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B. Kh. Olzhabaev

*Toraigyrov University, Republic of Kazakhstan, Pavlodar

ORCID: https://orcid.org/0000-0001-6933-4832

e-mail: bulat olzhabaev@mail.ru

PUBLIC CONTROL AS THE MOST IMPORTANT FACTOR IN COMBATING CORRUPTION

This article examines the formation of the institution of public control within the framework of the development of civil society in the Republic of Kazakhstan, and presents the features of its improvement based on the most significant events in the evolution of anti-corruption policy. The legal basis of interaction between the state and the non-governmental sector, the legal status of the subjects of these legal relations is considered. In modern Kazakhstan, the issue of developing a mechanism of public control over the activities of state bodies is very relevant. Currently, the process of establishing a system of public control is underway, attempts are being made to form a regulatory legal framework that strengthens the mechanisms of public control. It is necessary to develop mechanisms for equal partnership between Kazakh society and the state at the national, regional and local levels. The concept of the institution of public control is revealed, including its stages of formation, principles, content, forms of implementation, and structural characteristics. The main forms of interaction between government agencies and civil society institutions in the field of anti-corruption are characterized. The article analyzes the system of public control and the conditions of its functioning based on freedom of public association, access to information, independent media, democracy and openness of state bodies. The purpose of the study is to study the measures of public control of anti-corruption at the current stage of development of the Republic of Kazakhstan.

Keywords: anti-corruption, public control, civil society, anti-corruption culture, non-governmental sector, anti-corruption monitoring, public control.

Introduction

Successful implementation of preventive anti-corruption measures is impossible without the support of anti-corruption civil society institutions, whose activities require further improvement. Of particular importance is the further coordination of the efforts of government agencies, the media, public associations and non-governmental organizations in providing awareness-raising on anti-corruption legislation using all available means.

Article 13 of the fundamental international anti-corruption document, the UN Convention against Corruption, defines the expansion of public control as the most effective tool of civil society in the fight against corruption [1, p. 86].

Civic participation is understood as the participation of citizens and civil society structures in the governance of the State and the local community in which they live.

The forms of civic participation can be the participation of citizens and civil society structures in the preparation, adoption, execution and control of decisions of state bodies.

In a situation of widespread corruption, public administration systems, as well as business structures, are unable to control their activities and make decisions. Only the activity and constant participation of citizens and civil society in the control of the activities of state bodies can allow us to gradually abandon the use of corrupt practices in our activities.

The concept of «public control» is actively used in scientific literature and is used in regulatory legal acts. In scientific and practical activities, the term «control» is used quite often. Scientists interpret it in different ways: as a means, factor, form, element, function, activity, system, feedback, condition, regulator, guarantor, phenomenon, institution, method.

Public control is the control over the activities of State bodies carried out by citizens and public associations. The idea of public participation involves the inclusion or involvement of the governed in the process of managing public affairs. Public control is the most important tool for «the implementation by society of accounting and evaluation of the activities of public institutions, including state power and local government, in order to optimize their work» [2, p.13].

In general, public control is one of the key functions of society, its subjects are citizens and their associations, and the main objects are state bodies and their officials.

Public control acts as a form of social activity of citizens, direct participation of citizens in public policy as a sphere of communication between government agencies and citizens. At the same time, public control requires the development of a vision of the problem and the formation of resources to participate in its solution.

Public control of the work of State bodies is a basic element of democracy. By presenting powers and resources to the State, the society has every reason to control their intended use. Public control is the supervision of citizens over the fulfillment by state bodies of their obligations, observance of the rights and legitimate interests of citizens [3, p.7].

The main principles of public control are:

- maturity of society;
- independence;
- adherence to principles in upholding human rights and the requirements of the law:
 - publicity and openness of the activities of state and local government bodies;
 - mutual respect and partnership between the state and society.

In modern Kazakhstan, the issue of developing a mechanism of public control over the activities of state bodies is very relevant. Currently, the process of establishing a system of public control is underway, attempts are being made to form a regulatory legal framework that strengthens the mechanisms of public control. It is necessary to develop mechanisms for equal partnership between Kazakh society and the state at the national, regional and local levels.

The main forms of interaction between government agencies and civil society institutions in the field of combating corruption are:

- public control over the activities of state structures;
- public examination of compliance with the Kazakh legislation;
- participation of citizens in solving issues of local importance, developing strategically important decisions;
 - Creation of specialized advisory, advisory, coordinating and expert bodies. Stages of public control
- systematic monitoring of decisions and actions of state bodies and their officials. For its implementation, it is necessary, first of all, to have sufficiently complete and reliable information about the activities of such bodies and persons, i.e. transparency and openness to citizens of decisions and actions of state bodies at all levels.
- public examination of specific decisions and actions of public administration bodies and their officials. The essence of the implementation of this stage of public control consists in the analysis of acts and documents adopted by state bodies. Public expertise is the most resource—intensive stage of public controlits implementation requires the involvement and use of not only human, but also financial and material resources.
- public presentation of the results of public expertise to the state and society, as well as ensuring a balance of interests between society and government agencies [4].

The functioning of the public control system is possible if there are mandatory conditions:

- freedom of public association;
- access to information:
- independent media;
- democratic and open government agencies.

In combating corruption, it is important to implement three postulates: control, accounting and transparency. Transparency and publicity are possible with the help of public control at the legislative level, which will have a legal basis, legal levers for effective influence on the situation.

Materials and Methods

The following was carried out: analysis of scientific and specialized literature on the research problem, normative documents on the subject under study; analysis and generalization of existing experience in the field of anti-corruption activities; survey methods (conversation, questioning, interviewing); observation; experiment; sociological methods for processing practical data.

The research uses: a dialectical approach to the cognition of social phenomena, which allows analyzing them in their historical development and functioning in the context of a set of objective and subjective factors, which determined the choice of the following methods: logical, historical, systemic.

In order to achieve practically significant results, comparative and statistical methods were also used in the research process.

Results and Discussion

Civil society, by its internal properties, should be a legal society, a legal organization of socio-economic and political relations. The legal nature of civil society, its compliance with the highest requirements of justice and freedom is the first and most important qualitative characteristic of such a society. This feature of civil society is embodied in various institutions and relations, determines the development and functioning of various state structures, the content of normative legal acts - the Constitution, laws, by-laws.

It is freedom and justice that, in the conditions of civil society, represent a social factor that normalizes (regulates) the activities of people, collectives and organizations. On the other hand, the person himself, as a member of civil society, acquires freedom as a result of his ability to obey the normative requirements of freedom as a conscious necessity [5, p. 64].

Based on this, public control is the monitoring by representatives of public organizations and initiative groups of the observance of the rights and legitimate interests of citizens in institutions and state and local government bodies,

enterprises of various forms of ownership in order to stop and prevent violations of the rights and legitimate interests of citizens.

Public control: acts as a form of management of society and its individual institutions, generating the interests and needs of all members of society into a single governing will; is the main means of balancing the interests of various social groups and preventing conflicts of these interests; is a method of coordinating and combining the efforts of society to solve urgent tasks; It acts as a guarantor of the fulfillment of social norms, as it allows to identify violators and develop a mechanism for bringing them to public responsibility, starting with public censure and ending with legal responsibility.

It is proposed to build a system of public control on the principles of inclusiveness, universality, transparency, obligation, diversity of forms and recognition of public control bodies as legitimate representatives of a certain circle of persons acting in defense of public interests.

The main institutions of public control over corruption are:

- political parties representing the interests of different socio-cultural and professional groups of society with different views; voters, participating in elections, voting for a particular party in the elections of legislative (representative) bodies of state power, indirectly control the political orientation of the executive branch, and also refuse to trust those political parties that did not justify Their hopes;
 - trade unions through which labor collectives can defend their interests;
- public organizations and associations of a non-commercial nature formed to protect and defend the interests of society in state bodies;
- public councils that exercise public control over the activities of state and local government bodies;
- election observers who participate in monitoring the conduct of elections and compliance with the current electoral legislation.

The main functions of establishing joint activities of members of civil society in certain areas (entrepreneurship and other forms of economic activity, family relations, personal life, etc.) should be carried out not with the help of tools and means of state power standing over society as a «special public authority», but by society itself on a truly democratic, self-governing basis, and in the field of market economy, first of all, on the basis of economic self-regulation [6, p.23].

To ensure effective prevention of corruption, it is necessary to develop civil society institutions (non-governmental organizations – NGOs) and thereby strengthen their influence on government agencies. Public organizations could make changes to laws that would make the activities of government agencies more transparent, open, and involve public participation in many public administration

processes, including in the process of lawmaking, budget and electoral processes. The formation of an anti-corruption culture and the development of civic education, the involvement of both NGOs and representatives of government agencies at all levels in this process is crucial for countering corruption.

Public control as a tool for combating corruption includes a sequence of actions carried out by citizens and their autonomous associations in order to prevent opportunities and eliminate conditions conducive to the emergence of corrupt relations, identify and suppress corruption [7, p.10].

The results of the public control system are: reducing corruption, increasing citizens' trust in government agencies, increasing the openness and accountability of government agencies, and jointly solving socio-economic problems by public and state structures.

The effectiveness of public control in the field of combating corruption depends on: – the level of professional training and integrity of representatives of civil society institutions;

- from the real provision of accessibility of information on the activities of state and local government bodies. That is, on the extent to which the information provided by state bodies is complete and reliable;
- on the effectiveness of the activities of state bodies in considering appeals from citizens and public associations containing reports of corruption offenses.
 Establishment of a system of public control in the field of anti-corruption in the Republic of Kazakhstan

At the present stage of socio-economic development of Kazakhstan, overcoming corruption is one of the most important strategic directions of the country's economic and political development. Ensuring the security and stability of the republic is impossible without reducing the level of corruption, which hinders the development of private entrepreneurship, leads to the plundering of natural resources, the implementation of investments unprofitable for the national economy, etc. [8].

The adoption of the laws «On Public Service» [9] and «On Combating Corruption» [10] became important stages in the process of establishing a system of public control in Kazakhstan. «On Public Councils» [11], «On access to information» [12], the establishment of a special state body for combating corruption – the Agency of the Republic of Kazakhstan for Combating Corruption [13].

Thus, the formation of a system of public control in the field of combating corruption is a complex process that is influenced by a huge number of factors and requires comprehensive study.

Conclusion

In order to improve the system of public control in the field of combating corruption in Kazakhstan, it is necessary to do the following: adopt the Law "On Public Control" together with a package of draft laws ensuring its implementation; ensure adequate protection and remuneration of citizens who inform about the facts of corruption; form a system for monitoring and assessing the level of corruption, taking into account public opinion; improve the mechanism for providing public services services (including through the introduction of electronic document management) in order to eliminate administrative barriers; to strengthen control over the resolution of issues contained in the appeals of citizens and legal entities; over the implementation of plans and short-term targeted programs in the field of combating corruption; to increase the responsibility of state bodies for not taking measures to eliminate the causes of corruption; to widely inform citizens about the activities of public and state anti-corruption bodies, including by posting information on Internet sites. The anti-corruption Program for 2015-2025 is aimed at the practical implementation of the goals and objectives set out in the Strategy Kazakhstan 2050: a new Political Course of an Established state. only with an uncompromising fight against corruption.

The Strategy of the Anti-Corruption Policy of the Republic of Kazakhstan for 2022-2026 noted the need for:

- cooperation of the state with the Civil Alliance of Kazakhstan and other public associations, as well as assistance to civil initiatives to create an atmosphere of «zero tolerance» to corruption and the development of specific proposals to counter it;
- taking measures to combat corruption in the corporate sector in cooperation with the National Chamber of Entrepreneurs and other self-regulatory organizations.

Currently, it is important not only to legislate public control as an independent institution, define its concept, tasks and principles, but also to expand the possibilities of public control in regulating the activities of specific state bodies, since only with the maximum possible transparency of the activities of state bodies and only with serious attention to the consideration of relevant appeals from citizens and their associations, public control in It will be effective in the field of anti-corruption.

The authorized body for civil service affairs, as well as its territorial departments, has begun practical work on interaction with the public, control over the quality of public services; the quality of consideration of citizens' appeals. In Kazakhstan, the efficiency and transparency of the work of the state apparatus

and the provision of public services are consistently increasing, the administrative burden on business is reduced, and anti-corruption legislation is being improved.

Thus, in order to effectively combat corruption in Kazakhstan, it is necessary to solve the entire set of strategic tasks in the public, political and economic spheres. Without the support of society, anti-corruption measures taken from above have only a partial effect. Therefore, effective public control is the most important area of preventing corruption. As practice shows, despite the low socio-political activity of citizens, the process of establishing a system of public control has begun in Kazakhstan.

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*Б. Х. Олжабаев

Торайгыров университеті, Қазақстан Республикасы, Павлодар қ.

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ҚОҒАМДЫҚ БАҚЫЛАУ СЫБАЙЛАС ЖЕМҚОРЛЫҚҚА ҚАРСЫ ІС-ҚИМЫЛДЫҢ МАҢЫЗДЫ ФАКТОРЫ РЕТІНДЕ

Бұл мақалада Қазақстан Республикасында азаматтық қоғамды дамыту шеңберінде қоғамдық бақылау институтының қалыптасуы қарастырылған, сыбайлас жемқорлыққа қарсы саясат эволюциясының аса маңызды оқиғалары негізінде оны жетілдіру ерекшеліктері келтірілген. Мемлекет пен үкіметтік емес сектордың өзара іс-қимылының құқықтық негізі, осы құқықтық қатынастар субъектілерінің құқықтық жағдайы қаралды.

Қазіргі Қазақстанда мемлекеттік органдардың қызметіне қоғамдық бақылау тетігін дамыту мәселесі өте өзекті болып табылады. Қазіргі уақытта қоғамдық бақылау жүйесін қалыптастыру процесі жүріп жатыр, қоғамдық бақылау тетіктерін бекітетін нормативтік құқықтық базаны қалыптастыру әрекеттері жасалуда. Қазақстандық қоғам мен мемлекет арасындағы республикалық, өңірлік және жергілікті деңгейлерде тең құқылы әріптестік тетіктерін әзірлеу қажет. Қоғамдық бақылау институтының тұжырымдамасы ашылды, оның ішінде: қалыптасу кезеңдері, принциптері, мазмұны, жүзеге асыру формалары, құрылымдық сипаттамасы. Мемлекеттік органдардың сыбайлас жемқорлыққа қарсы іс-қимыл саласындағы азаматтық қоғам институттарымен өзара іс-қимылының негізгі нысандарына сипаттама берілді. Қоғамдық бақылаудың жүйесі және оның еркін қоғамдық бірлестікке, ақпаратқа, тәуелсіз БАҚ-қа қол жеткізуге, мемлекеттік органдардың демократиялылығы мен ашықтығына негізделген жұмыс істеу шарттары талданған. Зерттеудің мақсаты Қазақстан Республикасының қазіргі даму кезеңінде сыбайлас жемқорлыққа қарсы іс-қимылды қоғамдық бақылау шараларын зерделеу болып табылады.

Кілтті сөздер: сыбайлас жемқорлық, қогамдық бақылау, азаматтық қогам, сыбайлас жемқорлыққа қарсы мәдениет,

үкіметтік емес сектор, сыбайлас жемқорлыққа қарсы мониторинг, қоғамдық бақылау.

*Б. Х. Олжабаев
Торайгыров университет, Республика Казахстан, Павлодар.
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ОБЩЕСТВЕННЫЙ КОНТРОЛЬ КАК ВАЖНЕЙШИЙ ФАКТОР ПРОТИВОДЕЙСТВИЯ КОРРУПЦИИ

В данной статье рассмотрено становление института общественного контроля в рамках развития гражданского общества в Республике Казахстан, приведены особенности его совершенствования на основе наиболее значимых событий эволюции антикоррупционной политики. Рассмотрена правовая основа взаимодействия государства и неправительственного сектора, правовое положение субъектов этих правоотношений. В современном Казахстане весьма актуальным является вопрос развития механизма общественного контроля над деятельностью государственных органов. В настоящее время происходит процесс становления системы общественного контроля, предпринимаются попытки формирования нормативной правовой базы, закрепляющей механизмы общественного контроля. Необходима выработка механизмов равноправного партнерства между казахстанским обществом и государством на республиканском, региональном и местном уровнях. Раскрыто понятие института общественного контроля, включающее его: этапы становления, принципы, содержание, формы осуществления, структурную характеристику. Дана характеристика основным формам взаимодействия государственных органов с институтами гражданского общества в сфере противодействия коррупции. Проанализирована система обшественного контроля и условий её функционирования основанного на свободе общественного объединения, доступе к информации, независимых СМИ, демократичности и открытости государственных органов. Целью исследования является изучение мер общественного контроля противодействия коррупции на современном этапе развития Республики Казахстан.

Ключевые слова: противодействие коррупции, общественный контроль, гражданское общество, антикоррупционная культура, неправительственный сектор, антикоррупционный мониторинг, общественный контроль.

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«Toraighyrov University» баспасынан басылып шығарылған Торайғыров университеті 140008, Павлодар қ., Ломов к., 64, 137 каб.

«Toraighyrov University» баспасы Торайғыров университеті 140008, Павлодар к., Ломов к., 64, 137 каб. 8 (7182) 67-36-69 e-mail: kereku@tou.edu.kz https://vestnik.tou.edu.kz/