IRSTI 10.63.00

E.N. Nurgalieva, A.K. Karibaeva

L.N. Gumilyov Eurasian National University, Astana, Kazakhstan
(E-mail: e.nurgalieva47@gmail.com, Karibaeva.aiman@yandex.kz)

Civil legal sanctions for corruption

Abstract. *The article is devoted to one of the little-studied topics in the Kazakh legal literature – civil sanctions of corruption offenses. Since the Republic of Kazakhstan has joined the main Conventions on criminal and civil law means of combating corruption, the authors analyze the content of these Conventions from the perspective of reflecting their provisions in Kazakh legislation. A comparative legal analysis of the content of the Convention on Civil Liability for Corruption and the norms of the Civil Code of the Republic of Kazakhstan showed that the last has enough norms to be used when considering corrupt transactions and the consequences of their invalidity, as well as civil sanctions that play a supporting role in relation to criminal sanctions. However, anti-corruption practice shows that not enough attention is paid to civil liability for corruption. It is noted that many countries, including the Republic of Kazakhstan, have not yet found effective tools for persons who have suffered damage from corruption. It is proposed to transfer all the provisions of civil law illegal transactions contained in the Civil Code of the Republic of Kazakhstan to the Law of the Republic of Kazakhstan On Combating Corruption with the simultaneous definition of the concept of «corrupt transactions», as well as the establishment of the consequences of their invalidity. The main purpose of this article, according to the authors, is to draw the attention of law enforcement and law enforcement agencies to the objective need to identify corrupt transactions committed intentionally but connected by external signs of civil law transactions.*
Keywords: *conventions, civil law sanctions, corruption, invalid transactions.*

DOI: https://doi.org/10.32523/2616-6844-2023-143-2-149-156

Introduction

One of the difficult and undiscovered topics in the legal literature associated with civil liability for corruption is civil sanctions. There are practically no studies devoted to this topic in the Kazakh legal literature, although there is an understanding among scientists that it is preferable for individuals who have suffered from corruption crimes to defend their rights and interests in the framework of civil rather than criminal law.

In the light of countering corruption, the works of Russian scientists are mainly devoted to the application of civil law measures that contribute to the restoration of violated rights and legitimate interests of persons affected by an act of corruption, as well as international aspects of this problem: Zhiganova A.A., Koryakina V.M., Morozova A.N., Nechevin D.K., Sigbatullina L.I., Sinitsina S.A., Pozdnysheva E.V. etc. Of the Kazakhstani authors, there are several articles by Nurgalieva E.N., Shyktybayev T.T. and others. The article by Sigbatullina L.I. presents an article-by-article analysis of the Council of Europe Convention on Civil Liability for Corruption, as well as a commentary on it. In the works of Sinitsina S.A., Pozdnysheva E.V., a general description of civil penalties for corruption offenses is given, considering the latest amendments and additions to the Civil Code of the Russian Federation (further the Civil Code of the Russian Federation). Molchanov A.A. revealed the specifics of

civil liability for corrupt behavior, as well as the reasons that should be considered when developing anti-corruption measures.

Investigating various aspects of corruption offenses and civil liability for them, Kazakh authors, unfortunately, pay little attention to civil sanctions, which collectively can form effective anti-corruption mechanisms. The works of scientists devoted to the issues of gaps in Russian legislation corruption transactions include Gorbachevich A.S. «The legal consequences of the invalidity of corrupt transactions from the point of view of civil law»; Myndrya D.I. «The invalidity of the transaction and the illegality of the action»; Bochkova S.O. «The fight against corruption: civil law aspects»; Blinova M.A. «Invalidity of a transaction made with a purpose contrary to the fundamentals of law and order and morality», etc.

Materials and methods

The need to study the materials and methods of theoretical and practical issues of civil liability for corruption led to the use of various methods of research. The authors applied the method of analysis of the Council of Europe Convention on Civil Liability for Corruption to implement its norms in the Kazakh civil legislation; methods of induction and deduction allowed to formulate several problems, the solution which will make it possible to apply civil sanctions more generally in practice, as effective measures of influence on the offender.

Discussion and results

Civil responsibility for corruption is based on the provision of the Civil Code of the Republic of Kazakhstan (further the Civil Code of the Republic of Kazakhstan), according to which no one has the right to extract property from their illegal or unprincipled behavior. The point of such responsibility lies in the fact that the offender is obliged to perform a certain property action aimed at restoring the violated property and non-property rights of another person. At the same time, civil sanctions for corruption are effective if they conform with international anti-corruption principles. These sanctions play a supporting role in relation to criminal sanctions, and they are applied only in cases when the offender is identified, and his guilt is proved by a court verdict that has entered into force.

Analyzing the content of the UN Convention against Corruption of October 31, 2003 (Kazakhstan joined it in 2008) [1], Sinitsin S.A. and Pozdnysheva E.V. point to the imperfection of its norm, when a state party adopting its domestic legislation, may recognize as a criminal offense a significant increase in the assets of a public official if this person cannot prove the legality of such an increase. The authors see in this norm a mechanism of objective attribution of guilt in criminal proceedings through the civil, property status of a civil servant or his close relatives and believe that thereby the fundamental importance of the presumption of innocence is ignored [2].

We will allow ourselves to disagree with such a statement of the question, and for the following reasons: firstly, the State party may take legislative measures related to an intentional criminal offense in accordance with its internal criminal law policy; secondly, there is reason to believe that as a result of an intentional criminal offense, an illegal beneficiation; thirdly, if a civil servant cannot prove the origin of the increased assets, then it can hardly be considered justified and unrelated to an intentional criminal offense. Therefore, sufficient proof of guilt, in our opinion, is not only the increase in the assets of a public official, but also the inability to prove his legal origin.

Certainly, objective attribution of guilt is the possibility of applying punishment for acts and their consequences, when the person brought to criminal responsibility did not expect and could not expect them. Subjective attribution is a principle of criminal law, the content of which is that only those circumstances of the act that were realized by the person who committed the act are legally significant and capable of entailing the application of liability measures. A civil servant, as a public official, is a special subject of law who carries increased responsibility to society and the people, therefore he cannot refer to what he did not foresee and could not know from where and how the increase in his assets occurred.

In the further development of new law in compliance with the Convention, all these circumstances should be clearly described to avoid judicial mistakes. «Subjective attribution is the most elementary condition for a correct socio-political assessment of human behavior in general and criminal behavior in particular,» notes Naumov A.V. [3].

Obligations arising from unjustified enrichment are also regulated by civil legislation, where it is noted that enrichment is recognized as unjustified if the acquisition or saving of property by one person at the expense of another person occurred in the absence of grounds provided for by law or transaction. The fact of unjustified enrichment itself is important for the occurrence of an obligation, and not the specific reason for which this happened. They can be a variety of facts, both provided for and not provided for by law [4].

The concept of the Anti-Corruption Policy of the Republic of Kazakhstan for 2022-2026, approved by the Decree of the President of the Republic of Kazakhstan dated 02.02.2022 No. 802 hold attention to the fact that illegal receipt of benefits is the main motive for committing corruption, therefore it is necessary to introduce such mechanisms that make corruption unprofitable, especially in terms of the use of illegally acquired funds. The introduction of liability for unlawful enrichment is one of the most effective ways when expenses significantly exceed income.

We completely agree with. Minnitsky D.A, who proposed to overestimate the importance of civil law means of combating corruption in preventing corruption acts based on the analysis of the world practice of fighting corruption, as well as expanding the list of special bases and appropriate means of protection against corruption [5].

In several countries, the institution of extended confiscation already operates, when all the property of a criminal is confiscated if he does not prove the legality of his origin. For example, in the USA, criminal legislation contains a broader concept of criminally punishable corruption than, for example, in European countries. Several countries have introduced the principle of «presumption of guilt» for government officials [6].

Civil law norms related to corruption are reflected in the Council of Europe Convention «On Civil Liability for Corruption» of November 04, 1999, (GRECO), namely: a) establishing the invalidity of a transaction involving the commission of corruption, when it is recognized in court; b) compensation for damages in a lawsuit legal proceedings, which includes real damage, lost profits and compensation for moral damage; c) allocation of conditions for liability for an act of corruption; d) a claim for damages from the state in the commission of corruption offenses by officials in the performance of their powers; e) the establishment of a limitation period for such offenses of at least three years [7].

Numerous discussions were held on the need for our country to join the GRECO and the issue was resolved positively at the end of 2016, although the actual entry took place in 2020 not by ratifying the Convention, but by joining it, which gives various advantages in the international area. This way, by becoming a member of GRECO, Kazakhstan received the immunity of the representative of GRECO and members of the evaluation groups from personal arrest, detention and confiscation of baggage, prosecution from spoken and written statements. At the same time, unfortunately, in Kazakhstan's legislative acts on combating corruption, we do not find indications of civil liability. In fact, there are enough norms in the Civil Code of the Republic of Kazakhstan that reveal the essence of civil sanctions for corruption, although they do not directly indicate the corruption of various transactions.

For more convincing, we will conduct a comparative analysis of the provisions of the Convention on Civil Liability for Corruption and the norms of the Civil Code of the Republic of Kazakhstan. Article 3 of the Convention on Compensation for Damage is reflected in paragraph 4 of Article 9 of the Civil Code of the Republic of Kazakhstan on compensation for losses; the conditions for liability-art.4 of the Convention in Article 917 of the Civil Code of the Republic of Kazakhstan; expulsion from civil liability due to the fault of a person – Article 5 of the Convention in Article 314 of the Civil Code of the Republic of Kazakhstan; claim for damages from the state – Article 6 of the Convention in Article 322 of the Civil

Code of the Republic of Kazakhstan; statute of limitations – art.7 of the Convention in Article 178 of the Civil Code of the Republic of Kazakhstan; invalidity of the transaction – Article 8 of the Convention in Article 157-1; in paragraph 1 st158 of the Civil Code of the Republic of Kazakhstan; in Article 157 of the Civil Code of the Republic of Kazakhstan – on disputed and void transactions; in Article 158 of the Civil Code of the Republic of Kazakhstan – on transactions that do not comply with the law, as well as transactions contrary to the fundamentals of law and order and morality; on fraudulent agreement. And this confirms the fact that all the provisions of the Convention, in terms of specifying the norms of the Convention, are available in the Civil Code of the Republic of Kazakhstan. Another thing is that there are no special rules on the invalidity of corrupt transactions, which should be developed and included in the Law of the Republic of Kazakhstan dated November 18, 2015, No. 410-V «On Combating Corruption» [8]. The absence of special norms in the current legislation with the definition of the composition and consequences of corrupt transactions cannot but affect the application in practice of civil sanctions for corruption.

Despite the signing of the Convention on Civil Liability for Corruption, many countries, including Kazakhstan, have not yet found effective remedies for persons who have suffered damage from corruption and have not established them in domestic legislation. However, taking as a basis the theoretical developments of Kazakhstani scientists, it is possible to focus on the main thing – the peculiarities of guilt in the form of liability under consideration: firstly, the rule is known that civil legislation does not make the occurrence and amount of damage to be compensated dependent on the form of guilt; secondly, the causer of harm is always assumed to be guilty, until he proves his innocence; thirdly, compensation for harm caused to human rights is also allowed for its innocent infliction; fourthly, the obligation to compensate for the damage caused may arise depending both on the fault of the causer of the damage and on the mental attitude of the responsible person to the behavior of the violator that caused the harm; fifthly, guilt characterizes not only the mental deviation of the harmer and the victim, but also the attitude of a third person [9].All these features of guilt should be taken into respect when developing a mechanism for civil law means of combating corruption.

In fact, we are talking about tort obligations, that is, liability for harm, which mainly has a protective function, since tort obligations are intended to serve to ensure the rights and interests of subjects of civil law from various violations. The fault of the causer of the harm, the characteristic features of which are described above, is not the only reason for bringing to civil liability, therefore it is necessary to establish the presence of harm, the illegality of the action (inaction) that caused the harm, the causal relationship between the action (inaction) and the resulting harm. All reasons for liability are described in detail in the legal literature, so we will not focus on them.

One of the main disadvantages in the mechanism of civil remedies for corruption is the lack of special rules on the invalidity of corrupt transactions, in connection with which we will try to give our vision of filling this deficit in legislation.

Corrupt transactions are recognized as invalid due to their illegality and are recognized as invalidated as transactions that do not comply with the law, as well as transactions made with a purpose that is obviously illegal to the foundations of law and order and morality. An insignificant transaction is invalid at the time of its commission since it is concluded in violation of the law. Any interested person has the right to refer to the invalidity of such a transaction and to demand in court the application of the consequences of its invalidity.

Illegality in an invalid transaction is only a sign of such an action, which was originally a transaction; it is at the same time a sign of an action, but not a reflection of the essence of the object being determined, therefore a corrupt transaction that is invalid remains a transaction, which reflects its civil law essence [10].

In our opinion the usage of mutual restitution in Kazakhstan's legislation is not a positive step in establishing civil sanctions

for corruption since confiscation is not a sanction of civil liability. It would be right if we call corruption transactions antisocial – these are intentional offenses of a socially dangerous nature, committed with a purpose that is obviously illegal to the framework of law and order and morality, entailing legal responsibility for the guilty party. Such characteristic of corrupt transactions may well fit into the Law of the Republic of Kazakhstan «On Combating Corruption» by transferring them from the Civil Code of the Republic of Kazakhstan.

The recovery of all received state income in modern conditions is not justified and does not conform with the principles of private law, and therefore we consider it necessary to develop alternative sanctions when committing corrupt transactions, depending on the specific circumstances. In this regard, we completely support the position of scientists who propose to establish a special composition of the invalidity of a corrupt transaction by establishing special legal consequences of its invalidity in the form of one-sided restitution and compensation, the amount of which should be determined by at least 25% of the price of such a transaction [2]. And such a decision will ensure the protection of the interests of true participants in civil turnover from the reclamation of their property in the order of restitution applied in case of invalidity of transactions.

The separation of invalid transactions into invalid and disputed ones has received a new sound in Kazakh legislation not so long ago, the main meaning of which is that the transaction is invalid on the grounds established by law, by advantage of its recognition by a court as such -a disputed transaction, or regardless of such recognition – a invalid transaction. A transaction aimed at achieving a criminal goal, the illegality of which is established by a court verdict, is inoperative and invalid. Antisocial transactions, as a special category of invalid transactions, the commission of which is recognized as one of the grossest civil violations and may entail confiscation actions, have been reflected in civil legislation. The qualifying sign of an antisocial transaction is the presence of a goal that is obviously contrary to the fundamentals of law and order or morality. This means that to qualify a transaction, the fundamental legal and moral norms defining the foundations of society must be violated. Such norms are not singled out, therefore, when considering antisocial transactions, a significant role of judicial discretion is assumed, considering the actual circumstances, the nature of the violations committed by the parties and the consequences. The purpose of the transaction can be recognized as intentionally contrary to the fundamentals of law and order and morality only if, during the trial, it is established that at least one of the participants in the transaction has intent.

Civil liability, as an anti-corruption measure, is provided by the norms of Kazakhstan civil legislation and comes because of non-fulfillment or improper fulfillment by a person of obligations provided for by civil law, which is associated with violation of subjective civil rights of another person, if there are signs of corruption.

In view of the ambiguity and deficient elaboration of the norms of civil legislation related to combating corruption, it is necessary to develop a Concept for the development of civil legislation in Kazakhstan, which would be aimed at preventing the development of corruption in the country.

Based on the above, we can propose the following version of the article for inclusion in the Law «On Combating Corruption»:

Article – Corruption transaction

1. A corrupt transaction is of a socially dangerous nature and violate on the social, economic, and social foundations of the state established by law, state security, fundamental rights, and freedoms of citizens.

2. A corrupt transaction has the external signs of a civil transaction committed intentionally.

3. The party guilty of a corrupt transaction carries legal responsibility in the form of recovery from this of everything received in the state's income, as well as in the form of recovery of damage under the norms of civil legislation.

4. The grounds and consequences of corrupt transactions are determined by civil legislation.

Conclusion

Considering that the corruption mechanisms existing in the country are not always effective, we have suggested that effective sanctions of civil liability should be more generally introduced into the practice of combating corruption.

By proposing the project of this article, we did not aim to cover all the provisions of the Civil Code of the Republic of Kazakhstan, in one way or another related to transactions, the content of which meets the requirements of Kazakh legislation. The main goal is to attract the attention of law enforcement bodies and law enforcement agencies to corrupt transactions that have the appearance of a civil transaction but committed intentionally.

Kazakhstan's accession to the Convention on Criminal Liability for Corruption of January 27, 1999, as well as to the Council of Europe Convention on Civil Liability for Corruption of November 4, 1999, obliges our country to implement the norms of these Conventions into the domestic legislation to use the most effective legal means in everyday practice against corruption. Due to the lack of theoretically verified provisions on corruption transactions in the legislation, we consider it necessary to monitor the current regulatory legal acts, bring them into line with international standards, while simultaneously analyzing the judicial practice of considering corruption offenses.

References

1. Konvenciya Organizacii Ob»edinennyh Nacij protiv korrupcii ot 31 oktyabrya 2003 goda [Electronic resource] – Available at: https://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml (Accessed: 30.04.2023).

2. Sinicyn S.A., Pozdnysheva E.V. Grazhdansko – pravovye sankcii za sovershenie korrupcionnyh pravonarushenij. Zakonodatel'stvo i ekonomika. – 2015 g. – №5. – S.40-45

3. Naumov A.V. Realizaciya ugolovnogo zakona. – Rostov na Donu. Feniks. – 2003. – S.81.

4. Koncepciya antikorrupcionnoj politiki Respubliki Kazahstan na 2022-2026 gody. Utv. Ukazom Prezidenta Respubliki Kazahstan ot 2 fevralya 2022 goda № 802. [Electronic resource] – Available at: https://adilet.zan.kz/rus/docs/U2200000802 (Accessed: 01.05.2023).

5. Minnickij D.A. Vzaimodejstvie funkcij grazhdansko- pravovoj otvetstvennosti v preduprezhdenii pravonarushenij: obshcheteoreticheskij aspekt. // Vserossijskij kriminologicheskij zhurnal. – 2019.- t.13.- №1. S.30-40

6. Nechevin D.K., Polyakov M.M., Posulihina I.S. Preduprezhdenie korrupcii v organah gosudarstvennoj vlasti: oganizacionno – pravovoj aspect. [Electronic resource] – Available at: https://cyberleninka.ru/article/n/preduprezhdenie-korruptsii-v-organah-gosudarstvennoy-vlasti-organizatsionno-pravovoy-aspekt (Accessed: 03.05.2023).

7. Konvenciya Soveta Evropy o grazhdansko- pravovoj otvetstvennosti za korrupciyu ot 4 noyabrya 1999 goda. [Electronic resource] – Available at: https: //rm.coe.int/168007f58d (Accessed: 03.05.2023).

8. Zakon Respubliki Kazahstan ot 18 noyabrya 2015 goda №410-V «O protivodejstvii korrupcii» (s izmeneniyami i dopolneniyami po sostoyaniyu na 03.01.2023 g.) [Electronic resource] – Available at: https://online.zakon.kz/document/?doc_id=31918562. (Accessed: 03.05.2023).

9. SHyktybaev T.T. Konstitucionnye osnovy blag i svobod cheloveka i problemy ih zashchity v deliktnom prave sovremennogo Kazahstana. Almaty. – 2005. – S.114-117

10. Gorbacevich A.S. Pravovye posledstviya nedejstvitel'nosti korrupcionnyh sdelok s tochki zreniya grazhdanskogo prava [Electronic resource] – Available at: https://cyberleninka.ru/article/n/pravovye-posledstviya-nedeystvitelnosti-korruptsionnyh-sdelok-s-tochki-zreniya-grazhdanskogo-prava (Accessed: 3.05.2023).

Е.Н. Нұрғалиева, А.К. Карибаева
Л.Н. Гумилев атындағы Еуразия ұлттық университеті, Астана, Қазақстан

Сыбайлас жемқорлық үшін азаматтық құқықтық санкциялар

Аңдатпа. Мақала қазақ заң әдебиетіндегі аз зерттелген тақырыптың бірі – сыбайлас жемқорлық құқық бұзушылықтар үшін азаматтық-құқықтық санкцияларға арналған. Қазақстан Республикасының сыбайлас жемқорлыққа қарсы күрес құралдары туралы қылмыстық және азаматтық-құқықтық негізгі Конвенцияларға қосылуына байланысты авторлар осы Конвенциялардың мазмұнын, олардың ережелерін қазақстандық заңнамада орын алуын талдайды. Сыбайлас жемқорлық үшін азаматтық-құқықтық жауапкершілік туралы Конвенцияның мазмұнына және Қазақстан Республикасы Азаматтық Кодексінің нормаларына салыстырмалы құқықтық талдау көрсеткендей, сыбайлас жемқорлық мәмілелері мен олардың жарамсыздығы салдарын қарау кезінде қылмыстық санкцияларға қатысты қосымша рөл атқаратын азаматтық-құқықтық санкциялар ретінде соңғысының қолданылатын нормалары жеткілікті, Дегенмен, сыбайлас жемқорлықпен күрес тәжірибесі сыбайлас жемқорлық үшін азаматтық-құқықтық жауапкершілікке жеткілікті көңіл бөлінбейтінін көрсетіп отыр. Көптеген елдерде, соның ішінде Қазақстан Республикасында да сыбайлас жемқорлықтан зардап шеккен тұлғаларды қорғаудың тиімді әдістері әлі табылмағаны атап өтіледі. Қазақстан Республикасының Азаматтық кодексіндегі азаматтық-құқықтық заңсыз мәмілелердің барлық нормаларын «Сыбайлас жемқорлыққа қарсы іс-қимыл туралы» Қазақстан Республикасының Заңына «сыбайлас жемқорлық мәмілелері» олардың жарамсыздығы салдары туралы түсінігіне бірден анықтама бере отырып және заңсыз мәмілелерді толық көшіру ұсынылып отыр. Бұл мақаланың негізгі мақсаты, авторлардың пікірінше, құқық қорғау және құқыққолдану органдарының назарын қасақана жасалған, бірақ азаматтық-құқықтық мәмілелердің жалпы белгілерімен біріктірілген сыбайлас жемқорлық мәмілелермен анықтаудың объективті қажеттілігі деп тану болып табылады.

Түйін сөздер: конвенциялар, азаматтық-құқықтық санкциялар, сыбайлас жемқорлық, жарамсыз мәмілелер.

Е.Н. Нургалиева, А.К. Карибаева
Евразийский национальный университет им. Л.Н. Гумилева, Астана, Казахстан

Гражданско-правовые санкции за коррупцию

Аннотация. Статья посвящена одной из малоизученных в казахстанской юридической литературе теме – гражданско-правовым санкциям за коррупционные правонарушения. В связи с тем, что Республика Казахстан присоединилась к основным Конвенциям, посвященным уголовно-правовым и гражданско-правовым средствам противодействия коррупции, авторами дан анализ содержания этих Конвенций с позиции отражения их положений в казахстанском законодательстве. Сравнительно-правовой анализ содержания Конвенции о гражданско-правовой ответственности за коррупцию и норм Гражданского Кодекса РК показал, что в последнем достаточно норм, подлежащих к использованию при рассмотрении коррупционных сделок и последствий их недействительности, а также гражданско-правовых санкций, которые играют вспомогательную роль по отношению к уголовно-правовым санкциям. Тем не менее, практика противодействия коррупции показывает, что недостаточно уделяется внимание гражданско-правовой ответственности за коррупцию. Отмечается, что многие страны, в том числе и Республика Казахстан, до сих пор не нашли эффективных средств правовой защиты лиц, понесших ущерб от коррупции. Все положения гражданско-правовых противоправных сделок, содержащихся в ГК РК, предложено перенести в закон РК «О противодействии коррупции» с одновременным определением понятия «коррупционные сделки», также установлением последствий их недействительности. Главной целью данной статьи, по мнению авторов, является обращение внимания правоохранительных и правоприменительных органов на объективную необходимость выявления коррупционных сделок, совершенных умышленно, но объединенных внешними признаками гражданско-правовых сделок.

Ключевые слова: конвенции, гражданско-правовые санкции, коррупция, недействительные сделки.

Список литературы

1. Конвенция Организации Объединенных Наций против коррупции от 31 октября 2003 года. [Электрон. ресурс]. – URL: https://www.un.org/ru/documents/decl_conv/conventions/corruption.shtml (дата обращения: 30.04.2023).

2. Синицын С.А., Позднышева Е.В. Гражданско-правовые санкции за совершение коррупционных правонарушений. Законодательство и экономика. -2015. – №5. – С.40-45.

3. Наумов А.В. Реализация уголовного закона. – Ростов на Дону. Феникс. – 2003. – С.81.

4. Концепция антикоррупционной политики Республики Казахстан на 2022-2026 годы. Утв. Указом Президента Республики Казахстан от 2 февраля 2022 года № 802. [Электрон. ресурс]. – URL: https://adilet.zan.kz/rus/docs/U2200000802 (дата обращения: 01.05.2023).

5. Минницкий Д.А. Взаимодействие функций гражданско-правовой ответственности в предупреждении правонарушений: общетеоретический аспект // Всероссийский криминологический журнал. – 2019. – Т.13. – №1. С.30-40.

6. Нечевин Д.К., Поляков М.М., Посулихина И.С. Предупреждение коррупции в органах государственной власти: организационно-правовой аспект. [Электрон. ресурс]. – URL: https:// cyberleninka.ru/article/n/ preduprezhdenie-korruptsii-v-organah-gosudarstvennoy-vlasti-organizatsionno-pravovoy-aspekt (дата обращения: 03.05.2023.

7. Конвенция Совета Европы о гражданско-правовой ответственности за коррупцию от 4 ноября 1999 года. [Электрон. ресурс]. – URL: https: //rm.coe.int/168007f58d (дата обращения: 03.05.2023.

8. Закон Республики Казахстан от 18 ноября 2015 года №410-V «О противодействии коррупции» (с изменениями и дополнениями по состоянию на 03.01.2023 г.). [Электрон. ресурс]. – URL: https: // online.zakon.kz/document/?doc_id=31918562. (дата обращения: 03.05.2023).

9. Шыктыбаев Т.Т. Конституционные основы благ и свобод человека и проблемы их защиты в деликтном праве современного Казахстана. Алматы. – 2005. – С.114-117.

10. Горбацевич А.С. Правовые последствия недействительности коррупционных сделок с точки зрения гражданского права. [Электрон. ресурс]. – URL: https://cyberleninka.ru/article/n/pravovye-posledstviya-nedeystvitelnosti-korruptsionnyh-sdelok-s-tochki-zreniya-grazhdanskogo-prava (дата обращения: 03.05.2023).

Information about authors:

Nurgaliyeva Y.N. – Doctor of Law, Professor, L.N.Gumilyov Eurasian National University, 2 Satpayev str., Astana, Kazakhstan.

Karibayeva A.K. – PhD student, L.N. Gumilyov Eurasian National University, 2 Satpayev str., Astana, Kazakhstan.

Нұрғалиева Е.Н. – з.ғ.д., Л.Н. Гумилев атындағы Еуразия ұлттық университеті конституциялық және азаматтық құқық кафедрасының профессоры, Сәтпаев көш. 2, Астана, Қазақстан.

Карибаева А.К. – Л.Н. Гумилев атындағы Еуразия ұлттық университетінің PhD докторанты, Сәтпаев көш. 2, Астана, Қазақстан.