

**Doctor of Philosophy (PhD) in the specialty " 6D030100-Jurisprudence",
recommended for obtaining the degree**

Biskultanova Albina Mauletkazyevna

**The dissertation work on the topic: " Right of Veto: Kazakhstan practice and
foreign experience**

Annotation

General characteristics of the research work. The dissertation work is devoted to the study of topical aspects of the functioning of the veto Institute in Kazakhstan and world practice. The dissertation discusses the main stages of the evolution of veto law in Kazakhstan and abroad. A comparative analysis of the legal basis and foreign experience in the application of veto law is carried out and actual aspects of the implementation of the norms of this institution and positive experience in this direction are determined.

Relevance of the research topic. State power in most countries of the world is carried out on the principles of division into legislative, executive and judicial authorities in accordance with their constitutions. In this system of distribution of power, a special place is given to the president, who exercises a number of important constitutional and legal powers, ensuring a political and legal balance between the branches of government. One of the main competencies in his activities is the right to veto laws adopted by Parliament. This right is characterized by a number of specific features and procedural requirements.

The variety of scientific approaches to determining the essence of the president's veto right, its constitutional and legal nature, terms and scope of implementation creates certain difficulties in determining it and leads to the emergence of controversial situations in practice. In this regard, a comprehensive elaboration and comprehensive analysis of the conceptual and legal paradigm of the institution of the presidential veto is relevant. The relevance of the research topic is due to the insufficient amount of scientific work in this direction. Therefore, the need for a comprehensive scientific analysis of this issue is very obvious today.

From the point of view of improving political and legal reform in Kazakhstan, the issues of improving the legislative process are of great importance. Legislative practice has shown that this process depends on the efficiency and coherence of the work of all branches of government. Of particular importance is the legal clarification of the participation of the president as a subject of the legislative process and his special veto power over bills.

The degree of study of the topic. The issue of determining the conceptual foundations and essence of presidential veto law was addressed by N. V. Bobrakova, L. I. Dmitrieva, O. Zaznaev, O. M. Kichalyuk, A. V. Kinev, A. N. Mudraya, A. P. Novikov, L. A. Okunkov, S. G. Parechina, L. M. Plekhanova, V. A. Roshchin, D. Yu. B.

This problem is studied in the works of scientists from the CIS countries and far abroad. In the course of the study, the results of the study were determined by the results of the analysis of the results of the Seregina, V. L. Fedorenko, A. I. Renika, A. N. Yarmysh, etc. and far abroad scientists: Vegpam U. Cooley T., Edwards G., Gary L., Johnson S., Hasler S., Metcalf L. K, Wirkola E.

The main conceptual approaches to understanding the essence and legal nature of the veto of the head of State are in the works of Kazakhstani scientists: S. A. Amandykova, L. K. Amandykova, D. M. Baimakhanova, E. E. Duysenov, L. T. Zhanuzakova, A. Z. Kairbekov, V. A. Malinovsky, B. A. Mailybayev, R. zh.Mukashev, B. A. Mukhamedzhanov, R. T. Okusheva, I. I. Rogov, G. S. It is described in the works of sapargaliyev, N. N. Turetsky, etc.

R. T. Okusheva made a great contribution to the study of this problem, but the conclusions and Conclusions Drawn by the author have undergone significant changes in the legislative process and have lost their relevance today.

In addition, fundamental research on the topic was carried out by V. A. Malinovsky, who drew direct comprehensive attention to the distribution of roles in the legislative process and the right to presidential powers, including veto.

The study of this issue, mainly both in the CIS countries and in Kazakhstan, was often reflected in periodicals. Often, issues related to the role of the president in the legislative process, his status and powers, constitutional regulation of the principle of distribution of power, etc.were reflected as an element of a large-scale study.

Despite the relatively sufficient number of scientific works devoted to this problem, at the theoretical and methodological level, a single approach to the definition of the institution of Veto and its essence has not yet been formed. Issues related to the legal form of implementation of the president's veto right, the limits of its implementation, the main elements and content, etc., remain open today.

The object of the study is the legal basis and practice of applying the right of veto in world practice.

The subject of the study is to determine the nature of veto law as a constitutional and legal institution.

The purpose of the work is to discuss conceptual and legal approaches to determining the essence and main elements of the veto institution and identify the main directions for its improvement.

To achieve the goal, it is necessary to solve the following tasks:

- formation of its author's conclusion, describing the historical and legal evolution of veto law;
- to reveal the nature of changes in veto powers, considering veto law as a modern political and legal institution;
- attempts to reclassify the main types of veto rights in accordance with full-fledged criteria;
- Study of the veto law of the president of the Republic of Kazakhstan;
- Application of veto law in the CIS and foreign countries and analysis of veto law as an institution of international legal influence.

Research methods. In the course of the study, general scientific and individual methods were used, including analysis, synthesis, analogy, deduction, classification,

historical, comparative, systematic, linguistic, structural-functional, formal-logical methods. The totality of the applied methodological base ultimately made it possible to ensure the reliability and validity of conclusions and experimental decisions.

The specificity of the tasks of the dissertation research is determined by an integrated approach to their study. In the course of the dissertation work, the methodology of systematic analysis was used for the general recognition of the object of study, which made it possible to correlate the progressive achievements of foreign legislators with the realities of modern development in Kazakhstan.

Normative and empirical research base. Data from the activities of the authorities of Kazakhstan and foreign countries, official statistics, analytical reports of domestic and foreign scientists and specialized research organizations, materials from specialized sources, as well as internet sources and author's research formed the basis of the dissertation work.

The scientific novelty of the dissertation research is that for the first time the specific features of the application of veto law in world and Kazakhstan practice are analyzed in detail. In addition, the novelty of the work is explained by a systematic, comprehensive analysis of the institution of veto in a wide range of countries with different forms of government.

The scientific novelty of the study is determined by the following conclusions submitted for defense:

1. the right of Veto is a constitutional right belonging to the head of state, the refusal to sign a normative legal act adopted by the country's legislative body within a certain period from the date of its receipt (postponement of signing) and sending it for revision with the introduction of proposals and comments on the form and content;

2. it is proposed to resolve controversial discussions regarding the definition of the scope of powers in the right of Veto as a passive action in the form of non-signing of the law received from Parliament through the content of the right of Veto and as an active action in the form of a return to elaboration;

3. the classification of types of vetoes was supplemented by the following criteria:

A) in terms of legal consequences-absolute and relative;

B) by the nature of the right of veto - active or passive;

C) by the size of the veto-complete and selective;

D) on legal consequences-material and procedural;

E) the legal consequences of application are imperative and dispositive.

4. based on the analysis of the methodological principles of the presidential model of government in Kazakhstan, the form of the presidential institution in the country was determined, the distinctive features of the veto power system were identified in it, Kazakhstan cannot be attributed to the type of the Russian presidential institution among the systems in which the presidential institution operates, it can be defined as a special type of the Kazakh;

5. in the CIS and EU countries, in the United States and Brazil, the terms by which the right to veto can be applied are generalized and systematized. At the same time, the features of the implementation of veto rights across EU countries are systematized depending on the form of government. There are features of

constitutional and legal regulation of the veto power of the head of state in the CIS, EU and USA countries. The EU has defined a mechanism for decision-making and veto. The vectors of transformation of the veto institution have been identified in the UN Security Council.

The practical and theoretical significance of the study is due to its following distinctive features: 1) development of directions for improving the mechanism for implementing the veto institution in the context of political and legal reform of government in Kazakhstan; 2) identification of features of the implementation of the veto right in the forms of government of the countries of the World; 3) Use of these materials in the process of teaching students of higher educational institutions; 4) use the results of the study in the practical activities of the authorities, as well as in the legislative process-to improve the current legislation in relation to the veto institution.

Publication of the basic principles, results and conclusions of your dissertation:

According to the results of all sciences, 6 scientific proverbs and sayings of the doctoral student were published in an open publishing house. "I don't know," he said, " but I don't know what to say."

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