



Студенттер мен жас ғалымдардың
«ҒЫЛЫМ ЖӘНЕ БІЛІМ - 2018»
XIII Халықаралық ғылыми конференциясы

СБОРНИК МАТЕРИАЛОВ

XIII Международная научная конференция
студентов и молодых ученых
«НАУКА И ОБРАЗОВАНИЕ - 2018»

The XIII International Scientific Conference
for Students and Young Scientists
«SCIENCE AND EDUCATION - 2018»



12th April 2018, Astana

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Л.Н. ГУМИЛЕВ АТЫНДАҒЫ ЕУРАЗИЯ ҰЛТТЫҚ УНИВЕРСИТЕТІ**

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БАЯНДАМАЛАР ЖИНАҒЫ**

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The proceedings are the papers of students, undergraduates, doctoral students and young researchers on topical issues of natural and technical sciences and humanities.

В сборник вошли доклады студентов, магистрантов, докторантов и молодых ученых по актуальным вопросам естественно-технических и гуманитарных наук.

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The formal character of such European unifications is indicated by a special note (next to the name of the newly adopted codified act) about the form of its editorial office. For example, "codified version", "kodifizierte Fassung" (German) (Council Regulation EC No 207/2009), or "recast" (English), "Neufassung" (German). (Directive 2009/65 / EC of the European Parliament and of the Council of 13.07.2009 on the coordination of laws, regulations and administrative provisions relating to obligations for collective investment in securities (UCITS)). The goal of European unification in its formal meaning is indicated by the European legislator in the text of the acts themselves and is reduced to ensuring their "visibility and clarity" (paragraph 1 of the preamble of Council Regulation No207 / 2009, paragraph 1 of the preamble of the Directive of the European Parliament and the Council No2009 / 65 / EC). Understanding of codification in international law gives an idea of the main methods for the development of a unified international act, which, after having been implemented, becomes one of the sources of the national IPP. Within the framework of the national legal order, such an act will occupy a special position in view of its international legal nature and legal significance, and also serve as a basis for the codification of IPP. A proper understanding of codification from the point of view of international law is a prerequisite for the effective implementation of standardized norms in the course of national codification.

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THE LAW IN DIGITAL ERA

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In today's world, digital technology plays an increasingly important role in the development of countries economy. Even today, more than 40% of the world population has access to the Internet, and almost every 7 out of 10 households has a mobile phone. Digital technologies have a number of advantages – simplification of the public and business access to public services, the acceleration of the information exchange, the emergence of new business opportunities, the creation of new digital products, etc. The main goal of the government program “Digital Kazakhstan” is the

improvement of the competitiveness of Kazakhstan's economy and quality of life through the progressive development of the digital ecosystem.

The implementation of the State Program “Digital Kazakhstan” will be held in four key areas:

1. Creating a “Digital Silk Road”. This is the development of the reliable, affordable, high-speed, secure digital infrastructure.
2. Creating a “creative society”. This is the development of competences and skills for the digital economy, the upgrading of digital literacy, training of ICT specialists for industries.
3. Digital transformation in the economy branches. It is the widespread introduction of digital technology to enhance the competitiveness of various branches of the economy.
4. Formation of “Proactive digital government”. This is the improvement of electronic and mobile government systems, optimization of the public services supply sphere.

The Digital Kazakhstan state programme was approved in December 2017. It is an important programme that aims to improve the standard of living of every Kazakh citizen through the use of digital technologies. The plan is to implement the programme within five years from 2018 until 2022 in five key areas: digitisation of the economy, transition to digital government, implementation of the Digital Silk Road, human capital development and creating an innovation ecosystem. Within these five areas, there are 17 specific goals and 120 projects. [1]

In the economy digitisation sphere, the aim is to increase productivity in all sectors. Digital Mine is one of the most significant projects – this information system collects data through sensors installed on the equipment, provides optimal production processes, monitors reagent consumption, reduces equipment downtime and quickly identifies and eliminates emergency situations.

Another area is the transition to digital government. We aim to digitise the activities of governmental bodies, reduce paperwork, increase citizen participation in state governance and implement the Smart City technology. One of the examples is Sergek (Vigilant), a system for monitoring the observance of traffic rules. It was introduced recently and is expected to improve the observance of traffic rules. When the system registers a traffic offense, it automatically generates a protocol and sends it to the violator’s address. Another aim is to implement a project on creating operational management centres for Kazakhstan’s small towns. Thus, not only large cities, but also mono-towns will be equipped with new technologies, which will lead to a decrease in the level of crime and offenses.

The expansion of communication networks and ICT infrastructure, as well as strengthening cybersecurity is the third and no less important sphere of the programme – the implementation of the Digital Silk Road. From 2018 to 2020, 2,616 rural settlements will be provided with broadband access to the internet. The initiative includes modernising the satellite communication system, providing fibre-optic communication lines to remote settlements, increasing the transit capacity and improving digital television and radio broadcasting network.

Developing human capital is the fourth area. Its goal is to update the education system in accordance with the best world practices. One of the projects to be implemented is on updating secondary education programmes by introducing new programming languages and STEM [science, technology, engineering and mathematics] elements. Elements of robotics, virtual reality, 3D printing, among others, will be introduced to the curriculum. This area also includes a project on conducting training courses for the population on developing basic digital skills. Retraining will allow our citizens to meet professional standards and remain in demand.

The final area – creating an innovative ecosystem – also has specific tasks identified. Those include supporting innovative development sites, promoting technological entrepreneurship and start-up culture, attracting venture financing and creating demand for innovation. The Astana Hub international start-up hub is a vivid example. It is expected to provide domestic IT specialists and start-ups with an opportunity to start developing their projects today.

Prime Minister of the Republic of Kazakhstan Bakytzhan Sagintayev has entrusted the Government to draw up a detailed plan for the implementation of Digital Kazakhstan national program during today's session of the Government, Kazinform correspondent reports. "Within a

month, the Ministry of Information and Communications and involved government agencies and organizations should devise and adopt detailed institutional plans of actions for organizing the national program with the indication of the officials accountable and the implementation time, agreed upon by each other," Bakytzhan Sagintayev said. The Head of the Cabinet also instructed the Ministry of Information and Communications together with authorized government authorities, to decide on a set of awareness-raising measures both for business and the population.[2]

"Surely, as part of national planning, the Ministry of National Economy needs to semi-annually ensure qualitative monitoring of the national program implementation. Today, I propose to support the approaches. It is necessary to submit it to the Head of State for approval. After we obtain approval, we will adopt the program," Bakytzhan Sagintayev added. The Prime Minister recalled that "Digital Kazakhstan" program was presented to the Head of State in September this year, and the President of Kazakhstan made his remarks. All of them were specified in today's draft program. Besides, as Bakytzhan Sagintayev noted, the economic effect of the government-sanctioned program is expected to be equivalent to KZT 2.2 trillion.[3]

Only two months have passed since the adoption of the Digital Kazakhstan programme. However, our citizens are already observing tangible results. There are new means of navigation that help reduce the time spent on a trip and choose the most optimal routes. There are applications that help find almost any goods.

There is a successfully operating digital farm in the North Kazakhstan region, where a computer automatically calculates the volumes of feed and the time of feeding. First, it reduces the costs for personnel maintenance, and secondly, it increases production efficiency. There are also tangible results in healthcare: computer equipment in medical institutions constitutes 81.3 percent and access to the Internet is provided to 55.6 percent of medical institutions.

An electronic health passport is being created for each patient, which will allow the patient's entire medical history to be stored online. First results of this and other initiatives are already evident despite the fact that the programme was adopted just two months ago.

It is noteworthy that President Nursultan Nazarbayev stressed that the implementation of the Digital Kazakhstan state programme is the government's main task. With Resolution by Government of the Republic of Kazakhstan No. 827 of December 12, 2017, National "Digital Kazakhstan" Program was approved.

The Program's major mission is to improve citizens' quality of life and the country economy's competitiveness through use and development of digital technologies. The Program Implementation shall be fulfilled in two vectors: "Digitalizing the Existing Economy" and "Creating the Digital Industry of the Future" in the longer term.

The Program's 120 activities will shape up the basics of the digital sector as a new industry and will be fulfilled in five areas: "Digitalizing the Economy Sectors", "Migrating to Digital State", "Implementing the Digital Silk Way", "Developing Human Capital", and "Creating the Innovation Ecosystem". By 2022, in addition to the growing performance in the economy sectors, the project implementation will result in enlarging the e-Commerce share in the total volume of retail trade to 2.6 per cent; creating 300,000 new jobs through digitalization; increasing the number of Internet users to 82%, and the population's digital literacy to 83%. [4]

As the Program is related to all areas of life and aimed at rising every citizen's the living standard, then citizens, businesses and government agencies of Kazakhstan will be the beneficiaries of implementation thereof. According to preliminary calculations, the direct effect of economy digitalization will allow creating by 2025 the added value of KZT 1.7 – 2.2 trillion.

The Program implementation may become the key factor in achieving the objective of Kazakhstan's entering the world's top 30 most competitive nations set by President in the "Kazakhstan-2050" Strategy.

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ISSUES OF LEGAL REGULATION OF E-COMMERCE IN INTERNATIONAL LAW

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In the twentieth century, scientific and technological progress radically changed the system of information exchange and communication between people and significantly affected the main spheres of life, the conditions of existence and the way of life of each person. The use of information transmission systems in the economy, social sphere, culture, science, education, medicine became commonplace. One of the most important means of communication was the Internet network, which in a short time became an integral part of everyday life.

By influencing the main spheres of human activity, scientific and technological progress in the field of communication and information transfer significantly affects the economic life of society. Due to the fact that economic activity with the use of information and communication technologies has significant features, it began to be called as a special term - "electronic commerce". Despite serious technical, organizational, psychological and legal obstacles, e-commerce is becoming one of the most common methods of economic activity.

E-commerce is a form of product delivery, mediated by computer networks. The topic of e-commerce is one of the most widely discussed in foreign scientific literature. The attractiveness of this form is based on a lower cost of transactions in comparison with the traditional form differ by an order of magnitude. E-commerce, in fact, leveled the differences in market access opportunities for small, medium and large companies, which increased competition in the markets. Companies gain access to a potentially more capacious market, have the ability to differentiate services, perform efficient services, usually with the least cost.

One of the most common thedefinition of e-commerce is given by *Yurasov A.V.*, which indicates that the e-commerce is the sphere of the economy, which includes all financial and commercial transactions carried out by means of computer networks and business processes associated with conducting such transactions[1].

According to *Gavrilov N.K.*, e-commerce is the process of purchase and sale of goods or services in which the entire cycle of a commercial transaction or part of it is carried out electronically[2]. In the legal sense, it is understood as the conclusion on both domestic and international markets of trade transactions through electronic document exchange.

Another definition of e-commerce reads as follows: "Any kind of transactions, in which the interaction between the parties is carried out electronically instead of a physical exchange or direct physical contact". Being precise, this definition does not reflect the revolutionary spirit of e-commerce generated by the emergence of new demands, technologies and leading to fundamental changes in the way business is conducted. Also, this term is simply defined by *Laudon and Traver* as «the use of the Internet and Web to transact business» within the context of a global marketplace[3].

In international organizations engaged in electronic commerce, there is no unambiguous understanding of what is relevant in the field of e-commerce. For example, in the Microsoft newsletter for government services, the term is used only for specific activities of government