

установку цен на производимые или реализуемые им товары, отличающихся от цен, установленных Правительством Республики Казахстан[3].

Объекты государственной монополии создаются в исключительных случаях путем создания государственного предприятия Правительством РК или по решению Правительства РК местными исполнительными органами областей, городов республиканского значения, столицы. Однако, мировой опыт показывает, что одним из основных направлений антимонопольной политики в стране должно быть сокращение видов деятельности, отнесенных к государственной монополии.

Таким образом, не смотря на приоритет конкуренции в построении рыночных отношений, монополии не подлежат обязательному запрету. Зачастую монополии это следствие конкуренции, и в основном мы сталкиваемся с сочетаниями этих двух крайних рыночных состояний. Роль государства заключается в ограничении и контроле деятельности не только субъектов занимающих доминирующее положение, но также субъектов, которые путем заключения каких-либо соглашений ограничивают конкуренцию в такой же степени, что и доминанты рынка.

#### Список литературы:

1. Разу М. Л., Филиппов А. В. Конкуренция, как универсальное условие прогресса // Современная конкуренция. – 2007. – С. 132-140.
2. Мырзалиев Б. С. Государственное регулирование экономики: Учебник. - Алматы: «Нұр-Пресс», 2007. - 522 с.
3. Кодекс Республики Казахстан от 29 октября 2015 года № 375-V «Предпринимательский кодекс Республики Казахстан» (с изменениями и дополнениями по состоянию на 16.01.2021 г.// [https://online.zakon.kz/document/?doc\\_id=38259854#pos=3518;-54](https://online.zakon.kz/document/?doc_id=38259854#pos=3518;-54)
4. Микро и макроэкономика. Энциклопедический словарь / под общей редакцией Г. С. Вечканова. - 2000.- 534 с.
5. Чернышев Н.Ф. Капиталистическая монополия и милитаризм: истоки зловещего альянса. - М.: Экономика. 1987. –208 с.
6. Закон Республики Казахстан от 27 декабря 2018 года № 204-VI «О естественных монополиях» (с изменениями и дополнениями по состоянию на 02.01.2021 г.)// [https://online.zakon.kz/document/?doc\\_id=38681059#pos=141;-42](https://online.zakon.kz/document/?doc_id=38681059#pos=141;-42)
7. Абдулхаков А.Р. Экономико-правовые аспекты функционирования естественных монополий // Бизнес в законе. - 2008. - № 1. - С. 207-208.
8. Мкртчян Н. Естественные монополии: проблемы функционирования и практика регулирования // Современные исследования социальных проблем. - 2011. - № 3.

#### **CURRENT ISSUES OF THE INSTITUTE OF GUARDIANSHIP**

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The first formation of a person's personality begins with the family. His growth of male maturity, the first signs of humanity are formed in the family, so the warmth of his native home is stored in his chest for many years and will always be remembered. The family is the first step in the education of conscience, intelligence, morality, communication with other people, and culture in an individual. Therefore, the family is very necessary, a ladder that cannot be changed (replaced) by anything else. Family is an environment of respect and harmony. The family is a natural and basic unit of society, and has the right to protection by society and the state [1].

The family is the first team to raise children. The main pillar of the family, the Golden pillar – the child. A rich family has a great influence on the upbringing of a child. Each member of the family, whether talking to each other, or not only performing the duties of a parent, child, but also communicating with prosperity, unity, love, will undoubtedly become a strong family with a high family.

The current situation in the family issue is aimed at ensuring its legal solution and optimal organization of proper and normal functioning of guardianship functions.

Guardianship is the only form of protection of a person by the state. But in the application of the provisions of the legislation of the Republic of Kazakhstan on guardianship, this institution is ineffective, which in most cases leads to violations of rights.

Therefore, this situation forms the relevance of the topic received for research, which allows us to systematize the accumulated legal knowledge and law enforcement practice.

In the scientific literature, different views on guardianship is mentioned. However, from the point of view of the authors, special forms of protection of their rights and interests are considered as a comprehensive section of family and civil law, including all types of care for citizens in need and in order to protect their personal and property rights.

This legal institution covers a wide range of issues related to family and civil law. In modern conditions, this institution is supplemented by the Institute of trust management and is implemented as a form of patronage of able-bodied citizens.

The rights and obligations of special persons (guardians and trustees) for the exercise of guardianship and guardianship are imposed by law and are obliged to report to the competent authorities in accordance with the requirements of the law. Parents or legal representatives are responsible for minors.

Guardianship generally determine property rights in most cases, but this does not mean that the guardian or trustee should not take care of the ward. The main difference between guardianship and guardianship from adoption is the emergence of the need to establish them, limit their legal capacity and age [2; 81]. In other words, it is an aid to those who, due to their age and health, cannot live independently, defend their rights or manage their property.

If this does not contradict the interests of the child, a guardian or guardian can only be appointed with his consent. A close relative has a pre-emptive right to be a guardian over others. Guardianship is usually assumed by grandparents, brothers and sisters who have reached the age of majority, and sometimes – by uncles and aunts of children. But even an outsider can take custody.

The social policy pursued by the president of the Republic of Kazakhstan is and remains a policy aimed at improving the life of the population. Among them, in order to achieve the goals, set, it is necessary to further improve the social sphere, considering individual types. In the 90s, there were fundamental changes in the socio-economic system. The rejection of the ideology of socialism led to a change in the position of the individual in society. On the one hand, the person became free, but on the other - the social assistance of the individual significantly decreased.

One of the types of social assistance for citizens, especially those in need, is the establishment of its guardianship or guardianship. Questions for children left without parental care attracted the attention of the state and the public.

In recent years, this issue has become one of the controversial issues of many scientific conferences, round tables, in particular, the corresponding "on the Guardian", the main goal of improving the traditional system of children left without parental care is to ensure and coordinate the interests of the child and the person who raised the child. The labeling of guardianship, on the one hand, allows, on the other hand, the organization of the child's fate in conditions close to family life - establishes the possibility of establishing control over the observance of the rights and interests of citizens.

Among legal scholars, there is an opinion that guardianship is not an important institution. N. M. Yershov's statement is still correct: "family law specialists do not consider guardianship as their sphere, and civil servants do not develop this institution, claiming that it belongs to the

sphere of Family Law" [3; 77]. Among the changes that have taken place in civil law and civil science, the need to reform the institution of guardianship was noted.

In the scientific literature on scientific research related to the issues of family and legal regulation, there are many opinions related to guardianship. For example, N. M. Yershova's point of view is considered to be the most justified, in her opinion, guardianship determines that "a comprehensive section of family and civil law covers all types of protection for citizens who need special forms of protection of their rights and interests and have in order to protect their personal and property rights" [3; 83].

This legal institution of family law, as noted, covers a wide range of issues related to family and civil law. Guardianship and guardianship are inextricably linked. In both cases, we are talking about persons who have no legal capacity or have limited legal capacity. The norms governing guardianship is set out in the same legislative acts, which are regulated by the same state body - the guardianship and guardianship authority. At the same time, the procedure for selecting and appointing a Guardian, the duty of the protected to protect their rights will also be general.

The state policy on children is implemented on the basis of economic and political reforms in the country. In accordance with the positive changes that have taken place in Kazakhstan, adequate measures are being taken to improve the position of children in society. However, the problem of reducing the social role of the family institution remains, and the number of parents who lead a non-social lifestyle is growing. As the experience of foreign countries shows, it is necessary to create a single comprehensive system of management of assistance to children and families, update and expand the list of services aimed at supporting all categories of children. In a number of countries, such as Russia, the Czech Republic, Latvia, Romania, Bulgaria, Albania, Denmark, Sweden, new forms of work with children and families - "social guardianship" - Centers for social security of families and children were established [4; 138].

The activities of these services are aimed at social, psychological, medical and legal support of children and families in all spheres of society's life. Kazakhstan can use international experience in social support of the family and protection of children from all forms of violence. The consequences of socially false adaptation of minors who find themselves in a difficult life situation lead to an increase in uncontrolled, homelessness, and crime among children and adolescents, and minors can also be involved in the most vicious forms of child labor, dangerous for themselves and others.

Therefore, not only educational institutions, but also society and the state should make additions to the relevant legislative acts in a comprehensive form to solve the problems that have arisen over the years.

#### List of references:

1. Universal Declaration of Human Rights Declaration adopted by resolution of the United Nations General Assembly on 10 December 1948 No. 217 A (III)
2. Kalashnikova N. Adoption in Kazakhstan: the development of the law on orphans and children left without parental care/ / legal reform in Kazakhstan, 2016, No. 2, pp. 79-83
3. Yershova N. M. Guardianship of minors. Moscow, 2009-115 p.
4. Tumanova, LV, Vladimirov, IA On Human Rights / L. V. Protection of family rights by the European Court of Justice Tumanova, IA Vladimirov. Moscow: Gorodets Publ., 2017 - 95.