

**KAZAKH NATIONAL UNIVERSITY  
NAMED AFTER AL-FARABI**

**Faculty of Law**

**Department of customs, financial and environmental law**

**Approved**

at a meeting of the faculty Academic council  
Protocol No 1, dated September 1, 2023  
Dean of faculty



\_\_\_\_\_ Baideldinov D.L.

**EDUCATIONAL AND METHODOLOGICAL COMPLEX OF DISCIPLINE**

**93906 Financial Law theory issues  
Educational program - Jurisprudence**

Course – 1

Semester – 2

Number of credits – 5

The form of study-full-time, offline

Almaty, 2024

EMD Associate professor, at the Department of Customs, Financial and Environmental Law  
Kalymbek Bakytzhan based on educational program – 8D04203 Jurisprudence

Considered and recommended at a meeting of the Department of Customs, Financial and  
Environmental Law

«01». 09. 2023 protocol № 1

Head of the department  
Doctor of Law, Acting Professor



\_\_\_\_\_ G.A. Kuanalieva

**SYLLABUS**  
**Financial Law theory issues**  
**Spring semester 2023-2024**  
**The doctoral program is in English**

| ID and name of the discipline   | Student's independent work (SIW)  | Number of credits                  |   |  | Total number of credits  | Student's independent work under the guidance of a teacher (SIWT) |
|---|---|------------------------------------|---|--|--|---|
|   |   | Lectures (L)                       | Practical classes (PC)                                    | Laboratory classes (LC)                |  |   |
| 903906 Financial Law theory issues  | 98  | 15                                 | 30  | -                                      | 5  | 2   |
| <b>ACADEMIC INFORMATION ABOUT THE DISCIPLINE</b>  |   |                                    |   |  |  |   |
| <b>Learning Format</b>  | <b>Cycle, component</b>   | <b>Type of lectures</b>            | <b>Type of practical classes</b>                          | <b>Form and platform of final exam</b> |  |   |
| Offline   | Basic elective component  | classic review, analytical lecture | logical tasks, discussions, crossword puzzles, test tasks | Test in IS Univer                      |  |   |
| <b>Lecturer - (s)</b>   | Associate professor, at the Department of Customs, Financial and Environmental Law Kalymbek Bakytzhan                   |                                    |   |  |  |   |
| <b>e-mail:</b>  | b.kalymbek77@gmail.com  |                                    |   |  |  |   |
| <b>Telephone:</b>   | +77017216860  |                                    |   |  |  |   |
| <b>ACADEMIC PRESENTATION OF THE DISCIPLINE</b>  |   |                                    |   |  |  |   |
| <b>Purpose of the discipline</b>  | <b>Expected Learning Outcomes (LO)*</b>   |                                    |   |  | <b>Indicators of achievement LO (IA)</b>   |   |
| The purpose of the discipline is to study the basics of the theory of financial law, the legal aspects of financial activity and the financial system of the state. | 1. Investigate the mechanism of financial and legal regulation in modern conditions.                                    |                                    |   |  | 1.1 Proves the features of the legal regulation of the financial activities of the state and the financial system.                 |   |
|   |   |                                    |   |  | 1.2 Analyzes the subject and system, methods, principles of financial law.   |   |
|   |   |                                    |   |  | 1.3 Determines the place and role of financial law in the system of law.   |   |
|   |   |                                    |   |  | 1.4 Analyzes financial and legal norms and relationships.  |   |
|   | 2. Disclose the content, problems and ways of improving the financial and legal activities of the modern state          |                                    |   |  | 2.1 Analyzes the concept and elements of the monetary system.  |   |
|   |   |                                    |   |  | 2.2 Studies the features of the monetary system of the Republic of Kazakhstan.   |   |
|   |   |                                    |   |  | 2.3 Analyzes the legal basis of currency regulation.   |   |
|   |   |                                    |   |  | 2.4 Applies currency legislation in practice.  |   |
|   | 3. Outline the main approaches to obtaining and assessing legal knowledge about the main institutions of financial law. |                                    |   |  | 3.1 Justifies the system and powers of the bodies exercising management in the field of public finance.                            |   |
|   |   |                                    |   |  | 3.2 Uses financial planning, broken down by the basics and stages of legal regulation.   |   |
|   |   |                                    |   |  | 3.3 Distinguishes the concept and elements of financial control and explain the powers of the bodies exercising financial control. |   |
|   | 4. Use the methods of conducting independent research in the field of financial law.                                    |                                    |   |  | 4.1 Assesses the legal foundations of the budget system. Conduct an analysis of  |   |

|                           |  |   |
|---------------------------|--|---|
|                           |  | <p>the budgetary legislation of the Republic of Kazakhstan.</p> <p>4.2 Analyzes the concept and subject of tax law. Knows the types of taxes.</p> <p>4.3 Understands the banking system of the Republic of Kazakhstan. They can analyze the banking legislation of the Republic of Kazakhstan. Knows the powers of the National Bank of the Republic of Kazakhstan.</p> <p>4.4 Understands the subject and content of insurance law. Differentiation of types of insurance.</p>   |
|                           | 5. Demonstrate skills and abilities to solve legal problems and issues arising out in the financial sphere.  | <p>5.1 Demonstrates skills related to the conditions and procedures for state borrowing and lending.</p> <p>5.2 Shows skills to resolve disputes arising in the financial sector.</p> <p>5.3 Applies the experience of foreign countries in the field of regulation of financial relations.</p> <p>5.4 International connection. Analysis of the financial system of foreign states. They can assess the possibility of applying the positive experience of foreign countries in the differentiation of financial disputes.</p> |
| <b>Prerequisites</b>      | 9068 Theory of state and law; 63970 Constitutional law; 2774 Administrative law; 68761 Financial Law   |   |
| <b>Postrequisites</b>     |  |   |
| <b>Learning Resources</b> | <p><b>References:</b></p> <p><b>Main:</b></p> <ol style="list-style-type: none"> <li>1. Financial law of the Republic of Kazakhstan: textbook / N.R. Veselskaya, M.T. Kakimzhanov. - Almaty: 2015. - 312 pages.</li> <li>2. Saktaganova I.S. Kazakhstan Republicsynyn karzhy qyqygy. Zhalpy zhane erekshe bolim. Okulyk / Saktaganova I.S. - Almaty: "Evero" basses, 2016. - 256 pages.</li> <li>3. Saktaganova I.S. Kazakhstan Republicsynyn karzhy qyqygy. Kazustyk tehnologiyasy boyynsha. Oku kuraly / I.S. Saktaganova. - Almaty: "Epigraph" bassas, 2016. - 390 pages.</li> <li>4. Kuanaliyeva G.A. Karzhy qyqygy: oqu qyraly / G.A. Kuanaliyeva. - Almaty: Kazakh University, 2017. - 162 pages.</li> <li>5. Financial law of the Republic of Kazakhstan: textbook. allowance / Ed. A.E. Zhatkanbayeva. - Almaty, 2018. - 270 pages.</li> </ol> <p><b>Additional:</b></p> <ol style="list-style-type: none"> <li>6. Financial law: textbook and workshop for universities / G. F. Ruchkina [and others]; edited by G. F. Ruchkina. - 2nd ed., revised. and additional - Moscow: Yurayt Publishing House, 2023. - 361 pages.</li> <li>7. Ashmarina E.M. Financial right. Textbook for open source software. Ed. 3, trans. and additional - 2023. - 370 pages.</li> <li>8. Boltinova O. V. Budget law. Publisher: Norma Legal Publishing House, 2023. - 260 pages.</li> </ol> <p><b>Internet-recourses</b></p> <ol style="list-style-type: none"> <li>1. <a href="https://bestprofi.com/business-law?0">https://bestprofi.com/business-law?0</a></li> <li>2. <a href="https://adilet.zan.kz/rus/">https://adilet.zan.kz/rus/</a></li> <li>3. <a href="https://online.zakon.kz/lawyer">https://online.zakon.kz/lawyer</a></li> </ol> |   |

|  |   |
|--|---|
| <p><b>Academic discipline policy</b></p> | <p>The academic policy of the discipline is determined by the Academic Policy and the Policy of Academic Integrity of KazNU Al-Farabi.<br/>Documents are available on the main page of IS Univer.</p> <p><b>Integration of science and education.</b> The research work of students, undergraduates, doctoral students is a deepening of the educational process. It is organized directly at the departments, laboratories, scientific and design departments of the university, in student scientific and technical associations. Independent work of students at all levels of education is aimed at developing research skills and competencies based on obtaining new knowledge using modern research and information technologies. A research university teacher integrates the results of scientific activities into the topics of lectures and seminars (practical) classes, laboratory classes and into tasks of the SIWT, SIW, which are reflected in the syllabus and are responsible for the relevance of the topics of training sessions and tasks.</p> <p><b>Attendance.</b> The deadline for each task is indicated in the calendar (schedule) for the implementation of the content of the discipline. Failure to meet deadlines results in loss of points.</p> <p><b>Academic honesty.</b> Practical/laboratory classes, SIW develop the student's independence, critical thinking, and creativity. Plagiarism, forgery, the use of cheat sheets, cheating at all stages of completing assignments are unacceptable. Compliance with academic honesty during the period of theoretical training and at exams, in addition to the main policies, is regulated by the "Rules for the final control", "Instructions for the final control of the autumn / spring semester of the current academic year", "Regulations on checking text documents of students for the presence of borrowings."<br/>Documents are available on the main page of IS Univer.</p> <p><b>Basic principles of inclusive education.</b><br/>The educational environment of the university is conceived as a safe place where there is always support and equal attitude from the side of the teacher to all students and students to each other, regardless of gender, race / ethnicity, religious beliefs, socio-economic status, physical health of the student, etc. All people need the support and friendship of peers and fellow students. For all students, progress is more about what they can do than what they can't. Diversity enhances all aspects of life.<br/>All students, especially those with disabilities, can receive advisory assistance by phone 87010555110 / e-mail: kuanalieva.guldanakz@mail.ru</p> <p><b>MOOC integration (massive open online course).</b> If MOOC is integrated into the discipline, all students must register for MOOC. The deadlines for passing MOOC modules must be strictly observed in accordance with the schedule for studying the discipline.</p> <p><b>ATTENTION!</b> The deadline for each task is indicated in the calendar (schedule) for the implementation of the content of the discipline, as well as in the MOOC. Failure to meet deadlines results in loss of points.</p> |
|--|---|

**INFORMATION ABOUT TEACHING, LEARNING AND ASSESSMENT**

| Score-rating letter system of assessment of accounting for educational achievements |                           |                   |  | Assessment Methods  |
|---|---------------------------|-------------------|--|---|
| Grade   | Digital equivalent points | points, % content | Assessment according to the traditional system | <p><b>Criteria-based assessment</b> is the process of correlating actual learning outcomes with expected learning outcomes based on clearly defined criteria. Based on formative and summative assessment.</p> <p><b>Formative assessment</b> is a type of assessment that is carried out in the course of daily learning activities. It is the current measure of progress. Provides an operational relationship between the student and the teacher. It allows you to determine the capabilities of the student, identify difficulties, help achieve the best results, timely correct the educational process for the teacher. The performance of tasks, the activity of work in the classroom during lectures, seminars, practical exercises (discussions, quizzes, debates, round tables, laboratory work, etc.) are evaluated. Acquired knowledge and competencies are assessed.</p> <p><b>Summative assessment</b> is a type of assessment that is carried out upon completion of the study of the section in accordance with the program of the discipline. Conducted 3-4 times per semester when performing SIW. This is the assessment of mastering the expected learning outcomes in relation to the descriptors. Allows you to determine and</p> |
| A   | 4,0                       | 95-100            | Excellent                                      |   |
| A-  | 3,67                      | 90-94             |  |   |
| B+  | 3,33                      | 85-89             | Good   |   |

|    |      |       |                |  |
|----|------|-------|----------------|--|
|    |      |       |                | fix the level of mastering the discipline for a certain period. Learning outcomes are evaluated. |
| B  | 3,0  | 80-84 |                | <b>Formative and summative assessment</b>  |
| B- | 2,67 | 75-79 |                | Activity at lectures   |
| C+ | 2,33 | 70-74 |                | Work in practical classes  |
| C  | 2,0  | 65-69 | Satisfactory   | Independent work   |
| C- | 1,67 | 60-64 |                | Design and creative activity   |
| D+ |      | 55-59 |                | Final exam   |
| D  |      | 50-54 |                | TOTAL  |
| FX | 0,5  | 25-49 | Unsatisfactory |  |
| F  | 0    | 0-24  |                |  |

**Calendar (schedule) of the implementation of the content of the discipline. Methods of teaching and learning.**

| Week  | Name of Topic   | Num. of hours | Max. score |
|---|---|---------------|------------|
| <b>MODULE 1 Financial activities of the government</b>                        |   |               |            |
| 1   | <b>L 1.</b> The issues of the concept and general characteristics of the financial activities of the state. Methods and forms of financial activity.                                  | 1             |            |
|   | <b>LC 1.</b> The issues of the concept of financial activity of the state. Financial system and analysis of its composition.  | 2             | 7          |
| 2   | <b>L 2.</b> The issues of financial law as a branch of law. Place and features of financial law in the system of law.   | 1             |            |
|   | <b>LC 2.</b> The issues of methods and system of financial law. Interrelation of the general and special parts of financial law.  | 2             | 7          |
|   | <b>SIWT 1. SIW 2</b> implementation advice.   |               |            |
| 3   | <b>L 3.</b> The issues of financial and legal norms and general characteristics of financial and legal relations.   | 1             |            |
|   | <b>LC 3.</b> The issues of types of financial legal norms and their influence on the emergence, change and termination of financial and legal relations                               | 2             | 7          |
|   | <b>SIW 1.</b> Topic: Specifics and modern problems of financial law as a branch of law (presentation).  |               | 25         |
| 4   | <b>L 4.</b> The issues of legal basics of the monetary system. Monetary system of the Republic of Kazakhstan and its elements.  | 1             |            |
|   | <b>LC 4.</b> Legal problems of currency regulation. Analysis of currency legislation.   | 2             | 7          |
| 5   | <b>L 5.</b> The issues of legal basics of the financial structure of the state.   | 1             |            |
|   | <b>LC 5.</b> The issues of legal basics of financial structure of the state and the legal foundations of financial regulation.  | 2             | 7          |
| <b>MODULE 2 Legal regulation of management and control of public finances</b> |   |               |            |
| 6   | <b>L 6.</b> Management in the field of public finance.  | 1             |            |
|   | <b>LC 6.</b> The issues of the system, the powers of the bodies exercising management in the field of public finance.   | 2             | 7          |
|   | <b>SIWT 2. SIW 2</b> implementation advice.   |               |            |
| 7   | <b>L 7.</b> The issues of legal bases of financial planning.  | 1             |            |
|   | <b>LC 7.</b> Stages of financial planning. Financial year. Financial period.  | 2             | 8          |
|   | <b>SIW 2</b> (form of debate). Topic: Current problems of the legal foundations of the monetary system.   |               | 25         |
| <b>LEVEL CONTROL 1</b>  |   |               | <b>100</b> |
| 8   | <b>L 8.</b> The issues of legal regulation of state financial control.  | 1             |            |
|   | <b>LC 8.</b> The concept and elements of financial control.   | 2             | 8          |
| 9   | <b>L 9.</b> The issues of financial and legal responsibility.   | 1             |            |
|   | <b>LC 9.</b> Financial offense and its types. Differentiation of financial offenses.  | 2             | 7          |
|   | <b>SIWT 3.</b> Discussion of topical issues of economic and financial policy on the Message of the President of the Republic of Kazakhstan to the people of Kazakhstan (round table). |               |            |
| <b>MODULE 3 Institutes of a special section of financial law</b>              |   |               |            |
| 10  | <b>L 10.</b> The issues of budget law is the main institution of financial law. The concept and general characteristics of budgetary law.   | 1             |            |

|                             |   |   |            |
|-----------------------------|---|---|------------|
|                             | <b>LC 10.</b> Legal foundations of the budget system. Analysis of the budget legislation of the Republic of Kazakhstan.                                   | 2 | 7          |
|                             | <b>SIWT 4. SIW 3</b> implementation advice.   |   |            |
| 11                          | <b>L 11.</b> The issues of tax law as an institution of financial law.  | 1 |            |
|                             | <b>LC 11.</b> General characteristics and concept of tax law. Types of taxes.   | 2 | 7          |
|                             | <b>SIW 3.</b> Topic: Issues of legal regulation of the tax service of the Republic of Kazakhstan. Types of taxes. Analysis of tax legislation (abstract). |   | 25         |
| 12                          | <b>L 12.</b> The issues of banking law.   | 1 |            |
|                             | <b>LC 12.</b> Banking system of the Republic of Kazakhstan. Banking legislation of the Republic of Kazakhstan. Powers of the National Bank                | 2 | 7          |
|                             | <b>SIWT 5. SIW 4</b> implementation advice.   |   |            |
| 13                          | <b>L 13.</b> The issues of insurance law.   | 1 |            |
|                             | <b>LC 13.</b> Legal regulation of the insurance system of the Republic of Kazakhstan. Types of insurance. Analysis of insurance legislation.              | 2 | 7          |
|                             | <b>SIW 4.</b> Topic: Banking system of the Republic of Kazakhstan (project preparation).  |   | 25         |
| 14                          | <b>L 14.</b> The issues of financial and economic law as an institution of financial law.   | 1 |            |
|                             | <b>LC 14.</b> The concept and general characteristics of financial and economic law, subject, system.   | 2 | 7          |
| 15                          | <b>L 15.</b> The issues of legal bases and conditions of the state crediting. International aspects.  | 1 |            |
|                             | <b>LC 15.</b> General characteristics of public lending and public borrowing. International problems.   | 2 | 7          |
|                             | <b>SIWT 6.</b> Exam consultation.   |   |            |
| <b>IWMST 2.</b>             |   |   | <b>100</b> |
| <b>Final control (exam)</b> |   |   | <b>100</b> |
| <b>TOTAL FOR COURSE</b>     |   |   | <b>100</b> |

**Evaluation Framework for Final Assessment**  
**Criteria for Assessing Study Outcomes**  
**General Financial Law theory issues (25% of 100% credit)**

| Criteria   | «Excellent»<br>20-25 %  | «Good»<br>15-20%   | «Satisfactory»<br>10-15%  | «Unsatisfactory»<br>0-10%  |
|--|---|--|---|--|
| <b>Understanding the general characteristics and types of financial and legal liability and financial offenses</b> | Deep understanding of the concept and types of financial and legal liability and financial offenses.<br>Relevant and pertinent references (citations) to primary sources.   | Understand the concept and types of financial and legal liability and financial offenses. Relevant and pertinent references (citations) to primary sources.        | Limited understanding of the concept and types of financial and legal liability and financial offenses. Relevant and pertinent references (citations) to primary sources.                       | Superficial understanding / misunderstanding of the concept and types of financial and legal liability and financial offenses.<br>Relevant and relevant references (citations) to primary sources are not given. |
| <b>Understanding the main problems of financial wrongdoing</b>   | The comparison of the legislation of the Republic of Kazakhstan regulating financial offenses connects very well.<br>Ideal justification of arguments by the facts of empirical research (for example, based on comparative legal or statistical analysis). | Links the comparison of the legislation of the Republic of Kazakhstan, regulating financial offenses.<br>Supports arguments with evidence from empirical research. | Communication in comparison of the legislation of the Republic of Kazakhstan regulating financial offenses is limited.<br>Limited use of evidence from empirical studies.                       | In comparison with the legislation of the Republic of Kazakhstan regulating financial offenses, the connection is insignificant or absent.<br>Little or no use of empirical research.                            |
| <b>Policy proposal or practical recommendations/suggestions</b>  | Drawing up competent scientific and / or practical recommendations and recommendations related to the prevention of financial offenses in Kazakhstan.   | Offers some considerations and / or practical recommendations and suggestions for the prevention of financial offenses in Kazakhstan.                              | Limited opinions and practical recommendations for the prevention of financial crime in Kazakhstan. The recommendations are not substantive, not based on careful analysis and are superficial. | There are few or no considerations and practical recommendations related to the prevention of financial crime in Kazakhstan, or recommendations of very low quality.   |
| <b>Letter, APA style</b>   | The writing demonstrates clarity, accuracy, and correctness. Strictly adheres to APA style.   | The writing demonstrates clarity, accuracy, and correctness. Basically adheres to APA style.   | There are some basic errors in the letter and clarity needs to be improved. There are errors in following the APA style.  | It is not clear what is written, it is difficult to keep up with the content. There are many mistakes in following the APA style.  |



Dean

Head of Department

Lecturer



Baideldinov D. L.

Kuanaliyeva G.A.

Kalymbek B.

1 lecture.

Concept and general characteristics of the financial activities of the state.  
Methods and forms of carrying out financial activities.

The purpose of the lecture: to analyze the concept and general characteristics of the financial activities of the state, to form an idea of the analysis of methods and forms of carrying out financial activities.

Key words: finance, financial system, public finances, financial activities of the state, monetary funds of the state, etc.

Main questions:

1. The concept of finance.
2. The concept of financial activity of the state.
3. Illegal financial activities of the state.

1. Finance concept.

The development of financial science is due to the emergence of trade work in European countries (Florence, Italy). The financial term comes from the Latin word “financia”, on the basis of which the term “finance” appeared in Russia; in general, its meaning means “loan and payment” (XIII century). The financial system consists of 2 parts: government funds, funds of various economic entities. State funds for their part consist of the state budget, state credit to the insurance fund and the Market Fund. Various economic funds, in addition to the funds of the enterprise, are made up of the funds of a limited liability partnership, from the funds of a corporation, and from the funds of a company.

There are different views on the term “finance” in life. According to a number of authors, this term first appeared in the trading cities of Italy during the period of the XIII-XV centuries, and then was used internationally with understanding as a system of monetary relations between the population and the state. According to other authors, this concept was formed in 175 based on the work “Six Books on the Republic”, presented by the French intelligent scientist G. Bodin.

In addition, the concept of the origin of the state means the creation of certain relationships between the state as the highest authority and other producing entities for the distribution of economic benefits. These relationships define the concept of "finance".

Finance is considered in two aspects: material and economic:

In the material sense, funds represent the financial resources of the state, that is, centralized instruments as a set of cash and available money owned by the state, and a set of centralized funds of funds. Cash is recorded as cash or coins with a specified value. Non-cash money is money in the form of entries in certain accounts.

The category “finance” can have three meanings, considered in the material sense and in connection with the term “money”. In a broad sense, "finance" is considered as a synonym for the concept of "money". In a narrow sense, the term “finance” includes monetary instruments of the state and legal entities. Since legal entities are classified as state and non-state, funds are also recognized as private and public. In a special sense, finance refers only to the funds of the state, that is, funds represent a set of relations that arise in monetary circulation on the basis of the formation, distribution and organization of the use of state funds. The concept in this sense is widely used in financial law.

“Public finance” is a set of economic relations that arise in the organizational process, that is, a set of imperative economic (monetary) relations of a redistributive nature, the permanent subject of which is the state. Public funds will be used to satisfy state general needs and ensure public interests. Finance has a target focus: They will be aimed at solving specific problems in the field of national interests, as well as local government.

As an economic category, finance means a system of economic relations that systematically form and distribute monetary resources, as well as organize their use.

## 2. The concept of financial activity of the state.

The financial activity of the state is expressed in numerous and multifaceted functions of the state, operating in three general directions, such as the creation, distribution and use of monetary funds. This is a function of controlling the inextricable element in each of them.

The variety of financial activities of the state is determined by the peculiarities of the creation of the financial system. The state carries out the functions of creating, distributing and using budgetary resources, financial resources of state enterprises, exercising its influence on various centralized and non-centralized funds, as well as on funds of other forms of ownership and economic entities.

Depending on the content, role and scale of actions of certain functions, financial activities are carried out in the form of state power or public administration (executive and administrative activities). The highest body of state power is the Parliament of the Republic of Kazakhstan, local government bodies, Assembly of Deputies, Maslikhats. The head of the executive branch is the President; executive and administrative activities are carried out by the Government of the Republic of Kazakhstan and the apparatus of local administrations.

The following methods of state financial activity are used: 1. methods of mandatory and voluntary payments to centralized state funds, the budget, extra-budgetary funds, insurance and credit funds.

Mandatory payments include taxes, deductions, deductions for social purposes, special and extra-budgetary funds. Voluntary insurance and life

insurance, government loans, cash-in-kind lotteries, deposits in banks - part of payments on deposits.

2. When distributing funds, the state distinguishes between the following methods: financing - gratuitous and gratuitous transfer of funds and lending (lending) - allocation of money on a repayable and compensatory basis.

3. In financial transactions, methods of non-cash and non-cash settlements with funds are used. Settlements with non-cash money should be a priority, since they infringe on the costs of monetary circulation and are used in relations between the state and enterprises, and partly with the population.

In foreign economic relations, the forms and methods of public service are varied.

Basic principles of public finance: unity of the legislative framework; economy and rationality; transparency and publicity; target and strategic orientation; scientific approach to achieving the intended goals; financial management on a centralized basis; distribution of financial powers.

Public finance is characterized by distribution and control functions.

Through the distribution function, national needs are met, balancing of budgets and extra-budgetary funds, and sources of financing for non-productive sectors of the economy are formed.

The control function is aimed at ensuring the correctness and legality of all actions of subjects in the formation and distribution of state funds, as well as the intended use of funds received from these funds. The main directions of the control function: control over the completeness and timeliness of the transfer of funds to centralized and state extra-budgetary funds; control over the targeted use of financial resources.

### 3. Illegal financial activities of the state.

States in the process of illegal financial activities arise not only financial and legal, but also other legal relations. Its transparency indicates that the data is practically not taken into account by scientists in analyzing the essence of illegal financial activities. Most researchers (illegal financial activities of the state are considered as a degree of independence, and only in financial and legal science) lead to the exclusive competence of financial law exclusively to illegal financial services of the state. However, as the state testifies that the situation should be broader in financial relations within the framework of the regulation of financial law, respectively, with civil, labor, international law, illegal financial activities of the state,

Illegal financial activities of the state are the activities of the state in the formation, redistribution and use of decentralized funds of funds that ensure the centralized and uninterrupted functioning of the state. In order to carry out proper work on accumulating income and making expenses from the reserves of funds in the state, before the start of the planned financial year, all income sources must be identified and the directions for spending funds must be correctly established.

Much work on correlation and income, which the state does not carry out, should be carried out in different ways, and in different directions. State expenses and revenues can only be realized during the year within the limits of program and planned allocations. Income must be pre-determined in funds of funds and certain terms, from the actual payers,

Ultimately, this is a mandatory planned activity based on a single financial plan, an illegal financial activity of the state.

All funds of public funds are divided into centralized funds and are interconnected and mutually conditioned.

Lack or excess of funds in the financial system leads to a decline in the system basically. Thus, (lack of income in the budget system), a large budget deficit, in the current state, the formation of a market in modern conditions, a reduction in budget financing, an increase in non-payment, an increase in inflation, the cutting rate and others are negatively expressed in the life of society. Improving the financial system mainly helps to overcome the crisis.

Centralized funds include funds that come under the control of the state. First of all, these include all instruments for which property and personal (state and bank) loans are accumulated in the state budget system, state extra-budgetary funds, and state insurance.

Decentralized funds include funds of enterprises and organizations of all forms of ownership of the created own fund, as well as budgetary allocations, as well as sectoral and intersectoral extra-budgetary funds.

The state acts as the rightful owner in relation to centralized funds and can forcibly ensure its income through a system of taxes, duties, fees, and others.

Government regulation is expressed differently in relation to decentralized funds. If the funds of enterprises of federal and municipal forms of ownership can mainly be considered decentralized state funds, then the funds allocated to entrepreneurs must be fully analyzed for state impact with other positions. According to the French scientist P. M. Godme: "one must never forget about the fundamental differences between public funds and allocated funds. The main differences between them - the state of allocation of funds and the dynamics of the allocation of funds - are due to the fact that they depend on market economic laws. Thus, demand and The recommendation contributes to specific calculation interest criteria.

- the state can compulsorily ensure its income through the tax system of deposits. At the same time, enforcement does not occur against the state. Consequently, segregated persons cannot forcibly secure their income and show that they cannot fulfill their obligations;

- state financial industries, to a greater or lesser extent, with a monetary system carried out by the state, this monetary system does not depend on the will of the owner managing his funds;

- funds are aimed at making a profit.

- State financial industries are a common interest, called the means of implementation;

- the criteria for public financial industries are greater than the criteria for the allocation of funds owned by more individuals.

P. M. Godme writes that this is enough to consider financial rights as an independent science, which clearly limits them, although it creates its own connections with differences, completely means and allocations. When these resources are correlated with state centralized and decentralized financial funds, transformations and feedback on the management of production, economics and social processes are mainly carried out. The budget should be based not on their connection, but on inter-industry mutual funds.

State financial sectors consist of the following financial and economic institutions: 1) Budget system; 2) off-budget trust funds; 3) state financial insurance sectors; 4) state financial spheres of banks; 5) state financial spheres of enterprises and institutions, as well as (state management structures) centers of economic systems.

The financial system is a set of government structures and institutions interconnected with financial authorities and credit institutions that directly provide illegal financial services to the state.

The Ministry of Finance of the Republic of Kazakhstan acts before the system of financial authorities and is the executive body that ensures the implementation of a unified financial, budgetary, tax and currency policy in the Republic of Kazakhstan.

The system of credit institutions will be headed by the Central Bank of the Republic of Kazakhstan, which carries out management in the field of debt.

The financial system includes accountants of the tax service, customs and enterprises and organizations of all forms of ownership.

Any illegal financial activity in the state is associated with the accumulation of income and the necessary expenses. Revenues received mainly in the state economy, where costs are incurred, will find additional sources of income to cover the necessary costs received by the state, to the circulation of securities, and centralized funds of bank or government borrowings are mainly used, the budget system is planned, in particular, with the budgetary deficit. The means themselves are not only in the sphere of economics and social processes, but also, at least, important; any measures in the state cannot be implemented without redistribution of financial resources within the framework of politics, ethics, demography, ecology and so on, that is, in abstract forms cover all processes, both without illegal financial activities of the state,

The illegal financial activities of the state are its exclusive, monopoly right.

It establishes money, issues money, applies measures to strengthen the national currency, develops rules for monetary circulation, circulation of foreign currency, and determines the procedure for illegal financial activities of institutions.

In the process of carrying out illegal financial activities, states solve the following three main tasks in this area:

1. planned failure and distribution of funds in accordance with the goals of the state.

2. economic stimulation of social production for the purpose of its development and intensification.

3. Control over the legal and appropriate use of monetary and material resources.

Consequently, the financial activities of the state are illegal and based on specific principles of the provisions fundamental to local governments, and conditions reflecting its most important features and expediency. These are the basic rules for the organization and functioning of the state. The foundations of the Constitution of the Republic of Kazakhstan on the appropriateness of the content, norms and rules in general determine its financial activities related to the activities of illegal financial ones.

They, thanks to the norms of financial law, are their content and approval, in particular, the principles of financial law. Good financial performance of states should be based on the following principles:

- 1) taking into account the needs of society and subordination to its interests;
- 2) legality;
- 3) transparency and openness, control and accountability to society;
- 4) plannedness and normativity.

Principles of taking into account the needs of society and subordination to its interests in the legislative regulation of state relations in the field of financial activity. This rule is applied for the purpose of state regulation of the economy, financial and legal institutions based on significant reports of society. The implementation of this provision ultimately affects the distribution of human interests. Its influence takes on special significance during a crisis in economic conditions.

It is expressed in a detailed regulation of the rules of financial law, ensured by the possibility of applying measures of state coercion against offenders, carrying out the process, distribution and development of the principle of legality in illegal financial activities.

The absence of legislative and other regulations on the procedure for the formation, distribution and use of financial funds may lead to the consequences of instability in financial relations, lack of financial resources for various approved state programs in various spheres of public life.

The principle of transparency and openness, observation and accountability to society is determined in the unlawful financial implementation of procedures for bringing to the attention of citizens, including through the media, the contents of various financial projects, legal acts for which the calculated results of inspections of illegal financial services and others are accepted.

The principle of planning and normativity implies that the structure of the formation, approval, and implementation of all illegal financial activities of the state is based on a clear system of financial planning acts, enshrined in the relevant regulations.

We are basically abandoning administrative planning, but the moral society is coming to the conclusion that it is itself a system that develops a moral society. A development that initially stopped the exchange of goods, and then the circulation of money arose and the merger of the state began, and then the growth of income and expenses not related to the human child.

Ultimately, it is, of course, the budget, and now the extra-budgetary fund has developed its own public self-regulation in the planned form of unified financing. The state cannot develop without taking into account income and costs not related to sales for the next year.

The approximate amount and volume of revenues to be received by the budget, while the state may not take into account the expected costs for the coming period. He must control and implement expenses for the receipt of income, for which the state must have a unified planning act.

The approximate amount and volume of revenues to be received by the budget, while the state may not take into account the expected costs for the coming period. He must control and implement expenses for the receipt of income, for which the state must have a unified planning act.

There is a separate plan for state revenues and a special plan for costs. This is a work plan for financial authorities, clarifying and budgetary indicators. Financial control over the budget, financial balance, estimates and other unified financial plans can be very effectively implemented.

Ultimately, it can be argued that rules are an essential condition of all illegal financial activities of the state.

Control questions:

1. What is finance?
2. What are public and private funds?
3. what are the financial activities of the state?
4. What methods of financial activity of the state exist?
5. What is illegal financial activity of the state?

Basic and additional literature:

Main literature:

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## Lecture 2.

Current problems of financial law as a field of law. The role and features of financial law in the legal system

The purpose of the lecture: to reveal the concept of financial law as a branch of law, to formulate the meaning of the role and features of financial law in the legal system.

Key words: financial law, subject of financial law, method of financial law, system of financial law, etc.

Main questions:

1. The concept and subject of financial law.
2. The difference between financial relationships and other relationships.
3. Financial and legal system.
4. Sources of financial law.

1. The concept and subject of financial law.

Financial law is a set of legislative norms regulating social relations arising in the process of creation, formation and use of state monetary funds. Financial law establishes the structure of the financial system. The subject of financial law is social relations that arise in the process of state activities in the creation, formation and use of monetary funds. These relationships are varied in content. Social relations, which are the subject of financial law, can be divided into the following groups:

- a) between subjects, executive bodies of the Republic of Kazakhstan;
- b) between financial and tax authorities;
- c) between state financial credit authorities;
- d) between state and local organizations.

Financial law of the Republic of Kazakhstan is one of the areas of Kazakhstan law, a set of normative legal acts regulating social relations arising in the sphere of financial activities of the state.

The subject of financial law is the relationships that arise in the formation of the monetary infrastructure of the state, as well as in the organization of the formation, distribution, education, and use of state monetary funds.

The object of financial law is public finance.

Being the subject of financial law, two types of financial relations arise in the process of financial activities of the state:

Material financial relations determine the processes of formation or distribution of public funds and determine the flow of funds. These relationships

are associated with the movement of actual funds: either the payer to a certain state fund, or, conversely, to the payer from the state fund. An example could be tax relations in which a specific payer undertakes to pay a certain amount of money to the corresponding state budget.

Relations that arise in the process of organizing the monetary system of the state and the financial system of the state, the system of state financial institutions (public finance management bodies), ensuring their activities, relate to organizational financial relations. Material and organizational financial relations:

A common feature of material and organizational financial relations is that it is directly related to the existence of the state and is a product of its financial activities. The state acts as an obligatory subject of relations. If there were no state, there would be no relationship.

Depending on the method of cash flow, financial relations are divided into the following types:

A) one-way, that is, money moves in only one direction: either into the cash fund, or vice versa, out of the fund;

B) bilateral, in this case money either to the fund of funds and back (for example, government loan relations); or vice versa, from monetary funds and back (for example, the relationship of transfer of a budget loan).

## 2. The difference between financial relationships and other relationships.

The difference between financial relations and commodity-money relations:

ü Financial relations arise at the stage of distribution (distribution), and commodity-money relations - at the stage of exchange;

ü state financial relations are always equivalent, commodity-monetary relations are always equivalent.;

ü financial relations are expressed only in monetary form, that is, in a monetary material object; commodity-money relations mean monetary-commodity and commodity-money acts and have two objects: goods and money.;

ü state financial relations are a product of the financial activities of the state and the state is an obligatory subject of these relations; based on the conditions of commodity-money relations, purchase and sale, delivery, contract, lease, none of the parties is expressed in a "seller-buyer" relationship, which is not visible as a state;

ü The movement of money in the financial relations of the state is determined by the interests of the state; and in commodity-money relations, this movement is determined by the individual needs of the seller and buyer.;

ü if state financial relations are determined by the presence of the state, then commodity-money relations are determined by the needs of social production (that is, they were formed before the emergence of the state).);

ü financial relations are applied only on a legal basis; commodity-money relations operate both legally and without legal regulation;

ü state financial relations, being an exclusive type of economic relations, the parties are used as equal financial legal relations; commodity-money relations are based on the equality of the parties, mainly using civil law.

Differences between credit and financial relations:

ü the main differences in these relations: credit manifests itself in a repayable form, finance - irrevocably.

ü the category “finance” means that funds belong to a certain person, that is, the category “public finance” means that funds belong to the state. The category “Credit” means the procedure for the movement of money from one person to another in accordance with the conditions for the return of money.

ü at the same time, monetary relations can relate to both financial relations (for example, it means that money belongs to the state) and credit relations (it means the movement of funds into the state fund on the terms of repayment).

ü financial relations are formed primarily on a discretionary basis between the subjects of credit relations, if they are characterized by the presence and guiding method of the state.

Differences between insurance relationships and financial relationships:

ü financial relationships are not always equivalent (for example, the taxpayer knows that he will never be able to return the money received from him in the form of taxes). Insurance relationships are equivalent in most cases. The insured pays insurance premiums for something, believing that he will be able to receive more money from the insurer as compensation.

ü public financial relations are a product of the financial activities of the state (public finance arose along with the state and are a distinctive feature). Insurance relations are a product of industrial relations that can be done outside the state and without the participation of the state.

ü financial relations are only on a legal basis, and insurance relations are carried out without any legal regulation of the state. In this case, the legal condition can be replaced.

ü insurance relations, as noted, can be one of the types of commodity-money relations - the protection of the insurer as a commodity paid for insurance ultimately means acts of T-A or A-T. Financial relations are based on the one-way movement of prices in monetary form.

ü the objects of insurance relations are either certain material assets (in case of own insurance) or the policyholder (in case of personal storage). Financial relations are characterized by the presence of the object of money itself.

ü the purpose of insurance activity is to protect the interests of the policyholder, the purpose of financial relations of the state is to identify the funds necessary to ensure its activities and implement the functions assigned to it.

ü financial relations always have monetary relations, insurance relations can be in kind. Therefore, the relationship between insurance and the policyholder is not financial in the economic sense, although in a public insurance contract.

One of the areas of the legal system of the Republic of Kazakhstan is its own discipline of regulation of financial law. They differ in their content and purposefulness. The subject of financial law provides for the peculiarities of its legal regulation, that is, methods and means of legal influence on the behavior of participants in financial relations. The main method of financial legal regulation is imperative, expressed at the disposal of someone else. This method is also typical for other branches of law, for example, administrative law. According to their content, these records relate to the state treasury the payment procedure. The features of the main method of financial law are manifested within the framework of government bodies. Due to the competence between government agencies, most of these records are carried out by the financial credit authorities of the state.

### 3. Financial and legal system.

The financial system is understood as a set of financial economic institutions formed in the process of formation, distribution and organization of the use of state monetary funds and each of which is a material manifestation (reserves) of certain financial and legal institutions. Financial and economic institutions are a set of economic relations that arise during the formation, distribution and organization of the use of state monetary funds. Monetary funds are understood as relatively isolated financial resources (monetary instruments) that have a regulatory framework, are targeted, and operate relatively independently.

The financial system of a state can be considered in material, economic and organizational terms. The financial system of the state in the material sense is understood as a set of monetary funds (centralized and non-centralized): a centralized state fund of financial resources; centralized monetary funds of administrative-territorial units; state extra-budgetary funds; State Centralized Borrowing Fund; state insurance fund; non-centralized monetary funds of government organizations and government agencies. The financial system of the state in the material sense is understood as a set of financial economic institutions.

In an organizational sense, the financial system of the state is a set of financial institutions of the state that ensure the movement of public financial relations: the Ministry of Finance and its territorial departments; tax authorities; National Bank and its territorial divisions.

The main functions of the state financial system: regulatory function, planning functions, organizational function, stimulating function, control function.

Being the field of financial law, law consists of many financial legal norms. Within this unified system, financial law norms will be grouped into various institutions. The system of financial law is an objectively determined system of financial legal relations. The system of financial rights is divided into two: general and specific. The general section includes norms of financial law that establish the legal forms and methods of financial activity of the state. The norms of the general part are specified in a special section. The special part consists of

several sections. Each of these sections reflects a set of financial legal norms. The norms, grouped in a special section, regulate relations in the following area:

- a) budget system;;
- b) public finances;
- c) state and local;
- d) state and local;
- e) bank loans;
- f) currency regulation.

In the system of financial law, the financial system of the Republic of Kazakhstan acts as an objective economic category. The integrity of the funds is reflected in the general part.

The financial law system consists of two parts. The general part consists of the institutions of the legal framework of the financial structure; legal foundations of the monetary system; legal framework of state financial planning; management in the field of public finances; legal basis of state financial control; legal regulation of financial and legal responsibility.

Special part: budget law (corresponds to the institution “state budget”); Tax law; legal regulation of extra-budgetary funds (corresponds to the economic institution “monetary funds for state extra-budgetary purposes”); publicly – legal foundations of banking activities (corresponds to the economic institute “finance of state banks”); public legal foundations of insurance activities (corresponds to economic institutions “insurance capabilities of the state”).

#### 4. Sources of financial law.

Sources of financial law are legal acts of state executive authorities. The main source of financial law is the Constitution of the Republic of Kazakhstan, which establishes the fundamentals of the legal organization of the financial activities of the state. The sources of financial law are not identical in legal terms. Among them are acts of executive authorities, legislative bodies, and resolutions of Sinistra. In addition, there are decrees of the President of the Republic of Kazakhstan regulating financial relations.

One of the main directions of the state’s financial activity is lawmaking, which forms the sources of financial law. Sources of financial law include financial legislation and regulations of authorized government bodies. The main source of financial law is the Constitution of the Republic of Kazakhstan.

Constitutional norms establish the basis for the financial activities of the state, defining the competencies of representative and executive authorities. It indirectly refers to the composition of the state's financial system. According to Article 54 of the Constitution of the Republic of Kazakhstan, Parliament, at a separate meeting of the chambers, discusses the republican budget and reports on its execution, changes and additions to the budget, establishes and abolishes state taxes and fees. At a joint meeting of the chambers, it approves the republican budget and reports of the Government and the Accounts Committee for control

over the execution of the republican budget on the execution of the budget, makes changes and additions to the budget.

The Constitution defines the legal basis for local public funds. In accordance with Article 86 of the Constitution of the Republic of Kazakhstan, maslikhats approved the local budget and reports on budget execution. According to Article 87, local executive bodies develop the local budget and ensure their execution.

The sources of financial law are regulatory legal acts of representative and executive bodies of state power, containing financial and legal norms.

Sources of financial law:

- 1) Constitution of the Republic of Kazakhstan;;
- 2) constitutional legislation of the Republic of Kazakhstan;
- 3) tax code of the Republic of Kazakhstan;
- 4) laws of the Republic of Kazakhstan;
- 5) decrees of the President of the Republic of Kazakhstan, having the force of law, regulatory decrees of the President of the Republic of Kazakhstan;
- 6) regulatory resolutions of the Government of the Republic of Kazakhstan;
- 7) regulatory orders of the Minister of Finance, Chairman of the National Bank;
- 8) regulatory financial legal decisions of maslikhats, regulatory financial legal decisions of Akims;
- 9) norms of international financial law and international financial legal treaties.

Financial legality is characterized by the following features::

- A. they are adopted by the legislature through special procedural rules or a referendum;
- b. they have higher legal force than other normative legal acts;
- B. They consist of financial legal norms.
- d. they regulate the most important basic government financial relations.

Financial legality is a set of normative legal acts regulating relations arising in the sphere of financial activities of the state.

Control questions:

1. The place of financial law in the legal system.
2. System and sources of financial law.
3. What can be classified as sources of financial law?
4. Features of financial law as a field of law.

Basic and additional literature:

Main literature:

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### Lecture 3.

Financial and legal norms and current problems of financial and legal relations

The purpose of the lecture: to form an understanding of financial and legal norms and financial and legal relations, the concept, types, features of their occurrence and definition of their differences.

Key words: rules of financial law, financial legal relations, legal facts, etc.

Main questions:

1. financial and legal norms.
2. features, types of financial legal relations.
3. subjects of financial legal relations. Financial and legal acts.

#### 1. financial and legal norms.

Financial legal norms are legal norms that establish rules of conduct for participants in relations arising in the sphere of financial activities of the state.

Financial legal norms include all the main branches of norms that make up the legal system of the Republic of Kazakhstan. Financial regulations are a general provision based on a certain mandatory group of subjects and are intended to be applied more widely. The peculiarity of the financial legal norm is that it regulates social relations arising as a result of the systematic targeted formation, organization of use and distribution of state financial capabilities. Thus, financial and legal norms are assigned by the state as generally binding rules of conduct and are protected by the forces of the state government.

Financial relations require legal regulation. Accordingly, various rules of financial law apply. It is characterized by the following features, like other rules of law, financial legal norms::

- ü demonstrates government administrative orders;
- ü accepted by authorized state bodies;
- ü are formed from rules of equal obligation, aimed at repeated use and an indefinite number of subjects;
- ü they are determined by determining the legal form, i.e. by adopting acts of financial legislation.;
- ü implementation of financial and legal norms is carried out due to the obligation of the state.

The features of financial legal norms include the following:

\* In terms of content – regulates the procedure for participants in financial relations related to the organization, distribution and formation of state monetary funds;

• Depending on the administrative nature, it is predominantly imperative in nature;

\* Depending on the measures of responsibility - the state is interested in the strict implementation of financial and legal norms;

\* Depending on the method of protecting the rights of the state, the rules guarantee one subject of financial relations, that is, state and state bodies with competence, the right to protect their rights in a non-judicial manner;

\* Depending on the method of registration, financial and legal norms are characterized by a careful definition of the situation, that is, maximum accuracy when creating a disposition.

The peculiarity of financial and legal norms is that through them the state realizes its material interests.

Financial legal norms are regulatory legal acts and approved financial norms in the case of financial relations of the subject.

Depending on the content, financial and legal norms are divided into the following three types::

Mandatory financial and legal norms oblige members of financial and legal relations to carry out certain actions.

Prohibition financial and legal norms do not allow the implementation of a certain action.

Authorized financial and legal norms are aimed at fulfilling the order.

Depending on the content, financial and legal norms are divided into:

Material financial and legal norms that regulate the movement of money as material objects in social relations. As an example, we can cite the rules defining the obligations of taxpayers to pay taxes to the state.

Organizational and financial legal norms, which establish clear structures defining financial activities, methods and norms, provide for the approval, execution and implementation of the budget. These include standards of competence.

Depending on the method of legal regulation, financial legal norms are distinguished:

ü mandatory financial legal norms clearly and clearly define the rights and obligations of subjects of financial relations and require their strict implementation.

ü dispositive financial legal norms allow you to choose rules of behavior and resolve certain issues by authorized bodies independently or by mutual agreement of the parties.

Financial legal norms consist of the following norms: hypothesis, disposition, sanctions.

A hypothesis is a financial and legal norm that determines under what circumstances the norm should be applied.

Disposition - contains the content of the disciplinary position. That is, it implies the content of the rights and obligations of participants in financial relations, prescribes the main actions within the framework of most funds. The disposition of the financial legal norm is confirmed by the financial obligation.

The sanction considers the consequences of violating a financial legal norm and determines the types of financial legal norm, violations of this norm and penalties. That is, it provides for measures of legal liability and applies this liability in the event of a violation of the disposition of financial legal relations. The sanction forces the state's ability to comply with the financial and legal norm. Thus, the protective effect of the rules is the sanction of financial law, imposed in accordance with financial legal norms.

Features of the application of financial legal sanctions:

- \* They always bear the specificity of money and are of a monetary nature;
  - \* They always demonstrate responsibility to the state;
  - \* The nature of the unilateral nature of the sanctions, i.e. they are intended only for those who oppose the financial relations of the state;
  - \* Many financial and legal authorities provide the state with the right to independently apply sanctions to the entity engaged in the representation of financial relations;
  - \* Financial legal norms may contain warning, restorative and punitive signs.
- Financial legal relations are of a state-authoritative nature.

## 2. Features, types of financial legal relations.

Financial legal relations are social relations arising in the sphere of financial activities of the state, regulated by the norms of financial law.

A.I. Khudyakov gives the following interpretation of financial relations: “by financial legal relations we understand social relations that arise in the process of financial activities of the state on the basis of financial and legal norms, that is, state financial relations regulated by the norms of financial law.”

Financial legal relations:

- \* Financial legal relations arise in the process of financial activities of the state;
- \* Mandatory and permanent subjects of these relations are state, financial and other authorized state bodies with powers.
- \* Financial relations are of a “managerial-subordinate” nature;
- \* The object of these relationships is money or other obligations.
- \* They are always divisive in nature, since they arise mainly in the distribution of national income;
- \* These relations imply the formation of the state’s monetary system, its financial structures, the organization of planning processes for the formation of the state’s monetary funds, and the use of these monetary funds.
  - They are of an economic nature, since they arise during the formation of the material base of the state.

Types of financial legal relations:

Material financial legal relations determine the direct flow of funds.

Organizational and financial legal relations determine the state management system in the field of the monetary system, financial construction, financial

sphere, planning the formation and distribution of state monetary funds and the organization of their use.

Material financial relations have the following distinctive features:

- \* Material financial relations determine the processes associated with the formation or distribution of state funds.

- \* The object of material financial relations is money or monetary obligations.

- \* The content of material financial relations consists of economic financial relations.

According to affiliation, financial legal relations are divided into:

- v budget programs

- v off-budget

- v financial and banking

- v financial insurance

- v Financial and economic

Depending on the methods of legal regulation, legal relations are divided into:

- ü uniformity-authority

- ü consistency

Unilateral-power financial relations are formed, firstly, on the basis of the sole power of the state and the views of the other side are not taken into account. Secondly, legal relations are carried out on the basis of the “power - subordination” model, i.e. on one side of the relationship there is the right of the state, and the other is the obligation.

Consistency financial relations are carried out by agreement and order of the parties. But any financial relationship is not legally equal. Both parties have their responsibilities and rights.

Distribution of financial relations in accordance with the rules governing:

Regulatory-subjective relations perform a regulatory function in relation to the financial activities of the state, assigning rights and responsibilities to the main tasks of these relations.

Protection - financial relations that ensure the protection of the legitimate interests and rights of subjects of financial relations.

### 3. Subjects of financial legal relations. Financial legal acts

The subject of financial relations is a person who has financial legal capacity, i.e., capable of participating in financial relations due to the rights and obligations he has. Subject of financial relations:

- \* State;

- \* Administrative-territorial formations, authorized state bodies;

- \* Local government bodies;

- \* Legal entities (state and non-state, commercial and non-profit, residents and non-residents));

- Individuals (citizens, foreign citizens and stateless persons).

State bodies, through government bodies, issue binding instructions and orders.

But government bodies are obliged to participate in financial legal relations only on a legal basis. All rights and obligations of financial relations are protected by the state. Financial obligations in most cases are carried out by voluntary obligations of citizens and employees. Financial sanctions are applied to economic bodies and citizens who fail to fulfill financial obligations. Such sanctions include penalties, fines, penalties, termination of financing and lending.

The emergence of financial legal relations is influenced by legal facts:

Actions are legal facts (legal and non-legal), arising from the expression of will, which are the product of the reasonable activity of citizens.

Events are legal facts that arise outside the will of citizens (death of a person, emergency situations).

The emergence of material financial relations is influenced by the following legal facts:

- ü issuance of an individual financial act by financial authorities;
- ü alienation of objects that, in accordance with tax legislation, may be taxpayers, taxable and subject to taxation;;
- ü conclusion of a financial agreement.

Actions affecting the termination of financial relations:

- A) fulfillment of a financial obligation;
- B) termination of the financial contract;
- B) unilateral refusal of the state to fulfill its financial obligations.

The termination of financial relationships may also be affected by the following facts:

- A) death of a citizen or liquidation of a legal entity;
- B) destruction of property that is a tax object;
- B) change in family and social status.

Financial legal acts in the system of financial legislation.

Financial and legal acts- these are decisions on issues of financial activity, taken in the prescribed form and having legal consequences that are within the competence of public authorities and management. Financial legal acts establish, amend or exclude financial legal norms. The set of financial and legal acts constitutes financial legality.

Financial and legal acts are divided on the::

- v regulations
- V separate acts clarifying the norms
- v legislative acts – laws, regulations issued
- V by-laws-instructions, orders based on the law.

Laws of the Republic of Kazakhstan:

- A) The Constitution of the Republic of Kazakhstan is a law that has supreme legal force and directly affects all territoriesRK;;

B) laws of the Republic of Kazakhstan that have constitutional force;  
C) government legislative acts (declarations, rules, regulations, etc.), laws of the Republic of Kazakhstan, orders of the Republic of Kazakhstan;

D) auxiliary acts:

- Resolutions and orders of the President of the Republic of Kazakhstan;
- Orders and resolutions of the Government of the Republic of Kazakhstan;
- normative acts of ministries and other acts of executive bodies;
- orders, resolutions, instructions of executive bodies.

E) acts of local government bodies - normative acts implemented only in the region, district, rural area.

Types of local government acts:

- resolution;
- solution;

E) generally accepted rules and norms, international law and agreements used in the Republic of Kazakhstan and office work.

Control questions:

1. Financial and legal norms.
2. Features of financial legal relations.
3. Subjects of financial legal relations.
4. Protection of the rights of subjects of financial legal relations.

Basic and additional literature:

Main literature:

1. The Constitution of the Republic of Kazakhstan, adopted on August 30, 1995.
2. Saktaganova I. S. financial law of the Republic of Kazakhstan. General and special part. Textbook / Saktaganova I. S. - Almaty: Evero Publishing House, 2016, - 256 p.
3. Khudyakov A.I. Financial law of the Republic of Kazakhstan. A common part. – Almaty: Karzhy-Karazhat, 2001.
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5. Naimanbaev S.M. Financial law of the Republic of Kazakhstan Almaty: Demeu, 1994.

Additional literature:

1. Ilyasov K.K., Kulpybaev S. Karzhy: okulyk. – Almaty, 2005 – 552 b.
2. Fetisov V.D. Finance: textbook for universities. – M.: UNITY-DANA, 2003.
3. Finance: textbook for universities. /Ed. M.V.Romanovsky. – M.: Perspective, 2000.

4. Melnikov V.D. Fundamentals of Finance: textbook. – Almaty: LEM publishing house, 2005.

## Lecture 4.

Current problems of the legal foundations of the monetary system in financial law. Monetary system of the Republic of Kazakhstan and its elements

The purpose of the lecture: the formation of the process of obtaining an analysis and determining the legal basis of the monetary system in financial law, its elements

Key words: monetary system, structure of the monetary system, currency regulation, monetary unit, types of money, procedure for issuing money, currency regime. procedure for monetary circulation, etc.

Main questions:

1. the concept of the monetary system and its elements.
2. the concept of the emergence of the monetary mechanism.
3. monetary system and its elements.
4. monetary system of the Republic of Kazakhstan.

1. The concept of the monetary system and its elements.

The monetary system is the basis for organizing money circulation in the country. The monetary system consists of several elements. The monetary system of the Republic of Kazakhstan includes: official monetary unit; procedure for moving cash, organization and regulation of money circulation, monetary unit (currency) RK-tenge. It is prohibited to import or export other vehicles into the territory of the Republic of Kazakhstan. Money is an economic category. In economic literature, money is defined as a commodity, distinct from the commodity price. Performs various functions such as monetary picture. From the very beginning, they are a payment instrument in commodity and non-commodity transactions. Real money turnover begins with emission, that is, with turnover. The issue of actual money and the organization of its circulation are carried out by the National Bank of the Republic of Kazakhstan. Real money has an unconditional obligation of the National Bank and is covered by the assets of it. The problem of the bill of exchange mirror is relevant. The essence of a promissory note is that one entity having jurisdiction pays him an amount on a certain date. The person who received the bill has the right to transfer its monetary obligation. This chain will continue further. The third type of money circulation is bank credit cards. They are widespread in developed countries. Credit cards are used in such a way that, when accessed through special devices, they provide communication with the bank on the card's check account. The modern economic policy of Kazakhstan is aimed at developing markets, and economic regulation of market mechanisms is associated with government regulatory measures. This, in turn, shows interest in money, and this,



The problem of scientific definition of the monetary phenomenon is still controlled in science since ancient times. This is explained by the fact that in money there is a degree of thinker who predetermines the direction of development of human civilization. The complexity and most of this social phenomenon is expressed in the fact that there is no holistic scientific discovery and is associated with the concept of money. Therefore, this question is reflected in the works of philosophers, lawyers, and economists. The development of human civilization is closely connected with the development and complication of monetary forms and monetary relations. This will allow us not only about money at modern stages, but also about the monetary system of the state, reflecting the national characteristics of the development of money and rules for their circulation. The legal regulation of the monetary system in the legal literature could not be processed in sufficient scientific information. However, the monetary system

creates a real need for scientifically based proposals on the formation of public policy in the field of management. Currently, there is a need for the effective use of the monetary mechanism, increasing the stability of money and stabilizing monetary circulation. Not only the basics of the theory of money and a reflection of the realities of today, but also their interpretation and research on the increasing role of money in theory, both in money circulation and in money circulation, capable of predicting its elements and the further development of the monetary system. Economic growth in the standard of living of citizens and economic growth in the economy of disarmament and monetary circulation will serve as the basis for legislative initiatives that violate monetary circulation norms. Money plays a big role in the life of society. It is no coincidence that they are called one of the most popular inventions of civilization. The question of the evolution of money is very interesting. The emergence of commodity exchange emerged as a universal measure of uncertainty. Throughout its history, money has even taken different and specific forms. People gradually switched to the form of metallic money made from gold, copper, and silver. At the same time, the owners were rare and of great importance. The metal content of each coin corresponded to its face value. Then, with the development and expansion of trade turnover, more akshakum was required. Minted money had a number of disadvantages: a long and capacious process, circulation limit, discomfort, difficulty in transportation. Metal money does not even contribute to the development of agriculture. In such cases,

the idea of issuing paper money backing paybacks. Of course, paper money, unlike metal, is not long; making it is convenient and quick, which allows you to replace banknotes. Banknotes are much more convenient. Convenience and speed are described above, but the lack of paper money will cover government expenses through debar, additional emission. Of course, once upon a time there were prices for metal-ceramic composition, but there were not so many. B the origin of money. h. d. Closely connected with the 7th-8th millennium, since at that time

the first communal tribes had the advantage of some products that could be exchanged for products that were needed. In the first communal times there was no concept of money, but on the contrary there was a concept of exchange, that is, for arrows and others they exchanged their silver and pots, smiths, tips. Over time, we realized that this was ineffective. After all, the cost of the item, the variety of food, how much effort was spent on making the item or product, or sometimes the threat, how much work was taken into account are taken into account. In order to minimize the exchange, people began to think that it was very beneficial for him.

Subsequently, several demands for money were formed:

1. storage and transfer of them to each other must not be damaged;
2. buy products that are easy to carry and even lightweight can be worn;
3. The best itself, the distribution of their total value is noticeable does not decrease.

There were very convenient metal money. With systemic production and exchange of goods in each country and large economic parts, alternatives to local common markets emerged. For example, it was cattle in the Greeks and Arabs, among the Slavs it was leather. The requirements of international trade did not correspond to various local norms. As a result, all nations communicate: money was recognized. The quality of gold as money is very precise - it is a precious metal that has a large storage capacity. For a general equivalent to the quality of gold, as well as for other needs: for example, exchange (more precious metal - platinum occurs natural-gravity), exchange (mining one gram of gold requires large gun masses), availability of particles, compactness, sufficiency for a big day (thanks due to the fact that compared with the individual mass of large gold there was less).

## 2. Concepts of the emergence of the monetary mechanism.

In the economic literature, the second concept of the emergence of the monetary mechanism is considered: rational and evolutionary. The first concept was highlighted until the end of the 18th century and it understood money as the result of an agreement between people. Some come to the school of economists. P. Samuelson separately defines money as an artificial convention, K. Galbraith believes that the product of an agreement between people is the monetary function and other objects, precious metals. A supporter of the second concept, K. Marx was formed, who defined money as a product and a prerequisite for the development of the market and development of commodity production. The emergence of money is an economic process that occurs outside the will of people. As exchange develops, the system develops and improves. Currently, the gap has acquired a systemic character, the absence of a common misunderstanding for everyone - this was his first big difficulty. The lack of

money not only makes exchange difficult, but also slows down non-production. Thus, money is a special commodity, which is the only alternative for everyone, with the advent of Aksha - Commodity economy and passed into a new state. The commodity world is divided into two parts: in one - all accumulated consumer values, in the first - money, showing the total value of all goods. If from an economic point of view we refer to the meaning of money, then these are special things or serve as a general alternative to the national economy. From a legal point of view, point of view, it acts as a monetary thing, which, as an object of civil law, performs the functions of a community in civil circulation, since this is not prohibited by law. Money, like any other concepts, will have its own context. Monetary value is determined by:

- 1) all general direct transitions;
- 2) the cost of individual replacement;
- 3) External property, amount of labor.

In addition, money has its own classification. In particular, the appearance of money in form will be monetary and monetary. Cash, in turn (money, coins made of precious metals, bullion), cash (banknotes and coins) and a financial system not divided into small coins, can exist both in the national monetary system and in the form of national currency, and in the system of international settlements of funds for international payments. There are three ways in which monetary values arise. Their concept is given in the economic literature:

1. its pragmatic meaning (money increases the cost of all goods, serves the actual size of their value));
2. the concept of representative cost (the essence of which is that the cost of labor spent on creating production facilities);
3. formulation of the unit value of non-metallic money, the essence of which is the monetary content: it is formed in two stages: initially, the value is formed on the basis of labor expended in the organization and production; Subsequently, the market value fluctuates by the cost of replacement, based on money and the role of a common equivalent for all.

It identifies five services, including their internal content:

1. measurement of value, that is, as a general alternative to all, measures the value of monetary goods. In proportion, all goods work in social necessity and are spent on their production. The value of a product is determined by the price expressed in money, which is determined by the socially necessary costs of its production and sale. Prices are based on the cost of the law, according to which all goods produced in accordance with the needs of social labor. In order to indicate the value of the goods, the goods must not only be available in cash, but also reasonably comparable to them.
2. means of communication. Money comes into contact between the store and customers. Commodity exchange on a monetary basis is called commodity

analysis and is expressed using the formula T-M-T. Money is constantly and continuously serviced in the process of exchange.

3. funds and savings fund. As in the general equivalent, the owner of money can get any product he needs, and people associated with this have a desire for social wealth, for them to be collected.

4. means of payment. With the development of credit relations, purchasing each product on credit, the owners come into contact, performing the function of means of payment. At the same time, money, being a means of communication, pays for goods or services for a certain period of time. With the development of loan relations, the emergence of credit money is inextricably linked - bills, banknotes, checks - various debt obligations.

5. world money. In other words, this is money used for settlements between states in foreign economic relations. Money is characterized by the following basic public legal characteristics:

1) Money recognized exclusively by the state will be divided into "money";  
2) Money is produced according to samples and specifications for which the state imposes strict requirements;

3) the nominal value of money is determined by any state and expressed in national monetary terms;;

4) accept money at face value from all residents of the country;

5) an expense made in violation of the state monopoly when making money is considered falsified or entails the application of disciplinary and administrative measures in the form of unpaid papers. In addition to the specified characteristics, money must have the following heads:

1. convenience, money to perform its functions should be convenient for everyone in society;

2. compactness. Money in its objective form must be convenient for replacement from one place to another;

3. long shelf life. Money should be objective, vital, so as not to grow old.

4. cost. Money has a corresponding value in objective form. Nowadays both banknotes and money (nominal) have a figurative value, since from now on they do not adorn precious metals;

5. possibility of numerical calculations. To understand the importance of money, the complex concept of value is easy access to it in order to obtain a reflection in the free living of instructions expressed in numbers. This will allow them to balance costs and the cost of goods. At the same time, the money must be easy to see so that it is distributed to realize different sizes.;

6. deficit. Money, there must be a demand for it. This is very important, since money is necessary in order to perform well the function of the entire means of communication.

Thus, the meaning of money is revealed after its form. Money, the production process and economic activity of society mainly serves as an integral part and a necessary element of relations between participants. There are three ways of

using monetary value: the pragmatic way, the concept of representative value, and the concept of intrinsic value of non-metallic money. Each of the roads has a property and a refutation, and each line is self-confident. For effective development of the economy, cash flows often occur in relationships, but a balance must be maintained between money and non-interest-bearing money. Money, its features in relationships, and monetary structure play fundamental roles in the functioning of a public-legal economy.

### 3. The monetary system and its elements.

Forms of organization of work in a country emerging with a monetary system are enshrined in laws.

Modern monetary systems are classified into the following elements:

- currency unit;
- official price scale;
- the procedure for the exchange rate of the National Monetary Measurement;
- types of money - banknotes, paper money and legal money;
- emission system;
- the nature of the provision of contact communications;
- regulation of non-cash relations, determination of the main forms of non-cash payments carried out in the regions;
- regulation of the free transfer of national monetary measures and limited currency values;
- the state apparatus for regulating monetary circulation, the main link of which is the Central Bank.

A.I. Khudyakov distinguishes monetary systems with the following elements:

1) official money; 2) types of banknotes; 3) the procedure for excessive issuance of money; 4) The procedure for currency relations; 5) organization of money circulation. In addition, depending on the methods of the state, organizations add two more elements to the monetary system: the official exchange rate (currency equivalent) and the price scale. A monetary unit is a monetary unit designated by the state in the name of the national currency. The monetary unity of a country is sometimes expressed in terms of national currency. As a rule, each state has its own monetary unit, and it has historically established property. For example, "tenge" received the name of a silver coin from the ancient Yurkic currency word, as well as the name of a silver coin (tenge, which is common in Asian cities with the ancient center "Bukhara tenge"); the word "ruble" originates from the field; dollar - the name of the falsified German tenge, which came from the name of the Austrian-Hungarian money in the Habsburg dynasty, which at one time found its place in the Czech Republic; pound sterling - silver tenge with its own name..... This money later received the name penny, pier"; the Italian musical instrument emerged from the Roman weight measure "Libra". The monetary unit, as a rule, has an internal structure, that is, it is classified into sutures and, as a rule, into

proportional parts. Most countries currently use a decimal system division of 1:10=100 (1 US dollar is equal to 100 cents, 1 Russian ruble is 100 tiyn, 1 tenge - 100 tiyn) types of monetary units - organized money supply and arrangement of nominal banknotes. The money supply is the most important type of financing, defined as a set in the currency of states acceptable for payment for work and services, while one of the most important financial aggregates of a particular state for the purpose of accumulation of non-financial organizations and residential residents. In the composition of the money supply, two components are distinguished: 1) cash in relationships and 2) non-cash funds of organizations held in a bank account. Banknotes are a form of money supply, the types of money that come into contact. at the same time, one of the most important financial aggregates of a particular state for the purpose of accumulation of non-financial organizations and residential residents. In the composition of the money supply, two components are distinguished: 1) cash in relationships and 2) non-cash funds of organizations held in a bank account. Banknotes are a form of money supply, the types of money that come into contact. at the same time, one of the most important financial aggregates of a particular state for the purpose of accumulation of non-financial organizations and residential residents. In the composition of the money supply, two components are distinguished: 1) cash in relationships and 2) non-cash funds of organizations held in a bank account. Banknotes are a form of money supply, the types of money that come into contact. There are usually two types of banknotes issued:

paper money is a bill that has different names in different countries.

Paper can be two types of money: a) the issuer has undertaken to crush the received gold or a banknote equivalent to silver, to guarantee monetary goods (can be exchange money). It should be noted that this type of money is practically not used in modern monetary systems (the last currency exchanged was the US dollar until 1971); b) ordinary, that is, the banknote was recognized by the state. B) metal money of various alloys. Money is an unusual shape, mass and metal-ceramics from the test. The front side of the money, on which the state emblem is depicted, is affixed with the obverse, the outside with the reverse, and the side with the sole. However, this type of banknotes, such as loans, is also special.

Borrowed funds are the total volume of allocated and placed contracts, when the fund actually makes the necessary payments from the same point where obligations, orders or those services were taken for a certain period of time. Subject of the loan - the amount provided is returned as a percentage. Credit funds appeared as a payment instrument on the basis of monetary services. There are the following types of credit money: bills; banknotes; checks; electronic money. The procedure for excessive issue of money is the designation of credit and paper money entering into issue and relations in the manner prescribed by law. The only issuer of money that meets modern requirements is the state. The Central Bank of the country acts as a direct issuing center, both the issuer and the financial institution (Ministry of Finance). Both foreign currency and domestic currency

are determined by exchange restrictions established by states operating in the exchange rate system. Depending on their order, currencies are divided into: fully transferable, partially transferable and irreversible. Free currencies, which are completely transferable, in which they can be transferred to any other currencies. Free import and issue of both foreign currency and from their countries is allowed. Such currencies include US dollars, Canadian dollars, Japanese yens and others, the currencies of countries in which European currencies are partially transferred, for example, there are specific restrictions and prohibitions on foreign exchange transactions: for example, the Kazakh tenge. For example, irreversible, others include currencies that cannot be transferred, the type of foreign currency in the country, in which the participation of any foreign currency is prohibited (in former socialist countries). Money turnover is the action of money in the internal economic circulation of countries, the movement of money in the system of foreign economic relations in kind and non-cash form, the cost of services and goods, as well as systems of commodity payments in the economy. The basis of monetary circulation is the monetary unit, the monetary system, which is discussed in detail in the next chapter. Cash turnover is divided into two sectors: cash and non-cash. Cash flow is divided into two sectors: real and useless. Non-cash communication is a change in the balances of the financial system in bank reports, these are multiple documents accepted in banking practice, and other types of cards, plastic checks. In industrialized countries its amount corresponds to 90%. Cashless computing systems can take different forms. They depend on the historical and economic characteristics of individual countries, the characteristics of the credit system, the degree of development of electronic communications, and banking. Checks, letters of credit, credit cards, electronic transfers, bills of exchange, certificates are very common in Kazakhstan - with a payment card and a requirement for payment. Non-cash relations contribute to the overall dematerialization of money circulation. Its reasons are: 1) Reduction of turnover costs; 2) acceleration of money turnover; 3) Convenience of non-cash payments. Having cash remains important in some areas of economic life. degree of development of electronic communications and banking. Checks, letters of credit, credit cards, electronic transfers, bills of exchange, certificates are very common in Kazakhstan - with a payment card and a requirement for payment. Non-cash relations contribute to the overall dematerialization of money circulation. Its reasons are: 1) Reduction of turnover costs; 2) acceleration of money turnover; 3) Convenience of non-cash payments. Having cash remains important in some areas of economic life. degree of development of electronic communications and banking. Checks, letters of credit, credit cards, electronic transfers, bills of exchange, certificates are very common in Kazakhstan - with a payment card and a requirement for payment. Non-cash relations contribute to the overall dematerialization of money circulation. Its reasons are: 1) Reduction of turnover costs; 2) acceleration of money turnover; 3) Convenience of non-cash payments. Having cash remains important in some areas of economic life. 1)

Reducing turnover costs; 2) acceleration of money turnover; 3) Convenience of non-cash payments. Having cash remains important in some areas of economic life. 1) Reducing turnover costs; 2) acceleration of money turnover; 3) Convenience of non-cash payments. Having cash remains important in some areas of economic life.

Firstly, in transactions in which one of the parties is interested. For example, in countries with developed market economies, wages in the United States receive a significant monetary portion of 6%; part of the population uses non-cash payments in the Republic of Kazakhstan.

Second, in most crises, most economic commissioners tend to have cash on hand. Thirdly, cash flow is difficult to control. It acts as a tool in taxes and other illegal activities.

Answer: Kulik Maria Viktorovna no, social tax is not deducted, since the employee is on leave without pay, he has no accruals, and therefore no deductions either. It is more convenient for the money to be close to each buyer; obviously, he does not have to go to the bank to buy the necessary equipment. Cash circulation is the movement of the monetary system in the sphere of circulation. It services banknotes, small coins, and paper money. Banknotes issued by the Central Bank in industrialized countries constitute a large part of monetary relations. And 10% of money is only part of the insignificant output that comes from money and money issued by financial institutions.

Cash used:

- for the circulation of goods and services;
- accruals for wages, remunerations, benefits, pensions; for the payment of insurance compensation under insurance contracts; when paying income on securities and payments; for payment of utilities by the population.

During the entire period of existing money circulation, the following parties are included::

- with the population and legal entities;
- with individuals;
- with legal entities;
- with the population and government agencies;
- legal entities and government agencies.

Monetary relations are carried out through various types of money:

banknotes, metal money, other credit instruments, bills of exchange, bank drafts, checks, credit cards. As was said earlier, the scale of prices and the official exchange rate (para-all) are an element of monetary systems. The scale of prices is the part of gold and silver, taken by size, quantity or multiple of it. Provides services for measuring and expressing prices for all goods. For example, the scale of prices in the USSR in 1961 was the following volumes: 1 ruble = 0.987412 g of real gold. A currency pair is a strongly established relationship between the exchange of one currency and another. Currently, the following elements of the monetary system and the scale of prices occur in relatively significant countries.



Therefore, the connection of the national currency with foreign currencies is made on the basis of supply and demand for foreign exchange trading. The national currency was determined by this rate and called the "market rate". The state, which created its own monetary system, was interested in having it work in the required quantities. These targets will take the following measures to ensure the proper functioning of their monetary system:

1. establishment of order, the state is the only legal issuer in the form of banknotes. In this regard, the issuance of papers that are not related to money is prohibited. For this reason, strict criminal liability is established for false entrepreneurship. Currently, the creation and issue of signs for monetary circulation is considered as a sign of the sovereign right of the state and its sovereignty. In conclusion, money acts as a symbol, giving birth to the coat of arms, anthem and flag of the state.

2. declare government-issued currency as "legal tender." Answered by: Maria Viktorovna Kulik, in accordance with paragraph 1 of Article 276-13 of the Tax Code of the Republic of Kazakhstan, work on processing customer-supplied raw materials imported into the territory of the Republic of Kazakhstan from the territory of another state - a member of the Customs Union with the subsequent export of processed products to the territory of another state is subject to value added tax at a zero rate, subject to the conditions for processing goods and the processing time for customer-supplied raw materials, i.e. customer-supplied raw materials As mentioned earlier, at the same time, the scale of prices and the official exchange rate are an element of monetary systems.

Price scale is the portion of gold and silver adopted by size, quantity or multiple in countries. Provides services for measuring and expressing prices for all goods. For example, the price scale in the USSR in 1961 was: 1 ruble = 0.987412 g of real gold.

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sovereignty. In conclusion, money acts as a symbol, giving birth to the coat of arms, anthem and flag of the state.

2. declare government-issued currency as “legal tender.” It should be noted that government funds and banknotes are the main factor in the communication of the state, not only in accordance with the law.

3. the establishment of obligations for the enforcement of these signs, as a means of communication, according to their perception, is carried out by all types of payments throughout the territory of the state. It is worth noting that in some countries, demonstrating the historical period of the state’s struggle, the state is held criminally liable for failure to accept the state banknote.

According to the law of the Republic of Kazakhstan, money belonging to the bank must be provided by the borrower under certain conditions, which are considered by law. The implementation of these actions is the fulfillment of obligations;

4. making all payments to the treasury, including taxes, and from the treasury only in state banknotes. This method was called “tax security” in modern financial legal science.;

5. as a prohibition on payment in foreign currency, with the exception of certain cases provided by law;

6. regulation of money circulation by financial and legal instruments.

At the same time, in order to ensure the normal functioning and increase the efficiency of the state monetary system, the following financial instruments are used:

    nullification is the introduction of a new currency and the message to remove the National Monetary Meter, which has fallen greatly;

    restoration - restoration of gold to the previous composition of money; this method is now called revaluation - increasing the official exchange rate for foreign currency;

    devaluation - reduction of gold as part of money, now - the official exchange rate to foreign currency;

    denomination is the method of “crossing out zeros,” i.e., enlarging the scale of prices.

Development of law-abiding norms through the state. The totality of these legal norms forms the Institute of Legal Fundamentals of the Monetary System, a general section of financial law.

Accordingly, money, in what form the state works, depending on: the origin of the goods is a general alternative. To summarize, the formation of a country’s monetary system and ensuring its normal functioning, a measure of value, divides monetary systems into two types:

1) the metal message system is based on real money (gold and silver), which performs 5 functions, seamlessly transfers to real money.

2) in relation to the paper-credit system, displaced by value symbols, next to the actual money, there is paper or credit funds.

In metal, depending on the metal accepted as a common Alternative for everyone in this country, and the monetary base of the message, they are divided into bimetallism and monometallism.

Bimetallism is a monetary system that is considered by law to be the common equivalent of the state (usually gold and silver) depending on two precious metals. There are three types of bimetallism:

- parallel currency system, the connection between gold and silver coins is fixed in trading centers; double currency system, the demand for the connection between gold and silver coins from the state-approved demand for metals, the economic and political situation in the country and the world; "Aksu" currency system, in which gold and silver coins serve as legal tender, but on an unequal basis, since the limit of silver coins is collected closed than free gold. The two-fold currency system represents a silver leg that can be used in practice, i.e. in free use than gold and silver.

Bimetallism became widespread in the 16th-17th centuries, and in a number of Western countries in the 19th century. Bimetallism dominated in England from the beginning of the 14th century. until the end of the 18th century. The bimetallic monetary system was controversial and unstable. It could not meet the needs of a developed commodity economy, at the same time as a measure of the use of the value of two metals - gold and silver - this monetary activity is contrary to nature. Cost can provide services for one product with a common measure for all. At the same time, the high value connection established by the state between gold and silver did not correspond to their market value. The development of a commodity economy required stable money, a single common alternative for everyone, so bimetallism allowed monometallism.

Monometallism is a monetary system (gold or silver), in which one monetary metal is served by a common equivalent for everyone (gold or silver) and in relation to which other signs of value simultaneously participate (banknotes, money, small tiyns), in the exchange of which these can participate monetary metals (gold or silver).

Depending on the ratio and exchange nature of banknotes, three types of monometallic gold are distinguished: gold coins, gold lumps and ash standards. Gold monometallism (1914-1918) operated in standard form until the First World War gold coin.

The gold coin standard reflects the calculation of the prices of goods through gold; in the internal relations of countries, gold has valuable accuracy and performs all the functions of money; for individuals, a free frame of gold tiyns is fixed, containing mined gold; in relations have banknotes (banknote, coin coin standard) freely and without foreign converts the established value, the issue and import of gold is not limited, All this ensures the relative stability and flexibility of the monetary system. In expanding needs, gold money relations entered the economic circulation of money.

During the 20s, economically developed countries began to encounter central banks with national gold funds and foreign exchange reserves, regulating the role of the state in organizing monetary circulation, thanks to which, after the First World War, it was possible to restore stability in monetary systems, concentrate, increase, and also reduce turnover costs associated with servicing money circulation. "Abridged" forms of the gold standard were effective for a short period of time. As a result of the global economic crisis (in 1929-1933), all forms of gold monometallization were destroyed and it was ensured that gold and gold could not be used without unsecured loans and paper money. Signs of value - banknotes, checks, bills, money - have replaced gold in relation.

The paper-credit money system takes into account the dominant position of banknotes issued by the country's issuing center.

The International Monetary System of Capitalism 1944 built the world monetary system within the framework of the UN Monetary and Financial Conference in Bretton Woods (USA). In the form of the Bretton-Woods monetary system, Altynkul is an original interstate standard. Its main guidelines are:

- gold performs the functions of world money, it acted as a means of final settlements between countries and with the general realization of all social wealth.;

- in international payment circulation, in addition to gold, national monetary measures of the United States were used - the dollar and the British pound sterling;

- US dollars were able to switch to gold in a US financial institution through an officially established connection if they declared that the central banks and government agencies of countries (since 1934). Gold prices were formed in free markets on the basis of official US prices and, until 1968, did not fluctuate from it;

- national monetary parameters freely passed through the central bank to international monetary funds, allocated among themselves in dollars (IMF). All transferable national monetary units could become gold through the dollar, which ensured comprehensive payments between countries.

Due to the weakening position of the United States in the foreign market, the reduction of the international monetary system based on the widespread use of the dollar, the widespread use of the dollar went bankrupt in 1971-1973 as the reference value of the entire monetary unit: the dollar lost its position as the only world reserve currency; the reserve currency began to play the role of the German mark, the Japanese yen; from August 1, 1971, the difference between the dollar and gold was abolished; the double price was violated

The Bretton Woods monetary system was replaced by the Jamaican monetary system, formalized by the IMF member countries' agreement in Kingston in 1976. Following this agreement between the countries, changes were made to the 1976 IMF charter in April 1978. The new monetary system is reflected with the following features:

a) special drawing rights were declared on world money in accordance with the IMF-SDR, which became the international unit of account;

b) the US dollar retained an important place in international reports and foreign exchange reserves of other countries, while continuing to play an important role in calculating the notional value in the SDR;

c) the legality of demonetization of gold; loss of monetary functions of gold, loss of its official valuation. However, gold remains a state reserve and is used to sell currencies of other countries.

Ultimately, monetary systems based on the ratio of fiat fiat money are in place right now in most countries, where they are understood to be economical, convenient, and flexible. The principles of a fiduciary monetary system also apply to international and regional monetary systems.

#### 4. Monetary system of the Republic of Kazakhstan.

There is a long history of the emergence of the monetary system of the Republic of Kazakhstan. There were Chinese coins on the territory of Kazakhstan, which began to be used for the first time. They called "USHU", which was discovered as a result of archaeologists' study of the Mardan Mound on the Otrar lawn.

The development of a healthy lifestyle on the Great Silk Road ensured the development of money circulation. Since the 6th century, money from the Turkish government has been widely distributed on the territory of our state.

However, not only our own money was used on the territory of our country, but also foreign currencies - fells. It was brought by the Arabs who invaded our country at the beginning of the 8th century from Central Asia. At the same time, the southern neighbors of the Karluks, who converted to Islam, the Samanids and Tahirids, still began to express the "silver dirhams" of world money. In the 9th-11th centuries, dirhams became the main instrument of communication. But they were called "black dirhams" because a large amount of copper was added to the silver. Even silver dirhams were sometimes added to gold. Money palaces operated in Farab (Otrar district of Farab), Ispidzhab, Taraz. In the Karakhanid state, distortion of money is widespread.

In the middle of the 11th century, a "silver crisis" occurred between Central Asia and the south of Kazakhstan, which lasted 250 years. The silver mines at the beginning of the Talas and Akhanagaran rivers decreased. Most of the silver coin left the region for Europe, at that time intensive urban growth was increasing there. The Silver Crisis also led to official continuations in the relationship. State coin palaces were made of copper dirhams, decorated with silver on the outside, and they were considered real silver money. At that time, at least five money palaces operated on the territory of Kazakhstan. In the Mongol state, which included Southern Kazakhstan, silver coins quickly spread and were of high quality. Even in Otrar, Bukhara and Khujand, gold dinars were issued. But gold, as a rule, has not become valuable. The money was broken on swords and buried in such a way as a warehouse. But, despite this, in 1251 Mendi Khan established

a kurultai, where he announced a decree on the payment of taxes on gold dinars. The cities of Southern Kazakhstan, Taraz, Otrar, and Kenje occupied the first places in the Chagatai empire in the production of silver tiyns. These three center coins were virtually identical.

With the collapse of some Mongolian states, money matters also occur. In the 14th century, when most of Kazakhstan became part of the Ak-Orda, the border of money was suspended in Otrar. But during this century Temir Khan came, and the economy here is reviving. In Otrar, copper renews the infinity of money. Silver tanks are also used in trade, which are produced in modern Uzbekistan, in the south, mainly in Bukhara. This is the first time the name of the currency of modern Kazakhstan has appeared on our territory. True, at that time they had not yet heard of the Tiynovs. In the morning it was possible to divide it into four parts, and one fourth of it was called quot; Miriquot;. In widespread parts of the iron dynasties of states, more than thirty money palaces operated. Then another monetary reform was carried out, led by the famous scientist and statesman Ulykbek. In 1428, the old copper money was exchanged for new money, after which all the new palaces were closed.

In 1428, the old copper money was exchanged for a new type, and at the end of the matter, all the coin palaces were closed, and the Ulken Empire used the whole money for 60 years. And if this is not enough, then the additional money was expressed only in mass.

After Kazakhstan voluntarily joined Russia (1731-1798), Russian money, banknotes of the Kokand people and banknotes of the Tashkent khans appeared in monetary relations. In the 19th century in Kazakhstan, all trade operations were carried out only under the sign of the Russian hordes, and monetary circulation became part of the monetary circulation of Russia.

Before the revolution of monetary reform in 1895-1897, a system of gold-monometallism relations was introduced in Kazakhstan. There were gold, silver and copper coins in the relationship. The main type of banknotes were credit notes of the State Bank of Russia, 92% were backed by gold.

In October 1921, the State Bank of the RSFSR was organized, which immediately became the center of a single issuing country and has an establishment in the union republics.

Due to various economic reasons, from 1922 to 1961, 4 monetary reforms were carried out with the denomination of banknotes and coins (1922 - 1:10000, 1923 - 1:100, 1947 - 1:10, 1961 - 1:10), which are accompanied by changes in the finishing of banknotes and coins (1922-1: 10000, 1923-1: 100, 1947-1: 10, 1961-1: 10).

The Kazakhstani tenge is the national currency of the Republic of Kazakhstan. On August 27, 1992, the National Bank approved samples of tenge banknotes. Artists Timur Suleimenov, Mendybay Alin, Agymsaly Duzelkhanov, Kayrolla Abzhalelovs went to England. In 1992, portraits in tenge design were approved. Tenge printed in Great Britain. On November 12, 1993, Head of State Nursultan

Nazarbayev signed a decree “on the introduction of a national currency in the Republic of Kazakhstan.”

On November 15, 1993, the national currency of Kazakhstan, the tenge, was introduced into circulation. The exchange of old money by Kazakhstan in tenge began on November 15, 1993 at 8:00 am and ended on November 20 at 8:00 pm. The National Bank initially estimated 1 tenge per thousand rubles at that time. However, taking into account the political, social issues of the country and interstate relations, 1 tenge is fixed at 500 rubles. The tenge was approved on the day of entry into the first circulation of 4.75 tenge per 1 dollar.

The banknote factory of the National Bank of the Republic of Kazakhstan produces not only banknotes of the national currency, but also printed products secured for government and commercial orders, equipped with modern printing equipment for security printing.

Properties of the monetary system of Kazakhstan:

- \* The monetary system of the republic is not based on money, which is a monetary commodity;
- \* Refers to the currency regime at half circulation;
- \* Monetary unit of the Republic of Kazakhstan is tenge;
- \* The issue of money in Kazakhstan, the organization of their circulation and withdrawal from circulation is carried out only by the National Bank of Kazakhstan.
- \* Since the issuing body is the National Bank, the structure of paper money consists of one type of banknotes - banknotes (bank notes));
- \* Paper money (National Bank tickets) are not exchangeable, that is, the issuer does not have the ability to convert other types (precious metals and assets);
- \* Kazakhstani tenge is the only legal tender on the territory of the republic;
- \* Money in the monetary system is issued at 10% per year;
- \* Official exchange rates are used. The rate introduced by the National Bank of the Republic of Kazakhstan is used.
- \* The procedure for monetary circulation is regulated by the state; determining the quantity, volume and issue of money during denomination is within the competence of the President of the Republic of Kazakhstan.

Control questions

1. monetary activity.
2. monetary system: concept and characteristics.
3. elements of the monetary system.
4. typology of monetary systems.
5. the concept of denomination, depreciation and revaluation.
6. price scale and the concept of exchange rate.
7. organization and regulation of monetary circulation and legal aspects of the state's monetary system.

Basic and additional literature:

Main literature:

1. The Constitution of the Republic of Kazakhstan, adopted on August 30, 1995.
2. Law of the Republic of Kazakhstan dated June 13, 2005 No. 57 “On currency regulation and currency control.”
3. Law of the Republic of Kazakhstan dated March 30, 1995 No. 2155 “On the National Bank of the Republic of Kazakhstan”.
4. Law of the Republic of Kazakhstan dated July 2, 2003 No. 461-II On the securities market.

Additional literature:

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2. Khudyakov A.I. Fundamentals of the theory of financial law Almaty: Zhety Zhargy, 1995.
3. Naimanbaev S.M. Financial law of the Republic of Kazakhstan Almaty: Demeu, 1994.
4. Financial law. Textbook ed. Khimicheva I.I. - M.: Publishing house. BECK, 1995.
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## Lecture 5. Current problems of the legal foundations of the financial structure of the state

The purpose of the lecture: to reveal the concept of the legal foundations of the financial structure of the state, to formulate a distinction and analysis of the details of the financial structure of the state.

Key words: financial structure, financial system, system of financial authorities, financial regulation

Main questions:

1. The concept of the legal basis of the financial structure of the state
2. Details of the financial structure of the state

### 1. The concept of the legal basis of the financial structure of the state

The legal basis of financial construction is an institution of the general section of financial law that establishes the fundamental and organizational basis for the creation of the financial system of the state, determines the mechanism for using the financial system and the system of financial management bodies, and also determines the generalization of the organization of state financial regulation. The financial structure of the state shows the readiness of the relevant links, based on state construction and certain financial and legal norms. As a systemic element of the potential of the financial construction of the state (financial) of the Republic of Kazakhstan, such links of the financial system as financial, fiscal and credit state bodies, prospects for the financial policy of the state are reflected, as well as mechanisms of state financial regulation.

Consequently, the financial construction of the state will occur as follows:

- 1) the totality of public funds reflected in the corresponding monetary funds of the state;
- 2) a set of specialized financial, credit, currency, insurance and fiscal authorities of the state;
- 3) a set of tools and methods that facilitate the implementation of organizational and effective influence on financial processes within the framework of a centralized system for managing financial flows from the state.

### 2. Details of the financial structure of the state

Financial construction of the state associated with public finances, creating the basis of the financial system of the Republic of Kazakhstan:

- 1) from the budget construction-budget link (budget system of the Republic of Kazakhstan; budgetary powers of local and other state bodies; National Bank of the Republic of Kazakhstan; National Reserve Council; President of the Republic of Kazakhstan; Government of the Republic of Kazakhstan; National Bank of the

Republic of Kazakhstan; functions of accumulation and stabilization; state budget regulation) ;

2) Tax construction - tax level (tax system of the Republic of Kazakhstan; authorized state and specialized fiscal bodies; tax committee of the Ministry of Finance; tax regulation);

3) from the construction of extra-budgetary state funds - from links of extra-budgetary funds (the system and bodies of extra-budgetary funds of the Republic of Kazakhstan; state accumulative pension fund; state Social Insurance Fund; state social security);

4) banking construction-banking link (banking system of the Republic of Kazakhstan; monetary funds of the National Bank of the Republic of Kazakhstan; monetary funds of Dambank of Kazakhstan; monetary funds of the Housing Construction Savings Bank of the Republic of Kazakhstan; Agency of the Republic of Kazakhstan for Regulation and Supervision of the Financial Market and Financial Organizations; state financial banking regulation);

5) from the insurance construction-insurance link (insurance system of the Republic of Kazakhstan; monetary resources (financial reserves) of state insurance; Government of the Republic of Kazakhstan; Agency of the Republic of Kazakhstan for regulation and supervision of the financial market and financial organizations; regulation of state financial insurance);

6) from the construction of non-centralized funds - from non-centralized links (decentralized system of non-centralized finance; monetary funds of state enterprises; monetary funds of state institutions; Government of the Republic of Kazakhstan; ministries and departments of the Republic of Kazakhstan; akimats of administrative-territorial buildings of the Republic of Kazakhstan; National Bank of the Republic of Kazakhstan; Agency of the Republic of Kazakhstan for Regulation and supervision of the financial market and financial organizations; Agency of the Republic of Kazakhstan for regulation and supervision of the financial market and financial organizations; Agency of the Republic of Kazakhstan; state financial regulation will be formed. Implementation of state financial control, centralization of state financial resources, determination of types and directions of use of state funds, distribution of income and Republican budget expenditures, etc.a legislatively formalized system of the state that contributes to the goals of ensuring the proper functioning of the financial system of the state and each of its links is state regulation. The main goal of financial regulation of the state is to achieve the stability of the financial system of the state. Consequently, in the course of state financial regulation, the revenue bases of all links of the financial system of the state are ensured funds in the planned amount. State financial regulation is carried out by: The main goal of the state's financial regulation is to achieve the stability of the state's financial system. Consequently, in the course of state financial regulation, the revenue bases of all parts of the state's financial system are provided with funds in the planned amount. State financial regulation is carried out by: The main goal of the state's

financial regulation is to achieve the stability of the state's financial system. Consequently, in the course of state financial regulation, the revenue bases of all parts of the state's financial system are provided with funds in the planned amount. State financial regulation is carried out by::

- 1) formation of the composition and economic basis of the state's financial system;
  - 2) determination of the types and target areas of monetary funds that make up the financial system of the state;
  - 3) distribution of state income and expenses between key parts of the financial system;
  - 4) financial regulation of prices;
  - 5) budgetary regulation of prices;
  - 6) financial regulation of investment activities of the state;
  - 7) forecasting macroeconomic indicators of socio-economic development as a necessary basis for determining the main priorities and calculating the republican budget on the basis of state financial planning;
  - 8) planning the formation and distribution of funds of fraudsters included in the financial system of the state;
  - 9) implementation of state financial control within the framework of the use of funds of public state importance;
  - 10) clarification and determination of priorities for the functioning of financial resources of the state's financial system;
  - 11) ensuring price stability;
  - 12) ensuring stability and proper functioning of the state's financial system;
  - 13) budgetary regulation of the revenue base of the budget system;
  - 14) distribution of revenue and expenditure parts of the republican budget and local budgets;
  - 15) establishing financial legal capacity for violation of financial legislation.
- Thus, state financial regulation in order to ensure the proper functioning of the financial and economic system of the state, as well as the interaction of its structural parts at a significant level, has an organizational nature and a financial and economic impact aimed at it. is a state financial management. Authorized state bodies specializing in the system of state financial management bodies and exercising their financial and credit powers:
1. Government of the Republic of Kazakhstan;
  2. Ministry of Finance of the Republic of Kazakhstan;
  3. district financial departments and regional financial departments within the competence (in the territories) of the Ministry of Finance of the Republic of Kazakhstan;
  4. National Bank of the Republic of Kazakhstan;
  5. relevant departments of the National Bank of the Republic of Kazakhstan;
  6. Development Bank of the Republic of Kazakhstan;
  7. Ministry of Economy and Budget Planning of the Republic of Kazakhstan, etc.

Control questions:

1. What is the concept of the legal basis of the financial structure of the state?
2. What are the details of the financial structure of the state?

Basic and additional literature:

Main literature:

1. The Constitution of the Republic of Kazakhstan, adopted on August 30, 1995.
2. Law of the Republic of Kazakhstan dated August 2, 1999 No. 464 “on state and state-guaranteed borrowing and debt.”
3. Khudyakov A.I. Financial law of the Republic of Kazakhstan. A common part. - Almaty: Karzhy-Karazhat, 2001.
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2. Financial law. Textbook ed. prof. HE. Gorbunova. - M.: Lawyer, 1996.
3. Burtsev V.V. Methodology of formation of the legal concept of state financial control. Russian justice. 2005.-№4. - pp. 40-44.

## Lecture 6. Current issues of management in the field of public finance

Key words: public finance, public administration, authorized bodies in financial management, etc.

Purpose of the lecture: definition of the concept and general characteristics of management in the field of public finance and analysis of authorized bodies in the field of management

Main questions:

1. management in the field of public finance as an Institute of the general department of financial law: concept, significance, legal framework.

2. authorized bodies in financial management

a) the competence of representative bodies of the state in the financial sector.

b) the competence of the executive bodies of the state in the financial sector.

b) the competence of special financial bodies of the state in the field of finance.

1. management in the field of public finance as an Institute of the general department of financial law: concept, significance, legal framework.

The sphere of public administration in the Republic of Kazakhstan includes financial and credit regulation; issue of money; basics of pricing policy; National Bank, state banks; the state budget; national taxes and other obligatory payments to the budget.

The system of authorized bodies related to public administration in the financial sector is large-scale, i.e., among the bodies that carry out management, along with management bodies (executive), government bodies also participate. Therefore, here the term “management” is meant in a broad sense, that is, it includes the organizational and managerial activities of state bodies and executive power activities, as well as management in this area is carried out by state representative bodies and state executive bodies. We know that this institution under consideration covers the competence of all government bodies in the field of financial activities.

Basically, the management bodies of the financial industry (here should be understood in a broad sense), as provided for by legislative acts, are special competent, specialized management bodies (executing). For example, the Ministry of Finance, the National Bank and others. And under State Administration, the number of these special competent bodies includes authorized bodies - Parliament, local maslikhats. They carry out management in the financial sector in areas within their competence, therefore these actions are reflected in their managerial nature.

In general, the term management as used in legal literature consists of three meanings:

Firstly, it should be understood that management influences the behavior of the subject in an organized manner. For example. The ministry manages the enterprises subordinate to it. In this case, the PCT management object is recognized as a subordinate subject.

Secondly, what is management. regulation of any processes, that is, the object of management is the movement of people who carry out and carry out processes.

Third, in meaning, management is considered a system of organs based on the internal stage of power, which forms a certain decline, i.e. power and subordination.

Now we use the pure meanings of this management term, adapting them to the field of finance. There they look like this:

- management in the financial sector is understood as an organization that provides assistance to an authorized government body in the behavior of entities engaged in financial activities -;

- financial management is the distribution and expenditure of state-owned funds in appropriate areas. In this case, the powers of the manager arise in connection with his powers of ownership, that is, the right of economic management, that is, depending on the fact that this managing entity, acting as a financial body of the state, exercises the right of ownership of the funds belonging to it.;

— management in the financial sector is understood as a system of state authorized bodies that carry out the financial activities of the state, on behalf of the state or on behalf of the state and in the interests of the state.

These bodies are financial management bodies.

In this regard, the role of authorized entities operating in the field of financial management will be different.

## 2. authorized bodies in financial management

The system of financial management bodies in Kazakhstan is as follows:

\* State representative bodies: Parliament of the Republic of Kazakhstan and local maslikhats.

\* State (managerial) executive bodies, divided according to their competence into three:

- a) general competent authorities;
- b) sectoral and functional competent authorities;
- b) specialized (special) financial bodies;

Thus, in a broad sense, if we clearly disclose the system of governing bodies for these funds, it consists of the following bodies:

Representative bodies of Memleketpk:

a) The Parliament of the Republic of Kazakhstan is the highest legislative and representative body of the state;

b) maslikhats - local representative bodies.

Executive (managerial) bodies:

a) general organs:

— President of the Republic of Kazakhstan;

- Government of the Republic of Kazakhstan;

- Local akims are local executive authorities.

b) sectoral and functional bodies:

- Ministry of the Republic of Kazakhstan;

- departments and departments of ministries and local administrations;

b) specialized (executive) financial bodies:

— Ministry of Finance of the Republic of Kazakhstan;

— Ministry of Economy and Budget Planning of the Republic of Kazakhstan

- Accounts Committee for control over the execution of the republican budget;

— Agency of the Republic of Kazakhstan for combating economic and corruption crime (financial police));

- National Bank of the Republic of Kazakhstan;

- Agency of the Republic of Kazakhstan for regulation and supervision of the financial market and financial organizations;

— Customs Control Committee of the Ministry of Finance of the Republic of Kazakhstan;

— Tax Committee of the Ministry of Finance of the Republic of Kazakhstan;

Now a general description of the financial management powers of each of the above-mentioned authorized government bodies.

a) the competence of representative bodies of the state in the financial sector.

As we have already noted, this will allow state representative bodies:

a) the Parliament of the Republic of Kazakhstan is the highest legislative and representative body of the state;

b) maslikhats - local representative bodies.

In accordance with Article 49 of the Constitution of the Republic of Kazakhstan, the Parliament of the Republic of Kazakhstan is the highest legislative and representative body of the state.

At the same time, according to paragraph 2 of Article 53.54 of our Constitution and the constitutional law of the Republic of Kazakhstan, adopted



on October 16, 1995 (On the Parliament of the Republic of Kazakhstan and the status of its deputies), the Parliament of the Republic of Kazakhstan:

- Discussion of the republican budget and reports on its execution, changes and additions to the budget;

- Establishes and cancels taxes and other obligatory payments to the state budget;;

- determines the financial system of our state, including the budget and tax system

- issues laws establishing basic provisions and norms relating to taxation, the establishment of fees and other obligatory payments;

- Exercises control over the execution of the republican budget, and also exercises control over the funds approved by it;

- Determines the monetary system of the republic

- Approves reports on the execution of the republican budget of the Accounts Committee in the system of control over the execution of the republican budget and the Government of the Republic of Kazakhstan;

- resolves issues regarding government external and internal loans.

Local representative bodies (maslikhats) mean an elected body elected by the population of a region (city of republican significance, capital), district (city of regional significance), elected by the population and monitoring its implementation in accordance with the legislation of the Republic of Kazakhstan.

In accordance with Article 86 of the Constitution of the Republic of Kazakhstan and Article 6 of the Law of the Republic of Kazakhstan dated January 23, 2001 “On local government in the Republic of Kazakhstan” maslikhats;

- approves development plans for the relevant territory, economic and social programs

- approves the local budget and reports on their implementation, including approving the cost estimate for maintaining a district in a city of republican significance (capital), settlement, aul (village), aul (rural) district

- determines changes and additions to this budget and is responsible for the balanced execution of its budgets.

- if necessary, forms local extra-budgetary funds and determines their goals and objectives

- regulates taxes and other obligatory payments to the budget on the territory of the maslikhat in accordance with tax legislation;

b) provision of competent authorities in the financial sphere of executive bodies of the state,:

a) general competent authorities:

- President of the Republic of Kazakhstan

- Government of the Republic of Kazakhstan

- Local akims are local executive authorities.

b) sectoral and functional competent authorities:

- Ministry of the Republic of Kazakhstan

- Territorial bodies of ministries and departments and departments of local administrations

In accordance with Article 40 of the Constitution of the Republic of Kazakhstan and the Constitutional Law of the Republic of Kazakhstan dated December 26, 1995 “On the President of the Republic of Kazakhstan,” President of the Republic of Kazakhstan N. a. Nazarbayev signed a decree “on declaring May 1 as the Day of Unity of the People of Kazakhstan.”:

- determines the procedure for developing and presenting a report on the execution of the republican budget

- Makes a decision on the introduction of an emergency state budget on the territory of the Republic of Kazakhstan and determines the procedure for its development

- determines the main directions of the budget policy of the Republic of Kazakhstan for the coming year in the annual Address to the people of Kazakhstan on the situation in the country and the main directions of the domestic and foreign policy of the Republic;

- Creates a Council for the Management of the National Fund of the Republic of Kazakhstan and approves the Regulations on it;

- Makes decisions on increasing the efficiency of the formation and use of the National Fund of the Republic of Kazakhstan, as well as on the volumes and directions of its use

- Approves reports on the formation and use of the National Fund of the Republic of Kazakhstan

- With the consent of Parliament, appoints the Prime Minister of the Republic and dismisses him from office;

- On the recommendation of the Prime Minister of the Republic, approves a unified system of financing and remuneration of employees of all bodies supported by the budget of the Republic

In accordance with Article 64 of the Constitution of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On the Government of the Republic of Kazakhstan", adopted on December 18, 1995, the Government of the Republic of Kazakhstan exercises executive power, manages the system of executive bodies and directs their activities.

In addition, in accordance with the Constitution (Article 66) and the law, the government of the Republic of Kazakhstan:

- Develops measures to implement financial policies that promote the transition to a market economy in the financial sector

- Ensures the execution of the republican budget

- Analyzes and implements government pricing policy

- develops and implements measures to strengthen the financial system of the republic

- ensures state control over compliance with legislation in the formation and use of state currency, financial and material resources

- carries out cooperation and interaction with international financial organizations

- Appoints four members of the Accounts Committee for control over the execution of the republican budget for a period of five years

- implements investment policy

- resolves issues of issuing internal state loans

- Exercises control over the formation of the republican currency fund and prohibits it within the limits established by parliament.

- determines the improvement of financial conditions of sectors of the national economy

- implementation of credit resources in connection with the main directions of the unified monetary policy of the state

- determines measures to balance cash income and expenses of the population and reduce inflation

The local executive body of the city, the governing local executive bodies exercising public administration in their own district collegiate district"

Local executive body under Article 87 of the Constitution of the Republic of Kazakhstan and Articles 27, 29, 31, 33 and 35 of the Law of the Republic of Kazakhstan "On Local Public Administration in the Republic of Kazakhstan" dated January 23, 2001:

- develops and submits a draft budget for approval to the maslikhat

- exercises control over the execution of the local budget and reviews reports on the execution of the local budget

- ensures budget execution

- creates extra-budgetary funds, determines their forms and purposes and spends the funds contributed to them

- makes decisions on credits, loans and other long-term financial obligations

- signs contracts and documents

- carries out foreign economic relations

- spends free financial resources between sessions

- ensures the expenditure of subsidies and subventions provided from a higher budget for the purposes pursued

The powers of ministries - sectoral and functional competent bodies:

- organizes financial activities at enterprises, organizations and institutions subordinate to them;

- organizes the financial activities transferred to its disposal

- distribution of funds and credit resources placed at their disposal between enterprises and associations subordinate to them

- planning of financial resources for the industry

- approves quantitative standards and limits of control of subordinate enterprises and institutions

- creation of centralized monetary funds within the industry for the development of production, socio-cultural events, development of scientists and technology, material incentives

- monitoring the legal and effective state of state funds by subordinate entities

- establishing standards for the use of income received by enterprises and institutions

- centralized distribution of funds from the budget and extra-budgetary funds between subordinate entities

The monetary funds of ministries and departments are formed from two sources of income: sums of money transferred from subordinate enterprises with funds allocated from the budget.

All the bodies mentioned above are among the general competent authorities, but they are recognized as financial authorities of the state depending on their bodies, activities and powers related to finance. They manage finances only after they concern their competence

As you know, on the territory of the state there are special competent government bodies that participate in the field of financial management and specialize in their participation.

b) the competence of specialized financial bodies of the state in the field of finance

Specialized (executive) financial bodies of the Republic of Kazakhstan:

— Ministry of Finance of the Republic of Kazakhstan

— Ministry of Economy and Budget Planning of the Republic of Kazakhstan

- Accounts Committee for control over the execution of the republican budget

— Agency of the Republic of Kazakhstan for combating economic and corruption crime (financial police));

- National Bank of the Republic of Kazakhstan

— Agency of the Republic of Kazakhstan for regulation and supervision of the financial market and financial organizations

— Customs Control Committee of the Ministry of Finance of the Republic of Kazakhstan

— Tax Committee of the Ministry of Finance of the Republic of Kazakhstan.

The Ministry of Finance of the Republic of Kazakhstan, as the main central financial and economic body of the country, in accordance with the Regulations on the Ministry of Finance of the Republic of Kazakhstan, adopted on October 28, 2004:

— Ensuring the formation and implementation of state policy in the field of customs, tax control over the execution of the state budget, internal financial control and government procurement, state regulation of the production and circulation of tobacco products, ethyl alcohol and alcoholic products, certain types of food products, extrajudicial liquidation of the debtor, rehabilitation procedures regarding insolvent debtors, State property management, accounting, financial reporting and auditing.

— intersectoral coordination and methodological guidance in the field of execution of the state budget, budget accounting, customs, tax control, internal financial control and government procurement, state regulation of the production and circulation of tobacco products, ethyl alcohol and alcoholic products, certain

types of petroleum products, extrajudicial liquidation of the debtor, rehabilitation procedures for insolvent debtors, management of state property, accounting, financial reporting and auditing.

The Ministry of Finance has the following functions:

- participates in the development of draft indicative plans, the consolidated financial balance of the state, carrying out measures to strengthen money circulation and stabilize the national currency

- participates in the management of state financial resources and develops proposals for the rational use of budget revenues

- exercises control over compliance with state financial discipline and the fulfillment by all economic bodies of financial obligations to the state;

- plans income and expenses of the state budget, systematically distributes the financial resources of the state

- provides control over the development of the draft republican budget, its execution and cash execution.

- develops draft financial legislation, improves forms of financial relations between state enterprises and organizations

- provides for measures to create state reserves

Now we note a special specialized one, which exercises direct control. They look like this:

- Treasury

- Customs Control Committee

- Tax Committee

- Committee for Financial Control and Public Procurement

- Committee for work with insolvent debtors

- Committee on State Property and Privatization

Ministry of Economy and Budget Planning of the Republic of Kazakhstan

The Ministry of Economy and Budget Planning of the Republic of Kazakhstan, as the main central financial and economic body of the country, in accordance with the Regulations on the Ministry of Economy and Budget Planning of the Republic of Kazakhstan, adopted on October 28, 2004:

- Formation of main directions, priorities and strategic goals of socio-economic development of the Republic of Kazakhstan

- formation of state fiscal, customs and budget investment policies in relation to the priorities of the socio-economic development of the state and monetary policy, as well as policies in the field of international economic financial relations

- carries out the formation of state policy in the field of management of state assets in sectors of the economy

Main functions of the ministry:

- implementation of intersectoral and interregional coordination of the development of the main directions of state socio-economic policy;

- Improving the system of strategic, medium-term economic, budget planning and permitting system regulating the implementation of types of economic activities in the Republic of Kazakhstan

- methodological guidance of the budget process

- formation of the program of the Government of the Republic of Kazakhstan and an action plan for its implementation with the participation of central and local executive bodies, monitoring their implementation

- formation of a list of priority budget investment projects and programs

- planning and analysis of state and state-guaranteed borrowing and debt, budget lending

Accounts Committee for Control over the Execution of the Republican Budget

The Accounts Committee for control over the execution of the republican budget, as the main central financial and economic body of the country, in accordance with the Regulations on the Accounts Committee for control over the execution of the republican budget, adopted on August 5, 2002, is a state body directly subordinate and accountable to the President of the Republic of



Kazakhstan, carrying out external control over the execution of the republican budget.

Powers of the Accounts Committee:

— Submits a report on the execution of the republican budget to the Parliament of the Republic of Kazakhstan within the time limits established by legislative acts

- Analyzes acts of control submitted by state bodies authorized by the Government of the Republic of Kazakhstan, and makes recommendations to the Government of the Republic of Kazakhstan on increasing the efficiency of control over the execution of the republican budget carried out by these bodies

Develops and approves standards for external control over the execution of the republican budget, approves standards for internal control over the execution of the republican and local budgets under external control over the execution of local budgets

Agency of the Republic of Kazakhstan for Combating Economic and Corruption Crime (financial police))

In accordance with the Law of the Republic of Kazakhstan "On Financial Police Bodies of the Republic of Kazakhstan", adopted on July 4, 2002, the financial police of the Republic of Kazakhstan is a special government body carrying out law enforcement activities aimed at preventing, identifying, suppressing, disclosing and investigating criminal and other illegal attacks on the property of society and the state in the sphere of economics and finance through private investigative activities, preliminary investigation and inquiry, administrative proceedings within the limits of the powers established by law.

The tasks of the financial police authorities:

— Ensuring, within the powers of the state, the economic security of the state, the legitimate rights and interests of business entities, society and the state

— identification, suppression, disclosure and investigation of crimes related to tax evasion, other crimes and offenses in the field of economics and finance

- participation in the development and implementation of state policy in the fight against corruption in the economic sphere

- implementation of international cooperation on issues falling under the jurisdiction of the Financial Police authorities

### National Bank of the Republic of Kazakhstan

In accordance with the law "On the National Bank of the Republic of Kazakhstan", adopted on March 30, 1995, the National Bank of the Republic of Kazakhstan is the central bank and represents a high level of the banking system of the Republic of Kazakhstan

The National Bank of the Republic of Kazakhstan should not be guided by profit-making goals when performing its duties

The main goals and objectives of the National Bank of the Republic of Kazakhstan:

The main goal of the National Bank of the Republic of Kazakhstan is to ensure price stability in the Republic of Kazakhstan

To achieve the main goal, the National Bank of the Republic of Kazakhstan is assigned the following tasks:

- Development and implementation of the state monetary policy
- ensuring the functioning of payment systems
- implementation of currency regulation and currency control
- assistance in ensuring the stability of the financial system

Basic financial functions, powers and regulations of the National Bank of the Republic of Kazakhstan

- Conducts state monetary policy by regulating the amount of money in circulation in the Republic of Kazakhstan, is the only issuer of banknotes and coins on the territory of the Republic of Kazakhstan, issues securities

- Carries out currency control with the regulation of currencies in the Republic of Kazakhstan

— Participates in servicing government loans of the Government of the Republic of Kazakhstan in agreement with the Government of the Republic of Kazakhstan and services government loans of the National Bank of the Republic of Kazakhstan

— Lend to banks, as well as legal entities that have opened banknotes with the National Bank of the Republic of Kazakhstan by decision of the Board of the National Bank of the Republic of Kazakhstan

— issues licenses to conduct operations involving the use of currency values

- Generates monetary, credit and financial statistics of the state

- establishes the procedure for accounting, storage, transportation and collection of cash banknotes, participates in ensuring the storage, transportation and collection of banknotes, forms a state reserve of banknotes

Agency of the Republic of Kazakhstan for regulation and supervision of the financial market and financial organizations

Adopted on July 4, 2003, the law “On state regulation and supervision of the financial market and financial organizations” regulates public relations related to the implementation of state regulation and supervision of the financial market and financial organizations, and establishes conditions for increasing the stability of the financial system of the Republic of Kazakhstan and preventing violations of rights and legal interests of consumers of financial services.

Responsibilities of the Agency of the Republic of Kazakhstan for Regulation and Supervision of the Financial Market and Financial Organizations in accordance with this Law:

- implementation of measures to prevent violations of the rights and legitimate interests of consumers in the provision of financial services

- Creation of equal conditions for work on the principles of fair competition of relevant types of financial organizations

- Increasing the level of standards and methods of regulation and supervision of the activities of financial organizations, using measures to ensure timely and complete fulfillment of their obligations.

Committee of Customs Control of the Ministry of Finance of the Republic of Kazakhstan

The customs authorities of the Republic of Kazakhstan, according to the Customs Code of the Republic of Kazakhstan, adopted on April 5, 2003, are a state body that, within its competence, participates in the implementation of the

customs policy of the Republic of Kazakhstan and directly carries out customs business, as well as exercising other powers provided for by the legislative acts of the Republic of Kazakhstan

Functions of the customs authorities of the Republic of Kazakhstan in the financial sector:

— Receipt of goods into the territory of the Republic of Kazakhstan when making tax and other obligatory payments to the budget

- implementation of currency control within its competence

- Combating offenses in the field of customs in accordance with the legislation of the Republic of Kazakhstan

Rights of the customs authorities of the Republic of Kazakhstan in the financial sector:

- within the limits of its powers, issue normative legal acts

— Receives goods across the customs border of the Republic of Kazakhstan during tax and other mandatory budget procedures

Responsibilities of the customs authorities of the Republic of Kazakhstan in the financial sector:

- ensuring the completeness of collection and timely transfer of customs duties and taxes to the republican budget

- collection of amounts of customs duties and taxes not paid on time to the state budget, as well as penalties on them

Tax Committee of the Republic of Kazakhstan

Tax authorities are entrusted with the responsibility to ensure the completeness of tax receipts and other obligatory payments to the budget, the completeness and timeliness of the transfer of mandatory pension contributions, as well as to exercise tax control over the fulfillment of tax obligations by taxpayers.

The tax service bodies consist of tax authorities and authorized state bodies. Tax authorities include tax committees for regions, the cities of Astana and

Almaty, interdistrict tax committees for districts, cities and districts in cities, tax committees for districts, cities and districts in cities

Rights of tax authorities (Article 16);

- Development and approval of regulatory legal acts

— Provide clarification and provide explanations on the occurrence, fulfillment and termination of tax obligations within the limits of their competence.

- implementation of tax control

— Conduct an inspection of monetary documents, accounting books, reports, estimates, securities for the presence of money, calculations, declarations and other documents related to the fulfillment of tax obligations, in compliance with the requirements established by the legislative acts of the Republic of Kazakhstan.

- require the taxpayer to submit, in accordance with the forms established by the authorized state body, documents on the calculation and payment of taxes and other obligatory payments to the budget, explanations for their completion, as well as documents confirming the correctness of calculation and timely payment of taxes and other obligatory payments to the budget, pension contributions to the budget savings pension funds -

— Seize from the taxpayer documents indicating the commission of tax offenses during a tax audit in the manner established by the legislative acts of the Republic of Kazakhstan

- Conduct an inventory of the taxpayer's property to examine any taxable objects and tax-related objects used to generate income, regardless of location

- Receive information from the taxpayer in the form of electronic documents in the manner established by the authorized state body according to the list approved by the Government of the Republic of Kazakhstan

- obtain information about the availability and numbers of the audited taxpayer - a legal entity and an individual entrepreneur - of information constituting commercial banking and other secrets protected by law on issues related to taxation in banks or organizations carrying out certain types of banking

operations, in compliance with the requirements of legislative acts of the Republic of Kazakhstan.

- In cases provided for by a special part of the Tax Code, the taxpayer has the right to bring a claim to the courts in accordance with the legislation of the Republic of Kazakhstan for the indirect method of determining tax liability.

Responsibilities of tax authorities (Article 17);

- Respect taxpayers' rights

- protection of the interests of states

- exercise tax control over the taxpayer's fulfillment of tax obligations, as well as the timely withholding and transfer of mandatory pension contributions to pension savings funds

- maintain, in accordance with the established procedure, records of taxable objects and objects related to the taxation of taxpayers, records of accrued and paid taxes and other obligatory payments to the budget

- clarification of the procedure for filling out the established tax reporting forms

- Maintain tax secrecy to conduct tax audits according to strict regulations

- in cases stipulated by the deadlines, entrust the taxpayer with a notification of the fulfillment of the tax obligation

- at the taxpayer's request, no later than within 3 days, submit an extract from the taxpayer's personal account on the status of settlements with the budget for the fulfillment of tax obligations.

ensuring the safety for five years of copies of receipts (pallets) issued to the taxpayer confirming the fact of fulfillment of tax obligations for taxes and other obligatory payments to the budget

- exercise control over compliance with the procedure for accounting, storage, evaluation and sale of property converted into state ownership, as well as over the completeness and timeliness of the receipt of money from its sale into the budget

<url>-in accordance with the Code of the Republic of Kazakhstan on Administrative Offences, the payer is required to impose administrative fines.

Control questions:

1. management in the field of public finance as an Institute of the general department of financial law: concept, significance, legal framework.

2. Public finance management: concept, elements, principles of management organization, main tasks. Subjective elements of the formation and implementation of public financial management.

3. basic methods, legal forms and current problems of management in the field of public finance.

Literature:

1. Sartaev S.S., Naimanbaev S.M. Budgetary law: Textbook. - Almaty: seven charters. 2006. 360 pp.

2. Financial law of the Republic of Kazakhstan: textbook /n. R. Veselskaya, M. T. Kakimzhanov.-M.: 2015. - 312 pp.

3. Saktaganova I. S. financial law of the Republic of Kazakhstan. General and special part. Textbook / Saktaganova I. S. - Almaty: Evero Publishing House, 2016, - 256 p.

4. Saktaganova I. S. financial law of the Republic of Kazakhstan. Using casual technology. Textbook / I. S. Saktaganova. - Almaty: Publishing house "Epigraph", 2016. - 390 pp.

5. Kuanalieva, Mr. A. Financial law: Textbook / Mr. A. Kuanalieva. - Almaty: Kazakh University, 2017. - 162 pp.

6. Financial law of the Republic of Kazakhstan: textbook / ed. I. O. Zhatkanbaeva. - Almaty, 2018. - 270 S.

## Lecture 7. Current problems of the legal framework of financial planning

The purpose of the lecture: to reveal the concept and meaning of the legal basis of financial planning, to form a process for analyzing the stages of the financial planning process

Key words: public finance, Financial planning, draft financial plans, review of financial plans, approval of financial plan, etc.

### Main questions:

1. legal foundations of financial planning as an Institute of the general part of financial law: concept, meaning.

2. financial planning is one of the main areas of financial activity of the state: concept, object, principles, methods, legal framework.

3. financial planning process: goal, implemented and participating financial planning bodies and authorized government bodies, stages, legal forms.

4. financial plans: system, types, legal forms, features. The financial plan is an important element of the state plan.

### Abstracts:

The Ministry of Finance is the central financial and economic body that carries out the development and practical implementation of the strategic directions of the unified financial policy of the state, interconnected with tax and customs policies, as well as the development of the foreign economic financial policy of the state. Legal regulation of financial planning, development of financial plans, consideration of the institution of the general section of financial law, establishing the powers of planning financial bodies that carry out the processes of approval and organization of execution, as well as the basic provisions for organizing the consideration and execution of financial plans.

Financial planning is the process of drawing up, reviewing, approving and organizing the execution of financial plans.

### Stages of financial planning:

1. drawing up draft financial plans.



2. consideration of financial plans.
3. approval of the financial plan.
4. organizing the execution of the financial plan and monitoring its implementation.

The legal form of the financial plan is financial planning acts.

System of financial plans:

1. consolidated financial plan of the state.
2. state budget.
3. state currency plan.
4. financial plans of state enterprises and associations.
5. financial plans of state banks.
6. financial plans of ministries and departments.
7. financial plans of state insurance companies.
8. estimates and financial plans of budgetary institutions.

Legal regulation of financial control The institution of the general section of financial law, which determines the competence of the system of financial control bodies, as well as the procedure for organizing and conducting financial audits. The Russian learned lawyer A. Zhdanov pointed out that funds should be understood as economic relations in the creation, knowledge and use of monetary funds of the state and private institutions, and the financial system as the interrelations and combination of various links of finance. Russian scientist O. N. Gorbunova examines the financial system from two sides:

a) a set of financial institutions, each of which creates and uses appropriate funds;

b) as a set of government bodies and institutions carrying out financial activities within their competence.

And the set of financial institutions created the financial system of the state. The financial system consists of the following links, indicating the features of the development of the state in the conditions of transition to the market:

- 1) budget fund, consisting of federal budgets, constituent entities of the Federation and municipal budgets;
- 2) extra-budgetary centralized trust funds;
- 3) off-budget non-centralized trust funds;
- 4) finances of business entities and industries;
- 5) property and personal insurance;
- 6) state and bank credit.

Basically, “finance” covers a significant territory of economic relations associated with the knowledge of public products in monetary form. The presence of funds of a monetary nature shows that they belong to the category of economic value and are the object of their implementation. We must study and study their meaning so that we can know what we are doing in the category of economic categories. In the course of economic theory, we knew that monetary relations, which are part of social relations, are economic relations.

Since economic relations are added to production relations, social relations are related to basic relations as one of the characteristics of production relations. Kazakh scientist-economist V.D. Melnikov shows the formation and emergence of financial relations of finance as follows: the process of reproduction in society consists of four sequentially related and interdependent stages: production (production); knowledge; exchange; consumption.

Through four stages of this reproduction, the existence of commodity relations between participants in the process of social production is determined, since the products produced here become goods subject to purchase and sale. These products should not only be known before consumption, but also satisfy the requirements and interests of the participants in communication. It follows from this that the material or intangible products produced by us appear in kind and monetary terms as the specified social products.

Products and other necessary items and services produced here are measured using money, that is, publicly available alternative and cost criteria. The activity of means as an economic category is obvious with knowledge of the total social product.

Control questions:

1. The concept and meaning of financial planning.
2. financial planning: principles, methods, legal framework.
3. stages of financial planning.

Literature:

1. Sartayev S.S., Naimanbaev S.M. Budgetary law: Textbook. - Almaty: seven charters. 2006. 360 pp.

2. Financial law of the Republic of Kazakhstan: textbook /n. R. Veselskaya, M. T. Kakimzhanov.-M.: 2015. - 312 pp.

3. Saktaganova I. S. financial law of the Republic of Kazakhstan. General and special part. Textbook / Saktaganova I. S. - Almaty: Evero Publishing House, 2016, - 256 p.

4. Saktaganova I. S. financial law of the Republic of Kazakhstan. Using casual technology. Textbook / I. S. Saktaganova. - Almaty: Publishing house "Epigraph", 2016. - 390 pp.

5. Kuanalieva, Mr. A. Financial law: Textbook / Mr. A. Kuanalieva. - Almaty: Kazakh University, 2017. - 162 pp.

6. Financial law of the Republic of Kazakhstan: textbook / ed. I. O. Zhatkanbaeva. - Almaty, 2018. - 270 S.

## Lecture 8. Current issues of legal regulation of state financial control

The purpose of the lecture: to reveal the concept and essence of state financial control, to develop the ability to analyze the types of bodies exercising state financial control, their powers

Key words: state financial control, authorized control bodies, objects and subjects of control, etc.

### Main questions:

1. concept, elements, stages of financial control.
2. forms of financial control.
3. rules for the implementation of financial control and its legal content.
4. financial control bodies.
5. the purpose of financial control.
6. legal basis of financial control as an institution of financial law.

1. concept, elements, stages of financial control.

In a market economy, the development of financial control pays special attention to the legal, effective and targeted use of budgetary, borrowed and owned funds by business entities. In this regard, several regulatory and legal acts were adopted in the Republic of Kazakhstan to reform the system of financial control over the economic activities of state, public and various individual industries.

The main task of financial control is to promote the effective implementation of economic goals in the country and prosperity in the country, region, sectors, and production sectors of economic systems. In contrast to the previous power-administrative approach to management, it was necessary to regulate various

sectors of the national economy using market methods and reorganize financial control bodies.

The experience of civilized development of production forces and various socio-economic relations of society reflect production processes. This can only be achieved when the laws enacted and public order are followed.

It is necessary to monitor compliance with the law by economic entities and the effective management of the private property assigned to them. Due to the fact that control is a management mechanism, it is subject to the assigned tasks and management decisions. Therefore, the control value must correspond to the management objectives of a particular community, which determine the objectives of the economic control of management.

Control is a system for managing social development processes. This directly relates to democratic political leadership and social management. The control mechanism for social control is *arkashan*, it seems. It orients the object at the control stage, focusing on the progress of the process; the management process is oriented on the most fixed management model. Determined by the economic laws of the rule of law state.

“Control” is derived from the Latin word “*contrarutulus*”, meaning “against” a certain action or process, indicated or intended. Translated from the French word *contrôler*; *Magin* means to check something. But based on the word "control", he gave the meaning "control" by transformation. In the specialized literature intended for audit and control activities, the main subject of control is monitoring the economic entity's compliance with the law and identifying violations of state discipline. Indeed, the subject, the manager, inspects the object in order to check the progress of the tasks assigned to it.

This means that control is a check and control, as well as a guiding mechanism for monitoring the operation of managed objects. Control elements constitute a unified control system in order to achieve it.

- a) control);
- b) object of control (whom it controls);
- c) control substances (what controls);
- d) the principle of control;

- e) control methodology (what is controlled);
- f) control equipment and technology;
- g) control process;
- h) collection and processing of initial data for control;
- i) results of control and costs for it;
- j) the subject making a decision based on the results of control;
- k) decision made based on the results of control.

Financial control over a long period of time in a command-and-control system of management and in the economic transition of the market is understood as a structure that determines and verifies accounts and, as a rule, the correct reporting structure, as well as taxes and fees. Gradually, this concept began to be used in new ways. The concept, content, tasks of financial control at the present stage can be seen that one and its feasibility in a multilateral, different direction. In particular, the most important thing is to check the reliability of financial reliability, compliance with economic legislation, and the correctness of the mechanisms for managing economic structures at various levels of management.

Financial control is a type of activity that has features aimed at checking the distribution of gross product at appropriate financial prices and spending on the same purposes.

The subject of financial control is the management of expanded reproduction processes and financial resources based on compliance with legal regulations based on established rules.

Financial control is one of the most important forms of economic control, which helps to comply with the law, protect property, correctly and effectively use budgetary, borrowed and own funds, and uncover violations of financial discipline.

One of the main goals of financial control is the efficient use and utilization of financial resources of enterprises, institutions and other economic entities.

Promoting the successful implementation of financial policies.

The financial control function allows society to influence the process of production, distribution, exchange and consumption of material goods. With this financial function, it prevents the accumulation of distribution compatibility, the formation of inventories.

But this possibility can be realized only in the presence of social relations and certain circumstances, i.e.:

A) creation of special financial control bodies;

B) financial control bodies by qualified specialists

Addition;

C) regulation of the activities of government, departmental and independent control bodies.

The function of financial control determines the objective state of use as a production tool and represents the relationship of the economic foundations of society, is part of production relations, i.e., one of the elements of financial control, financial management (along with planning, calculation and analysis).

The essence of financial control is that it is carried out in monetary form. Its immediate object is the process of generating income, accumulation, creation and use of a financial fund, mechanisms for regulating financial and economic relationships in the economic life of a cooperating state or an individual country, society at all levels. The activities of financial control have spread to a wide range of financial relations, since financial activities themselves are associated with other dates, including wages, production dates, financial results, and production investments. At the same time, financial control checks the correct use of budget funds by state regional structures, institutions, organizations, carries out all aspects of activity,

The subject, purpose and purpose of financial control are determined by its problems. Most of them are:

state, control and inspection of a financial organization, obligations to the population;

Ensuring compliance with current legislation on taxation of legal entities and individuals,

accounting and control of financial reporting of economic entities;

control over the correct preparation and execution of all levels of the budget;

Analysis of the state and effective use of financial, labor and material resources of enterprises and institutions;

Increasing reserves of financial resources,

Accelerate cash flow, determine increased profitability of labor productivity activities,

Instructions for checking the formation and use of financial funds of organizations and institutions and compliance with the rules for improving financial transactions and settlements;

4.measures to prevent and eliminate violations of financial discipline and related negative actions.

The goal of the state is to spend money wisely and efficiently.

Every state strives to protect funds from destruction or bribery. With the help of bribery, the offender evades taxes or reduces the tax base. In his time, man Smith, “every taxpayer is under the authority of a taxpayer. The taxpayer is forced to pay the tax as a gift or bribe from any unwanted taxpayers or for his own safety.”

The state seeks to resolve the issues outlined above through financial control. Financial control is the main focus of financial activities, covering every element.

Financial control can be considered as one of the types of government financial activities. The financial actions of any state are carried out in three directions, which determine from many and different functions: the creation, distribution and organization of the use of the state reserve. One of their necessary elements is state financial control. The presence of financial control is explained by the presence of control functions of states, along with the functions of distribution of funds as an economic category.

According to N.D. Ernashvili, two aspects of financial control can be considered:



As a regulated activity of special regulatory bodies that control all disciplines (controlled) of the financial sector and economic entities.

As an integral element of financial and cash flow management to ensure the feasibility and efficiency of financial transactions.

An integral component of government activity is financial control as a necessary and socially beneficial activity. To control at all levels of the business process management system, a special coordination relay has been established. In the economic literature, scientists have given various definitions of financial control. For example, V. M. Radionova wrote in her monograph: “financial control is a set of operations and actions to verify issues related to the use of special forms and organizational methods and the activities of business entities.” I.V. Firulin, as an economic category, gave a complete definition of financial controls. In his opinion, setting up accounting; timeliness and correct execution of the budget, non-state extra-budget and their financial obligations; legality of transactions, related to the creation, distribution, use of centralized and non-centralized monetary funds; a set of methods, techniques, forms of production audits and inspections of organizations, enterprises, associations engaged in financial and economic activities.

Financial control is a complex organizational system consisting of the following elements: 1) subject of control; 2) Object; 3) subject of control; 4) the purpose of control; 5) control methods.

According to A.I. Khudyakov, the composition of these elements is revealed using the following questions:

1) the answer to the question “who checks” - determines the subject of control;

2) the answer to the question “who checks” - determines the object of control;

3) The answer to the question “what is being checked” - determines the subject of control;

4) the answer to the question “what is being tested for” - determines the goal;

5) the answer to the question “how is it checked” - determines control methods.

The development of market relations has left its mark on financial activities and the implementation of financial control in the process of its implementation. In this regard, the goals, composition, and scope of financial control have been changed. As a result, bodies of people's and party control were liquidated and new control bodies were created. This led to a change in the subjective composition of financial control.

Subjects of state financial control are state bodies with authority capable of exercising control, or non-state persons performing on behalf of the state. In this case, they play the role of a state observer.

Pogosyan N.D.: "the object of public administration is the activity of the public sector in the correct, purposeful, rational, effective use of public funds and other material and intangible resources.

Since general management in the state is carried out by the executive branch, the control object is the government and officials. In some cases, state control extends to the head of state, the judiciary, local governments, law enforcement agencies, etc. The object of control can be private enterprises when performing public actions." Financial control should not be limited to verification. Currently, the process of extraction and distribution associated with quick relationships, as a result of which it represents control over natural, material, labor and other government resources.

The scope of state regulation of the processes of creation, distribution and use of own funds by non-state actors is wide. Regulatory acts When implementing state regulation, Qatar uses individual acts. In this case, the object of financial control may be non-state legal entities and, in some cases, citizens. The subject of control is compliance with the requirements established by the subjects for the formation, distribution and execution of general identified violations in the use of funds.

The purpose of financial control: a) establishing the legality, purposefulness, and reliability of financial relations with entities; b) reporting facts of violation of financial legislation by subjects; c) identifying the perpetrators and bringing them to criminal responsibility; d) development of increasing reserves for the effectiveness of public financial economic actions; e) identifying potential sources of financing the priorities of the state's socio-economic growth; f) eliminating the consequences of violations and eliminating violations of financial discipline.

The task of financial control.

- 1) ensuring compliance with financial legislation;
- 2) ensuring rational, legal, targeted use of government monetary instruments;
- 3) ensuring compliance with financial legal discipline,
- 4) providing assistance in fulfilling financial responsibilities;
- 5) prevention and prevention of violations of financial discipline,

Certain methods and forms of financial control make it possible to respect the rights of the state and its institutions, economic entities having financial relations entailing legal liability.

Financial control is typical for all financial and legal institutions. Consequently, in addition to the general financial and legal norms regulating the procedure and organization of financial control, there are norms that provide for the characteristics of individual financial and legal institutions.

Based on the composition of financial control relations regulated by financial law:

- 1) operational management of monetary resources or proper examination of the use of government institutions, organizations under management;
- 2) checks when fulfilling financial tasks before the state;
- 3) Inspection by institutions, organizations, enterprises of the rules for storage and accounting of monetary instruments and financial transactions;
- 4) release of internal production reserves;
- 5) prevention and prevention of violations of financial discipline. The implementation of financial control as the main function of the state is regulated by the rules of financial law.

2. forms of financial control.

Today, in the science of financial law, financial control is referred to as a financial institution. There are features of financial control of budgetary, tax, custody, credit, and currency relations.

Financial law, like other legal areas, consists of a general and a special part. The general part of financial law contains financial and legal norms governing the procedure and organization of the process, general goals, objectives, principles, and the nature of various methods of financial control. Financial institutions include regulations for financial control in the field of financial relations and, as a result, financial and legal norms that determine, with special goals and objectives, the composition and special regulatory legal acts (Budget Code of the Republic of Kazakhstan, Tax Code of the Republic of Kazakhstan, insurance, currency, banking legislation ), as well as the legal degree of control authorities over specific areas of financial activity.

Financial control exercises control over the financial and economic activities of all business entities located on the territory of the Republic of Kazakhstan. This requires the implementation of other types of control over economic activities.

Based on international experience, financial control can be divided into two interrelated, independent bases: state financial control and non-state financial control.

State financial control is one of the types of state control. State financial control carries out the concentration, distribution and use of funds at all stages of financial activity. Its main purpose is to comply with financial legislation and verify the appropriateness of the activities of state and local authorities.

State financial control is necessary to create a state of financial stability, as well as to implement state financial policy. These are: control over the financial activities of government agencies, state banks and corporations and the creation, approval and execution of budgets at all levels and extra-budgetary funds.

State financial control - verification of the legality and effectiveness associated with the planning and organization of the processes of creation, distribution and use of public funds carried out by state authorized bodies or institutions, as well as non-state special authorized state institutions provided by the state as a state representative.

Internal and audit control, classified as a type of non-state financial control, economic control is carried out by the institution itself, the economic activities of the financial and economic activities of the institution, branches and subsidiaries, which are divided into operational (current) and strategic.

Audit control - financial control by independent departments of Danas. It is carried out by individual individuals, as well as audit firms (including foreign ones) that have the organizational and legal form provided for by law (with the exception of public associations).

It is one of the most complex categories of financial and economic science. In general, it is a set of cost flows associated with the distribution and use of funds. The material basis for the existence of the state is finance. In this regard, the main goal of public finance is to provide monetary support for the existence of the state. In the material meaning and relation to the concept of "money", in the literature there are 3 meanings of the category "Finance".

In a broad sense, the concept of "finance" means the concept of "money".

All monetary relations are not recognized as financial.

The concept of "finance" in a narrow sense means funds of government and legal entities.

The classification of monetary relations as financial relations is based on the use of two criteria: 1) subjects of monetary transactions - the state and legal entities; 2) distribution stage depending on the industry.

This led to the division of legal entities into public and private in financial terms in connection with state or non-state residence, respectively, public and private residence of monetary funds.

The concept of "finance" in a special meaning (material meaning) is understood only as state money.

The amount of money at the disposal of the state in material terms.

Money (and finance) is in cash and non-cash forms.

The concept of finance as an economic category is defined as a set of certain "financial" relations. Financial relations are determined on the basis of the relations "creation, distribution, use of funds".

Public finance in the economic sense is a set of economic relations at the stage of formation and distribution of public monetary funds.

Financial relations associated with the emergence of monetary funds arise when money is discovered in the state. The state's own expenses due to financing

arise from financial relations in the distribution of funds. This is financing expenses for culture, defense, science, healthcare and others.

Finance is characterized by two functions: separator and controller. When carrying out the distribution and redistribution of the total value of the social product through funds (gross), as a result of which funds are transferred from one person to another and represent a dividing function of the process of creating or spending US funds.

Finance also performs control functions at the same time. This function tracks the distribution of gross domestic product (GDP) in accordance with the monetary core and its intended purpose.

The functions of financial control are manifested by the multifaceted activities of authorized financial bodies. Monitors the financial planning process by financial services employees, as well as the execution of the revenue and expenditure parts of the budget.

In addition to separation and control functions, it performs financial functions in regulatory and stable market conditions. When describing the regulatory function, it can be noted that the use of funds in the processing process is associated with government intervention.

The stabilization function is based on creating stable economic and social conditions for all economic entities and citizens.

The control and division functions of finance are carried out through the financial mechanism. A includes a set of organizational forms of financial relations in the economic sphere, the order of accumulation and use of monetary resources of centralized and decentralized funds, financial legislation, forms of financial system management, and financial planning methods.

Financial control is the practical transformation of the control properties inherent in finance.

The object of financial control is the processes of formation and use of funds. This characterizes the distribution of the value of a social product, as well as the distribution of this product in physical form.

Financial activity of the state is the activity of the state or relevant authorized bodies in the creation, distribution and use of the monetary system of the state and its proper functioning, as well as the use of state funds.

The state acts with two qualities in the implementation of financial activities: the subject of the political system is based on prevented funds. As the owner of funds.

The main goal of financial activity is to create favorable conditions for the functioning of the structures of society.

Carrying out financial activities, the state fulfills three main goals:

Creation and ensuring the functioning of a public monetary system;

Receiving and servicing funds for your own financial security;

Monetary influence on the socio-economic processes occurring in society, which are useful for society in the state.

The principle of implementation of legislative approval, as well as strengthening of financial control are the guarantor of the social position of the state economic and financial policy in the implementation of financial activities.

The importance of the state's financial activities is reflected in its functions of creating, distributing and using public funds. They have a control function in a financial sense. Therefore, control in financial activities is financial.

The financial activities of the state are carried out in accordance with the principles inherent in Kazakhstan.

The legislative stage, followed by the World States, takes into account the exercise of financial control by special independent supreme bodies. In 1953, the United Nations created the organization of Supreme and Special Audit Institutions - JAKBOU. It includes 178 states. JAKBO-a-degree, its composition, its appointment in 1992. In the City of Washington, considered and adopted after 2001. In October, additions are approved by the Charter. OKPO develops and publishes international recommendations on financial management and methodological characteristics. The Rome Declaration, adopted in 1977 at the IX Congress of CAEP, based on financial control, is the main document developed by CAEP.

### 3. rules for exercising financial control and regulations

Its legal content. Rules of state financial control in accordance with Article 137 of the FCBC:

Independence rules - preventing violations of the independence of state financial control bodies and officials; rules of objectivity - conducting control in accordance with the legislation of the Republic of Kazakhstan, standards of state financial control, liquidation of parties; rules of reliability - confirmation of control results with accounting, banking and other documents of the control object.; Rules, a clear statement of the results of control to the President of the Republic of Kazakhstan, the Government of the Republic of Kazakhstan, maslikhats, heads of state bodies, society, responsibility of state financial control;

Competence rules are a set of state control bodies for monitoring the professional knowledge and skills necessary for workers; rules of confidentiality, official secrets protected by law, publicity of commercial or other secrets protected by law.

In connection with the adoption of the Law of the Republic of Kazakhstan “On State Control and Supervision in the Republic of Kazakhstan”; the principle of legality is one of the basic principles of the activities of subjects of control. Financial control is an area of relationship that is often subject to legal regulation because it

It is very important to maintain the rule of law in the field of public relations.

The Commissioner as the Institute of the general part of financial law of state financial control, approving the competence of bodies of special state financial control and public finance in the field of public finance, as well as the type of financial control, types, procedure for conducting financial audits, is presented as specific financial and legal norms, legal foundations. In accordance with subparagraph 1 of Article 135 of the KRP, state financial control is carried out by state financial control bodies in order to identify, eliminate and prevent violations of the budget and other legislation of the Republic of Kazakhstan by the objects of control.

Financial control, depending on the points of government power, is divided as follows:

- 1) financial control carried out with representative bodies;



2) financial control carried out by executive bodies;

3) judicial control.

4. financial control bodies.

In accordance with the law, financial control bodies:

Accounts Committee;

\* Audit commissions in relation to the local budget;

\* Ministry of Finance;

\* Tax Committee;

\* Customs Control Committee;

\* National Bank of the Republic of Kazakhstan;

\* Financial Supervision Agency;

\* Financial police;

\* National Security Committee.

Accounts Committee for control over the execution of the republican budget:

- carries out an assessment of the execution of the republican budget, including in accordance with the principles of the budget system of the Republic of Kazakhstan;

- \* monitors the effectiveness of its areas of activity;

- \* exercises control over the reliability and correctness of accounting and reporting control objects;

- \* evaluates the implementation of strategic plans, state and budget programs of central government bodies;

- No later than May 15 of the current year, submits a report on the execution of the republican budget for the financial year to the Parliament of the Republic of Kazakhstan.

Audit commissions in relation to the local budget:

1) carries out an assessment of the execution of the local budget, including in accordance with the principles of the budget system of the Republic of Kazakhstan;;

2) monitors the effectiveness of its areas of activity;

3) exercises control over the reliability and correctness of accounting and reporting by the objects of control;

4) evaluates the implementation of strategic plans of local government bodies and budget programs;

5) submits to the maslikhat, within the prescribed period, a report on the execution of the local budget, which in its content is a conclusion to the corresponding report of the local executive body.

Competence of other financial control bodies:

1) state control, within the limits of its powers, is also carried out by the Treasury Committee as a legal entity of the Ministry of Finance. One of the main tasks of the treasury authorities is the organization, implementation and control over the cash execution of the republican budget.

2) The Tax Committee of the Ministry of Finance and its territorial bodies carry out tax audits of the completeness and timeliness of receipt of accrued amounts of taxes and other obligatory payments to the budget, penalties and fines.

3) the Agency of the Republic of Kazakhstan for Combating Economic and Corruption Crime (financial police) also participates in the field of economics and financial activities. Internal control is carried out by the Central Authorized Body for Internal Control and the Internal Control Service of the Financial Control Committee of the Ministry of Finance of the Republic of Kazakhstan. They determine the correctness of drawing up and approving individual plans for financing the expenses of state institutions financed from the budget, the correctness of spending funds, the allocation of a share of income to the relevant budgets, the completeness and timeliness of state enterprises.

4) implementation of internal state financial control at the local level according to internal control authorized by the government of the Republic of Kazakhstan;

the body and the Internal Control Services of bodies financed from the regional budget, budgets of the city of republican significance, the capital, are carried out in the manner established by the Government of the Republic of Kazakhstan. The highest body of state financial control, exercising external control over the execution of the republican budget, is the Accounts Committee. If we talk about the history of the emergence of this body, the Accounts Committee was created in 1996 in accordance with the Constitution of the Republic of Kazakhstan. It is the supreme financial control body, directly reporting and accountable to the President of the Republic of Kazakhstan. This body plays an important role in enhancing the efficiency of use of public resources, accountability and transparency. Regulatory legal acts establishing the tasks, rights, functions of this body: Budget Code of the Republic of Kazakhstan; Accounts Committee to monitor the execution of the republican budget.

The Accounts Committee has the right:

1) control:

- Compliance with the requirements of the budget legislation of the Republic of Kazakhstan by state institutions financed from the republican budget;

- implementation of republican budget programs and targeted use of loans, including state guaranteed loans;

- ensuring timely and complete delivery of funds to the republican budget by the activities of government bodies;

-equipment transferred from the republican budget, intended to repay the state's obligations;

2) monitoring the financial reports of government institutions financed from the republican budget;

3) monitoring the efficiency of use of the republican budget, as well as funds received by order of the state;

4) sending a request and receiving information on issues for the necessary documents on the full receipt and use of funds in the republican budget from the Government of the Republic of Kazakhstan and control objects;

If the Accounts Committee exercises external control over the execution of the republican budget, then external state financial control at the local level is carried out by the audit commissions of maslikhats.

The legislative regulation of the activities of the maslikhat audit commissions is: “Budget Code of the Republic of Kazakhstan”, “Law of the Republic of Kazakhstan” On Local Government in the Republic of Kazakhstan”.

Carries out state financial control at the republican level by an internal control body authorized by the Government of the Republic of Kazakhstan. Currently, this body is the Financial Control Committee of the Ministry of Finance of the Republic of Kazakhstan.

The activities of this committee are regulated by the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan, acts of the President and Government of the Republic of Kazakhstan, other regulatory legal acts, as well as the Charter of the Financial Control Committee of the Ministry of Finance of the Republic of Kazakhstan dated April 24, 2008 No. 202.

The Ministry of Finance is the central executive body of the Republic of Kazakhstan, exercising leadership and also, within its competence, coordinating management in the intersectoral sphere of financial management and use of public funds.

This ministry is a legal entity in organizational and legal form, carrying out the activities of a state institution and on the basis of the laws of the Republic of Kazakhstan, constitutional norms, acts of the President and Government of the Republic of Kazakhstan, other regulatory legal acts, as well as the Charter of the Ministry of Finance of the Republic of Kazakhstan.

In Kazakhstan, a new Tax Code came into force in 2009, designed to modernize and promote economic diversification and get out of the “shadow” of business. The Tax Code takes into account:

- implementation of the law of direct activity;
- reducing the overall load on the non-resource sector of the economy;
- improving the conditions for doing business by improving tax administration and simplifying tax processes.

Every citizen entering the service of state financial control must be familiar with the rules of ethics of civil servants of financial control, approved in accordance with the Budget Code of the Republic of Kazakhstan, the Code of Honor of Civil Servants of the Republic of Kazakhstan, the regulatory legal acts of the Republic of Kazakhstan “On Civil Service”, “On fight against bribery” and other regulatory legal acts of the Republic of Kazakhstan, as well as the Lima Declaration of Fundamental Rules of Control.

In conclusion, the norms of financial control regulate existing aspects of financial control activities, approve the boundaries and limits of state financial control, determine the legal status, and determine the powers of the financial control activities of the state.

It also determines the type and procedure for financial control. It can be noted that thanks to these norms, state financial control covers the sphere of public economy, both directly and the sphere of joint economic and independent activities.

Financial control is carried out at all stages of reproduction at the macro and micro levels. The state and economic entities form special bodies that perform control functions. The activity of these bodies is to control the excessive output of the activities of specific generalized institutions, enterprises, and organizations.

Internal control serves the purpose of ensuring production at the level of an economic entity, necessary to provide owners with reliable information on the use of material resources and solve problems of optimizing financial resources. Business entities of various organizational and legal forms form audit commissions or invite independent auditors to participate.

Internal control in the Republic of Kazakhstan is carried out by the Central Authorized Body and is carried out with the aim of verifying the correctness of the preparation and presentation of financial statements, compliance by subjects of state financial control with the requirements of the legislation of the republican and local budgets, state assets, loans guaranteed by the state, state guarantees, related grants, use and justification money from the production of goods (works, services) of state institutions that remain at the disposal of state institutions.

The external control service is a high level of control over the implementation of system-wide goals, assessing the lower subsystem. The state

or relevant authorized bodies control the financial activities of entities engaged in economic activities related to the accumulation, replenishment of budgetary and extra-budgetary funds or the expenditure of government monetary instruments.

## 5. purpose of financial control

The main goal of state financial control is to maximize the flow of financial resources into the treasury and minimize the costs of government administration. The main goal of non-state financial control (intra-company) is to minimize costs and use the invested capital in favor of the state. However, both industries are limited by current legislation. The implementation of financial control on the basis of financial and economic activities, firstly, updates the legally regulated activities of specially created bodies to monitor compliance with financial legislation and financial discipline by all business entities.

Secondly, financial control is a mandatory element and one of the most important functions of managing financial processes, the need for which is determined by the objective needs of social development, as it strengthens its responsibility to society for managing public financial instruments.

The main goal of financial control is to maximize the flow of funds into the budget, ensure their open use and prevent misuse.

The importance of financial control, on the one hand, is confirmed by checking compliance with the procedure established by law in the financial activities of the objects of financial control, on the other hand, by checking the effectiveness and economic necessity of these financial transactions, their compliance with the goals of society and the state as a whole.

Carrying out financial control, which is a necessary part of the management system, will provide complete information about the real state of the objects of control. And with the help of such information, it is possible to evaluate the results of the activities of objects, determine the deviations and their consequences, and, in general, the effectiveness of management decisions.

The development and improvement of the system of state financial control in the republic is carried out in accordance with the international order, but taking into account the peculiarities of the development of the national economy and the actions of government bodies at various levels and compliance with existing approaches, tools and methodological solutions.

According to the current legislation, in accordance with Article 138 of the Budget Code of the Republic of Kazakhstan, state financial control is divided into the following types::

1) compliance control - assessment of compliance of the activities of the controlled object with the requirements of the Budget and other legislation of the Republic of Kazakhstan;

2) control of financial reporting - the objectivity of the controlled object, the validity and timeliness of the preparation and evaluation of the financial reporting proposal;

3) Performance monitoring - assessment of the activities of a government agency, carried out on the basis of a comprehensive and clear analysis of the impact of the activities of a government agency, control over the financial reporting of government agencies on the compliance of government assets, loans guaranteed by the state, government guarantees, related grants, services of government agencies remaining in disposal, and the final results provided for by its strategic plans, subjects of the quasi-public sector in a particular area (industry) of economic development, social sphere or public administration.

To achieve the set goals, certain issues must be addressed before financial control.

Main objectives of financial control:

1) checking the fulfillment of financial obligations of the state and organizations to the population;

2) Checking the correct use of monetary instruments by business entities (budgetary and own instruments, bank loans, extra-budgetary instruments);

3) Verification by entities engaged in economic activities of financial transactions with monetary instruments;

4) identification of internal reserves of production - acceleration of labor, working capital, working capital of material and monetary resources, increasing the efficiency and effectiveness of using opportunities to increase the efficiency and productivity of the economy;;

5) elimination and prevention of financial violations.

6) the legal basis of financial control as an institution of financial law.

Financial control can be classified on the following basis:

1. Classification by entities exercising financial control. Khimicheva N.I. identified the following types of financial control: a) government agencies authorized to power and local government; b) president; c) executive authorities of general competence; d) financial and credit authorities; e) within the institution and economy; f) public; g) audit.

2. distribution by timing of financial control:

A) during the preliminary discussion and approval of draft laws on the budget and other projects on issues of budgetary and financial legislation;

B) current - consideration of individual issues of budget execution at meetings of committees, commissions and working groups of legislative bodies of state power, authorized local government bodies, during hearings in parliament and during the period associated with parliamentary requests;

B) further - when considering and approving reports on budget execution.

3. in the presence of state financial control, depending on the areas of financial activity: a) budget control; b) tax control; c) exchange control; d) insurance control; D) control over the functioning of state extra-budgetary funds; f) financial and economic control; g) control over the organization of the monetary system; 3) Control over the activities of state banks.

4. depending on the legal degree and characteristics of financial control: a) specialized financial control; b) functional control.

5. external expression and method of implementation:

A) indirect financial control;

B) direct financial control.



As a result, the need arose to determine and approve the type and method of legal ranking.

Determined by judicial control:

1) financial offenses and activities of financial authorities;

Place of court in the state when considering applications;

2) when considering complaints from taxpayers about the activities of fiscal authorities;

3) examines criminal financial offenses;

4) when considering a dispute arising from the terms of a financial and legal agreement;

5) when appealing the legality of financial legal acts.

The National Bank of the Republic of Kazakhstan is the financial and credit body of the state. It exercises control within its limits and establishes the procedure, type and timing of reporting on issues of illegal financial supervision of organizations, foreign exchange control, foreign exchange regulation and foreign exchange control in the Republic of Kazakhstan.

Internal economic control is a function of independent management within an enterprise or organization, and is distinguished by accuracy and depth. Its main goal is to identify financial, economic, supply, sales and production activities, on-farm reserves, ensure the safety of money and material resources, and constantly monitor the elimination of the causes and conditions that cause theft and innocence.

The subjects of intradepartmental control are the Ministry, institution, industrial association or other higher economic management body. Depending on the time of implementation, departmental financial control is divided into preliminary, current and subsequent. Preliminary and current financial control is carried out under the leadership of the heads of: 1) main departments; 2) management; 3) subordinate or subordinate units; 4) officials, heads of financial services, chief accountants who have the right to sign financial documents.

Methods of preliminary and current financial control include surprise checks at places where funds are stored and an inventory of material assets and material assets and money.

Financial control is supplemented by public financial control carried out by local governments and authorized state bodies. It is based on the Constitution of the Republic of Kazakhstan, which enshrines the rights of citizens, one of which is the right to participate in government, the responsibility of public authorities, providing every citizen with the opportunity to familiarize themselves with documents, decisions and sources of information by public associations, officials and the media.

Audit control is independent financial control concluded both with individuals who have passed state certification and registered as entrepreneurs - auditors, and with audit organizations created in the legal form of a limited liability partnership.

The main objectives of audit control are:

A) definition of accounting and financial accounting of financial and business transactions included in regulations;

B) payment and verification of reporting documents, tax information and other financial obligations and requirements of economic entities.

Budgetary control is one of the financial instruments. According to A.I. Khudyakov, the activities of state bodies (budget control bodies) that have the results of checking compliance with the procedure for the formation and coordination of budget control budgets, as well as checking by participants in checks of the legality and significance of the use of budget funds.

Budget is a type of formation and expenditure of funds.

The Budget Code of the Republic of Kazakhstan divides state financial control into 2 types: internal and external.

Controls the execution of the republican budget and audit commissions with the Accounting Committee of Maslikhats

State financial control - external control. External control state financial control carried out by the internal control service and internal control through a central authorized body.

Budget control is carried out in accordance with budget legislation, in the following types

The following is carried out: a) comprehensive control; b) thematic control; c) Car control.

If comprehensive control is appointed, then the activities of the object of budget control are directly checked and assessed within a specific period of time of the method carried out.

In a specific period of methodological instructions, a check is carried out on individual issues, and a system for assessing the activities of the object of budget control is carried out.

Counter control is third party control associated with the need to obtain information in the comparison of documents related to the unit of operations of the budget control object. Depending on the time of implementation of budget control, there are: a) preliminary; b) current ; ) next.

Preliminary control is carried out by local representative bodies (maslikhats) with the Parliament of the Republic of Kazakhstan when discussing and approving laws on the republican budget and decisions on local budgets, as well as draft laws relating to budgetary and financial issues.

In this case, preliminary budget control is carried out by specialized bodies (for example, regional financial organizations). This entity exercises preliminary control over the execution of treasury decisions in the production of payments, taking into account funding from the budget.

The following budget control is carried out directly by the financial control committee of the Ministry of Finance of the Republic of Kazakhstan. This type of control is devoted to the budget planning stage of the budget conclusion on the structure, consideration, approval of the report on the execution of the state budget.

The budget control bodies are the Agricultural Fair Committee for the Execution of the Republican Budget for Internal Control and the central authorized bodies.

Control questions :

What is financial control?

Name the elements of financial control.

What are the rules for exercising financial control?

Which bodies exercise financial control?

What is the main purpose of financial control

Forms of financial control.

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## Lecture 9. Current problems of legal regulation of financial and legal liability

The purpose of the lecture: analysis of the concept and goals of financial and legal responsibility, development of the ability to analyze types of financial and legal offenses.

Key words: financial and legal responsibility, financial offense. The elements of the offense, objective, objective, subjective, subjective, etc.

### Main questions:

1. legal regulation of financial and legal responsibility as an institution of the general part of financial law: concept, meaning.

2. state coercion in the field of public finance: concept, measures, characteristic features, features.

3. financial offenses in the field of public finance: concept, main features, composition.

4. financial and legal responsibility: concept, purpose, main features, types, measures. Administrative offenses of a financial and legal nature.

### Abstracts

Responsibility for illegal actions committed in the field of financial law, in connection with the level of their social danger, can be: criminal, administrative, tax, civil liability.

Criminal liability is one of the forms of legal liability, which refers to a state coercive measure imposed by a court verdict on the basis of the Criminal Code of the Republic of Kazakhstan. Criminal liability is that a person found guilty of committing a crime is the deprivation or restriction of human rights and freedoms provided for by the Criminal Code. Criminal punishment is applied in order to restore social justice, as well as to prevent the commission of new crimes by both convicted persons and other persons.

Based on the Criminal Code of the Republic of Kazakhstan, the following types of punishments are established:

a) imposition of a fine;

ə) deprivation of the right to hold a certain position or engage in certain activities;

b) involvement in public works;

c) straightening work;

d) military work;

F) restriction of freedom;

e) detention in a guardhouse;

f) imprisonment;

g) the death penalty may be applied;

constituting commercial or banking secrets; Article 202. Violation of the procedure for issuing equity securities, Article 202-1. Failure to provide information or provision of knowingly false information by an official of the issuer of securities; 203-available. Entering information reflected in the register of securities holders; Article 204. Submission of knowingly false information by professional participants in the securities market; Article 205. Violation of the rules for conducting transactions with securities; Article 205-1. Loss of documents and information constituting the system of registers of securities holders; Article 206. Production or sale of counterfeit money or securities; Article 207. Production or sale of counterfeit payment cards and other payment and settlement documents; Violation of the procedure for issuing equity securities Article 202-1. Failure to provide information or provision of knowingly false information by an official of the issuer of securities; 203-available. Entering information reflected in the register of securities holders; Article 204. Submission of knowingly false information by professional participants in the securities market; Article 205. Violation of the rules for conducting transactions with securities; Article 205-1. Loss of documents and information constituting the system of registers of securities holders; Article 206. Production or sale of counterfeit money or securities; Article 207. Production or sale of counterfeit payment cards and other payment and settlement documents; Violation of the procedure for issuing equity securities Article 202-1. Failure to provide information or provision of knowingly false information by an official of the issuer of securities; 203-available. Entering information reflected in the register of securities holders; Article 204. Submission of knowingly false information by

professional participants in the securities market; Article 205. Violation of the rules for conducting transactions with securities; Article 205-1. Loss of documents and information constituting the system of registers of securities holders; Article 206. Production or sale of counterfeit money or securities; Article 207. Production or sale of counterfeit payment cards and other payment and settlement documents; reflected in the register of securities holders; Article 204. Submission of knowingly false information by professional participants in the securities market; Article 205. Violation of the rules for conducting transactions with securities; Article 205-1. Loss of documents and information constituting the system of registers of securities holders; Article 206. Production or sale of counterfeit money or securities; Article 207. Production or sale of counterfeit payment cards and other payment and settlement documents; reflected in the register of securities holders; Article 204. Submission of knowingly false information by professional participants in the securities market; Article 205. Violation of the rules for conducting transactions with securities; Article 205-1. Loss of documents and information constituting the system of registers of securities holders; Article 206. Production or sale of counterfeit money or securities; Article 207. Production or sale of counterfeit payment cards and other payment and settlement documents; Making or selling counterfeit money or securities; Article 207. Production or sale of counterfeit payment cards and other payment and settlement documents; Making or selling counterfeit money or securities; Article 207. Production or sale of counterfeit payment cards and other payment and settlement documents;

Article 208. Violation of the procedure and rules for marking excisable goods with excise stamps and registration and control stamps, production and use of registration and control stamps with excise stamps; Economic smuggling 209p, etc.

Administrative liability is just one of the forms of legal liability assigned for administrative offenses. Administrative liability occurs when an act is committed that contains elements of an offense provided for by the Special Part of the Code of the Republic of Kazakhstan on Administrative Offenses.

An administrative offense is an unlawful, guilty (intentional or careless) action or inaction of an individual or an unlawful action or inaction of a legal entity, for which the Code of the Republic of Kazakhstan on Administrative Offenses provides for administrative liability. Imposing an administrative penalty on an individual, bringing a legal entity to administrative liability for This offense



also does not relieve the guilty individual from administrative liability for this offense.

The subjects of an administrative offense are a legal entity and an individual, while for individuals the administration begins at the age of sixteen.

Types of administrative penalties are provided for in Article 45 of the Code of the Republic of Kazakhstan on Administrative Offences. For committing administrative offenses, the following administrative penalties may be imposed on an individual:

- 1)port;
- 2) imposition of an administrative fine;
- 3) paid seizure of an item that was an instrument or subject of an administrative offense;
- 4) confiscation of an object that was an instrument or subject of committing an administrative offense, as well as property received as a result of the commission of an administrative offense;
- 5) deprivation of special rights;
- 6) deprivation of a license, special permit, qualification certificate (certificate) or suspension of its validity for a certain type of activity or commission of certain actions, including deletion from the register;
- 7) suspension or prohibition of the activities of an individual entrepreneur;
- 8) dismantling of structures under construction or constructed without conifers;
- 9)(administrative arrest);
- 10) administrative expulsion from the Republic of Kazakhstan of a foreigner or stateless person.

In addition, the following administrative penalties may be imposed on legal entities for committing administrative offenses:

- 1) warning;

- 2) imposition of an administrative fine;
- 3) withdrawal of payment for compensation of an item that was an instrument or subject of an administrative offense;
- 4) confiscation of an object that was an instrument or subject of committing an administrative offense, as well as property received as a result of the commission of an administrative offense;
- 5) deprivation of special rights;
- 6) deprivation of a license, special permit, qualification certificate (certificate) or suspension of its validity for a certain type of activity or commission of certain actions, including exclusion from the register;
- 8) illegal removal or forced exclusion of buildings being built in violation;
- 9) suspension or prohibition of activities or certain types of activities of a legal entity.

Tax liability is a type of legal liability assigned to individuals and legal entities for tax offenses. The establishment of tax liability in a separate form is associated with an increase in offenses committed in this area. Unlike other legal liability, persons who have committed offenses are subject to monetary fines associated with the imposition of special financial sanctions. Therefore, tax liability is of a property nature.

Civil liability - liability for violation by a person who has committed civil offenses of violated rights and obligations

a type of legal liability consisting of a set of property measures of a restorative nature.

A special form of civil liability is mandatory liability. Property liability of a citizen in accordance with Article 20 of the Civil Code.

1. a citizen is liable for his obligations with all the property belonging to him, with the exception of property on which, in accordance with legislative acts, foreclosure cannot be applied.

2. The list of citizens' property, which cannot be foreclosed on, is established by the Civil Procedure Code of the Republic of Kazakhstan.

Thus, legal liability is understood as liability of a criminal, administrative, tax, civil nature, arising in connection with the level of their public danger against illegal actions committed in the field of financial activity.

Control questions:

1. legal regulation of financial and legal responsibility as an institution of the general part of financial law: concept, meaning.

2. financial offenses in the field of public finance: concept, main features, composition.

3. financial and legal responsibility: concept, purpose, main features, types, measures. Administrative offenses of a financial and legal nature.

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Lecture 10. Budgetary law - current problems as the main institution of financial law. Concept and general characteristics of budget law.

The purpose of the lecture: analysis of the concepts and content of the concept of budget and the formation of the concept of budget law as a legal sphere

Key words: budget law, local budget, republican budget, emergency budget, etc.

Main questions:

1. concept, properties, content of the budget.
  2. budget construction. The concept of budgetary activities, methods of its implementation.
  3. Budget law: concept, subject, methods, systems and sources
1. concept, properties, content of the budget

The term "Budget" translated from Norman means pocket, bag, skin. After this, the word budget came from the fur bag in which the British put their input and expenditure documents. Hence the opening of the budget," which means the approval of this document by parliament. Later, this word began to designate the words of the chancellor of the special treasury for the rest of the state. Starting from the end of the 18th century, it was formed as a document containing information about income and losses.

In accordance with Article 3 of the Budget Code of the Republic of Kazakhstan dated December 4, 2008, its calculations and centralized monetary fund of states are acceptable for financial support for the implementation of functions.

Today, in accordance with this concept, there are many points of view.

For example, E. Yu Grachev considers the budget as an instrument of a centralized financial fund.

The certificate issued, in our opinion, is not incomplete, that is, the owner of the fund is also not determined. However, it is unlikely to approve this definition as successful, and accordingly, the budget is a form of education and expenditure of funds, a function of the financial support of the state.

A budget is not a form, it is a pool of funds. This definition applies to any financial fund, but it is intended to provide finance and carry out government functions.

The certificate issued in accordance with this corresponds to the definition of the budget issued by the legislative organization, and it is in this certificate that a complete description is given.

Budget is a complex phenomenon that has several meanings. In this regard, the term budget has different meanings and is used in different meanings. In financial law, the following meanings of budget are distinguished:

in a substantive sense;

as an economic category;

in financial and organizational terms;

as a legal category.

The budget in real terms is the state monetary fund. This fund is intended to implement the functions of states that are of accounting and interstate significance.

The budget is the main and total monetary fund for all levels of the state's financial system.

The budget as an economic category is a combination of economic relations, i.e. calculations at the Central and local levels and a set of economic relations arising in connection with the harmonization of the main state monetary fund, acceptable for financing the general functions of the state.

In a financial and organizational sense, a budget is a unified financial plan created at the Central and local levels of the state monetary fund, acceptable for calculations and performance of general functions of the state.

The budget as a legal category is a legal act that ensures the formation of a state monetary fund created at the Central and local levels, acceptable for financing interstate settlements and its functions and approving a unified financial plan.

The budget of a modern state is one of the most complex multifaceted instruments that calls for collusion with economic views - in connection with the

socio-economic interests of various participants in financial relations. The budget reflects the political and social dynamics of a society.

The Budget Code of the Republic of Kazakhstan defines the budget system as follows: “the budget system is a set of budgets and the National Fund of the Republic of Kazakhstan, as well as a reflection of budget processes and relations.”

Budget legislation establishes the basic principles, principles and mechanisms of budgetary, interbudgetary relations, the functioning of the budgetary system, the creation and use of budgetary funds, as well as the formation and use of the National Fund of the Republic of Kazakhstan. The functioning of the budget system is based on the relationship of various levels of budgets and is ensured by the procedure for their planning, development, consideration, approval, execution, control, as well as a report on the execution of the republican and local budgets. The budget system of the Republic of Kazakhstan is based on the following principles:

The principle of unity means the degree of organizational and economic centralization of the budget system. The principle of unity was most complete in the budget system of the former USSR. Currently, it is associated with gaining independence of local authorities and transferring to them the rights to own financial resources. This principle is somewhat weakened. The unity of the budget system is aimed at ensuring a unified financial policy and relies, first of all, on the general economic and political foundation of the sovereign state of the Republic of Kazakhstan. It is ensured by the use of a unified budget classification and unified procedures for the budget process of organizing and functioning of the target and territorial budget system of partial redistribution to balance the budgets of the lower level to the interaction of budgets of all levels using regulatory revenue sources. The unity of the budget system will be implemented through a unified socio-economic policy, including tax policy.

However, the unity of budgets does not exclude the independence of its individual links, which are an important principle of building a budget system. The principle of budget independence is the establishment of a permanent distribution of revenues between budgets of different levels and the determination of directions for their expenditure in accordance with the Budget Code, the right to independently carry out the budget process at all levels of government, the inadmissibility of withdrawing to higher budgets income additionally received

during the execution of local budgets and balances funds from local budgets, the inadmissibility of imposing additional corresponding gratuitous expenses on lower budgets.

The principle of budget completeness means reflecting in the budget and the National Fund of the Republic of Kazakhstan all revenues and expenses provided for by the legislation of the Republic of Kazakhstan, preventing the offset of mutual claims using budget funds, as well as derogating from the rights of claims for budget funds. Thus, it reflects the objective need to mobilize and collect into the budget all income and expenses of public authorities. In this regard, it is necessary to determine all cash receipts, as well as the volumes and specific areas of budget expenditures. In world practice, this principle presupposes its clear application in the independent use of budget revenues; currently it is not considered appropriate, since the greatest costs that can be autonomously distributed with existing sources.

In Kazakhstan, a centralized method of forming public funds has been adopted, therefore, since 1998, extra-budgetary funds - pensions, social

funds from insurance funds, roads, promotion of employment, etc. have been integrated.

The principle of realism is the compliance of approved, adjusted budget indicators with the directions of the forecast of socio-economic development and budget parameters, approved parameters, strategic plans of government bodies. The realistic principle is achieved, first of all, in the process of developing individual financial plans and a budget project of the appropriate level as a whole.

Mandatory publication of regulatory legal acts in the field of budget legislation, approved, updated adjusted budgets and reports on their execution, strategic plans and reports on their implementation, information on the formation and use of the National Fund of the Republic of Kazakhstan, with the exception of information constituting a state or other secret protected by law , as well as mandatory transparency of the budget process by society for the media.

The principle of consistency implies compliance by government bodies with previously made decisions in the field of budgetary relations. The principle of effectiveness is the development and execution of a budget focused on achieving direct and final results provided for by the strategic plans of government bodies.

The principle of continuity is planning of republican and local budgets, based on the budgetary parameters of socio-economic development approved in previous periods, basic expenses, forecasts, results of budget monitoring, evaluation of results. The principle of validity is budget planning based on regulations and other documents that determine the need to integrate any revenues or expenses into the draft budget. The cash unit principle is the principle of a single treasury for all budget revenues - crediting all budget revenues to a single treasury account and making all planned expenses from a single treasury account in national currency.

The principle of timeliness - crediting revenues to the republican and local budgets, to the cash control account of the National Fund of the Republic of Kazakhstan and transferring them to government accounts in the National Bank, acceptance of obligations by government agencies in accordance with individual financing plans for obligations, making payments in accordance with individual financing plans on payments and transfer of budget funds on time to the accounts of recipients of budget funds in compliance with the procedure established

The principle of efficiency is the development and execution of budgets or the achievement of direct results using a smaller amount of budget funds, based on the need to achieve the best direct results using the approved amount of budget funds.

The principle of responsibility is making the necessary administrative and management decisions aimed at achieving direct and final results and ensuring the responsibility of administrators of budget programs and heads of government agencies for making decisions that do not comply with the legislation of the Republic of Kazakhstan.

The principle of targeting and targeted nature of budget funds is the direction and use by administrators of budget programs of budget programs of budget funds to achieve the performance indicators provided for by the strategic plans of government bodies, in compliance with the legislation of the Republic of Kazakhstan.

All principles of creating a budget system are interconnected and complementary, which are reflected in the Constitution of a sovereign country and the Budget Code, special laws on local representative and executive bodies, on local government and other legislative acts of the Republic of Kazakhstan. In specific cases, there is frequent deviation from these principles. For example,



sometimes they deviate from the principle of budget unity, since many extra-budgetary funds are formed. The realistic principle also loses its meaning: various extra-budgetary funds can operate, through which the state seeks to differentiate financial relations. The budget system is based on the interaction of budgets of all levels, carried out through the use of regulatory revenue sources, the creation of target and regional budget funds,

The budget legislation of the Republic of Kazakhstan defines the following types of budgets:

approved budget - a budget approved by the Parliament of the Republic of Kazakhstan or the relevant maslikhat

approved budget - approved budget taking into account changes and additions adopted by the Parliament of the Republic of Kazakhstan or the relevant maslikhat during execution

the emergency state budget is formed on the basis of the republican and local budgets and is introduced in emergency or military conditions in the Republic of Kazakhstan

There will be 2 types of budget system:

in the rules included in the higher budget, each lower budget is based on a budget center

budget systems, a principle based on voluntariness in managing budgets of administrative territorial units.

Considers budgets in the Republic of Kazakhstan in accordance with the Budget Code into the budget system as follows and at the level:

republican budget

regional budget, budget of the city of republican significance, capital

budget of the district (city of regional significance))

All types and levels of the budget are independent according to budget legislation.

2 construction budget. The concept of budgetary activities, methods of its implementation.

The structure of the budget system is considered by the state budget and the National Fund of the Republic of Kazakhstan.

Based on the republican and local budgets, it is carried out under the conditions of the state budget or martial law in the Republic of Kazakhstan.

The adoption of the state budget is immediately transmitted to the Parliament of the Republic of Kazakhstan. The effect of the Law on the Republican Budget is suspended due to the influence of the state budget temporarily and by decisions of maslikhats on budgets of all levels of the local budget.

Issues related to the abolition of the state budget are resolved on the basis of adjustments to the republican and local budgets. Introduction for the introduction of the budget is the fundamental economic and financial damage resulting from emergencies of a natural and man-made nature, having a global nature of distribution through the President of the Republic of Kazakhstan, providing for an emergency situation in the Republic of Kazakhstan.

The National Fund of the Republic of Kazakhstan mainly provides financial relations to the state, including the National Bank of the Republic of Kazakhstan, which is part of the governing body of the Republic of Kazakhstan, as well as the Financial Fund, accumulated as a bank, provides other intangible services. The instruments of this fund are intended to ensure sustainable socio-economic development of the state from the impact of the raw materials network and unfavorable external factors, the accumulation of financial assets and other world, reducing the dependence of the economy.

The Republican budget, which occupies a central place in the country's budget system, in accordance with Article 7 of the Budget Code of the Republic of Kazakhstan, the Republican budget is defined as a centralized monetary fund, including accounting and central government structures, favorable for their financial support by subordinate government institutions.,

At the same time, an appropriate financial fund is provided, which approves the implementation of state policy in all directions of the republic.

The legal basis of the republican budget today is the Law of the Republic of Kazakhstan "On the republican budget for 2012-2014" dated November 24, 2011. In this regard, changes and additions have been made to this law to reflect the economic situation in the country and in accordance with the additional Message

of the President of the Republic of Kazakhstan dated January 31, 2012 N.A. Nazarbayeva is the national leader.

Having finalized the president's message and added the following 10 priority directions and proposals to the balance sheet for its implementation: "I will make proposals to the government and parliament to revise this project, revise the budget to highlight the needs for the implementation of the above-mentioned projects." We have to receive loans for the implementation of projects in the National fund.

Law of the Republic of Kazakhstan "On amendments and additions to the Law of the Republic of Kazakhstan "On the republican budget for 2012-2014" was considered by the Mazhilis of the Parliament on March 15, 2012.

The budget structure consists of the following stages:::

Income: income, official transfers, loan repayment amounts for previously allocated loans in the budget;

Budget expenses and lending;

The budget deficit (deficit) consists of surpluses.

Financing the budget deficit and using the budget surplus.

Each budget consists of two sections: income and expenses. However, the Budget Code deals with the complex structure of the budget. In it, the budget structure is calculated as follows:

Revenues to the budget, namely: a) in budget income; b) the amount of repayment of budget loans; c) Proceeds from the sale of financial assets of the state; d) loans.

2...Budget revenues, in particular: sale of fixed capital, tax, non-tax revenues from transfers.

3...Budget deficit (surplus).

A budget surplus is the excess of borrowing over a significant main distinctive amount of expenses over total budget revenues.

Budget deficit is the excess of allocated budget expenditures on a long-term basis over total budget revenues. He states

financial crisis, a negative factor of the budget deficit is a surplus and is considered as a correct phenomenon.

The budgetary activity of the state is one of the areas of illegal financial activity of the state.

Budget activity is an organization in which the authorized bodies for the organization of the budget structure form the basis of the activities of the state mainly or on the page, as well as the formation, distribution and use of central and local budgets.

Budgetary activity in the process of implementation by the state of budgetary legal relations this type of social relations arises. Budgetary activity uses budgetary relations of two groups:

organizational;

materially.

Subject budget relations of the movement of budget funds represent the processes of its formation or, conversely, the processes of distribution from the budget. The entity providing these regulations is the state. Accordingly, two types of these real budget relations arise: a) relations associated with the formation (income budget relations; b) budgets associated with the distribution of relations (expenditure budget relations).

Subject budget relations are reflected by the following features::

They are one of the types of economic relations.

This is due, first of all, to the distribution and redistribution of gross domestic product through such relations.

In economic literature, the state emphasizes that the emergence of budgetary relations is impossible; although they are an element calculated by the state, they are not a yagni structure. Budgetary relations are an organic part of the economic structure of society; their functioning is objectively predetermined - the financial basis for the state to carry out its functions.”

The budget process is regulated by the structure of the state monetary fund or the process of its expenditure. Therefore, the budget in the substantive sense is considered as a monetary fund.

Subject budget relations, corresponding to the nature of the tax, are decentralized by the value of goods in monetary form.

At the same time, in accordance with the payment of tax by the taxpayer to the state budget, it withdraws or fulfills its constitutional obligations without receiving anything in return. In accordance with Article 35 of the Constitution of the Republic of Kazakhstan, “payment of taxes, fees and other obligatory payments provided for by law is the duty and responsibility of everyone.”

Subject budget relations provide for the nature of distribution.

In the process of carrying out the budgetary activities of a subject of the Republic of Kazakhstan by redistributing the monetary part of the gross domestic product in favor of this subject, and then - when coordinating this budget - budget money limits those who spend the budget, forming income from its budget. As a result, economic views will spread.

Organizational budgetary relations arise in the process of organizing the country's budget structure, formation, consideration and approval of the budget of the Republic of Kazakhstan. This is a single financial plan.

According to the data, the economic situation of the country is not a regulator of organizational budgetary relations and is one of the supranational social relations.

A common feature of property and organizational budgetary relations is the presence of their state and budgetary activities. Its authorized bodies carry out this regulation by the state.

In budgetary activities, the methods used in financial activities are used:

A. methods of forming state monetary funds:

1. confiscation of funds from owners in a forced and irrevocable manner (taxes and other payments));

2. withdrawal of funds in forced and repayable form (loans));

3. provision of funds voluntarily and irrevocably (Charitable payments));

4. voluntary and repayable funds (voluntary loans));

5. raising funds based on the provision of public services (State duty));

6. receipt of funds based on the use and implementation of state property (land lease));

7. Emission.

B. method of distribution of public funds:

Financing: subsidy; subvention; subsidy.

Lending: bank; budget.

Fulfillment by the state of its financial obligations: repayment of external and internal loans

B. method of organizing the distribution of funds

Definition of the designation of monetary funds;

Determining the procedure for using funds received from the state monetary fund;

Establishment of procedures and standards for the distribution of funds of state organizations;

Approval of financial standards and limits on the distribution of funds;

Planning the use of funds;

Control over the expenditure of funds allocated from monetary funds.

Basic methods of budget regulation:

\* Subsidies are budgetary funds provided on a gratuitous and irrevocable basis on the basis of other budgets to cover current costs in the event of insufficient own income from other budgetary regulation instruments.

\* Subventions are budget funds transferred on a gratuitous and irrevocable basis to another budget or legal entity for the implementation of actual costs.

\* Mutual settlements are expenses for which approval of budgets is not provided; the granting of financing powers is associated with the occurrence of transactions for the transfer of funds from one budget to another, for which changes in tax and budget legislation were caused, or one, as well as the conditions for budget compensation .

\* Budgetary compensation - funds provided from one budget to another to reimburse additional income and additional expenses associated with decisions of the government or additional costs attached.

\* The main differences between subsidies and subventions: in them the subvention is targeted in nature, the subsidy can be used in accordance with the transferred budget.

## Lecture 11. Tax law - current problems as an institution of financial law

The purpose of the lectures: To reveal and analyze the significance of tax law as a field of law. Formation of knowledge on the practical application of tax legislation

Key words: Tax law, taxes, duties, payments, tax objects, tax subjects, etc.

Main questions:

1. Structure of the general part of tax law of the Republic of Kazakhstan.
2. The meaning of the general part of the tax law of the Republic of Kazakhstan.
3. Elements of tax law of the Republic of Kazakhstan.
4. Institutions considered in a special part of tax law.
5. Tax accounting and accounting documentation.

1. Structure of the general part of tax law of the Republic of Kazakhstan.

State tax policy - a system of measures in the field of taxation is carried out in accordance with economic policy developed in accordance with the socio-economic goals and objectives of society in its current period. At the stage of formation of a market economy, the main direction of tax policy or the main goal of tax policy is the creation of a tax system and the introduction of a tax mechanism that allows it to function effectively. The tax system is a complex model consisting of several components. The components of the tax system are as follows: financial relations and taxes that determine these relations; tax mechanism, i.e. methods and methods of taxation; instructions and methodological documents; bodies of tax administration and tax service. Methods and methods of taxation, instructions and guidelines, organization of taxation, basic principles of taxation, etc. relate to the tax mechanism. The tax mechanism has a significant impact on the good and efficient functioning of the tax system. Now let's look at the composition of this tax system and the taxation mechanism. Any mechanism consists of several mechanisms and elements. The taxation mechanism also consists of certain tax elements.

The main source of financing for state development is taxes. Therefore, the state establishes different sets of taxes in its tax system. Before we talk about taxes, we need to give it a clear definition. Today there are many concepts. One of them is S.D. Tsyarkin: "Taxes are material assets that are paid to the budget through mandatory individual and non-refundable payments approved by the state, at a predetermined time and at a rate." E.D. Sokolov: "The tax is a mandatory, non-refundable payment established by law, and it must be paid by the taxpayer to the extent and within the law."



In most cases, we are based on the views of A.I. Khudyakov; in his work “Taxes: concept, element, structure, type,” he devoted a full chapter to the concept of taxes. He analyzed the opinions of foreign authors and came to the following conclusion: “Tax is a cash payment, the term and amount of which are approved by the authorities, is recognized as revenue to the state budget, non-refundable, unequal, normal, paid through state coercion.”

The authorities defined the tax as follows: “Taxes are mandatory payments to the state-approved budget and are not refundable, unless otherwise provided by the Tax Code.”

Tax is a complex, multifaceted phenomenon, and also has a material, economic, and legal category. Now let's look at the signs of taxes:

Legal characteristics of the tax:

- establishment of taxes by the state;
- implementation only in legal form;
- application of tax by authority or act;
- compulsory tax measure;
- mandatory payments;
- compulsory payment of taxes;
- formation of sustainable funds through taxes;
- equality of taxation;
- collection of taxes based on state responsibility;
- maintaining state control of taxes.

Economic signs of tax:

- tax is paid as a state payment
- non-refundable;
- unequal;
- balance of tax relations;
- identified tax subjects;
- establishing the amount of tax;
- taxation of an existing facility;
- change of payment terms;
- tax is a source of state income;
- change of ownership form upon payment.

The main tasks of the tax service:

- ensuring compliance with tax legislation, studying its effectiveness;
- participation in the development of draft laws, agreements with other states on taxation issues;
- explaining to taxpayers their rights and obligations, timely informing taxpayers about changes in tax legislation and tax regulations. Taxpayers, for their part, must fulfill the following responsibilities:

register with the tax office in a timely manner and obtain a registration number;

- keep accounting records in accordance with the acts of the State Tax Committee, keep these records for five years;
- submitting a tax return within the established deadlines;
- the taxpayer paying for work performed or services rendered is obliged to provide the contractor with information about the amounts paid at the request of the tax service;
- strictly comply with tax legislation, tax payment procedures, tax payment deadlines;

According to the object of taxation, they are divided into direct and indirect taxes.

Tax is a very pressing issue today. Tax plays a major role in the development of the country's economy and improving the lives of the population.

The developers of the Tax Code do not control the improvement of the tax culture of the population and the professional level of enterprise managers, the effective implementation and implementation of the Tax Code.

The new tax calculation method is more efficient than the previous system. This helps the taxpayer to establish direct contact with the tax authorities and allows the tax authorities to maintain accurate records. Efficiency - recorded directly through electronic means without distortion.

Therefore, when paying taxes, various negative situations are not allowed (relying on friends, hiding the amount of taxes, etc.).

2. The meaning of the general part of the tax law of the Republic of Kazakhstan.

Taxes are part of financial relations in the formation of income of business entities and the population. The state uses taxes as an economic mechanism in the process of economic development and stabilization.

In our work we want to say that taxes occupy a special place in society.

Taxes and other payments mean contributions of payers to the budget or extra-budgetary funds in accordance with the procedure and conditions established by legislative acts. Being a factor in the redistribution of national income, taxes are carried out in the following cases. Allows you to eliminate risks arising in the distribution system. Stimulates (or does not encourage) the development of certain actions of people.

The amount of fees, duties and other payments (hereinafter referred to as taxes) received by the state, and the set of forms and methods of their formation, constitute the tax system.

The tax system is based on the relevant legislative acts of the state. Thanks to this, specific methods of education and collection of taxes, that is, elements of taxes, will be determined.

The subject of the tax or taxpayer is a person who is charged by law with the obligation to pay taxes. But the burden of the tax can be transferred to another person through the price mechanism. Thus, the executor of special tax payments is the person who actually pays the tax.

The object of tax is income or property on which the tax is calculated (salaries, profits, securities, real estate, etc.).

The source of income is the income from which the tax is generated.

Tax rate is the amount of tax per unit of taxation (monetary unit of income, unit of measurement of goods, etc.).

There are regular, proportional, progressive tax rates.

Constant rates are set in absolute amounts per unit of deposit, regardless of the amount of income.

Proportional taxes are levied on the taxable object in a single percentage, regardless of its classification.

Progressive Rates - The average progressive tax rate increases as income increases. Under a progressive tax rate, the taxpayer pays a larger share of income. People see the consequences of progressive taxes with great success.

Regressive rates - as income grows. Regressive taxes are beneficial for people with high incomes and very difficult for individuals and businesses with low incomes.

Taxation is a regulatory tool for replenishing public funds, which are sources of income. With the advent of the state, tax also arose. Taxes last for centuries. The search for the principle of optimal taxation was first formulated by Adam Smith in economic theory.

The modern tax system uses several principles:

- Development of general, i.e. all economic individuals receiving income;
- Stability, that is, timely payment of taxes and stability of the form of taxes;
- Equal enforcement, that is, taxation should be the same for all taxpayers;
- Obligation, i.e. forced taxation does not save from payment, the independence of a person in the payment and calculation of taxes;
- Social justice, that is, the creation of tax rates and benefits, is compassion for low-income enterprises and the population;
- The tax system is based on the legislative acts of the state, where the elements of taxes are formed.

This includes:

1. A tax person or taxpayer, that is, a person increasing the obligation to pay taxes, can be a legal entity or an individual.
2. Form of tax, i.e. income and property, calculation of taxes (wages, income, securities, real estate).

The source of taxation is taxation regardless of the company's net income.

The tax amount is an important tax element that determines the tax amount per unit of contribution.

Taxes are divided into direct and indirect, depending on ability to pay.

Direct taxes are directly proportional to ability to pay.

This includes:

- Personal income tax and corporate income tax;

Property taxes, including taxes on property (land, real estate), social insurance, wages and labor (so-called social advertising), are taxes on the transfer of profits abroad.

Indirect taxes are taxes on certain goods and services. Indirect taxes dominate prices (eg excise taxes). They are partially or fully translated into the price of goods and services.

Main types of indirect taxes:

- value added tax excise taxes (taxes included in the cost of goods or services);
- inheritance tax;
- taxes on transactions with real estate and securities, etc.

According to tax experience in developed countries, there are two leading types of taxes. In essence, income tax is a progressive tax on total income from all sources of income of individuals and legal entities and a value added tax.

Income taxes are differentiated as personal income and corporate income tax.

Personal income tax is an individual income tax, which is a contribution levied by the taxpayer on an individual's income (usually annual). Payments are made throughout the year. But the final report is compiled at the end of the year. The final calculation of one type of tax directly relates to a progressive tax. The system of tax systems of each country has central similarities, and often tax systems are not considered independent objects of taxation. Income tax on the profits of the partnership and the members of the partnership, since they go through its members, is prohibited.

In recent years, there has been a tendency to reduce income tax rates. According to many economists, a "fair" tax system requires progressive, openly reflected income tax rates, meaning the rich should pay more in taxes than the poor.

Corporate income tax is a tax levied on the profits of corporations (firms).

In many countries this is a directly progressive tax. This tax is levied only if the corporation (firm) is a legal entity.

Corporate taxes make up the bulk of corporate tax payments. The tax is levied on the firm's net profit (remaining after deducting all costs and losses from gross income). Taxation of the portion of net income to be distributed to shareholders in the form of dividends varies from country to country. Dividends received are subject to personal income tax. As a result, the same amount is taxed twice. Initially, as part of the firm's profits, thereafter, under the distributed profits, which, from the point of view of the tax system, have become the income of shareholders, are subject to individual income tax.

The second most important type of tax applied in most developed countries, value added tax, is imposed on taxpayers with value added tax on items of labor acquired during the labor process. But each taxpayer adds this amount to the price of goods that are sold to end consumers.

The second most important type of tax applied in most developed countries, value added tax, is imposed on taxpayers with value added tax on items of labor acquired during the labor process. But each taxpayer includes this amount in the price of goods moving to final consumers.

Value added tax is levied on firms selling goods and services ranging from 5% to 38% of the value of goods, and this tax is levied on the most common goods and services.

The tax system of developed countries uses taxes and incentives to support entrepreneurship. For this purpose, certain benefits are used, the most important of which are investment tax credit, accelerated depreciation, and benefits for subsoil depletion.

In essence, an investment loan is government financing of a private business with capital investments. In terms of content, this requires the introduction of an investment tax or tax.

It requires the replacement of outdated equipment and the introduction of new technology.

As for the meaning of preferential depreciation, it is to make depreciation on a scale far exceeding the market depreciation of fixed capital.

Essentially, this reduces the amount of taxable income provided to entrepreneurs. Accelerates the turnover of fixed capital.

In Kazakhstan, the tax is divided into two groups - republican and local:

Republican is compulsory. An equal share of the payment amount goes to the republican budget and the taxpayer to the city or district budget.

The size of the local is determined by the decision of the local executive body.

### 3. Elements of tax law of the Republic of Kazakhstan.

The tax element is a set of components that determine the conditions for applying the tax, regulated by tax legislation.

Tax elements:

- Tax subject;
- Tax object;
- Source of tax;
- Tax amount;
- Tax benefits;
- Tax rate;
- Taxable period;
- Procedure for calculating tax;
- Tax reporting;
- Procedure for paying taxes.

1. The subject of the tax is a legal entity or an individual, that is, we pay taxes.

Taxpayers:

Employees are individuals who, through their labor, produce material and intangible benefits, as well as receive certain revenue;

Business entities-owners of capital, that is, legal entities;

Taxpayer is a person who pays taxes and other obligatory payments to the budget.

A tax object is an accounting base that provides for what the tax is paid.

A product is a substance that satisfies needs and consumption. Not withdrawn from circulation, intended for sale or exchange.

Inheritance is the transfer of the property of a deceased citizen to his heirs. In many states, inheritance is taxed.

Land is a natural resource of a certain size, the possibility of using it is enormous.

3. The source of the tax is the funds established and used to pay taxes, this is wages, income, dividends, that is, to determine from what the tax is produced.

The source of tax is funds intended or used to pay taxes.

Taxpayers have mainly 5 sources for paying taxes:

- income;
- fund and savings;
- the monetary part of production capital, including working capital;
- fixed assets, proceeds from the sale of property, including proceeds from the property part of production capital;
- borrowed funds.

Income - monetary or material resources received by a state, enterprise, institution or individual in the distribution of national income.

4. The tax rate is the amount of tax levied on the taxpayer's income and is divided into marginal, preferential, average and zero.

5. Tax benefits are an exception to the general provisions provided for by law, taking into account solvency, participation in social production and other factors.

6. Tax rate - represents the value of tax calculations per unit of measurement of the tax base.

7. Tax periods - a period of time established in relation to taxes and other obligatory payments to the budget, at the end of which the tax base is determined and the amount of taxes and other obligatory payments payable to the budget is calculated.

8. Procedure for calculating tax.

There are 5 stages of tax calculation:

- first – accounting of the taxable object;
- second, calculation of the tax base for the taxable object;
- third, application of tax rates;
- fourth, the use of tax incentives;
- fifth - calculation of the tax amount.

9. Tax reporting is documentation submitted by the taxpayer and tax agent to the tax authorities, containing information on the calculation of tax liabilities.

10. The procedure for paying taxes is a provision approved by tax legislation in which the taxpayer makes tax payments to the budget.

Taxes are classified according to several criteria:

- By method of collection or object of taxation: direct and indirect tax;
- Direct taxes: real and personal taxes;
- According to the economic characteristics of the object: taxes on consumption and income;
- By the method of determining the amount of tax: proportional, incoming and reduced tax;
- Depending on the level of the budget into which the tax amount is received, or the body receiving and disposing of taxes: republican and local tax;
- As used: general and targeted taxes;
- In connection with the payment of taxes: natural and monetary taxes;
- Depending on tax subjects: taxes on legal entities and individuals;
- Application of taxes depending on services: ordinary and extraordinary taxes;
- By subject of tax calculation and payment: taxes through activities and services free of charge;
- Depending on the formation of the tax base and the source of tax payment: active and passive tax;
- Depending on the distribution of taxes between taxpayers: distribution and quantitative taxes;
- As taxes are paid: permanent and one-time taxes.

4. Institutions considered in a special part of tax law.

A special part of tax law addresses the following issues:

Types of taxes and other obligatory payments to the budget are payable in the Republic of Kazakhstan in the following amounts:

1) taxes: corporate income tax, individual income tax, value added tax, excise taxes, rental export tax, special payments and subsoil user taxes, social tax, vehicle tax, land tax, property tax, gambling tax, fixed tax, single land tax;

2) other obligatory payments to the budget: state duty, fees, registration fees, fees for the passage of vehicles through the territory of the Republic of Kazakhstan, auction fees, license fees for the right to engage in certain types of activities, fees for issuing permission to use the radio frequency spectrum for television and radio broadcasting organizations, fees for the use of land, for the use of surface water resources, for emissions into the environment, for the use of wildlife, for, fees for the use of the radio frequency spectrum, for the provision of long-distance and international telephone communications, as well as cellular communications, for the use of shipping waterways, for placing outdoor advertising.

Indirect taxes are taxes on certain goods and services. Indirect taxes are levied above the price (eg excise taxes). This is partially or fully translated into commodity prices.

Main types of indirect taxes:

- Value added tax excise taxes (taxes included in the cost of goods or services);
- Inheritance tax;
- Tax on transactions with real estate and securities and others.

Based on the experience of taxation in developed countries, there will be two leading types of taxes. Basically, income tax consists of progressive taxation of total income from all sources of income of people and legal entities, and a tax on excess profits.

Income taxes are differentiated as personal income and corporate income tax.

Personal income tax is an individual income tax, which is a contribution levied by the taxpayer on an individual's income (usually annual). Payments are made throughout the year. But the final report is compiled at the end of the year. The final calculation of one type of tax directly relates to a progressive tax. The system of tax systems of each country has central similarities, and often tax systems are not considered independent objects of taxation. Income tax on the profits of the partnership and the members of the partnership, since they go through its members, is prohibited.

In recent years, there has been a tendency to reduce income tax rates. According to many economists, a "fair" tax system requires progressive, open-ended income tax rates, meaning the rich pay more in taxes than the poor.

Corporate income tax is a tax in favor of corporations (firms).

In many countries this is a directly progressive tax. This tax is levied only if the corporation (firm) is a legal entity.

Corporation tax constitutes a priority share of tax payments of firms. The tax is levied on the firm's net profit (the rest after deducting all expenses and losses from gross receipts). Taxation of the portion of net profit to be distributed to shareholders in the form of dividends occurs in different countries. Dividends received are subject to personal income tax. This results in the same amount being taxed twice. Initially, as part of the company's profit, thereafter, under the distributed profit, which, from the point of view of the taxation system, has become the income of shareholders, is subject to individual income tax.

The second most important type of tax applied in most developed countries, value added tax, is imposed on taxpayers with value added tax on items of labor acquired during the labor process. But each taxpayer adds this amount to the price of goods moving to final consumers.

Value added tax is a tax on goods and services that is taxed on the volume of value of goods to firms that trade in goods and services and are subject to this tax.



The tax system of developed countries is used to stimulate taxes and support entrepreneurship. For this purpose, certain benefits are applied, including investment tax credits, accelerated depreciation, and benefits for subsoil depreciation.

In essence, an investment loan is the financing of a private business with a capital investment from the state. The content requires the introduction of an investment tax or tax.

It requires the replacement of outdated equipment and the introduction of new technology.

As for the meaning of preferential depreciation, it is to make depreciation on a scale far exceeding the market depreciation of fixed capital.

Essentially, this reduces the amount of taxable income provided to entrepreneurs. Accelerates the turnover of fixed capital.

##### 5. Tax accounting and accounting documentation.

Tax accounting is the process of maintaining accounting documentation in accordance with the requirements of the Tax Code of the taxpayer in order to summarize and systematize information about taxable objects and objects related to taxation, as well as the calculation of taxes and other obligatory payments to the budget and the preparation of tax reporting.

Consolidated tax accounting is tax accounting carried out by an authorized representative of the participants in the Joint Activity Agreement, both in a consolidated form for such activities and by the share of participation of each participant in the Joint Activity Agreement.

Tax accounting is based on accounting data. The procedure for maintaining accounting documentation is established by the legislation of the Republic of Kazakhstan “On Accounting and Financial Reporting”.

The taxpayer, independently and through an authorized representative of the participants in the Joint Activity Agreement responsible for maintaining consolidated tax records, organizes tax records and ensures:

- 1) generation of complete and reliable information on the procedure for accounting for tax purposes of transactions carried out by the taxpayer during the tax period;

- 2) decoding of each line of tax reporting forms;

- 3) generation of reliable tax reporting;

- 4) forms of generalization and systematization of information for tax purposes to ensure the provision of information to tax authorities for tax control.

The taxpayer, unless otherwise established by this paragraph, independently develops and approves tax accounting policies.

Taxpayers applying a special tax regime for small businesses, a special tax regime for peasant and farm enterprises, approve a tax accounting policy developed independently in the form established by the authorized body for the activities for which such special tax regimes are applied.

Tax accounting policy is a document adopted by the taxpayer that establishes the procedure for maintaining tax accounting in compliance with the requirements of the Tax Code.

Tax accounting policies can be introduced as a separate section in the accounting policies developed in accordance with international financial reporting standards and the legislation of the Republic of Kazakhstan on accounting and financial reporting.

Accounting documentation includes:

1) for persons who, in accordance with the legislative act “On Accounting and Financial Reporting”, have an obligation to maintain accounting documentation - a document confirming the accuracy of the accounting documentation;

2) tax forms;

3) tax accounting policy;

4) and objects related to taxation, as well as for calculating tax liability.

Tax accounting rules:

1. The taxpayer (tax agent) maintains tax accounting using the accrual method in the manner and under the conditions established by the Tax Code.

2. The accrual method is an accounting method according to which income and expenses are taken into account from the moment of completion of work, provision of services, shipment of goods for the purpose of their sale and capitalization of property, regardless of the time of their payment.

3. Based on the results of the tax period, the taxpayer, on the basis of tax accounting, identifies taxable objects and objects related to taxation, calculates taxes and other obligatory payments to the budget.

4. Unless otherwise provided by the Tax Code, accounting for exchange rate differences for tax purposes using the market exchange rate is carried out in accordance with international financial reporting standards and the requirements of the legislation of the Republic of Kazakhstan “On Accounting and Financial Reporting”.

5. Accounting for inventory for tax purposes is carried out in accordance with international financial reporting standards and the requirements of the legislation of the Republic of Kazakhstan “On Accounting and Financial Reporting”, unless otherwise provided by the Tax Code.

6. If the debtor fails to fulfill the obligation secured by the pledge, the transaction under the barter agreement, the transfer of the subject of the pledge to the pledgee, are considered for tax purposes as the sale of goods, performance of work, or provision of services.

Rules for maintaining separate tax accounting:

1. A taxpayer carrying out types of activities for which the Tax Code provides for different taxation conditions is obliged to keep separate records of taxable objects and (or) tax-related objects in order to calculate tax obligations for such types of activities.

2. The subsoil user is obliged to keep separate tax records of taxable objects and objects related to taxation, separately from non-contractual activities, in order to calculate tax obligations for contractual activities in the manner prescribed by Article 310 of the Tax Code.

3. Transactions with derivative financial instruments do not relate to subsoil use operations.

4. In the case provided for in paragraph 4 of Article 80 of the Tax Code, the authorized representative of the participants in the Joint Activity Agreement is obliged to maintain separate tax records of taxable items and tax-related items for joint activities and other activities.

5. The trustee is obliged to keep separate tax records of taxable objects and objects related to taxation for the activities of trust management and other activities carried out in the interests of the founder of trust management under a property trust management agreement or the beneficiary in other cases of trust management.

6. The taxpayer maintains separate tax records on the basis of accounting documentation in compliance with the requirements established by the Tax Code.

A taxpayer cannot combine in the Tax Code objects of taxation and objects related to taxation for the purpose of calculating tax liabilities for types of activities for which the requirement for separate tax accounting is established.

7. The taxpayer independently establishes in the tax accounting policy the procedure for maintaining separate tax accounting, including a list of types of gross income and expenses, methods of distributing such income and expenses among types of activities for which different taxation conditions are established in the tax system.

At the same time, the accounting policy of income and expenses, income and expenses of the taxpayer, are directly related to the implementation of activities, including individual cause-and-effect relationships in the accounting system and not in full - these are generally different tax conditions, understood as income and expenses on fixed assets attributable to one of the activities.

8. If the tax accounting policy does not establish a procedure for the distribution of gross income and expenses under various conditions of taxation in the IC, tax authorities, when conducting a tax audit, distribute such income and expenses in the manner established by subparagraph 1 of paragraph 9 of Article 310 of the IC.

Requirements for the preparation and storage of accounting documentation:

1. Accounting documentation is compiled on paper and (or) electronic media and submitted to the tax authorities during a tax audit.

2. Accounting documentation is compiled by the taxpayer (tax agent) in Kazakh and (or) Russian languages.

If there are certain documents drawn up in foreign languages, the tax authority has the right to require their translation into Kazakh or Russian.

3. When compiling accounting documentation in electronic form, the taxpayer (tax agent) is obliged, during a tax audit, at the request of tax service officials, to provide copies of such documentation on paper.

4. Accounting documentation is stored until the expiration of the limitation period established by Article 46 of the Tax Code for each type of tax or other obligatory payment to which such documentation relates, starting from the tax period following the period in which the accounting documentation was compiled, except for the cases provided for paragraphs 5 and 6 of this article.

5. Accounting documentation confirming the value of fixed assets, including assets transferred under financial leasing, is stored until the expiration of the limitation period established by Article 46 of the Tax Code, starting from the end of the last tax period for which depreciation charges on such assets are calculated.

6. Accounting documentation confirming the value of assets not subject to depreciation for tax purposes is stored until the expiration of the limitation period established by Article 46 of the Tax Code, starting from the end of the tax period in which the disposal or full use of such assets occurred.

7. When reorganizing a taxpayer - a legal entity, the obligation to store the accounting documentation of the reorganized entity rests with its legal successor.

Tax accounting policy requirements:

1. The tax accounting policy must establish the following provisions:

1) Forms and procedures for compiling tax registers developed by the taxpayer independently;

2) List of types of activities carried out in accordance with the general classifier of types of economic activities, approved by the authorized state body for standardization;

3) Names of positions of persons responsible for compliance with tax accounting policies;

4) The procedure for maintaining separate tax accounting in compliance with the rules established by Article 58 of the Tax Code, in the case of carrying out types of activities for which the Tax Code provides for different taxation conditions;

5) The procedure for maintaining separate tax accounting in case of subsoil use operations;

6) Methods chosen by the taxpayer to deduct expenses for the purpose of calculating corporate income tax, as well as to offset value added tax;

7) Policy for determining hedged risks, hedged items and hedging instruments used in relation to them, methods for assessing the degree of effectiveness of hedging;

8) Income accounting policy for Islamic securities;

9) Depreciation rates for each subgroup, group of fixed assets, taking into account the provisions of paragraph 2 of Article 120 of the Tax Code;

10) Structural divisions of a resident legal entity that are payers of value added tax, by structural division issuing an invoice, in the case of issuing invoices in accordance with the Tax Code:

The code of each of these structural units, used when numbering invoices to identify such structural units.

the maximum number of digits used when numbering them when issuing invoices.

2. Tax accounting policy for joint activities is developed and approved by the parties to the Joint Activity Agreement in the manner and on the grounds established by the Tax Code.

2. When carrying out subsoil use activities as part of a simple partnership (consortium) within the framework of a production sharing agreement (contract), along with the requirements provided for by the SNN in the tax accounting policy, it must contain the method of execution chosen in accordance with paragraph 3 of Article 308-1 of the Tax Code by the participants simple partnership and (or) operator of tax liability for each type of taxes and other obligatory payments to the budget provided for by the tax legislation of the Republic of Kazakhstan.

3. The rules established by the tax accounting policy apply to the calendar year.

When a taxpayer carries out types of activities not previously specified in the tax accounting policy, appropriate changes and additions to the tax accounting policy are subject to introduction.

The following changes and additions to the tax accounting policy are carried out by the taxpayer:

1) “On approval of a new tax accounting policy or accounting policy” developed in accordance with international financial reporting standards and the requirements of the legislation of the Republic of Kazakhstan on accounting and financial reporting;

2) Changes and additions to the current tax accounting policy or section of the current accounting policy, developed in accordance with International Financial Reporting Standards and the requirements of the legislation of the Republic of Kazakhstan “On Accounting and Financial Reporting”.

6. The taxpayers are as follows;

1) To the tax accounting policy of the audited tax period during the period of complex and thematic audits;

2) During the period for filing and consideration of a complaint against a notification of the results of a tax audit and the decision of a higher tax authority made based on the results of consideration of a complaint against a notification, taking into account the restored deadline for filing a complaint, it is not allowed to make changes and additions to the tax accounting policy of the tax period in which the appeal is being made. complaint.

Tax forms and the procedure for their preparation:

1. Tax forms include tax returns, tax statements, and tax registers.
2. Tax forms are prepared by the taxpayer in Kazakh and Russian languages on paper and electronic media.
3. Tax forms made on paper must be signed by the taxpayer or his representative, and also certified by the seal of the taxpayer or his representative with the seal of his name in cases established by the legislation of the Republic of Kazakhstan.

With the exception of tax registers, tax forms drawn up on electronic media must be certified by the electronic digital signature of the taxpayer.

Tax forms storage period:

1. Tax forms are kept by the taxpayer during the limitation period established by Article 46 of the Tax Code.
2. When reorganizing a legal entity of a taxpayer or tax agent, the obligation to comply with the tax forms of the reorganized entity is assigned to its legal successor (legal successor).

Control questions:

1. The concept of taxes, taxation and tax activities of the state.
2. Methods of taxation and its characteristics.
3. Elements of tax.
4. Structure of the general department of tax law of the Republic of Kazakhstan.

Basic and additional literature:

Main literature:

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Lecture 12. Current problems of financial and banking law as a branch of financial law.

The purpose of the lecture: analysis of the legal foundations of state regulation of banking activities, formation of features of the practical application of banking legislation

Key words: financial and banking law, National Bank, Development Bank, second-tier banks, etc.

1. State regulation and methods of banking.
2. Levels of the banking system of the Republic of Kazakhstan.
3. The concept of the financial basis of the activities of the National Bank, the structure and governing bodies of the National Bank. Competence of the National Bank.
4. The concept of a commercial bank and its properties, types.

State regulation of banking activities and its methods.

The bank collects, lends money and funds, carries out intermediation in monetary settlements and mutual payments between states, enterprises, institutions and individuals, introduces a certain type of money into circulation, issues money and securities, carries out various transactions in gold and foreign currency and other functions.

The formation and development of a bank is inextricably linked with the development of commodity-money relations. Banks compensate for financial needs by accumulating temporarily free funds of enterprises, firms, companies, as well as the population and temporary lending with growth for those in need.

The comprehensive reforms being carried out today in our country have a significant impact on the banking sector. In this regard, the targeted guidelines for banking activities are characterized by the processes of the country's socio-economic and political system.

Currently, banking activities are aimed at bringing the financial system and financial market into line with market conditions, developing the credit system and investment activity, properly ensuring socio-economic stability, carried out in accordance with relevant legislative and by-laws that help resolve complex issues, related to the interests of society and the needs of the state, as well as to ensure private, corporate economic interests, as licensed banking operations and transactions.

The Bank of Kazakhstan, the Development Bank of Kazakhstan, the Housing Construction Savings Bank of the Republic of Kazakhstan are working to ensure the economic and financial interests of society and the state. For example, the National Bank of Kazakhstan conducts various banking operations



to implement a unified state policy in the field of monetary circulation, currency regulation, lending and settlements, as well as to ensure the interests of the national budget and its expenditures.

Commercial banks provide such services as organizing non-cash turnover and cash circulation; raising funds necessary for lending; financing of capital investments related to fixed assets; organizing the accumulation of funds of the population, issuing securities, bills and checks, conducting various foreign exchange transactions as authorized banks, etc. on the basis of relevant legislation, by-laws and licenses.

Banks take an active part in obtaining maximum profits in the course of their activities. The subject of banking activities includes money, currency values and other financial instruments.

The development of the Republic of Kazakhstan as a sovereign state, its economic security, the continuous and effective functioning of state enterprises and institutions of state authorities and local government directly depend on issues of condition and stability, ensuring the stability and sustainability of the country's banking system, which is of strategic importance.

## 2. Levels of the banking system of the Republic of Kazakhstan.

The banking system of the Republic of Kazakhstan consists of two levels, upper and lower.

The highest level of the banking system of the Republic of Kazakhstan consists of the National Bank of Kazakhstan, which is the central bank of sovereign Kazakhstan.

The main body of the state's monetary power and state banking management promotes the proper provision of the economic financial interests of the Republic of Kazakhstan.

The Development Bank of Kazakhstan, which has investment financial and credit competence in the interests of society and the state, due to its special legal status, acts as an inter-level state bank.

The lower level of the banking system of the Republic of Kazakhstan:

1. Interstate banks;
2. Resident banks of the Republic of Kazakhstan (legal entities and commercial organizations);
3. Non-resident banks of the Republic of Kazakhstan;
4. A resident bank of the Republic of Kazakhstan with foreign participation constitutes banks with mixed capital.

The creation of a banking system of the Republic of Kazakhstan of this type and the significant formation of its regulatory legal framework are among the fruitful results of the economic and legal reform carried out in the country.

Credit organizations are commercial banks in the banking system of the Republic of Kazakhstan, created in the form of a joint-stock company, created in

the form of a joint-stock company, by-laws of the Republic of Kazakhstan on banks, banking activities, other legislative acts in relation to them, as well as commercial legal entities carrying out a wide range of banking operations and information based on special licenses, permits and related financial activities.

Commercial banks of the low (second) level of the banking system are distinguished as commercial institutions of a purely market nature, providing for the receipt of a significant amount in a certain volume through the implementation of a special type of business activity of banking operations in accordance with the relevant legislation and licenses.

Commercial banks are created in the form of a joint stock company in the manner established by the relevant laws of the Republic of Kazakhstan for legal entities, and on the basis of the circumstances and characteristics established by the legislation on banks.

A newly created commercial bank makes payment of the authorized capital of a joint-stock bank in the amount of fifty percent, depending on the period of registration of the bank with the Ministry of Justice or its local departments and in full within one calendar year from the date of registration.

The creation of the banking system of the Republic of Kazakhstan of this market type and the significant formation of its regulatory legal framework are among the fruitful results of the economic and legal reform carried out in the country.

The Republic of Kazakhstan shows that the banking system of the Republic of Kazakhstan can comprehensively regulate public banking relations arising in the course of banking activities (banking operations, transactions, actions) carried out within the framework of mutual genetic, functional and large-scale norms of banking legislative acts that constitute the regulatory legal framework, and as well as other legislative acts related to the banking sector.

Features of the organization and the basis of the resource organization of various banking (operational) activities carried out in the banking system are determined during the creation process.

The creation of the banking system of the Republic of Kazakhstan depends on its inherent integrity and structural features.

This hierarchical, unitary and structural nature is important for the proper formation of the banking system. The modern banking system of the Republic of Kazakhstan is distinguished not only by the circumstances of state banking management of its scale, but also by the ability for independent (corporate) management and organization.

Thus, the descriptive features of the modern banking system of the Republic of Kazakhstan are reflected in the following form

1. The banking system of the Republic of Kazakhstan belongs to the group of complex social systems;
2. The functioning of the banking system in the interests of society and the state is ensured by the provisions of banking legislative acts that constitute its

regulatory legal framework, as well as international banking agreements and banking standards;

3. The banking system of the Republic of Kazakhstan operates within the framework of state banking management (state administration functions under the influence of regulation);

4. The banking system of the Republic of Kazakhstan is the most important part of the credit system of funds;

5. The banking system of the Republic of Kazakhstan is a two-level hierarchical, unified and self-organizationally capable structure;

6. The banking system of the higher and lower levels consists of the National Bank of Kazakhstan, the Development Bank of Kazakhstan, the housing construction savings bank of the Republic of Kazakhstan, commercial banks, interstate banks, banking infrastructure and the banking market;

7. The National Bank of Kazakhstan at the highest (special) level of the banking system is the main body of state monetary power, an economic entity that has a special legal status of a financial nature, regardless of the influence of the relevant state authorities to a certain extent;

8. The banking system of the Republic of Kazakhstan, forms of its organization and other circumstances are regulated by the Constitution of the Republic of Kazakhstan, banking legislative acts of the Republic of Kazakhstan, other relevant legislative acts, as well as by-laws of the National Bank of Kazakhstan;

9. The Bank provides significant assistance in the implementation of the state's economic policy and creates a mechanism for effective interaction with the international banking system within the framework of the global economy;

10. The banking system will contribute to the reform of state ownership, ensuring price stability and national currency stability, and will also help reduce inflation;

eleven. The functioning of the banking system is manifested in close contact with economic, sectoral and local government bodies with the proper organization of credit financial services.

Today, all banks in the banking system of the Republic of Kazakhstan, improved in accordance with market requirements and the provisions of the international banking standard, interact within the framework of a single credit financial mechanism and carry out their professional activities, economic financial banking operations.

3. The concept of the financial principles of the National Bank's activities. Structure and governing bodies of the National Bank. Competence of the National Bank.

Central banks, fulfilling the role of the main supervisory and regulatory body of the credit system of the entire country, occupy a special place and are a state body of economic management. Their main role is determined by the great powers granted by the state.

The Central Bank acts as the issuing, reserve and cash center of the country, as well as a bank of banks with the right to rule-making, management, “lender of last resort”, determines monetary and foreign exchange policy, the main purpose of which is to make a profit, implement monetary policies and management of the country's credit system.

As world experience shows, broad government representation in the Central Bank will ensure the effective functioning of the second-tier banking system.

The main object of monetary regulation by the Central Bank will be the cash and non-cash money supply in the economy; changes in various components of demand that can invest in it depend on its dynamics. At the present stage of development, money acquires a credit character, that is, the money supply arises mainly depending on the credit and deposit activities of banks. Therefore, the Central Bank regulates the structure and volume of money circulation by managing the operations of second-tier banks.

In accordance with the Law of the Republic of Kazakhstan “On the National Bank of the Republic of Kazakhstan”, the National Bank of the Republic of Kazakhstan is the Central Bank of the Republic of Kazakhstan and the high level of the banking system of the republic.

The National Bank is a legal entity that has private property consisting of cash reserves, gold and foreign exchange reserves, and other material assets.

In accordance with Article 9 of the Law, the authorized capital of the National Bank of Kazakhstan belongs to the state and is formed in the amount of at least 20 billion Kazakhstan tenge by transfer from undistributed net income.

The main National Bank is a unitary body. The state is the common owner of the authorized capital. The fixed capital consists of buildings, structures, transport and other assets, and working capital consists of funds owned by the bank.

The National Bank creates reserve and other funds. The reserve fund is formed in the authorized volume, which is filled from its own income and is intended to cover losses on operations carried out in accordance with the norms associated with this fund.

The profit of the National Bank for a financial year is determined as the difference between income and expenses relating to the same year. Such costs include: depreciation of assets, including part of the value of banknotes and coins.

The remaining part of the profit from the creation of authorized, reserve and other funds is transferred to the republican budget. The National Bank and its institutions are exempt from all taxes and payments.

The main activity of the National Bank of the Republic of Kazakhstan is to ensure the internal and external stability of the national currency of the Republic of Kazakhstan.

In this case, the National Bank of the Republic of Kazakhstan is assigned the following additional responsibilities:

- Development and implementation of state policy in the field of economic development of Kazakhstan and its monetary circulation, credit, between banks and their clients, contributing to the achievement of the global economy;
- Promoting the stability of the monetary, credit and banking system;
- Protecting the interests of creditors and bank clients by adopting regulations governing banking activities and monitoring their implementation.

The main goal of the National Bank of the Republic of Kazakhstan is to ensure an uninterrupted supply of the economy with means of payment and create conditions for the functioning of the entire credit system of the country, restore the settlement system, and regulate banking activities.

#### 4. Concept and properties of a commercial bank.

Credit organizations are commercial banks in the banking system of the Republic of Kazakhstan, created in the form of a joint stock company, commercial legal entities carrying out a wide range of banking operations and information and related financial activities on the basis of the legislative acts of the Republic of Kazakhstan “On Banks”, legislative acts of the Republic of Kazakhstan “On Banking activities”, other legislative acts and regulations in relation to them, as well as special licenses and permits.

Commercial profiles of the low (second) level of the banking system are distinguished as commercial institutions of a pure market nature, providing for the receipt of greater profits in a certain volume through the implementation (as a result of) an exclusive type of business activity - banking operations in accordance with relevant laws and licenses.

Commercial banks are created in the form of a joint stock company in the manner established for legal entities by the relevant legislation of the Republic of Kazakhstan, and on the basis of the circumstances and features established by the legislation on banks.

Shareholders of a newly created commercial bank make payment of the bank's authorized capital in the amount of fifty percent, depending on the period of registration of the bank with the Ministry of Justice or its local departments and in full within one calendar year from the date of registration.

The Agency of the Republic of Kazakhstan for State Regulation and Supervision of the Financial Market and Financial Organizations, within its competence and in the manner established by it, issues a license to commercial banks to conduct types of banking operations provided for by the banking legislation of the Republic of Kazakhstan. In addition, this agency establishes prudential standards for banks, banking groups and other mandatory norms and limits for banks, and also gives consent to the opening, reorganization and liquidation of commercial banks.

The National Bank of Kazakhstan and other authorized government bodies do not interfere with the operational activities of commercial banks. They involve creating conditions for the formation of fair competition in the banking system.

Passive operations of commercial banks involve raising funds through customer service or other customer service sources.

Active operations of commercial banks are operations carried out in favor of the bank itself at the expense of bank clients and on their instructions.

Operations and interbank relations between commercial banks and their clients are carried out on the basis of relevant banking agreements.

Commercial banks in the banking sector of the economy of the Republic of Kazakhstan carry out all types of credit, financial and settlement operations related to foreign economic activity and in relation to economic entities in the single economic space of the country.

In accordance with Article 30 of the Law of the Republic of Kazakhstan “On Banks and Banking Activities” in the Republic of Kazakhstan, commercial banks:

- 1) Accepts deposits from legal entities, as well as opens and maintains their bank accounts;
- 2) Accepts deposits from individuals, as well as opens and maintains their bank accounts;
- 3) Opens and maintains correspondent accounts of banks and organizations carrying out certain types of banking operations;
- 4) Opens and maintains metal accounts for individuals and legal entities;
- 5) Performs cash transactions;
- 6) Executes orders from legal entities and individuals to transfer money;
- 7) Accounting for bills and other debt obligations of legal entities and individuals;
- 8) Carry out settlements for individuals and legal entities, including through their bank accounts on behalf of correspondent banks;
- 9) Performs attorney operations;
- 10) Conducts interbank clearing;
- eleven) Performs safe operations;
- 12) carries out pawnshop operations;
- 13) issues payment cards;
- 14) collects banknotes, coins and treasures;
- 15) carries out exchange transactions with foreign currency;
- 16) issues check books;
- 17) opens Accreliv, confirms it and fulfills obligations under it;
- 18) issues bank guarantees providing for execution in cash;
- 19) carries out leasing activities;
- 20) issues owned securities.

Legislative full reflection of banking operations and the mandatory availability of licenses issued to commercial banks will determine the scope of special rights of commercial banks.

Control questions:

1. Are the emergence and development of a bank closely related?
2. What are the levels of the banking system of the Republic of Kazakhstan?
3. What are the characteristics of the current system of the Republic of Kazakhstan?
4. What is a central bank?
5. Name the Central Bank of the Republic of Kazakhstan and its functions.
6. What is the legal status of commercial banks in the Republic of Kazakhstan?

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## Lecture 13. Financial and insurance law as an institution of financial law

The purpose of the lecture: to reveal the concepts of insurance and insurance activities, to formulate the features of the practical application of insurance legislation

Key words: financial and insurance law, insurance, subject of insurance law, method of insurance law, sources of insurance law, principles of insurance law, etc.

Main questions:

1. The concept of insurance and insurance activities.
2. Forms, industries, objectives of insurance.
3. Concept, characteristics, types and structure of insurance legal relations.
4. Insurance law norms, their types and structure.

1. The concept of insurance and insurance activities.

The roots of insurance are found in the depths of ancient centuries. During the period BC e. The Babylonians had a system of borrowing in the maritime economy, according to which if the business was terminated with damage, the debt was not repaid.

In 916 BC, a system for obtaining a general average was introduced. This system corresponds to current insurance rates.

The procedure for insuring marine cargo, adopted in 1584, provides for the payment of a 5% cash premium for the transportation of goods. In late 16th century England, shipping insurance was passed by Parliament in 1601, called the "An Act for Insurance between Merchants". At all times, the insurance business lives as part of a trading operation.

In 1584, an insurance policy was signed by three insurers, one of whom assumed the liability, the other half was shared by the other two.

In the 18th century, increased trade led to the emergence of the first professional insurers. Elementary types of fire protection developed in the Middle Ages. In England, several haphazard companies and joint ventures were created over the course of 30 years. They did not only collect money from the population, but actually worked. The most important event in the insurance business was the creation in 1797 of a joint insurance company for mudflow protection in Central Europe. The first life insurance company was the Society of Friendship, founded in 1706.

In Russia, until the end of the 18th century, there were no domestic insurance organizations; only the activities of foreign insurance companies were used. Thus, many funds went abroad and caused damage to the Russian economy.



In 1786, the State Insurance Monopoly was approved in Russia. The insurance expedition was carried out in the amount of 75% of the cost of the fire. Payments amounted to 1.5% of the insured amount per year.

In 1827, their own insurance companies appeared. In 1846, the joint-stock insurance company "Salamander" was created, which acquired the right to insure buildings in certain regions of the country.

In 1835, personal insurance was organized in Russia and the private joint-stock insurance company "Omira" was created.

In 1875, the first dominant insurance syndicate was organized. This syndicate served until 1918.

In 1864, the first mutual insurance societies appeared. In 1885, the activities of foreign insurance companies were prohibited in Russia. The share of foreign capital in insurance activities in 1890 reached 24%. Foreign insurance companies have been placed under state control by the Ministry of Internal Affairs.

In 1913, more than 21 billion dollars were issued to all insurance organizations in Russia. Some property was retained, where the share of the joint-stock insurance company was 65%; local societies - 15%; among themselves urban societies - 8%. Russian joint-stock insurance companies in 1913 amounted to 129 million US dollars. collected precautionary payments, foreigners - 12 million som, mutual societies - 14 million dollars collected som. A source of large investments in the financial resources of insurance companies. They were used for government loans and shares.

Insurance is a set of closed redistribution relations between its participants on the creation of target insurance funds through cash contributions to compensate for losses in family income in connection with possible damage to business entities or the consequences of insured events that have occurred.

Insurance is a special field with its own links: social insurance (all methods), general insurance, life insurance, liability insurance, business risk insurance, etc.

Insurance is one of the oldest categories, reflecting the specifics of economic relations of society. The insurance sector covers all aspects of human production and socio-economic activity. The main reason that encourages insurance is the risky nature of production and human life.

The purpose of insurance is the social and collective protection of citizens' production processes and property to ensure the continuity of social reproduction.

The insurance category is characterized by the following features:

1. probabilistic nature of the relationship;
2. extraordinary (simple) nature of the relationship (on any scale - at the regional level of the state, at the level of the individual of the enterprise or its division);
3. the economic essence of insurance is expressed lower than in the event of an incident due to payments from all participants.

Consequently, insurance is a special area of newly established relations for the creation and use of targeted monetary resources to protect the property

interests of individuals and legal entities and pay them for material damage in the event of adverse events and unforeseen events.

Insurance activity is the activity of an insurance organization related to the conclusion and execution of insurance contracts, carried out on the basis of a license from an authorized body in accordance with the requirements of the legislation of the Republic of Kazakhstan.

For the organization and implementation of state regulation and licensing of insurance activities, insurance is divided into industries, classes and types.

The insurance activities of the insurance organization are carried out in the “life insurance” industry and the “general insurance” industry.

The field of life insurance in the form of voluntary insurance includes the following classes: life insurance; annuity insurance.

## 2. Forms, industries, objectives of insurance.

The entire section of the insurance classification includes two types of insurance. They:

Compulsory insurance.

Voluntary insurance.

Compulsory insurance is associated with the creation and use of insurance fund resources on a legislative basis. That is, it implies civil, legal ties. The initiator of compulsory insurance is the state. That is, in order to ensure the public interests of legal entities and individuals.

In 1997, the Republic of Kazakhstan used compulsory insurance to renew agricultural production. And it is valid only within the established time limits, regardless of the insurance payment based on the compulsory insurance contract.

Voluntary insurance - the insurer (insurance companies) arose on the basis of a mutual agreement between the insurer (individuals and legal entities), which arose on the basis of civil legal relations, and not the action of compulsory insurance.

The initiators of voluntary insurance are legal entities and individuals.

The form of compulsory insurance is established by the state not only to protect the interests of personal insurance, but also for society as a whole. The law determines the insurance institution that carries out compulsory insurance.

With voluntary insurance, a pre-agreed insurance period is determined. Voluntary insurance comes into effect only upon payment of the insurance premium.

Compulsory insurance:

civil liability insurance for vehicle owners;

insurance of civil liability of the carrier to passengers.

Voluntary insurance can be divided into two large sectors:

Property insurance.

Personal insurance.

Insurance is based on theoretical and empirical approaches to knowledge in its activities and is based on the results of a number of scientists, economics, statistics, and probability theory.

Due to the massive nature of the organized phenomena, the insurance industry is forced to collect, group, systematize and summarize all information. This information is used to develop an effective strategy to improve the efficiency of the insurance industry.

On the market, services are provided by special insurance organizations, which, according to their form of ownership, are divided into state and non-state.

The scope of activity of these organizations covers the areas of domestic, foreign and mixed markets. This is the organization of the insurance industry as a type of economic activity.

Depending on the type of organization, insurance is divided into state, joint-stock, and mutually cooperative. Medical insurance is an exceptional organizational form.

State insurance is a form of organization in which the state acts as an insurer represented by a specially authorized organization: the scope of interests of the state includes its dominance in carrying out any and certain types of insurance.

Joint-stock insurance refers to a non-state type of organization, the authorized capital of which, as an insurer, is private capital in the form of a joint-stock company, the authorized capital of which consists of shares owned by individuals and legal entities, and other securities. This type of organization ensures the effective operation of insurance companies.

Mutual insurance refers to a non-state type of organization that reflects an agreement between groups of individuals and legal entities to cover possible costs to each other in the amount of certain shares in accordance with accepted agreements. Activities of this type are carried out through a mutual insurance company, which is a non-profit insurance organization whose activities do not pursue the goal of making a profit from the established insurance company. This applies to the organizational type of insurance.

A feature of insurance contractual relations is that the policyholder must adhere to the conditions specified in the rules issued by the insurer. In turn, the insurer fulfills its obligations to comply with all requirements of the law and the interests of consumers of its services. If the authorized state body that controls the activities of the policyholder sees a violation of the law in the rules, then the basis for issuing a license to carry out a particular insurance activity is the absence of a license.

Modern Insurance Law is involved in resolving a wide range of legal, economic, financial and organizational issues of the proper functioning of the national insurance market, which is being reformed as a large, complex and large legal sphere, the further development of the national insurance system, the rational organization of the insurance business and insurance activities, the coverage of property by insurance protection interests of society and the state and

citizens and business entities, as well as ensuring the rule of law in sectors of the national insurance industry. This circumstance is due to the peculiarities of the discipline of legal regulation and the characteristic features of social relations that make up this discipline. Moreover, such social relations, manifested as the subject of legal regulation,

Consequently, the subject of legal regulation of insurance law is the organization of insurance as one of the types of business activities, fulfillment of the conditions for licensing insurance activities, conclusion of voluntary and compulsory insurance contracts, implementation of the provisions and principles of relevant legislative acts, provisions of international treaties and insurance standards, provision of insurance protection in relation to persons in insurance relations, in order to compensate for property damage caused to them upon the occurrence of an insured event, provision is a system of complex meaningful social relations, formed and developed in the course of supervision and inspection.

In this regard, the subject of insurance law can be defined as a set of complex social relations, insurance relations arising in the course of insurance activities between policyholders and policyholders, professional participants in the insurance market and policyholders and policyholders, ensuring the constitutional rights and interests of policyholders, insured or beneficiaries, state supervision and regulation of the activities of subjects and professional participants of insurance.

Thus, complex and meaningful special social relations, distinguished by their economic, social and political circumstances, are the following insurance relations:

1. For the effective construction of the country's insurance construction through the development of the national insurance market and the insurance industry;
2. For the implementation of insurance industries on the scale of the insurance market, including personal, annuity, environmental insurance;
3. For the creation of insurance (reinsurance) organizations, licensing of their activities, specialization in insurance sectors, introduction of new insurance technologies;
4. Provision by the insurer in the insurance market of insurance services to policyholders (consumers) on a legislative basis (for the sale of insurance products);
5. To the functioning of JSC "Insurance Payment Guarantee Fund";
6. For the functioning of CJSC "Kazakhstan Actuarial Center";
7. To the functioning of JSC "Kazakhstan Mortgage Loan Guarantee Fund";
8. For the functioning of JSC "Fund for Financial Support of Agriculture";
9. To the functioning of the state annuity company;

10. Oil operations and operation for exploration, production, construction of underground storage facilities and oil tanks carried out on land, within rivers, lakes and other inland waters, as well as insurance of oil operations at sea;
11. International civil liability insurance of vehicle owners, carried out within the framework of the EurAsEC and the CIS;
12. Voluntary insurance in the field of merchant shipping;
13. Insurance of export credits (loans) by the joint-stock company “State Insurance Corporation for Insurance of Export Credits and Investments”;
14. Voluntary life insurance;
15. Voluntary annuity insurance;
16. Voluntary insurance for the occurrence of a certain event in life;
17. Voluntary life insurance due to the participation of the policyholder in the investment income of the insurer;
18. Voluntary accident insurance;
19. Voluntary insurance against illness;
20. Voluntary motor transport insurance;
21. Voluntary insurance of railway transport;
22. Voluntary air transport insurance;
23. Voluntary transport insurance;
24. Voluntary cargo insurance;
25. Voluntary insurance of property against damage;
26. Voluntary insurance of civil liability of motor vehicle owners;
27. Voluntary insurance of civil liability of water transport owners;
28. Voluntary insurance of civil liability of air transport owners;
29. Voluntary civil liability insurance;
30. Voluntary loan insurance;
31. Voluntary mortgage insurance;
32. Voluntary insurance of guarantees and sureties;
33. Voluntary insurance against other financial losses;
34. Voluntary insurance against legal expenses;
35. For voluntary mutual insurance;
36. Compulsory social insurance;
37. Mandatory environmental insurance;
38. Compulsory insurance in crop production;
39. Mandatory civil liability insurance for private notaries;
40. Compulsory insurance of the employer’s civil liability for causing harm to the life and health of an employee during the performance of his labor (official) duties;
41. Mandatory civil liability insurance for tour operators and travel agents;
42. Compulsory insurance of civil liability of vehicle owners;
43. Mandatory insurance of civil liability of audit organizations;
44. Compulsory insurance of civil liability of owners of objects whose activities are associated with the danger of causing harm to third parties;

45. Relations of objective insurance of a material nature associated with state compulsory insurance of judges and their property are covered by the regulatory potential of insurance law.

Thus, the right to insurance provides for the organization of insurance business and insurance activities in the Republic of Kazakhstan, the national insurance market and insurance system, as well as their development in accordance with the priorities of today's government policy and the provisions of international insurance standards, the implementation of new types of life and property insurance, annuity, compulsory and voluntary insurance, including with the support of the state., the formation of public and private (private) insurance reserves and the distribution of their funds to specific persons and territories that must be covered by insurance protection in connection with the occurrence of insured events, is a set of legal norms regulating social relations of a complex nature, arising in the course of state supervision and regulation of the activities of insurance (reinsurance) organizations, entities and other participants in the insurance market.

In a brief summary of this word, the right to insurance is expressed as a sphere of law regulating complex social relations that arise during the formation of the country's insurance structure, the organization of the insurance business and insurance activities on its scale, the provision of voluntary and compulsory forms of insurance services by insurance (reinsurance) companies national insurance market, as well as the creation and distribution of insurance reserves, state regulation and supervision of insurance markets and insurance organizations.

The right to insurance has a regulatory impact on the relationship of organizational and material insurance by ensuring the special regime of insurance and legal regulation created by it. At the same time, the right to insurance uses a set of certain legal techniques and methods in order to regulate social relations that constitute its subject, the behavior and actions of their participants. Such methods of legal regulation determine the priorities of the regulatory potential of insurance law, depending on the characteristics and nature of the formation, development and other circumstances of social relations on the scale they cover.

### 3. Concept, characteristics, types and structure of insurance legal relations.

A significant part of relations in the field of insurance, in particular, property obligations arising between insurance organizations and insurers, are regulated by civil law.

The insurance relations involve: firstly, insurers and the policyholder; secondly, other legal entities and individuals - insured persons, insurance agents, brokers, banking institutions, financial, tax, law enforcement organizations, government organizations, etc.

Insurance legal relations are understood as relations arising during the conduct of insurance actions, regulated by legal norms.

After insurance relations are regulated by legal norms, insurance legal relations become legal relations. These legal relations have the following characteristics:

1. Insurance relations - the state arises after the legal regulation of insurance relations.
2. Insurance relations are legal connections between entities.
3. The content of insurance relations includes the rights and obligations of the subjects.
4. Insurance legal relations are protected by the state.

Insurance relations have the following characteristics:

1. This is an economic relationship, that is, when an insured event occurs, the insurer pays insurance payments to the policyholder.
2. Property relations - with modern economic development, insurance relations are monetary relations, that is, insurance payments are provided in cash. But nowadays there is also property insurance. Insurance payments for this type of insurance are provided in tangible commodity form.
3. Insurance relationships are return relationships, that is, cash payments provided to the insurer are returned in cash.
4. The insurance relationship is an equivalent relationship in relation to insurance, i.e. the insurer has some protection when insuring itself, since it ensures that the insurer returns it after payment.

Insurance legal relations are similar to financial relations. But there are a number of differences between them.

1. Financial relations are always in cash, and insurance relations can be in kind.
2. Financial relations are in the form without an equivalent.
3. Financial relations are always in legal form.

Tax legal relations:

- Material;
- Organizational.

Insurance affects the emergence of legal relations on legal facts:

Actions are legal facts arising from the expression of will, which are the product of the reasonable activity of citizens: legal and non-legal.

Events are legal facts that arise outside the will of citizens (death of a person, emergency situations).

Actions affecting the termination of the insurance relationship:

- a) fulfillment of insurance obligations;
- ə) from termination of the insurance contract;
- b) unilateral refusal of the state to fulfill its insurance obligation.

The following facts may also affect the termination of the insurance relationship:

- a) death of a citizen or liquidation of a legal entity;

ә) destruction of property that is the object of insurance; б) change in family and social status.

Insurance as a system of economic relations includes various objects and subjects of insurance liability, types of organization of activities in accordance with legislative rules and procedures.

To regulate the diversity of economic relations and create a unified and interconnected system, it is necessary to systematize insurance. Systematization of insurance is a scientific system of dividing each subsequent link of insurance into links and industries so that it is part of the previous link. Based on the insurance classification, two criteria were obtained: the difference in the amount of liability and insurance liability at the insurance objects. In accordance with this distribution, two classification systems are used: by insurance objects and by type of risk. The classification of insurance in a detailed and specific sense reflects the type of reflection of differences among insurers and their work, objects, categories of insurers, in the volume of insurance liability and in the form of insurance.

#### 4. Insurance law norms, their types and structure.

The totality of legal insurance relations is regulated by the rules of several branches of law, affecting various aspects of these relations. A group of principles and norms that are relevant to all branches of law registers state law as the basic legislation of the Republic of Kazakhstan. The rules of social and financial law apply to the relations of insurance institutions with insurance supervisory authorities and the tax service. They regulate the issues of licensing insurance activities, the procedure for organizing and using insurance funds, monitoring the justification of insurance tariffs and ensuring the solvency of insurers, forms of accounting for insurance operations and reporting insurance activities, taxation of income from insurance activities, etc. Labor law norms are also important in insurance,

In most cases, methods of legal regulation that act as (additional) criteria for determining the right to insurance as a sphere of law are manifested through permissive, prohibitive, assigned (obligatory) duties and methods of recognition. Methods of legal regulation The right to insurance represents the essence and strength of any legislative regulatory regime in a jurisdiction. Features characteristic of the property and other interests of society and the state, as well as citizens and business entities within the framework of insurance law, contribute to a careful selection of methods, means and methods of legal regulation. It is important to note that the methods of legal regulation of insurance law describe it as a branch of law and reveal specific features (for example, complex nature) of the corresponding discipline of legal regulation (public relations). Consequently, depending on such a complex significance of social relations, several methods of insurance and legal regulation can be used.



Thus, in insurance law, there are mainly the following methods of legal regulation:

- 1) imperative (command) - a method of state-authoritative legal regulation;
- 2) the method of dispositive-contractual legal regulation.

The dispositive method is the main and only method of legal regulation within the national insurance market of the Republic of Kazakhstan, regulating social relations arising during the implementation of insurance by virtue of a voluntary insurance agreement concluded between the policyholder and the insurer. Thus, in accordance with paragraph 2 and paragraph 3 of Article 6 of the Law of the Republic of Kazakhstan "On Insurance Activities", types of insurance by industry "life insurance" » "general insurance" provide for the implementation of types of insurance in a voluntary form, social relations emerging and developing in this area are covered only by the method of discretionary legal regulation.

The method of "state management" and command-and-control legal regulation is mainly the organization of insurance activities and insurance activities in the national insurance market, the creation of a fund for guaranteeing insurance payments, the implementation of compulsory insurance, including compulsory state insurance, compulsory crop insurance. the activities of JSC "Fund for Financial Support of Agriculture" in connection with state support, as well as the professional development of insurance (reinsurance) organizations and the insurance market regulate social relations that arise in the process of establishing mandatory rules of behavior and actions of their subjects in the field of state regulation and supervision of activities participants.

As part of such methods of legal regulation, the following circumstances can be noted regarding permits, prohibitions, obligations and methods of recognition, which are reflected and regularly implemented. Thus, the Law of the Republic of Kazakhstan "On compulsory insurance of civil liability of an employer for causing harm to the life and health of an employee during the performance of his labor (official) duties" does not limit the rights of employers in connection with their activities for additional insurance of civil liability in a voluntary form, subject to compulsory environmental insurance, civil liability of individuals or legal entities, carrying out environmentally hazardous types of economic and other activities; operation of a vehicle if the owner does not have a compulsory vehicle owner liability insurance contract is not permitted; the insured event is considered to have occurred on the day the policyholder recognizes the claims of third parties for compensation as justified.

Thus, the reflection of fairness and equality of the parties in the scale of coverage of insurance protection of interests in insurance sectors, along with the widespread use of the dispositive method, today the widespread use of the imperative method that meets the requirements of market development, public life and the social state, demonstrates the significant pace of development of sovereign Kazakhstan as a civilized democratic country. It is important to take

into account that, despite the principles “should be used as rarely as possible in market relations,” the method of mandatory legal regulation regulates social relations that arise in the course of recognizing the mutual interests of society, the state, citizens and organizations in public relations,

As part of such methods of legal regulation, the following circumstances can be noted regarding permits, prohibitions, obligations and methods of recognition, which are reflected and regularly implemented. Thus, the Law of the Republic of Kazakhstan “On compulsory insurance of civil liability of an employer for causing harm to the life and health of an employee during the performance of his labor (official) duties” does not limit the rights of employers for additional insurance of civil liability in a voluntary form in connection with their activities, civil liability of individuals or legal entities engaged in environmentally hazardous types of economic and other activities, is subject to mandatory environmental insurance; operation of a vehicle if the owner does not have a compulsory vehicle owner liability insurance contract is not permitted; the insured event is considered to have occurred on the day the policyholder recognizes the claims of third parties for compensation as justified.

Thus, the reflection of fairness and equality of the parties in the scale of coverage of insurance protection of interests in insurance sectors, along with the widespread use of the dispositive method, today the widespread use of the imperative method that meets the requirements of market development, public life and the social state, demonstrates the significant pace of development of sovereign Kazakhstan as a civilized democratic country. It is important to take into account that, despite the principles “in market relations should be used as rarely as possible,” the method of mandatory legal regulation promotes the recognition of the mutual interests of society, the state, citizens and organizations in public relations, as well as the organization of cooperation between public administration bodies and citizens and legal entities in the field of insurance.

Control questions:

1. The concept of insurance.
2. Some issues of the legal basis of insurance.
3. The concept of insurance: its necessity, essence, functions, principles in modern society, the legal nature of insurance.
4. The need for insurance classification.
5. forms and methods of insurance.
6. Features of insurance legal relations from other legal relations.
7. The concept of insurance legal norms.
8. Signs of insurance legal relations.

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## Lecture 14. Financial and economic law as part of financial law.

The purpose of the lecture: analysis of the basic principles, methods, sources and principles of financial and economic law, the formation of the concepts of financial and economic law as a section of financial law.

Key words: financial and economic law, subject of economic law, method of economic law, sources of economic law, principles of economic law, etc.

Main questions:

1. The concept of financial and economic law as part of financial law.
2. Subject, method, sources and principles of financial and economic law.

Thesis:

*Government institutions and state enterprises. Fundamentals of economic, financial and production orientation of state-owned enterprises. State-owned enterprises are based on the right of economic management. State-owned enterprises, based on the right of operational management, operate for such purposes. Republican state enterprises. Public utility enterprises.*

*Financial and economic law of financial law provides for the legal status of state institutions and enterprises. The subject of financial and economic law is the totality of social relations that arise in the implementation of the activities of state enterprises.*

*State-owned enterprises include enterprises based on the right of economic management and those based on the right of operational management. Depending on the form of state ownership, enterprises are divided into the following types::*

*Enterprises owned by the republican are state republican enterprises; enterprises that are in communal ownership - state utility institutions.*

General provisions on state enterprises

Article 132. Types of state enterprises

State-owned enterprises include state-owned enterprises based on the law:

- 1) economic management;
- 2) operational management (state-owned enterprises).

Article 133. Creation, reorganization and liquidation of a state enterprise

1. A republican state enterprise is created by the Government of the Republic of Kazakhstan, a communal state enterprise - by the local executive body or in agreement with the akim of the district (city of regional significance) and the meeting of the local community - by the office of the akim of the city of district significance, village, town, rural district.

2. The state creates state-owned enterprises in the following cases:

- 1) the absence of any other possibility of ensuring national security, the defense capability of the state or protecting the interests of society;
- 2) use and maintenance of strategic facilities owned by the state;
- 3) carrying out activities in areas classified as a state monopoly;
- 4) the absence of a private enterprise entity (entities) engaged in the production and (or) sale of similar or interchangeable goods in the relevant product market;
- 5) when such creation is directly provided for by the laws of the Republic of Kazakhstan.

3. State enterprises in the cases specified in subparagraph 1) of paragraph 2 of this article are created by the Government of the Republic of Kazakhstan and the National Bank of the Republic of Kazakhstan.

State enterprises in the cases specified in subparagraph 3) of paragraph 2 of this article are created by the Government of the Republic of Kazakhstan or local executive bodies of regions, cities of republican significance, the capital by decision of the Government of the Republic of Kazakhstan.

In other cases, state-owned enterprises are created by the Government of the Republic of Kazakhstan and the National Bank of the Republic of Kazakhstan (republican enterprises) or the local executive body or in agreement with the akim of the district (city of regional significance) and the local community meeting - the office of the akim of the city of district significance, village, town, rural district (utilities).

The creation of state enterprises is carried out in the manner specified Entrepreneurial Code of the Republic of Kazakhstan and other laws of the Republic of Kazakhstan, taking into account the restrictions established by Article 134 of this Law.

4. Reorganization and liquidation of a state enterprise are carried out in the manner prescribed by Article 130 of this Law, with the features established by this article.

5. The transformation of a republican state enterprise with the right of economic management into a state-owned enterprise is carried out by decision of the Government of the Republic of Kazakhstan upon the proposal of the authorized body of the relevant industry, agreed with the authorized body for state property, the transformation of a communal state enterprise with the right of economic management into a state-owned enterprise - by decision of the local executive body or in agreement with a meeting of the local community - by decision of the akim's office of a city of regional significance, village, township, rural district.

6. All expenses for the transformation of a state enterprise with the right of economic management into a state-owned enterprise, as well as settlements of the transformed state enterprise with its creditors in the absence of sufficient funds from the state enterprise itself are carried out at the expense of the corresponding budget.

7. A state-owned enterprise created on the basis of a state enterprise with the right of economic management is the legal successor of the transformed state enterprise in terms of state property and money previously allocated to it, as well as in terms of land use, environmental management, subsoil use, provision of quotas, licenses and previously concluded agreements, if the latter comply the subject and purpose of the activities of the newly created state-owned enterprise.

8. When a state enterprise with the right of economic management is transformed into a state-owned enterprise, the legal regime of the property assigned to it changes from the right of economic management to the right of operational management from the moment the decision is made to transform the state enterprise.

Article 134. Purpose of activities of state enterprises

1. State-owned enterprises in the cases provided for in subparagraph 4) of paragraph 2 of Article 133 of this Law may be created, and previously created enterprises may act only to carry out the types of activities provided for by this article.

2. State enterprises, with the right of economic management, carry out their activities in the field of:

1) life support of populated areas (energy, gas, water, heat supply, water disposal and disposal of municipal waste, creation and operation of waste sites);

2) creation of forest parks, green and protective zones with a limited regime of environmental management and afforestation;

3) facilitating the implementation by the National Bank of the Republic of Kazakhstan, the Administration of the President of the Republic of Kazakhstan and its departments and diplomatic service bodies of the Republic of Kazakhstan of the functions assigned to them, as well as local executive bodies of the capital and the city of Almaty of functions in the field of ensuring the compulsory alienation of land plots for state needs, their liberation from buildings (structures, structures);

4) maintenance of state highways;

4-1) examination of the quality of work and materials during construction, reconstruction, repair and maintenance of highways, as well as management of road assets;

5) healthcare; primary, basic secondary, general secondary, technical and vocational, post-secondary, higher, postgraduate and additional education;

5-1) provision of special social services for persons (families) in difficult life situations;

5-2) provision of prosthetic, orthopedic and hearing care;

5-3) provision of services in the field of employment;

6) operation of sports and recreational facilities, cultural and recreation parks;

7) scientific research, commercialization of the results of scientific activity;

7-1) provision scientific linguistic examination of draft legislative acts, international treaties to which the Republic of Kazakhstan intends to become a party, draft international treaties, providing analysis of the effectiveness of legislation (analysis of regulatory legal acts), development of scientific concepts for the development of legislation of the Republic of Kazakhstan, conducting fundamental and applied scientific research in the development of draft regulatory legal acts;

7-2) provision translation of legislative acts into English and access to them;

8) production of topographic, geodetic and cartographic works, conducting land management works for the state land cadastre, information databases on subsoil and subsoil use, the state fund of environmental information and state cadastres of natural resources of the Republic of Kazakhstan, the state register of regulatory legal acts of the Republic of Kazakhstan, the reference control bank of regulatory legal acts of the Republic of Kazakhstan, a unified database of analytical and sociological studies of government bodies of the Republic of Kazakhstan, financed from the republican budget, including joint research with international organizations;

9) maintenance, operation, repair and reconstruction, as well as ensuring the safety of water management systems and structures owned by the state;

10) protection and quarantine of plants, quarantine phytosanitary examination of regulated products;

11) carrying out work on scientific research, conservation, restoration, reconstruction, repair and adaptation of historical and cultural monuments;

12) activities of the seaport;

13) provision of air navigation services to users of the airspace of the Republic of Kazakhstan;

14) formation and storage of the state material reserve;

15) carrying out production and economic activities in the field of technical regulation, ensuring the uniformity of measurements and the field of standardization;

15-1) carrying out production and economic activities in the field of economics, pricing and management in construction;

16) carrying out production activities in the field of the penal system and organizing the employment of convicts;

17) excluded by the Law of the Republic of Kazakhstan dated January 29, 2013 No. 74-V (shall be enforced upon expiration of ten calendar days after its first official publication);

18) performing functions on:

reference function for diagnosing animal diseases;

epizootic monitoring;

maintaining the National collection of deposited strains of microorganisms;

registration tests, testing of veterinary drugs, feed additives, as well as control of series (batches) of drugs in case of complaints;

state monitoring, reference to ensure food safety;  
monitoring the safety of veterinary drugs, feed and feed additives;  
carrying out veterinary measures against particularly dangerous, non-contagious and enzootic animal diseases;  
identification of farm animals;  
provision of services for artificial insemination of farm animals;  
provision of services for transportation (delivery), storage of veterinary drugs against especially dangerous and enzootic animal diseases, as well as transportation (delivery) of products (means) and attributes for identification of farm animals;  
maintenance of cattle burial grounds (biothermal pits), slaughter sites (sites for the slaughter of farm animals), the construction of which is organized by local executive bodies of the relevant administrative-territorial units;  
catching and destroying stray dogs and cats;  
maintaining, presenting veterinary records and reporting;  
issuance of a veterinary certificate;  
maintaining a database on the identification of farm animals and issuing an extract from it;  
taking samples of biological material and delivering them to a veterinary laboratory;  
providing services for transporting sick animals to sanitary slaughter;  
depositing strains of microorganisms;  
diagnostics of especially dangerous and exotic animal diseases identified for the first time on the territory of the Republic of Kazakhstan;  
19) excluded by the Law of the Republic of Kazakhstan dated July 10, 2012 No. 34-V (shall be enforced from the date of its first official publication);  
20) excluded by the Law of the Republic of Kazakhstan dated July 10, 2012 No. 34-V (shall be enforced from the date of its first official publication);  
20-1) sale (including export), liquidation through destruction, disposal, burial and processing of unused property, leasing of defense facilities, purchase (including import) of military goods (products), dual-use goods (products) (application), military works and military services for the needs of the Armed Forces of the Republic of Kazakhstan, other troops and military formations, special state and law enforcement agencies of the Republic of Kazakhstan, state material reserve, mobilization, space activities, as well as export of goods (products) for military purposes, dual-use goods (products);  
21) excluded by the Law of the Republic of Kazakhstan dated 04/08/2016 No. 490-V (shall be put into effect upon the expiration of ten calendar days after the day of its first official publication);  
22) excluded by the Law of the Republic of Kazakhstan dated November 17, 2015 No. 408-V (introduced effective from 03/01/2016);  
23) maintaining the state urban planning cadastre;



24) performing mine rescue, blowout control, gas rescue, preventive work, as well as work related to firefighting and first aid, and other rescue work carried out in emergency and emergency situations;

25) operation (maintenance, development) of the metro, as well as transportation of passengers and luggage by the metro;

26) excluded by the Law of the Republic of Kazakhstan dated November 17, 2015 No. 408-V (introduced effective from 03/01/2016);

27) implementation of special engineering measures for civil protection;

28) protection of intellectual property rights.

3. State-owned enterprises carry out their activities in the areas of:

1) excluded by the Law of the Republic of Kazakhstan dated April 11, 2014 No. 189-V (shall be put into effect upon the expiration of ten calendar days after the day of its first official publication).

2) healthcare;

3) preschool education and training, additional education, technical, vocational and post-secondary education;

3-1) postgraduate education, if they are educational organizations under the President of the Republic of Kazakhstan;

4) safety and health at work, employment, culture and sports;

4-1) provision of special social services for persons (families) in difficult life situations;

4-2) provision of prosthetic, orthopedic and hearing care;

5) scientific research;

6) ensuring the protection, sustainable use, reproduction and artificial breeding of fauna and flora for the purpose of preserving biological diversity and the gene pool, as well as nature conservation (zoological parks, botanical gardens, dendrological parks), performing aerial work on the protection and protection of the forest fund;

7) excluded by the Law of the Republic of Kazakhstan dated October 28, 2019 No. 268-VI (shall be put into effect upon the expiration of ten calendar days after the day of its first official publication);

8) provision of special social services for persons (families) in difficult life situations;

9) excluded by the Law of the Republic of Kazakhstan dated July 10, 2012 No. 34-V (shall be enforced from the date of its first official publication);

10) classification and ensuring technical safety of ships;

11) forensic activities.

3-1. State veterinary organizations formed by local executive bodies may carry out, in the manner established by the legislation of the Republic of Kazakhstan, types of entrepreneurial activities in the field of veterinary medicine specified in Article 13 of the Law of the Republic of Kazakhstan “On Veterinary Medicine”.

4. State enterprises - subjects of natural and state monopolies are prohibited from carrying out activities not provided for by this Law and other laws of the Republic of Kazakhstan.

Article 135. Disposal of property of a state enterprise

1. A state enterprise independently sells its products.
2. A state enterprise does not have the right to alienate property related to fixed assets on the basis of contracts of sale, exchange, or gift.
3. A state enterprise cannot create legal entities, as well as act as a founder (participant) of another legal entity, except for cases provided for by the laws of the Republic of Kazakhstan.

Article 136. State enterprise as a property complex

1. The composition of a state enterprise as a property complex includes all types of property intended for its activities, including buildings, structures, equipment, inventory, raw materials, products, rights to a land plot, rights of claim, debts, as well as rights to designations that individualize its activities (company name, trademarks), and other exclusive rights.
2. The execution of transactions (pledge, lease and others) in relation to a republican state enterprise, where the enterprise acts as a single property complex, is carried out by decision of the Government of the Republic of Kazakhstan, and in relation to a public utility enterprise - by decision of the local executive body or in agreement with the meeting local community - by decision of the akim's office of a city of regional significance, village, town, rural district.

Article 137. Confiscation of illegally obtained income from a state enterprise

Income received by a state enterprise from carrying out activities prohibited by the legislation of the Republic of Kazakhstan, not provided for by its charter, as well as income received as a result of inflating established prices for goods sold (work, services) created through funding from the budget, are subject to withdrawal to the budget in the manner determined by the legislation of the Republic of Kazakhstan. If it is discovered that property has been used without being properly reflected in accordance with accounting rules, it is also subject to seizure.

Article 138. Remuneration of employees of a state enterprise

1. The size of the wage fund of a republican state enterprise is annually established by the authorized body of the relevant industry, and of a municipal state enterprise - by the local executive body or, in agreement with the meeting of the local community - by the office of the akim of a city of district significance, village, township, rural district.

2. Forms of remuneration, staffing, salary levels, bonuses and other remuneration systems are determined by the state enterprise on the right of economic management independently within the established wage fund.

The remuneration system for employees of a state-owned enterprise is established by the Government of the Republic of Kazakhstan.

3. The amounts of official salaries of the head of a republican state enterprise with the right of economic management, his deputies, the chief (senior) accountant, the system of their bonuses and other remuneration are established by the authorized body of the relevant industry, and the amounts of official salaries of the head of a communal state enterprise, his deputies, the chief (senior) ) accountants, the system of their bonuses and other remuneration - by the local executive body or in agreement with the meeting of the local community - by the office of the akim of a city of district significance, village, township, rural district.

#### Article 139. Management of a state enterprise

1. Labor relations with the head of a state enterprise are formalized through the conclusion of an employment contract in accordance with Labor Code Republic of Kazakhstan:

republican state enterprise with the authorized body of the relevant industry;  
a communal state enterprise with a local executive body or the office of the akim of a city of regional significance, village, town, rural district.

2. In the employment contract, in addition to the conditions established Labor Code Republic of Kazakhstan, the responsibility of the head of a state enterprise for untimely transfers of the established part of net income to the budget is determined.

3. The appointment of a manager, approval of a candidacy for a manager in cases provided for by this Law, and his certification are carried out in the manner determined by the authorized body for state planning, with the exception of the first heads of individual state educational and cultural enterprises, appointed to and dismissed from office by the President of the Republic of Kazakhstan , as well as the first heads of secondary education organizations in the organizational and legal form of state enterprises with the right of economic management, appointed to positions in accordance with the legislation of the Republic of Kazakhstan in the field of education.

4. The head of a state enterprise acts on the principles of unity of command and independently decides all issues of the activities of the state enterprise in accordance with his competence determined by this Law and the charter of the state enterprise, unless otherwise provided by this Law and the charter of the enterprise.

5. Responsibility for the effectiveness and efficiency of the implementation of the development plan of a state enterprise lies with the head of the state enterprise in accordance with the laws of the Republic of Kazakhstan.

The head of a state enterprise bears personal responsibility for the financial and economic activities and safety of the property of the state enterprise.

6. The head of a state enterprise, without a power of attorney, acts on behalf of the state enterprise, represents its interests in all bodies, disposes of the property of the state enterprise within the limits established by this Law, concludes

contracts, issues powers of attorney, opens bank accounts and makes other transactions, issues orders and gives instructions, mandatory for all employees.

7. The head of a state enterprise in accordance with Labor Code of the Republic of Kazakhstan hires and terminates employment contracts with employees of a state enterprise, applies incentive measures and imposes penalties on them, unless otherwise provided by this Law and the charter of the enterprise.

8. Deputy heads of a state enterprise are appointed and dismissed from office by the authorized body of the relevant industry or local executive body or the office of the akim of a city of regional significance, village, township, rural district upon the proposal of the head of the state enterprise.

The competence of deputy managers and other management employees of a state enterprise is established by the head.

9. In cases where a state enterprise is declared bankrupt or a rehabilitation procedure is applied and a temporary or bankrupt or rehabilitation manager is appointed in the manner established by the legislative act of the Republic of Kazakhstan on rehabilitation and bankruptcy, all powers to manage it are transferred, respectively, to the temporary or bankrupt or rehabilitation manager.

Article 140. Financing the activities of state enterprises

1. The activities of a state enterprise are financed in accordance with the development plan from its own income and budget funds received in the manner determined by the budget legislation of the Republic of Kazakhstan.

The procedure for developing and approving development plans for state-owned enterprises is determined by the authorized body for state planning.

1-1. The activities of a state enterprise created by the National Bank of the Republic of Kazakhstan are financed from its own income.

The procedure for developing and approving development plans for state-owned enterprises created by the National Bank of the Republic of Kazakhstan, monitoring and evaluating their implementation, as well as reports on their implementation is determined by the National Bank of the Republic of Kazakhstan.

2. The standard for deduction of part of the net income of republican state enterprises, with the exception of republican state enterprises created by the National Bank of the Republic of Kazakhstan, is established by the central authorized body for state planning.

2-1. The air navigation service provider, which is a state-owned enterprise subordinate to the authorized body in the field of civil aviation, makes contributions to ensure flight safety in accordance with the legislation of the Republic of Kazakhstan on the use of the airspace of the Republic of Kazakhstan and aviation activities.

3. Part of the net income of state enterprises according to established standards is subject to credit to the appropriate budget in the manner established Budget Code Republic of Kazakhstan.

4. The authorized body of the relevant industry or the local executive body or the office of the akim of a city of district significance, village, township, rural district exercises control over the completeness and timeliness of the transfer of the established part of net income by state enterprises to the budget.

State-owned enterprises transfer part of their net income to the appropriate budget no later than ten working days after the deadline established for filing a corporate income tax return.

If a state enterprise violates the deadline for transferring a part of the net income to the appropriate budget, a penalty is charged on the amount of the part of the net income not paid on time in the amount of 2.5 times the official refinancing rate established by the National Bank of the Republic of Kazakhstan for each day of delay.

State enterprise

Article 153. Disposal of property of a state-owned enterprise

A republican state-owned enterprise has the right to alienate or otherwise dispose of property assigned to it related to fixed assets, transfer and write off receivables only with the written consent of the authorized body for state property, and a communal state-owned enterprise - only with the written consent of the local executive body or in agreement with meeting of the local community - the akim's office of a city of regional significance, a village, township, rural district, except for cases provided for [point 2](#) Article 135 of this Law.

A state-owned enterprise independently disposes of movable property that is not related to fixed assets and assigned to it with the right of operational management.

Article 154. The right of the state to seize and redistribute property transferred for operational management to a state-owned enterprise

1. The authorized body for state property, in agreement with the authorized body of the relevant industry or local executive body or in agreement with a meeting of the local community, the akim's office of a city of district significance, village, township, rural district has the right to withdraw property assigned to a state-owned enterprise or redistribute it among other created them by legal entities, unless otherwise established by the laws of the Republic of Kazakhstan.

2. In a decision on the seizure of property under the right of operational management, the authorized body for state property or a local executive body or the office of the akim of a city of regional significance, village, township, rural district has the right to establish for a state-owned enterprise the terms of maintenance and ensuring the safety of the seized property before its transfer to another person.

Article 155. Economic activity of a state-owned enterprise

1. The economic activities of a state-owned enterprise are determined by its goals and objectives, fixed in the charter.

2. Carrying out other economic activities is not allowed.

Article 156. Prices for goods (work, services) produced and sold by state-owned enterprises

1. Prices for goods (work, services) produced and sold by a republican government enterprise are established by the authorized body of the relevant industry.

2. Prices for goods (work, services) produced and sold by a public utility enterprise are established by the local executive body or the office of the akim of a city of regional significance, a village, township, rural district, unless otherwise provided by the laws of the Republic of Kazakhstan.

3. Prices for goods (work, services) produced and sold by a state-owned enterprise, including state-owned enterprises related to a subject of a natural monopoly or a state monopoly, are established taking into account the requirements Business Code of the Republic of Kazakhstan and other laws of the Republic of Kazakhstan.

Article 157. Authorized capital of a state-owned enterprise

The authorized capital of a state-owned enterprise is formed from property received from the owner for management to carry out authorized activities.

Article 158. Liability of a state-owned enterprise

1. A state-owned enterprise is liable for its obligations with the money at its disposal.

Foreclosing on the remaining property of a state-owned enterprise is not permitted, except in cases of liquidation of this legal entity.

2. A state-owned enterprise is not liable for the obligations of the state.

3. If a state-owned enterprise does not have enough money, the Republic of Kazakhstan or an administrative-territorial unit with funds from the corresponding budget bears subsidiary liability for its obligations.

Government agency

Article 159. Creation of a state institution

1. A republican state institution is created by the President of the Republic of Kazakhstan or the Government of the Republic of Kazakhstan, a communal state institution is created by the local executive body of the region, city of republican significance, capital, district, city of regional significance, as well as in agreement with the akim of the district (city of regional significance) and the meeting of the local communities - by the office of the akim of a city of regional significance, a village, a township, a rural district.

2. The creation of a state institution by the state jointly with individuals and non-state legal entities is not allowed.

3. The specifics of the creation of a state institution that is a state body, and the specifics of the legal regulation of the participation of state bodies in property circulation are established by Articles 163 and 164 of this Law.

Article 160. Financing the activities of a state institution

1. The activities of a state institution are financed from the budget by an authorized body of the relevant industry, a local executive body or the office of

the akim of a city of district significance, village, township, rural district or the budget (cost estimate) of the National Bank of the Republic of Kazakhstan, unless an additional source of financing is established by the laws of the Republic of Kazakhstan.

2. By the laws of the Republic of Kazakhstan, state institutions that are not state bodies, in addition to performing managerial, socio-cultural or other functions of a non-commercial nature, may be granted the right to carry out income-generating activities (providing paid services).

Article 161. Realization of property rights by a state institution

1. A state institution, unless otherwise provided by parts two and three of this paragraph, does not have the right to independently alienate or otherwise dispose of the property assigned to it and property acquired from funds allocated to it according to the estimate.

State institutions of the Armed Forces of the Republic of Kazakhstan, other troops and military formations, special state bodies of the Republic of Kazakhstan have the right to transfer and redistribute military property within the state body based on the decision of the first head of the state body or a person authorized by him.

The authorized body in the field of defense industry and state defense order has the right to distribute military goods (products), dual-use goods (products), military works and military services purchased within the framework of the state defense order to government institutions of the recipient of the state defense order.

2. Money from the sale of goods (work, services) by state institutions, which are granted the right by the laws of the Republic of Kazakhstan to carry out income-generating activities, shall be credited to the appropriate budget, with the exception of money from the sale of goods (work, services) produced by state institutions in the fields of education, physical culture and sports, variety testing, agrochemical services for agricultural production, monitoring and assessment of the reclamation state of irrigated lands, veterinary medicine, forestry, specially protected natural areas, the Armed Forces specializing in the field of sports, the provision of medical care within the guaranteed volume of free medical care and in the system of compulsory social health insurance, special state and law enforcement agencies in the field of medical care within the framework of the guaranteed volume of free medical care and in the system of compulsory social health insurance, as well as state libraries, state museums, museum-reserves and state archives, in accordance with the laws of the Republic of Kazakhstan.

3. The procedure for the transfer, sale, disposal and write-off, as well as provision of real estate for lease (lease) of special state bodies is determined by the Government of the Republic of Kazakhstan.

Article 162. The right of the state to seize and redistribute property transferred to the operational management of a state institution

The authorized body for state property, in agreement with the authorized body of the relevant industry or local executive body or in agreement with a meeting of

the local community, the akim's office of a city of regional significance, village, township, rural district has the right to withdraw property assigned to a state institution or redistribute it between other state legal entities , unless otherwise established by the legislation of the Republic of Kazakhstan.

Article 163. Participation of state bodies in property relations

1. State bodies that are such by virtue of Constitution of the Republic of Kazakhstan, constitutional laws of the Republic of Kazakhstan, other laws of the Republic of Kazakhstan, decrees of the President of the Republic of Kazakhstan or decrees of the Government of the Republic of Kazakhstan, are recognized as state institutions if they are defined as a legal entity by the specified legislation of the Republic of Kazakhstan and legal acts of individual application on their creation.

2. State bodies defined as a legal entity are considered as state institutions if they act in civil legal relations not on behalf of the state, but on their own behalf (conclude lease agreements, purchase and sale agreements for office supplies, equipment , are liable for obligations resulting from causing harm, and commit other civil legal actions).

Article 164. Features of the creation and activities of state institutions that are state bodies

1. A state institution, which is a state body, specified in paragraph 1 of Article 163 of this Law, is created on the basis of the legislation of the Republic of Kazakhstan and legal acts of individual application on the creation of a state body and acts on the basis of the provisions on this institution.

2. A state institution that is a state body does not have the right to act on its own behalf as a founder (shareholder, participant, member) of another legal entity. When establishing state legal entities, joint stock companies and limited liability partnerships, state bodies have the right to act as a founder (shareholder, participant) only on behalf of the state (the Republic of Kazakhstan or an administrative-territorial unit).

3. State institutions that are state bodies, with the exception of the National Bank of the Republic of Kazakhstan, special state bodies of the Republic of Kazakhstan, do not have the right to engage in income-generating activities. The National Bank of the Republic of Kazakhstan has the right to engage in income-generating activities in cases and in the manner provided for by the Law of the Republic of Kazakhstan "On the National Bank of the Republic of Kazakhstan". Special government bodies have the right to engage in income-generating activities in accordance with Article 83 Law of the Republic of Kazakhstan "On special state bodies of the Republic of Kazakhstan".



4. The competence, structure, departmental subordination and other issues related to the implementation of the functions of a state body are determined by the legislation of the Republic of Kazakhstan and legal acts of individual application on the creation of these state bodies.

#### Article 165. Responsibility of a state institution

1. A state institution is liable for its obligations with the money at its disposal. Foreclosing on the remaining property of a state institution is not permitted.
2. If a state institution does not have enough money, the Republic of Kazakhstan or an administrative-territorial unit with funds from the corresponding budget bears subsidiary liability for its obligations.

#### Control questions:

1. the concept of financial and economic law.
2. subject, method, sources and principles of financial and economic law.

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## Lecture 15. Current problems of the legal framework and conditions of state lending.

The purpose of the lecture: to reveal the concept and general characteristics of state lending, to know the subjects of credit relations, to form the concept and classification of types of state lending.

Key words: state credit, credit, credit policy, types of loans, government borrowing, repayment of borrowing, issue of responsibility.

Main questions:

1. State credit: concept and essence
2. Functions of state credit
3. Government borrowing and their types

### 1. State credit: concept and essence

Before defining the concept of state credit, we consider it necessary to reveal the essence and content of the concept of credit. Credit is a concept related to the economic category. In the concept of credit as an economic category, the state has preferential rights in relation to other parties involved in these relations as creditor and mortgagor.

State credit is the main instrument that ensures equality of budget income and expenditure. Often, government loans are used by government agencies in the event of a budget deficit in the state. And in connection with the development of market relations, state credit began to act as an important tool for regulating money circulation for the needs of society as a whole. From an economic point of view, government credit is a concept that represents one of the forms of capital movement. State credit is one of the main links of national finance and a set of credit relations in which the state can appear in the role of both a lender and a borrower, a guarantor. One of the parties to credit relations is the state, and legal entities and individuals are creditors or borrowers. The specificity of a state loan lies in the repayment, frequency and repayment of borrowed funds. However, this relationship should not be confused with a bank loan.

States of credit resources:

Financing the budget deficit (using surplus)

Financing of capital investments in nationalized and related enterprises

Financing of economic bodies of local authorities

Used to regulate the country's monetary circulation.

Funds raised through government loans must be of a production nature, as they are often aimed at financing the economy. Integrates government loan relations into financial relations on the following grounds::

Funds raised through state credit are considered as financial resources of the state, directed to finance various needs - both production and non-production needs, and strategic and operational.

Payments for received and issued loans, interest payments for them are made at the expense of local budgets when borrowing from budgets - the Government of central or local authorities.

State credit is an important component of the financial system of the Republic of Kazakhstan. Therefore, the principles that apply to any credit relationship also apply to the concept of public credit. For example, the principle of urgency, the principle of repayment, the principle of the need for compensation. At the same time, the principle of repayment and the principles of the need for repayment are a category that differs between a state loan and the financial category "taxes", since in tax relations money flows only in one direction, that is, to the state budget. The next feature of a state loan is a sign that these relations are built on the basis of voluntariness, which distinguishes it from taxes, etc.

## 2. Functions of state credit

Today, there are three types of government credit as a financial category: distribution activities, regulatory activities, control activities, etc.

The distributive function refers to the promotion of monetary resources aimed at one type of socio-economic activity or the development of a certain part of the economy, that is, while the state purposefully allocates monetary resources. As a result of this activity, monetary resources will be provided to sectors of the economy that need to be developed for the state.

Regulatory activity - the state, as one of the subjects of credit relations, influences the direction of the movement of money in the economy through state lending, interest rates, the level of money and capital in the market, the development of employment and production. Thus, government agencies implement financial policy through government lending.

Control service - state bodies monitor the repayment of state loans in accordance with established deadlines, timely payment of interest and the intended use of the loan. At the same time, loans guaranteed by the state occupy the most important place among state loans. Loans secured by the state are primarily targeted at sectors that require development for the state's economy. Control, regulation, as well as registration and accounting of state guarantees are carried out on the basis of the resolution of the Government of the Republic of Kazakhstan On the provision of state guarantees and the guarantee agreement concluded between the central authorized body for budget execution and the lender.

## 3. Government borrowing and their types

The types of government loans are distinguished as internal, external, conditional. In domestic credit, public-credit relations arise between the government, local authorities, enterprises, organizations and the population of the country in a comprehensive manner - both borrowers and lenders. In international credit, the government, local authorities, on the one hand, governments, banks, companies of other states, as well as international financial and banking organizations intervene in relations. The creditor party is called the donor state or donor organization, and the recipient country is called the recipient country. A conditional government loan acts

as the government's obligations under guarantees and sureties issued to creditors of other countries for loans received by domestic borrowers, enterprises, organizations, firms, local authorities. In case of failure to comply with the terms of the loan, the government is responsible for the obligations of the domestic borrower - it pays the loan amount from the property or other assets of the borrower at the expense of budgetary funds. The main form of government credit is government loans, which are credit relationships in which the state primarily acts as a borrower.

And government borrowing is a special type of government loan. In accordance with Article 726 of the Civil Code of the Republic of Kazakhstan, the borrower is the state - the borrower under a state loan agreement, and the lender is a citizen or legal entity. Government loans are voluntary.

Government borrowing in the Republic of Kazakhstan is carried out by the Government of the Republic of Kazakhstan, the National Bank of the Republic of Kazakhstan and the National Bank of the Republic of Kazakhstan and local executive bodies of the Republic of Kazakhstan. Borrowing by the Government of the Republic of Kazakhstan is carried out in order to finance the republican budget deficit.

Borrowing by the National Bank of the Republic of Kazakhstan is carried out in order to maintain the balance of payments of the Republic of Kazakhstan and replenish the gold and foreign exchange assets of the National Bank of the Republic of Kazakhstan, as well as for other purposes determined by the ongoing monetary policy in the Republic of Kazakhstan.

State borrowing by local executive bodies is carried out for the purpose of financing local investment projects, as well as for other purposes provided for by the budget legislation of the Republic of Kazakhstan.

There are the following types and forms of public debt:

Depending on the placement methods, they are divided into the following types:

Freely placed

Placed according to special

Forced placement

In connection with securing loan obligations:

Secured by property

Loans not secured by property

Depending on the timing, there are the following types:

Short-term loans, that is, with a maturity of up to 1 year

Medium-term loans, that is, with a maturity from 1 year to 10 years

Long-term loans, that is, with a maturity period of more than 10 years

Depending on the location of credit capital, the following types are established:

External government loans

Domestic government loans

Government loans in relation to government loan borrowers are divided into the following types:

Loans from the Government of the Republic of Kazakhstan

Loans from the National Bank of the Republic of Kazakhstan

Loans from local executive bodies of the Republic of Kazakhstan.

Control questions:

What are the functions of government credit?

What is a distribution service?

What is regulatory activity?

What is government borrowing?

What are the types of government borrowing?

What types of government loans are established for the recipient of a government loan?

Literature:

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4. Saktaganova I.S. Kazakhstan Republicsynyn karzhy kuckygy. Kazustyk technologies boyynsha. Oku kuraly / I.S. Saktaganova. - Almaty: "Epigraph" basspasy, 2016. - 390 b.

5. Kuanalieva G.A. Karzhy kuckygy: oku kuraly / G.A. Kuanalieva. - Almaty: Kazakh University, 2017. - 162 b.

6. Financial law of the Republic of Kazakhstan: textbook. manual / ed. A.E. Zhatkanbaeva. - Almaty, 2018. - 270 p.

**Educational and methodological complex of KazNU named after. Al-Farabi**

**FACULTY OF LAW KAZNU im. AL-FARABI**

**DEPARTMENT OF CUSTOMS, FINANCIAL AND ENVIRONMENTAL LAW**

**METHODOLOGICAL INSTRUCTIONS  
for conducting seminars and independent work of students in the  
discipline  
Financial Law theory issues**

## General provisions

Seminar classes are recognized as one of the forms of training for students studying in the specialty “Public Service”, “Jurisprudence”, “Financial Law”, “Customs”. The proposed general provisions are for advisory purposes only.

**Practical lessons** are a necessary element of the educational process. The purpose of practical classes is to deepen the knowledge gained by the lecture, the formation of professionally important knowledge and skills. Practical classes help undergraduates master legal terminology, develop a culture of speech and professional thinking, and are a means of prompt two-way communication.

Students acquire in practical classes the skills of applying legal norms to specific conditions, explaining normative documents, selecting appropriate norms from a variety of legal acts, the ability to adhere to their individuality, independent thinking, and their opinion to the end.

The structure of practical classes includes the following elements: organizational stage (the teacher welcomes students and identifies students who do not attend classes in the journal, determines the preparation of students for classes, publishes topics and lesson plans); listens to students' answers to questions about the material; main part (analysis of theoretical issues and problem solving); summing up the lesson (the teacher evaluates the work of the entire group, announces and explains the grades, shows the results and shortcomings in the answers of a particular undergraduate, gives an assignment for the next lesson). The main part of practical training should be aimed at the operational coordination of theoretical issues with problem solving; a significant part of the time is spent on solving problems, During a 50-minute lesson, it is recommended to spend 10-15 minutes analyzing theoretical issues. The analysis of theoretical issues is varied: student reports, problem solving, theoretical seminar.

The teacher must explain to students what requirements the report must meet. When noting the topic of the report, you should note the authors used in the work, set out in detail the plan of the report and relevant questions on the report to sources, indicating links to sources, opinions of the authors, and, if possible, expressing your opinion.

The solution to the problems must be contained in students' notebooks in written form in the form of a complete answer to the questions posed. Each event set out in the problem requires a legal assessment of the issues related to them. Each question must be given a clear answer (Yes, No) with reference to the law. The student must indicate how the relevant norm was applied, in appropriate cases, with reference to regulatory decisions of the Supreme Court of the Republic of Kazakhstan (other legal acts), scientific explanations. A student who has mastered this methodology acquires practical skills related to the effective solution of

professional problems.

**Seminar**(lat. seminarium - hotbed) - a form of educational process based on independent study of students in the form of individual questions, reports or joint discussion of problems on behalf of the leader. Compared to practical classes, the seminar is theoretical in nature and deeply focused on a specific discipline. Seminar classes help strengthen knowledge, directing students to independence in educational and cognitive activities. During the seminar, knowledge gained as a result of working with sources, additional literature, and documents is systematized, deepened and monitored. The main goal of seminar classes is to provide undergraduates with the opportunity to acquire skills in using theoretical knowledge, based on the characteristics of the areas being studied.

There are three types of seminars depending on the main target areas:

- a seminar devoted to in-depth study of a specific course of study, thematically related to the material of this course;
- a seminar on a methodologically significant course or sound preparation of a specific topic;
- a research-type seminar intended for the scientific treatment of individual current problems, which can be transferred to a special seminar

A special seminar is a school for young researchers to communicate with a specific problem under the guidance of a famous scientist. An experienced leader creates an atmosphere of scientific creativity, orients students toward collective thinking, and uses effective research methods. At the final lesson, the teacher conducts a full review and summarizes student scientific work, reveals opportunities for further study of the problems under consideration, and explains the opportunities for interested students to participate in the study of these problems.

Seminar classes are closely related to lecture classes, but the educational material of the seminar does not duplicate the lecture material. The leading role of the teacher is to carefully plan educational work, highlight important issues for analysis of the seminar, select literature for self-study, and guide the discussion process.

Depending on the method of conducting the seminar is divided into the following types:

**Seminar-interview** means involving a significant part of students in an active discussion of the topic, expressing the readiness of all students to study on all issues in the seminar plan. After a brief report by the teacher, detailed statements from several students are heard on specific issues of the plan, supplemented by answers from other undergraduates, and at the end the teacher draws conclusions.

**Seminar-discussion**, or seminar-debate, represent an opportunity for dialogue between seminar participants for collective discussion and solution of a problem. The most pressing problems of the discipline being studied are selected for discussion. Discussion participants learn to clearly formulate their thoughts, support their



opinions, and respect critical opinions. The most effective form of seminar classes is "round table»in the participant eligibility rules. In this regard, it is necessary to train undergraduates in the culture of communication and interaction in order to discuss the topic of discussion through dialogue.

**Mixed seminar format**held in the form of discussion of reports, free speeches of participants, scheduled discussions.

Pedagogical guidance in preparing students for the seminar consists of helping the teacher in drawing up a plan for reports, teaching how to take notes from literary sources, correctly formatting the texts of abstracts and reports, and advising on issues that arise during independent work.

- **Independent work**students
- **Types of jobs. Their general characteristics. Writing Requirements**
- **Goals of writing independent work**

Independent work is the planned work of students, aimed at developing the cognitive abilities of students and increasing independent continuous education, under the guidance and assignment of a teacher.

Due to the sharp increase in educational and scientific material, the lack of classroom hours for studying the discipline, SRS plays an important role within the educational process. Any university graduate must have fundamental knowledge, skills, professional skills, experience in creative and research activities, social and communication skills developed in the process of independent work of undergraduates.

Didactic tasks of SRS: consolidation, deepening, expansion, systematization of knowledge acquired during classroom lessons; independent mastery of new educational material; development of professional skills, as well as skills of independent thinking; improving independent thinking, interest in legal literature, practical legal activities, and the law-making process.

The main forms of SRS are: homework; preparation of abstracts on specific topics; educational and research work of students, which is participation in the work of scientific circles and scientific conferences (educational and research work of students - UIRS and scientific research work of students - NIRS); organizing and conducting business games during extracurricular hours.

**Homework**manifests itself in independent preparation for practical and seminar classes, in the form of any independent learning activity that is part of the educational process. The main activity is the development of independent learning skills, determination of methods and means of work, planning training. Homework helps to consolidate the knowledge and skills acquired in classroom classes, develop skills, and master new material.

Didactic conditions that ensure successful completion of independent work: a clear presentation of tasks and recommendations regarding the completion of tasks; validity of the educational task (for what, why it helps); effective amount of

homework; report form through the teacher, deadlines; definition of types of consultations; evaluation criteria, types and forms of control.

The content of students' independent educational work is: studying and taking notes of literature presented by the teacher; solving problems for specific sections, sections of the course in combination with discussion in practical classes; review of court cases with discussion at a seminar or meeting of a scientific circle; participation in court hearings on behalf of the teacher, familiarization with the work of legal departments of various organizations and notary offices; preparing reviews of bills in the form of homework. ; preparation of draft legal documents within the framework of the topic being studied in combination with practical exercises.

Preparation of abstracts is one of the forms of organization and control of SRS. An abstract (Latin *referre*-statement, message) is a brief summary of the content of a source through a rational assessment or disclosure of the state of a problem based on comparison and analysis of several sources. Depending on the content and activity in the educational process, abstracts are divided into scientific-problematic and review-informational.

The purpose of writing an essay is to improve students' skills of independent work with literary and regulatory sources, published forensic investigative practice. Students can draw theoretical and practical conclusions through independent justification based on their analysis and generalization. The topics of the abstracts and the list of recommended literature are determined by the teacher. Abstracts related to a brief summary of the content of a book or article can be considered as the first stage of preparing a master's thesis on the relevant topic. The volume of the abstract can be 15-20 pages of typed text. Typical structure of an abstract: outline; introduction outlining the basics of the topic and objectives; the main part, consisting of several paragraphs; conclusion containing conclusions on the topic; bibliography.

- **General job requirements**

When choosing a topic for students' independent work, the following rules should be taken into account:

- the work must meet the interests and specific will of students,
- the work must be useful for the specialty of jurisprudence (in particular, the topic must be suitable for publication as an article, taking into account the current state of science). What has been said should not be repeated in such a way that they meet the requirements of students who are in connection with the advancement of science. Another possibility in the future does not provide clear topics for independent work in order to prevent copying.

- **Main directions of independent work**

- **Abstracts (reports)**

For the main training course, a thematic overview (comparative analysis) is given

and topics related to the problems of the subject not covered by the main program are given depending on the time. In particular, depending on the main course, they can be divided into three groups: a) for the purpose of deeper disclosure of the topic briefly covered by the main course; b) topics not covered at all in the compulsory course; c) topics covered in the compulsory course that are not related to the independent work of undergraduates.

- **Requirements for registration of independent work**

The work must be typed on a computer. The text must indicate the course, subject, full name of the author, and title of the work. If the work has a translation, then bibliographic information about the same material must be provided. In addition, the translation must be accompanied by a dictionary of professional terms. If the work is not translated, then its content is given. The last page of the work must include a numbered list of references used. In the text, the numbers of works in this list must be indicated in straight brackets indicating the corresponding places.

- **Preparing for independent work and writing it**

Selecting a topic. The preliminary selection of a topic in the above areas is carried out independently by the student. The topic is clarified, consultations with the teacher, drawing up a plan, and a list of literature used. For any questions that arise, the student can get answers from the teacher. If necessary, consultations are scheduled. The work is assigned to the teacher no later than two weeks before the session. Defense of independent work is allowed during the session.

- **Criteria for assessing independent work**

The teacher poses oral questions when accepting work from each student. The student must answer the teacher's question depending on the text of the work. When answering, you must indicate the assimilation of the material in the text (writing, translation, copying). When evaluating the work, one must take into account the written version of the text and the originality of the students' independent work, the validity of these conclusions and instructions.

**KazNU named after. Al-Farabi educational and methodological complex**

**Financial Law theory issues  
Schedule for completing and submitting SRD assignments**

| Topic No. | Contents of the task  | Time and form of submission (reception and defense)   | Number of points  |
|-----------|---|---|---|
| 1         | <p><b>1 SRS Topic:</b><br/>Specifics and modern problems of financial law as a branch of law (presentation).</p> <p>1. Financial law as a branch of law,<br/>2. Subject, method, system of financial law.<br/>3. Determining the connection between financial law and other branches of law</p> <p>Legal acts and literature:<br/>1. Decree of the President of the Republic of Kazakhstan dated August 28, 2009 No. 858 "On the Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020."<br/>2. Financial law of the Republic of Kazakhstan: textbook / N.R. Veselskaya, M.T. Kakimzhanov. - Almaty: 2015. - 312 pages.<br/>3. Khudyakov A.I. Financial law of the Republic of Kazakhstan. General part. - Almaty, LLP "Baspa", - 2001, 272 p.<br/>4. Khudyakov A.I. Financial law of the Republic of Kazakhstan. Special part: Textbook. - Almaty: Publishing House "NORMA-K" LLP, - 2002, 344 p.</p> | <p>Receiving an assignment for 2 weeks;<br/>3rd week of passing the SRS presentation protection form.<br/>When revealing a topic, it is necessary to: analyze, compare the legislation regulating this relationship, compare with the legislation of one of the countries near and far abroad, show the features.</p> | <p>20 points. Basics of performance evaluation:<br/>Loyalty to the idea in-depth study of materials, completeness of the solution, decoration, oratory.</p> |
| 2         | <p><b>2 CDS topic: Current problems of the legal foundations of the monetary system.</b></p> <p>1. The history of the origin of money, properties and functions of money (concepts of scientists)</p>   | <p>Receiving an assignment in week 6;<br/>Delivery and defense in week 7; The submission form is the defense of the presentation.<br/>When revealing a topic, it is necessary</p>   | <p>23 points. Basics of performance evaluation:<br/>Loyalty to the idea in-depth study of materials, completeness of the solution, decoration,</p>          |

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|          | <p>2. Concept and general characteristics of the monetary system of the Republic of Kazakhstan.</p> <p>3. Monetary system of the Republic of Kazakhstan and its elements.</p> <p>4. Conducting an analysis of currency legislation. (Law of the Republic of Kazakhstan “On Currency Regulation and Currency Control” dated July 2, 2018 No. 167-VI ZRK)</p> <p>Legal acts and literature:</p> <p>1. Decree of the President of the Republic of Kazakhstan dated August 28, 2009 No. 858 “On the Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020.”</p> <p>2. “Budget Code of the Republic of Kazakhstan” dated December 4, 2008 No. 95-IV.</p> <p>3. Code of the Republic of Kazakhstan “On taxes and other obligatory payments to the budget (Tax Code)” dated December 25, 2017 No. 121-VI.</p> <p>4. Law of the Republic of Kazakhstan “On Currency Regulation and Currency Control” dated July 2, 2018 No. 167-VI ZRK</p> <p>5. Financial law of the Republic of Kazakhstan: textbook / N.R. Veselskaya, M.T. Kakimzhanov. - Almaty: 2015. - 312 pages.</p> <p>6. Khudyakov A.I. Financial law of the Republic of Kazakhstan. General part. - Almaty, LLP "Baspа", - 2001, 272 p.</p> <p>7. Khudyakov A.I. Financial law of the Republic of Kazakhstan. Special part: Textbook. - Almaty: Publishing House "NORMA-K" LLP, - 2002, 344 p.</p> | <p>to: analyze, compare the legislation regulating this relationship, compare with the legislation of one of the countries near and far abroad, show the features.</p>        | <p>oratory.</p>   |
| <p>3</p> | <p><b>3 SRS. Topic: Issues of legal regulation of the tax service of the Republic of Kazakhstan. Types of taxes. Analysis of tax legislation (abstract).</b></p> <p>1. Tax law as the main institution of financial law</p> <p>2. General characteristics of tax law</p>   | <p>Receiving an assignment in week 10; Submission and defense in week 11; The submission form is the defense of the presentation. When revealing a topic, it is necessary</p> | <p>12 points. Basics of performance evaluation: Loyalty to the idea in-depth study of materials, completeness of the solution, decoration, oratory.</p> |

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|   | <p>3. Concept, composition and types of taxes.</p> <p>4. The role of taxes. Classification of taxes.</p> <p>5. Tax system of the Republic of Kazakhstan.</p> <p>6. Analyze the tax legislation of the Republic of Kazakhstan (Code of the Republic of Kazakhstan “On taxes and other obligatory payments to the budget (Tax Code)” dated December 25, 2017 No. 121-VI.)</p> <p>1. Decree of the President of the Republic of Kazakhstan dated August 28, 2009 No. 858 “On the Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020.”</p> <p>2. “Budget Code of the Republic of Kazakhstan” dated December 4, 2008 No. 95-IV.</p> <p>3. Code of the Republic of Kazakhstan “On taxes and other obligatory payments to the budget (Tax Code)” dated December 25, 2017 No. 121-VI.</p> <p>4. Law of the Republic of Kazakhstan “On Currency Regulation and Currency Control” dated July 2, 2018 No. 167-VI ZRK</p> <p>5. Financial law of the Republic of Kazakhstan: textbook / N.R. Veselskaya, M.T. Kakimzhanov. - Almaty: 2015. - 312 pages.</p> <p>6. Khudyakov A.I. Financial law of the Republic of Kazakhstan. General part. - Almaty, LLP "Baspа", - 2001, 272 p.</p> <p>7. Khudyakov A.I. Financial law of the Republic of Kazakhstan. Special part: Textbook. - Almaty: Publishing House "NORMA-K" LLP, - 2002, 344 p.</p> | <p>to: analyze, compare the legislation regulating this relationship, compare with the legislation of one of the countries near and far abroad, show the features.</p> |  |
| 4 | <p><b>4 SRS.</b>Topic: Banking system of the Republic of Kazakhstan (project preparation).</p> <p>1. Banking activities of the Republic of Kazakhstan. 2. Bank levels.</p> <p>3. Powers of the National Bank of the Republic of Kazakhstan.</p>  | <p>Receiving an assignment in week 12;<br/>Delivery and defense at week 13; The submission form is the defense of the presentation.</p>                                | <p>30 points. Basics of performance evaluation:<br/>Loyalty to the idea in-depth study of materials, completeness of the solution, decoration,</p> |

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|  | 4. Banking law as an institution of financial law: concept, methods, system, sources, etc. | When revealing a topic, it is necessary to: analyze, compare the legislation regulating this relationship, compare with the legislation of one of the countries near and far abroad, show the features. | oratory. |
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**Financial Law theory issues  
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| <b>Topic No.</b> | <b>Contents of the task</b>   | <b>Time and form of submission (reception and defense)</b>  | <b>Number of points</b>   |
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| 1                | <p><b>1 SRS Topic:</b><br/>Specifics and modern problems of financial law as a branch of law (presentation).</p> <p>1. Financial law as a branch of law,<br/>2. Subject, method, system of financial law.<br/>3. Determining the connection between financial law and other branches of law</p> <p>Legal acts and literature:<br/>1. Decree of the President of the Republic of Kazakhstan dated August 28, 2009 No. 858 "On the Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020."<br/>2. Financial law of the Republic of Kazakhstan: textbook / N.R. Veselskaya, M.T. Kakimzhanov. - Almaty: 2015. - 312 pages.<br/>3. Khudyakov A.I. Financial law of the Republic of Kazakhstan. General part. - Almaty, LLP "Baspa", - 2001, 272 p.<br/>4. Khudyakov A.I. Financial law of the Republic of Kazakhstan. Special part: Textbook. - Almaty: Publishing House "NORMA-K" LLP, - 2002, 344 p.</p> | <p>Receiving an assignment for 2 weeks;<br/>3rd week of passing the SRS presentation protection form.<br/>When revealing a topic, it is necessary to: analyze, compare the legislation regulating this relationship, compare with the legislation of one of the countries near and far abroad, show the features.</p> | <p>20 points. Basics of performance evaluation:<br/>Loyalty to the idea in-depth study of materials, completeness of the solution, decoration, oratory.</p> |
| 2                | <p><b>2 CDS topic: Current problems of the legal foundations of the monetary system.</b></p> <p>1. The history of the origin of money, properties and functions of money (concepts of scientists)</p>   | <p>Receiving an assignment in week 6;<br/>Delivery and defense in week 7; The submission form is the defense of the presentation.<br/>When revealing a topic, it is necessary</p>   | <p>23 points. Basics of performance evaluation:<br/>Loyalty to the idea in-depth study of materials, completeness of the solution, decoration,</p>          |



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|          | <p>2. Concept and general characteristics of the monetary system of the Republic of Kazakhstan.</p> <p>3. Monetary system of the Republic of Kazakhstan and its elements.</p> <p>4. Conducting an analysis of currency legislation. (Law of the Republic of Kazakhstan “On Currency Regulation and Currency Control” dated July 2, 2018 No. 167-VI ZRK)</p> <p>Legal acts and literature:</p> <p>1. Decree of the President of the Republic of Kazakhstan dated August 28, 2009 No. 858 “On the Concept of legal policy of the Republic of Kazakhstan for the period from 2010 to 2020.”</p> <p>2. “Budget Code of the Republic of Kazakhstan” dated December 4, 2008 No. 95-IV.</p> <p>3. Code of the Republic of Kazakhstan “On taxes and other obligatory payments to the budget (Tax Code)” dated December 25, 2017 No. 121-VI.</p> <p>4. Law of the Republic of Kazakhstan “On Currency Regulation and Currency Control” dated July 2, 2018 No. 167-VI ZRK</p> <p>5. Financial law of the Republic of Kazakhstan: textbook / N.R. Veselskaya, M.T. Kakimzhanov. - Almaty: 2015. - 312 pages.</p> <p>6. Khudyakov A.I. Financial law of the Republic of Kazakhstan. General part. - Almaty, LLP "Baspа", - 2001, 272 p.</p> <p>7. Khudyakov A.I. Financial law of the Republic of Kazakhstan. Special part: Textbook. - Almaty: Publishing House "NORMA-K" LLP, - 2002, 344 p.</p> | <p>to: analyze, compare the legislation regulating this relationship, compare with the legislation of one of the countries near and far abroad, show the features.</p>        | <p>oratory.</p>   |
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|  | 4. Banking law as an institution of financial law: concept, methods, system, sources, etc. | When revealing a topic, it is necessary to: analyze, compare the legislation regulating this relationship, compare with the legislation of one of the countries near and far abroad, show the features. | oratory. |
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### Textbooks and teaching aids

| No   | F. I. O. author / compiler          | Naming   | publishing house, year of release | Number of copies |                   | Total number of students | % |
|--|-------------------------------------|--|-----------------------------------|------------------|-------------------|--------------------------|---|
|  |                                     |  |                                   | In the library   | at the department |                          |   |
| <b>Educational literature<br/>(only textbooks or textbooks, as well as in the format of an electronic edition)</b> |                                     |  |                                   |                  |                   |                          |   |
| 1  | Naimanbaev S.M.                     | Financial law of the Republic of Kazakhstan.                   | Almaty, 1994.                     | 4                | 1                 |                          | 1 |
|  | Muhitdinov N.B.,<br>Naimanbaev S.M. | Public administration in the field of finances.                | Almaty, 1998.                     | 5                | 1                 |                          | 1 |
|  | Muhitdinov N.B.,<br>Naimanbaev S.M. | Legal basis of the tax activity of the state.                  | Almaty, 1998.                     | 5                | 1                 |                          | 1 |
|  | Babich A.M.,<br>Pavlova L.N.        | Finance  | Moscow, ID FBK-PRESS, 2000        | 6                | 1                 |                          | 1 |
|  | Belsky K.S.                         | Financial law  | M., Lawyer, 1995.                 | 2                | 0                 |                          | 1 |
|  | Godme Paul M.                       | Financial law.   | M., Progress, 1978.               | 2                | 0                 |                          | 1 |
|  | Drobozina L.A.                      | Finance  | Moscow, Unity, 2000               | 1                | 0                 |                          | 1 |
|  | Karaseva M.V.                       | Financial law  | M., Lawyer, 1999.                 | 1                | 0                 |                          | 1 |
|  | Listopad A.D.                       | Financial activity of customs bodies of the Russian Federation | M., RIO RTA, 1996.                | 1                | 0                 |                          | 1 |

|                              |                                    |   |                  |   |   |  |   |
|------------------------------|------------------------------------|---|------------------|---|---|--|---|
|                              | Khudyakov A.I.                     | Financial Law of the Republic of Kazakhstan   | Almaty, 2002     | 7 | 2 |  | 1 |
|                              | Khudyakov A.I.                     | The basis of the theory of financial law.   | Almaty, 1995.    | 3 | 1 |  | 1 |
|                              | Khudyakov A.I.                     | Insurance law RK.   | Almaty, 1997.    | 4 | 1 |  | 1 |
|                              | Khudyakov A.I.                     | Tax law RK  | Almaty, 2003.    | 2 | 1 |  | 1 |
|                              | Khudyakov A.I.,<br>Naimanbaev S.M. | Russian-Kazakh financial and legal explanatory dictionary.                            | Almaty, 1997.    | 5 | 1 |  | 1 |
| <b>Additional literature</b> |                                    |   |                  |   |   |  |   |
| 1.                           | Oleynik O.M.                       | The basis of banking law.   | M: Jurist, 1997. | 2 | 0 |  | 1 |
| 2.                           | Ospanov M.T.,<br>Mukhambetov T.I.  | Foreign capital and investment: theoretical questions, practical application and use. | Almaty, 1997.    | 2 | 0 |  | 1 |
| 3.                           | Davydova L,<br>Raimonova D.        | Bankovskoe pravo Respublika Kazakhstan.   | Almaty, 2005.    | 2 | 0 |  | 1 |
| 4.                           | Davydova L,<br>Raimonova D.        | Banking law of the Republic of Kazakhstan.  | Almaty, 2006.    | 2 | 0 |  | 1 |
| 5.                           | Zhuirikov K.K., Kim<br>G.V.        | State insurance in Kazakhstan.  | Alma-Ata, 1992.  | 5 | 0 |  | 1 |

**Considered at the meeting of the department of customs, financial and environmental law  
Protocol No. 20 "04" July 2023.**

**Head of the department  
doctor of legal sciences,  
Professor G. A. Kuanalieva**

**Lecturer**  
**Associate Professor,**  
**PhD A. A. Tasbulatova**

**KAZAKH NATIONAL UNIVERSITY NAMED AFTER AL-FARABI**

**Faculty of Law**

**Department of Customs, Financial and Environmental Law**

**FINAL EXAM PROGRAM**

**Subject: Issues of the theory of financial law**

**Educational program Master of Law "8D04203 Jurisprudence"**

Course – 1

Semester – 2

Number of credits – 5

Form of study: full-time


Almaty 2024

The final exam program is based on the educational program in the specialty“  
8D04203 Jurisprudence”

Associate professor, at the Department of Customs, Financial and Environmental  
Law Kalymbek Bakytzhan

Considered and approved at a meeting of the Department of custom, financial and  
environmental law, dated October 31, 2023, protocol No 5

Head of the Department,  
Doctor of Law, Professor



G.A.Kuanalieva

Chairman of the Academic Committee  
on the Quality of education and Training  
" 08" 11 2023, Protocol No. 3



A. A. Urisbayeva

Presented at the Academic Council of the Faculty  
" 15" 11 2023, Protocol No. 3



Academic Secretary



G. M. Atakhanova



## Introduction

Mastering the undergraduate educational program in the specialty Specialty – "8D04203 Jurisprudence", in accordance with the state compulsory education standard of the Republic of Kazakhstan and academic policy, it ends with a final control, including passing an exam. Only doctoral student who have scored the appropriate points in accordance with the curricula and work curricula of the bachelor's degree and who have completed the educational process in the discipline are allowed to take the final examination. The examination is carried out on the dates specified in the Academic calendar and working curriculum.

Doctoral student who receive an unsatisfactory grade are allowed to take the final exam at this stage only with payment of the credit and re-study. There is provision for filing an appeal. A student who receives an unsatisfactory grade based on the exam results is ordered to register for re-study; if the exam received 25 points, then the FX retake is a retake. Health documents issued after receiving an unsatisfactory assessment will not be considered.

Retaking an exam to promote a grade is not permitted.

Exam questions are reviewed and approved.

Instructions for taking the exam:

1. The final control of the discipline is carried out in the form of an oral exam.
2. Important - the exam is mandatory in accordance with a pre-approved schedule, which teachers and doctoral student must be aware of in advance.
3. The student must prepare for the exam in 30 minutes. This is a proctoring requirement.
4. If a student violates the procedure for taking the test, the resulting grade is subject to cancellation.

### 5. Grading Policy:

Criteria-based assessment: assessment of learning outcomes in accordance with descriptors, checking the development of competencies (learning outcomes) at intermediate controls and exams.

Summative assessment: assessment of activity and participation in work in the classroom; task completion, SRS assessment.

| Letter grade | Digital equivalent | Points (%) indicator) | Traditional assessment |
|--------------|--------------------|-----------------------|------------------------|
| A            | 4                  | 95-100                | Great                  |
| A-           | 3.67               | 94-90                 |                        |
| B+           | 3.33               | 85-89                 | Fine                   |
| B            | 3.0                | 80-84                 |                        |
| B-           | 2.67               | 75-79                 |                        |
| C+           | 2.33               | 70-74                 | Satisfactorily         |
| C            | 2.0                | 65-69                 |                        |
| C-           | 1.67               | 60-64                 |                        |
| D+           | 1.33               | 55-59                 |                        |

|    |     |       |                |
|----|-----|-------|----------------|
| D- | 1.0 | 50-54 | Unsatisfactory |
| FX | 0.5 | 25-49 |                |
| F  | 0   | 0-24  |                |

### **Main topics to prepare for the exam:**

#### **Topic 1. Financial system and analysis of its composition**

Public finance: concept, meaning, principles, functions. The role of public finance in the process of market transformations of the economy of Kazakhstan.

Financial system of the state: concept, meaning, aspects, principles; functions. The financial system of the state and the financial system of the country: differences, units, regulatory frameworks.

Financial activity of the state: concept, main functions, tasks, goals, legal basis. The financial activity of the state is a purposeful, planned activity.

#### **Topic 2. Methods and system of financial law. The relationship between general and specific sections of financial law**

Subject of legal regulation of financial law: concept, meaning. State financial relations: types, their characteristic features and their difference from commodity-money relations.

Financial law: concept, meaning. Features and trends in the development of financial law as a field of law at the present stage. Financial law as a form and

method of implementing financial activities. The main goals and objectives of financial and legal regulation.

The role of financial law in the legal system of Kazakhstan and its relationship with related branches of constitutional law, administrative law, civil law, as well as its differences from them.

Methods of legal regulation of financial law: concept, types, characteristic features, areas of application. Reasons and basis for the use of the one-sided imperative method.

### **Topic 3. Types of financial legal norms and their impact on the emergence, change and termination of financial and legal relations**

Financial and legal norms: concept, characteristic features and features, structure. The meaning and limits of the implementation of financial legal norms in time and space, in territories, within individuals.

Main types, classification of financial and legal norms. Protective and regulating financial and legal norms. The main goals of regulatory financial and legal norms. Alternative and optional financial regulations. Material and organizational, imperative and dispositive financial and legal norms.

Financial legal relations: concept, characteristic features, types, objects. Material and organizational, expansive and conditional financial and legal relations. Budgetary, foreign exchange financial, financial and banking, financial and insurance, tax, financial and economic legal relations.

Financial law and subjects of financial legal relations: types, features of the legal status, circumstances related to government bodies. Ways for subjects of financial legal relations to protect their rights and legitimate interests.

### **Topic 4. Legal problems of currency regulation. Conducting an analysis of currency legislation**

Legal foundations of the monetary system as an institution of the general part of financial law: concept, meaning. Objects regulated by this institution.

Monetary system: concept, types, basic elements, legal basis. Official currency. Types of money. The procedure for issuing money. Currency turnover regime. Functions of money: amount of value, payment instrument, means of accumulating funds.

Monetary system of the Republic of Kazakhstan: legal framework, distinctive features. Types of money included in the monetary system of the Republic of Kazakhstan. The monetary unit of the Republic of Kazakhstan as a legal payment instrument. Prospects for the development of the structure of the national currency. Legal basis for organizing cash and non-cash money circulation and issue of money.

### **Topic 5. Financial structure of the state and legal basis of financial regulation**

Legal foundations of the financial construction of the state as an institution of the general part of financial law: concept, meaning.

Financial structure of the state: concept, composition, foundations of organization, legal framework. Financial system of the state. System of state authorized bodies. State financial regulation.

Financial system of the state. State financial policy. Unity, territoriality of the financial system. Financial mechanism: elements, aspects. Financial system of society: concept, industries.

### **Topic 6. System, powers of bodies exercising management in the field of public finance**

Public finance management: concept, elements, principles of management organization, main tasks. Subjective elements of the formation and implementation of public financial management.

Basic methods, legal forms and current problems of management in the field of public finance. A criterion for rationalizing management in the field of public finance. A system of general and special competent state authorized bodies that carry out financial management. Authorized state bodies with financial competencies, as the executive apparatus of financial construction. Ensuring the functioning of the financial system. Stimulating investment activity in the process of managing public finances, bringing the state's financial system into line with market transformations and requirements and providing for the fundamental construction of a socially oriented market economy.

### **Topic 7. Stages of financial planning. Fiscal year. Financial period.**

Financial planning is one of the main areas of financial activity of the state: concept, object, principles, methods, legal framework. Scientific foundations of financial planning and forecasting. A combination of long-term and current financial planning. Justification of the backup option of the financial plan. Balance of indicators of financial resources of the state, economic sectors, local government bodies. Regulatory framework of financial planning.

Financial planning process: purpose, implemented and participating financial planning bodies and authorized government bodies, stages, legal forms. An integral part of socio-economic planning. Legislatively prescribed actions of specialized financial bodies and institutions and other government bodies. Stage: development of a draft financial plan; review of the draft financial plan; approval of the financial plan; execution of the financial plan; report on the execution of the financial plan. Planning and financial acts. Planning to reduce public debt and budget deficit.

Financial plans: system, types, legal forms, features. The financial plan is an important element of the state plan. Ensuring funds planning: management of income and expense balances; managing funds from various sources of income; regulation of the use of funds. System of financial plans: national financial plan; industry financial plans; territorial financial plans. Fiscal year and financial period. Elements of the financial period.

### **Topic 8. Concept and elements of financial control**

Legal regulation of state financial control as an Institute of the general part of financial law: concept, meaning, legal framework.

State financial control: concept, elements, principles, industries, classification. State financial control as one of the types of specialized state control. The result of state financial control: ensuring the successful functioning of all parts of the financial system; achieving the most rational use of financial resources. Direct and indirect financial control. Specialized and functional financial control. Financial control of representative power, executive power and judicial bodies.

### **Topic 9. Current problems of legal regulation of financial and legal liability**

Legal regulation of financial and legal responsibility as an institution of the general part of financial law: concept, meaning.

State coercion in the field of public finance: concept, measures, characteristic features, features. Measures of state coercion that are not measures of legal liability. Legal liability: concept, types, characteristic features, principles.

Financial offenses in the field of public finance: concept, main features, composition. Offenses in the field of taxation, state budget, currency regulation. Types of financial offenses. The procedure for initiating and features of proceedings in cases of financial offenses.

### **Topic 10. Legal foundations of the budget system. Analysis of budget legislation of the Republic of Kazakhstan**

The concept of budget law as part of financial law. Subject, method, sources and principles of budget law. The concept of budgetary legal relations and budgetary norms.

Revenue sources of the republican budget. Expenditures of the republican budget of the Republic of Kazakhstan.

Revenue sources of the local budget. Expenditures of the local budget of the Republic of Kazakhstan.

### **Topic 11. Concept and general characteristics of tax law. Types of taxes**

Subject, method, sources and principles of tax law. Subjects of tax legal relations.

Concept, composition and types of taxes. The role of taxes. Classification of taxes. Tax system of the Republic of Kazakhstan.

### **Topic 12. Banking system of the Republic of Kazakhstan. Banking legislation of the Republic of Kazakhstan. Powers of the National Bank**

Subject, sources, methods and system of financial and banking law. Principles of banking law. Correlation with other branches of law as a sphere of banking law.

Concept of the Bank. Banking system of the Republic of Kazakhstan. Banking activities of the state. Banking operations and their types.

Structure of the National Bank of the Republic of Kazakhstan, its powers. National Bank of the Republic of Kazakhstan as a supervisory authority. Law of the Republic of Kazakhstan On the National Bank.

**Topic 13. Legal regulation of the insurance system of the Republic of Kazakhstan. Types of insurance**

Subject, method, sources and principles of insurance law. The concept of insurance law as an institution of a special part of financial law. Conditions for the formation of insurance law in the Republic of Kazakhstan.

Concept and types of insurance. Complex forms of insurance. Concept and development of insurance activities in the Republic of Kazakhstan. Participants in insurance relations.

**Topic 14. Concept and general characteristics of financial and economic law, subject, system**

The concept of financial and economic law as part of financial law.

Subject, method, sources and principles of financial and economic law. The concept of financial and economic legal relations and financial and economic norms.

**Topic 15. Current problems of government lending and government borrowing**

Concept and general characteristics of government lending. Subjects of credit relations. Types of government lending.

State borrowing: concept and procedure. Types and forms of government borrowing.

Legal nature of agreements in the field of government lending.

**When preparing for the exam, the student is recommended to study the following regulations and literature:**

1. Constitution of the Republic of Kazakhstan. August 30, 1995, with changes and additions, electronic database “adilet.kz”, 2023

3. Budget Code of the Republic of Kazakhstan Code of the Republic of Kazakhstan dated December 4, 2008 No. 95-IV, database “adilet.kz”, 2023

4. Code of the Republic of Kazakhstan dated December 25, 2017 No. 121-VI “On taxes and other obligatory payments to the budget (Tax Code)” as amended and supplemented by orders of the Chairman of the Tax Committee of the Ministry of Finance of the Republic of Kazakhstan dated December 31, 2017 No. 539 " On approval of tax reporting forms and rules for their preparation", database "adilet.kz", 2023.

Special literature:

1. Financial law of the Republic of Kazakhstan: textbook / N. R. Veselskaya, M. T. Kakimzhanov. - M.: 2015. - 312 p.

2. Saktaganova I. S. Financial law of the Republic of Kazakhstan. General and special part. - Almaty, 2016. - 256 p.

3. Saktaganova I. S. Financial law of the Republic of Kazakhstan. Using Kazakh technology. Textbook / I. S. Saktaganova. - Almaty: Publishing house "Epigraph", 2016. – 390 p.

4. Kuanalieva G. A. Financial law: Textbook. - Almaty: Kazakh University, 2017. – 162 p.

5. Financial law of the Republic of Kazakhstan: textbook / ed. A.E. Zhatkanbaeva. - Almaty, 2018. - 270 p.

#### additional literature

1. FINANCIAL LAW. Textbook and workshop for universities // Ed. Ruchkina G.F. - M.: Yurayt Publishing House - 2019 - 348 p. - ISBN: 978-5-534-11077-7 - Electronic text // EBS YURAYT - URL: <https://urait.ru/book/finansovoe-pravo-444491>

2. Current problems of financial law: Monograph / Gracheva E.Yu. - M.: Legal Norma, Scientific Research Center INFRA-M, 2019. - 208 p. - Access mode: <http://znanium.com/catalog/product/996136>

3. Zemlin A. I., Zemlina O. M., Olkhovskaya N. P.; Under general ed. Zemlina A.I. - FINANCIAL LAW OF THE RUSSIAN FEDERATION. Textbook for bachelor's and specialist's degrees - M.: Yurayt Publishing House - 2019 - 301 p. - ISBN: 978-5-534-09234-9 - Electronic text // EBS YURAYT - URL: <https://urait.ru/book/finansovoe-pravo-rossiyskoy-federacii-427492>

4. Kudryashov V.V. - INTERNATIONAL FINANCIAL LAW. SOVEREIGN FINANCIAL INSTITUTIONS 2nd ed., trans. and additional Textbook for bachelor's and master's degrees - M.: Yurayt Publishing House - 2019 - 268 p. - ISBN: 978-5-534-06910-5 - Electronic text // EBS YURAYT - URL: <https://urait.ru/book/mezhdunarodnoe-finansovoe-pravo-suverennye-finansovye-instituty-441834>

5. FINANCIAL LAW. PRACTICUM 2nd ed., trans. and additional Textbook for academic bachelor's degree // Ed. Ashmarina E.M., Terekhova E.V. - M.: Yurayt Publishing House - 2019 - 300 p. - ISBN: 978-5-534-08794-9 - Electronic text // EBS YURAYT - URL: <https://urait.ru/book/finansovoe-pravo-praktikum-433029>

**CRITERIA-BASED ASSESSMENT RUBRICATOR**  
(for all forms except standard oral/written testing)

**Discipline: Issues of the theory of financial law. Form: oral (offline)**

| № | Criteria   | Score   |   |  |  |   |
|---|--|---|---|--|--|---|
|   |  | DESCRIPTORS   |   |  |  |   |
|   |  | «Excellent»   | «Good»  | «Satisfactory»   | «Unsatisfactory»   |   |
|   | 90-100 %   | 70-89 %   | 50-69 %   | 25-49 %  | 70-89 %  |   |
| 1 | Understanding the general characteristics and types of the basis of Financial law<br><br><b>11 score</b> | Deep understanding of the concept and Financial law consideration of the basics of international arbitration law. Relevant and relevant links (citations) to primary sources.   | Understand the concept and types of the basis of Financial law Relevant and relevant links (citations) to primary sources.  | The average of the concepts and types of Environmental safety in the maritime and energy law of law. Relevant and relevant links (citations) to primary sources. | Limited understanding of the concept and types of consideration of Environmental safety in the maritime and energy law of disputes. Relevant and relevant references (citations) to primary sources. | Superficial understanding/misunderstanding of the concept and types of the basis of Financial law. Relevant and relevant references (citations) to the primary sources are not provided.                                      |
|   | Understanding the main problems of financial law<br><br><b>11 score</b>                                  | The comparison of the legislation of the Republic of Kazakhstan regulating the consideration of the basis of Financial law is very well connected. The ideal justification of arguments by the facts of empirical research (for example, based on comparative legal or statistical analysis). | Connects the comparison of the legislation of the Republic of Kazakhstan, the basics of Financial law. Supports the arguments with the facts of empirical research. | limited connection of the concepts of the basics of financial law and their limited use.   | Communication in comparison of the legislation of the Republic of Kazakhstan regulating the basics of Financial law. Limited use of empirical research evidence.                                     | In comparison with the legislation of the Republic of Kazakhstan regulating Environmental safety in the maritime and energy law disputes, the connection is insignificant or absent. Little or no empirical research is used. |
|   | Political proposal or practical recommendations /suggestions   | Preparation of competent scientific and/or practical recommendations and  | Offers some considerations and/or practical   | Limited practical recommendations. The recommendations are   | There are few or no practical recommendations,   | There are few or no considerations and practical recommendations related to the   |



|   |  |   |  |  |  |   |
|---|--|---|--|--|--|---|
|   | <b>11 score</b>  | recommendations related to the prevention of environmental safety in the maritime and energy legal disputes in Kazakhstan.  | recommendations and suggestions for the prevention of Environmental safety in marine and energy legal disputes in Kazakhstan | superficial, not based on a thorough analysis, and not critical.   | or recommendations of very poor quality.                                     | prevention of environmental safety in the maritime and energy law disputes in Kazakhstan, or recommendations of very poor quality |
| 2 | understand concepts through theory<br><b>11 score</b>                  | The general concept of the basic concepts is given  | The theoretical concepts of environmental safety in the marine and energy sector are disclosed                               | The recommendations are superficial, not based on a thorough analysis  | recommendations of a very low quality concept                                | there are very few practical recommendations related to the theoretical concepts of arbitration disputes in Kazakhstan            |
|   | understand the basic questions<br><b>11 score</b>                      | Offers some considerations, recommendations, consideration of environmental safety in marine and energy legal disputes  | The general concept of the terminology Environmental safety in marine and energy legal disputes is given                     | Discloses the content of the rights to develop rules of personal behavior to prevent unjustified initiation of cases | the main theoretical issues are moderately disclosed                         | The main issues of environmental safety in marine and energy legal disputes are poorly disclosed                                  |
|   | suggestion or practical suggestions/recommendations<br><b>11 score</b> | The comparison of the legislation of the Republic of Kazakhstan regulating the consideration of environmental safety in marine and energy legal disputes is very well connected | Supports arguments with empirical research facts   | Well demonstrates the clarity, accuracy and correctness of Environmental safety in marine and energy legal law       | Limited use of empirical research evidence                                   | Little or no empirical research is used.  |
| 3 | understand concepts through theory<br><b>11 score</b>                  | Ideal substantiation of arguments by empirical research facts   | Connects concepts with theory very well  | connects concepts with theory well   | Limited use of proofs in theory  | They don 't use concepts at all   |
|   | understand the basic questions<br><b>11 score</b>                      | Ideal argumentation of the main issues  | It connects concepts well with scientific data.  | Limited use of evidence  | The answers do not correspond to the main question                           | The basic answers are of very poor quality.   |
|   | oral, style, speech literacy<br><b>12 score</b>                        | Verbally demonstrates clarity, accuracy and correctness. Strictly adheres to APA style.   | Verbally demonstrates clarity, accuracy and correctness.   | Verbally there are some basic errors and clarity needs to be improved. There are errors in following APA style.      | It is unclear what is written, the questions do not correspond to the answer | It is unclear what is written, it is difficult to keep up with the content. There are many  |

|  |  |  |                                 |  |  |                                  |
|--|--|--|---------------------------------|--|--|----------------------------------|
|  |  |  | Basically adheres to APA style. |  |  | mistakes in following APA style. |
|--|--|--|---------------------------------|--|--|----------------------------------|