

ISSN 2518-1483 (Online),
ISSN 2224-5227 (Print)

2018 • 5

ҚАЗАҚСТАН РЕСПУБЛИКАСЫ
ҰЛТТЫҚ ҒЫЛЫМ АКАДЕМИЯСЫНЫҢ

БАЯНДАМАЛАРЫ

ДОКЛАДЫ

НАЦИОНАЛЬНОЙ АКАДЕМИИ НАУК
РЕСПУБЛИКИ КАЗАХСТАН

REPORTS

OF THE NATIONAL ACADEMY OF SCIENCES
OF THE REPUBLIC OF KAZAKHSTAN

ЖУРНАЛ 1944 ЖЫЛДАН ШЫҒА БАСТАҒАН
ЖУРНАЛ ИЗДАЕТСЯ С 1944 г.
PUBLISHED SINCE 1944



Бас редакторы
х.ғ.д., проф., ҚР ҰҒА академигі **М.Ж. Жұрынов**

Редакция алқасы:

Адекенов С.М. проф., академик (Қазақстан) (бас ред. орынбасары)
Величкин В.И. проф., корр.-мүшесі (Ресей)
Вольдемар Вуйцик проф. (Польша)
Гончарук В.В. проф., академик (Украина)
Гордиенко А.И. проф., академик (Белорус)
Дука Г. проф., академик (Молдова)
Илолов М.И. проф., академик (Тәжікстан),
Леска Богуслава проф. (Польша),
Локшин В.Н. проф. чл.-корр. (Қазақстан)
Нараев В.Н. проф. (Ресей)
Неклюдов И.М. проф., академик (Украина)
Нур Изура Удзир проф. (Малайзия)
Перни Стефано проф. (Ұлыбритания)
Потапов В.А. проф. (Украина)
Прокопович Полина проф. (Ұлыбритания)
Омбаев А.М. проф., корр.-мүшесі (Қазақстан)
Өтелбаев М.О. проф., академик (Қазақстан)
Садыбеков М.А. проф., корр.-мүшесі (Қазақстан)
Сатаев М.И. проф., корр.-мүшесі (Қазақстан)
Северский И.В. проф., академик (Қазақстан)
Сикорски Марек проф., (Польша)
Рамазанов Т.С. проф., академик (Қазақстан)
Такибаев Н.Ж. проф., академик (Қазақстан), бас ред. орынбасары
Харин С.Н. проф., академик (Қазақстан)
Чечин Л.М. проф., корр.-мүшесі (Қазақстан)
Харун Парлар проф. (Германия)
Энджун Гао проф. (Қытай)
Эркебаев А.Э. проф., академик (Қырғыстан)

«Қазақстан Республикасы Ұлттық ғылым академиясының баяндамалары»

ISSN 2518-1483 (Online),

ISSN 2224-5227 (Print)

Меншіктенуші: «Қазақстан Республикасының Ұлттық ғылым академиясы» Республикалық қоғамдық бірлестігі (Алматы қ.)
Қазақстан республикасының Мәдениет пен ақпарат министрлігінің Ақпарат және мұрағат комитетінде 01.06.2006 ж.
берілген №5540-Ж мерзімдік басылым тіркеуіне қойылу туралы куәлік

Мерзімділігі: жылына 6 рет.

Тиражы: 500 дана.

Редакцияның мекенжайы: 050010, Алматы қ., Шевченко көш., 28, 219 бөл., 220, тел.: 272-13-19, 272-13-18,
<http://nauka-nanrk.kz>, reports-science.kz

© Қазақстан Республикасының Ұлттық ғылым академиясы, 2018

Типографияның мекенжайы: «Аруна» ЖК, Алматы қ., Муратбаева көш., 75.

Главный редактор
д.х.н., проф., академик НАН РК **М. Ж. Журинов**

Редакционная коллегия:

Адекенов С.М. проф., академик (Казахстан) (зам. гл. ред.)
Величкин В.И. проф., чл.-корр. (Россия)
Вольдемар Вуйцик проф. (Польша)
Гончарук В.В. проф., академик (Украина)
Гордиенко А.И. проф., академик (Беларусь)
Дука Г. проф., академик (Молдова)
Илолов М.И. проф., академик (Таджикистан),
Леска Богуслава проф. (Польша),
Локшин В.Н. проф. чл.-корр. (Казахстан)
Нараев В.Н. проф. (Россия)
Неклюдов И.М. проф., академик (Украина)
Нур Изура Удзир проф. (Малайзия)
Перни Стефано проф. (Великобритания)
Потапов В.А. проф. (Украина)
Прокопович Полина проф. (Великобритания)
Омбаев А.М. проф., чл.-корр. (Казахстан)
Отелбаев М.О. проф., академик (Казахстан)
Садыбеков М.А. проф., чл.-корр. (Казахстан)
Сатаев М.И. проф., чл.-корр. (Казахстан)
Северский И.В. проф., академик (Казахстан)
Сикорски Марек проф., (Польша)
Рамазанов Т.С. проф., академик (Казахстан)
Такибаев Н.Ж. проф., академик (Казахстан), зам. гл. ред.
Харин С.Н. проф., академик (Казахстан)
Чечин Л.М. проф., чл.-корр. (Казахстан)
Харун Парлар проф. (Германия)
Энджун Гао проф. (Китай)
Эркебаев А.Э. проф., академик (Кыргызстан)

Доклады Национальной академии наук Республики Казахстан»

ISSN 2518-1483 (Online),

ISSN 2224-5227 (Print)

Собственник: Республиканское общественное объединение «Национальная академия наук Республики Казахстан» (г. Алматы)

Свидетельство о постановке на учет периодического печатного издания в Комитете информации и архивов Министерства культуры и информации Республики Казахстан №5540-Ж, выданное 01.06.2006 г.

Периодичность: 6 раз в год.

Тираж: 500 экземпляров

Адрес редакции: 050010, г.Алматы, ул.Шевченко, 28, ком.218-220, тел. 272-13-19, 272-13-18
<http://nauka-nanrk.kz> reports-science.kz

©Национальная академия наук Республики Казахстан, 2018 г.

Адрес типографии: ИП «Аруна», г.Алматы, ул.Муратбаева, 75

E d i t o r i n c h i e fdoctor of chemistry, professor, academician of NAS RK **M.Zh. Zhurinov****E d i t o r i a l b o a r d:****Adekenov S.M.** prof., academician (Kazakhstan) (deputy editor in chief)**Velichkin V.I.** prof., corr. member (Russia)**Voitsik Valdemar** prof. (Poland)**Goncharuk V.V.** prof., academician (Ukraine)**Gordiyenko A.I.** prof., academician (Belarus)**Duka G.** prof., academician (Moldova)**Iolov M.I.** prof., academician (Tadjikistan),**Leska Boguslava** prof. (Poland),**Lokshin V.N.** prof., corr. member. (Kazakhstan)**Narayev V.N.** prof. (Russia)**Nekludov I.M.** prof., academician (Ukraine)**Nur Izura Udzir** prof. (Malaysia)**Perni Stephano** prof. (Great Britain)**Potapov V.A.** prof. (Ukraine)**Prokopovich Polina** prof. (Great Britain)**Ombayev A.M.** prof., corr. member. (Kazakhstan)**Otelbayv M.O.** prof., academician (Kazakhstan)**Sadybekov M.A.** prof., corr. member. (Kazakhstan)**Satayev M.I.** prof., corr. member. (Kazakhstan)**Severskiy I.V.** prof., academician (Kazakhstan)**Sikorski Marek** prof., (Poland)**Ramazanov T.S.** prof., academician (Kazakhstan)**Takibayev N.Zh.** prof., academician (Kazakhstan), deputy editor in chief**Kharin S.N.** prof., academician (Kazakhstan)**Chechin L.M.** prof., corr. member. (Kazakhstan)**Kharun Parlar** prof. (Germany)**Endzhun Gao** prof. (China)**Erkebayev A.Ye.** prof., academician (Kyrgyzstan)**Reports of the National Academy of Sciences of the Republic of Kazakhstan.****ISSN 2224-5227****ISSN 2518-1483 (Online),****ISSN 2224-5227 (Print)**

Owner: RPA "National Academy of Sciences of the Republic of Kazakhstan" (Almaty)

The certificate of registration of a periodic printed publication in the Committee of Information and Archives of the Ministry of Culture and Information of the Republic of Kazakhstan N 5540-Ж, issued 01.06.2006

Periodicity: 6 times a year

Circulation: 500 copies

Editorial address: 28, Shevchenko str., of.219-220, Almaty, 050010, tel. 272-13-19, 272-13-18,

<http://nauka-nanrk.kz> / reports-science.kz

**REPORTS OF THE NATIONAL ACADEMY OF SCIENCES
OF THE REPUBLIC OF KAZAKHSTAN**

ISSN 2224-5227

<https://doi.org/10.32014/2018.2518-1483.8>

Volume 5, Number 321 (2018), 61 – 65

Z.K.Ayupova¹, D.U. Kussainov²¹Kazakh national agrarian university, Almaty, Kazakhstan;²Kazakh national pedagogical university named after Abai, Almaty, Kazakhstanzaure567@yandex.ru**FEATURES OF FORMATION OF STATEHOOD AND LAW IN THE
REPUBLIC OF KAZAKHSTAN**

Abstract. It is known that during the historical development the Kazakh people have passed the following types of statehood. First type: the nomadic state, which has been abolished after entry into the structure of the Russian Empire. Second type: the Soviet statehood, where Kazakhstan was the part of the former USSR. Third type of the state: independent statehood, sovereign Kazakhstan. The strategy of modern development of the Kazakh statehood is based on the unity of the country, ensuring national security. Here such phenomena as “integrity of the state”, “the state and national security”, “sovereignty of the state” are recognized as the supreme values of state and legal life. These ideas have been entirely enshrined in the Development strategy Kazakhstan - 2050. The concept “statehood” is wider, than “state”. In the theory of state and law the state is defined as the political power with its own territory. At the same time the statehood is the most difficult complex of elements, structures, institutes of the public power and also the components of non-political character, caused by uniqueness of social, economic, political, spiritual and moral conditions of activity at the certain stage of development of the society. Thus, the statehood is the structure of elements and institutes, expressing the maintenance of the society and state.

Keywords: statehood, law, nomadic civilization, activity of the people, unity of the country, national security, integrity of the state, sovereignty of the state, political power, institutes of the public power.

During the many centuries of the historical development, since ancient times to the sovereignty and independence, our state is well-known all over the world; the Kazakh people followed the complicated and original path from the beginning of their ancient history, from the tribal states of the Kangyles and Usunes in Central Asia. These tribal states had close relations with China, the Huns Empire, southern Siberia, and the lands near the Ural Mountains. Economically, the state was based on extensive nomadic farming. The people’s culture and language linked them to the branch of Turkish nomad group.

The first Kazakh state system was formed in the 6-th century within the Turkish Kaganate, stretching across lands from the Altai Mountains in the east to the Caspian Sea in the west, and from Semirechie up to Siberia. Most of the Turkish people continued tribal organization and nomadic way of life. There were already large areas of irrigated and cultivated lands occupied with gardening and vineyards. A lot of towns and settlements were established in ancient centuries. Indeed, at the head of the Turkish Kaganate was a Khan, with unlimited despotic power, with his servants, officials and military leaders.

The Usun union began to disintegrate in the 5-th and 6-th centuries, after successive invasions by the Altai Turks. These Kaganates were complex and stratified societies, consisting of aristocrats, urban traders, oasis farmers and pastoral nomads [1].

In the following centuries, the Kaganate was invaded many times, was in vassal dependence on neighboring China and was incorporated into the Karakhanid state (11-th century, until the beginning of the 13-th century). Despite the partial islamization of the Kazakhs in direct contact, the majority of Kazakhstan’s tribal people continued their nomadic lifestyle, raising cattle on the vast steppe. The Kazakh ethno type was formed by people in more than 100 tribal divisions and nationalities, belonging to various ethnic, anthropological and racial types. Within the modern Kazakh ethno type, the mongoloid element accounts for about 70%.

At the end of the 15-th century and for most of the 16-th century, the Kazakhs were primarily the political union. The Kazakh Khanate and the Kazakh people were synonymous, as people formed by the

union of previously disparate clans and tribes of Turkish descent. They converged in the steppe lands around the Chu River and the Betpak-Dala Desert, where political void existed.

In the 17-th century under the rule of Khan Kasym, the Kazakh Khanate achieved political independence. The national name Kazakh means “free” in the sense of independence from other states, and freely moving in the vast steppes of Dashti-Qipchak. Thus, from the beginning of its own Kazakh Khanate, the idea of freedom and independence became the national idea of the Kazakh people.

The independent Kazakh Khanate was based on nomadic cattle, breeding and farming. It had a stable economy and ongoing political and cultural relations with its neighbors. The region supplied neighboring China, the Central Asia Khanates and Russia with the products of animal husbandry, such as cattle, skins, wool and fat, in exchange for wheat, textiles, tools and arms. In the Khanate, Jochi’s descendants had dominant positions. Only the descendants could become khans or sultans. Representatives of the Kazakh tribal aristocracy (bii) could occupy the positions of tribal and aul chiefs (equivalent to aldermen). Economic, social and political relations were regulated by common law (*adat*), whose rules (*ereje*), were retained only in oral tradition, and passed from generation to generation, gradually becoming perfected. The *bii* were the experts of the law, who from time to time convened to clarify the rules. At the end of the 18-th century under the guidance of Khan Tauke the law was standardized under the seven most notable experts, who came to be known as *ZhietyZhargy* or “The Seven Rules”. In Russian sources they were called the “TaukeKhan’s Laws (or Acts)”; they represented as the type of Kazakh Common Law Code, which had great importance in Kazakh legal life [2].

The principles of *adat* were applied unequally; so sultans, tribal chiefs and the *bii* class enjoyed rather well-protected and privileged lives. Kazakh women, during and after the period of islamization, had much freer social, public and legal existence, than women in other muslim societies. They did not wear the face veil (*chadra*), and the first wife (*baibishe*) was the head of the family.

In spite of the heroic resistance and some military successes attained as the result of a temporary unification of the various *zhuz* under the three great *bii* leaders, ToleBii, KazybekBii and AitekeBii in 1723, Kazakhstan still remain besieged and had to turn to Russia for military assistance. It received this assistance in return for its eventual (in the 1730-s) incorporation into the Russian Empire [3]. The interests of the Tsar and his government in Kazakhstan and Central Asia primarily revolved around extending the size and reach of the Empire, and consolidating its own power at the expense of those peoples conquered. A new phase in the history of the Kazakh people begins with their incorporation into the Russian Empire. Until the 1820-s the Little Zhuz and Middle Zhuz retained their independence, while acknowledging dependence on Russia. However, the Elder Zhuz was finally formally annexed to Russia as the result of invasions against the Kokand and Khiva Khanates. The first conditions agreed to by the Middle and Little Zhuzes as they joined the Empire were:

- (1) to recognize the sovereignty of the Zhuzes;
- (2) to allow passage of Russian merchant caravans;
- (3) to return Russian prisoners and deserters;
- (4) to pay annual per capita taxes;
- (5) to have relations with other countries only with Russia's express consent; and
- (6) khans were force to send sons or other close relations to St. Petersburg as *amanats* (hostages).

The tsarist government, through the Ministry of Foreign Affairs and with the consent of the Military Department, appointed a vice-regent, who resided in Orenburg, exercised power and control in assuring the conditions of the above agreement. At the same time, the Russian military organized the Ural Cossack Army to patrol the border with the Zhuzes. Naturally, the tsar’s vice-regent often interfered with the internal affairs of the Zhuzes, and continuously exercised oppression of the khans and local rulers. Nevertheless, these Zhuzes tried to maintain internal independence until the 1820-s. The legal status of these two regions within the Russian Empire resembled that of protectorates, which some Kazakh scholar’s dispute [4].

In the 1820-s, Russia carried out pivotal reforms in the Zhuzes in order to establish semi-colonial regime. The khans’ powers were nullified; their successors have received the titles of Russian nobility. The captive *amanats* received very directed and secular Russian military education, and were rewarded with lavish salaries. Furthermore, The Little Zhuz was divided into the regions for territorial administration with the governors, appointed by the vice-regent in Orenburg. The Middle Zhuz was

divided into areas called *dokrug* and headed by sultans, elected by the local aristocracy and approved by Russian vice-regents. The Bigger (Elder) Zhuz had been conquered early on and was the subject of Russian military rule until the reforms of the 1860-s.

The Kazakh Khanate was relatively short-lived and generally unsuccessful political institution. The Kazakh state was unable and ill-equipped to maintain strong military presence in the steppe. The Kazakhs, though descendants of an indigenous warrior culture, were primarily pastoralist and more concerned with grazing than fighting. Their military organization, predicated on temporary periods of service, was no match for the Kalmyk forces [4].

In the 1860-s, Russia introduced a number of progressive reforms with the abolition of serfdom being most notable. Others included: universal military service; land and financial reforms; and improvements in citizens' legal status. At the end of the 1860-s a dual natured reform program, having progressive and colonial aspects, was introduced in Kazakhstan. Russia then divided Kazakhstan into three governorships: the first was Turkestan, with its center in Tashkent, which included Semirechie and all of Central Asia. The Steppes governorship, with its center in Orenburg, included a major portion of the Middle Zhuz; and the Siberian governorship, with its center in Omsk, included the territories of North and East Kazakhstan.

The governor's generals were appointed in Saint Petersburg, and all exercised administrative and military power. The general governorships were divided into *oblasts* (large administrative territories), headed by military governors. In Kazakh territories, the governors wielded military and civilian power, while in Russia itself the governors had no such military power. Oblasts were divided into *uezds* (district), governed by *uezd* heads. The hierarchy governing in Kazakhstan had clearly military/administrative character. The government apparatus consisted of representatives of Russia and all local nationalities. It was aimed at providing order in the Steppe: levying taxes; fighting crime; providing for an economy.

This system of management in Kazakhstan, as a part of the Russian Empire, was kept with some changes until the 1917 revolutions of February and October. Its rather complicated legal system consisted of: Adat, the Common Law of Kazakhs, as well as Shariat or Muslim Law; and Russian Imperial law.

For the local populations of Kazakhstan, adat was the main source, of course. It better corresponded with the nomadic and semi-nomadic way of life. Norms of Shariat Law were used mainly for regulation of some family relations, considering serious penalty for crimes against Islamic rules.

Russian Imperial Law had two kinds of norms. The first is civil law through which Kazakhstan was included into the general economic life of the Empire. Naturally, the law of ownership, the obligatory law of Russia did not differ from the analogues of European states and played a positive role in Kazakhstan. Criminal law and Administrative law played positive roles as more humane and civilized than that of Adat and Shariat.

Many works of Eastern, European, and Russian literature were translated into the Kazakh language, and thus the first Kazakh language newspapers were published. However, the Kazakhs continued to experience their formal and legal inequality in the Russian Empire. It was well known in tsarist Russia that social, professional and legally fixed inequality existed among the Kazakhs. Kazakhs had no nobility, nearly no mercantile or industrial class and no urban lower middle class. Further, since they were Muslims, Kazakhs were excluded from the privileges accorded only the Orthodox. Moreover, they had no representation among local elected officials and establishments, or the state Duma. For the Kazakh people, tsarism meant not only violent deprivation of primordial fertile grounds, but also the deprivation of an opportunity to employ their historical, primordial name "Kazakh". Historically, it was noted, that the Russian administration misapplied the term "Kirghiz-Kaisak" as evidenced through the records of imperial Russia.

Only the October Revolution brought some relief in the legal conditions for the Kazakhs and other aboriginal groups in the Russian Empire. The Soviets acquired tsarist territories and perpetuated the administrative structures. However, decisions of national problems were postponed until the establishing congress-Uchreditelnoe Sobranie. In 1917 Great October Socialist Revolution under the leadership of the Bolsheviks (Communists), headed by V.I. Lenin gave all the power in the country to the soviet workers, peasants and soldiers' deputies. All the country, including Kazakhstan, entered a new stage of historical development.

The Great Decrees of October adopted at the 2-nd Congress of Soviets in 1917 were entitled "About Peace", "About Land", and also "About Nationalization of Factories, Railways, and Communications". There were also declarations about equality of nations and their right to self-determination, on abolishing

rank and its privileges, about gender equality, and the separation of church and state. For their victory against international armies they paid in millions of lives, destruction of the economy, hunger, and continued poverty.

Kazakhstan, along with the rest of the country, was the scene of fierce military struggles. In 1918, the southern region of Kazakhstan was joined to the Turkestan republic with its center in Tashkent. In 1919, a Provisional Committee was formed in Orenburg to manage the area of Kazakhstan in the ongoing Civil War, and to provide for the people's needs. Here, and other places, the population was largely Russian. Yet there were Kazakh supporters of the Bolsheviks, such as T. Ryskulov and S. Seifullin, as well as more democratic national elements.

In 1924-1925, on the initiative of the Central Committee of the VKP(B) (Communist Party) and the USSR government, a national- territorial demarcation was exercised on Kazakhstan and the Central Asia Republics. Indeed, for the first time in the modern history Kazakhstan now comprised all its historic territory. Thus, Kazakhstan formed its own soviet socialist state system, not complete of course, but still the part of the Russian Federation.

According to the census of 1926, Kazakhstan had a population, which included more than six million Kazakhs. During the first decades of the Soviet power in Kazakhstan new economic policy was exercised. Kazakhs were given back the lands, which had earlier been given to the Russian migrants. The economy quickly reconstituted, illiteracy was reduced, secondary schools and higher education centers flourished, new theaters, clubs, museums and reading halls were opened. Thousands of Kazakhs were sent to study in Moscow, Leningrad, Kiev, Novosibirsk, Saratov and Sverdlovsk to be trained for specialized trades and higher education. In nearly all oblast centers, pedagogical centers opened to train teachers for the national schools in Russian and Kazakh.

During World War II many millionsof people were evacuated to Kazakhstan from the western part of the USSR, a pattern which continued into the 1950-s. By the 1960-s Kazakhs constituted only about 32% of their republic's population. The policy of russification was established. Kazakh language and culture had both suffered: first, the Arabic alphabet variant, used for Kazakh, was replaced by new Latin substitute (distinct from others in Central Asia), and finally by stylized version of the Cyrillic (Russian) alphabet. Teaching of Kazakh in Russian schools ceased.

This period saw the creation of many institutions, including Kazakh State University, the medical institutes, women's pedagogical institutes, industrial, law, and many other institutes, as well as hundreds of specialized and secondary technical schools. The Kazakh Department of the All Union Academy of Sciences was established in 1945 inside the Kazakh Academy of Sciences, with many scientific institutions and research laboratories.

Twenty seven years of Kazakhstan's history as the sovereign state shows the greatest changes in our country. Within its framework, two main directions can be noted. First, there is state governing of the ethnic processes. The 1995 Constitution of Kazakhstan stated such democratic principles as civic approach to defining of people in the preamble. The principles of uniform and equal citizenship were fixed. All the principles of the Supreme Law gave no place for injury and claims of people against one another.

Second direction in the interethnic relations is the emancipation of the creative potential of ethnic groups. New form of ethnic self-determination principally differs from the previous situation in that it shifts stress from the collective level of national rights to a personal level. The role of legacy model, undoubtedly demanding serious conceptual elaboration and propaganda measures, grows respectively.

In the conclusion we would like to note, that the transformation and modernization of Kazakhstan's society is not a single action, but rather a long process of changes, unfolding and yielding a clearer vision of the modern, independent Republic of Kazakhstan.

REFERENCES

- [1] Martha Brill Olcott. The Kazakhs. 2-Edition. Stanford. California. USA. 1995(in English).
- [2] S. Kliashtornyi, T. Sultanov. Kazakhstan: The Chronicle of Three Millenniums. St.Petersburg. 2002(in Rus.).
- [3] B.B. Irmuchanov. Kazakhstan: Historical and Public Views. 2016(in Rus.).
- [4] S. Kussainov. The State of Kazakhs: Adat and Shariat. Kazakhstanskaya Pravda. October 30. 2015 (in Rus.).

З.К. Аюпова, Д.Ө. Құсайынов

ҚАЗАҚСТАН РЕСПУБЛИКАСЫНДАҒЫ МЕМЛЕКЕТТІЛІК ПЕН ҚҰҚЫҚТЫҢ ҚАЛЫПТАСУ ЕРЕКШЕЛІКТЕРІ

Аннотация. Белгілі болғандай, қазақ халқы тарихи дамуы барысында мемлекеттіліктің келесі түрлерінен өтті. Бірінші түрі: Ресей империясының құрамына кіргеннен кейін жойылған көшпелі мемлекет. Екінші түрі: Қазақстан КСРО құрамына кірді кеңестік мемлекет. Үшінші түрі: тәуелсіз мемлекеттілік, егемен Қазақстан. Қазақ мемлекеттілігінің қазіргі заманғы даму стратегиясы ұлттық қауіпсіздікті қамтамасыз ете отырып, ел бірлігін сақтауға негізделген. Мұнда мемлекеттің және заңды өмірдің ең жоғары құндылықтары «мемлекеттің тұтастығы», «мемлекеттік және ұлттық қауіпсіздік», «мемлекеттің тәуелсіздігі» сияқты құбылыстар деп танылады. Бұл идеялар Қазақстан-2050 даму Стратегиясында толығымен бекітілген. «Мемлекеттіліктің» тұжырымдамасы «мемлекет» дегеннен гөрі кең. Мемлекет және құқық теориясында мемлекет белгілі бір аумақта саяси билік ретінде анықталады. Сонымен бірге мемлекеттілік – қоғамның дамуындағы белгілі бір кезеңде белгілі бір адамдардың өмірінің әлеуметтік-экономикалық, саяси, рухани және адамгершілік жағдайының бірегейлігіне байланысты элементтердің, құрылымдардың, қоғамдық билік институттарының, сондай-ақ саяси емес сипаттағы компоненттердің күрделі жиынтығы болып табылады. Осылайша, мемлекеттілік – қоғам мен мемлекеттің мазмұнын білдіретін элементтер мен институттардың құрылымы.

Түйін сөздер: мемлекеттілік, құқық, көшпелі өркениет, халықтың тіршілік әрекеті, ел бірлігі, ұлттық қауіпсіздік, мемлекеттің тұтастығы, мемлекеттің егемендігі, саяси билік, көпшілік билік институттары.

УДК342.53

З.К.Аюпова¹, Д.У. Кусайынов²

¹КазНАУ, кафедра права, г. Алматы, Республика Казахстан;

²КазНПУ им.Абая, общеуниверситетская кафедра политологии и социально-философских дисциплин, г. Алматы, Республика Казахстан

ОСОБЕННОСТИ ФОРМИРОВАНИЯ ГОСУДАРСТВЕННОСТИ И ПРАВА В РЕСПУБЛИКЕ КАЗАХСТАН

Аннотация. Как известно, в ходе своего исторического развития казахский народ прошел следующие типы государственности. Первый тип: кочевое государство, которое было упразднено после вхождения в состав Российской империи. Второй тип: советская государственность, где Казахстан был частью Союза ССР. Третий тип государства: независимая государственность, суверенный Казахстан. Стратегия современного развития казахской государственности основывается на всемерном поддержании единства страны, обеспечении национальной безопасности. Здесь высшими ценностями государственно-правовой жизни признаются такие явления, как «целостность государства», «государственная и национальная безопасность», «суверенитет государства». Эти идеи были всецело закреплены в Стратегии развития Казахстан- 2050. Понятие «государственность» является более широким, чем «государство». В теории государства и права государство определяется в качестве политической власти в рамках определенной территории. В то же время государственность – этосложнейший комплекс элементов, структур, институтов публичной власти, а также компонентов неполитического характера, обусловленных уникальностью социально-экономических, политических, духовно-нравственных условий жизнедеятельности конкретного народа на определенном этапе развития общества. Таким образом, государственность - это структура элементов и институтов, выражающая содержание общества и государства.

Ключевые слова: государственность, право, кочевая цивилизация, жизнедеятельность народа, единство страны, национальная безопасность, целостность государства, суверенитет государства, политическая власть, институты публичной власти.

Information about authors:

Ayupova Z.K. - Doctor of juridical sciences, professor, chair of law, Kazakh national agrarian university, Kazakhstan, Almaty; <https://orcid.org/0000-0002-5925-1619>;

Kussainov D.U. - doctor of philosophy sciences, professor, interuniversity chair of politology and socio-philosophy disciplines, Kazakh national pedagogical university named after Abai, Kazakhstan, Almaty; <https://orcid.org/0000-0003-4274-5986>

МАЗМҰНЫ

Техникалық ғылымдар

| | |
|---|----|
| <i>Ахметов Б., Гнатюк С., Жмурко Т., Кинзерявий В., Юбузова Х.</i> Шуы бар кванттық арнада қауіпсіздік байланыстың детерминистикалық хаттама жұмысының имитациялық үлгісінің эксперименттік зерттеулер..... | 5 |
| <i>Усольцева Г.А., Әкбаров М.С., Акчил А., Яркова А.А.</i> Құрамында қалайы бар электролитті қожды физико-химиялық талдау..... | 11 |
| <i>Кенжебаева Ж.Е.</i> Түрлі жүйелердегі геоинформациондық технологиялар..... | 20 |

Биология ғылымдар

| | |
|--|----|
| <i>Кершанская О.И.</i> Қазақстанда ауылшаруашылығы дақылдарының элиталы сорттарын құрастыру үшін CRISPR/CAS9 геномын редакциялаудың жаңа революциялық биотехнологиясы..... | 24 |
|--|----|

Аграрлық ғылымдар

| | |
|---|----|
| <i>Әбуғалиев С.Қ., Сейдәлиев Н.Б., Дәлібаев Е.К., Жамалов Б.С., Муқа Ш.Б.</i> Сүтті сиыр шаруашылығында тапсырыспен шағылыстыруды және геномдық талдауды ұйымдастыру..... | 41 |
|---|----|

Қоғамдық ғылымдар

| | |
|--|-----|
| <i>Әмірбекұлы Е., М. Ф. Грела., Тазабекова А.</i> Кәсіпкерлік Алматы қаласының бәсекелестікке қабілеттілігінің факторы ретінде..... | 48 |
| <i>Абуов К.К., Абдильдинова Н.Е., Галиева А.Х.</i> Солтүстік Қазақстанның ауыл шаруашылық еңбек нарығын қалыптастыру және дамыту (Ақмола облысының мысалында)..... | 56 |
| <i>Аюпова З.К., Құсайынов Д.Ө.</i> Қазақстан республикасындағы мемлекеттік пен құқықтың қалыптасу ерекшеліктері..... | 61 |
| <i>Бижанов Д.Т., Нургабылов М.Н., Абдрахманова Р.С., Дошан А.С.</i> Отын үнемді қауіпсіздік және еліміздің энергетикалық ресурстарды мәселелері..... | 66 |
| <i>Буткенова А.К.</i> Өнеркәсіптік кәсіпорында адам капиталды дамытудың мониторингі..... | 73 |
| <i>Ескалиева А. Ж., Дарискалиева М.С., Канатова А.Ж.</i> Адам капиталының сапасын қысқасының перспективалары.. | 78 |
| <i>Иғалиева Л.Н.</i> Аймақтағы әлеуметтік-экономикалық дамуды және экологиялық қауіпсіздікті қамтамасыз етілуді бағалау (Атырау облысы мысалында)..... | 82 |
| <i>Ищанова Р.К.</i> Мемлекеттің қаржылық жүйесінің құрылысы мемлекеттік бюджеті..... | 89 |
| <i>Панзабекова А.Ж., Мұсаева Д.М., Жанбозова А.Б.</i> Ақпараттық қоғамның тұрғындардың өмір сүру сапасына әсері тұрғысынан қалыптасуы мен дамуы..... | 94 |
| <i>Сабирова Р.К., Адиева Э.М., Бисембиева Ж.К.</i> Қазақстанның мемлекеттік бюджеті: қаржы және пайдалану Мәселелері..... | 100 |
| <i>Тлесова Э., Хойч А., Кураш Н.</i> Орталық азия мемлекеттерінің экономикасы..... | 104 |
| <i>Туякова А.Е.</i> «Рухани жаңғыру» бағдарламасындағы патриотизмні Қазақстандық даму тарихы факторы ретінде қалыптастыру..... | 111 |

СОДЕРЖАНИЕ

Технические науки

| | |
|---|----|
| <i>Ахметов Б., Гнатюк С., Жмурко Т., Кинзерявий В., Юбузова Х.</i> Экспериментальные исследования имитационной модели работы детерминистического протокола безопасной связи в квантовом канале с шумом..... | 5 |
| <i>Усольцева Г.А., Акбаров М.С., Акчил А., Яркова А.А.</i> Физико-химический анализ электролитического оловосодержащего шлама | 11 |
| <i>Кенжебаева Ж.Е.</i> Геоинформационные технологии в различных системах..... | 20 |

Биологические науки

| | |
|---|----|
| <i>Кершанская О.И.</i> Новая революционная биотехнология редактирования генома CRISPR/CAS9 для создания элитных сортов сельскохозяйственных культур в Казахстане..... | 24 |
|---|----|

Аграрные науки

| | |
|---|----|
| <i>Абугалиев С.К., Сейдалиев Н.Б., Далибаев Е.К., Жамалов Б.С., Муқа Ш.Б.</i> Организация проведения заказного спаривания и геномного анализа бычков в молочном скотоводстве..... | 41 |
|---|----|

Общественные науки

| | |
|---|-----|
| <i>Әмірбекұлы Е., М. Ф. Грела, Тазабекова А.</i> Предпринимательство как фактор роста конкурентоспособности г. Алматы..... | 48 |
| <i>Абуов К.К., Абдильдинова Н.Е., Галиева А.Х.</i> Формирование и развитие аграрного рынка труда в северном Казахстане (на примере Акмолинской области)..... | 56 |
| <i>Аюпова З.К., Кусаинов Д.У.</i> Особенности формирования государственности и права в республике Казахстан..... | 61 |
| <i>Бижанов Д.Т., Нургабылов М.Н., Абдрахманова Р.С., Дошан А.С.</i> Проблемы экономической безопасности топливно-энергетических ресурсов страны..... | 66 |
| <i>Буткенова А.К.</i> Мониторинг развития человеческого капитала на промышленных предприятия..... | 73 |
| <i>Ескалиева А. Ж., Дарискалиева М.С., Канатова А.Ж.</i> Перспективы усиления качества человеческого капитала..... | 78 |
| <i>Игалиева Л.Н.</i> Оценка социально-экономического развития и обеспечения экологической безопасности региона (на примере Атырауской области)..... | 82 |
| <i>Ицанова Р.К.</i> Государственный бюджет как ведущее звено финансовой системы государства..... | 89 |
| <i>Панзабекова А.Ж., Мусаева Д.М., Жанбозова А.Б.</i> Формирование и развитие информационного общества в контексте его влияния на качество жизни населения..... | 94 |
| <i>Сабирова Р.К., Адиетова Э.М., Бисембиева Ж.К.</i> Государственный бюджет Казахстана: проблемы финансирования и использования..... | 100 |
| <i>Тлесова Э., Хойч А., Кураш Н.</i> Экономика центрально-азиатских стран..... | 105 |
| <i>Туякова А.Е.</i> Формирование патриотизма в рамках программы «Рухани жаңғыру» как исторический фактор развития Казахстана..... | 111 |

CONTENTS

Technical sciences

| | |
|--|----|
| <i>Akhmetov B., Gnatyuk S., Zhmurko T., Kinzeryayy V., Yubuzova Kh.</i> Experimental research of the simulation model for deterministic secure communication protocol in quantum channel with noise..... | 5 |
| <i>Ussoltseva G., Akbarov M., Akchil A., Yarkova A.</i> Physico-chemical analysis of a tin-containing electrolytic slime..... | 12 |
| <i>Kenzhebayeva Zh.E.</i> Geoinformation technologies in various systems..... | 20 |

Biological sciences

| | |
|--|----|
| <i>Kershanskaya O.I.</i> New breakthrough CRISPR/CAS9 biotechnology of genome editing for creation of elite crops in Kazakhstan..... | 24 |
|--|----|

Agrarian science

| | |
|---|----|
| <i>Abugaliyev S.K., Seydaliyev N.B., Dalibayev E.K., Zhamalov B.S., Muka Sh.B.</i> Procedure of custom mating and genomic analysis of bull-calves in dairy cattle breeding..... | 41 |
|---|----|

Social sciences

| | |
|--|-----|
| <i>Amirbekuly Ye., Manuel Fernandez Grela, Tazabekova A.</i> Entrepreneurship as a driver of competitiveness of the city of Almaty | 48 |
| <i>Abuov K.K., Abdildinova N.E., Galiyeva A. K.</i> Formation and development of the agrarian labor market in northern Kazakhstan (on the example of the Akmola region)..... | 56 |
| <i>Ayupova Z.K., Kussainov D.U.</i> Features of formation of statehood and law in the republic of Kazakhstan..... | 61 |
| <i>Bizhanov D.T., Nurgabylov M.N., Abdrakhmanova R.S., Doshan A.S.</i> Problems of economic security of the fuel and energy resources of the country..... | 66 |
| <i>Butkenova A.K.</i> Monitoring of human capital development in industrial enterprises..... | 73 |
| <i>Eskalieva A.Zh., Dariskalieva M.S., Kanatova A.Zh.</i> Prospects for strengthening the quality of human capital..... | 78 |
| <i>Igaliyeva L.N.</i> Assessment of socio-economic development and environmental security of the region (on the example of Atyrau region)..... | 82 |
| <i>Ichshanova R.K.</i> State budget as the leading link of the financial system of the state..... | 89 |
| <i>Panzabekova A.Zh., Mussayeva D.M., Zhanbozova A.B.</i> Formation and development of information society in the context of its impact on quality of population life..... | 94 |
| <i>Sabirova R.K., Adietova E.M., Bisembieva Zh.K.</i> State budget of Kazakhstan: problems of financing and use..... | 100 |
| <i>Tlessova E., Khoich A., Kurash N.</i> Economy of central asian countries..... | 105 |
| <i>Tuyakova A.E</i> Formation of patriotism in the framework of the program " ruhani zhangyru " as a historical factor of the development of Kazakhstan..... | 111 |

**Publication Ethics and Publication Malpractice
in the journals of the National Academy of Sciences of the Republic of Kazakhstan**

For information on Ethics in publishing and Ethical guidelines for journal publication see <http://www.elsevier.com/publishingethics> and <http://www.elsevier.com/journal-authors/ethics>.

Submission of an article to the National Academy of Sciences of the Republic of Kazakhstan implies that the work described has not been published previously (except in the form of an abstract or as part of a published lecture or academic thesis or as an electronic preprint, see <http://www.elsevier.com/postingpolicy>), that it is not under consideration for publication elsewhere, that its publication is approved by all authors and tacitly or explicitly by the responsible authorities where the work was carried out, and that, if accepted, it will not be published elsewhere in the same form, in English or in any other language, including electronically without the written consent of the copyright-holder. In particular, translations into English of papers already published in another language are not accepted.

No other forms of scientific misconduct are allowed, such as plagiarism, falsification, fraudulent data, incorrect interpretation of other works, incorrect citations, etc. The National Academy of Sciences of the Republic of Kazakhstan follows the Code of Conduct of the Committee on Publication Ethics (COPE), and follows the COPE Flowcharts for Resolving Cases of Suspected Misconduct (http://publicationethics.org/files/u2/New_Code.pdf). To verify originality, your article may be checked by the originality detection service Cross Check <http://www.elsevier.com/editors/plagdetect>.

The authors are obliged to participate in peer review process and be ready to provide corrections, clarifications, retractions and apologies when needed. All authors of a paper should have significantly contributed to the research.

The reviewers should provide objective judgments and should point out relevant published works which are not yet cited. Reviewed articles should be treated confidentially. The reviewers will be chosen in such a way that there is no conflict of interests with respect to the research, the authors and/or the research funders.

The editors have complete responsibility and authority to reject or accept a paper, and they will only accept a paper when reasonably certain. They will preserve anonymity of reviewers and promote publication of corrections, clarifications, retractions and apologies when needed. The acceptance of a paper automatically implies the copyright transfer to the National Academy of sciences of the Republic of Kazakhstan.

The Editorial Board of the National Academy of sciences of the Republic of Kazakhstan will monitor and safeguard publishing ethics.

Правила оформления статьи для публикации в журнале смотреть на сайте:

www.nauka-nanrk.kz

ISSN 2518-1483 (Online), ISSN 2224-5227 (Print)

<http://www.reports-science.kz/index.php/ru/>

Редакторы *М. С. Ахметова, Т.А. Апендиев, Аленов Д.С.*
Верстка на компьютере *А.М. Кульгинбаевой*

Подписано в печать 13.10.2018.
Формат 60x881/8. Бумага офсетная. Печать – ризограф.
7 п.л. Тираж 500. Заказ 5.