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ВЕСТНИК

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РЕСПУБЛИКИ КАЗАХСТАН

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NAS RK is pleased to announce that Bulletin of NAS RK scientific journal has been accepted for indexing in the Emerging Sources Citation Index, a new edition of Web of Science. Content in this index is under consideration by Clarivate Analytics to be accepted in the Science Citation Index Expanded, the Social Sciences Citation Index, and the Arts & Humanities Citation Index. The quality and depth of content Web of Science offers to researchers, authors, publishers, and institutions sets it apart from other research databases. The inclusion of Bulletin of NAS RK in the Emerging Sources Citation Index demonstrates our dedication to providing the most relevant and influential multidiscipline content to our community.

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PROBLEMS OF THE USE OF GENETIC INFORMATION IN CIVIL PROCEEDINGS[1*]

Abstract. In the presented article, the author analyzes the features of the use of genetic information obtained as a result of the study of human DNA (*Deoxyribonucleic acid*) in civil proceedings, which, until recently, was considered as one of the most reliable evidence in the case. However, the examples from practice given in the work show the vulnerability of the approach when any of the evidence is recognized as having the greatest value, compared to the rest.

The cases considered indicate that, despite the high reliability of the genetic information obtained as a result of the study of the DNA profile, nevertheless, the result of the examination may be erroneous due to cross-contamination of samples with other genetic material, mixing of DNA samples belonging to different persons in forensic medicine laboratories, including due to mislabelling and, finally, the minimal, but existing possibility, the overlap of DNA profiles in different subjects.

The presented article substantiates the conclusion that the value and significance of the results of DNA research for the purpose of providing genetic information about one of the parties to the trial will largely depend on its analysis in conjunction with other available evidence in the case.

Given that genetic tests in legal proceedings can certainly be useful and necessary, the court should use an individual approach when deciding whether to order a genetic examination.

The widespread use of genetic tests in civil proceedings can have far-reaching implications not only for judicial practice and legal doctrine, but for the whole society as a whole, and can affect public attitudes towards responsibility, privacy and justice.

Key words: genetic information, molecular genetic examination, DNA profile, genetic markers, forensic evidence, establishing the origin of the child, genetic relationship, assisted reproductive technologies, challenging paternity, trial.

Introduction. The development of modern technologies in genetics and biomedicine has led to an increase in the importance of genetic information contained in human DNA in various spheres of his life.

The peculiarity of genetic data (genetic information) is that they relate to the inherited or acquired genetic characteristics of an individual, which provide unique information about the physiology or health of the specified person and which is the result, in particular, of the analysis of his biological sample. [Regulation No. 2016/679 of the European Parliament and of the Council of the European Union "On the protection of natural persons in the processing of personal data and on the free circulation of such data, as well as repealing Directive 95/46 / EC (General Data Protection Regulation)" paragraph 13].

This quality of the uniqueness of genetic data allows them to be used in criminal and civil proceedings as evidence, with the help of which the court establishes the presence or absence of circumstances justifying the claims and objections of the parties. As well as other circumstances that are important for the correct consideration and resolution of the case (Article 55 of the Civil Procedure Code of the Russian Federation - hereinafter referred to as the Code of Civil Procedure of the Russian Federation; Article 74 of the Criminal Procedure Code of the Russian Federation).

It should be noted that, for example, in foreign judicial practice, human DNA research has long retained

1 *The research was carried out with the financial support of the Russian Foundation for Basic Research within the framework of scientific project No. 18-29-14014 MK "The concept of civil legal protection of citizens' rights when using genomic technologies".

the status of a "gold standard" among judicial evidence for its ability to rehabilitate an innocent and convict a guilty person [Stiffelman, 2019].

However, then the picture began to change. Perhaps the most revealing incident that challenged the supremacy of DNA testing over other evidence occurred in Germany, where police spent years looking for a mysterious woman known as the "Heilbronn Ghost," whose DNA profile has been recovered from crime scenes ranging from murder to theft.As a result of the investigation, it turned out that this woman worked in an organization that produces cotton swabs, which are used by forensic scientists to collect DNA from samples at the crime scene.

Accidental contamination of samples from the crime scenes with her DNA (which was on the tampons) was the basis for suspecting her of committing dozens of crimes. [Tompson, 2013]. This case is a vivid illustration of an error in the conduct of molecular genetic examination, when DNA samples from a crime scene are contaminated with foreign genetic material.

Another paradoxical incident occurred in the United States, where Lydia Fairchild was pregnant with her third child when she decided to divorce her husband and demanded child support from him. Both parents did a test to confirm the relationship with their children, during which it turned out that the children and the mother have no genetic link. Fairchild L. was accused of fraud involving a surrogate mother, and the prosecutor's office demanded that her children be seized.

As a result of the proceedings, the court ordered that an observer be present at the birth of the third child, who had to make sure that blood samples were taken from the woman and the newborn. However, a DNA test showed that the American was not the mother of this child either. The investigation has reached a dead end. Then the woman's lawyer, looking for arguments, came across an article about a similar case that happened with Karen Keegan, and insisted on a more detailed analysis of the cells of his client.

Genetic examination showed that L. Fairchild's skin and hair contain one genome, and the cervix - another, corresponding to the set of genes of her children. All charges against the woman were dropped, she was awarded alimony. Thus, it was proved that L. Fairchild is genetically a chimera, due to the fact that in the womb in the early stages of pregnancy she absorbed her twin sister: an unborn twin sister and passed on her genes to the children.

Materials and methods. Further, the examples given show the vulnerability of the approach, when any of the evidence is recognized as having the greatest importance, compared to the rest, which is often demonstrated in legal doctrine. So, E.A. Usacheva notes that the results of the DNA examination are decisive in cases of establishing and challenging paternity [Usacheva, 2019]. Currently, this conclusion is shared by many researchers.

In particular, I.Y. Kuleeva claims that "a molecular genetic examination can make a reliable conclusion about the origin of a child from a certain man" [Kuleeva, 2019].In turn, O.Y. Loginova admits that the development of the method of genomic fingerprinting "helps to establish the origin of a child from a certain subject, which is an unmistakable method" [Loginova, 2019].

As can be seen from the above example, L. Fairchild, who almost lost her children, would probably not agree with the conclusion about the infallibility of this method of establishing the origin of the child.

So, in accordance with paragraph 20 of the Resolution of the Plenum of the Supreme Court of the Russian Federation dated May 16, 2017 No. 16, to clarify issues related to the origin of the child, the court has the right, taking into account the opinions of the parties and the circumstances of the case, to appoint an examination, including molecular genetic, paternity (motherhood) with a high degree of accuracy.

At the same time, the courts should take into account that the opinion of the expert (experts) on the child's origin is one of the evidence, it does not have a predetermined force for the court and is subject to assessment in conjunction with other evidence available in the case (part 2 of Article 67, part 3 Article 86 of the Code of Civil Procedure of the Russian Federation).[Resolution of the Plenum of the Supreme Court of the Russian Federation of May 16, 2017 N 16 (as amended on December 26, 2017) "On the application of legislation by the courts when considering cases related to establishing the origin of children" // "Rossiyskaya Gazeta", No. 110, May 24, 2017].

Indeed, in a disputable situation, taking into account the level of development of medical, genetic research in accordance with part 1 of Article 79 of the Code of Civil Procedure of the Russian Federation, if issues arise in the process of considering a case that requires special knowledge in various fields of science, technology, the court may appoint an examination. At the same time, the Supreme Court of the Russian Federation indicates that when establishing paternity, the court takes into account any evidence that reliably confirms the origin of the child from a specific person. Such evidence can be obtained from explanations of the parties

and third parties, testimony of witnesses, written and material evidence, audio and video recordings, expert opinions (paragraph 2 of part 1 of Article 55 of the Code of Civil Procedure of the Russian Federation), (clause 19 of the Resolution of the Plenum of the Supreme Court of the Russian Federation of 05.16.2017 No. 16).

As the specialists of the Institute of Criminalistics of the Center for Special Technique of the FSB of Russia note in their study, if it is necessary to establish family ties in the case of a parent – child duet, it seems insufficient "genotyping of only STR-loci of non-sex chromosomes

The most reliable way to prove the relationship between any of the parents and the child is only if there is a complete trio of mother – child – father, but this is an ideal situation and in practice it is not always possible to study the trio. To confirm / exclude a possible parent – child relationship in the absence of one of the parents, in addition to genotyping the STR-loci of autosomes, it is absolutely obvious that additional molecular genetic studies must be carried out [Kovtun, 2013].

Results and discussion. It should be noted that in the study of DNA, it is impossible to exclude, albeit minimal, but the possibility of coincidence of the profiles of different persons. Thus, false accusations related to the coincidence of DNA profiles have occurred both in the UK and in the United States of America.

For example, in 1999, a DNA profile from a burglary site in Bolton, England, was matched in a database search with a profile of a person from Swindon, England. The frequency of six loci matches between DNA profiles has been reported to be 1 in 37 million. Although this Swindon man was arrested, doubts arose as to his identification as he was disabled and physically incapable of committing the crime in Bolton.

Testing additional genetic loci excluded him from the sample, proving that the original match of 1 in 37 million was exactly a match. As noted in this regard, D. Balding, the expected minimum probability of coincidence of DNA profiles is about two matches in the United Kingdom (population - 60 million), but there may be more [Balding, 2005].

The presence of a relative of the person who left traces at the crime scene, as well as the person in respect of whom paternity is established, can complicate the interpretation of the results of the examination.

For example, if the person who is the father has a brother, then excluding the paternity of the latter may require considerable effort. In the literature, there is a case when, having excluded the father's brother at one locus, experts had to analyze another 22 genetic markers before they received an exception for the alleged father's brother at the second locus [Goodwin et al, 2003]. In this regard, the question arises about the amount of identification information sufficient for an expert conclusion. So, E.R. Rossinskaya admits that "it is fundamentally important in this situation to consider the results of DNA analysis in a single block of other evidence in the case, especially when identification is carried out through the use of a database" [Galyashina et al].

The cases considered indicate that despite the high reliability of the genetic information obtained as a result of the study of the DNA profile, nevertheless, the result of the examination may be erroneous due to cross-contamination of samples with other genetic material, mixing of DNA samples belonging to different persons in forensic medicine laboratory, including due to mislabelling and, finally, the minimal, but existing, possibility of the coincidence of DNA profiles in different subjects.

It should be noted that the jurisprudence also takes into account the need to consider the available evidence in their totality when establishing the factual circumstances of the case (hereinafter the plot of the case is given).

Thus, in one of the disputes, the plaintiff filed a lawsuit against the defendant L. to annul the record of the act on establishing paternity in respect of the minor F., to cancel the decision to recover alimony, citing in support of the stated requirements that, that he is not the biological father of the daughter born to L., however, he established paternity in relation to this child, believing that he is her father.

According to the case file, the parties were not married. The defendant had a daughter, F., and the plaintiff acknowledged paternity in relation to her, which was confirmed by the record of the registry office. The child was given the name and patronymic of the plaintiff; new birth certificate issued. Later, by the decision of the magistrate, alimony was recovered from the plaintiff in favor of the defendant for the maintenance of a minor child.

The court, having checked the arguments of the parties and evaluated all the evidence presented by them in aggregate, concluded that the plaintiff voluntarily established his paternity in relation to the minor daughter F.

The plaintiff's argument that L. had misled him, that her daughter F. was the plaintiff's own child, was the subject of research and was not confirmed during the consideration of the case. The plaintiff's reference to the conclusion of the forensic molecular genetic examination that he is not the father of the child L. does

not refute the conclusion of the court that he knew that he was not the father of the child in respect of whom he established his paternity. [Appeal ruling of the Moscow Regional Court dated May 4, 2016 in case No. 33-7590 / 16].

Thus, the absence of a genetic link between the plaintiff and the child in this dispute, proved by a forensic molecular genetic examination, did not serve as a basis for canceling the record of his paternity in relation to the child born by the defendant. This conclusion of the court was based on the interpretation of paragraph 2 of Article 52 of the Family Code of the Russian Federation that the contestation of paternity can take place only if the court establishes that the person at the time of the entry of paternity did not know that he was not father of the child.

It should be noted that foreign judicial practice, in many respects, shares this approach. Thus, the decision of the High Court of Massachusetts in the Re Paternity of Cheryl case has become a famous precedent. Based on the materials of this case, the man officially recognized his paternity in relation to the minor Cheryl some time after her birth. He was not married to Cheryl's mother. For several years, he visited the child and supported him financially. He believed that he was the genetic father of the girl, but then began to suspect that this was not true.

After the court made a decision to increase the amount of alimony, the man independently transferred Cheryl's genetic material for examination, the results of which showed that she was not his genetic child. Then he went to court demanding release from all alimony obligations. However, the Massachusetts High Court ordered him to fulfill his parental responsibilities, basing his decision on the interests of Cheryl, who grew up as his child and called him her father. As the court believed, in this case it is not important whether his mother Cheryl deceived him, making him think that this is his genetic child. He could have avoided a similar situation if DNA testing had been carried out at the birth of the girl. Under the circumstances, the child had no choice at all to be born or not [Bartholet, 2004].

Thus, genetic relationship is not always the decisive factor in paternity matters. It seems that this approach of the legislator to a certain extent takes into account the ongoing social changes, medical advances in the treatment of infertility, and more. Currently, children are more often brought up by people who are not their genetic parents, this is especially true of children born as a result of the use of assisted reproductive technologies. In particular, the claims of persons registered as parents (single parent) of a child to establish paternity in relation to a person who was a donor of genetic material with which the child was born cannot be satisfied (clause 32 of the Resolution of the Plenum of the Supreme Court of the Russian Federation of 05.16. No. 16).

It should be noted that in the event of a dispute about the establishment of paternity of a man who provided his genetic material to a woman who is not in a marriage relationship with him, judicial practice attaches decisive importance to the direction of his will.

So, if his will was aimed exclusively at providing genetic material, he acquires the legal status of a donor.

However, if he provided informed voluntary consent to the use of assisted reproductive technologies aimed at treating infertility and the birth of a child, then it can be recognized that his will was aimed at the exercise of reproductive rights in order to acquire parental rights and responsibilities in relation to the unborn child. [See note below].

Note. Note. In this regard, the definition of the Judicial Collegium for Civil Cases of the Supreme Court of the Russian Federation dated 07.02.2019 No. 64-KG19-6 is of interest. In this dispute, the court, after examining the documents drawn up by the plaintiff and the defendant at the reproduction center, found that the defendant's will was aimed at providing the plaintiff with genetic material as a donor, and not at acquiring parental rights and responsibilities in relation to future children, despite the fact that that the plaintiff filed an application for voluntary consent to medical intervention using the sperm of the defendant's donor, at the same time the defendant signed this application in the column "husband". However, the defendant emphasized in the statement two mutually exclusive points (I undertake (I do not undertake to take) all the rights and obligations of the parent in relation to the unborn child), which did not allow the court to conclude that the respondent agreed to take on the rights and obligations of the parent in relation to the unborn child // SPS Consultant Plus.

Conclusions. In foreign legislation, which faced these problems long before our country, special acts were adopted prohibiting discrimination against a person on the basis of his genome. So, in California, a law was passed that prohibits the use of genetic information for discrimination in housing. The California Genetic Information Discrimination Act (CalGINA) amended the California Fair Employment and Housing Act (FEHA).Its adoption was due to the fact that as long as an individual meets financial and other reasonable

qualification standards, property owners, mortgage lenders and other parties interested in residential real estate are prohibited from committing discriminatory actions against an individual based on predictive genetic information.

Thus, foreign judicial practice has also repeatedly faced the need to use DNA research in disputes arising from individual civil tort, in particular, in cases of liability for damage caused by defects in goods, work, services (product liability). In such situations, the defendants insist on carrying out genetic tests of the plaintiffs in order to prove that there is no causal relationship between exposure to harmful (toxic) products and the harm to health, arguing that the occurrence of harm was due to the genetic characteristics of the plaintiffs.

Based on the above, it should be recognized that the value and significance of the results of DNA research for the purpose of providing genetic information about one of the parties to the trial will largely depend on its analysis in conjunction with other available evidence in the case.

Given that genetic tests in legal proceedings can certainly be useful and necessary, the court should use an individual approach when deciding on the appointment of a genetic examination. The widespread use of genetic tests in civil proceedings can have far-reaching implications not only for judicial practice and legal doctrine, but for the whole society as a whole, and can affect public attitudes towards responsibility, privacy and justice.

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АЗАМАТТЫҚ СОТ ІСІН ЖҮРГІЗУДЕ ГЕНЕТИКАЛЫҚ АҚПАРАТТЫ ҚОЛДАНУ МӘСЕЛЕЛЕРІ

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ПРОБЛЕМЫ ИСПОЛЬЗОВАНИЯ ГЕНЕТИЧЕСКОЙ ИНФОРМАЦИИ В ГРАЖДАНСКОМ СУДОПРОИЗВОДСТВЕ

Аннотация. В представленной статье автор анализирует особенности использования генетической информации, полученной в результате исследования ДНК человека, в гражданском процессе, которая до недавних пор рассматривалась в качестве одного из самых достоверных доказательств по делу. Однако приведенные в работе примеры из практики показывают уязвимость подхода, когда какое-либо из доказательств признается имеющим наибольшее значение по сравнению с остальными.

Рассмотренные случаи свидетельствуют о том, что, несмотря на высокую достоверность генетической информации, полученной в результате исследования ДНК профиля, тем не менее, результат экспертизы может быть ошибочным из-за перекрестного загрязнения образцов другим генетическим материалом, смешивания образцов ДНК, принадлежащих разным лицам, в судебно-медицинской лаборатории, в том числе из-за неправильной маркировки и, наконец, минимальной, но существующей возможности совпадения профилей ДНК у различных субъектов.

В представленной статье обоснован вывод, что ценность и значение результатов исследования ДНК для целей предоставления генетической информации об одной из сторон судебного разбирательства будет во многом зависит от ее анализа в совокупности с другими имеющимися доказательствами по делу. Учитывая, что генетические тесты в судебных разбирательствах могут быть, безусловно, полезными и необходимыми, суду следует использовать индивидуальный подход при принятии решения о назначении генетической экспертизы. Широкое использование генетических тестов в гражданском судопроизводстве может иметь далеко идущие последствия не только для судебной практики и правовой доктрины, но и для всего общества в целом, может повлиять на общественное отношение к вопросам ответственности, неприкосновенности частной жизни и справедливости.

Ключевые слова: генетическая информация, молекулярно-генетическая экспертиза, ДНК профиль, генетические маркеры, судебные доказательства, установление происхождения ребенка, генетическое родство, вспомогательные репродуктивные технологии, оспаривание отцовства, судебное разбирательство.

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REFERENCES

[1] Antonyan E.A., Rybakova O.S. (2020) Blockchain technologies for security against cyber attacks. [Text] / E.A. Antonyan, O.S. Rybakova // The Bulletin of the National Academy of Sciences of the Republic of Kazakhstan. – Almaty, 2020. № 1'2020. P.21-26. ISSN 1991-3494.

[2] Balding David J. (2005) Weight- of- Evidence for Forensic DNA Profiles //London: John Wiley and Sons, 2005. P.32 – 148.

[3] Bartholet Elizabeth (2004) Guiding Principles for Picking Parents.// Harvard Women's Law Journal. Vol. 27. 2004. p. 323-343. /Available at SSRN: https://ssrn.com/abstract=774387.

[4] Goodwin W., Ballard D., Thacker C. et al. (2003) Case study: paternity testing - when 21 STR loci are not enough // Int. Society of forensic genetics. 2003. September. P.9-13. Bordeaux-Arcachon. D-10.

[5] Hoffman Diane, Rothenberg Karen. H. (2007) Judging Genes Implications of the Second Generation of Genetic Tests in Courtroom// University of Maryland School of Law Legal Study Research Paper. 2007. № 13. p. 858-922/Available at SSRN: https://ssrn.com/abstract=979289/.

[6] Kovtun P.A., Kuklev M.Yu., Lapenkov M.I., Plakhina N.V. (2013) Insufficiency of autosomal STR markers for reliable determination of relationship in parent-child duets // Forensic medical examination. 2013. No. 6. P.17-22. (in Russ.).

[7] Kuleeva I.Y. (2019) Specificity of proof in cases of establishing paternity // Modern Law. 2019. No. 12. P.65 - 69 (in Russ.).

[8] Loginova O.Y. (2019) Judicial procedure for establishing paternity. // Bulletin of the Udmurt University. 2019.No. 2. P. 229-234. (in Russ.).

[9] Noble Graham. (2014) Pregnancy No Proof of Motherhood; Woman Was Her Own Twin-and the Twin Was the Mother of Her Children. January 26, 2014 // http://www.mymultiplesclerosis.co.uk/ (date of treatment May 19, 2020).

[10] Rothstein M.A., Rothstein L. (2017) The Use of Genetic Information in Real Property Transactions // Probate & Property: A publication of the Real Property, Trust and Estate Law section of the American Bar Association. 2017. Vol. 31. No. 3. P. 5-8.

[11] Stiffelman Bess (2019) No longer the Gold Standard Probabilistic Genotyping is Changing the Nature of DNA Evidence in Criminal trials//Berkeley Journal of Criminal Law.2019. Vol. 24 (Art. 4). P. 111-145.

[12] E.I. Galyashina, V.V. Golikova, E.N. Dmitriev (2012) Forensic examination: typical mistakes. / edited by E.R. Rossinskaya. - M.: Prospect, 2012. - 544 p. ISBN 978-5-392-13423-6.

[13] Tompson William (2013) Forensic DNA Evidence. The Myth of Infallibility/ In a book: Genetic Explanations: Sense and Nonsense/ Ed. by Sheldon Krimsky, Jeremy Gruber// Harvard University Press. 2013. P.227-347. / Electronic copy available at: *http://ssrn.com/abstract=2214379* / (date of treatment 09/02/2020).

[14]Usacheva E.A. (2019) Social paternity (motherhood): problem statement // Russian legal journal. 2019. No. 6. P. 115 - 120. (in Russ.).

ҚР ҰҒА АКАДЕМИКТЕРІНІҢ ЖЕТІСТІКТЕРІ

Юбилей-70 лет

КОРИФЕЙ ФИЛОСОФСКОЙ НАУКИ

У казахского народа много достойных сынов и дочерей, которыми по праву можно гордиться. И один из них корифей философской науки, академик НАН РК Нур Серикович Кирабаев. В эти дни вся философская общественность Казахстана, России отмечает 70-летний юбилей выдающегося учёного и мыслителя, крупнейшего представителя евразийской философской мысли и общественно- педагогического деятеля Н.С. Кирабаева.

Я давно знаю и знаком с научными работами академика НАН РК, доктора философских наук, профессора Кирабаева Нура Сериковича. Он видный учёный, гордость философской науки. Он окончил философский факультет МГУ им. Ломоносова (1974). Трудовую деятельность начинал в качестве младшего научного сотрудника Института философии и права АН Казахская ССР. Окончил аспирантуру по кафедре истории зарубежной философии МГУ (1978). Работает в системе высшего образования около 40 лет (Российский университет дружбы народов РУДН). Начиная с 1979 г.: ассистентом (1979-1981), старшим преподавателем (1981-1982), доцентом (1982-1988), зав. кафедрой философии (1988 -1992), зав. кафедрой истории философии (1992-1993), с апреля по август 1993 года зав. отделением философии, с 1993 по 1994- зам. начальника управление Ближнего и Среднего Востока МИД Республики Казахстан, 1994 и по настоящее время зав. кафедрой история философии, с 1996 г. декан факультета гуманитарных и социальных наук, с 2006 г.- проректор РУДН по научной работе.

Профессор Кирабаев Н.С.- известный, признанный специалист в мире по истории арабо-мусульманской философии. В области арабо-мусульманской философии он провел первое в российской, казахстанское и мировой историко-философской литературе комплексное исследование социальной философии мусульманского Средневековья, показав взаимосвязь философии и мусульманского права, раскрыв ключевую роль последнего в мусульманской идеологии. Мусульманское право при этом рассматривается как одна из первых форм теоретического знания, в рамках которого были сформулированы основные проблемы и методы гуманитарных наук на мусульманском Востоке. Большое внимание в своих научно-исследовательских работах он уделяет реконструкции парадигмы классической арабо-мусульманской философии, анализу формирования и функционирования политико-правовой культуры ислама, рассматривая мусульманское право как концепцию "сокральной" легитимности государства, показывая влияние политических доктрин на практику развития Арабского Халифата. В его работах дан развернутый и целостный научный анализ формирования и развития социальной философии восточного перипатетизма от учения о добродетельном городе аль-Фараби до концепции идеального государства Ибн-Рушда в духе идей "естественного права". Особое внимание при этом уделяется философии истории Ибн-Хальдуна и особенностям гуманистических традиций классической арабо-мусульманской философии. За последние годы им опубликованы работы по проблемам кросскультурного взаимодействия западных и восточных цивилизаций, в которых раскрываются проблемы открытости цивилизация к диалогу, вопросы устойчивости межцивилизационного диалога в процессе развития философского знания, а также по вопросам модернизации высшего образования в России, Евразии в контексте Болонского процесса.

Профессор Кирабаев Н.С. является одним из новаторов, пионеров, основоположников развития такого важного философское направления как философская компаративистика. В 1991 году на базе Российского университета дружбы народов, им был открыт Межвузовский центр по изучению

философии и культуры Востока, который в 2004 году был переименован Межвузовский центр гуманитарного образования по философской корпоративистики. В рамках этого центра было подготовлено более 30 кандидатов и докторов наук, около 50 монографий и сборников научных трудов и на его базе международных философских симпозиумах и методологических семинарах "Сагадиевские чтения" обсуждались проблемы философской компаративистики учёными более чем из 30 стран арабского Востока, Индии, ЮАР, стран Центральной Азии, Франции, Германии, США, Канады, Казахстана и ряда стран СНГ. Важное значение имеет его международная программа "Диалог цивилизации: Восток-Запад" в рамках которой проходят ежегодные конференции учёных России и Египта. За годы работы указанного центра по его инициативе и при личном участии было проведено 12 международных философских симпозиумов «Диалог цивилизации: Восток-Запад».

Профессор Кирабаев Н.С. опубликовал более 200 научных и учебно-методических работ, включая 10 монографии, 10 учебных пособий и разделов в учебниках. Его научные труды получали высокую оценку среди научной общественности в мире. Он подготовил 17 кандидатов и 3 докторов философских наук.

Профессор Кирабаев Н.С. внёс большой вклад в создание творческого, дисциплинированного, дружного коллектива отделения философии и факультета гуманитарных и социальных наук. При его непосредственном и активном участии была проведена большая работа по открытию новых специальностей "Социология", "Международные отношения", "Политология", "Государственное и муниципальное управление", "Искусство и гуманитарные науки" в РУДН. По инициативе его и при непосредственном его участии реализуются совместные магистерские программы по гуманитарным и социальным наукам с ведущими университетами Франции, Великобритании, Германии, Китая.

Большую работу профессор Кирабаев Н.С. ведёт как проректор по научной работе. Не случайно Российский Университет дружбы народов последние 10 лет занимает 3-4 места в рейтингах среди вузов и университетов РФ, а также достойно представлен в международных рейтингах. Уделяя большое внимание международному научному сотрудничеству, подготовке кадров высшей квалификации, особое внимание им уделяется повышению научного авторитета РУДН. Учёные РУДН активно сотрудничают с ведущими вузами Казахстана в научно-образовательной деятельности.

Академик Н.С. Кирабаев является главным редактором журнала "Вестник РУДН. Серия философия", председателем докторского Совета по философии, членом экспортного совета по философии, социологии и культурологии ВАК РФ и т.д. Надо подчеркнуть, что он внёс выдающийся вклад в развитии философской науки.

За активную научную и общественно-педагогическую деятельность он награждён 4 орденом и медалью, нагрудными знаками СССР, России и Казахстана, почётный профессор Евразийского национального университета им. Л.Гумилева.

В день 70-летнего юбилея хочется пожелать уважаемому Нуру Сериковичу крепкого здоровья, благополучия, счастья, дальнейших творческих успехов и всего наилучшего.

Раушанбек Абсаттаров,
член-корреспондент НАН РК, доктор философских наук, профессор

ПОДАРОК УЧЕНОГО ЮБИЛЕЮ РОДИНЫ

Недавно в Институте социальной экономики и финансов (г.Алматы) впервые в мировой науке был открыт новый научный Закон «О сохранении и комплексном развитии этносов посредством спасительной Гармонии на истинно духовной основе». Автором Открытия является академик Национальной академии наук Республики Казахстан Ураз Баймуратов, который посвящает его 30-летию Независимости Республики Казахстан. Об этом им было заявлено на одной научно-практической конференции.

В свое время, в конце 80-х годов прошлого столетия, он был разработчиком политико-экономической триады о Независимости нашей страны и других республик Советского Союза, переходе к рыночным отношениям и о введении национальной валюты «тенге».

Современная действительность показывает успешность развития нашего суверенного государства.

Координатор Института Г.Амирова
04.10.2021 г.

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