

The Framework of Social Security System Public Management in Kazakhstan

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ABSTRACT

The relevance of the research is that scientific analysis and reasoning of proposals regarding improvement of regulation of social security system public management in Kazakhstan under conditions of progressive establishing of socially organized nationhood are being in demand. The purpose of the research is reasoning of major parameters of the national social security system development based on the modern conditions of political, economic and social development of Kazakhstan, the need for conformance to international and regional social standards, experience of making arrangements for population social support in the world. The specific nature and complicity of the research subject are attributed to the usage of the broad range of general scientific and particular scientific methods of cognition, including analysis, synthesis, comparison, analogy, deduction, induction, abstraction, as well as comparative legal, formal legal, legal simulation method. The paper describes both political and social economic aspects of establishing and developing of the national system of social security based on the principle of complexity. Proposals on improving regulation of the procedure for implementing social measures for population support were framed following the results of the research. The areas of using results: recommendations and conclusions drawn in the paper could be used in the course of defining and implementing the further domestic policy of Kazakhstan in the area of social safety net development; in the law making process with a view to improve the quality of legal regulation of social security relations. The significance is that its findings could be used in a few aspects: law-making, scientific, educational, practical, social ones; the last-mentioned area includes such effects as reduction of social tension in the society, growth in human wellbeing

KEYWORDS

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Introduction

The research issue is relevant because the social situation in Kazakhstan under modern conditions of financial and economic crisis becomes ever more complicated, increasing economic slowdown and inflation development, which have an adverse effect on the population's welfare. The social standard of living drops, income differentiation grows, society stratification by the level of material wealth aggravates, the number of population who lives below the poverty line grows.

However, the state social policy requires deep reframing and improvement. First of all, it's necessary to take steps to reform the system of population social security. In doing so, issues relating to transforming the system of population social security, development of its forms and types, revision of legislative and organization frameworks for providing population with social protection, change in financing principles, targeting of support to members of society in need should be solved.

The issues relating to determination of poverty line, cost of living remain undeveloped in theory and practice. It's necessary to develop a number of definitions related to this range of problems, from "social policy" to "type" and "form" of social security. Clear-cut concepts of subjects and objects, social security financing sources, carrying out family policy with regard to the world practice of solving such issues are necessary. Solution to these and related problems are highly relevant.

The level of academic development of the issue. The issues of population social security in scientific and practical literature of our country are underdeveloped, there are not so many publications on this problem, and their better part related to the period of transition to independent nationhood of Kazakhstan was published during the previous 15-20 years.

Materials and Methods

Theoretical and regulatory frameworks of this paper come from analytical and comparative law approaches in studying theoretical and legal base, Kazakhstan and foreign literature on social law (Reich, 1964; Khamzina, 2016; Khamzina & Buribayev, 2015; Baytin & Petrov, 2003), economics (Holzmann & Jørgensen, 2001; Boldrin & Rustichini, 2000), political science (Lincoln, 2006; Goodship et al., 2004) and other fields of knowledge in the area of providing person's social rights (Browne, 2014; Wentworth, Neaton & Rasmussen, 1983; Curb et al., 1985; Junker, 1994), as well as statistical and sociological data.

The review of research and development literature indicates researchers' interest in the phenomenon of social security, mechanisms for providing person's social rights in the modern period. Genesis, causes, development of social security system in regions and individual states are analyzed in theoretical resources (Grover, 2014; Samuelson, 1975). A lot of attention in research papers is paid to the problems of public management of social sphere (Salter, 1998; Vigoda, 2002), evaluation of social reforms implemented by the state (Norton, Conway & Foster, 2001), standards of social security individual forms (Acquisti & Gross, 2009; Keiser, 1999), issues of providing person's social rights guarantees at the level of local administrations (Vinci, Djeddah & Hani, 2014).

The main purpose of the research is reasoning of the concept of population social security based on reforming its types, forms and transforming the social protection management mechanism.

When carrying out the research, general philosophical methods (for example, general dialectical method, analysis, synthesis), as well as ad hoc and particular law methods: historical, comparative-law and other according to the research set tasks were used.

The use of general philosophical methods allowed considering the category "population social security" in its interrelation to other categories – social welfare state, state's social function, civil society, law, human rights, rule of law, constitutional economy.

A special emphasis is placed on system analysis, which is currently considered universal and used in both natural sciences and social humanities. The analysis methods were used for researching elements of the modern social security system typical for a welfare state.

The method of synthesis is directly used for uniting clarified ideas and principles into consistent constitutional legal conception of a social welfare state.

The historical method allowed stating author's periodization of establishing the "social security" category under conditions of development of an independent state in Kazakhstan.

The comparative-law method was used to compare the models of regulatory implementation of the concept of population social security within modern democratic social welfare states.

The theoretical and methodological base of the research is provisions and findings of Kazakhstan and foreign academics, works of classics of the theory of social development and management, applied researches on this topic; by-laws and legislative acts regarding population social security, which are effective in Kazakhstan.

Results

Social security should be defined as a state-established system providing citizens with pensions, benefits, state targeted social assistance, social services, compensations, allowances, social insurance payments due to retirement age, disability, loss of breadwinner and other legal grounds. Social support, social services and social insurance can be distinguished as independent major fields of the social security sphere.

The following characteristics are typical for all studied types of social security: 1) they're provided due to occurrence of socially significant facts defined by a category of people listed in the law; 2) they're target-oriented – they're designed to exercise citizens', their family member's social rights in order to provide sufficient conditions for living; 3) they're generally financed by state budget or employer's means, personal pension savings, insurance companies' means.

The following system of events and actions should be in place in order to create a right to social security: a socially significant legal fact, person's-social security receiver's declaration of intent, approval of enabling legislation by a competent body.



The notion of “welfare state” supposes such a type of state structure, wherein all conditions for full and sufficient exercise of citizens’ social rights are created, given that, the priority of social rights guarantee is of paramount importance. We consider the level of legally vested social rights and guarantees for their implementation necessary for stating the fact of existence of a welfare state. Economic and political public relations are determining relations for social ones under conditions of Kazakhstan. The issue is not about formal list of social rights. The system of social rights, composing the social sphere and social function enshrined in the Constitution of 1995 remains intact, but depending on the stage of economic development of our society, reforms of political system, a change in content of rights, both social measure and events, social benefits, takes place.

There's a direct dependence on state budget opportunities, on maturity of economic relations of social event financing, the population coverage and conformance to social standards. Work has been initiated in Kazakhstan with a view to form a welfare state, towards this end specific steps are being taken. The legal framework of social policy has been formed in the Republic. However, implementation of the provisions of legislative acts is directly related to the economic development of Kazakhstan. The government having overall legislative and executive authorities, financial resources, should guarantee creation of decent conditions for life activities of the population of Kazakhstan.

A welfare state supposes such a level of state structure, when comprehensive conditions are created for exercising social rights safeguarded by the state's Constitution. In doing so, the content of social rights is determined by the maturity of economic and political relations in the society. The core target of the Republic of Kazakhstan is enshrined in the Constitution – progressive development as a welfare state. A Constitution, whatever it may be: progressive, democratic, - represents political and legal intent, a plan for creating a welfare state, which formation is possible as a result of rational, conscious and decisive actions of the whole system of state bodies.

The rights of the citizens of Kazakhstan to social security for old age, disease, disability, loss of breadwinner and based on other legal causes are guaranteed by the state by creating different systems for providing, financing and taking other necessary steps.

The modern state social policy comes from the need for providing social security measures based on all grounds at the minimum guaranteed level in accordance with cost of living, and additional forms of social security should be provided by citizens' personal commitment to means formation –financing recourses. Cost of living is used in Kazakhstan in order to

- 1) measure living standards and determine poverty line;
- 2) determine areas of social policy and accomplishment of measures on population social security;
- 3) explain fixed minimum earnings, minimum pensions and base social benefits.

For today social aid in Kazakhstan is allocated as a difference between per capita income and poverty line determined in regions (city of republican status, capital) per member of family. The size of poverty line is determined quarterly in percentage terms of cost of living by the Ministry of Public Health and Social

Development of Kazakhstan depending on economic opportunities. Today it doesn't exceed 40% of cost of living. Thus, the amount of allocated aid – is an amount comprising the difference between 40% of cost of living and actual income of a person (family), which is unacceptable from a recognized social standards' point of view: the state offers help to the poorest families only at a level of 40% of cost of living. We believe, the help in monetary terms should correspond to a level of cost of living determined in a particular administrative-territorial entity and not be lower than the all-republic value.

The principle of social security universality combined with targeting regarding its provision should be used in the course of social security public management. Universality means applying social security measures to all subjects (citizens, foreigners, apatrides, people having a status of the permanently residing within the Republic) in respect of which a socially important legal fact is proved through the processes of law regardless of their gender, age, race, nationality, language, property and official capacities, place of residence, attitude to religion, believes, belonging to non-governmental organizations, as well as other circumstances. In other words, the mechanism for providing all citizens with state payments using budget funds at the same level depending on social legal facts is established in a state.

However, forming the system of social security based exclusively on this provision would make it inefficient one, which could be described as a system with a lack of incentives to take part in it.

Today targeting involves determination of a level of social aid depending on the level of material wealth of a certain family member, as well as time of participation in the systems for funding source formation to implement social measures.

Guarantees, which suppose a high level of procedural and institutional means for providing social security measures, are the major condition for implementing social security measures. Legal guarantees should be efficient under any circumstances. First of all, this is achieved by facilitating the exercise of social security rights, secondly, by removing possible obstacles in the course of their implementation, thirdly, by means of legislative recognition of liability for social law violation.

Discussion

The "social security" term gave an impetus to the development of independent branch of law from the late 1960s – early 70s of the previous century, which is currently known as social security law of the Republic of Kazakhstan. A number of unhomogeneous public relations regulate this branch of law. These public relations are defined as social security relations and can be of procedural, processual, and material nature.

Social sphere for a rule-of-law, democratic, welfare state is the most important area of public management, and social policy is the most important strand of national policy. The state of social sphere, the relation of citizens' social expectations and particular authorities' actions to meet social needs eventually determine degree of confidence of the authorities and society, government stability.

In our opinion, we take as a basis narrow interpretation of this definition for good reason. It allows us to state that social sphere is a set of public relations



related to social security and protection of the population regulated by social legislation aimed at exercising social rights. The "social sphere" category, therefore, completely absorbs the definition area of social security and social protection and is currently established as an independent institute. Progressive establishing of a welfare state in the Republic of Kazakhstan is due to formation of sufficient regulatory legal base for existence of public relations in the social sphere, exercise of constitutional social rights of the person. The areas of social security and social protection differ in a degree of concentration of state authorities of governing subjects, as well as a degree of generalization of target-oriented impact on social binds, processes.

Social security in the Republic of Kazakhstan is financed using the state budget, employer's means, personal pension savings accumulated in the consolidated pension savings fund or state social insurance fund. It's a state-guaranteed system providing pensions, benefits, services, compensations, allowances, targeted aid, when a socially important fact takes place in a person's (family's) life.

The level of development of social security institutes in one or another society largely depends on the state of economy, state's financial possibilities, available recourses to cover all who are in need of social support. The list of citizens in need of social support is also directly depends on the state's economic possibilities, historical background, a degree of implementation of international standards in the given sphere into domestic legislation. In this regard it's fairly mentioned in research and practice sources that social legislation as an integrated branch system is, firstly, based on constitutional provisions and, secondly, on international law acts adopted and being effective in the social sphere" (Tikhomirov, 1995).

The world community-recognized requirements to state and development of the area of social security, protection, aid and service can be found in different international acts. Currently the social policy of the Republic of Kazakhstan takes as a point of departure the need for implementation of recognized worldwide standards for providing social benefits, exercising social rights within the framework of the modern social protection of the population. Social expenditures aimed at social security measures, social protection, aid and servicing are given the top priority in the expenses of the state budget. The list of grounds for providing social security (socially important legal facts) is provided in accordance with recognized social standards.

It seems proper to consider social security in the following way: measures of a state, which relate to securing citizens in old age, in case of disease, permanent total or partial disability, as well as loss of breadwinner, caring of families with children with regard to individual contributions of citizens or with no equivalents (Salikova, 1992). That provision is an attempt to unite all legal facts due to which social security should be provided, but the state constantly changes the list of these circumstances largely depending on the state's economic conditions. However, it should be mentioned that there are "classic" legal facts enshrined in the Constitution. In case of such facts occurrence the state guarantees provision of social security. They are retirement age, disability, loss of breadwinner; all other legal components, which give rise to social security relations, cannot be classified owing to ever-changing legislation in this sphere.

Types of social security can be defined as state-established social measures, targeted social benefits provided to particular categories of citizens and their families. Today there are following types of social security in the Republic of Kazakhstan: pensions, allowances, state targeted social assistance, social services, compensations, exemptions, social benefits.

Pension is a monthly payment provided to persons who have a right to pension coverage from State Center for Pension Payment, receivers of pension savings financed by the republican budget, consolidated pension savings fund or recourses of insurance companies that provide pension coverage at the expense of retirement annuity. The minimum pension is annually determined in the Republican Budget Act for a particular calendar period and should correspond to the average republican cost of living. Persons who reach the specified age have a right to social security, men – at the age of 63 years, women – at the age of 58 years with a perspective of further rise in the age of retirement.

The next type of social security is allowances. Currently allowances hold a prominent place in the Republic of Kazakhstan. This is due to both a wide range of persons who have a right to allowances, a great number of legally significant facts, which are grounds for providing a person with allowances, and replace of disability pensions and loss-of-breadwinner pensions with corresponding allowances, special allowance privileges as a result of social reform.

Allowances by its target-oriented nature exercise citizens' constitutional right to social security in case of old age, disability, loss of breadwinner. They guarantee a certain level of living in the event of the specified socially important cases.

Currently allowances by funding sources can be classified as payments from republican and local budgets, employer's means. As a rule, allowances as payments in cash are determined on the basis of monthly calculation index, i.e. in hard currency. The grounds for creation of a right to allowances are numerous, it's impossible to distinguish general groups of circumstances providing this right. As many types of allowances are provided by law, as many grounds for creation of the right to them there are. However, they're always significant legal facts, confirmed by a social protection body, local or central one, medical institutions.

Allowances fulfill compensation function in respect to least socially protected social groups for the purpose of supporting their financial standing to some extent. They're one of means for implementing state's social policy, exercising citizens' constitutional rights to social protection. As distinct from pensions, allowances, as a rule, doesn't have a function of the main, permanent source of subsistence for citizens. They're aid, which replaces lost income for a time, or addition to income.

State targeted social assistance is payment in cash provided by the state to persons (families) with monthly per capita income below poverty line determined in regions, Astana and Almaty. Social aid is a tool for fighting poverty by means of increasing citizens' income to the amount of cost of living. Cost of living is necessary minimum money income per capita, which is equal in value to minimum consumer goods basket, which in turn includes the cost of food basket and costs for non-foods and services. The poverty line is determined annually by the Government of the Republic of Kazakhstan over the period of the last decade – it is 40% of cost of living. Citizens of the Republic, settlers of Kazakh



nationality, persons with a status of refugees, foreigners, persons without citizenship, people who have residence permits and permanently residing in the Republic of Kazakhstan with per capita income not exceeding the poverty line have a right to state targeted social assistance.

Generally, social service is an action or a set of intangible actions on the consumer, which make it possible to produce social effects (medical, legal, psychological, domestic, utility services) (Kravchenko, 1994). Social servicing is a complex phenomenon, which unites a number of social services necessary for living of certain categories of citizens, providing satisfaction of their specific needs at the society's expense (Protas, 1992). The system of social services under modern conditions of the Republic of Kazakhstan includes the following set of social services: medical aid; providing medicines; indoor relief (boarding schools, rehabilitation centers); social home care for those who need nursing care; prosthetic and orthopedic aid; providing transport means. Specific subject structure of social services receivers should be noted – these are the disabled, lonely senior citizens, special needs children, children deprived of parental care, persons suffering from socially significant diseases, persons with no fixed abode.

Generally, compensations are “reimbursement of expenditures incurred by citizens; such expenditures are established in accordance with legislation” (Lepikhov, 2000). Social compensations are one-time payments made by the subjects of social security law based on socially important legal facts. Citizens who were forced by fascist occupants to leave the territory of the former USSR during the Great Patriotic War, people currently living in the Republic of Kazakhstan, military men and their families in case of death or mutilation, citizens who live or who lived in the territories exposed to radiation as a result of nuclear tests in the Semipalatinsk Test Site are receivers of social compensations.

Exemptions are yet another type of social security. Today in the Republic of Kazakhstan exemptions provided to the disabled and persons suffered from unfavourable environmental factors, as well as war participants and disabled veterans and persons of equivalent status remain regulated by law. Such a narrow use of exemptions in social security is due to replacement of many of them with other types of material support. So far, exemptions in the area of social security are of purely compensation nature. They're a kind of state's lever aimed at balancing social standing of certain categories of citizens in comparison with other members of society.

The disabled, persons living in environmentally unfriendly districts of the Sub-Aral area, citizens suffered from nuclear tests in the Semipalatinsk Test Site, participants and disabled veterans of the Great Patriotic War and persons of the same legal status are main receivers of exemptions.

Social benefits are payments made by State Social Insurance Fund for the benefit of social benefit receiver in the event of social risk. Social risk is occurrence of an event, which leads to loss of earning capacity and (or) loss of work, loss of breadwinner, as well as loss of income owing to pregnancy and delivery, adoption of a newborn (newborns) and child care upon their reaching the age of one year, as a result of which, a participant of compulsory social insurance system, who was paying social contributions, or - in the event of his death - his family members who were dependent on him accrue a right to social benefits.

It is worthy of note that existing system of social security of Kazakhstan lives up to recognized worldwide standards in this field, particularly, to ILO Convention No.102 (1952).

Today, there are all the above-mentioned types of social security provided by the Convention in the system of social security of the Republic of Kazakhstan, including medical care as a particular form of providing population with social services. Minimum pension and base pension payment rate is determined by the annual finance act for a corresponding year, and allowance rate is determined based on monthly calculation index, which is also provided by the mentioned act or estimated at the cost of living.

The right to social security as a person's inalienable natural right takes place due to a certain life situation, the law associates creation of a person's legal right to require a law-bound subject to provide one or another type of social security with. Creation of the citizens' right to require state bodies, employers, consolidated pension savings fund, insurance companies, state social insurance fund to provide pensions, allowances, social services, compensations, exemptions, state targeted social assistance, etc. takes place by means of recording some or other socially important legal facts (actions or events) by authorized bodies according to established procedure. Art. 28 of The Constitution of the Republic of Kazakhstan provides only the minimum list of social facts due to which provision of social security is guaranteed – these are age, disability, loss of breadwinner; the list of other grounds is made by acts of the Republic.

Thus, the right to social security accrues due to the following inseparable elements: life situation (a socially important legal fact); declaration of intent of a person who claims one or another type of social security; decision of an authorized body that establishes a social fact and assigns type of social security.

Social legal facts are particular conditions, which determine probability of citizens' material insecurity due to loss of income or loss of labour capacity, old age, creation of family obligations, loss of breadwinner, absence of demand for labor (unemployment) and other circumstances. In other words, a social legal fact means, above all things, objective and subjective possibility of adverse consequences for persons' life and health and his material well-being.

The above-mentioned circumstances traditionally include the following: retirement age, disability, loss of breadwinner, delivery of a child, temporary disability, active service, unemployment. However, depending on specific state's historical background, economic climate, each country determines for its system of social security which legal facts should be considered socially important, due to which facts citizens' opportunity to exercise their right to social security, protection, aid should be recognized.

At the present stage the law of the Republic of Kazakhstan recognizes the following life circumstances as social facts:

- loss of labour capacity (both general and special, both total and partial);
- retirement age;
- loss of breadwinner;
- working under special labour conditions;
- delivery of a child;



- adoption of a child;
- person's or family's monthly income is below poverty line;
- active service (participation in armed hostilities);
- military service, work in internal affairs bodies, financial police, State Fire-Fighting Service, living in the territories exposed to environmentally unfavourable factors and exposure to nuclear tests consequences;
- socially significant diseases;
- families with dependent children (four and over four cohabiting children of minority age);
- political repressions;
- unemployment;
- ...and some others.

Over the last few years such new forms of social security as social insurance based on different grounds, maintenance allowance for child to one year, at a certain level of income – to 18 years, allowances to a person who takes care of a disabled child, appeared and have been used in Kazakhstan. The modern social policy is principally aimed at improving social standards, aligning them with worldwide recognized requirements and parameters of provision of social security measures, servicing, aid. The appearance of new forms of providing social benefits is in line with the above-mentioned processes.

The following development trends characterize the social security of modern Kazakhstan:

- sustainable economic growth of Kazakhstan in recent years have contributed to a progressive increase in social payment rate, introduction of new forms of social security funded by the state budget. Due to crisis economic phenomena the level of population social support has decreased, in recent years social payment rates have increased below the level of official inflation;
- formation and expansion of the system of social insurance of able-bodied population in case of social risk event occurrence, increase in insurance payments rate and grounds for their provision at the stationary level of social expenditures;
- functioning of many forms of social security; this said, the priority is given to compulsive participation forms;
- expanding sources for funding social measures and measures aimed at expanding the use of citizens' personal savings, employers' means, insurance enterprises' recourses;
- supporting the use of non-government institutes, the method of social partnership in the system of social legal relations;
- development of social legislation based on the principles of cross liability of the state and citizens for the content of individual forms of social protection and level of social payments. In addition, the priority should be given to establishing of mechanisms for involving citizens in the system of formation of their own recourses for social measure financing.

Conclusion

In conclusion, we'd like to summarize findings and conclusions. The research was focused on reasoning of the concept of population social security based on reformation of social support, social insurance, social protection and transformation of the mechanism for providing guarantees of increasing state's cost of living. In particular, it's supposed to

— specify conceptual framework: social security, social support forms;

— the basic principles of population social protection are framed: organizational and economic (total population coverage; use of regulatory system; diversity of types and forms); managerial (function differentiation by state management levels; purposive character; targeting; complexity; differentiated approach); legal support (legal relevance); humanity (respect for human dignity).

— when rendering social support to population, it's recommended taking into account not only money income based on regular employment or direct payments from the state budget in the form of pensions, allowances, scholarships but all components, which determine material wealth, including family's property status;

— the way of transforming the system of population social security management through unification, coordination and differentiation of possibilities at both central and local levels is shown: central authorities are given the function of developing legislative acts and regulatory financial provision of guarantees of increasing people's cost of living, with simultaneous delegation of a part of authorities and resources to regions in order to organize targeted social support for urban and country people in need. This would make it possible to use resources more efficiently, prevent doubling, amend acts in a timely manner, adjust payment and benefit rates.

The transition of population groups being in a hard life situation from the poor by rendering them certain types of temporary aid should be consider a criterion of social support.

In our opinion, the status of the citizens in need of social support can be determined based on the following features:

a) low-income: overall per capita income of a family is below regional cost of living;

b) acute need: noncompetitiveness in the labour market work; no place of work and occupational skills; extremality of a life situation (refugee, one who suffered from natural disasters, one who has served his time in a place of detention); state of health preventing from an increase in earnings; loneliness (absence of relatives who should maintain the disabled relatives under the law).

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No potential conflict of interest was reported by the authors.

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