

**General characteristics of judges as subjects of labor law of the Republic of
Kazakhstan**

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Summary: This article analyses the main subjects of labour law. Discusses the questions of the judges as subjects of labour law. Analyses the provisions of the Constitution of the Republic of Kazakhstan related to labour pipe the status of judges. Discusses the specifics of the content of an employment contract with the judges and particular requirements for candidates for the position of judges, particularly of signing an employment contract. Highlights problematic aspects of change and termination of powers of the judge. Keywords: the subjects of labor law, labour, court, labour contract. Introduction. As President of the Republic of Kazakhstan Nursultan Nazarbayev in his address to the nation: "In the twenty-first century, the most important criteria for the development of nations - is flawless and effective national judicial system. Independent and fair trial - the core activities of any state. Without this, no country in the world, especially in the most developed countries, there can be neither a favorable investment climate, nor high level of welfare of citizens, nor the successful development of society". [1] Main part. Subjects of law recognized by natural and legal persons who, on the basis of legal rules can participate in emerging relationships - carriers of certain subjective rights and duties. Since the subject of labor law is a set of social relations, including its own labor relations and relationships directly related to labor, the composition of the subjects is diverse and has the features depending on the type of regulated relations. In labor relations one of the parties is always a physical person (employee). But often in the scientific and educational literature instead of the term "natural person" as a member of the labor and directly linked to them use the term "citizen" who have other legal content [2, с. 26]. Subjects of labor law should possess the ability to have the law and to carry out, directly or through a representative of rights and legal obligations (ie, legal). Subjects of labor law a necessary element of labor relations. Among the priorities of the labor legislation under Art. 3 of the Customs Code, is to protect the rights and interests of workers and employers. To ensure its implementation, labor law provides for a system of government, parity and public bodies. The first can be called jurisdictional bodies administering justice in cases arising out of labor relations and other closely related, in the face of the judges being subject to labor law. [3] Labor relations are formed in the process of judge's corporate activities of the court as a public authority. Activities of States in the various aspects studied by various branches of law, which, as you know, different subject, methods, functions of legal regulation. In accordance with Article 75 of the Constitution of the Republic of Kazakhstan, the court shall administer justice, ie, carries out activities related to the consideration of disputes and cases [4]. The Basic Law and the Constitutional Law "On the Judicial System and Status of Judges of the Republic of Kazakhstan" do not define the judiciary and justice, and how to properly note in the legal literature, basically, the concept of judicial authority in fact identified with the concept of "justice" [5]. However, justice is one of the most important manifestations of the judiciary and a clear identification of the relation of these concepts is one of the tasks of legal science. According to V.A. Lazareva, "a single function of the judiciary is to resolve social and legal conflicts, protection and restoration of violated rights," "a single form of implementation of the judiciary-justice", and "methods (methods) of its implementation - different types of proceedings: criminal, civil, administrative, "[6]. Petruhin I.L. also believes that the form of the implementation of the judiciary is justice [6, p.85]. In accordance with the constitutional rules specific character of professional activity

is to judge the administration of justice, which by its nature and structure is very complicated, complex and multifaceted institution. Accordingly, public relations in this area can be divided into groups that differ diverse characteristics and are governed by rules different branches of law: constitutional (state), criminal, criminal procedure, civil, civil procedure administrative, labor and other branches of law. Labor judges in the state of law plays a particularly important role in the administration of justice, strengthening the rule of law, protection of rights and legitimate interests of citizens, organizations and the state. Labor relations with the judge arise on the basis of complex composition. It includes a set of legal facts: a) the selection of candidates for the contest; b) the qualifying examination; c) recommendation Qualification Collegium of the person as a judge; g) submission of the Head of the Supreme Judicial Authority recommended to the President of the Republic of Kazakhstan persons for appointment as a judge of a certain category of vessels; d) Presidential Decree on the appointment of the person represented as a judge; e) the actual conclusion of the state with that person labor contract entailing distribution of a judge, both general and special labor legislation. As for the features of the employment contract of the judges, they begin from the selection of persons for the position, that is, the process of hiring. There are features in the legal regulation of transfer to another job some categories of judges, as well as in the content of the employment contract. In our pared, with regard to the concept of the judges of the employment contract given in Art. 24 of the Customs Code, is well suited. Judge worker has a legal relationship with those who received him, appointed as a judge, for it is the face - his employer or his representative. And the purpose of this is happening with the prior consent of the judge, that is, there is agreement between the parties of the labor contract. The fact that the employee commenced with the consent or at the request of the employer (or his representative) to work, by virtue of Art. 32 of the Customs Code, indicates an employment contract. Selection of candidates for the post of judge on a competitive basis. In this case, mainly in the competition is the quality of the qualification examination Examination Commission. In this work the procedure for the formation and composition of examination boards, statistics and practice of the competition, as well as separate legal incidents arising in the course of these activities. Analysis of the order of selection and appointment of persons as a judge revealed the following features of the employment contract with the judge. 1. The order of the employment contract provided for by law and is based on an agreement of the parties; candidate for judge twice submits his application with the relevant documents: a) the examination commission asking it about examine as a judge; b) Qualification Board of Judges with a request to make a presentation to his appointment as a judge. 2. The Law of the Republic of Kazakhstan "On Judicial System and Status of Judges of the Republic of Kazakhstan" clearly indicate who appoints a judge to the post [7]. This assignment involved, as a rule, two branches of government (legislative and executive), and makes a recommendation for the appointment of the Judicial Qualification Committee, as an organ of the judiciary. In the appointment of judges involves a number of public officials, directly specified in the law that makes the corresponding representation of the President of the Republic of Kazakhstan. With regard to the judges certification is carried out in order to assess: - The level of his professional knowledge; - The ability to apply this knowledge in the exercise of justice; - Business as a judge; - The judge the requirements for judges to the Law "On the Judicial System and Status of Judges of the Republic of Kazakhstan" The study analyzed the reasons for the certification and legal implications of changing qualification class judges We conclude that the competition, the initial examination and certification focus on the selection of a Judge persons able to professionally and responsibly to administer justice in the interests of the individual, the state, society. With regard to the grounds and procedure for termination (authority) of the employment contract of the judges, it is justified by the classification of these reasons and proposed to expand the list of grounds for termination of

the employment contract, such as: - The presence of close consanguinity or affinity (parents, spouses, brothers, sisters, sons, daughters, and brothers, sisters, parents and children of spouses) with the judge, if the labor relations connected with direct subordination or controllability of one of them to another; - Refusal to submit annually a judge in state tax authorities information about the income and property owned by the right of property subject to taxation; - Lack of qualifications, incompetence of the judge. Conclusion. At the end of this article we would like to say that the range of subjects of labor law is very large and each has its own characteristics, which are due to the characteristics of the relations, the subjects of which they in turn are. Their legal status as subjects of labor law defines the rights and duties of which belongs to them in all areas of law. And the range of rights and responsibilities, which characterizes the status of the subjects in the labor law, determines their career personality. Due to these characteristics, we were able to consider the judges as the main subject of labor law, in terms of their rights and obligations, and provisions in the labor law as subjects.

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