

UDC327(574)

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National security as the degree of protection of national interests

In this article, features of national security strategy of the Republic of Kazakhstan are considered from the various legal aspects. In addition, the article reveals methods of solving the basic problems of national security. Considering and analyzing the legislation of the Republic of Kazakhstan in relation to various aspects of national security, author offers his point of view. Author discloses substantial aspects of information counteraction to external factors, which involves the implementation of a set of specific measures to prevent and neutralize security threats.

Key words: National Security Committee, the Republic of Kazakhstan, national security threats, counteraction, activity.

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Ұлттық қауіпсіздік, ұлттық мемлекет мүдденің қорғампаздық дәрежесі

Бұл мақалада Қазақстан Республикасының ұлттық қауіпсіздігінің стратегиясының өзгешеліктері түрлі құқықтық жақтарынан қарастырылды. Сонымен қатар ұлттық қауіпсіздіктің мәселесінің шешімінің негізгі әдіс-айлалары ашылды. Автор Қазақстан республикасының заңнамасын ескере және саралай отырып ұлттық қауіпсіздіктің түрлі шеңберлеріне қолданылатын, өзінің көзқарасын ұсынады. Автормен ақпараттық қарсы әрекеттің маңызды аспектілері сыртқы факторларға ашық, бұл нақты шараның кешенінің жүзеге асуынша алдын ала және қауіпсіздіктің айбатының нейтрализациясына болжайды.

Түйін сөздер: Ұлттық қауіпсіздіктің комитеті, Қазақстан республикасы, ұлттық қауіпсіздік, айбаттар, қарсы әрекет, қызмет.

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Национальная безопасность как степень защищенности национальных интересов государства

В статье с различных правовых сторон рассмотрены особенности стратегии национальной безопасности Республики Казахстан. Также раскрыты основные способы решения проблем национальной безопасности. Автор, учитывая и анализируя законодательство Республики Казахстан применительно к различным сферам национальной безопасности, предлагает свою точку зрения. Автором раскрыты содержательные аспекты информационного противодействия внешним факторам, что предполагает реализацию комплекса конкретных мер по предотвращению и нейтрализации угроз безопасности.

Ключевые слова: КНБ (Комитет Национальной Безопасности), Республика Казахстан, национальная безопасность, угрозы, противодействие, деятельность.

Research in the field of national security issues highlight the importance of effective administrative and legal national security system procedures in the field of national security and development on this basis of proposals for improving the performance of the national security agencies.

In modern conditions, administrative and legal regulation of national security is a priority and the most effective tools for solving the challenges facing the government in the face of new threats to the national interests of the Republic of Kazakhstan.

Administrative and legal regulation of social relations in the sphere of national security aims to determine the legal status of public authorities in the implementation of their tasks, roles, competencies, forms and methods of management in this area, as well as individuals and organizations in their relations in the field of national security.

Organizational and legal system of national security includes a number of public bodies. System of national security form, first, interacting forces maintain it, and secondly, other government

agencies and organizations engaged in political action, legal, organizational, economic, military and other measures aimed at protecting national interests [1].

Thus, in the immediate national security functions assigned to it to ensure such forces as:

1) The National Security Committee of Kazakhstan, Kazakhstan's Foreign Intelligence Service, Security Service of the President of the Republic of Kazakhstan;

2) Armed Forces, other troops and military formations of the Republic of Kazakhstan;

3) The bodies of internal affairs, financial police, the state fire service, customs authorities and emergency services.

According to Article 1 of the Law "On the Bodies of National Security" the national security of the Republic of Kazakhstan – directly responsible and accountable to the President special state bodies. Which are an integral part of the security of the Republic of Kazakhstan and held within the authority granted to them to ensure the safety of the individual and society, protection of constitutional order, national sovereignty, and territorial integrity, economic, scientific, and technological and defense potential [2].

Proceeding from this basic task of the national security is the development and implementation of state policy in the field of safety of individuals, society and the state. Hence a number of specific problems in this area:

- Gathering the necessary intelligence;
- Implementation of measures related to the identification, prevention and suppression of intelligence and other aimed at damaging the national security activities of the special services of foreign states and organizations, as well as individuals;
- The fight against terrorism and other activities aimed at overthrowing the constitutional order, violation of the integrity and undermining the security of the country;
- Exercise of the powers to prosecute individuals for crimes related legislation administered by the national security agencies;
- Support to the president and other state bodies of government bond in peacetime and wartime;
- Activities on encryption organization work with the relevant government bodies and organizations;
- Protection of the State border of Kazakhstan.

Status, powers and organization of the National Security Committee of the Republic of Kazakhstan in the clauses of the National Security Committee, which is its constituent document [2].

Structure of the National Security Committee shall comprise:

- The National Security Committee of the Republic of Kazakhstan, its departments, territorial and other national security agencies, special purpose units, educational institutions, research institutions and other subordinate organizations;

- Office National Security Committee created to implement assigned to the national security problems in certain areas of their activities.

Thus, the agency is the Border Guard Service National Security Committee. Intended purpose of the Border Service of Kazakhstan National Security Committee is primarily to ensure the safety and protection of the State border of the Republic of Kazakhstan, its territorial integrity and inviolability of the economic interest on the state border. In addition, the tasks of the Border Service of Kazakhstan National Security Committee also includes the protection of the territorial waters and the continental shelf of the Republic of Kazakhstan, enforce legislation and international obligations of the Republic of Kazakhstan on the border of the State, etc.

Military unit composed of the National Security Committee are the bodies of military counterintelligence, one of the main objectives of which is to prevent damage to the state's defenses. In this aspect by the military counterintelligence, measures are aimed at improving the efficiency of the security of the Armed Forces, other troops and military formations of the country [3].

In the operational performance of military counterintelligence agencies independent of the Command of the Armed Forces, other troops and military formations of the Republic of Kazakhstan.

As part of the National Security Committee, specialized functions perform military police authorities.

Powers of the military police National Security Committee of Kazakhstan – prevention, prevention, detection, suppression and detection of crimes and offenses. The military police within the purview of the inquiry is entitled to perform, perform military wanted fugitives from the bodies of inquiry, investigation and trial, as well as the location of the deserted their military units to take measures to

ensure the traffic safety of military vehicles, military to detain and administrative penalty in the form of administrative arrest.

In accordance with the criminal procedure legislation of Kazakhstan authorities National Security Committee of Kazakhstan military police are authorized to make inquiry on crimes committed by specific government agencies, as well as proceedings on administrative violations in the case of violations of traffic rules by persons driving vehicles of special government agencies [4].

Very specific function in the structure of the National Security Committee assigned to special purpose units (hereinafter – Special Forces), which are designed to prevent acts of terrorism and other particularly dangerous crimes against the person, society and state.

Established in October 1990, after the dissolution of the regional group “Alpha” KGB (Committee for State Security) Special Forces “Arystan” National Security Committee shall:

- The conduct of hostilities in the interests of the Republic of Kazakhstan;
- The fight against terrorism, hostage rescue in particularly difficult situations;
- The protection of strategic objects of Kazakhstan [5].

Feature status of Special Forces “Arystan” is that its budget, the number of quantitative and qualitative composition as well as their bases are classified.

In addition to “Arystan”, which is the Special Forces of the country, as part of the National Security Committee of Special Forces is Border Patrol National Security Committee of Kazakhstan “Buran” (under the central government) and “Orlan” (regional administration), and a special paratroop assault team “Ak-Barys”.

Also special forces National Security Committee, special forces carried out a similar function within the Ministry of Internal Affairs (operational brigade “Armor”, “Berkut”, “Sunkar”), the Armed Forces of the Republic of Kazakhstan and the Kazakh Foreign Intelligence Service, Security Service of the President of Kazakhstan (special group “Kokzhal”).

Territorial authorities National Security Committee of Kazakhstan regions, cities and the capital, subordinate municipal and district directorates (departments, divisions) formed to implement assigned to the national security objectives in the territory.

In operational performance territorial bodies independent of the National Security Committee of Kazakhstan local representative and executive bodies and their officials [6].

Competence of national security directly predetermined by their tasks and functions. It is important to emphasize that the implementation of human rights should be granted solely for the tasks entrusted to the national security. Moreover, the main requirement for the implementation of the national security agencies of their authority is, of course, that the rights and freedoms of man and citizen. Law «On the Bodies of National Security» in this regard, a number of fundamental guarantees set:

- The rights and freedoms of man and citizen may be limited only in cases and in the manner expressly provided by law;
- Within the limits set by law, national security agencies must provide every citizen the opportunity to learn concerning his rights and interests of the documents and decisions;
- Actions of national security, military and their employees can be appealed to higher authorities of national security, prosecutor or court [7].

Competence of national security is a complex structure in which three groups of rights and duties: operational, criminal and administrative proceedings. However, with the first group of rights associated purpose of national security as a special service, the second – as a law enforcement officer, and the third – as executive authority.

Here, it should make some clarifications. Is not quite correct to refer to the national security or law enforcement executive bodies.

Analysis of current legislation of Republic of Kazakhstan gives reason to believe that national security agencies, along with the bodies of the Foreign Intelligence and Security Service of the President of Kazakhstan are special government agencies, based on their intended purpose, objectives, activities, functions assigned to them, the order and structure of education and, of course same competence.

Responsibilities of national security, depending on their purpose, can be divided into the following:

- Implementation of intelligence and counterintelligence activities (implementation of intelligence activities in the interests of the Republic of Kazakhstan in accordance with the Law "On Foreign Intelligence": implementation of

counterintelligence activities to identify, prevent, combat intelligence and other, to the detriment of the safety of Kazakhstan activity of special services and organizations of foreign states as well as individuals. Organization and encryption decryption operation, maintenance, development of a system of government special forms of communication, to ensure their safety);

- The fight against terrorism (detection, prevention and suppression of terrorism and other activities aimed at overthrowing the constitutional order, violation of the integrity and undermining the security of the Republic of Kazakhstan);

- Prevention of threats to national security (participation in developing and implementing measures to ensure the safety of the defense complex, nuclear energy, transport and communication, critical infrastructure and other regions of strategic facilities, a list of which defines the government of the Republic of Kazakhstan. In cooperation with other competent authorities, take measures to ensure security of foreign states and international organizations in Kazakhstan, participation, at the direction of the President of Kazakhstan, together with other government agencies in ensuring the safety of Heads of State, foreign governments and heads of international organizations for the period of their stay in the Republic of Kazakhstan. As well as the country, held important social and political events, the implementation of measures to ensure their own safety, including the prevention of penetration of technical information to national security, state secrets. To take the necessary measures to ensure secrecy in conducting intelligence, counterintelligence and other operational investigative activities, ensuring the mobilization readiness of national security. Presentation on request of the authorized body on financial monitoring information from its own information systems in accordance with the laws of the Republic of Kazakhstan on countering the legalization (laundering) of illegally obtained, and the financing of terrorism);

- Combating threats to national security (assist government agencies in the prevention and suppression activities on the territory of Kazakhstan illegal paramilitary groups, political parties and trade unions of other states, religious parties. As well as the financing of political parties and trade unions by foreign legal entities and citizens, foreign States and international organizations, holding mandatory

special inspection Republic of Kazakhstan citizens coming and the civil service, the identification of the radio emission of radio transmitting equipment, work which poses a threat to the security of Kazakhstan);

- Prosecution (detection, suppression and investigation of crimes related legislation administered by the national security agencies);

- The protection of state secrets (development and implementation of measures to counter-intelligence protection of information constituting state secrets in government, military formations, units and organizations, as well as controlling their activities. Conduct special audit Kazakhstan citizens to be drawn (reissued) for access to information component of state and official secrets, the implementation of measures to ensure their own safety, including the prevention of penetration of technical information to national security, state secrets);

- The protection of the State border of Kazakhstan (the security and protection of the state border of Kazakhstan participation in matters relating to admission to citizenship and renunciation of citizenship of the Republic of Kazakhstan. Traveling abroad Kazakhstan citizens, entering the territory of the Republic of Kazakhstan and out beyond foreign nationals and stateless persons as well as the mode of their stay in the territory of the Republic);

- Information (informing the President of the Republic of Kazakhstan Parliament, the Government of the Republic of Kazakhstan on the security risks of the country, information and analytical work to implement assigned to the national security tasks);

- Training of national security (provide training for national security agencies);

- Perform other functions stipulated by the Law of Republic of Kazakhstan "On Bodies of National Security», other laws and acts of the President [8].

To implement such vast responsibilities national security agencies have adequate rights, each of which, in essence, is the implementation of certain coercive measures, many of them are secret character. Right to conduct search operations, to carry out penetration of special services and organizations of foreign states, criminal groups, to carry out deportation from the Republic of Kazakhstan, to detain persons suspected of committing crimes to verify documents for participation in the antiterrorist operation and maintenance regime of antiterrorist operation. Apply

measures and temporary restrictions under the Law “On Combating Terrorism”, to use weapons and special vehicles, etc.

By analyzing the powers of national security, it should be noted that with increasing threats to national security, they widened. Events of recent years show that prevailing in Kazakhstan public peace, sustainable and progressive socio-economic and political development, inter-ethnic and inter-confessional accord exposed to external threats. Thus at this time is to further improve current system of national security by strengthening preventive measures, improved intelligence and counterintelligence activities to enhance cooperation with other countries in the fight against terrorism. Priorities are further cooperation and the positive experience of foreign countries in the fight against terrorism and religious extremism. Prime importance and issues of improving the functions of the national security agencies in the field of protection of the state border. In addition, of course,

remains an important task to human capacity development of national security and increase their professionalism.

In the Message of President to the people of Kazakhstan “Kazakhstan-2030: – Prosperity, security and welfare of all Kazakhs” says: “All historical experience of human civilization shows that the first and foremost of all the necessary conditions, which determines consistent and steady growth of the state, is the security of its nation and the preservation of the state” [5]. On this basis, national security was the most important strategic priority for development of Kazakhstan until 2030 basic tasks in the area of National Security, met. In light of the President of Kazakhstan marked ten global challenges of the XXI century [6]. Immeasurably enhanced and the role of national security, which, in turn, updates the need to further improve the organizational and legal problems in the management of national security of the Republic of Kazakhstan [8].

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