
of the Russian Federation, the priority of the parental rights of a surrogate mother was quite specifically designated.

The decision to become a surrogate mother, as well as to decide on the services of a surrogate mother, is a very serious step, because this relationship is deeply personal, spiritual and emotional. It is important for every person to feel like a parent, to become a father or mother for their child, but unfortunately, not everyone has health and other important reasons to have their own children. The provision of surrogate mother services is based on the goodwill of both parties. At the same time, the surrogate mother receives material rewards, and the biological parents receive a guaranteed healthy child. Despite all the complexities of the surrogacy process, I believe that it is the solution to the problems of many couples to overcome infertility. Every day, new technologies are developing that present new opportunities and help humanity to exist both on the global and private levels, because everyone has the right to their own personal happiness.

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SUPERVISION OF THE ACTIVITIES OF ISLAMIC BANKS AND FEATURES OF LEGAL SUPPORT AT THE PRESENT STAGE

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Islamic finance is one of the priorities for the development of the financial system of the Republic of Kazakhstan. With the opportunity to introduce alternative financing instruments to Kazakhstani financial market participants, investors with projects in need of financing, as

well as to strengthen the agreements reached and relations with investors and financial institutions.

As a result, on February 12, 2009, the Head of State signed the Law of the Republic of Kazakhstan "On Amendments and Additions to some legislative acts of the Republic of Kazakhstan on the organization and activities of Islamic banks and the organization of Islamic finance".

This law establishes the legal foundations and features of the activities of Islamic banks and Islamic investment funds, legislatively establishes the forms and methods of state regulation and supervision of the activities of Islamic banks, defines the list and procedure for carrying out Islamic banking operations, prohibits traditional banks from carrying out Islamic banking operations, establishes the features of compulsory liquidation of Islamic banks, defines the procedure for issuing and circulation of Islamic securities, defines the procedure for taxation of Islamic financial instruments.

In particular, the law introduced amendments and additions to a number of legislative acts of the country regulating the activities of financial organizations, the main of which are the Civil Code of the Republic of Kazakhstan, the Tax Code of the Republic of Kazakhstan, the Laws "On Banks and Banking Activities in the Republic of Kazakhstan", "On the Securities Market", "On Investment Funds" and "On Licensing" [1].

The main block of changes concerning the introduction of Islamic financing instruments is related to the Law of the Republic of Kazakhstan "On Banks and Banking Activities in the Republic of Kazakhstan" and is aimed at creating a legal basis for the functioning of Islamic banks, defining methods of state regulation and supervision of the activities of Islamic banks, the list and procedure for carrying out Islamic banking operations. The law gives the concept of an "Islamic bank", defining it as a second-tier bank that carries out banking activities on the basis of a license from an authorized body [2].

The most significant changes in the Law on Banks, the introduction of which was required for the successful implementation of Islamic banking in Kazakhstan, were aimed at establishing:

- 1) the basic requirements for the activities of Islamic banks based on the principles of Islamic finance (prohibition of charging remuneration in the form of interest, financing activities contrary to the norms of Islam);
- 2) the possibility of participation of Islamic banks in the authorized capitals of legal entities, i.e. Islamic banks will be allowed to participate in trading operations and share profits and losses with their customers;
- 3) the council on the principles of Islamic finance, which is an analogue of Sharia councils in foreign Islamic banks, will determine the compliance of operations and transactions of an Islamic bank.

The Council on the Principles of Islamic Finance is an independent body appointed by the General meeting of shareholders (founders) of an Islamic bank (the management company of an Islamic investment fund) on the recommendation of the issuer's management body.

The Council on the Principles of Islamic Finance is independent in its decisions. [3]

The Law on Banks and Banking Activities of the Republic of Kazakhstan introduces a new chapter regulating the specifics of the establishment and operation of Islamic banks. Chapter 4-1 includes a description of the main Islamic banking products adapted to the institutions of the civil legislation of Kazakhstan, as well as their powers, if licensed, to carry out the following types of banking operations•

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- * acceptance of interest-free deposits on demand;
 - * trust management of money (investment deposit) (Mudaraba);
 - * bank loan transactions without remuneration (Card al-Hassan);
 - * Trade finance (Murabaha);
 - * Financing of production and trade activities on the terms of partnership (Musharaka);
 - * rent (leasing) (Ijara);
 - * Agency services within the framework of Islamic banking (Wakala).[4]

The first transaction conforming to Sharia law in the Republic of Kazakhstan was the issue of Islamic government securities, in particular the issue of Islamic rental certificates.

During the organization of this transaction, it became necessary to amend the current legislation of the Republic of Kazakhstan in order to legalize the issue of Islamic government securities.

Amendments to the Securities Market Law regulate the issue and circulation of Islamic securities (sukuk): Islamic rental certificates and Islamic participation certificates. The issuer of these certificates is an Islamic special financial company created by an Islamic bank (national holding, national management holding or its subsidiaries with 100% participation) and attracting financial resources for the acquisition of an asset or their investment in a joint business project. [4]

It is also worth noting that in Kazakhstan, the segment of Islamic finance is mainly represented by Islamic banking - these are Al Hilal and Zaman Bank.

From 2010 to 2020, the assets of Al Hilal and Zaman Bank increased by 8.5 and 5.7 times, respectively. By the end of 2020, the cumulative growth in deposits and accounts of clients of Islamic banks amounted to 45.5% year-on-year.[4]

Zaman Bank was founded in 1991 as a regional bank with its head office in Ekibastuz. In 2013, the Bank initiated the procedure of converting the traditional JSC "Zaman-Bank" into an Islamic bank. In August 2017, he received an Islamic bank license from the regulator, becoming the second Islamic financial institution in Kazakhstan after Al Hilal.

Islamic Bank Al Hilal, in turn, is the first Islamic bank in Kazakhstan and the CIS, established in 2010 by agreement of the Governments of the Republic of Kazakhstan and the UAE. In May 2019, Al Hilal Bank became part of one of the largest banking groups in the UAE – the ADCB Group (Abu Dhabi Commercial Bank).[5]

The nearest prospects for the development of Islamic banking in Kazakhstan for 2020-2025 are assumed by the AIFC. There will be an opportunity for a wide range of different types of Islamic financial institutions to work, as well as the opportunity to use all existing Islamic financial instruments in the world practice.

In addition, the digital Islamic bank Tayyab, based in Kazakhstan, has already started working in the AIFC. The Bank issues digital cards that are available in the Republic of Kazakhstan through partnership with RBK Bank. With the help of the card and the tayyab mobile application, it is possible to conduct everyday banking operations, such as payment for goods and services, money transfers, personal finance management and much more, in accordance with Sharia law.

Among the main advantages of the card, it should be particularly noted:

- full compliance with Sharia law;
- instant free release;
- free maintenance;
- contactless payments via Apple pay and Samsung pay without commissions;
- storage and fast conversion of money in four currencies: Kazakhstani Tenge, US Dollar, Euro and Russian Ruble.

In addition to financial services, the tayyab mobile application provides information about prayer times, addresses of mosques, namazkhan and halal establishments, and other services. [6]

As you know, in the Islamic model, banks perform the same function as in the traditional Western system. Banks ensure the operation of the national payment system and act as financial intermediaries. If the Islamic bank does not differ from the traditional one in terms of making payments between economic entities according to the principles of its work, then there is a fundamental discrepancy with regard to the function of a financial intermediary. Despite such a successful development of the Islamic banking sector, in recent years there are still a number of unresolved issues that hinder the further strengthening of the system.

First of all, this is low financial literacy and poor awareness of the population and business in the field of Islamic finance

Secondly, the low awareness of the population causes a certain distrust of the financial products of Islamic banks. There is also no guarantee of deposits of the Islamic bank by the state, that is, the Islamic banks Al Hilal and Zaman Bank are the only ones in the country that are not included in the mandatory deposit guarantee system [7].

In addition, the existing problems in the field of Islamic finance include the lack of qualified personnel with experience in working with Islamic products, as well as the narrow focus of the activities of Islamic banks, since the activities of both financial institutions are mainly aimed at servicing corporate clients.

The next problem in the development of the Islamic banking system is the failure of many banks to clearly separate the management of funds and investment activities from commercial banking.

Many analysts argue that a proper banking regulatory system should pay more attention to operational risk management and disclosure than is customary in the traditional banking system.

Currently, there is no aggregated data on Islamic banks, which in fact does not allow comparing Islamic banks in different countries, this, along with the lack of uniform accounting and reporting standards, complicates the work of supervisory authorities. There is practically no data on international Islamic banking activities in Western and American countries, the volume of international banking operations conducted on the principles of Sharia. The solution of these important issues, as well as the introduction of best practices in the field of supervision and accounting are of key importance for the future development of markets and the industry. In the future, the supervisory authorities will also face dual problems related to understanding this industry and finding a balance between ensuring effective supervision and promoting the normal desire of the industry for further growth and development. These problems can be overcome if interested central banks and institutions strengthen multilateral cooperation and create an appropriate environment for further development of the industry. Such an environment would provide equal conditions and the infrastructure necessary for the development of the industry according to the laws of the market. A reliable, effectively functioning Islamic financial system can open the way to regional financial integration of interested countries, and can also contribute to their economic and social development by financing economic infrastructure and creating jobs in Kazakhstan.

Nevertheless, there is considerable potential for the development of Islamic finance in Kazakhstan. Presumably, more than 75% of the population in the country consider themselves Muslims. Consequently, there is a large target audience - about 14 million people. In general,

the development of Islamic banking in the country will provide additional financing opportunities for the population and provide access to new banking products. At the same time, an important point regarding the development of Islamic finance is that the target audience for products in the sector is the entire "bankerized" population, and not just practicing Muslims of the country.

Thus, the progressive introduction of Islamic finance will serve as a prerequisite for the creation of a stable and efficient market of the Republic of Kazakhstan and in the formation of Kazakhstan as the founder of the Islamic financial center in the post-Soviet space.

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РОЛЬ ГОСУДАРСТВА В МЕХАНИЗМЕ РЕАЛИЗАЦИИ КОНСТИТУЦИОННЫХ НОРМ В СФЕРЕ ПРАВ ЧЕЛОВЕКА И ГРАЖДАНИНА

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Одним из необходимых условий для демократического развития Казахстана, функционирования его политической системы является выработка механизма реального обеспечения прав и свобод человека и гражданина.