

**Kazakh Humanitarian-Juridical Innovative University**

**Faculty of Law**

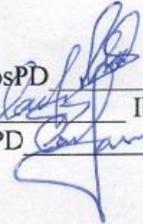
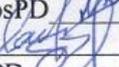
**8D04208 - «Modern trends in the development of Kazakh law»**

**THE CATALOGUE OF  
ELECTIVE SUBJECTS**

**Year of entry - 2020**

**Semey, 2020**

Created by philology department of State and legal disciplines, of Civil and legal disciplines, Criminal law

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Minutes № 5 from «21» 05 2020 y.   
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Academic degree: Doctor of Philosophy PhD in Law  
on the educational program 8D04208 - "Modern trends in the development of Kazakhstani law"

Educational program:  
8D04208 - "Modern trends in the development of Kazakh law"

Elective course №	The name of subject	Number of credits	Pre requisites	Post requisites	Short description of the content, the aims of education, expected results
		PK			
<b>BASIC DISCIPLINES</b>					
<b>Elective component (EC)</b>					
1	<b>Theoretical and methodological foundations for the development of civil law and civil procedural law</b>	5	Disciplines studied in the magistracy	They are used in the experimental research work of doctoral students, during professional practice	<p>Purpose of the study: The purpose of the discipline is an in-depth study of the institutions of civil law and the characteristics of general theoretical problems. This ensures the training of professional lawyers with deep knowledge of civil law relations, specializing in the field of market economy, investment activities, intellectual activities, insurance activities, etc.</p> <p>Abstract: A clear scientific and practical understanding of the existing general theoretical problems in civil law and in the field of civil law enforcement is one of the important skills of a high-class lawyer. The proposed discipline is an important component of training, with the help of which an understanding of the state of legal regulation in the field of civil law and in the noted area of civil law implementation is formed, which is adequate to modern legal reality.</p> <p>Expected Result</p> <p>Know: - general theoretical problems of civil science, civil legislation and law enforcement practice, ways and means of their solution; To be able to: - apply the rule of law when analyzing legal situations; - formulate your reasoned position on certain problems of civil law;</p> <p>Possess: - the skills of solving legal incidents in the field of civil law; - skills of independent creative analysis, development of legal acts in the field of civil relations, consulting on civil law issues.</p> <p>Competencies: professional</p>
1	<b>Good faith in law</b>	5	Disciplines studied in the magistracy	They are used in the experimental research work of doctoral students, during professional practice	<p>Purpose: the study of individual theoretical problems of the manifestation of good faith in law.</p> <p>Contents: General questions of the doctrine of good faith in law. Conscientiousness as a principle of civil law. Conscientiousness in property relations. Conscientiousness in legal obligations.</p> <p>Expected Result</p> <p>Know: the main problems of civil law related to violations of civil rights by unfair behavior of participants in civil turnover and protection of such violated civil rights, trends in the development and changes of civil law and legislation in the context of society reform</p> <p>To be able to: navigate constantly changing legislation and apply only legally enforceable norms of law, as well as resolve conflicts associated with changes in civil law, use methods of collecting normative and factual information that is important for the implementation of legal norms in the relevant areas of professional activity, as well as methods of analysis of judicial practice.</p> <p>Possess: the skills of drafting legal documents, carrying out legal expertise of regulations; making legal decisions and performing other legal actions in strict accordance with the law, skills in solving practical problems.</p> <p>Competence: professional</p>
2	<b>Scientific basis for the development of criminal law and criminal justice</b>	5	Disciplines studied in the magistracy	They are used in the experimental research work of doctoral students, during	<p>The purpose of the study: is to promote the strengthening of individual rights and their guarantees in criminal proceedings, to improve the norms of criminal procedure law, to develop the democratic foundations of justice. The science of criminal procedure, being under the fruitful influence of investigative, judicial and prosecutorial practice, relying on its scientific generalization, is designed to assist practice in improving achievements, in eliminating errors and shortcomings.</p>

				professional practice	<p>Abstract: The scientific basis for the development of criminal law and criminal proceedings is a system of special views, principles, ideas, ideas, scientific knowledge, within the limits and through which theoretical and applied development of the practical activities of participants in criminal proceedings is carried out.</p> <p>Expected Result</p> <p>Know: legislation regulating the criminal procedural activities of law enforcement agencies and other legal acts, acts of interpretation of law; analyze other sources of law, classify them and identify systemic connections between them; to understand the meaning of the fundamental theoretical provisions concerning criminal law and criminal procedural activity, to demonstrate their knowledge and ability to apply in practice.</p> <p>Be able to: analyze specific procedural situations and apply the law correctly; demonstrate an understanding of the place and role of criminal and criminal procedure law in the legal system; be able to identify problems of criminal and criminal procedure law and find their correct solution; be able to make correct procedural decisions and draw up procedural documents; provide qualified legal opinions and advice; independently study and critically analyze scientific literature related to procedural activities in criminal cases; be able to apply the knowledge gained, both theoretical and practical, in the course of performing procedural actions; discuss, defend and express their thoughts, substantiate their arguments regarding the problems of criminal and criminal procedure law; apply the knowledge gained to understand the patterns of development and interrelationships of various legal categories; to use knowledge in the process of lawmaking and research work; analyze specific procedural situations associated with criminal procedural activities and correctly apply the criminal procedural law; demonstrate understanding of the place and role of the Criminal Code and the Criminal Procedure Code of the Republic of Kazakhstan in the legal system.</p> <p>Possess: the skills of systemic, structural, historical, sociological analysis of the norms of legislation regulating activities in criminal cases and the practice of their application; skills in analyzing and assessing the validity discussed in concept theory.</p> <p>Competencies: professional</p>
2	<b>Private theories and forensic doctrines as a methodological basis for combating crime</b>	5	Disciplines studied in the magistracy	They are used in the experimental research work of doctoral students, during professional practice	<p>Purpose of the study: is the mastery of doctoral students an integral system of knowledge in the field of the theory of forensic science, etc. Clarification of the main provisions of the conceptual apparatus of criminal procedure, forensic science, the theory of ORD, etc., the Concept of legal policy of the state in relation to criminal procedural and criminalistic activities, basic and additional functions, the concept and essence of civilized criminal proceedings, their goals and objectives, as well as the procedure for considering the resolution of criminal cases at various stages of the criminal process based on the study of general and special principles.</p> <p>Content: The system of the science of forensic science includes four parts: methodology (introduction to the course), forensic techniques, forensic tactics and forensic techniques. The first part of it, methodology, is a presentation of the general theory of forensic science and its particular theories, methods of the science of forensic science, its practical activities, as well as the formation and development of the science of forensic science. In this regard, it is important to highlight the model of the general theory and particular forensic theories, to reveal their essence, structure, correlation and significance in the science of forensic science. The general theory of forensic science is a system of ideological principles, theoretical concepts, categories and concepts, methods, connections, definitions and terms</p> <p>Expected results</p> <p>Know: theoretical aspects of the discipline.</p> <p>To be able to: apply technical and forensic methods and means of search, detection, fixation, seizure and preliminary research of material objects - material evidence when examining the scene of the incident.</p> <p>Possess: practical skills in the use of technical and forensic techniques, methods, methods and means, in relation to various situations.</p> <p>Competencies: professional</p>
3	<b>Theoretical and methodological problems of the development of constitutional legislation of the</b>	5	Disciplines studied in the magistracy	They are used in the experimental research work of doctoral students,	<p>Purpose of the study: to study topical problems of the mechanism and practice of applying constitutional legislation. In the course of studying this course, doctoral students must acquire special knowledge about the theory and practice of applying constitutional legislation, demonstrate knowledge in the field of basic branches of law Constitutional law of the Republic of Kazakhstan, Administrative law of the Republic of Kazakhstan,</p>

	<b>Republic of Kazakhstan and foreign countries</b>			during professional practice	<p>Constitutional law of foreign countries, International law.</p> <p>Abstract: The formation of a constitutional state in the Republic of Kazakhstan has general and specific features. Common features recognize the Constitution as the main, supreme law of the country, governing political and legal relations. The theory and practice of applying constitutional legislation is developing under the influence of international law. Great importance should be given to the institutions of constitutional control both in the Republic of Kazakhstan and in foreign countries; the institution of the ombudsman, etc. The processes of integration taking place in the world are undoubtedly interesting from the point of view of the possible reception of certain institutions, especially the institution of the jury, local self-government, the Ombudsman. The experience of foreign countries can also be used to improve the legal status of the highest authorities.</p> <p>Expected Result</p> <p>Know: the content of the constitutional order, the legal status of the individual; specialized and non-specialized bodies, bodies of constitutional supervision in foreign countries; constitutional laws of the Republic of Kazakhstan.</p> <p>Be able to: identify doctrinal approaches to examining the essence of scientific phenomena in constitutional law; analyze the effectiveness of the ombudsman institutions; be able to comment on the texts of constitutional laws.</p> <p>Competencies: professional</p>
3	<b>Administrative and legal relations: theory and practice</b>	5	Disciplines studied in the magistracy	They are used in the experimental research work of doctoral students, during professional practice	<p>Purpose of the study: to study topical problems of the mechanism and practice of the application of administrative legislation. In the course of studying this course, doctoral students must acquire special knowledge about the theory and practice of the application of administrative legislation, demonstrate knowledge in the field of basic branches of law Constitutional law of the Republic of Kazakhstan, Administrative law of the Republic of Kazakhstan, Constitutional law of foreign countries, International law.</p> <p>Content: administrative and legal reforms in the Republic of Kazakhstan, regulating political and legal relations. The theory and practice of the application of administrative legislation is developing under the influence of international law. Great importance should be given to the institutions of administration, issues of reforming the civil service, issues of regulation of the spheres of education, health care, etc.</p> <p>Expected results</p> <p>Know: the content of administrative reforms from the annual Messages of the President of the country to the people, the legal status of the individual; specialized and non-specialized bodies, activities of administrative courts.</p> <p>Be able to: identify doctrinal approaches to the consideration of the essence of scientific phenomena in administrative law; analyze the effectiveness of institutions in the activity of court cases in administrative cases.</p> <p>Competencies: professional</p>
<b>MAIN DISCIPLINES</b>					
<b>Elective component (EC)</b>					
1	<b>Actual problems of intellectual property law</b>	5	Disciplines studied in the magistracy	They are used in the experimental research work of doctoral students, during professional practice	<p>Purpose of the study: to know the basics of the theory of state and law; know the basic institutions of constitutional, civil law; be able to distinguish between the features and patterns of development of civil relations; be able to resolve civil law incidents, apply civil law norms.</p> <p>Abstract: The content of the discipline is based on the continuity and relationship with disciplines such as theory and practice of civil and civil procedural law, protection of intellectual property rights. Achieving the goal of the general theoretical course is due to the need to study and research special tools for the use and protection of the results of intellectual activity, contractual institutions that mediate this kind of relationship, as well as the corresponding terminological apparatus.</p> <p>Expected Result</p> <p>Know: the essence and nature of civil law, the main patterns of the emergence, functioning and development of civil law, the main criteria for the subdivision of civil law into sub-sectors and institutions, the system of Russian civil law, the mechanism and means of legal regulation of civil relations.</p> <p>Be able to: operate with legal concepts and categories; analyze legal facts and legal relations arising in connection with them; analyze, interpret and correctly apply legal norms; make decisions and take legal actions in strict accordance with the law.</p>

					<p>Possess: civil legal terminology; skills in working with civil legal acts; skills: analysis of various legal phenomena, legal facts, legal norms and relations; analysis of law enforcement and law enforcement practice; resolving legal problems and conflicts; implementation of legal regulations; taking the necessary measures to protect the legal rights and interests of various subjects of civil law.</p> <p>Competencies: professional</p>
1	<b>Actual problems of housing law</b>	5	Disciplines studied in the magistracy	<p>They are used in the experimental research work of doctoral students, during professional practice</p>	<p>The purpose of the study: the formation of doctoral students of systemic ideas about the essence, concept and signs of housing relations, the criteria for their classification; understanding of the key problems of civil science and law enforcement practice in the field of housing relations.</p> <p>Abstract: the study of various types of relations arising from the dwelling: on the ownership, use, and disposal of residential premises, the provision of residential premises to those in need of them, on the management and operation of the housing stock; development of skills to apply the acquired knowledge and norms of housing law in practice to solving specific problems in the field of housing legal relations.</p> <p>Expected Result</p> <p>Know: - the essence, function and nature of housing legal relations; - the ratio of civil and housing legal relations; - features of certain types of housing relations.</p> <p>Be able to: - analyze regulations, find the best ways to protect violated housing rights in relation to specific situations; - apply the rules of law in the analysis of legal situations; - formulate your reasoned position on certain problems of housing legal relations.</p> <p>Possess: - the skills of applying the norms of civil, housing and procedural legislation; - the skills of solving legal incidents regarding the ownership, use, disposal of residential premises as an object of housing law; - skills of independent creative analysis, development of legal acts in the field of housing relations, consulting on the application of housing legislation.</p> <p>Competencies: professional</p>
2	<b>Conflictology and mediation in criminal proceedings</b>	5	Disciplines studied in the magistracy	<p>They are used in the experimental research work of doctoral students, during professional practice</p>	<p>Purpose of the study: discipline consolidation in practice of the knowledge acquired earlier by the undergraduate in the study of the disciplines of criminal law of the Republic of Kazakhstan, Criminal Procedure Law of the Republic of Kazakhstan and Criminalistics.</p> <p>Abstract: the discipline contains the main provisions of the conclusion of mediation in criminal cases in the context of the new edition of the Criminal Code, the Criminal Procedure Code of the Republic of Kazakhstan. Mediation is a process in which a neutral third party, the mediator, helps resolve a conflict by facilitating the negotiation of a voluntary agreement between conflicting parties. The mediator facilitates the process of communication between the parties, helps to better understand their positions and interests, looks for effective ways to solve the problem, allowing the parties to come to their own agreements.</p> <p>Expected Result</p> <p>know:</p> <ul style="list-style-type: none"> <li>- rules for organizing and conducting the mediation procedure before and after the pre-trial investigation of the case;</li> <li>- ethical foundations of participation in the mediation procedure;</li> <li>- forms of mediation organization;</li> <li>- features of the use of mediation in pre-trial proceedings;</li> <li>- the rules for conducting conciliation procedures in criminal proceedings;</li> </ul> <p>be able to:</p> <ul style="list-style-type: none"> <li>- provide advice on the application and organization of the mediation procedure when resolving cases;</li> <li>- to organize and carry out the mediation procedure, taking into account the specifics of the sphere of the conflict and its subject composition;</li> <li>- interact with other mediators during mediation;</li> <li>- diagnose the conflict and determine the mediability of the dispute.</li> </ul> <p>Competencies: professional</p>
2	<b>Theoretical and legal basis for the qualification of criminal offenses</b>	5	Disciplines studied in the magistracy	<p>They are used in the experimental research work of doctoral students, during professional practice</p>	<p>Purpose of the study: the formation of students' professional competencies, in the process of applying the norms of criminal law, the use of 3 scientific approach to the qualification of crimes in the law enforcement activities of law enforcement and judicial authorities.</p> <p>Abstract: Disclosure of the socio-political meaning and legal content of the criminal law, the relationship of its constituent norms and institutions, mastering the methods of their scientific analysis. The study of this discipline contributes to the deepening of knowledge about the content and development trends of the legal system, the role of law in the implementation of socio-economic transformations in society, the possibilities within the criminal-legal fight against crime.</p>

					<p>Expected Result</p> <p>Know:</p> <p>concept and signs of a crime; the nature and essence of state and law; mechanism and means of criminal law regulation; the regulatory framework necessary for the implementation of qualification of crimes, the rules and limits of interpretation of the norms of the Criminal Code of the Republic of Kazakhstan.</p> <p>Be able to:</p> <p>apply the norms of criminal law; operate with legal concepts and categories; analyze legal facts and legal relations arising in connection with them; to solve practical problems on the application of the norms of criminal law in the course of qualifying crimes.</p> <p>Skills:</p> <p>criminal law terminology; skills in analyzing law enforcement and law enforcement practice; skills in working with regulatory legal acts; skills in analyzing legal facts related to the commission of an act prohibited by the Criminal Code of the Republic of Kazakhstan; 4 - methods of collection and analysis of law enforcement practice on the classification of crimes; skills in working with resolutions, rulings of the Supreme Court of the Republic of Kazakhstan on the qualification of crimes, legal literature; resources of the information and telecommunication network Internet</p> <p>Competencies: professional</p>
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## SCROLL

### elective courses

#### educational program Modern trends in the development of Kazakhstani law

Training period - 3 years

п/п	Module No.	Name of the discipline	Discipline Code	Number of credits	Semester
<b>Basic disciplines (Component of choice)</b>					
		<b>Component of choice 1</b>		<b>5</b>	
1	M2	Theoretical and methodological foundations for the development of civil law and civil procedural law / Conscientiousness in law	TMORGP5203 / DP 5203	3+2+0	1
		<b>Component of choice 2</b>		<b>5</b>	
2	M3	Scientific basis for the development of criminal law and criminal justice / Private theories and forensic doctrines as a methodological basis for combating crime	NORUP5204/ChTKUMO BP5204	3+2+0	2
3	M4	<b>Component of choice 3</b>		<b>5</b>	2

		Theoretical and methodological problems of the development of constitutional legislation of the Republic of Kazakhstan and foreign countries / Administrative and legal relations: issues of theory and practice	TMPRKZ5205/APOVTP 5205	3+2+0	
<b>Profiling disciplines (Component of choice)</b>					
1	M2	<b>Component of choice 1</b>		<b>5</b>	2
		Actual problems of intellectual property law / Actual problems of housing law	APPIS6303/APZhP6303	3+2+0	
2	M4	<b>Component of choice 2</b>		<b>5</b>	2
		Conflictology and mediation in criminal proceedings / Theoretical and legal foundations of qualification of criminal offenses	KMUP6304/TPOKUP63 04	3+2+0	