

MATERIÁLY XIII MEZINÁRODNÍ
VĚDECKO-PRAKTICKÁ KONFERENCE



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DEVELOPMENT OF TRANSPORT LEGISLATION OF THE REPUBLIC OF KAZAKHSTAN

The efficiency of transport regulation policy depends on many factors, namely, the degree of legal efficacy of laws and regulations, the number and content of the provisions of law, legislation growth direction, etc.

Formation of Kazakhstan transport legislation has passed four stages:

- the period of transport legislation formation (1917-1960);
- the development of transport legislation during planned and contract period (1961-1990);
- the period of formation of transport legislation of an independent Republic of Kazakhstan (1991-2000);
- the period of the development of transport legislation of the Republic of Kazakhstan (from 2001 till today).

The first stage covers the period of formation of administrative and command system which is characterized by strict centralism of economic life based on state-owned property and by the lack of real economic freedom. During that period regulatory regime of transport relations was mainly carried out by the Government regulations and administrative and party bodies.

The second stage includes the period of formation and development of national economy. The general regulations governing transport relations on transportation were Bases of the Civil Legislation of the USSR and constituent republics. The Supreme Council of the USSR adopted «Bases of the Civil Legislation of the USSR and Federal Republics» on December 8, 1961. The civil legislation was codified in the form of Civil Codes within constituent republics. The Civil Code of Kazakh SSR was adopted by the Supreme Council of KazSSR on December 28, 1963 and was brought into force on June 1, 1964. With the adoption of the Principles of Civil Law in 1961 the transportation agreement and agreement of expedition were declared as independent

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ISSUES OF KAZAKH CITIZENSHIP BY KAZAKHSTANI LAW

Kazakhstan sprawls accross a territory of approximately 2.7 million square km and borders the two great powers of Russia and China. The Republic of Kazakhstan is home to over one hundred nationalities, the most influential of which remain the Russians.

High literacy rates, health standards and favourable relations with other countries allow the citizens of the country to live comfortably and make the most of their opportunities. Independence from the Moscow-dominated USSR, economic liberalism and societal identity formation in the last two decades have played a major role in sustaining peace and tranquility in the Republic of Kazakhstan. Under the leadership of President Nursultan Nazarbayev, there has not been mass violence based on ethnicity, as could have been expected at the dawn of the current government. Kazakhstan creates the conditions for the return to its territory of the persons that were forced to leave the territory of the republic in the period of mass repression, forced collectivization, as a result of other inhumane political actions, and their descendants, as well as Kazakhs, living in other countries. In addition, a citizen of the Republic of Kazakhstan is not recognized as a citizen of another country. [1].

Nowadays, Kazakh society has a sound foundation based on tolerance, peace and accord of all 140 ethnic groups and 46 confessions. According to the final Soviet census, taken in 1989, Kazakhs constituted 40.1 per cent of the population, while Russians were 37.4 per cent. Combined with the Ukrainians (5.4 per cent) and the Belarusians (1.1 per cent), the Slavs composed 44.2 per cent of the population. According to the latest population census of 2009, the total population of Kazakhstan was 16.0 million people. Kazakhs, at 10.098 million, comprised a clear majority with 63.1 percent of the total; Russians, with 3.797 million, comprised 23.7 percent. [2].

The Citizenship Law granted the right for Kazakhstani citizenship to every individual living in the country at the moment of independence without any additional conditions, as it had been the case in other areas of the Soviet Union, in particular, the Baltic states. On the other hand, the Constitution of Kazakhstan prohibits dual citizenship in the country. This decision had more importance for numerous ethnic Russians living in Kazakhstan, who still preserved ties with Russia, since they had to choose between Kazakhstani and Russian citizenship. Many Russians eventually picked Kazakhstani citizenship, but according to many records, for most of them this was rather a forced move and they would gladly have kept both citizenships. After obtaining citizenship of Kazakhstan, Russians became foreigners in Russia, their “historical homeland”, but the adoption of Russian citizenship would have made them aliens in the country in which they live and work. Therefore, the requirement of dual citizenship is mentioned in almost all documents of the Russian political groups and organizations and is often named as the main reason for dissatisfaction of Russians living in Kazakhstan. As Surucu points out, the citizenship issue actually is tied to all the various problems of Russians in Kazakhstan, such as fear for their future in the new non-Russian state, the uncertainty associated with their own identity, desire to secure their ties with historic and imaginary homeland, and a certain disappointment by the unwillingness of Russia to actively assist ethnic Russians living in the post-Soviet space.

The significance of citizenship in any legal system is of paramount and copious importance. Features of citizenship in Kazakhstan are appropriately disclosed. Particular attention is paid to the demands of taking Kazakh citizenship, to the privileges and consequences. The conclusion was that it is worth considering before getting new citizenship or acquiring foreign nationality. Kazakhstani citizenship derives from residency, not descent. Citizenship of the Republic of Kazakhstan defines a sustainable political and legal relationship of a person with the state, expressing the totality of their mutual rights and obligations.

In the Republic of Kazakhstan, everyone has the right to a citizenship. Citizenship is acquired and terminated in accordance with the Law on Citizenship for the Republic of Kazakhstan, dated December 20, 1991. As Kazakhstan has a secular constitution, the legislation of the Republic of Kazakhstan concerning legal status of citizens is based on the Constitution of the Republic of Kazakhstan and determines basic rights and responsibilities of citizens, protects interests of citizens.

Citizenship of the Republic of Kazakhstan is uniform and equal regardless of the grounds for its acquisition. Citizenship of the Republic of Kazakhstan shall be

acquired: 1) by birth; 2) as a result of conferment of citizenship of the Republic of Kazakhstan; 3) on the grounds or in the manner, provided by the interstate agreements of the Republic of Kazakhstan; 4) on other grounds, stipulated by the Law.

When parents have different citizenship, and one of which at the time of birth a child, was a citizen of the Republic of Kazakhstan, the child shall be a citizen of the Republic of Kazakhstan, if he was born:

1) in the territory of the Republic of Kazakhstan;

2) outside the Republic of Kazakhstan, but the parents or one of them at this time have the permanent residence in the territory of the Republic of Kazakhstan.

When parents have different citizenship, and one of which at the time of birth a child, was a citizen of the Republic of Kazakhstan, and if at this time, both parents have permanent residence outside of the Republic of Kazakhstan, the citizenship of a child born outside the Republic of Kazakhstan shall be determined by the agreement between the parents, expressed in written form.

The decision on the application for conferment of the citizenship of the Republic of Kazakhstan is adopted by the President of the Republic of Kazakhstan.

The citizenship of the Republic of Kazakhstan may be granted to:

1) the persons, permanently residing in the territory of the Republic of Kazakhstan legally for at least five years, or are married to citizens of the Republic of Kazakhstan for at least three years.

2) the citizens of the former Soviet republics, that arrived for permanent residence in the Republic of Kazakhstan, and have one of his (her) close relatives - citizens of the Republic of Kazakhstan: the child (including adopted), the wife (husband), one of the parents (adoptive parents), sister, brother, grandfather or grandmother, regardless of their residence in the Republic of Kazakhstan.

The citizenship of the Republic of Kazakhstan may be granted in the simplified (registration) order to:

1) the oralmans, permanently residing in the territory of the Republic of Kazakhstan legally for at least four years or are married to citizens of the Republic of Kazakhstan for at least three years;

2) the rehabilitated victims of mass political repressions, as well as their descendants, deprived or lost their citizenship without free will, and permanently residing in the territory of the Republic of Kazakhstan on legal grounds, regardless of the period of residence.

The term for reviewing the materials for conferment of the citizenship in a simplified (registration) order should not exceed three months from the filing date.

An application for conferment of citizenship and restoration of the citizenship of the Republic of Kazakhstan shall be rejected, if the applicant:

1) committed a crime against humanity, provided by the international law, knowingly acts against the sovereignty and independence of the Republic of Kazakhstan; 2) calls for the violation of the unity and territorial integrity of the Republic of Kazakhstan; 3) performs illegal activities that harm national security, public health; 4) incites the ethnic and religious discord, prevents the functioning of the state language of the Republic of Kazakhstan;

5) belongs to the terrorist and extremist organizations or convicted for terrorist activities; 6) is on the international wanted list, and serving a sentence for by a final judgment of the court or his (her) actions recognized by the court as particularly dangerous recidivism; 7) is a citizen of other countries;

8) reported the false information about himself (herself), when applying for conferment of the citizenship of the Republic of Kazakhstan or without good reason did not submit the required documents within the timeframe, established by the legislation of the Republic of Kazakhstan;

9) has the unexpunged or outstanding conviction for premeditated crimes in the territory of the Republic of Kazakhstan or abroad, recognized as such by the legislation of the Republic of Kazakhstan;

10) committed an offence in the economic sphere and (or) the legislation of the Republic of Kazakhstan in the field of migration during the five years prior to filing an application for conferment of the citizenship of the Republic of Kazakhstan; 11) lost the citizenship of the Republic of Kazakhstan.

Citizenship of the Republic of Kazakhstan is terminated due to:

1) renunciation of citizenship of the Republic of Kazakhstan; 2) loss of citizenship of the Republic of Kazakhstan. [3].

Since independence in 1991, vast numbers of non-titular peoples have left Kazakhstan in search of stability in another "homeland." This trend made Kazakhs once again the predominant ethnic group in Kazakhstan. However, statistics show that the exodus of minorities was reversed in late 1990s when, for example, the ethnic Germans who couldn't adapt in Germany, who were seen as Russians or whatever else, came back to what was more familiar.

Ideally, the Kazakhstan envisioned in the brochures and political speeches consists of all the peoples that have for reasons known only to history come to live in this republic in peace and harmony with each other. Ideally, it doesn't matter whether one is considered Kazakh, or a Jew, or a Russian, or whatever else, as long as they are law-abiding citizens of Kazakhstan.

President Nazarbayev and the government of Kazakhstan is approaching the theme of 'One country, one people, one destiny' is that they actively incorporate messages on tolerance and the value of diversity. The message is not that all of Kazakhstan's citizens must be alike. On the contrary, Kazakhstan is a multi-ethnic, multi-cultural and multi-religious society that draws strength from its diversity. By embracing its diversity at the same time it is building pride in what it means to be a citizen of Kazakhstan, Kazakhstan is sending a positive message to the people of Kazakhstan and to the world." [4].

What is left for future generations is to promote the understanding of citizenship. Historically we might be different ethnic groups, but right now and in the future, the people of Kazakhstan will be united in their homeland under one flag and coat of arms. The blue sky that spans the entire country and the shanyrak that unites everybody under one roof are symbols of a unified and peaceful people. Only together will the people of Kazakhstan be able to achieve the greatest heights and breakthroughs of the modern age.

References

1. Constitution of Republic of Kazakhstan, from 30 August, 1995. – Almaty: Baspa, 2014; Zharbolova A.Zh. "Constitutional law of RK" seminars on the subject of additional training materials. Textbook. – Kazakh University, 2015. – p.64
2. Rima Tkatoeva, Central Asian States and International Law: Between Post-Soviet Culture and Eurasian Civilization // Chinese J. Int'l L. – 2010. – 9(205). – p.217-218
3. The Law of the Republic of Kazakhstan on Citizenship of the Republic of Kazakhstan, 20 December, 1991
4. Zaura Ayupova, A Concise Essay on the History of State and Law Development in the Republic of Kazakhstan // Tulsa J. Comp. & Int'l L. – 1998-1999. – 6 (49). – p. 62-63

Občanské právo

Олифер Виктория ,Сысоева Дарья

ПРИВАТИЗАЦИЯ В УКРАИНЕ: НЕДОСТАТКИ И ПРЕИМУЩЕСТВА

Согласно статистике 95% украинцев являются собственниками жилья. На сегодняшний день Украина является лидером среди стран Европы по количеству людей, которые являются собственниками жилья. По данным Национального института стратегических исследований в Нидерландах всего лишь 5% домохозяйств владеет собственным жильем, в Германии – 24%, в Польше 75%, в Португалии – 47%. Это значит, что в Украине была произведена приватизация собственности. Из-за чего большинство украинцев стали обладателями своих домов и квартир. По данным Института 4,8% населения арендуют жилье у других. В Швеции это число составляет 36%, а во Франции 22%. [3][4]

Во многих странах Европы есть такая услуга, как строительство жилья, которое в дальнейшем сдается в аренду. Это очень выгодно, как для собственника (получение прибыли от арендодателей), так и для самих арендаторов данного жилья (сниженная стоимость расходов в месяц). Так, например, арендатор платит за съемное жилье и налог на проживание, который выплачивается тем, кто непосредственно проживает в квартире. А собственник, в свою очередь, платит налог на недвижимость. Размер налога устанавливается местным муниципалитетом и зависит от региона, площади и стоимости жилья. Чем престижнее район, тем выше налог. Т.е. подводя итог по вышесказанному, в Европе дешевле снимать жилье, чем быть собственником.

В Украине все наоборот. В связи с нестабильной экономикой нашей страны, мы никогда не знаем, что будет завтра. И каждый украинец, хочет жить в своей квартире, чем думать о том, что завтра ее могут забрать. Неприватизированная квартира – это жилое помещение, которое является собственностью государства. [5] Плюсы не приватизированной квартиры в том, что тебе не требуется платить налог на квартиру, как это делают собственники. Этот налог составляет от 0% до 3% заработной платы. Итоговое решение по данной ставке принимает орган местного самоуправления. Таким образом, размер налога будет отличаться для различных областей Украины, например: в Днепропетровской области – 2%, в Винницкой – 2%, Запорожье, Одесса – 2%, а вот в столице Украины, Киеве – 1% .

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