЫЗДЫЛЫҒЫ	35
Ашыралиева Б.С., Ищанова Г.Т. ПРОБЛЕМЫ СОВЕРШЕНСТВОВАНИЯ ПРАВОВОГО СТАТУСА АДВОКАТА В УГОЛОВНОМ СУДОПРОИЗВОДСТВЕ	39
Дашин А.В. РЕАЛЬНОЕ ИСПОЛНЕНИЕ ОБЯЗАННОСТИ УПЛАТИТЬ СУММУ ОСНОВНОГО ДОЛГА	45
Жуниспаева А.Б. САҚТАНДЫРУ ОМБУДСМЕНІНІҢ ҚҰҚЫҚТЫҚ МӘРТЕБЕСІ	50
Бақытжанұлы Б. ҚАЗАҚСТАНДАҒЫ КӘСІПКЕРЛІКТІҢ ӘЛЕМ ДЕҢГЕЙІНДЕГІ ОРНЫ.....	54
Сабырбек Ш.М. СОВЕРШЕНСТВОВАНИЕ ОТЕЧЕСТВЕННОГО ЗАКОНОДАТЕЛЬСТВА КАК ОСНОВА ЭФФЕКТИВНОГО ИСПОЛЬЗОВАНИЯ ГОСУДАРСТВЕННЫХ РАСХОДОВ	57
Гайко О.В. НОРМАТИВНО-ПРАВОВОЕ ОБЕСПЕЧЕНИЕ ЭЛЕКТРОННОГО ГОСУДАРСТВА В РЕСПУБЛИКЕ БЕЛАРУСЬ	61
Сатыбалдиева Г.Д., Жунисов А.Б. ҚҰҚЫҚТЫҚ ТЕРМИНДЕРДІ БІРІЗДЕНДІРУ	65
Өтеміс А.Т. ҚР ТӨТЕНШЕ ЖАҒДАЙ (COVID-19) КЕЗІНДЕГІ АЗАМАТТАРДЫҢ КОНСТИТУЦИЯЛЫҚ ҚҰҚЫҚТАРЫНЫҢ ШЕКТЕЛУІ	67
Жақаева Г.К. ТАБИҒАТТЫ САҚТАУ ЖӘНЕ ТАБИҒАТ БАЙЛЫҚТАРЫНА ҰҚЫПТЫ ҚАРАУ – ҚАЗАҚСТАН РЕСПУБЛИКАСЫ АЗАМАТТАРЫНЫҢ КОНСТИТУЦИЯЛЫҚ МІНДЕТТЕРІНІҢ БІРІ	73
Хидиров Х.И, Обилқосимов М. “ЭЛЕКТРОН ТИЗИМ” – ЭСТОНИЯ КОРРУПЦИЯҒА ҚАРШИ ҚУРАШИШДА ЕТАКЧИЛАР ҚАТОРИДА	75
Косимов Ф.М., Асламов Б.С. РОЛЬ ПРОФЕССОРСКО-ПРЕПОДАВАТЕЛЬСКОГО СОСТАВА АКАДЕМИИ МВД РЕСПУБЛИКИ ТАДЖИКИСТАН В ПОДГОТОВКЕ СПЕЦИАЛИСТОВ ПО БОРЬБЕ С ЭКСТРЕМИЗМОМ И ТЕРРОРИЗМОМ	78
Әжіқұрман А.Б., Мейірбекова Г.Б. ЕРЕКШЕ ӨНДІРІСТІҢ ТҮСІНІГІ ЖӘНЕ МАҢЫЗЫ: ТЕОРИЯЛЫҚ ЖӘНЕ ТӘЖІРИБЕЛІК МӘСЕЛЕЛЕРІ	82
Қажыкерей А.Е., Бурибаев Е.А. БҰЗЫЛҒАН АВТОРЛЫҚ ҚҰҚЫҚТАРДЫ ҚОРҒАУДЫҢ ТӘСІЛДЕРІ	86



Қобландина А., Мейірбекова Г.Б. ЕРЛІ-ЗАЙЫПТЫЛАРДЫҢ ЖӘНЕ БҰРЫНҒЫ ЕРЛІ - ЗАЙЫПТЫЛАРДЫҢ АЛИМЕНТТИК МІНДЕТТЕМЕЛЕРІ	90
Тәжібай Ж.Ә., Мейірбекова Г.Б. СОТТА ІСТІ ҚАРАУ - АЗАМАТТЫҚ ІС ЖҮРГІЗУ САТЫЛАРЫНЫҢ НЕГІЗІ РЕТІНДЕ	94
Nabiyev A.B., Mamadboyev Sh.B. HAYOT FAOLIYATIDA MENHAT MUHOFAZASINING QONUNIY ASOSLARINI O'RGANISH	98
Gairova K. LEGAL CULTURE IN UZBEKISTAN	100
Джуманқулов А.А. ЎЗБЕКИСТОН РЕСПУБЛИКАСИНИНГ «ТАЪЛИМ ТЎҒРИСИДА» ГИ ҚОНУНИ	102
Эсанова З.Н., Ибратова Ф.Б., Салимова И.М. МЕРОС ИШЛАРИНИ СУДДА КЎРИШНИНГ ПРОЦЕССУАЛ ХУСУСИЯТЛАРИ	106
Каримов Қ.С. ЎЗБЕКИСТОН ХУДУДИДА ҚОЗИЛИК ИНСТИТУТИНИНГ ШАКЛЛАНИШИ, ШАРИАТВА ОДАТ ҚОНУН-ҚОИДАЛАРИ АСОСИДАГИ ФАОЛИЯТИ ТАРИХИДАН	110
Хабибуллаев Д.Ю., Хайрулина А.Б., Мамараимова Г.М., Пирматов О.Ш., Хакбердиев А.А. ВОПРОСЫ СОВЕРШЕНСТВОВАНИЯ ГРАЖДАНСКОГО ПРОЦЕССУАЛЬНОГО ЗАКОНОДАТЕЛЬСТВА РЕСПУБЛИКИ УЗБЕКИСТАН	113



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