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ХАБАРШЫ

ЗАҢ СЕРИЯСЫ

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Nakisheva M.K.
**Separate aspects of legal support
of financial deposits protection
of the population**

In this article questions of bank deposits, and also of obligatory guaranteeing deposits are considered that is ensuring stability of the RK financial system. Including, some aspects of maintenance of trust to a banking system, by payment of guarantee compensation to depositors in case of compulsory liquidation of participating bank are studied. Article contains the analysis of norms of the bank law in the field of legal regulation of some bank operations, including maintaining Islamic deposits.

Key words: The bank deposit, the guaranteed deposit, the Kazakhstan fund of guaranteeing deposits, Islamic bank.

Накишева М.К.
**Банк депозиттерін құқықтық
қорғаудың кейбір аспектілері**

Бұл мақалада банктік салымдар мен депозиттер туралы және КР қаржы жүйесінің тұрақтылығын қамтамасыз ететін міндетті кепілдік етуші депозиттер туралы қарастырылған. Сонымен қатар, банк жүйесіне сенімділікті қолдау аспектілерін және депозитарларға кепіл беруді төлеу жолдары көрсетілген. Мақалада банк операцияларының құқықтық реттеу саласындағы және ислам салымдарын жүргізу банктік заңдардың нормалары және оларға талдау жасау мазмұны қаралған.

Түйін сөздер: банктік депозит, банктік салым, кепілдік депозит. Кепілдік депозиттердің қазақстандық қоры, Ислам банкі.

Накишева М.К.
**Некоторые аспекты правового
обеспечения защиты
банковских вкладов**

В данной статье рассматриваются вопросы о банковских вкладах и депозитах, а также об обязательном гарантировании депозитов, что является обеспечением стабильности финансовой системы РК. В том числе изучены некоторые аспекты поддержания доверия к банковской системе путем выплаты гарантийного возмещения депозиторам в случае принудительной ликвидации банка-участника. Статья содержит анализ норм банковского законодательства в области правового регулирования некоторых банковских операций, в том числе ведение исламских вкладов.

Ключевые слова: банковский депозит, банковский вклад, гарантируемый депозит, Казахстанский фонд гарантирования депозитов, Исламский банк.

**SEPARATE ASPECTS OF
LEGAL SUPPORT OF
FINANCIAL DEPOSITS
PROTECTION OF THE
POPULATION**

Today, the number of investors in a banking system grows in the republic day by day as the population considers such investment favorable.

The banking system in the republic became stronger, and the population not just trusted in banks, but felt noticeable benefits which turn out at placement of money on bank accounts.

The guaranteed deposit – the deposit which is subject to obligatory guaranteeing deposits.

For guaranteeing deposits of physical persons in November 1999 the special fund – JSC «Kazakhstan Fund of Guaranteeing Deposits» was created.

The main destination of Fund is protection of the rights and legitimate interests of investors and assistance of stability of a financial system of the Republic.

As we know, the purpose of system of obligatory guaranteeing deposits is ensuring stability of a financial system, including maintenance of trust to a banking system by payment of guarantee compensation to depositors in case of compulsory liquidation of participating bank.

What is the deposit, deposits in Kazakhstan how to choose the favorable deposit, deposit rates (percent on deposits) in Kazakhstan. And also deposits of banks of Kazakhstan for 2016, interest rates for deposits in banks of Kazakhstan for 2016 and where it is favorable to put money.

The bank deposit – it is the money transferred credit institution for the purpose of obtaining the income by way of percent. You give free money resource for temporary use to bank under certain conditions and instead earn reward (income) in the form of monthly added established percent from the deposit sum.

Naturally, than it is higher a percent on an investment in bank (deposit rates) – the your income is higher, the more money is added monthly to your sum of a deposit. Therefore people look for deposits of banks of Kazakhstan with a high interest rate.

The percent on deposits in national currency is always higher, than in foreign currency.

For example, in 2016 after devaluation of tenge, banks of Kazakhstan increased percent on deposits to tenge to 15%, at the

same time having lowered percent on currency deposits to 2%. It increases appeal the deposits on tenge.

Besides in 2016 also the sum of guarantee compensation on deposits in national currency increased from 5 000 000 (five million) tenge to 10 000 000 (ten million) tenge.

The maximum sum of a guarantee on deposits in foreign currency remains without change of 5 000 000 (five million) tenge.

Respectively, if your bank in which you have the deposit, is a participant of System of Guaranteeing Deposits, then at the arisen problems at bank – the Organization which is carrying out obligatory guaranteeing deposits pays to depositors – physical persons – guarantee compensation on the guaranteed deposits in the rest sum on the deposit without the remuneration added on the deposit, but no more than ten million tenge.

Deposits are the simplest and safer way to keep money and at least a little to earn additionally unlike more risky investments, such as, in purchase of a share, investments in gold, even to the real estate. Financiers say that durability of your financial future is defined at all not by that how many money you earn, and that how many at you remains from earned and they insistently advise monthly to lay off for the deposit account at least 10% of the income. Japanese, for example, at the child's birth go to open the deposit account in bank on his name at once. And regularly do small assignments. If we do it like this, then to majority of your child on his account the round sum which can be used for receiving more prestigious education abroad will already lie, or over time we can buy the apartment or the car to the child.

Here the factor of time and a regularity of additional deposits plays a large role, what more on the deposit money will lie, and money will not be removed, and on the contrary the deposit investment will be monthly diligently, regularly to be replenished – that through 15-18 years – on the deposit the considerable sum will be collected. And in the Kazakhstan banks, including. Our banks in Kazakhstan quite stable.

Of course, nobody is insured from inflation, devaluation, etc. If the percent on a deposit is good, keeps consumer ability of your money from inflation (percent on a deposit is higher, than the official rate of inflation in the country), then your money not only to remain, but also in the conditions of inflation will even be increased. On the other hand, when you have deposit money – it is also the good calming psychological factor. We then look in tomorrow more surely.

Two types of deposits are most popular now

1. deposits which can be filled up periodically or regularly, but it is impossible to take off money before the termination of term of a deposit contribution according to the contract.

2. the deposit which it is possible both to fill up and to take off money in need of any time (of course, it is necessary to leave not reduced part before the termination of period of validity of a contribution). Therefore if you consider that in the nearest future money can be necessary for you, it is better to choose the second option. And if there are available resources – that it is possible to stop on the first option.

Earlier on type of deposits when it was possible to fill up, but it was impossible to remove before the termination of term of the deposit – interest rates were higher.

However, now time dictates the terms. And some banks of Kazakhstan already have conceded demand and deposits with high percent on deposit are offered also in the second case.

Thus it is hard to say in what bank the best conditions on opening of the deposit, almost in all banks they identical. Therefore at the choice of the deposit it is better to pay attention to the financial performance of bank characterizing its reliability (probability that he will not go bankrupt), service (customer service: efficiency, politeness, etc.) conditions on the deposit (flexibility, loyalty, etc.) and also other characteristics: for example, a big extensive network of branches, proximity near the house, personal acquaintances to personnel of bank and other criteria.

Financial indicators (the size of assets, own capital, obligations, profit, etc.) can be found on the corporate websites of banks.

The fund of guaranteeing deposits in case of bankruptcy of bank undertakes to return you the sum of your deposit (without remuneration), but no more than 10 000 000 (ten million) tenge. If you want to put more than 10 million tenge on the deposit then as option, it is possible to divide the sum of a contribution between several banks, to open deposits in several banks which are participants of system of obligatory guaranteeing deposits that the deposit sum in each bank did not exceed specified.

Though bankruptcy of banks in Kazakhstan the phenomenon now rare. Besides, the more the deposit – the more monthly amount of remuneration (percent) arrives on your deposit.

Let's note that in Kazakhstan 37 banks are a part of the system all obligatory guaranteeing deposits. The exception is only Islamic bank.

JSC Islamic Bank «Al Hilal» was formed in 2010 as a joint stock company according to the legislation of the Republic of Kazakhstan. The bank accepts deposits from the population, provides financial operations on the bases of the principles of norms and rules of Sharia, transfers money in Kazakhstan and abroad, performs operations on a currency exchange and renders other banking services to the commercial clients. In Sharia there is a direct and unconditional ban on a rib, that is usury. Delivery of money under percent – on what is based welfare of a traditional banking system – in Islam it is considered a sin, same heavy as seventy adulteries.

Therefore, in Islamic banks cannot be in classical understanding of such services as crediting. Besides, Sharia forbids some other types of bank earnings, for example stock market game therefore Islamic banks can store the assets, only store, but not increase in «long» papers and long-term investments in any way.

For attraction of savings of individuals the Islamic banks use two ways. The first is a mudaraba. Investors as participants of «trust financing», participate in profits and losses of bank. The second way – clients bring the savings into interest-free accounts, but at the same time have the right to the loans granted on favorable terms, – only 2-3% as commission collecting are charged.

At the same time investors acquire the rights comparable to the rights of shareholders: in case of losses which involve damage to investors the last have the right to begin judicial investigation of activity of bank. The profit of banks and their investors is formed at an entrepreneurial activity due to investment of capital in various projects creating real goods. It follows from this that the capital

works only in the production purposes. Both parties – both bank and the client – bear risks and divide profits and losses from projects in proportion to invested funds. Respectively, banks prefer to high-risk projects projects risk-free, bringing in the stable income. If this crediting of projects, then if the project profitable, on the ratio which is in advance stipulated in the contract agree about a share, for example, the client receives 80%, and bank – 20% of profit.

In August, 2015, in the country there was a devaluation of national currency, in participation of the population there was a certain degree of mistrust to bank deposits. The national currency received so-called, the mode of free floating of exchange rates, that is a rate of tenge to other world currencies is regulated by market demand and offers.

But, despite it, the remuneration rate on tenge deposits remains high, and it is good news to those who decided to save up the means. In February of this year the National bank in response to high dollarization of economy increased the maximum guaranteed rate on deposits in national currency to 14%.

In economic practice there is a period of expensive deposits which is observed in Kazakhstan today. This moment is considered gold time for investors, experts are sure. Encourages that it can last much longer, not so long ago during the interview the head of National Bank of Kazakhstan Daniar Akishev noted that the regulator does not intend to reduce the maximum rate on tenge deposits. However, bankers will be forced to go to this measure for depreciation of funding and it is happened reduction in cost of the credits. In these conditions it is necessary to hurry to fix high rates on rather long deposits for one-two years in tenge.

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