

**ALIKHAN BOKEIKHAN UNIVERSITY**  
Faculty of Law

**MODULAR EDUCATIONAL PROGRAM**  
**on the educational program**  
**8D04208 - "Modern trends in the development of Kazakhstani law"**

Semey, 2021

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## **1. Explanatory note**

The modular educational program (MEP) is compiled in accordance with the provisions of the State Educational Standard of all levels of education, approved by order of the Minister of Education of the Republic of Kazakhstan No. 604 dated October 31, 2018, Standard rules for admission to training in educational organizations that implement educational programs of higher and postgraduate education under the educational program 8D04208 - "Modern trends in the development of Kazakhstani law", approved by order of the Minister of Education of the Republic of Kazakhstan No. 600 dated October 30, 2018, as well as on the basis of "Methodological recommendations for the development of modular educational programs for postgraduate education (doctoral studies in the scientific and pedagogical direction" MR 01.03 / 2018.

The modular educational program (MEP) is developed as a set and sequence of training modules for the entire period of study and is aimed at mastering the competencies necessary to award the academic degree "Doctor of Philosophy (PhD) in Law" under the educational program 8D04208 - "Modern trends in the development of Kazakhstani law." The DB block includes disciplines of the university component (VC), which is 10 credits; and components of choice (CV), which is 15 credits. Modules of these disciplines make it possible to form a complex of key (research), general and professional competencies acquired by a graduate.

The PD block includes disciplines of the university component (VC), which is 18 credits; and an optional component (CV), which is 10 credits. The modules of these disciplines make it possible to form a complex of key and professional (developmental, creative, organizational and methodological) competencies acquired by the graduate.

ERWD – 115 credits;

FSA – 12 credits.

In total, a doctoral student at the end of the MEP must master 180 credits (100%).

In total, 3 modules were compiled for MEP.

To update OP 8D04208 - "Modern trends in the development of Kazakhstani law" on March 15, 2019 at the Faculty of Law, a round table was held on the topic "Labor market: state and ways of effective interaction", which was attended by representatives of the Prosecutor's Office of Semey city, law enforcement bodies, court, etc. At the end of the work, the participants of the round table adopted a resolution with a list of new disciplines for MNP that meet the requirements of the modern market. On the example of disciplines: "Conflictology and mediation in criminal proceedings", "Actual problems of intellectual property rights".

Objects of professional activity for the qualification of Doctor of Philosophy (PhD) in law under the educational program 8D04208 - "Modern trends in the development of Kazakhstani law" prepares qualified specialists who are ready to carry out scientifically grounded professional activities in jurisprudence to meet the staffing needs of law enforcement agencies, public authorities, judicial and law enforcement systems and organizations of all forms of ownership.

The goal of EP 8D04208 - "Modern trends in the development of Kazakhstan law" is coordinated with the development strategy of the university.

Thus, the goal of the EP 8D04208 - "Modern trends in the development of Kazakhstani law" is the preparation of competitive PHD doctors who possess scientific and creative thinking and scientific and theoretical skills to identify and solve urgent problems of legal science aimed at progressive

scientific, socio-economic, moral and cultural development of the state and society, which corresponds to the mission, goals of the university quality policy.

The mission of KazHUIU is the training of competitive personnel with higher and postgraduate education in a wide range of areas focused on the industrial and innovative development of the region

The category "competitiveness of graduates" is directly and closely related to the quality of EP and education in general.

To assess the achievement of the goal of the educational program, a graduate's competence model is formed in the modular educational program 8D04208 - "Modern trends in the development of Kazakhstani law", which includes a list of competencies necessary for the effective implementation of professional activities.

The approved Graduate Model includes a description of the research tasks of the graduate, namely: demonstrating a systematic understanding of the field of study, mastery in terms of the skills and research methods used in this area; plan, develop, implement and adjust a complex research process, etc.

### **1. Competence model of a graduate**

In the modern world, the key resource for the economic growth of countries is their intellectual and educational potential. In this regard, the system of training highly qualified personnel is acquiring strategic importance, turning into the main instrument for ensuring the high competitiveness of the national economy.

The competitiveness of a modern worker is determined by his professional competence, broad social outlook, flexibility of behavior and a high level of individual activity. A developing society needs moral, enterprising people who can independently make decisions in a situation of choice, predicting their possible consequences, capable of cooperation, who are distinguished by mobility, dynamism, constructiveness, and have a developed sense of responsibility for the fate of their country.

The competence-based approach is the most important methodological tool for bringing the educational system of Kazakhstan closer to foreign education systems within the framework of the Bologna process. At present, it is generally accepted that the comparability of educational levels and qualifications of graduates can be achieved by comparing the educational results and competencies they acquired during their studies.

The competence-based approach implies profound systemic transformations affecting the content, teaching, learning, assessment, links of higher education with other levels of vocational education, the introduction of the European system of transfer and accumulation of credits and the application of the European framework for higher education qualifications.

A graduate of the educational program 8D04208 - "Modern trends in the development of Kazakhstani law" is awarded the academic degree "Doctor of Philosophy PhD in Law" is the formation of doctoral students with a high level of professional culture, including the culture of professional communication, with a civic position, capable of formulating and solving modern scientific and practical problems, teach in universities, successfully carry out research and scientific activities.

Doctor of Philosophy PhD in Law on the educational program 8D04208 - "Modern trends in the development of Kazakhstani law" should be prepared to carry out professional activities in legislative, executive and judicial authorities, in local governments, in organizations of various organizational and legal forms, in courts of general jurisdiction, in arbitration courts, notaries, in the legal profession, in the internal affairs bodies, in

the prosecutor's office, in the bodies executing punishment, in the customs authorities, as a lawyer in enterprises and organizations of various forms of ownership, law enforcement agencies, state and local government bodies, legal services enterprises, institutions, organizations.

**Competencies in the areas of professional activity of graduates of the educational program 8D04208 - "Modern trends in the development of Kazakhstani law":**

**1. General scientific competence:** form an awareness of the social significance of their future profession; a sufficient level of professional ethical self-awareness; skills in using the main provisions and methods of social, humanitarian and economic sciences in solving social and professional problems; new knowledge using modern educational and information technologies;

**2. Professional competence:**

the ability to skillfully apply normative legal acts in specific areas of legal activity, to implement the norms of substantive and procedural law in professional activities;

– the ability to perform official duties to ensure the rule of law and law and order, the safety of the individual, society, state;

– has the necessary depth of knowledge in the field of humanitarian and socio-economic disciplines, corresponding to the implementation of his professional activities;

– owns the basics of scientific analysis and forecasting of various phenomena and processes, is able to carry out their qualitative and quantitative analysis, is able to determine the goals of social research and use the methods of the studied sciences for their implementation, readiness to work on interdisciplinary projects;

– logically sets out the acquired knowledge, demonstrates the ability to apply the acquired knowledge in practice, understands and uses the methods of critical analysis, legal technique, interpretation and application of regulatory legal acts;

– finds the best ways to obtain the necessary legal information and is able to process it using modern technologies;

– develops legal documents, carries out legal expertise of regulatory legal acts and other documents;

– provides qualified legal opinions and advice;

– makes legal decisions and performs other legal actions in strict accordance with the legislation;

– have an awareness of the social significance of their future profession, manifestation of intolerance to corrupt behavior, respect for law and law, has a sufficient level of legal awareness;

– the ability to professionally conduct scientific research in the field of law;

– -skills of using the basic provisions and methods of social, humanitarian and economic sciences in solving social and professional problems; new knowledge using modern educational and information technologies; the ability to improve and develop their intellectual and general cultural level.

– takes the necessary measures to restore violated rights.

**The result of mastering** the program of the professional module is the mastering by the students of the type of scientific and professional activity in the field of jurisprudence, including professional (PC) and general (GC) competencies:

- Adapt the knowledge gained when solving problems of interpersonal and professional interaction, demonstrating mastery of the culture of written and oral speech, the ability to debate and defend one's position reasonably;

- Criticize the analytical data of the market and business processes, using the latest knowledge with the subsequent reconstruction of the changes proposed by the students;
- Able to apply in practice scientific discoveries and developments, legal norms for the protection of intellectual property;
- Able to plan and predict further professional development;
- Able to plan, coordinate, organize, implement the process of scientific research, based on the synthesis and analysis of new scientific ideas, methodological and technological approaches;
- Able to generate new knowledge, develop innovative programs, applied, industry and interdisciplinary research;
- Able to analyze and process information from various sources, develop hypotheses based on the information received, evaluate development strategies in the context of sustainable development of the region and offer science-based solutions;
- Able to conduct independent scientific research, characterized by academic integrity, based on the analysis of modern theories and methods;
- Able to generate and consolidate their own scientific ideas and concepts, respond to criticism, defend them in front of the scientific community, expanding the boundaries of scientific knowledge and contributing to the social, economic and cultural development of the region;
- Able to classify and group the obtained data, followed by their critical analysis, and making a public report on the results, incl. in a foreign language, before the scientific community at scientific forums, conferences, seminars at both international and national levels;
- Able to transform the acquired knowledge into practical activity;
- Modifies the knowledge gained, creates a plan for conducting an experiment and other actions, followed by an explanation of the facts, rules and principles and the implementation of the results in production (educational process).

**Requirements for special competencies of a doctoral student in the educational program 8D04208 - "Modern trends in the development of Kazakhstani law»:**

**The graduate must:**

have an idea:

- about the role of science and education in public life; on the state of development of scientific research in the field of jurisprudence in the world and in Kazakhstan; about the main achievements in the field of law; about the laws of the modern law-making process; about the modern methodology of higher education pedagogy, the achievements of psychological science; be aware of their social, economic, professional role; in law-making activities for the preparation of regulatory legal acts; in law enforcement to substantiate and adopt, within the limits of official duties, decisions, as well as the commission of actions related to the implementation of legal norms; drafting legal documents; in law enforcement to ensure the rule of law, law and order, the safety of the individual, society and the state; protection of public order; protection of private, state and other forms of property; prevention, suppression, detection, disclosure and investigation of offenses; protection of the rights and legitimate interests of citizens and legal entities; in expert and consulting activities to provide legal assistance, legal advice; carrying out legal expertise of regulatory legal acts; in organizational and managerial activities to the implementation of organizational and managerial functions; in research activities to conduct research on legal issues; participation in scientific research in accordance with the profile of their professional activities; in teaching activities to teaching legal disciplines; implementation of legal education.

know:

- fundamentals of fundamental sciences within the framework of specialization; the main achievements and trends in the development of modern international relations; fundamentals of methodology and methods of analysis of legal and humanities in general, including research methods; modern theories and concepts of law; essence, principles of interaction of subjects of law enforcement and law enforcement activities; foundations of pedagogy and psychology; the state language or the language of interethnic communication; at least one foreign language at the level of fluency in the language of the specialty; the main provisions of the protocol and professional ethics and skillfully use them in work; fundamentals of management and motivation of the scientific activity of the team;

be able to:

- to design and carry out their professional, scientific and scientific-pedagogical activities, as well as the activities of the team; to set and solve research goals and objectives, complex interdisciplinary research problems; predict the results of their professional and scientific activities; control and objectively evaluate their results, take responsibility for professional and scientific decisions; conduct joint scientific activities; solve problems in new unfamiliar conditions in an interdisciplinary context; integrate knowledge, cope with complexities; use the Internet system; design your further professional development, constantly improve your educational level; resist personal and professional deformations; own methods of self-realization, self-organization and self-rehabilitation;

have the skills:

- research activities, solving standard scientific and professional problems; scientific analysis; application of general scientific methods in research work; methods of teaching socio-political and international disciplines; scientific and critical thinking, oratory, correct and logical formulation of their thoughts in oral and written form; expanding their knowledge and skills based on information and educational technologies; searching for information and creative solutions, updating professional and personal experience of activities;

In order to create special conditions for people with special educational needs to receive education, the graduate's competence model is supplemented with professional competencies that ensure the adaptive nature of the main educational program. For this purpose, courses on the formation of the ability of persons with special educational needs to successfully socialize in society and actively adapt to the labor market, taking into account the characteristics of the disease, have been introduced into the catalog of courses of the additional educational program "Minor".

**Table 1. The sequence of mastering disciplines in the process of forming professional competencies**

№	Competencies: general professional, professional.	The list of compulsory, elective disciplines and the sequence of their study		Expected Result
		List of disciplines	the sequence of their study (sem.)	
		Theoretical and methodological foundations for the development	1 semester	

		of natural resource law		<p>professional problems; requirements for compliance with the law by subjects of law.</p> <p>Be able to: operate with legal concepts and categories of natural resource law; 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; analyze socially significant problems and processes; participate in the development of regulatory legal acts in accordance with the profile of their professional activities; competently make decisions and take legal actions in strict accordance with the law; legally correctly qualify facts and circumstances; provide qualified legal opinions and advice in specific types of legal activities.</p> <p>Own: legal terminology and conceptual apparatus of the science of natural resource law, skills in working with legal acts and skills in implementing the norms of natural resource law; culture of thinking, capable of generalization, analysis, perception of information, setting a goal and choosing ways to achieve it; skills in carrying out professional activities based on developed legal awareness, legal thinking and legal culture; skills in the application of normative legal acts, the implementation of the norms of material and procedural law in professional activities; skills in the preparation of legal documents.</p>
		Theoretical and applied problems of criminological science	1 Semester	<p><b>Know:</b> the concept and content of criminological science;</p> <p><b>Be able to:</b> to develop the ability to communicate with clients and colleagues, to lead people, to analyze the most difficult business situations in a balanced manner, not to be afraid of independence and novelty of decisions, to draw positive conclusions from negative experience, to learn to resort to constant introspection and an objective assessment of both your actions and the actions of those around you.</p> <p><b>Have skills:</b> determination of the system of rules and requirements for lawyers in their relations with clients, but also to identify under what conditions (social, political, etc.) they are feasible.</p>
		Actual problems of intellectual property law	1 Semester	<p><b>Know:</b> 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 subsectors and institutions, the</p>



				<p>system of Russian civil law, the mechanism and means of legal regulation of civil legal relations.</p> <p><b>Be able to:</b> 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><b>Own:</b> civil law 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>
		Conflictology and mediation in criminal proceedings	1 Semester	<p><b>know:</b></p> <ul style="list-style-type: none"> <li>- the 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>- rules for conducting conciliation procedures in criminal proceedings;</li> </ul> <p><b>be able to:</b></p> <ul style="list-style-type: none"> <li>- provide advice on the application and organization of the mediation procedure in resolving cases;</li> <li>- 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>

**Table 2. The sequence of mastering the disciplines of social and professional interaction**

<b>Kypc</b>	<b>Supporting disciplines</b>	<b>Competencies</b>	<b>Expected Result</b>
1	2	3	
1	Law education and lawmaking	General scientific	<b>Know:</b> have a clear understanding of the legal nature and procedure for the creation of

			<p>various legal acts; know the basic rules, methods and means of legal technology, in accordance with which various types of regulatory legal acts are developed</p> <p><b>Be able to:</b> operate with legal concepts and categories; use legal and technical means, methods and techniques for drafting the texts of regulatory legal acts; analyze and interpret regulatory legal acts in accordance with the rules of legal technology; apply the methodology of legal expertise</p> <p><b>Own:</b> special legal terminology used in lawmaking; a general methodology for the preparation of various types of regulatory legal acts in accordance with the profile of their professional activities; skills in developing the concept of the text of normative acts; skills of analysis and interpretation of the legislation of the Republic of Kazakhstan.</p>
1	Theoretical and methodological foundations of the development of civil law and civil procedural law	Professional	<p><b>Know:</b> - general theoretical problems of civil science, civil legislation and law enforcement practice, ways and means of their solution;</p> <p><b>Be able to:</b> - apply the rule of law when analyzing legal situations - formulate your reasoned position on certain issues of civil law;</p> <p><b>Own:</b> - skills in 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>
1	Scientific basis for the development of criminal law and criminal justice	Professional	<p><b>Know:</b> legislation regulating the criminal procedural activity 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; understand the meaning of the fundamental theoretical provisions related to criminal law and criminal procedural activity, demonstrate their knowledge and ability to apply in practice.</p> <p><b>Be able to:</b> 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 acquired knowledge, both theoretical and practical, in the course of the execution of procedural actions; discuss, defend and express their thoughts, substantiate their arguments regarding the problems of criminal and criminal procedural law; apply the knowledge gained to understand the patterns of development and the relationship of various legal categories; use knowledge in the process of lawmaking and research work; analyze specific procedural situations related to criminal procedural</p>

			<p>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><b>Own:</b> the skills of a 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>
1	Theoretical and methodological problems of the development of constitutional legislation of the Republic of Kazakhstan and foreign countries	Professional	<p><b>Know:</b> 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><b>Be able to:</b> identify doctrinal approaches to considering 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>

#### List of modules

Module No	Module name	List of disciplines included in the module	Block	Semester	The volume of credits by discipline		Form of control	Total credits by module
					PK			
<i>M. 1</i>	<b>Law education and lawmaking</b>	Law education and lawmaking	BD UC	1	5		Exam	5
<i>M.2</i>	<b>Theoretical and methodological foundations of civil legislation</b>	Theoretical and methodological foundations of the development of civil law and civil procedural law	BD OK	1	5		Exam	15
		Theoretical and methodological foundations for the development of natural resource law	MD UC	1	5		Exam	

		Actual problems of intellectual property law	MD OK	1	5		Exam	
<i>M.3</i>	<b>Scientific and theoretical foundations of criminal law and criminal procedure</b>	Scientific foundations of the development of criminal law and criminal proceedings	BD OK	1	5		Exam	15
		Theoretical and applied problems of criminological science	MD UC	1	5		Exam	
		Conflictology and mediation in criminal proceedings	MD OK	1	5		Exam	
<i>M.4</i>	<b>Theoretical and methodological problems of the development of constitutional legislation</b>	Theoretical and methodological problems of the development of constitutional legislation of the Republic of Kazakhstan and foreign countries	BD OK	1	5		Exam	5