

Law in jurisprudence



plan:

1. the adoption of Constitutions
2. concepts of the Constitution



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in a narrow sense, a normative legal act that is adopted by a representative (legislative) body of state power in a special order, regulates certain social relations and is ensured by the possibility of applying measures of state coercion. In addition, in the broadest sense, the law is understood as any normative legal act that operates within the framework of a particular legal system

The Constitution of the Republic of Kazakhstan, adopted at the republican referendum on August 30, 1995, is the main law of the country.



The Constitution of the Republic has the highest legal force in relation to all other legal acts: no legal act adopted in the country (constitutional law, the Decree of the President of the RK, the Resolution of the Government of the RK, the act of regional lawmaking, judgment, etc.), can not contradict The Basic Law, and in case of contradiction (legal conflicts), the norms of the Constitution have priority.

- The Constitution of the Republic of Kazakhstan is the core of the legal system of the state, the basis for the development of current (sectoral) legislation. In addition to the fact that the Constitution of the Republic of Kazakhstan fixes the competence of various public authorities on norm-setting, it determines the main goals of such norm-setting, the sphere of public relations, which should be regulated by constitutional laws, laws, decrees of the President of the RK, normative legal acts of the state authorities of the RK, basic provisions for the development of other branches of law. Thus, the civil legislation of the Republic of Kazakhstan was built taking into account the constitutional principles of diversity and equality of forms of ownership, the unity of the economic space, freedom of economic activity and entrepreneurship, support of fair competition (Article 26, 88, 89, etc.).





As the Basic Law of the state, the core of the legal system, the Constitution of the Republic of Kazakhstan should be protected from frequent and arbitrary changes in favor of various political forces, replacing each other in power in the country. From the point of view of the order of change, the Kazakh Constitution is "rigid" (unlike the "soft" or "flexible" constitutions of some States - Georgia, India, etc., where changes to the Constitution are made in the same order as in ordinary laws, or in a fairly simple procedure).

- Rigidity of the Constitution of the Republic of Kazakhstan is manifested in the procedural part. Amendments and additions to the Constitution of the Republic of Kazakhstan can be made by a republican referendum conducted by the decision of the President of the Republic, adopted by him on his own initiative, the proposal of the Parliament or the Government. The draft amendments and additions to the Constitution are not submitted to the republican referendum, if the President decides to forward it to the Parliament. Decision of the Parliament is adopted in this case in the order established by the Constitution.

If the President of the Republic rejects the proposal of the Parliament to submit amendments and additions to the Constitution for the republican referendum, the Parliament has the right to pass a law on making these amendments and additions to the Constitution by a majority of at least four-fifths of the total number of deputies of each of the Houses of Parliament. In this case, the President of the Republic signs this law or takes it to the republican referendum, which is considered to be held if more than half of the citizens of the Republic who have the right to participate in the republican referendum participated in the voting.

- Amendments and additions to the Constitution submitted to the republican referendum are considered adopted if more than half of the citizens who took part in the voting voted for them. The procedure for introducing amendments and additions to the Basic Law of the Republic of Kazakhstan is devoted to three articles: subparagraph 1) of Art. 53, items 3 and 6 of Art. 62 and p. 1 of Art. 91, located in Section IX of the Constitution of the Republic of Kazakhstan "Final and transitional provisions.





- Thus, the Constitution of the Republic, which has the highest legal force and stability, which consolidates and regulates basic social relations in the sphere of the legal status of the individual, civil society institutions, state organization and the functioning of public authority, is the act that initiated a new stage in the constitutional development of an independent, sovereign state of Kazakhstan .

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