



IRSTI 10.06.01  
Scientific article

<https://doi.org/10.32523/2616-6844-2024-148-3-242-251>

## On the Correlation of Terminology in the Local Self-Government System in Republic of Kazakhstan Defining Terms

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**Abstract:** In contemporary conditions in Kazakhstan and other foreign countries, significant attention is given issues and problems of organizing effective local self-government (LSG). The study aims to explore the constitutional and legal regulation of LSG in Kazakhstan and to seek innovations in forming an effective financial system for LSG bodies. Various methods were used, including general (theoretical, universal) and specific (empirical or practical) research methods. The research results include the following conclusions: Government authorities and LSG bodies, along with their officials, must continuously improve the legal framework for organizing and developing an effective financial system for LSG bodies in Kazakhstan, taking into account the constitutional norms of building a legal and social state. Effective functioning of LSG bodies primarily depends on their material, technical, and financial resources. It is noted that the establishment of an efficient financial system for LSG in the modern democratic and social world is recognized as a fundamental legal foundation. This study examines the most established and widely accepted definitions of terms and concepts. The analysis and consideration of these and other related concepts are driven by the objective needs of modern times.

Conclusions focus on the legal aspects of these terms and concepts, reflecting the essential features of the concept of forming an effective financial system for local self-government, its theoretical foundations, and their application to the practice of constitutional construction of a real social state in Kazakhstan. The results of the study are expected to assist legislators in drafting a high-quality law on LSG issues.

**Keywords:** governance, self-government, municipality, financial foundations, local budget, development of financial foundations.

## **Introduction**

The issues of organizing the legal foundations regulating the activities of LSG have gained significant importance in the current conditions, especially regarding their material, technical, and financial state. The Constitution of Kazakhstan enshrines provisions that regulate local government and self-government issues [1].

The relevance of the research topic is driven by the necessity to establish an effective LSG system in Kazakhstan, which has not yet been developed in the country. President of Kazakhstan, Kassym-Jomart Tokayev, emphasized that an effective LSG with appropriate representative and executive bodies must be formed in the country. However, to date, local self-government has not been effectively established in Kazakhstan, and real local self-government bodies have not been formed. Additionally, the relevance of our research is due to the need for innovation in creating real LSG bodies, their financial systems, as well as the need to clarify the legal hierarchy of definitions, taking into account the nuances of their meanings related to local self-government.

The object of the research includes the constitutionally established system of local self-government, as well as the constitutional and legal relations that develop in the formation of institutions of local government and self-government.

The subject of the research is the constitutional and legal foundations for the formation and development of local government and self-government bodies, the factors and conditions for the development of local self-government, and the main problems along the path to their resolution.

The aims of the research is to conduct a comprehensive, systematic analysis of the theoretical and practical issues and problems related to the constitutional and legal regulation of LSG in Kazakhstan.

The right to effective LSG is enshrined in international law as a crucial condition for a decent life for the citizens of a state. In the scientific realm, the formation of an effective financial system for LSG is considered a complex, multifaceted state-societal-political phenomenon. It is in this context that the issues surrounding the formation of an effective financial system for LSG have for the first time become the subject of study in Kazakhstan's legal science.

In our view, Kazakhstan still lacks research dedicated to a systematic and comprehensive examination of the problems faced by LSG bodies, including their financial and economic activities.

The conceptual legal foundations for the formation of an effective financial system for LSG, along with the related institutions, include such state-legal categories, key terms, and concepts as "state administration," "local self-government," "local community," and others.

It is important to emphasize that while there are a sufficient number of terms and concepts related to the formation of an effective financial system for LSG, some of them are still not fully defined in terms of their complete functional significance.

In our article, we do not aim to conduct a detailed study of the essence and significance of most of the terms and concepts mentioned above. Most of the definitions have been sufficiently explored, both by domestic practitioners and scholars as well as by researchers from CIS countries and beyond. In this study, we will use the most established and widely accepted definitions of

terms and concepts. The examination and consideration of these and other concepts are driven solely by the need for their consistent use in this research. From this perspective, this section will focus on the legal aspects of these terms and concepts, reflecting the essential features of the concept of forming an effective financial system for LSG, its theoretical foundations, and their application to the practice of constitutional construction in a real social state in Kazakhstan.

We also note that in this article, we use categories such as "term," "concept," and "definition." To ensure clear and precise understanding of these words, as well as the terms mentioned above, we will explain their meaning, essence, and characteristics. In this study, we will predominantly use the word "definition."

So, first of all, "municipal bodies are local self-government bodies that have the right, within the framework of general laws, to make decisions that are binding within a given region, impose local taxes and fees, form and allocate local budgets, and implement social measures aimed at supporting the residents of the region." [2].

In our understanding, LSG bodies are elected bodies of local self-government that have the right to represent the interests of the population and make decisions on their behalf that are effective within the territory of the municipality [2].

In Kazakhstan, there are 3 cities with megapolis status, 17 regions, 177 districts, 84 cities of regional and district significance, and 7,031 villages and settlements, within which 2,383 rural districts have been established (these are hybrid administrative bodies). We believe that it is necessary to establish local self-government bodies in every village and settlement. In our opinion, it is essential to utilize both domestic and, particularly, international experience in assessing the financial condition of local self-government bodies. The legal and organizational-economic foundations for the development of the financial condition of local self-government bodies should be improved, and a mechanism for their development should be devised based on the mobilization of their own financial resources, municipal property, local taxes, and other sources.

Today, there is already an excellent experience in organizing LSG. For example, in the Zharlyozek rural district of the Koksus district in the Zhetysay region, the Center for Sustainable Development called "OCHAQ" was established in 2020. The goal of this center is to develop and implement modern technologies for sustainable development in rural areas and agriculture, and to replicate these technologies in every village in the region. With sponsorship and grant funds, a magnificent administrative building was constructed for the OCHAQ Center for Sustainable Development, where villagers can come to solve local issues and problems, hold various socio-economic events, and more. In fact, the building of the OCHAQ Center for Sustainable Development has become the local self-government body of the village. The center houses offices, classrooms for conducting training sessions, workshops with an exhibition hall, a museum, a hotel, a shop, and a teahouse, as well as other necessary infrastructure for its activities.

We believe that such Centers for Sustainable Development (rural, township management bodies, rural municipalities, offices, and other local community management bodies) should be organized and established in every village and settlement in Kazakhstan, of which there are 7,031 units. This would ensure that a management system exists not only in the 2,383 rural

districts (where each district includes between 2 to 12 villages) but that management bodies are present in every village and settlement. In this way, the entire population of the villages, settlements, and cities (19 million people) would be involved in the local self-government system, aimed at developing the local economy, agriculture, livestock farming, and overall sustainable development of local communities.

We also believe that the leaders of the executive bodies of the LSG should be elected by the residents of the local communities, as is done in Turkey. To study the experience of the municipalities in Turkey, a delegation of Kazakhstani scholars and practitioners, consisting of five people, familiarized themselves with the activities of two district municipalities and their socio-cultural facilities in Istanbul from February 26 to 29, 2024.

In addition to signing the cooperation protocol between the Union of Local Self-Government Bodies of Kazakhstan and the Union of Municipalities of the Turkic World (TDBB), during the visit to Turkey, a delegation from the Union of Local Self-Government Bodies of Kazakhstan (ULSGB) visited the municipalities of Bağcılar and Zeytinburnu.

On February 27, 2024, the delegation from the Union of Local Self-Government Bodies of Kazakhstan visited the Bağcılar municipality and met with Deputy Mayor Volkan Çakmak. After the meeting, the ULSGB delegation toured the Bağcılar municipality and visited the Palace for the Disabled, the "Vefahane" Life Center, the City Library, the Hasan Nail Canat Information House, and the Youth Center.

On February 28, 2024, the delegation visited the Zeytinburnu municipality and met with Deputy Mayor Osman Dinç. After the meeting, ULSGB delegation took a tour to learn about the activities of the Zeytinburnu municipality. They visited the Medicinal Plants Garden, the historic Balıklı Greek Church, the Zeytinburnu Bookstore, the Zeytinburnu Culture and Arts Center, the Mosaic Museum, the Maltepe Information House and the monument to the Kazakh poet Abai. The program concluded with a final evaluation meeting held at the TDBB headquarters.

The delegation from the Union of Local Self-Government Bodies of Kazakhstan, which attended the ceremony for the signing of the Cooperation Agreement, included Erkinbek Rakimbaev, President of the Union of Local Self-Government Bodies of Kazakhstan; Zhazira Omirali, Rector of Kunaev University and Deputy Director General of ULSGB; Baktygul Ilyasova, Deputy Director General of ULSGB; Sandugash Koshekova, Deputy Director of the Kazakh Training Center for Local Self-Government Bodies; and Anara Anipina, Secretary of the Public Fund for the Development of Local Self-Government "Eurasian Public Union."

The cooperation protocol between the Union of Municipalities of the Turkic World (TDBB) and the Union of Local Self-Government Bodies of Kazakhstan (ULSGB) was signed at a ceremony held on February 26, 2024, at the TDBB headquarters in Istanbul. The protocol was signed by TDBB Secretary General Fahri Solak on behalf of TDBB, and by Erkinbek Rakimbaev, President of the Union of Local Self-Government Bodies of Kazakhstan, on behalf of ULSGB.

After the signing ceremony, the delegation from Kazakhstan held a meeting with TDBB General Secretary Fahri Solak at the TDBB headquarters. During the meeting, Fahri Solak provided information about TDBB and its activities, noting that Kazakhstan is one of the member countries with which TDBB actively cooperates and that the Akimat of Turkestan is also represented on the TDBB Board of Directors. He also mentioned that a monument to Yunus

Emre was recently placed in Astana by TDBB, publications related to Kazakhstan have been released and numerous twin town relationships are being coordinated. Fahri Solak also stated that cooperation between local authorities in Kazakhstan and municipalities in Turkey could further develop in the context of twin town programs and experience exchange.

In turn, the head of the Union of Local Self-Government Bodies of Kazakhstan, E.N. Rakimbaev, noted that this Union is a new institution and emphasized the importance of the experience of Turkish municipalities, a country with a rich background in municipal governance, as well as the experience of TDBB. He stated that they are ready to establish and strengthen partnership relationships between the villages and cities of the two countries in the future and are looking to TDBB for support in joint projects. He also suggested that the experience of organizing municipal activities in Istanbul deserves special attention and it is necessary to use it in Kazakhstan.

We believe that after the adoption of well-crafted laws regulating the functioning of LGB in the country, it will be possible to create a genuine system of LGB in villages, towns, and cities.

The legislative regulation of financial sources for local budgets must be based on comprehensive reforms of the tax system and intergovernmental fiscal relations, utilizing innovative and more efficient financial instruments. In Kazakhstan, a genuine system of local self-government has still not been established, despite the existence of relevant legislation.

The innovations introduced by President Kassym-Jomart Tokayev aim to form and develop local self-government bodies as fundamental pillars of Kazakhstan's innovative system of popular governance. Legislative guarantees are required to obligate state authorities to ensure real conditions for the development of local self-government, particularly the right to sufficient financial resources and a material-technical base. The issues and challenges concerning the structure, composition, and volume of financial resources for local self-government bodies should become a primary focus for in-depth study.

We believe that LSG bodies should operate independently, as established by the Constitution of Kazakhstan.

In the Russian Federation, local self-government bodies are not part of the system of state authorities [3, 5].

The European Charter of Local Self-Government stipulates that local self-government bodies have the right to possess sufficient financial resources within the framework of national economic policy [4].

Thus, the theoretical aspects and categories of the LSG system discussed above, along with their financial and economic foundations, in the context of their interrelationship, essence, and functioning, as well as the definition of terms, form the theoretical basis of our research.

## **Results**

The results of the study are as follows. State authorities and LSG bodies, along with their officials, must continuously improve the legal foundations for organizing and developing an effective financial system for local self-government bodies in Kazakhstan, considering the constitutional norms of building a legal and social state. The effectiveness of local self-government bodies' activities primarily depends on their material, technical, and financial support. It is

noted that the establishment of an effective financial system for local self-government in the modern democratic and social world is recognized as a fundamental legal basis.

The novelty of the achieved results lies in the development of innovative approaches to the establishment and development of local LSG in Kazakhstan, including the formation of effective legislative foundations for LSG. The results of the study align with the stated goals and objectives of the article: a comprehensive, systematic analysis of theoretical and practical issues and problems of constitutional and legal regulation of LSG has been conducted, corresponding innovations in the formation of an effective financial system for LSG bodies have been presented, and the definitions of terms have been outlined. An analysis of the constitutional and legal foundations of LSG in Kazakhstan has been carried out; the norms of the European Charter of LSG have been studied; foreign experiences in the formation and development of LSG have been examined; and the main problems have been identified, along with corresponding solutions.

It is proposed that the Government of the Republic of Kazakhstan develop and adopt a National Strategy for Decentralization of Governance and Development of LSG for the period from 2025 to 2030. This strategy will outline ways to address current LSG issues and propose innovative solutions for all aspects of LSG bodies' activities.

## **Discussion**

As we previously noted, in similar studies, local authors have examined the activities of LSG in isolation from the fundamental principles of LSG construction, particularly those outlined in the European Charter of Local Self-Government, among others. President Kassym-Jomart Tokayev has pointed out that there is no real LSG in Kazakhstan, and that real representative and executive bodies of LSG have yet to be established as necessary in villages, towns, and cities. Moreover, to this day, there is no clear understanding of many definitions and terms related to LSG among scholars in the academic community. We have presented these key concepts.

Summarizing and evaluating the results of the study, it should be noted that our previously published research in various native and international scientific journals confirms our scientific concept, and the results obtained.

## **Conclusions**

It is widely known that in modern market conditions, without an adequate financial and economic base, local self-government bodies cannot effectively carry out the socio-economic development of territories or provide quality municipal and state services through the delegated functions of LSG bodies.

It should be noted that at this stage, local self-government in Kazakhstan is still far from both the initiation and completion of its practical implementation and the development of the necessary foundational legislation. We believe that after the adoption of the relevant laws, it will be possible to establish an effective system of local self-government bodies in villages, towns, and cities.

It will be necessary to provide local self-government bodies with adequate local budgets, financial resources, and material and technical means. To achieve this, it is essential to equip

local self-government bodies with the appropriate legislative frameworks and other effective regulatory measures.

As President Kassym-Jomart Tokayev has noted, Kazakhstan needs to ratify the European Charter of Local Self-Government and modernize its system of local self-government in the near future. Based on the fundamental principles of this Charter, Kazakhstan should establish a real local self-government system [6].

In Section IX, "Local Self-Government," clear and precise norms should be established to regulate local self-government in Kazakhstan, covering both organizational-legal and financial-economic aspects.

It is necessary to eliminate ambiguous expressions in the legislation of Kazakhstan. At the same time, norms should be established to regulate the procedures for providing local self-government bodies with adequate financial resources.

Thus, the issue of forming effective local self-government bodies with a corresponding financial and economic base at the legislative level requires further theoretical reflection and the adoption of practical measures for innovative resolution. We believe that this will enable local self-government bodies to achieve effective socio-economic development of territories and provide high-quality municipal services to members of the local community.

Данное исследование было профинансировано Комитетом науки Министерства науки и высшего образования Республики Казахстан (грант №AP23489679).

This research was funded by the Science Committee of the Ministry of Science and Higher Education of the Republic of Kazakhstan (grant No. AP23489679).

#### **Contributions of the Authors.**

– **K.A. Sabitov** collected and analyzed the results of the work and participated in drafting the preliminary text;

– **G.A. Alibaeva** made a significant contribution to the concept of the work, and approved the final version of the article for publication;

– **E.N. Rakimbaev** wrote the text, conducted a critical review of its content, and is responsible for all aspects of the work, ensuring the thorough examination and resolution of issues related to the integrity of all parts of the article.

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This research was funded by the Science Committee of the Ministry of Science and Higher Education of the Republic of Kazakhstan (grant No. AP23489679).

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### **Қазақстан Республикасындағы жергілікті өзін-өзі басқару жүйесіндегі терминологияның қатынасы және олардың қаржылық негіздері туралы. Терминдардың анықтауы**

**Андатпа:** Қазіргі жағдайда Қазақстанда және шет елдерде тиімді жергілікті өзін-өзі басқаруды ұйымдастыру мәселелері мен мәселелеріне маңызды рөл беріледі. Зерттеудің мақсаты – Қазақстандағы жергілікті өзін-өзі басқаруды (ЖӨБ) конституциялық-құқықтық реттеу мәселелері мен мәселелерін қарастыру, жергілікті өзін-өзі басқару органдарының тиімді қаржы жүйесін қалыптастырудағы жаңалықтарды іздеу. Әртүрлі әдістер қолданылды – жалпы (теориялық, әмбебап) және арнайы (эмпирикалық немесе практикалық) зерттеу әдістері. Зерттеу нәтижелері келесідей болды: Мемлекеттік билік пен жергілікті өзін-өзі басқару органдары, олардың лауазымды тұлғалары құқықтық және әлеуметтік мемлекет құрудың конституциялық нормаларын ескере отырып, Қазақстанның жергілікті өзін-өзі басқару органдарының тиімді қаржы жүйесін ұйымдастыру мен қалыптастырудың құқықтық негіздерін үнемі жетілдіріп отыруы қажет. Бұл, ең алдымен, жергілікті өзін-өзі басқару органдарының тиімді қызметі материалдық-техникалық және қаржылық қамтамасыз етілуіне байланысты. Қазіргі демократиялық және әлеуметтік әлемде жергілікті өзін-өзі басқарудың тиімді қаржылық жүйесін қалыптастыру негізгі құқықтық негіз ретінде танылғаны атап өтілді. Бұл зерттеу терминдер мен ұғымдардың ең қалыптасқан, жалпы қабылданған анықтамаларын қарастырады. Осы және басқа да бірқатар ұғымдарды зерттеп, қарастыру тек қазіргі заманның



объективті қажеттілігімен анықталады. Қорытындылар. Әңгіме жергілікті өзін-өзі басқарудың тиімді қаржы жүйесін қалыптастыру концепциясының маңызды белгілерін, оның нақты әлеуметтік конституциялық құрылыс тәжірибесіне қатысты теориялық негіздерін көрсететін осы терминдер мен ұғымдардың мазмұнының құқықтық аспектілері туралы болып отыр. Қазақстандағы мемлекет. Зерттеу нәтижелері заң шығарушыға жергілікті өзін-өзі басқару мәселелері бойынша сапалы заң қабылдауға көмектеседі.

**Түйін сөздер:** басқару, өзін-өзі басқару, муниципалитет, қаржылық негіздері, жергілікті бюджет, қаржылық негіздерін дамыту.

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### **О соотношении терминологии в системе местного самоуправления в Республике Казахстан. Дефинирование терминов**

**Аннотация:** В современных условиях в Казахстане и зарубежных странах, важная роль отводится вопросам и проблемам организации эффективного местного самоуправления. Цель исследования – рассмотреть вопросы и проблемы конституционно-правового регулирования местного самоуправления (МСУ) в Казахстане, поиск инноваций в формировании эффективной финансовой системы органов МСУ. Были использованы различные методы – общие (теоретические, универсальные) и частные (эмпирические или практические) методы исследования. Результатами исследования явились следующие положения. Органы государственной власти и МСУ, их должностные лица, учитывая конституционные нормы построения правового и социального государства должны постоянно совершенствовать правовые основы организации и формирования эффективной финансовой системы органов МСУ в Казахстане. Именно, в первую очередь, от материально-технической и финансовой обеспеченности зависит эффективная деятельность органов МСУ. Отмечается, что формирование эффективной финансовой системы МСУ в современном демократическом и социальном мире признается базовой правовой основой. В данном исследовании рассмотрены наиболее устоявшиеся, общепризнанные определения терминов и понятий. Изучение и рассмотрение этих и ряда других понятий обусловлено лишь объективной потребностью современности. Выводы. Речь о юридических аспектах содержания этих терминов и понятий, отражающих существенные признаки концепции формирования эффективной финансовой системы МСУ, ее теоретических основ применительно к практике конституционного строительства реального социального государства в Казахстане. Итоги исследования окажут содействие законодателю принять качественный закон по вопросам МСУ.

**Ключевые слова:** управление, самоуправление, муниципалитет, финансовые основы, местный бюджет, развитие финансовых основ.

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