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## **Evolution of the development of the institution of disciplinary responsibility of employees of internal affairs bodies of the Republic of Kazakhstan**

**Abstract.** The article is devoted to the evolution of the disciplinary responsibility institution within the law enforcement agencies of the Republic of Kazakhstan. The history of this institution is examined, starting from the Kazakh Khanate, through Russian colonization and Soviet rule, up to modern reforms. The study analyzes key regulatory acts governing disciplinary responsibility and their impact on service discipline. The article highlights the importance of historical analysis to understand the causes and factors influencing discipline among officers. Conclusions are drawn on the directions for further development of the disciplinary responsibility institution, considering humanitarian approaches and the improvement of procedural norms.

**Key words:** disciplinary responsibility, internal affairs bodies, Militia, Police, historical development, regulatory legal acts.

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## **Қазақстан Республикасы Ішкі Істер Органдары қызметкерлерінің тәртіптік жауапкершілігі институтын дамыту эволюциясы**

**Аннотация.** Мақалада Қазақстан Республикасының ішкі істер органдары (ІО) қызметкерлерінің тәртіптік жауапкершілігі институтының эволюциясы қарастырылады. Бұл институттың Қазақ хандығы кезеңінен бастап, Ресей отарлауы, кеңес билігі дәуірлері арқылы қазіргі реформаларға дейінгі даму тарихы зерделенген. Тәртіптік жауапкершілікті реттейтін негізгі нормативтік-құқықтық актілер және олардың қызметтік тәртіпке әсері талданған. Мақалада қызметкерлердің тәртіптілігін қалыптастыруға әсер ететін факторлар мен себептерді түсіну үшін тарихи талдаудың маңыздылығы атап өтілген. Процессуалдық нормаларды жетілдіру және гуманистік тәсілдерді ескере отырып, тәртіптік жауапкершілік институтының одан әрі даму бағыттары бойынша қорытындылар жасалған.

**Түйін сөздер:** Тәртіптік жауапкершілік, ішкі істер органдары, милиция, полиция, тарихи даму, нормативтік-құқықтық актілер.

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## **Эволюция развития института дисциплинарной ответственности сотрудников Органов Внутренних Дел Республики Казахстан**

**Аннотация.** Статья посвящена эволюции института дисциплинарной ответственности сотрудников органов внутренних дел (ОВД) Республики Казахстан. Рассмотрена история развития этого института, начиная с периода Казахского ханства, через этапы российской колонизации и советской власти, и заканчивая современными реформами. Проанализированы основные нормативно-правовые акты, регулирующие дисциплинарную ответственность, и их влияние на служебную дисциплину. В статье подчеркивается значимость исторического анализа для понимания причин и факторов, влияющих на дисциплину сотрудников. Сделаны выводы о направлениях дальнейшего развития института дисциплинарной ответственности, учитывая

гуманистические подходы и совершенствование процессуальных норм.

**Ключевые слова:** дисциплинарная ответственность, органы внутренних дел, милиция, полиция, историческое развитие, нормативно-правовые акты.

**Introduction.** The evolution of the Institute of disciplinary responsibility of employees of the internal affairs bodies of the Republic of Kazakhstan (IAB) is an urgent topic for scientific research in terms of reforming the civil service system in the country and strengthening the rule of law. In the context of the global changes taking place in law enforcement, compliance with professional standards, ethics and legislation by ATS employees is an important aspect. The legal regulation of their disciplinary liability requires constant improvement, which is due to the need to ensure a high level of law enforcement and public safety. The relevance of the study is due to the importance of developing effective control mechanisms and responsibility for violations of service discipline in the context of changing the system of Public Administration and strengthening public control. The issues of disciplinary responsibility of employees of the Department of internal affairs are associated not only with maintaining internal discipline, but also with strengthening the trust of society in law enforcement, which is the main aspect of their legality.

**The purpose** of this study is to analyze the evolution of legal regulation of the disciplinary responsibility of employees of the internal affairs bodies of the Republic of Kazakhstan, identify problematic aspects and determine the directions of further improvement of the institution of responsibility in accordance with modern legal and social problems.

**Research tasks include:** Study of the historical development of the Institute of disciplinary responsibility in the system of the Internal Affairs Department of Kazakhstan; Analysis of current legislation governing disciplinary action against employees of ATS; identification of the main problems faced by the internal affairs bodies in the implementation of disciplinary measures; to propose recommendations for improving the legal regulation of disciplinary liability.

**The novelty of the work** consists in an

integrated approach to the study of the changes that have occurred in the system of disciplinary responsibility of employees of the Department of internal affairs, as well as to identify current problems and methods of solving them in modern conditions.

In his address to the people of Kazakhstan dated September 2, 2024 «Fair Kazakhstan: law and order, economic growth, and public optimism», the head of state Kassym-Jomart Tokayev stated that «one of my main tasks is to make Kazakhstan a safe and comfortable country. Law enforcement agencies and other responsible institutions are charged with ensuring the safety of citizens as much as possible. Law enforcement agencies must show professionalism, courage and perseverance». The special emphasis on the role of law enforcement agencies in the development of society indicates the high requirements for their official discipline [1].

For a full study of the issues of disciplinary responsibility among employees of the internal affairs bodies of the Republic of Kazakhstan, it is necessary to focus primarily on the history of its development and formation. As a result of this analysis, it is possible to draw certain conclusions regarding the reasons and factors affecting the level of official discipline of employees of the Department of Internal Affairs of the Republic of Kazakhstan.

Today, the police of Kazakhstan were born on the basis of this law of 1992. However, in the past history, the first time Kazakhs saw people named after the police (militia) was during the period of Russian colonialism. They mainly watched the people obey the decree and obey the King. He also monitored public order. He was remembered for his dominance and violence. The militia of the later Soviet period also did not deviate from this template. However, in history, one question often arises: whether Kazakh had its own police. The reason for the question is also legitimate, because it is natural for any state, country to have bodies that monitor internal order, regulate internal relations. Without it, it would also be difficult

to call the state. In this regard, if we pass through the old data, legends and sagas in one sieve, then the words «Khan shabarmany», «Khan zhendet» are often found. Of course, it is impossible to compare the duty of the police in the past, in feudal societies, with the duty of the police in today's democratic society. Therefore, it can be seen that the «Khan's courier» and «Khan's gendet» found in these sagas are similar concepts to the militia under the Russian Empire. Historian and ethnographer Zhambyl Artykbayev said about this: «in ancient times, both in the ancient khanates and in the pre-census Saks and Huns, the tsars, tengirkuts and Kagans had their own special employees. There were people who controlled the internal order most of the time. «I don't know», he said. Those who serve at the middle and lower levels are called tolengit. The higher ones will be the males. And now the tolengites were responsible for the internal order and the well-being of trade caravans and embassies. He maintained internal defense and discipline» [2].

It is known that in the days of the Kazakh Khanate, there was a certain group of people who executed the decisions of the authorities that issued the Khan's decrees and biys. Although they are not called by a special name, as a separate organ, it is clear that a certain group from among the squad performs these tasks. After that, the question of the squad, which was aimed at real police activity, was raised under the government of Alashorda. On December 5-13, 1917, the second all-Kazakh Congress was held in Orenburg. One of the 10 issues raised at this Congress was «on the militia». It was Khalel Gabbasov who made a report with a deep study of this topic. At the end of the Congress approved the program of creating a «people's militia» to strengthen and consolidate the future national state named after Alash autonomy. This militia was supposed to perform the duties of the Alash detachment in combination. According to the resolution, the number of militia units to be formed in the regions included in the Alash autonomy was determined, and ways were outlined and approved to train them in the art of war, provide them with the necessary weapons, clothing and other necessary things.

About the Alash militia of this period,

the historian, public figure Berik Abdigalievich Alikhan, using the example of Bukeikhan's words: «militia is a squad, that is, we have it now», proves the existence of the militia service at that time. According to the data, the number of Alash troops at that time reached three thousand. «However, according to the current work of law enforcement agencies, they have not yet been engaged in investigation, investigation, or internal order supervision. Historical circumstances did not allow». Thus, we will connect the history of the development of the body that ensures public order in the Kazakh steppes with the history of Russia. If we briefly review it, the initial period can be associated with the period from 1917 to 1640. This period is characterized by the formation of police bodies, the legal status of which is significantly different from the existing one. On October 25 (November 8), 1917, after the armed uprising in Petrograd, state power passes to the all-Russian Congress of Soviets of Workers' and Soldiers' Deputies, the executive body of which is the all-Russian Central Executive Committee (hereinafter referred to as the Central Executive Committee). On the basis of the decree of the 2nd all-Russian Congress of Soviets under the VCIK, the Council of People's Commissars of the RSFSR (ICC) is created, which united and headed 13 commissariats, including internal affairs. On October 28 (November 10), 1917, the people's Commissariat of Internal Affairs adopted a resolution (decree) «on the workers militia» [3].

Among the main areas of activity of the Commissariat of internal affairs in the first years of Soviet power was the general leadership of the professional activities of the militia bodies. The formation of the militia was carried out on the basis of a class approach, which was the reason for the adoption of many regulatory documents regulating the service discipline in the militia to one degree or another.

At this stage, the main new regulatory legal acts can be considered as follows:

- On August 22, 1918, the NKVD of the USSR issues a disciplinary charter for employees of the workers' and peasants' militia, in which the principle of justice was

first enshrined, the powers of the Chiefs to impose disciplinary penalties, and the stages of disciplinary proceedings were determined);

- The disciplinary Charter of the RKM of 1923 (new types of disciplinary penalties, the stages of making and executing decisions were normatively regulated) was adopted [4];

- The decree of the people's commissars of the VTSIK and the RSFSR of 1925 was adopted, in which the concept of «police discipline» included the duty of police officers to fulfill moral requirements. With the exception of oral punishment, norms were introduced that oblige the publication of disciplinary penalties by order and cases when the execution of disciplinary penalties may be postponed [5];

- Disciplinary Charter of the RKM of 1931 (significantly different from those adopted earlier) The material and procedural aspects of bringing police officers to disciplinary responsibility have developed. So, the concept of official discipline was more clearly formulated, the subjective side was determined, and a demarcation from crime was introduced. The types of disciplinary penalties, the terms of appeal, and the consideration of complaints have been changed [6].

It should be noted that in the early 20s, the level of official discipline in the police was quite low. In fifty-nine regional centers, many facts of improper performance of official duties by employees and bosses of police bodies, negligence and drunkenness were revealed.

Evidence of the relevance of the topic of service discipline in the Soviet militia are archival documentary certificates obtained in the course of work in the State Archive of the Belgorod region. Various facts about violations of official discipline and the penalties imposed for their violations are worth considering.

An extract from Order No. 100 on the militia of the Korochan county of April 10, 1923, contains a resolution of the chief of disciplinary offenses «on the arrest of the senior militia of the 2nd District, Isaev Philip, for 5 days for reckless and reckless performance of official duties» [7]. The circumstances listed below characterize an inappropriate attitude toward the service as a

criminal act.

On January 12, 1921, Tkachenko, an investigator of the Politburo under the county militia, examined the material sent by the third district police chief on December 27, 1920, a 37-year-old investigator accused of voluntarily leaving the service on suspicion of ties with bandits. During the investigation, it was found that Popov did not leave this service on his own, but there are two testimonies for his illness, which say that Popov suffered from chronic cataracts of the respiratory tract and bronchitis. The second charge of involvement in banditry has not been proven. Given the plight of Popov and the fact that further detention was not necessary, Popov was released from custody with a receipt not to go beyond the Novooskolsk district. [8].

In addition, as can be seen from the archival materials, there were cases of disproportionate application of disciplinary penalties due to poor knowledge of regulatory regulation in the field of maintaining official discipline by bosses and policemen.

All this led to the issuance in March 1931 of a special order of the OGPU, which ordered all state security officers in the center and on the ground to carry out active actions to increase the rule of law in police activities.

At the next stage of the development of disciplinary responsibility as an institution of Public Service in the internal affairs bodies, in the period from 1941 to 1970, police officers were equated with military personnel. According to the directive of the NKVD of the USSR of July 7, 1941, employees of the police bodies should be ready to independently perform combat duties. Disciplinary production was regulated by the disciplinary charters of the Red Army in 1940 and 1946 [8].

Further development in the field of regulatory regulation of the disciplinary response of militia workers continued after the end of the Great Patriotic War. An order of the Ministry of Internal Affairs of the USSR of 1948 No. 269 regulated the powers of the Chiefs to impose disciplinary penalties and approved the procedure for their execution and appeal. The differences between several significant disciplinary offenses are shown. New types of disciplinary penalties have been established: deprivation of the rank of

demotion, warning of incomplete service compliance, and arrest (at home or in a guardhouse). As a form of encouragement, the abolition of previously applied disciplinary penalties was approved. Honor courts were introduced for the senior staff. The novelty of the law was to give the court the right to impose disciplinary sanctions in the form of reprimands or severe reprimands, as well as to reduce the employee's position or rank, transfer him to another body, and file an application for dismissal from the authorities. In addition, the formation of disciplinary practice had a positive impact on the state of official discipline in the internal affairs bodies as a whole. This is evidenced by archival service documents from that period. Reading some of them, we are convinced of the following things: «Unfortunately, in our team there are employees who grossly violate the laws of communist morality, behave poorly in everyday life and among comrades, violate official discipline, abuse alcoholic beverages and damage the reputation of Soviet militia employees. Such comrades include district inspectors, commissars Ivakhno and Kushnarev, and police officers Primachev and Kitchenko. Comrade Ivahno performs his official duties poorly, does not fight socialist property thieves, self-brewing and hooliganism at all, and on November 31, 1954, drunk, he could not hold his feet. As a result of his inability to properly organize his work and his drunkenness, he allowed himself to steal personal property on the site served this evening. Comrade Kushnarev did not make an exception for the service. He decided to celebrate Mikhail and his birthday and arranged a drinking party, at which time he saluted the given weapon. This action was discussed at the session of the District Council. The police, Premuchev and Kitchenko make a mess and commit adultery. They allow you to quit your job for no apparent reason. These facts show that these comrades do not understand the importance of discipline, without significantly strengthening it, it is impossible to raise the level of all police work to fulfill the tasks assigned by the Soviet government. It seems that these prerequisites were the basis for the subsequent work to strengthen official discipline and legality in the

internal affairs bodies. A separate place was allocated to strengthen the requirements for the formation of the militia by virtue of its qualities, including professional, morally stable personnel capable of performing duties in the position being replaced as an individual. The study of archival data on disciplinary liability allows us to draw conclusions about the validity of the above requirements [9].

Thus, the study of archival data on the disciplinary response of the proposed period raises certain concerns regarding the number and variety of violations of discipline. It was during this period that the issues of service at the legislative level began to be comprehensively resolved, starting with the selection of candidates for service and then their training, education, professional formation, professional development, the application of incentives, and improving the quality of service conditions. Much attention was paid to the issues of training the senior staff and explaining to them the requirements related to the transfer of relevant positions, including moral and ethical requirements. In addition, as positive changes, we can note the ongoing work in the Ministry of Internal Affairs on the formation, preservation and teaching of traditions, conducting ceremonies, glorifying symbols, and honoring the continuity of professional dynasties. During this period, the dynamic development of legislation regulating service in the internal affairs bodies and disciplinary responsibility continued. It is characterized by the approval of the procedure for imposing disciplinary penalties and the approval of the procedure for their implementation and appeal, as well as the introduction of a number of disciplinary penalties that did not exist before. The next stage covers 1971–1991. In connection with the adoption of the disciplinary Charter of the internal affairs bodies of 1971 [8], a number of its provisions are used in modern legislation on service in the internal affairs bodies of the Russian Federation. According to its structure, it had a high level of compliance with legislative, legal, and technical norms. The terms of bringing to disciplinary responsibility (calculated from the date of detection of the violation), the stages of disciplinary proceedings, new types of incentives, and

disciplinary penalties were established, and the terms of detention in the guardhouse and the list of official categories entitled to arrest were reduced.

Other regulatory documents regulating certain issues, such as ensuring official discipline in the police, have also been adopted. The regulation of March 30, 1971, on friendly courts in the ordinary and senior composition of internal affairs bodies established a unified procedure for their creation and consideration of cases for all friendly courts. The regulation on the Soviet militia of June 8, 1973, established the rights, duties, Organization of work of the militia, requirements for the personality of the candidate for the position, and issues of financial security [10]. At the same time, the field of disciplinary responsibility of police officers was not covered by this regulatory document, there was only a norm for referring to the disciplinary Charter. Analyzing the regulatory legal acts of this period regulating the disciplinary response of employees of the internal affairs bodies of the Russian Federation, it seems important to highlight the disciplinary Charter of the internal affairs bodies of May 3, 1984, which retains the former structure and names of chapters [11]. In addition, the duty of police officers to take the oath was additionally introduced, and the list of Chiefs with the right to impose disciplinary sanctions was expanded (deputy chiefs also had the right to impose disciplinary sanctions). In addition, a norm has been introduced that provides that disciplinary penalties cannot be applied after six months from the date of the violation.

Thus, during this period, the development of regulatory regulation of issues of disciplinary responsibility for employees of the Department of Internal Affairs continued. Employees and bosses have developed an awareness of the importance of strict observance of the rule of law, the norms of morality, a culture of behavior, and loyalty to traditions and duties.

The further development of the activities of the internal affairs bodies was marked by the well-known political events of 1991, because the collapse of the USSR became a catalyst for significant changes in all

spheres of public life. The most important of them was the formation of the statehood of the New Republic of Kazakhstan.

On June 23, 1992, the law of the Republic of Kazakhstan» on internal affairs bodies of the Republic of Kazakhstan «was adopted, which became the first normative act defining the tasks and functions of the internal affairs bodies of the country (hereinafter referred to as the Internal Affairs Department). By the decree of the president of the Republic of Kazakhstan dated December 9, 1998, No. 307, in order to create a unified system of bodies for the protection of public order, the Kazakhstan militia was renamed the police. The leadership of the Ministry of Internal Affairs of the Republic of Kazakhstan adopted a number of measures to combat crime and prevent offenses, reflecting priority tasks for each stage and specific measures to ensure the protection of citizens from criminal encroachments [12].

On April 23, 2014, a new law «on internal affairs bodies» was adopted, which significantly increased the social protection of employees of internal affairs bodies in terms of payment of rent for housing, an increase in surcharge for a title, and payment of lifting benefits for promotion and promotion.

In the late 1990s, such functions of the Ministry of Internal Affairs as ensuring fire safety, forming criminal law statistics, conducting forensic examinations, combating economic crimes, the penitentiary system, and documenting and registering the population were transferred to the disposal of other state bodies.

Subsequently, the Department of Internal Affairs was relieved of its functions, which were not inherent in it, for conducting state technical inspection of vehicles and its control and security activities (except the protection of particularly important strategic objects). At the disposal of the health authorities, medical drugs were transferred. The education system includes Centers for temporary isolation, adaptation and rehabilitation of minors.

Also during this period, preparations began for the release of important regulatory documents that laid the foundation for today's legislative framework for the police. The

requirements for the level of educational work among personnel, work to strengthen official discipline and legality, psychological support for operational and official activities, etc. have significantly increased.

Thus, at the present stage, the issues of disciplinary responsibility among employees of the Department of Internal Affairs of the Republic of Kazakhstan have developed the most. Improving the efficiency and organization of work and the level of professionalism of employees is one of the main tasks of the Ministry of Internal Affairs of the Republic of Kazakhstan. The process of modernization of all areas of work with personnel does not stand still, search, including at the federal and departmental levels, effective mechanisms for work and accounting are being developed, and a new regulatory framework is being created. Many regulatory documents have been issued that regulate both all areas of work with personnel and individual units. Particular attention was paid to improving the procedural norms for bringing employees of the internal affairs bodies of the Republic of Kazakhstan to disciplinary responsibility.

The study conducted study on the formation and development of the institution of disciplinary responsibility for employees of internal affairs bodies allows us to draw the following conclusions:

1. Historically, since the beginning of measures aimed at ensuring official discipline, the institution of disciplinary responsibility for persons in service has emerged, which today makes it possible to distinguish it as an independent institution of Public Service in the internal affairs bodies of the Republic of Kazakhstan.

2. The history of the development of norms aimed at ensuring the official discipline of law enforcement officers, in turn, includes a number of stages characterized by the presence of certain, unique measures used to regulate state-official relations. The existence of stages in the development of the institution of disciplinary responsibility is associated with the evolution of state law enforcement activities and the requirements of regulatory legal acts regulating them.

3. In our opinion, the main directions for the development of disciplinary

responsibility should be its humanistic orientation, the improvement of procedures carried out within the framework of its production, and the exclusion of the desire not only of managers acting as subjects of disciplinary jurisdiction, but also of other officials involved in disciplinary proceedings.

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