

Қазіргі кезеңде оны құқықтық қамтамасыз ету үшін бірінғай және нақты мемлекеттік көзқарасты қалыптастырудың алғашқы қадамдары жасалуда.

Қазақстанда жүргізіліп отырған әскери және құқықтық реформалар осы негізгі міндеттерді орындауға маңызды қадамдар жасауда. Осы міндеттерді орындау барысында әскери қауіпсіздікті қамтамасыз етуге бағытталған мемлекеттің әскери ұйымдастырылуы және әскери қауіпсіздік жүйесінің қазіргі талабына жауап беретін қызметтер атқарылуда. Жоғарыдағы айтылған міндеттерді шешу бойынша нақты шаралар Қазақстан Республикасының Конституциясымен, Конституциялық заңдармен, Қазақстан Республикасы Президентінің Жарлығымен, Қазақстан Республикасы Үкіметінің қаулыларының нормаларымен реттеледі. Алайда ол біріншіден, қазіргі әрекет етуші заңдарда әскери саясатты қамтамасыз ету саласындағы болып жатқан үрдістерді толығымен алып көрсете алмайды. Екіншіден, оның құрылымын бекітпейді және де Қазақстан Республикасының Қарулы Күшінің әскери ұйымдарды қолдану тәртібі жеткілікті деңгейде нақты көрсетілмеген. Сондықтан осы саладағы құқықтық актілерді жетілдіру қажеттілігі туындайды.

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CONCEPT AND LEGAL NATURE OF THE RIGHT OF PEOPLE AND CITIZENS TO A FAVORABLE ENVIRONMENT IN THE REPUBLIC OF KAZAKHSTAN

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At the current stage of human development, there are important trends in the establishment and implementation of human rights and freedoms at the international and national levels. The Constitution of the Republic of Kazakhstan, adopted on August 30, 1995, states that one of the basic human rights is the right to a favorable environment.

The constitutional recognition that living in a favorable environment is a natural, inalienable right of every human being is the next step towards strengthening its guarantees, legal methods and approaches. At the same time, the actions of Kazakhstan's legislators should include principles aimed at protecting human life and health, ensuring that the population lives, works and rests in a favorable environment.

Everyone's right to an environment includes real opportunities to live in an environment that meets international and national standards, participation in the preparation, discussion and adoption of environmental decisions, monitoring their implementation, access to accurate and up-to-date environmental information, and compensation for environmental damage.

The urgency of this problem is due to the fact that in the current situation the environmental problem is of great importance.

Kazakhstan is a country with a deteriorating environmental situation. Intensive to the human environment. Obstacles can cause irreparable damage, both ecologically and biologically. As a part of nature, man has a huge impact on the whole environment, as a result of which nature is ecologically degraded.

The current state of ecological decline can be defined as the violation of equality in the ecological system and the relationship of human society with nature. The protection of the environment is a vital necessity for the state, as well as for the person who regulates the interaction of society and nature. Therefore, an important task today is the environmental security of society, which plays a leading role in the state of the Republic of Kazakhstan, which is the formation of its own code of environmental behavior through education, the media and the legal framework.

Ensuring environmental safety of the Republic of Kazakhstan may be carried out by the state through scientifically based legal, organizational, economic, technical, educational and other measures related to environmental protection.

Currently, human environmental safety is a priority in the Republic of Kazakhstan. This is due to the fact that increasing anthropological pressure on the environment leads to aggravation of the ecological situation. Complications of the ecological situation are manifested in the depletion of natural resources, environmental pollution, loss of natural connection between man and nature and aesthetic values, deterioration of human condition and health. This leads to a violation not only of the right to a favorable environment, but also of constitutional rights and freedoms, including the right to life, liberty and employment.

The first step in this long journey is the creation of national environmental legislation that will contribute to the proper solution of environmental problems of the independent country. This is explained by the need for a deeper study of human rights to the environment in terms of constitutional law

Current legislation in Kazakhstan should, first of all, clarify the constitutional provisions that reflect the rights to the environment, and indicate the ways and procedures for their implementation, the system of guarantees and measures to protect them. Consideration of the ecological and economic interests of society in a scientifically sound relationship, meeting its needs in the environment should be an important component of the event.

At present, Kazakhstan has a diversified system of legislation aimed at regulating and protecting the right to the environment in accordance with international human rights standards. Due to the worsening environmental situation and the low level of government activity to improve it, the problem of realization of the right to a favorable environment is becoming more and more important for both society and individuals.

Despite all the declarations of individual rights in the Constitution of the Republic of Kazakhstan, in practice it is not uncommon for human rights and freedoms to be violated. Moreover, although no country can guarantee in the current situation the full realization and protection of everyone's right to a favorable environment, its Constitution must regulate the environmental activities of the state and its bodies. The constitutional right of everyone to a favorable environment should soon become the main criterion of the legal system in Kazakhstan.

Therefore, there is a need to eliminate gaps in existing legislation, bring it into line with the Constitution of the Republic of Kazakhstan, the development and adoption of environmental legislation, the formation and improvement of the guarantee system.

At the current stage of development of society, the implementation of the Constitution of the Republic of Kazakhstan and other regulations remains relevant and complex. This is due to the huge gap between the established human rights and freedoms and their real use.

The human right to a favorable environment has a natural significance and is an important category of law.

Currently, the ecological situation is deteriorating. The environment has a negative impact on the human body, as a result of which a person needs official protection of his right to a favorable environment by the state.

Article 31 of the Constitution of the Republic of Kazakhstan enshrines the right of every person to a favorable environment, the right to full information about its condition and the right to compensation in the event of damage to health or property in violation of environmental rights [1].

This article basically establishes three separate environmental rights.

- the right to a favorable environment
- The right to receive full information about its condition
- The right to compensation in the event of damage to health or property in violation of environmental rights [2.184].

Like the right to life, it reflects the interdependence of the existence of society as a whole, and therefore belongs to individual and general rights.

The analysis is a law in progress, which shows its viability in all areas, contributes to maintaining a balanced environmental, economic and aesthetic conditions.

Recognition of the right to a favorable environment is fundamental to Kazakhstan's legislation. Reaffirmed this right. The Constitution of the Republic of Kazakhstan has strengthened the progressive processes of legal development of the state.

Today, the constitutional enactment of this law, which is determined by the role of the institution of human rights, is of great political and legal significance. Human rights, by their nature, form the objective conditions and methods necessary for the individual to ensure the normal development of society, the state.

As the well-known Russian scientist IL Petrukhin noted, in the hierarchy of society's goals, human interests should come first. In particular, human rights reflect the policy of the state, more precisely, the relationship between the individual and the state [3.79].

Recognition of human rights and freedoms as a great value leads to changes in the relationship between the citizen and the state, aimed at ensuring the interests of the individual in political and legal terms.

Human rights are not a gift of the state, but an inalienable property of humanity.

Due to the existence of these rights, public authorities are not only limited in their means of visibility and influence, but also obey the law.

While the recognition and regulation of the right to a favorable environment contributes to the effectiveness of environmental protection, not only for the individual, but also for society and the state as a whole, the state itself must be interested in the activism of citizens.

Thus, through gradual regulation, environmental rights acquire an important legal significance, which is the basis for the restoration of a favorable environment, which calls for ensuring a normal human life.

The Constitution of the Republic of Kazakhstan has an important legal significance, which is the basis for the restoration of a favorable environment, which calls for ensuring a normal human life.

The enshrinement of the right to a favorable environment in the Constitution of the Republic of Kazakhstan promotes the right granted to the legislator for the most effective use and implies the need to take into account its essence and content in the development.

The Constitution of the Republic of Kazakhstan does not define the concept of a favorable environment, which in turn can lead to some difficulties in determining the scope and content of the right to a favorable environment.

Before defining the content of the category of the right to a favorable environment, it is necessary to understand the meaning of this concept on the basis of an analysis of the laws of the Republic of Kazakhstan. For example, on February 19, 2007, the Ecological Code of the Republic of Kazakhstan, enshrining the right of citizens to a clean and favorable environment, provides a clear definition of this right in comparison with the Constitution of the Republic of Kazakhstan. Therefore, the question from this point of view would be fair. Whether the concepts of environment and the environment differ in content.

The environment is one of the fundamental categories of modern science and practice, along with such categories as the world, economy, society and democracy. That is why the environment, not nature, is the object of integration of legal regulation of public relations related to nature in modern times, as well as national and international law.

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LEGAL BASES OF PUBLIC ADMINISTRATION IN THE FIELD OF ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL PROTECTION

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The growing global environmental crisis has made the protection of the environment and human rights one of the most pressing issues. The crisis in the environment has already damaged the lives, health and property of millions of people, and its further deepening could lead to irreparable environmental and biological consequences. There is every reason to believe that the preservation of the environment has become a vital necessity, even the most important problem that decides the fate of mankind.