

Legal system of the Republic of Kazakhstan and the United States of America





ҚАЗАҚСТАН
РЕСПУБЛИКАСЫНЫҢ
КОНСТИТУЦИЯСЫ

- The legal system of the Republic of Kazakhstan is at the stage of its development.

- After independence, Kazakhstan is actively developing its legal system, taking into account various factors.

- In General, it can be noted that the legal system of the Republic of Kazakhstan belongs to the Romano-German legal system. The main source of law is the legal act. Thus, according to article 4 of the Constitution, the current law in the Republic of Kazakhstan is the norms of the Constitution, relevant laws, other normative legal acts, international Treaty and other obligations of the Republic, as well as regulatory decisions of the constitutional Council and the Supreme court of the Republic.

- The national law of Kazakhstan consists not only of normative acts adopted by the state bodies of the Republic of Kazakhstan, but also of international treaties and other obligations of the Republic.

- The Constitution of the Republic of Kazakhstan is the basic law of the state. It is also the legal basis for all other (constitutional and ordinary) laws and regulations.

- Thus, the principle of the supremacy of the Constitution is based on territorial integrity, unitary form of organization, presidential form of government in Kazakhstan.

- Thus, the current Constitution of the Republic of Kazakhstan was adopted by referendum on August 30, 1995. Nineteen amendments and additions were made to the Constitution on 8 October 1998.

The advantages of the legal system of Kazakhstan

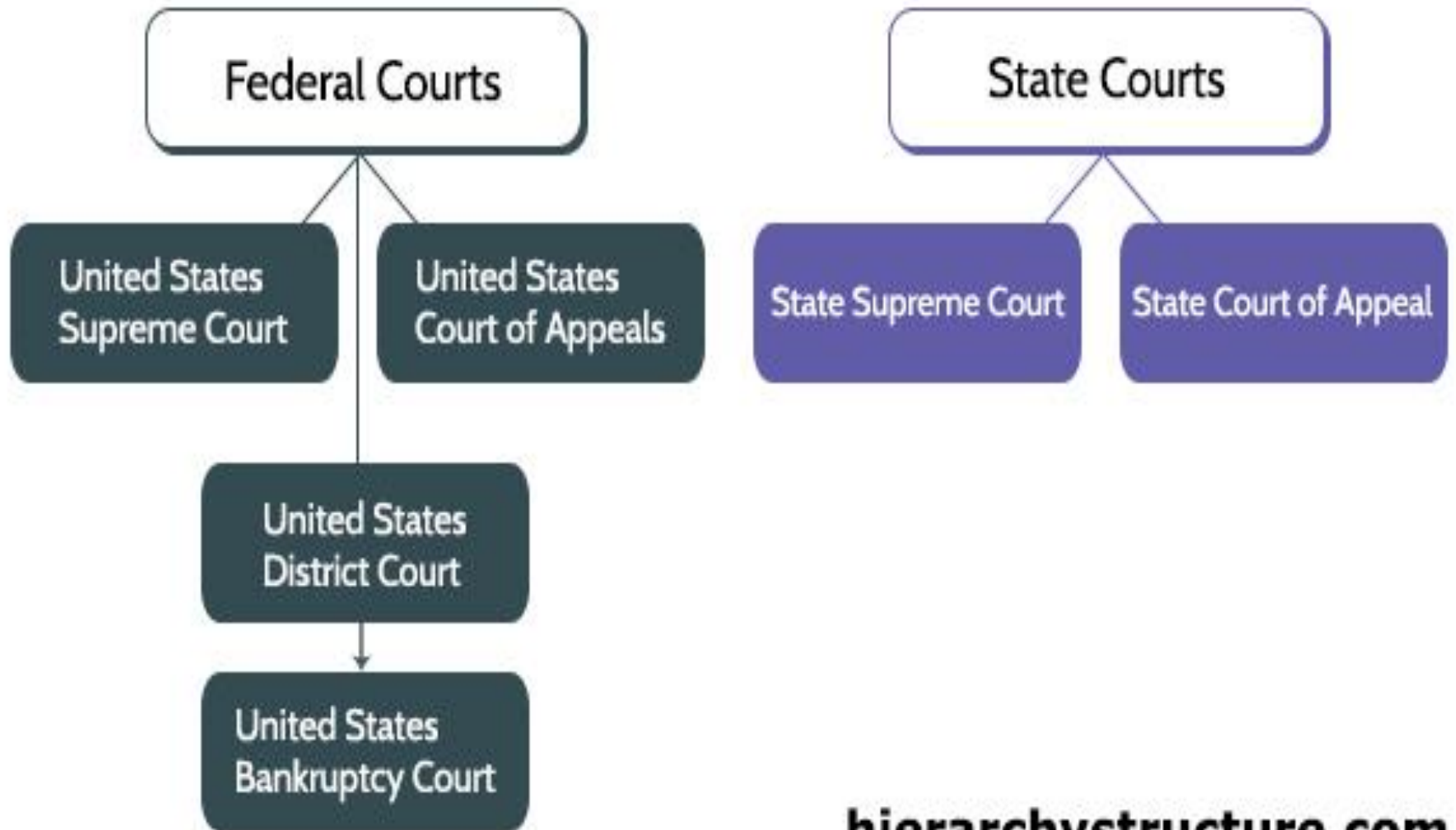
- A distinctive feature of the legal system of Kazakhstan is the constitutional recognition and consolidation of the priority of natural human rights and freedoms.
- International agreements of the Republic of Kazakhstan, the authentic texts of which are made in foreign languages, are published in one of these languages with the official translation into Kazakh and Russian.
- In the years of independence, many codes have been adopted: the Civil code, the criminal code, the code of Criminal procedure, the family and marriage Code, the code of Civil procedure and others. The new codes and laws, most often, coincide conceptually with the relevant Russian legislation, since the General model acts are used as a basis for their creation. At the same time, the development of Kazakhstan's legal system at the present stage is independent and quite creative, original.

The disadvantages of the legal system of Kazakhstan

- The first, he pointed out, is “an accidental hit of dishonest people in the judicial corps.” “Although the current system of selection of judicial personnel is a rather complicated sieve, the judicial community could not completely protect itself from random people. But the presence of an honest, most importantly, incorruptible judicial authority is an indispensable condition for the quality work of the entire legal system,” the head of state noted . The second problem of the Kazakh judicial system, according to the president, is the lack of professionalism and the low moral and ethical image of individual judges. The third problem is criticism of the quality of justice, Nazarbayev continued. “We are talking about judicial red tape, judicial errors and even cases of violation of the law,” he said. The fourth problem, the president noted, is connected with the insufficiently perfect judicial process The fifth problem, according to the head of state, is the degree and quality of execution of court decisions. "The authority and effectiveness of the judiciary directly depends on its decisions," said Nazarbayev. “The sixth problem lies in matters of the state of legislation. One of the reasons for litigation is the shortcomings and gaps of the law in force,” the president said..



UNITED STATES LEGAL SYSTEM HIERARCHY





- The US legal system, incorporating the principles of the Roman-German and Anglo-Saxon systems, became a symbiosis of these opposites. Here both the statutes and precedents are strong at the same time, of course, with the second prevailing, due to the historical features of the state's origin

ONE OF THE MAIN PROBLEMS OF LEGAL SYSTEM IN THE USA

- One is lack of access. That is, many people who have legitimate grievances are unable to go to court to get them resolved. This is because they cannot obtain counsel, or they don't even know they have a right to seek redress.
- The main bad point about the American legal system is that it is biased in favor of wealthy people. Because our system is an adversarial system, the quality of the justice you get depends a lot on the quality of the lawyer you get. Many, many defendants are too poor to afford good lawyers. This means that they can be convicted of crimes when a rich person with good lawyers would be acquitted. This is a fundamental weakness of the American legal system.





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