ANNOTATION

TO THE DISSERTATION OF BURASHOV SHOKAN UALIKHANULY, PREPARED FOR THE DEGREE OF DOCTOR OF PHILOSOPHY (PHD) UNDER THE EDUCATIONAL PROGRAM 8D04208 – "LAW" ON THE TOPIC: "LEGAL PROBLEMS OF THE APPLICATION OF LEGISLATION ON CONSUMER RIGHTS PROTECTION IN THE EDUCATION SYSTEM OF THE REPUBLIC OF KAZAKHSTAN"

Relevance of the Research Topic. The relevance of improving consumer rights protection in the education system is determined by the need to ensure that the quality of education meets modern requirements and by the necessity to guarantee the protection of the rights of consumers of educational services as one of the key factors of the country's social development. Improving the mechanisms of consumer rights protection in the field of education is one of the urgent tasks of public administration. In addition, this factor is reflected in the strategic state program documents of Kazakhstan – the «Kazakhstan-2050» Strategy, the Strategic Development Plan of the Republic of Kazakhstan until 2025, the Concept of Legal Policy of the Republic of Kazakhstan until 2030, as well as in the annual Addresses of the President of the Republic of Kazakhstan Kassym-Jomart Tokayev to the people of Kazakhstan.

In many countries of the world, the relevance of improving legislation on consumer rights protection in the education system is associated with the need to implement a number of economic and legal factors – from conceptualizing general concepts and provisions to optimal dispute resolution mechanisms and tools for consumer rights protection, legal regulation and governance. In the Republic of Kazakhstan, due to the insufficient level of a unified theoretical basis for consumer rights protection, the issue of forming the institution of consumer rights protection and improving national law is particularly relevant. During the research, it was revealed that this issue has not been sufficiently fully and comprehensively studied in Kazakhstan's legal science. At present, the insufficient development of legal

mechanisms for consumer rights protection determines the main direction of this work – the study of theoretical and practical aspects of consumer rights protection, the formation and improvement of a set of measures to solve legal problems of consumer rights protection in the field of education. For example, there is no precise definition of such basic concepts as “consumer” and “consumer liability,” since the limits of their rights, opportunities and levels of responsibility are not defined; such methods of protection as penalty recovery and compensation for moral damage require legal regulation.

The relevance of consumer rights protection problems is formed under the influence of a number of large-scale factors – socio-economic, law-making, law enforcement, doctrinal and other factors. In general, consumer relations in society cover all spheres of human life; in a secular society and under conditions of equality of rights of all citizens, assessing the social significance of the legal status of consumers is associated with significant difficulties. For example, when solving consumer legal problems, special attention is paid to the need for constant updating of legislation: ineffective and insufficient legal regulation in the field of consumer rights protection requires a comprehensive study of the theoretical and practical aspects of consumer relations. To improve existing legislation and fundamentally resolve consumer legal problems, it is necessary to improve consumer rights protection issues at the legislative level, which is the basis for introducing effective legal mechanisms. The issue of protecting the rights of consumers of educational services remains particularly relevant due to unresolved and accumulated problems of law enforcement practice. In particular, in Kazakhstan, the existing system of legal regulation of consumer relations for several years has been focused on administrative measures and in practice has not participated in restoring violated rights; the institution of pre-trial dispute resolution is weakly integrated into the overall protection system; there is no common understanding of shared tasks between state bodies and non-governmental organizations carrying out consumer rights protection activities.

Object of the Research. The object of the research is public relations related to the implementation of consumer rights in the education system in Kazakhstan, their regulation in the context of the implementation of international standards into national legislation and the adoption of best world practices in the field of consumer rights protection during the modernization of the republic's special legislation.

Subject of the Research. The subject of the research is the norms of the legislation of the Republic of Kazakhstan aimed at protecting the rights of consumers of educational services, the provisions of doctrinal studies on the topic under consideration, as well as positions formed in judicial practice.

Purpose of the Research. The purpose of the research is to analyze the development trends of consumer relations in the education system of the Republic of Kazakhstan and the application of legislation on consumer rights protection.

Objectives of the Research. The objectives of the research include:

consideration of the historical prerequisites for the formation of the legal support system for consumer rights protection in the education system;

analysis of models and patterns of legal regulation of consumer relations in the Republic of Kazakhstan and selected jurisdictions;

analysis of the implementation of international legal norms and world experience in consumer rights protection into the national law of the Republic of Kazakhstan;

analysis of the theoretical and legal foundations of the institution of consumer rights protection in the education system;

analysis of the normative legal consolidation of the system of subjects of relations regulated by consumer rights protection legislation;

justification of the effectiveness of law enforcement in the field of protection of the rights of consumers of educational services;

development of author's positions on the main issues of application of legislation and judicial practice in cases of consumer rights protection in the

education system, as well as on the prevention of disputes through pre-trial mediation.

This research is the first comprehensive theoretical and practical study devoted to the issue of applying legislation on consumer rights protection in the education system of the Republic of Kazakhstan. The research is aimed at improving legislation in the field of protection of the rights of consumers of educational services.

Methodological Basis of the Research. The main hypotheses of the research are based on international and national norms and principles of consumer rights protection, historical sources of Roman law, international legal documents and recognized global standards (UN, OECD, European directives), the legislation of the Republic of Kazakhstan on consumer rights protection, as well as the practice of legal regulation in selected jurisdictions and the practice of applying consumer rights protection mechanisms provided by law in Kazakhstan. The methodological basis of the research consists of doctrinal sources, norms and provisions of international and national law on consumer rights protection, and global standards of universal and regional international organizations on the implementation of the concept of consumer rights protection. Taking into account the specificity and complexity of the object under study, an interdisciplinary approach was applied. During the research, general scientific methods of cognition were used: historical-legal, analysis and synthesis, logical, systemic, structural-functional, comparative-legal methods. In the research process, retrospective, structural-functional, systemic-structural, formal-legal, comparative-legal and other methods were widely used. Among special legal methods, the method of systemic analysis made it possible to consider the normative resolutions of the Supreme Court as an integral element of the legal system. This method was aimed at determining the role of normative resolutions in legal regulation in accordance with the Constitution of the Republic of Kazakhstan. The historical-legal method was used to study the evolution of the formation and development of normative resolutions in the field of education in Kazakhstan. The formal-legal method made

it possible to analyze the legal nature of normative resolutions and their legal force. The use of this method also made it possible to compare the results of consideration of consumer rights protection cases in accordance with the Civil Procedure Code of the Republic of Kazakhstan.

Theoretical Basis of the Research

The theoretical basis of the dissertation research consists of scientific and theoretical works of domestic and foreign scholars in the field of theory of state and law, constitutional, administrative, civil, criminal law and other branches of law, the Addresses of the President of the Republic of Kazakhstan to the people of Kazakhstan, educational literature, monographic studies, dissertation abstracts, periodical press publications, as well as statistical data, information sources and materials from information resources of judicial bodies.

The normative basis of the research includes the Constitution of the Republic of Kazakhstan, the Civil Procedure Code of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan "On Education" and other normative legal acts regulating the application of consumer rights protection norms.

The empirical basis of the research consists of data obtained from the information resources of the Supreme Court of the Republic of Kazakhstan on consumer rights protection cases.

Practical Significance of the Research. The theoretical, methodological and practical developments obtained in the field of education within the framework of this research are relevant for implementation and use in organizing work on systematization and improvement of legislation on consumer rights protection of educational services. The research materials and results may be used by executive authorities in developing subordinate normative legal acts regulating admission and expulsion (dismissal) of students, conducting state final certification of graduates, issuing educational documents, licensing and state accreditation procedures and other issues, as well as in scientific research and the educational process. The results and conclusions of the research may be used in protecting consumer rights in the field of education, in determining the specifics of the legal

status of consumers of educational services, in considering issues of protection of their rights in courts, as well as in law-making activities aimed at improving constitutional, civil and civil procedural, criminal and criminal procedural legislation.

Approbation of Research Results. The dissertation work was prepared at the Department of Constitutional Law and Civil Law of Khoja Akhmet Yassawi International Kazakh-Turkish University. The results and conclusions of the research were discussed at an expanded meeting of the scientific seminar of the said department.

Publication of Research Results. Seven scientific articles were published on the topic of the dissertation. In particular, one article was published in an international scientific journal indexed in Scopus, three articles were published in journals included in the list approved by the Committee for Quality Assurance in Science and Higher Education of the Republic of Kazakhstan, and three articles were published in the materials of international scientific and practical conferences.

Structure and volume of the dissertation The total volume of the dissertation is 180 pages of typewritten text. The structure of the dissertation corresponds to the goals and objectives of the scientific research. Structurally, the work consists of normative references, a list of symbols and abbreviations, an introduction, a main part including three chapters and eight paragraphs, a conclusion, and a list of references.