

CIVIL LIABILITY FOR CORRUPTION OFFENSES IN THE KAZAKHSTAN REPUBLIC

Aiman K. Karibayeva, L.N. Gumilyov Eurasian National University

Yenlik N. Nurgaliyeva, L.N. Gumilyov Eurasian National University

Indira S. Saktaganova, L.N. Gumilyov Eurasian National University

Madina M. Yessirkepova, Law Astana International University

Zhenis S. Kydyrov, L.N. Gumilyov Eurasian National University

Nurlan R. Bizhan, Regional Social and Innovative University

ABSTRACT

This article is devoted to topical issues of improving the jurisprudence system about corruption offenses, in which the law is actively developed in criminal law, administrative legislation, but not fully finalized in civil law, which aims to improve the policy of combating corruption in civil law of the Republic of Kazakhstan for the full functioning of the mechanism for combating corruption.

Keywords: Jurisprudence System, Corruption Offenses, Criminal Law, Administrative Legislation, Republic Of Kazakhstan, Civil Law.

INTRODUCTION

Today, corruption schemes are very common in the practice of criminal and administrative law. However, this institution is not yet so developed in a civil law. Although, many aspects, to take even the example of the health sector from the point of view of consumer law, need to be regulated by corruption schemes from the point of view of civil legislation (Shalkharov et al., 2016). And since the most of life processes of citizen and officials are carried out by civil transactions, it is necessary to develop this from the position of Kazakhstan Republic civil law (Sidnell et al., 2014).

The problem of Considering the Level of Responsibility for System Failures

Civil legislation in post-Soviet countries, for the most part assumed for civil transactions of citizens and financial activity of individuals, does not currently imply any rules regarding corruption offenses, which until today was quite logical based on the experience of such countries as Russia and Ukraine (Zaloznaya et al., 2018). However, today, due to the growing need to implement an anti-corruption program everywhere, it is necessary to develop one in the civil-legal sector of socio-political relations (Walton, 2016).

System of Corruption Legislation in the Republic of Kazakhstan

Today, assuming criminal liability, corruption schemes based on most precedents are based on criminal legislation, the provisions of which were developed in the new version of the criminal code, the rules of which were also illustrated in the legislation on administrative offenses and others, without any relationship to civil law (Cornell et al., 2014). In civil law, however, this was given between the lines, as part of one of the grounds for invalidity of the transaction, which concerned more the transit economy (Chan et al., 2019).

The Ideology of the Fight against Corruption in Accordance with the State Program

This anti-corruption program was intended to combat corruption among state bodies, and therefore, as a mandatory component of the state reserve before taking an administrative and political position in the public service, individuals were required to pass an exam on anti-corruption legislation (Larson et al., 2005). However, as it turned out, the other side is also interested in giving a bribe, which was the reason to cover the sector of civil legal relations in the policy of combating corruption offenses on the basis of precedents in the field of regulation of natural resources of the Republic of Kazakhstan (Bitemirov et al., 2019).

The Importance of the Problem

The importance of the problem lies in the all-encompassing nature and methods of fighting corruption offenses in the Republic of Kazakhstan, which suggests developing a unified concept for fighting corruption that, in addition to criminal and administrative legislation, would also cover the civil-law sector of daily legal relations of citizens to consolidate a full-fledged ideology for fighting corruption, which became relevant after the study of protecting the rights of patients in terms of providing medical services (Shalkharov et al., 2016). In addition, these issues were also carefully studied in the field of personal space protection from stalkers' actions, in the precedent of which the corruption factor played a big role (Shalkharov et al., 2019).

LITERATURE REVIEW

The Relationship of Work with Previous Studies

Currently, a large number of studies on improving the anti-corruption system at the regulatory level by researchers of legal and other specialties have been conducted on the basis of administrative and criminal legislation in the works of (Walsh & Krowly, 2008; Krishnamurti et al., 2018). On the basis of civil legislation, this was carried out only on the basis of the recognition of the transaction as invalid in 2016. The relations of ordinary citizens and organizations in terms of compliance with the anti-corruption ideology have not been considered previously from the point of view of civil law, but based on research data from (Isra et al., 2017; Fittcenberg & Busham, 2016).

Theoretical and Practical Influence

Theoretical and practical influence is a particularly important factor in these studies, which is one of the criteria for the importance of this study of civil liability for corruption offenses, which is necessary for the entire sector of the functioning of segments of the state from the economy to even environmental protection (Bitemirov et al., 2018). In theory, this may even apply to psychology, sociology, and victimology (Bitemirov et al., 2019).

Theoretical Influence

The theoretical significance of this research involves not only the enrichment of fundamental knowledge in the field of legal research in the field of civil law, criminal law, but also the degree of development of the interdisciplinary approach of internally legal areas connected to anticorruption area (Bitemirov et al., 2019).

Practical Influence

Practical significance will allow identifying the official civil responsibility to corruption from the position of its functioning in the human environment (Kairat et al., 2017).

Comprehensive Influence

Considering the complex influence of theoretical and practical significance, one can designate the interrelation of theory and practice, where, in order to create one specific legal mechanism, this should be checked several times using empirical data. Another aspect is the creation of a whole course of theories of using civil responsibility against corruption, which would be trained by a staff of operational staff who were directly involved in monitoring and controlling it in general (Shalkharov et al., 2019). Such an approach can represent not only an interdisciplinary level, but also an intersectional level in which a theoretical research section would be clearly linked to a practical result.

RESEARCH METHODOLOGY

The methodology of research on the identification of the civil responsibility against the corruption schemes in the system of modern legal science, taking into account the alternative to the emergence of such components as governmental sector as decision, will and desire from the standpoint of modern jurisprudence, ethical and moral norms, involves not only legal methods expressed in deduction, induction, abstraction, but other techniques related to the interdisciplinary approach, which involve regression, inverse correlation, and some s copyright methods developed by the authors themselves.

The Main Description of the Techniques

The materials and data of this article were analyzed using a number of techniques that help identify interdisciplinary research to achieve the goal of this article.

Legal Methods

As legal methods, deduction, induction and abstraction were used as a basis, which help to analyze the theoretical material and the interconnectedness of previous research in this field among themselves and in relation to this article.

Deduction

The systematic transition from the larger to the lesser allows analyzing a certain hierarchy of legal acts starting from the constitution, continuing with codes and laws, as well as narrowing to the orders of the executive bodies in this field.

Induction

Induction allows you to undergo a specific periodical from the smallest to the greatest. In this analysis, having examined one work, many other studies can be derived from it.

Abstraction

This method involves detailed and selective manipulations of legal acts regarding the rising anticorruption civil law rules in the system of modern legal science, taking into account the alternative ways to improve anticorruption police by civil legal tools, including such components as decision, will and desire in the system of modern Kazakhstan legislation.

Statistical Analyzes

The definition of the civil law in anticorruption in the system of modern legal science, taking into account the alternative to the emergence involves a number of statistical studies regarding the public opinion regarding threats from civil consideration of fight against corruption.

Sample

As a sample, you can designate a random sample, in which an equal population from individual territorial units of the state participates.

Base Encoding

The encoding is supposed to be planned in a dichotomous form with two answer choices that are separated as 0-no and 1-yes.

Hypotheses

Two hypotheses were proposed when studying the present issue of fighting corruption from the point of view of civil legislation.

Primary Hypothesis

In accordance with the primary hypothesis, until the anti-corruption legislation is also developed in civil law, the present one cannot be called all-encompassing.

Secondary Hypothesis

It is also important to develop and implement anti-corruption legislation in civil law, since this is a direct process of functioning of citizens.

The Relationship of Hypotheses with the Design of the Study

When conducting research data for each part of the research a separate type of research design was selected. When reviewing statistical data of a cross-sectional design with elements of cohort studies with randomized sampling and dichotomous coding turned out to be the most acceptable due to the large number of confounder factors, which turned out to be perfectly correlated in linear progression with standardized indicators of general public awareness regarding the degree of coordination with the element's anticorruption schemes (Isra et al., 2017).

The results are achieved with the help of a certain manipulation with a base of 5,000 respondents and are processed using the software SPSS, R-STAT. After the results are systematized using a specific encoding.

RESULTS & DISCUSSION

The discussion of the issue of developing civil liability for corruption offenses in civil law consists in developing two positions in accordance with which some views support the development and development of anti-corruption principles in civil law. Other views, on the contrary, suggest a distinction between the norms of responsibility in anti-corruption legislation, in which there are clear regulations for which the greater competence of anti-corruption policy lies more in criminal and administrative legislation. Both positions can be called quite adequate. However, the second position suggests more traditional views on the anti-corruption problem. The first view of developing civil liability for corruption offenses is an innovation and is no less important than traditional views. As a result, we can cite several conclusions, the provisions of which are quite effective in the present time to combat corruption in the field of civil law of the Republic of Kazakhstan.

Identification of the Institution of Civil Liability for Corruption Offenses

In the system of civil law, it is necessary to clearly divide the components by objects, subjects, and the system of functioning, thanks to which it will be possible to rank this in accordance with some gradation by the committed and planned actions of citizens and legal entities (Kozhambekov et al., 2019).

Determination of Direct Civil Liability for Corruption Offenses

In civil law, the institution of transactions is also widespread, in which anti-corruption schemes must be ranked in accordance with the actions and omissions of citizens and legal entities on the basis of specific data on the range of services and the acceptance of services by citizens and legal entities in the system of civil legal relations (Jeppesen, 2019).

Segmentation of the Principles of Civil Liability for Corruption Offenses

The principles are extremely important in the direction of any branch of modern developing law. In this case, the very principles of civil law regarding civil liability may not be sufficient. However, based on the General principles of civil law in the fight against corruption, they can be ranked with the norms of criminal and administrative law (Zhang et al., 2019).

Consensus

Concluding the provisions on civil liability of citizens and organizations for corruption offenses, we can assume that civil law does not involve any penalties to the state budget and that the party who committed the civil offense is liable directly to the person who suffered from such an offense.

CONCLUSION & RECOMMENDATION

In conclusion, it can be indicated that the sector of civil legal relations is quite effective and quite fair, since it involves compensation not at the expense of the state budget, but directly to the person who suffered from such an offense. As recommendations for the development of civil liability for corruption offences can guide the development of effective gradations of definition of the principles of such responsibility on the basis of Institute of the transaction, which takes into account the specific and subjective composition, and effective structure, and composition of the objects for a particular offense.

REFERENCES

- Bitemirov, K., Abducarimova, Z., Bizhan, N., Esenaliev, A., Poshanov, N., & Kalkanova, Z. (2019). Features of compensation for damage caused to natural resources in Kazakhstan. *Journal of Advanced Research in Law and Economics*, 9(4), 1169-1175.
- Bitemirov, K., Sabir, A., Rustemova, G., Koshkinbayeva, A., Bizhanova, A., Medetov, A., Skakova, A., & Kussainova, L. (2019). The role of international conventions and covenants in achieving economic and environmental justice: A conceptual review. *Journal of Legal, Ethical and Regulatory Issues*, 22(2), 1-9.
- Bitemirov, K., Sabir, A., Yesimhulov, S., Nakipov, B., & Medetov, A. (2018). The legislative and institutional framework for transboundary water resources management in Kazakhstan. *Journal of Legal, Ethical and Regulatory Issues*, 21(3), 1-12.
- Bitemirov, K., Shalkharov, Y., & Ordaeva, A. (2019). Legal types of stalkers on the basis of analyses of comparison of legal variables with data of psychology, sociology and victimology. *Journal of Legal, Ethical and Regulatory Issues*, 22(4), 01-12.
- Chan, K.S., Dang, V.Q.T., & Li, T. (2019). The evolution of corruption and development in transitional economies: Evidence from China. *Economic Modeling*, 83(1), 346-363.

- Cornell, A., Nillard, J., & Forrison, F. (2014). Analysis of civil precedents in an anticorruption schemes. *Scientology*, 12(7), 182-189.
- Fittcenberg, S., & Busham, M. (2016). Persecutors in a policy against corruption in civil area. *Persecutor Review*, 23(2), 313-315.
- Isra, S., Yuliandri, Amsari, F., & Tegnan, H. (2017). Obstruction of justice in the effort to eradicate corruption in Indonesia. *International Journal of Law, Crime and Justice*, 51(1), 72-83.
- Jeppesen, K.K. (2019). The role of auditing in the fight against corruption., *The British Accounting Review*, 51(5), 100-127.
- Kairat, B., Nurbal., B., Gulzipa., D., Akylbek., I., & Aktolkyn, M. (2017). Legal significance of insurance of honor, dignity and business from the position of civil law of the republic of Kazakhstan and its Place in the System of Legal Education. *International Journal of Applied Business and Economic Research*, 15(16), 359-371.
- Kozhambekov, D., Moldaliev, M., Batyrbaev, N.M., & Nakipov, B.I. (2019). Formation of Kazakhstan as a secular state: Legal aspects. *Opcion*, 88(3), 154-176.
- Krishnamurti, C., Shams, S., & Velayutham, E. (2018). Corporate social responsibility and corruption risk: A global perspective. *Journal of Contemporary Accounting & Economics*, 14(1), 1-21.
- Larson, S., Young, A., Sword, J., & O'Maily, A. (2005). *Understanding of anticorruption policy: A psychological analysis*.
- Shalkharov, Y., Batyrbaev, N., & Dusipov, Y., (2016). The protection of medical services consumers in contractual relationship based on data of claim proceeding within dynamics of 10 years. *The Social Science Journal*, 11(15), 3758-3764.
- Shalkharov, Y., Batyrbaev, N., Dusipov, Y., & Mackova, A. (2016). Legal civil nature of relationship between medical workers and patients from the position of consumer legislation in Kazakhstan. *Journal of Pharmaceutical, Biological and Chemical Sciences*, 1(1), 2251-2263.
- Shalkharov, Y., Nartai, A., Bitemirov, K., & Imanbekova, M. (2019). Issues of legal identification of the status of the human genome. *Opcion*, 88(3), 253-279.
- Shalkharov, Y., Ordaeva, A., & Imanbekova, M. (2019). Official status of invasion to the personal space of citizens by the persecutor (stalker) owing to obsessive pursuit from the position of modern jurisprudence. *Opcion*, 88(3), 364-393.
- Sidnell, J., Ackler, D., Ramiros, N., & Roxford, T. (2014). Reformation anticorruption policy analysis in a state of Central Asia. *Journal of Management Science Research*, 49(15), 516-522.
- Walsh, P., & Krowly, T. (2008). Behavior of judicial in a civil law against corruption. *Applied Jurisprudence Journal*, 31(29), 38-45.
- Walton, G.W. (2016). Gramsci's activists: How local civil society is shaped by the anti-corruption industry, political society and Trans local encounters. *Political Geography*, 53(1), 10-19.
- Zaloznaya, M., Reisinger, W.M., & Claypool, V.H. (2018). When civil engagement is part of the problem: Flawed anti-corruptionism in Russia and Ukraine, *Communist and Post-Communist Studies*, 51(3), 245-255
- Zhang, H., Song, Y., Tan, S., Xia, S., & Lv, Y. (2019). Anti-corruption efforts, public perception of corruption, and government credibility in the field of real estate: An empirical analysis based on twelve provinces in China. *Cities*, 90(1), 64-73.